ORIGINAL

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Arthur Kunz Library
H. Lee Dennison Building
4th Floor
100 Veterans Memorial Highway
Hauppauge, New York

July 15, 2009
9:30 a.m.

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BEFORE:

R. LAWRENCE SWANSON, Chairperson

MICHAEL KAUFMAN, Vice Chairperson

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

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

EVA GROWNEY
RICHARD MACHTAY
DANIEL PICHNEY
GLORIA G. RUSSO
MARY ANN SPENCER

HISTORIC SOCIETY MEMBERS:

RICHARD MARTIN

CAC REPRESENTATIVES:

JOY SQUIRES

ALSO PRESENT:

JAMES BAGG, Chief Environmental Analyst
CHRISTINE DESALVO, CEQ Staff

(WHEREUPON, this proceeding convened at 9:30 a.m. Off-the-record discussions ensued, after which the following transpired:)

(Time noted: 9:35 a.m.)

CHAIRMAN SWANSON: Okay. I call the meeting to order.

All right. Did anybody look at the minutes?

MS. SPENCER: Yes.

CHAIRMAN SWANSON: Anybody have any comments?

MS. SPENCER: No.

MR. MACHTAY: No comments.

CHAIRMAN SWANSON: No comments.

Is there a motion to approve the minutes?

MS. SPENCER: So moved.

MR. MACHTAY: Second.

CHAIRMAN SWANSON: Okay. We have a motion and a second.

All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Motion carries.

VICE CHAIRMAN KAUFMAN: And one abstain, I wasn't here.

CHAIRMAN SWANSON: That was pleasant.

MS. GROWNEY: Actually, I abstain, too.

CHAIRMAN SWANSON: Jim, you want to tell us about the revised meeting schedules, or make note of it at least.

MR. BAGG: Yes. We have decided to hold all the meetings here instead of across the street. Since we don't have large agendas and we don't anticipate crowds storming the meetings, we think it's a little bit more relaxing and we can have coffee and donuts here where across the street we can't. So we decided to hold them here.

That was Christine's idea.

MS. DESALVO: Oh, sure.

CHAIRMAN SWANSON: Hooray, Christine.

MS. SPENCER: Yeah.

MR. KAUFMAN: Let the record

reflect clapping occurred.

(Laughter)

CHAIRMAN SWANSON: Okay. I have a piece of correspondence, I'll just pass it around. This is -- was to me, I'm not sure exactly why, but it's concerning the American Recovery and Reinvestment Act and the opportunity to do LEED building.

That's L-E-E-D.

And I'll pass it around. I know you'll -- you'll be interested.

MS. GROWNEY: Thank you.

Oh, through the USGBC?

CHAIRMAN SWANSON: (Head gesture)

Okay. Historic Trust.

Richard.

MR. MARTIN: Good morning.

I have some good news with our housing review. The committee has completed a review on 21 of the buildings that are rented out by the Parks Department, and a resolution was prepared and submitted at the request of

the county executive to the legislature and was approved. And this gives some reduction to some of the rents from the appraisals, but others stayed the same if the committee didn't see any reason to reduce them.

Usually they were reduced if the buildings had some deficiencies in the sense of a historic building that couldn't be updated, or the need to have someone there that the person was the right person as a caretaker for that site. So we wanted to make some adjustments for that reason.

(WHEREUPON, Mr. Daniel Pichney joined the proceeding in progress.)

(Time noted: 9:39 a.m.)

MR. MARTIN: But the resolution was passed and will -- the new rents will be implemented August 1st. So that's the first group that we covered. It's actually about two-thirds of the properties. There are nine still that need to be appraised. That's what

slowed us down, because the new appraisals were not -- are not completed, but we do plan to have a meeting in August to review what have been appraised at that time and to move forward.

VICE CHAIRMAN KAUFMAN: I'd like to ask Rich a question.

CHAIRMAN SWANSON: Yes.

VICE CHAIRMAN KAUFMAN: Rich, question.

Aside from the units that have not had reductions in rentals, is there a percentage figure out there? Just an approximation, a guesstimation, of what reductions of rents have been.

MR. MARTIN: I mean, we could do an average, you know, in a sense, but there's really -- there is a -- a list of criteria in that -- where -- can judge the rents on, I guess, or reappraise the rents according to the needs of the Parks Department, and especially the needs of the -- of the

historic sites. So, you know, it's -- it's hard to give you a percentage in a sense. Because some were -- we really, you know, differed, you know, with the market rate appraisal and what were the needs of the parks and the Parks Department and that historic site.

MR. KAUFMAN: Gotcha. Okay.

MR. MARTIN: You know, and the locations, you know, within the parks. It could be on a highway, or being isolated, there were different variables that were taken in place when we reviewed it.

MR. KAUFMAN: Okay. Good enough. Thank you.

MR. MARTIN: So it wasn't an across-the-board reduction.

CHAIRMAN SWANSON: What percentage of the rentable houses are actually rented?

MR. MARTIN: I'll say majority are rented. We still have -- I'd say, you know, three-quarters are rented at this

point. We have one, two, three, four, five -- seven vacancies.

MS. SPENCER: And of those vacancies, how many are historic structures that need to be secured?

MR. MARTIN: Actually, it's -- it's not seven, it would be six. And out of the six, I would say four are historic.

CHAIRMAN SWANSON: Okay.

MS. SPENCER: That's -- that's the focus, is -- is to secure these historic properties, not to leave them vacant. And that was -- I thought -- my opinion is that that is what is driving this to -- to make sure that -- that we do not leave historic structures vacant if possible.

MS. GROWNEY: (Indicating)

CHAIRMAN SWANSON: Eva.

MS. GROWNEY: And what is the reason why they aren't -- those last few are not?

MR. MARTIN: The rents are either too high we feel, usually the ones in

Huntington Town are the problem, buildings to rent, and also, just -- we need to advertise again once we have the reduced rents. And we haven't completed those appraisals, so it's just a lag time with getting what we're considering a reasonable rent and then getting the letters out to the people again.

MS. GROWNEY: And is there -- and do you think it will be done in the next month or two, or something like that, or --

MR. MARTIN: Well --

MS. GROWNEY: -- you don't know how long?

MR. MARTIN: -- I'm hoping we can get some done in the next month, because Tracy Bellone, who's the chair of the committee, is going out on maternity leave in September. So she does want to wrap up as much as she can before she leaves, and we'll have a meeting in August before she leaves. And then we'll have to see how that -- how we

work on it when she's away.

MS. GROWNEY: Thank you.

CHAIRMAN SWANSON: Anything else, Richard?

MR. MARTIN: Just, basically, an update on the contracts. We're still negotiating with the Town of Huntington for the $600,000 funding for the Coindre Hall Boathouse. And that's -- we're looking for the -- specific spaces on the -- at the park that the town can use in order to bond that fund and give the money to the county. That's still being negotiated.

CHAIRMAN SWANSON: I had a couple of questions for you.

One is, we were talking about having a future meeting at a -- one of the facilities.

How are we moving with that?

MR. MARTIN: Mary Ann has an idea for Isaac Mills --

MS. SPENCER: Yeah.

MR. MARTIN: -- that we can meet

there, there's enough space to meet there as a new acquisition, so you can see that building before we've done any work to it.

CHAIRMAN SWANSON: Okay. And the issue that, since this is a public meeting and it doesn't have all the accouterments that are needed for access now, that's not a hindrance?

MR. MARTIN: Well, we can just move tables and chairs into the meeting. There is a kitchen so we can have our coffee.

CHAIRMAN SWANSON: Okay.

(Laughter)

CHAIRMAN SWANSON: Okay. So I'd like to move ahead with that before it gets too cold, because I'm not sure there's heat in that building.

MR. MARTIN: We do have a new heating system, actually.

CHAIRMAN SWANSON: Oh, you do. Okay.

MR. MARTIN: Yeah.

CHAIRMAN SWANSON: And then the other thing that I was curious about, Jim and I were talking about before the meeting, is, can you give us an update of what's going on at Montauk? I mean, that park seemed to me to have such great promise, and it seems to me like it's totally dropped off the radar.

MR. MARTIN: In the sense of Third House as the historic building?

CHAIRMAN SWANSON: Well, I understand Third House has been completed, but there was also the mo- --

MR. MARTIN: It actually hasn't.

CHAIRMAN SWANSON: It hasn't?

MR. MARTIN: No.

CHAIRMAN SWANSON: Oh, okay.

MR. MARTIN: I can give an update on that, and also --

CHAIRMAN SWANSON: And the motel, and what the property's being used for, and --

MR. MARTIN: Okay. I have a good sense of Third House in the complex

that's there. Majority of the work has been completed, but we still need to do additional work on the dining room and bar area to complete the interior --

CHAIRMAN SWANSON: This is of the ex- -- of the motel?

MR. MARTIN: The large third house. The main --

MS. SPENCER: The main house.

MR. MARTIN: -- the main building.

CHAIRMAN SWANSON: Okay.

MR. MARTIN: And the basement area needs some more structural work in order to get the CO for public assembly.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: We only have a partial CO for that building for the west wing for office use. So we have moved the park office back into the building, and that first floor of that wing is completed. But the second floor is not, and the majority of the building on the east end, the interior's not completed, it needs some structural work in order

to get the public assembly CO. And so we need to go ahead with the plans for that with DPW. We do have some funds in place to complete that.

Right now, the project at that park that's being worked on at the moment is being -- people are calling it the "gator site," and that is the maintenance building, converting this -- the storage building there to the park's maintenance building for the whole park. And we need to complete that first, because we can't get the CO for public assembly at the Third House until we move the maintenance operations out of the basement, because you can't have gasoline and lawn mowers and all this machinery stored below a public assembly space.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: So that needs to get done first, then we could come back to Third House to complete that. And then I'm not -- there's been a lot of talk

and meetings with the community on what activities or programs can be run out of Third House, but there's nothing set at this moment.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: Then also on the site is -- it's going on, it's going to come forward to -- fairly soon, is the observatory project for the Montauk Observatory. And we're reviewing their plans now, and we're trying to see how we can mesh their need for the observatory tower with our need to restore and renovate the bunkhouse cabin, which is at the top of the hill. And that's -- we've been negotiating that back and forth how we can accomplish that goal, which is how it was reviewed here at the CEQ a while ago.

MR. BAGG: Yeah, it was reviewed here already.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: Well, our initial --

and that -- that -- the concept was approved that, yes, you can do this, but the design and the plans need to come back for a final review.

And we're working with the architect for the Montauk Observatory, which the plans will then have to be reviewed by DPW. And we're -- we're going back and forth a bit on the design right now, how that can fit into the park.

And then, otherwise, the other cabins are in fairly good shape. And I don't think Shakespeare -- I'm not sure if Shakespeare in the park is scheduled to be back or not, because, again, we don't have the CO to use Third House, which they needed for their program. So that's kind of holding up moving forward on different programs at the park.

CHAIRMAN SWANSON: Okay. That was one of the things I was wondering about, because --

MR. MARTIN: Right.

CHAIRMAN SWANSON: -- that used to be a big event --

MR. MARTIN: Yes.

CHAIRMAN SWANSON: -- Shakespeare there.

MR. MARTIN: I haven't heard anything, I could check for you. My guess is that they're not coming back this year, but I'd have to check on that.

MS. GROWNEY: I don't think so.

CHAIRMAN SWANSON: Okay.

MR. MARTIN: Have you heard?

MS. GROWNEY: I don't -- I don't believe they are coming back. I'm not definitive about that, but I --

MR. MARTIN: Right.

MS. GROWNEY: -- had heard the rumor they weren't coming back.

MR. MARTIN: I can check. I think we would have heard if they were coming back.

MS. GROWNEY: Yeah.

CHAIRMAN SWANSON: And what about

our relationship with Rusty Lever (phonetic)?

MR. MARTIN: Well --

MS. GROWNEY: Oh, boy.

MR. MARTIN: -- that I'm not up to speed on. Because that's in -- our contracts division mainly deals with that, they just call me in if it's anything to do with the buildings at that site. So I really would have to check that and report back.

CHAIRMAN SWANSON: So he's still leasing the house --

MR. MARTIN: Yes.

CHAIRMAN SWANSON: Okay. And is the property getting terribly overgrown?

MR. MARTIN: That's another thing I'd have to check on for you. Because I'd have to talk with Nick Gibbons and the park supervisor to -- I don't -- I don't know the status of that.

CHAIRMAN SWANSON: Okay. And, I guess, I'm curious. Are we going to allow it to continue to just con- -- get

overgrown, or what -- what is the plan for the park that's not in building?

MR. MARTIN: Okay. So I'll talk to the commissioner, talk to Nick Gibbons. And I can give the report next meeting, or ask Nick to give the report.

CHAIRMAN SWANSON: Okay. Because if -- if -- I guess I'm concerned that the whole character of the park can change if it is, in fact, not maintained in terms of mowing or --

MR. MARTIN: Right.

Well, I understand your point because I know that the trails were maintained early on on a regular basis for access throughout the park. And I, you know, looked -- looked at those trails myself years ago, but I haven't been on those recently.

CHAIRMAN SWANSON: Okay.

MR. BAGG: Also, what is the status of the burning for nature conservancy out there, too? Because, technically, that was supposed to be kept in fields

and pastures. I mean, that's -- they -- they renamed the park the Theodore Roosevelt County Park because of the roughriders and everything, when you take those pictures, was open.

MR. MARTIN: Right.

Well, it sounds like there's enough questions, and I think Nick Gibbons should comment. You know, we'll talk about it in the office and -- and explain --

CHAIRMAN SWANSON: Okay.

MR. MARTIN: -- what the status is.

CHAIRMAN SWANSON: This was supposed to be really one of our prides and joys, and I think it might behove us to check on it and maybe even go out and see what's actually going on.

MR. MARTIN: Well, with that kind of interest, would you like to have a meeting out there?

CHAIRMAN SWANSON: Yeah, I would like to at least pursue somehow getting out there. I don't -- not necessarily

have a meeting, but --

VICE CHAIRMAN KAUFMAN: Maybe a group.

CHAIRMAN SWANSON: -- a group, or if everybody wants to go, we can have a meeting. But I think it's -- we ought to look into what's going on out there, because, like I say, this was really to be the centerpiece, and I'm not sure that it's -- of what it's -- it's just dropping off the edge.

MS. GROWNEY: (Indicating)

CHAIRMAN SWANSON: Yes.

MS. GROWNEY: One of the things I know that has been happening is they are doing some observatory activities intermittently out there. They're doing them in conjunction with the library.

So if, you know, things could move along, then they don't have to do them at the library, they could be doing them at Third House. That's one of the problems, because I guess this assembly thing is not established.

But I do know that -- that they're -- I get the -- because I'm on the advisory board, I get the notices every --

CHAIRMAN SWANSON: You're on the advisory board of Third House?

MS. GROWNEY: Of -- of the Montauk Observatory.

CHAIRMAN SWANSON: Oh, okay.

MS. GROWNEY: And so they are having activities every month, but they can't have assembly indoors. So they are doing lectures and things that -- that would be happening in Third House if their assembly had been worked out. And I believe they are doing some actual sky observing from time to time.

CHAIRMAN SWANSON: Uh-huh. Okay.

VICE CHAIRMAN KAUFMAN: (Indicating)

CHAIRMAN SWANSON: Mike.

VICE CHAIRMAN KAUFMAN: One of the issues that came up a few years ago was about the burning, and I know you and I

worked on the EIS with John Turner and the rest of the TNC crew. And one of the things I think that Nick might be asked is what is the status at this point in time.

At the time, I think it was four or five years ago, the concept was to burn selected portions of the park and try and reestablish certain habitats and certain plant species. And we've actually not heard back on any of that stuff. We actually don't know, at least at this council, what the status is with the burns.

It may not be theoretically inappropriate activity to continue with, the objective is not being met, if it is being met, that's something else, I'd like to see the -- the results --

MR. MARTIN: Well --

VICE CHAIRMAN KAUFMAN: -- one way or the other.

MR. MARTIN: -- I'll definitely, you know, request that Nick Gibbons come

and explain --

THE REPORTER: Please speak up.

MR. MARTIN: Nick Gibbons from the Parks Department, I'll ask him to come to the next meeting.

VICE CHAIRMAN KAUFMAN: Just give us an update on what's happening. I mean, again, we had an EIS done that we were fairly insistent upon. We really did need to have it, and the question now is whether it -- whether the burning has been successful or not.

CHAIRMAN SWANSON: Would you and Mary Ann think about, and maybe next month give -- give me an answer, could -- would it be possible to get a review of one park per meeting and sort of go around the loop and see --

MR. MARTIN: In the sense of an historic park or --

CHAIRMAN SWANSON: No --

MR. MARTIN: -- just as the county --

CHAIRMAN SWANSON: -- the parks in

general, so we know how they're doing.

MR. MARTIN: Okay. Do you --

MS. GROWNEY: Good idea. I like that, too.

MR. MARTIN: Yes. And just how would you want to create a list?

CHAIRMAN SWANSON: I don't want to -- I don't want to create a lot of work, I just would like to --

MR. MARTIN: Uh-huh.

CHAIRMAN SWANSON: -- sort of a five-minute refresher on what's going on at our parks, what's -- are they being maintained, what are -- what are the issues, what should this board be concerned about, whether buildings are falling down or if there's -- whatever. Just -- nothing elaborate, just --

MR. MARTIN: An update.

CHAIRMAN SWANSON: -- an update. So that we, as a group, understand the parks, because a lot of times we don't hear about what's going on until there's some sort of a crisis.

MR. MARTIN: Okay. So I'll meet with the commissioner on it, I'll come up with a set of priorities, things that he probably would think would be good for the CEQ to know about, and we can start from there.

CHAIRMAN SWANSON: I don't want to create paperwork --

MR. MARTIN: I understand.

CHAIRMAN SWANSON: -- no reports, no formal reports, no -- just --

VICE CHAIRMAN KAUFMAN: Just a status update.

CHAIRMAN SWANSON: -- status.

VICE CHAIRMAN KAUFMAN: Just like you do with the Historic Trust --

MS. SPENCER: Yeah, well --

VICE CHAIRMAN KAUFMAN: -- stuff --

MS. SPENCER: Well --

VICE CHAIRMAN KAUFMAN: -- that we're dealing with right now.

MS. SPENCER: -- the -- the agreements will all be settled and we can replace updates on Historic Trust

custodial agreements with updates on county parks.

VICE CHAIRMAN KAUFMAN: For example, with Skully --

MR. MARTIN: If you'd like, you could add that as a standing item on my report. And then I could gather some basic information for each meeting. And then I could ask Nick to also come for some -- like Montauk things that I wouldn't have all the specifics on.

CHAIRMAN SWANSON: Okay.

MR. PICHNEY: Larry.

CHAIRMAN SWANSON: Yes.

MR. PICHNEY: For the first thing, would you -- wouldn't you want like an overview first? Like, let's say, if they -- if they had a policy now of not mowing anywhere, wouldn't you want to know that first, or --

CHAIRMAN SWANSON: Well, that's fine. Let them --

MR. PICHNEY: (Laughter)

CHAIRMAN SWANSON: You know, if

that's the sense of the board, that's fine, too. General status, first report --

MR. MARTIN: Yeah.

Like I said, I'll talk to the commissioner about the request. And I'm sure he will have his own ideas of things that are going on, things that I'm -- I'm not aware of because I don't go to all the parks trustees' meetings, so I'm not sure of all the -- the issues, but some of them are like with dog runs. Of course, that's going to be a big issue throughout the Parks Department. That could be a general issue to report on. The burning status, you know, the programming aspects of the Parks Department.

CHAIRMAN SWANSON: Okay. Good.

Anything else?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All right. Is that all?

MR. MARTIN: Yes.

CHAIRMAN SWANSON: Okay. So moving right along.

Recommended Type II Actions.

Jim, you want to tell us about recommendations laid on the table?

MR. BAGG: Yes. Well, that's before you with the recommendations.

There's two things in the -- in the packet that I want to bring to your attention.

One is Number 1603 of '09, which Legislator Kennedy has proposed condemning or -- or commencing Eminent Domain Proceedings for acquisition of the Bavarian Inn. This is actually the acquisition of property. Cannot be considered a Type II Action under SEQRA. It has to be considered at least an Unlisted Action. So that resolution needs an environmental assessment form prepared and submitted to CEQ.

The other action which is befo- -- in here is 1609 of '09, which is the acquisition of remaining interest in the

Cohalan Court Complex. There is an EAF in here. They -- they were trying to say that was a Type II Action as well, but it is the acquisition --

MR. MACHTAY: What resolution is this?

MR. BAGG: -- of property --

CHAIRMAN SWANSON: 1609.

VICE CHAIRMAN KAUFMAN: It's a separate item.

MR. BAGG: Yeah, a separate item on the agenda.

So Budget prepared an EAF, and they're proposing an Unlisted Action within Neg Dec. Simply, we're acquiring the property to save money, supposedly $12 million, over the next ten years because we pay rent to the state.

MR. PICHNEY: Jim.

MR. BAGG: Yeah.

MR. PICHNEY: With the Bavarian, that's basically to get the -- the waterfront property; isn't it? There's not an interest in the -- the building

itself; is there?

VICE CHAIRMAN KAUFMAN: No, that's a demo.

MR. BAGG: Well, you know, the guy has lost his COs. It's not operational. And I understand he's in tax default. Legislator Kennedy put a -- a resolution in to acquire the property. It didn't go anywhere in the legislature. So now he has a resolution in to condemn it.

I mean, this is akin also for the Bavarian Inn for the resolution passed last month with respect to the review of county properties and acquisitions, because --

CHAIRMAN SWANSON: Exactly why we have it.

MR. BAGG: -- this particular thing, it should be pointed out, that the building is not going to be utilized, it can't be utilized, and they're going to have to demo it, and they're going to have to review the sep- -- remove the septic systems at

a -- at a certain cost. I mean, that -- that's additional costs than what would be to actually acquire it. It could be millions.

MR. PICHNEY: Do you know how many feet of lakefront they have there?

MR. BAGG: No.

MR. PICHNEY: No.

VICE CHAIRMAN KAUFMAN: Several hundred.

MR. PICHNEY: Several hundred? Wow.

VICE CHAIRMAN KAUFMAN: If I may for a second, this -- John won't like me saying this, but I have issues with this particular resolution from the ledge.

I know a little bit about the situation. If the property were clear and no buildings on there, and it were remediated, it would be a nice acquisition. But it is right now subject to a lot of politics. Legislator Kennedy originally wanted to try and purchase it. There's been

questions raised as to the purchase price, whether -- what it should be because it's lost its CO, it's got problems with the septic systems, which, basically, it shut down because of water table rises, things like that.

What it boils down to is there's a possibility that this thing is so far back in terms of tax arrears that the county could take it for tax arrears and not have to pay anything.

Legislator Kennedy has brought in 1603 as an eminent domain. That's an expenditure by the county. Whereas, the county essentially could get it for free, if you would, if the tax leans are foreclosed upon.

That leaves me, basically, to the following, the financial impact. We've required financial impact statements now for a lot of historic structures. We're seeing it, for example, with 1609. It raises a concern in my mind when we know what the financial impacts could be.

This is -- could be a million dollar property. I don't know where the appraisals might go. The fact that the CO has been lost and the sewers -- the septic system can't be used might lower the prices. But there is a financial impact here, and it should be looked at. And I think under SEQRA we're allowed to look at something like that.

I'm not saying to say -- I'm not saying that we should Pos Dec this or anything, but it is something that we should at least think about before we make any kind of environmental recommendation.

Again, financial impacts are something under SEQRA that we are supposed to take into account. It may not be a decisive element. I think it would be a good purchase or a good taking by the county if the county was able to get it. But it's, you know, interesting.

And, again, we've got the 1609 with

the Cohalan Court Complex, and they've got the financials in here, and there's a financial impact that we're looking at. So it just raises questions in my mind.

CHAIRMAN SWANSON: Well, if I understand it from what Jim said, he's going to be telling us, but we'll have to have an impact statement on it, so --

MR. BAGG: Well, an EAF, yeah.

CHAIRMAN SWANSON: An EAF, so --

VICE CHAIRMAN KAUFMAN: Yeah, I -- I agree with that that -- I think we should recommend that this one be reclassified -- what is it now -- as a Type II, it should be reclassified, as Jim said, a III, and maybe some guidance on the financials.

I mean, again, an eminent domain, if it's cheap, is one thing. If it's expensive, the way the value was maybe three or four years ago, that's going to be something else. I'm not qualified to say what the value is, but I'd like to

see that as part of the EAF.

CHAIRMAN SWANSON: Isn't eminent domain fair market value?

MR. BAGG: No.

VICE CHAIRMAN KAUFMAN: Supposedly, but it never gets there. Eminent domain usually is somewhat less than --

MR. BAGG: (Head gesture)

VICE CHAIRMAN KAUFMAN: -- in practical terms, somewhat less than fair market value, as it turns out. But, again, right now, it can spin all over the place because of the other issues.

MS. GROWNEY: (Indicating)

CHAIRMAN SWANSON: Okay.

Eva.

MS. GROWNEY: Well, the -- the tax arrears, I mean, if you -- you know, if you're just buying it for the tax arrears --

VICE CHAIRMAN KAUFMAN: No, you don't buy it, you just take it.

MS. GROWNEY: Oh, just take --

VICE CHAIRMAN KAUFMAN: It's a

taking --

MS. GROWNEY: Okay.

VICE CHAIRMAN KAUFMAN: -- there's no actual money going out.

MS. GROWNEY: Oh, there isn't. Okay. So that --

VICE CHAIRMAN KAUFMAN: Okay.

MS. GROWNEY: -- makes it --

VICE CHAIRMAN KAUFMAN: That makes it a revenue neutral --

MS. GROWNEY: Right.

VICE CHAIRMAN KAUFMAN: -- in that sense. Whereas, an eminent domain, again, it could go all over the place, depends upon what happens.

CHAIRMAN SWANSON: I mean, even if -- though, if you take it for tax arrears, then you'd still have the cost of remediation -- a separate remediation.

VICE CHAIRMAN KAUFMAN: That may be worth it in terms of environmental impact upon the lake itself --

MS. GROWNEY: Uh-huh.

VICE CHAIRMAN KAUFMAN: -- which I think would be a good thing. Frankly, it's a high water table in that area. There is groundwater flow going into the lake, and if there are septic wastes and other types of wastes, et cetera, I think it would be an appropriate thing for the county to -- if it was going to take the property, to do a cleanup. I think it would be beneficial to the lake. They'd probably do -- there's storm drains in the area, et cetera, beyond the septic. So I think it would be a good thing, environmentally, a friendly thing. But I'm just concerned --

MR. MACHTAY: (Indicating)

VICE CHAIRMAN KAUFMAN: -- about the impact.

CHAIRMAN SWANSON: Rich.

MR. MACHTAY: Two things.

It's been my experience with eminent domain and whatever you appraise the property at and give the owner, it

always ends up costing you more if the lawsuits are settled. Whether it's just in defense of a lawsuit or if it's losing in court, number one.

Number two, as far as tax arrears is concerned, it's not as simple as, Oh, he's behind two years in taxes, we're going to take a property. I think the owner of the property has a certain amount of time to --

VICE CHAIRMAN KAUFMAN: Redeem.

MR. MACHTAY: -- redeem the property.

VICE CHAIRMAN KAUFMAN: Three years.

MR. MACHTAY: Three years.

So he would have to be in arrears for three years.

VICE CHAIRMAN KAUFMAN: I believe he is actually very close to that or -- or already is at that point.

MR. MACHTAY: Well, it would have to, you know, build itself up to that, otherwise, it's -- it doesn't actually

work.

MR. BAGG: (Indicating)

CHAIRMAN SWANSON: Jim.

MR. MACHTAY: And what's the reviews in Huntington -- what was it, 52H? The law that -- that let's you transfer it, if it's in tax arrears, to the local municipality.

VICE CHAIRMAN KAUFMAN: The Town of Smithtown, I could pretty much guarantee, would not take it. This would be a county purchase. There's also county land in the -- adjacent to or contig- -- very, very close to that particular property.

CHAIRMAN SWANSON: Jim.

MR. BAGG: Yeah, I'd like to point out that, basically, years ago, the county did acquire parkland through eminent domain and paid three and four times the appraised values. So the county backed away from acquiring parkland through eminent domain, and only acquires parkland today with an

agreement between the property owner and the county on the appraised price. They don't go to eminent domain. The only parcels that we have really acquired through eminent domain are for road projects and -- and county projects, construction projects.

MR. MACHTAY: That -- that happened in Centerport with the Mill Pond.

VICE CHAIRMAN KAUFMAN: Yeah.

MR. MACHTAY: They could have -- the Town of Huntington, when I first started with the town, could have bought it for $32,000 from the owner. Okay. They ended up paying a million dollars and was sued --

VICE CHAIRMAN KAUFMAN: Yes.

(Laughter)

MR. MACHTAY: -- and had to pay more money after -- after the lawsuit.

VICE CHAIRMAN KAUFMAN: I'm a lawyer.

MR. GROWNEY: (Indicating)

CHAIRMAN SWANSON: Eva.

MS. GROWNEY: When there's tax arrears and there possibly are other leans on the property, how does that work?

VICE CHAIRMAN KAUFMAN: The tax arrears -- when a tax arrear has accumulated for three years, the county is entitled, under county and, I believe also, state law, to cease the property for the back taxes. They don't have to, but generally they do, especially if it's environmentally sensitive. And they have a -- they have two options once that happens.

They can either sell it off, which -- and you do see those types of sales occur, or else they will take it. And the county has a policy, if it's environmentally sensitive, to keep the property in the county's possession. And, essentially, it becomes revenue neutral. You know, there was money owed but the county's not laying out any money for it.

So in the actual transactions, revenue neutral in terms of overall taxation --

MS. GROWNEY: Uh-huh.

VICE CHAIRMAN KAUFMAN: -- obviously, you know, because the county has taken a loss on it, but we're not going to be looking at that portion of it, we're just looking at the --

MS. GROWNEY: But what about the other -- if there's other leans, though?

VICE CHAIRMAN KAUFMAN: That's something else. The count- --

MS. GROWNEY: So then --

VICE CHAIRMAN KAUFMAN: Other leans are generally satisfied in a different way. They would not become the county's responsibility.

MS. GROWNEY: That's what I want to know, is it county's responsibility --

VICE CHAIRMAN KAUFMAN: No, those are private --

MS. GROWNEY: Okay. So --

VICE CHAIRMAN KAUFMAN: -- those

are private leans against --

MS. GROWNEY: -- it doesn't transfer --

VICE CHAIRMAN KAUFMAN: -- private people.

MS. GROWNEY: -- with the --

VICE CHAIRMAN KAUFMAN: No.

MS. GROWNEY: Okay.

VICE CHAIRMAN KAUFMAN: The county's only taking four. I mean, it -- it -- the county still ends up possibly in a lawsuit, as Rich pointed out.

MS. GROWNEY: Right.

VICE CHAIRMAN KAUFMAN: This is just a funny property where Legislator Kennedy has been fighting tooth and nail to try and acquire it one way or the other. And environmentally, again, I see nothing wrong with that. It's -- it's just I'd like to see it -- the impacts, as required under SEQRA, analyzed.

MS. GROWNEY: Uh-huh.

MR. PICHNEY: (Indicating)

MS. GROWNEY: I agree.

CHAIRMAN SWANSON: Dan.

MS. GROWNEY: I agree.

MR. PICHNEY: Michael, you might have answered my question in context there.

Does Legislator Kennedy have any -- any problem or issue with the property being taken for tax arrears?

VICE CHAIRMAN KAUFMAN: That's one place I'm not going to get into. I am very much aware -- there's -- there's a lot of politics swirling around this one, and I am aware of what they are, and I'd rather not go into it.

MR. PICHNEY: Okay. Sure.

VICE CHAIRMAN KAUFMAN: To put it very bluntly --

MR. PICHNEY: Well, yeah, well --

VICE CHAIRMAN KAUFMAN: -- it's not my place.

MR. PICHNEY: I know. Right. Just want it to be out there.

MS. GROWNEY: Okay.

CHAIRMAN SWANSON: This raises the question, what happened to our resolution last month?

MR. BAGG: Oh, it was sent across the street to all the legislators; however, the legislature --

CHAIRMAN SWANSON: And promptly ignored.

MR. BAGG: No, the legislature was on vacation during July --

CHAIRMAN SWANSON: Okay.

MR. BAGG: -- so that will be presented before the Environmental Committee next Monday.

CHAIRMAN SWANSON: Okay.

MR. BAGG: I will present it.

CHAIRMAN SWANSON: And do you have any sense of what the reaction will be?

MR. BAGG: No. I know that when --

CHAIRMAN SWANSON: Expand --

MR. BAGG: -- the council discussed it, the representative from Mr. Lindsey's office picked up on it and

said that a lot of people were asking those same questions across the street at the legislature as to what the total cost --

CHAIRMAN SWANSON: Okay.

MR. BAGG: -- of acquisition is that should be considered up front.

CHAIRMAN SWANSON: Good.

Mary Ann, with regard to this property, would you take it upon your group to sort of keep an eye out on it? What I'm concerned about it is one of these days we'll get something coming over here that'll require an instantaneous answer because this, that, or the other thing is going to occur, not going to occur unless we vote on it right now, and without due process --

MR. BAGG: Well, is the property historic?

VICE CHAIRMAN KAUFMAN: No.

MS. SPENCER: Are you asking me to watch --

CHAIRMAN SWANSON: Just --

MS. SPENCER: -- the Bavarian Inn?

CHAIRMAN SWANSON: Just watch what's going on and make sure we're -- we're aware that -- so that something doesn't come in here all of a sudden.

MS. SPENCER: On the Bavarian Inn?

CHAIRMAN SWANSON: Yeah.

MS. SPENCER: Okay.

MR. BAGG: Is that property historic?

VICE CHAIRMAN KAUFMAN: No.

MS. SPENCER: No.

MR. BAGG: Has somebody determined that and put it in writing?

MS. SPENCER: No.

MR. MARTIN: I -- I don't -- I haven't seen anything formal, but no one's brought that up and I wouldn't recommend it.

VICE CHAIRMAN KAUFMAN: Jim, it's not on any of the Town of Smithtown's historical lists. It's a post- -- postwar building, heavily modified, falling down. But, again, there's no

historic aspects to it. I've been there. I'm aware of the Town of Smithtown's balances, there's nothing there.

MR. BAGG: Well, I -- I understand that, but that hasn't stopped legislators in the past from saying a structure is historic --

MR. MARTIN: Well, I don't think --

MR. BAGG: -- and we go out and purchase it, to find out that, later on, it really isn't.

MR. MARTIN: I understand your point, but I don't think there's -- I think the point of this purchase is to take it down. I think that's --

VICE CHAIRMAN KAUFMAN: Yeah, it's --

MR. MARTIN: -- always --

VICE CHAIRMAN KAUFMAN: -- it's --

MR. MARTIN: -- been the point.

VICE CHAIRMAN KAUFMAN: It's rotted inside, essentially. The foundations are pretty much shot. The ground's

saturated with the waste from burst cesspools and things like that, and migration. It's a horror.

There's kids getting into it right now. There's -- I believe there's been some -- actually I know there's been a lot of vandalism. It's secured heavily right now because of that, but it's not in the greatest of shape that anyone's ever seen.

CHAIRMAN SWANSON: So if you just -- sort of just keep us informed what's going on under the table.

MS. SPENCER: Okay.

CHAIRMAN SWANSON: All right.

Okay. Let's see.

Next we have the highlight of the day.

MR. BAGG: You have to do a -- you have to do a --

MS. SPENCER: We need a motion.

MS. GROWNEY: Yeah.

CHAIRMAN SWANSON: Oh, we have to have a motion, yes.

VICE CHAIRMAN KAUFMAN: I make a motion to accept staff recommendations set for 160- --

MS. GROWNEY: -3.

VICE CHAIRMAN KAUFMAN: -- -03, which should be --

MR. BAGG: That's --

VICE CHAIRMAN KAUFMAN: -- an Unlisted.

MR. BAGG: No, but that's what it says --

VICE CHAIRMAN KAUFMAN: Okay.

MR. BAGG: -- Michael.

VICE CHAIRMAN KAUFMAN: Okay. Then, motion to accept.

By the way, I don't know that we had a second --

MS. GROWNEY: I'll second.

CHAIRMAN SWANSON: We have a second from Eva.

Any other comments?

VICE CHAIRMAN KAUFMAN: Just quickly, did anyone look at 1609, the acquisition of the partial interest in

the Cohalan --

CHAIRMAN SWANSON: It's on the agenda.

VICE CHAIRMAN KAUFMAN: Oh, okay. Sorry. Never mind.

CHAIRMAN SWANSON: We have a motion and a second.

All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: And the motion carries.

MR. BAGG: And the motion is approved as per staff recommendation.

CHAIRMAN SWANSON: All right. So the highlight of today's meeting is a discussion of sewage in Port Jefferson.

So, Ben.

VICE CHAIRMAN KAUFMAN: By the way, Ben, you really are the highlight of the meeting today. We love talking about this technical stuff.

MR. WRIGHT: Good morning. Ben

Wright with Public Works, and Greg Greene from Cashin Associates (indicating), he's the engineer for the project.

And I appreciate you having it on the agenda, I realize it was a light agenda. And it is really essential for us to keep this project moving because in all the steps we have to go through, the public hearing after SEQRA's complete, the findings, resolutions, going to the state comptroller, we have to appropriate the funds this year. And looking at the schedule, you know, we should be able to do that sometime in December with the legislative agenda.

The focus of the project is really an existing gravity sewer that is at a poor slope and the potential for infiltration. There is some grease issues when the pipe is not sloped properly with the restaurants that are in the area, and we've had to very frequently perform preventive

maintenance and respond in some cases to emergency situations in the parking lot where it's -- it's contained. So the focus is to replace this line. And Greg is going to explain, you know, the details of the project.

CHAIRMAN SWANSON: Welcome, Greg.

MR. GREENE: Thank you.

(Discussion held off the record)

MR. GREENE: As Ben mentioned, this project is basically the replacement and improvement of certain components of the sanitary sewer system in this area, which is on the west side -- which is east of Main Street. It's basically in the parking lot areas to the west -- I'm sorry, to the east of the Main Street area. And its about 350 feet from the harbor -- from the harbor front edge. Our role at Cashin was to assist the county in the engineering design of the project, but also to do the environmental assessment.

Because this is Downtown Port

Jefferson, it's a very highly used area, there's a lot going on in this area, we did an EAF and we did an expansion of the EAF, just so we made sure we went through the various issues -- environmental issues that could be associated with the project.

Basically, I think our finding was that this work would have positive impacts on the environment because it's replacing a portion of the sewer system that is very old, that is really not operating properly, as Ben explained, and that has probably deteriorated quite a bit since it was installed in the mid-1900s and maybe even early 1900s. The infrastructure in Port Jefferson, in many cases, is very old.

Three main components is the replacement of a gravity sewer, an eight-inch line from here (indicating), about 650 feet. There's an existing line here that's going to be replaced with a new line (indicating).

Construction of a lift station -- a pump station in this area (indicating), and then the construction of about 250 feet of force main to tie that lift station into the existing sewer system on Main Street, Route 25A.

We felt the environmental benefits are pretty clear. The system is -- it is deteriorating, there could be backups since probably infiltration from the groundwater, and it's a situation that will only get worse with time.

As far as environmental impacts, the most obvious one is construction-related impacts. This area is intensely used in the summer for parking, pedestrian use -- Port Jefferson is popular in the summertime. So the impacts associated with -- with construction here, with excavation, could disrupt those activities. So we felt that could be mitigated pretty well by doing the work in the off-season. Port Jefferson is still popular in the

winter but not at all as much as it is in the summertime. So we felt those construction-related impacts could be controlled by doing the work in the off-season and also by implying, you know, standard workplace safety procedures, making sure everything is -- meets health and safety requirements and other typical construction-related mitigations.

As far as other impacts, this is an area of shallow groundwater. The elevation in this -- in this work area ranges from about 12 up here to about six feet here above sea level (indicating). The groundwater is -- is shallow, maybe four feet below groundwater -- four feet below land surface. So for much of this work, dewatering may be required.

Because of that, a dewatering permit will be applied for with the Department of Environmental Conservation -- New York State

Department of Environmental Conservation. They're responsible for issuing that permit and -- and making sure that that dewatering complies with their regulations.

CHAIRMAN SWANSON: And where do you plan on pumping it to?

MR. GREENE: That will depend on some further investigation that the county is now doing. The one thing we wanted to make sure of is that the water is not contaminated.

As you know, about a mile north is the Lawrence Aviation facility, which is the Superfund site. It's been subject to a lot of investigation by the DPA and the DEC. Those agencies have completed a remedial investigation and they have a plan for remediating the contamination that's emanating from that site.

There's been quite a lot of research on that site to date, and it has been shown that there is a plume of contaminated groundwater that extends

from the site northward, probably all the way to Port Jefferson Harbor. The data seems to indicate that there's -- there's a plume of volatile organic compounds, VOCs; primarily dibenzoylmethane and tetrafluoroethane.

VICE CHAIRMAN KAUFMAN: That stuff. Write it down as "that stuff."

MR. GREENE: We've reviewed the EPA and Suffolk County data that's available, and it shows that that plume is to the west. It's actually on the west side of -- of Main Street.

So this project site is not in the defined plume as we know it is now. However, it's close enough that we felt it is a concern, we wanted to make sure that this site is not in that plume, and if it was, by some chance, that the -- the groundwater dewatering be mitigated.

As a double check to make sure that the groundwater here is not affected, the county will be putting in some test wells in the actual work zone, a deep

well and shallow well. Those wells would be tested ahead of time to confirm the earlier findings that the plume is, in fact, to the west. And also, those wells will be available to sample periodically immediately before the construction phase, and, if necessary, during construction to make sure there's no draw effect of the dewatering -- to make sure it doesn't pull any contamination in the direction of the dewatering activities.

So, to answer your question, typically, the DEC will allow dewatering to enter into stormwater sewers that a nearby. That's a typical method of disposal. If the water is clean, the DEC may allow that. In which case, it would enter the stormwater system which does eventually enter Port Jefferson Harbor. Again, they'll review the water quality data that we will -- we'll provide, they'll make that decision.

As a worse case, if there is some contamination, mitigation will be employed. That mitigation will be constructing in such a manner that -- that minimizes the need for dewatering. And as a worse case, there could possibly be treatment of the dewatering effluent if necessary. But that will --

CHAIRMAN SWANSON: It could be rich in nitrogen.

MR. GREENE: It could be rich -- it's not only the Lawrence Aviation site, there's a number of spill sites in the Port Jefferson watershed. There's some gasoline spills, some underground tank leaks. It could be high in nitrogen nutrients. So that will depend on what the water -- the water quality testing shows.

VICE CHAIRMAN KAUFMAN: (Indicating)

CHAIRMAN SWANSON: Mike.

VICE CHAIRMAN KAUFMAN: One thing I'm not a hundred --

CHAIRMAN SWANSON: Oh, were you through?

MR. GREENE: Um, yes.

(Laughter)

VICE CHAIRMAN KAUFMAN: One thing I want to put on the record because I'm not a hundred percent sure about it, I did speak with Ben a couple of minutes ago.

Essentially, the replacement of pipe right now is not going to be a straight flush to the harbor, it is going to go to the Port Jefferson STP via the -- the lift station?

MR. GREENE: Yes.

VICE CHAIRMAN KAUFMAN: Okay.

MR. GREENE: It ties into the existing sanitary sewer system, which goes to the sewer treatment --

VICE CHAIRMAN KAUFMAN: Right.

MR. GREENE: -- plant. It will tie in on Main Street.

VICE CHAIRMAN KAUFMAN: Okay. Because I was looking at the maps and I

could not figure a hundred percent out what was going on. Whether it was going into the stormwater sewers in the area --

(WHEREUPON, there was an interruption in the proceeding, after which the following transpired:)

VICE CHAIRMAN KAUFMAN: Making sure that the pipe that you will be replacing does go to the Port Jefferson STP, there will be no straight flush of the contents of the pipe into the harbor. So that's the first --

MR. GREENE: Yeah, that's --

VICE CHAIRMAN KAUFMAN:

-- question.

MR. GREENE: -- a certainty. That's -- that's one hundred percent certain.

VICE CHAIRMAN KAUFMAN: Okay.

Second off, this area used to be marshland. It's been heavily filled. I know that there are spills to the east of there from the old Mobil terminal,

supposedly mostly cleaned up, et cetera. You'll be -- I think you said a couple of minutes ago that you'll be checking for lateral transport.

Do you expect to see much lateral transport in the area given the fill that has been occurring in the area?

MR. GREENE: I think not. I think the plume is to the west of Main Street. I think it's -- there's a fairly good gradient from Lawrence to the harbor, I think it's travelling in that direction. It's probably moving in that direction fairly rapidly by groundwater standards, but when you do dewater- -- oh, and it's -- it's separated by several hundred feet -- hundreds of feet.

VICE CHAIRMAN KAUFMAN: Yeah, also there's --

MR. GREENE: Dewatering is a temporary drawdown, it's not a long-term effect on groundwater. So I -- I think it's doubtful that there could be a -- a pullover to that direction, but

given that it is a groundwater plume and you're not sure of the boundaries, you know, the right thing to do is to check it out.

VICE CHAIRMAN KAUFMAN: Do you anticipate much dewatering?

I know the parking lot fairly well. I go to the Steamroom, I go to Danfords, et cetera. I'm familiar with the area. You're only talking about a couple hundred feet over here.

How long do you think the project will last? That's more --

MR. GREENE: I'm not sure that -- the anticipated construction duration.

Ben, do you --

MR. WRIGHT: I think we indicated four months in the EAF. You know, but that won't be continuous dewatering. And also, the dewatering process hasn't been defined yet. The zone of influence from dewatering may be relatively shallow, so we're not pulling in, you know, much from the lateral areas.

MR. BAGG: (Indicating)

CHAIRMAN SWANSON: Jim.

VICE CHAIRMAN KAUFMAN: Thank you.

MR. BAGG: Yeah, there's a creek that runs to the west of that area; right?

MR. GREENE: Mill Creek.

MR. BAGG: I mean, that's a cutoff, too. I mean, that -- that --

MR. GREENE: Actually, the --

MR. BAGG: -- that's an outflow area.

MR. GREENE: A lot of the -- the groundwater and the effluent -- the plume from Lawrence Aviation is entering into the -- into the Mill Creek -- in the Mill Pond system. That's why, if you notice in Port Jefferson, those ponds have warning signs that you shouldn't swim in them, it's because of the contaminants that are coming from the Lawrence Aviation site.

So you're right, that -- that acts as a drainage way -- as a conduit of

those -- of that groundwater flow.

VICE CHAIRMAN KAUFMAN: Yeah, that looks to be --

MR. BAGG: It's a natural block. I mean, you wouldn't be anticipating dewatering enough to draw water from that creek back into the groundwater.

MR. GREENE: No. No. That is a natural block and a natural conduit.

MS. GROWNEY: (Indicating)

CHAIRMAN SWANSON: Eva.

MS. GROWNEY: If I understood you correctly, you said something to the effect that, if need be, there'd be testing. So --

MR. GREENE: No, we're definitely testing. We're putting in --

MS. GROWNEY: But during the -- the whole construction process is what I'm --

MR. GREENE: Yes.

MS. GROWNEY: -- referring to.

So you will be constantly checking it to see if the plume -- if the

contamination is becoming --

MR. GREENE: The actual testing schedule isn't really set yet, but I think we'd probably test when the wells are ready to be tested in several weeks. We'll test those wells again prior to the construction activities, and I think it would probably be wise to test them again during.

MS. GROWNEY: During, that's what I'm getting at. Yes, the during is important I -- I believe.

MR. GREENE: And that will be the decision of the county -- DPW.

MR. MACHTAY: (Indicating)

CHAIRMAN SWANSON: Rich.

MR. WRIGHT: No, I think that's something we certainly want to do.

MS. GROWNEY: Yeah, we want to do. Yeah.

MR. MACHTAY: Question for Jim.

Jim, for the purposes of SEQRA, how would you classify this project?

MR. BAGG: Well, when I originally

looked at it, I mean, except for the contaminations, a replacement, you know --

MR. MACHTAY: Replacement, in kind.

MR. BAGG: -- in kind, on the same site.

Now, putting in the pump station as well as the other -- what would be the square footage involved with that, because I think it's less than 4,000 square feet; is that correct?

MR. WRIGHT: Yeah, I mean, 200- -- if you consider the 250 foot of force main, and the existing -- the open trench is going to be less than ten-foot wide, so that -- that would be 2,500 square feet. The pump station itself is a submersible station, that's probably going to be eight-foot diameter.

MR. BAGG: I mean, so -- so, to me --

MR. WRIGHT: So it's less -- certainly less than 4,000 square feet.

MR. BAGG: -- SEQRA says that a Type II Action on the Type II list could be replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, or construction, expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet.

In addition, if you look at the rules and regulations, number 11 also states that you could put in a whole -- you could extend utility distribution facilities, which includes sewers -- all right -- to existing subdivisions, and that be a whole new project.

MR. MACHTAY: My -- my point here is -- in asking that question was, there are obvious environmental issues out here. However, as far as SEQRA is concerned, I think this is a Type II Action.

MR. BAGG: I -- I would concur with that. It's up to DE- --

MR. MACHTAY: But, nevertheless, the -- the environmental issues must be of concern and must be addressed as they're doing them.

MR. BAGG: Right.

VICE CHAIRMAN KAUFMAN: That's why I think it goes to an Unlisted. Because of the potential environmental concerns and potential contamination and potential additions, that's why I think it flips from a Type II into an Unlisted. We have an EAF here, et cetera, we're considering those issues. There are threshold questions, that's why --

MR. MACHTAY: But SEQRA doesn't make provision for that, what you're saying.

MR. BAGG: Yeah, it doesn't. I mean, also, in addition --

MR. MACHTAY: I mean, it may be a slip of SEQRA, but, nevertheless, it doesn't make provision for that.

VICE CHAIRMAN KAUFMAN: I don't

have the regs in front of me. I would --

MR. BAGG: That's part of the responsibility --

VICE CHAIRMAN KAUFMAN: -- disagree.

MR. BAGG: -- of DEC, too, in their permit operation, is to make sure that, you know --

MR. MACHTAY: Well, they're not going to use SEQRA.

MR. BAGG: -- there aren't any kind of contaminations.

VICE CHAIRMAN KAUFMAN: Yeah. Well, they'll just do a dewatering permit and they'll --

MR. MACHTAY: DEC will rely on whatever the county does. If the county calls it a Type II Action, or if the county says it's a Neg Dec -- you know, Unlisted Neg Dec, then DEC will rely on that. They're not going to do their own SEQRA review. They don't do it. Okay.

So, nevertheless, the environmental

issues have to be addressed, and they are addressing them in spite of the SEQRA regulations not requiring it. And I think that's -- you know, the resolution that goes to the legislature, I think, has to say it's a Type II Action, however, all these issues have to be addressed aside from SEQRA.

CHAIRMAN SWANSON: Are you making that a motion?

MR. MACHTAY: I'll make that motion.

MS. SPENCER: Second.

MR. MACHTAY: Jim, is that okay with you? I mean, you --

VICE CHAIRMAN KAUFMAN: Well, I think it could be accomplished either way.

I mean, if we do it as a Type II and put the conditions on as consultant Greg from Cashin and Ben Wright have been talking about, that covers us, it identifies it to the legislature.

We would do the same type of thing

with an Unlisted.

I, again, personally feel safer with an Unlisted. I think it -- there is criteria --

MR. MACHTAY: Well, Unlisted --

VICE CHAIRMAN KAUFMAN: -- in SEQRA to put that --

MR. MACHTAY: -- if you put conditions on it, you've got a --

VICE CHAIRMAN KAUFMAN: CND.

MR. MACHTAY: -- Conditional Neg Dec --

VICE CHAIRMAN KAUFMAN: Yeah, I know.

MR. MACHTAY: -- and then it becomes a Pos Dec if it's not acted on in a certain amount of time. So you're --

VICE CHAIRMAN KAUFMAN: Yeah.

MR. MACHTAY: -- you're putting an extra threshold in there that maybe you don't want to do.

MR. BAGG: I would concur with what Rich --

CHAIRMAN SWANSON: Okay. So we have a motion.

Do we have a second?

MS. SPENCER: I second.

CHAIRMAN KAUFMAN: And I have another question for you.

In looking at your EAF, I guess it was, it says that the village does not require to be in the approval process; why is that, Ben?

MR. WRIGHT: Well, we met with them and they're -- they're in support of this.

CHAIRMAN SWANSON: Okay.

MR. WRIGHT: There's really no permit that is necessary, you know, it's just the concurrence that the project is worthy of proceeding. And I -- and I believe Mariners Way, where the line is, is not village-owned; is that --

MR. GREENE: I believe it's all county.

MR. WRIGHT: Yeah, so --

CHAIRMAN SWANSON: Okay.

VICE CHAIRMAN KAUFMAN: Oh, so I should be able to park there for free then and not have to pay Port Jefferson any money for parking in that parking lot.

MR. WRIGHT: There's no spots right over there.

CHAIRMAN SWANSON: But the sewage treatment plan is for the Village of Port Jefferson only.

MR. WRIGHT: No -- no.

CHAIRMAN SWANSON: No?

MR. WRIGHT: There are contractees that -- that are outside the village area that are also -- you know, treated at the -- at the site, and only half the village is served by the plant.

CHAIRMAN SWANSON: Okay.

Okay. Any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

Thank you.

MR. WRIGHT: Okay. Thank you.

VICE CHAIRMAN KAUFMAN: Thanks, Ben.

CHAIRMAN SWANSON: All right.

Amendment of Introductory Resolution 1609, acquisition of the partial interest in the John Cohalan Court Complex, constituting the portion of the facility not currently owned by the county.

Is somebody here to talk about that?

MR. BAGG: I am.

I think the resolution speaks for itself. Basically, the county wants to acquire the rest of the existing facility and grounds that they do not own. It's being acquired strictly to save money over time. I believe Mr. Levy has said that over the next year, the county could save approximately $10 million in costs

associated with -- with the project instead of paying the state agency, if the county takes over the property and funds it through municipal bonds. And that's the whole purpose. There's no proposed changes to the site or anything else. It's simply an acquisition of the remaining interest in the property.

And SEQRA says that the acquisition of land cannot be considered a Type II Action, so therefore it would have to be considered an Unlisted Action.

MR. MACHTAY: How many acres is it?

MR. BAGG: 30- --

MR. MACHTAY: Less than a hundred acres; right?

MR. BAGG: 33 or 35.

MR. MACHTAY: So it's an Unlisted Action.

MR. BAGG: Yes, Unlisted Action with a Proposed Neg Dec.

CHAIRMAN SWANSON: Do we have a motion?

MR. MACHTAY: Motion.

CHAIRMAN SWANSON: We have a motion.

Do we have a second?

MS. GROWNEY: Second.

CHAIRMAN SWANSON: We have a second.

And any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion -- all in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

And I think that's the end of our agenda.

(Discussion held off the record)

CHAIRMAN SWANSON: Michael.

VICE CHAIRMAN KAUFMAN: All right. Very quickly. A couple of years ago, a -- for all intents and purposes, something called an Open Water Marsh Management program was instituted at Wertheim Federal Wildlife Preserve under

the aegises of the county and the federal government. The objective was to increase bird habitat over there and also try and preserve marshes.

It was a demo project -- demonstration project for certain techniques that the federal government was interested in looking at, again, for increasing habitat for migratory water foul and things like that, and also preserving the marshes.

At the time, it was subject to a lot of storm and fury, and a lot of controversy, and DEC requested that at least a five-year program be instituted of monitoring the program and the construction that occurred in the marsh itself.

Essentially, OWMM, Open Water Marsh Management, opened up some channels in there, closed off some other stuff, dug out some ponds, removed a little bit of marshland here and there, et cetera.

What it boils down to is a lot of

the fears that were expressed four years ago as to potential problems with the project have not come to fruition, and there will be a report coming out relatively soon showing that this particular project was, so far, four years in, pretty successful. Again, none of the problems that were predicted occurred, and most of the benefits that were anticipated have also occurred. There's been no collapse of marshland, there's been no expansion of channels, there's been no dead zones created from construction, et cetera.

That report, again, will eventually be coming to CEQ. There's an actual paper on it right now that's being peer reviewed and will be published in the literature someplace. I'm not sure where. So that's the good thing.

We'll probably get a photo array on certain things associated with it. But the federal government right now essentially considers it to be a

successful project, four years in admittedly, not five. And Suffolk County and DEC have not seen any -- that results from it.

Nonetheless, the EIS that the county put together and that we reviewed back in 2006, et cetera, discourages OWMM projects in and of themselves. Some of the techniques that are out there might be applicable, might be useable, but I'm not sure that a project like this would be performed on county land without a number of different reviews. So that's what we're talking.

The second thing is just to update everyone. A couple years ago, as part of this marsh wetland and vector control EIS, the county put together a generic EIS and also parts of a master plan, and eventually got it through the legislature. Essentially called for equal weight being placed upon mosquito control and also the health of the marsh, and it established a number of

techniques that might be useable in the future, but it did not come up with a full plan.

MR. BAGG: (Inaudible)

VICE CHAIRMAN KAUFMAN: I'm -- I'm sorry, health -- marsh health came first, that was one of the things I worked on.

You're right, Jim. Marsh health came first, vector control was simply an ancillary aspect to marsh management.

A full plan was not put together a couple of years ago for how to deal with individual marshes. The county has now, finally, I believe, signed a contract with LKB Associates from, I believe, Syosset, wherein LKB is going to try and establish criteria for how to examine a marsh, what criteria to analyze and use in decision-making in the future, and try and see how we're going to either repair marshes, stabilize them where they're being lost, because we apparently have marsh damage in the

county, and also possibly try to establish an arch type of marsh, what our marshes should look like.

There will be a whole range, hopefully, of options that are created. There will also be, hopefully, a historical compendium made of what our marshes looked like a long time ago, say, back in the 1930s, before we did -- before marsh ditching occurred and mosquito ditching occurred.

So they're trying to do -- go the historical look at things, and try and establish what our marshes used to be, and where the county is going to be going in the future.

That comes to us eventually in perhaps a year, or something like that, because we still retain review powers over the EIS and ancillary documents prepared as part of the EIS process. So you can anticipate in about a year a lot of this stuff coming up.

There will be a lot of meetings on

all of this. There's some technical advisory groups being set up. There's some stewardship groups being set up. There's a consultant working away right now on all of it. We'll probably have some initial results in about six months of where they're trying to go.

I was at the kick-off meeting a couple weeks ago. And, again, there's a great amount of interest in it, and this will eventually be popping up on our radar screen. So I just wanted to let everyone know that this is out there at this point in time, and hopefully we'll be able to go forward with establishing a real plan and getting some work underway.

If everyone remembers, back in 2006, the county undertook a three-year process, and we're in year two right now. The county, basically, was going to try and establish an actual plan with criteria before anything was actually undertaken. And that's what we're

basically talking about at this point in time.

So that's what I got.

CHAIRMAN SWANSON: So --

VICE CHAIRMAN KAUFMAN: Rebuttal?

CHAIRMAN SWANSON: -- I would say --

Yes. I would not buy into the success story at this point, and for a number of reasons.

One, I haven't seen the actual report, photographs. They're very -- actually sort of meaningless, because that's not where you really see the changes in the marsh. Secondly, changes in marsh health function and structure probably won't actually be seen until ten, 20 years down the road. So I wouldn't jump on the bandwagon that this is a success.

Secondly, I think that we all have -- all recognize that this is coming, and we have to be a little bit cautious. The last thing, I would

think, that anyone of us want to do is to jump in and try to force our will in the development of the report so that then when it comes here, we are unable to take an objective look at what the report actually says. So I've been stewing on whether I actually will go to the meetings or not, because I'm not sure if I went to the meetings whether I could have a -- be able to review the final report objectively.

On the other hand, there's perhaps some advantage to trying to steer them a little bit. But you got to remember that the final analysis we'll be looking at is not only the SEQRA issues with regard to this report, but whether or not the science is meaningful and what they come up with.

VICE CHAIRMAN KAUFMAN: Larry, I would say the following.

I got a great education in attending a lot of TAC meetings from the previous incarnation of all of this. I

saw where all the sides were coming from, and I understood the science a lot better. And I think that it was -- it's valuable if members can attend. You'll see where everyone is coming from, you'll see the objections, you'll see the -- the good stuff, and you'll see which way the consultant is trying to deal with things. It's -- it's instructive, if nothing else, just to observe and see.

CHAIRMAN SWANSON: Well, going and listening is one thing.

VICE CHAIRMAN KAUFMAN: Yeah.

CHAIRMAN SWANSON: Going and participating and trying to steer them in one direction or the other is quite another thing.

VICE CHAIRMAN KAUFMAN: Yeah, I don't think it should be steered.

MR. BAGG: I think it's very important here, though, that -- at this point in time, the county has to develop a procedure. The council has said that

each individual marsh area is unique in and of itself. And a procedure has to be established as to how the county plans to proceed to develop these various projects.

The (inaudible) stage was done by Dominick Ninivaggi and a couple people in the back room, to some extent. And -- and in the future, we have to develop a procedure as to how you want these projects developed and what needs to be done in the review process. It just can't be thrown on a table and everybody come in here.

VICE CHAIRMAN KAUFMAN: Yeah.

MR. BAGG: There has to be a procedure.

VICE CHAIRMAN KAUFMAN: I think that's where they're trying to go. That's the only way, and that was something that's been discussed previously with the first incarnation with the EIS. That was something no one could really agree upon, the criteria to

look at and how to assess all of this stuff so that decisions could be made. That was what stymied everyone.

If you have, you know, say, ten or 15 -- there might be a hundred criteria that you have to look at. There may be ten primary criteria, but we -- that's got to be put down on paper as to -- if you're going to do something to a marsh. To restore it, repair it, bring it back, whatever, you have to have that in writing, set up as a formalized process.

One, that's the only way that it could be done under SEQRA and under the -- the conditions of the EIS that was previously passed. That was mandated in.

Two, just in terms of lawsuits and everything like that, it's got to be set up that way so that there are identifiable criteria that a judge can look at. I mean, remember, this kind of stuff has been subject to lawsuits in the past.

MR. BAGG: And -- and -- I mean, you have to --

VICE CHAIRMAN KAUFMAN: But I take your point.

MR. BAGG: -- establish a baseline of the marsh that they want to do a project in, as well as what they're proposing on doing the criteria. But, also, I believe that the CEQ at the time said that because this was subject to a GEIS, that any marsh restorations projects would be subject to a supplemental?

VICE CHAIRMAN KAUFMAN: I believe that was part of it. And that's why we were --

MR. BAGG: So --

VICE CHAIRMAN KAUFMAN: -- I stated we retained jurisdiction.

MR. BAGG: -- establishing this procedure as to what that -- a supplemental will include --

VICE CHAIRMAN KAUFMAN: Uh-huh.

MR. BAGG: -- and everything is

very important.

VICE CHAIRMAN KAUFMAN: Yup.

CHAIRMAN SWANSON: Okay. Anything else?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Do we have a motion to adjourn?

VICE CHAIRMAN KAUFMAN: Motion to adjourn.

MS. GROWNEY: Second.

CHAIRMAN SWANSON: Okay.

All in favor?

(WHEREUPON, the members voted.)

CHAIRMAN SWANSON: Opposed?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Thank you very much for attending.

MS. GROWNEY: Thank you.

MR. BAGG: Yes.

(WHEREUPON, the meeting of the Suffolk County Council on Environmental Quality adjourned at 10:49 a.m.)

C E R T I F I C A T E

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

That the foregoing is a true and accurate transcription of the stenographic notes taken herein.

I further certify that I am not related to any of the parties to this action by blood or 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 15th day of July 2009.

Theresa Pape

THERESA PAPE