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SUFFOLK COUNTY DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

100 Veterans Memorial Highway
Hauppauge, New York 11788

May 19, 2010
9:30 a.m.

MEMBERS PRESENT:

R. LAWRENCE SWANSON, Chairman
MICHAEL KAUFMAN, Vice Chairman
HON. VIVIAN VILORIA-FISHER
EVA GROWNEY
THOMAS GULBRANSEN
GLORIA G. RUSSO
MARY ANN SPENCER

JAMES BAGG, CEQ staff
MICHAEL MULE, Planning Department
CHRISTINE DeSalvo, CEQ staff
JOY SQUIRES, CAC Representative
RICHARD MARTIN, Historic Society Representative

May 19, 2010 CEQ meeting

THE CHAIRMAN: I'd like to call the meeting, Suffolk County CEQ, to order. Any comments on the minutes that have been posted? Our minutes are not here, so we will table that until next month.

Jim, do you want to tell us about correspondence?

MR. BAGG: Something we put in your packet or sent to you. We received a letter or media advisory concerning Legislator Schneiderman expanding CEQ's function to include advising on the Suffolk County bike route. So I put that in your information. I think since last year we have really been considering bike routes on county roads. That is possibly the first question that is asked of DPW, but I put it in your information so that if you want to request anything else, or if you think the process is working the way it is, that is fine. But I figured I would give it to you so that it's been duly acknowledged.

THE CHAIRMAN: Okay. Jim, one of the issues I have with this is that it's not exactly clear to me what Legislator Schneiderman really wants us to do. Probably none of us here are really experts at bicycling. Could you arrange to have me to get together with Legislator Schneiderman, and I think Vivian, so I

can talk to them about what they have in mind, have a better idea of what I want to talk to the county people about. If you could set that up, I would appreciate it.

MR. BAGG: Fine. Also I want to I say, I had Christine collect information on all the town comprehensive planned bike routes and everything, and I did have a meeting with Mr. Hillman, chief engineer in the Department of Public Works, and gave him copies of those plans because Rich Machtay of the CEQ said there is something in state law that says if you have a local comprehensive plan that has bike routes or different things in it, that another municipality must consider that.

So that information has been given to Mr. Hillman. They have been put on notice that if they have a proposed road project that comes to CEQ, that the CEQ is going to ask about bike routes, and if it's on a master plan, they're going to have to respond to that.

THE CHAIRMAN: I would like to go ahead. Jim, I want to introduce your replacement. I'm sorry to say that you're leaving. I'm very pleased to introduce Michael Mulé as our new assistant to the CEQ.

Mike, would you give us a little of your background?

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MR. MULÉ: Sure. I have a Bachelor's and Master's degree in Environmental Science and Management, with a focus in wetland ecology. I've been with the Planning Department for just about five years now in their environmental analysis assessment, mostly working on open space acquisitions and probably more appropriate, coordinating the SEQRA review process for the aquaculture program and dealing with the consultants and work products of that nature.

THE CHAIRMAN: Welcome aboard.

MR. MULÉ: Thank you.

THE CHAIRMAN: We look forward to working with you in years to come. I'm glad that you are going to have a month or two to sit at Jim's elbow and see what he does, what he has done. What he has been doing is so outstanding for us; he keeps us out of trouble. Historic trust.

MR. MARTIN: Good morning. I'd like to use my time today to discuss a contract issue that we were working on in the Parks Department. The packets that I just handed out, the folders, we were approached by Old Field Farm, LTD. We will quickly go through it. What the request is from the Suffolk County Parks commissioner is that we create a new contract with Old

Field Farm. Their existing contract is a concessionaire contract and essentially what we have is really a custodial contract similar to our other custodial contracts at our historic sites. The concessionaire contract issued in 1996 didn't require them to restore the facility; that was very much a priority of that contract.

What they have done, they have done a very good job at that goal. So the Parks Department would really like to create a new contract similar to the others. I'd like to show you some of the pictures and that they have done. This was brought forward to the committee yesterday at the meeting we had. They did concur and approved it for our custodial contract. This is part of the Historic Trust guidelines that the CEQ approves that we have at the historic site.

THE CHAIRMAN: What are we being asked to approve today?

MR. MARTIN: To approve Old Field Farm, LTD as custodian of Old Field Farm. Sally Lynch is the lead person here with her board, but I would like to flip right to the picture. Of course they speak a thousand words. If you look at the back of Figure 1, you see the large main barn up top. These are all the before

pictures on this page; the fencing and grandstand.

Just note this has been a partnership between Old Field Farm and Suffolk County Parks from the beginning. The county did fund a new footing at the site and the fencing was also paid for by Suffolk County capital funds, so we have been working very closely with her. Also because of the restrictions of the covenant that come from the deed for the Suffolk County community fund that had owned the property originally.

She is only allowed to have six horse shows in the summer season, so it's really not in the sense a business or income producing site. It's really a show ground, as it was, and it's really a labor of love.

If you look at the next page, you will see the roof being redone on the main barn. This site is eligible for the Suffolk County Historic Trust, but we need to have a site visit to do an official determination, but it's definitely eligible.

This building was done by architect Richard Smith, who is also --

MS. VILORIA-FISHER: I'm sorry, Richard, can you back up? I thought it was already part.

MR. MARTIN: It hadn't been officially reviewed by the Historic Trust for designation. The

reason for holding back on it, when the county bought it, we were concerned about the viability of what this site was. We just questioned what was viable here. They are generic barn buildings; we just didn't know what the direction was going to go.

Also, at that time, we didn't have the tool that we have now to list buildings, which is what we call contributing buildings. As you know, we created that relatively recently, which gives protection to it but it doesn't hold the county to it forever if things change.

Things have changed with regard to how you run a show ground. Sally has learned and we learned that all the historic buildings are not viable for current use. She has restored the main building. CEQ approved in the past by a motion here that some of the buildings can be taken down. She has used that to pull apart some buildings and used the pieces for her restorations, which we approved of.

If you go to the next page, you will see the fencing and that she has today. They're simple buildings. She followed the original design. She has a lot of volunteers. Goldman Sachs has done a lot both with volunteer time and funding. Even on the grounds

there was a lot of -- that is the question -- how the site was viable for a modern horse show grounds was a question because of the location and water table, just with different drainage which is done on site, not drained off site. But the footing contains some material that allows it to drain quicker to avoid puddling, what you see here in the photos.

That was a problem with some of the shows. She actually had to cancel some because of the conditions. She really turned it around. It's a partnership with County Parks.

On the next page you will see the difference with the drainage project there. The following page you will see a couple of buildings that again were coming down that she restored. New gates she put in. She has really been an excellent steward. At this point the Parks Department is very happy to have her here.

We think it would be beneficial for her to have a custodial agreement, really charge ahead with her fund raising. When she started the project she didn't have her 401 C(3) status as a non-profit. She has that now so she can accept all donations. Her previous contract has expired. We need to do a new one, and we request that Old Field Farm be designated as a

custodial.

THE CHAIRMAN: How long is the contract?

MR. MARTIN: They're five year contracts with allowed extensions.

THE CHAIRMAN: We approved it in '96 and got one extension?

MR. MARTIN: Yes.

MR. GULBRANSEN: Two questions. When we talked about properties that the county has a partnership responsibility with, we also talked about the maintenance projections or potential costs. Is it your sense that the renovations and restorations and maintenance here are ninety/ten or we did some fencing at the county level and much of it is being done through fund raising and private donations.

MR. MARTIN: I understand your point. Here there has been a lot of up front funding to bring this facility to usuable condition for the show grounds. After that, it should fall off and she would be able to maintain the majority on her own.

MR. GULBRANSEN: The second question I have is about the facilities on the grounds for the people, bathrooms as well the manure and animal waste.

MR. MARTIN: The manure issue was part of the

contract. After six shows it has to be taken off site, after the shows which she does. We are looking right now at the county capital project to improve the existing bathroom facilities for the daily usage. For the special shows she has to bring the port-o-sans in.

MR. GULBRANSEN: The drainage has all been taken care of?

MR. MARTIN: The extreme problems have been taken care of. There are always going to be issues there.

MR. BROWN: What about the drainage going into West Meadow Creek?

MR. MARTIN: From the get go from the original contract, she was not allowed to drain anything into the creek. It all had to be contained on site.

MR. BROWN: She wasn't allowed, but they had pipes going into the creek.

MR. MARTIN: The existing pipes? I think some of those have collapsed. I'd have to check on that to see if it's being used.

MR. BROWN: If they have collapsed, maybe they should be taken out so we can completely stop drainage into West Meadow Creek.

THE CHAIRMAN: I think we did. We got them

to redesign the drainage.

MR. BROWN: Some of the problems they were draining it directly into West Meadow Creek, and some of it was they were draining some onto the road itself.

MR. MARTIN: I understand your point. I thought it was taken care of.

MR. BROWN: We talked about this in the past. The county bought it and gave a contract in 2000 -- 1996. Nothing was done for quite some time. Some of the buildings became dilapidated, were falling down, they were dangerous. We pushed the Parks Department it do something. Now we're at 2010 and just getting to the point of --

MR. MARTIN: Some of the buildings, I know you brought it up many times at the meetings, have been restored by her, others are going to have to be cleared by the site. Even the once that CEQ requested to be removed a number of years ago, the county doesn't have the funding to do so. That is the problem. She pulled some of the buildings apart to reuse and the stable that we are going to use for the classroom and improved bathrooms, that will be a capital project. That will be coming down in the near future. That is next to where the apartment is.

But we still have to pressure the county to get the funding to clear that site. That is part of the reason I think we are discussing now to have an historic trust committee meeting on site so if we review that whole site and give recommendations to CEQ, maybe we can move it along.

THE CHAIRMAN: Isn't the county required to conform to the EPA MS-4 program of stormwater runoff?

MR. MARTIN: I don't know all those issues around that, so I can't say on this site what the issues are relating to the runoff. These are like preexisting conditions. Maybe Jim can expand on that.

MR. BAGG: The county hadn't adhered to the program. We have an ongoing program with DPW and all the departments. Maybe probably the Department of Public Works can come out and look at the situation.

MR. MARTIN: Nick Gibbons, do you know anything about the drains up there?

MR. GIBBONS: The short answer is yes, we are required to apply. The long answer is we are dealing with intrastructure that is many decades old. The bathroom replacement project will address the on-site sanitary system. We are coordinating that with the Department of Public Health Services as well as DEC.

The athletic turf areas, the horse ring is a project we bought here to CEQ maybe seven, eight years ago now that addresses the lion's share of the drainage from the horse use areas. To our knowledge, we don't have any direct discharge at this point from the horse ring areas or turn out areas into the creek.

MR. BROWN: And the surrounding areas? Do you have direct discharge from the surrounding areas of the horse ring?

MR. GIBBONS: I don't know of any discharge to the road. The vast majority of the property, we're at a lower elevation than the town roadway, so I'm not sure of any issues that way. What Richard was referring to is a lot of the pipe in that area is either clay, orange bird; it disintegrates over time. I think we installed a fence last year and poked a couple of holes in areas that we didn't know was pipe. We saw water coming up from the ground and addressed it on the site. The road I'm not familiar with.

MS. GROWNEY: Richard, it's always wonderful to hear your reports because these are very special things that you are talking about and I think it's a great pride to the county, all the work that gets done. I want to thank you. I also want to ask, since I'm not

familiar with some of the things CEQ did in the past with this, was there ever any kind of study done on the land itself, any engineer's report that shows what the inventory is on the site? I don't know if you know of any.

MR. GIBBONS: An engineering study.

MS. GROWNEY: To show the drainage issues.

MR. GIBBONS: We did an analysis when we did the horse ring. It's a very sophisticated drainage system. It was designed by what I believe is a well reknown architect in these type of structures. We looked at tying in, as we go around and correct the drainage problems, tying into the system which is the newest and best thing we have on site. We have been told it has the capacity to handle that water.

MS. GROWNEY: There has been some assessment that is documented?

MR. MARTIN: Each project.

MS. GROWNEY: Nothing comprehensive has been done?

MR. MARTIN: No.

MS. GROWNEY: It might be something to consider.

MR. GULBRANSEN: I'm not entirely certain of

the jurisdiction or distinction that needs to be made, but I believe there is one to be made. Drainage, stormwater runoff and waste facility capacity is a different topic from high tide. There are some issues with the road out around that farm. That is salt water. I think by definition that volume and obligation to deal with that volume is not subject to MS-4.

I would suggest that care be taken when the upgrades are done, the upgrades to the bathroom facility will probably be MS-4 obligation.

MR. MARTIN: It's just a one stall bathroom.

MR. GULBRANSEN: As to the water that is there and what can be done with it, let's make a distinction between stormwater runoff and high tide, which comes right up, and the vegetation in the street indicates that it's not wholly stormwater.

MR. KAUFMAN: Partly to answer Eva's question, there is a tremendous amount of local knowledge at the table of the conditions over there, and also institutional knowledge. When the farm was being set up back in the 1990's, I know a lot of people around this table looked at it very closely.

For example, our chairman has done a large scientific study of West Meadow Creek and knows how it

functions. Steve Brown and I both dealt with a lot of the tide issues over there. There is a lot of information about how the drainage would work because we were concerned about the drainage issues. Rich Martin was sensitized to that fact a long time ago and great care has been taken in terms of containment and how to deal with West Meadow, both in terms of horse manure and waste drainage, et cetera.

While there are local problems in the area simply because of high water tables and the way the tides work and being the head of West Meadow, those are mostly contained. I don't think we are seeing any giant pollution problems or anything like that at this point in time. It's been pretty well engineered. That was a very jumpy issue when we were dealing with it.

THE CHAIRMAN: Dan and Vivian.

MR. PICHNEY: You might have already answered the question. Tom brought up about hauling away the manure and so forth. Very often the nitrogenous waste would go into the soil and be absorbed. Is there a sufficient quantity of that, being there are no horses boarded there and there are only six shows a year; is that a possible concern?

THE CHAIRMAN: I don't think that would be an

issue.

MS. VILORIA-FISHER: This is moving into another subject regarding Old Field Farm. I saw in the capital budget that it was zeroed out this year, that seven hundred thousand was requested, but it's not recommended.

MR. MARTIN: This year or the past couple of years, we do have an existing capital fund of two hundred thousand dollars there which are looking to proceed with the new septic system. Then we would like to get additional funding to rebuild the stable which was approved here a number of years ago for the learning, for the classroom space.

MS. VILORIA-FISHER: Can you just let me know what the amount is on that, because I did see it was zero.

THE CHAIRMAN: Any other comment? Do you have a -- we have a request before us to modify the leasing arrangements. What was the term used again?

MR. MARTIN: Custodian. It's really just to designate this group as the custodian of this site.

THE CHAIRMAN: Do we have a motion to approve custodial arrangement?

MS. VILORIA-FISHER: I'll make a motion.

MS. GROWNEY: Second.

THE CHAIRMAN: Any further discussion? All in favor? Very good.

MR. MARTIN: Thank you. Just a quick comment on current events. If you saw in Newsday the past week there was an article on the Helen Keller house out in Southold. I want to give you a brief background on that, that it was acquired by the county in 1965 with the acquisition of Cedar Beach. It was used by the community college and marine center as a storage building for two decades.

When the building fell into disrepair, it was turned over to the Suffolk County Parks Department in 1986. That is when I started working here. It was asked that it go into the landmark program or housing program, our housing program. At that point, the committee took a look at the site and thought that it did not qualify to go forward as a Suffolk County Historic Trust property, but concurred on the recommendation of putting it into the housing program. And it was run by the Friends of the Long Island Heritage.

The building was too far gone in 1986. They did not have the funding to renovate the building for

housing. It has been in existence like that since that time. Right now, half the building has completely collapsed in on itself. We were preparing to take the building down. We also had initiative to take the building down in 2002 when someone stepped forward in the community to try and save it.

Nothing was done from 2002 until today to get any community support to do so. Right now, we do have a student that has approached the county, and his mother, Mrs. Kennedy, has called us to try to save the building. We don't have the resources to do that. At this point, it would be a complete reconstruction and the Historic Trust Committee did review this issue again yesterday and concurred that it still is not eligible for the county historic trust program.

Also, New York State Office of Historic Preservation has recently reviewed the site at the request of Mrs. Kennedy to nominate it to the National Register, and again said the condition of the building and minimal relationship to Helen Keller, who only stayed there in a partial rental time period in the summer of 1936, did not qualify for that status.

We appreciate the history. The Parks Department is proposing that we have some sort of

signage or memorial at that site as a possibility to acknowledge the history of the site, but to reconstruct the building. It's not possible to restore it now. We don't think it's viable, especially since it's not a county historic site.

MS. VILORIA-FISHER: There is a resolution for four hundred thousand dollars that is before the legislature, and I think there is only one wall that is stable.

THE CHAIRMAN: It's in your recommendations. It's 1585.

MS. SPENCER: Larry, the Suffolk County Historic Trust Committee considered the Town of Southold cottage where Helen Keller spent some time one summer, along with so many others. They were impressed with the interest shown in the history and effort to research and conserve something that he values. Although the committee cannot, in good conscience, recommend restoration of the house, they do hope that some fitting monument or memorial can be erected on the site.

This was not the first time that the committee reviewed the structure. In the past, the committee determined that the house was not worthy of preservation. It was not recommended for dedication for

listing on the Suffolk County Historic Structures inventory, and there were no objections to its demolition.

After further review, the committee reaffirms its previous opinions. There are over one hundred county owned historic structures that have been dedicated and listed and therefore deemed worthy of preservation. The committee and CEQ have consistently brought the ongoing needs of these important sites to the attention of the legislature. Funds for historic preservation also falls short of the need in these times. The needs are greater and the funds fewer.

We urge that the legislature do what it can to preserve and maintain the historic structures that they have dedicated.

MS. GROWNEY: I really like the idea of doing some sort of monument. I also wondered if there was another keepsake that there might be of the property that could be displayed somewhere, in a local museum or something else of significance.

MR. MARTIN: We are discussing that and the Southold Historical Society would probably be the place to work with on that. Of course, realize this was just a summer rental; it was not her house. In the articles

you are seeing, they do mention that they were there in the summer of 1936 and it still states it was the Helen Keller house. At that time, she lived in Forest Hills and owned a house with Ann Sullivan. The house she owned with Ann Sullivan and her birthplace home in Alabama is run by a private foundation open to the public and on the National Register. There are five houses that she was directly related to in the sense of ownership. This was not one of them.

THE CHAIRMAN: Anything else, Richard?

MS. VILORIA-FISHER: Can I say something about historic services? I don't know if the members of CEQ are aware, but in last year's budget, the historic services expenses are being paid for through the hotel-motel tax, so their budget within the department was depleted. They have no budget. They're dependent on the hotel-motel tax rather than the general fund budget of the Parks Department.

So to exacerbate that problem, this year's budget for historic structures, most of us were here in 2007 when the survey was done of historic structures. There is a schedule of maintenance and there is a schedule of restoration. In this year's budget, I believe there is nothing again.

MR. MARTIN: Within the operating fund.

MS. VILORIA-FISHER: I'm talking about the capital budget that I looked at yesterday. I don't believe there is anything there because there is some money left over from last year's capital budget, but this is already dedicated for certain projects.

I just want everybody to be aware and be conscious that we have to be very careful if we have all these precious buildings and we're not taking care of them, I know Mary Ann and I had a lot of discussion about this last year, if you care about the structures, wherever you live in Suffolk County, please let your legislators know. This sounds like a political commercial; I'm sorry, it's not. It's just the consciousness of what we have out there in our structures.

I have an old house. I know if we don't spend money and take care of it, it will fall apart very quickly. Be aware during these very tight times adding a building that really has very little significance, I think she spent two weeks there one summer, at the cost of four hundred thousand dollars, where we have a capital budget where we don't have anything in the capital budget that is being added for historic

structures --

MR. MARTIN: It would only be Phase 1 of a rebuilding project. A project like this would probably cost a million or more, especially if they were trying to retain any of the original features and not rebuilding with all new fabric.

MR. PICHNEY: There are a number of historic trust members that are not here. They were absolutely appalled that the county would even consider funding this restoration.

THE CHAIRMAN: Thank you. We will modify the agenda a little bit, move to recommended unlisted actions. The proposed sale of John Foley Skilled Nursing Facility in the Town of Brookhaven. We have with us Legislator Kennedy. It's an honor to have you here.

LEG. KENNEDY: Thank you. It's nice to see you again.

THE CHAIRMAN: Would you like to tell us what you are proposing?

LEG. KENNEDY: First off, any time I come to CEQ I want to thank you for all the good things that you do. Thank you for having the opportunity to be liaison many years ago with Mr. Bagg. I know it's an important

function. Now as a legislator I see how much we rely on the work that the good board does to fulfill the responsibility.

That being said, I'm here today to basically say to you that I believe that the board does not have an EAF in front of it that rises to the level required under the statute for the board's consideration. I don't want to bore or insult this board with the sections of the Environmental Conservation Law or, for that matter, rules and regs, but this board knows very well that any municipal entity has that threshold responsibility regarding an Environmental Assessment Form when it's prepared and put before this board, and the Environment Assessment Form is supposed to take a look, and everybody here knows that look is deemed to be a hard look, and the hard look is supposed to be what will be the ramifications of the proposed action, and for that matter, any alternatives that may have been considered.

What I submit to you today is that the Environmental Assessment Form that is before you is confounded in a number of ways. First of all, the resolution that it's based on, Introductory Resolution 1474, is itself a hybrid that I question the validity of

because it compels the legislature to make a surplus property determination, which is an independent municipal action separate and apart from the sale of the John J. Foley Nursing Facility, as it's currently cast and put before us.

The resolution therefore obviates an independent choice that this board would have regarding a surplus declaration, separate and apart from any decision as to what may or may not happen with the facility. Those two decisions should properly be independent decisions that this board would take up for consideration of the environmental impact, and not only the environmental, but as this board knows full well, there are also social and economic implications that come into play, and the statute speaks to those broad parameters, so conceptually what I would put before the board is that there has not be a full investigation in this Environmental Assessment Form that is before you now.

I go a little bit further. When I reviewed the EAF itself, and I'll point specifically to Item 20 considering public input. The statement that there has been government or citizens of adjacent communities that have expressed opposition or objections to the project

from within the community, I submit to the board at this time that is not the case at all. As a matter of fact, anybody on this board or who lives in Suffolk County has seen this as a matter that the Suffolk County Legislature has considered now for the better part of --

MS. VILORIA-FISHER: At least two years.

LEG. KENNEDY: Legislator Viloria-Fisher and myself have sat through many, many hours of testimony, not only from employees and also from residents of the facility itself, none of which is reflected in the EAF that is before you now. Not only would I submit to you that you have an EAF that does not rise to the threshold of sufficiency for you to make a determination, but you also have a document in front of you that is just flat out wrong. It is not prepared in proper fashion by the department, and what I submit to the board is I think the board has a duty to reject the docuemnt outright, submit it back to the department and compel the department to meet its threshold requirements under the statute.

I did take an opportunity to go ahead and look some at some case law and get a copy and put it before you. The case that I would cite is Baker versus Village of Elmsford, Appelate Division decision rendered 2009.

It considers a variety of actions associated with street abandonments. But what it does state, and I think this is important, is the reason supporting the determination where there was a Neg Dec that was sought cannot be a mere reiteration of a statement that there is no significant impact, be it environmental or any other.

When you look at the statements in the EAF, the statements in the EAF just reiterates that this is a mere sale or transfer of a license with a facility and gives no other logic, no other rationale, no other wide ranging considerations. It is a statement restating a statement presented, and therefore lacks any additional evidence, support or basis for the board make its determination.

Finally, I would say to you there is no alternatives that have been presented. Sale of the John J. Foley facility continuing municipal operation are only two of what might be many diferent choices that could happen with that facility. There could be leasing of the adult day care facility.

The board is being presented with this is a humungous facility that only performs one function. Nothing could be further from the truth. This is a long-term care facility for some, a short-term rehab for

others, an adult day care facility for yet others, and it is a complex health care facility that furnishes services that in the case of the AIDS unit are unique in Suffolk County. You will find no other beds dedicated as those beds are.

Once again, to have the board have to make some kind of very important determination regarding a Neg Dec on an unlisted action, I say to you today, you have nowhere near enough before you to even begin to consider whether there would be a Neg Dec or positive declaration is basically what I present to the board.

THE CHAIRMAN: Anyone else here to speak to the matter from the county?

MR. MARCHESE: Len Marchese from the Department of Health Services. I'm the project director with regard to this transaction for the county.

I just want to reiterate the department's position with regard to that. I understand some of Legislator Kennedy's concerns. I want to let you know that the transaction calls for the sale of the facility to a private operator, and that is it. The existing operation would remain the same. The existing patients would remain the same. There would be no change to the land. Any environmental aspects of it, which is really

is what this forum is, is just an environmental review. I understand there are some other issues with the employees. There are other forums for those comments and considerations. There is a bunch of hearings scheduled on that, but this forum here is particularly set up for the environmental aspects of this transaction.

What we suggest and what we are putting down on paper and what we are proposing is literally just a transfer of the license from one operator to the other. When the facilities close on midnight on one day and open the other, the same parking lot would be there, the same sewage water flow, etcetera. While there are a lot of other issues outside this, this is not for this forum to weigh in on.

That is has been our position. That is what they're just reiterating to you. I have the sympathy for the employees and what not and how they might have some concerns, but there is a separate legal process that the county has to undertake to do any kind of transaction of this magnitude that has other hearings, other forums, other decision makers that have to weigh in on that process. They will do their due diligence, I'm sure.

Right here what we are doing is asking for a Negative Declaration because there is no environmental impact from transferring it from one owner to the other. There will be no change in the operation whatsoever.

MS. VILORIA-FISHER: I have a question and I had this question regarding Legacy Village as well. When we move property from county ownership to private ownership, I'm concerned that property doesn't lose the restrictions that we have on county lands not to use pesticides and herbicides. We don't use pesticides and herbicides unless it's gone through CAC for exemption.

Once it goes into private hands, then I think that would be an environmental impact because they would not be restricted in what they're putting in when they have gardens.

MR. MARCHESE: I suppose the county can enact any laws themselves and hold themselves to a higher standard than the public.

MS. VILORIA-FISHER: On this issue we do. Those restrictions would not be in place if it were privately owned.

MS. GROWNEY: Put it in the contract.

MS. VILORIA-FISHER: Right now it isn't. What is before us is just a sale. There is no

restriction on the private owner.

MS. GROWNEY: We could request that there be some covenant of that nature.

MS. VILORIA-FISHER: The point is there are some environmental impacts.

MS. GROWNEY: I hear you.

THE CHAIRMAN: What about Legislator Kennedy's comment that there are other alternatives that may or may not have environmental issues associated with them, such as leasing and so forth.

MR. MARCHESE: This transaction has nothing to do with leasing. This transaction is a straight sale to a private operator. That is what is before you.

THE CHAIRMAN: His comment about there are other alternatives that perhaps should be considered.

MR. MARCHESE: That might be something subject to some other negotiation. Right now, the county executive, through some other proposal, has proposed a sale transaction right now. That is the only thing this body should be considering. That is the only thing before you.

MS. GROWNEY: Going to the legislator's comment, is this just the sale of the building or building and the land?

MR. MARCHESE: The sale and footprint of the building, approximately fourteen acres. I think the committee was provided with a description of the footprint.

MS. GROWNEY: Is it possible for us to make the recommendation that there would be some covenants that would restrict certain things in an environmental capacity only? Is that something this board can do? This is a question for Jim.

MR. BAGG: Sure, the board can request that this be made part of the Neg Dec. Any county restrictions on the use of pesticides be added into the bill of sale and run concurrently so that the person who does acquire the site is bound by the county restrictions.

Some of the things you have to point out is one of the big things with the pesticide law that came out is said, you can't use pesticides on county property. However, from a health point of view they, ended up with lice, bed bugs. There is a committee established that waived it and allowed the use of pesticides to treat those types of applications, so there is an avenue by which even a private entity can go to the County Board of Review and get that listed for specific instances.

MS. GROWNEY: It's something that this board has done before?

THE CHAIRMAN: Yes.

MR. BAGG: In essence, most county projects are for municipal use. Then the county is bound by that law.

MS. GROWNEY: In terms of a sale where it's going out of county hands.

MR. BAGG: This is the first time we are entertaining sale in the last year.

MR. KAUFMAN: We have done recommendations before as an advice to the legislature on other projects.

MR. BAGG: We require that county pesticide restrictions be appended to the sale contract.

MR. KAUFMAN: This would be addressing some of the comments that Legislator Kennedy brought up and also you touched upon. That is the issue of bifurcation into separate units. Legislator Kennedy brought up there are several units in the building, there are several uses associated with it. It's not just a nursing facility.

I'm not sure I can tease out, if you will, a separation on this. Basically it looks, to my eye right

now, I don't know that much about the nursing facility and I don't know about the various facilities out there. The county seems to be treating this as a whole, functionally. The fourteen acres plus the building plus the associated functions with it.

It seems as if the county is centralizing this, if you will, certain services in this location because they have a relationship to each other. That is what I --

MR. MARCHESE: That is not true, though. In order to operate a nursing home in New York State, you need a license. The license that we get or we grant for a nursing home is inclusive for every function under the nursing care, including the adult day care, including the AIDS beds. It's all one license and we all follow the same rules and regulations.

MR. KAUFMAN: There is no legal justification because the legal operation of the facility is all under one license which the county Department of Health has.

MR. KAUFMAN: You're treating it as a whole, as a single item.

MR. MARCHESE: You have to.

MR. KAUFMAN: Teasing out a separate entity for each of the units is not possible under your

viewpoint, under the licensing structure.

MR. MARCHESE: You couldn't separate one without the other.

LEG. KENNEDY: Point of clarification. The adult day care is not a hundred percent adjoined to the skilled nursing facility. As matter of fact, it does stand separate and apart and throughout Suffolk County you will see many stand alone adult day care facilities.

MR. MARCHESE: If you look at our license, it says two hundred forty beds, two hundred sixty-four beds plus twenty-four beds adult day care; one license.

MR. KAUFMAN: You're saying is there no alternative?

MR. MARCHESE: Here is the license. (Holding it up) It's one license under the Department of Health, one unit.

MR. KAUFMAN: You're saying in one context it's not an alternative to break out the units.

MR. MARCHESE: New York, what the contract says we will sell the land, license, building and everything. It's being transferred from Suffolk County to this private entity.

MR. KAUFMAN: One last question on the hard

look because that is something I'm very concerned about. Are there alternatives that you have examined or the department has examined that are viable in terms of dealing with SEQRA in terms of the EAF that is before us at this point in time? It's a sale or not a sale.

MR. MARCHESE: The department's position and county's position at this time, if the transaction goes through, it's a sale. The county is just selling the property and the land and the building to a separate operator.

There were other considerations in the RFP when we went down the road over the last two years, but those alternatives were discounted due to a lot of different factors. This was the contract that was finally negotiated.

MR. KAUFMAN: That makes the hard look to be in existence. A hard look seems to have been taken through the RFP process.

MR. MARCHESE: Absolutely. We went through a lengthy legal process that the county enforces. You go through this whole process where you bring through proposals and we picked the final bidder, and then we went through a negotiation process with this final bidder to come up with the final contract as it exists,

and that is what we are putting forth as the transaction.

This transaction is going to be vetted in a lot of different forms. This is simply an environmental statement that it's not going to affect the environement. At twelve-o-one when we sell the property, the same patients are going to be seen, the parking lot is going to be the same, the waste flow and water flow is going to be the same. Nothing is going to be changed.

MR. KAUFMAN: It's brought up that the hard look has not been taken. Your answer indicates that a hard look has been taken to take the SEQRA guidance.

MR. BAGG: It's a review of impacts on the natural environment. This is an existing operation now. Whether they're dealing with AIDS patients or day care or full-time patients, that is something that fulfills social needs, it's not an impact on natural environment. Whether those units are leased or whether they're sold or operated under one entity or multiple entities or whatnot, it does not have an impact on the natural environment.

MR. KAUFMAN: There is no plan associated with it?

MR. BAGG: In essence, those alternatives don't count. It's not like we're going to put a wing on here and there are oak trees, and we can put it on the west side or east side. We're going to add sewage to the site or we're going to do things. Those are impacts on the natural environment.

MR. KAUFMAN: This is different from the Yaphank situation. If this was Legacy Village, that would be a different story.

MR. BAGG: That hadn't been built; this is an existing operation.

MR. KAUFMAN: It's a sale. We're not talking about future plans or anything like that.

MR. BROWN: You are saying there are two hundred twenty-four beds and it's going to stay two hundred twenty-four beds when you sell it.

MR. MARCHESE: Two hundred sixty-four.

MR. BROWN: We can actually tell a private company you could not add another three hundred beds?

MR. MARCHESE: The beds are consistent with the licensure of the Health Department of the State of New York. There is a whole process that you have to go through in order to increase beds. The state is trying to eliminate beds in the system.

MR. BROWN: We have fourteen acres with the sale of this. We're saying that when we sell this to the private company, there is not going to be any expansions. It's going to stay as it is, in county hands. You are selling the license.

MR. MARCHESE: License, the land and building.

MR. BROWN: In the license it says it's going to be just this facility, fourteen acres, no addition, no additional beds.

MR. MARCHESE: Correct, that is the only thing we have the right to sell.

MR. BROWN: A private company is not going to come in and all of a sudden he can expand to five hundred beds.

MR. MARCHESE: Under this, if they wanted to expand, they would have to come before this group again.

MR. BAGG: No, they would have to go before the Town of Brookhaven.

MR. BROWN: I'm saying if the EAF is incorrect, we need to correct it.

MR. BAGG: If the town reviews the site plan, does the town turn around and say you can never come

back to us for any expansion or anything else, we want it all now?

MR. BROWN: One of the reasons that the town has covenants is to protect wetlands or open space areas so it can't be built on. There are certain restrictions that we do put in play, just like the county does. All I'm saying, if we are looking at an EAF and making a Neg or Positive Dec on it, it should be an accurate EAF.

MR. BAGG: At this point, there are no expansion plans. There is no anything. It's just a strict sale.

MR. BROWN: What Mr. Kennedy is saying, there is no public comment with regard to the facility. And he's saying yes, there have been quite a few, so the EAF is incorrect.

MR. MARCHESE: There are other forums that the public comment will take place.

MR. BROWN: Shouldn't that be in the EAF?

MR. MARCHESE: We have identified that has to to be approved by the Suffolk County Legislature. There are fourteen approval steps that this has to go through.

MR. BROWN: EAF can't be segmented. It's supposed to be complete and we are supposed to review it

and make a decision.

MR. BAGG: You're right. Basically under law you are supposed to fill out Part 1, after. That can be changed by the CEQ when it gets sent to the legislature and saying yes, there has been --

MR. BROWN: I'm saying what has been said today is we should make a decision on an EAF we have in front of us, even though it's incorrect.

MR. BAGG: It's not incorrect. The CEQ has the chance to change Part 2.

LEG. KENNEDY: I appreciate you listening to what my original concerns were. It seems to me that when I'm across the street, I'll be looking at the recommendation and nevertheless sharing the same types of things that I bring to the board today. SEQRA clearly has its primary focus on the environment, but I will also go back to the enabling legislation, which everybody on this board knows full well not only do we look at the environmental impacts, but we also look at the social and economic, where applicable, as they may be tied with the environment.

Obviously, I take some issue with what the state has stated. I don't know that I fully agree, as far as the way the license is characterized. We may be

looking at something that is a mere convenience for purposes of display. Adult day care facilities. I'll also go back to the basics with SEQRA, for that matter.

If the only alternative that the federal government sought was to put a federal roadway through Overton Park, then we would have a federal highway there, and the purpose for NEPA and SEQRA, even more expansively is to have the agency bring forward to the board reasoned alternatives, not a mere reiteration we elected to do this thing, so this is the thing we put before the board. Quite candidly, that would gut and make almost a paper exercise SEQRA review. That is not arms length. That is not independent. That is not encompassing whatsoever.

I go back to the case that I stated. I'll go to what the gentlemen here pointed out. Not only do you have a flaw in 20, you have a flaw in 19. You have more than fifteen employees.

Mr. **Marchese** refers to an outright transfer at the stroke of midnight, a private entity will then take over a county property that has been in continued operation for over a hundred years and has met needs far beyond any other need provided by a private supplier in this county. It is, in essence, personification of a

public mission for those who can least afford it. I don't want to cloud the issues, but I also want to say I quite candidly find it insulting that this board would be given a writing that is admittedly a flawed inaccurate writing in the first instance. You should be able to deliberate and make decisions with substantive complete material, not something that is defective out of the shoot.

I would ask the board to go ahead and either table or reject the EAF until it's at least in proper fashion so that the board can go ahead and make a reasoned decision.

MR. MARCHESE: We actually disagree, respectfully. As you review the questions and we have answered these questions, there are no yes answers where there should be no answers, and there are no no answers where there should be yes answers. There is no environmental impact. The facility will be sold to a private operator. It's been in existence since 1996, actually, so this facility, only this piece of land has not been around for a hundred years.

THE CHAIRMAN: That has been in existence since 1996.

MR. MARCHESE: This facility was built in

1996. What the legislator is referring is another building further down the road, but this particular parcel has been around since 1996. It's a relatively new building. It's actually not that old at all. Basically, again we feel that we have answered all of the questions to the best of our ability. We feel they're true and correct. Again, although we realize there are a lot of other issues with regard to employees, and we sympathize with the employees, there are a lot of other forums for those issues to be expressed.

Obviously, the legislature is going to weigh in on a vote on the final disposition of the sale because they have the contract to sell. The fact is, all the natural and environmental aspects of this facility from when we sell it at twelve o'clock is going to remain the same; they will not change. The wastewater will stay the same, all the other impacts will stay the same.

Again, this body is to review the environmental impact of it and I know there are a lot of issues, peripheral issues, but there are a lot of other agencies and other forums where they will have ample comment on this. This is a declaration of environmental

impact. The Department of Health went through this very clearly and we recognized all the aspects of it and feel we completed it fairly and accurately.

THE CHAIRMAN: Just as a reminder to the CEQ, we reviewed this when the building was originally constructed and found out that the entire building and surroundings, it was a Negative Declaration. This has been through the overall scheme of things, has been through the CEQ previously.

MS. SPENCER: I have a question. This may not be our purview, but I would like an answer anyway. This license to which you refer, is that applied for and granted annually?

MR. MARCHESE: No, it's a license that once you obtain, you keep it until you surrender it or sell it.

MS. SPENCER: What if you wanted to modify it? What if you wanted to cut out the AIDS patients, then you have to reapply?

MR. MARCHESE: You have a Certificate of Need process with the State of New York, and you have to go through a whole state process in order to modify or change a license. We are strictly regulated.

MS. SPENCER: I understand. So the license

that would go with the site property would stand until somebody wanted to modify or reapply. Thank you.

MR. KAUFMAN: If this application was tabled, would there be any ramifications to it?

MR. MARCHESE: Yes. Well, okay, we're on a very strict time frame. As you know, the county is in some pretty difficult financial times. The reason why the sale is being proposed by the county executive has a lot to do with bridging some financial programs with the county. This is not minor amount of money. I think his initial financial assessment said this transaction over the first five years would save the county over sixty million dollars, so the fact that we are trying to move this process along would help us to balance, if you will, the budget deficit that is projected for 2011. And the process, in order to make this happen, this is a part of it that needs to be in place.

MR. KAUFMAN: You are giving me a general answer,

MS. VILORIA-FISHER: May I give a more specific answer? Actually, I don't believe that tabling it for one cycle would have an impact. Right now, the legislature has a resolution or procedural motion to have a second appraisal done, so that still has to be

done. We also have to hold public hearings that haven't -- we haven't given the go ahead for those public hearings. We haven't had the final review done by BRO on the project.

So, it's very unlikely that the legislature would be moving forward with this within the next month, and so I don't think that a tabling motion would really slow down the process. As Mr. Marchese said, there are many parts to that property and the legislature is looking at the other pieces of it, so a tabling motion would not slow down the process.

THE CHAIRMAN: Just as a matter to clarify that further, I don't like it when somebody comes here and says action is essential because we have that kind of problem or this kind of a problem. If it was that big of a crisis, it should have been here months ago as opposed to this time, with the opinion that drop dead is absolutely essential. So I don't think we should go with the business that the budget is the something that we have to respond to instantaneously. We should do our job correctly.

If the form is improperly prepared or incomplete, we should make sure that it is complete. Mr. Marchese, I thank you. Would you please stay here

because we have people from the public that would like to speak. I'm sure that the board will discussing this a little bit more.

LEG. KENNEDY: Mr. Chairman, I have another commitment. I have to go. I would ask, do you want the case that I cited or should I put them in in a different fashion?

MS. VILORIA-FISHER: Can you let the Chair know?

LEG. KENNEDY: I have a commitment with Budget. I'll speak specifically to Item 19 and 20 again. I'll speak to the fact that I believe the justification in the EAF itself is merely conclusory and therefore just a restatement of the action sought in the first instance. In fact, as I said, doesn't even rise to the bare threshold of what the law requires for the board to have an EAF with validity and merit before it, so you can make the arms length independent decision that the statute charges this body with. I'll be happy to do it.

MR. BRAUN: My name is Robert Braun. I'm an assistant county attorney. I'm involved with the process respect to the sale of the nursing home. Specifically, I was in consultation with Mr. Bagg in the

preparation of the EAF for this that you are now considering.

Mr. Kennedy made a comment very early that he thinks that this matter should be considered in two parts. That is the declaration that the property be considered surplus, and the separate determination of the effect of the operation, or the environmental impact of the facility being operated by a private owner.

That is exactly the segmentation that was argued against when the county made a proposal regarding Legacy Village. The county wanted the EAF to consider the declaration of surplus land alone because the county wasn't certain as to what the ultimate use would be. And this board decides that they should be considered together because there was a general plan as to its use.

In this case, there is a very specific plan as to the future use of the property. That is, the property is going to continue to be used exactly as it's being used today. It's has no more environmental impact than would the replacement of a single nurse by a new employee have an environmental impact. Nothing is going to change.

In my consultations with Mr. Bagg about this

when he prepared the EAF, we concluded this this was something that must be considered together. It should not be considered separately. I wanted to point that out to the council for their consideration.

THE CHAIRMAN: Thank you very much. I appreciate your comment. How many of you are going to talk? I one hand is raised. I remind you this is a council on environmental quality so you should be speaking only to environmental, it's not other issues that you have heard about, social issues and so forth.

MS. KERRIGAN: Dorothy Kerrigan. I'm a nurse at the Foley facility. Also vice president of the AME, the county union. If I get off track, let me know. This is an emotional issue for me and for the residents and all the employees there.

We take objections with a few things that have been said. There is so much objection to this sale that it didn't go through two years ago. The objections were there documented. It's been many, many years of the County Executive, Steve Levy, trying to sell the facility as a one shot deal cost saving to get rid of the employees, whatever way you want to spin it.

When the facility is sold to a private person, they don't have any obligation to keep the property the

way it is. As soon as it's sold, I'm sure it will be a smooth transition because the next day they're not going to remove all the residents and all the employees, they need the residents for revenue for the time being and they need the employees until they do a transition.

Most of the employees live in that area and that is an area that will be severely impacted. You might not consider environmentally when mortgages are foreclosed on. Many of the employees are woman and some of them, sixty-seven percent are head of households. It's a tough economic time. The sale of the facility, first of all, selling something when the prices are at the lowest leads towards our belief that it's another one shot deal that we need to have some revenue. I think it was in the papers, one of the papers, county exec is going to unload the nursing home again.

As far as an environmental impact, that whole area is being looked at now is under review. It's a Carmen's River watershed area. Contiguous property in that property is being reviewed for development. There is no way that the footprint of the John J. Foley Skilled Nursing Facility is fourteen acres. I'm not an architect or surveyor, but originally there was a Request for Proposal put out for bids acquisition of two

hundred sixty-four skilled nursing beds, including twelve AIDS beds, sixty adult daily care program slots and the leasing of the facility. The RFP says nothing about the sale of the facility. That was not in the RFP that went out to the bidder.

The whole process is totally flawed. It's being rushed. County exec wants to sell the property if that EAF form is correct. There is also a lot of other things that are very incorrect in this proposal. Fourteen acres of property can be developed in a private owner's hands, and will be. It's been stated to us by the county executive himself told me two years himself he is going to sweeten the deal by throwing in the fourteen acres. It was a different buyer, because he mentioned a Jewish foundation, Parker Jewish or Parker Long Island Jewish that they would be putting in an assisted living facility. That is the name of facility.

Many facilities, as you know all over the county, will have a retirement village and then an assisted living and then a nursing home. It ties in because people can stay in that same area and they have plenty of room to expand.

It is a big environmental issue to that area

alone, especially if you couple it to some development there that is carefully scrutinized now in the form of Legacy Village. There is no way anyone can say it has no environmental impact. It has an environmental, social, economic. It will impact that area for years to come, plus we will be giving up the only county nursing home that we have.

As soon as this private comes in, there is no way in the contract, if you have been privy to it, it states they're required to keep the residents until their condition changes. I'm a nurse. Their conditions change every day. That is no guaranty that anybody will stay there. A lot of people that have no family, that is their family. They will be removed eventually. The nurses, the residents live right in that area. They have been to many of these hearings that Mr. Marchese spoke about. They will be at those also. There is one tonight and there will be plenty of people there talking about the impact on their community and their family members and Suffolk County residents. This is a Suffolk county facility that we want to preserve for Suffolk County.

The gentlemen that is buying, he's not a Suffolk county resident. He's a multi-million dollar

mogal, for lack of a better word. He will be making money. It's a business proposition. It has nothing to do with protecting the area, which has already been scrutinzed.

THE CHAIRMAN: If I heard you correctly, your major environmental concern that is the potential that the fourteen acres minus the building site will be further developed downstream.

MS. KERRIGAN: Absolutely. That property footprint is not fourteen acres. The footprint is about six acres, from what I understand. It could be a little bit more, a little bit less. It's approximately six acres. If the deal was for six acres, then there wouldn't be any expansion.

Apparently, that wasn't the deal; it was increased, I know, under this Request for Proposal. There was no acreage actually specified. But I know that it's being referred to as the footprint and this additional acreage is not the footprint.

MS. VILORIA-FISHER: Mr. Chair and Jim Bagg, they're talking about the footprint of the building, the parking lot and about five and half acres of wooded land and the approach to the building. Isn't that what that is?

MR. BAGG: That is correct. That is what is in the form. Total acreage to be sold is fourteen point zero six acres.

MS. VILORIA-FISHER: That includes the footprint of the building, the large parking lot surrounding it and the five and half acres of wooded acreage. I think what Dot is saying there is room for expansion if they could go into the wooded acres.

MR. BAGG: That is possible if they apply to the Town of Brookhaven and they approve it.

MS. KERRIGAN: There is a possibility. There is an environmental impact.

MS. SPENCER: Larry, the way I read this overhead view, they're abandoning the current approach and putting a much longer, I assume, potential approach through woodland. How else to explain this panhandle?

MR. BAGG: The county, as far as what I understand, the county granted access through the existing county roads as it currently takes place. However, if they're going to sell the property to a private owner, they have to have footage on Yaphank Avenue rather than an easement to make a permissible lot.

It does not necessarily mean in the future

they will ever develop that, because they haven't.

MS. KERRIGAN: I have to disagree with that because they have access.

MR. BAGG: That is what I'm saying. In order to make it a legal lot pursuant to town law, they have to have access onto Yaphank Avenue, not an easement.

MR. BROWN: Would that mean taking trees down?

MS. KERRIGAN: They have would have to.

MR. BAGG: It's included in the sale in the future. If the legislature chose to say we are not going to allow you access off the county land any more, they will have to have access off Yaphank Road.

MS. KERRIGAN: That road could be included in the sale. That road, Glover Avenue, I listened in the hearing the other day, is included in the sale. This is getting very convoluted. I ask everyone to look at this carefully. Is the road part of the sale or did they have to get another road?

MR. MARCHESE: This is not convoluted. There is a survey of exactly the parcel of land that we are selling. You just have to know how to read the document. It's on line. It's four acres. It's a clear survey. They have easement rights over the property, or to meet zoning requirements of the Town of

Brookhaven, it had to have a way to get Yaphank Avenue within its own parcel. That is the fact. There is no convoluted anything. The contract is clear, the survey is clear and the documents are clear.

MR. KAUFMAN: Two quick points on this addressing the access. To have a legal lot under zoning you have to have access to a public road. Right now, access is off county property. To make this a legal lot and transferred, they have to make it into a flag lot and provide for that access.

As we can see from the aerial photographs, liability issues apply. You can't have access over county property to a private facility because if somebody gets in an accident, there will be liability running to the county. That is part and parcel why they are making it into a flag lot. What they are doing is fine and proper.

I want to address something else that everyone has been bringing up. Literal compliance with both the letter and spirit of SEQRA wants not mere substantial compliance. We are talking about the document and talking about possible errors in there. I will grant you that there are possible issues with the EAF itself that traditionally we have tabled on.

But there is something else in this case which basically says that the manner in which an agency identifies and considers and analyzes alternatives is subject to a rule of reason, and there is a long string of citations. Some of these cases I actually know, believe it or not. That is something we may be getting away from in certain ways. To the extent, again I'm just throwing it out to the members, I haven't made up my mind one way or the other. We may have, again, I use the word, "maybe," we may have an issue with documents, we may have an issue with some of environmental concerns being brought up, et cetera, but we are dealing with trying to apply a rule of reason.

It's not necessary, in my opinion, that we discount everything in the EAF and basically say that it's wrong, that may be where we should be; I don't know. But we are looking at a sale here. We are looking at a survey. We are looking at something that in other circumstances might be easily sold and transfer of title easily accomplished and the EAF be fully valid. It's a concern of mine because we are essentially clashing rule of reason with what we are really looking at, the essential reality here versus possible errors in the document.

What is concerning me is we may be getting away from that and we should be judging it on that basis as we listen to the comments that come in and listen to the attorneys. We have to balance all of that.

MS. KERRIGAN: I just have one more comment because it leads to what Mr. Marchese is saying, that there would be no environmental impact. I'm sorry, I'm not an attorney, I'm a nurse. I work at the facility. I'm trying to review an onslaught of documents regarding the sale. The survey I have not seen and I do apologize. Obviously, it's a very long distance from Glover Avenue is quite a length. It's not like you would consider a driveway from Yaphank Avenue to the facility.

It would have an environmental impact because they would have to cut down a significant amount of acreage to make an additional road that I wasn't aware of.

THE CHAIRMAN: Mr. Kent?

MR. KENT: My name is Christopher Kent, Chief Deputy Executive Suffolk County. I'm sorry, I came in late but I was at another another meeting, and I'm not sure what was said prior, but I want to reiterate what Mike said. The survey was designed in such a way as to

minimize the lot size. That was going to be necessary to transfer the nursing home. I don't believe it's complicated at all and I'll try and clarify if people are feeling there is some needed clarification.

The lot is fourteen acres. It takes up the building, the parking lot, and then we created a pole. It's a flag lot. We created an access out to a public highway, which is required when you create a lot that doesn't front on a public highway. We did a minimum width of that extension to the public highway of a hundred feet. We felt that to be necessary in order to create a lot that made sense.

There is no development potential on that hundred foot strip other than a future potential to create a road to have direct access from the public highway to the parking lot for the nursing home. You cannot -- Glover Avenue is not a dedicated public highway. It's a road owned by the county to access the police station, the police headquarters and other land west behind the police headquarters which is owned by the county. We cannot convey that road to the purchasers of the nursing home. We have to maintain that.

We will retain that in county ownership until

such time as we chose to make it a public highway and dedicate it to the town. We have no plans to do that in the near future. It's essential, when we create a lot, in order to establish the size of the lot, we only gave the rectangle, the box necessary to cover the building and parking lot with the required setbacks under town zoning, and then a road and ability to construct a road to access a public highway. It's the minimum footprint that we could move forward with as part of the transfer and sale.

I don't think it's complicated. I think it's as simple as we could make it and it's the minimum required.

THE CHAIRMAN: Your contention is making this a flag lot actually conserves land held by the county because you won't be selling off the space between your -- the main part of the lot and the highway.

MR. KENT: We will not. Well, we wanted to conform to zoning for the creation of a lot to allow the Town of Brookhaven to review it and say this does meet zoning. There has to be access to a public highway. We thought the best way to do it is transfer ownership of a strip of land that will get you to a public highway, not depend upon an easement over county owned land that may

in the future or may not be an access for this site.

Without creating that strip which gave it access to a public highway, you would be creating a land locked piece of land that doesn't meet zoning, so we are required to do that. We looked at it and said we had to create access to a public highway. If we didn't, I think we would be violating some of the things that we had to look at under SEQRA. If we weren't allowing access to a public highway, I think we would be violating some of the rules of SEQRA.

MS. VILORIA-FISHER: Thank you for coming. You have been saying the same thing that has been said four times. We understand that it's part of the zoning requirement. The point we are making, I think the point that Dot understood us to be making, once we went over it, there is the potential of having an impact of a very long driveway that goes through a wooded area. That is the point I'm making regarding an environmental impact there with that additional land.

MR. KENT: We believe we addressed that somewhat because for as long as we were able to, there is no contemplation to terminate that. They're going to be able to access the site through easements over county land. Again we can't see beyond --

MS. VILORIA-FISHER: I'm talking about potential impact. I understand what you are saying. I understand that the county granted easement and the county requirements and we have heard it four times.

MR. KENT: I'm sorry I came in --

MS. VILORIA-FISHER: That's all right. What we are saying, there is a potential impact.

MR. KENT: That is strictly to meet zoning. There is no contemplation of actually cutting the road. If there was a road, it wouldn't have to be a dedicated road, it would be a driveway. It wouldn't have to meet the requirements of a roadway. It would be forty feet.

MS. VILORIA-FISHER: That is what we were addressing.

MR. KENT: Two other quick points. I don't know if you covered those or not. Continuity of operation. The proposal is to continue to operate under its current use. There is no change of use. There is provision in the contract that requires retention of employees, so if were you looking at socioeconomic impacts, we are not looking to change the employees' structure or the resident structure. The residents residing there now will continue to reside there. It's a continuity of operation.

The other, it's a sale. There is no proposed transfer or modification of the use. It's a sale under current license, current number of beds, current employees, current residents.

MS. GROWNEY: A quick question, Chris, having to do with the length and duration of time that the employees operation is committed to. Is there a length of time involved?

MR. KENT: There is a provision if they are looking to hire other employees, that they give the first opportunity to the current employees. There is no contemplation of them changing. That is something we are going to be working on as a county in conjunction with the state. There is an early retirement incentive. If there are employees there, they're going to be able to opt in an early retirement incentive.

Also to find an opportunity for employees, if they chose to continue their employment. Employees that have titles have the opportunity to jump back. They could retreat to the current title they're in. If there are other areas in the Health Department where that current title exists, the person at that end with lower seniority can opt to work at the nursing home.

We are trying to not disrupt the operation or

disrupt any employee status and not disrupt any of the residents from their position at the nursing home.

THE CHAIRMAN: Let's stick with environmental issues. There seems to be some concern about the removal of trees for potential access. This is for information purposes with respect to the council. If in the past we Neg Dec'd in the Yaphank area a golf course for merely removal of two hundred acres, when a particular structure was built, we authorized removal of the trees and we also did that with the jail. On invidual projects we have obviously worried about removal of trees.

For example, I remember with the jail recently, we were very concerned with the perimeter and how far out they would be going. On the other hand, I would say we have to look at cumulative impacts, what we have been authorizing within the years, and the flag portion might fall within that.

At this point in time, I don't know which way it's going. I'm just telling the council which way it has gone in the past. There has been an attempt to protect trees, but at the same time on individual projects we have always been very careful with how much we allowed to be cut down. Obviously, creating a flag

gives pause a little bit. On the other hand, it's fourteen acres, much of which is parking lot and building, if I had to estimate, about ten acres.

LEG. KENNEDY: I think the flag length is about one point four acres, about fifty-nine point four square feet. I believe Jim, correct me if I'm wrong, I believe it's about fifty-nine thousand square feet. So, it's about one point four acres or less of total area. We're talking about maybe a forty to fifty foot potential driveway in the future, which would be about fifty percent at max, so you're talking about point seven of an acre of clearing potentially in the future.

I don't believe this is original vegetation. I believe it's regrowth vegetation. I don't believe it's original pine or anything, I believe it's secondary growth.

MR. KAUFMAN: The Pine Barrens do regenerate.

MR. KENT: This is not in the Pine Barrens.

MR. KAUFMAN: It's general municipal land. We are aware of the zoning issue.

THE CHAIRMAN: Has to be environmental issues here, nothing else.

MS. KERRIGAN: It's in regard to asking you to hold off and table.

MS. HURLEY: Rosemary Hurley, retiree from Suffolk County. I worked twenty-six years. There is so much going on in here. I'm here as a taxpayer as well. There are pros and cons in everything and not everybody is on a yes or a no I'm just advising when you make a decision, it should have as many facts to your availability that are correct and accurate. And I would just suggest that the board really consider tabling it and coming up with all the what ifs. Check them out. That was my only thing.

THE CHAIRMAN: Thank you very much. I appreciate it. Any other comments?

MR. KAUFMAN: When we make a decision on it I think we have to look at standards of the decision that will be made. One is are there environmental impacts. That is our standard job to do. We have been presented with a fair amount of information on that running both ways.

The second thing I see, since the form itself has been challanged, does it rise to the level of an error requiring tabling. A rule of reason; in the past, we have tabled when the form has been sufficiently challanged. That has been pretty much our standard procedure.

At this point in time, that is the question that I see. Again, the rule of reason. That is coming straight from Appellate law. This is what the courts say our job is to under take. I see it as two questions that we have to consider, if we go Positive Dec, Negative Dec or table.

However it goes, that is simply the standard that I see for making any choices.

THE CHAIRMAN: Mr. Kennedy referred to Comment 19 as being the one that was in error.

MS. GROWNEY: And 20.

MR. MULÉ: Page 18.

THE CHAIRMAN: 19 will proposed action affect the character of the existing community. The county has answered no, that will not affect the community. Proposed action will relocate fifteen or more employees. Fifteen or more employees, so the answer to that, is according to what Mr. Kent just said, no employees will be relocated. They will be offered the opportunity to relocate or do other alternatives and they will not be dismissed from their jobs.

MS. VILORIA-FISHER: That is not correct. The employees will have alternatives that they can go to, but employees will be impacted. Mr. Kent did refer

to attrition and he referred to placing them in other areas of the county, but they won't be at the nursing home. They will no longer be county employees.

THE CHAIRMAN: But they will be private employees at that facility.

MS. VILORIA-FISHER: That is up to the new employer. They will be given different terms of employment and they can decide whether or not they want to stay. They can decide if they want to stay and they will would be given first choice, it says, but if they don't want to stay because it might be a great impact on their salary level, then the county will try and find a place to bump them to in the county. That was the bump back issue.

So the county employees will be affected by this and they will be affected severely.

THE FLOOR: Any person that gets bumped --

THE CHAIRMAN: This specifically says proposed action will relocate fifteen or more employees. That is not necessarily true.

MS. VILORIA-FISHER: Probably more.

MR. BAGG: Fifteen or more employees in one or more businesses.

THE CHAIRMAN: Mr. Marchese?

MR. MARCHESE: The operation of the nursing home is a dynamic business. There are roughly two hundred sixty, two hundred seventy employees plus temporary people at any given time. Flow and ebb of the employees changes. The existence of fifteen employees plus or minus employees on any given day happens. Staff is on vacation, the county moves people all the time. The employees, as far as the number fifteen is concerned, that is not something that is a significant thing for us when we run a nursing home.

What the key business hear operating the nursing home to take care of and treat two hundred fifty patients and the adult day care slots, they have staff to treat all of the patients. New York State guidelines require them, and in order to maintain licensure, which is subject to very strict surveys and regulations, to maintain sufficient staff ratios in order to care for the folks in the facility. That is the position. That is what is going to happen, when we close the facility and they take over operation, the exact minute they take over ownership.

The fact of the matter is the patients will be taken care of. I understand there in employee issues. Those are not environment issues. This really has to do

with the operation of the facility when we transfer ownership from one day to the other. It will not impact the environment. We are not changing anything in this environment.

MS. VILORIA-FISHER: We are looking at a question on the EAF Page 18. It is part of the EAF. I think we should table it until everybody on the council can look at the plan that the county has for the employees. I have been looking at John J. Foley for over two years. Most of the people I have spoken with have a long-term relationship with the facility, not transitional or transient, as Mr. Marchese would have us believe.

I have with great conviction, I can say more than fifteen employees will be affected by this. I think we should look at the plan that the county has set forth regarding employees in order for this council to really have the sense of what is going on here with the employees. It's right here in the EAF. Fifteen or more employees will be affected. They will be affected.

Most of the employees who work here, and Legislator Kate Browning can tell you this, most of the employees who work there live near there. It's not only affecting this particular fourteen acres, it's affecting

the neighborhood.

That is one of the other questions on Page 17, will it affect the surrounding neighborhood. It will affect it. We have quite a number of head of household women employed and they have come and spoken to the county legislature. They are employed by the nursing home they're worried about losing their livelihood. You can have things on paper about bump and retreat and about where they will be sent, but you don't know what will happen with their employment. It's very tenuous. I think everyone should look at what is in the contract before we move any further with this.

THE CHAIRMAN: Another question Mr. Kennedy raised, Item Number 20, public input. The question is is there controversy related to potential adverse environmental impacts. Those are the two primary things that have been pointed out with regard to the EAF.

MS. KERRIGAN: May I make a brief statement?

THE CHAIRMAN: No, you may not. Mr. Kent?

MR. KENT: If I can speak to the impact on employees. I know this is an environmental body. Tell me if you want me to stop, that I'm going to too far from the issue. The recolation of the employees is directly impacted by financial concerns. We are

currently losing money. This is an operating loss for us every year. The alternative to the county is to close the facility.

The transfer is the best option for us as a county to continue the operations. We cannot continue to lose the lose the money we were losing financially. I think there would be a much bigger impact if we were to close the facility. I know part of your duties are to look at the alternatives. While I can somewhat agree with Legislator Viloria-Fisher, that there may be employees that are impacted by this. There may be.

We have put in the contract every protection possible so that the employees are not impacted. Will they be impacted? There will be certain things that will impact their lives. It will be a change from county employment. People who chose to stay at the nursing home, it will be a change from county employment to private employment. For those who ask retreat under their current title to other places within the county, they will continue as county employees. We believe there will be enough numbers of attrition that no one will lose their jobs. There will not be a job loss, there may be a change from being county union employee to a private union employee.

There is a private union coming in, 1199. Does that reach such a level of impact that this should be taken by this body to address that? That is for you to decide. I'm not going to tell you one way or the other. The worst impact I could say if there was an impact, small, not even to moderate impact on their invidual lives.

I understand it would be dramatic to each individual. But in looking at the building as a whole, I don't think it reaches the level where any significant impact is determined that would make this body pick a different route on its decision making process.

THE CHAIRMAN: I think what Legislator Viloria-Fisher is suggesting that we would perhaps like to see what you just said, the real plan, so that we can make a decision on whether it's significant or not significant.

MR. KENT: On the number of employees that would be affected by this?

THE CHAIRMAN: No. If we vote this down or table it, that we would like to see in writing what this plan is so we will know more precisely, so we can make a better judgment on the impact could be.

MR. KENT: There is language in the contract

that provides for protection of the employees.

THE CHAIRMAN: We might want to see that.

MR. KENT: The alternative, we cannot continue to operate at such a loss. The alternative is much more drastic.

THE CHAIRMAN: That was not in the document either.

MR. GULBRANSEN: That is part of the stated plan. We should be considering what the no action alternative could be or is; what are we being asked to compare this plan to?

MR. KENT: We cannot continue to subsidize the operations at seven to ten million dollars a year. It's operating at a loss. Through the sale and transfer of the facility, we can realize proceeds from the sale and stop the annual loss of seven to ten million dollars a year from the county budget.

MR. GULBRANSEN: The proposal that you have includes a statement, that the no action alternative --

MR. KENT: Could result in closure.

MS. GROWNEY: It should be in the EAF.

THE CHAIRMAN: It is in the EAF. You had a comment.

MS. KERRIGAN: Dorothy Kerrigan. I work at

the nursing home. I'm an employee. The bump and retreat that this gentlemen referred to does not apply to the CNA's, certified nursing assistants. There are no other titles in the county for that. The bulk of the employees, and also LPN's, there is no bump and retreat. That is the bulk of the employees. That is the contract.

They're required to keep us ninety days. They can't negotiate with the union for us. They don't have anything to do with the unions, the county. They cannot negotiate with the county. As far as another union coming in there, that is like union busting. There is already a union in there. I don't think that the county wants to go to that place. That is not appropriate.

Also, they're not required to keep the residents, although they will keep them. The residents who are not private pay will not be profitible. If they're not profitable for the county, how are they profitable for a private owner?

THE CHAIRMAN: I would like to cut off the public comment at this point and clean up our deliberations and make a decision. Dan, you're first.

MR. PICHNEY: Mr. Chairman, I would like a clarification with your conversation with Mr. Kent.

Will he now present to us, if this was tabled on the next occasion, with a piece of paper with the number of employees that are going to stay in private employment, the number of employees that are going to be transferred to other county agencies or department, the number of employees that will perhaps lose their job and so forth. Just stated very clearly as stated in Number 19 of the Environmental Impact Statement.

THE CHAIRMAN: I think if we do our job correctly well. I have very specific questions that we would like the county to answer in detail.

MS. VILORIA-FISHER: Mr. Chair, I was just referred back to the alternative section, which is Page 7, the end of Part 1, Number 8 on Page 7, in D-8. Number of jobs eliminated in the project. It says zero. Then E is alternatives. Do not sell and keep in county ownership or close the facility, so they have given close the facility as an alternative. I want to briefly -- I must react to something that Mr. Kent said. He said we are losing X number of dollars a year, which his numbers are questionable, but I won't get into that. That is something I work on the other side of the street on. But we have to remember it's not losing money, it's costing money.

Delivery of services is one of the things that we do as a county and as a government. There is cost in that delivery of services. We don't say how much money we lose in fixing roads or how much money we lose in protecting historic services. That is that the cost is and that is the cost of government. That has to be very clear there.

I really don't know that Number 8 being listed as zero jobs eliminated, because we have two hundred some odd jobs that will be eliminated from the county as an employer. We are eliminating all the jobs, because we are selling the license to a private entity.

There is a lot of nuance involved here that we really haven't look at very carefully. As I suggested earlier, we have to look at the contract as a council and see what provisions are being made for employees, because that is an impact.

THE CHAIRMAN: Thank you. Any other comments?

MR. BROWN: Larry, I would just hope that in the EAF, inaccuracies of the EAF, if we do table this, that we go back to the county and ask them to correct their EAF so you can make a real clear decision.

THE CHAIRMAN: Yeah, that would be the idea. No other.

MR. PICHNEY: Just one more item. Again, if we table it, would we be looking into recommending to the legislature covenants related to use of pesticide afterwards as well as perhaps another covenant relating to further development on the site?

THE CHAIRMAN: We can discuss that. Whether we decide to do that is premature.

MS. VILORIA-FISHER: Are you referring to the flag?

MR. PICHNEY: No.

MS. VILORIA-FISHER: That I don't think we could do.

MR. BROWN: Certainly not. That wouldn't be legal if it's going to be transferred within the Brookhaven zoning law, whether additional buildings could be built on the fourteen acre site.

MR. KAUFMAN: Theoretically, you could make it a covenant and that would be part of the deed transfer. In the past we have made recommendations like that as an alert to the governing bodies.

THE CHAIRMAN: No other comments? Do we have a motion?

MS. VILORIA-FISHER: Motion to table.

MS. GROWNEY: Second.

THE CHAIRMAN: All in favor of the motion to table? (Show of hands) one abstention by Mr. Kaufman.

MR. BAGG: May I ask specifically, I guess you want responses from the county on Number 19 and 20 of Part 2 of the EAF.

THE CHAIRMAN: Those are what we have so far, and Mr. Kennedy said specifically he was going to give us written comments.

MS. VILORIA-FISHER: On the alternative where it says zero employees, D-8 of Part 1. It says zero elimination of employees.

THE CHAIRMAN: I think we also want to explore what we were just discussing, the idea of putting covenants in as we move forward, whether pesticides or future building or some other issues. We will be doing it had again next month.

THE CHAIRMAN: Ratification of recommendations for the legislative resolutions laid on the table. Anyone want to comment on any of these?

MR. BAGG: All Type II have been reviewed previously. Richard did discuss the IR 1585 about the restoration of the Helen Keller house, and the council said their previous recommendation for demolition

stands. And currently the Foley facility has been tabled.

THE CHAIRMAN: Can we have a motion to accept?

MS. GROWNEY: Motion to accept.

MS. RUSSO: Second.

THE CHAIRMAN: All in favor? Opposed? Motion carries.

Proposed expansion of the pavilion of Cupsogue County Park. Nick, good morning.

MR. GIBBONS: Nick Gibbons, Suffolk County Parks Department. If you recall, I was here last month with a proposed expansion of an existing pavilion at Cupsogue County Beach Park. It's in the Town of Brookhaven, the western end of Dune Road.

Cupsogue Beach is about a mile of oceanfront beach located on the east side of Moriches Inlet opposite Smith County Park. The additional information that was requested with some photos, representative photos of the project area, and then I also went back to the architect and had him clarify a handout that I had provided to the council last month that didn't really show too clearly what was proposed versus what was existing.

So, to go through the handouts I have here, the top is an aerial view of the existing pavilion. It's pretty much oriented north-south. The outline in red is what is proposed as part of the expansion.

You may recall it was roughly three thousand seven hundred square foot of expansion. That includes both decking area and interior space as well as a handicapped accessible ramp, which would provide ADA compliant access to our facility, which we currently do not have. We do have an ADA compliant ramp down to the beach, but no effective way to get up to the boardwalk and down to the beach, so this is a project would address that.

The numbers represent photos that are on the following pages that show the vegetation currently on site. You will see, as you flip through those, that the area is not heavily vegetated. The first three photos have to do with the north side of the building. Photo 3 shows a cluster of trees. Not all of those would be cleared as a result of this project. There are several in the foreground that would not. The extension doesn't come all the way out to the parking lot.

Photos 4 and 5 really show the area where the additional deck space would go, or at least a portion of

it and the ADA compliant ramp. Then the other document on the back of that is the previously mentioned revised site plan, which more clearly represents what is proposed versus what is existing. I have a two scale version of that. If anybody is interested enough, I can either pass that around or just let me know if anybody wants to see it. I'll give these to Jim for the council's files.

MR. BROWN: The area in red is the only area being affected here?

MR. GIBBONS: Yes. Just to be clear, this is it here, would be the deck space. That is staff access, this would be public access.

MR. KAUFMAN: I was going to say our conversations of last month concerning this project before that we were worried about massive expansion, and that this might not be a Type II action. We were also worried about removal of trees. We were worried about impacts upon the dune field, et cetera.

The plan that has been presented to us, to my eye at this point in time deals with exactly those issues and avoids the problems that we were concerned about to the extent that Nick has told us, that there is going to be revegetation of the problem areas, of the

black pines and things like that. I think that actually is a necessity benefit to all of this.

So I think this really conforms to what we have been talking about in the past and what Nick was talking about last month.

THE CHAIRMAN: Do you want to make a motion?

MR. KAUFMAN: I'm not making a motion. Keep talking, just making a comment.

MS. GROWNEY: It does clear up a few things, but there is one question. I brought up last time, that I don't quite see addressed yet. There is this new storage area. I don't see access to it. I don't know what it is. I don't see any stepping stones or ramp. I don't see if there is access to the refrigerator or toilet. It doesn't make sense to me.

If there is access to ground level, I don't see any pathways or anything to it. Is it being accessed only to the bathrooms, which is kind of creepy, in my opinion. In my opinion, it's an environmental no.

MR. GIBBONS: It doesn't show a chaseway, it's basically for storage of supplies for the Parks Department.

MS. GROWNEY: Is it at ground level?

MR. GIBBONS: No, it's at existing elevation of the building. The access will, in fact, be through the public restroom and through the interior space that is accessed through the back of the concessionaire.

MR. BROWN: It's Park Department storage?

MR. GIBBONS: Right.

MS. GROWNEY: There is this L shaped piece that I don't understand that is to the left of the storage area that goes all the way from the parking lot and over it.

MR. GIBBONS: That is an existing driveway.

MS. GROWNEY: That is going to remain? It's not designated.

MR. GIBBONS: It's existing.

MS. GROWNEY: I wasn't sure if that was a paved area.

MR. GIBBONS: Yes, it is.

MS. GROWNEY: It's going to remain paved?

THE CHAIRMAN: It's just shadowed in the photo.

MR. GIBBONS: It's a stone -- concrete blend, but it's not pavement.

MR. KAUFMAN: I've been there. I've seen it.

MR. BAGG: I have a question. What are these structures here that are on the photo?

MR. GIBBONS: Picnic tables and lifeguard chairs.

MR. BAGG: Storage?

MR. GIBBONS: That is exterior storage by the park. We have no interior storeage space at this facility.

MS. GROWNEY: What will be the main entrance? Now you have this pathway that goes upstairs to the back part of the proposed deck. Is that going to become the new main entry or ramped area to the east, I guess.

MR. GIBBONS: I think the predominant use of that will be by staff and/or exiting the deck space from the concessionaire. The majority of the people will still use the existing noncompliant ramps that are both on the east and west side of the building.

MS. SPENCER: If I may be so bold as to suggest, since you have no storage indoor building storage at this time, is that all that you need or could you use a little more?

MR. GIBBONS: That is all we need of that time of storage. We don't have a maintenance building that stores maintenance equipment. We have a tractor

that stays outside for materials and supplies. This addresses that.

MR. BROWN: That looks good.

THE CHAIRMAN: Motion by Legislator Viloria-Fisher. What is your motion?

MS. VILORIA-FISHER: Neg Dec.

MS. GROWNEY: Second.

THE CHAIRMAN: All in favor? Opposed? Abstentions? Motion carries.

MR. KAUFMAN: Let the record reflect it's a Type II.

MR. BAGG: No, if you have a Neg Dec, it's an unlisted declaration. I don't have a Type II Neg Dec.

THE CHAIRMAN: Proposed Sewer District Number 5. Please gave your name and position.

MR. RUKOVETS: Boris Rukovets, Public Works Project Supervisor with the Department of Public Works, Department of Sanitation. The issue at hand is replacement of four forcemains in Sewer District Number 5, Strathmore, Huntington, the southerly end of the town of Huntington, Half Hollow Hills.

In a nutshell, there are five pump stations that deliver the wastewater to the wastewater treatment plant, and they have, four of them are in constant

requirement for emergency service because those are old asbestos cement pipes. What we would like to do is replace four of those force mains, three fully and one partially, two thirds of that pipe. At the same location, we want to do the study first to determine the best method to do the replacement, and then go up.

We are looking for guidance from the CEQ on the best way to proceed. I guess I have to mention that prior CEQ review resulted in prior replacement of one of the force mains there. We have identified where we have to make repairs as necessary for the force main systems. They may not cover the desired work at hand, but will cover a portion of that. I'd be happy to answer any questions.

MR. BROWN: This is nothing but replacing what is there?

MR. RUKOVETS: Correct.

MR. KAUFMAN: Steve Brown and I were discussing this issue earlier. A lot of pipes in the 1950's and '60's were made with asbestos in sort of, I forget the technical term for it, like Rebar, if you will, like concrete. Now that some of these pipes are essentially starting to fall apart, have there been any issues with groundwater contamination or travel of the

asbestos due to water coming down and transport of the asbestos?

MR. BAGG: It gets bound up in the soil column.

THE CHAIRMAN: You ask for recommendations. You're not asking for engineering recommendations?

MR. RUKOVETS: No. We consider it Type II, but it's up to the council to decide.

MS. SQUIRES: Where is the park?

MR. RUKOVETS: There are a couple of parks within the boundaries of the sewer district. I'm not sure if it's there on the map that has been distributed. I'll have to get back to you on that.

THE CHAIRMAN: Do we have a motion?

MS. RUSSO: I make a motion that will it be a Type II action.

MR. KAUFMAN: Second.

THE CHAIRMAN: Second from Mr. Kaufman. Any further discussion? All in favor? Abstentions? Motion carries. Thank you for your patience.

THE CHAIRMAN: Proposed Francis Gabreski Airport, lease of airport building.

MR. CEGLIO: Anthony C-E-G-L-I-O, manager of the airport. Our proposal is for a lease of an existing

building at Gabreski by a company called Joe Burns Contracting, who is a small home improvement contractor currently working from his home. This is a twelve hundred square foot building on zero point eight six acres of property. The property is near the intersection of County Road 104 and Louis Road.

I included two color maps of the proposed area in your package, if you want to take a look at it. Of these zero point acre, an estimated zero point one acre of small brush and overgrowth is going to be removed. The airport conservation and assessment panel, which is comprised of community members and airport users through County Executive Order 26, 2006 met on the proposal already. They are an listed action with a negative declaration an the department concurs with that recommendation.

If there are any other questions about the proposal. I'm here to answer it.

MS. RUSSO: What does this new person plan on storing outside in that cleared zero point?

MR. CEGLIO: Roughly, I think it's three construction trucks, vans, contractor trucks.

MS. RUSSO: Any implication to make sure his trucks don't leak any petroleum fluids so there is no

contamination into the ground?

MR. CEGLIO: We proposed that he put down some gravel where he is going do park the vehicles. It could be impervious. It could be asphalt.

MS. RUSSO: The gravel would let it percolate into the sand anyhow.

MR. CEGLIO: So it should be impervious. He agreed to install whatever we would like him to install for the parking area, so we can do that. It could be part of his lease.

MS. GROWNEY: I have a couple of questions. The access to that, it doesn't show a direct -- the driveway doesn't show a direct driveway to the building itself. Is that whole area just dirt now?

MR. CEGLIO: As you can see on the photo, there is a kind of a dirt driveway to the east.

MS. GROWNEY: Is there any kind of storage? You said it's a home improvement contractor.

MR. CEGLIO: Yes.

MS. GROWNEY: He could have chemicals and all kinds of things that he uses for his business. Are there any kind of storage restrictions, either inside or outside, that are being placed in his agreement?

MR. CEGLIO: He indicated that there will be

no chemical storage. I imagine there could -- it's going to be controlled by the Town of Southampton and zoning and building requirements. He has to go before them also.

MR. BAGG: It's governed by the Health Department. He has to meet Health Department standards for storage of chemical and toxic materials.

MS. VILORIA-FISHER: Where is the one hundred foot driveway going to be? It doesn't say. There is construction of a one hundred foot driveway.

MR. CEGLIO: The dirt driveway that is there right now, he will use that as access and from that driveway into the building.

MR. GROWNEY: He's just going to continue on the dirt?

MR. CEGLIO: We asked him, so he doesn't drag dirt onto County Road 84, to put some kind of asphalt apron.

MS. VILORIA-FISHER: There are just two employees. They're going in and out. They're not going to be housed there all day.

MR. CEGLIO: It's a little office and storage of his truck at night. Right now, he stores them in his house. There is an overhead storage facility there

now. He's going to store lumber or saws, that kind of thing.

THE CHAIRMAN: Unlisted Neg Dec.

MS. SPENCER: Second.

THE CHAIRMAN: Any further discussion? All in favor? (Show of hands) Opposed? Abstentions? Motion carries.

We're going to table Cedar Point County Park Master Plan because that probably will take some considerable debate. We will postpone the update on county parks because of our schedule. Is there any other business;

MR. BROWN: I have one. EPA was doing dredging in Port Jefferson Village with regard to cleaning up some of the Lawrence Aviation plume. Did anyone come from the county?

THE CHAIRMAN: Not that I know of.

MS. VILORIA-FISHER: The county was invited. We have people from DPW. When the mayor invited EPA to come down because of various issues with Mill Creek there. So I know DPW has been apprised of what has been going on. You know, we just had the problem with the main that had a problem there right off Barnum Avenue and that street was closed off for over a week. DPW has

been aware as the process has been moving forward.

MR. BROWN: There is a flow that goes directly underneath that right through state road up to Port Jefferson Harbor. There are no barriers or anything installed there.

MR. GULBRANSEN: They dredged that.

MR. BROWN: They dredged the creek before that, by Barnum Avenue. So if anybody else was doing that, the DEC would have been down there saying hey, you have to block that off.

MS. VILORIA-FISHER: The DEC was at the table too.

MR. BROWN: I want to know if anybody was involved with that here.

THE CHAIRMAN: Not as a CEQ action that I can recall.

MS. VILORIA-FISHER: There is no county.

MR. BROWN: County beach property is there.

MS. VILORIA-FISHER: Not directly there.

MR. BROWN: The piece that you bought right on the corner there.

MS. VILORIA-FISHER: The Barnum Avenue piece is there, but the work is a little west of that where the water runs, so our DPW has been involved in it. And

DEC. EPA, everybody was at the table, but EPA is driving the bus.

MR. KAUFMAN: It wouldn't come to us unless it was an official Suffolk County action, which it is not.

THE CHAIRMAN: I have not properly welcomed Joy back; we missed you. After every meeting, Joy gives me a little lecture.

MR. KAUFMAN: For the record, he deserves it.

MS. SQUIRES: I don't.

THE CHAIRMAN: Sometimes it's about my ties, which basically you like. Anyway, Joy, it's great to have you back and I hope you are in good health.

MS. SQUIRES: I had a hip replacement and six weeks after I had my hip replacement, I had a stroke.

MS. VILORIA-FISHER: None of us knew.

MS. SQUIRES: It affected my communication skills. So I'm going to speech therapy and physical therapy and everything, but I am attending meetings. It affected my spelling, my handwriting, my keyboarding skills.

THE CHAIRMAN: You sound great.

MS. SQUIRES: Thank you. I don't sound

wonderful toward the end of the day when I am speaking for a long time.

THE CHAIRMAN: Thank you for coming back.

MS. SQUIRES: You can't get rid of me.

THE CHAIRMAN: Do we have a motion to adjourn?

MR. KAUFMAN: Motion to adjourn.

MS. GROWNEY: Second.

(Time noted: 12:00 p.m.)

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2 CERTIFICATION

3

4 STATE OF NEW YORK)

5) ss:

6 COUNTY OF SUFFOLK)

7

8 I, JUDI GALLOP, a Stenotype Reporter and

9 Notary Public for the State of New York, do hereby

10 certify:

11 THAT this is a true and accurate transcription

12 of the Suffolk Couty Council on Environmental

13 Review meeting held on May 19, 2010.

14 I further certify that I am not related,

15 either by blood or marriage, to any of the parties

16 in this action; and

17 I am in no way interested in the outcome of

18 this matter.

19

20 Judi Gallop

JUDI GALLOP

21

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23

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