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, June 16th, 2010 in the Isaac Mills House, located at the intersection of North Country Road (25A) and Mills Pond Road in Saint James, New York. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Agendas can be found at www.suffolkcountyny.gov/departments/planning. 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
AGENDA

MEETING NOTIFICATION

Wednesday, June 16th, 9:30 a.m.
Isaac Mills House
North Country Road (25A) and
Mills Pond Road, St. James

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
Status on Historic Trust letter regarding Helen Keller house

Project Review:
Recommended TYPE II Actions:

A. Ratification of Recommendations for Legislative Resolutions Laid on the Table
   June 8, 2010.
Project Review:
Recommended Unlisted Actions:

A. Proposed Sale of the John J. Foley Skilled Nursing Facility, in the Town of Brookhaven. (Tabled from the May 19th, 2010 CEQ meeting).

B. Proposed Sewer District #14 – Parkland, Construction of additional Recharge Bed. CP 8118. Town of Islip.

C. Proposed Acquisition for Open Space Preservation Purposes Known as Beaverdam Creek County Wetlands Addition, in the Town of Brookhaven.

Project Review:
Recommended TYPE I Actions:

A. Proposed Review of Cedar Point County Park Master Plan, in the Town of East Hampton. (Tabled from the May 19th, 2010 CEQ meeting).

Suffolk County Parks:

Updates on County Parks

Other Business:

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

June 16, 2010
9:30 a.m.

Isaac Mills House
Mills Pond Road/North Country Road
St. James, New York

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

Reported by,
Melissa Powell
APPEARANCES:

CEQ MEMBERS

Hon. Vivian Viloria-Fisher, member
Eva Grownvey, member
Thomas Gulbransen, member
Richard Machtay, member
Daniel Pichney, member
Gloria Russo, member
Mary Ann Spencer, member

* * *

CEQ STAFF

James Bagg
Christine DeSalvo

* * *

CAC REPS

Steve Brown

Joy Squires

* * *
HISTORIC SOCIETY
Richard Martin

*   *   *

ALSO PRESENT

Christopher Kent, Chief Deputy County Executive
Nick Gibbons, Suffolk County Parks
Thomas Isles, Suffolk County Planning
Michael Mulé, Suffolk County Planning
Janice McGovern, Engineer, DPW
Dominick Ninivaggi, DPW, Superintendent
Linda Spahr, Suffolk County Attorneys Office
Lauretta Fisher, Acquisition for Open Space/Beaverdam Creek
Linda Ogno, Employee of John J. Foley Skilled Nursing
(Time Noted: 10:10 a.m.)

MR. CHAIRMAN: I would like to call our June meeting to order.

Anybody have comments on the minutes?

(WHEREUPON, there was no response from the Council.)

LEGISLATOR VILORIA-FISHER: I can't make a motion yet. We're not all here yet.

MR. CHAIRMAN: We are reviewing the minutes.

MR. MARTIN: Just want to let you know about a practical issue here.

If anybody needs a facility, the bathroom in the apartment which is the door outside -- you have to go out the front door to that door. It is open for our use. We can't use the bathroom in this part of the building.

MR. CHAIRMAN: Thank you.

We're going over the minutes, but before we talk about the minutes, I would just like to have on the record
that, Richard, we appreciate all the
effort that you went to, to set up this
meeting here. I think this is a
valuable experience for the CEQ to see
some of the properties that the County
owns and operates since Historic Trust
is part of our duties and
responsibilities. Thank you.

MR. MARTIN: Thanks for coming.

MR. CHAIRMAN: I also want to thank
Jim Bagg, Mike Mulé, and Christine for
going out of their way to set up, and to
our Stenographer for having to deal with
these historic conditions. Thank you.

LEGISLATOR VILORIA-FISH: Can I
just say one thing about that?

MR. CHAIRMAN: Yes.

LEGISLATOR VILORIA-FISH: I do
want to thank Richard because the County
tries to stay away from buying
properties that have buildings with
them, but I thought this one was very
special when I looked at it. We have to
think in terms of trying to maintain the
hotel/motel tax for the restoration and
protection of these old treasures that we have.

Right now, the hotel/motel tax money is being diverted to the operations of historic services and that wasn't the intent. So we have to look at that, as we move forward, through the years that aren't as challenging financially as the one that we're in. We can go back to that model because it would be a shame to lose these buildings for lack of funds when, in fact, we have earmarked this one precisely for this, although, we're going to try and keep away from buying more properties like this building. But thank you, Richard, because this is such a good example of why we need that money. It's expensive to keep these maintained.

MR. CHAIRMAN: Any comments on the past minutes?

(WHEREUPON, there was no response from the Council.)

MR. CHAIRMAN: If not, we can move forward.
Jim, are there any changes?

MR. BAGG: Are you going to approve
the minutes?

MR. CHAIRMAN: Nobody received
them. That's my sense. That's the
problem with having 500 pages worth of
steno notes.

Mike, do we have any correspondence
you want to call to our attention?

MR. MULE: Aside from the letters
to the Council -- aside from the letters
to the Council from Mary Ann Spencer
regarding the Helen Keller House, I
don't believe there are any other
correspondences.

MR. CHAIRMAN: We did get a letter
from Legislator Kennedy. It will come
up as part of our discussion on the
nursing home.

Speaking of the letter from Mary
Ann, I would like to have the full
committee consider either accepting or
rejecting her thoughts that were
expressed in the memo and then formally
sending it onto the Legislature with our
recommendations, whether we endorse it
or not endorse the historic
recommendation.

So, has anybody read that letter?

MR. KAUFMAN: Yes. I read the
letter. I agree wholeheartedly with
what Mary Ann is talking about. She
really has, in this letter, and also
discussions that I have had with her and
what she had presented to the CEQ. She
really has hit the nail on the head with
all of this. This does not meet this
criteria for listing in the State or
National Register or becoming part of
our system due to the severe loss of
integrity as she pointed out. I would
love to save everything that we put in
our history, but this doesn't meet the
criteria.

Again, temporary short term
residence is not enough -- not enough of
an attachment to the County to really
change my opinion on any of this. Just
because someone merely walked through
the area and was here for a little
while, just does not bring it to that level where, I think, it should be preserved the way it has been proposed given what Legislature Fisher has just stated. It's just tough to make that lead, and I think that her letter should be accepted by the CEQ and the Historic Trust and sent onto the Legislature.

MR. CHAIRMAN: Just for the Stenographer, we are talking about the house where Helen Keller spent a Summer some years ago.

MR. MARTIN: Larry, sorry, just to clarify on our historic list, it is called the Roger's House. That's the name of the family that owned the property. The locals called it the Helen Keller House but, historically, it was the Roger's House.

LEGISLATOR VILORIA-FISHER: Is it also called the Beach House?

MR. MARTIN: Yes. The New York State review for the National Register identified it as the Beach House. Our historic list has it registered as the
Roger's House.

MR. CHAIRMAN: Thank you.

Yes?

MS. GROWNEY: My understanding is that she was -- she was only there for a couple of weeks.

MR. MARTIN: We don't have exact documentation. She did rent the house from the Roger's Family, and it could be anywhere from two weeks to two months. There is no clear documentation. Once Ann Sullivan, her teacher, got sick and had a heart attack, they went back to their home that they owned in Forest Hills and that's where she passed away in October.

MR. CHAIRMAN: Okay.

Do we have a motion to accept Mary Ann's letter serving as the Chair of the Historic Trust Committee?

LEGISLATOR VILORIA-FISHER: I'll move.

MS. GROWNEY: I'll second.

MR. CHAIRMAN: We have Vivian Viloria-Fisher who made the motion. We have a second by Eva Growney.
All in favor of forwarding this
with endorsements -- positive
endorsements?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: We will do that.

Thank you.

On another matter and as you can
recall from last month's meeting, I think
it was, we talked a little bit about the
fact that the CEQ now has new
responsibilities with regard to bike
paths in the County. I have contacted
Rich Machtay and Gloria about the
possibility of working with me and Bill
Hillman of the Highway Department to
sort of get a sense of where they want
to go with bicycle paths and what -- how
we, as a committee, can best help them
with their mission.

So, Mike, if you don't mind, see if
you can set up a meeting with the three
of us following next month's meeting with
Mr. Hillman. (Phonetic.)

MR. MULE: Sure.

MR. CHAIRMAN: Historic Trust Director's Report.

MR. MARTIN: With our Housing Program, we now have six vacancies within that program. The all employee memo which we had hoped was going to be already sent out has been put off and we're trying to get that sent out in July. The reason for that is because when we have this many vacancies, we pick one day where we each house a staff or a Park's Department employee and people go around usually on the weekends, like Saturday or Sunday, and they can go around in one day, literally, and see all those buildings that are available to them. So that's what we're planning. We're hoping to do that in July.

We still have not rented the house in West Hills. That's by the Park's office. The other house, the Oakley House, will become vacant come July 1.
Those are two of our larger post-colonial homes that we would like to get rented. I am hoping we will be successful this time around.

Otherwise, with our contracts, we have six groups that are working on the contracts right now in our contract's division and the Park's Department. We have signed the Huntington contract that relates to the comparable boathouse and the use of the classroom space in the main house at the top of the hill. So, that one has been completely executed. We're still working with the Town of Huntington on the contract for the use of the gym with the Park's Department.

Otherwise, I would just like to follow up a little more on the comments on the Helen Keller issue. I would like to thank Mary Ann and the Historic Trust Committee for sending the letter on. It's been very helpful to have the support. There has been a lot of questions coming into the office about the structure. I just had a phone call
yesterday from the National Trust Historic Preservation Magazine, again, asking questions about it. I think being related to Helen Keller, there is obviously a lot of interest out there -- a lot of questions, but unfortunately, there has also been a lot of misinformation by calling it the Helen Keller House. We have been trying to explain to people that it's really not her house. It's not even her Summer home which some people think it was. For the time period that she stayed there, and also the extreme water damage that's occurred to the structure, we really only have the front facade that's still standing. So, this would be a total reconstruction if anything was to happen with that site which is really not what we're looking to do. Of course, it's never had any historic listings by any agency including the Town of Southold. So it really was a structure that was never listed.

Also, the letter was helpful in
just getting the word out to the Town of Southold. It was forwarded to the
Suffolk Times. Quotes were included in
their article and, I think, that helped
explain to the local people that there
is a real background to this site and
not just the story that they have been
getting on the street.

So, I think, people are starting to
understand why we've made the decision
that we have. With what I handed out to
you today, all from New York State
National Register Review on their
statement of significance, again, does
not qualify it to the National Register
or the state register and the reason's
why the conditions of the building and
also the fact that Helen Keller stayed
there such a short time.

Also, I included for your
information that we did research
actually at the home of Helen Keller.
She actually was and her family was
involved with five residences. Her
birthplace is open to the public. It
was purchased by the foundation in 1954, and restored and is open to the public on a regular basis and her other homes are well documented, as to where she lived and she did have an ownership interest with two of them with Ann Sullivan. Later in life when Anne passed away, she actually hired a private architect and did a design for her in Connecticut. The first one burnt down. She rebuilt the house, again, working with an architect. Those architectural plans are actually in the Helen Keller Foundation in New York City that she worked for, for a number of years and they have all the plans and/or archives and they think that's a very important house and that's the one that should be studied because she designed it for herself.

There was a lot of historic interest in that structure because it was the last house she lived in and passed away in, in 1968.

MS. GROWNEY: Where was she born?
MR. MARTIN: Escambia, Alabama.
That's where Ann Sullivan came when she
was a child so that's well interpreted
that the house was historic in a early
time period and I think very popular.
All these questions that people have
been asking even on the Facebook page
that's been established by the family
that's supporting the keeping of the
house, but people are starting to do
their own research online and realizing
that this is truly where the
interpretation should be taking place.

MR. CHAIRMAN: Thank you.

Ratification of Recommendations for
Legislative Resolution Laid on the
Table.

Mike, do you want to call our
attention to anything in particular?

MR. MULE: It is pretty straight
forward. The majority of items are Type
Two Actions with SEORA underway or
incomplete.

I do want to call your attention to
IR-1670 bearing Yaphank property AMH for
county leads and authorized property

sale in a public auction. Please note

that this involves about a 95 acre

parcel in Yaphank County Center area.

This resolution does not tie into any
developments. It just a surplus in sale

resolution and the legislature is

intending to introduce the bill

indicated to us that it will be

submitted in the EAF at the next CEQ

meeting in regard to the resolution.

MR. CHAIRMAN: Legislature

Viloria-Fisher, do you have anything?

LEGISLATOR VILORIA-FISHER: This was

discussed at the meeting where it was

laid on the table. As you know, this is

a piece of property tied in the southern

part of what we have been referring to

as Legacy Village. Although we passed

the funding for the environmental impact

to be done on Legacy Village and the

whole property, Legislator Kennedy's

piece is on private property which is

the least contentious. This parcel has

an as-of-right ability to be developed.
So, that's basically the background and we're trying to get revenue from the property. So what John Kennedy did was put this into a separate resolution so that we could move forward with that part of the project, so it's for the CEQ to discuss how it impacts what we've already decided regarding Legacy Village.

Mike was at that meeting and you said that passing that would nullify part of what we have approved for the EIS --

MR. KAUFMAN: There's--

LEGISLATOR VILORIA-FISHER: (Continuing) -- because I asked Michael about the SEQRA piece on this. Is there a problem with passing John Kennedy's legislation if we already looked at the Legacy Village as a whole including the industrial piece of property or can it be broken out as a separate piece? So that's something for the Council to discuss.

MR. KAUFMAN: Right now, this is
not seen in the EAF. We don't have the
building in front of us. It's going
into the CEQ's cycle eventually. It's
hard to say exactly where it is going
to, but Vivian had asked me for an
opinion, and I did write her something.

This is sort of a competing bill in
certain ways and it will cause
segmentation issues. There is also
something called nullification which I
don't think anyone has really looked at.
It could be sort of seen as a
nullification of a previous decision of
the Legislature to the extent that the
bill might be oriented towards cutting
out one of the four parcels of Legacy
Village. Remember, Legacy was a four
parcel A, B, C, and D and maybe making
it stand alone in the surplus bill. It
might destroy the legacy RFP. It might
store the sale contract by cutting part
of the plan out. It might be seen as
segmentation because you suddenly have a
plan out there, and you're only going to
be looking at part of it so that's
segmentation in a classic sense. It might render the RFP and propose a contract void on their face. It competes, basically, with the prior decisions of the Legislature to go forward with an EIS on the entire parcel plan.

While the Legislature has not authorized any sale yet of the four parcel plan on Legacy Village that had been looked at in December, the intent of the legislature is to study the four parcel plan -- the EIS and consider a sale of all four parcels as a single unit.

The Kennedy Bill, if adopted, right now, is technically is viable because nothing has yet been done on Legacy. So it would signal a different intent and because it has a different intent, you might have basically the Legislature going into a classic nullification. That actually -- the laws here bring you back to 1832, and the South Carolina nullification act is something I never
thought I would look at again.

MR. CHAIRMAN: That was readily
available the other day.

MR. KAUFMAN: Actually, Larry has
some strange interest. Actually, it is
dealt with tariffs and the slave trade
among other things.

So it really takes you back a long
way, but basically you can have some
nullification problems and until the
Legislature makes up its mind as to what
they want do to, there are issues out
there. They can't basically go with
both.

The segmentation issue, again, is
basically if the Legislature is going to
be looking at the four parcel EIS. If
you look at a single parcel and you know
the plan is still out there, you're not
considering the entire situation and
that's exactly why we did a positive
declaration back in December. You can't
just look at a single situation in
isolation when you know there's
something out there.
So it plays out in very, very funny way and, again, it's not been -- it's just being brought up right now at this point in time. There's been no full view of it by the Legislature. It was only laid on the table last Tuesday, so it's just coming into our cycle and a lot of this is, frankly, policy issues -- nullification issues and policy issues for the Legislature.

MR. CHAIRMAN: Legislature Gloria Fisher?

LEGISLATOR VILORIA-FISHER: Lastly, not only to the Council but also to the County Executive staff.
When we voted at our last meeting, to fund the environmental study in a manner of speaking, that was the ratification of the intent to look at the whole project. So then I assumed that, that's when the issue of nullification would come in because voting on that -- voting positively on that was a ratification of intent.

MR. KAUFMAN: Maybe executory --
when the Legislature voted --

LEGISLATOR VILORIA-FISHER: I am not a lawyer. I
don't use words that big that.

MR. KAUFMAN: That's the technical
term. You actually committed -- the
Legislature actually committed to the
policy --

LEGISLATOR VILORIA-FISHER: Right, to execute --

MR. KAUFMAN: (Continuing) -- to
execute and go forward. So in that
sense, if the Kennedy Bill eventually
comes up, it probably would be nullified
by the decision making of the
Legislature last Tuesday.

MR. KENT: I can tell you --

STENOGRAPHER: Sir, your name?

MR. KENT: Christopher Kent.

I can advise you that the contract
has already been entered into. There
was an RFP on the selection of the
environmental consultants. That
contract has already been awarded and
has been entered into and has been
authorized -- the monies that you
approved have already been authorized to
be expended and they have already
commenced the study. So, I don't know
-- it is executory in nature by the
Legislature but the contract with the
environmental consultant and the
commencement of the EIS is no longer
executory. It has now been commenced.

LEGISLATOR VILORIA-FISHER: So then
there would be a nullification issue if
we were to pass this. I mean we can't
pass Kennedy's Bill then because then it
is breaking something out of --

MR. KENT: I would request that you
do not pass Kennedy's Bill because we've
already done a thorough study on the
impact of the overall project and we're
studying all of the potential impacts
that might be -- all the potential
impacts that might occur if development
goes forward pursuant to the RFP that
was issued in 2007. That's the scope of
the study in a nutshell.

The scope is a much longer
document, but we're looking at all of
the potential impacts under the RFP as
issued by the County back in 2007.

LEGISLATURE VILORIA-FISHER: I have
to say that I thought the one positive
thing about the Kennedy Bill is that
this is the easiest piece of the -- of
all of the pieces that run through
Legacy Village so -- you know, it would
have been, perhaps, a very beneficial
element to do that study.

MR. KENT: It will studied. That's
part of the overall study.

LEGISLATOR VILORIA-FISHER: But can
it move forward without directing --

MR. KENT: That would be based upon
the findings and determination that the
Legislature enacts or adopts at the time
-- at the end of the study, so at the
end of the study there will be a draft
or GEIS and that will be submitted for
review. There will be comments. There
will be a final -- there will be
findings and determinations that will be
made by the Legislature by resolution at
the end of the study.

LEGISLATOR VILORIA-FISHER: My
point, Chris, is that we do have to wait
until the end of the study to the entire
project. One benefit that I saw in
Kennedy's Bill was that the study, I'm
assuming, around the Carmine's River
Watershed would be much more involved
and the traffic study that we can do
with the affordable housing and all of
those issues which are much more complex
than this piece of property.

MR. KENT: We do think the study
will become the basis for any decision
making in the future.

LEGISLATOR VILORIA-FISHER: Well,
sure.

MR. KENT: And I'm using a legal
technical term called "bulletproof."
Any decisions that the Legislature makes
will help.

LEGISLATOR VILORIA-FISHER: But we
can't expedite it by breaking anything
out because now the study has to be one
piece.

MR. CHAIRMAN: Linda?

MS. SPAHR: Linda Spahr.
It would end up being segmentation because although it would seem that one of the alternatives is the EIS as a whole project could be considered if what if you only did 95 acres? That would probably satisfy any requirements reviewing it only.

MR. KENT: The best way to insulate the Legislature to insulate future actions from successful litigation. I mean all open litigation can be considered for anything, but to insulate your actions from success or litigation, I think the completion of the study will give you the foundation to base your hard look at the determination.

MR. KAUFMAN: Phrasing it a different way would be taking a hard look as part of the main EIS with an alternative sale of the 95 acres, again, as an alternative and maybe even mitigation. However, you want to classify it. It sort of a backwards way to go but it does -- if you take a hard look, it sort of, in my opinion, allows
for possible future sale if that's the
way the Legislature wants to go as a
policy decision. Basically, the EIS
would cover the entire four parcels. It
would also, as an alternative, whereas
mitigation covered a sale of a single
parcel -- parcels C and D and the 95
acres, and if a hard look is taken and
it's taken in that context, I think
that, again, it's sort of backwards from
the way you would do it -- I think if
that were possible to do in finding
statements could incorporate those
findings and then that would become a
policy decision for the Legislature. I
am not saying --

LEGISLATOR VILORIA-FISHER: That
was in the scope of the document; wasn't
it? That we would like at those
alternatives.

MR. CHAIRMAN: I think that --

MR. BAGG: The scope has not been
completely at this point.

LEGISLATOR VILORIA-FISHER: That's
the draft, sorry.
MR. KAUFMAN: Jim, something could be added into the stuff then if we wanted to? That was a question that had come up.

MR. BAGG: Again, the only encompassing project that includes C and D and it's ultimate build-out for industrial, once you adopt your finding statement you're proceeding with a lesser project within the scope is perfect doable and doesn't need any further SEQRA.

MR. KAUFMAN: One of the questions that I had for you was, in the initial scope, we had looked at the sale of all four as a single unit. We had not, as I remember and I may be wrong on this, we had not looked at the sale of C and D as a separate unit. I asked you whether that would be a defect in there. Now, if the scope is still open, I think that removes that question. It may not have been initially posted, but if the scope is still open and we control the --

MR. BAGG: The scope is open. It's
a question and an issue that should be
dealt with.

MR. KAUFMAN: Yes. We need to
eventually -- Michael has to deal with
that and place it into the scope.

MR. BAGG: If you could broaden the
scope to consider those issues parceling
the scale with one parcel.

MR. KAUFMANN: So you don't need a
separate --

MR. BAGG: Squeeze separate parcels
in the future that could be an
indication that --

MR. KAUFMAN: Yes, that would --

MR. MULE: The scope does right now
though, as one of the alternatives, look
at development under existing scope and
currently this area is zoned as
industrial. So the maximum impact will
be looked at during the EIS process
of the parcel. So we will be covered by
the scale that we can work under.

MR. CHAIRMAN: Richard?

MR. MACHTAY: I would just like to
know what the County Attorney's opinion
is on segmentation and if that's -- my
head is spinning today so I am just
trying to consolidate my thoughts -- and
also the Planning Department and if
we're going to discuss this at the next
meeting, I think this is imperative.

MR. ISLES: We will be prepared to
discuss it.

MR. CHAIRMAN: Vivian Fisher, can
you share what you think the sense is of
the Legislature is? It's like herding
cats?

LEGISLATOR VILORIA-FISHER: You
know, it's very puzzling right now how
this is going to play out. I think we
need to hear those opinions, as well.
This was just laid on the table so there
hasn't been a discussion. There's a
sense of wanting to get some part of
this done to bring back revenue, but on
the other hand, we just ratified the
expenditure of money because we're in a
contract but we can't do that. In other
words, we have taken a step forward that
we can't go back on. I can't see that
we can pass Kennedy's Bill at this point
because we jumped in with both feet on
the other projects it seems to me.
That's how it seem to me. We need to
hear all the lawyers duke it out.

MR. MACHTAY: I don't think that
the CEQ should second guess either the
Planning Department or the County
Attorney and that's what it seems like
has happened before and I don't think --

MR. CHAIRMAN: I am not clear on
what you're saying.

MR. MACHTAY: I don't think we
should start second guessing and say
"Oh, this is segmenting or this is not
segmenting or we should go ahead with
the whole thing or not go ahead with the
whole thing." Until we're hear what all
their opinions are and have it all laid
out on the table for us and the public.

LEGISLATOR VILORIA-FISHER: I will
ask the Legislative Counsel to weigh in
on this. He was the one who drafted the
bill for the legislative county.

MR. KAUFMAN: Rich, I fully agree
with what you're saying. This is a
very, very interesting situation. I was
asking had the Legislature shown up
there for other reasons and I was asked
by one of the Legislatures to tell him
what I thought in the middle of the
meeting. So that's what I did and what
I sent to her. It was an "off the
cover" opinion. I had not heavily
researched and looked at the issue and
things like that. I do agree with you a
hundred percent. We have to be very,
very firm on the grounds on all of this.
A lot of this is policy from the
Legislature and beyond us.

LEGISLATOR VILORIA-FISHER: There's
a lot chomping at the bit for lawsuits
here too. I mean, I have gotten calls
about that so --

MR. CHAIRMAN: You want to keep the
CEQ out of that.

So we're still discussing the
ratification that was laid on the table.

Anything else?

MR. MULE: That was the only one I
wanted to bring up.

MR. KAUFMANN: I will make a motion
on this eventually.

The only interesting one that I
have seen aside from what has been 1670
or 1653 confirming the appointment of
the commissioner and I just wanted to
point that out for interest at this
point in time.

MR. CHAIRMAN: Commissioner of
what?

MR. KAUFMAN: Commissioner of Parks
taking over from Legislature --

MR. CHAIRMAN: Thank you.

MR. KAUFMAN: There was one other
in there. It was the Victory Garden
proposal which I didn't --

LEGISLATOR VILORIA-FISHER: That's
just extending the time. That's all it
is. It's extending the time of the
task-force.

MR. BAGG: It's administrative.

MR. CHAIRMAN: Do we have a motion
on accepting staff recommendations?

MR. KAUFMAN: I will make the
motion, but I would abstain on 1653.

MR. MACHTAY: I will second the motion.

MR. CHAIRMAN: We have a motion and a second.

All those in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: For the record, Mr. Kaufmann approves with the exception of 1653 from which he has abstained.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: The next item is Recommended Unlisted Action.

First one is the proposed sale of the John J. Foley Skilled Nursing Home.

This is the continuation of the topic from last month, and I pointed out that we received a letter from Mr. Kennedy in which we had asked him to prepare concerning his issues with moving forward with this proposed sale.

So, I hope you all had the time to read it. It was sent out, Jim, or was...
it in the packet?

MR. BAGG: It was in the packet and it was also sent out to other individuals, as well. There is an attachment from the Response Unit of the County Executive Office also in with that material and in that response, are Legislator Kennedy's points.

MR. CHAIRMAN: So before we open the discussion, a couple of points of clarification.

Talking with Jim, and just to remind you that underneath those, apparently, we would be required to look at social issues, economic issues, and so forth and that's not a requirement under SEQRA. Also, the definition of the environment that we're working with is as follows:

Environment means the physical conditions that will be effected by a proposed action including land, air, water, minerals, flora bona, noise, resources, agricultural, archeology historical study significance and
existing patterns of population,
concentration, distribution of growth,
and existing community or neighborhood
class and human health.

So, with that, we will open the
discussion again for the nursing home.

Mr. Kauffman, you had some comments
you wanted to make?

MR. KAUFFMAN: Yes.

Legislator Kennedy's letter raises
a number of issues and some of them are
policy issues that are outside of our
jurisdiction. Some of them are
interpretations of SEQRA. Some of them
are social issues, et cetera. A lot of
it is the challenge to the document.

I have learned over the years that
we should not be a slave to the actual
document itself. The document of the
Suffolk County EAF form has no standing
in law as a document exclusive to
Suffolk County, and it has no standing
in law as a type of required document
but is something that is put together by
the County to enable people to look at
what is going on.

EAF's are required by law. How you
design one for your individual county, I
believe, is not put forth in the law.
Obviously, there has to be certain
requirements that are met. The Suffolk
County EAF does meet those requirements.
So, what I am basically trying to
say is challenges to the document that
the document does not cover and what
needs to be covered and given the
information that we have, I don't think
really meets the criteria for causing
problems.

The record that we create in
examining the document is the critical
aspect. In other words, the hard look
that we take at the information that is
presented to us. So, if we have an EAF
before us and if it has a glaring error
in it, that's one thing. If it's an
issue of interpretation, that's
something else. If you look at the
documents and we discuss it at the board
-- that's what we're here for -- our
discussions are the hard look. The responses of the County to this are the hard look and that is what they call penumbra -- what we're supposed to exam. That's the record that goes before the Legislature. That's the record that is part of a court challenge. So the document itself is sort of a taking off point. Again, it should be filled out properly, but the information that we're getting is what we need to really examine.

So, if there are errors in the document itself, which I am not hundred percent sure there are, I don't think that should preclude us from looking at everything -- giving a hard look and examining the documents that are presented to us and making a recommendation along the way or the others. So that is sort of the frame of this discussion that I wanted to throw out there.

Again, that is sort of prompted by what Legislature Kennedy had been
talking about a month ago and the letter
also that he has submitted to us. We,

obviously, have to consider the EAF but
there are some matters that may be left
open to a little bit of interpretation
and also the amendment in terms of the
stuff that the County has given us dated
June 2, I believe, really fills in those
gaps. They have more than adequately
presented their case. It's up to us now
to discuss and see whether we accept it.

That's where, I think, we need to go.

MR. CHAIRMAN: Before we get into
debate, I would like to ask if there any
comments from the people in the audience
on this matter?

MS. ONGNO: I would like to speak.

MR. CHAIRMAN: May I ask you to add
to what was presented before and not
just a rehash it.

MS. ONGNO: My name Linda Ongno.

I work at John J. Foley. I think

that a lot has to be looked into more

than what Mr. Kaufmann said.

Also, what's going to happen to
everyone that works there? This is a
big impact on our County as a whole.
We're aging. We're an aging population
and John J. Foley is an important part
and should remain County because we take
in all sorts of people. I think that's
important for you to know. We're
not-for-profit and that makes a big
difference in caring for people.

MR. CHAIRMAN: Thank you.

Anybody else?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: If not, we will move
forward with our discussion of this
issue.

Anybody have any comments?

THE WITNESS: Did the County
actually correct the EAF? Because when
we looked at it last month, there were
some --

MR. BAGG: Well, I think that, that
was challengeable. I mean a lot of
"if's" and "maybe's" and people with
crystal balls, but I don't think it was
-- actually, just in the document, the
response says that -- you know, prior to
evaluate -- the situation, however, I
don't think the EAF was wrong based on
the project per se. I mean, also, if
the Council feels Part 2 is filled out
by the CEQ, you can make those changes
before they go to the Legislature.

MR. BROWN: I guess the answer to
that is the EAF.

MS. SPAHR: If I may, additional
information was provided to offset this
in response to the comments.

MR. BROWN: I got the comments. I
got the response but would you add the
accuracy to the EAF? Could you add
those comments into that?

MR. BAGG: What are the
inaccuracies?

MR. BROWN: Excuse me?

What are the inaccuracies?

MR. BROWN: Well, I mean some of it
was that it was not going to effect any
employees of the County. That's just
one piece of it.

MR. KENT: That's not a criteria,
is it? Jobs?

MR. BAGG: No. He just said, "Would this cause a relocation of 15 or more employees" and we don't know. You can't predict that. You have no idea. This is a sale of a facility as it is. That's a future decision of the person who purchases the facility. I mean, for all we know, the guy could add jobs. We have no idea what he is going to do.

MR. BROWN: It's the sale of the facility with additional wooded land next to it; correct?

MR. BAGG: Well, it's not additional wooded land. The original parcel of the facility was placed on -- where was it, Michael?

MR. KAUFMANN: 27 acres.

MR. BAGG: 27 acres of which they're going to sell 14. The original facility, before it was constructed, and the physical alteration of roughly about 10 acres was Neg Declaration -- the entire facility, by the Legislature.

MR. BROWN: Original?
MR. BAGG: Yes.

MR. KAUFMAN: If I might add, this is an issue that will be coming up as the land clearing -- there is an issue that comes up with that. As to your point on the contract issue, it's a sale right now of a public facility, plus associated employee. I am not implying that they're endangering service sale or anything like that, but for discussion purposes, let's just say it's sort of a transfer of those employees. Whether you like it or not, it's a sale as is. That's the way the County has placed it. That's the County policy right now. Whether that's changed with the Legislature, that's something else. The point is that there is nothing in the contract controlling how those employees would be dealt with in the future. That's sort of outside or purview. If there was something in the contract, during the sale, saying that, then you might have a point on that. Right now, what Jim is saying, we don't know where
it is going. There is nothing at the
executive level saying that there were a
clause set or a restriction clause.
Maybe that's something that the
Legislature will act upon and add. I
don't know, but at this point in time,
we're dealing with a contract situation
coming out of the Executive -- that's
the way the bill is coming. We can't
add, if you will, conditions that they
don't have. We're assessing what
they're giving to us. Again, it's the
policymakers, which is the Legislature,
eventually, to decide whether or not it
is a good thing to have noting in there
covering their employees and their
future employment. Maybe the
Legislature might say, "For five years,
you can't fire anybody." That's the
Legislature's decision. It's not ours
and it's not something that's before us
at this point in time. That's the way
it was designed and it's not an issue
for us.

MR. BAGG: It's also not an
environmental issue.

MR. KAUFMANN: As Larry read out a
minute ago, it's a physical alteration.
That's why we're --

MR. BAGG: Layoffs are not a
SEQRA(able) item. State read the
layoffs 5,000 people -- County may
layoff people and that's not required to
be a SEQRA(able) item.

MR. CHAIRMAN: Dan?

MR. PICHNEY: You might have just
answered my question.

Is it just the fact that even if
the new owner were to hire all the
County employees, doesn't the fact that
it's a change in the conditions of
employment going from public sector to
private sector in terms of salary
benefits and all of that; does that make
a difference?

MR. KAUFMAN: That's a contract
issue. That's a contract of policy
issue. That's not an environmental
issue.

MR. CHAIRMAN: Viloria?
LEGISLATOR VILORIA-FISHER: I have a question about the zoning issue going to a municipality.

One of the responsibilities that I saw was that this institution used the -- is allowable for AA residential; is that correct? I just wanted to --

MR. BAGG: I believe so, yes.

LEGISLATOR VILORIA-FISHER: I also have a problem with questions 20 which says, "Is there a public controversy related to the potential environmental impact?" This has been very controversial but you're saying that Part 2 can be amended by --

MR. BAGG: Basically, at the time that form was filled out, there were no environmental concerns that have been entered into the record. I mean those are public --

LEGISLATOR VILORIA-FISHER: But we can amend that as a Council?

MR. BAGG: Yes. I mean, and they try to respond to that in the response based on what was entered at the meeting.
and whether or not someone -- you have
to evaluate as to whether or not the
commens presented are, in fact,
significant environmental concerns.

LEGISLATOR VILORIA-FISHER: Are you saying that the grandfather piece with the institutional is something that is
as-of-right?

MR. BAGG: Yes.

LEGISLATOR VILORIA-FISHER: I just wanted to double check that.

MR. BAGG: It's also a preexisting use.

MR. CHAIRMAN: I think it's important to recognize that it's very common in environmental debates to throw a dog in the picture that's not really environmental and to have everybody begin to render their hands about. In a sense, that's what's happening here. The issues that have been raised to us are really not environmental issues.

There are other forums that those debates can take place.

MR. BAGG: I mean, the way that the
project is proposed, it's a sale as is.
There is no project associated with
this. There is no physical alteration
associated with this. We're selling
this title to this property for someone
else to operate.

LEGISLATOR VILORIA-FISHER: Well,
the only physical change would be the
flagpole access to the property?

MR. BAGG: But that's part of --
that's not a physical change because
nobody knows whether that will ever be
built. The County access right now is
perfectly adequate. Nobody is going to
go build a new access to that road
unless somewhere down the line, the Town
of Brookhaven decides that you need to
have your own separate access and at
that point in time, they will have to do
SEQRA before they can stipulate that,
that take place.

MR. CHAIRMAN: That is discussed in
one of the responses that we got from
the County Executive's Office.

Yes?
MR. KAUFMAN: I would like to bring up a couple of environmental issues.

That is our job. One, looking back at the 1992 resolution there is a cut-out, if you will, of 27.8 acres identified to the CEQ at that time. It is all County owned property and this is sort of carved out that this was going to be the area that was going to be reserved for the skilled nursing facility. There was never, to my knowledge, any creation of a separate lot at that time. I do remember that. There was not a formal carve out. This was more of a policy carve out. It just said that in the 800 acres that we owned in the area, we're going to take 27.8 and reserve that for the nursing home. At that time, approximately, it was 72 percent of the site would be left in its natural state as a buffer. Right now, the site that is going to be actually sold and surveyed out is 14.6 acres or something like and at that meeting last month, we
went into that a little bit. One of the
recommendations that some of us are
probably going to make was that
expansion of a parking lot into the
natural buffer should really be frowned
upon or maybe phrased a little
differently that the buffer that is
within 14.6 acres should be left in its
natural state. In other words, freeze
the footprints where it is at right now.
I think that is -- except for the pole
portion where the road would be going in
which the Town of Brookhaven required,
but, I think, that's something that we
should at least consider and possibly
make a recommendation on that the
remainder of the site should be left in
its natural state as a buffer.
Right now, they have a pretty good
parking in the area and the building
itself is four stories -- five stories.
I don't remember which.

MR. KENT: Partly four, partly
five.

MR. KAUFMAN: Four and-a-half. I
would be hesitant to allow further clearing in the area. I think it's adequately serviced and since 1992 there has not been any complaints about that. The second part is the pole portion where the potential road might be driven. If the County were to cut out off access from the facilities to the north, I believe that's the Police Headquarters over there, then the Town of Brookhaven would require a road to be driven through the pole portion. Obviously, that has to be protected somewhat. It makes it nice coming in and I have seen a little pole section that always was a nice pretension. I would simply suggest that the minimum clearance be done for it, and that possibly be part of any resolution that the County would go forth with. Finally, there was a pesticide issue. There were some discussions last month about pesticides and the County has presented in its presentation to us documentation as to how pesticides are
handled on there's and waivers, et cetera. I am not sure how to handle that. I think a contract provision or something like that would be an appropriate recommendation to make if the Council wanted to say, "No pesticides and no nuking of the areas," or with whatever's out there to keep the bugs down and the pests that are out there, but it is something that we should consider.

Those are the three primary environmental issues that I have seen out there. So I just wanted to bring everybody back up to speed so we can focus on that.

MR. CHAIRMAN: Any other comments?

LEGISLATOR VILORIA-FISHER: Yes.

Actually, Mike went into the comments that I had, had because my concern really was on the environmental issues which was the use of pesticides and herbicides. I know those have been mentioned, but that has gone before CAC and reviewed on a case-by-case basis,
and we won't have that protection if
it's privately owned. So just to say
that we have exceptions, doesn't mean
that, that's allowable. It means that
we are on a case-by-case basis.

MR. KAUFMAN: And you lose your
exception.

LEGISLATOR VILORIA-FISHER: You
look puzzled by what I am saying?

We're not going to have control, in
other words, if we use the pesticides
and --

MS. SPAHR: If there for medical
purposes, no.

LEGISLATOR VILORIA-FISHER: No, I
am talking about the lawn and the
grounds. That's the environmental
close that I have because we, in the
County, are very restricted on County
owned property. Once it is privately
owned, that restriction will not be
there. To say that there's control by
our Health Department and not on private
owned property, does not rise to the
standards that we have on County
property and we have that commitment. I think that is an environmental issue.

MR. BROWN: Currently, they're operating under a waiver so --

LEGISLATOR VILORIA-FISHER: Well, there have been waivers granted, but those are granted on a case-by-case basis.

MR. BAGG: Yes, DPW has a waiver for that. They actually have granted waivers for use of pesticides.

LEGISLATOR VILORIA-FISHER: But those waivers are still more restricted than what we would have if it were just a privately owned property.

MR. CHAIRMAN: Also, the drainage for the property will go on the County owned property. So, perhaps, a provision of some sort of control of the pesticides is in order.

MR. KAUFMAN: Deep covenant is the way it's set up or something like that or make it part of the contract of sale and have it recorded to the deed.

That's the way to fine the homeowner to
certain environmental issues in the
future.

MR. KENT: We could place a
covenant or condition of the sale that
they require -- notes that requires
notification as an enjoining property if
they intend to apply pesticides or
herbicides to their property with the
reservation that we could contest or
object to their use of pesticides.

MR. CHAIRMAN: Shouldn't it be used
anywhere around the --

MR. PICHNEY: Well, I think that's
called for under additional DEC law;
right?

MR. KENT: Right, but all I am
saying is that with the added provision,
we could object or somehow have a right
-- reserve a right. Right now, the
public notification or the adjoining
property notification requirement is
strictly for them to be notified so that
they could not elect to be present when
the application is made to the property
and that would somehow protect them from
being exposed to pesticides or
herbicides on the property.

LEGISLATOR VILORIA-FISHER: But
you're going further in suggesting our
right to object.

MR. KENT: We could if you want to
make that a condition.

LEGISLATOR VILORIA-FISHER: Well,
the policy statement -- Larry is right.
There is another forum to talk about the
policy of the sale, but within this
scope, I would say that would be
something I would want to see.

MR. CHAIRMAN: Any other comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

MR. KAUFMAN: Motion Unlisted
Negative Declaration with the follow
recommendations:

One, that the existing buffers
inside the carved out property be
retained. Second, what Mr. Kent just
talked about regarding pesticides and
herbicide to be part of our
recommendation.
LEGISLATOR VILORIA-FISHER: Was that the flagpole buffer to be retained?

MR. KAUFMAN: I haven't added that.

MR. CHAIRMAN: So, let me clarify this. You want to put covenant on the use of pesticides in --

MR. KAUFMAN: Pesticides and herbicides on the property.

MR. CHAIRMAN: Limit the use of?

MR. KAUFMAN: Yes.

MS. GROWN: And notification?

MR. BAGG: That is notification.

LEGISLATOR VILORIA-FISHER: The notification and the right of refusal. What's the term that you used?

MR. KENT: I said, a required notification with the right to contest outdoor use of pesticides.

MR. CHAIRMAN: Did the Stenographer get that?

(WHEREUPON, there was read back.)

MR. CHAIRMAN: Michael?

MR. KAUFMAN: The third one is on the pole section of the property going onto Yaphank Avenue, that the minimal
clearance be undertaken sufficient for
two lanes of traffic and proper access
or ingress/egress be placed. If it's
opened up and if the rights of way that
previously had been committed to by the
County are removed, then minimal
clearance along the pole section be
undertaken.

MR. CHAIRMAN: Just one question
about that?

Clearance for this probably has to
be a little bigger than what, perhaps,
we would like to get in order to get
emergency vehicles such as fire and
ambulance and so forth adequately?

MR. KAUFMAN: That's why I said
minimal. That's a word of art because
it depends upon the requirements that
the engineers come up with.

MR. CHAIRMAN: We have a motion on
the table. Do we have a second?

MS. GROWNEY: Second.

MR. CHAIRMAN: Any further
discussion?

(WHEREUPON, there was no response.)
THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

LEGISLATOR VILORIA-FISHER:

Opposed.

MR. CHAIRMAN: You're opposing?

LEGISLATOR VILORIA-FISHER: Yes.

MR. CHAIRMAN: Abstentions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Proposed Sewer District Number 14 - Parkland Construction of Additional Recharge Bed.

Town of Islip.

Tell us your name, position, and speak loudly for our Stenographer.

MS. MC GOVERN: Janis McGovern, Engineer with Suffolk County Department of Public Works Sanitation Department.

I would like pass out some aerial photos. (Handing.)

MR. CHAIRMAN: Okay.

MS. MC GOVERN: Basically, we would like to add additional recharge beds at our existing treatment plant, and the
reason is the other recharged beds that
we have, when originally built, the
groundwater was much lower and as the
groundwater table has risen, the plant
can't utilize these as sufficiently.
So, we would like to use the area which
is adjacent to the golf course to make
another recharge bed. The bottom
elevation will be much higher and won't
be impacted by groundwater. So, we will
have the option to build an utilized bed
and use the other beds, as well.

MR. KAUFMAN: So what you're
basically saying is you can't go too
deep over there and you have to spread
out laterally and go shallow to have any
kind of dispersal?

MS. MC GOVERN: Yes.

MR. KAUFMAN: There is no way -- I
am just curious -- of the soils
underneath there, is there any way of
method -- I heard of doing a wick which
basically you go to the middle of it,
you drop down 200 feet, and create a
wick.
MS. MC GOVERN: We tried that
but --
MR. KAUFMAN: It's too high?
MS. MC GOVERN: Yes, the
groundwater table is coming up.
In addition the Health Department
requires that we have empty beds. We
can't meet that requirement without
really doing this because all the beds
have groundwater. Right now, if you
were to drive there, all the beds have
groundwater. Even the ones that were
discharged too.
LEGISLATOR VILORIA-FISHER: Where
did the water table come up too?
Because I know -- I know Newsday had an
article the other day on how high --
MS. MC GOVERN: I don't have the
elevation of the seal level of the
groundwater table, but I know if you go
to the site all the existing recharge
beds have several feet of groundwater.
It fluctuates but --
LEGISLATOR VILORIA-FISHER: There
is a pond.
MR. CHAIRMAN: What is the status of the woods that you will clearing?

MS. MC GOVERN: It is a little over an acre -- 4500 square feet and we're going to propose putting a buffer of arborvitaes and eastern red cedar which we consulted with the DPW landscape architect which was needed, and my supervisor had checked with the Town of Islip to see if they would have an issue with it. We sent them our plan. They verbally acknowledged they do not have a plan as long as we installed a buffer with the trees.

MR. CHAIRMAN: You mean they would not have a problem?

MS. MC GOVERN: Right, no issue with us constructing a recharge bed.

MR. CHAIRMAN: My question is, what is the wooded area like? Are these scrub trees mature?

MS. MC GOVERN: I was walking through there the other day and they're mostly scrubbed. There are some pine trees and several oak, but I would say
mostly scrub brush. You can see from
this aerial -- I would say maybe the
trees that you can see -- I have a
different photo but the green are the
larger trees -- substantial trees and
the other ones are mostly scrubs.

MR. CHAIRMAN: What about a public
health issue with regard to people
playing on the golf course -- the fumes?

MS. MC GOVERN: There won't be any
fumes. There generally aren't with
recharged beds. There are not any
issues with fumes.

MR. CHAIRMAN: Eva?

MS. GROWNEY: The only question I
have are with the plantings. I don't
know if it's true around here -- in this
location but in the East End, the deer
are eating all the arborvitaes. So my
recommendation would be that -- the
cedar's they're not eating, but they
have been eating all kinds of things so
you may want to really try and put a
permanent buffer in then to use material
that's is not going to be --
MR. BAGG: Will there be a fence?

MR. MC GOVERN: It was not thought
to be fenced at this point. It is
something that we can consider. We
consulted with the architect, and he
suggested that those -- he thought they
were hardy and would survive other than
any other types.

MS. GROWNEY: They do but the deer
are eating the arborvitaeas left and
right.

MR. ISLES: That was Holbrook.

MS. MC GOVERN: I think that was
out in Holbrook. I don't think that was
--

MS. GROWNEY: I don't know. I
don't know if you have a problem here.

MR. CHAIRMAN: Other questions?

MR. ISLES: My name is Tom Isles.

I identified an area map that has
two areas in yellow. One of which is, I
believe, is the subject parcel but there
is a second area; is that incidental?

MS. MC GOVERN: No, I highlighted
that only because on the EAF it has --
one of the questions was a nearby body
of water, so I just wanted everyone to
be able to see where it was.

MR. ISLES: Thank you.

MR. PICHNEY: Is this the vacant
bed up here? (Indicating.)

MS. MC GOVERN: In this aerial
photo, it appears to be vacant. I was
just there not long ago and it was not
vacant. It had water in it.

MR. MULE: These are probably the
2007 aerials.

MR. CHAIRMAN: Dan, you were
pointing out this area? (Indicating.)

MR. PICHNEY: That's correct.

MR. CHAIRMAN: And you were asking
whether or not that will be used as an
alternative?

MR. PICHNEY: That's right.

My other question is that -- you
know, piggybacking on either side
perhaps maybe you should use all eastern
red cedar rather than the arborvitae.

If nothing else too, the arborvitaes
bottom branches tend to dry over time
and they also tend to get winter burned
and the red cedar is a lot tougher
especially if you get a cultivated
varieties. I have one that is 25 feet
tall and it's branched all the way down
to the bottom.

MR. KAUFMAN: Question on the
Cedars; are they that easily plantable?
I tried to transplant stuff on my
property and --

MR. PICHNEY: Sure. That's the
problem you tried to transplant things
that are still seeded. When you buy
them from a nursery, it's a whole
different ball game. You know when you
go along the parkway and some are skinny
and some are fat, yet some are tall and
some are short? The reason is --

MR. BAGG: Some are shaped like
hourglasses because the deer eat them if
they're ripe.

MS. GROWNEY: They eat red cedar?

MR. BAGG: If you go along the
parkway that looks kind of like this --
like an hourglass because the deer are
lazy and they only eat stuff at their
height.

LEGISLATOR VILORIA-FISHER: Sounds
like the men in my house when they look
in the refrigerator.

(WHEREUPON, there was laughter.)

MR. PICHNEY: My other question is,
how big is this? How many acres?

MS. MC GOVERN: One acre.

MR. PICHNEY: That's hardly
anything. Nevertheless, I was thinking
in terms of -- there might be orchards
or black turtle and something like that
so what I am suggesting is that somebody
who knows that kind of stuff maybe
should give a look before you start
bulldozing.

MR. CHAIRMAN: Any other comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

MR. KAUFMAN: Motion Unlisted

Negative Declaration.

LEGISLATOR VILORIA-FISHER: I will
seconded it.

MR. CHAIRMAN: We have a motion and
a second by Legislator Fisher.

Any further discussions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

LEGISLATOR VILORIA-FISHER:

Opposed.

MR. CHAIRMAN: Abstentions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Proposed Acquisition for Open Space.

Lauretta?

MS. LAURETTA FISHER: Good morning.

I have before you another parcel for proposed acquisition in Beaverdam Creek County in the wetland area.

They total 57 acres. They're approximately 34 lots that make up this area of acquisition. We segregated them out into 7 groups by ownership. The first seven colored boxes on your map are the proposed acquisition. The red,
light blue, dark blue, the yellow, purple, brown, and orange colors. As you can see, the County as acquired a number of parcels in green identified on the map. The County has, to date, approximately 104 acres plus the 57 acres for a total of 161 acres of County ownership in this area.

The Town of Brookhaven, as well as, New York State also owns a number of parcels in here and in total, at this point, we will own 370 acres with public ownership with an acquisition. So we would like to get your approval to move forward on the these acquisitions.

LEGISLATOR VILORIA-FISHER:

Lauretta, what's (inaudible) Wood Gardens?

MS. LAURETTA FISHER: That's the name of the development -- developers ownership. It's an ownership.

LEGISLATOR VILORIA-FISHER: But they're nothing else?

MS. LAURETTA FISHER: Just the name.
MR. BROWN: Lauretta, most of these properties are small lots that --
MS. LAURETTA FISHER: Some of them.
MR. BROWN: Not all of them. I think there is one nine acre lot, but I think most of them are smaller would be very inexpensive for the town to purchase; right?
MS. LAURETTA FISHER: Well, there's a mixture here. There are developable lots in the long rectangular shape parcels on the left side of the old map. So there's a mixture here of developable and non-developable. Also, in combined ownership, if you have a number of small lots, you can also create developable lots. So that was also taken into consideration.
MR. BROWN: We, at the Town of Brookhaven, have purchased a lot of land over there also to try and protect the Beaverdam Creek. It's been a high priority to the County and to the Town.
MR. CHAIRMAN: Lauretta, you mentioned that they moved up the scale;
what do you mean? What's moved up in
scale? Did you change the criteria?

MS. LAURETTA FISHER: I don't
remember saying that.

MR. CHAIRMAN: I thought I heard
you say that their priorities had moved
up?

MS. LAURETTA FISHER: No, I didn't
say that.

MR. CHAIRMAN: I am hearing things.

MS. LAURETTA FISHER: Sorry about
that.

It has been an important area for
acquisition for a number of years. In
fact, these were on the original --
community green ways program list; more
than getting those back. So we're
continuing to require them now with the
new Drinking Water Protection Program.
So this area has been a target area for
over a decade.

MR. ISLES: We did have one
particular owner who had a number of
strategic holdings? Mr. DeRosa -- in
that, had he not gotten that, then there
are others that are following; correct?

MS. LAURETTA FISHER: Correct, and we will be back with some others next month.

MR. BROWN: When the County did a mapping of the area in terms of how developments in that area will effect the creek.

MS. LAURETTA FISHER: We did a study in the early 90's on this and as an out crop of that study, we did identify this watershed and this area, yes.

MR. CHAIRMAN: Any other questions?

LEGISLATOR VILORIA-FISHER: Where is South Country Road?

MS. LAURETTA FISHER: South Country Road is that -- this is Sunrise up here, and then Beaverdam Creek is actually along this area right here. (Indicating.)

MR. CHAIRMAN: South Country Road is the same as Montauk Highway.

LEGISLATOR VILORIA-FISHER: You know when you make the right when going
east on Montauk. It's not the same?

It's not the same. It breaks off and then it meets up with it again further east.

MS. LAURETTA FISHER: Yes. It meets up here. (Indicating.)

MR. MARTIN: That's really Montauk?

MS. LAURETTA FISHER: No, this is Sunrise. On the North fork is a larger roadway.

MR. MACHTAY: Are you sure?

MS. LAURETTA FISHER: Yes, this is Sunrise and this Montauk Highway.

MR. CHAIRMAN: Any further questions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

MR. BROWN: Unlisted Negative Declaration.

MS. SPENCER: Second.

MR. CHAIRMAN: Any further comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.
MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MS. LAURETTA FISHER: Thank you.

MR. CHAIRMAN: Recommended Type 1 Action, Proposed Review of Cedar Point County Park Master Plan.

Nick?

MR. GIBBONS: My name is Nick Gibbons with the Parks Department.

It actually worked out that we tabled this last month because it gave everybody a chance to take a look at the plan. We had it for 6 to 8 weeks at this point in time.

Just to start, I will call your attention to the fact that on the cover -- this thing has been kicking around since 2007, and I have the permission of two former Commissioners both Ron Foley and John Patterson.

LEGISLATOR VILORIA-FISHER: Great.

You have nothing to lose.

MR. GIBBONS: I will bring you up
to the present. We don't do these very
often. We should but we don't and
hopefully this is a trend that will
continue over the several years between
planning documents.

The delay is -- it's a convolute
explanation. Suffice to say, there's a
lot in here that set the tone for the
next 20 years for the Park. We don't
jump into too many things speaking first
anyway. So we take the time both
internally, a change in administration,
delays and those things.

I am going to walk you through the
EAF and call your attention to some of
the major things within the Master Plan
and then basically open up to any
questions that you all may have on the
specifics within that.

Just as a point of introduction, we
had the park since 1967. It really
dates back to the infancy of the
Department. We do own a couple of
properties longer than that, but they
actually predate the Department's and
existing park commission laid back
during the time the board of
supervisors. So, Cedar Point is really
one of our original parks of which there
are five or six. It was a former
hunting camp. It is roughly 600 acres
in size. It is located in the northwest
woods which is east of Sag Harbor.
Roughly, northeast of East Hampton
Hamlet and the Village of East Hampton
and there has been quite a lot of
acquisition in these past four decades
but Cedar Point is a major first step in
a government agency owning a property of
such scale in that area.

Now, fortunately, most of what is
going to be developed in that area has
been developed and quit a bit of
ownership including additional county
ownership of that northwest harbor has
occurred and the Town of East Hampton
and New York State DEC also own a
significant acreages in this area.
The park offers seasonal
recreational opportunities. It is open
year round. A vast majority of the time
is April through October and is open for
camping -- both tent camping and trailer
camping. There are group camping
facilities within the club camping and
within the park although located
separately from the more recreational
individually group and family camping
areas. We offer youth camping for scout
groups and others. There is a athletic
area for recreational baseball and what
have you. There are rowboat launches
and kayak launch areas on LY Pond. LY
brook then leads you from LY Pond out
into northwest harbor. So there is a
mile of paddling opportunity there
before you get out to open water. There
is, approximately, one mile long sand
spit of which there is beach access on
both sides -- both the northwest harbor
side and Gardner's Bay side.

The spit terminates at Cedar Island
Lighthouse which was formally an island
site and became part of the peninsula in
the 1938 Hurricane. Prior to that,
there was roughly 200 to 300 yards in
open water between the end of the spit
and the Cedar Island Lighthouse was
developed. So that's still filled in
and has remained for the past 70 years.

So, in season, we have all those
typical campground activities that most
people see at parks. Offseason, we
offer both big game hunting and water
fell hunting from the sand spit. That's
an activities that occurred on that
piece of land, certainly, since the time
that the County acquired it and many
years prior to that, as well.

Back to the Master Plan, there is a
variety of improvements that are
recommended. Obviously, this is all
phased in and some of those things will
come to pass some day and some will not.
I have identified the major points here
within the project description of this
and I'll just run through those now.
All poles I will approximate that will
be contained within three acres of the
existing property. Two of those would
be currently wooded, intact, and another
would be another acre and that third
acre would be within existing clearings
to the disturb area.

So the improvements are
reconfiguring existing campsites and
roadways. We have -- that layout was
done very informally by previous
superintendents. It has withstood the
test of time which is really testimony
to their ability. There since long gone
and retired from the Department, but the
layout was done in house. This plan
examines that layout and makes
recommendations as to what sites may be
eliminated or added -- internal roadway
and traffic flow considerations.

The sites tend to lead into each
other on the side and the buffers become
more and more reduced. So we would like
to do more about giving people a better
camping experience when using the
campground areas. So this plan seems to
achieve that.

We're creating primitive campsites,
and new active recreational facilities
are contemplated such as a basketball
court which already exists but there is
talks about reconfiguring that and
certainly it is in need of attention.
There are two volleyball courts. Also a
new kayak launch area. An overall site
plan not only within internal to the
park, but getting to the park is a
challenge, which is part of the charm,
and has served to protect it well in
previous years. If you have ever been
up in that area, East Hampton has a
somewhat informal sign plan, if you can
call that. So this speaks to -- this
provides some better ways and findings
for those of us who are not from the
immediate area.

The plan recommends the relocation
and replacement of the existing camp
store, improve renovating existing
bathrooms, replace and reconfigure
campground checking station, and
construction of a nature center is
contemplated. Construction of a new
bathroom and construction of three
compost facilities. Construction of
viewing platforms and reconstruction of
the existing rowboat cabin. Restoration
of the Cedar Island Lighthouse,
upgrading existing utilities with fewer
water sanitary and demolish of several
falling structures. Those are primarily
the original maintenance facilities and
consolidate.

We did two recent projects, I'd say
in the past six to eight years with the
park. We built a new restroom facility
which came here to this Board, and we
also constructed a maintenance facility
which most came here, as well. That
location bounced around quite a bit due
to opposition from the local public. We
finally settled on a location and that
facility was built, I would have to say,
six years ago. I can check the
specifics on that.

The other thing I will call your
attention to within the EAF is that I
wanted to point out that I identified --
within the project description, it asked
for acreage of vegetation or covered to
be removed and I point 2.0 acres. In
parenthesis following that, it says 1.0
to be cleared. That somewhat suggests
that it is two acres total, it's not.
It's three acres as I tried to describe
earlier one of which was previously
cleared and two are currently wooded.

Acres to remain under development
would be 540 acres, so obviously, that's
a vast majority of the site and that's
roughly 600 acres. So, rough numbers
would be 60 to 68 acres to be developed
as a result of this Master Plan. All
but two of those are currently
developed.

MS. SPENCER: May I ask a question
here?

MR. GIBBONS: Sure.

MS. SPENCER: When you say develop,
would a campsite that has been
established, the County can be
developing it even though it may have

vegetation to shield one camp from
another?

MR. GIBBONS: Well, development in my mind would be not reconfiguration within the cleared areas. It would be construction or square footage. I tried to --

MS. SPENCER: When you say 60 are developed, are you counting all the camps?

MR. GIBBONS: Yes. In terms of existing conditions, we consider the whole campground complex to be a developed area.

MS. SPENCER: A developed area?

MR. GIBBONS: And later on I will call your attention to one of the foldouts here. It really shows the way the campground was sited. It was very well planned in a sense that it gives great access to the real amenities of the site which are the beach areas, although, fragmented features are not located within the geographic center of the park. It is really isolated out in that northwest corner of the park which
leaves a vast amount of acreage intact
and other areas of the park.

Again, in the project description,
when they get into different habit sites
that will remain presently after
completion are wooded. So it goes from
400, approximately -- 430 acres of
wooded areas and 428 two acres that are
going to be proposed for clearing.
Those would not be continuous. They
would be patches of square footage that
would be necessary for development of
these features, but the total is two
acres.

There's too much more interest
within the EAF itself. Within the
Master Plan, I will just -- most people
focus on these things anyway. Figure
One, shows what we were getting into,
Mary Ann, in terms of -- it shows the
network of roadways and where they are
in proximity to the infrastructure that
we have within the camp store, and
various bathrooms facilities. Even our
maintenance, to some extent, needs to be
relocated close too but not impacting
the public's use of the property. This
constant running back and forth for
various things needs to be addressed
over the course of the camp season and
it helps to have those nearby.

Again, this is a focus and a closer
look at that area. It lists all the
existing conditions and features, so if
you have any questions relative to
those.

This gets into adding what are
proposed road reconstruction and some
new road construction proposed here, as
well. All of this, obviously, has been
endorsed by a close consultation with
the Parks Department. So really the
Master Plan serves to organize and
present the Park's Department ideas in a
fashion that makes for a more holistic
approach. Normally we are very reactive
and we do address specific projects and
the Master Plan helps pull all of it
together.

MR. KAUFMAN: It's quite clearly

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oriented toward reorganization of the park and that's where it needs to go.

MR. GIBBONS: Yes. It's very -- I think it will be up to you guys, but I don't think most of what's being proposed in here is significant in any way in terms of reconstruction. It is more to protect we what we have done inhouse for 40 years which is to preserve the character of the place while giving the public real access to it.

This goes to specific recommendations in terms of the nature center, the camp store, the recreational facilities, and their relations to the existing campgrounds. Within the plan, it shows both the existing and the proposed campground. I would like to call your attention to the fact that there are actually proposed for some sites eliminated. Again, that gets back to their sort of adopted and expanded area over the years, and we need to tighten that up a little bit. Also,
there is some pretty significant drainage and/or topography within the campground. The site needs to be a little more sensitive to preserving that. The slopes are pretty tough to deal with and we don't expect the public to have to navigate through topographic areas. So we want to tighten that up a little bit, and get that enclosed buffer away from those slopes.

There is well over 100 pictures in here that go to the documents with conditions both natural features and infrastructure. It goes back cultural surveys. That's included here as an appendix. With the exception of the lighthouse itself, it is suspected there was significant Native American activity at the site. There was proximity to the harbor and its freshwater sources within the park at least in terms of phase one and nothing to significant was found.

MR. CHAIRMAN: I found arrowheads there.

MR. KAUFMAN: And you removed it
from County property?

MR. CHAIRMAN: Dam right. It
looked to me like it had been
transported in.

(WHEREUPON, there was laughter.)

MR. CHAIRMAN: Sorry.

MR. GIBBONS: I think I covered all
of the basic points.

MR. CHAIRMAN: Nick, I had a couple
of things I wanted to ask you.

First of all, you mentioned that
you were putting in composting toilets
which I think are good, but one of the
things that I reserve for those
facilities and public places is that
they would really need maintenance. I
was wondering what you foresee with the
County's budget for maintenance in the
County parks? What you see for this
particular park? How often are they
cleaned for camping?

MR. GIBBONS: We have some
experience with these now at Indian
Island County Park in Riverhead. We
have two such composting toilets out at
the point itself which is really the
signature feature of that park. Those
of you that are familiar with it, the
point is that it is some distance away
from any infrastructure that we have.
We do a variety of requests and we
decided that was a good location to try
these out. We have been very pleased
with the results. They don't, in this
case, require any additional or anymore
maintenance than our more formal
bathroom facilities within the park do.
I would expect even better results here
in a sense that where these are
contemplated are primitive areas and not
high used areas, and you certainly have
a lot of infrastructure for bathroom
facilities as you would expect for a 200
site, you would need such facilities.
So, it's not unreasonable to think that
it would add significantly to the
maintenance regimen that the guys out at
the park already face.

MR. CHAIRMAN: The other thing --

MR. GIBBONS: I should say, we have
gone back and forth with the Health
Department on the appropriate necessity
of compost toilet and how to make -- It
is something we want to do more of but,
suffice to say, there is considerable
coordination with the Health Department
on the location.

MR. CHAIRMAN: The other question I
had was concerning the lighthouse. I
think this is a public private
partnership kind of thing for
maintenance?

MR. GIBBONS: Not yet. There is a
group --

MR. CHAIRMAN: A group that raises
money?

MR. GIBBONS: Well, they are but
it's -- the agreement is someone had
infancy between the department's and the
groups are just really beginning to
muster some financial resources to begin
the initial steps for the ultimate
restoration of the lighthouse. What
that means, that restoration, we don't
know yet. It can simply be a
stabilization. It can go anywhere from
that basically not losing the resource
to, I suppose, a full scale restoration
including interior finishes is also on
the table.

MR. CHAIRMAN: What --

MR. GIBBONS: That is probably
unrealistic. I don't know if Rich wants
to raise that.

MR. CHAIRMAN: So in your write up,
you specifically mentioned that the CEQ
has certain responsibilities; are those
just the same things that we would have
through the Historic Trust or are there
other things?

MR. GIBBONS: That tries to pull
together that they're outside of the
Department and that their are additional
bodies. In this case, the Historic
Trust that also had additional oversight
at this particular facility.

MR. CHAIRMAN: It is very
consistent.

Eva?

MS. GROWNEY: Would you just give
us a little description in your own
words on the reasoning behind the moving
of the store and what's that all about?

MR. GIBBONS: Yes. The camp store
operator has been at Cedar Point Park
for 25 years now. He really knows
better and than anybody what works or
doesn't about that facility. The
location is great, in that, it provides
an outstanding view of Cedar Point and
the lighthouse beyond and Shelter Island
beyond that. Its distance from the
campground itself is an issue for him.

Also, from the Park's Department
perspective, we think that we can make
better utilization of that by developing
a nature center. Really the program
space and less -- you know, then someone
running up there for a half-an-hour to
have a hot dog or hamburger verses going
up there and learning about the
environment and maybe stepping off
guided hikes of the park could be from
that area. The camp store, its
proximity closer to the campground would
help too -- you know, if somebody runs
up bag for a bag ice or what have you,
they can simply go across the road as
opposed to having to get in a vehicle
and go back up to the store and might
get away from and diminish vehicular
trips as much as possible. Sometimes
they block their vehicles in and don't
use them again until they leave the park
after their visit, so that's the
reasoning for that. Of all the things
we're voting on here, I am personally
most excited about of having a nature
center.

MS. GROWNEY: That's something I
really applaud because that's an
incredible view of the lighthouse aspect
of it. Along the fact, I like the fact
that it would be closer to the -- the
actual store would be closer to the
population, but I also would want to see
a buffering for the lighting and all
that sort of thing, so it does not
impact the residency of people. I
wondered if any consideration ever given
to some sort of biking -- not motor
bikes but just bicycles -- the trails.
I don't think they really come with
bicycles right now but are there any
thoughts or discussion about that?

MR. GIBBON: No, there hasn't.
There certainly used significantly.
Every kid that comes out there, pretty
much has one.

LEGISLATOR VILORIA-FISHER: My kids
road all over the place there.

MR. GIBBONS: The hiking trails
themselves, I would not recommend -- I
would not endorse the idea of expanding
bicycles use into the interior parts of
the wooded areas. That would just --
first of all, I am not a big fan of
co-locating both hiking and biking on
the same trail. The construction of a
new trail is something that we would
look far more closely at, and I would
not be too enthusiastic about that.

Certainly into people using bikes within
the park to get from A to B so they can
run up to the camp store or the
basketball courts or something like that. But, really going into the interior part of the park with the trail, most of which wind up crossing or at least coming in a close proximity to the ecological areas. We have some concerns about that.

MS. GROWNEY: Is there any discussion about making bikes that can be used on the property available?

MR. GIBBONS: No. We never contemplated something like that. Where we would rent them out, you mean?

MS. GROWNEY: Yes, maybe the store owner might be interested in some sort of --

MR. GIBBONS: It's possible, but knowing him personally, that kind of overhead in terms of purchase of the equipment and then the maintenance, it's probably not worth it. If he could think of a way to make a buck off it, it would have happened by now.

MR. CHAIRMAN: Dan?

MR. PICHNEY: Nick, what's makes
the composted toilets as opposed to this modern outhouses?

MR. GIBBONS: Say it again.

MR. PICHNEY: What makes the toilets composted toilets; is there some sort of an aerobic process or something?

MR. CHAIRMAN: Yes.

MR. PICHNEY: How does that work?

MR. CHAIRMAN: Well, I can't describe for you mechanically.

MR. PICHNEY: Is there anything that churns it or adds air to it?

MR. CHAIRMAN: Yes, they add air to it and what have you but it's -- I don't think there is anything mechanically in it. It can be emptied, so you get what they call the ash and remove the ash.

MR. PICHNEY: Do you put a special bacterial culture in it or anything like that?

MR. CHAIRMAN: I don't think so.

MR. GIBBONS: We have an electronic fan that runs on a solar panel on the ones at Indian Island. That was our only issue in terms of maintenance was
in that area, it wasn't a tremendous
amount of exposure, so we're actually
able to run a wire up on one of the
nearby trees and melt the panel in the
trees. You can't even see it, but it's
working out.

MR. CHAIRMAN: Sort of an
interesting thing. I went to Abby
Rockefellers house in Massachusetts, and
she had composted toilets in her house.
I don't know if any of you know much
about Abby Rockefeller but she was sort
of the oddball of the Rockefeller's. I
have to tell you, it was one of the most
disgusting things I have ever seen.
That was one of the reasons I asked the
question. It was not maintained as it
should have been maintained. It was
really gross.

Yes, Mike?

MR. KAUFMAN: Nick, in Appendix C,
on the Wildlife Assessment Form there is
a section in here talking about historic
run Alewife Pond Scoy Pond. and it talks about

Alewife Pond is one of the four breeding
places left on the Peconic. Then it
talks also about removal of barriers
such as the inadequate culvert on the Alewife
Brook Road would restore that from Alewife to
Scoy Pond. I don't see that being on any
of the priority lists or anything like
that. It would seem to me that if
you're talking about the culvert, you're
talking about the dirt roads basically.
This might be an easy one to do and it
might be supported by some of the local
municipalities to restore the runs over
there.

MR. GIBBONS: The subject road is
an East Hampton roadway and the upstream
section is property owned by Town of
East Hampton -- Scoy Pond itself and
neighboring estate property which is on
the west side Alewife Brook Road is the Town
of East Hampton jurisdiction. I do
believe that they have identified that
particular structure as in need of
replacement or reconfiguration in some
way particularly due to impeded the Alewife
run in that area.
MR. KAUFMAN: What is the name of
the environmental director out there?
MR. GIBBONS: Larry Penn.
MR. KAUFMAN: It's funny because he
is opening up and closing culverts all
over the place in East Hampton right
now. Has he talked at all about this
one?
MR. GIBBON: To me, personally, no.
MR. KAUFMAN: This is the perfect
opportunity for him to maybe coordinate
with the County and it's not that hard
to drop a culvert in looking at the
location, et cetera. Maybe it will
knock out the fragments in the area. If
there's bugs in Scoy Pond, maybe knock
them with improved flow. You also
improve the flow into there and reverse
the historical problem and that may help
with the Alewife.
MR. GIBBON: Any project would have
to include the County, as well because
the downstream side of that is within
Cedar Point County park, although, very
much as a boundary as the western
boundary part of the park.

MR. KAUFMAN: All I know is Larry has been directing money and directing efforts towards trying to remediate some of these historical problems and he has been looking at culverts and things like that. This might be a very, very interesting project that might help the County and might be funded by grants and/or the Town of East Hampton. I mean, again, you have four different benefits coming in it. It duck tails with the vector control plan and it duck tails with habitat restoration and, again, people have been building small dams or replacing dams, for example, in downtown Riverhead. This is a perfect opportunity if Scov Pond is large enough. We can map it right and provide more habitats areas. This is just a

suggestion.

MR. CHAIRMAN: Any other comments?

LEGISLATOR VILORIA-FISHER: Well, don't tell your friends about this.

This is such a great secret.
MR. CHAIRMAN: Anything further?

LEGISLATOR VILORIA-FISHER: I am going camping this Summer there.

MR. CHAIRMAN: It's a beautiful park. You're to be congratulated for developing a heck of a plan.

MR. BAGG: I have a question.

Does this plan get adopted by the Suffolk County Legislature or is this an internal document?

MR. GIBBONS: Yes, because the next step after this will be to develop a capital project for it.

LEGISLATOR VILORIA-FISHER: That's the heavy part.

MR. GIBBON: Yes, but I would like the Legislature to have it as an introduction to that -- the plan and adopt it formally with the understanding that at some point in time, we will be looking for a capital project to begin the limitation of it and it's -- you know at some time in the future.

MR. BAGG: So the CEQ recommendation is going to Legislature?
It's not just an inhouse project to be approved by the Commissioner?

LEGISLATOR VILORIA-FISHER: But we don't have it before us yet?

MR. GIBBONS: No, no.

Unfortunately, we have a new administration now so that --

LEGISLATOR VILORIA-FISHER: Has he seen this yet?

MR. GIBBONS: No, totally unaware of it.

LEGISLATOR VILORIA-FISHER: Okay because I asked him about this Master Plan and I don't think he had that time to see it yet because he was in the field looking at the park.

MR. GIBBONS: I have not had the opportunity to review it with him.

Obviously, our Deputy Commissioner has been here through the administration and she actually was pro-signatory on the EAF for me. So she can speak to Legislature at some point in time.

LEGISLATOR VILORIA-FISHER: Do you think it will be laid on the table?
Well, we're not going to be able to lay it on the table until August; right?

MR. GIBBONS: Right, August.

That's what I am thinking.

I didn't know if there were going to be additional questions from the Council. I certainly wanted to see where they were going to go first.

MR. BAGG: So how do you want CEQ to proceed? We will prepare the recommendation to the Legislature, but don't send it over or we give it to you and then you send it over with part of the package?

MR. GIBBON: Yes, as part of the package.

MR. BAGG: Because I don't want to bring it across the street where the Legislature and the documents --

LEGISLATOR VILORIA-FISHER: Right and there is nothing before us.

MR. GIBBONS: And this did go to Park's Trustees about a year ago.

LEGISLATOR VILORIA-FISHER: That's where I first saw this. I knew I had
looked at it, but I didn't remember a
resolution. It was when I was Park's
Chair. I saw it when I was Park's
Chair.

MR. CHAIRMAN: Joy?

MS. SQUIRES: What of the master
plan's have been completed?

MR. GIBBONS: Smiths Point and
there have been a variety of versions of
that updated. Some deal specifically
with erosion. Others deal with
infrastructure. I think there is three
versions, if I remember correctly: The
Chandler Estate which is a relatively
small piece of property 40 acres by
Mount Sinai Harbor.

LEGISLATOR VILORIA-FISHER: The
burnt down house.

MR. GIBBONS: The house was removed
but that was a much smaller document. I
think I brought that here. The big
issue there was access.

LEGISLATOR VILORIA-FISHER: Right
by the church there.

MR. CHAIRMAN: That's burned down?
LEGISLATOR VILORIA-FISHER: The house burned down a long time ago. It burnt down two years after we bought it.

MR. GIBBONS: I wrote that down. We have two others which they're a bit different in vintage. They're not a traditional Master Plan as we think of them today. One is Blydenberg which is really more of a policy document that establishes different areas within the Parks and different levels of development or lack thereof that should occur in those areas. The other is South Haven and that one is kind of similar to Blydenberg, as well.

Those are from the late 70's or early 80's. There the best we have from those parks right now, but both of those parks could benefit from such documents as this.

MR. PICHNEY: Rich, that landscape plan for the Meadow Club, I don't know if it was ever adopted?

MR. MACHTAY: It was good.

MR. MARTIN: It was good and never
got added.

MR. GIBBON: These aren't cheap.

There are capital projects in and of themselves, so we don't get to deal with that a lot. But a good place to start would be theses bigger parks -- these original parks such as Hubbard County Park which will get a master plan treatment of this scale with state funding.

MS. SQUIRES: West Hills?

MR. GIBBONS: Does West Hills have a plan?

MS. SQUIRES: Yes.

MR. GIBBONS: No, I said Hubbard. West Hills does not. West Hills though is more like -- the one justification I would have for something like not getting a master plan is that there is no public campgrounds to speak of. It is strictly for youth camping. We have been doing things there for 35 years. I can see something like that getting more of the Chandler Estate treatment which is a smaller scale, basically, half the
budget of something like that. Really
to organize a trail that works there and
make specific recommendations. West
Hill certainly has benefits from
something like that.

MR. CHAIRMAN: Gloria?

LEGISLATOR VILORIA-FISHER: Can I
ask general park questions?

MR. CHAIRMAN: Let's get this out
of the way.

We have a recommendation here that
is a Type One Action.

MS. GROWNEY: I will second.

MR. CHAIRMAN: I am not making a
motion.

MR. KAUFMAN: I will make the
motion as a Type One Negative
Declaration.

MS. GROWNEY: Second.

MR. CHAIRMAN: Any further
discussions?

MS. SPENCER: Can we also recommend
that the Legislature accept it?

LEGISLATOR VILORIA-FISHER: Well,
we do that when we make the motion.
MR. CHAIRMAN: Yes. It will go to the Legislature, but as per Jim's comment, it will not go until the Park's Department is ready to submit it.

MR. BAGG: We will send a recommendation to Parks to be submitted along with the resolution for adoption of the Master Plan.

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Gloria, you had some Parks questions?

LEGISLATOR VILORIA-FISHER: I have a couple of Park's questions.

How is Smith Point doing with the erosion? Is some of the sand coming back? What's going on with the beach there?

MR. GIBBONS: Right --

LEGISLATOR VILORIA-FISHER: And the blocks are being protected, as I understand it, with some snow fencing?
MR. GIBBONS: Right, but in the scale of things that's pretty insignificant. We should have some accretion over the late Spring, but it will not, in my experience, come back to what it is without some artificial nourishment of the -- especially in the area immediately in front of the pavilion, unfortunately, because for a variety of very technical reasons, I don't completely understand erosion and hot spots and there are two or three along the beach and we have other areas that are very much replenished and are growing into the ocean out on the outer beach. The whole Smith Point Park is roughly six miles of beach frontage of which only the pavilion is a very small part. The vast majority is really five miles.

LEGISLATOR VILORIA-FISHER: The outer beach?

MR. GIBBONS: Right.

LEGISLATOR VILORIA-FISHER: So how deep is the beach there by the pavilion
now?

MR. GIBBON: Well, in certain --
under certain conditions, meaning
weather conditions and/or believe it or
not, the phase of the moon, the tide can
come right up to the steps, currently.

LEGISLATOR VILORIA-FISHER: So from
zero to --

MR. GIBBONS: From zero to several
hundred yards.

The impact of the public at least
for short term will not be so great.
Those conditions are very specific.
They only happen on one or two dates and
even that occasionally. We get into a
fair weather pattern now where
Springtime it is routine that inundated
by the ocean. That has not been the
case recently. The issue is whether or
not the beach is -- we're spreading --
the same amount of people are going to
come out. They're going to be spread
out further and laterally along the
beach because there isn't enough depth
for the beach and to consolidate
lifeguard stands and --

    LEGISLATOR VILORIA-FISHER: And, of course, because we were worried about having the beaches crowded so we lowered the fees.

    MR. GIBBONS: I am not sure how many people would come for that dollar.

    LEGISLATOR VILORIA-FISHER: I agree. I didn't vote for that.

    MR. GIBBON: As long as you brought it up. The access to the outer beach which we sell 11,000 permits for beach buggy access and the vast majority of whom access Smiths Point. So there is competing interest there. We had pipe plum nesting, as well. We kind of threaded the needle between those ares that are wide enough to drive on because of the things that the birds will require, as well.

    MR. KAUFMAN: Are they paying their parks fees? The birds?

    MR. GIBBONS: No, but they certainly come with their own costs.

But we have a road behind the primary
dune that can get you access out to the
inlets. It's a Burma road so that
provides some recreational acts behind
the dunes regardless of what the
oceanfront beach looks that.

LEGISLATOR VILORIA-FISHER: Isn't
that where the guys go fishing from?

MR. GIBBONS: Also, it is used as
an access road where you can -- there
are break cuts in the dune that you then
drive out from Burma Road now heading
back out to the ocean beach, and we have
these day trip areas. We like to set
them up for several hundred vehicles at
a time.

LEGISLATOR VILORIA-FISHER: That's
just four wheeling?

MR. GIBBONS: Right.

LEGISLATOR VILORIA-FISHER: The
second question I have -- I am not sure
but it's for both you and Richard.
If you recall, you mentioned that
deep wells are trying to go back to
agricultural use and --

MR. MARTIN: We're clearing the
growth that was coming into the pasture
land -- the grassland there.

LEGISLATOR VILORIA-FISHER: I just
want to advise us how to go forward with
that. I do have a school -- the
catholic school across the street from
(Inaudible name) James. The boy scouts
would be interested -- I mean, I will
try community gardens across the County.
But how do I begin with? Pam Green is
actually on my Victory Garden Committee,
but Pam is not that excited about it so
I am trying to find a more hands on
person who can help me.

MR. MARTIN: Direct the calls to me
first.

LEGISLATOR VILORIA-FISHER: I will
call you then.
So we discussed the appointee for
the commission position and issue with
Smiths Point and he was under the
impression that the natural increment
would build up the beach area.

MR. GIBBONS: It will, but I don't
think it would return to previous
conditions, no. I can just tell you
that we have to tend to the beaches for
the birds and marsh out there, and
that's a very fluid time for the beach
in terms of incretion and erosion. We
put up --

LEGISLATOR VILORIA-FISHER:
Especially this March.

MR. GIBBON: Almost every season is
-- the rain isn't so much but the wind
has more to do with it more than
anything. Just real briefly, we --

LEGISLATOR VILORIA-FISHER: That's
what I meant. This March, people lost
all their power.

MR. GIBBONS: We, overnight, gained
five to six feet of depth to the beach
in one tidal cycle. We only know that
because we put up six foot posts of
which five feet is exposed and the next
morning they were buried. So those
things happen, and there is no better
way to nourish the beach then with the
natural processes. But in the case of
the pavilion itself, as I spoke of
earlier, there is just a bad combination
by things going on over there that
necessitate artificial nourishment.

LEGISLATOR VIROIA-FISHER: And the
other beaches are okay? Cupsogue?

MR. GIBBONS: Cupsogue happens to
be on the right side of the inlet,
meaning, in this case, the east side, so
it all kind of builds up on the east
side of the Moriches Inlet. It's also
the beneficiary of things that further
up-drift from it which are the Village
of West Hampton dunes which is on a
federal nourishment program. By law, it
gets nourished ever three years, I
believe, and all that sand eventually
comes our way to Cupsogue. It is in
fairly good shape. Shinnecock west is,
again, on the wrong side of Shinnecock
and we're on the west side and there was
some artificial emergency nourishment
that was done there. We had three miles
of beach there, but no infrastructure to
speak of and it's not very well used.

It another good secret spot for people
that like to go to the ocean.
Shinnecock east, on the east side of the
Shinnecock inlet, has experienced
inccretion to the point where we had so
much sand it was a problem. We actually
had to pull it out of the campsite out
there. So it depends on what we're
talking about.

LEGISLATOR VILORIA-FISHER: I have
never been to Shinnecock.

MR. GIBBON: It is strictly a
campground on the ocean and along the
Shinnecock Inlet.

LEGISLATOR VILORIA-FISHER: So you
need four-wheel drive?

MR. GIBBON: Yes. You can park and
walk but it's maybe a half-a-mile in
length.

LEGISLATOR VILORIA-FISHER: Now is
that whole traffic -- how is that
traffic pattern going into Cupsogue?

MR. GIBBON: It is the same as last
year. We didn't move forward with
the --

LEGISLATOR VILORIA-FISHER: That
project hasn't moved?

MR. GIBBONS: Not yet.

LEGISLATOR VILORIA-FISHER: When is that scheduled for?

MR. GIBBONS: Well, I can tell you that we have been back and forth between, probably, three Memorial dates. I can tell you now, it will be done by Memorial Day as long as I don't have to specify the year.

(WHEREUPON, there was laughter.)

LEGISLATOR VILORIA-FISHER: And you said they began to push it back a couple of years ago or has it died down?

MR. GIBBONS: To be honest, I don't know. I just try to get approvals that we need and then after that I --

MR. PICHNEY: With the Community Gardens, are you talking about large cultivated plots or are you going to divide them up like a community garden?

LEGISLATOR VILORIA-FISHER: I'm not doing the gardens. What I am doing is I am mapping the gardens that are being done by other people. This is the only
one where I am going to be hands-on
because it is County property. But, for
example, we're mapping with the help of
the Health Department school gardens,
CSA's, community gardens, farms, and any
kind of place that's growing local
vegetables.

MR. PICHNEY: So you're saying,
this where they can go and this is where
they are and these are the individual --

LEGISLATOR VILORIA-FISHER:

Exactly.

MR. PICHNEY: And how they're going
to run the infrastructure for the water
and all that?

LEGISLATOR VILORIA-FISHER: Well,
you saw the Wyandanch Gardens -- the
school garden that was in the paper
today? We're going to map that onto our
garden so people know where the school
gardens and where community gardens are.

We're trying to put them -- we're
reaching out to people in underserved
areas and, you know, actually people
talk about urban areas being food
deserts. We have many food deserts in Suffolk County. In Wyandanch, there is no supermarkets.

MR. PICHNEY: I just remember the ones over -- God, it was over 30 years ago in both Huntington and Babylon.

LEGISLATOR VIORIA-FISHER: Yes. Well, Huntington is really good with going to -- and Babylon has one and Brookhaven is trying to develop one.

MR. CHAIRMAN: We have to move on. Joy?

MS. SQUIRES: This is part of -- this is my CAC concern.

MR. CHAIRMAN: Oh, we're doing that now.

MS. SQUIRES: No, we're not doing it. I just am commenting that the community gardens are a big thing throughout New York State and a lot of CAC's are involved, but in Huntington, we have two projects that are town projects and town funded. One is Gateway Gardens and they are beds -- raised beds. This is adjacent to the
problems in Huntington Station. We cleared -- we have systematically purchased the land through the open space program -- the town open space program. The area is cleared. They are beds -- specific beds that will be built that can be moved in the future and eventually it will be a community center. In the Cliff Circle Gardens which is part of the town's organic gardens, there is an area that is being built with beds again for people who are needed and all the produce goes to hungry people and they're very much pushing that.

MR. CHAIRMAN: Thank you.

LEGISLATOR VILORIA-FISHER: People have come to our public hearings regarding Cliff Circle.

MS. GROWNEY: Do you have Eco-farms and other farms in East Hampton?

LEGISLATOR VILORIA-FISHER: The Eco-farm I know we have. E-mail me the names so that I have them to try and reach out to them as much as I can.
MR. CHAIRMAN: We have to move on.
Next is the CAC concerns.
MS. SQUIRES: I just said it.
MR. CHAIRMAN: So do we have any other business?
(WHEREUPON, there was no response.)
MR. CHAIRMAN: If not, again, I would like to thank everybody that has been so helpful in setting this up.
It's not easy. Do we have a motion to adjourn?
MR. MARTIN: Motion to adjourn.
MS. GROWNEY: Second.
(WHEREUPON, this meeting was concluded at 12:18 p.m.)
* * *
CERTIFICATION

STATE OF NEW YORK  
:
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 29th day of July 2010.

MELISSA POWELL