

COUNCIL ON ENVIRONMENTAL QUALITY

MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, October 20, 2004.

MEMBERS PRESENT:

Theresa Elkowitz, Chairperson (Absent)
Larry Swanson, Vice-Chairperson
Thomas Cramer
Michael Kaufman
Adrienne Esposito
Lance Mallamo
John Finkenbergl
Nancy Manfredonia

ALSO IN ATTENDANCE:

Legislator Vivian Vilorio-Fisher, Fifth District
Kara Hahn, Aide to Leg. Vilorio-Fisher
James Bagg, Chief Environmental Analyst/Department of Planning
Penny Kohler, Department of Planning
Richard Martin, Historic Services
Joy Squires, CAC of Huntington
Steve Brown, CAC of Brookhaven
Leslie Mitchel, Deputy Commissioner, Department of Public Works
Lauretta Fischer, Principal Planner
Charlie Bender, PO's Office
Nick Gibbons, Parks Department
Walter Dawydiak, SCHD, Acting Chief Engineer
Vito Minei, Director of Environmental Quality
Dominick Ninivaggi, Department of Public Works, Vector Control
Christopher McVoy, Jr. Civil Engineer
Kim Shaw, Principal Environmental Analyst
Bill Gardner, Supt. Technical Services
Michael Deering, Director of Environmental Affairs
Kevin McAllister, Peconic Baykeeper
Mathew Atkinson, General Counsel to Peconic Baykeeper
Kevin LaValle, legislative aide
Jenny Kohn, Assistant County Attorney
Eileen Powers, Deputy Town Attorney, Southampton

MINUTES TAKEN AND TRANSCRIBED BY:

Diana Kraus - Court Stenographer

(THE MEETING WAS CONVENED AT 9:35 AM)

VICE-CHAIRMAN SWANSON:

I would like to call the meeting to order and remind everybody to please turn on their microphones to help the stenographer.

I would like to review the minutes of July 28th and September 22nd. July 28th first. Any comments? Do I have a motion?

MR. CRAMER:

Motion.

VICE-CHAIRMAN SWANSON:

All in favor? Motion carries.

Now the minutes of September 22nd.

MS. MANFREDONIA:

I'll make a motion to accept them.

VICE-CHAIRMAN SWANSON:

Do I have a second?

MR. KAUFMAN:

Second.

VICE-CHAIRMAN SWANSON:

Mike Kaufman. All in favor? Opposed? Carried.

Jim, Vivian has not arrived yet?

MR. BAGG:

I was notified that she's just running a little late; that she will be here but she's running a little late.

VICE-CHAIRMAN SWANSON:

Okay. So, we'll proceed with the agenda until Legislator Fisher arrives.

Next is the recommended Type II Actions. Jim, do you have any comments on what you want to call to our attention?

MR. BAGG:

Basically everything's either been reviewed or a Type II Action. It's in the packet. It's pretty straight forward.

MR. KAUFMAN:

Larry, I'm going to have to abstain on number 1986.

VICE-CHAIRMAN SWANSON:

What's the issue?

MR. KAUFMAN:

Just abstaining.

VICE-CHAIRMAN SWANSON:

All right. Do we have any comments on the Type II Actions?

MS. MANFREDONIA:

I'll make a motion to accept staff recommendations.

VICE-CHAIRMAN SWANSON:

Second?

MR. CRAMER:

Second.

VICE-CHAIRMAN SWANSON:

All in favor? Opposed? And you're abstaining?

MR. KAUFMAN:

On 1986.

VICE-CHAIRMAN SWANSON:

Why don't you just abstain on all of them?

MR. MALLAMO:

I'm going to abstain on that one as well.

VICE-CHAIRMAN SWANSON:

Okay. Do we have enough? Yes. Still passes. So, we have two abstentions. All right.

MR. MALLAMO:

I'm going to abstain on 1990 as well.

VICE-CHAIRMAN SWANSON:

Proposed Veteran's Hospital 800 kilohertz antenna. Is anybody here to speak on that project? Please.

MR. GARDNER:

Good morning. My name is Bill Gardner, Suffolk County Police Department. And this project is a continuation of improving the public safety radio system within Suffolk County. We're looking to place existing equipment that we've already purchased onto the existing water tower on the Veteran's Hospital property in Northport. We went to a local meeting, Northport Village last week. Was a required public hearing by the federal government. We passed that meeting in so far as that there weren't any objections from any of the newspapers or any of the local officials. And this is the next step in the process. Again, we are not building a structure. We are going to add antenna equipment to an existing structure, the water tower; and add our equipment in a shelter to be placed underneath the water tower on the Veteran's Hospital property.

VICE-CHAIRMAN SWANSON:

Michael.

MR. KAUFMAN:

Just for the Council's edification, we've examined projects on this water tower before adding telecommunication equipment, etcetera. And we've each time voted that it's been no impact and that it's been a full acceptable project. And I frankly see this as leading in the same way.

VICE-CHAIRMAN SWANSON:

Are you making a motion?

MR. KAUFMAN:

Yeah, I'll make a motion that we accept -- this is a staff recommendation. This is a Type II

Action.

VICE-CHAIRMAN SWANSON:

Do we have a second?

MR. BAGG:

Clarification. You cannot Type II microwave antennas in towers. So, it has to be an unlisted action with a neg dec. That's one thing that is precluded from the law.

MR. KAUFMAN:

I'm sorry. I thought this was a planning activity, in which case I withdraw my motion and I'll make a motion that this is an unlisted neg dec.

VICE-CHAIRMAN SWANSON:

Do we have a second?

MR. MALLAMO:

Second.

VICE-CHAIRMAN SWANSON:

We have a second by Lance. Joy?

MS. SQUIRES:

I just wanted to make a positive comment regarding this. The Town of Huntington and the county police will have as we move through the Veterans Knolls property with the additions that are being made by the Town of Huntington, there will be a surveillance building there that will be manned and it will be very helpful to the people who are manning that building.

VICE-CHAIRMAN SWANSON:

Thank you, Joy. Any one comments? All right. I'll call the question. All in favor? Opposed? Abstentions? Motion carries.

MR. GARDNER:

Thank you.

VICE-CHAIRMAN SWANSON:

Proposed construction of highway maintenance facilities, CP 5048, Babylon Salt Storage Building. Anybody here to speak on that? Please bring your presentation forward because all our eyes are getting weak at this stage. If you get a microphone, it'll be helpful.

MR. McVOY:

Christopher McVoy, Suffolk County Department of Public Works. The first two sets of pictures there are the site as it exists now. I believe they are from the winter. But this is an aerial photo of the site where we'd like to put this new building. This is the Bergen Point Sanitation Plant. This is the proposed location of the building. We're going to do this just like we did the Commack building although it's going to be a thousand ton building instead of 5,000 ton building. So, it's dramatically smaller. But it's a design build project where we will ask the contractor when we bid this to design the building itself. We just have the parameters, the size of the storage area, the garage for the pay loader that they use on-site, the bathroom that we need in the building for the employees and the employee area.

The last page of pictures that you have, that's the Centereach -- no, Selden salt storage building over on Nicolls Road. And that's basically what we want this building to look like.

VICE-CHAIRMAN SWANSON:

Okay. Any questions?

MS. ESPOSITO:

So, the rationalization is that you have a building now in Selden, but you just need an additional location? Is that why you need it? For salt storage?

MR. McVOY:

This is in Babylon.

MS. ESPOSITO:

I know.

VICE-CHAIRMAN SWANSON:

He's just showing the picture to say it was similar to the one in --

MR. McVOY:

The building that we want to construct is going to be similar to that building. That's why I'm -- we're just going to copy that building and the Huntington salt storage facility looks a lot like that as well.

MS. ESPOSITO:

I know, but in the EAF, what it says is that it's inefficient to have them in those locations so to increase efficiency you want to locate it in Babylon.

MR. McVOY:

Well, because right now in Babylon the -- what exists there is just a pad. And so if the salt gets contaminated during the year, then, they have to go to other salt storage buildings. And it becomes very inefficient to drive the trucks all the way to Huntington or all the way to Selden.

MS. ESPOSITO:

Have you been using the pad for salt storage to this point?

MR. McVOY:

They have been, yes.

MS. ESPOSITO:

They have been.

MR. MALLAMO:

At this location?

MR. McVOY:

Yes. Highway maintenance has been.

MR. MALLAMO:

So, what happens when it rains?

MR. McVOY:

That's why we would like to put a building here to contain it.

MS. ESPOSITO:

I think we know what happens.

MR. MALLAMO:

The salt water next to it becomes very salty.

MR. McVOY:

Yeah.

MS. ESPOSITO:

Does that explain why the salt water in the estuary has been increasing?

MS. MANFREDONIA:

Can I ask, if you've been using it already-- this is an area where I'm sure the residents aren't too thrilled with more traffic coming up and down their road, but will there be an increase or is it just going to --

MR. McVOY:

There isn't going to be an increase because they already --

MS. MANFREDONIA:

They're already using it?

MR. McVOY:

They're already using the area.

MS. MANFREDONIA:

Okay.

MR. CRAMER:

I make a motion unlisted neg dec.

MS. ESPOSITO:

Second.

VICE-CHAIRMAN SWANSON:

Question. Jim, since we have no plans actually, is this appropriate or do we need -- does it have to come back for review when we finally get a design for the building?

MR. BAGG:

Well, I think basically enough information has been submitted with respect to what the building is going to look like. I mean, this is simply a building to cover a salt pile so it doesn't leach into the groundwater table. I mean, it's not for, you know, offices or residences or anything else. And the County has to adhere to the New York State building code. So, I think enough information in terms of the site location and what the building looks like has been submitted for the project review.

VICE-CHAIRMAN SWANSON:

Okay. So, we have a motion for unlisted neg dec. And it's been seconded. All in favor? Opposed? Abstentions? Motion carries. Thank you.

Next is the proposed acquisition of the Tedford property in the Town of Shelter Island. Good morning.

MS. FISCHER:

We have a few acquisitions and donations.

VICE-CHAIRMAN SWANSON:

Identify yourself for the record.

MS. FISCHER:

Lauretta Fischer, Suffolk County Planning Department.

The first one up before you is the Tedford property. This is a property of 14.5 acres in the Town of Shelter Island. It's proposed to be acquired under the Multifaceted Land Preservation Program under the Land Preservation Partnership Program. We are doing a 50/50 partnership with the Town to acquire this property. It was formally a nursery with existing nursery stock on it at this time as you can on the aerial.

VICE-CHAIRMAN SWANSON:

Anything else?

MS. FISCHER:

Any questions?

VICE-CHAIRMAN SWANSON:

Any questions? Did you go through the review of how it stacks up with all your criteria?

MS. FISCHER:

I don't have that with me today. It was -- it would give, you know, a fair number. I unfortunately don't have that with me today. It is adjacent to other County holdings that we bought just to the north of it. We also -- there is also some open space in the area. We also bought to the east of this property.

MR. MALLAMO:

So, we have land holdings around it already.

MS. FISCHER:

Yes.

MR. MALLAMO:

Lauretta, do you know how much acreage we have in Suffolk County parkland on Shelter Island;

MS. FISCHER:

No, not off-hand.

MR. MALLAMO:

Anybody know?

MS. FISCHER:

Not that much.

MR. MALLAMO:

Not that much.

MS. FISCHER:

Compared to all the other towns.

MR. KAUFMAN:

The Nature Conservancy has 2,000 acres. That's the big holder.

MR. MALLAMO:

Yeah, but I don't think the county parks do. I know when I worked there, I don't think we had any.

MS. FISCHER:

Yeah, we have bought some on Ram Island Spit. We have been buying some properties in the center of the Island with the Town. They've been a good partner with us. And we'd like to do some more. This is actually just in -- near the Village of Deering Harbor.

MS. ESPOSITO:

This area is important for groundwater recharge.

MS. FISCHER:

Absolutely. Anything in the Town of Shelter Island is important groundwater recharge. They have a very limited supply. And whatever we can buy there, we feel that it's important both from groundwater and surface water.

MR. MALLAMO:

It will be opened to all county residents?

MS. FISCHER:

Yes.

MS. MANFREDONIA:

What kind of access is available here?

MS. FISCHER:

It's easy access from Kobets Lane on the southern portion taking that east to Manhasset. It's right at the corner. It's a very easy access property. If you come in through the ferry, you just take the main road east. You can get there fairly -- within five, ten minutes.

MS. MANFREDONIA:

Is there any place to park?

MS. FISCHER:

Not at the present time, no.

MS. MANFREDONIA:

Any plans for any place to park?

MS. FISCHER:

Not at this time.

MS. MANFREDONIA:

Will you get a ticket if you park on the road?

MS. FISCHER:

I don't know.

MR. KAUFMAN:

Yes.

MS. ESPOSITO:

Yes. But then again, Nancy, there's no place to park on the whole Island.

MS. FISCHER:

We're anticipating that hopefully sometime in the future the Parks Department will take that into consideration.

VICE-CHAIRMAN SWANSON:

Joy.

MS. SQUIRES:

How much, Laretta?

MS. FISCHER:

I don't have that with me. I'm sorry.

MS. ESPOSITO:

No, it's here. It's here.

MR. KAUFMAN:

1.8 million dollars split between the Town of Shelter Island and the County of Suffolk on about a 54th percent basis.

MS. FISCHER:

Yes, sorry, there it is.

MR. KAUFMAN:

54,45.

VICE-CHAIRMAN SWANSON:

We're really not supposed to take the cost into consideration at this --

MR. CRAMER:

She's just curious.

MS. SQUIRES:

I'm just curious.

MR. CRAMER:

See how it stacks up to Huntington.

VICE-CHAIRMAN SWANSON:

Any other comments?

MR. CRAMER:

Motion.

MR. KAUFMAN:

Second.

VICE-CHAIRMAN SWANSON:

Motion to what?

MR. CRAMER:

It will be a Type I; right? It's over ten acres.

MR. BAGG:

It's an unlisted action. Purchase of more than a hundred acres of property for open space is a Type I.

MR. CRAMER:

Okay. Unlisted neg dec.

MR. KAUFMAN:
Second.

VICE-CHAIRMAN SWANSON:
I have a second, Kaufman. Any further discussion?

MS. MANFREDONIA:
Just that I would hope that the Parks Department would provide some sort of parking soon.

VICE-CHAIRMAN SWANSON:
You want to make that part of the recommendation?

MS. MANFREDONIA:
Without paving.

VICE-CHAIRMAN SWANSON:
Hear that, Nick? Okay. All in favor?

MS. ESPOSITO:
No trees down, Nick.

VICE-CHAIRMAN SWANSON:
All in favor of the motion? Opposed? Abstentions? Motion passes.

All right. I guess you're going to be here most of the morning.

MS. FISCHER:
Yes.

VICE-CHAIRMAN SWANSON:
Proposed acquisition of the Schleicher property, Town of Southampton.

MS. FISCHER:
Yes. This is a 29.8 acre parcel east of Millstone Road in the south fork SPGA. It's being proposed to be acquired under the New Drinking Water Protection Program. It is adjacent to other town holdings. As you can see in yellow on the map, it's a rugged topography of pine and oak with some trails as you can see bisecting the property.

MS. MANFREDONIA:
Could I just ask, I'm not clear where -- oh, I see Noyack Road. So, this is -- what's the closest main road besides Noyack. Where would --

MS. FISCHER:
Millstone. Do you know where Millstone is?

MS. MANFREDONIA:
No. Is it way up north?

MS. FISCHER:
Yes. It's close -- it's close to Martin Wildlife refuge.

MS. MANFREDONIA:
Oh, okay.

MS. FISCHER:
South of there.

MS. MANFREDONIA:

Thank you.

VICE-CHAIRMAN SWANSON:

Any other questions?

MR. CRAMER:

Motion unlisted deg nec.

MS. ESPOSITO:

Second.

VICE-CHAIRMAN SWANSON:

Motion. Second by Adrienne. Any other discussion? All in favor? Opposed? Abstentions? Motion carries.

Proposed acquisition of Abets Creek, phase II, Town of Brookhaven.

MS. FISCHER:

This is an addition to our acquisition of 13.6 acres just to the north of here. This is Hedges -- I'm sorry, Abets Creek in East Patchogue. It's 2.5 acres. It's the southern portion of it -- of holdings that we've acquired in yellow to the north of there. This would total -- be a total of 15.1 acre total county acquisition with the Town of Brookhaven. This is also being considered under Multifaceted Land Preservation partnership. It is a former -- part of the property is a former dredge spoil site as you can see. It does have wetlands -- tidal wetlands and it does have frontage on Great South Bay.

VICE-CHAIRMAN SWANSON:

And will this be open to all county residents?

MS. FISCHER:

Yes.

VICE-CHAIRMAN SWANSON:

There's access?

MS. FISCHER:

The access is from -- can be obtained from that road that moves east from Durky Lane.

MR. KAUFMAN:

Yeah, it looks as if from the aerial there's a cul-de-sac in that area bordering the property --

MS. FISCHER:

Yes.

MR. KAUFMAN:

-- where parking can be accomplished.

MS. FISCHER:

Yes.

MR. CRAMER:

Motion unlisted neg dec.

MR. KAUFMAN:
Second.

VICE-CHAIRMAN SWANSON:
Motion by Cramer, second by Mike Kaufman. Any other discussion? All in favor? Opposed? Abstentions? Motion passes.

Proposed donation of property by W. Rignola, Town of Brookhaven.

MS. FISCHER:
This is a TDR that was proposed to acquire property in the Hedges Creek area in East Patchogue for another piece of property that the transferred development rights will go to in Bellport. This is an area -- Hedges Creek is an area that the County has been acquiring property mostly through tax lien procedures. It's a very extensive tidal wetland area. And we would like to add this to our park holdings in this area. It's about a quarter acre, but there's many other parcels to the east of this parcel that the County does own and has placed in Parks.

VICE-CHAIRMAN SWANSON:
And what are you giving up?

MS. FISCHER:
We're not giving up anything.

VICE-CHAIRMAN SWANSON:
I thought you were transferring development rights.

MS. FISCHER:
Well, the transferee is a private developer. He's transferring it to a parcel he owns in Bellport.

VICE-CHAIRMAN SWANSON:
Okay. Any questions?

MS. MANFREDONIA:
Is this -- from the map, are there any homes on that street or is that just vacant land, that -- the whole stretch?

MS. FISCHER:
The piece that we're acquiring?

MS. MANFREDONIA:
Yes, what's next to it?

MS. FISCHER:
To the east is virtually all undeveloped land. There is some development to the west of Duncton Avenue.

MS. MANFREDONIA:
Okay.

MS. ESPOSITO:
It's a residential community.

MS. MANFREDONIA:
Yes.

MS. ESPOSITO:

So, it makes it more important to preserve.

MS. MANFREDONIA:

But, it's wetlands, you're saying?

MS. FISCHER:

Yes. The area to the east of Duncton, basically it's a peninsula, a small peninsula that juts out to the east. The stream corridor comes down in an "S" curve and this is the portion of it -- the peninsula has extensive tidal wetlands on it.

MS. MANFREDONIA:

Wonderful.

VICE-CHAIRMAN SWANSON:

And what is the access to all these properties that you have in the area?

MS. FISCHER:

This would be from Duncton Avenue to Trout Street.

VICE-CHAIRMAN SWANSON:

Okay. And there already is access to the general area?

MS. FISCHER:

Yes.

VICE-CHAIRMAN SWANSON:

For county residents?

MS. FISCHER:

Yes. There are some dirt roads in this area; however, there is access available.

VICE-CHAIRMAN SWANSON:

Do I have a motion?

MS. ESPOSITO:

Motion.

MR. KAUFMAN:

Motion unlisted. And I'll second it.

VICE-CHAIRMAN SWANSON:

And Kaufman seconds it. All in favor? Opposed? Abstentions? Motion carries.

Another proposed donation of property in the Town of Brookhaven.

MR. KAUFMAN:

Larry, I'll have to abstain on this one.

VICE-CHAIRMAN SWANSON:

When you vote, abstain.

MR. KAUFMAN:

No, I'm abstaining on any discussion.

VICE-CHAIRMAN SWANSON:

Good.

MS. FISCHER:

This is another private TDR where we're getting property south of 25A in the vicinity of the proposed county road 111. They are then transferring it to the south. A development to the south. We did go out to the site. There were some concerns that there was some littering on the property. The owners have taken care of that. It's now cleaned up. It's a wooded area. You can get access from Hawkins Street. It's a dirt -- at this point it's a dirt access into the property. The other properties that are located in a rectangular shape on the bottom along Hancock are harder to access. However, the new development that's going in in the area has replatted the old file map area in that area. And access will be a lot more accessible at that time.

VICE-CHAIRMAN SWANSON:

How do you see this fitting in with the County's Master Plan for property acquisition?

MS. FISCHER:

We did look at that as a concern. And one of the things that we are proposing is a possible use of -- possible acquisition in this center area. This is all undeveloped land at this time. There is a ball field -- a private ball field that exists just to the east of these properties. And we felt that possibly we could create some kind of recreation site if we do acquire it in this area having access off of County Road 111, bringing them into this site and using these properties as a buffer as well as others if we acquire what we're anticipating. So, we are thinking of a bigger acquisition for this area and utilizing it in two fashions; one, using this as a buffer. And possibly using the interior for some more active recreation that is needed in that area.

VICE-CHAIRMAN SWANSON:

Is there any real likelihood that you'll be able to do what you just described?

MS. FISCHER:

We have reached out and we're working on moving this forward to the local legislator.

MS. MANFREDONIA:

Isn't Route 111 just a dirt area? I mean --

MS. FISCHER:

Exactly, at this point in time it is. And we did contact Department of Public Works and at this time there is no use for that portion of the property. There are the portions of County Road 111 south of the L.I.E. that have been dedicated to parkland. This portion of it at this time is not dedicated.

MS. MANFREDONIA:

All right. I'm just not clear on the location. This isn't part of the proposed bike path in that -- I guess it was more Setauket area.

MS. FISCHER:

No.

MS. MANFREDONIA:

Wasn't that on 111 or --

MS. FISCHER:

No.

MR. BROWN:

That was on Route 25 South Setauket.

MS. MANFREDONIA:

Oh, Route 25.

MS. FISCHER:

Yeah.

MR. CRAMER:

This is right east of where Nesconset Highway and 25 merge.

MS. FISCHER:

This is east of Crystal Brook Hollow Road in Mount Sinai.

VICE-CHAIRMAN SWANSON:

Any questions?

MR. BROWN:

These are donations of property. These are donations of property for the transfer development rights. In the Town of Brookhaven we're looking at these properties very seriously because the over-development in Mt. Sinai and Miller Place, the eastern ends of Setauket are really -- gridlocks the roads. So, in looking at a lot of these projects, we look towards, you know, maybe transferring development rights in the area that's already been slated for development and preserving some of these lands. This area in particular we do go over with the county. We try to do a 50/50 match with the purchasing of a lot of these properties. So, when get a donation, you know, it's like a plus for us. I think it's a great opportunity to pick up lands without a cost to the County and the Town.

MR. MALLAMO:

The land that was in the right-of-way that was put in Parks, wasn't that put in the Nature Preserve?

MS. MANFREDONIA:

That's my recollection.

MR. MALLAMO:

The portion near the Expressway.

MS. FISCHER:

Down in Manorville, that portion? I'm not sure. I'd have to verify that.

MR. MALLAMO:

Do you know, does this right-of-way go --

MS. FISCHER:

Yes.

MR. MALLAMO:

The County owns the whole right-of way?

MS. FISCHER:

Yes.

MR. MALLAMO:

Well, I'm going to say this is certainly in conformance with the Master Plan I've been working on

for the Long Island North Shore Heritage area. And I think its location near Route 25A and near Route 111, whether that road was built or put in the Nature Preserve or maybe a trail, a cross island trail, would be great if the road isn't built. I think these -- both these properties right now seem a little disjointed. But in the future will play a very major role.

VICE-CHAIRMAN SWANSON:

Any other comments? Do I have a motion?

MR. CRAMER:

Motion neg dec.

VICE-CHAIRMAN SWANSON:

Second?

MS. MANFREDONIA:

Second.

VICE-CHAIRMAN SWANSON:

Nancy. And all in favor? Opposed? Abstentions?

MR. KAUFMAN:

Abstain.

VICE-CHAIRMAN SWANSON:

Mr. Kaufman abstains. Motion passes.

And the last one is the proposed donation of Flanders County Preserve Area, Town of Southampton.

MS. FISCHER:

This is a donation to the County by Mr. Taldone in the area of Flanders in the Town of Southampton. This is an area that has fresh water wetland interspersed throughout it. We do own property to the east as part of the Flanders Preserve. We've been picking up tax liens in this area. And we would recommend that we accept this donation as part of our holdings in this area. It is located on the -- somewhat near the border of where the core and the CGA boundary is located here. And we feel it's important. It's in the Central Suffolk SGPA as well east of Pleasure Drive. It's a wooded area. North of this area is heavy high density residential in the Flanders community. And we'd like to try to pick up these pieces down in this area at least for groundwater protection and extension of our holdings.

VICE-CHAIRMAN SWANSON:

Any comments?

MS. ESPOSITO:

It's a donation in an SPGA with wetlands?

MR. KAUFMAN:

And it's Pine Barrens.

MS. ESPOSITO:

And it's Pine Barrens.

MR. KAUFMAN:

It's off the scale.

VICE-CHAIRMAN SWANSON:

Do we have a motion?

MR. KAUFMAN:

I'll make a motion that we accept this donation; that it's an unlisted negative dec.

MS. ESPOSITO:

Second.

VICE-CHAIRMAN SWANSON:

All in favor? Opposed? Abstentions? Carried.

MS. FISCHER:

Thanks very much.

VICE-CHAIRMAN SWANSON:

Thank you.

We're going to deviate from the agenda right now and at the last meeting it was suggested that we ask Legislator Viloría-Fisher to come and tell us a little bit about the Open Space Plan. And so it's a pleasure today to be able to welcome the Honorable Viloría-Fisher to talk to us about the Open Space Plan.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. And it's good to be back. We have a few new faces, but many of us worked together when I was Chair of the Parks Committee of the Legislature. And I want to thank Steve Brown for the wonderful segue. The TDR program is a very important tool in actually controlling density and directing density to the appropriate place and the protection of those environmental parcels that are very important to us -- for us to protect. Kara is making a copy -- Kara Hahn, my aid, is making copies for you of the legislation that allowed the ballot question to be put on the ballot, which is that we are asking the voters of Suffolk County to approve \$75 million in bonds in order to protect open space, create hamlet parks and acquire develop -- farmland development rights.

As you all know because this all comes before you in the CEQ, we are -- land acquisition program is entering a very robust stage because we had been slowed down due to the scandals that have occurred. And we re-visited our acquisition program in the Legislature. We have reformulated some of the processes in that land acquisition program. And the current County Executive has made a true commitment to move forward very expeditiously in that acquisition program. Everyone is on board. The Legislature is looking to support that kind of very aggressive acquisition program. And we're fighting against the clock. We all know that we're looking at the build out in Suffolk -- build out in Suffolk County within the next decade. Things are moving very quickly. If we don't preserve it now, we won't have another bite at the apple. We know that. And that's why we're looking at -- my goodness, I think a quarter of a billion dollars in bonds across the region. When you put it in these terms, Adrienne, yes --

MS. ESPOSITO:

Don't put it in those terms.

LEG. VILORIA-FISHER:

Well, the newspapers have been. And so it's frightening; but for the citizens of Suffolk County, we're talking about less than \$11 in there -- you know, out of their pockets as taxpayers. So, I'm basically here to answer questions more than give you information because we have had luckily a great deal of exposure in the media. I really have been very grateful to all of the major media outlets for publicizing this, for truly informing the public. Again on Newsday, editorialized it again today, had a good story yesterday. NEWS 12 has done a good job in informing the public. The

New York Times has editorialized on it. But there have been some -- there has been a dis-information campaign also out there. And so we want to dispel any concerns that you might have or any questions that you might have regarding this bond issue.

So, I'm going to stop talking. Kara will be handing out the legislation as soon as I see her again, as soon as she resurfaces from the back rooms here where she's probably trying to run off copies and see if you have any questions right off the bat.

VICE-CHAIRMAN SWANSON:

Thank you very much first of all for coming. And do we have any questions for the Legislator?

LEG. VILORIA-FISHER:

Okay. Well, I'm going to anticipate a question that you might have because there's been a disinformation out there.

MR. KAUFMAN:

I'll ask that question.

LEG. VILORIA-FISHER:

And that is will this -- will the TDR's only be used for workforce housing? There has -- I just read yesterday something that came out, someone saying that we need to create legislation that will ensure that the TDR's are only used for workforce housing. We don't need to create that legislation. It is in the legislation that has permitted that ballot question to be -- that bond question to be put on the ballot. In the legislation, there is a clear stipulation that the TDR's may be used solely for workforce housing. As far as the process, the legislation, which I introduced, enables the Legislature to work to ratify a process that will be -- that is now, as we speak, being put together by the Planning Department to create a system or a process whereby we can transfer development rights. And that is being put together by the Planning Department, will be ratified by the Legislature. Kara, you just want to hand this out? Thank you. This is Kara Hahn. Thank you, Kara. Yes, Nancy?

MS. MANFREDONIA:

Yes. I work with affordable housing. I'm just wondering -- maybe it's in the legislation, but what kind of definition are we using because knowing builders they will often refer to a \$300,000 house as affordable. And, of course, things change year by year, but is there some sort of definition here for workforce --

LEG. VILORIA-FISHER:

You know, that's the perfect question, Nancy. Because right now the Planning -- there are a group of environmental stakeholders, environmentalists, who are working with the Planning Department, who are working with the Suffolk Executive's Office and have asked that very question. And the County Executive has made a commitment that we will not be looking at anything over \$250,000 as affordable housing. And we do have parameters that have been set in -- I believe it's Article 23 as far as what affordable housing is. And we do have the County Executive's jump start to affordable housing legislation, which allows some of the parameters to be widened as far as median income and housing prices; but we do have to set a ceiling on that, Nancy.

So, that's a really important issue here. We don't want to use taxpayer money or -- or the TDR program, which isn't money coming out of our pocket, but it is TDR program. And we don't want to use any county resources -- I'll put it that way -- to create McMansions. Okay. We don't want to go there. However, we do want to have the flexibility to use our workforce housing for young people who are entering our workforce. We have college graduates who are being -- we will need to do this more and more -- being recruited for high tech jobs, for our teaching jobs, who might be able to go over the median price or who are making a little over the median income. We want them to have accessibility to housing on Long Island. And right now with the housing

costs as they are, they can't access home ownership. So, we want to make that available to them.

MS. MANFREDONIA:

And the second question, how are you going to determine where these homes will be built? I know you -- it's a little confusing to me. I don't want to see -- we'll get some open space out of this, but I don't want to see more open space used in the transfer situation.

LEG. VILORIA-FISHER:

And neither do we, Nancy. Absolutely. This is Smart Growth. And, you know, as Steve alluded to earlier, we want to protect those areas where we're seeing sprawl creeping in on our open space. And yet there are many redevelopment projects that we need to support. We're looking at Smart Growth. I would like to see some lead guidelines. You know that I'm really committed to looking at more green buildings because this is a very important issue. It ties in with Smart Growth. It ties in with green building. We want to support workforce housing, but we don't want ticky tacky houses where people will have to expend a tremendous amount of energy in order to keep them warm in the winter and cool in the summer. And so all of those will be become criteria of how these TDR's are used. We're going to be very strict. And the scrutiny will be very, very, very clear on how we're going to support this. And, of course, we are in partnership with the towns and villages who are working with the Workforce Housing Commission who have proposed 250 individual -- well, not individual but 250 sites where we might be looking at workforce housing. And so we continue to be committed to the autonomy of the villages and the towns in their proposing of -- they know best where their projects should be built. And so we are partnering with the town so that all of us are taking a good hard look at where these TDR's will be used. Any other --

VICE-CHAIRMAN SWANSON:

Michael.

MR. KAUFMAN:

Yes. Legislator Fisher, could you describe for us the interface between the town zoning and this TDR program as you were just alluding to a moment ago? I mean how is this TDR program going to be implemented with town zoning regulations and with the towns themselves in that the towns control the actual construction?

LEG. VILORIA-FISHER:

The towns control the construction; but as you know especially this group because of the work that you do, our sanitary codes and flow are controlled by county regulations. And so the density very often, although town zoning requirements are met, the density doesn't meet the requirements of our county sanitary restrictions. And so the TDR's will allow more density in that regard. As we sterilize one piece of land, we can increase the density in another. And, of course, in a responsible manner so we're not flooding -- pardon the use -- one area unfairly or -- and, you know, the TDR's as we've looked at them thus far and probably Steve can speak to this as well as I is that we try to create the receiving and the sending areas. Well, right now it's working within the same townships, isn't it, Steve?

MR. BROWN:

Yes.

LEG. VILORIA-FISHER:

And so we're not saving property in East Hampton and creating greater density in Brookhaven. We're working as closely as we can in that sending and receiving area so we're not dumping.

MR. KAUFMAN:

Are you saying, though, that this will almost be town oriented in terms of the -- if the County purchases land or wants to acquire land in one town that those TDR's are only going to be

staying in that town? They're not going to be shifting? Did I hear that correctly?

LEG. VILORIA-FISHER:

I don't think we'll be -- if we're acquiring in one town, I don't believe that we'll be shifting it to another town. But that process, you know, hasn't been fully developed. Mike Deering is here. Mike, do you know?

VICE-CHAIRMAN SWANSON:

Mike, you're going to have to come up forward and identify yourself.

LEG. VILORIA-FISHER:

Well, because I know that you're working more intimately with the process as it's being developed so I don't want to answer for the people who are working on it. Make sure your mike is on. Push that button up on the top.

MR. DEERING:

Mike Deering with County Executive's Office, Director of Environmental Affairs. This is a program that's going to be developed in conjunction with the towns. This program is not going to work in and of itself without the County's buying into this program. The expectation is as we go through this process, each of the towns, and most of the them are represented on the County Executive's Workforce Housing Task Force, we will be having discussions about where they view these TDR's being able to be transferred, under what circumstances. In conformance with the plan that we are developing under the Planning Department, that will be ratified by the County Legislature.

I do want to just step back and make one point. On the TDR program, it is only one component of the bond act. It's only for the open space component. \$30 million of the bond act will be used for open space purchases. The rights can only be transferred under that particular program; not under the Farmland Program or the Active Recreational Program. So, you know, there is a limited pot of potential rights that will be developed.

VICE-CHAIRMAN SWANSON:

Joy?

LEG. VILORIA-FISHER:

Did you answer his question? Mike's question was whether or not we are looking at the transfer development rights from one town to another.

MR. DEERING:

I think I answered it. We're working with the various towns.

LEG. VILORIA-FISHER:

Yeah, okay. All right.

MR. KAUFMAN:

It's a good answer. I understand it.

LEG. VILORIA-FISHER:

Okay.

VICE-CHAIRMAN SWANSON:

Joy?

MS. SQUIRES:

I just wanted to say that that's a very smart thing to publicize because the questions that we're receiving are those. Will we -- the inter-town issues. And if you can do good publicity on that in

these next couple weeks, I think that would be really very important. Those are the big questions people don't understand. And, you know, we're doing the best that we can. And, of course, there'll be the issues in Huntington, are development rights issues -- go between school districts. We have a lot of those.

LEG. VILORIA-FISHER:

Joy, someone from Harbor Hills School District had posited that question. And we are trying to work with people in the Huntington community for them to understand that this dumping isn't going to be occurring in their school district. That's what their fear has been.

MS. SQUIRES:

Yeah. What I think -- I guess my point is that that's the -- people don't understand that it's not the whole bond referendum. People also don't understand that the density is not going to come into their town. And maybe if you could do a good public, you know, push in this area, it would be thoughtful.

LEG. VILORIA-FISHER:

Thank you, Joy. Thank you, Mike, and thank you for pointing out what you did. And I know that this group understands that, but it's important to get that out; that farmland development rights, of course -- because we're only buying the development rights, we're not acquiring the land, we clearly can't transfer the development rights. That's what we're acquiring, you know, the farmland, agricultural rights. So, we can't transfer that for development.

MR. CRAMER:

Mike, I guess this would be better directed at you. The TDR's, when you're developing the plan, are you talking possibly establishment of a bank or would it be acquired for a specific project, transferred to a specific project or -- similar to the Pine Barrens.

MR. DEERING:

I don't want to get too much into the planning process at this point, but we do have the ability to establish a pool of credits and to hold those. I think the important component of that will be that the Legislature when we do both the acquisition under the program and the transfer of the development right, will be by Legislative resolution. So, under any circumstances when the right is actually put into that pool, and then we'll need one Legislative resolution. And when it's actually transferred for use at another site, we'll require another resolution so --

LEG. VILORIA-FISHER:

Thank you.

MR. MALLAMO:

Yeah, that's my question, too. One doesn't depend on the other?

MR. DEERING:

No, no.

MR. MALLAMO:

You're not going to put the land purchase off until you resolve where these rights --

MR. DEERING:

Oh, no, no, no.

MR. MALLAMO:

-- are going.

MR. DEERING:

No. There's the potential to purchase that property and take those rights, put them into this

pool; and then at some later point in time transfer it.

LEG. VILORIA-FISHER:

And getting back to Tom's question -- if I could just get back to Tom's question, in the legislation that's before you that Kara handed out to you, there's a three-tier protection. Number one, the transferred development rights may be used solely for workforce housing. Number two, the process, which is being developed on the administrative side will come back to the Legislature for ratification. Okay? It will come back to us by resolution. And we will approve it in the Legislature. Number three, when those rights are transferred, on a case by case basis, they will come back to the Legislature in the form of a resolution to be ratified. I just wanted to clarify that that's in the legislation that's before you.

MS. ESPOSITO:

And just to add a note of clarity to what you said, there is also potential that as -- Mike, correct me if I'm wrong -- as the credits build up in the pool, that they may not be used.

LEG. VILORIA-FISHER:

Correct.

MS. ESPOSITO:

Right.

LEG. VILORIA-FISHER:

There is no stipulation that they must be used. What this legislation does is provide the potential. It doesn't -- it's not a requirement that the TDR's be transferred.

MS. ESPOSITO:

Right.

LEG. VILORIA-FISHER:

We put this in. And there has been some noise that this was put in at the last minute. The reason this was put in -- and it was put in at the last minute -- is that as a member of the Workforce Housing Commission, it became abundantly clear to me that TDR's are a critical tool in the implementation of workforce housing and incentivising the building of workforce housing. When I was sitting at the Legislature and we were ready to vote on this bond ballot issue, the question arose as to whether any of the acquisitions made with these monies could ever be used for transferred development. Now, Counsel -- both Legislative Counsel and the County Attorney opined that unless we ask the voters at the time that the bond is on the ballot, if we could use any of these acquisitions for TDR's in the future, unless we ask at the time that it was on the ballot, we would never be able to go back retrospectively. It would have to be done prospectively. It would have to be done at this time. And that's why those TDR's were added at the very last moment because if this is the last \$75 million that we're going to be expending or the last \$30 million that we'll be expending on open space, if we shut the door on TDR's, on those, then, I felt I wouldn't really be honest or I wouldn't be consistent in my commitment to workforce housing. So, this is why it was added at the last moment because that was the legal opinion.

VICE-CHAIRMAN SWANSON:

Jim Bagg.

MR. BAGG:

Yeah, I might also point out that the Legislature has to review the transfer of each these development rights to specific projects.

LEG. VILORIA-FISHER:

Yes.

MR. BAGG:

And that will also have to undergo SEQRA review. So, a lot of your questions with respect to town zoning, where they're going, what they're doing, will also undergo SEQRA review at that particular time. And I assume it will be coming back to the CEQ.

MS. MANFREDONIA:

Can I ask one last question about the proposal for the active parklands. I understand how we've been grading the open space acquisitions. But I'm a little unclear about the active parkland issue. I'm not sure how that's going to work. And I would like to make sure that certain areas of the County that desperately need this kind of active parkland get it. And I don't know how we do that. I'm not sure what the procedure is.

LEG. VILORIA-FISHER:

We've discussed that with Tom Isles in the Parks Committee meetings. And I've spoken about this with Tom in private. How are we going to -- we can't use the same criteria for these hamlet parks and recreational areas as we do for open space acquisitions. We can't use the same point system. But we do want to establish a point system so that those western towns that are losing their space and have parcels that may not have the expanses and the vistas that we see on the eastern towns, will still have the ability to acquire small pieces and downtowns; just green areas or areas where children and adults can go for recreation. We still do need soccer and baseball fields. And all of those need to be addressed. And so I believe the Planning Department is looking at a set of criteria to establish the importance of those hamlet parks in the western towns.

MR. DEERING:

If I may, under the master list proposal that the Legislature authorized, we have now about 5,000 additional acres that the Planning Department has the ability to negotiate or Department of Real Estate has the ability to negotiate on, there are new criterias set up for each of the three programs; the Open Space Program, the Farmland and the Active Recreational Program. Those are more reflective of the particular programs and I think incorporate some of your concerns that will be addressed as we go into this new program.

MS. MANFREDONIA:

Thank you.

VICE-CHAIRMAN SWANSON:

I guess I'd just like to follow-up on that. It seems to me that most of these properties that we see are -- serve opportunities that arise, you know, you really can't plan for them. And I guess that bothers me a little bit to -- how you can achieve balance in your process.

LEG. VILORIA-FISHER:

I'll let you take that, Mike.

MR. DEERING:

Well, I mean I think there are some TDR programs that are successfully working both on the Island as well as throughout the country. On Long Island obviously is the Pine Barrens Program; that it does have a TDR component that's utilizing the private market place with some government support. East end towns, many of the east end towns are moving towards developing their own TDR programs. Southampton, for example, under the Critical Wildlands Program. Riverhead has now come out with that those are broader programs than what this is. This, again, is a very specific purpose with a very limited number of potential credits that are going to be used. And that's where the towns are going to be very, very important players as well as the communities.

There are properties that some of us could look at and say this is obviously a good piece of

property for a mixed-use development or an affordable housing component development. There are going to be others that we're going to have to discuss and work through. But I think that's part of the planning program that we're going to have undertake both with community -- with community groups, environmental organizations, the building community as well as the towns and villages. This is not going to be a program that's going to be directed upon or placed upon the towns without their support. I think that that's going to be crucial to the success of this program.

I would make one final point. Hopefully it is. This is foremost an open space farmland preservation/parkland acquisition program. The TDR component is another tool, a limited tool that we hope to see some housing coming out of it; but speaking on behalf of the Real Estate Department, the County Executive, you know, we need this money to continue this program. In the absence of this bond act we will potentially be out of business by the middle of next year. So, hopefully --

LEG. VILORIA-FISHER:

Larry, just further to that question, we don't want this to be -- to move forward in any kind of haphazard manner. Just reactively. And I give the County Executive credit for getting people together in the Workforce Housing Commission to look at where we could have projects wherein the County and the town and the villages are all on board; so that we're trying to create the planning, looking towards the future, putting that planning together for that component. And one of the first things that the County Executive's Office did was also put together the priority list for acquisitions. As we know, we do our best to be move forward with that priority list because it is a voluntary program. But I believe that this administration has been very responsible in terms of planning and trying to be proactive in that planning rather than a reactive situation where you can't depend on anything. So, I give them credit for that.

And, by the way, with regard to this being first and foremost a land acquisition program and a land preservation program, my SOS legislation came before the CEQ, I think, about a year ago where you voted it quite a while ago. I think I had one in last year's calendar. And then I reintroduced it this year in February. And it was introduced as an open space -- save open space. It's the SOS Program. And so that is the primary thrust of this. As I said, the TDR was added because we don't want to close the door on the potential of transferred development rights on these properties in the future.

MR. MALLAMO:

Legislator Fisher, could I ask you one other question?

LEG. VILORIA-FISHER:

Sure, Lance.

MR. MALLAMO:

This is a very innovative concept you've come up with here, but I haven't heard any mention on how this could key into downtown revitalization, particularly with some our more historic downtowns in some cases aren't thriving. Would this program -- I know the intent with the TDR's is to encourage workforce housing. But would that apply to a mix-use project? Say, a developer wanted to put commercial with housing above. Would that be allowed?

LEG. VILORIA-FISHER:

That's a perfect example. We had a presentation at the Workforce Housing Commission of a wonderful project that's being planned in downtown Patchogue. And, you know, mixed use and redevelopment of a strip mall that isn't very vital at this point in time, where the town is on board, the village is on board, and the County could help with the TDR's as well and other intra structure help with -- using our resources to help with all of those different components, that would be a perfect use for it.

MR. MALLAMO:

Now, can I take that one step farther?

LEG. VILORIA-FISHER:

Sure.

MR. MALLAMO:

I drive to work everyday. I drive through a number of downtowns. And I stop at traffic lights and I look up and I see stores on the bottom and --

LEG. VILORIA-FISHER:

Wouldn't it be great to have residential on the top?

MR. MALLAMO:

Right. It's a concept that was very common; but Long Island has gotten away from that. Suppose we weren't building new construction? We're rehabing. This program allows the credits for that. And I'm assuming that would be allowed -- that's the point that's allowable.

LEG. VILORIA-FISHER:

Yes.

MR. MALLAMO:

Not -- it's not predicated on new construction.

LEG. VILORIA-FISHER:

No, absolutely not. Redevelopment is very important. And, you know the -- we even talked be TDR's when Steve Engelbright had that proposal in Setauket that would have some apartments.

MR. MALLAMO:

Right.

LEG. VILORIA-FISHER:

And I believe -- did I invite you to that meeting? I don't remember. The meeting in my office? I'm not certain. But Vito Minei came to my office to talk about how TDR's could be used in that type of project as well to allow that kind of density. In fact, Steve Engelbright had been talking about the diocesan property across the street and perhaps the acquisition of that property to uses as TDR's. Well, with this kind of program, we wouldn't have to go to that point that, you know, that Steve was referring to; acquiring property right across the street to use as TDR's. We would have them. And we would have a process where we could encourage that type of project to move forward with the apartments, some affordable units. We would be providing the density that would allow the builder to redevelop, re-configure existing projects to allow for some apartments over stores.

MR. MALLAMO:

Right. And in the case of historic properties, the developer would be eligible for credits and incentives and in some cases even grants to do that. So, I think it's a win/win.

LEG. VILORIA-FISHER:

Absolutely. And by the way, thank you for giving me the credit, but, you know this is being done many, many places. And, in fact, one of the books that I read when I was working on this and seeing did it make sense because there has been such a blast of criticism at the beginning, in Montgomery County, Maryland. This has been working. You know, TDR programs has been a very important piece in their -- you know, Smart Growth is one of the catch words, but it's not just growth; it's putting density where it should occur. And we have an economic engine that has to continue to operate. And if we can't attract young workers, if we can't have a place for

senior citizens to live, we cannot have an economy that continues to work as an economic engine.

MR. MALLAMO:

I have one final question. You mentioned Montgomery County. My question was, maybe you've answered it, is there a case you know of where a county has set up a program to buy open space and joined it with TDR? I'm familiar with TDR, but has any other county done this?

LEG. VILORIA-FISHER:

Let me go back to the Montgomery County and check that, Lance. I know that they have a very robust TDR program. I believe -- now it's been about six weeks since I've finished reading that. I believe that they use the open space program tied into it, but I want to double check it, Lance. I don't want to put on the record -- but I believe that it was used there.

MR. MALLAMO:

Suffolk has always been -- has often been at the forefront of these kind of things.

LEG. VILORIA-FISHER:

But I think with this, we're not. I think that Montgomery County did do it; but I'll double check that.

MR. MALLAMO:

I'd be interested in the answer. Thank you.

VICE-CHAIRMAN SWANSON:

It's very interesting you using Montgomery County as an example seeing as that's where I'm from. And I hope Suffolk County never gets to look Montgomery County.

I think we really got to move ahead. So, Joy.

MS. SQUIRES:

This is just a quick comment. I think each -- everybody in this room should do what they can to promote whatever their constituencies are, the passage of this. We desperately need it. Huntington, we had a successful '98 and then 2003 bond referendum. Everyone of our dollars has been leveraged with 3 and a half of county dollars. And the towns desperately need this to move their own programs forward as mentioned. So, thank you very much. And we all need it.

LEG. VILORIA-FISHER:

Thank you, Joy. Thank you. And by the way, I've been traveling around a little bit with the Town of Brookhaven using that very word, leverage, because that's what we'll need to do. Every dollar -- you know, if both bonds move forward, then, our dollars will go that much farther. And that's important. Thank you, Joy.

VICE-CHAIRMAN SWANSON:

I want to thank you for coming and we really appreciate it. Also thanks to you, Mike, for coming up and assisting Legislator Fisher.

LEG. VILORIA-FISHER:

Yes. Thank you, Mike.

MR. DEERING:

Thank you.

VICE-CHAIRMAN SWANSON:

All right. We've reached that point in our agenda that we've all been waiting for and that's the Vector Control Program. Leslie, I think you're going to speak on behalf of the Vector Control

Plan.

MS. MITCHEL:

Just giving the stenographer a moment.

VICE-CHAIRMAN SWANSON:

Thank you for coming.

MS. MITCHEL:

Good morning. I will be brief. It's been a long morning. You have before you a 2005 Vector Control Plan of Work. Along with that you have a comprehensive EAF and an opinion from the County Attorney's Office with respect to segmentation. The plan before you has been reduced in its scope. We have now removed entirely category one and category two toxicity level materials. In addition the EAF has been modified to provide some additional clarity to you and hopefully address some concerns that we've heard in the past. Rather than take up your time, I'm sure you've read the document carefully, I'd like to just entertain questions from you. We are here seeking a Type I acquisition, which is what we've determined after filling out the EAF is appropriate. And I have Dominick with me. I have representatives from the Health Department as well as from the County Attorney's Office. And we are prepared to answer whatever questions you may have.

VICE-CHAIRMAN SWANSON:

Do we have any questions?

MR. KAUFMAN:

I just have one quick question on water management. I know before I had surgery this year -- I think it was May -- that DPW had an application to DEC to continue certain work, etcetera. I believe it was regarding ditching in the wetlands, if I'm not mistaken. Has that permit ever come through?

MS. MITCHEL:

We do have that permit. It's good through the end of this year. We've not done any work as yet. We do have -- we are in the process of preparing some documents to send over to DEC. The permit does not allow us cart blanche to do whatever we want. What it does is it allows us to make -- to work with the DEC and provide them with site specific information. And once they determine that the work we are proposing is appropriate, we can then proceed. But it is done in conjunction with the DEC as well as with the support of the Health Department.

MS. ESPOSITO:

Larry, I'm going to recuse myself in this discussion.

VICE-CHAIRMAN SWANSON:

Okay. I would like to ask at this time if there's any other group or organization that would like to make a presentation?

MR. CRAMER:

Well, Larry, may I just -- one thing. Maybe Jim to bring -- just to remind the Council as far as where we -- what we did last year. If you could just summarize that.

MR. BAGG:

A brief history. In 2002 the Council reviewed the Vector Control Plan at that date and they made a recommendation as a Type I acquisition negative declaration. In 2003 and 2004, a decision was made to extend that plan. An extension was considered a Type II acquisition for administrative purposes. I believe the courts have overturned that decision at the county level

of a Type II acquisition. So, you have before you now this year the 2005 plan. And your back for this year's only review and recommendation to the Legislature for SEQRA.

VICE-CHAIRMAN SWANSON:

Is there anybody here that would like to make a comment, presentation? Kevin.

MR. McALLISTER:

Good morning everyone. My name's Kevin McAllister. I'm the Executive Director and Baykeeper for Peconic baykeeper. By way of both academic and professional training, I'm a biologist. In reviewing the work plan, there is representations throughout the plan that suggests -- that speak to the assertions as fact. And I'd like to, perhaps, offer some information that might provide a contrary view.

With respect to the ditching, there are statements that suggest that they provide important habitat, help arrest the drowning vegetation and control Phragmites invasion. Certainly I would like to speak to the fact that the net flow is really drainage. I would argue that ultimately these ditches in many instances actually draw down nutrient rich groundwater increasing the invasion of Phragmites from the uplands into these marshes. Certainly there's instances in locations where, again, through excessive drainage we have degraded the upland marshes; and in some instances, really drawn down isolated wetlands where over a course of years will no longer be classified as such. Again, the net flow is drainage. There are multiple locations in this County where impervious surfaces, parking lots, roadways drain directly into a ditch head obviously negating the biofiltration capacity or mechanism that the marsh provides. And certainly there is evidence that suggest the load of pathogens into receiving waters is increased via these ditches. Suffolk County's -- or I should say the Peconic estuaries programs comprehensive management plans speaks to this subject.

Another item is the suggestion that -- the use of rapidly degraded pesticides. Mr. Swanson, I know you attended the lobster symposium as I did. And there were some interesting information that was -- has been provided through the research. And in speaking to one of the larvicides methoprene in particular, and I've been speaking this for several years now, but it is -- the researchers have found that, in fact, there's a bioaccumulation of methoprene in lobsters. And I would suggest this would hold true for other crustacean as well. What was previously believed to be much higher concentrations, the lethal contra chase in 50 -- LC 50's, which kill or -- half the individuals are at 2.8 parts per billion. Dr. Michael Hurst, who's at the Merces School of Medicine in Georgia, in fact, did a -- one of the principal researchers looking into this -- obviously has shared his concerns about methoprene and was quoted in the October 10th New York Times article, you would have to be an absolute fool to use methoprene near coastal waters. That's a significant statement to be made. This body may recall several years ago -- and this, I believe, is still germane to obviously your current consideration -- one of our local crabbers had provided testimony about their observations with crab kills following spraying events. And I want to point out and this obviously is identified in the work plan as well, we currently -- where methoprene is applied directly over tidal wetlands via helicopter on a routine basis.

Moving to some -- actually more supportive information, and this is relatively new, certainly I've gleaned it in the last several mosquito and alert you to today, the University of Minnesota had conducted a study looking at mosquito treatments, looking at both BTI, the biological product, as well as methoprene. And they saw the methoprene -- this is a three-year study, looking at fresh water wetlands. Methoprene treated sites showed significant reduction in nontargeted invertebrates. We have -- the study that was released this spring by Southampton College, and I will caveat as preliminary, but once again the study looked at methoprene treated sites versus control sites. Growth and survival rates were significantly lower of methoprene treated sites.

Moving to the pyrethroids, and again over the course of years, I know I've certainly been involved in the debate of half-lives and break down times of the pyrethroid products. Berkley

University study, which was just released several months ago, looked at pyrethroids in the Central Valley of California used in agricultural use. And what they did, they tested numerous sediments from ponds, drainage ditches, stream beds. And they found high level of persistence in the sediments within these locations and a significant reduction in the benthos, you know, benthic organisms within these same sites. So, I think it really speaks to, again, that, in fact, there are -- there is persistence in the environment with the use of pyrethroids. Again, this is an esteemed university's information that's forthcoming or has been presented. And I also note that within this study, there was representation made that much to their surprise, in say 20 years time, there had been no true evaluations other than -- well, I should say, there had been no evaluations other than the pesticide industries themselves. So, there is a glaring void, if you will, for this information. So, I offer that for your consideration.

Obviously, I think we also recognize from recent information from Stony Brook as well as the -- you know, the lobster research that the levels -- the LC 50 levels that would, in fact, be either lethal or sub-lethal, are much lower levels than previously thought. We were talking parts per million a couple of years ago. It's now recognized as low parts per billion. So, once again, I ask for your consideration in my remarks in your deliberation on this '05 work plan. Thank you.

VICE-CHAIRMAN SWANSON:

Do we have any questions of Mr. McAllister while he's here?

MR. BROWN:

I have a question. The ditching that you're talking about that you think is bad for the County in the 2005 work plan, is it not an approved way of eradicating Phragmites?

MR. McALLISTER:

No, I would disagree with that. Right now if the long-term management plan, which obviously this Council was certainly involved with, acting as a catalyst for, that is undergoing review. And certainly the assertion that it arrests Phragmites has not been proven to be fact. And, again, I offer a contrary view that in many instances with -- again, the draw down effect that these ditches have, drawing a fresh water head into the marsh lands from the uplands that are nutrient rich, that in many instances we are accelerating the migration of Phragmites into the upper -- the upper marshes because of draw down and higher nutrient levels.

MR. BROWN:

The actual -- when you do ditching, you actually allow salt water to enter into the Phragmites area, which actually burns out the roots of the Phragmites. That's DEC approved eradication program.

MR. McALLISTER:

If you really consider that -- and this is just engineering principals, obviously, you know, hydrology's dependent upon elevations. So, on a flood elevation, whatever that may be, it's going to reach a point of land where the -- again, which is at such elevation of high tide. The ditches themselves certainly -- in instances where they are bridging bridges past, you know, fill areas that again would isolate an upper marsh, they will get water up there. But, again, it's elevation dependent. The idea that water will flow through a ditch, reach an upper level and then spread out is false assumption. Again, if just consider the standard elevations on the flood zone.

MR. KAUFMAN:

I have to disagree with you on that engineering --

MR. CRAMER:

I --

VICE-CHAIRMAN SWANSON:

Wait a minute. One at a time. Tom.

MR. CRAMER:

I didn't follow his discussion at all. I mean he tried talking about as far as being basic engineering principals. But, you know, it didn't -- it's not basic engineering principals what you're talking about. You know, depending on any given situation, could be -- could be totally different. You know, the tide come in, it spreads out. It seeks its own elevation. Water seeks its elevation by bringing in -- by bringing in the salt water at that point. So, as far as you saying that it doesn't happen, I just don't follow you at all with your explanation that you just gave.

MR. McALLISTER:

You made the point of elevations. It's precisely correct. Obviously the hydrology will be dependent upon elevations. On a given flood tide, it's going to reach a level land that it can -- it can flood across. Digging a ditch through a system, again with water conduit -- water is going to run adjacent to that ditch depending on elevation. These ditches will not necessarily act as a funnel unless we are bridging through a higher elevation and -- where they would be -- again, a marsh would be fragmented by a ridge running across there, it would perhaps -- might have been the fill from pre-existing ditch that was dug many years ago.

MR. CRAMER:

Maybe I'm missing something totally where you're going. But -- fine. I'm under the impression that the open water management section has not been included in this year's plan.

MR. McALLISTER:

That's correct.

MR. CRAMER:

Okay.

MR. McALLISTER:

In the '05 work plan.

MR. CRAMER:

In the '05 work plan?

MR. McALLISTER:

Yes.

MR. CRAMER:

So, what you're talking about is the overall plan that's being developed right now for some time in the future after it goes through the SEQRA process and, you know, has the DIS, and once they've done all their analysis.

MR. McALLISTER:

The long term management plan.

MR. CRAMER:

That's what you're talking about?

MR. McALLISTER:

Yes.

MR. CRAMER:

You're not talking about the '05 plan at this point?

MR. McALLISTER:

No, the '05 work plan has components for reconstruction of ditches; up to 400 thousand linear feet. So, there is that component reconstruction. And again --

MR. CRAMER:

After you're through, then, perhaps we can have DPW address those issues.

VICE-CHAIRMAN SWANSON:

Michael.

MR. KAUFMAN:

My question -- no, withdrawn, I'm not going to say anything.

VICE-CHAIRMAN SWANSON:

Anybody else have any questions for Mr. McAllister? Thank you very much.

MR. McALLISTER:

Thank you.

VICE-CHAIRMAN SWANSON:

Is there anybody else that would like to speak?

MR. ATKINSON:

Good morning. I'm Matthew Atkinson, general counsel to the Peconic Baykeeper. And I'm just going to talk briefly about the SEQRA review; that this can stand as an independent review if segmentation is permissible, in which case we're looking at the 2005 plan with fresh eyes as it were and is correctly identified as a Type I acquisition. So, just assuming that that's the case, I'd like to distinguish this plan from the 2002 plan, which this Council recommended a neg dec.

The primary difference is one of time. In 2002 we were looking at a nine-month period. That was specifically cited in the resolution approving it. It was limited in scope and that a greater plan would be worked out. Not only is the time different, but the science is now different. As Kevin has pointed out, there's the information on the toxicity of the pesticides that would be used under this plan. As indicated they're vastly more toxic at much lower concentrations. So, that even with the elimination of some of these pesticides, under this plan the impacts are apparently much greater than were previously estimated in 2002 from the methoprene and the resmethrin. Given that, the real question that I would like to address is, you know, what is possible? And I want to say the Peconic Baykeeper strongly supports a Vector Control Program for 2005. And I think there is a legitimate way to segment this and to provide a meaningful basis for protection of public health.

The real disagreement that we seem to have is whether nuisance control really equals disease protection. Certainly the maintenance -- but even as far as nuisance control goes, the maintenance of water control structures such as culverts, which join fragmented wetlands, and other types of structures that provide tidal flushing and drainage, indeed, the repair of mosquito control ditches that may have collapsed, especially on the upper marsh regions where stagnant water can collect since it's only flash tidal, they say, you know, once or twice a month. And those types of culix species, which are the prime vectors, including culix selareas, which can reproduce in those areas, you know, these can be maintained and repaired. But this work plan and the companion permit from DEC does violence not only to -- potentially to the environment, but to the English language. Here, we're talking again about cleaning the ditches specifically in this 2005 plan. In 2002 this Council, I remember speaking -- they spoke directly to Vito Minei and said, you mean just cleaning? Yeah, he said, removing stuff, you know, that get's collected in those ditches. The permit that the DEC issued is now for reconstruction of these ditches. And that's a very different thing. The maintenance, cleaning -- this maintains a kind of status quo that we're not all that concerned about until the study is complete. But seeking under the

permission of the Legislature to go in and reconstruct ditches is a totally different matter and is not necessarily required at all. That is to say a ditch that's nearly fully recovered could be reconstructed if this plan is approved as written.

Secondly, obviously certain kinds of larvicides like bacterial larvicides are generally benign. There's no real indication of them being harmful. In marsh salt water type places where it's stagnant, methoprene could be used in limited doses. But we are utterly opposed to the, you know, massive spraying of, you know, functioning tidal wetlands as a measure of keeping down what are called infestations; uncontrolled infestations euphemistically in this plan. These are flood water species of salt water mosquitos, which really only hatch out about four times a month on the big floods. These -- even in Dr. Harper's affidavit, if you look at paragraph 35 of it, it says these really are not necessarily a health threat to Suffolk County although they could potentially be a health threat.

My concern here is that when we're looking look at identified disease vectors and ones that are -- one sample by New York State Department of Health, which are all culix species, because these are the ones that really impacts us, that we shouldn't be going ahead and saying, okay, because there is a health threat, under the exigent circumstances this health threat that will allow us to segment our SEQRA review, that we're also going to control all mosquitos, all flood water mosquitoes, which have not been shown to infect humans. It's just -- we've gone too far. If we could rephrase and re-tool this type of plan to protect public health, that would be a very positive thing. And we could move forward. But it does not need to control all nuisance mosquitos. It does not need to reopen 75 linear miles of, you know, natural recovering wetlands, which this permits. Change the language. Say you can't do that. You can only repair those which have been blocked; that create stagnant water.

Finally, I just want to say that I don't have detailed comments. It's, you know, said here that we've had time to review this. We received these papers Monday afternoon. And I can't make detailed comments on them until such time as I've been able to read them. And so if this Council makes its recommendation, it'll be without the benefit of those kinds of comments. And I know East Hampton contacted us as well. And the officials there are concerned that they haven't had to time to review this either. Thank you.

VICE-CHAIRMAN SWANSON:

Thank you. Any questions? Thank you. Anybody else here to speak on -- yes. Adrienne.

MS. ESPOSITO:

This feels a little awkward, but we'll proceed. Just a couple of quick comments. And the first is that I would urge us or the members of the CEQ to remember that this isn't -- and I know you know this -- but to be wary of the political end of all of this. And really the role of CEQ is to evaluate whether or not further or additional environmental review of this is needed; not whether we need a vector control plan. I think we know we do. Not whether we need this vector control plan, but whether or not this plan needs additional environmental review. So, on one hand we have a long term plan that everyone agrees needs an environmental assessment and it's undergoing that. On the other hand, we're now evaluating whether the one for next year needs the same thing that we already agreed the long term plan needs. So, we need to be consistent in the effort and the endeavors.

And, again, if you did -- if you turn to page 19 of this plan, it summarizes very nicely the components of the plan. So, when you look at page 19 and as was stated by previous speakers, there are 400,000 linear feet of ditches that will be -- whatever phrase you use -- whether it's clean or re-ditched or reconstructed, but there's still 400,000 linear feet of ditches that will be impacted by this plan. There's 30,000 acres of land that will larvicided. Some percentage of those will be utilized with the methoprene, which is the active ingredient in the alticid. The science on methoprene isn't good. And in addition there's, of course, adult control. So, we don't know how many applications of adult control will occur. Maybe it'll be five or six;

maybe it'll be twenty, maybe it'll be fifty. Of course, as we know, it's weather driven and climate driven. And so those are factors that I believe, you know, you want to consider when you're considering does this add up to -- will there be an environmental impact that needs further review.

And I just want to go to back your question, you asked a question about Phragmites and doesn't the ditching help Phragmites. And I'm not sure why that's relevant frankly. Pouring glacial till on Phragmites is a proven method also to reduce Phragmites. But that doesn't mean that doing that is then -- disallows or means that it doesn't need additional environmental review. The question here is does it need environmental review. And so whether or not ditching reduces or doesn't reduce Phragmites, I think, isn't the question. The question is what impact is this having on the environment that CEQ needs to review and consider. Thank you.

MR. MALLAMO:

Thank you. Anyone else interested in speaking on this matter?

MS. POWERS:

Good morning. My name is Eileen Powers. I'm a Deputy Town Attorney for the Town of Southampton. And I'm also counsel to the Board of Trustees for the Freeholders in Commonality in the Town of Southampton. The trustees for -- I'm sure you're all familiar with it -- are the owners of the tidal wetlands for the Shinnecock Bay, Moriches Bay, Mecox Bay and the inland ponds, creeks and waterways of Great Peconic Bay, Little Peconic Bay, Flanders Bay, Reese Bay, Noyack Bay, Sag Harbor Cove, Cold Spring Pond and other areas.

We are -- you've asked about the ditching permit that the County sought from the DEC and it was granted in July. And we were forced to initiate litigation with Suffolk County and with the Department of Environmental Conservation over that permit. Despite the efforts of the trustees for the Town of Southampton, we have been left out of the discussions with respect to vector control that's going to effect directly land that the trustees own within the Town of Southampton. We brought an Article 78. And we're working with the County and the DEC to try to resolve those issues and to bring the trustees or to give them a voice in the decisions that are being made especially with respect to ditching in their property.

With respect to the 2005 Vector Control Plan and the reason I'm here because I was the only one available to come. We found out about this money -- late Monday afternoon. Members of the Board of Trustees would have been happy to appear here and discuss this with you; but because of the time, they couldn't. They're extremely concerned about the impact of the County's vector control plan on the waterways in the Town of Southampton. And concerned about their -- the refusal or the lack of consideration given to our arguments with respect to ditching in our land. So, we would like to be heard further on it. We would like a more extensive opportunity to review the 2005 plan and comment on it for you and for the County Legislature. Thank you.

VICE-CHAIRMAN SWANSON:

Thank you. Anybody else here to speak? Yes.

MR. DAWYDIAK:

Thank you, Mr. Chairman, members of the CEQ. If I could just have a couple moments of your time to answer some of the questions that have been raised today. My name is Walter Dawydiak. I am the acting Chief Engineer for the Suffolk County Department of Health Services. I'm joined by Vito Minei, our Division Director. Dr. Harper, unfortunately, couldn't be here today. But Mr. Minei and I are privileged to represent him in support of this annual plan of work proposal.

There were a few comments made, some of which are potentially misleading. I wanted to take a moment just to clarify this for the record and for your information as well as to answer any

questions that you may have. Mr. McAllister raised issues regarding hydrology, pathogenicity and chemical usage. With respect to hydrology and wetlands, it is our position that haphazard decay of a ditch system maybe far more harmful and is likely to be far more harmful in many cases than actual ditch maintenance.

It's important to emphasize that these ditches or ditch approximately 70 years ago or more, we've inherited this condition, which has essentially reached this state. Not maintaining these can, in deed, impound fresh water in the upper reaches of the marsh as well as preventing salt water from reaching areas of the marsh. The DEC has expressed concerns with this. We have concerns with it. You have in your package a DEC letter of support of the annual wetlands permit, which clearly elucidates these issues and the official state agency permit in support of the wetlands program. Also, I wanted to emphasize that this is fully consistent with the Peconic Estuary Program recommendation of no new ditching. We have worked with Dominick in Vector Control in the Health Department to perform the environmental review as well as to craft the Environmental Assessment Form. We have memorandums of understanding and procedures in place for both pesticide usage as well as wetlands. Maintenance, any questionable areas of maintenance are referred to the Health Department for coordination. We will go out there and take a look as will DEC. So, it's important to emphasize that we're not going to virgin areas and ditching them. This is strictly a maintenance program. It's very limited in its scope. And it's very carefully controlled. And it's intended to be beneficial to the wetlands and not to upset the status quo, which could potentially be significantly more harmful both in terms of drowning as well as Phragmites invasion.

In terms of the pathogen issue, it's been implied that these ditches are significant conduit of pathogens which are contaminating the estuary or the bay systems. We in the Health Department have not seen any dispositive study to that effect. There's been some work in East Hampton about open marsh water management. Some conditional reopenings of the bays by DEC subsequent to open marsh water management are attributed to increase monitoring; not necessarily improved water quality. Those studies did not have sufficient pre-implementation water quality monitoring. This is something we're trying to pursue as part of our long-term plan.

I should have prefaced my comments by stating that I'm also managing the related but separate Vector Control Wetlands Management Long Term Plan. We're taking, as far as we know, the first hard look at low level chemical impacts in our area as well as storm water and other hydrological impacts of ditching versus open marsh water management versus potentially natural eversion. We're anticipating in a nutshell the new findings of the long term plan are that open marsh water management is widely used throughout the northeast. It's essentially a reverse engineering marsh to make it ecologically more sound, more biodiverse, minimize pesticide usage, maximize habitat and biodiversity, improve the quality of the marsh while minimizing the need for pesticide usage. So, we're envisioning that a large percentage or a significant percentage of the county wetlands will be subject to open marsh water management. But this needs to be carefully engineered on a case by case basis. Some areas are likely to be subject to eversion; others may need to continue to be maintained, but this is a point of an ongoing planning process. Not necessarily this annual plan of work.

In terms of the chemical issues which have implied that there is startling new data about methoprene and its toxicity, the data that our consultant has analyzed for us to date has been ambiguous at best. The Long Island University Study, which was cited to you didn't lack proper -- didn't have proper control. There was no continuous dissolved oxygen monitoring. There was wide statistical variability in some of the results. It was an important serial monitoring effort that showed that there may have been some methoprene impact. But, again, it was just an initial monitoring effort with very great limitations. We've been undertaking a much more extensive cage study as part of our long-term plan, the results which are not available yet. But it's been hard keeping fish alive in ditches, period, with or without chemicals. It's a pretty hostile and harsh environment out there. And we're doing our best to get at the bottom of that.

If there are chemicals reaching these organisms and if they're having any impact, we're working on it in a long term. Prior to our study, we've been measuring chemicals. You heard about parts per billion. We've been measuring in parts per trillion. 200 parts per trillion, which is parts per trillion is a thousand parts less than a part per billion. This study has gotten the detection level down to less than one point part trillion. So, these are really innovative and experimental techniques. If it's out there, we'll find it. If it's having impact, we'll find it. And we'll do what's warranted. But it's important to note at this point that these chemicals are being used. They're approved by the federal and state governments. They being used in their intended manner. They're being used in a hierarchical manner, in a sensitive way. So that source reduction and control and education come first. Larvicides whether they're methoprene or BTI are still universally accepted as preferable to adulticides. And then the adulticides are the last resort. So, all that information is before you.

I wanted to just take a moment to recap Dr. Harper's affidavit. There was some suggestion about ambiguity or susceptibility of multiple interpretations -- I think it was paragraph 35 of his affidavit. I just wanted to read one brief statement, if I could. "From a public health perspective, the proposed 2005 annual vector control plan is absolutely necessary to protect the public from disease."

There is no ambiguity there. There's no confusion. The Board of Health ratified this. The County Health Commissioner ratified this. Again, we're in compliance with CDC and state guidelines. The fact that the County is being progressive and instituting additional monitoring, a longer term strategy shouldn't be held against us, we don't think, in implementing this environmentally protective annual plan of work. And, again the safeguards that are in here, this is essentially identical to that which was provided to you over the last several years only it's even more restrictive with even more safeguards. We can't imagine a more environmentally friendly way to do this program also protecting public health. So, that in a nutshell is our perspective and our response to some of the issues. We'd be happy to answer any questions if you have any.

VICE-CHAIRMAN SWANSON:

I have a question. You referred to the long-term plan. Can you tell us when that plan will be completed, the environmental impact statements so that we don't have to continue to go through this on a year by year basis?

MR. DAWYDIAK:

Yeah. Right now we're still on schedule. The schedule calls for the generic environmental impact; then the final generic environmental impact to be completed in their entirety by December of 2005. It's an ambitious schedule. It's one that we still hope to keep to. The management plan itself, which will be the basis for the environmental impact statement, will be completed significantly before that. So, this CEQ and the public will have an opportunity around this August or September most likely to view the draft recommendations. Those can be incorporated in future plans of work. It's envisioned that the '06 plan of work will be guided in large part by the management plan and the long term plan to the extent possible. So, this is the last year which won't have a benefit of a long term plan is the short answer.

VICE-CHAIRMAN SWANSON:

Thank you. Any questions? Mike.

MR. KAUFMAN:

This would be oriented towards Dominick. Mr. McAllister made a statement that methoprene is being routinely sprayed into tidal wetlands by helicopters. How often -- is that an accurate statement?

MR. NINIVAGGI:

Nothing we do is routine. Everything is based on surveillance. We do use methoprene as a

component of our larvicide program particularly in the salt marsh where under certain conditions, it's the only material that we have available to us that's effective in controlling salt marsh mosquitos. So, when marshes are monitored, if there's breeding present and the conditions are such that methoprene is the appropriate material to use, that's what we use. We are also a major user of bacterial pesticides. Actually, I looked at our -- you stated from last year and we actually treated more acres with bacterial pesticides than we did with methoprene this year. There are parts of the program. They're complimentary parts. There are certain marshes that breed frequently five to ten times a year. That's something we would like to address in the long-term with water management. We would like to have a very strong water management component of our program in order to reduce our reliance on pesticides because as a mosquito control program, it's good management to reduce your reliance on pesticides.

There was a misconception about why we control flood water mosquitos such as salt marsh mosquitos. They are, in fact, known to be vectors of mosquito borne disease including eastern equine encephalitis, which is an endemic disease here in Suffolk County. They are also known -- they have been found with West Nile virus. They are known to transmit it in the laboratory. Those are the -- that's the information you need to incriminate the species as a potential vector. We don't know which particular mosquitos species transmitted the disease to the people that have had it in Suffolk County. In some cases they have been in areas where there are few salt marshes mosquitos; in other cases there have been many salt marsh mosquitos. If you look at the plans that have been developed by the CDC, by the State Health Department, they emphasize prevention. They emphasize going after mosquitos in their source particularly with larval control agents. It's not appropriate. It's not good mosquito control. It's not good environmental management to ignore mosquitos until you find them flying around with virus because then you have to use adulticides, which we all agree should be the last form of control.

I was pleased to see, though, a lot of agreement with Mr. Atkinson. He now agrees we do need a mosquito control program. He even agrees that in many cases we need to maintain our water management systems. He suggested there is a huge distinction between maintenance and reconstruction of mosquito ditches. Actually there is no bright line that separates maintenance from reconstruction. These ditches gradually fill in even when they're partially filled in. It might be sort of a fluffy kind of material. In the regulations there's a distinction between reconstruction and maintenance. But in the field it's hard to know where that line is. So, what we decided to do, and what we've doing for the last few years is rather than argue with DEC about whether it's reconstruction that requires a permit or maintenance, that it doesn't, we've run everything through this general permit system such as the one that was issued this year. The idea is to go out on a case by case basis and see whether these systems need to be repaired and maintained. I think that that's an appropriate way to do it. We've talked about ditches and their role or lack of a role in Phragmites. And the issue -- we did not -- it's not us that are saying that maintaining these systems are important for Phragmites control. It's the DEC. And I'm sure there may be situations where it's not appropriate to maintain the ditches. When we run into those situations with DEC, I'm sure DEC will let us know. I think basically what we have here is, as Mr. Dawydiak said, a holding acquisition, a maintaining the existing systems status quo while we develop this long-term project.

I also wanted to correct a misconception. There was reference to the study in California of pyrethroids. It's important to know that none of the pyrethroids found in that study are materials used by Suffolk County Vector Control. These are agricultural products. These are products that are designed and intended to be put on the land and to persist there. On the other hand, our application techniques use materials -- we are trying to deposit as low material as possible on the land. And we're using materials that we want and are designed to degrade as rapidly as possible. So, that study is really not relevant to the pyrethroid pesticides that we use here at Vector Control. And it's important to make these distinctions because you can't compare something like resmethrin, which is a rapid breakdown product, with some of the other products that were found in this study that are designed not to breakdown. And you just can't say pyrethroids do this. You have to look at specific materials.

MR. KAUFMAN:

Dominick, I know at the next TAC -- there's going to be a TAC meeting coming up soon. The information on that California study that you just talked about, is there anyway of putting that in writing for the members of the TAC? Because I remember we all saw the article.

MR. NINIVAGGI:

You can forward that to the consultant. We can put it on the agenda, if you'd like. I think -- I don't know if we need at the TAC to discuss specific studies by studies because there are very many of them. I think maybe -- you know, this study has been input into our literature search. It's being -- to consider in a risk assessment. And I think that it should be dealt with along with all the other studies that are out there. I think it's a mistake to look at any one study and say here's the definitive study that shows this or that. As all of you scientists know, it just doesn't work that way. There's no one study that tells you everything you need to know.

MS. MANFREDONIA:

Jim, could you just -- I'm getting a little confused here. But could you just tell me at this point this goes to the Legislature. But what's going on with the ongoing EIS for this whole vector control thing?

MR. BAGG:

Well, I think Walter mentioned that. I mean, they're in the process of --

MS. MANFREDONIA:

I'm just wondering of the time frame when --

MR. BAGG:

You know, doing the long-term plan. He just said that they expect the DGIS to be completed by the end of December of 2005. And probably before that.

MS. MANFREDONIA:

Okay, I'm sorry. So December of 2005.

MR. BAGG:

Right.

VICE-CHAIRMAN SWANSON:

And then it'll be -- how long will it be reviewed?

MR. BAGG:

Well, once you receive a DGIS and it's approved, it's sent out for a 30-day comment period. If you hold a public hearing, then technically that could be extended for fifteen days; so, you have 45 days. Then you would take the comments received, you do a summary of all the pertinent comments received. And then you would make a recommendation as to whether or not an FDIS should be prepared. And that FDIS would include the DEIS plus the substantive comments received plus a response to those comments received. And then the County would make a SEQRA determination, a finding statement based on the DGIS and the FDIS.

MS. MANFREDONIA:

So, what's going to happen, then, is this is going to happen again next year for the 2006 plan.

MR. BAGG:

That's correct.

MR. MALLAMO:

Walter, didn't you say we could expect a draft in August?

MR. DAWYDIAK:

Yeah, we can't control the SEQRA process. We can control the management plan. You will have a management plan by the August, September time-frame. This process has been really weird and confusing. We apologize for it, but this is the only acquisition I know of where we adopted a pos dec for a plan before there was a plan. And it was really done for the economy of scale of having the consultant work on the GEIS, which we anticipated at the same time they developed the plan. So, this is what's caused all the confusion. The GEIS really has nothing to do with this annual plan that's in front of you. It's related to a whole series of other acquisitions that are going to be put forth in the plan before we even know exactly what they are. So, the short answer is a management plan will be done around August, September. If all those steps that Jim Bagg outlined are done quickly, we'll have the FDIS done by the end of '05. If CEQ and the Legislature require more time, well deal with that. It'll get done when it gets done. But the management plan will be done prior to next year's annual plan of work.

VICE-CHAIRMAN SWANSON:

I have a question, Dominick, about loading data. As you and I have discussed before, the fact that a lot of the loading data that has been reported to the Department of Environmental Conservation, in fact, is wrong. And in some cases where we were looking at loading data for not just Suffolk County but for all of Long Island, it was off by orders of magnitude. Could you explain to me what has been done in recent years to assure that the loading data is more accurate and why there has been misreportings in the past?

MR. NINIVAGGI:

Well, I can't speak to other people's reporting data. I know that ours -- Westchester's data seemed to be, as you said, it didn't seem to make sense. I think that if you -- if you back calculated the dose, some zip codes were recording a treatment of 250 square miles. And there aren't that many square miles in that zip code. When you looked at our reporting data, it squares pretty well with the total usage that we have. So, I'm reasonably confident, you know, that the data that we gave to the lobster study was reasonable. You have problems in that when you -- as an agency we acquire pesticides, we have inventory. It goes out to the crews. It gets used. As it's used, it's reported by the crews and goes into the pesticide reports. There are errors along that -- those steps of the way. There's also rounding of materials. Sometimes you're using a very small amount of material and it gets rounded up. What ultimately can happen is that when you add up the amount that the crews reported going out, it can sometimes be higher than the amount of material that you bought. So, you have to be very -- obviously that's not happening; and probably, again, has to do with all this accumulation of errors as you go, for instance, just reporting thousands of applications. That's one reason why when I report things like our acreage treatment figures, what I do is I actually look at our inventory. I figure out what we had at the beginning of the year, how much we bought, how much we have left at the end of the year. And I convert that to acreage.

But there are huge problems with that loading as you mentioned in terms of the amount that they started with. It was probably an over estimate. The other assumption that they seem to make is that everything got down from the helicopter down to the ground and out to Long Island Sound. I can't tell you how much got to the sound, but I can tell you that it is absolutely impossible that all that material got to the Sound. In fact, when we've done measurements when DEC has monitored us, you might find 10% of aerial adulticide, you know, hitting the ground right after the -- right after the application. The material is designed to stay in the air. It's designed largely to breakdown in the air. So, there are -- that, I guess, what was attempted at the Long Island Sound at the Lobster Conference was to generate a worst case scenario. But the assumptions that were used are in no way realistic. Just in the same way that many of the studies were done at concentrations of pesticides that are far higher than are actually ever measured in the environment.

VICE-CHAIRMAN SWANSON:

Thank you. Any other comments or questions? Has everybody left? They're all cowards. We don't have a quorum so can we get a quorum?

MR. KAUFMAN:

I'll wait until Tom gets back. We need Tom. Talk among yourselves while we're waiting.

VICE-CHAIRMAN SWANSON:

Paging Mr. Cramer.

MR. KAUFMAN:

Mr. Chairman, if I might. I've been listening to all the comments that have been made here today. I've also read all the documents that were given to us. I've been intimately involved with this process from the start. I would note for the record that this Council took the lead on realizing that an EIS needed to be done. And we needed to have a real management plan done to implement -- implement -- strike that. The findings of any EIS. And we've been very proactive on all of this for a number of years. I think it started in 2002. I don't think anyone can doubt our commitment to what has been going on here today. The plans and the documents that we have before us are the County's response in many ways to what we have been trying to do over here. That being said, we're in interesting legal and procedural situations at this point in time.

I'm going to make a -- kind of a different motion. I think this is definitely a Type I acquisition. And that's the way I would classify it. But I don't think that we should give any recommendation as to whether there's a negative impact or a positive impact at this point in time. I think that we should just classify it as a Type I and give it over to the County Legislature. They're the final decision makers. We're merely advisory at this point in time. And that's the motion I would make; that this be classified as a Type I acquisition but without any recommendation.

VICE-CHAIRMAN SWANSON:

There's been a motion made. Is there a second?

MR. MALLAMO:

Second.

VICE-CHAIRMAN SWANSON:

Second by Mr. Mallamo. Is there any discussion?

MR. CRAMER:

I would like to hear some input with regard to segmentation from the County Attorney's Office. I know we have a memo from you, but if could just summarize that?

MS: KOHN:

Certainly. My name is Jennifer Kohn. I'm an Assistant County Attorney. And I'm one of the cosigners of the opinion that was placed in your packet. The Law Department has reviewed this issue. We do not believe that the segmentation argument or the theory applies to this particular fact situation. There are several reasons why we don't believe it applies. First of all, when you look at the reasoning behind the segmentation rule, you're looking to see whether, for example, the first acquisition would commit the County to undertake the second acquisition. A classic segmentation example would be, for example, the Meadowbrook Parkway exchange where the Court said you can't build part of the road and then just stop. All those improvements of that intersection have to be considered together because by doing one, you're essentially committing yourself to the other. Those parts of the roads were inter-dependent on each other.

By contrast we have the 2005 plan, which stands alone. It has an independent purpose of protecting the public health for the year 2005. It does not commit us to go ahead beyond the

year 2005. There is no financial commitment to go beyond 2005. It really stands alone. So, that's one reason why segmentation doesn't apply.

Another reason why is that one of the criteria the courts have considered is whether breaking up plans into separate reviews would mean that part of the plan falls through the cracks and doesn't get reviewed or receives a lesser scrutiny. An example of this would be if 100 houses would trigger an EIS and you say, well, I'm going to first apply for this project with 75 houses; and then later on when I get the 75 houses passed, I'll look -- you know, I'll apply for the next 25 houses. And then that case you would be evading review.

In this particular case, we feel that the documents before you on the 2005 plan do provide a full review of any potential impacts, if there are any. And in addition, the long-term plan is receiving the full SEQRA treatment of doing an EIS. So that neither the 2005 plan nor the long-term plan will evade SEQRA review.

I also would point out that the contents of the long-term plan at this point really are speculative. We don't know what's going to be in it. So that you can't really say, well, I'm going to hold up the 2005 plan and wait for this plan that we don't even know the contents of yet. It's not in this particular situation a practical alternative. The 2005 plan has a very strong public health reason for it. It's meant to address public health needs for the coming year. You have documentation in your packet from the Commissioner of -- the Suffolk County Commissioner of Health Brian Harper. There are letters from DEC. There are letters from the State Health Department. There are West Nile virus response plans put out by CDC and New York State. And all of these entities agree that there is a public health need for an ongoing vector control program. Under the SEQRA regulations, even if there were segmentation, segmentation may be permissible if you justify it and show that your review is protective -- equally protective of the environment. In the memo that you have before you, we give a number of reasons why if -- even though we don't believe it is segmentation, but that if it was, that this program would be justified. And I'll just go over a few of those reasons.

We feel that the 2005 plan is vital to protect the public health until the long-term plan is completed. It's really the minimum level of vector control necessary to protect the public health. And we also believe that the plan minimizes or eliminates all environmental impacts while balancing potential threats to public health. You know, we don't live in a perfect world. I wish there was a perfect solution to this issue. But we have to live with the facts as they are. And there is a public health need for this program. We feel that the 2005 plan has been fully considered in the EAF and the documents that are associated with it. There's an extensive regulatory framework where all the chemical, the ditching are regulated by the federal government, the state government. They consider environmental impacts.

The 2002 plan, which underwent a similar SEQRA review process as what we are using today, in that case the Court while it -- the decision in that -- the litigation challenging that plan was actually decided on the grounds of movement, the Court did say in dicta that in its belief the County had, you know, considered and properly considered the environmental factors and conducted SEQRA review.

The 2005 plan is even more protective than the 2002 plan because we've added more safeguards. Chemicals have been taken out of the plan that we used previously. So that we are now restricted to less toxic chemicals. The vector control techniques such as open marsh water management which are more potentially controversial are taken out of the plan. And the long-term plan will have its own GEIS. So, those are some of the reasons why we feel that if this was segmentation, it would be justified, you know.

And finally, I'd like to point out that as you know, there have been several litigations challenging the 2002 plan, 2003 plan, 2004 plan. In none of those litigations did the Court rule that the way the County dealt with the issue was segmentation. In the 2002 plan, as I said, the Court

actually in dicta stated that we met all SEQRA requirements. In the 2003 and the 2004 cases, the Court didn't like the fact that we did it as a Type II plan. And it said that the Legislature did not perform an independent review. Now, all of those decisions are on appeal and the parties have submitted their papers. But I would point out that this summer, although the lower court attempted to enjoin the County from conducting vector control, the Appellate Division Second Department, which is the higher court, permitted the County to continue its vector control activities under the New York State West Nile Virus Response Plan pending a determination of the appeal. And in doing so, the Appellate Division relied on the documentation from New York State and the documentation that we provided as to the public health need for this plan. So, I think that the Court has recognized that there is a public health need for continuing vector control.

So, in conclusion, you know, I've reviewed this issue several times. The County Attorney has reviewed it. We don't believe that segmentation applies to this set of facts. We, however -- we do believe that if -- if it were -- you know, if you were to say it was segmentation, that nevertheless, it would be fully justified to proceed as we are going today, which is to do the EAF, to look at the impacts in the EAF and to do this pending completion of the long-term plan.

VICE-CHAIRMAN SWANSON:

Thank you. I think your question was answered.

MR. CRAMER:

Yeah. I'd like to follow up with Mike's motion. I don't necessarily like sending over a non-response, a non-recommendation. You know, I certainly have my views on what type of impact it could be. Yes, it is a Type I acquisition. This is less of an impact than the previous plan that we reviewed and approved on. Segmentation is certainly an issue on this. Even as a type I, I think we have to address that even if we are sending it over without a recommendation to the Legislature. We have to tell them whether this is segmentation or not segmentation. We have to make that recommendation to them how we feel because that's one thing that they're going to have to address in their ultimate determination. And -- am I correct in that from a legal standpoint?

MS. KOHN:

I think that's a legal issue and I think I have given you the opinion of an attorney.

MR. CRAMER:

Well, what I'm saying is does the Legislature have to make that determination as far as whether it is segmentation or isn't segmentation. As I understand SEQRA law, segmentation is okay as long as you recognize it as segmentation and provide the supporting reasons why it is segmentation and why it should be proceeded with even though it is segmentation of it. I know you don't necessarily agree that it's segmentation. I'm playing the devil's advocate. If, you know, if the County decides that this is a segmentation issue, then, they're perfectly within their rights to say, okay, this is segmentation; however, we feel for the public health, for this, for that, all the reasons that you enumerated before are the reasons why it should -- should be segmented.

MR. KAUFMAN:

Tom, I would say that we simply tell the Legislature whether -- simply tell them that we believe there may be a segmentation issue and that they should look into it. It's not really our call to make to say whether it's one way or the other. I'm not convinced either way.

MR. CRAMER:

Well, I guess, then, it's just a basic difference in philosophy as far as what our job is to the Legislature; whether our job is recommendations to the Legislature from an environmental stand point or it's the potential impacts to this type of thing. That's -- you know, my feeling is that we

should be making a recommendation. I understand what you're putting forth. That's just my personal opinion on it.

VICE-CHAIRMAN SWANSON:

Do we have any other comments? Nancy? I have a question, Jim, with regard to a comment that was made by one of the people speaking for the public. And that is the issue of the opportunity to review the plan. Has sufficient time been granted for that process? And if it has and we decide to do something with this vote one way or the other, will there -- will there be a means for their comments and maybe helpful suggestions to be incorporated into the final plan?

MR. BAGG:

Well, basically CEQ's recommendation goes to the County Executive and the Legislature. The Legislature will have to take the 2005 plan and review it. That has to go committees. So, when a resolution is going to be drawn up, it's going to be presented to the Legislature with the plan and all the documentation that you have. And they will assign that to committees. They'll probably assign it to the Environment, Planning and Agriculture Committee. And they'll probably assign it to the Health Committee. Those committees are open to the public. Those committees take public transcripts. Then once it goes through committee, it then gets put on the full legislative docket and the Legislature has a public comment period as well before they vote. So, at this point in time there's probably another month to two months depending upon how this works with the Legislature that the public has to make comments. And I believe the Town of Southampton has been working with DPW as well as DEC to try to rectify their concerns.

MR. KAUFMAN:

Are you saying, then, that we have a window of opportunity possibly if we wanted to table this for a month; is that what you're saying?

MR. BAGG:

Well, I think that basically they want to get this through. And taking into account what the Legislative calendar is, you should get your recommendation over there as soon as possible because basically it could just -- due to their own scheduling take a month to get through the Legislature.

VICE-CHAIRMAN SWANSON:

Okay. Thank you. Any other comments? We have a motion on the table. It's been seconded. Call the motion. All in favor? All opposed?
(Tom Cramer and Steve Brown opposed)

MR. BAGG:

Yeah, the CAC's have the right to vote because the vector control program is county-wide.

VICE-CHAIRMAN SWANSON:

Did you vote, Joy?

MS. SQUIRES:

No, I didn't.

VICE-CHAIRMAN SWANSON:

So, it was three to three.

MS. SQUIRES:

I'm abstaining.

VICE-CHAIRMAN SWANSON:

There was three for, three against and one abstention.

MR. KAUFMAN:

So, motion doesn't care.

VICE-CHAIRMAN SWANSON:

Motion doesn't carry. Do we have another motion?

MR. CRAMER:

I make a motion to table.

MR. KAUFMAN:

Second.

VICE-CHAIRMAN SWANSON:

There's been a motion to table and a second by Mr. Kaufman. Is there any discussion? Call the motion. All in favor? Opposed? Abstentions? You still abstain, Joy?

MS. SQUIRES:

No.

VICE-CHAIRMAN SWANSON:

You voted?

MS. SQUIRE:

I voted in favor.

VICE-CHAIRMAN SWANSON:

Okay. So, the motion carries. So, it's been tabled.

MR. BAGG:

Larry, that vote was unanimous in favor of tabling, I believe?

VICE-CHAIRMAN SWANSON:

That is correct. All right. It's been recommended that we take a couple minute break. How about two-minute break.

(THE MEETING WAS RECESSED AT 11:57 AM AND RESUMED AT 12:01 PM)

VICE-CHAIRMAN SWANSON:

We can reconvene. Dominick, if you would stay just a minute, I'd appreciate it just to hear -- we're not going to put you on the firing squad. You're all back? Are you leaving? Okay, Leslie's still here. I think -- yeah, just to -- I think the CEQ would like to have DPW Vector Control summarize some of the concerns that were expressed here today; and to make those concerns available to the CEQ in a timely fashion before the next meeting so that we can review them and move forward hopefully at the next session. And I think it would also be helpful that -- for this transcriber if we could have the notes dealing with the vector control portion of your transcription before the meeting, that would be beneficial as well.

MR. NINIVAGGI:

Yeah, the sooner -- if we could get them fairly soon, that would be helpful because I don't want to miss anything.

VICE-CHAIRMAN SWANSON:

Understood. Okay. Thank you.

MS. MITCHEL:

What you're asking is that we go point by point and try and give you some type of response to some of the concerns that have been raised today by the other speakers?

VICE-CHAIRMAN SWANSON:

That is correct. Is that okay? And I think it would be helpful, you know, if we could get this -- well, we're suppose to have the material ten days before, Jim? Is that correct? For the packet?

MR. BAGG:

Basically we want to have the information received two weeks in advance to CEQ meetings so it can be distributed to them.

MS. MITCHEL:

When is the next meeting?

MR. BAGG:

It's the third Wednesday of November. I believe it's the 17th. November 17th.

MS. MITCHEL:

And so you want our response two weeks prior to that date?

VICE-CHAIRMAN SWANSON:

Right.

MR. BAGG:

Yes, because we have to send this out. We send out 101 copies of the plan and everything else. So, it has to go all municipalities and people that have expressed concern.

VICE-CHAIRMAN SWANSON:

And I think one of -- as I expressed before, I think one of my concerns was the public did not have this nor did we too far in advance to really go through it thoroughly. And I think it only helps to improve the overall process if we can have the opportunity to review it in a timely fashion.

MS. MITCHEL:

And if any of the committee members have additional questions as you do have time to review the document, it would be helpful if you could give us a call and let us know what your concerns are so we can be prepared to address those concerns at the next meeting.

VICE-CHAIRMAN SWANSON:

Okay. Thank you. Well, in all this paper work, I've lost the agenda. Other business. No other business? Historic Services.

MR. MARTIN:

Okay. I just need to announce today that the County has gone ahead and cancelled the contracts that they held with the Friends for Long Island Heritage. This was done in September. And these contracts cover the landmark rental program for the housing in Suffolk County Parks. It also covered the merchandise program, which mainly was the St. James store and the Big Duck Shop out in Flanders. And also the Interpretive Program which provided for the programs, especially the programs that we were running at Deepwells. So, all relationship with The Friends now has been canceled. The Parks Department is going ahead with running the programs as much as possible in place. The tenants have remained in the housing units. The programs at Deepwells, we will try to re-establish next year. The St. James store, the employees there were hired by the County. The manager and the part-time cashiers were hired by the County. They are now county employees. And also the woman that ran the Big Duck. So, we're trying as much as possible to continue all the activities that The Friends were involved

with with the Historic Trust properties in Suffolk County Parks Department.

We have held our Historic Trust Committee meeting at Timber Point October 12th where Commissioner Ronald Foley and Deputy Commissioner Tracy Malone addressed the committee on the cancellation of the contracts. And also entertained all questions from the committee members. Lance Mallamo, the Chairman, is going to report on that meeting. We did at that time set up the next meeting for December 7th to take place at either the Scully Estate or at Meadowcroft and have decided to at a minimum have quarterly meetings next year. Lance, did you want to report on that meeting?

MR. MALLAMO:

Yes. I think we had a very successful meeting with Commissioner Foley. It was a spirited discussion with the members of the Historic Trust Committee, who do have concerns about how the County is going to manage these programs in light of the Friends' departure from Suffolk County. So, the Committee has decided we're going to meet a little more frequently. The Parks Department is going to prepare a survey -- a physical survey. They're going to send a staff member to each. We're going to start with the landmark preserve buildings that were in the rental program. These buildings, it's my belief, and I think we'd maybe have to check the file on a lot of these, Rich, that when the Historic Trust, the CEQ in its role as the Historic Trust, when these buildings were put into the program, they were designated to be put in the Landmark Preserve Program of the Friends for Long Island Heritage. So, I think we're going to have to re-establish the use of those buildings if that was the case because if that program doesn't exist, I'm assuming that that use has ceased to exist.

MR. MARTIN:

Right. As I said for now, the Department's continuing with the existing use.

MR. MALLAMO:

Right. We don't want -- we don't want the buildings to be left vacant certainly. But the Parks Department has agreed they will send someone out to survey; do a physical on-site inspection and photograph each building on the interior and exterior. And they indicated that they would have that available for us at the December meeting. So, the committee really has indicated a desire to monitor this to see that this change in administration succeeds.

MR. KAUFMAN:

Mr. Chairman, if I might, some of the members know that I was -- that I joined the Board of the Friends for Long Island Heritage, I think, it was March 2003. You should all know that I have resigned my position as a board member effective November 30th over there. So, I will be no longer a member of the Board of the Friends. Just thought I'd all let you know about that.

VICE-CHAIRMAN SWANSON:

Thank you. It was expressed to me by a former member of CEQ, a concern about whether or not the County is going to sue The Friends. And I said I would just mention it at the meeting. And I think the concern of our former board member was that The Friends has no money. And they only have possessions. And that there's probably not much point in it. So, I just mention that to you in passing. I don't know what influence you have in this regard or not.

MR. MARTIN:

It hasn't been mentioned since the contracts were canceled. And no one has asked me about it. So, I really can't say what -- how that's going to proceed or if it will proceed.

MR. KAUFMAN:

Nor should you.

MS. ESPOSITO:

Good answer.

VICE-CHAIRMAN SWANSON:

Thank you. Okay. Anything else, Rich?

MR. MARTIN:

No, that's all I have for today.

VICE-CHAIRMAN SWANSON:

Any other questions? Any other business? Do we have a motion?

MR. KAUFMAN:

Motion.

VICE-CHAIRMAN SWANSON:

Can we go off the record.

(OFF THE RECORD DISCUSSION)

(THE MEETING CONCLUDED AT 12:10 PM)