

COUNCIL ON ENVIRONMENTAL QUALITY

MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Carappa Legislative Auditorium of the William H. Rogers Legislature Building, Veteran Memorial Highway, Smithtown, New York on December 16, 2002.

PRESENT:

Theresa Elkowitz- Chairperson  
Larry Swanson - Vice-Chairman  
Legislator Ginny Fields  
Michael Kaufman  
John Finkenberg  
Nancy Manfredonia  
Adrienne Esposito  
Lance Mallamo

ALSO IN ATTENDANCE:

Joy Squires  
Richard Martin  
Jim Bagg  
Nick Gibbons  
Lauretta Fischer  
Legislator Cooper  
Barbara Lo Moriello  
Christopher McVoy

MINUTES TAKEN AND TRANSCRIBED BY:

Donna Catalano - Court Stenographer.

(THE MEETING CAME TO ORDER AT 9:40 A.M.)

CHAIRPERSON ELKOWITZ:

I'm going to call the meeting to order and ask that the members review the minutes of the October 16th meeting that were forwarded, mailed individually to us. And if -- I know that Mr. Swanson has some corrections. Does anybody else have corrections?

MR. SWANSON:

I will just give them.

CHAIRPERSON ELKOWITZ:

The stenographer, yes.

MR. SWANSON:

And the page numbers where I made the small corrections.

MS. CATALANO:

You need to say it on the record, because we're not going to go back and actually correct the last minutes.

MR. SWANSON:

I only looked at my input and well --

CHAIRPERSON ELKOWITZ:

You don't have the minutes. They're mailed to your home or to wherever.

MS. ESPOSITO:

Or to wherever.

MS. CATALANO:

They were mailed to whatever addresses we were given.

MS. ESPOSITO:

Actually, you know, I never did receive these.

MS. CATALANO:

225A Main Street?

MS. ESPOSITO:

That's the office.

MR. SWANSON:

The only one that I'm going to mention, I guess, is on page 33, three lines down from the top. It's when I'm speaking, which begins on page 32. You have in parenthesis word A-L-G-O-G-L-U-M-E-S, that should be Algal Plumes, two words, A-L-G-A-L P-L-U-M-E-S. The others I'll just --

CHAIRPERSON ELKOWITZ:

B-L-O-O-M-S.

MR. SWANSON:

Blooms, right.

CHAIRPERSON ELKOWITZ:  
It's early.

MR. SWANSON:  
Sorry.

CHAIRPERSON ELKOWITZ:  
With that correction, do I have a motion to accept the minutes? I have a motion by Ms. Manfredonia. Do I have a second? I have a second by Mr. Kaufman. All those in favor? Opposed? Abstentions? Carried.

CHAIRPERSON ELKOWITZ:  
Okay. Correspondence. I don't have any specific correspondence. So, we will move to Recommended Type II Actions.

Ratification of Staff Recommendations for Legislative Resolutions Laid on the Table December 5th.

CHAIRPERSON ELKOWITZ:  
Jim, is there anything you'd like to call to the County's attention.

MR. BAGG:  
Yes, there is two resolutions in the packet that came to my attention. One is Introductory Resolution Number 2253. It's authorizing County Department of Parks, Recreation and Conservation to construct dog runs within County parks. It's akin to what's there today on your agenda today, however, it's for all County parks. And I said it was an unlisted action requiring an EAF. And the other resolution is Introductory Resolution 2257, to establish land development parcel for mixed use smart growth in Suffolk County, and basically it's encouraging increasing density in areas of more than ten acres in size. And that I flagged as a Type I action, because it would be disruption of more than ten acres for non-residential purposes and would also require the preparation of environmental assessment forms.

CHAIRPERSON ELKOWITZ:  
Well, would it really affect properties more than ten acres in size? Because the County, last time I checked, doesn't have any zoning power.

MR. BAGG:  
That's one of the criteria. It's trying to encourage --

CHAIRPERSON ELKOWITZ:  
Right. I think it's really more of a policy thing. I agree with you that it's Type I, but I think it's Type I because it would be, you know, one of the plans that the County would have. Because I don't think it would actually affect ten acres or more. The County doesn't have the ability to do it.

MR. BAGG:  
Well, it says it will actually fund projects in meeting those criteria.

CHAIRPERSON ELKOWITZ:  
It should make for an interesting debate in local towns and villages. Okay. Does anybody have any questions for Jim about any of the resolutions laid on the table? If not I'll entertain a motion to accept

staff recommendations. I have a motion by Mr. Swanson, I have a second by Ms. Manfredonia. All those in favor? Opposed? Abstentions? CARRIED.

Item 1 (b) Resolution I.R.2235-02, a Resolution to more fully identify parcel acquired under Greenways Farmland Development Rights Program at Sherwood-Jayne residence, East Setauket, Town of Brookhaven.

CHAIRPERSON ELKOWITZ:

I have correspondence from Vivian Fisher. Enclosed please find a notice of SEQRA determination of non-significance for the following Resolution IR 2235-02, a resolution to more fully identify parcel acquired under Greenways Farmland Development Rights Program at Sherwood-Jayne Residence, East Setauket. I believe that law constitutes a Type II action pursuant to Section 617.5 C 20 and 27 of Title 6 of the New York Code of Rules and Regulations and within the meaning of section -- she sights the ECL. As a record keeping procedure, I would appreciate CEQ filing this document along with other similar Type II actions. Jim, what is this exactly?

MR. BAGG:

Basically this was in the last packet.

CHAIRPERSON ELKOWITZ:

Right.

MR. BAGG:

And I put it in there as a Type II action. The Council confirmed it. However this, is a more formal presentation. This is the acquisition of approximately ten acres of farmland development rights in the Setauket area on property owned by SPLIA.

CHAIRPERSON ELKOWITZ:

Right.

MR. BAGG:

The Council reviewed the farmland development rights acquisition plan, and you said it was a Type I action and negative declaration. This is in conformance with that plan, so I assume this is a Type II action administration of a plan.

CHAIRPERSON ELKOWITZ:

But what is more fully identifying the parcel, it's just a better description?

MR. BAGG:

Well,

MS. ESSEL:

I'm here for Legislator Fisher.

CHAIRPERSON ELKOWITZ:

Identify yourself.

MS. ESSEL:

Nanette Essel. The legislation was corrected to include now that the Town of Brookhaven is participating 30%. They did a resolution, and I

gave the corrected resolution to Jim Bagg. So that's what --

CHAIRPERSON ELKOWITZ:

It's just to identify the additional funding from the Town share of the funding?

MS. ESSEL:

Absolutely, yes. And to put their resolution in it.

CHAIRPERSON ELKOWITZ:

All right. Fine. I'll entertain a motion to Type II action? Do I have a motion? I have a motion. Do I have a second? Second by Mr. Kaufman. All those in favor? Opposed? Abstentions? CARRIED.

Proposed acquisition of thirty-six acres of open space, Sherwood Jayne property, I.R. 2236-02, East Setauket, Town of Brookhaven.

CHAIRPERSON ELKOWITZ:

I guess the thirty-six acres is to add to the ten.

MS. ESSEL:

It's meadows and woodland.

CHAIRPERSON ELKOWITZ:

Okay.

MR. KAUFMAN:

Terry, if I may?

CHAIRPERSON ELKOWITZ:

Yes.

MR. KAUFMAN:

I got a number of phone calls on this one, and Nanette Essel can correct me if I'm wrong. As I understand it, the southern portion of the property is being bought from -- for farmland, and the woods and meadows are being bought as open space.

CHAIRPERSON ELKOWITZ:

Right.

MR. KAUFMAN:

That's essentially the differentiation. So there's different funding streams that we're looking at.

MS. ESSEL:

Yes.

MR. KAUFMAN:

This looks like a Type II action in that it's a purchase plan of administrative to me.

CHAIRPERSON ELKOWITZ:

No, I don't think so.

MR. BAGG:

No, it was never reviewed as any part of a program. That's one of the problems. All the new property acquisitions as part of the multi-faceted open space program were never reviewed in their entirety. So they have to go through on a case by case basis.

MR. KAUFMAN:

How do we classify it?

MR. BAGG:

This would make it an unlisted action.

MR. KAUFMAN:

I think I would modify my motion, because I'm very much in favor of the purchase. I think it's environmentally benign subject, unlisted negative declaration on this.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second? I have a second by Mr. Mallamo. Is there any discussion about this?

MR. KAUFMAN:

I think it's a great project.

CHAIRPERSON ELKOWITZ:

I have a motion and a second. All those in favor? Opposed? Abstentions? CARRIED.

MS. ESSEL:

Thank you.

CHAIRPERSON ELKOWITZ:

You're welcome. Okay.

MR. GARBER:

We've been waiting across the way at the horseshoe.

LEG. FIELDS:

Don't say anything, we may change our mind.

MR. GARBER:

Thank you.

MR. KAUFMAN:

Terry, if I might. That was Don Garber, and these are some of the people from the Setauket area who are involved with the acquisition. And I think that they're very happy with what we just tried to do here today.

CHAIRPERSON ELKOWITZ:

Well, all we did is make a SEQRA determination. So their thanks goes to the Legislature and the County Executive if the purchase is actually consummated. Okay.

Proposed Suffolk County lands acquisition program under New Suffolk County Drinking Water Protection Program. (2000 to 2013).

CHAIRPERSON ELKOWITZ:

Who is here to speak to the Council on this?

MS. FISHER:

I'm Laretta Fischer with the Suffolk County Planning Department. We have been working on putting together an application to the Environmental Facilities Corporation to help foster our new drinking water program through low interest bonds for \$62 million. Forty-one million of which will go to open space acquisitions and 21 million will go to farmland acquisitions under this program. We put together through -- well, let me start with the criteria that we used. Our first step was the criteria that is required under the new drinking water program, which I'll just go through with you very quickly right now.

There are five criteria that has -- at least one has to be met in order to be eligible for the funding for the open space component, and that includes one is any fresh or tidal wetlands and buffer areas, two is lands within the watershed of a coastal stream as determined by a reasonable planning or hydrological study, three, any tract of land located fully or partially within a statutorily designated SGPA, Special Groundwater Protection Area. The fourth criteria are lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County. And five, lands identified by the South Shore Estuary Reserve, Peconic Estuary Program and/or the Long Island Sound Comprehensive -- Conservation Management Plan as needed to protect coastal water resources.

There are two components of the EFC funding sources. One is Section 319 and the other is Section 320; 319 deals with the none point stormwater management program of which acquisitions would be made to protect coastal waters and stormwater blowing into any of our estuaries, streams, etcetera. The second is Section 320, which deals with acquisitions possibly under any kind of management program, i.e., being the Peconic Estuary Program and the Long Island Sound Program. At this time the South Shore Estuary Program is not considered by EFC as a full fledged management program, but New York State DEC is speaking with them on behalf of that.

So, the criteria was put together, first our criteria and then the criteria under their programs. And we came up with a list, an exhaustive list, of over 20,000 acres that might possibly be considered for acquisition. We put these lists together with the help of the towns and the Nature Conservancy. And hopefully whatever we -- is proposed under the New Drinking Water Program and meets the criteria of this program as well as can be considered for the bond funding under EFC. Once we get the application approved and we get to the point where we will be making full fledged acquisition, we will then apply to an EFC again through their process, and each site will then be further discussed and described in detail to them and then they will accept or reject our proposal and forward us the funds for that particular acquisition. So this is coming to you as part of the

process. We need your approval to move this process along. If there's any questions.

CHAIRPERSON ELKOWITZ:

You need a SEQRA recommendation, right?

MS. FISCHER:

Yes.

CHAIRPERSON ELKOWITZ:

Nancy.

MS. MANFREDONIA:

I just have a question again about the South Shore Estuary, and I know that the Islip Town Environmental Council is very concerned about obviously the Great South Bay. Could you explain that again. If we get this funding, what's the deal with South Shore?

MS. FISHER:

Well, just under that one criteria, the Section 320 wouldn't apply, but we'll -- we'll apply it under Section 319. So it's not going to preclude us from buying in that area, it's just that we can't use the Section 320, but we will be covering it under Section 319.

MS. MANFREDONIA:

Thank you.

CHAIRPERSON ELKOWITZ:

Adrienne.

MS. ESPOSITO:

Just a comment. That might be changing as we speak since the Department of State is opening up an estuary office and staffing it right now. So that probably will be changing.

MS. FISCHER:

Yes, I know there's discussions, but at this point, no. We hope it opens up soon.

CHAIRPERSON ELKOWITZ:

Larry.

MR. SWANSON:

Under your Walter Quality Protection and Restoration Program there is a statement, I guess, that says this will support open marsh water management. And I was wondering if this was going to be used to get around the debate we're having with the mosquito spraying.

MS. FISCHER:

The -- thank you for bringing that up. I didn't mean to ignore the farmland component of this. What our recommendation and requirement will be when we acquire a farmland under this program will be that it will have to have an agricultural environmental management plan in place before we are able to acquire the property under this funding source. And part of that will be open water management was one of the recommendations utilized in the wetland areas.

MR. SWANSON:  
But I think --

MS. FISCHER:  
I'm sorry. Go ahead.

MR. SWANSON:  
We're concerned. One of the reasons we're doing -- one of the things that's involved with the mosquito Vector Control debate and whether or not open water marsh management is, in fact, a useful tool. And I'm just hopeful that if we approve this that this is not going to be a way of getting around our concerns concerning Vector Control.

MS. FISCHER:  
I hope not.

CHAIRPERSON ELKOWITZ:  
Jim.

MR. BAGG:  
As I understand it, Larry, this program, the Council's already reviewed the agricultural development rights program and neg decked that. And they're applying for funds from EFC for ag development rights purchases, this is the open space component. And correct me if I'm not right, this is for acquisition for open space purposes to remain in it's natural state, all right, and passive recreational purposes only. It does not deal with buying a property and then going in to have open water marsh management on it, per se. It's simply for the acquisition of properties in their natural state that qualify for EFC funding.

CHAIRPERSON ELKOWITZ:  
And if we were to presumably -- because this is starting to make this, all of there is starting to make me uncomfortable -- but if presumably we were going to issue a recommendation to the Legislature to adopt a neg dec, that means that any property that was acquired under this would be a Type II action because we've already reviewed the program.

MR. BAGG:  
For natural purposes only. I assume you can say that if the property in the future were to be used for anything else, it would have to undergo SEQRA review.

CHAIRPERSON ELKOWITZ:  
Or if a property that was going to be acquired didn't meet the environmental criteria that was being established.

MR. BAGG:  
That's a possibility too.

CHAIRPERSON ELKOWITZ:  
Well, certainly it's a topical issue, isn't it?

MR. KAUFMAN:  
How quickly does this need to be approved, this particular program that we're talking about?

MS. FISCHER:

Well, we've started the process in April. We put together a first cut application. They've changed their procedure, their requirements. We've now put this together. They've now required us to go through this procedure, through the CEQ procedure, and we're -- there's no cut date on this. It's just whenever we get this moving along, the sooner we will be able to get the bond funding for our property, you know, to acquire the properties.

MR. KAUFMAN:

The reason I ask that question is if we're not under the gun on all of this and we're suddenly starting to see a problem, specifically with open water marsh management and things like that --

CHAIRPERSON ELKOWITZ:

I don't think we're seeing a problem. I think that Jim has said to you, and that's how I read it too, this is to acquire properties.

MR. KAUFMAN:

Yeah.

CHAIRPERSON ELKOWITZ:

Let's not talk about whether it's worthy or not, but it's to acquire properties for preservation purposes. So if you're acquiring it for preservation purposes, you're not doing anything to active -- anything active whatsoever. So you wouldn't have any active open marsh management, so I don't think that that's an issue.

MS. FISCHER:

No. That's not the intent here.

MR. KAUFMAN:

Obviously, I understand --

CHAIRPERSON ELKOWITZ:

This does not give you the ability, the way I read it.

MS. FISCHER:

No. No. This is just to acquire.

CHAIRPERSON ELKOWITZ:

Right.

MS. FISCHER:

Then whatever would occur on the property in the future as to its use, etcetera, would have to come back to CEQ for approval.

MS. MANFREDONIA:

Okay. Could you explain your problem again with this, you had some --

CHAIRPERSON ELKOWITZ:

Well, I mean, I read the paper. I mean, we all read the paper.

MS. ESPOSITO:

That's a problem.

MS. MANFREDONIA:

But I mean for this particular funding thing.

CHAIRPERSON ELKOWITZ:

Well, I'm starting to wonder whether we were really doing the County a service by taking an overhaul program like this, neg decking it and never having the ability to have input on the environmental characteristics of properties that the County is buying.

MS. MANFREDONIA:

I'm trying to remember in the past, weren't we somehow involved in the listing of priorities, I mean, a long time ago.

CHAIRPERSON ELKOWITZ:

It almost doesn't matter, because from -- I mean, obviously, we all know that I've had -- I'm going to abstain on this, because obviously, we all know that I've had some experience with the properties that we're all reading about. And it troubles me ethically and professionally. The slant of the articles that I'm reading, because quite frankly, the County, whether you agree with the parcel acquisitions or you don't, those of us who were there know that the County was under incredible pressure from the constituents to buy property for open space purposes. So put that aside for a minute. Does that mean that every parcel that the County has ever bought meets the criteria that the County has established? I can tell you no from personal experience. So the question is what is the role of the Council and what should the role of the Council be when we review even an overall program and the implications of it. Yes?

MR. BAGG:

Terry, what you say to some extent may be accurate, however, one of the problems that we've had is that the Legislature authorized the Planning Department to apply for EFC funding --

CHAIRPERSON ELKOWITZ:

Yes.

MR. BAGG:

-- so they can get low interest loans up front. In other words --

CHAIRPERSON ELKOWITZ:

I understand.

MR. BAGG:

-- a ten year period. We submitted a thing saying that we -- when we applied for the money, that basically we would do the SEQRA review on an individual basis. They came back and told us you cannot do that. In order to get their approval and get this funding, you have to submit this program as an open space resource management plan, run it through SEQRA up front before they will actually approve the County's program for funding.

CHAIRPERSON ELKOWITZ:

But, Jim, if you were actually taking an overall program and Laretta's is talking about 20,000 acres, you're actually -- if the Legislature and the County Executive make a recommendation that this

is whatever it is and issues you a neg dec, they have effectively said that this will not have an adverse effect on any element of the environment. And they have actually allegedly reviewed the 20,000 some odd acres that you are proposing are eligible for open space acquisition.

MR. BAGG:  
Well --

MS. FISCHER:  
No, not quite.

CHAIRPERSON ELKOWITZ:  
Yes, Laretta. That's the way SEQRA works.

MR. BAGG:  
We did not send it, but there is a parcel list that was attached here that's thicker than the actual report.

CHAIRPERSON ELKOWITZ:  
Right.

MR. BAGG:  
All right. Of -- I don't know a thousand or two thousand parcels attached with it that have been screened by Laretta as meeting criteria. But I'm just saying that the State has determined unless you do it this way, you do not get EFC funding.

CHAIRPERSON ELKOWITZ:  
That's because the State does not want to do SEQRA. We know -- because the state affordable housing corporations they all do the same thing, they all administer SEQRA the same way, which is they don't want to administer it. That's just how it goes. They all do it that way.

MR. BAGG:  
We would have done the SEQRA before we made the application for the funding.

CHAIRPERSON ELKOWITZ:  
Right

MR. BAGG:  
The only problem is the State has determined that they will not even allow you in the funding program till you do it this way.

MS. SQUIRES:  
Terry, I believe Laretta's list is there's something that has come from each town that has gone through a preliminary screening.

CHAIRPERSON ELKOWITZ:  
Well, allegedly every parcel that the County has purchased has gone through more than a preliminary screening.

MS. SQUIRES:  
That's correct.

MS. FISCHER:  
You mean in the past?

CHAIRPERSON ELKOWITZ:  
Yes.

MS. FISCHER:  
Not necessarily.

LEG. FIELDS:  
And I think that over -- during the last onslaught of newspaper articles, the Legislature really took a lot of time and effort to create I think 37 reforms or something to that effect. And I think that, you know, this article that we're seeing now is kind of what used to happen, not necessarily -- hopefully, what happens -- not what happens now. So I think that if -- if anyone is having a little bit of difficulty, knowing that there are reforms and that people are really being very cautious about what they do, you know, I can't imagine that anything like that could go on again.

CHAIRPERSON ELKOWITZ:  
Larry.

MR. SWANSON:  
It seems to me I recall in the early 90's that we had a situation where actually we approved or were about to approve buying a hazardous waste site out on the East End and --

CHAIRPERSON ELKOWITZ:  
I remember that day very well.

MR. SWANSON:  
In fact, the whole --

CHAIRPERSON ELKOWITZ:  
It was East Hampton, it was Montauk.

MR. SWANSON:  
Yes. And the whole character of how the CEQ ran -- was being run was changed as a consequence of that.

CHAIRPERSON ELKOWITZ:  
That's right.

MR. SWANSON:  
And so I think Terry is right in reminding us that we shouldn't go into this lightly.

CHAIRPERSON ELKOWITZ:  
Listen, personally, I happen to think that open space acquisition is an important component to the County's policy. I do, though, as a taxpayer, forget about what I do for a living, as a taxpayer, if you're acquiring open space it should be for open space preservation purposes, it should be for the reasons, the criteria that you're establishing, it should be for those scientific reasons. I can't tell you that I can sit here and feel comfortable that every parcel we're

going to buy in the future is going to meet any of these criteria. I'm not saying there are no parcels that will, but I have -- I have a professional problem with this. Maybe it's because I'm too close to it, which is why I'm going to abstain from the vote, but it just bothers me. It really bothers me. Yes, Laretta.

MS. FISCHER:

Let me just say this is only under the New Drinking Water Program.

CHAIRPERSON ELKOWITZ:

I understand.

MS. FISCHER:

This isn't under any other capital program.

CHAIRPERSON ELKOWITZ:

I understand, but this is what's here today. And I can't change what happened, and I'm not saying we even should, but --

MS. FISCHER:

There are criteria in the law that were setup in this new drinking water -- and it has to meet those -- one of knows five criteria. If you agree with those criteria, fine, if you don't agree with those criteria, that's fine too. But just as long as you understand that --

CHAIRPERSON ELKOWITZ:

Actually what I personally don't agree with is the fact that we treat all of these acquisitions as Type II actions after we review this program. That's what I don't agree with. It bothered me five minutes ago, and it bothers me more now.

MR. KAUFMAN:

Terry, in that situation, if we start reviewing individual purchases of property, just for example, the Jayne property a couple of minutes ago, and if we start making determinations one way or the other, we're bluntly getting into policy issues.

CHAIRPERSON ELKOWITZ:

No. I just -- does it have a wetland or doesn't it? Is it in the SGPA or isn't it? Is it a hazardous waste site or isn't it? We're looking at environmental issues. I don't care who owns it. I don't care what neighbors like it or don't like it. We're an Environmental Council and we should be sticking to environmental criteria. But I don't believe that we are doing anybody a service by giving a blatant SEQRA recommendation on 20,000 acres. I don't know what they are, where they are, why they are, and we never see them again, we Type II them.

LEG. FIELDS:

Would it -- 20,000 is a lot, would it be more helpful if we were to see maybe a mapping of Suffolk County and then just blocked off where it is that those acquisitions are?

CHAIRPERSON ELKOWITZ:

No. But do you want to know something, Ginny, no, because the thing is that it's going to be everything that's in the SGPA, which is the

-- which is basically that's in Hydrogeologic Zone 3. It's going to be everything that's in the Peconic Estuary Reserves that's care of that. You're going to have a map that shows colors all over Suffolk County basically. There are going to be very few properties that wouldn't be eligible.

LEG. FIELDS:

But we would see the properties, possibly.

CHAIRPERSON ELKOWITZ:

But the issue is seeing the properties when the County is ready to buy them, not seeing them here as a global review, because if we get into that, then you're talking about potentially a massive environmental review which is not -- I'm not trying to be an obstructionist. As I said, I'm going to abstain. I just think -- you know, we talk about what's incumbent on us in from an environmental perspective. And you know what? Shame on us for having done it the way we did it. And I don't want to do it that way again.

MS. MANFREDONIA:

I don't know what options we've got here. I mean, we're -- it don't seem to me -- I mean, with the procedure, I mean, here we're trying to get funding, which I think is very important, but is it incumbent on us with everything, all the other --

CHAIRPERSON ELKOWITZ:

All that's incumbent on us is to make a SEQRA recommendation for this program, which I tell you is a Type I action.

MR. KAUFMAN:

Yes, effectively.

MR. MALLAMO:

I agree with you, Terry. In a perfect world that's what we should be doing. But what is the option? I mean, if the state is telling you this is what you have to do to participate, and we make that decision we're not going to participate --

CHAIRPERSON ELKOWITZ:

I think the option is that we be very specific that each parcel requires a site-specific SEQRA review. And they don't get treated as Type II actions.

MR. KAUFMAN:

Will the State allow us to do something like that? That's a question for Laretta.

CHAIRPERSON ELKOWITZ:

The State doesn't understand the SEQRA process.

MS. FISCHER:

I would think that would be fine with them. It would be --

MR. KAUFMAN:

A two state SEQRA review then.

CHAIRPERSON ELKOWITZ:

Right.

MS. FISCHER:

Let me explain in a nutshell what we did, and you can see what we did.

CHAIRPERSON ELKOWITZ:

Lauretta, please, I understand, I'm not criticizing what you did.

MS. FISCHER:

No, no. I want to tell you, because I do this all the time, and my reports are very important to me.

CHAIRPERSON ELKOWITZ:

I know.

MS. FISCHER:

And when, you know, Newsday comes out and says --

CHAIRPERSON ELKOWITZ:

I think we're all feeling compromised by Newsday.

MS. FISCHER:

I mean, I felt fine with it because they said that, you know, when we did recommend something, it was fine. When we didn't recommend something, it was a property that we really didn't feel that was worthy.

CHAIRPERSON ELKOWITZ:

I know.

MS. FISCHER:

So I feel vindicated in some regard in that when we did make a report and we did make a recommendation, it was a solid recommendation. And we do put a lot of effort into this.

CHAIRPERSON ELKOWITZ:

I know you do, I've seen your reports.

MS. FISCHER:

Yes. Now, when we were given this to do, we spoke with the Nature Conservancy, asked them how they did their applications for the East End towns. And what I did was I went back and made it even clearer to EFC under what of the five criteria these -- each individual property met and then which criteria under their two programs did it meet. In fact, what they did was they changed their whole format to my format and said now everybody has to do it this way. So, we went a step beyond what they were actually requesting from us. And I feel under the onus of putting together, trying to put together, this list as being as comprehensive as we could be under this criteria, so that if properties came before the County to acquire that we would recommend. It would be on this list. And we wouldn't have to be backtracking and doing a lot of shuffling later on, that we made it as comprehensive as possible under the guise that, you know, we took those blanket five criteria, the criteria they're requiring and did the best we could to identify them by parcel. So if you wanted to know what parcel it was,

you could go and find it, look for the criteria and find what we recommended.

LEG. FIELDS:

I have a question. Let's say a parcel comes up that's not on your list, how would the County then purchase that parcel?

MS. FISCHER:

It would just go through its normal procedure without the funding component, which is take the money that's existing in the program as, you know, it's accumulating now and whatever --

LEG. FIELDS:

So it wouldn't tap EFC funds?

MS. FISCHER:

Exactly.

MR. BAGG:

And it would have to become before the CEQ.

MS. FISCHER:

Right. It might be that -- I mean, there could be parcels that were not on this list that were omitted. I can't say I've checked this whole County. And I'm going to -- you know, I'm going to tell you there might be properties that could be worthy that would come to our attention and meet criteria of both. But there isn't an outlet that could be -- that it could be acquired with existing funds and/or through another program.

CHAIRPERSON ELKOWITZ:

Joy?

MS. SQUIRES:

I think we have to consider the fact that this bond funding is something that we need. I would be very upset if Newsday ran our open space program. And, of course, since obviously you know I come from the Town of Huntington, and that I intimately know the proceedings and the {Venturing} property and the {Ingrham} property and know also that are many inaccuracies, have had my files -- freedom of information looked at and Margoes and our attorneys and everything else and spent time talking, you can take anything and you can make something bad of it. You can also take anything and make something good of it.

And there are a number -- I won't carry on, but just half a minute, I resent several of the implications in the article that Western Suffolk isn't as valuable as the large pieces environmentally. Of course, that's true, we don't have much left. So what we have left is very important. And I think Western Suffolk Legislators would be very remiss if they didn't fight for their constituents. You know, that Benjamin had constituents all over the place.

CHAIRPERSON ELKOWITZ:

I agree with you.

MS. SQUIRES:

I know you do. But I just have to say we cannot let Newsday run us.

CHAIRPERSON ELKOWITZ:

I agree. But you know what? In a way it helps give, I think, the Legislature and the County Executive cover.

LEG. FIELDS:

Absolutely.

CHAIRPERSON ELKOWITZ:

If these actually come here and you have, you know, for whomever we all are, we all have lives. You know, we all have our lives.

LEG. FIELDS:

We do?

CHAIRPERSON ELKOWITZ:

And we all have our lives in that we all make a living in some way and, you know, we all have our perspectives, and yes, we all have our biases. However, we all bring something that's very broad. You know, we come from very different places, and we have some very interesting dialogue here. And it does give you cover, I think, when we debate things, even sometimes when it gets heated it gives you cover.

LEG. FIELDS:

Which is why we have verbatim minutes now.

CHAIRPERSON ELKOWITZ:

That's right.

LEG. FIELDS:

Because it's very important for that whole process.

CHAIRPERSON ELKOWITZ:

Right. And although I'm not -- I'm not saying that Newsday if there were favorable minutes in CEQ about parcel X that they're talking about, that they would ever report those favorable minutes. At least, you know, there was some level of review. Yes, Mike.

MR. KAUFMAN:

Looking at the technical aspects of all of this, Laretta is basically saying that she has to deal with the State in terms of SEQRA. And if I'm understanding you correctly, you're saying that we might be abdicating a little bit of responsibility or it might be better if we continue to review individual parcels that are being bought under this program, would it be -- here's a possible solution, tell me if I'm wrong, if we Type I the present action now for the overall plans so that Laretta can begin the overall application process, with also recommendation that all the parcels required under this program --

CHAIRPERSON ELKOWITZ:

Require site specific environmental review.

MR. KAUFMAN:

And undergo individual SEQRA review upon proposed acquisition, is that

something workable? I mean, basically --

CHAIRPERSON ELKOWITZ:

I think it's absolutely workable. I think it's workable, yes.

MR. KAUFMAN:

That would be the way I think from a technical standpoint that we could -- should try and proceed from.

CHAIRPERSON ELKOWITZ:

Don't misunderstand me, I don't think that this program should be held up. I don't think it should get a pos dec. I think that it should go, but I think that we should try to improve what we have. I don't know diddly about the Sherwood Jayne property. I don't know anything about it, and I think we should, you know, what I mean?

MR. KAUFMAN:

I agree with you as long as we're able to look at the individual properties that maybe the technical way to deal with it.

CHAIRPERSON ELKOWITZ:

Jim?

MR. BAGG:

I don't know what direction you're going to go. If you say Type II, basically we tried to Type II this program with the state, it was not acceptable.

CHAIRPERSON ELKOWITZ:

No. What I'm saying is we have, for example, farmland preservation, and I may actually start saying that I don't want to accept your recommendations on some of these farmland things, because I don't think we're going the right thing. I think we should be looking at them, but my point is, and I think this is what Mike is saying, we let Laretta do her administrative thing, because she needs to, because the state has set up a system that's insane, and she needs to get through it. But then we let everybody know that, you know, these are parcels -- some of these are actually Type I actions, if you're acquiring more than a hundred acres. I mean, you know, these are things that we Type II because it's the framework we set up. And I don't think it's correct, and I don't think it's responsible, and I don't think it's right. And, you know, we're all mature here, we all know when we have to abstain from things, and when we have to recuse ourselves, and when we're involved in properties. But you know what? This debate is beneficial to the County, forget about this particular issue. And I think we're remiss when we sit here and say, okay, because we reviewed an overall program four years ago, this is a Type II action. I think it's ridiculous.

MS. SQUIRES:

We have, in fact, reviewed all the active recreation components.

CHAIRPERSON ELKOWITZ:

We have to because the greenways -- the Greenways Program didn't have the information.

MS. SQUIRES:

No, I understand that. But we do that with every active recreation thing that comes through, there is a review. It's easy enough to do the same kind of review --

CHAIRPERSON ELKOWITZ:

Absolutely.

MS. SQUIRES:

-- with everything else in the program. And people who want the land would welcome the review.

CHAIRPERSON ELKOWITZ:

I have a couple of technical things about the EAF, Jim, specifically with part two. I think that because this is an environmentally beneficial program, we should answer a bunch of these questions, yes. And we should say they are significant environmental benefits, because we are preserving lands. Because, you know, Type II isn't going to have a significant impact and everybody always things adverse, so we say no. I think we should say yes and we should explain that these are significant beneficial impacts, because you're going to be protecting wetlands, the Peconic Estuary and groundwater quality and habitat. So I'd like you, if you don't mind, to kind of go down these. I think the impact on water should be yes. And I think the impact on plants and animals should be yes and agricultural land and aesthetic resources and community character, open space and recreation, CEAs. And I think that we should explain that they're beneficial impacts, because this is the Land Preservation Program. And since I was abstaining, I'm going to shut up.

MR. MALLAMO:

I think that form isn't necessarily set up for beneficial impacts.

CHAIRPERSON ELKOWITZ:

No, but you can say it. Just say you're going to have an impact. I think we should say yes and explain that it's a beneficial impact.

MR. KAUFMAN:

Terry, do you have a problem if we do a Type I, strike that. Do you think there's a SEQRA issue if we do a Type I right now with a negative declaration for the overall plan on Laretta's stuff, and we continue to review. There won't be any segmentation or anything.

CHAIRPERSON ELKOWITZ:

Well, it is actually. But I think this is -- this is designed for proper segmentation, because how could you really review each one of these? You don't even know if you're going to have the ability to acquire them, you don't know if you're going to have a willing seller, you don't know any of it. So I think it's actually very appropriate segmentation, and it's more protective the environment.

MR. KAUFMAN:

Okay. Then if -- I'm going to attempt to make a motion, let's see what happens.

CHAIRPERSON ELKOWITZ:

Okay. Counselor.

MR. KAUFMAN:

Can you sue me for malpractice if I don't do it right?

CHAIRPERSON ELKOWITZ:

No. There's always the Ethics Court, though.

MR. KAUFMAN:

It's also -- Ethics Boards are also made up of attorneys, that's why we always get off.

LEG. FIELDS:

That's verbatim, be careful.

CHAIRPERSON ELKOWITZ:

That's why I said make your motion.

LEG. FIELDS:

Just make the motion.

MR. KAUFMAN:

I think the present action before us today is a Type I with negative declaration on it. I don't think it's going to have any kinds of terrible impact upon the environment. And I think there should also be a recommendation in there that all of the parcels acquired under this program have to undergo individual SEQRA review upon the proposed acquisition by the County as to whether they fit the programs criteria. And as -- and just they undergo our normal SEQRA review of what's on the property and what's -- any problem, etcetera.

MS. FISCHER:

I would just in -- for the proposed acquisition because you want to review it before it's acquired.

MR. KAUFMAN:

Yes. That's what I said, it's proposed acquisition.

CHAIRPERSON ELKOWITZ:

I have a motion, do I have a second?

MS. MANFREDONIA:

Second.

CHAIRPERSON ELKOWITZ:

Second by Ms. Manfredonia. Is there any discussion?

MR. SWANSON:

Yes.

CHAIRPERSON ELKOWITZ:

Yes.

MR. SWANSON:

He said that there was a recommendation, does that mean that the

recommendation can be shoved aside?

CHAIRPERSON ELKOWITZ:

Legislature is able to shove aside even our recommended, you know, our SEQRA recommendation if they wish, yes.

MR. BAGG:

Can you put this in the negative declaration as a reason.

CHAIRPERSON ELKOWITZ:

Yes, you can.

MR. BAGG:

So it can become instead of a recommendation -- it's a recommendation with CEQ, but it becomes part of the negative deck reasoning.

CHAIRPERSON ELKOWITZ:

Absolutely.

MR. KAUFMAN:

Okay. I would so amend.

CHAIRPERSON ELKOWITZ:

And, Jim, you should also put in the resolution since the law requires it, if you acknowledge that there's any segmentation, that this is proper segmentation and that the individual review of parcels prior to their acquisition is actually more protective of the environment, because at that time you'll have a site specific detailed review. I have a motion.

MR. FINKENBERG:

I'm just looking for a little guidance here, but I don't see where the actual purchase of the property requires any kind of SEQRA review. I thought it would be the change of use or the development.

MS. SQUIRES:

No, it's always required.

CHAIRPERSON ELKOWITZ:

Purchase of property is a SEQRable action as defined in regulations, and depending on the number of acres, some of them are Type I actions.

MR. FINKENBERG:

I just -- I just conceptually I don't see it. And it seems like an administrative act to purchase the property.

MS. SQUIRES:

It's done by the municipality.

MR. KAUFMAN:

It's an administrative action, the actual acquisition, but we were also frankly taking a look at the property. We're seeing if there's anything funny on there. We're seeing if there's any problems in the future. We're giving our normal environmental review.

CHAIRPERSON ELKOWITZ:

The short answer is the SEQRA regulations say acquisition --

MR. FINKENBERG:

You have to look at that.

CHAIRPERSON ELKOWITZ:

-- is an action. I mean, that's -- that's clear.

MS. MANFREDONIA:

Okay.

MR. BAGG:

It's actually either unlisted or Type I.

CHAIRPERSON ELKOWITZ:

Depending on the acres, number of acres.

MR. BAGG:

It makes -- so have you to require an environmental assessment form -- before you acquire, it has to undergo complete SEQRA review. You cannot Type II it.

MR. FINKENBERG:

I'm just having trouble with that.

CHAIRPERSON ELKOWITZ:

Okay. I have a motion. I have a second, any further discussion. Then I'm going to call the question. All those in favor? Opposed? Abstentions? I'm going to abstain. CARRIED.

MR. BAGG:

Who is the second on that?

CHAIRPERSON ELKOWITZ:

Nancy.

MS. SQUIRES:

Note that I voted, Jean.

MR. BAGG:

Yes.

MS. FISCHER:

Thank you.

CHAIRPERSON ELKOWITZ:

Thank you.

MS. MANFREDONIA:

Before we move on, can I just thank Laretta and the Planning Board staff for a wonderful job. I appreciate what you do.

MS. FISCHER:

Thank you. Appreciate it too.

MS. SQUIRES:

And it's a terribly frustrating thing for her, because someone is always putting pressure on her, whether it's -- someone is always putting pressure, and she is always very gracious and always very helpful, particularly to us and our town.

CHAIRPERSON ELKOWITZ:

I have found the staff of the Department, of this Department in general, has always been helpful.

MS. SQUIRES:

Jim, you're getting a compliment and you're not hearing it.

MR. BAGG:

Pardon.

CHAIRPERSON ELKOWITZ:

He can read it in the minutes.

Proposed construction of a dog run at Coindre Hall, Town of Huntington.

CHAIRPERSON ELKOWITZ:

Again. Who is here to speak on the dog run?

LEG. COOPER:

That would be us.

CHAIRPERSON ELKOWITZ:

Welcome.

LEG. COOPER:

I don't know if it's appropriate for me to kiss any of the committee members, so I decided to forgo it.

CHAIRPERSON ELKOWITZ:

Well, some of them would probably be responsive and some of them wouldn't.

LEG. FIELDS:

Just as long as you don't offer anybody a biscuit.

MS. LO MORIELLO:

Everybody has a copy of the report, right?

CHAIRPERSON ELKOWITZ:

Yes, we do.

MS. LO MORIELLO:

We're going to give out a little more information. Now, Jon was just asking how this usually is done, and I said to him, I don't know, I usually don't attend.

MR. KAUFMAN:

We don't know either.

CHAIRPERSON ELKOWITZ:

Yes, we do actually. Free to come and tell us what you're proposing. We may have some questions about the EAF, some questions about the operation, and we'll have a little dialogue.

LEG. COOPER:

What we're proposing -- Coindre Hall is a County Park, it's about thirty to forty acres.

MS. LO MORIELLO:

Thirty.

LEG. COOPER:

It's been used for over twenty years by local property owners to walk their dogs, give their dogs exercise. Historically, the dogs have been allowed basically free run of Coindre Hall. Local residents normally would tend to park at the uplands section near the mansion itself and let the dogs out, even though the area is now posted very clearly that dogs are not permitted off leash, that's been ignored. Primarily because for decades people have been coming here. And unless you plan on posting guards there to stop the local residents from coming, their going to keep coming. The reason I initially -- the impetus for my introducing this legislation in the first place to create a fenced-in dog run at Coindre Hall was an incident that occurred with one of my constituents a couple of years ago, where she had gone to the uplands area, and a dog that was running loose bit her. And she could have sued the County, she decided not to. She loves dogs, she didn't want to close down the dog park, but she felt strongly that we needed to do something to prevent loose dogs from interacting with people that might be intimidated or scared and to prevent another incident from occurring as happened with her.

I came up with the proposal to create a fenced-in dog run at Coindre Hall. We chose an area where it would not be seen from the mansion. If you're familiar with Coindre Hall, it's used for various types of catering events, for weddings. We also had an incident where a wedding party preparing to take a picture, another loose dog came with muddy feet, jumped on the bride in her white dress. It's funny now, but at the time I'm sure it wasn't that funny. So anyway the thought was that if it was a fenced-in dog run area, it would be a win-win situation for everyone. The dog owners could continue to use the park as they have historically, but the dogs would be fenced in so people could utilize the remainder of the park safely.

The proposal is for approximately two acres of Coindre Hall adjacent to the Gold Star Battalion parking lot to be fenced-in. Access to the fenced-in dog run would be from the parking lot. This is a town beach. Already Huntington residents utilize Gold Battalion to walk dogs. If you go there, you'll see dogs along the beach all the time, along the dock as well as Coindre Hall and as well as along Browns Road, which runs adjacent to Coindre Hall. So the area is already heavily utilized by dog owners. One other advantage of the dog park and one reason why it's supported so strongly by the Town of Huntington and by the local police is that we used to have a serious problem with gang activity in the area as well as vandalism. But once dog owners began to use the area, that dropped precipitously to the

point where it's almost non-existent at this point.

MS. LO MORIELLO:

We always had an issue with someone being molested along that road. There is no -- there is no fenced-in area going into that property, which creates a very problem for, you know, the area.

LEG. COOPER:

Security area.

MS. LO MORIELLO:

For security.

LEG. COOPER:

And one thing that the Town of Huntington has done to cooperate with the County in constructing the fenced-in dog run is that they'll be paying for the fence, not only in the dog run area, but they'll also be putting in a fence all along Browns Road on the eastern side --

MS. LO MORIELLO:

On this side.

LEG. COOPER:

-- of Coindre Hall to further cut down on trespassing and vandalism. They've agreed to do a water hookup so the dog owners and their pets will have water fountains, and the goal being to get people to move from the unregulated area to the fenced in area in the downland section. We'll have waste containers --

MS. ESPOSITO:

Who is going to do the water hookup, did you say?

LEG. COOPER:

The Town of Huntington. The Town of Huntington is doing the fence, they're doing the water hookup, they'll do the trash collection, the waste collection. The way we're envisioning is that the dog run will be completely self regulating. HDOG, Huntington Dog Owner's Group, has been very actively involved all along in maintaining the existing non-fenced in dog run. If you go there, and I've gone there on a couple of dozen occasions, you will not see -- I don't know the technical term as what's appropriate -- dog feces, dog poop, how do you normally refer to it?

MR. KAUFMAN:

Poop.

CHAIRPERSON ELKOWITZ:

Any way you like Legislator Cooper.

MS. ESPOSITO:

I normally don't refer to it.

LEG. COOPER:

Whatever. And who it's being directed at I guess. You will not see it anywhere. It's a very clean environment. The dog owners police themselves. If there is a situation with a dog that's unruly or not

well behaved, the dog owners will ask the owner to leave. There's another resolution that's not before you that would permit the establishment of other dog runs at other County parks where appropriate. I don't know where that -- how that will move forward, whether it will or not, but what I'm envisioning there will be to come up with some pretty stringent guidelines for what would be appropriate at a dog park and what would not, and be envisioned the permit fee system, any dog owners that bring their dogs to the park would have to provide proof that they've been vaccinated, that they're spayed and neutered.

Basically, following the guidelines that have been in place at upwards of twelve hundred dog parks that are already in existence throughout the United States. We've handed out letters from just a couple of them, one of them, I think, is the Village of Wellington has had a dog park. They have wetlands on the property, they have said that they've been in operation for over a year, there's been absolutely no adverse environmental impacts. We've spoken with the Mayor. But there are a number of dog parks that are likewise on bodies of waters, on rivers in California and Florida. In every case, they've had no negative environmental consequences.

It's important that the dog poop be picked up, but again, that is not a problem at the other parks. I don't envision it being a problem here. And the final point I'd like to make is just to reiterate that one way or another dog owners are going to bring their dogs to Coindre Hall. They've done it for twenty years they're going to continue to do it. What we're trying to accomplish is get them concentrated into one fenced-in area to at least eliminate the problem, interaction, with other Suffolk residents that prefer not to come across these dogs.

CHAIRPERSON ELKOWITZ:  
Mike, you have a question?

MR. KAUFMAN:  
Yeah. It's going to be a little bit of -- not so much a question, it's more commentary.

CHAIRPERSON ELKOWITZ:  
Feel free.

MR. KAUFMAN:  
Okay. A couple of years ago we dealt with this particular issue. And the previous resolution, I think was from 1998, failed and we found that it would -- that there might be an impact on the environment if I'm remembering correctly. And at that time we had a number of letters from, if I'm remembering correctly, in opposition to all of this. What it boils down to is we have dealt with this issue before, and I'd like to bring up some of the issue that's were dealt with at this -- at that time. I personally had voted against having the dog run over there. What I think the Council felt in 1998, and what I personally bluntly feel today is I'm very worried about singling out a specific park for a specific use. What this boils down to is this can open up any park to a specific use at any time. And I think that pointing out specific properties can destroy the system. Giving an

overarching of authority to the Parks Commissioner, such as the other bill talks about, is a good thing.

CHAIRPERSON ELKOWITZ:

But, Mike. This is just a dog run at Coindre Hall.

MR. KAUFMAN:

Okay. I'm going to get into that. I think Coindre Hall is one of the crown jewels of the County system. I understand that we're dealing with this today as CEQ, but I also would point out for the Commission's edification that this is also an historic trust property, I believe it's on the National Registers, etcetera. We've only got four or five of these in this County. As far as I'm concerned, these historic structures and the associated properties are the crown jewels. Bluntly, I think that it's an inappropriate use to have this kind of a dog run, even if it's set aside in a specific area to have it associated with this type of a property. I don't have a -- bluntly, I do not have a problem in general parkland. For example, we were talking about the Benjamin property earlier today. That might be a good place to do it, that's general County parkland. But we only have a couple of sites like this.

Looking at the SEQRA regulations, I worry about the following: It's possible that we could have a substantial adverse change in surface water quality, solid waste production. I see the letters over here saying that basically the excrete of the dogs is going to be picked up and that it shouldn't quote have a large environmental impact. That's possible. I also, however, see under category four of this, and I'm looking at 6-17 -- I'm bad with numbers, but it's the criteria for determining significance -- under category four, it's creation of a material conflict with the County's current status of this property as historic as we have approved it. I also feel that category five may be impacted here in that there may be an impairment of the quality of the historic resource, the architectural resource, in the area's quality and the area's character.

CHAIRPERSON ELKOWITZ:

Do you mind if I ask Richard to just comment on that?

MR. KAUFMAN:

Okay. Let me just finish these two other. Under category ten there's a possible creation of material demand for other actions. In other words, other parks may be affected like this. And finally, you're talking about the -- someone put in the EAF that we're talking about twenty cars per hour. That's the attraction of many people compared to the number of people who would otherwise come, that's category number nine. I'm not simply sure that it's totally appropriate for this site and looking at this from the historic trust aspect. I admit that dogs are not a large generator of pollution, Canadian geese for example are a lot worse.

MS. LO MORIELLO:

We don't have any there because of the dogs.

MR. KAUFMAN:

I personally am a dog owner, I am not anti-dog or anything like that.

And I think that a dog run as itself is an excellent content. I just don't think that it may be appropriate in this location. And I know that we have discussed this among the Council at previous times.

CHAIRPERSON ELKOWITZ:

Richard, if you wouldn't mind, given that it's an historic property.

MR. MARTIN:

A few comments. Just to say we do have an historic landscape study that's being worked on right now. Just how this fits had in with that plan, I'd like to review for the recommendation that's come forward from that plan. Also the practical concern is a runoff concern. At the West Hills Dog Run all the lawn has disappeared with the use there. So this is on a slope. If we don't have any lawn in that area, will we have a runoff problem, to review that.

LEG. COOPER:

I just want to say the problem with West Hills and even HDOG will admit this, I think, it's only a quarter acre, perhaps let's than that. This is going to be eight times the size. And West Hills is too small. And, I mean, I wasn't involved, it's not in my district, but that was poorly planned, and it is too small for a dog run and everyone will agree. One point that I'd just like -- if I can just interject for a second.

MR. MARTIN:

Well, I'll finish, not much more.

LEG. COOPER:

Sure.

MR. MARTIN:

Just also, the fencing, I didn't know about that idea along Browns Road. Just how that fits in with the historic fence line that was there. There is a locust post fence line that exists, so I'd want to know the design of that, location of that. And also just the design of the fence and the placement of the fence. I would want to see that in property as well.

CHAIRPERSON ELKOWITZ:

When is the plan that you were talking about going to be completed?

MR. MARTIN:

I would say at this point hopefully, late spring or early summer.

MS. LO MORIELLO:

How long has it been going on?

MR. MARTIN:

It started in September.

LEG. FIELDS:

Jon, exactly where on the map is the dog run? Is it where the whitish area is?

MS. LO MORIELLO:  
No. This here is Gold Star Battalion Beach.

LEG. COOPER:  
Which is a Huntington Beach.

MS. LO MORIELLO:  
Right here.

LEG. FIELDS:  
Where is the run compared to that?

MS. LO MORIELLO:  
Here is where the entrance would be to the run, in through here and then you'd come up here. So it's --

LEG. FIELDS:  
So where do they park?

MS. SQUIRES:  
Gold Star Battalion Beach.

LEG. FIELDS:  
Do you want to use this?

MS. LO MORIELLO:  
Oh, how nice. You guys have good toys here. I love that.

LEG. FIELDS:  
No, it's mine. I carry this wherever I go.

MS. LO MORIELLO:  
It's a good thing to have.

MS. SQUIRES:  
That's a new one.

LEG. COOPER:  
But the entrance to the dog run would be --

MS. LO MORIELLO:  
Now you can see if I shake or not today, of course, too much coffee.

LEG. FIELDS:  
So again, where is the parking?

LEG. COOPER:  
The western edge of the parking would be --

LEG. FIELDS:  
Show me where.

MS. LO MORIELLO:  
Here you go, Jon.

LEG. COOPER:

This is Gold Star Battalion Beach, this is the parking area of Gold Star Battalion Beach.

LEG. FIELDS:

How do they drive there? From where?

LEG. COOPER:

This is Browns Road and the entrance is here. So they pull in the entrance here, pull in the parking lot.

LEG. FIELDS:

For how many cars?

MS. LO MORIELLO:

There's a lot of parking spaces.

LEG. COOPER:

A couple of hundred cars maybe.

LEG. FIELDS:

Okay. Go ahead.

MR. MARTIN:

Has the town agreed to allow non-town residents to use parking?

LEG. COOPER:

The town has no problem, the Town wants this to happen.

MR. MARTIN:

They have in the past. We've proposed other activities at that end of that park. They did not agree with it -- with allowing non --

LEG. COOPER:

In this case, they're fully supportive. As I said, they're going to -- they've agreed to pay for the expense of the fence. Now, the design of the fence has not been determined. And we are cognizant that it does have to create a historic nature, but they'll be basically put in whatever you want to put in.

MS. LO MORIELLO:

I do have a make a comment on the fence. I would just like to know that there is fencing that you did put in going along the back of -- going into the entrance, and that's a chain link fence.

MR. MARTIN:

Which I didn't agree with.

MS. LO MORIELLO:

I just want you to be cognizant of that as you discuss this fence and the architectural designs to it, because we already have a fence in there. If we were to discuss it from a historic nature, that fence shouldn't be there.

MR. MARTIN:

I agree.

MR. KAUFMAN:

Just because the fence was put in there as a chain link --

MR. MARTIN:

This was put in as an emergency measure for the pressures from the neighbors that they didn't want people walking over their driveway. I had a problem with that, I really did.

MR. MALLAMO:

This picture shows fencing here on the one side with the gate.

MS. SQUIRES:

That's the Gold Star Battalion, that's the towns fencing for the park.

MS. LO MORIELLO:

Right.

CHAIRPERSON ELKOWITZ:

Joy.

MS. SQUIRES:

I'd just like to comment that however you consider this, this is an enforcement issue. You have an area that is fenced-in designated, then the police can cite anybody that has dogs running, and those dogs run all over Coindre Hall. I mean, you have to be pragmatic about it.

CHAIRPERSON ELKOWITZ:

Right. Has your Environmental Council -- I just want to ask her a question. Has your Environmental Council taken a position on this?

MS. SQUIRES:

If all these criteria are met, if dog owners pick up and that part is enforced --

CHAIRPERSON ELKOWITZ:

I thought the Town of Huntington was picking up.

MS. SQUIRES:

No, no. The dog owners are picking them up.

LEG. COOPER:

The dog owners will pick them up and put them in trash bins.

MS. SQUIRES:

In all the beaches in East Hampton, there's a little thing. You put your hand inside the little thing, you clean up what your dog has done. And I think that should be -- if those things -- I think it should be reviewed, but it certainly is a problem at Coindre Hall. It certainly is a problem along Browns Road, it certainly is a problem of our beaches. I'm not saying that the County should solve the Town of Huntington's problems with dog owners letting their dogs loose on the beach, but if you're talking about runoff, you can certainly control it by then enforcing this area.

LEG. FIELDS:

How will you control the runoff? If you have the dogs coming to an

area, how do you control it?

MS. SQUIRES:  
They have to pick up.

LEG. FIELDS:  
And the enforcement part of it, we don't have enough County police to enforce anything in Suffolk County. We are really -- we're having a problem.

LEG. COOPER:  
I just want to say again, it's not like there's nothing, that there are no dogs there, and I'm proposing the idea.

MS. LO MORIELLO:  
Exactly.

LEG. FIELDS:  
But this Council has to make a recommendation on --

LEG. COOPER:  
But if anything --

LEG. FIELDS:  
Not those things, but on environment.

LEG. COOPER:  
It's either going to be zero zero, or it's going to ameliorate the situation. It certainly is not going to make the situation worse. You're not going to get people coming there that are not coming there.

LEG. FIELDS:  
Sure it could.

LEG. COOPER:  
It's been known as an area with -- actually, right now, it's an open dog run. Right now they have thirty acres that they can let their dogs in. Once it becomes known that it's no longer an open dog run -- I've gotten a lot of opposition from dog owners that are upset at what I'm proposing because I'm going to be fencing them in. And they like the way it is now, and if anything they may not come once it's fenced in.

CHAIRPERSON ELKOWITZ:  
Maybe they will come and they'll continue to use it in the manner in which they're using it, which gets back to the enforcement issue. Wait, Larry first.

MS. ESPOSITO:  
What happened to me?

CHAIRPERSON ELKOWITZ:  
Larry had his hand up and down and then I'll go to you.

MR. SWANSON:  
It's my understanding that the Town of Huntington had a dog run and

they closed it. And I was wondering if you could tell us why they closed it.

LEG. COOPER:

They had a dog run that was established directly across the street, 15 feet from about five residents homes. And there was no consultation with the local community before they put in the dog run. It was just --

MS. LO MORIELLO:

One night it showed up. One day it just showed up.

LEG. COOPER:

And the neighbors across the street, there were no place for anyone to park except in front of their homes. They could hear -- literally the dogs were across the street from them, so parking throughout the day. So it was because of objections from these local residents, and I know because they called me as well, even though it was not a County park. So that was the reason that that was closed. It was just put in an inappropriate area.

CHAIRPERSON ELKOWITZ:

Adrienne had a question.

MS. ESPOSITO:

Two parts to the question. I think that in a large part this has to do with the enforcement of dog waste clean up. Let me ask, what happens right now when the dogs are in the park, there's no fenced off area, is it also self regulating now, or if it isn't, is there any kind of clean up that occurs via the town or the County? And number two is that in the -- what you're proposing, I know the town is going to come and take the bins, but not everyone is going to be so diligent about picking up after their dogs. Is there they kind of proposal on the Town's part that these would clean up in any kind of frequency?

LEG. COOPER:

First of all, I really think that people will be diligent. It's -- I think that the collective pressure from the other utilizers of the dog park upon those that don't pick up is greatest certainly if it's a fenced-in area. It's a confined space, and if you're picking up, but she's not, you're going to let her know that her dog just pooped and there will be pressure upon her to clean up.

MS. ESPOSITO:

But what if I don't see it? I'm just wondering. There will be some percent that don't do it.

LEG. COOPER:

Well, again, are things -- I've been to Coindre Hall, I've been there dozens of times. I have not seen one bit of dog poop yet. Now, it may well be that if there are dogs that are let loose, and it's a thirty acre area, maybe they do go into the woods or someplace where I didn't visit. But the area where most of the people congregate is spotless. And certainly if it's fenced-in, I think that the pressure to self regulate would be even greater. If it's a problem, I'm absolutely convinced it will not be a problem, but if a problem does

develop, and I told this to HDOG, that I would be the first one to move to close this down.

I really see this as a pilot program. And if we're going to do this, I want this to be done the right way, the right fencing, the right types of trash receptacles, surface, whether it's grass or whether it's replaced with something else, water fountains, poop bags to encourage them to clean up after their pets. And I'm counting on HDOG to regulate the people that are utilizing the park. If it turns out to be a problem, I would be the first one to say this is not working and we've got to go to plan B. I consider myself a dedicated environmentalist. I won the Sierra Club Environmentalist of the Year Award a couple of years ago. The first time they ever gave that to an elected official. I ran on an environmental platform the first time I ran for office. I would not do anything, anything that in my heart I felt would jeopardize the environment.

Coindre Hall is one of a couple of County park in my district that have historical significance, the Vanderbilt Museum is another and they are two gems. And I would do nothing to undermine the historical integrity of Coindre Hall. I wish we could do more with Coindre Hall than is currently being done. I mean, they've got car shows there, they've got the wedding emporium basically. I wish we could have today more appropriate uses for Coindre Hall. But the dog run as we're envisioning it will not, I don't think, do anything to negatively impact the historical integrity of Coindre Hall.

CHAIRPERSON ELKOWITZ:

Lance.

MR. MALLAMO:

I must say Legislator Cooper and I spoke about this about a year and a half ago, we brought up the issue of a dog run. I was not aware that this had gone through the Council at one point, that was before I was on the Council. And I had said to him at the time, well, in the Parks Department we always had a plan that if we had to do a dog run, this is the area it would go. I think you were talking at that time a different part of the property. I looked at it then as an attempt to clean up an area that was totally neglected and probably has no potential to be brought back to its former appearance without a huge infusion of funding.

I do recognize that there are issues here that people are concerned about. But I'll also say when I first started going to Coindre Hall in -- before the school was there, this would be in the early 80's and again when the school closed, we did have a problem with geese. I know at the Vanderbilt Museum we have a tremendous problem with geese. When I tell you I have four men raking every single morning.

CHAIRPERSON ELKOWITZ:

Buy a border collie.

MR. MALLAMO:

Well, we were paying a woman a \$125 a week to bring her border collie to chase --

CHAIRPERSON ELKOWITZ:

It would have been cheaper to buy a border collie.

MR. MALLAMO:

It probably would have been.

CHAIRPERSON ELKOWITZ:

That's what we do on golf courses.

MR. MALLAMO:

When I have gone over to Coindre Hall to look at the size, I'm amazed that there are no geese. I see there's even goose droppings at this building, I was stepping around when I walked in here this morning. So.

LEG. COOPER:

Dog run.

MR. MALLAMO:

I think this -- we're going to have some kind of waste dropped there. I think the situation right now with the dogs is kind of out of control, it looks like a free for all. And I don't own a dog. I should confess I'm not a great dog lover. I know a lot of people like dogs, but I do respect other people's --

MR. KAUFMAN:

You should abstain. Are you a cat person?

MR. MALLAMO:

No, I'm not really a pet person, I'm a building person. I'll admit that, I like buildings.

LEG. COOPER:

He doesn't even like kids.

MR. MALLAMO:

I don't like going to a park have and have dogs running around me. And I would prefer that they are in a fenced area. I would be concerned if this would denude it as West Hills is, but since it is a big area here, and if we were talking a pilot program, if we saw that a park became denuded, couldn't that -- couldn't we closed section off and reseed to make sure that that doesn't happen?

CHAIRPERSON ELKOWITZ:

We could actually do a lot of things. I'm actually more -- personally and then I'm going to go to Larry -- I'm actually more concerned with how it looks, and how it's enforced, then I am about overall -- because the reality is, given that we've heard this thing four or five times over the past three years, obviously, people are there with dogs and they are there all of the time. So if it's not a situation that we can get rid of, and it's not an impact that we can get rid of, it's probably incumbent upon us to make it better. The problem that I have sitting here is not my CEQ hat, it's my historic trust hat. And everybody knows I don't know anything about old buildings.

MR. MALLAMO:

Terry, can I just finish? I don't have an historic trust issue here, I don't. As long as the fencing design and placement were subject to the Historic Services and Parks Department approval, I think from my perspective, it's going to clean up a clearly neglected -- I mean, you look at these pictures, you see what was a beautiful outlay of trees, which is just growing into an infernal forest, where in ten years we're going to be sitting here, we can't take these trees out, because now it's being reforested. It wasn't meant to be a forest, this was meant to be a landscaped outlay of trees. And I think we could kill a few birds here with one stone as long as it it's enforced properly and the waste is removed. I think personally we would get this situation under control and actually see some restoration.

CHAIRPERSON ELKOWITZ:

I just want to go to Larry, because he's had his hand up for awhile.

MR. SWANSON:

I guess I'm concerned that this is apparently upslope from a public beach. And the way that we regulate water quality and beach quality is that if we have a rainfall that exceeds a certain amount that they close the area down to shellfishing and potentially bathing. And it seems to me that that's go going to exacerbate this problem. And also, given the new EPA regulations on the stormwater, I'm wondering if there would not be a SPEDES requirement for this area. It seems to me that we're dealing with public health, and I know you have a letter here from somebody out in California, I guess, it is about how wonderful dog urine is and dog feces. But the fact of the matter remains that when my female dog goes and squats in our yard, there's a nice patch every time that's burned and the lawn is destroyed, and it take a while for it to come back. So, you know, it's urine and feces are not without some problems. When it's adjacent to the beach and given it's upslope, I'm concerned that we should be doing everything possible to keep the beach quality up rather than to be dealing with dogs.

LEG. COOPER:

A couple of issues. First of all as a number of people noted if we didn't have dogs there we'd have geese there, and we don't have geese. And from my experience constituents are a lot more concerned about goose droppings than they are about dog droppings.

MR. SWANSON:

I don't think you replace one pollutant source with another pollutant source.

LEG. COOPER:

But I think that all -- look, there has to be some amount of pollutant from a dog run, clearly, although I think it would be minimized by people picking up after their pets, but the problem is much worse with geese. I mean really -- I really have to disagree with you, I think the problem would be greatly exacerbated if the dogs were removed and geese were allowed to take over that area. Number two, there are dogs that are allowed along the beach at Gold Star Battalion along the dock there.

MS. LO MORIELLO:  
They swim.

LEG. COOPER:

Right. The parking lot, the people walk -- there's a neighborhood there, the people walk their dogs along the road, all along Browns Road, up to Gold Star up to the beach. Probably a lot more dogs that are walked then are let loose at the dog run, and no one is proposing doing anything about that. The whole issue is really whether dogs should be allowed to utilize the area on a leash or whether in a certain area they should be allowed off leash. Right now, they're basically allowed off leash on all 30 plus acres. Hopefully, if we have a well managed dog run that's attractive, that has certain benefits to the dog owners; water fountains and the like, people will utilize that more. They won't allow their dogs to run free in areas where it can be problematic, because of the other uses of Coindre Hall.

And I did meet with some of the local residents who -- Mike, I believe you mentioned several years ago there were local residents, Bill Milanese and others. I met with about a half dozen of them months ago, and the consensus, I think I met with six of them, five of the six was that this would probably at least make the situation better. And because they agreed that the biggest problem was with the dogs running loose, one of them said he doesn't use Coindre Hall anymore because he's concerned about encountering a dog running loose. And I'm not saying that building a fenced-in dog run will completely solve that problem either, but I do think it will ameliorate the situation. And time will tell. As again, I see this as a pilot program, I'd like to construct the dog run, make the best effort that we can. I'm counting on HDOG and Barbara is a recent member of HDOG, I'm counting on them to be responsible, to self regulate the park. But hey, if I'm wrong, and after a couple of years, we're back here and there is an environmental problem, I would be the first to admit it. And I'd be the first to call for it being closed down. But I don't think it's going to be a problem.

CHAIRPERSON ELKOWITZ:

Is the Parks Department able to monitor this?

COMMISSIONER GORDON:

Presently, no.

LEG. COOPER:

You know who's going to monitor it ultimately? It's going to be me. I mean, I'm the one who's going to get the phone calls from Bill Milanese and the other local residents across the street or from HDOG.

MS. LO MORIELLO:

Or it's going to be me.

LEG. COOPER:

What was the name of the lady who was bitten?

MS. LO MORIELLO:  
Exactly, yes.

LEG. COOPER:  
They all have my phone number. A lot of them have my home phone number, and they've got my cell phone. So if this doesn't work, I'm going to hear about it, and I'm going to be down there. And I'll take immediate steps to try to rectify it.

MR. KAUFMAN:  
This is a very interesting question, and again, I'm more objecting to it. And I'm being very blunt about it, I'm objecting to it in terms of the historic usage of the property and just basically because -- just because there's a use there now, and the use is unregulated doesn't mean that the use is necessarily appropriate. But I'm also worried about something else. Again, looking at individual parks and designating individual usages for them, we faced this issue before. For example, with the Nassau/Suffolk Horseman's or Equestrian people, whoever they were, a couple of years ago. And Legislator Holst was pushing this one, he wanted to designate certain parks to be almost exclusively for horses and things like that. I worry very much about the designation of individual parks for individual usages. Basically you can end up with user groups demanding --

CHAIRPERSON ELKOWITZ:  
Mike, we have that all over the County.

MR. KAUFMAN:  
I do understand that.

CHAIRPERSON ELKOWITZ:  
And how could you -- are you saying then it should be a more general thing? I mean --

MR. KAUFMAN:  
No, I'm saying -- where I was going to be leading to was I worry about it on a historic trust property. The designation on to national register, on to the federal registers, that's what -- if this wasn't a federal register, if this wasn't a historic trust property, I would have no objection to this.

LEG. COOPER:  
Keep in mind, this is going to go to the most inaccessible part of the park.

CHAIRPERSON ELKOWITZ:  
I worry about that too, but I just heard Lance, who we always looked for it for this purpose, give an opinion that actually shocked me.

MR. MALLAMO:  
And I don't like dogs, it shocked me too.

MR. KAUFMAN:  
Lance is a cat person.

MR. MALLAMO:

Mike, can I just bring an analogy that didn't even hit me. I was at the, I guess it was the Parks Committee, Ginny, you were there. Was that this week, last week? And there were several woman there, and they were bringing up horses, which I aren't really thought about because when I worked in the Parks Department I can remember when the Parks Department actually built trails for horses. So these were not trails that were there in advance. They built trails so the people would bring their horses. And at Blydenburgh Park, which is on the national register, they're never cleaned up after. And now what's happened in the local community, around Blydenburgh Park, is the town actually had to put a zoning ordinance limiting the number of horses on to half acre or one acre lots, because it's encouraged so many of a horse population to go in there. So that probably has an environmental impact, that action. I mean, it's too late to do anything about that, but.

MR. KAUFMAN:

There's also been severe damage to the park. If you walk those trails, you'll see what happens with the extensive use by the horses. I mean, literally they destabilize the slopes over there.

MR. MALLAMO:

Right. I would probably agree with you there. But I don't think it's to the point that it can't be handled by the Parks Department. Is that like a major issue, that you would not consider having horses in there, in Blydenburgh Park, or some of the other parks?

COMMISSIONER GORDON:

We haven't.

CHAIRPERSON ELKOWITZ:

There are obviously people here with very strong opinions about everything. Does anybody have anything new to add that we have not -- because I'm interested in actually calling the question, seeing where everybody is on this. We can -- we can discuss it once we have a motion, but I'm really very curious to see what the motion will be.

MR. KAUFMAN:

I think we should table it.

CHAIRPERSON ELKOWITZ:

Does anybody have anything new to add before we go there?

MR. SWANSON:

I have a question. I don't recall seeing anything on how many dogs per day you expect.

LEG. COOPER:

Barbara do you want to address that?

MS. BUSCARENO:

I'm Barbara Buskarino from Huntington Dog Owners Group. And I was there yesterday afternoon for probably about an hour, and this was probably an average of twelve to fifteen there at any given time. People come and go. So that was --

MR. SWANSON:

We're talking seventy, eighty dogs a day probably.

MS. BUSCARENO:

Perhaps. I think the heaviest use times that we experienced at the West Shore Road location, which is just down the street that the Town had opened for awhile, the heaviest use period was between say four and six in the afternoon. It's utilized a lot by people who are working and the dogs are sitting home all day.

CHAIRPERSON ELKOWITZ:

Ginny.

LEG. FIELDS:

Since I've been on this committee I've seen a number of projects tabled because somebody didn't have an actual plan that we could look at, and we weren't able to recommend or not recommend without a plan, and I don't really see a plan; a fenced area, you know, the amount of dogs you expect, the kinds of -- all the -- an actual plan. And I think that until that is brought before anybody, you can't guess what it's going to be.

CHAIRPERSON ELKOWITZ:

Yes?

MS. ESPOSITO:

I just have a question, you're not expecting more dogs, you're just expecting the existing users to be put into those two acres instead of those 30 acres into a more controlled environment.

MS. LO MORIELLO:

And remove them from the top parking by the house itself to parking on town property down below.

LEG. COOPER:

Where there are aesthetic concerns, it would minimize the aesthetic concerns, it would minimize the problem we're having with people who don't want to encounter dogs encountering loose dogs.

MS. ESPOSITO:

But right now, there's no pick up from the town. So with this new plan, there's a pick up from the town to remove the waste.

LEG. COOPER:

If anything, it should ameliorate the situation environmentally.

MS. LO MORIELLO:

If we didn't have to do this forum, I would have loved to do a really nice plan, it would have been the easiest thing to do.

CHAIRPERSON ELKOWITZ:

Nancy.

MS. MANFREDONIA:

I personally, you know, don't have a problem with this; however, because of -- you know, even though it's a historic property, because

of what Lance says, and if it was done properly, but I also have a problem with not having, not a formal plan, but some way that we have an agreement with either the Town of Huntington or the dog people. And what Lance brought up is -- he probably brought it up for a different reason -- but I see what happens in Blydenburgh Park. And I think it would be absolutely impossible for the County to now say there can't be any horses in Blydenburgh Park. There are real estate concerns about the people around the park, you know, that the houses are worth a fortune because of this.

COMMISSIONER GORDON:

This Commissioner isn't going to do it.

MS. MANFREDONIA:

Bet your bippy. There's also a situation out of Cathedral Pines, which was basically mountain bikes were allowed to use it. And you know, I mean, you can get various opinions, but you're going to have a hell of a hard time stopping that now that it's started. So what I'm saying is what are you -- you can say to me, yes, if this doesn't work out, and it's a pilot project that doesn't work out, we're going to stop it. And I know what you mean, there's absolutely no enforcement now. But from being responsible on this, where -- where do we have something that says how many dog owners are going to use this, you know, what happens if the waste isn't picked up by the dog owners, who's going to enforce it? Is HDOG willing to, you know, sign some sort of agreement that they will oversee this? I mean. That's what I'm looking for.

MS. LO MORIELLO:

They are.

MR. MALLAMO:

I think a lot of those questions you don't really know. Would it be possible to do a pilot program and set a time frame and say we're going to look at this again?

CHAIRPERSON ELKOWITZ:

It's absolutely possible to do a pilot program and set a period of time and whatever else, but I who knows, as I said, very little about old buildings, I am actually more concerned that this aesthetic -- the dogs are there. I mean, I can understand the dogs are there and they're running around. I'm not convinced that if you do a dog run, the dogs are going to stop running around, because people who were insensitive and who are not courteous --

LEG. COOPER:

I spoke with a number of the dogs already, and they're --

MS. LO MORIELLO:

He's actually going on the Dr. Green show and going to talk to the rest of the dogs in the County.

CHAIRPERSON ELKOWITZ:

But I agree with Ginny in that we should have some sort of plan that shows the fence, where it's going to go, what kind of -- you know, what area is it, what is the ground surface going to be, because I

also have a female dog and my lawn is brown wherever she is. So, you know, I don't think this is a bad thing personally, I don't, but, you know, that's a personal thing.

LEG. FIELDS:

You can also -- I mean I went on the internet to fine out all kinds of information. Jon, you can find out another comparable dog park in another area, if it's two acres, how many dogs they have each month or each week or each day. I'm sure that you can get that kind of information, you know, in a plan.

CHAIRPERSON ELKOWITZ:

And I would hope that Richard could work with Legislator Cooper so that we -- and Legislator Cooper's office so that if this goes somewhere we do have a plan so that at least from the historic trust perspective everything is taken care of. And I'm going to ask Larry and then I'm going to ask for a motion. Go ahead.

MR. SWANSON:

I would feel a lot more comfortable if in the plan there was a provision for controlling runoff from the site, particularly since there is a beach nearby.

CHAIRPERSON ELKOWITZ:

Right. And that's something that they could do in the plan. I think that that is a legitimate environmental concern.

MS. SQUIRES:

I just wanted to make a couple of points, one to that. That area is regularly monitored and closed after a heavy rainfall. You could do an analysis of if there was any at the end of two years, is there any decrease given the parameters in the water quality. And the other thing that I think needs to be specified, in the letter that Frank wrote, it said place in plastic bags by their owners. I think the plastic bags should be provided. They should be sitting right there.

MS. LO MORIELLO:

Definitely.

MS. SQUIRES:

And I would propose East Hampton's model where it gives you the bag and you put your hand in.

CHAIRPERSON ELKOWITZ:

I think if somebody were to come with a plan and we were look at it. And if somebody is going to make a motion to table, that motion to table should be very specific, because the motion to table should not be we don't want to deal with it today, so we're going to ask fifty thousand questions the next time it comes. It should be a real motion and a real action plan.

MR. KAUFMAN:

I have one other comment.

CHAIRPERSON ELKOWITZ:

Mike and then Ginny and then I'm calling the question.

MR. KAUFMAN:

Rich, said you said earlier there was a landscaping plan --

MR. MARTIN:

It's being worked on now.

MR. KAUFMAN:

-- to return the -- that's one of the concerns that I do have. I think that this project should be tabled until we get some of these answers.

CHAIRPERSON ELKOWITZ:

Right. And I leaned over to Richard, which I didn't share with you and I should have, and I asked Richard just to put on the record whether or not he could work with Legislator Cooper on the fencing and on the landscaping without this formal plan being completed, and he said yes.

MR. KAUFMAN:

So those concerns would be brought in.

CHAIRPERSON ELKOWITZ:

Yes. Ginny.

LEG. FIELDS:

Jon, had mentioned to you to try to contact Emerson Hasbrook to find out about DNA testing.

LEG. COOPER:

Yes.

LEG. FIELDS:

Were you able to get him.

MS. LO MORIELLO:

No. He's going to be two months out to do that.

LEG. COOPER:

Two months notice.

CHAIRPERSON ELKOWITZ:

So that could be something you could do is have him do -- they do it now, a DNA testing of the water. And they can identify the excrement, where it comes from, is it from geese, is it from, you know, dogs or you know.

MS. LO MORIELLO:

Barbara knows about this.

CHAIRPERSON ELKOWITZ:

I don't want to start about DNA, with all due respect, is the County going to put a police officer on Coindre Hall today and every time somebody brings a dog there from now to time immemorial going to violate them.

LEG. FIELDS:

It is against the law right now.

CHAIRPERSON ELKOWITZ:

The bottom line is does anybody enforce it? Is anybody going to enforce it.

LEG. COOPER:

There are no County police there.

CHAIRPERSON ELKOWITZ:

So if the dogs are there and the dogs are going stay there, let's deal with the dogs. You know, unless somebody is going to post a -- unless Judy Gordon is going to stand up here and say, I'm putting a Parks officer there and every day somebody comes, they're going to get a violation, what are we talking about?

MR. SWANSON:

That should be part of the plan, the agreements between the town and --

CHAIRPERSON ELKOWITZ:

Absolutely.

MR. SWANSON:

-- and the county.

CHAIRPERSON ELKOWITZ:

I agree with you.

MR. KAUFMAN:

Town public safety is the perfect victim.

CHAIRPERSON ELKOWITZ:

Actually, Mike, that's a very good idea.

MR. KAUFMAN:

First one of the day then.

MR. SWANSON:

Who's going to clean up? Garbagemen will not clean up dog poop. It's not in their contract.

LEG. COOPER:

No. The dog owners will clean up the dog poop.

MR. SWANSON:

Not when it's hauled each day from the park to somewhere else.

MS. ESPOSITO:

So it's going from the park to where?

MS. LO MORIELLO:

The town. They're going to put it in a secure waste site. They didn't tell us where.

LEG. COOPER:

There will be trash bags there. The dog owners will put the dog poop in the trash bags, and the town will --

CHAIRPERSON ELKOWITZ:

Who picks up the garbage?

MS. LO MORIELLO:

The Town will pick up.

LEG. COOPER:

We have a letter from the Town saying they're doing that.

CHAIRPERSON ELKOWITZ:

Jim.

MR. BAGG:

Just one question. Since the Town is going to build a fence and the Town has requested this be done on County land, will they ensure if the owners don't clean up the waste that the Town will actually go in and clean up the waste?

MS. ESPOSITO:

I asked that already.

CHAIRPERSON ELKOWITZ:

I think Mike made a very good point. You know -- you know, if the Town is so interested in this, Town Public Safety Officers, you know, that's a good purpose for them.

MR. KAUFMAN:

Judy, would you have a problem with Public Safety coming up?

COMMISSIONER GORDON:

No. I like your idea.

MR. KAUFMAN:

If anything else that's the enforcement issue.

LEG. FIELDS:

Isn't it County property?

COMMISSIONER GORDON:

It is County property.

LEG. FIELDS:

Are they --

MR. KAUFMAN:

She doesn't have an objection is what it boils down to.

COMMISSIONER GORDON:

I think we can work out an arrangement with the Town to do that.

CHAIRPERSON ELKOWITZ:

If they're picking up the garbage.

COMMISSIONER GORDON:

I think we need maybe more than a letter, because Town officials change, and five years from now they may not want to do it anymore.

MR. KAUFMAN:

In which case the question should be posed to Legislator Cooper, given what we're seeing here today, given the present political climate, do you think it's possible to go to the Town of Huntington and try to memorialize something more formal in terms of cooperating with Commissioner Gordon's Department?

MS. SQUIRES:

Absolutely.

LEG. COOPER:

I don't want to speak for the Town, but they've been very cooperative so far.

MR. KAUFMAN:

If they're willing to bring in water and pick up the poop, I don't see that they'll have a problem.

LEG. COOPER:

Absolutely. I'll call today and try to get something in writing.

CHAIRPERSON ELKOWITZ:

All right. So I'm going to call the question. I assume we're going to have a motion to table.

MR. KAUFMAN:

Yes.

CHAIRPERSON ELKOWITZ:

So I hope that somebody's going to make a motion to table.

MS. MANFREDONIA:

I will make a motion to table.

CHAIRPERSON ELKOWITZ:

And we're going to ask for a plan that shows the fencing in concert with Richard Martin's recommendations and the landscaping associated with Richard Martin's recommendation, a plan for the waste disposal and pick up, whether it's Public Safety or whomever it is as the responsibility the Town of Huntington, some sort of storm water control. Did I miss anything?

MS. MANFREDONIA:

I think a time frame to re-examine the -- if it's a pilot project.

CHAIRPERSON ELKOWITZ:

Is this your motion?

MS. MANFREDONIA:

Yes. I will make a motion to table based on the three things you --

MS. ESPOSITO:

Four.

CHAIRPERSON ELKOWITZ:

Stormwater control, fencing, landscaping, waste disposal and a time frame --

MS. SQUIRES:

Clear signage with the envelopes -- the dog -- the plastic bags with plastic bags provided.

MR. KAUFMAN:

And a more clear understanding with the Town of Huntington as to management.

CHAIRPERSON ELKOWITZ:

That's what we said. So you have a motion.

MS. LO MORIELLO:

Excuse me for one minute. I just want to make sure I got it.

CHAIRPERSON ELKOWITZ:

There's a motion to table by Ms. Manfredonia pending the submission of a plan that includes a fencing and landscaping plan that she'll develop in concert with Mr. Martin of the Parks Department, it includes stormwater control, it includes waste disposal and enforcement with the Town -- being the responsibility of the Town of Huntington, signage and the provision of bags for the owners to pick up the excrement of the dogs and a time frame to re-examine the success of this.

LEG. COOPER:

And what time frame do we have in mind, or we haven't settled?

CHAIRPERSON ELKOWITZ:

Let me get a motion and second and then we'll talk about it.

MR. KAUFMAN:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion and second by Mr. Kaufman. What time frame do we all think will be reasonable?

MR. SWANSON:

For the plan or for the project?

CHAIRPERSON ELKOWITZ:

For the pilot project.

MR. FINKENBERG:

Six months.

MS. SQUIRES:

It's got to be two years, so you do it season by season.

MS. ESPOSITO:

One, two, two years definitely.

MR. MALLAMO:

One year may not be fair. It may build up by word of mouth. In two years you may know better.

CHAIRPERSON ELKOWITZ:

Amend your motion for two years.

MS. MANFREDONIA:

I amend the motion for two years.

CHAIRPERSON ELKOWITZ:

I have two years, I have a second. I've had enough discussion. All those in favor? Opposed?

MR. MALLAMO:

Did it have a second?

CHAIRPERSON ELKOWITZ:

It did. Abstentions? CARRIED.

MR. BAGG:

It's unanimous.

CHAIRPERSON ELKOWITZ:

It's unanimous. I'm shocked, but it's unanimous. It's tabled pending all that.

LEG. COOPER:

And to get Richard's phone numbers and the contact numbers who do I see?

COMMISSIONER GORDON:

Barbara knows how to get that.

LEG. COOPER:

Thank you very much.

CHAIRPERSON ELKOWITZ:

Thank you, Legislator Cooper.

Proposed reconstruction of Culvert on CR 21 - Yaphank Avenue at Lower Lake, Capital Project 5371 in the Town of Brookhaven.

CHAIRPERSON ELKOWITZ:

Do you know more about dogs than you ever wanted to know?

MR. MCVOY:

Christopher McVoy, Suffolk County Department of Public Works. I have more pictures this time.

CHAIRPERSON ELKOWITZ:

Welcome back.

MR. MCVOY:

And I have pictures for everybody. Okay. After the last meeting when we had this, we had a meeting with Richard Martin, myself and Tom Rogers at the site to determine how to go about preserving the historical nature of the abandoned culverts. And so we have changed the plan a bit to show that the -- this typical section of erosion control or slope protection is going to end on either side of the culverts, and then we are going to repair the concrete of the culvert. If you look on the last page, you can see how deteriorated it is. So we're going to repair that, and also, during the construction we're going to check for leaks underneath the road that the abandoned culverts have.

CHAIRPERSON ELKOWITZ:

Didn't we also want to maintain that pump, or whatever that is that there thing?

MR. MALLAMO:

That's sticking up.

CHAIRPERSON ELKOWITZ:

That thing.

MR. MCVOY:

Nothing is going to be removed.

MR. MARTIN:

They're not taking anything else.

CHAIRPERSON ELKOWITZ:

So my recollection of the motion to table was so that you guys could go out with DPW. So is Parks satisfied?

MR. MARTIN:

Yes.

CHAIRPERSON ELKOWITZ:

Then I don't have any questions if Parks is satisfied. Does anybody else have any questions? No? Then I'll entertain a motion. Does anybody have a motion? Nobody has a motion.

MR. MALLAMO:

I forgot what the rest of the project was.

CHAIRPERSON ELKOWITZ:

Give a quick overview for those of us that are over forty, which is most of us.

MR. MARTIN:

I'd just like a copy of the updated plan from my offices.

MR. MCVOY:

Yes, I can do that this afternoon.

CHAIRPERSON ELKOWITZ:

We were reconstructing the culvert that goes into the lake, but there

was a question that came up regarding the historic.

MR. MALLAMO:

That's a repair. This is a maintenance repair.

CHAIRPERSON ELKOWITZ:

It's an unlisted action, guys, and it would require a neg dec if we were going to send him out of here today.

LEG. FIELDS:

I'll second whatever the motion is.

CHAIRPERSON ELKOWITZ:

But somebody has to make the motion. I have a motion for an unlisted neg dec -- Ginny Fields beat you to it, I have a second. Is there any discussion? God help the stenographer.

MR. MCVOY:

What's happening now?

MS. MALLAMO:

Technical question?

CHAIRPERSON ELKOWITZ:

Go ahead.

MR. MALLAMO:

Since the two sides are on the national register and this culvert is actually associated with the former mill, right, yeah, but I don't think that was in the national register.

CHAIRPERSON ELKOWITZ:

It doesn't make it a Type I, though, if that's what you're asking.

MR. MALLAMO:

That's what I'm asking.

CHAIRPERSON ELKOWITZ:

I have a motion for an unlisted neg dec by Ms. Manfredonia, I have a second by Legislator Fields. All those in favor? Opposed? Abstentions? CARRIED. Happy holidays.

LEG. FIELDS:

Can I just say thank you to our stenographers who really work very hard, and we appreciate everything that you do.

CHAIRPERSON ELKOWITZ:

I just want to know if we're happier than the Legislature.

LEG. FIELDS:

Anybody's happier. Anybody's happier than the Legislature.

CHAIRPERSON ELKOWITZ:

Historic services, Mr. Martin, if you're still standing.

MR. MARTIN:

Just to update on Sagtikos Manor, they had a very successful press conference there, a great turnout, there's a lot of local interest. The historic trust meeting I thought I could have tomorrow, but Lance couldn't make it, and it was just too soon to get all the information out. So we'll be looking to have it at the end of January. So I have to canvass everybody to set up that date. But I'd like to have it at that time because there is a fund-raiser scheduled already for February 23rd in the carriage house in the rear of the property between one and three, and this is being sponsored by the Bay Shore Chamber of Commerce. And it's a fund-raising event for monies to restore the carriage house. We have already identified that as a visitor's center, and the monies would go to any work that we need there.

I'm already meeting with KeySpan tomorrow for a donated furnace for the site. And so we're looking to get a lot, you know, corporate support at this site than we had the past. The alarm service is being put in today, and when that's completed, I'll be able to return the items that are now in storage in the Yaphank Police Garage and all the items that are in storage at Christy's. And at this point, there is no heat in the house, so we can work a couple of hours and then we'd run across the street to the meeting room that was built in Gardiner Park. And we're at this point working on the archives, there is a lot of paperwork throughout the house. Mr. Gardiner was not the most organized person, so every drawer or closet we open we find either an Indian deed offer, something else as significant that relates to the property.

MR. KAUFMAN:

The Indian deed is from 1980.

MR. MARTIN:

There's quite a bit of information right on the site that we need to organize and will of course help us with the plan for that site. Knowing the interest we have for the property, I've already consulted with a landscape architect to get a proposal for the wall garden on the site. That would be done first, and the Chamber of Commerce is already talking about sponsoring a fund-raising event at the garden house, a wooden structure, that's part of the wall garden to have that in the spring. So that's happening already, and I think with the continued community support we should be able to open this up for tourism this Summer 2003.

CHAIRPERSON ELKOWITZ:

Very good.

MS. MANFREDONIA:

I have a question, not about Sagtikos, I'm really thrilled about that. We had a holiday party at the Blydenburgh Weld House. And after the article of a week or two ago, we invited William Weld to come, he didn't come. But, I mean, it does seem to me that should we not reach out to him, I mean, now that he lives -- or has partially been living on Long Island now, I mean, do you think there's any hope that he may get more --

MR. MARTIN:  
When you say partially living, where?

MS. MANFREDONIA:  
Bayport -- no Bellport.

MR. MARTIN:  
I didn't see it.

MS. MANFREDONIA:  
So whoever we spoke to was very pleasant, I think it was his fiancée, but I don't know. But it seemed to me this would be an opportunity if he isn't still too angry about how he left the Blydenburgh Weld House that maybe he may be of some interest.

MR. MARTIN:  
Definitely. We always thought that era we should interpret more. So we can work with you.

MR. KAUFMAN:  
I would just note for the record, Nancy, that the house that he and his parents moved into after they left the Blydenburgh Estate down in the Hauppauge area burned down about ten years ago, so.

MS. MANFREDONIA:  
Which house?

MR. KAUFMAN:  
It was called the Rosen House, but that was just the present owner.

MR. MALLAMO:  
It was {Cornelius Otis Skinner}.

MR. KAUFMAN:  
It was about a hundred yards from my house. And it went up quite nicely because of suspected arson. So he may have even less of a reason for coming back, I don't know.

MS. MANFREDONIA:  
I'm sure he'll forget all past grievances.

MR. MALLAMO:  
Well, his mother had forgiven. And she was -- she came frequently to visit my wife and I afterward. And she had never been there in twenty years when we were there at the park. So, in fact, she gave us all the photographs for the slide show. So I think that she got that word to him that's when she had indicated to me.

MS. MANFREDONIA:  
Good.

MR. MALLAMO:  
In fact, she even said maybe it was for the best. She said the property was getting too much for us to maintain anyway, maybe it was all for the best, so she came around.

MS. MANFREDONIA:

Okay. Good.

CHAIRPERSON ELKOWITZ:

Is that it?

MR. MARTIN:

Yes.

MR. SWANSON:

How was the Christmas tour at Deepwells?

MR. MARTIN:

Christmas. It's doing well, the numbers are slightly down this year. We intended in sales, which just relate to the overall economy, our show there is very popular, that sells out, but otherwise about ten percent down. But, I mean, it's still a great event, and we did go up for three years in a row, it's our first slight decline.

MS. ESPOSITO:

So it's calling it an adjustment rather than a decline.

MR. MARTIN:

Right.

COMMISSIONER GORDON:

Apparently too didn't the Saint James Chamber say their sales are down the same level?

MR. MARTIN:

Yes. Our sales relate the overall economy. When the mall sales go up, our sales go up.

MR. KAUFMAN:

I would point out one other thing regarding Deepwells. I saw an advertisement in Newsday that the Ward Melville Heritage Organization is using South Saint George for plays over there also; Ms. Aster's Tea House or something like that, that has been cannibalization or anything? Have you noted any?

MR. MARTIN:

I'd say definitely not. Deepwells is such a unique experience and location that if people do go there, it's fine with me. I think they'll run back to Deepwells because the site is so perfect for this kind of event, it's really a place them to go to especially with this holiday show house. It's an experience they cannot get anyplace else.

MR. KAUFMAN:

One other question. Did Deepwells start before Gloria started putting on her stuff at Ward Melville?

MR. MARTIN:

Oh, sure.

MR. KAUFMAN:

So she copied the County.

MR. MARTIN:

We were the first location for this kind of event.

CHAIRPERSON ELKOWITZ:

Any CAC concerns? All right. Then we have one other thing, which is the 2003 meeting schedule. Do we really have to set the December meeting on the second Wednesday or can we do it on the third Wednesday?

MR. SWANSON:

I think it should be the third, it's not that close to Christmas.

CHAIRPERSON ELKOWITZ:

I think so too. Just because we're all creature of habit, and now that we're the roving Council, we can't figure out where we belong, we should at least know what day we belong. With that amendment, I'll entertain a motion to accept the calender.

MR. KAUFMAN:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion by Mr. Kaufman, a second by Adrienne. All those in favor? Opposed? Abstentions? Carried. Happy holidays. Motion to adjourn.

THE MEETING WAS CONCLUDED AT 11:28 A.M.)

{ } DENOTES BEING SPELLED PHONETICALLY