NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council of Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, April 15th, 2009 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

James Bagg, Chief Environmental Analyst
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788

Council of Environmental Quality
R. Lawrence Swanson, Chairperson
MEETING NOTIFICATION

Wednesday, April 15th, 2009  9:30 a.m.
Arthur Kunz Library
H. Lee Dennison Bldg. - 4th Floor
Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes - check the web at
http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceq

Correspondence:

Public Portion:

Historic Trust Docket:

Director’s Report: Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements
Minutes from February 3, 2009 Historic Trust Committee Meeting

Project Review:
Recommended TYPE II Actions:

A.  Ratification of Recommendations for Legislative Resolutions Laid on the Table for March 24, 2009.

CAC Concerns:

***CAC MEMBERS:*** The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ’s attention.

***MEMBERS – PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.***

***ALSO FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL MATERIALS OF PROJECTS THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.***
DEPARTMENT OF PLANNING.
COUNCIL ON ENVIRONMENTAL QUALITY

April 15, 2009
9:30 a.m.

Arthur Kunz Library
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York

BEFORE:
R. Lawrence Swanson, Chairperson
Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell
APPEARANCES:
James Bagg, Chief Environmental Analyst
Eva Growney
Richard Machtay
Gloria R. Russo
Mary Ann Spencer
Joy Squires, CAC Reps
Richard Martin, Historic Society
Michael Pitcher, From Presiding Officer Lindsay's Office
Thomas Gulbransen, CEQ
Daniel Pichney, CEQ

ALSO PRESENT:
Jeff Dawson,
Emerson Hasbrouck,
Matt Sclafani, Cornell Cooperative
Mark Cappelino, Cornell Cooperative
Angel Dybas, Cornell Cooperative
Lorne Brousseau,
CHAIRMAN SWANSON: I would like to call the meeting to order.
Dan, welcome back. Good to see you.

MR. PICHNEY: Good to see you too and the Members.

CHAIRMAN SWANSON: Were there any minutes -- minutes we should be checking? I don't recall any.

THE SECRETARY: No, the March one's are not in yet.

CHAIRMAN SWANSON: We will move ahead.

Jim, is there correspondence you want to call our attention to?

MR. BAGG: Not really. I was sent this -- we received this from the Executive Office of the President -- the White House Council on Environmental Quality.

CHAIRMAN SWANSON: We haven't heard from them for years.

MR. BAGG: Because I am moving up to the White House CEQ.

(WHEREUPON, there was laughter.)
MR. BAGG: It says,
"Congratulations, on receiving a Costal America 2008 Spirit Award for the Carman's River Fish Ladder Partnership. I thought that was interesting. The award recognized outstanding projects that demonstrate the Costal American Spirit of teamwork." Then it goes on to say that, "Hopefully, this will help restore some of the anadromous fish population in the area."

CHAIRMAN SWANSON: Anything else?

MR. BAGG: That's all.

CHAIRMAN SWANSON: Historic Trust -- before we get going too far, I noticed that my envelope was thickened considerably by minutes from the Historic Trust. I would suggest that we not send these out to everybody -- save a tree, and if Mary Ann is willing to provide us a copy that can be circulated while we're at the meeting, it would save a lot paperwork.

MS. SPENCER: Not a problem.

MR. KAUFMAN: Larry?
CHAIRMAN SWANSON: Yes.

MR. KAUFMAN: I would disagree with that. I actually have been an advocate of seeing a little bit more of what the Historic Trust Subcommittee has been doing. I have not been seeing the minutes previously of it, and I thought the minutes that we just received were very, very informative and enabled us to keep track of what was going on. In terms of distribution, is it just to the CEQ members itself?

CHAIRMAN SWANSON: No, a copy -- you can always get a copy from Mary Ann if you really want a copy. If she made a copy available here, you can read it here and ask questions. We get so much paper, and I don't think everybody needs to get a copy.

MR. KAUFMAN: I won't push the point.

CHAIRMAN SWANSON: It is publicly available. You can get it from Mary Ann anytime you want and maybe -- I don't know what the trouble there might be but
maybe we can put it online.

MS. SPENCER: There is not a problem. If there is a Member of the CEQ that wants a copy, all they have to do is contact me.

CHAIRMAN SWANSON: Or you can put it online.

MS. SPENCER: Right, we will work on it. Thank you.

CHAIRMAN SWANSON: Alright, so let's move ahead.

Michael, I would appreciate when it's appropriate, if you would comment on issues that you're are concerned about that came up in the minutes -- that came up in the minutes of the Historic Trust.

Mary Ann, go ahead.

MS. SPENCER: With the updates on the housing or do you want to go on the motion?

CHAIRMAN SWANSON: Whichever you want to take first.

MR. MARTIN: I think with today's time, we will go right to the motion we
need to discuss, and then I have another
short review of a project at this
Historic Trust site. I am going use the
time for that today.

MS. SPENCER: Go for it.

MR. MARTIN: I don't know if
everyone has the minutes with them
today, within the minutes is this
resolution that we passed. We don't
have the minutes numbered.

CHAIRMAN SWANSON: It is in the
packet, I think.

MR. MARTIN: Oh, it's separate?

MS. SPENCER: It's separate.

MR. MARTIN: That's good. So that
is what we're reviewing. This has been
in discussion for a number of meetings
of the Historic Trust Committee. They
are concerns that they have about the
County's Acquisition Program.

Obviously, especially because of the
historic properties, and they would like
to see some additional planning steps
added to the review when the County is
initially looking at these properties
and not to wait until after the fact --
after the closing to start taking the
additional cost into account. I don't
know if you want -- Jim, should I read
this into the minutes? Can everyone
just see or have any questions about
this?

(WHEREUPON, there was no response.)

MR. MARTIN: Mainly, it is trying
to ask to review the properties for
their historic significance and make
that decision beforehand in the sense
that they qualify. It is still up to
the CEQ, of course, to designate
historic properties and the full
legislature if this will be a County
landmark, but just a review of that
possibility and then also for the cost
that would be involved.

MR. KAUFMAN: I have one question.
I think the resolution is an excellent
step, and it really does take into
account the concerns that the Historic
Trust Subcommittee has had and also the
discussions we had around here. I am
just curious about one thing. The appraisal cost, if you will, the cost for security and stabilizing that we want to have in here, does the County have inhouse resources to give estimates like that or are we going to have to go outside to get these estimates before we purchase it?

MR. MARTIN: The estimates we're talking about can come within the County. If you notice, the last paragraph, we talk about involving a division of real estate, Department of Planning, Department of Public Works. That's who Suffolk County Parks would bring in to estimate jobs for us. We do not do the estimating and then, of course, the Parks Department would involve the Division of Historic Services and the Park Commission.

So we rely heavily on the Department of Public Works to both review the cost and for code enforcement on what can the building be used for and the use that is being proposed at the
time of acquisition. If not, what work
and cost needs to be incurred to bring
it to that code compliance.

MR. KAUFMAN: Thank you.

CHAIRPERSON SWANSON: Jim?

MR. BAGG: Yes. I would like to
point out -- I want to possibly qualify
this motion if it passes with the CEQ
with a couple whereas's.

Has the Council received a Historic
Structures Report on -- I believe, it
was like -- I believe we had done 49
structures out of 215?

MR. MARTIN: Yes.

MR. BAGG: And the proposed
restoration cost to bring the structures
we currently own up to par is
$42,000,000?

MS. SPENCER: That is for 49 of
them.

MR. BAGG: Okay, for 49 of the 215
structures. The point of this is -- I
mean, very often the legislature or our
legislator proposes on purchasing
property and then says, "This is
historically significant," and the County then proceeds to purchase the property without knowing the true cost because they are just considering the appraised value, and then it turns around that you can't use the structure for anything until you bring it up to New York State Building Code at the cost of potentially millions of dollars more. So then we end up with a property with a historic structures on it that -- we've had a number of these properties that really collapse around our ears because the County hasn't come up with the money, and this should be identified as a true clause before the County actually gets into acquiring these assets and say, "We have the money to really do with this property what should be done."

CHAIRPERSON SWANSON: Yes, Rich?

MR. MACHTAY: The last paragraph in this resolution -- the last sentence -- "This information shall be placed within the environmental assessment form and considered by CEQ when dealing with
SEQRA review and recommendations to the
Legislator and the County Executive."
Jim, they're saying that the cost of
rehabilitation repair and what have you,
shall be considered in the SEQRA review
which is under the -- part of the EAF
that says, "Historic significance." Is
that really a historic significance?
Nothing can be historic and falling down
around our ears and one thing have
nothing to do with other except that we
will never be able to restore it.

MS. RUSSO: The money issue to
restore it, is really not part of the
SEQRA review. It's having the economics
to do that.

MR. MACHTAY: It is really up to
the legislature to decide whether they
want to spend the money or not.

MR. BAGG: They have to be
appraised as to what it would cost.

MR. MACHTAY: The resolution can
certainly say, "It is going to cost X,
Y, Z to restore this property," but to
consider it as part of the SEQRA review,
I wonder if that is --

MR. BAGG: But I think that CEQ
when a proposal is preserved as part of
the environmental assessment form that
we must -- we need to purchase it to
preserve it because it is historically
significant. That the Council has the
right to request, "Well, what state is
this property in and what will it take
to really preserve it?" As you're
saying, what the acquisition is going to
be.

MR. MACHTAY: Does SEQRA review
rise to the level of, "How much is it
going to cost to rehabilitate and
restore on a technical basis?"

MR. BAGG: Well, maybe not an exact
appraisal, but I would think that SEQRA
can request if the CEQ says, "What will
it cost or approximate cost to restore
this structure so that it can be used as
proposed by the legislature?"

MR. MACHTAY: Are you saying that
the SEQRA review either recommends or
fails based on what the cost is going to be? One thing may not have anything to do with the other.

MS. GROWNEY: I see them as separate issues. I think the information is important to know, but I see them purely as separate issues because historic value really has nothing to do with the restoration value, per se, but we also are getting to know the financial cost of all the other projects that we're reviewing. So it seems to me that, that takes on another protracted level of review. I don't think the information should be withheld. I think it's good to have the information so that there is a bigger picture in the finding. In addition, Rich, there is something else about -- in my mind, about historic things when we're reviewing them, the question in my mind that have we -- how many of these things have also been partnered and how much is being -- how many projects in the past have actually benefited or what
level of finances has been contributed
by the partner, and is there a
recommendation level that we would make
available for the County to consider
that names that we recommend that you
demand some sort of requirement of the
absolute finding partners to be put it
place. I don't know if we can do that
but --

MR. BAGG: That's part in parcel of
the acquisition program, whether or not
we have partners. We have been partners
with the Town of Huntington on a number
of projects with respect to some
restoration.

MS. GROWNEY: But with the funding
that we're talking about so far is, how
much of that -- what percentage or what
actually has been benefited by
partnering and does it offset some of
the expenses?

MR. BAGG: Well, I think that is
good but you have to understand what the
expenses are and if the proposed
legislation says, "We're purchasing this
for preservation," then the question comes down to, what does it cost to preserve this property? I think that is a question of --

MR. MARTIN: But would this information be used for the purpose of making a declaration of let's say a pos or neg declaration?

MR. BAGG: Basically, I think that once the information is received -- you're probably right, Richard, that you can't really use the environment value because of monetary reasons but it can be identified and the Council can say that, "We feel this will not impact the environment, however, the resolution really doesn't preserve the structure because you're not taking into account the true cost."

MR. MARTIN: I understand that completely.

MR. KAUFMAN: Guys, just a point of clarification because you're both wrong on something.

There are three issues going on
here. One, is SEQRA and that is New
York State -- remember that is one of
our charges and in SEQRA, you look at
the historical significance of what is
going on, but you're not necessarily
assessing the financial aspect of it.

Two, there is a review process
specific to Suffolk County in our EAF
which is our Suffolk County form, that
is, the CEQ and legislative purview
document. As such, we can alter that
document to suit our needs and to give
recommendations to the legislature, and
also alter the documents as needed to
look at areas that we need to have
review.

So, the split here and there is a
third part to this -- you're not
reviewing the cost factor under SEQRA,
you're reviewing it for Suffolk County
as part of the EAF. It can be a
separate document. We don't have to
mandate that the document itself be
changed. It is hard enough through the
various agencies of the County to alter
anything. We can simply have it as an
addition.

The third thing everybody is
forgetting, we're also the Historic
Trust. That's where a lot of the
recommendations are coming out of when
we are ruling or voting on matters for
the legislature. We usually do it as a
CEQ, technically, we should be doing it
as Historic Trust. Historic Trust --
that is part of the charter. If you
look at our documentation, that's where
a lot of these economic analysis can
come in. It is a little schizophrenic,
if you will. You're looking at it one
way verses another, but that's where we
have purview to ask for these documents,
to ask for these cost estimates, and to
pass on recommendations to the
legislature. You have to look at it in
three different ways.

MR. MARTIN: Michael, for the
purposes of SEQRA alone --

MR. KAUFMAN: Then it doesn't
matter.
MR. MARTIN: (Continuing) -- that we're talking about banging it back and forth. The purposes of SEQRA is for informing the legislature that it may not be worthwhile taking the property because it is going to cost $17,000,000 to restore, that's under other --

MR. KAUFMAN: If that's under two other areas that we're looking at. The SEQRA vote itself is pos dec, neg dec, and you really -- the economic should not consider it but as part of the EAF and the part of our charge, that's where it does kick in.

CHAIRPERSON SWANSON: So we should ask Jim and the Historic Trust Committee to revise this part of the motion to make it --

MR. BAGG: If we go back to the EAF form -- right in the front of that EAF form, it says, what is the project and what is the amount? It's part of the EAF format and I think that -- but we don't get the amount that --

MR. MARTIN: No, I understand that
but maybe --

MR. BAGG: Well, you have the right to request it as part of SEQRA. SEQRA says that it covers mostly impacts on national lines, but it has the right to include economics on it.

Also, I think that one of things you have to say as part of your recommendation can be that, yes, we feel this property is historically significant and that we recommend the County proceed provided they spend the necessary funds to restore the property as part and parcel of the acquisition clause. You can make that recommendation, as well.

MR. MARTIN: There is other recommendations. I mean, you can think back in every which way provided that they can find partners to do this and provided that the funds are available through other sources. You know, it happens. You know, you should not kill it all together if it really is a significant part, and I would hope that
because it cost an amount of money to
restore the property that it would not
look to kill the project but maybe seek
out other areas to make it happen.

CHAIRPERSON SWANSON: Tom?

MR. GULBRANSEN: My question is
about the SEQRA processing and what we
would do with dollar signs in the review
primarily and even in the County because
ecological and ecosystems services are
now being stretched more often -- the
environmental review process allows for
ecosystem services to be assessed. Will
they be negatively impacted or favorably
benefited? Sometimes that is expressed
in dollar terms. I think as one of the
people who will be asked to make this
review or balance these areas of
potential impact, I would need more
guidance on how to juggle an ecosystem
service evaluation in contrast with
construction and maintenance calculation
cost dollar. I am not saying I know
what the relevant portion of them are
but we're inviting -- in this motion,
we're inviting the cost to be expressed, and I would look forward to guidance on how to juggle that cost with other kinds of cost that are going to be expressed also.

CHAIRMAN SWANSON: Dan?

MR. PICHNEY: I just had a question for Michael and how the situation for SEQRA review is -- what about if the County was purchasing a brown field? Would the cost of restoration of the brown field be included?

MR. KAUFMAN: Generally, at state level -- Tom brought up an interesting point. At state level, I don't believe the cost would be in the SEQRA analysis itself. In terms of Suffolk County language, it probably would be in the EAF. It could be included in -- there is a provision for that, but the vote itself, most likely would be a positive dec, neg dec which help see the economics we are in at state level. Tom was bringing up the need for level where you are starting to see
that. I don't particularly like what I have seen previously on some of those analysis at the federal level, but that is the old administration where they started to do something like this. There is good and bad to all of this, but economic aspects, I don't think heavily creep into the state. SEQRA at this point in time. According to the cases that I have seen, I have not seen any directly on point. Could it creep in? Yes. Should it? I don't know. For our purposes here though, I am saying, I don't -- I am not particularly worried about the SEQRA aspect. I am worried about the historic aspect in the three parts analysis that I was giving you. I think all of these concerns can be accommodated, if we're trying to be pure to SEQRA.

MR. PICHNEY: Just put them in the right place.

MR. KAUFMAN: Yes, put them in the right place and do it as a correct body making the recommendations.
MR. GULBRANSEN: The last sentence currently reads, "When doing the SEQRA review," should that word SEQRA be replaced with, "When doing the historic trust fiduciary?"

MR. KAUFMAN: Historic review might be the right way to -- I will mess around with the language for the next couple of minutes, and I will try to come up with something.

MR. PICHNEY: We want the numbers to make it through to the legislature. That is one intention here. The other intention is how this body would juggle that. I am not sure of the second part.

CHAIRPERSON SWANSON: One of the things we want to do is call to the attention of the legislature the enormous costs that are being levied on the taxpayer and the County. In many cases, the County is not getting enough black eye because they get these properties and they cannot afford to do anything with them. They sit and rot and then people say, "What the hell is
wrong with the County?" And, you know, that's not helping anything. So while we may not be able to decide whether they should purchase it or not, we at least have the responsibility to say, "Let's look at the real cost." I have some language --

MR. MARTIN: I just want to make a point relating to the partnership so that everyone understands the contract that we have. Historical sites do not have any capital improvement requirement. They are partnering with them mainly to open a house up and interpret it to the public that they do, of course, have an interest and do raise funds and get grants for us, but there is no requirement. The only difference to that is the Scully Estate where the Sea Tuck group has been required to invest a certain amount of capital funds. Otherwise, it is just to work with the County to raise funds but there is no set annual requirement at all.

CHAIRPERSON SWANSON: Okay, before
you do that, I just want to correct some
English in the first part.

      In the -- I guess the first
paragraph on cost there is a sentence
that begins with "Cost for securing."
It should be "Cost for securing and
stabilizing, as well as, restoring and
maintaining." I think it should be
estimated at that time.

      MR. KAUFMAN: Here is some quick
fixes, if I can, that we can do in the
third paragraph.

      Looking at the last sentence of the
third paragraph, "This information shall
be placed within the environmental
assessment form and any historic reviews
and considered by CEQ and the Historic
Trust when doing the SEQRA and historic
reviews." Just basic though in several
times and it would differentiate --
you're shaking your head.

      MS. SPENCER: The CEQ is the
Historic Trust. The Historic Trust
Committee is a standing committee of
CEQ. I think to keep it simple, Mike,
just put Historic Trust; that is the CEQ.

MR. KAUFMAN: I don't think we can do that because we're looking at it in an EAF. This is highly technical but when you're -- Historic Trust can't do an EAF. Believe it or not, we actually -- there is differentiation between CEQ and the Suffolk County Historic Trust which we also are --

MR. CHAIRPERSON: Can I make recommendation? I think this really needs some time to think about a little more clearly, and I would suggest that Michael, you, and Mary Ann discuss verbiage. Anybody else that wants to weigh in, do so, and I would also then recommend that before the next meeting we get in an e-mail of what the new resolution verbiage is so that we will have some time to think about it and vote the next meeting.

MS. GROWNEY: It is almost unquestionable. I would like to see maybe if there is some way the County
can be made involved with getting partnerships on properties because the value to me is really strong, and it my personal opinion from sitting on this Committee, it is important to us to try and get as much as we can. So, I don't know if there is some way that we can put it in a proper thought process down the road.

MR. CHAIRPERSON: Mary Ann, will you consider that?

MS. SPENCER: Yes. Just for the record, Larry, I would like to reinforce what you said.

The purpose of this resolution is to bring to the legislature's attention the attending cost for securing, stabilizing, and maintaining this property and because that is an addition to acquisition process, that is the purpose of the resolution. So, we should word it appropriately but that is the point.

CHAIRPERSON SWANSON: Jim, I have question. As you know, in the last year
or so the cost of purchase has been
blackened out and the information that we
get, will the legislature tell us we
have no right to know what the cost --
not the true purchase price but the cost
of maintaining and repairing and so
forth is also none of our business?

MR. BAGG: Well, I think, the
acquisition cost, Larry, is up to the
legislature for determining whether or
not it's realistic and should proceed.
However, when you're talking about the
restoration cost of historical landmark
structures, that has to be considered by
CEQ and Historic Trust. I mean, the
Historic Structures Report was submitted
to you for consideration and review with
those figures in, so they're not one and
the same.

Also, I might point out on the
resolution is the paragraph before the
final paragraph states that, "The
legislature should approve these
expenses in their financial impact
statement as part of the property
acquisition cost." The legislature said, "Every bill that goes before the Suffolk County Legislature is supposed to have a financial impact statement," and those things really usually gloss over in terms of possibly -- this is what the acquisition cost is but with respect to the historic structures, there could be a lot of other costs that would have a bearing that the legislature should really consider. As you pointed and as Mary Ann pointed out, the purpose of this recommendation from CEQ is to say that before we acquire historically significant properties, that the County Legislature should know the whole cost. We don't want to acquire something and then find out -- because with the Mill House we said, "Well, we're going to hold public meetings in there and all kinds of events in there," and then we acquire it and DPW comes in and says, "Oh, no, it doesn't meet State code, therefore, you cannot hold public meetings in here.
You cannot hold those events of which are part of the resolution for acquisition because you have to spend $X, Y, and Z to bring it up to County code." The only thing you can do is lease it out to somebody for occupancy purposes, if that, because some of these structures, they won't even let anybody in there.

MS. SPENCER: And, also, they knocked out all potential partnerships because they could not be used publicly.

MR. BAGG: So, I think, the whole purpose of this is that as part of the planning steps process that the County goes through which the legislature has required is that when we're going to purchase potentially historically significant properties, that they know what the true cost is and that is the point.

CHAIRPERSON SWANSON: I just hope the legislature doesn't say, "Well, that's none of your business."

MR. BAGG: Well, that is part of it
too. That is their prerogative and they
get to say thank you very much.

CHAIRPERSON SWANSON: But it is
their long term benefit to do these.

MR. BAGG: Yes, but we have a lot
of structures that are really falling
down around our ears, and the County
doesn't look good with these historic
structures going into disrepair and
decaying. Some of them are so bad off,
you cannot restore them anymore.

MR. MARTIN: As Jim mention that is
a publicly an acquisition that they're
not giving us enough information. They
just assume, as many people do, that
these buildings with the rooms large
enough, why can't the public come in
here? So this is giving them that
information up front instead of getting
it after closing cost and then they're
surprised when they hear they can't do
the ideas they have.

CHAIRPERSON SWANSON: So we will
look forward to a rewording of this.

Let's move on.
What's next, Richard?

MR. MARTIN: I just want to do a quick review.

This is a maintenance road that we're proposing at Sagtikos Manor, and I have a very good aerial study done from the Planning Department. I would like to make two copies of that to take a look at. I have some additional copies of pictures of the roof that were taken.

What we're looking to do -- if you look at the 1928, to start, you see above the wall garden here and there is a grove of tree. That is the area where we're looking to put the access road in. The photographs that are accompanying us are numbered here. Jim, if we could just take a look at -- they're numbered starting from within the wall garden and you will see this gate on Number 1, on the left hand side, that is the vehicle gate. You cannot access that gate at this time. Earlier in 1928, that was a farm complex entrance. I just have photographs that are showing the roof
and then the basic route is going from
the west side of the garden between the
trees -- there is no tree removal.
There is just brush over to the estate
driveway near the Carriage House. The
need for this is the historic entrance
to this gate -- vehicle gate is now cut
off. The County did not purchase that.
That was subdivided and developed. We
need to have an access road to get that
point.

MR. KAUFMAN: Rich, the access
road, obviously, the purpose is to get
in there but, I think, a couple of years
ago there was some interest in people
doing gardening in this area.

MR. MARTIN: Yes, exactly.

MR. KAUFMANN: So that is the
purpose of all of this?

MR. MARTIN: Exactly. We did
receive a New York State grant to redo
all the irrigations in the wall garden,
but there will be no way to get into
that garden to do the work. Right now,
we have two pedestrian gates on the east
side and the south side, but you cannot
get across to do that. So this is for
that project and then ongoing
maintenance. It will run just north of
the garden house and the cemetery and
then, again, there is a series of
pictures to pass around. It, of course,
will be restored -- you can pass these
around -- and the proposed route is
going to an area that right now is
covered with vines and honeysuckle vines
and English Ivy, and we're not taking
down any trees; just that.

CHAIRPERSON SWANSON: Yes, Eva?

MS. GROWNEY: I have some questions
about what kind of gardening to the
extent of the soil testing -- on the
content of the soil in the garden?

MR. MARTIN: We will be doing a
historic landscape study once we receive
the grant; that is part of it. None of
that work will start until the grant --
the contract is signed. We are now
negotiating with the State to get the
contract signed.
MS. GROWNEY: So you will assess what had been planted there before and recreate that garden?

MR. MARTIN: Yes.

MS. GROWNEY: Does anybody know if it was primarily flowers or vegetable land?

MR. MARTIN: It was a mix but primarily flowers. We're actually -- at this site, some people are surprised because in 1960, the wall garden -- the wall itself was put up in 1933. The garden existed at end of the 19th Century and then with all the changes at that point is what formalized it at that point. So we're showing the whole life of the estate up to the 1960's when Mr. Gardiner opened it up to the public and essentially the changes of the design on the property top.

MS. GROWNEY: His name is Gardiner?

MR. MARTIN: Correct.

MS. GROWNEY: Is he related to the Mr. A. Gardiner?

MR. KAUFMAN: One in the same.
MS. GROWNEY: One in the same.

MR. BAGG: This was his principal life and then his East Hampton Estate was his Summer home.

MS. GROWNEY: But this wasn't --

MR. BAGG: No. He owned Sagtikos Manor, East Hampton Estate, and he was in charge of Gardiners Island.

MS. GROWNEY: Oh, I didn't know that.

MR. KAUFMAN: He also had a New York apartment.

Rich, this question is for you. Was there a user group associated with this? I know several years ago --

MR. MARTIN: Definitely. The Historic Society was involved in this before the County's purchase. Within that group, they have a garden committee set up that will be maintaining that garden, and they've already cleared the garden that was overgrown when the County purchased it and they're maintaining now. They will also be using the garden house and that is to be
restored, and they will be using that
for their tools and things. This is not
-- this will just be a park for
maintenance route. It will be ten feet
wide. No paving, of course. They don't
have any paving onsite. Just crushed
concrete and we have the drive. It is
about 350 feet long and a 3,500 feet
clearing clear and 10 foot wide one-way
access road just for maintenance. So
there will not be any public back and
forth -- back and forth drive or
anything like that, and will not take
any large -- it will be curb route just
to go around to any of the exits.

CHAIRPERSON SWANSON: So you're
asking us -- you're informing us of what
you're going to do or you're asking us
for our blessing?

MR. MARTIN: I am asking for your
blessing. I brought this to the
Committee. They did approve it, and now
I am bringing it to CEQ, as is, Historic
Trust to review this project.

CHAIRPERSON SWANSON: To me, and I
am going back to our previous -- this is really one of the jewels of what Suffolk County should be maintaining.

Just out of curiosity, what has the County invested in it -- in this, not including the purchasing price?

MR. MARTIN: Actually, this is a very good example of a very successful project. I can say a lot of it is because we have a group from the beginning that has been successful in getting grants themselves and pressuring the County through their local legislator to also provide funds for this site.

We have upgraded. We have a whole new heating and air conditioning system that was installed that the County paid for. The Historic site received a $250,000 grant from New York State which is to be used for the exterior of the main house -- just finishing that now. So, as for the partnership, there has been an excellent example of what can be done.
I just want to point out that before they were not required to do that. There is love of this site, so they want to but that was not part of any kind of contract required but that group is very active and has jumped in right from the beginning and the County, I would say, is about an equal split on the expenses on either side. The County has probably spent maybe $400,000 to $500,000 and so has the local historic site.

CHAIRPERSON SWANSON: If I recall correctly, there was not a heating system existing in that house?

MR. MARTIN: No, it was not existing.

CHAIRPERSON SWANSON: So he lived there?

MR. MARTIN: Yes. Actually, the reason, like I said, in the 60's, he essentially shut down the house for a year round use in 1962. He did not heat the property until the County installed the new system, and he stayed at his
East Hampton home at that time. Of course, he did -- he was half owner of the garden.

CHAIRPERSON SWANSON: The original heating system was wood and coal?

MR. MARTIN: It was coal. I think that was left at that point. Like I said, it not had been used. That was all -- it was not useable. We took all of that out and installed a high efficiency system in the house.

MS. GROWNEY: Just as a point of reference, I actually worked on the East Hampton residence recently. It might be an interesting thing -- I would prefer to see if they could give some link. Like, if there is ever going to be any kind of event happening, that there could be --

MR. MARTIN: Is it privately owned?

MS. GROWNEY: Yes, but he is very open to the historic thing; that is why I am mentioning it. Because I found in the house some historic artifacts and so he does not know he could also use them
for the historic society in East Hampton
and that there might be some partnering
that might happen that way.

CHAIRPERSON SWANSON: So, it is my
understanding, that what we have to do
is vote on the Historic Trust
recommendation and the SEQRA
recommendation, if this project goes
forward.

Do we have a motion?

MR. KAUFMAN: I will make the
motion that this is a CEQ. This is a
negative declaration and as for the
Historic Trust, that this is -- I want
to say fine and dandy but I don't know
if that is proper.

(WHEREUPON, there was laughter.)

CHAIRPERSON SWANSON: We have a
motion. Do we have a second?

MS. GROWNEY: I will second that.

CHAIRPERSON SWANSON: Seconded by
Eva. Any discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: No
discussion.
All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: No abstentions. Motion carries.

(WHEREUPON, the Board voted.)

MR. MARTIN: Thank you. That is all I have today.

CHAIRPERSON SWANSON:

Recommendation Type Two Actions,

Ratifications of Recommendations For Legislative Resolutions Laid on the table.

Yes, Michael?

MR. KAUFMAN: Three quick comments.

I discussed some of with these Eva beforehand. The 1239, authorizing a cell tower at Vanderbilt. That is actually planning steps according to Jim to look into it. It is a Historic Trust property dedicated to the Historic Trust of the National Registry, et cetera. I believe the entire property has been so designate, so putting a cell tower on
there has historic issues but none the
less, looking at the planning steps for
Type Two looks okay to me.

MS. SPENCER: Michael, may I
correct you. It is on the National
Register, but it is not dedicated to the
Historic Trust in entirely.

MR. KAUFMAN: I stand corrected,
but the issue is still the same, right?

MS. SPENCER: Right, just to make
the record correct.

MR. KAUFMAN: The other one is
1265, which I can't figure out.

A resolution of the County --
rescinding a different resolution -- a
141,000. It is an actual plan of
restoration for the wetlands. What are
they doing? They appropriate it and now
they're taking it away?

MR. BAGG: Yes.

MR. KAUFMAN: What is that?

MR. BAGG: I have no idea.

MR. KAUFMAN: Finally, 1277,
donating decommissioned body armor vests
to the DOD. Those are Suffolk County's.
Actually, let me rephrase that; what is that all about?

MR. BAGG: I think it speaks for itself. Used body armor, they want to donate it to --

MR. KAUFMAN: I make a motion to accept staff recommendations.

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: We have a motion and a second.

Any discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Abstentions?

MR. KAUFMAN: I am going to abstain abstain on 1277.

CHAIRPERSON SWANSON: Michael is abstaining on 1277. Motion carries.

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: Jim, with regard 1265. I am glad Michael called it to our attention. Can you find what
the purpose of this and what is going on
with the 1265?

MR. BAGG: I think there was,
basically, a project that was funded by
the water quality money to the
municipality and the municipality never
came up with a proper plan and the
environmental review and, therefore,
they de-funded.

MR. KAUFMAN: Alright, I know which
one this is. This is the Stony Brook
Harbor. Administered through the Town
of Brookhaven as for West Meadow of
Stony Brook. That was the thing I was
talking about last week.

CHAIRPERSON SWANSON: So it has
nothing to do with the inspector control
plan?

MR. BAGG: No, no, no.

MR. KAUFMAN: This is a grant.

CHAIRPERSON SWANSON: I have enough
information. Thank you.

Proposed Construction of Highway
Maintenance Facilities, Salt Storage
Building, Hampton Bays, Town of
Southampton.

   Anybody here to speak on that?
   
   MR. BAGG: Nobody here from DPW is here?
   
   MR. DAWSON: I am here to talk about the next one.
   
   MR. BAGG: Not the salt storage?
   
   MR. DAWSON: No.
   
   CHAIRPERSON SWANSON: The project was in your packet. As I recall, the salt is currently not covered or not covered well, and they're proposing to build a permanent structure that will protect the salt from solution, et cetera.
   
   Yes?
   
   MR. KAUFMAN: In reviewing this project earlier, I noticed a similarity to something that we reviewed in 2005, which was nearly identical and we gave it a neg declaration at that time. I don't remember the location. Basically, they were reconstructing a barn that was falling apart. They were making -- putting a path door for loading, et
cetera, and to catch anything that fell
off of the trucks, et cetera, and SEQRA
granted that.

MR. BAGG: My question here is,
it's construction of a ancillary
facility of less than 2,000 square feet,
and it is in the best management
practices of New York State DEC in terms
of stormwater protection and runoff.
The question comes down to the fact of,
is it an unlisted neg declaration or is
it a Type Two Action because it is a
construction of a facility of less than
4,000 square feet on that existing site?

CHAIRPERSON SWANSON: So, with
that, do we have a motion?

MS. GROWNEY: I do have a question.
Because there is no topo here, I thought
the site had some major slope --

MR. BAGG: No, it's flat. I was
out there.

MS. GROWNEY: Okay.

MR. KAUFMAN: Question for Rich.
This purely seeks a technicality. Which
do you think, Unlisted or a Type Two
because it is under 4,000?

MR. MACTAY: I would go with Type Two. If you want to be safe, call it a neg declaration.

MR. BAGG: Also on a reconstruction, a Type Two --

MR. KAUFMAN: The thing from a couple of years ago?

MR. MACTAY: Yes.

MR. KAUFMAN: Well, that wasn't reconstruction. It was done onsite. It was rebuilding and reenforcing.

MR. MARTIN: Like Jim said, it is under 4,000 square feet.

MS. GROWNEY: With six total construction times in six months, that seems like a lot to me.

MR. BAGG: To me, that's probably because by the time they go to contract and we get somebody on their site, things are probably going to go up in less than week.

MR. MACTAY: This is filled land?

MR. BAGG: It is all paved. The entire site is paved with asphalt. There
has been a reconstruction on it and the
salt tiles are outside next to the fence
and they want to --

MR. MACHTAY: This says, "Filled
land."

CHAIRMAN SWANSON: It was probably
filled when they built it.

Alright, now make a motion.

MR. KAUFMAN: I will just be on the
safe side. Motion, Unlisted Neg
Declaration.

MR. MACHTAY: Second.

CHAIRMAN SWANSON: We have a motion
that is Unlisted Neg Declaration. We
have a second by Mr. Machtay.

Any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

THE BOARD: Aye.

CHAIRMAN SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Abstentions?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

(WHEREUPON, the Board voted.)
MR. BAGG: I would like to point out that we leave the paperwork behind and we do recycle. We take all of the project reviews, and we put them together and we send them across the street to the legislature and we have to formally file them.

CHAIRMAN SWANSON: So, the jelly that I have on this will actually go -- 

(WHEREUPON, there was laughter.)

MR. KAUFMAN: Be careful what you put down --

MR. BAGG: Anything we can scrub off of them or food from the minutes of the meeting, we don't send out.

CHAIRMAN SWANSON: Now, the highlight of the day.

Emerson Hasbrouck is here for his annual report on Storm Water Management.

Thank you for your patience, Emerson.

MR. HASBROUCK: No, thank you for the opportunity.

Before I start, Jeff Dawson from DPW wants to --
MR. DAWSON: My name is Jeff Dawson. I am Senior Civil Engineer at the Department of Public Works. I am the Project Manager on the County side for the EPA -- for the DEC and Stormwater Phase 2 MS-4 General Permit.

We're in contact with Cornell. We have been in contract with Cornell Cooperative Extension for the last six years -- five years -- depends on what you ask, but they have been doing a great job concerning that the County remains in compliance with this permit, and if you're at all familiar with the permit, you know it is not a very easy task to do.

One requirement is that annually a progress report is submitted to the DEC. Part of that submittal requires public review and CEQ is a perfect venue for providing that review.

So, let me introduce again, Emerson Hasbrouck. He is the project manager on the Cornell side. He is here to give us a little update.
MR. HASBROUCK: Thank you, Jeff.

CHAIRMAN SWANSON: Emerson, what does your pin mean?

MR. HASBROUCK: That is Stormy the Stormwater Duck.

Actually, a little bit of the history on that is we had a contest and opened it up to all the schools in Suffolk County to come up with a mascot and then a mascot name. We did this, in conjunction, with our Citizens Advisory Committee. It was through a contest. It was chosen that the duck was our logo and that the duck's name was Stormy the Duck; wasn't it, Mark?

MR. CAPPELINO: We had Stormy and Stormy the Duck.

MR. HASBROUCK: We had two winners from -- do you remember what the schools where?

MR. CAPPELINO: Not off the top of my head.

MR. HASBROUCK: Well that was several years ago. So that is the genesis of our logo. We put it on
buttons which is popular and when we go
to events the kids like to make buttons
and we also have them where the kids can
color in the logo and then make their
own button. We have the storm drain
markers that have our logo on it and
then all of our literatures as well we
try to incorporate somewhere on it our
duck logo. So that is an identifier for
the program and the website has the duck
logo and so forth. It is just an
identifier.

CHAIRMAN SWANSON: If we could go
off the record for a second.

(WHEREUPON, a discussion was held
off the record.)

CHAIRMAN SWANSON: We can go back
on the record.

MR. HASBROUCK: As Jeff said, as
part of the permit requirement for
Suffolk County Phase 2 Stormwater
Program, the County has to hold a public
hearing on stormwater -- its annual
stormwater management program annual
report to receive public comment.
I want to thank the CEQ and the Chairman Swanson and Vice Chairman Kaufman for allowing us to utilize this venue again as a public hearing for our annual report. This is our six annual report. So, I think, this is the sixth time we have come in front of this group to present our annual report. It is greatly appreciated.

As Jeff said, this is a program where Cornell Cooperative Extension is under contract with Suffolk County DPW and Suffolk County Department of Energy and Environment to implement this program. So, thank you for the opportunity, and I hope I live up to Chairman Swanson's introduction as being the highlight of the meeting. I don't know because that is going to be quite a reputation to live up to but we will give it our best shot.

I wanted to introduce some of the other Cornell Storm Water staff that are here with me today. Matt Sclafani, Lorne Brousseau, Angel Dybas, and Mark
Cappelino and the Jeff Dawson is our
point person in contact with that --
DPW.

I have some extra copies of our
annual report. If anybody would like
them. I think they were distributed but
we have some extra copies. I know that
Mike actually looked at the report. If
anybody else has looked at it, you can
see it is a different format this year.
The DEC has revised their format and the
information that they want in the
report. Some of the reason for the
revision, I think, is to make it a
little bit easier and for them to review
the report that they get from all the
municipalities.

I would also like to recognize and
thank Gloria Russo who is on our
Advisory Committee and has helped us
with a lot of the program -- the
implementation of that program. Thank
you.

What I would like to do is to give
a brief review of what we accomplished
in the past year for Suffolk County and
the storm water program, and then if
there is any comment, we would be happy
to take those comments.

In terms of general requirements,
the storm water management program plan
which details the program elements was
drafted and is available for the public
viewing at the DPW office in Yaphank.
It's an all comprehensive program plan
that includes all of the things that we
have done over the past six years.
Again, that is available at DPW office.

CHAIRMAN SWANSON: Is it also
available online?

MR. HASBROUCK: Not all of it. Not
yet, no. There has been some issues
recently with updating our website which
is off the County website, but we're
trying to resolve those issues and once
they are, a lot of that information can
be put on the website. It's a good
suggestion. Thank you.

Under Public Education and Outreach
Public participation, during the past
year, had a 149 youth classes which reached 3,691 children enforcing civic association meetings which reached 332 adults -- were conducted. It should be noted that 60 percent of the youth classes and 65 percent of the civic group classes were conducted TMDL watersheds. That is a new emphasis for DEC. In fact, a lot of the activities should be target to the TMDL watershed.

CHAIRMAN SWANSON: Could you define TMDL?

MR. HASBROUCK: I'm sorry. Those are watersheds where the formal total maximum daily load has been calculated being approved and for Long Island, the TMDL's are relative mainly to bacteria and nutrients and some with dissolved oxygen, as well.

We modified some school presentations to include information on storm water best management practices such as green roofs, rain barrels, and rain gardens. In addition, we worked with the school to construct a small
green roof on the school building as
part of a permanent teaching structure
on a roof adjacent to the science lab of
the school.

There were some updates made to the
storm water website including:
Homeowner BMP's such as, rain gardens
and car care; business BMP's such as,
automotive repairs, car washes, gas
stations, marinas and restaurants. In
addition, educational outreach
opportunity links and updated PSA's.

During 2008, we had at the website
11,506 visitors, and we're able to make
those updates before we had those
pictures that I mentioned to you before
to have some change in accessing the
website.

An additional 2,000 storm drain
markers were placed on catch basins on
County roads -- the markers as an
educational tool to alert people not to
dump anything down the drain. They say,
"No dumping drains to bay." We have
some that say, "No dumping drains to
lake," for areas, like, the watershed and other lakes.

A new display at Atlantis Marine World Aquarium in Riverhead was great created for the,"Where does the rain go," brochure. Also, an additional 7,000 copies of the brochure were sent Suffolk County libraries, legislator's office's and various Suffolk County government buildings.

CHAIRMAN SWANSON: And these flyers --

MR. HASBROUCK: We have those both in English and in Spanish.

Storm water CAC met two times in Year 6, in addition to corresponding through phone calls and e-mails.

111 radio PSA's were aired on two Long Island radio stations, and the message is focused on the problem with pet waste -- encouraging people to pick up after their pets. A video PSA was broadcasted on educational and government stations in Southold and Shelter Island.
Also, upgrades were made to the stormwater demonstration site. The rain garden at the site has also been expanded with more plants that flower in the Spring and Fall. The green roof has filled in with new plants and flowered during the growing season. That is at the Suffolk County Farm and Education Center in Yaphank. We have a building with a green roof on it and rain barrels and color things that visitors can see kind of hands on -- things that can go around their house.

Under the Illicit Discharge Section and Elimination Section: 143 outfalls were monitored for dry weather flow. Each of those were examined three times for dry weather flow. Information such as flow volume, color, odor, floatables, deposits, turbidity, and vegetative growth were obtained at all dry weather flow outfalls. 22 of the outfall had dry weather flow and 19 had standing water. All the data on these have incorporated into our GIS system.
An additional 36 outfalls were found on County roads. All the outfalls were incorporated into GIS. It is 36 additional ones that we found this year as the ones we found the previous years.

Under Construction and Post-Construction Sites Runoff Control:
Template and sample Stormwater Pollution Prevention Plans also known as SWPPP's. They have been updated to comply with the requirements set forth in the speedy's permits that the County has for the stormwater program. These documents are available for projects conducted by Suffolk County DPW, as well as projects contracted out to consultants.

DPW engineers and other staff are referred to best management practices outlined in the New York Contractors Erosion and Sediment Control Field Notebook on Suffolk County construction projects were applicable.

The New York State Corrosion Contractors and Sediment Control Field Notebook is also made available to all
construction staff for their use.

Then, finally, under Pollution Prevention and Good Housekeeping: The County maintained roads and bridges were swept according to the annual rotating shift schedule. Approximately, 3,000 cubic yards were removed. That is the combined total including the parking lots.

116 storm drains were inspected and cleaned, and approximately 1500 linear miles of roadways were swept by street cleaners.

DPW has installed 214 catch basin inserts in stormwater hot spots at various County facilities. They're designed to remove pollutants from stormwater runoff.

Three new street sweepers and three new vacutors. They're are vacuum trucks which were recently purchased by the County and put into service.

The Department of Health Services and the Suffolk County Legislature enacted legislation to reduce fertilizer
and pesticide applications in the County.

So that is a summary of our activities this past year.

CHAIRPERSON SWANSON: Emerson, going back to some of the maintenance things that you identified -- that cleaning sweeping and, what have you, number of near miles of roadway that they have swept. Just what percentage of the total Suffolk County network is actually able to be maintained in that way each year, and does the County have enough resources to get around to clean these things often enough to maintain facilities as effective?

MR. HASBROUCK: In terms of percentage, I am going to defer it to -- maybe Lorne or Jeff have an answer for that percentage of County road and catch basins that are swept and inspected?

MR. BROUSSEAU: As far as County roads, I believe the County roads are swept at least once every year -- each road -- each portion of the road is
swept at least once every year. In some roads, high traffic areas like park and rides are swept multiple times throughout the year. So the every County road is -- from what we have been told every year. As far as catch basins, I am not sure percentage that would be. There are a lot of catch basins on County road. I am not sure --

CHAIRMAN SWANSON: My real question is, are you able to keep up with the loadings that are going into them in order to keep them functional? Is there enough resources available to you to do that in terms of --

MR. DAWSON: We do what we can with the staffing level that we have and the equipment that we have. In addition to the three vector trucks that we just purchased, it was a big help. There are something like 9,000 or so catch basin on County roads that are County maintained and if you do the math, I think, you need to do 300 a day in order to keep up with that kind of loading.
Right now, as far as catch basin cleaning anyway, it is a reactionary methodology in cleaning those. We get complaints. We get notified of what consequences may happen because of a clog catch basin like flooding in the roadway. We will get the call, and then based on that complaint, go out and clean out the catch basins.

CHAIRMAN SWANSON: In your rain folder, for example, is there a number that people can call if there is a problem with the drains and have that taken care of?

MR. DAWSON: Yes, in fact, it's on the website. When we printed the brochures, the County had not set up yet a contact person for those types of calls. When we do a reprinting of this we will include that phone number.

MR. BAGG: It might be more appropriate to ask what percentage of catch basins and roads are swept that are actually do lead into the streams like other bodies of water?
CHAIRMAN SWANSON: Could be.

MR. BAGG: For those that have priority.

CHAIRMAN SWANSON: Yes, and I imagine you do have a priority list. Do you know ones that are in very sensitive areas are ones that are collecting materials at a much more rapid rate than others?

MR. DAWSON: A priority list is one of these specific requirements of this relatively new permit. We're actually leading -- Suffolk County has created a work group internally to get the requirements of the permit actually acted upon and implemented. We're looking at each line of permit and if you looked at it, you would know it is quite an extensive. So we're looking at each line on the permit identifying what department and which individual in that department is going to be held responsible for heading up that -- the satisfaction of that permit requirement. So the priority list is on one of those
permit
requirement that is on the agenda for an
upcoming meeting with that work group.
So, it has not yet been created but it
is on the agenda and it should be voted
before the end of this term which is
2010.

CHAIRMAN SWANSON: Tom?

MR. GULBRANSEN: Four questions.
One of them is about catch basin clean
out. The report says you did 40 last
year with three vactors. In the future,
are you thinking that cars will allow
you to do hundreds or do are you still
expecting that it will be on the
multiple dozens.

MR. DAWSON: I am not in the
maintenance division. That is the
Highway Design Division. I am not sure
exactly how they -- how they schedule
their catch basin clean outs.

MR. GULBRANSEN: Sounds like its
more labor for the equipment.

MR. DAWSON: Absolutely. There is
a labor shortage issue.
MR. GULBRANSEN: The other questions I had -- well, the most important one is, I am in at the Village level doing one of these same reports and trying to figure out line by line -- for the record I am kind of freaked out but most the important question I wanted to raise is your filing this year is at the single level M. S. four I guess this is for Jeff or for both of you. State at these meetings talks more, more, and more about the partnership and the coalition and such. Now does Suffolk County and their town of Brookhaven town of Southold town of wherever do they have programs in the villages like mine and /HRAR in fact where we have MS-4 and things you can do so there is at least three layers. Was it a decision on the part of the County to continue to operate individually or did a coalition approach something that we could consider in future. It seems like the state is promoting that.

MR. DAWSON: Well, the State
actually is because it is reportedly -- allegedly they make it their job in the review easement, but I don't know if you were guys were able to attend last weeks meeting. It was terrifying and throughout that meeting, I was glad that from a reporting perspective anyway, that we were not filing a joint permit.

CHAIRMAN SWANSON: Why would you say it was terrifying?

MR. DAWSON: Why did I say it was terrifying?

CHAIRMAN SWANSON: Yes.

MR. DAWSON: Because there were a lot of questions being asked from the audience of Village representatives and town representatives who were not in the coalition and had a great difficulty in interpreting the new report. It's not completely clear if you're a joint coalition, and how they want you to submit that. Not to mention, considering when that program came about, the County was under the gun to get something implemented by March 10,
2003. The notice that we received did not allow the luxury and welcoming of processing intermunicipal agreement that would have been necessary in identifying the particular entities and their responsibilities. It was just a lot of -- it would have required a lot more adverse than we had the time for at that particular time. Do we have intention of going forward with the coalition? I am not certain. I don't think it is, actually, from the County's perspective a useful thing to do because we're classified as a nontraditional non-land use -- I am sorry -- we are considered a traditional non-land use MS-4, which means we don't have authority over town and villages issuing building -- building application permits, structural, or archeological assessments or anything like that. We don't have an jurisdiction over that. So to do a joint report for a joint administration with a permit, I think, it would be best if like MS-4's were to do -- like, for
example, Brookhaven and Patchogue or MS-4 is allowed the same jurisdictional ability. It just flows better.

MR. GULBRANSEN: That answers the question. It also gets to my second question. That one being this notion about non-land use, therefore, being able to not fill out that part of the form on inspections. Two parts to the question. If you have SWPPP's that you're reviewing, they do relate to control measures and construction and so it was kind of inconsistent if you were not doing post-constant control, but you would be doing SWPPP's review really for the County review, and the question that many of the MS-4's are facing are septic failures and the State is now telling MS-4 operators, "You will take care of inspection and restoration for septic systems." Now, villages and towns look up and say, "Department of Health takes care of that," and they do, right? So, we, in the future, need to get those things to lead better because the MS-4
operators permits are at the lower level
and are suffering without having to take
care of the septic systems. With regard
to this report, it seems like it is
compliant in that regard but, again, in
the future, globally what are we going
to do is get this permit in the future
and we look forward to talking about
that.

MR. DAWSON: That is going to be
one of the items of discussion on the
upcoming work group meeting. The Health
Department does have certain
responsibility and jurisdiction
concerning on-sight septic systems. The
whole question of how any municipality
on whatever level is going to require
that homeowners maintain and treat and
service their systems every three years
especially, when the permit, in which
this requirement is listed is only a
two-year permit. So there is a lot of
inconsistency like that, that are
interesting. But that topic is going to
be brought up and we are going to ask
that this work group meeting develop a
department making an interpretation on
what it is that the DEC is actually
asking of you.

MR. GULBRANSEN: With regard to the
things that we have to take care of and
the impact of trying to maybe avoid the
septic systems are an important
source -- are important to the DEC to
say there is discharge happening in
cases where they fail. In fact, the
report says, you didn't have any
findings -- not in the IDPE. I would
think you would have found --

MR. DAWSON: We inspect our MS-4
which, if you visualize the geography of
the County, there is little strips of
jurisdiction --

MR. GULBRANSEN: Within your own
properties.

MR. HASBROUCK: The IDPE that was
looked at and also the catch basins, and
discharges are relative, specifically,
to County roads and County properties.
Now, some cases there is some
interconnection between other
municipalities and MS-4's and the
County's but basically -- well, not
basically, we are looking at what is
discharges and then collection system
just for the County roads and County
properties.

MR. GULBRANSEN: We have asked for
various projects that have come before
us for road alterations, road
expansions. We have asked them that if
they checked in with the enjoining
MS-4's. I would say we got mediocre
comfort on this, but I think that is an
area where activity should continue as
DPW proceed but seems like MS-4 hand
scale.

MR. HASBROUCK: Important questions
to ask someone is, you know, in terms of
installing or expanding collection of --
stormwater collection systems is right
and how does that interact with other
municipalities and as this program goes
forward, I think, you're going to see
that issue -- the highlighted more, as
well as it should be so that each MS-4 knows what's connected to what and if another municipality is now adding a stormwater volume to somebody else's MS-4 in some manner.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: Couple of questions. I don't know what a MS-4 is and SWPPP's; just those two things.

MR. GULBRANSEN: MS-4 is municipal separate stormwater systems and SWPPP's is stormwater pollution prevention that particular activity would have. Then there is a stormwater management plan which is a little bit odd in trying to find but we all now have them and added to them as a --

MS. RUSSO: Your stormwater management plan is basically your municipality -- your MS-4 permitting agency and how you're handling your stormwater and how you're managing -- how you're implementing the best management practices. So you're looking at the whole big picture of your entity.
and what you're doing for stormwater.

MS. GROWNEY: Thank you. I appreciate that.

CHAIRMAN SWANSON: Another question. As Jim and I were talking before the meeting started about stormwater issues in particular Montauk Highway which raises the question of, is the State doing what they're supposed to be doing on their highways, to the best of your knowledge?

MR. DAWSON: That is a great question. To the of my knowledge, I would assume that the State is doing everything that they're required to do.

CHAIRMAN SWANSON: Do you know, Emerson?

MR. HASBROUCK: I don't. I haven't seen the States Stormwater Annual report, and I haven't seen the DEC's review of the State's Annual Report and annual progress. So, no, I don't know.

CHAIRMAN SWANSON: The reason I ask is that I can think of at least two locations where I have some knowledge
and the State, in fact, has not touched their stormwater and so, you know, why is the County and the towns and villages still having to jump through hoops for the State, when the State doesn't seemingly live up to --

MR. MACHTAY: So the State doesn't find them, what do you think?

MR. BAGG: If we have a stormwater system that has been discharging into a local waterway and sediment build up in the local waterway, is the County responsible to clean up those sediment discharges in the waterway?

MR. DAWSON: The big misconception of the permit requirement is that direct discharge needs to be removed from water bodies.

MR. BAGG: I am not asking you that. I am saying is the direct discharge results in an environmental consequence? Like they don't have the proper systems on it and like in past we have sediment -- added sediment in certain waterways that the County and
Department of DPW is urging them to remove those sediments because they're causing now a problem in the local waterway, does the SWPPP's program make the entity responsible for cleaning up those types of problems?

MR. DAWSON: Not under the jurisdiction of this permit.

CHAIRMAN SWANSON: So we're specifically talking about in a situation in which the County may be spending a lot of money to dredge material that specifically comes from the State system of drainage that goes directly into a waterway and since the County assumes responsibility for maintaining the navigational waterways, is that our little inlet in the water, you know, that's quite a burden and it seems to be me that we ought to be applying pressure to the State to do what they're supposed to be doing and maybe you're the wrong guy to raise this with.

MR. HASBROUCK: There may be other
areas within the Clean Water Act that
would allow the County to put pressure
or bring action against the State and to
address those issues. However, in terms
of specifically the stormwater program
component of that, what has to happen is
the responsible MS-4 should be
implementing programs that reduces the
pollutants that are in stormwater
including sediment. The State has a
system that is contributing a
significant amount of sediment into
their stormwater system which is then
discharging into a harbor and that
sediment is starting to build up the
State should be taking action and
activity to reduce and eliminate the
sediment input into their stormwater
system.

CHAIRMAN SWANSON: We just have to
get their attention.

Mike?

MR. KAUFMAN: It is interesting in
which language we use, "should." There
is a gap in the MS-4 legislation which I
had seen a while back about the specific point. There is nothing in there about cleaning up previous messes, and it's not even clear about future messes. In other words, if you have vortex system at the end of a chain of stormwater interceptors and that vortex fails and it spills out into an area, the language is very unclear as to whether it should even be cleaned up or not. Should it be? Obviously, yes. Must it be? The language is not there.

Second off with the estate there is something called sovereign immunity and that is another gap in the legislation. The State doesn't necessarily have to clean up its messes.

CHAIRMAN SWANSON: With EPA programs, doesn't the State have to respond to it.

MR. HASBROUCK: Well that's what I am saying, there may be some other elements within the Clean water Act that address what the language is lacking in the stormwater's components.
CHAIRMAN SWANSON: Tom, you had another question?

MR. GULBRANSEN: It's towards the answer in the same question as I understand the MS-4 enabling the legislation and permits. They're written with a downhill perspective. The operators have to exam and inventory and characterize their distribution and connection point that their water goes into somebody else's. To my knowledge, it doesn't say what's coming into and what are we receiving from somebody else uphill of us which is the scenario that you're talking about. So, to my knowledge, the MS-4 doesn't give us any teeth of hand other other than they need the water quality report to --

MR. HASBROUCK: Again, all other MS-4's should be taking action to reduce and eliminate the pollutants that are in their stormwater flow including sediment.

MR. KAUFMAN: The problem comes down to legislation from my ability and
that is one of the gaps that you have, et cetera. The specific point that you brought up, looking at it on a downhill approach, theoretically, if there was a liability created under those regulations, if you as the State were receiving waters from the Village of Old Field that were filled with schmutz or whatever you want to call it -- filled with schmutz down into the State water and if there was a liability provided in the regulations, the State could sue the municipality that specifically not placed in there and that is the problem that was talked about when implementing the legislation at a federal level was brought up, and a lot of groups objected to the imposition of liability which would cause exactly the clean up that we would be incurred.

CHAIRMAN SWANSON: Actually, I think, with regard to going into an navigational waterway, the Corp of Engineers who through their 1899 Act has authority to make them clean it up.
MR. KAUFMAN: That just now --

MR. BAGG: It wasn't on the big

books for a year.

CHAIRMAN SWANSON: Joy?

MS. SQUIRES: I would like to

address a different issue. The issue of

education, but I don't want to inject

education if we're not finished with

stormwater.

CHAIRMAN SWANSON: Go ahead.

MS. SQUIRES: This is a good story

and maybe Matt would like to also speak

to it with me.

We purchased and Richard and Mary

Ann, you will so appreciate this. We

purchased with the County, the Fuchs

Nature Preserve some years ago, and we

purchased the house and the County

purchased the enjoining land. It was

this wonderful house. It isn't

designated, but it's this wonderful

house which is costing probably a

million dollars or upward of who knows

what to make it compliant with

everything and three floors which we, of
course, can't use the second and third floor but with a long hard struggle, Cornell is going to do an educational program with -- at the Fuch's Nature Preserve and we're very excited about it. We got our handicapped accessible bathroom without wrecking either the library which was a very nice library or some windows that were interesting. So that is going to happen. I guess, in June, the Town Board just passed the resolution June 1, and through this Summer and we're excited about that and our educational organization working with us. We couldn't be more happy with Cornell Cooperative Extensions.

DEC has an officer living in the apartment which provides security and so I just wanted to share that in terms of the education because it's way that we're preserving and using property that we have been really frustrated with. So we're delighted to have Matt come to us.

CHAIRMAN SWANSON: I would just like to -- if there is anybody here from
the public? Do you have questions?
Anybody has questions of stormwater
programs since this is really an
educational program that goes beyond the
CEQ, please feel free to ask.

MS. GROWNEY: With that educational
program that are being generated they go
through the State, County, and then
local municipalities; is that how?

MR. HASBROUCK: Well, the
educational programs that we provide,
specifically, for the Suffolk County
stormwater program are relative to the
requirements that the County has to meet
for public education. We conduct those
throughout Suffolk County primarily
through schools and service
argumentations. Mark Cappelino is our
stormwater educator. Him and some of
the other people that work with him are
available to go to schools and we
provide these programs free of cost to
schools within Suffolk County. Again,
we're trying to target those areas that
have TMDL set up for that.
MS. GROWNEY: What TMDL's?

MR. HASBROUCK: Total Maximum Daily Loads. The facility has calculated the amount -- the total amount of pollutants that are acceptable to them.

CHAIRMAN SWANSON: Tom?

MR. GULBRANSEN: As an example of that, the President of Pack's Pond Organization, 5-1, C-3, posted a session that Mark gave down the Village of Old Field, so if the County and the Village are not in the coalition in this regard, you can bet I am going claim credit for the Village of Old Field and help that meeting happen with the expertise -- thank you, you did wonderful job and --

MS. GROWNEY: They give you an entry.

MR. GULBRANSEN: Next year we call on a coalition.

CHAIRMAN SWANSON: And that is for organization whether it is a village or a town that the County Or State is required to have an educational component and just like Emerson did each
level of government has to report
annually on what they have done with
regard to education.

MS. GROWNEY: These programs are
also -- it sounds like offered up to
nonprofit organizations as well and
community based organizations that want
to have something of an educational
program.

CHAIRMAN SWANSON: For example --

MR. HASBROUCK: Of stormwater, yes.

CHAIRMAN SWANSON: In Stony Brook
and Sag Harbor, we have an annual harbor
day and we usually have somebody from
the County or somebody from the State
come around and give a presentation of
harbor day about storm water some other
activity. So, I think, most communities
now are very much in tune with that kind
of thing and, you know, a lot of
education is going on. Whether it is
effective is another --

MR. KAUFMAN: A lot of education
but no learning.

CHAIRMAN SWANSON: Alright, so,
Emerson, I want to thank you once again for your very informative report. Now, how many more years do we have to look forward to this coming?

(WHEREUPON, there was laughter.)

MR. KAUFMAN: He is trying tell you something.

CHAIRMAN SWANSON: No, I always look forward to it.

MR. HASBROUCK: Well, it depends on what the DEC does with its permits. What we're looking at -- this permit term is two years and we know that they're going to extend it to a third year and then after that -- well, we don't know -- but it will be extended for at least 2013, and most likely beyond that. I don't think that EPA nor the State of New York is going to just let this program expire. It is probably going to be ongoing. So, hopefully, we will be able to be here for many years to come. Thank you again for the opportunity.

CHAIRPERSON SWANSON: Thank you and
I thank the CEQ for the patience and for
listening to myself and Tom's questions
about the stormwater.

CAC concerns?

MS. SQUIRES: I have something to
do with distribution of the agenda that
I just wanted to quickly bring up.

Rich Machtay pointed out that the
requirements New York State Town Law has
for compliance review which is a
municipal comprehensive plan and what
department is overseeing these plans.
So, I just wonder if we should be sure
to include the Town Planning Department
in our distribution list. I don't know
if they go that way or -- now Christine
and I looked at the CEQ -- I am sorry,
the CAC list to make sure that it was
accurate and in so doing so, she gave me
-- she sent me the list which has the
town CAC environmental department and
also the village CAC. So I looked down
at it and under Huntington it lists me
"Absolute Huntington Town Administration
Board" accurately, but then it lists the
town Department of Environmental Waste Management. I think primarily because the word "environmental" was picked out but it is actually the Town Department of Planning and Environment which Rich headed for many, many years so maybe --

MR. BAGG: We can tweak the list.

MS. SQUIRES: What I am talking about is, it is easy to correct Huntington, but I was just thinking about the Planning Department which are more than likely to act. I think you get frustrated because towns don't respond properly but sometimes if the right department doesn't get it, they think they don't --

MR. BAGG: We normally send it to the supervisor number one. It goes down to appropriate agencies and then usually goes into a circular file.

MS. SQUIRES: I was just wondering if the Planning Department might be a more properly receptive to the kind of agenda that we're looking at.

MR. BAGG: I don't have problem.
The only problem is we would request 25 copies with the Department and if the project is not necessarily countywide, I guess then leave it up the planning department to find out for each town and send it to them but the project is only one municipal jurisdiction anyway.

MR. KAUFMAN: There may not necessarily be a gap. It may be a good idea to send it to 10 extra individuals. I know from the experience of the Town of Smithtown, which I am in, it goes to the Department of Energy -- Department of Environmental Waterways. I do know that it is distributed to their Planning Department, and they it do internally. I know the people who do it, and I get phone calls on this stuff. I know it is internally distributed if the Department is, you know, getting it which I know they do.

MR. MACHTAY: It is really not all that simple because in the Town of Huntington, which is what I know. I don't know Smithtown, Islip, but you
have the Department of Planning and
Environment. You also have a Department
of Maritime Services and you also have a
department that's getting it -- waste
management and have waste management
which is a governed department that
oversees the sewage treatment plants in
the sewer districts. So it's kind of
hard -- if you're just sending out a
mailing it's kind of hard of who should
get it, you know. I think Joy is right.
The Planning Departments are probably
more in tune to give you a response
answer or to give you a response.
Although Maritime Services might be
another good one to -- in other words,
something that has to do with waterways
and tidal wetlands and so forth.

MS. GROWNEY: There might be 20 or
30 names.

MR. MACHTAY: I think it becomes
very cumbersome of --

MR. BAGG: Well, we would revise --

MR. MACHTAY: I am sure that if the
planning and environment saw anything
that has to do with the waterfront, the Maritime Service they would do that.

CHAIRMAN SWANSON: I would like to, again, go to this business of how much paper we generate just to start creating lists wholesale. You have to remember sometimes our packages are two or three inches thick, and we need to be prudent -- we need to be inclusive but we need to be prudent, as well.

MS. SQUIRES: I wonder if you could ask the County maybe if this is too cumbersome. What is the appropriate department so then you wouldn't have to distribute more than what you're distributing, but if you go directly to the town -- now with Smithtown because, of course, I have the advantage of looking at what I was sent. So I know a little bit about Smithtown. This seems absolutely appropriate to send it to Russell Barnett but in Huntington, I know it is more appropriate to send it to Tim Flanning, but here is Brookhaven Environmental Protection, and it is
going to John Turner and we know that
John Turner would believe -- I believe
John Turner would send it appropriately.
So maybe it's an issue not of having to
distribute so much more but to
specifically say to the town, "Hey, who
is going to pay attention to what CEQ
says?"

CHAIRPERSON SWANSON: We can work
on it.

MR. BAGG: Yes, we will work on it
and we will try to refine the list. We
will change Huntington with the
Department of Planning and Environment,
and we will look at the other ones. I
know Islip has an Environmental
Department. Some of these departments
change over time and it is difficult to
find out.

CHAIRPERSON SWANSON: Eva?

MS. GROWNEY: We can also e-mail
it. When it went by e-mail maybe that
is --

MR. BAGG: We get hard copies.

We're not at the point that we e-mail
yet.

CHAIRPERSON SWANSON: We do handle mail with the agendas.

MR. BAGG: Yes, we do that.

CHAIRPERSON SWANSON: Any other business?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Do we have a motion?

MR. Motion to close.

MS. RUSSO: Second.

CHAIRPERSON SWANSON: Any objection?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: We're adjourned.

(WHEREUPON, this meeting of April 15, 2009, was adjourned until a further date.)

* * * * .
CERTIFICATION

STATE OF NEW YORK )

: ss
COUNTY OF SUFFOLK )

I, MELISSA POWELL, a Shorthand Reporter and
Notary Public of the State of New York, do hereby
certify:

That the within transcript was prepared by me and is
a true and accurate record of this hearing, to the best
of my ability.

I further certify that I am not related to any of the
parties to this action by blood or by marriage and that
I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this

____________ day of ______________ 2009.

MELISSA POWELL