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DEPARTMENT OF PLANNING.

COUNCIL ON ENVIRONMENTAL QUALITY

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April 15, 2009
9:30 a.m.

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

B E F O R E:

R. Lawrence Swanson, Chairperson

Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell

A P P E A R A N C E S:

James Bagg, Chief Environmental Analyst

Eva Growney

Richard Machtay

Gloria R. Russo

Mary Ann Spencer

Joy Squires, CAC Reps

Richard Martin, Historic Society

Michael Pitcher, From Presiding Officer Lindsay's Office

Thomas Gulbransen, CEQ

Daniel Pichney, CEQ

A L S O P R E S E N T:

Jeff Dawson,

Emerson Hasbrouck,

Matt Sclafani, Cornell Cooperative

Mark Cappelino, Cornell Cooperative

Angel Dybas, Cornell Cooperative

Lorne Brousseau,

CHAIRMAN SWANSON: I would like to call the meeting to order.

Dan, welcome back. Good to see you.

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

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

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

CHAIRMAN SWANSON: We will move ahead.

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

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

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

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

(WHEREUPON, there was laughter.)

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

CHAIRMAN SWANSON: Anything else?

MR. BAGG: That's all.

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

MS. SPENCER: Not a problem.

MR. KAUFMAN: Larry?

CHAIRMAN SWANSON: Yes.

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

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

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

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

maybe we can put it online.

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

CHAIRMAN SWANSON: Or you can put it online.

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

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

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

Mary Ann, go ahead.

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

CHAIRMAN SWANSON: Whichever you want to take first.

MR. MARTIN: I think with today's time, we will go right to the motion we

need to discuss, and then I have another short review of a project at this Historic Trust site. I am going use the time for that today.

MS. SPENCER: Go for it.

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

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

MR. MARTIN: Oh, it's separate?

MS. SPENCER: It's separate.

MR. MARTIN: That's good. So that is what we're reviewing. This has been in discussion for a number of meetings of the Historic Trust Committee. They are concerns that they have about the County's Acquisition Program. Obviously, especially because of the historic properties, and they would like to see some additional planning steps added to the review when the County is initially looking at these properties

and not to wait until after the fact -- after the closing to start taking the additional cost into account. I don't know if you want -- Jim, should I read this into the minutes? Can everyone just see or have any questions about this?

(WHEREUPON, there was no response.)

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

MR. KAUFMAN: I have one question. I think the resolution is an excellent step, and it really does take into account the concerns that the Historic Trust Subcommittee has had and also the discussions we had around here. I am

just curious about one thing. The appraisal cost, if you will, the cost for security and stabilizing that we want to have in here, does the County have inhouse resources to give estimates like that or are we going to have to go outside to get these estimates before we purchase it?

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

So we rely heavily on the Department of Public Works to both review the cost and for code enforcement on what can the building be used for and the use that is being proposed at the

time of acquisition. If not, what work and cost needs to be incurred to bring it to that code compliance.

MR. KAUFMAN: Thank you.

CHAIRPERSON SWANSON: Jim?

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

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

MR. MARTIN: Yes.

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

MS. SPENCER: That is for 49 of them.

MR. BAGG: Okay, for 49 of the 215 structures. The point of this is -- I mean, very often the legislature or our legislator proposes on purchasing property and then says, "This is

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

CHAIRPERSON SWANSON: Yes, Rich?

MR. MACHTAY: The last paragraph in this resolution -- the last sentence -- "This information shall be placed within the environmental assessment form and considered by CEQ when dealing with

SEQRA review and recommendations to the Legislator and the County Executive." Jim, they're saying that the cost of rehabilitation repair and what have you, shall be considered in the SEQRA review which is under the -- part of the EAF that says, "Historic significance." Is that really a historic significance? Nothing can be historic and falling down around our ears and one thing have nothing to do with other except that we will never be able to restore it.

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

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

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

MR. MACHTAY: The resolution can certainly say, "It is going to cost X, Y, Z to restore this property," but to

consider it as part of the SEQRA review, I wonder if that is --

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

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

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

MR. MACHTAY: Are you saying that the SEQRA review either recommends or

fails based on what the cost is going to be? One thing may not have anything to do with the other.

MS. GROWNEY: I see them as separate issues. I think the information is important to know, but I see them purely as separate issues because historic value really has nothing to do with the restoration value, per se, but we also are getting to know the financial cost of all the other projects that we're reviewing. So it seems to me that, that takes on another protracted level of review. I don't think the information should be withheld. I think it's good to have the information so that there is a bigger picture in the finding. In addition, Rich, there is something else about -- in my mind, about historic things when we're reviewing them, the question in my mind that have we -- how many of these things have also been partnered and how much is being -- how many projects in the past have actually benefited or what

level of finances has been contributed by the partner, and is there a recommendation level that we would make available for the County to consider that names that we recommend that you demand some sort of requirement of the absolute finding partners to be put it place. I don't know if we can do that but --

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

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

MR. BAGG: Well, I think that is good but you have to understand what the expenses are and if the proposed legislation says, "We're purchasing this

for preservation," then the question comes down to, what does it cost to preserve this property? I think that is a question of --

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

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

MR. MARTIN: I understand that completely.

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

There are three issues going on

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

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

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

anything. We can simply have it as an addition.

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

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

MR. KAUFMAN: Then it doesn't matter.

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

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

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

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

MR. MARTIN: No, I understand that

but maybe --

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

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

MR. MARTIN: There is other recommendations. I mean, you can think back in every which way provided that they can find partners to do this and provided that the funds are available through other sources. You know, it happens. You know, you should not kill it all together if it really is a significant part, and I would hope that

because it cost an amount of money to restore the property that it would not look to kill the project but maybe seek out other areas to make it happen.

CHAIRPERSON SWANSON: Tom?

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

we're inviting the cost to be expressed, and I would look forward to guidance on how to juggle that cost with other kinds of cost that are going to be expressed also.

CHAIRMAN SWANSON: Dan?

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

MR. KAUFMAN: Generally, at state level -- Tom brought up an interesting point. At state level, I don't believe the cost would be in the SEQRA analysis itself. In terms of Suffolk County language, it probably would be in the EAF. It could be included in -- there is a provision for that, but the vote itself, most likely would be a positive dec, neg dec which help see the economics we are in at state level.

Tom was bringing up the need for level where you are starting to see

that. I don't particularly like what I have seen previously on some of those analysis at the federal level, but that is the old administration where they started to do something like this. There is good and bad to all of this, but economic aspects, I don't think heavily creep into the state SEQRA at this point in time. According to the cases that I have seen, I have not seen any directly on point. Could it creep in? Yes. Should it? I don't know. For our purposes here though, I am saying, I don't -- I am not particularly worried about the SEQRA aspect. I am worried about the historic aspect in the three parts analysis that I was giving you. I think all of these concerns can be accommodated, if we're trying to be pure to SEQRA.

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

MR. KAUFMAN: Yes, put them in the right place and do it as a correct body making the recommendations.

MR. GULBRANSEN: The last sentence currently reads, "When doing the SEQRA review," should that word SEQRA be replaced with, "When doing the historic trust fiduciary?"

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

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

CHAIRPERSON SWANSON: One of the things we want to do is call to the attention of the legislature the enormous costs that are being levied on the taxpayer and the County. In many cases, the County is not getting enough black eye because they get these properties and they cannot afford to do anything with them. They sit and rot and then people say, "What the hell is

wrong with the County?" And, you know, that's not helping anything. So while we may not be able to decide whether they should purchase it or not, we at least have the responsibility to say, "Let's look at the real cost." I have some language --

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

CHAIRPERSON SWANSON: Okay, before

you do that, I just want to correct some English in the first part.

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

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

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

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

just put Historic Trust; that is the CEQ.

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

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

MS. GROWNEY: It is almost unquestionable. I would like to see maybe if there is some way the County

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

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

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

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

CHAIRPERSON SWANSON: Jim, I have question. As you know, in the last year

or so the cost of purchase has been blacked out and the information that we get, will the legislature tell us we have no right to know what the cost -- not the true purchase price but the cost of maintaining and repairing and so forth is also none of our business?

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

Also, I might point out on the resolution is the paragraph before the final paragraph states that, "The legislature should approve these expenses in their financial impact statement as part of the property

acquisition cost." The legislature said, "Every bill that goes before the Suffolk County Legislature is supposed to have a financial impact statement," and those things really usually gloss over in terms of possibly -- this is what the acquisition cost is but with respect to the historic structures, there could be a lot of other costs that would have a bearing that the legislature should really consider. As you pointed and as Mary Ann pointed out, the purpose of this recommendation from CEQ is to say that before we acquire historically significant properties, that the County Legislature should know the whole cost. We don't want to acquire something and then find out -- because with the Mill House we said, "Well, we're going to hold public meetings in there and all kinds of events in there," and then we acquire it and DPW comes in and says, "Oh, no, it doesn't meet State code, therefore, you cannot hold public meetings in here.

You cannot hold those events of which are part of the resolution for acquisition because you have to spend X, Y, and Z to bring it up to County code." The only thing you can do is lease it out to somebody for occupancy purposes, if that, because some of these structures, they won't even let anybody in there.

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

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

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

MR. BAGG: Well, that is part of it

too. That is their prerogative and they get to say thank you very much.

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

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

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

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

Let's move on.

What's next, Richard?

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

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

What we're looking to do -- if you look at the 1928, to start, you see above the wall garden here and there is a grove of tree. That is the area where we're looking to put the access road in. The photographs that are accompanying us are numbered here. Jim, if we could just take a look at -- they're numbered starting from within the wall garden and you will see this gate on Number 1, on the left hand side, that is the vehicle gate. You cannot access that gate at this time. Earlier in 1928, that was a farm complex entrance. I just have photographs that are showing the roof

and then the basic route is going from the west side of the garden between the trees -- there is no tree removal. There is just brush over to the estate driveway near the Carriage House. The need for this is the historic entrance to this gate -- vehicle gate is now cut off. The County did not purchase that. That was subdivided and developed. We need to have an access road to get that point.

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

MR. MARTIN: Yes, exactly.

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

MR. MARTIN: Exactly. We did receive a New York State grant to redo all the irrigations in the wall garden, but there will be no way to get into that garden to do the work. Right now, we have two pedestrian gates on the east

side and the south side, but you cannot get across to do that. So this is for that project and then ongoing maintenance. It will run just north of the garden house and the cemetery and then, again, there is a series of pictures to pass around. It, of course, will be restored -- you can pass these around -- and the proposed route is going to an area that right now is covered with vines and honeysuckle vines and English Ivy, and we're not taking down any trees; just that.

CHAIRPERSON SWANSON: Yes, Eva?

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

MR. MARTIN: We will be doing a historic landscape study once we receive the grant; that is part of it. None of that work will start until the grant -- the contract is signed. We are now negotiating with the State to get the contract signed.

MS. GROWNEY: So you will assess what had been planted there before and recreate that garden?

MR. MARTIN: Yes.

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

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

MS. GROWNEY: His name is Gardiner?

MR. MARTIN: Correct.

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

MR. KAUFMAN: One in the same.

MS. GROWNEY: One in the same.

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

MS. GROWNEY: But this wasn't --

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

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

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

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

MR. MARTIN: Definitely. The Historic Society was involved in this before the County's purchase. Within that group, they have a garden committee set up that will be maintaining that garden, and they've already cleared the garden that was overgrown when the County purchased it and they're maintaining now. They will also be using the garden house and that is to be

restored, and they will be using that for their tools and things. This is not -- this will just be a park for maintenance route. It will be ten feet wide. No paving, of course. They don't have any paving onsite. Just crushed concrete and we have the drive. It is about 350 feet long and a 3,500 feet clearing clear and 10 foot wide one-way access road just for maintenance. So there will not be any public back and forth -- back and forth drive or anything like that, and will not take any large -- it will be curb route just to go around to any of the exits.

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

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

CHAIRPERSON SWANSON: To me, and I

am going back to our previous -- this is really one of the jewels of what Suffolk County should be maintaining.

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

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

We have upgraded. We have a whole new heating and air conditioning system that was installed that the County paid for. The Historic site received a $250,000 grant from New York State which is to be used for the exterior of the main house -- just finishing that now. So, as for the partnership, there has been an excellent example of what can be done.

I just want to point out that before they were not required to do that. There is love of this site, so they want to but that was not part of any kind of contract required but that group is very active and has jumped in right from the beginning and the County, I would say, is about an equal split on the expenses on either side. The County has probably spent maybe $400,000 to $500,000 and so has the local historic site.

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

MR. MARTIN: No, it was not existing.

CHAIRPERSON SWANSON: So he lived there?

MR. MARTIN: Yes. Actually, the reason, like I said, in the 60's, he essentially shut down the house for a year round use in 1962. He did not heat the property until the County installed the new system, and he stayed at his

East Hampton home at that time. Of course, he did -- he was half owner of the garden.

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

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

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

MR. MARTIN: Is it privately owned?

MS. GROWNEY: Yes, but he is very open to the historic thing; that is why I am mentioning it. Because I found in the house some historic artifacts and so he does not know he could also use them

for the historic society in East Hampton and that there might be some partnering that might happen that way.

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

Do we have a motion?

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

(WHEREUPON, there was laughter.)

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

MS. GROWNEY: I will second that.

CHAIRPERSON SWANSON: Seconded by Eva. Any discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: No discussion.

All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: No abstentions. Motion carries.

(WHEREUPON, the Board voted.)

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

CHAIRPERSON SWANSON: Recommendation Type Two Actions, Ratifications of Recommendations For Legislative Resolutions Laid on the table.

Yes, Michael?

MR. KAUFMAN: Three quick comments.

I discussed some of with these Eva beforehand. The 1239, authorizing a cell tower at Vanderbilt. That is actually planning steps according to Jim to look into it. It is a Historic Trust property dedicated to the Historic Trust of the National Registry, et cetera. I believe the entire property has been so designate, so putting a cell tower on

there has historic issues but none the less, looking at the planning steps for Type Two looks okay to me.

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

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

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

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

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

MR. BAGG: Yes.

MR. KAUFMAN: What is that?

MR. BAGG: I have no idea.

MR. KAUFMAN: Finally, 1277, donating decommissioned body armor vests to the DOD. Those are Suffolk County's.

Actually, let me rephrase that; what is that all about?

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

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

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: We have a motion and a second.

Any discussion?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: All in favor?

THE BOARD: Aye.

CHAIRPERSON SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Abstentions?

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

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

(WHEREUPON, the Board voted.)

CHAIRPERSON SWANSON: Jim, with regard 1265. I am glad Michael called it to our attention. Can you find what

the purpose of this and what is going on with the 1265?

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

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

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

MR. BAGG: No, no, no.

MR. KAUFMAN: This is a grant.

CHAIRPERSON SWANSON: I have enough information. Thank you.

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

Southampton.

Anybody here to speak on that?

MR. BAGG: Nobody here from DPW is here?

MR. DAWSON: I am here to talk about the next one.

MR. BAGG: Not the salt storage?

MR. DAWSON: No.

CHAIRPERSON SWANSON: The project was in your packet. As I recall, the salt is currently not covered or not covered well, and they're proposing to build a permanent structure that will protect the salt from solution, et cetera.

Yes?

MR. KAUFMAN: In reviewing this project earlier, I noticed a similarity to something that we reviewed in 2005, which was nearly identical and we gave it a neg declaration at that time. I don't remember the location. Basically, they were reconstructing a barn that was falling apart. They were making -- putting a path door for loading, et

cetera, and to catch anything that fell off of the trucks, et cetera, and SEQRA granted that.

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

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

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

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

MS. GROWNEY: Okay.

MR. KAUFMAN: Question for Rich. This purely seeks a technicality. Which do you think, Unlisted or a Type Two

because it is under 4,000?

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

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

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

MR. MACHTAY: Yes.

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

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

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

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

MR. MACHTAY: This is filled land?

MR. BAGG: It is all paved. The entire site is paved with asphalt. There

has been a reconstruction on it and the salt tiles are outside next to the fence and they want to --

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

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

Alright, now make a motion.

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

MR. MACHTAY: Second.

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

Any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

THE BOARD: Aye.

CHAIRMAN SWANSON: All opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Abstentions?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

(WHEREUPON, the Board voted.)

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

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

(WHEREUPON, there was laughter.)

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

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

CHAIRMAN SWANSON: Now, the highlight of the day.

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

Thank you for your patience, Emerson.

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

Before I start, Jeff Dawson from DPW wants to --

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

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

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

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

MR. HASBROUCK: Thank you, Jeff.

CHAIRMAN SWANSON: Emerson, what does your pin mean?

MR. HASBROUCK: That is Stormy the Stormwater Duck.

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

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

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

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

MR. HASBROUCK: Well that was several years ago. So that is the genesis of our logo. We put it on

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

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

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

CHAIRMAN SWANSON: We can go back on the record.

MR. HASBROUCK: As Jeff said, as part of the permit requirement for Suffolk County Phase 2 Stormwater Program, the County has to hold a public hearing on stormwater -- its annual stormwater management program annual report to receive public comment.

I want to thank the CEQ and the Chairman Swanson and Vice Chairman Kaufman for allowing us to utilize this venue again as a public hearing for our annual report. This is our six annual report. So, I think, this is the sixth time we have come in front of this group to present our annual report. It is greatly appreciated.

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

I wanted to introduce some of the other Cornell Storm Water staff that are here with me today. Matt Sclafani, Lorne Brousseau, Angel Dybas, and Mark

Cappelino and the Jeff Dawson is our point person in contact with that -- DPW.

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

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

What I would like to do is to give a brief review of what we accomplished

in the past year for Suffolk County and the storm water program, and then if there is any comment, we would be happy to take those comments.

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

CHAIRMAN SWANSON: Is it also available online?

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

Under Public Education and Outreach Public participation, during the past

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

CHAIRMAN SWANSON: Could you define TMDL?

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

We modified some school presentations to include information on storm water best management practices such as green roofs, rain barrels, and rain gardens. In addition, we worked with the school to construct a small

green roof on the school building as part of a permanent teaching structure on a roof adjacent to the science lab of the school.

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

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

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

lake," for areas, like, the watershed and other lakes.

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

CHAIRMAN SWANSON: And these flyers --

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

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

111 radio PSA's were aired on two Long Island radio stations, and the message is focused on the problem with pet waste -- encouraging people to pick up after their pets. A video PSA was broadcasted on educational and government stations in Southold and Shelter Island.

Also, upgrades were made to the stormwater demonstration site. The rain garden at the site has also been expanded with more plants that flower in the Spring and Fall. The green roof has filled in with new plants and flowered during the growing season. That is at the Suffolk County Farm and Education Center in Yaphank. We have a building with a green roof on it and rain barrels and color things that visitors can see kind of hands on -- things that can go around their house.

Under the Illicit Discharge Section and Elimination Section: 143 outfalls were monitored for dry weather flow. Each of those were examined three times for dry weather flow. Information such as flow volume color, odor, floatables, deposits, turbidity, and vegetative growth were obtained at all dry weather flow outfalls. 22 of the outfall had dry weather flow and 19 had standing water. All the data on theses have incorporated into our GIS system.

An additional 36 outfalls were found on County roads. All the outfalls were incorporated into GIS. It is 36 additional ones that we found this year as the ones we found the previous years.

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

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

The New York State Corrosion Contractors and Sediment Control Field Notebook is also made available to all

construction staff for their use.

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

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

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

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

The Department of Health Services and the Suffolk County Legislature enacted legislation to reduce fertilizer

and pesticide applications in the County.

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

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

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

MR. BROUSSEAU: As far as County roads, I believe the County roads are swept at least once every year -- each road -- each portion of the road is

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

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

MR. DAWSON: We do what we can with the staffing level that we have and the equipment that we have. In addition to the three vactor trucks that we just purchased, it was a big help. There are something like 9,000 or so catch basin on County roads that are County maintained and if you do the math, I think, you need to do 300 a day in order to keep up with that kind of loading.

Right now, as far as catch basin cleaning anyway, it is a reactionary methodology in cleaning those. We get complaints. We get notified of what consequences may happen because of a clog catch basin like flooding in the roadway. We will get the call, and then based on that complaint, go out and clean out the catch basins.

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

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

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

CHAIRMAN SWANSON: Could be.

MR. BAGG: For those that have priority.

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

MR. DAWSON: A priority list is one of these specific requirements of this relatively new permit. We're actually leading -- Suffolk County has created a work group internally to get the requirements of the permit actually acted upon and implemented. We're looking at each line of permit and if you looked at it, you would know it is quite an extensive. So we're looking at each line on the permit identifying what department and which individual in that department is going to be held responsible for heading up that -- the satisfaction of that permit requirement. So the priority list is on one of those

-- permit requirement that is on the agenda for an upcoming meeting with that work group. So, it has not yet been created but it is on the agenda and it should be voted before the end of this term which is 2010.

CHAIRMAN SWANSON: Tom?

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

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

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

MR. DAWSON: Absolutely. There is a labor shortage issue.

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

MR. DAWSON: Well, the State

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

CHAIRMAN SWANSON: Why would you say it was terrifying?

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

CHAIRMAN SWANSON: Yes.

MR. DAWSON: Because there were a lot of questions being asked from the audience of Village representatives and town representatives who were not in the coalition and had a great difficulty in interpreting the new report. It's not completely clear if you're a joint coalition, and how they want you to submit that. Not to mention, considering when that program came about, the County was under the gun to get something implemented by March 10,

2003. The notice that we received did not allow the luxury and welcoming of processing intermunicipal agreement that would have been necessary in identifying the particular entities and their responsibilities. It was just a lot of -- it would have required a lot more adverse than we had the time for at that particular time. Do we have intention of going forward with the coalition? I am not certain. I don't think it is, actually, from the County's perspective a useful thing to do because we're classified as a nontraditional non-land use -- I am sorry -- we are considered a traditional non-land use MS-4, which means we don't have authority over town and villages issuing building -- building application permits, structural, or archeological assessments or anything like that. We don't have an jurisdiction over that. So to do a joint report for a joint administration with a permit, I think, it would be best if like MS-4's were to do -- like, for

example, Brookhaven and Patchogue or MS-4 is allowed the same jurisdictional ability. It just flows better.

MR. GULBRANSEN: That answers the question. It also gets to my second question. That one being this notion about non-land use, therefore, being able to not fill out that part of the form on inspections. Two parts to the question. If you have SWPPP's that you're reviewing, they do relate to control measures and construction and so it was kind of inconsistent if you were not doing post-constant control, but you would be doing SWPPP's review really for the County review, and the question that many of the MS-4's are facing are septic failures and the State is now telling MS-4 operators, "You will take care of inspection and restoration for septic systems." Now, villages and towns look up and say, "Department of Health takes care of that," and they do, right? So, we, in the future, need to get those things to lead better because the MS-4

operators permits are at the lower level and are suffering without having to take care of the septic systems. With regard to this report, it seems like it is compliant in that regard but, again, in the future, globally what are we going to do is get this permit in the future and we look forward to talking about that.

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

that this work group meeting develop a department making an interpretation on what it is that the DEC is actually asking of you.

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

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

MR. GULBRANSEN: Within your own properties.

MR. HASBROUCK: The IDPE that was looked at and also the catch basins, and discharges are relative, specifically, to County roads and County properties. Now, some cases there is some

interconnection between other municipalities and MS-4's and the County's but basically -- well, not basically, we are looking at what is discharges and then collection system just for the County roads and County properties.

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

MR. HASBROUCK: Important questions to ask someone is, you know, in terms of installing or expanding collection of -- stormwater collection systems is right and how does that interact with other municipalities and as this program goes forward, I think, you're going to see that issue -- the highlighted more, as

well as it should be so that each MS-4 knows what's connected to what and if another municipality is now adding a stormwater volume to somebody else's MS-4 in some manner.

CHAIRMAN SWANSON: Eva?

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

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

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

and what you're doing for stormwater.

MS. GROWNEY: Thank you. I appreciate that.

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

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

CHAIRMAN SWANSON: Do you know, Emerson?

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

CHAIRMAN SWANSON: The reason I ask is that I can think of at least two locations where I have some knowledge

and the State, in fact, has not touched their stormwater and so, you know, why is the County and the towns and villages still having to jump through hoops for the State, when the State doesn't seemingly live up to --

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

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

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

MR. BAGG: I am not asking you that. I am saying is the direct discharge results in an environmental consequence? Like they don't have the proper systems on it and like in past we have sediment -- added sediment in certain waterways that the County and

Department of DPW is urging them to remove those sediments because they're causing now a problem in the local waterway, does the SWPPP's program make the entity responsible for cleaning up those types of problems?

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

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

MR. HASBROUCK: There may be other

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

CHAIRMAN SWANSON: We just have to get their attention.

Mike?

MR. KAUFMAN: It is interesting in which language we use, "should." There is a gap in the MS-4 legislation which I

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

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

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

MR. HASBROUCK: Well that's what I am saying, there may be some other elements within the Clean water Act that address what the language is lacking in the stormwater's components.

CHAIRMAN SWANSON: Tom, you had another question?

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

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

MR. KAUFMAN: The problem comes down to legislation from my ability and

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

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

MR. KAUFMAN: That just now --

MR. BAGG: It wasn't on the big books for a year.

CHAIRMAN SWANSON: Joy?

MS. SQUIRES: I would like to address a different issue. The issue of education, but I don't want to inject education if we're not finished with stormwater.

CHAIRMAN SWANSON: Go ahead.

MS. SQUIRES: This is a good story and maybe Matt would like to also speak to it with me.

We purchased and Richard and Mary Ann, you will so appreciate this. We purchased with the County, the Fuchs Nature Preserve some years ago, and we purchased the house and the County purchased the enjoining land. It was this wonderful house. It isn't designated, but it's this wonderful house which is costing probably a million dollars or upward of who knows what to make it compliant with everything and three floors which we, of

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

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

CHAIRMAN SWANSON: I would just like to -- if there is anybody here from

the public? Do you have questions? Anybody has questions of stormwater programs since this is really an educational program that goes beyond the CEQ, please feel free to ask.

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

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

MS. GROWNEY: What TMDL's?

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

CHAIRMAN SWANSON: Tom?

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

MS. GROWNEY: They give you an entry.

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

CHAIRMAN SWANSON: And that is for organization whether it is a village or a town that the County Or State is required to have an educational component and just like Emerson did each

level of government has to report annually on what they have done with regard to education.

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

CHAIRMAN SWANSON: For example --

MR. HASBROUCK: Of stormwater, yes.

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

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

CHAIRMAN SWANSON: Alright, so,

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

(WHEREUPON, there was laughter.)

MR. KAUFMAN: He is trying tell you something.

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

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

CHAIRPERSON SWANSON: Thank you and

I thank the CEQ for the patience and for listening to myself and Tom's questions about the stormwater.

CAC concerns?

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

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

town Department of Environmental Waste Management. I think primarily because the word "environmental" was picked out but it is actually the Town Department of Planning and Environment which Rich headed for many, many years so maybe --

MR. BAGG: We can tweak the list.

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

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

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

MR. BAGG: I don't have problem.

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

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

MR. MACHTAY: It is really not all that simple because in the Town of Huntington, which is what I know. I don't know Smithtown, Islip, but you

have the Department of Planning and Environment. You also have a Department of Maritime Services and you also have a department that's getting it -- waste management and have waste management which is a governed department that oversees the sewage treatment plants in the sewer districts. So it's kind of hard -- if you're just sending out a mailing it's kind of hard of who should get it, you know. I think Joy is right. The Planning Departments are probably more in tune to give you a response answer or to give you a reponse. Although Maritime Services might be another good one to -- in other words, something that has to do with waterways and tidal wetlands and so forth.

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

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

MR. BAGG: Well, we would revise --

MR. MACHTAY: I am sure that if the planning and environment saw anything

that has to do with the waterfront, the Maritime Service they would do that.

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

MS. SQUIRES: I wonder if you could ask the County maybe if this is too cumbersome. What is the appropriate department so then you wouldn't have to distribute more than what you're distributing, but if you go directly to the town -- now with Smithtown because, of course, I have the advantage of looking at what I was sent. So I know a little bit about Smithtown. This seems absolutely appropriate to send it to Russell Barnett but in Huntington, I know it is more appropriate to send it to Tim Flanning, but here is Brookhaven Environmental Protection, and it is

going to John Turner and we know that John Turner would believe -- I believe John Turner would send it appropriately. So maybe it's an issue not of having to distribute so much more but to specifically say to the town, "Hey, who is going to pay attention to what CEQ says?"

CHAIRPERSON SWANSON: We can work on it.

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

CHAIRPERSON SWANSON: Eva?

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

MR. BAGG: We get hard copies. We're not at the point that we e-mail

yet.

CHAIRPERSON SWANSON: We do handle mail with the agendas.

MR. BAGG: Yes, we do that.

CHAIRPERSON SWANSON: Any other business?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: Do we have a motion?

MR. Motion to close.

MS. RUSSO: Second.

CHAIRPERSON SWANSON: Any objection?

(WHEREUPON, there was no response.)

CHAIRPERSON SWANSON: We're adjourned.

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

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C E R T I F I C A T I O N

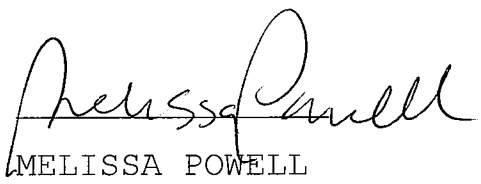
STATE OF NEW YORK)
:ss
COUNTY OF SUFFOLK)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____ 2009.



MELISSA POWELL