COUNTY OF SUFFOLK

DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

MAY 21, 2008

9:30 AM

H. Lee Dennison Building
Hauppauge, New York

BEFORE: R. Lawrence Swanson,
Chairman
APPEARANCES:

Michael Kaufman
Jay Schneiderman
Eva Growney
Thomas Gulbransen
Richard Machtay
Daniel Pichney
Gloria Russo
Mary Ann Spencer
Joy Squires
Richard Martin
MR. SWANSON: I'd like to call the meeting to order.

Anybody like to comment on the minutes that were posted on the web?

Rich, did you read them?

MR. MACHTAY: I did read all the minutes for April. I was here at that meeting.

A couple of minor errors, most notably page eighty-one, line two, they left out the name of the arboretum. A couple of other minor ones that I don't recall right now.

With that note, I would move the minutes.

MR. SWANSON: Of April.

Any other additions, corrections to those minutes?

(No response.)

All in favor?

Seconded?

MR. PICHNEY: Me.

MR. KAUFMAN: I abstain.

THE CHAIRMAN: We also have minutes
from February and March.

Did anybody read those?

MR. GULBRANSEN: It stated that

humidity. It should have been turbidity.

THE CHAIRMAN: That is a good
catch. Important one.

My other comment is on the March
minutes.

MR. MARTIN: I was not here for
March.

MR. KAUFMAN: I make a motion to
accept.

MS. RUSSO: Second.

THE CHAIRMAN: All in favor?

Mr. Machtay abstained.

MR. GULBRANSEN: No vote.

MR. PICHNEY: I wasn't here either.

THE CHAIRMAN: February. Nobody's
read the minutes of February at this
point.

Please read the minutes of
February, and we'll deal with them in the
June meeting.

Jim, any correspondence that you
want to call our attention to?

MR. BAGG: Yes. We received something yesterday from an anonymous individual. It is in your packet.

It was addressed to Steve Levy, Suffolk County Executive, and members of the Committee on Environmental Quality, and they are comments regarding a draft environmental impact statement for the aquaculture lease program.

We can entertain those at the time, but that was received yesterday.

That was the only correspondence that came in.

MR. MARTIN: Richard Martin, good morning. The housing program is still being reviewed. We're still looking at the draft resolution that Legislator Fisher created. People are providing comments to the committee on that resolution.

We have filled just one more vacancy, and I think at this point we are at ten vacancies with the housing program and parks department.
THE CHAIRMAN: Going back to the resolution that Legislator Fisher proposed, you're going to give us your comments, recommendations whether or not to move forward with it; is that correct?

MR. MARTIN: We can, if you would like the committee to bring that resolution to CEQ.

THE CHAIRMAN: Yes.

MR. MARTIN: I'll make that recommendation.

THE CHAIRMAN: I didn't mean to interrupt you. Go ahead.

MR. MARTIN: There has been some movement on historic sites. The Babylon Town Historical Society contracts should be back to the parks department from the County Attorney's office by the end of the week, we've been promised, and the Farmingville Historical Society's for the Farmingville schoolhouse should be returned by the end of this week.

Then we'll move forward to have them signed by the local historical
societies.

I believe the Babylon Society is very eager to move into the VanBourgondien house. They have plans on programs and use of that building. They're really ready to go.

The parks department is now working on contracts for Splash of Hope at Coindre Hall. That will soon be going over to the County Attorney's office.

THE CHAIRMAN: I have a question on Coindre Hall. I saw in the newspaper there was a complaint that the access to the canoeing area or boat house is not available.

Is that our problem?

MR. MARTIN: There has been concerns. What you seen, concerns on the condition of the boat house, we are still using it for Sagamore Rowing. But concerns, I guess, of the status of the buildings, and we have put up some scaffolding around the building to make sure if anything falls from a roof line,
it would be caught by the scaffolding, and they're proceeding with the restoration plans which should be put out to bid shortly with the summer start date.

THE CHAIRMAN: As far as you're concerned, it is safe to use at this point?

MR. MARTIN: We have from the concerns -- the fire marshal has gone to that site, inspected the building. Again, this was just done a couple of weeks ago. He made recommendations, clean up recommendations that Sagamore Rowing has completed.

He is comfortable we can stay in the building.

THE CHAIRMAN: What is your long term prospect for having resources available to keep the building up to snuff so that it can be used?

MR. MARTIN: We do have approximately a million two in capital funds right now to proceed with the first phase, which is to stabilized the building
so we can continue to use it.

Then we will continue the
restoration after that phase, but the side
of the building that is the most concern
is closed to the public at this point, and
they're only using the side that the fire
marshal agreed they're allowed to use.

After the stabilization project,
the other half of the building can be used
also.

We have had some movement with the
Seatuck agreement for the Scully Estate in
Islip. Just yesterday, we had a meeting
with the County Executive's office, and
everyone agreed to some wording changes to
the contract that should come back from
the County Attorney by the beginning of
June.

But we really stayed in the room
until everyone was happy with the wording
changes. I think we'll be able to go
forward and sign that contract very
shortly.

MR. KAUFMAN: Rich, on that
particular contract, I thought that thing had been put to bed or finalized a while back.

MS. SPENCER: You missed last month's meeting.

MR. MARTIN: There were many reports that I just gave. It was going to be signed in two weeks. What would happen, there were wording changes on the County Attorney's side, Seatuck didn't agree to.

We had everyone in the room yesterday from the different offices so everyone could agree to the wording changes at one time, so it doesn't have to go back to anybody else.

Those have to be written up in the contract and should be able to be signed.

MR. KAUFMAN: The fall festival at Deep Wells, any feedback on it, any idea how it went?

MR. MARTIN: Last year's?

MR. KAUFMAN: No, two years ago.

MR. MARTIN: The craft fair?
MR. KAUFMAN: I said fall, I meant spring. I'm getting confused with the weather patterns.

MR. MARTIN: It went very well. No numbers on attendance.

The promoter is doing a very nice job. He cleans up the site, mows the lawn, does a nice job for us. Then the funds, of course, the profits, a percent of the profits go to the restoration of the house.

The organization there. Deep Wells Farm Historical Society used some of their funds to refinish the floors on the first floor of the main house and is now restoring all the original shutters to be replaced on the main house.

MR. KAUFMAN: Their contract was signed?

MR. MARTIN: A while ago. They couldn't be running this event without a signed contract. That is why we needed it signed.

MR. KAUFMAN: Good enough.
MR. MARTIN: That is all I have.

THE CHAIRMAN: Thank you very much.

I would remind everybody this is a public meeting and if there are comments, they're certainly welcome.

We usually handle the public comments topic by topic. We'll follow that procedure, if that is okay.

MR. SCHNEIDERIAN: On the Montauk observatory, where does it stand? Does that still have to go through -- historic trust signed off on that?

MR. MARTIN: Came here to the committee to review the proposed design which the Historic Trust, CEQ approved, so the architects know they can go ahead with the final plans which have to come back to CEQ for final approval.

They have to go ahead to do the final plans.

THE CHAIRMAN: Moving on to the draft generic environmental statement for the shellfish aqua lease program, Dewitt, introduce yourself.
MR. DAVIES: Dewitt Davies, Chief Environmental Analyst with the Suffolk County Department of Planning and program manager for the shellfish aquaculture lease program at Peconic Bay and Gardiner's Bay.

Thanks, Larry, for hosting us this morning.

In the packet you have, you have a complete package of comments, as well as transcripts pertaining to this particular program and DGEIS that was issued about two months ago.

There was a letter in there from Planning Director Tom Isles requesting a review of the comments and the summary of substantial comments. That was included in the packet with the request to determine that these comments are substantial and that the Department should proceed with preparation of a final generic environmental impact statement on this project.

I would like to say that when the
draft was issued in March, at the end of that month, we received a request from the New York State Department of Environmental Conservation Bureau of Marine Resources for extension of time for them to submit comments on the draft.

We granted that extension, and we expect to get comments from New York State DEC on the document by June first, and, in fact, we have a meeting scheduled with the Bureau of Marine Resources on the thirtieth of this month to discuss their comments.

Suffice it to say that all those comments will be included in -- for consideration in the final GEIS, should that be the direction you approve today.

Indeed, any comments that we receive between now and as this process unfolds, we'll address. Every single comment will be addressed in the GEIS final document.

MR. BAGG: I referenced the fact we had an anonymous letter received
yesterday. We will consider those also and discuss them as fit, in this document. This process will continue. It will continue being vested at the aquaculture lease program advisory committee.

We've had about fifteen meetings of that group. The last meeting was about a week ago and, again, this group has been active in reviewing this process from the beginning and will continue to do so during the course of the next several months.

Legislator Schneiderman was at that meeting and could tell you firsthand how that process unfolded. We're here today to address any of the concerns that the CEQ members have, and we'll go from there.

Thank you.

THE CHAIRMAN: Dr. Davies, I just had a comment on the fact that I was told that the Peconic Bay keepers submitted a letter. When I opened my packet, I didn't note it.

I don't know --
MR. KAUFMAN: Towards the back.

MR. DAVIES: The Peconic Bay Keeper, it is listed as being in here.

MS. RUSSO: It is there.

MR. KAUFMAN: I have some comments to make on that.

THE CHAIRMAN: Before we get into the general discussion, Debra Barnes from DEC is here and, Debra, if you could come up and tell us what your issues are, we would appreciate it.

MS. BARNES: Good morning, Deborah Barnes, biologist with the New York State Environmental Conservation Bureau of Marine Resources.

As he mentioned, the Bureau was granted an extension by Suffolk County for submission of public comments of the generic environmental impact statement for the shellfish aquaculture lease program in Peconic and Gardiner's Bays.

The Department's comments on the draft GEIS are substantial and significant and include a number of key issues that
that were identified in the final DGEIS
scoping document as potentially
significant impacts that will need to be
addressed.

The major issues and potential
significant impacts to be covered in these
comments for the proposed shellfish
aquaculture lease program include, but are
not limited to, potential impacts of
harvesting techniques such as hydraulic
shellfish dredges and other forms of
mechanical harvesting gear on benthic
communities and all life stages of fin
fish resources and spawning habitat; also
potential impacts of aquaculture
activities including on-bottom and
off-bottom culture on water quality,
natural resources and naturally productive
shellfishing areas, commercial and
recreational fishing.

Essential fish habitat, underwater
land use and public access, also impacts
associated with the issuance and conduct
of aquaculture activities on leases that
were issued for active and fallow oyster grants.

The Department's written comments will be submitted to the Suffolk County Planning Department by June first.

Thank you for the opportunity to address the Council this morning and provide a brief statement on DEC's public comments on the draft generic environmental impact statement.

THE CHAIRMAN: For our edification, could you describe the differing roles between DEC and Suffolk County in this particular program?

MS. BARNES: With respect to shellfish aquaculture leasing in Peconic and Gardiner's Bay and conducting of aquaculture activities, the County of Suffolk has been granted the authority to lease underwater lands to be used for shellfish culture activities so they have -- they're the entity that has the leasing authority.

The New York State DEC is the
overall manager and regulatory agency for
permitting and authorizing aquaculture
activities to be conducted on those lands.

THE CHAIRMAN: Do you see any
conflict arising from the separate roles
or any problems you see in that process we
should be concerned about?

MS. BARNES: I don't think there is
a conflict, but certainly there are
certain issues that even if you're the
leasing entity, you still need to address
in terms of the generic environmental
impact statement.

You can't just separate the leasing
part from the activities that may take
place under a permit from DEC, so that all
needs to be considered when you're looking
at the generic environmental impact
statement.

THE CHAIRMAN: Any questions?

MR. GULBRANSEN: One of the
comments that I wanted to follow up on
that was raised earlier is with regard to
the monitoring that would be done to
assess impacts if they're occurring.

My question is for DEC first and
perhaps the County second.

Do you feel that we have an
adequate baseline understanding now from
which to start to measure changes that
could occur from year one, year two, after
something starts, whatever might start?

It is really a two-part question.

Do we have enough already on-going
in the way of monitoring for a baseline,
and then with regard to reference areas,
should the leasing program define and set
aside a referencing process so that we can
always have a comparison moving forward?

MS. BARNES: I would say that in
terms of baseline information, there is
probably enough information based on
studies that have been done and are
on-going by DEC and Suffolk County and
various research institutions doing work
through the Peconic Estuary program.

There is mapping work, water
quality monitoring by Suffolk County.
There is water quality monitoring by DEC also, aside from other natural resource surveys that are ongoing and have taken place in the Peconic Estuary.

Your point about a reference station might be something that could be followed up by the County and could be implemented into this program.

Certainly I think what needs to be probably decided is what type of parameters you want to monitor for and what type of impacts are likely to take place and what type of monitoring program would you implement to try to determine if there is an impact associated with the program.

THE CHAIRMAN: Any other questions?

(No response.)

Thank you.

Anybody from the public like to speak about this particular program before we get into a general discussion?

(No response.)

I'll open the floor to comments.
Mike.

MR. KAUFMAN: Thank you, your Lordship.

I want to make very clear to everyone on the Board here what we're looking at, and also it is one of the requirements to fireproof this kind of a document that certain concerns be splashed upon the record.

We're not making policy judgments here, we're only ruling at this Board on the SEQRA issues. The policy judgments as to whether this is a viable program and how it should be administered, etc., is for the County Executive and, more particularly, the County Legislature.

We're basically here in a SEQRA context, trying to determine whether we need to do a FGEIS or not. I read all through the documents. I read the document that was faxed over to the County yesterday. A lot of interesting issues have been raised.

I think that SEQRA requires, and
Suffolk county has a policy through CEQ, if issues are raised, the County must answer them in the FGEIS stage which we then approve.

If we fail, the issues are adequate for passage to the legislature and they, as the final SEQRA body, makes the final determinations. We're looking at what do we do next, what do we do?

The issues that I've seen are local issues. Several were brought up in terms of old laws, public access issues, a lot of questions about mechanized dredging, but remember, DEC has prime jurisdiction over a lot of the mechanisms that will be used to harvest and they, frankly, have previously authorized quite a lot of mechanized dredging at sites.

We have concerns about contamination sedimentation, aquaculture versus reseeding versus fishing and depleting resources, a number of substantive comments that have been made that I think really push towards an FGEIS
at this point in time.

That is where I think we need to try and go. I think -- Dewitt and I have talked about this also -- and as you heard him say a couple of minutes ago, he thinks we need an FGEIS stage also. When we get to making motions and figuring out what we want to do, that would be my suggestion.

I have technical concerns I'll get into. That is basically where I think we're at. We do require an FGEIS. We don't make policy judgments at this stage as to what is good and bad.

For example, the document that was sent over to us yesterday, the anonymous one, is making policy judgments to a certain degree. We don't get into that.

We do, however, get into the areas that this document points out in terms of what we need to maybe look at.

I would point out one other thing. This particular letter, we had asked Dewitt about two months ago to look into what other states were doing with their
estuarine resources, and one of the questions that was raised here is why spend all the money on that than allow most of -- the most habitat that's destructive to operate?

It was recently banned in the Chesapeake Bay. I don't know what is going on there, but that is one issue that is out there, and I think it's important to look at. They are comparable in many ways to what is going on here in Suffolk.

We need to find out what happens over there and have that answer.

THE CHAIRMAN: Any other comments:

(No response.)

MR. GULBRANSEN: You mentioned a series of twelve meetings. That is the steering committee, and you had quite a few meetings for public comments.

Are you confident, you feel -- how do you feel about the participation, the advertising; have those comments that we can see reflected in here, you feel that is pretty exhaustive?
MR. DAVIES: Yeah, actually there have been a number of public kick-off meetings. There has been a couple of hearings involved already. We hold monthly meetings of the lease program advisory group which is attended by thirty to fifty people and lasts two to three hours.

I think that the process of vetting this program so far has been sustainable. I think we tend to see groups of comments come back that really reflect concerns on specific issues.

I'm not sure if a lot of the -- we could get thirty comments on an issue, but it's the same issue. I think that we continue to go through that process as we update our web site. Every document we put out to the public is put out to the public, that we give to our members.

In essence, there is, I think, an adequate opportunity for anybody to comment and, you know, I suspect we'll get more comments as we go on. I think that
the term vetting is used quite a bit.

We have followed a deliberative process as recommended by the Suffolk County Department of Law in preparing the maps that we prepared. I think that, you know, they are not just thought up out of thin air. That is the point I want to make, and that process will and has been documented and will continue to do that.

You know, as with any public resource management and public access issue involving natural resources here in Suffolk County, there will be people who will be generally favorable towards that issue, there will be people who are generally against it, and there will be adamant participants on both sides.

I think that the only thing that we can perhaps do here is make sure that the arguments presented by both sides are based on some credible objective information. The newspaper article that Mr. Kaufman mentioned the other day which was brought to our public hearing on this
document, it doesn't necessarily relate to our situation, because it involved the wild fishery for soft clams in shallow water, muddy areas adjacent to the shoreline in Maryland.

You can't take these at face value. You have to go back into the actual details of what people base their opinions on and not -- to determine whether or not that is really a valid assertion.

So that is how we will attempt to go through the process as we go on.

You mentioned before about the monitoring issue, and that will be addressed in the document as we proceed. We are preparing an administrative components segment to this program which will address a lot of comments and the adjustments in the program resulting from those comments, and that administrative component will be coming together with the final GEIS.

We are amending things in the mechanical aspects of the program as we
proceed, because we know that they're important. They will come together, the comments will reflect those changes.

With respect to the monitoring program, we can -- we'll go back to the Peconic Estuary program which was started in 1993. We had a CCMP in 2001, eight years later, twelve million dollars.

Now I hear calculations that we need another management plan for the Peconic Estuary. We have to temper that with what that program has said and accomplished as we go forward. You know, again, we have to deal with this reality of the situation and how it reflects to these comments.

You know, we had a comment the other day about monitoring and, yes, the Suffolk County Department of Health Services has a rather ambitious water qualify monitoring program, and there may be a direct way that the program they conduct can be modified, expanded to include some of the issues that perhaps
you have brought up, and others here, about, how does the system change over time with respect to aquaculture?

We have to remember it has been going on out there for, you know, perhaps a century in different ways, and it will go on in the future also, and if it is done the way it is proposed, the changes that will occur here are at the margin.

They're built in constraints and brakes that we will have. This is not going to be a land rush for the land is out there for conduct of aquaculture. As we go into the program and describe that, that will become apparent, and some concerns that the people have, I hope will be addressed in that way.

THE CHAIRMAN: Remind us what is the geographic scope of the lease area compared to the entirety.

MR. DAVIES: Sure. The jurisdictional boundary goes from the eastern end of Plum Island down to Goff Point, everything west of that. This is
the major water bodies in the bays, does not include the trustee owned tributaries and such. There is about a hundred ten thousand acres involved in the transfer.

The County identified a thousand foot buffer according to the requirements in the law, and that area is automatically off bounds with respect to any leasing consideration.

That is about nineteen thousand acres. We had a planning area. When you subtract nineteen from a hundred, the planning area was ninety-one thousand acres. Given the process of collecting environmental information through interviews, data searches, etc., the draft shellfish cultivation zone area where leasing could occur is thirty-two thousand acres shown in the environmental impact statement.

Thirty-two thousand acres from a hundred ten gives you twenty-nine or thirty percent of the area. There may be some additional changes in the shellfish
cultivation zone as we proceed. Eventually that zone will have to be adopted by the County to proceed with the program.

I would point out, subject to review at five year intervals, there is a built-in mechanism to make modifications to that boundary as time goes on, given changes in the aqua fishers (phonetic) in environmental conditions and conflicts.

That is built in.

MR. SCHNEIDERMAN: Of that thirty thousand, the program is only contemplating one percent of that; three hundred acres for leasing.

MR. DAVIES: The actual lands that will be leased are a fraction of that, as Jay Schneiderman pointed out.

MR. SCHNEIDERMAN: That is over five year periods. The first year is sixty acres.

MR. DAVIES: Three hundred over the first five year period, another over the next five years. We do involve conversion
of temporary assignments to leases, and
the issue of leases on active grants and
type of lease that could be encountered on
fallow grants.

Amount of acreage is not going to
be that much different than what is there
now in terms of how it is actively used,
but it provides the procedure and process
to go forward on this.

MR. SCHNEIDERMAN: It is also, I
think important to point out that the
acres, of those three hundred being
selected, these are acres that have been
studied to be not productive.

MR. DAVIES: In that zone, there's
even ways to deal with that. If someone
goes out and picks a site they want to
lease, it is in this zone, they have to
come up with a couple of alternative
sites.

If there is a credible argument
brought up at that time in the public
notice procedure for the leases that there
is something on that site that would and
should prevent it from being leased, there
is an opportunity to tell the applicant we
got a credible opinion here. You have to
go off and find another site, or if you
don't, you to have conduct a benthic
survey there.

There is built-in ways to react,
even additional scrutiny as the program is
implemented at the application level.

MR. SCHNEIDERMAN: When we
determined counter or non-productivity,
did we look at the records relating to
shellfish populations or fin fish spawning
as well?

MR. DAVIES: There was a
consideration of all those things. I
think that not only activity from
fisherman -- they conducted interviews
with, I don't know how many hundreds of
people. They've done a search reflected
in the GEIS document.

There could be a concern that given
whatever magnitude aquaculture activities
are anticipated to occur, the question
becomes what would that do with respect to
other resources? We've looked at that by
saying there is a dramatic restriction on
what could be leased and what will be
leased.

If aquaculture is occurring now,
which it is, and there's a marginal,
incremental change in that, we don't
forecast the death of Peconic Bay or any
other water body in any significant --

MR. SCHNEIDERMAN: My question is
specific. There is a large focus on
aquaculture and a lot of participation
from bay men, not from fisherman.

If you look at a particular acre,
and it may not be productive for clams or
scallops or oysters, fishermen don't catch
anything in that area, maybe if you stuck
a bucket dredge in there, you won't find
anything and you'd say there is nothing
here, but there may be times during the
year where fish come to lay the --
flounders -- eggs in that area at certain
times of year that it might be productive
that we could miss.

I think the letter raises some interesting points that I know you're going to address, but I think we have to know that before we start allowing activity on certain areas throughout the year when the aquaculture may be going on. There is no other ecological significance to that particular piece of land.

We have to be careful.

MR. DAVIES: The point is well taken. If we have a thirty thousand acre aquaculture zone, from our perspective, does it make sense to go out and sample every square foot of that thirty-eight thousand acre zone when we know the vast majority of it will never be leased and that process of looking at specific sites will be addressed when the application procedure occurs?

I think if, during the public notice period for those answers that that public comment indicates, as you said, people go here all the time in the spring
to fish for flounder or something, we're going to have a significant problem with this location, that is brought into the equation.

MR. SCHNEIDERMAN: I'm saying beyond that, it might be a place where the fishermen don't go, but where the eggs are laid.

MR. DAVIES: That could also be a factor.

MR. SCHNEIDERMAN: How did we get to that level of detail? Marine biologists might be able to tell us.

MR. KAUFMAN: That is what DEC is for.

MR. MACHTAY: If I understand correctly, we're here to determine whether what we're supposed to -- whether a final generic environmental impact study should be prepared on this project.

I read the DGEIS. Unfortunately, I could not be here for the March meeting.

I did read the comments. I am far, far from being an expert on mariculture,
aquaculture or anything else that has to
do with the maritime environment.

It seems to me that you are
advising us that there are substantive
comments that need to be addressed if this
project is going to move ahead, which
means that a final EIS statement is
mandated unless the County decides to
terminate the project pursuant to SEQRA,
right?

MR. DAVIES: That is right.

MR. MACHTAY: Under those
circumstances, there are questions at the
table that we're trying to flush out that
should be flushed out in the impact
statement. There are questions in the
comments that we're trying to deal with
that should be dealt with in the final
environmental impact statement.

Under those circumstances,
shouldn't we be looking to move that a
final environmental impact statement be
prepared?

MR. KAUFMAN: That is eventually
our vote, in my opinion, what we need to
vote upon at this time.

MR. MACHTAY: You're trying to
answer the questions that should be
answered in the --

MR. SCHNEIDERMAN: And maybe adding
more questions.

MR. KAUFMAN: Jay Schneiderman
spotted something, I also, in the letter
there may be some considerations that no
one has looked at; seasonal variables in
use.

MR. MACHTAY: Not putting onus on
him, the Legislature. Several people are
asking specific questions that should be
addressed in the FEIS and maybe they
should be putting their questions in
writing and submitting them to Mr. Davies.

We should move along with this
because no matter how we discuss it, it
could mean that we have a predetermined
idea of what the answer should be and that
is not what you want to do with SEQRA.

That is where you get into trouble
with SEQRA, if there are people who want
to challenge what the decision is. So
having said that, should we be making a
motion to recommend to the Legislature
that a final environmental impact
statement --

THE CHAIRMAN: You're free to make
such a motion.

MR. KAUFMAN: It is premature just
yet.

MR. MACHTAY: I make a motion we
recommend that the Legislature prepare a
final generic environmental impact
statement to this project.

THE CHAIRMAN: Motion by Rich.

MS. SPENCER: I second.

THE CHAIRMAN: Seconded by Mary
Ann.

MS. RUSSO: I would like to add
that the FGEIS definitely addresses all
the issues that you receive, Mr. Davies,
on the written comments and, of course,
the DEC marine Bureau comments on that are
going to be coming in by June first.
MR. DAVIES: Every comment will be included.

MS. RUSSO: Because of what Miss Barnes was saying as far as the DEC handles the science part of it and the County is handling the legislative leasing program. We're really just handling the paperwork it sounds like. We're not discussing and researching the scientific impact of it.

DEC is handling that, am I correct?

MR. DAVIES: In the DEC issues permits for the activity, there is a review on some of the things that you just mentioned at the stage of the application, that's the responsibility of the State.

The County does not have regulatory permit authority here with respect to aquaculture. It is distinct in the law. Never changed that, so there is a process to look at the applications that are submitted for permits on a case by case basis for those environmental issues, and the County will not look at those because
of the fact that we don't have that power, authority.

We're looking at access, at the broader picture with respect to uses in that Peconic Bay system and finding a way that is workable, equitable to all parties involved that sometimes does conflict with each other. Trying to find out a way through that.

MR. GULBRANSEN: You pointed out earlier severance or termination terms of the leases that Suffolk County is considering.

That is one of the bridges over to the regulatory process and permitting process that will be responded to in the comments you raised. That keeps both parties fulfilling their authority.

THE CHAIRMAN: This split responsibility between several agencies with regard to activities in the ocean is not -- there is precedent for it. It occurs all the time in ocean dumping where an area is set aside for ocean disposal.
That still doesn't authorize any
particular entity to go in there and dump.
You have to get a separate permit
to do that. The agencies historically
worked out different responsibilities
quite nicely in trying to ascertain
consequences.

MR. KAUFMAN: There were some
technical issues regarding SEQRA that have
to be brought out before we make any final
vote. The Peconic Bay Keeper raised
several of them, Miss Barnes raised one.
I'm not making policy judgments on
any of this stuff, but the issues that
came up, they have to be addressed.
Segmentation, "Since DEC was not directly
involved in a plan, cumulative impact is
not being considered."

There were possible departures from
the DEC program, and there was also
requests that analysis of aquaculture as a
whole be undertaken. We're on pretty firm
ground at this point in time. If we go
for an FGEIS, if we continue on this
course -- this is something I've discussed with Dewitt -- state law created this imperative to create a lease program.

As such, the County is following the State's directive. State law did not mandate that Suffolk County have an entire program for the Peconics or do the job of DEC.

In fact, they reserved that for DEC by keeping regulatory jurisdiction with DEC. State law here grants only certain leasing. That determines the extent of Suffolk County's jurisdiction.

Again, note DEC is not stripped of jurisdiction, we're not given authority to overrule DEC. Frankly there is no segmentation if DEC retains jurisdiction, and there's no jurisdiction for Suffolk County to go beyond the leasing program, especially when the County does a GEIS that covers these issues to the extent the County in this particular program is doing a GEIS and considering many issues that Miss Barnes brought up and DEC will be
bringing up.

That is the way you do it in a
generic impact statement. That, again,
leads us back to what is our job here
today, which is we got draft substantive
concerns. We have to address any
environmental impacts raised. We need to
do an FGEIS, in my opinion.

One other thing, as DeWitt pointed
out, there's no cumulative impact six
hundred acres maximum out of a hundred ten
thousand over ten years, and there are
reviews set up to check.

I don't see that this is
necessarily a danger. An GEIS to
undertake cumulative impact is going to be
looked at and has been looked at, so I
want to splash that onto the record.

We're supposed to as this body
point out these kinds of issues and in any
vote that we take, we're supposed to
indicate that we have considered these
types of issues.

MR. MACHTAY: Two issues, please.
The segmentation issue -- I thought of it when Mr. Davies was talking about the leases -- at that time, doing certain monitoring and other studies to determine what the effect over time would be on a particular lease.

That could be construed as segmentation if the monitoring is not addressed up front in the FEIS.

MR. KAUFMAN: Set up in there.

MR. MACHTAY: Another thing is -- pardon my ignorance -- isn't it mariculture and not aquaculture when talking about salt water environment or tidal wetlands?

MR. DAVIES: There are new applications to all terms. We can go back to the shellfish consultants that the State and County is authorized to have issued leases for.

Technical aquaculture is a general term. Mariculture is related to marine environment. We're looking at shellfish cultivation, because that is in the DEC
and ECL, Environmental Conservation Law, and we'll have that definition, make that point clear as to what that is all about.

MR. SCHNEIDERMAN: We're using this term segmentation improperly. My understanding of segmentation is when you look at a part of the proposal and not the whole one.

For instance, if we look at fifty acres contemplated in the proposal and not six hundred, that would be segmentation, but this issue about the DEC and the County reviewing it independently, that is not segmentation.

It is looking at the whole project.

THE CHAIRMAN: That is why I mentioned in the marine environment, there is a long history of split responsibilities between and among agencies, depending on regulatory and scientific capabilities, etc., and the activity that is actually --

MR. SCHNEIDERMAN: At the airport one of my arguments is we're looking
individually at applications, ten or eleven acres and not all potential development that could occur, you may come to a different conclusion knowing all development. Each one separately might not rise to a certain threshold, but they could cumulatively.

That is why the State brought the segmentation.

THE CHAIRMAN: All in favor?

(Whereupon, all responded in the affirmative.)

All opposed?

(Whereupon, there was no response.)

Abstentions?

(Whereupon, there was no response.)

Motion carries. Thank you.

For ratification, recommendation is type two action.

Jim, any comments to make?

MR. BAGG: Basically the packets are straight forward. Activities have all been reviewed under SEQRA, and it is complete or type two actions.
I did include in your packets or your folders today the resolution dealing with the rentals within the parks department. That is in response to the letter that CEQ sent out to the County Executive and Legislature, and as Richard pointed out, I believe the committee that was formed in the parks department still has that under review.

This Legislation is out there, which was drafted by Legislator Fisher. It's fairly administrative, but the final product can change significantly to what you have.

MR. MACHTAY: This hasn't been voted on yet, has it, in the Legislature?

MR. BAGG: No.

THE CHAIRMAN: Any questions of Jim?

MR. KAUFMAN: Thirteen fifty-three, any idea where that is located?

MS. FISHER: The Decarme property, if that helps you. I didn't bring it with me, but I can give it to
you.

MR. KAUFMAN: North or south?

MS. FISHER: I believe it is on the east side. I have to get the map for you. I'm not prepared to --

MR. KAUFMAN: The other question is thirteen fifty-four versus thirteen fifty-five, the acquisition is in Head of the Harbor. One is Lecky Randall, one is Lecky Randall Leighton.

Are the properties split?

MS. FISHER: There are two properties. One is a small lot on the end of the cul-de-sac. The rest is part of a larger lot that goes down into the harbor, the headwaters to the harbor.

MR. SCHNEIDERMAN: Under different names to prevent merger for zoning purposes probably.

THE CHAIRMAN: Any other comments?

(Whereupon, there was no response.)

For the record, I have to recuse myself on thirteen fifty-four and thirteen fifty-five.
Do you have a motion to make?

MR. KAUFMAN: I make a motion that we accept staff recommendations.

THE CHAIRMAN: Motion by Mr. Kaufman.

Second?

MS. SPENCER: I second.

THE CHAIRMAN: Seconded by Ms. Spencer.

All in favor?

(Whereupon, all responded in the affirmative.)

Opposed?

(Whereupon, there was no response.)

Note that I approve except for those two numbers that I mentioned; thirteen fifty-four and thirteen fifty-five.

Thank you.

Bergen Point Outfall.

MR. WRIGHT: I'm Ben Wright, Chief Engineer with the Department of Public Works Division of Sanitation.

I forwarded a brief memo to the
chairman about the formal planning and
response plan that we're going to be
initiating sometime in the near future
regarding the sewer district three
southwest Bergen Point facility outfall.

To provide additional information,
that outfall is six foot diameter, and it
extends three and a half miles into the
Atlantic. It crosses the Great South Bay
through the barrier beach into the ocean.

There is two different types of
pipe that are part of that system. The
one part that is underneath the Great
South Bay is defined, pre-stressed
concrete, cylinder pipe.

That pipe is composed of a thin
steel shell, it's got concrete on both
sides of the shell and then pre-stressed
wire wrapped around it. That is the major
structural element of that pipe, and there
is a mortar coating on the outside.

There has been some experience with
pipe of this type under higher pressures
than we experience around the world that
has been failing.

A couple of years ago we inserted an array of hydrophones (phonetic) into the pipe, and they are able to distinguish a noise associated with the pre-stressed wire breaking.

We did hear a significant number of wire breaks through the five thousand foot array that we had in the pipe, and because of that, we secured some engineering assistance, some experts that were dealing with this type of pipe as part of their everyday life, and we got to the conclusion that we should enter into additional services to design a replacements at some time in the future.

What I forwarded to the chairman was a brief memo indicating that we want to start with the alternative analysis to the pipe, whether it should be replaced, rehabilitated, should we look at other possibilities in land recharge, possibly a discharge to the bay?

Some of these we don't think are
things that would go too far, from the
giggles in the corner.

MR. KAUFMAN: Ain't happening, Ben.

MR. WRIGHT: All we have to look at
is the permitting process and also the
environmental process. The initial stage,
there is five point four million that
we'll be looking at this year and 2010, to
do all the steps necessary to bring this
to the construction phase.

We anticipate that impact statement
would be necessary and likely wouldn't be
something that we would be coming back to
CEQ till next summer, 2009, but we're
looking for your concurrence and any
guidance in our steps as we proceed, I
think, to this.

We do have a public hearing on June
tenth. It was questionable whether or not
we really needed one for the planning
phase, but the response plan that we're
putting together, the emergency response
plan, we don't anticipate a problem before
we get to construction.
But we want to be safe. We're looking to purchase a number of sections of pipe to store at the Bergen Point site. We want to have a contractor on call. In case something goes wrong, we can respond as quick as possible.

MS. GROWNEY: What are the state of the art systems that are available for the pipe?

MR. WRIGHT: Some alternatives, I mean, the cheapest but which might take longer environmentally is do it this way, it was to do a trench across the bay.

That process included a half a mile strip on each side of the pipe a mile wide where all the clams had to be harvested, replaced. It was a very onerous project.

That would probably take us an extra couple of years as compared to a tunneling process where you would have an opening at the plant and on the barrier beach. You go down, there is a clay layer where we would put a ten foot diameter tunnel underneath the bay, put two,
fifty-four inch pipes in that tunnel.

   The type of materials are a little
different, the technique is different than
what would have been used thirty-five
years ago. It is more expensive but
quicker, because the environmental process
is not as detailed because of the limited
areas that you're disturbing.

   MS. GROWNEY: What are the
limitations with doing tunneling?

   MR. WRIGHT: Disturbance on both
sides possibly, you probably need a thirty
foot diameter shaft. There would be
larger areas for storing materials during
the construction process itself.

   The completed project wouldn't have
any impact.

   MS. GROWNEY: Overall, there would
be greater impact if you do the
replacement of what is there, but less
impact if it is tunneling underneath?

   MR. WRIGHT: Whatever project we
end up with, the impact will be negligible
when finished. It is during construction.
MS. GROWNEY: What is less
interruptive of the natural environment
now sounds to me is the tunneling.

MR. WRIGHT: I believe so.

MS. GROWNEY: That is the answer I
was looking to hear.

If that is the case, where would
you start the tunneling?

MR. WRIGHT: As close as possible
to the existing pipe. We have to make a
connect at the treatment plant site and at
the barrier beach for it to continue into
the ocean. It would be in close vicinity.

MS. GROWNEY: Would it be the same
length, larger?

MR. WRIGHT: Same length, but if we
go down 150 feet, we have another 300 feet
of pipe down and about 15,000 feet across
the Bay.

MR. SCHNEIDERMAN: You said there
are possible stress issues within the
current pipe, it's a six foot diameter
pipe. Can you do an insert inside of it,
can a sleeve be put in to it?
The diameter is going to shrink six feet. Sounds awfully big.

MR. WRIGHT: The difficulty is we have three boat channels that go underneath. When you're inserting something, it's difficult to make those bends.

You would have to open up the bay in eight different places.

MR. SCHNEIDERMAN: Might be far less disturbance than taking it all out.

The other thing is do you know the volume of water on a per day basis going through that pipe?

MR. WRIGHT: Average flow is twenty-five million gallons a day.

MR. SCHNEIDERMAN: On a yearly basis, that's a tremendous amount of gallons of water that leaves our aquifer system.

Has that been studied in terms of can our aquifer sustain the loss of that much water?

MR. WRIGHT: It has been studied.
It was initiated in 1977, and it was both Nassau and Suffolk performed that study.

It identified twenty-two streams within the southwest sewer district, and there were thirty five sites identified as possibly requiring some type of replenishment, whether it was a pond or wetland, etc., but the conclusion a few years ago was that the impact of sewer ing had taken place, and there was no need to mitigate at this time.

Obviously, right now there is a lot of high water areas, people complaining about flooding, etc., so the one project that we were going to initiate is in Deer Lake, split between Babylon and Islip.

The option there was to take shallow -- water, put it into the lakes to maintain a particular water level. That is the option we're going to try on a small scale, but until State DEC or the U.S. EPA directs us to do something else because of some problems, we weren't going to proceed further.
Deer Lake, there was a house.

Budget people went out to look at that project. There was a house for sale, waterfront property. It is kind of difficult to justify a capital program there with that condition.

MR. SCHNEIDERMAN: We're in the neighborhood of a billion gallons a year of water leaving the aquifer. You're working off a study that may be old.

I hear there is all kinds of aquifer issues in terms of depletion, maybe that is incorrect, but there is a concern with increased development that maybe we need to update the study, take a look before we continue on the current course.

Probably should have the best science available to see if we're taking all this water out, is there something we're not doing to --

MR. WRIGHT: That is something that would be part of the EIS of the expansion project at Bergen Point. What happens
right now has been going on for many years.

There hasn't been an impact on the wetlands or streams.

MR. HORSELEY: Speaking for the Southwest Sewer District, having it as a back yard, we don't want that pipe to fail. It is almost an emergency situation.

If we have a hurricane, we could lose the bay with the destruction of this pipe.

MR. WRIGHT: It is treated sewage, but there is something where it is some of the region --

MR. SCHNEIDERMAN: As long as you have a basis to continue on the course you're on, I don't have an issue, but it is worth looking at.

THE CHAIRMAN: This is not a scientific investigation today. This is the -- what we're granting him is authority to go ahead with planning.

MR. WRIGHT: An emergency response
plan. We're going to buy something but not construct something.

THE CHAIRMAN: We'll have an opportunity to review the scope of your proposed work and so forth.

MR. KAUFMAN: Any idea what the cause of snapping of the pre-stressed is; water corrosion or --

MR. WRIGHT: This whole pipe was developed back in World War II, because it was minimizing the amount of steel they were using in pipe lines. It's more reliant on concrete, but the pre-stressed wire is small wire, and one company developed a class that was two ductal, too brittle basically, and under pressure, it was breaking.

If it breaks, the mortar cracks, there is corrosion, the steel shell can only maintain certain pressure. Some water lines had a hundred pounds per square inch. That is where the problems were.

We're at three to five pounds per
square inch, unless there's storm flows
and we're up to twenty-five to thirty
pounds per square inch.

MR. KAUFMAN: One other question.
I'm familiar with some of the dewater
problems occurring in Nassau County where
they've knocked out a fair amount of
streams. It was my impression, talking
with some civil engineers from Nassau
County Department of Public Works, that
that problem kind of stops at the County
line.

We've not experienced severe
dewater and dropping of water tables.

MR. WRIGHT: The results of the
Nassau and Suffolk studies, Nassau was
impacting the western part of Suffolk more
than anything else.

MR. SCHNEIDERMAM: It is well over
a billion gallons, to correct my math.
Nine billion.

MS. WRIGHT: There is two hundred
sixty million gallons of fresh water that
goes into the bay everyday.
MS. RUSSO: I make a motion that this is a type two action.

THE CHAIRMAN: We have a motion.

MR. MACTAY: Seconded.

THE CHAIRMAN: Seconded by Mr. Machtay.

Any other discussion?

(No response.)

All in favor?

MR. GULBRANSEN: I have a question.

Our motion is to authorize them to carry forward an emergency response plan, contingency plan, as well as the planning for --

MR. WRIGHT: The request for proposal is to evaluate alternatives in the permitting process, prepare an environmental impact statement that would be necessary, depending on which option is selected, and do a final design. That is the process we're going to go into.

We'll be back here in a year.

MR. GULBRANSEN: The process beyond the emergency measures includes volume,
includes demand?

THE CHAIRMAN: It should, yes.

MR. GULBRANSEN: Sewage growth?

MR. WRIGHT: Not growth. There is an expansion project, a different project that is looking at expanding Bergen Point. We'll have to look at what is the impact.

MR. SCHNEIDERMAN: Would that mean you have to put a second outflow pipe in if you're going to tear one up?

MR. WRIGHT: Our plan is either a tunnel would have two four and a half foot diameter pipes, a trench would be two pipes, too.

MR. SCHNEIDERMAN: You're planning for the increase capacity in the outflow pipe?

MR. WRIGHT: That size has capacity for additional flow. The pipe that is there now is sized for twice the flow that we're seeing.

MR. SCHNEIDERMAN: Our role here, are we trying to determine whether this is
unlisted or type two; do we know it is
type two?

MR. BAGG: The regulations say to
conduct a study, engineering feasibility
study to do a further project it is
clearly a type two action, and Ben is
requesting to be allowed to purchase
additional pipe sections in case of a
failure so they have them on site, so they
can go in on an emergency basis and fix
the pipe, because these things you can't
buy in a hardware store.

It could take weeks or months to
get them. We would need additional
sections if case there is a failure.

MR. SCHNEIDERMAN: It might have to
be done under emergency provisions which
will skip us.

MR. BAGG: This is simply for study
and buying the equipment to have on site.

MR. MACHTAY: If there is anything
making me uncomfortable, this is the third
or fourth time he said they're going to
study alternatives which are specifically
pursuant to SEQRA. That is an issue that
you must address.

If you're going to study
alternatives ahead of time and come in
with a conclusion, then we're doing the
process a little backwards.

MR. WRIGHT: My memo indicated
concurrence and guidance.

MR. BAGG: Basically you can study
alternatives and then you do the
environmental impact statement. It lists
all those, and based on environmental and
everything, you pick the best alternative.

You have to study alternatives one
way or the other, either in front or after
the fact when the impact statement comes
out.

MR. MACHTAY: You know what the
conclusion is? I believe it's I'm sure
they will work it out.

MR. SCHNEIDERMAN: Seems to me you
have to buy equipment. If there is an
emergency, you're going to go in, you
won't have to wait, won't see this Board
again.

It seems to me, knowing this could happen, obviously you feel strong enough that you need to have the pipe there. We could be looking at mitigating measures, so that if an emergency occurred, what would be the best place to take -- best way or method only for removing a section of pipe, putting it in, to cause least disturbance. Doesn't seem like we'll get that dialog.

That is the missing piece here.

MR. WRIGHT: If the pipe fails, there will be twenty-five million gallons a day of treated sewage going into the bay.

MR. SCHNEIDERMAN: Prepare now.

MR. WRIGHT: There is a procedure on how to replace the pipe, a section of pipe if it fails. There is a particular procedure on how to get it out and get a new section in.

MR. SCHNEIDERMAN: This body may have something to say about that.
procedure.

As long as we're not in the emergency situation now, we're not going to get to have that dialogue.

MR. BAGG: It should be pointed out the regulators in Great South Bay is the DEC, that basically before any emergency action would be taken, it has to go before DEC and be approved from an environmental impact point of view, as well as the Coast Guard and Federal government.

MR. KAUFMAN: Additionally, what we've done over the last fifteen years or so, when we're faced with this kind of situation, we have typed it as two. We have given recommendations to Ben such as we're giving here today on how to possibly deal with it.

But because it is a type two and planning for the most part, they're trying to figure out what they want to try and do. We've given them leeway.

They've always known if it goes beyond any major planning activity, if it
goes into something they have to put a
fair amount of study into, the Department
of Public Works has known it has to come
back here or else inform us of that.

I don't know that there is a gain
here, if you will, in terms of what actual
project initiation, physical activity or
anything like that.

I see this more as a planning
activity, and they're preparing more than
anything else, once the plans come in and
they know which way they want to go.

MR. WRIGHT: I have no objection to
coming back here when we develop details
on the alternatives.

MR. BAGG: If you read the SEQRA
statute, "conducting environmental,
engineering, economic feasibility and
other studies and preliminary planning and
budgetary processes necessary to the
formulation of a proposal for action,
provided those activities do not commit
the agency to commence, engage in or
approve such action as a type two action."
THE CHAIRMAN: We have a motion and a second.

All in favor of the motion?

(Whereupon, all responded in the affirmative.)

Opposed?

(No response.)

Motion carries.

This has the potential to make the mosquito control program look like nothing.

MR. WRIGHT: Sorry to hear that.

THE CHAIRMAN: It is disturbing, putting cable in. What is likely to happen, you know what outfall is going to be when we got out to the ocean?

Recommended unlisted actions,

proposed acquisition for open space preservation purposes known as South Bay Street property in the Incorporated Village of Lindenhurst.

MS. FISCHER: I'm Principal Environment Analysis the Department of Planning.
Before you today, is a proposed acquisition of two parcels totaling point two two acres in size in the Village of Lindenhurst along the Great South Bay. The first parcel, there was a structure, a residential structure previously on the property. That residential structure has been removed. They are two vacant lots rather than one developed and one undeveloped. The second parcel is primarily under water, land within Great South Bay with a small portion of upland shoreline area. This is being proposed under the old drinking water protection program twelve five E one A. That is designated funding for the west end towns. Specifically in this case, this would be within the Town of Babylon. We have been given information regarding its potential use. The Village of Lindenhurst has adjacent properties both to the east and west of the property before you. This proposed use is for
walking, small picnic areas.

I would like to ask Wayne Horsley
to give his further description of the
potential use of the site.

MR. HORSLEY: I'm going to talk
about the history because I think --

Thank you for letting me have this
opportunity today. Rich, by the way, in
that Babylon Historical Society take over
of the VanBourgondien property, they were
just given by the family, in the 1918 or
1921 range, an automobile, a truck in
pristine shape with VanBourgondien
Brothers written on the side that they
used as a marketing tool, but it is
fabulous.

They're going to give it to the
house, which is a terrific historic item
for the Town Babylon. Thank you for your
help.

I'm here to talk about the Bay
Street property. It has a tortured past,
and Jay knows a little bit about this.
This is something that I've had to deal
with since I've been on the Legislature, since 2005.

This property is at -- you have copies of the picture -- at the end of a street. It is an addition to Shore Park, and I think it qualifies under everything you've talked about.

This property qualifies for importance and for the reason to increase the size of the park, which is why we acquire properties particularly in the western section where we don't have any properties to purchase.

Again, it goes to, this is the old program of Babylon monies which were directed to Babylon Town. A little about the history, when I came on board in the Legislature, there was a bill that -- for the purchase of this property. It was passed by the Legislature, went to the County Executive, he vetoed it.

I came into office and my first day, first meeting was this veto of the property. Why was it vetoed? The reason
why was everyone looked at that property
and said the same thing. What it is, is
that the property was going up for sale.

The Village of Lindenhurst said
this is a great piece of property to grow
our park, to acquire a very sensitive part
of -- the properties are now under water.
We have erosion issues. The Village will
take it. They went to their Legislator,
who was Dave Bishop. He said I would like
to have the County purchase this property.

Went through some of the processes,
but the process would take too long, so
they were going to sell the property to a
private -- there is a house on the
property in very poor shape. At that
point in time, the Village went to the
Legislator and said, "How about if we up
front the monies and the County can take
the time and processes to pay for the
property through this directed water
program for Babylon properties?"

Everyone agrees with it. The
Village mayor has that understanding that
the Village up fronts the dollars, a hundred eighty thousand?

MS. FISHER: I'm not sure.

MR. HORSLEY: I come in the first day, this is a commitment that we made to one of our prominent officials in the town and Suffolk County. Mayor Thomas Brennan said, "We'll do this work with the County."

They go off, buy the property. They turn to the Legislator, he puts the proposal into the Legislature. They pass it, it's vetoed. I come in, and my first act working with the new majority in the Legislature the first day in office, first meeting overrode the County Executive's veto. That was well received.

Joining me with that was Jay Schneiderman, who gave rationales how this has been done in the past. As we moved forward, nothing happens to this bill. It sat there. The Village never received any monies.

There is a commitment from the
County. How important is our word and commitments? That is the issue.

I find recently that I needed an appropriating bill. The bill goes through committee, passes committee after everyone has the same question; if it is in public hands, owned by the Village, why should the County pay for it? It is wrong.

That is the issue, but we made this commitment back in 2004. Everyone who looks at this, including the Parks Committee's, first reaction was, the Village owns this property, why should we be paying monies for this property?

The Parks Committee almost denied it. Then I explained to them the history. They seemed to move forward. Parks Committee, why should the town -- County pay for property that is already in public hands?

To complicate the matter, we went out, assessed the property at three hundred eighty thousand dollars. The County Executive's staff sees that, they
then say the Village is trying to make
money. Had nothing to do with the
assessment.

They're looking for reimbursement
of the one eighty. It is much more costly
to buy that today than back in 2004.

I'm walking everyone through our
commitments to the mayor, sitting mayor.
I'm like, "If you stand by me, I'll work
with you to the very end." That is how
the County should hold their trust and
word.

I'm here to plead this issue. Once
this is explained, people say I understand
now.

Any questions?

THE CHAIRMAN: Do we have anything
in writing about this commitment?

MR. HORSLEY: No. I can't find
anything in our records. I certainly
would have the Village come down to make
any testimony to this commitment. Maybe
they did things differently in the old
days.
I have inherited this issue.

MR. SCHNEIDERMAN: We can stray into a conversation about whether or not it is right policy or wrong. That is not the issue. It is open space.

We're purchasing open space. It needs to be reviewed as any other proposal.

THE CHAIRMAN: I guess.

MR. SCHNEIDERMAN: Another debate for the Legislature.

THE CHAIRMAN: We are to look at the environmental issue, and if we look at the environmental issue in context, there is a fixed pot of money. We spend money on this as opposed to something else, that is an environmental issue in a broadest sense.

That is how we have to look at it. Can't look at the cost, because that is not our job. We got to stick to the environment.

MR. KAUFMAN: Two questions. What is the point score on this property if we
were assessing it under standard criteria?

MS. FISHER: Honestly, I don't think it was.

MR. SCHNEIDERMAN: I asked for that.

MR. KAUFMAN: That is one of the criteria we use.

MR. HORSLEY: May have predated it.

MR. KAUFMAN: It will give us an indication of what we're looking at.

The other question is this is an isolated piece in terms of County ownership as compared with the Village of Lindenhurst. I understand the political ramifications and the historical aspect.

The County has had policies in the past to not necessarily accept or purchase properties that are somewhat isolated from County properties and are not necessarily adding to County park facilities.

This is in an isolated area next to the Town of Lindenhurst ball fields.

MR. HORSLEY: It adds on to the existing parkland.
MR. KAUFMAN: Surrounded by Village property. That gives me pause in terms of analysis.

MR. SCHNEIDERMAN: This program is a twelve five E one A. It's an older program.

There were funds dedicated from sales tax revenues, correct?

FISHER: First quarter percent funding.

MR. SCHNEIDERMAN: That went to municipalities. Historically, although there's no statutory requirement, we have allowed the municipalities to say how they want their money spent.

From my perspective, these have come up before, and we basically have not trumped the municipalities. That is my recollection.

There has been several municipalities that I remember. There was one where they wanted drainage parcels.

If that is what the community wanted, we have not second guessed those things.
I haven't look at this through that lens. There is Lindenhurst in the Town of Babylon.

MS. FISHER: It is dedicated for lands within the Town of Babylon. This is the Village of Lindenhurst within those bounds.

We take that into advisement, but we are not bound by the requests of the local municipalities.

MR. SCHNEIDERMAN: I understand that the piece in Islip was not acquired. It was rejected by the parks trustees and not moved forward.

That was a bad example.

MS. FISHER: We do have this funding source, and it is dedicated for lands within the town, and it does make that criteria in that regard, but we -- again, it's up to the County's discretion as to how we spend that money within that town.

We take, you know, requests under advisement for sure.
THE CHAIRMAN: How did you plan on using this?

MR. HORSLEY: This will be -- the house is down. They're planning on putting several park benches, a little walkway to the bay. Use it as a passive area.

THE CHAIRMAN: How will Suffolk County residents --

MR. HORSLEY: It is an open park.

THE CHAIRMAN: Where would they be allowed to park?

MR. HORSLEY: Off the chart. If you head further north, there are parking areas that are used by anyone that wants to use them.

MS. RUSSO: They're not Village only parking spaces?

MR. HORSLEY: No. Ball fields and anyone who wants to use it. It is a common location.

There's no fencing involved in the park, except behind the houses to the opening. There is no entranceway, no
gatekeeper, any sort of restraint for anyone to be checked.

MS. GROWNEY: Handicapped spaces, that would be one of my concerns. If it is accessible to County residents, in what way --

MR. HORSLEY: Handicapped, I would assume they would have to comply with ADA regulations. It is an open park.

MS. GROWNEY: This particular site.

MR. HORSLEY: Wouldn't it then be -- you're looking for handicapped spots at that location?

MS. GROWNEY: It's so far from the parking. It is way off this. To get a handicapped person to get to that space --

MR. HORSLEY: It would be no designated handicapped spot. It is in a residential area, but at the end of that street where you could park, it is accessible.

It's not fenced in.

MS. GROWNEY: I would be inclined to see a spot.
MR. MACHTAY: There is some kind of path or roadway that leads down to the water as far south as it can go.

If handicapped people were allowed to proceed with cars down there and there is parking along there also, doesn't seem it would eliminate the possibility that handicapped couldn't reach these properties.

Seems there are other obstacles that have to be gotten past for the Legislator, most notably the Legislature, and our only question is whether or not this is an unlisted action and negative declaration; am I right?

MR. BAGG: That is correct.

MR. MACHTAY: I make a motion this is an unlisted action and negative declaration.

THE CHAIRMAN: Motion by Mr. Machtay.

Second?

MS. SPENCER: Second.

THE CHAIRMAN: Seconded by Ms.
Spencer.

Further discussion?

(No response.)

Call the question.

All in favor of the motion, raise your hand or say aye?

Opposed?

MS. RUSSO: I am.

THE CHAIRMAN: Abstentions?

MR. SCHNEIDERMAN: One opposed, one abstention.

THE CHAIRMAN: Motion passes.

(Whereupon, there was a recess, after which the following transpired:)

THE CHAIRMAN: We'll resume.

We have highway and drainage improvements to CR 4, Commack Road, from Nicolls Road to Julia Circle.

Identify yourself for the record.

MR. MACKEY: For the record, I'm Russ Mackey. I work for Suffolk County DPW, County Management Division. This is Rich Geiger, our consultant for this project from Sidney B. Bowne and Son, LLP
who will describe the program.

MR. GEIGER: What this project is, it's a two point one mile section of Commack Road, County Road Four, within the Towns of Babylon and Huntington. The south side project is Nicolls Road, the north side is Julia Circle.

The road right now varies. It's a four lane road on the south end and towards the middle, there is a grass median where the road splits, two lanes east side. The northern two-thirds is a two lane road.

We're proposing the predominantly pavement improvements, overlays over existing concrete panels and asphalt covering. We also propose to excavate existing. The asphalt shoulder is in bad shape, and we'll replace that with a heavy duty section.

We have a lot of large truck traffic on this road. Outside the asphalt shoulder, we propose the total excavation and replacement. We also will widen the
road approximately one to two feet on each side. It will finish with a total pavement length of forty-four feet and the way that would be striped would be two eleven foot lanes, an eleven foot separation median with five and a half foot shoulders on each side.

The separation is for safety reasons. Drainage wise, what you have is independent inlets with leaching pools. There is some positive drainage on the south end that runs to the south.

All we're proposing for drainage is raising the new grade. It will have grates when we do the overlay, and we're proposing some spot drainage in the grass medians.

We're proposing six leaching pools, each being ten foot diameter by twelve foot diameter, standard Suffolk County type G three structures, contributed to from catch basins on the roads with cross over pipe, fifteen inches of pipe.

Drainage is designed for two inches
of rainfall. Other than that, drainage
will be as currently exists; it will run
off the edge. We're not proposing any new
curbs. Any pavement will be done to
prevent the edges from breaking, cracking.

There will be no new curb
installation. It is not going to collect
any water and have it go somewhere else,
run off the road or onto the road as now
picked up in the spot drainage locations
we have currently.

MR. MACHTAY: This all will happen
within the currently paved width of the
road and the shoulders?

MR. GEIGER: No. Right now the
actual road edge to edge is forty-one to
forty-three feet. We're going to provide
a width of forty-four.

MR. MACKEY: The right of way will
be slightly larger than the existing paved
width.

Any new travel lanes being added?

MR. GEIGER: Not at this time, no.

MR. MACHTAY: Do you have the
potential to add new travel lanes?

MR. MACKEY: The reason the project is going forward is a safety issue. We're not adding capacity.

MR. RUSSO: What is the safety issue?

MR. MACKEY: From 2001 to 2005, there were 117 accidents on this stretch of road, varying from head-on collisions to various other types of accidents. We attribute it to possibly because of the poor shoulder conditions, people can't get off the side of the road or a situation such as that people trying to overtake. Stuff like that.

These improvements with some water ponding on it, we deem will alleviate --

MR. GEIGER: When we repave, there is a -- we are going to bank the outside lane like a race track to prevent cars from going off the edge.

MS. GROWNEY: Two inches are enough?

MR. GEIGER: That is standard.
MS. GROWNEY: Is it enough if the water is one of the issues?

MR. MACKEY: I believe a soil boring was done after this first couple of inches that will be the grate and such. Where the actual leaching takes place, it is good material.

MR. GEIGER: That is total storage, assuming no percolation. Our boring when you get down to four or five feet, you have one percent being held in, which is a very good rating. We're assuming excellent percolation.

MS. SQUIRES: Have you had a response from the town of Huntington engineering department?

MR. GEIGER: No.

MR. KAUFMAN: Essentially you're going to be making the shoulders eleven feet wide?

MR. GEIGER: Five and a half.

MR. KAUFMAN: Enough to park a truck on there?

MR. MACKAY: Truck widths are a
little bit better. In case a car breaks
down, it can get off the side of the road,
safely off the side of the road.

    MR. KAUFMAN: I've used this road
several times, seen trucks parked on the
shoulders waiting for industrial parks
down to the south. When they've done
that, they've been on the road bed.

    MR. MACKAY: I don't know what the
regulations are. That almost sounds like
a police enforcement issue if there is no
parking allowed there.

    THE CHAIRMAN: Is this road used as
a speed way?

    MR. GEIGER: Probably is.

    THE CHAIRMAN: Is it poor quality
road or the fact they're not enforcing the
speed limit?

    MR. MACKAY: Poor quality road. I
was there yesterday. We've determined,
and construction people determined, that
our maintenance department has patched it
many times in the past. Those have
failed.
Most likely it's that the subbase is a clayey material which can't hold -- isn't suitable for holding pavement which is why it pumps and fails, breaks. That is why we keep going back there and patching.

MR. GEIGER: Our new section, we have a contingency for excavation of unsuitable material that would be another six inches beneath our twelve inch equivalent, eighteen inch equivalent section.

We're providing for a heavy duty section and anticipating a poor subgrade near the surface where that can be replaced.

MR. MACHTAY: Will you be coordinating with the Town of Huntington by contacting them?

MR. GEIGER: I assume most of my jobs in Suffolk County, I've talked with Bianca at engineering. I'm assuming once we get this thing going, I will be talking with her about what we're doing.
MR. PICHNEY: Will the grass median be more or less at grade or swailed (sic)?

MR. GEIGER: Right now, it is a little bit. That is what we're going to try to get when we put our G three's in the middle. We'll try to set them six inches lower, and we're going to allow re-grading and reseeding and top soil. In that grass median area, I'm going to be putting six in.

You figure ten foot with ten foot separation on each side of that turn around circle, maybe fifty, sixty feet out of fifteen hundred will not be disturbed to the median.

MR. KAUFMAN: I can confirm the pavement is not all that great. I was there recently. There was a bridge across here, which I think we were dealing with.

I don't know what happened to it.

Is it still in existence?

MR. MARTIN: It's still there. Can you explain the status?

MR. MACKEY: It will be coming down
as part of a safety issue. CEQ gave approval and a negative declaration back in 2001. It is a safety issue right now. Currently there is no safety appurtenances to protect like you see on highways. It does run into the bridge abutments. We have noticed that trucks that use the road are afraid of clearance and drive in towards the middle of the road to avoid hitting it. That is another reason -- safety issue there as well. The fact that we want to do -- with a total pavement width coming near the bridge, you would have to come in underneath and you don't want to change the width of the roadway.

MR. KAUFMAN: To have full width, knock out abutments?

MR. MACKEY: Yes.

MR. MARTIN: Shouldn't that be in the report? I went there to see if it was still there.

MR. MACKEY: That is a separate project.
MR. MARTIN: Shouldn't it say it has to be taken?

MR. BAGG: We reviewed it before and made a recommendation.

MR. MARTIN: Shouldn't that be in here, that that was completed?

MR. KAUFMAN: We're noting it here. He could amend the paperwork.

MR. MARTIN: I don't know if anyone else has a question. We did review it, we photographed it at the time. I think it should be in.

MR. BAGG: It's a separate project. They're going to remove the bridge whether this goes through or not.

MR. KAUFMAN: Under the short assessment form that is filled out, Rich may have a slight point.

We can probably amend it here. What happens is we've raised it here, I don't know if other people spotted it, etc.

If they had seen these documents, it is not mentioned in here. Can we fix
it today?

MR. BAGG: Do what?

MR. KAUFMAN: Put in there is a bridge over there.

MR. BAGG: We reviewed it, they have an unlisted action, negative declaration to that. It is a safety hazard in 2001.

THE CHAIRMAN: How come it was not removed seven years ago?

MR. MACKEY: I don't have that information. I don't know.

MS. SQUIRES: I understand that we're just talking about leaving it as it is, just increasing the shoulders, but should the project consider to accommodate the proposed projects that are going to go on, and this will require probably even four lanes.

Should that be considered?

MR. MACKEY: What proposed projects are you speaking of?

MS SQUIRES: The development projects.
MR. MACHTAY: At least two major shopping centers that are going to be going up. On Grand Boulevard is the new Tanger and the other is just north of the railroad tracks on Commack Road, a second shopping center.

I don't know what it is called.

MR. MACKEY: I assume when those applications or permits for those went in, that there was probably traffic studies done, and if this project is going forward, those were under consideration when this thing was undertaken.

MR. BAGG: When the town approved those studies, did they make a recommendation to improve any roads?

MR. MACHTAY: Didn't approve those studies, the Town of Huntington.

MS. SQUIRES: It is Babylon and Smithtown. I'm raising the issue.

MR. KAUFMAN: I believe the Tanger stuff down in Deer Park, there was mention made of Commack Road. I believe that they were looking at it in terms of the
existing capacity, and they were not looking at Tanger, which is more towards Grand Boulevard, not at Commack Road.

It's primarily feeder or relief valve. That memory may not be accurate. Something should be looked at.

That is my recollection, that Commack Road was not looked at in terms of being expanded.

MR. MACHTAY: The Town of Huntington, I was director of planning at the time. I had to give testimony at the public hearing in Babylon.

The Town of Huntington hired an outside engineering firm for a traffic study to do a traffic study of Commack Road and other arterials in the area, and it was a fairly significant impact that was going to occur on Commack Road, from what I recall.

That is the study we did.

MR. KAUFMAN: Any talk about expanding it to four?

MR. MACHTAY: Don't remember.
MR. KAUFMAN: That is what is sticking in my mind.

MR. MACHTAY: I know there was a great deal of controversy of what would happen on Commack Road.

MR. KAUFMAN: I remember it being talked about in terms of Pilgrim Psychiatric, and what they're trying to do up there.

MR. MACHTAY: The supervisor was very adamant that I be, as director of all improvements taking place and all projects going to take place, whether they were in the Smithtown side, Babylon side or the Huntington side, and that I was to keep him informed of these.

THE CHAIRMAN: It seems that the appearance is that there has been inadequate coordination with the towns considering what the planned development is for the area.

MR. MACHTAY: I don't know.

MS. SQUIRES: I can't say, but I think engineering should certainly
respond.

MR. MACKAY: Engineering wise, the sections that we are building as far as the pavement and all that is a normal drivable kind of thing. We're not going to put something that is not --

MS. SQUIRES: No, I'm just saying that the Town of Huntington engineering department should respond to you, as should the Town of Babylon.

Have they responded to you? There should be response from the towns.

MS. SPENCER: Have you solicited responses from Smithtown, Huntington and Babylon?

MR. BAGG: We send these to the Huntington CAC, to the Huntington supervisor or Huntington environmental department, requesting people come here to voice their concerns; Babylon DEP, Babylon supervisor, and that is one of the problems.

These people -- I don't know what they do, throw them in the circular file.
MS. SQUIRES: I'm responding and asking questions.

MR. BAGG: Have you reviewed this? It should be do you have environmental concerns before your commission, not whether it has been to your DEP because it has.

Did you call them up and say this is before the CEQ?

MS. SQUIRES: I'm asking questions here. Let me finish my questions.

MR. BAGG: Everyone has these questions, yet these people get these documents and nobody responds. Then you want them to find out whether they responded.

That is up to you to contact your supervisor and say where is your response?

THE CHAIRMAN: I think we always have problems with coordination. It seems to me that given the importance of this road, that whether they have responded or not, that we have an obligation to do -- try to do the right thing, which is go
back to the towns and make sure that they
have had an opportunity to get their input
in this process.

I'd hate to have a road built and
someone say --

MR. MACKEY: If they're planning
something, they would have contacted
somebody in the County to say we're having
this development, don't do anything to
this road at that point.

If this project's coming down to my
level from the chief engineer, he would
have heard that and made a decision as far
as what was doing on with this road.

THE CHAIRMAN: I understand that,
but given the importance of this, the cost
of the project and so forth, I think it
would not hurt us so delay for a month to
get answers to these questions.

MR. PICHNEY: Correct me if I'm
wrong, Jay mentioned about making this
into a capacity project rather than just a
safety project.

It is not unusual for public works
in order to address specific drainage
issues and safety issues, to jump on a
project and get it down and then if these
mega proposals come along, at that time
overall coordination is addressed, you
know, adding capacity to the road.

You know, even though it may seem
wasteful, you address the one issue and
then address capacity at a future.

MR. MACKEY: We can come back and
add on to it if it requires.

MR. BAGG: What you were doing now,
could that be utilized in a future
projects? I assume you're not going to
rip the whole road up and replace it.

MR. MACKEY: Other County roads, if
capacity is needed, they add onto the side
of it, like what we're doing.

The taking the shoulder, excavating
out shoulder, what you do then is excavate
out, make another pavement box and add on
that way.

We have no plans to do that. We're
just doing within the forty-four feet, but
if it comes back to later on in the future
capacity is needed, yes, you could do
that. There would be no problems.

THE CHAIRMAN: If capacity is
already being -- the need for capacity is
already being considered, I don't want to
build something, come back in one or two
years and start over again.

MR. KAUFMAN: There is a limiting
factor here. We have a forty-four foot
wide road bed. If we want to increase
capacity, it is called -- it takes that
outside the scope of this project.

We have a limited road bed here.

MR. MACKEY: It takes the
environmental areas with the State
preserves that we can't go into.

MR. KAUFMAN: That is part of multi
town, part of Oak Brush Plains, that is
State land. You can't take that without
several votes. Commack Road runs cross
there.

In terms of capacity, there is
nothing there. This is also on the west
side. We're not talking necessarily about something that is easily expanded, and frankly that goes outside our purview.

What Jay was saying and Rich was saying, to talk to Babylon and Huntington, make sure that they don't have a problem with this or that maybe there is a change out there.

That might not be a bad idea.

MR. MACHTAY: As you know as a lawyer, perception is everything; am I right?

MR. KAUFMAN: To some degree.

MR. MACHTAY: Before all heck breaks loose, I think that supervisor's office might be contacted.

MR. KAUFMAN: That is what I just said.

MS. SQUIRES: No, I still didn't raise my two environmental questions which are quite specific.

You need to provide more details of your storm water control measures that are going to be implemented during
construction.

MR. MACKEY: We use the standard County standards with the fence and hay bails and for the existing leaching basins.

MS. SQUIRES: They're not in there.

MR. GEIGER: In the final plans.

MS. SQUIRES: The other thing, would you address where the contractor's lay down area is going to be?

MR. MACKEY: That is determined --

MS. SQUIRES: What they're going to do to maintain cleanliness and temporary bathroom facilities are going to be provided.

Is that going to be addressed?

MR. MACKEY: In the general notice for all County projects, it says they have to keep the area clean. We can't say this is where the contractor is going to be because of the fact wherever -- the contractors may not need an on site facility for their operations or might have something on another job.
They might choose to go from there. For us to say the contractor is going to use here, that is impossible for us to say. We don't know who it is.

On other projects they choose a site, we approve it. As always, they have to keep and maintain cleanliness of the area.

MR. GEIGER: During and after.

MS. SQUIRES: Which always doesn't work.

MS. GROWNEY: You can designate where they can put the stuff.

MR. GEIGER: They can come in with an alternative. They may not need a site. They're a quarter mile away, doing another job or the yard is right there.

MS. GROWNEY: That can be worked out in advance if they need to use it.

MR. MACKAY: Certain location, for us to pick it now with a couple of years before construction, I don't think it is pretty wise to do that.

THE CHAIRMAN: Motion?
MR. KAUFMAN: I think we should table this thing at this point in time. I will make a motion to table this.

THE CHAIRMAN: Second?

MR. MACHTAY: Second.

THE CHAIRMAN: Any further discussion?

MR. KAUFMAN: Is this a type two or unlisted?

MR. BAGG: They are going to add to the shoulder and have a physical alteration. Therefore, it makes it an unlisted action. It is not a type two.

MR. KAUFMAN: If it's straight within the road bed and not going to expand, it's type two.

MR. BAGG: They're adding pavement, not adding now travel lanes or knew things, type two. However, there is going to expansion of, you know, the shoulder.

MS. RUSSO: Not really a travel lane. Type two says travel lanes only.

MR. BAGG: It is going to be a physical alteration of, you know, over and
above what is there now. I would say it
is an unlisted action.

THE CHAIRMAN: Anything else?

(No response.)

All in favor?

Opposed?

MR. PICHNEY: I am.

THE CHAIRMAN: Abstaining.

MS. SPENCER: I am.

THE CHAIRMAN: We have one
abstention, Mary Ann.

The motion passes.

Get back to other business. CAC
concerns.

MS. SQUIRES: I had one thing I
wanted to share. On June ninth, if you
happen to be in Albany, there is an annual
DEC update. Gloria attended last year, I
always attend.

I believe it's from 9:30 to 3:30 in
the DEC building. A lot of information
comes through on that day. I'll bring
back information if anybody is interested.

MR. PICHNEY: Nicoll's Road, County
road where it terminates on Montauk Highway at Bayport border there, when they constructed the road, they left about five hundred, a thousand feet of existing vegetation; pitch pine so forth. There is some other brush.

There were people that, despite vibrant signs say the road ends in five hundred feet and arrows indicating to turn right, on the weekends seem to jump the medians and everything, resulting in accidents, and apparently they decided -- the public works decided -- in order to address that, they took down all the vegetation that was there.

We're talking about not much, but it was between a quarter acre and half acre of trees and shrubs. Luckily somebody did mark it out where the local community had done plantings.

They left those. I called up DPW highway department, and they weren't aware of that. I spoke to Bill Colavito (phonetic), I called maintenance and
apparently the highway maintenance person, director for that particular section of the County made that decision that this should be done.

Kind of seems to me that it's kind of all or nothing or, allowing this power for one individual is a little too much. It almost seemed borderline with the purview of this agency. Other things could have been done.

The pitch pines that were there could have been left. They could have limited them up to eight feet. What I saw is the issue the ones that were overgrown and were leaning over to the shoulder could have been eliminated.

They should address the issue on a piece meal basis. It bothered me that something like that -- we deal with issues like the Commack Road where there might be, you know, sort of a marginal impact. This was a significant impact, at least to the community aesthetics if not the environment.
THE CHAIRMAN: Would you like to propose that the CEQ write a letter to the highway department expressing our concern?

MR. PICHNEY: That would be very nice.

THE CHAIRMAN: Would you be willing to give a draft to Jim that would lay out the details so he knows who to work with?

MR. PICHNEY: I will do that.

THE CHAIRMAN: I would be glad to sign it.

MR. PICHNEY: Thank you.

MS. SQUIRES: It very much falls into what CEQ has always done. Nancy Manfredonia always protected the trees. That was always her job, and certainly we should express concern.

MR. PICHNEY: Things like that happen all over the County all the time.

MR. KAUFMAN: It is funny. DPW about ten years ago or so agreed to reforest or re-vegetate areas they took down for new construction. They also agreed over the years to when they were
involved in construction in certain areas
to re-landscape or re-vegetate adjacent
areas.

That has been their policy for
quite a while. For you to bring this up,
it shows that maybe that policy is not
going down to the individual resident
managers of the area, and they should be
informed one, they can't do that
unilaterally, it's against County's CEQ's
policies, three, it is against the
previous agreements that the DPW has
undertaken to try and respect --

MR. PICHNEY: I'll allow Jim to add
those comments.

THE CHAIRMAN: Thank you.

MR. GULBRANSEN: The project
message should say don't clear without
checking, would it be effective and when
do you have to clear, get some advice on
indigenous species or sort of help them do
it right, as contrasted with getting ready
to just smack him.

MR. KAUFMAN: I believe in flaying
the offending party.

MR. PICHNEY: They did leave some things there.

THE CHAIRMAN: You do know this is, in fact, in the County jurisdiction and not a town?

MR. PICHNEY: Definitely. It is on a median of a County road.

THE CHAIRMAN: Thank you.

Anything else?

(No response.)

We have a motion to --

MR. BAGG: When DPW does a project, you have safety issues, all kinds of issues.

MR. PICHNEY: I understand that perfectly.

THE CHAIRMAN: Do we have a motion to adjourn?

MR. KAUFMAN: So moved.

MR. MACHTAY: Seconded.

THE CHAIRMAN: Rich seconds it.

Thank you very much.

All in favor?
(Whereupon, all responded in the affirmative.)

Who objects?

(No response.)

Thank you.

(TIME NOTED: 12:00 P.M.)
CERTIFICATION

I, DONNA L. SPRATT, a Notary Public in and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of May 2008.

[Signature]

DONNA L. SPRATT