ORIGINAL

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DEPARTMENT OF PLANNING.

COUNCIL ON ENVIRONMENTAL QUALITY

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June 16, 2010
9:30 a.m.

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

SUFFOLK CO. PLANNING DEPT.
2010 AUG -2 PM 3:13

B E F O R E:

R. Lawrence Swanson, Chairperson

Michael Kaufman, Vice Chairperson

Reported by,
Melissa Powell

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

CEQ MEMBERS

Hon. Vivian Viloria-Fisher, member

Eva Growney, member

Thomas Gulbransen, member

Richard Machtay, member

Daniel Pichney, member

Gloria Russo, member

Mary Ann Spencer, member

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CEQ STAFF

James Bagg

Christine DeSalvo

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CAC REPS

Steve Brown

Joy Squires

* * *

HISTORIC SOCIETY

Richard Martin

* * *

A L S O P R E S E N T

Christopher Kent, Chief Deputy County Executive

Nick Gibbons, Suffolk County Parks

Thomas Isles, Suffolk County Planning

Michael Mulé, Suffolk County Planning

Janice McGovern, Engineer, DPW

Dominick Ninivaggi, DPW, Superintendent

Linda Spahr, Suffolk County Attorneys Office

Lauretta Fisher, Acquisition for Open Space/Beaverdam Creek

Linda Ogno, Employee of John J. Foley Skilled Nursing

(Time Noted: 10:10 a.m.)

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

Anybody have comments on the minutes?

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

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

MR. CHAIRMAN: We are reviewing the minutes.

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

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

MR. CHAIRMAN: Thank you.

We're going over the minutes, but before we talk about the minutes, I would just like to have on the record

that, Richard, we appreciate all the effort that you went to, to set up this meeting here. I think this is a valuable experience for the CEQ to see some of the properties that the County owns and operates since Historic Trust is part of our duties and responsibilities. Thank you.

MR. MARTIN: Thanks for coming.

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

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

MR. CHAIRMAN: Yes.

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

protection of these old treasures that we have.

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

MR. CHAIRMAN: Any comments on the past minutes?

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

MR. CHAIRMAN: If not, we can move forward.

Jim, are there any changes?

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

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

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

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

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

Speaking of the letter from Mary Ann, I would like to have the full committee consider either accepting or rejecting her thoughts that were expressed in the memo and then formally sending it onto the Legislature with our

recommendations, whether we endorse it or not endorse the historic recommendation.

So, has anybody read that letter?

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

Again, temporary short term residence is not enough -- not enough of an attachment to the County to really change my opinion on any of this. Just because someone merely walked through the area and was here for a little

while, just does not bring it to that level where, I think, it should be preserved the way it has been proposed given what Legislature Fisher has just stated. It's just tough to make that lead, and I think that her letter should be accepted by the CEQ and the Historic Trust and sent onto the Legislature.

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

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

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

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

Roger's House.

MR. CHAIRMAN: Thank you.

Yes?

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

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

MR. CHAIRMAN: Okay.

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

LEGISLATOR VILORIA-FISHER: I'll move.

MS. GROWNEY: I'll second.

MR. CHAIRMAN: We have Vivian Viloria-Fisher who made the motion. We have a second by Eva Growney.

All in favor of forwarding this with endorsements -- positive endorsements?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: We will do that. Thank you.

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

So, Mike, if you don't mind, see if you can set up a meeting with the three of us following next months meeting with

Mr. Hillman. (Phonetic.)

MR. MULÉ: Sure.

MR. CHAIRMAN: Historic Trust Director's Report.

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

We still have not rented the house in West Hills. That's by the Park's office. The other house, the Oakley House, will become vacant come July 1.

Those are two of our larger post-colonial homes that we would like to get rented. I am hoping we will be successful this time around.

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

Otherwise, I would just like to follow up a little more on the comments on the Helen Keller issue. I would like to thank Mary Ann and the Historic Trust Committee for sending the letter on. It's been very helpful to have the support. There has been a lot of questions coming into the office about the structure. I just had a phone call

yesterday from the National Trust Historic Preservation Magazine, again, asking questions about it. I think being related to Helen Keller, there is obviously a lot of interest out there -- a lot of questions, but unfortunately, there has also been a lot of misinformation by calling it the Helen Keller House. We have been trying to explain to people that it's really not her house. It's not even her Summer home which some people think it was. For the time period that she stayed there, and also the extreme water damage that's occurred to the structure, we really only have the front facade that's still standing. So, this would be a total reconstruction if anything was to happen with that site which is really not what we're looking to do. Of course, it's never had any historic listings by any agency including the Town of Southold. So it really was a structure that was never listed.

Also, the letter was helpful in

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

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

Also, I included for your information that we did research actually at the home of Helen Keller. She actually was and her family was involved with five residences. Her birthplace is open to the public. It

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

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

MS. GROWNEY: Where was she born?

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

MR. CHAIRMAN: Thank you.

Ratification of Recommendations for Legislative Resolution Laid on the Table.

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

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

I do want to call your attention to IR-1670 bearing Yaphank property AMH for

county leads and authorized property sale in a public auction. Please note that this involves about a 95 acre parcel in Yaphank County Center area. This resolution does not tie into any developments. It just a surplus in sale resolution and the legislature is intending to introduce the bill indicated to us that it will be submitted in the EAF at the next CEQ meeting in regard to the resolution.

MR. CHAIRMAN: Legislature Viloria-Fisher, do you have anything?

LEGISLATOR VILORIA-FISHER: This was discussed at the meeting where it was laid on the table. As you know, this is a piece of property tied in the southern part of what we have been referring to as Legacy Village. Although we passed the funding for the environmental impact to be done on Legacy Village and the whole property, Legislator Kennedy's piece is on private property which is the least contentious. This parcel has an as-of-right ability to be developed.

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

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

MR. KAUFMAN: There's--

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

MR. KAUFMAN: Right now, this is

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

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

segmentation in a classic sense. It might render the RFP and propose a contract void on their face. It competes, basically, with the prior decisions of the Legislature to go forward with an EIS on the entire parcel plan.

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

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

thought I would look at again.

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

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

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

The segmentation issue, again, is basically if the Legislature is going to be looking at the four parcel EIS. If you look at a single parcel and you know the plan is still out there, you're not considering the entire situation and that's exactly why we did a positive declaration back in December. You can't just look at a single situation in isolation when you know there's something out there.

So it plays out in very, very funny way and, again, its not been -- it's just being brought up right now at this point in time. There's been no full view of it by the Legislature. It was only laid on the table last Tuesday, so it's just coming into our cycle and a lot of this is, frankly, policy issues -- nullification issues and policy issues for the Legislature.

MR. CHAIRMAN: Legislature Gloria Fisher?

LEGISLATOR VILORIA-FISHER: Lastly, not only to the Council but also to the County Executive staff.

When we voted at our last meeting, to fund the environmental study in a manner of speaking, that was the ratification of the intent to look at the whole project. So then I assumed that, that's when the issue of nullification would come in because voting on that -- voting positively on that was a ratification of intent.

MR. KAUFMAN: Maybe executory --

when the Legislature voted --

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

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

LEGISLATOR VILORIA-FISHER: Right, to execute --

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

MR. KENT: I can tell you --

STENOGRAPHER: Sir, your name?

MR. KENT: Christopher Kent.

I can advise you that the contract has already been entered into. There was an RFP on the selection of the environmental consultants. That contract has already been awarded and has been entered into and has been authorized -- the monies that you approved have already been authorized to

be expended and they have already commenced the study. So, I don't know -- it is executory in nature by the Legislature but the contract with the environmental consultant and the commencement of the EIS is no longer executory. It has now been commenced.

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

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

The scope is a much longer document, but we're looking at all of the potential impacts under the RFP as

issued by the County back in 2007.

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

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

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

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

LEGISLATOR VILORIA-FISHER: My

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

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

LEGISLATOR VILORIA-FISHER: Well, sure.

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

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

MR. CHAIRMAN: Linda?

MS. SPAHR: Linda Spahr.

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

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

MR. KAUFMAN: Phrasing it a different way would be taking a hard look as part of the main EIS with an alternative sale of the 95 acres, again, as an alternative and maybe even mitigation. However, you want to classify it. It sort of a backwards way to go but it does -- if you take a hard look, it sort of, in my opinion, allows

for possible future sale if that's the way the Legislature wants to go as a policy decision. Basically, the EIS would cover the entire four parcels. It would also, as an alternative, whereas mitigation covered a sale of a single parcel -- parcels C and D and the 95 acres, and if a hard look is taken and it's taken in that context, I think that, again, it's sort of backwards from the way you would do it -- I think if that were possible to do in finding statements could incorporate those findings and then that would become a policy decision for the Legislature. I am not saying --

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

MR. CHAIRMAN: I think that --

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

LEGISLATOR VILORIA-FISHER: That's the draft, sorry.

MR. KAUFMAN: Jim, something could be added into the stuff then if we wanted to? That was a question that had come up.

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

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

MR. BAGG: The scope is open. It's

a question and an issue that should be dealt with.

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

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

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

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

MR. KAUFMAN: Yes, that would --

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

MR. CHAIRMAN: Richard?

MR. MACHTAY: I would just like to know what the County Attorney's opinion

is on segmentation and if that's -- my head is spinning today so I am just trying to consolidate my thoughts -- and also the Planning Department and if we're going to discuss this at the next meeting, I think this is imperative.

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

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

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

we can pass Kennedy's Bill at this point because we jumped in with both feet on the other projects it seems to me. That's how it seem to me. We need to hear all the lawyers duke it out.

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

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

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

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

MR. KAUFMAN: Rich, I fully agree

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

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

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

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

Anything else?

MR. MULÉ: That was the only one I

wanted to bring up.

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

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

MR. CHAIRMAN: Commissioner of what?

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

MR. CHAIRMAN: Thank you.

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

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

MR. BAGG: It's administrative.

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

MR. KAUFMAN: I will make the

motion, but I would abstain on 1653.

MR. MACHTAY: I will second the motion.

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

All those in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

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

(WHEREUPON, the Council voted.)

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

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

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

it in the packet?

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

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

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

Environment means the physical conditions that will be effected by a proposed action including land, air, water, minerals, flora bona, noise, resources, agricultural, archeology historical study significance and

existing patterns of population, concentration, distribution of growth, and existing community or neighborhood character and human health.

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

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

MR. KAUFMAN: Yes.

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

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

what is going on.

EAF's are required by law. How you design one for your individual county, I believe, is not put forth in the law. Obviously, there has to be certain requirements that are met. The Suffolk County EAF does met those requirements.

So, what I am basically trying to say is challenges to the document that the document does not cover and what needs to be covered and given the information that we have, I don't think really meets the criteria for causing problems.

The record that we create in examining the document is the critical aspect. In other words, the hard look that we take at the information that is presented to us. So, if we have an EAF before us and if it has a glaring error in it, that's one thing. If it's an issue of interpretation, that's something else. If you look at the documents and we discuss it at the board -- that's what we're here for -- our

discussions are the hard look. The responses of the County to this are the hard look and that is what they call penumbra -- what we're supposed to exam. That's the record that goes before the Legislature. That's the record that is part of a court challenge. So the document itself is sort of a taking off point. Again, it should be filled out properly, but the information that we're getting is what we need to really examine.

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

Again, that is sort of prompted by what Legislature Kennedy had been

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

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

MS. OGNO: I would like to speak.

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

MS. OGNO: My name Linda Ogno.

I work at John J. Foley. I think that a lot has to be looked into more than what Mr. Kaufmann said.

Also, what's going to happen to

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

MR. CHAIRMAN: Thank you.

Anybody else?

(WHEREUPON, there was no response.)

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

Anybody have any comments?

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

MR. BAGG: Well, I think that, that was challengeable. I mean a lot of "if's" and "maybe's" and people with crystal balls, but I don't think it was -- actually, just in the document, the

response says that -- you know, prior to evaluate -- the situation, however, I don't think the EAF was wrong based on the project per se. I mean, also, if the Council feels Part 2 is filled out by the CEQ, you can make those changes before they go to the Legislature.

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

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

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

MR. BAGG: What are the inaccuracies?

MR. BROWN: Excuse me?

What are the inaccuracies?

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

MR. KENT: That's not a criteria,

is it? Jobs?

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

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

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

MR. KAUFMANN: 27 acres.

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

MR. BROWN: Original?

MR. BAGG: Yes.

MR. KAUFMAN: If I might add, this is an issue that will be coming up as the land clearing -- there is an issue that comes up with that. As to your point on the contract issue, it's a sale right now of a public facility, plus associated employee. I am not implying that they're endangering service sale or anything like that, but for discussion purposes, let's just say it's sort of a transfer of those employees. Whether you like it or not, it's a sale as is. That's the way the County has placed it. That's the County policy right now. Whether that's changed with the Legislature, that's something else. The point is that there is nothing in the contract controlling how those employees would be dealt with in the future. That's sort of outside or purview. If there was something in the contract, during the sale, saying that, then you might have a point on that. Right now, what Jim is saying, we don't know where

it is going. There is nothing at the executive level saying that there were a clause set or a restriction clause. Maybe that's something that the Legislature will act upon and add. I don't know, but at this point in time, we're dealing with a contract situation coming out of the Executive -- that's the way the bill is coming. We can't add, if you will, conditions that they don't have. We're assessing what they're giving to us. Again, it's the policymakers, which is the Legislature, eventually, to decide whether or not it is a good thing to have noting in there covering their employees and their future employment. Maybe the Legislature might say, "For five years, you can't fire anybody." That's the Legislature's decision. It's not ours and it's not something that's before us at this point in time. That's the way it was designed and it's not an issue for us.

MR. BAGG: It's also not an

environmental issue.

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

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

MR. CHAIRMAN: Dan?

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

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

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

MR. CHAIRMAN: Viloria?

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

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

MR. BAGG: I believe so, yes.

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

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

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

MR. BAGG: Yes. I mean, and they try to respond to that in the response based on what was entered at the meeting

and whether or not someone -- you have to evaluate as to whether or not the concerns presented are, in fact, significant environmental concerns.

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

MR. BAGG: Yes.

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

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

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

The issues that have been raised to us are really not environmental issues. There are other forums that those debates can take place.

MR. BAGG: I mean, the way that the

project is proposed, it's a sale as is. There is no project associated with this. There is no physical alteration associated with this. We're selling this title to this property for someone else to operate.

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

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

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

Yes?

MR. KAUFMAN: I would like to bring up a couple of environmental issues. That is our job.

One, looking back at the 1992 resolution there is a cut-out, if you will, of 27.8 acres identified to the CEQ at that time. It is all County owned property and this is sort of carved out that this was going to be the area that was going to be reserved for the skilled nursing facility. There was never, to my knowledge, any creation of a separate lot at that time. I do remember that. There was not a formal carve out. This was more of a policy carve out. It just said that in the 800 acres that we owned in the area, we're going to take 27.8 and reserve that for the nursing home. At that time, approximately, it was 72 percent of the site would be left in its natural state as a buffer. Right now, the site that is going to be actually sold and surveyed out is 14.6 acres or something like and at that meeting last month, we

went into that a little bit. One of the recommendations that some of us are probably going to make was that expansion of a parking lot into the natural buffer should really be frowned upon or maybe phrased a little differently that the buffer that is within 14.6 acres should be left in its natural state. In other words, freeze the footprints where it is at right now. I think that is -- except for the pole portion where the road would be going in which the Town of Brookhaven required, but, I think, that's something that we should at least consider and possibly make a recommendation on that the remainder of the site should be left in its natural state as a buffer.

Right now, they have a pretty good parking in the area and the building itself is four stories -- five stories. I don't remember which.

MR. KENT: Partly four, partly five.

MR. KAUFMAN: Four and-a-half. I

would be hesitant to allow further clearing in the area. I think it's adequately serviced and since 1992 there has not been any complaints about that.

The second part is the pole portion where the potential road might be driven. If the County were to cut out off access from the facilities to the north, I believe that's the Police Headquarters over there, then the Town of Brookhaven would require a road to be driven through the pole portion. Obviously, that has to be protected somewhat. It makes it nice coming in and I have seen a little pole section that always was a nice pretension. I would simply suggest that the minimum clearance be done for it, and that possibly be part of any resolution that the County would go forth with.

Finally, there was a pesticide issue. There were some discussions last month about pesticides and the County has presented in its presentation to us documentation as to how pesticides are

handled on there's and waivers, et cetera. I am not sure how to handle that. I think a contract provision or something like that would be an appropriate recommendation to make if the Council wanted to say, "No pesticides and no nuking of the areas," or with whatever's out there to keep the bugs down and the pests that are out there, but it is something that we should consider.

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

MR. CHAIRMAN: Any other comments?

LEGISLATOR VILORIA-FISHER: Yes.

Actually, Mike went into the comments that I had, had because my concern really was on the environmental issues which was the use of pesticides and herbicides. I know those have been mentioned, but that has gone before CAC and reviewed on a case-by-case basis,

and we won't have that protection if it's privately owned. So just to say that we have exceptions, doesn't mean that, that's allowable. It means that we are on a case-by-case basis.

MR. KAUFMAN: And you lose your exception.

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

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

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

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

property and we have that commitment. I think that is an environmental issue.

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

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

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

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

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

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

certain environmental issues in the future.

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

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

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

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

being exposed to pesticides or herbicides on the property.

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

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

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

MR. CHAIRMAN: Any other comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

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

One, that the existing buffers inside the carved out property be retained. Second, what Mr. Kent just talked about regarding pesticides and herbicide to be part of our recommendation.

LEGISLATOR VILORIA-FISHER: Was that the flagpole buffer to be retained?

MR. KAUFMAN: I haven't added that.

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

MR. KAUFMAN: Pesticides and herbicides on the property.

MR. CHAIRMAN: Limit the use of?

MR. KAUFMAN: Yes.

MS. GROWNEY: And notification?

MR. BAGG: That is notification.

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

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

MR. CHAIRMAN: Did the Stenographer get that?

(WHEREUPON, there was read back.)

MR. CHAIRMAN: Michael?

MR. KAUFMAN: The third one is on the pole section of the property going onto Yaphank Avenue, that the minimal

clearance be undertaken sufficient for two lanes of traffic and proper access or ingress/egress be placed. If it's opened up and if the rights of way that previously had been committed to by the County are removed, then minimal clearance along the pole section be undertaken.

MR. CHAIRMAN: Just one question about that?

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

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

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

MS. GROWNEY: Second.

MR. CHAIRMAN: Any further discussion?

(WHEREUPON, there was no response.)

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

LEGISLATOR VILORIA-FISHER: Opposed.

MR. CHAIRMAN: You're opposing?

LEGISLATOR VILORIA-FISHER: Yes.

MR. CHAIRMAN: Abstentions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

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

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

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

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

MR. CHAIRMAN: Okay.

MS. MC GOVERN: Basically, we would like to add additional recharge beds at our existing treatment plant, and the

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

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

MS. MC GOVERN: Yes.

MR. KAUFMAN: There is no way -- I am just curious -- of the soils underneath there, is there any way of method -- I heard of doing a wick which basically you go to the middle of it, you drop down 200 feet, and create a wick.

MS. MC GOVERN: We tried that but --

MR. KAUFMAN: It's too high?

MS. MC GOVERN: Yes, the groundwater table is coming up.

In addition the Health Department requires that we have empty beds. We can't meet that requirement without really doing this because all the beds have groundwater. Right now, if you were to drive there, all the beds have groundwater. Even the ones that were discharged too.

LEGISLATOR VILORIA-FISHER: Where did the water table come up too? Because I know -- I know Newsday had an article the other day on how high --

MS. MC GOVERN: I don't have the elevation of the seal level of the groundwater table, but I know if you go to the site all the existing recharge beds have several feet of groundwater. It fluctuates but --

LEGISLATOR VILORIA-FISHER: There is a pond.

MR. CHAIRMAN: What is the status of the woods that you will clearing?

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

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

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

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

MS. MC GOVERN: I was walking through there the other day and they're mostly scrubbed. There are some pine trees and several oak, but I would say

mostly scrub brush. You can see from this aerial -- I would say maybe the trees that you can see -- I have a different photo but the green are the larger trees -- substantial trees and the other ones are mostly scrubs.

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

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

MR. CHAIRMAN: Eva?

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

MR. BAGG: Will there be a fence?

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

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

MR. ISLES: That was Holbrook.

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

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

MR. CHAIRMAN: Other questions?

MR. ISLES: My name is Tom Isles.

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

MS. MC GOVERN: No, I highlighted that only because on the EAF it has --

one of the questions was a nearby body of water, so I just wanted everyone to be able to see where it was.

MR. ISLES: Thank you.

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

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

MR. MULÉ: These are probably the 2007 aerials.

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

MR. PICHNEY: That's correct.

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

MR. PICHNEY: That's right.

My other question is that -- you know, piggybacking on either side perhaps maybe you should use all eastern red cedar rather than the arborvitae. If nothing else too, the arborvitaes bottom branches tend to dry over time

and they also tend to get winter burned and the red cedar is a lot tougher especially if you get a cultivated varieties. I have one that is 25 feet tall and it's branched all the way down to the bottom.

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

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

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

MS. GROWNEY: They eat red cedar?

MR. BAGG: If you go along the parkway that looks kind of like this -- like an hourglass because the deer are

lazy and they only eat stuff at their height.

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

(WHEREUPON, there was laughter.)

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

MS. MC GOVERN: One acre.

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

MR. CHAIRMAN: Any other comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

MR. KAUFMAN: Motion Unlisted Negative Declaration.

LEGISLATOR VILORIA-FISHER: I will seconded it.

MR. CHAIRMAN: We have a motion and

a second by Legislator Fisher.

Any further discussions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

LEGISLATOR VILORIA-FISHER: Opposed.

MR. CHAIRMAN: Abstentions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MR. CHAIRMAN: Proposed Acquisition for Open Space.

Lauretta?

MS. LAURETTA FISHER: Good morning.

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

They total 57 acres. They're approximately 34 lots that make up this area of acquisition. We segregated them out into 7 groups by ownership. The first seven colored boxes on your map are the proposed acquisition. The red,

light blue, dark blue, the yellow, purple, brown, and orange colors. As you can see, the County as acquired a number of parcels in green identified on the map. The County has, to date, approximately 104 acres plus the 57 acres for a total of 161 acres of County ownership in this area.

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

LEGISLATOR VILORIA-FISHER: Lauretta, what's (inaudible) Wood Gardens?

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

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

MS. LAURETTA FISHER: Just the name.

MR. BROWN: Lauretta, most of these properties are small lots that --

MS. LAURETTA FISHER: Some of them.

MR. BROWN: Not all of them. I think there is one nine acre lot, but I think most of them are smaller would be very inexpensive for the town to purchase; right?

MS. LAURETTA FISHER: Well, there's a mixture here. There are developable lots in the long rectangular shape parcels on the left side of the old map. So there's a mixture here of developable and non-developable. Also, in combined ownership, if you have a number of small lots, you can also create developable lots. So that was also taken into consideration.

MR. BROWN: We, at the Town of Brookhaven, have purchased a lot of land over there also to try and protect the Beaverdam Creek. It's been a high priority to the County and to the Town.

MR. CHAIRMAN: Lauretta, you mentioned that they moved up the scale;

what do you mean? What's moved up in scale? Did you change the criteria?

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

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

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

MR. CHAIRMAN: I am hearing things.

MS. LAURETTA FISHER: Sorry about that.

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

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

are others that are following; correct?

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

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

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

MR. CHAIRMAN: Any other questions?

LEGISLATOR VILORIA-FISHER: Where is South Country Road?

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

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

LEGISLATOR VILORIA-FISHER: You know when you make the right when going

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

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

MR. MARTIN: That's really Montauk?

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

MR. MACHTAY: Are you sure?

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

MR. CHAIRMAN: Any further questions?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Do we have a motion?

MR. BROWN: Unlisted Negative Declaration.

MS. SPENCER: Second.

MR. CHAIRMAN: Any further comments?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

MR. CHAIRMAN: Motion carries.

(WHEREUPON, the Council voted.)

MS. LAURETTA FISHER: Thank you.

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

Nick?

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

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

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

LEGISLATOR VILORIA-FISHER: Great. You have nothing to lose.

MR. GIBBONS: I will bring you up

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

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

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

Just as a point of introduction, we had the park since 1967. It really dates back to the infancy of the Department. We do own a couple of properties longer than that, but they actually predate the Department's and

existing park commission laid back during the time the board of supervisors. So, Cedar Point is really one of our original parks of which there are five or six. It was a former hunting camp. It is roughly 600 acres in size. It is located in the northwest woods which is east of Sag Harbor. Roughly, northeast of East Hampton Hamlet and the Village of East Hampton and there has been quite a lot of acquisition in these past four decades but Cedar Point is a major first step in a government agency owning a property of such scale in that area.

Now, fortunately, most of what is going to be developed in that area has been developed and quit a bit of ownership including additional county ownership of that northwest harbor has occurred and the Town of East Hampton and New York State DEC also own a significant acreages in this area.

The park offers seasonal recreational opportunities. It is open

year round. A vast majority of the time is April through October and is open for camping -- both tent camping and trailer camping. There are group camping facilities within the club camping and within the park although located separately from the more recreational individually group and family camping areas. We offer youth camping for scout groups and others. There is a athletic area for recreational baseball and what have you. There are rowboat launches and kayak launch areas on LY Pond. LY brook then leads you from LY Pond out into northwest harbor. So there is a mile of paddling opportunity there before you get out to open water. There is, approximately, one mile long sand spit of which there is beach access on both sides -- both the northwest harbor side and Gardner's Bay side.

The spit terminates at Cedar Island Lighthouse which was formally an island site and became part of the peninsula in the 1938 Hurricane. Prior to that,

there was roughly 200 to 300 yards in open water between the end of the spit and the Cedar Island Lighthouse was developed. So that's still filled in and has remained for the past 70 years.

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

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

be currently wooded, intact, and another would be another acre and that third acre would be within existing clearings to the disturb area.

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

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

We're creating primitive campsites,

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

The plan recommends the relocation and replacement of the existing camp store, improve renovating existing bathrooms, replace and reconfigure campground checking station, and construction of a nature center is contemplated. Construction of a new

bathroom and construction of three compost facilities. Construction of viewing platforms and reconstruction of the existing rowboat cabin. Restoration of the Cedar Island Lighthouse, upgrading existing utilities with fewer water sanitary and demolish of several falling structures. Those are primarily the original maintenance facilities and consolidate.

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

The other thing I will call your attention to within the EAF is that I wanted to point out that I identified --

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

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

MS. SPENCER: May I ask a question here?

MR. GIBBONS: Sure.

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

another?

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

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

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

MS. SPENCER: A developed area?

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

leaves a vast amount of acreage intact and other areas of the park.

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

There's too much more interest within the EAF itself. Within the Master Plan, I will just -- most people focus on these things anyway. Figure One, shows what we were getting into, Mary Ann, in terms of -- it shows the network of roadways and where they are in proximity to the infrastructure that we have within the camp store, and various bathrooms facilities. Even our maintenance, to some extent, needs to be

relocated close too but not impacting the public's use of the property. This constant running back and forth for various things needs to be addressed over the course of the camp season and it helps to have those nearby.

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

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

MR. KAUFMAN: It's quite clearly

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

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

This goes to specific recommendations in terms of the nature center, the camp store, the recreational facilities, and their relations to the existing campgrounds. Within the plan, it shows both the existing and the proposed campground. I would like to call your attention to the fact that there are actually proposed for some sites eliminated. Again, that gets back to their sort of adopted and expanded area over the years, and we need to tighten that up a little bit. Also,

there is some pretty significant drainage and/or topography within the campground. The site needs to be a little more sensitive to preserving that. The slopes are pretty tough to deal with and we don't expect the public to have to navigate through topographic areas. So we want to tighten that up a little bit, and get that enclosed buffer away from those slopes.

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

MR. CHAIRMAN: I found arrowheads there.

MR. KAUFMAN: And you removed it

from County property?

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

(WHEREUPON, there was laughter.)

MR. CHAIRMAN: Sorry.

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

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

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

MR. GIBBONS: We have some experience with these now at Indian Island County Park in Riverhead. We have two such composting toilets out at

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

MR. CHAIRMAN: The other thing --

MR. GIBBONS: I should say, we have

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

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

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

MR. CHAIRMAN: A group that raises money?

MR. GIBBONS: Well, they are but it's -- the agreement is someone had infancy between the department's and the groups are just really beginning to muster some financial resources to begin the initial steps for the ultimate restoration of the lighthouse. What that means, that restoration, we don't know yet. It can simply be a

stabilization. It can go anywhere from that basically not losing the resource to, I suppose, a full scale restoration including interior finishes is also on the table.

MR. CHAIRMAN: What --

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

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

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

MR. CHAIRMAN: It is very consistent.

Eva?

MS. GROWNEY: Would you just give

us a little description in your own words on the reasoning behind the moving of the store and what's that all about?

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

Also, from the Park's Department perspective, we think that we can make better utilization of that by developing a nature center. Really the program space and less -- you know, then someone running up there for a half-an-hour to have a hot dog or hamburger verses going up there and learning about the environment and maybe stepping off guided hikes of the park could be from that area. The camp store, its proximity closer to the campground would

help too -- you know, if somebody runs up bag for a bag ice or what have you, they can simply go across the road as opposed to having to get in a vehicle and go back up to the store and might get away from and diminish vehicular trips as much as possible. Sometimes they block their vehicles in and don't use them again until they leave the park after their visit, so that's the reasoning for that. Of all the things we're voting on here, I am personally most excited about of having a nature center.

MS. GROWNEY: That's something I really applaud because that's an incredible view of the lighthouse aspect of it. Along the fact, I like the fact that it would be closer to the -- the actual store would be closer to the population, but I also would want to see a buffering for the lighting and all that sort of thing, so it does not impact the residency of people. I wondered if any consideration ever given

to some sort of biking -- not motor bikes but just bicycles -- the trails. I don't think they really come with bicycles right now but are there any thoughts or discussion about that?

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

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

MR. GIBBONS: The hiking trails themselves, I would not recommend -- I would not endorse the idea of expanding bicycles use into the interior parts of the wooded areas. That would just -- first of all, I am not a big fan of co-locating both hiking and biking on the same trail. The construction of a new trail is something that we would look far more closely at, and I would not be too enthusiastic about that. Certainly into people using bikes within the park to get from A to B so they can run up to the camp store or the

basketball courts or something like that. But, really going into the interior part of the park with the trail, most of which wind up crossing or at least coming in a close proximity to the ecological areas. We have some concerns about that.

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

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

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

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

MR. CHAIRMAN: Dan?

MR. PICHNEY: Nick, what's makes

the composted toilets as opposed to this modern outhouses?

MR. GIBBONS: Say it again.

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

MR. CHAIRMAN: Yes.

MR. PICHNEY: How does that work?

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

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

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

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

MR. CHAIRMAN: I don't think so.

MR. GIBBONS: We have an electronic fan that runs on a solar panel on the ones at Indian Island. That was our only issue in terms of maintenance was

in that area, it wasn't a tremendous amount of exposure, so we're actually able to run a wire up on one of the nearby trees and melt the panel in the trees. You can't even see it, but it's working out.

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

Yes, Mike?

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

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

MR. GIBBONS: The subject road is an East Hampton roadway and the upstream section is property owned by Town of East Hampton -- Scoy Pond itself and neighboring estate property which is on the west side Alewife Brook Road is the Town of East Hampton jurisdiction. I do believe that they have identified that particular structure as in need of replacement or reconfiguration in some way particularly due to impeded the Alewife run in that area.

MR. KAUFMAN: What is the name of the environmental director out there?

MR. GIBBONS: Larry Penn.

MR. KAUFMAN: It's funny because he is opening up and closing culverts all over the place in East Hampton right now. Has he talked at all about this one?

MR. GIBBON: To me, personally, no.

MR. KAUFMAN: This is the perfect opportunity for him to maybe coordinate with the County and it's not that hard to drop a culvert in looking at the location, et cetera. Maybe it will knock out the fragments in the area. If there's bugs in Scoy Pond, maybe knock them with improved flow. You also improve the flow into there and reverse the historical problem and that may help with the Alewife.

MR. GIBBON: Any project would have to include the County, as well because the downstream side of that is within Cedar Point County park, although, very much as a boundary as the western

boundary part of the park.

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

MR. CHAIRMAN: Any other comments?

LEGISLATOR VILORIA-FISHER: Well, don't tell your friends about this. This is such a great secret.

MR. CHAIRMAN: Anything further?

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

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

MR. BAGG: I have a question.

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

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

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

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

MR. BAGG: So the CEQ recommendation is going to Legislature?

It's not just an inhouse project to be approved by the Commissioner?

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

MR. GIBBONS: No, no. Unfortunately, we have a new administration now so that --

LEGISLATOR VILORIA-FISHER: Has he seen this yet?

MR. GIBBONS: No, totally unaware of it.

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

MR. GIBBONS: I have not had the opportunity to review it with him. Obviously, our Deputy Commissioner has been here through the administration and she actually was pro-signatory on the EAF for me. So she can speak to Legislature at some point in time.

LEGISLATOR VILORIA-FISHER: Do you think it will be laid on the table?

Well, we're not going to be able to lay it on the table until August; right?

MR. GIBBONS: Right, August. That's what I am thinking.

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

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

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

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

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

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

LEGISLATOR VILORIA-FISHER: That's where I first saw this. I knew I had

looked at it, but I didn't remember a resolution. It was when I was Park's Chair. I saw it when I was Park's Chair.

MR. CHAIRMAN: Joy?

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

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

LEGISLATOR VILORIA-FISHER: The burnt down house.

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

LEGISLATOR VILORIA-FISHER: Right by the church there.

MR. CHAIRMAN: That's burned down?

LEGISLATOR VILORIA-FISHER: The house burned down a long time ago. It burnt down two years after we bought it.

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

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

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

MR. MACHTAY: It was good.

MR. MARTIN: It was good and never

got added.

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

MS. SQUIRES: West Hills?

MR. GIBBONS: Does West Hills have a plan?

MS. SQUIRES: Yes.

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

budget of something like that. Really to organize a trail that works there and make specific recommendations. West Hill certainly has benefits from something like that.

MR. CHAIRMAN: Gloria?

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

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

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

MS. GROWNEY: I will second.

MR. CHAIRMAN: I am not making a motion.

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

MS. GROWNEY: Second.

MR. CHAIRMAN: Any further discussions?

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

LEGISLATOR VILORIA-FISHER: Well, we do that when we make the motion.

MR. CHAIRMAN: Yes. It will go to the Legislature, but as per Jim's comment, it will not go until the Park's Department is ready to submit it.

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

MR. CHAIRMAN: All in favor?

THE COUNCIL: Aye.

MR. CHAIRMAN: Opposed?

(WHEREUPON, there was no response.)

(WHEREUPON, the Council voted.)

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

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

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

MR. GIBBONS: Right --

LEGISLATOR VILORIA-FISHER: And the blocks are being protected, as I understand it, with some snow fencing?

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

LEGISLATOR VILORIA-FISHER: The outer beach?

MR. GIBBONS: Right.

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

now?

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

LEGISLATOR VILORIA-FISHER: So from zero to --

MR. GIBBONS: From zero to several hundred yards.

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

lifeguard stands and --

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

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

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

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

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

MR. GIBBONS: No, but they certainly come with their own costs. But we have a road behind the primary

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

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

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

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

MR. GIBBONS: Right.

LEGISLATOR VILORIA-FISHER: The second question I have -- I am not sure but it's for both you and Richard.

If you recall, you mentioned that deep wells are trying to go back to agricultural use and --

MR. MARTIN: We're clearing the

growth that was coming into the pasture land -- the grassland there.

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

MR. MARTIN: Direct the calls to me first.

LEGISLATOR VILORIA-FISHER: I will call you then.

So we discussed the appointee for the commission position and issue with Smiths Point and he was under the impression that the natural incretion would build up the beach area.

MR. GIBBONS: It will, but I don't think it would return to previous

conditions, no. I can just tell you that we have to tend to the beaches for the birds and marsh out there, and that's a very fluid time for the beach in terms of incretion and erosion. We put up --

LEGISLATOR VILORIA-FISHER: Especially this March.

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

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

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

earlier, there is just a bad combination by things going on over there that necessitate artifical nourishment.

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

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

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

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

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

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

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

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

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

LEGISLATOR VILORIA-FISHER: That

project hasn't moved?

MR. GIBBONS: Not yet.

LEGISLATOR VILORIA-FISHER: When is that scheduled for?

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

(WHEREUPON, there was laughter.)

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

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

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

LEGISLATOR VILORIA-FISHER: I'm not doing the gardens. What I am doing is I am mapping the gardens that are being done by other people. This is the only

one where I am going to be hands-on because it is County property. But, for example, we're mapping with the help of the Health Department school gardens, CSA's, community gardens, farms, and any kind of place that's growing local vegetables.

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

LEGISLATOR VILORIA-FISHER: Exactly.

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

LEGISLATOR VILORIA-FISHER: Well, you saw the Wyandanch Gardens -- the school garden that was in the paper today? We're going to map that onto our garden so people know where the school gardens and where community gardens are. We're trying to put them -- we're reaching out to people in underserved areas and, you know, actually people talk about urban areas being food

deserts. We have many food deserts in Suffolk County. In Wyandanch, there is no supermarkets.

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

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

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

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

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

MS. SQUIRES: No, we're not doing it. I just am commenting that the community gardens are a big thing throughout New York State and a lot of CAC's are involved, but in Huntington, we have two projects that are town projects and town funded. One is Gateway Gardens and they are beds -- raised beds. This is adjacent to the

problems in Huntington Station. We cleared -- we have systematically purchased the land through the open space program -- the town open space program. The area is cleared. They are beds -- specific beds that will be built that can be moved in the future and eventually it will be a community center. In the Cliff Circle Gardens which is part of the town's organic gardens, there is an area that is being built with beds again for people who are needed and all the produce goes to hungry people and they're very much pushing that.

MR. CHAIRMAN: Thank you.

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

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

LEGISLATOR VILORIA-FISHER: The Eco-farm I know we have. E-mail me the names so that I have them to try and reach out to them as much as I can.

MR. CHAIRMAN: We have to move on.
Next is the CAC concerns.
MS. SQUIRES: I just said it.
MR. CHAIRMAN: So do we have any other business?
(WHEREUPON, there was no response.)
MR. CHAIRMAN: If not, again, I would like to thank everybody that has been so helpful in setting this up. It's not easy. Do we have a motion to adjourn?
MR. MARTIN: Motion to adjourn.
MS. GROWNEY: Second.
(WHEREUPON, this meeting was concluded at 12:18 p.m.)

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

STATE OF NEW YORK)
:ss
COUNTY OF SUFFOLK)

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of July 2010.

Melissa Powell

MELISSA POWELL