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SUFFOLK COUNTY DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

H. Lee Dennison Building
Hauppauge, New York 11788
October 20, 2010
9:35 a.m.

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MEMBERS PRESENT:

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

ALSO PRESENT:

THOMAS ISLES, Director of Planning
LORETTA FISCHER, Principal Environmental Analyst
MICHAEL MULE, CEQ Staff
CHRISTINE DeSALVO, CEQ Staff
JOY SQUIRES, CAC Representative
MICHAEL PITCHER, Representing Presiding Officer Lindsey
THOMAS YOUNG, ESQ., Assistant County Attorney

2010 DEC -9 AM 11:32

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THE CHAIRMAN: I'd like to call the meeting to order. We do have a quorum. Welcome to the October CEQ meeting. Anybody check the May, August and September minutes which are now available on the Web?

MR. MACHTAY: August and September I have read. I've sent comments to Christine and I am comfortable with both sets of minutes with the corrections.

THE CHAIRMAN: Do you want to make a motion?

MR. MACHTAY: I'll make a motion to move August and September minutes. May I was not here for.

LEG. VILORIA-FISHER: I'll second the motion, but I want to hear the corrections before the vote; is that okay?

MR. MACHTAY: I didn't save the changes. I sent them to Christine.

MS. DeSALVO: I can get the corrections.

THE CHAIRMAN: Would you, please?

MR. KAUFMAN: Are they extensive?

MR. MACHTAY: No, not at all.

LEG. VILORIA-FISHER: They're probably grammatical.

THE CHAIRMAN: While Christine is gone, I'll call your attention to the correspondence.

MR. MACHTAY: Page 18, Line 9, the word "patrol" was in there and I think it should have been "control." That was, I think, Tom Isles speaking. Page 21, Line 4, just the line just made no sense to me. It was a little garbled. Page 25, Line 25, "transfer or title" should have been "transfer of title." Page 42, Line 7 "not" should probably be "national." They were talking about the National Register of Historic Places. Line 6, Page 43, after the term "SEQRA," you should probably add "is nominated to the National Register." We were talking, once again, what constitutes requiring a SEQRA review. If it's nominated to the National Register, not on the National Register. Those were my only comments.

THE CHAIRMAN: That was for August.

MR. MACHTAY: As I said, for September it was just a few spelling errors and I didn't bother to --

THE CHAIRMAN: Legislator Viloria-Fisher, do you have any comments?

LEG. VILORIA-FISHER: No, I just wanted to hear them to see if they were substantial changes.

THE CHAIRMAN: Any other comments? We have a motion, we have a second. All in favor? (Show of hands) I have to abstain on the September minutes

because I was absent. So the motion carries.

Correspondence, there are several items here with regard to the Hauppauge sewage treatment plant which will come up later in the agenda, so we will cover those at that time. Historic Trust. Rich.

MS. SPENCER: Rich isn't here today and there was nothing urgent to report.

THE CHAIRMAN: Very good. I'm going to, because of the day's schedule, which has several potential issues, postpone the Suffolk County Parks discussion until later in the program, so we will move onto recommended Type I actions project review. I guess we don't have any recommended Type II Actions.

Ratification and recommendations for the legislative resolutions laid on the table. Anybody want to call any attention to any particular ones, Mike?

MR. MULE: Mostly Type II Actions, no Type I's.

THE CHAIRMAN: There was one significant one in there for us, and that is Jim Bagg has been appointed a member of the committee.

LEG. VILORIA-FISHER: The guy can't stay away. We've become a habit to him.

THE CHAIRMAN: That will be very helpful to

all of us, since has such a long history with us.

DIRECTOR ISLES: Is that a Type I Action?

MR. KAUFMAN: It should be a Pos Dec also.

THE CHAIRMAN: This is my favorite time of the year. Mr. Ninivaggi, are you here to speak about vector control? I'm sorry, we have to vote on the legislative resolutions.

MR. KAUFMAN: Motion to accept.

LEG. VILORIA-FISHER: Second.

THE CHAIRMAN: Any further discussion? All in favor? Opposed. Motion carries. Mr. Ninivaggi.

MR. NINIVAGGI: Every year at this time, under the county charter, Vector Control has to submit its annual plan of work to the county legislature for approval, which is why it's before you now. As those of you who were involved in the process are aware, we went through a very involved and lengthy process to do a vector control and wetlands management long-term plan and EIS, and now that that is done, as long as our annual plans are in conformance with that EIS. SEQRA is satisfied. So I'm giving you my annual plan for 2010. It's very similar to the last two or three plans that were under the EIS, the post-EIS plans.

There are a couple of minor differences from

last year's plan that I just want to bring to your attention. On the larvicide products to be used, I have added at the very bottom of the list 4 Star briquets. That is on Page 4 of the plan. That is a combined ETI and B-sphaericus product. It uses active ingredients that were evaluated in the EIS. In 2010, we actually did obtain a permit from DEC for a product and they agreed with us because it used active ingredients in the EIS, SEQRA was satisfied for the DEC permit as well.

We didn't get a chance to use that material operationally this year because of the very high level of West Nile activity we had. We wanted to do some trial applications to see how the product works for us. What we have in mind this year is to try and do that again, these are briquets that last ninety days and they can be used in catch basins, basically instead of our one hundred fifty day Altosid briquette. We wanted to try to get a bacterial product for the catch basin application. We just want to see how well it works.

One of the differences is the Altosid briquette is actually a special shape called an ingot that goes through the grates of the catch basin easily. That is one of the advantages of that product. These 4 Star briquets have a little different shape. We are not

sure they will go through the grates. We thought if we could add another bacterial product, we would like to do that.

MR. KAUFMAN: The ninety day versus a hundred fifty day, that is going to put a greater load upon your application schedules and your people.

MR. NINIVAGGI: What we will probably do is apply the ninety day briquets a little later in the season. Usually, we treat a lot of catch basins. What we can do operationally. The ones we are treating early in the season, say late May, June, we can use the one hundred fifty day. As that rolls along and we get into the summer, we can go with the ninety day product.

We like to rotate active ingredients. We like to have more than one active ingredient that we can use in the same type of treatment sites to prevent resistance. That we will work in into the program in the coming year, depending on the details and work load, when you use a product for the first time, you try to go out and do a little bit more follow-up and a little bit more evaluation of how well it works then if it's part of your standard program. That takes some time and effort from the technical staff, the entymologists, biologists, and this year, with the very high level of

West Nile activity, we were pretty much overwhelmed with responding to the virus.

Another minor change from previous years, 2010 DEC issued an Article 24 freshwater wetlands permit to cover adult mosquito control in freshwater wetlands. Previously, if we had to treat in freshwater wetlands for adult mosquitoes, it would be a response to virus, and we would have to get an emergency authorization from DEC. The Article 24 permit does away with the need for emergency authorization. It's an advantage for us and for DEC in that we have pre-filed maps where we are likely to treat. We don't have to go through a sudden scrambling around to get an emergency authorization. All the paperwork is pretty much done. All the evaluations of no spray areas, all those things are already done. It's a much more businesslike routine approach than having to declare an emergency.

That permit also allows us, in certain areas in southern Brookhaven where we have chronic infestations, to treat adjacent and on some freshwater wetlands if we don't have virus presesnt that. Is mainly in the Mastic Beach, Shirley, Brookhaven Hamlet. Those are areas where people actually live in mapped freshwater wetlands. By being able to treat those

areas, we are able to do a better job of controlling the mosquitoes where those people live, and we actually did one application under that permit this year, and because we were able to do a better job of treating the entire area, we got better control with one application. We didn't have something in for repeat applications. That is another advantage of working with a permit.

MR. KAUFMAN: Do you still have to notify DEC before you come in outside of the Mastic area before you do a freshwater spraying?

MR. NINIVAGGI: Yes, basically it's a general permit where the perimeters are set forth, particularly if it's a previously known area. You have a filed map. So we already agreed with them as to which areas to spray, not spray, what the boundaries look like. If we need to treat an area for virus, the health commissioner informs DEC that we need to do this and we are going to spray. According to this map, they can look at it to make sure it's in conformance, but we can go out and do what we need to do.

MR. KAUFMAN: DEC changed its mind from a couple of years ago and making it more regular, if you will.

MR. NINIVAGGI: This is something we have

been working on for some time. I think in general, DEC's attitude has become a little bit more local government friendly. I think they have come to realize that we are all taxpayer organizations. We are all working for the same employer, essentially, and we are working much more closely together.

The other thing is we discussed this kind of permit for quite some time with DEC, but we weren't able do it until the EIS was passed. Now that we have the EIS in place, it allows for things like this general permit. Another benefit of the EIS is allowing it to regularize the program. It's a big advantage for the DEC over the winter to see where we want to spray for virus. We can talk about it in February instead of virus popping, and we will we have to get out there tomorrow.

On the regulatory front, I mentioned in the EAF that as of April 2011, Clean Water Act permits will be required for pesticide applications adjacent to water. It's the SPEDS permit, and DEC plans to issue general permits to provide coverage under that law to regulate that. I'm working -- actually, I have a conference call with them this afternoon. As we were working on trying to figure out what the permits should

look like, we are not anticipating any operational change as a result of the SPEDES program, but we have to get those permits to be in compliance. We are working closely with DEC on that.

As you may have heard, the Clean Water Act lawsuit brought against the county has been settled. We're continuing our program as we had in the past. There has been no finding at all on either side. No money has changed hands. That legal challenge is also over. On the water management issue, wetlands stewardship is still working on things like the Wetlands Stewardship Program and the planning operation on that. We are continuing to do relatively minor maintenance work in terms of water management.

This year we did work with DEC on a couple of their properties. They have issued themselves a general permit for maintenance and upgrading of water control structures on their property, and they had two properties, Lineman Marsh and Namty Creek, where they were concerned about the lack of tidal circulation; we were as well. We worked under their permits, so they complied with SEQRA under their permits and we did restore some tidal flow in those two marshes. We have been keeping an eye on that, along with DEC. We are

both pleased with the results. It seems like it reduced the phragmites growth in those marshes and it's at least mosquito neutral. This is another example of a higher level of cooperation with the DEC, and we hope to continue that in the coming years.

THE CHAIRMAN: You referred to the Wetlands Stewardship Program. Isn't that, in fact, a requirement that that be accomplished now?

MR. NINIVAGGI: It was supposed to be finished now. I know that some of the final reports are being put together for that in cooperation with the Wetlands Stewardship Committee. I don't know, I'm not quite sure what the current thought is on when that will be submitted. That will be if not by the end of the year, we may have to ask for an extension.

THE CHAIRMAN: What is the implication to the overall EIS by not having that accomplished on time?

MR. NINIVAGGI: Well, what I would say is we would have to continue. You won't be doing any of the higher level management practices until the stewardship report is in.

THE CHAIRMAN: Could I ask you to submit a letter to us explaining the status of that report and how it will affect your operation in the coming year if

it's not delivered on time?

MR. NINIVAGGI: I can do that. I will also work -- that is a program that is run by the Department of Energy and Environment. I'll work with them on putting to something together.

THE CHAIRMAN: We were very concerned that everybody stick to the time table and so forth that was established, I guess three years ago, and I think we need to try to stick to that.

MR. NINIVAGGI: To be fair, there were a lot of delays in first deciding how to hire a contractor, and then getting the contractor in place. A good year or more was spent just in that. If you remember, right after the EIS was finished, it was thought that that would be a cooperative effort by Nature Conservancy and Cornell. After, I would say a good year, they decided they weren't able to do that. Then some time was spent deciding exactly what process to use to bring in a contractor.

Now we do have a contractor team in place led by LKB. There are delays associated just with starting that.

THE CHAIRMAN: My concern is, as you know, there was a little bit of public interest in this whole

issue. And the last thing I want to see is that the public interest gets heated up again because we are not able to comply to the schedule that we originally established.

MR. NINIVAGGI: I agree, and also we set some ambitious goals for reducing pesticide use, particularly control of mosquito larvae out in the salt marsh, which is one of our major uses. The best way to reduce pesticide use without tolerating more mosquitoes is to do improved wetlands management. Nobody is more anxious than I am to get this stewardship program going and get improved wetlands management out there.

LEG. VILORIA-FISHER: Dominick, how have staff or lack of staff impacted this? Because I know there was a retirement incentive. We lost many high level people in our departments who might have been working on this, and I know that staffing was a bare bones level while we were supposed to be working towards this report. How is your staff doing these days?

MR. NINIVAGGI: We haven't lost any of the staff that were working on the regulatory planning type issue. We do have an open biologist position and lab tech position, which were not part of the incentive. They're still in the budget. As to whether we will be

able to fill them or not, that is an issue that relates to the economy and to expenses.

For the early retirement incentive, we did have three people go on ERI. We had both my clerical staff go, and a foreman. The foreman, we basically reorganized to absorb that and we may promote another fellow into the foreman. When you have multiple foremen, it's easier to absorb when you a lose one. The clerical staff, we had two people in the office. Those positions have been abolished, but a new position has been created, a slightly lower-title for the 2011 budget. We hope to hire a new person as soon as possible.

In DPW, there were only two positions created to replace ERI people and I got one of them. I have to say I have been treated fairly, considering how many people went. During the summer, one person in the office will not be adequate and we will have to look at temporary work coverage in the summer with the high workload. I have a temporary person from civil service working with us this fall doing the clerical duties in my office. I have somebody in there. The phone is now being answered again.

LEG. VILORIA-FISHER: I was concerned when I

heard you were answering your own phone.

MR. NINIVAGGI: We had to shift calls to the Health Department hotline. Now I do have somebody in the office again. So she has picked up the slack on that. Hopefully, we can be allowed to fill that new position early in the year in 2011, so we have that person fully up to speed. As far as how we will handle the increased phone traffic in the summer, that is something we will have to look at when we get to the summer.

LEG. VILORIA-FISHER: I think I was referring more to the wetlands management.

MR. NINIVAGGI: We haven't lost any positions relating to producing these reports and doing the wetlands management.

LEG. VILORIA-FISHER: I know there were people from Health who were providing support to that and I thought we lost some of them.

MR. NINIVAGGI: None that worked directly on this.

MR. KAUFMAN: We are talking about schedules. First off, are the tri-annual report, which is supposed to be produced in three years, is one of the deadlines things to get out. In discussions with you

and some of the other people at the Pesticide Management Committee, which I'm on, it looks like that would have slipped a month or so possibly December, possibly January. I think we are going to be getting a letter on that requesting a postponement by a month or so. That will summarize the effort over the last three years that it was a requirement of the EIS.

Second off, just to add to something that Dominick was talking about regarding wetlands management, one of the consultants who is working on that is here today, John Gerlach, from Lockwood, Kessler & Bartlett -- he's not here for that purpose. That plan is going forth, this there has been a lot of data produced on that. We actually have a draft strategy out there that is being whipped into shape at this point in time. When it will become available? That I can't answer, but I'm starting to see the paperwork flowing and there is stuff out there. Obviously, we lost a year with the contract situation, but essentially call it an EIS at this point in time, the work plan is progressing. Has a fair amount of substance to this. I think that is a fair statement to make?

MR. NINIVAGGI: Yes. There is a lot of work being done on that. It's just a matter of this has to

be produced and then reviewed by the Wetlands Stewardship Committee, so there is a process. That has to go through the committee to make this happen.

MR. KAUFMAN: It's starting to coalesce now that the basic research has been done and it's actually starting to move.

MR. NINIVAGGI: I prepared the annual plan of work. The county legislature passed a bill. Unfortunately, I don't have the resolution number in front of me that calls for the county's use of the code red emergency system when we are treating for adult mosquitoes. Code red is a system where a recorded message can be sent to all the telephones in a geographic area. What this legislation calls for is if we are treating an area for adult mosquitoes, we can send a recorded message to everybody in that area saying, for example, tomorrow night at such and such hours, we will be treating for adult mosquitoes. You might want to close your windows. For further information, look at our Website or hotline.

This addresses an issue that has been a difficult one in that we have a public notification law, and we tend to rely on the media to let people know that we are spraying in an area. It's difficult to get the

word out. We did a lot of treatments this year where people called after the treatment. It wasn't that they were upset that they sprayed, because they recognized the need, but they wanted to know that we were spraying to close the windows, tell the kids to come indoors. I think that is a fair thing to do. With the technology in place we can actually place a phone call to every household saying heads up, we're going to be spraying. The technology is already there. It's in place. We looked at this, we think we can manage that and we will be working on that over the winter.

The big question I don't know yet, if we call, it's possible that on a single night we might make twenty thousand phone calls, if we are spraying a lot of areas particularly at night. If one percent of the people in that area decide to call my office to find out what is going on, that will be two hundred phone calls coming in that morning. That is a potential problem. We are hoping that we can direct people to the Web and recorded calls, but we will have to deal with that as it comes through. The experience that I have heard from other jurisdictions that do this it's not an insumountable problem. I think to address the concerns people have about public notice, I think it's a

worthwhile thing to do.

THE CHAIRMAN: Could you also summarize the mosquito situation this summer and how it compared to Nassau County, Conneticut, whatever comparisons you have.

MR. NINIVAGGI: This was the highest year of West Nile activity that we have seen here since the virus was first found in 1999, in Suffolk County. Generally in this year, we had about two hundred ninety-five positive mosquito samples. Mosquito samples came in positive early, and with the hot weather, we knew we were in for a very severe season; that turned out to be true. You have, on the back of the plan, our acreage figures for pesticide use, and we treated approximately fifty-two thousand acres for adult mosquitoes. The overwhelming majority of that was in direct response to West Nile virus.

On a year we don't have a lot of virus activity, we might treat fifteen thousand acres, we treated a lot more acres than we usually do because of the spray levels of virus activity. My understanding right now is we have fifteen confirmed human cases in Suffolk County, unfortunately, one fatality. Nassau County had very high levels of virus activity and human

involvement. I understand they had two fatalities. Approximately fifty human cases for the same population in a smaller geographic area.

There are probably a couple of different reasons for that. Ecologically, Nassau County is a little bit different from us. Nassau County tends to resemble the western part of our county, which is where we saw the highest activity in our county. I think that there are also differences in the control program. Around August we did get a call from Nassau County that they wanted to do some truck mounted separation for adult mosquitoes, and it turns out that they only had one person with the proper license to do that. They had four trucks, but only one person with the proper license. We had to execute an intermunicipal agreement and sent some guys over to drive their trucks. Not that we weren't busy enough with our county, but we realized it was a public health situation.

In 2008, they had a lot of activity. We didn't send assistance at that time. They had a lot more cases than us, so I felt that this year, even though it was putting a strain on our resources, we had to do that. We did send crews there to help them with the truck mounted treatments. They decided to treat

earlier than they did in 2008 because they realized that virus is a problem. They brought in fixed wing aircraft. In two nights treated with seventy-seven thousand acres by fixed wing aerial. In those two nights they treated more acreage for adult mosquitoes than we did in the entire season. They had a lot more human involvement.

Under our program, by having a lot of preventative activity and a lot of good surveillance, we tried to be very focused in terms of where we spray. We were able to keep our spray acreage relatively low, and our human involvement, while still high, could have been far worse. I think one other big difference is because we have twenty-five people who can apply pesticides compared to four or five in Nassau. We were able to do a lot of larval control. We did some twenty to thirty thousand catch basins in some of the high West Nile activity areas. We did a lot of larval control using the one hundred fifty day briquets.

Nassau doesn't use the one hundred fifty day briquets, they use the short-term briquets. I'm hoping Nassau county improves their program in the coming year. I think they need to get more licensed operators. I think their spray strategies need improvement, but it's

their county. It was a very difficult year for both counties. While we had tried to help them out, I had to be cognizent of the fact that I can't be running two counties and do a good job. I tried to provide them with technical advice and advice how to do things, but ultimately my job is to do the best job I can here in Suffolk County.

THE CHAIRMAN: Could I have a motion?

MR. KAUFMAN: The question is what should the motion consist of; we are not typing it, more accepting it?

MR. MULE: Recommending approval by the leg.

MR. KAUFMAN: I make a motion that we recommend approval.

MR. MACHTAY: Second.

THE CHAIRMAN: All in favor? (Show of hands) Motion carries.

Recommended unlisted action, proposed declaration of ninety-five point three acres of commercial zoned property surplus. Anybody here to speak on that?

THE FLOOR: Legislator Kennedy said he would be between ten or fifteen minutes late.

THE CHAIRMAN: Proposed Sewer District 22.

Town of Islip. Welcome.

MR. WRIGHT: Ben Wright with Public Works. I'm here to restate the request that I made in the memorandum early in month concerning assistance with the scoping hearing on this particular project. And realizing that members of the CEQ have a lot of projects and this goes back three years, I want to give some background on the project itself. We prepared an Environmental Assessment Form in November, 2007. I presented a project where we have some recharge issues, poor soil conditions across the street for our sewers at 22 Hauppauge municipal.

We were looking at some options and became aware of some county property that was some three or four thousand feet to the west and prepared the Environmental Assessment Form based on utilizing that property. During the CEQ meeting, there was a lot of discussion on whether or not it should be Unlisted Type I and there was some opposition by Legislator Kennedy, and some community representatives that were there and the resolution that was adopted indicated Unlisted Positive Declaration, and we should go through a DEIS scoping hearing, prepare a EIS and coordinated review.

There was discussion. We went through the process of obtaining funding. We hired a consultant, Lockwood, Kessler & Bartlett, and they prepared what is still a draft feasibility report, which will be finalized in the near future, but it does look at alternatives. We are requesting CEQ to assist us in initiating the scoping hearing, to meet with representatives to develop the scope and then proceed further.

A brief description of the project, I think, would be appropriate, and John can do that if you have some time to hear it, but our basic request today is just can you assist us in initiating the scoping hearing?

THE CHAIRMAN: We are becoming proficient in scoping hearings; be glad to help you. Before you start, Mike, do you want to make a comment?

MR. MULE: Are you planning on preparing a scoping document before the scoping hearing so we can send it out with the notice so people can digest it, or some type of project description that we can send out with the notice?

MR. WRIGHT: We have a project description that John can distribute today. Looking at the SEQRA

documents, there are a number of issues that need to be addressed in the scoping hearing, but we didn't want to do that without some assistance from CEQ. Whatever schedule and plan that you suggest, we will do.

LEG. SCHNEIDERMAN: Can I interrupt a second? Both John and I have to go to budget meetings because both of us have to leave.

THE CHAIRMAN: I would appreciate it, if you want to stick to the agenda, that you get here on time.

LEG. KENNEDY: I apologize for my late arrival. As my colleague said, we are in the midst of doing a budget process, which is quite challenging, to say the least. You had 1670 before you. I would ask you today if you would go ahead and consider IR 1670 and after your consideration, treat it as a -- issue a Neg Dec on it. IR 1670 I introduced actually in the beginning of April or May at a time when it appeared that we had some challenges before us budgetarily. I can tell you today, as we are sitting going through the budget, it is Herculean, the challenges that we have before us.

One of the first things that we point to is to look at 1670 and consider it as an Unlisted Action and Neg Dec is because the county executive himself has

elected to go ahead and include revenue from the sale of Parcel D, I believe it is. Ninety-five acres associated with the border of Legacy Village. As everybody on this board knows, that ninety-five acres is actually the only segment of the larger project known as Legacy Village that is zoned industrial, and therefore, would be most compatible with an outright sale.

Members of the board here I believe are familiar with the surplus declaration process. If you look at 1670, you will see what we included in there is a declaration of surplus on the part of the legislature and in the direction to the division of real estate to offer the property in conventional auction form, much as there is an auction going on, I believe it's today and tomorrow for tax parcels. This is based on a number of realities that we have before us, least of which is, as I've said, we have very, very significant challenges associated with trying to adopt the 2011 budget.

That Parcel D characterized in the project known as Legacy Village had a set amount, that by the county executive and administration's own acknowledgemeant, is probably below market value. Ninety-five acres at twelve million worked out to be about a one hundred twenty thousand dollars an acre.

Based on a thumbnail of recent commercial transactions in about a one to two mile perimeter, it's anywhere from forty to fifty thousand dollars an acre below what arm's length transactions have been recently.

Candidly, we need the money and we need the money now. There may be a vision that had been articulated about some larger multi-year plan that might have realized some revenues in 2014, 2015. We don't have that luxury right now. That is the reason I put in the resolution initially because of some general inclinations we were going to hit some severe budget constraints.

LEG. VILORIA-FISHER: Just a short interruption. I also serve on the budget working group with you. What we have to do here is not deal with the budgetary ramifications, but rather deal with SEQRA. We already have an EIS that is being developed. Let's go to that.

LEG. KENNEDY: My colleague always kind of zeros in on the crux and essence. There is a line of cases in the State of New York that speak about alternative methods to view disposition of property. Legislator Viloria-Fisher is correct, there has been a Pos Dec on the broader plan known as Legacy Village

because it involves very significant determinations on the part of the County of Suffolk for characterizing land that is not zoned in a particular use factor now. Proposing huge or very large stadiums, work on sewage treatment plants and things, thus and such. It has been shopped and developed and we have seen renderings and it's been carted all over.

My plan does one thing. It says there are ninety-five acres in the inventory of the County of Suffolk. They are presently zoned commercial industrial. Let's offer them for sale. It has nothing, no long term vision, no ultimate mapping. It offers the property for the commercial sector, locally, regionally, nationally to bid on and to use in conformity with the Town of Brookhaven's zoning and regulations.

Ultimately, a purchaser would seek to propose some type of development there, be it manufacturing, or solar or who knows what. It is contiguous with commercial property now. It is in an area that is somewhat concentrated, as far as various types of commercial functions.

When an entity contemplates disparite uses of property and the ultimate outcome is for a mere offering, that is not segmentation. The case law is

very clear that when you look at the alternative methodologies to go out there, this is not an effort to undue, undermine or go below the bar of a Pos Dec. This is a realization, from a policy body, stating that we must have a quicker disposition, we must have a quicker disposition we. We also must realize the maximum amount of revenue we can have off this disposition.

That being the case, I do not believe this body is bound by the broader concept of segmentation. Were I here saying to you take this initial parcel, move it for development purposes in harmony with the balance of Legacy Village, absolutely, I would be guilty of segmentation. As a matter of fact, I'm here suggesting to you just the opposite. I'm saying there is no particular vision in mind, no particular ultimate use contemplated, no particular act sought other than to take this parcel and put it through our municipal offering process for the market to bid and go ahead and realize the revenue needed.

That's it in a nutshell, folks.

MR. KAUFMAN: Legislator Kennedy, as you know, I have written two memorandums on these issues, rather extensively. The board here should be aware of one critical factor. At least fifty percent of our Pos

Dec's in December was based on the fact that there was a plan attached to the two hundred fifty-five acres. The research indicated that having a plan attached to property before it was declared surplus, essentially was not a starter under SEQRA, and a Pos Dec really was necessary at that point in time.

In a certain way, this is reversing that process by cutting ninety-five acres out and declaring it surplus and starting all over again by disassociating it from the Legacy Village plan. That solved maybe one issue. Nonetheless, we have an EIS going. In my life, I have never seen a Pos Dec on a property wherein two hundred fifty-five acres is being considered as part of an EIS, and suddenly ninety-five acres is suddenly pulled away from it. As far as I can see, that has never been done under SEQRA and it's essentially an avoidance of Pos Dec. It's segmentation in its most classic sense and that is a problem.

However, I'm not saying no to it at this point. There are other avenues; you have a balance. The budgetary issues, which we are not allowed to consider, you have to balance the Pos Dec versus the surplus declaration and removing it, if you will, from SEQRA's purview. You know if you do it, there will be

lawsuits on it. You may not be able to recognize the revenue in 2011. Why not move foward with the EIS, which is frankly moving very fast; we are anticipating the first draft in about a month or so, around Thanksgiving. It will be done, most likely, by early 2011, latest, I would say, by June. You can recognize revenue in 2011 if it comes in.

If we get the EIS in and there are no constraints on the EIS on that point in time on Parcel D -- there maybe on A and B -- maybe not C, more likely not even D knowing the property like I do because I have run an EIS on that property -- it's possible to get the EIS, satisfy SEQRA, put it into the 2011 budget year, declare it surplus at that time and disassociate it from Legacy Village at that time. Otherwise, you are dealing with segmentation issues and someone is going to sue on it. That has something we have never done. Two, I have never seen anybody cut out thirty seven percent of the property from SEQRA's purview. I know in these memos I have said in the past if you want to get a Neg Dec out from this, your bill is viable in a special way. If it's disassociated from Legacy Village, that process may allow for that disassociation because it's no longer part of a proposed contract or proposed RFP.

It's really really on the edge. It may be a Type I because of certain aspects of it. It still probably could be a Neg Dec if we wanted to go that way. It's dicey, to say the least. It's filled with SEQRA issues. I hope everyone read the memos on it, I have done a lot of research on it.

LEG. KENNEDY: What I would say to you, you and I have had many conversations on it. The members of the board have seen the legal research that I have done as well. What I would say to you is, Mr. Kaufman brings up important points. The board has to go ahead and make a recommendation that is an intact recommendation and brings forth your collective expertise, I don't minimize that at all.

Nevertheless, what I would say to you is I've been candid with you about my rationale in bringing forward the resolution as a revenue issue. While your charge is primarily environmental, clearly in the enabling legislation all of you are cognizent of the fact that tangentially you look at economic impacts and other social based issues, so it's prudent to bring forward the economic realities associated with the need to put this forward.

Secondly, I think Michael and I agree to

disagree. I say to you that you consider that a logical clear path to go forward with the surplus determination and auction. That does not, in fact, run against segmentation, finally third I'll say to each and every one of you around the board, lawyers and such, we are a litigious society. People sue every day. When you make your determinations, you make your determinations based on what you have in front of you, the merits and the fear of suit. My colleagues and I, we sit every day.

As a matter of fact, we're told about the consequences of our actions. Were we to be reduced to acting in manner where we would not be sued, we probably would never be able to act. I would encourage you to go ahead and look at the four corners of 1670, be cognizent of what Michael shared with you, but also the balance of law that exists in the State of New York over the last thirty years since SEQRA was enacted, and see that, in fact, municipalities not only do have but must have an alternative path to contemplate disposition of property or actions without necessarily being subsumed by a broader vision, none of which 1670 contemplates.

MR. MACHTAY: If I understand you correctly, after reading your memoes and listening to you now, you propose that the ninety-five acres be declared surplus

and sold for the purpose of it being used as existing zoning.

LEG. KENNEDY: Absolutely.

MR. MACHTAY: Am I also correct in saying that Legacy Village had Parcel D to be used at the existing zoning; is that correct?

MR. KAUFMAN: Yes.

MR. MACHTAY: What Legislature Kennedy is proposing be any less protective of the environmental than doing the impact statement on the whole thing.

MR. KAUFMAN: You're essentially saying segmentation in an allowable sense.

MR. MACHTAY: Acknowledge its segmentation, but also acknowledge that the outcome would be no different.

LEG. SCHNEIDERMAN: Can I speak, because I have to run. I sat at this table, although we were in Sayville at the time. We talked about the Legacy Village. It was a contemplated development. The bill that was before you was to declare it surplus and allow the executive to sign a contract with a definite specific development plan, including affordable housing, the arena, etcetera. We clearly had to do an EIS on the project. Allowing the resolution move to forward

meant logically that certain development would occur. We had to look at the potential impacts. There are two branches of goverment the executive and legislative branch, and we all have our ideas about how to get through the fiscal crisis. The county executive has an idea to take hundreds of acres of property and have it developed. That is Legacy Village. That has never been been approved by the legislature. We are a co-equal branch of government.

I can submit a resolution, Legislator Kennedy can submit a resolution. We have an idea. We think that ninety-five acres can be developed with respect to zoning. We have ninety-five acres that we don't think we need for development. We would like to auction it off. When Michael talked about it he said maybe through the EIS we can peel that one off and sell it. I got a real problem with that because the price of eleven or twelve million dollars is a deflated number, based on the losses the developer, Beachwood, would take over developing the arenas and affordable housing that is not the real price of the property. The price at auction is somewhere between fifteen and twenty million dollars. We have the right, as a legislature to go a different route.

Legacy Village cannot exist at all. It is a separate idea by a separate branch of government. We are allowed to move foward. If we feel we can profit and get the fifteen or twenty million and help us, we shouldn't be held back. Why do I think it's a Neg Dec on the property? We are simply changing the ownership from county to separate ownership. When that private ownership comes in and develops it according to zoning, they will have to go to the planning board in Brookhaven, they will probably get an EIS anyway because it's a large project. We are not proposing or contemplating use other than what the way it's already zoned for industrial, light industrial. We are just saying it's surplus and allow it to be auctioned to the highest bidder.

It has to be looked at as a completely separate action from a separate level of government, the legislature. It's our resolution. We would like to move forward with that resolution.

LEG. VILORIA-FISHER: The only thing that might blur the distinction -- I'm very much in favor of this because we need the revenue -- the only thing is we did in the legislature vote to expend money on the EIS, the six hundred thousand dollars. We did vote on that

in that level. We did enter into --

LEG. SCHNEIDERMAN: That cannot be construed as approval of the project. It was administrative review of a resolution. The county executive submitted a resolution. The resolution had to go to the CEQ. CEQ said for us to review an impact statement before we can make a deterimination. The same way we would pay the salary of a planner, we are are paying for the EIS to be done on the county's resolution for you guys to make a decision on it.

I think the approval of hiring the firm to do an EIS is part of an administrative review of, in this case, the executive's resolution. If there are expenses associated with Legislature Kennedy's resolution and we agree to pay them, it doesn't mean that the legislature has agreed to Legislator Kennedy's legislation.

MR. MACHTAY: Just the fact that the legislature has agreed to spend this money on the entire project is an acknowledgement of some sort, the fact that an RFP was put out. I don't know who did the RFP and who approved the RFP is an acknowledgement of sorts. It clouds the issue.

LEG. SCHNEIDERMAN: The county executive issued the RFP. We review things all the time and then

deny them. That is not unusual. We are just getting information to make a decision.

MR. MACHTAY: I don't want to sit here and rationalize that it's a Type I action also. What I just proposed is, if we acknowledge that it is segmentation by some rhyme or reason, and it would be developed this way anyway with the entire two hundred fifty-five acres or by itself, then it is no less protective of the environment.

LEG. KENNEDY: Correct.

MR. MACHTAY: The Planning Department can write up a paper based on that that would be several pages long; I would hope that would justify that.

LEG. SCHNEIDERMAN: If we had to to do an EIS for Legislator Kennedy's bill, it's two completely separate proposals. The legislature should not be penalized because the county executive had an idea. This is our idea. If you feel that our idea doesn't have a significant environmental impact --

MR. MACHTAY: I also think you're right.

LEG. SCHNEIDERMAN: You have to look at that ninety-five acres, Legacy Village, as if that plan doesn't exist.

MR. MACHTAY: It should be the town that is

doing the SEQRA review on an actual development plan.

LEG. SCHNIEDERMAN: You can't prejudice Legislator Kennedy's resolution because Legacy Village exists. The county executive is entitled to have his own ideas on how to proceed. Ultimately, it's going to have to pass the legislature, and the county executive signs it or vetos it, and it goes back to the legislature.

LEG. KENNEDY: Let me add one other aspect that Legislator Schneiderman spoke about. To acknowledge segmentation and then allow that to sit in the broader vision of Legacy Village, that also would acquiesce to the exact characterization of the original sales price of twelve million. Again, environmental issues are before you primarily.

Clearly we crossed the environmental threshold. Once we were over that threshold, the ancillary and economic issues and social issues are in play. They're fair to be considered. There is a six to seven million dollar delta between Legacy Village and 1670. What we are both saying to you, as is Legislator Viloria-Fisher, there are three of the eighteen saying we need the money now.

MR. MACHTAY: I would remind you if you look

at the SEQRA regulations, the purpose is to weigh environmental issues equal with the social and economic issues.

LEG. SCHNEIDERMAN: To me, the focus should be on this resolution, on this ninety-five acres and look at if Legacy Village doesn't exist, it has to be weighed on its own merit in terms of the seven million dollar delta that Legislature Kennedy spoke about. If you were to go the route with the EIS and were to say okay, this ninety-five acres, we feel that the adverse impacts are minimal, we can move forward.

Beachwood to me, in my mind, can't go ahead and spin that off, buy it for eleven or twelve million, and then later find out they can't develop the other pieces because now they've got a twenty million dollar property for twelve million dollars. That's a gift of eight million dollars. You can't give that away, so to me you can't just peel it out. Beachwood is going to have to wait until all the review it done the entire EIS. We may decide much earlier than that we are not going with that plan. The community doesn't support the plan, but we believe the ninety-five acres is suitable for development according to zoning. We want to move forward on the ninety-five acres because we need

the money now.

MR. MULE: The only issue that I see is the fact that the action that is proposed in the resolution is already subject to an EIS the action is being reviewed now in the EIS process. I don't think you can avoid segmentation by pulling it out now out of the EIS process.

MR. KAUFMAN: To add to what being was said as part of the scoping document, we specifically requested that Parcel D be analyzed as a separate piece and in relation to the other pieces covering all bases. We had the Kennedy bill before us at that time. We did try to accommodate all of that. That is why I was talking about waiting for the EIS to be done in 2011, which would allow for the EIS to avoid segmentation, properly conduct it and still be booked as revenue in 2011.

You can get all three of those if you wait on it. I'm not saying that is necessarily the right way to go at this time.

LEG. SCHNEIDERMAN: I'm not saying pull it out of the EIS. Continue studying it as part of the county's proposal, but we have a completely separate proposal.

MR. KAUFMAN: But if it gets auctioned off during the pendency of the EIS.

LEG. KENNEDY: What would the board need in order to consider 1670 within the four corners of the proposal?

MR. MULE: Kill the deal.

MR. KAUFMAN: Kill Legacy Village.

LEG. VILORIA-FISHER: We never approved it.

MR. KAUFMAN: There has to be a distinct disassociation of Legacy Village as a concept to avoid exactly what we decided in December. You have to have maybe a couple paragraphs in there saying this has been booked as revenue as part of the operating budget. It's not part of a larger plan. It's being sold separately in and of itself.

LEG. SCHNEIDERMAN: You have it already. You have two competing plans. You have the resolution.

MR. KAUFMAN: You have to have a little more in there to satisfy the criteria.

LEG. KENNEDY: I'm open to that modification of the language. I'm saying again, it's executory. There is no contract that has been bound. There is a matter proposed by one branch of government with absolutely no commitment to go forward to do anything.

LEG. VILORIA-FISHER: John, you and I talked about that. We have to show somewhere in the resolution that we reject the whole concept. I'm thinking perhaps even in a whereas clause in the resolution.

LEG. KENNEDY: I can do that.

LEG. VILORIA-FISHER: We could site meetings of the legislature where we did not support the Legacy project, because that is on the record. That was a negative response of the legislature to the Legacy Village projects. Perhaps if that was a whereas clause.

LEG. KENNEDY: I'll talk to counsel today.

LEG. SCHNEIDERMAN: I supported the private consultant for the EIS. I don't think my vote should ever be construed as support of the Legacy Village department. My vote was based on not having the Planning Department do it because they would have been overwhelmed.

MR. MACHTAY: As a citizen, I appall that vote to spend over four hundred thousand dollars on something that is a pipe dream.

LEG. SCHNEIDERMAN: I don't disagree, but the Planning Department did not have the ability to do it in-house.

MR. MACHTAY: You could have killed the

project all together by not voting the money.

LEG. SCHNEIDERMAN: You guys asked for an EIS.

THE CHAIRMAN: Legislator Viloria-Fisher, I think you are on to a possible solution to our predicatment. Could you elucidate exactly what you want to propose that the legislature do so we can act?

LEG. VILORIA-FISHER: We had Legacy Village before the legislature on various occasions. The position of the legislature was overwhelmingly opposed to the plan. What we need to do, with the help of counsel, is find the language or particular meeting in which there was a vote that indicated that we were opposed to it.

Going back to what Richard just said, Richard, I felt there was a lot of rhetoric that was being swung around and that the EIS, as I saw it in the scope of the project, gave us an opportunity to vote yea or nay on this based on whatever facts were discovered through the EIS. Was it really going to have an impact on Carmans River and the wetlands. So the EIS was giving us the reasons to vote yea or nay, based on fact and not just people shouting in the auditorium.

I felt it was our responsibility to do our due

diligence as legislators. We wanted to know what was going on. To go back to our meetings and deliberations and look for the indications that the legislature was not in support of the Legacy Village and put it in a whereas clause, not in a resolve clause, because I don't think it rose to that level. We can say there was clear indication that this was not a plan that was supported by the legislature, and the legislature as a separate and distinct branch of government supports looking at a particular portion of it, which is in line with local zoning regulations.

LEG. KENNEDY: I'll have counsel make that change today Mr. Chair, and as a matter of fact, I can have it over to you this afternoon.

THE CHAIRMAN: I don't know that we would be able to act on it.

LEG. KENNEDY: You can give it a Neg Dec subject to the modifications sought through the resolution.

THE CHAIRMAN: We could, I'm not sure -- it's very vague.

LEG. SCHNEIDERMAN: Are you viewing this as Unlisted or Type II?

MR. KAUFMAN: Type I or Unlisted.

LEG. SCHNEIDERMAN: Declaring the property surplus.

MR. KAUFMAN: Because of the acrege.

LEG. SCHNEIDERMAN: It's under a hundred acres.

MR. KAUFMAN: But there may be a complication to it. Rich Machtay pointed out this could swing to a Type I and still be a Neg Dec because of the possiblity of development occurring with it. There is not that much difference.

LEG. SCHNEIDERMAN: I undersand. So you're saying it's not Type II. To me it's a change of ownership from county to private. That is the only change that the resolution would lead to.

THE CHAIRMAN: There is one critical point. If we decide to go with the segmentation today, we have to give supporting reasons that such review is no less protective of the environment. That has to be put into any paperwork that occurs. There has to be language in there showing that.

MR. MACHTAY: They're not talking about segmentation any more. They are talking about withdrawing the other proposals all together.

LEG. SCHNEIDERMAN: In our mind Legacy

Village doesn't exist.

MR. KENT: Christopher Kent. The ninety-five acre lot does not currently exist. I think it's a very important point that needs to be made, that I'm not even sure that the legislature is aware of. Currently, there is a forty-three acre lot that does exist that is partially zoned industrial and partially zoned residential.

Our proposal is to modify lot lines to create a ninety-five acre lot that solely lies within the industrially zoned property within the Town of Brookhaven. That lot currently does not exist. We are already engaged in a full GEIS for the full proposal. By its nature, it's to be inclusive and expansive. As part of the study we were looking at the impacts of the entire project and any portions of it.

The Town of Brookhaven, in approving the creation of the ninety-five acre lot, which is still pending, is going to rely on the findings and determinatins of the GEIS. I can't understand why we can't complete the GEIS, which you already commenced which is five months in the process, we're talking about having a draft environmental GEIS before you in February for your consideration. It will go over to the

legislature and they can make their findings and determinations based on a full study. The full GEIS will provide the greatest flexibility and opportunity for the county to make determinations based on the entire project or any portion thereof.

I don't understand why we would want to short circuit the full GEIS at this time, which will give us the opportunity in 2011 to create the ninety-five acre lot based on the study, and sell it as surplus land. By short circuiting it now and doing this resolution on a ninety-five acre lot that will not exist until we fully study all the impacts doesn't make sense to me environmentally, budgetarily. I understand the point of view. Our intent is finish the study, create the ninety-five acre lot with a boundary amendment with the Town of Brookhaven and send it in 2011 as a revenue that can be realized in the budget at that time.

Doing it this way is fraught with so many opportunities to delay the project. People often think that the fastest road to the end is the direct route. It's not always that way. Sometimes you have to study it. The slowest route would be to not do the study, approve it and get sued and wait three or four years for the litigation to end before you realize the revenue.

That would be the longest route.

I think we're thinking that by finishing the study, letting all the information be before the legislature who makes the decision on the GEIS, it's their findings, their determination. They will have the full opportunity to make this decision. They can take deliberate action, go through the process contemplated by SEQRA under NYCRR 617 and make a decision based on full facts. Why do it without the full facts on a lot that doesn't exist?

LEG. KENNEDY: I appreciate Mr. Kent's comments. I think there has been a rationale with the administration going forward. I'm going to check with counsel. I believe we did a metes and bounds description associated with the resolution with 1670. And while I used the term ninety-five acres, I believe, when I read the contract yesterday, I believe it was ninety-three point five, as a matter of fact, with a lot line request. I was unaware of a forty-three acre distinct section.

MR. MACHTAY: You don't have a separate lot here; is that right? At this time or in the near future.

LEG. SCHNEIDERMAN: The resolution, you moved

forward with the county executive's resolution, didn't have that lot created.

MR. MACHTAY: In the SEQRA rules and regulations, once a Pos Dec is given, nobody can make any decisions until the SEQRA review is complete.

LEG. KENNEDY: Absolutely.

MR. MACHTAY: We have a Pos Dec. It's been coordinated with the town. The town is involved in it. I'm flip flopping here because I'm getting little bits of information as we go along.

LEG. KENNEDY: When you look at 1670 within its four corners, I'll go back again to it, I don't want to beat a dead horse. 1670 makes absolutely no reference to Legacy Village now. As a matter of fact, at the board's recommendation I will include a reference in there for all intents and purposes is a renunciation of Legacy Village.

MR. MACHTAY: It should not be the tail wagging the dog, but rather the dog telling the tail what to do.

LEG. KENNEDY: As the policy entity for the County of Suffolk, what we are saying is that the policy that we are at least putting forward, and I believe based on conversations with my colleagues in the

legislature is to support an outright surplus declaration for the ninety-five acres of industrially zoned property and for the auction.

Finally, what I will say again is I will go back to my conversation with Michael before. Litigation happens all the time. I guarantee you that there will be litigation associated with moving forward on Legacy Village.

THE CHAIRMAN: It seems to me if we don't have the lot created, we can't act.

LEG. SCHNEIDERMAN: You did already.

MR. KAUFMAN: That was for environmental review of a proposed project. It had a metes and bounds. It was not dispositive of what existed. It was a project placed before us.

LEG. VILORIA-FISHER: I'm also on the working group, and we have to do policy decisions and I have to leave too. I make a motion to table it because I have too many questions. I thought this was a single and separate lot and now I want to check with counsel.

LEG. KENNEDY: I thought it was ninety-three point five.

MR. KAUFMAN: It's not a single and separate lot, it's subject to partition before Tulio at

Brookhaven.

LEG. VILORIA-FISHER: Motion to table.

MR. KAUFMAN: Second.

THE CHAIRMAN: Any further discussion? Call the vote. All in favor? Opposed? Motion carries.

THE CHAIRMAN: Gentlemen, we will try to work with all of you to come to a resolution of what this complex situation is.

LEG. KENNEDY: One other question, Mr. Chair. With the shifting to SD-22, the work that you will do today is just to outline the parameters for the scope for the Environmental Impact Statement.

THE CHAIRMAN: Yes. All they are asking us to do is help them develop the scope.

LEG. KENNEDY: How do I get input into that? I'll jot a note to you. I would like to, throughout the scoping, consider things that may not necessarily be immediately apparent. One would be the possibility of joining with the adjacent district, SD-18, for the effluent, and secondly alternative sites possibly up on the north end of the complex.

MR. WRIGHT: Where I was, I was introducing John to give a brief description of the project.

MR. GERLACH: I'm John Gerlach, the director

of environmental sciences at Lockwood, Kessler & Bartlett. We were retained by the Suffolk County Department of Public Works to assist them in evaluating the feasibility of proposed improvements to the Sewer District 22 recharge capabilities. The existing facility was built in the early '70's; currently has a capacity of two hundred thousand gallons per day. And it recharges to on-site leaching beds, recharge beds on the county property.

The sewage treatment plant is situated on a reletively low lying portion of the county center property adjacent to wetlands that serve as headwaters of the Nissequogue River. Several years ago, the county identified the need to improve its recharge capabilities due to high groundwater condition and relatively poor percolation capabilities of soils that underlies the existing recharge beds. They identified a parcel located approximately three thousand feet to the west already owned by the county, and proposed utilizing a portion of that for a new system of leaching wells that would augment the existing leaching beds on the property.

What the project would entail is installing a new pump station on the existing sewage treatment plant

property, installing about forty-six hundred lineal feet of six diameter force main along county center property on Vets Highway to this property on the opposite side of Veterans Highway, and installing on that property, an approximately a one point five acre area, a hundred twelve leaching wells which would be installed below grade with manholes at the surface. Would require removal of some trees and getting the necessary work permits along Veterans Highway.

What it would allow the county to do is would be to ensure a continuous ability to discharge the effluent from the sewage treatment plant in the future. The result of the assessment is that the project is feasible. It does not involve any technologies outside the purview of normal civil engineering practice.

Conditions at the proposed site are acceptable for the project in that the soils have excellent percolation characteristics and the water table there is sufficiently deep to allow installation of the system. Other alternatives that the county examined had identified back in 2007, they asked us to look at those in more detail. One of them was discharge directly to the Nissequogue River, which based on further evaluation was not to be feasible due to anticipated public

opposition and environmental opposition and the chemistry of the water and effluent was not conducive to the aquatic life in the stream which includes trout.

One of the other alternatives was reuse the water. How much of the water was good for non-potable purposes, that amounted to twenty percent of what is treated in the plant every day. We looked at there is a golf course in the vicinity that was determined not to be feasible because it's only available seven months out of the year. Also, there was some logistical complexity. You have to ensure a uniform rate of flow to meet government standards. There is a state requirement that you have to have a fourteen day storage capacity, which is something that could not be accommodated by the county system and the availability of land.

Another thing we looked was installation of additional on-site leaching beds. You need an area roughly the equivalent of what is there now, which is the equivalent of three acres or so. It could not be installed in the vicinity of the existing plant because the water table is quite shallow there. That would just be making more of the same problem that you already have.

Based on review of some soil borings from that area, we found that the soil in that portion of the county center property was not conducive to percolation of the effluent.

MR. KAUFMAN: It's built on a wetland.

MR. GERLACH: That's correct. The only location to install such a recharge basin would be on the topographically higher portion of the county center property, but it's currently alloted for existing buildings and parking lots. The information that we have seen for future use of the site, there are a lot of plans for further development of the site in the future. If you built a couple of acre sized recharge beds system there, that would greatly limit the use of the property.

The other alternative was installation of injection wells. That would have to be done in the topographically higher area where the depth to the water table is greater. We did soil borings up there. What we found is that technically feasible due to the depth of the sand there and depth of the water table. However, the differences in the chemistry of the water between effluent and groundwater would make the ejection wells susceptible to bacteria and solids accumultion.

That would not be feasible.

Things we did on the off-site location, we did six soil borings to twenty-five foot depth with continuous soil sampling, and a geophysical survey that mapped lateral changes in ground conductivity which correlate to lithology. We found that the conditions are very uniform. It consists of twenty percent gravel, seventy-seven percent sand and only three percent silt on average. Depth to water table was far enough down to allow for the installation of a system of a hundred twelve leaching pools. Mounding, there would be some localized mounding of groundwater there. It would not affect any of the surrounding properties. We evaluated whether or not the proposed project would have impact on contaminated groundwater plumes in the area and public supply well fields. That was also found not to have an effect on those as well.

I know Mr. Swanson had gotten some items that you wanted to mention that I would be happy to discuss at this time.

THE CHAIRMAN: I think it is probably inappropriate because all we are being asked to do at this point is help the county prepare the scoping document that will be put out for public review. We

will have the letters at this time that we received put into the public record today. When it's appropriate during the scoping process, we will read them into the record, if that is okay.

LEG. VILORIA-FISHER: May I ask a question? Is it possible for us to suggest that at this point regarding the scoping document, looking at the hybrid, what is the feasibility of hybrid solutions? You explained the use of the gray water, the county center would only use twenty percent of the effluent. Would we be able to do that and the leaching pools as well?

MR. GERLACH: I'm an environmental scientist. That was evaluated in detail by the engineers in the office, it may be a viable option for the future buildings, but the existing buildings on county center property do not have plumbing systems, say for flushing the toilets versus water fountains. It would entail complete replumbing of the buildings. From a cost perspective and logistical perspective, it would not be feasibile.

LEG. VILORIA-FISHER: Perhaps that could be part of the document and say why these things can't be done.

THE CHAIRMAN: We can interject things that

they hadn't considered.

MR. WRIGHT: I want to make it clear what we are looking at is give rest to the system that we have. It does work. It gives us concern that in time it may fail. We don't want to extend emergency pumping to some place that is not necessary. We were looking at something we can use part-time whenever necessary.

MR. KAUFMAN: If it's possible to do certain things certain times, for example water the golf course seven months out of the year and then not water it when people are not out playing golf. Putting in those kinds of alternatives in a micro-scale as opposed to focusing on one area, that would be, in my opinion, something to put into the alternatives to look at.

It may be more costly. On the other hand, there may be some lesser environmental impacts. In other words, the scope as produced has to look at, in this situation, being creative, shall we say, and try and disburse some of the flows from here, there and everywhere and see what you can do to reduce them.

I undersatnd 22 does have problems. It's sitting in the Nissequogue River, which I am concerned about, which something has to be done.

THE CHAIRMAN: Today we are not going to

solve the problems, just to make the commitment with that we will help the county with the process.

MR. WRIGHT: What will be the next step for us?

THE CHAIRMAN: I will ask if it's all right with the board, Rich and Michael and myself and anybody else that wants to sit in, as long as we don't have a quorum sit in on developing a scoping document with you and bring it to the full board.

MR. MULE: I'll get in touch with you. I'll schedule a meeting for the four of us to sit down.

THE CHAIRMAN: Are you all here to talk about the Hauppauge facility?

MR. SCHRIFFEN: I'm a homeowner and I thought it was an open meeting for the public.

THE CHAIRMAN: It is an open meeting, but we're not going to be making any decisions; they're just asking for our help.

MR. SCHRIFFEN: I'm Gary S-C-H-R-I-F-F-E-N. I live on Autumn Drive in Hauppauge. The original information that I had received from one of my neighbors who couldn't make it today was that it was going to be in the Robin Drive or Autumn Drive area, which is just behind the industrial park where I believe the plant

is.

I want to get back to my neighbors where the leaching fields are planned. If we're not concerned about it, it's not in that area, it might be errouneous information that was filtered down to me. That is why I'm here.

MR. WRIGHT: The initial location that we discussed is east of Autumn Drive, on Vets Highway to the east. I can't tell you how far. There is a sump before you get to New Highway, the doctor's or dentist's office a little east of that. It's west of new highway.

MR. KAUFMAN: It's in between New Highway and Autumn, where you guys live. Then it stretches up to the south.

THE FLOOR: It's near the access right of way where the LILCO towers are.

MR. KAUFMAN: The LILCO towers not part of the location that runs east-west. I believe that the project that the county is talking about runs south from 347.

THE FLOOR: Where would they empty onto on the north side of Vets Highway?

MR. WRIGHT: The treatment plant is going to

stay where it is. The treated effluent would be on the south side of Vets Highway. I have a map here where I can show you.

MR. KAUFMAN: We're going to have public hearings on that.

THE FLOOR: I apologize.

THE CHAIRMAN: Don't apologize; it's your right to be here. It's important that you and your neighbors come to the public hearing. That will include what we put into the document. It's equally important that after the document is prepared, that you react to it.

MR. MULE: I'll get in touch with you and schedule something.

MS. SPENCER: I support your plan.

MS. FISCHER: I have three proposed acquisitions for you this morning. The first one is the Forge watershed disposition. The property, this is a thirty-two point zero four acre parcel. It's a former nursery. As you see on the map, the aerial is primarily shrubs and tree stock that still exists. It's been laid fallow for a number of years, but the stock is still there to some degree. We are looking to acquire this under the Suffolk County Drinking Water Protection

Program with regard to where it's located within the watershed coastal stream, which is the Forge River as determined by reasonable planning or hydrological study.

This property is with in the watershed identified by the Suffolk County Department of Health Services for groundwater recharge to Forge River. So, we are looking to utilize it as passive recreation, let it go fallow and let it go back to its natural state.

THE CHAIRMAN: Is this in the deep recharge area or truly in the area that drains to the Forge, because that northerly portion, according to your own maps, growing to the deep recharge area.

LEG. VILORIA-FISHER: What map are we talking about?

THE CHAIRMAN: It was the maps that throw out the nine geological areas for groundwater discharge.

MS. FISCHER: This is south of the zone three. It's not within deep aquifer recharge area. South of that area.

LEG. VILORIA-FISHER: Lauretta, we are trying to protect the Forge River because of all the nutrients that are going into it. This is a nursery. My assumption is there would have been a lot of fertilizer

and pesticide use. What kind of test of that soil has been done there?

MS. FISCHER: There was a Phase 2 environmental site assessment report completed for the site, and soil samples were required to be taken. That information I can get to you, but basically, I can read to you their result. "The soil samples collected from the barn were analyzed to determine if elevated concentrations were present. The analytical results indicated that none of the volatile organic compounds or herbicides were elevated or exceeded the New Yor State DEC or USEPA guidance values. Several of the analyzed semi-volatile organic compounds, pesticides and metal exhibited slightly elevated concentrations; however, none were found to be in excess of the guidance values. As a result, no further samples or remedial activities are required."

LEG. VILORIA-FISHER: It doesn't require remediation.

MS. FISCHER: Correct. It goes on to say that the following Phase 1 determinations should be complied with prior to acquisition. It should be determined if the stained soils in the area of the former irrigation pump were disposed of in an

appropriate facility, as recemmonded in the prior Limited Phase ESA performed on the subject property. So we just have to verify that the stained soils that were moved were disposed of properly.

LEG. VILORIA-FISHER: Can you send a copy of that to the soil and water district so I can, at our next meeting, review those recommendations with the other commissioners?

MS. FISCHER: Sure, we can do that. Irrigation pump should be removed and all wells on the property closed. Drums and liquid propane gas tanks and two hundred seventy-five gallon former diesel fuel tank should be removed and properly disposed of and any on-site buildings that are to undergo renovation or demolition in this case, that an asbestos survey be conducted. Assorted trash, wood chips and farm equipment removed.

LEG. VILORIA-FISHER: Was that all done prior to?

THE CHAIRMAN: Do you want to table it so it can be --

LEG. VILORIA-FISHER: I would like to. I don't want to hold it up, but we spend so much time in soil and water.

THE CHAIRMAN: Do I have a motion? I have a motion and second by Ms. Growny. Motion carries.

LEG. VILORIA-FISHER: Woodhulls Landing Woodlands property, the PEFCOS property located in the Town of Brookhaven.

MR. KAUFMAN: Any problems with the property?

MS. FISCHER: No. This one is primarily wooded. We did cut out a few pieces of the property. That we're not acquiring you can see on the aerial a portion of it, is going to be utilized as an extension of the town road and the town is going to be buying that portion of it. Two lots with structures houses on it have been cut out as well.

The property is primarily wooded. It's a hilly terrain. On the eastern side of the property there is a former field that has laid fallow for many years. In the western southern section, just east of the two residential structures, we are looking to acquire sixty point four two acres in Miller Place. This is, again, the Suffolk County Drinking Water Protection Program for open space passive recreation,

MS. SPENCER: A question on the eastern portion. Areas omitted from acquisition along Woodhull

Landing Road. Why is that so uneven?

THE CHAIRMAN: The rationale for the bulge at the northern portion --

MS. FISCHER: I'm not intimately involved in the design of it from the town. That was a town request. It is a hilly area. They might have had to utilize a larger, wider area to accommodate their improvements to the road there. I know one of the issues is drainage in that area.

MS. SPENCER: I'm just asking because it seems substantial. If you look at it compared to that which is on the southern portion, the area omitted along Woodhull Landing Road, it seems like something that would accommodate road widening. As you go north, it's quite substantial.

LEG. VILORIA-FISHER: Haven't seen the plans that the town has, so I'm sorry. I can't address that correctly.

MR. GIBBONS: Can I ask Lauretta, in the southeast corner of the property you have something identified on the master list, but you have something else on that is not previously identified on the master list.

MS. FISCHER: The planning steps came in

between Master List 1 and 2. So, after that was proposed, we included those other parcels.

MR. GIBBONS: But the larger parcel was never part of two and was never considered as part of master list one, right?

LEG. VILORIA-FISHER: She said no to both. Only because there were other uses on it. There were uses. We are now cutting out the houses. Generally, I had identified properties in those master lists primarily without any improvements on them.

MR. GIBBONS: Thank you.

THE CHAIRMAN: Do we have a motion?

MR. KAUFMAN: Unlisted Neg Dec.

MS. GROWNEY: Second.

THE CHAIRMAN: Any further discussion? All in favor? Motion carries.

MS. FISHER: The third and last one is coming back to you for reconsideration. This is the Boys and Girls Harbor Property on Three Mile Harbor, I mean adjacent to our Three Mile Harbor county and town park in the County of East Hampton.

Scott Wilson is here on behalf of the town. I wanted to do just give you a little introduction on the scope of the changes that were made, and Scott can also

get into other details as well, if you so wish. I believe everyone has a copy of the Final Draft Management Plan that was presented by the Town of East Hampton and approved by East Hampton Town Board before you. The changes in the scope of the project have been reduced significantly.

Originally, when we made a presentation to you, there were eleven or twelve buildings on the property that were being considered for possible uses in the future. That has now been reduced down to one building that will now remain. The only other structure is a ropes course with poles. The ropes are not attached at the present time but the poles are poles are being kept there for possible use in the future.

THE CHAIRMAN: When did this come before us?

MS. FISHER: I believe two years ago. We placed before you a revised and undated EAF long form. The general description of the project gives you a pretty good overview of what is being proposed there. There is going to be also some associated parking provided, which will actually be located on the former basketball court that existed on the property near the field at the southern end of the property. This hasn't changed from the former proposal, but there was proposed

new entranceway that will be created for the property.

Existing at this time is an entranceway on a piece of property that the owner owned adjacent to this, that provided access to his private residential home. And we have now not associated that with this acquisition to the west of it. So, we need to create a small relatively smaller accessway into the property. That has been explained in the information provided to you.

THE CHAIRMAN: Why did we reject it, or did we reject it?

MS. FISCHER: You approved it.

THE CHAIRMAN: Then why is it back?

MS. FISCHER: Because of the fact there was a significant change in the use of the property. The town had to address issues with regard to input from certain neighbors in the area. And the town board had requested that it be reevaluated and modified downward in its use. Scott, if you would like to add anything.

MR. WILSON: Not unless there are any specific questions. It's pretty straightforward at this point.

MS. GROWNEY: I have a few questions. What was the rationale for disassociating the use of the

other buildings? How is it determined that you are going to be working with one building only and the ropes course?

MR. WILSON: As opposed to the rest of the buildings that we proposed?

MS. GROWNEY: Yes.

MR. WILSON: The original proposal contemplated a more active use. Since it was formerly an active camp for kids, we thought we would continue some of the uses and offer some services and facilities for sort of day camping for adults and their kids. There was an Article 78 brought by some of the adjoining neighbors. We have had already had three public hearings and there will be a fourth public hearing, depending on what your findings are, through the process with the town board and the neighbors decided it would be more appropriate to have more passive as opposed to active uses; hiking, and as opposed to ball field and the like.

I can only say that the town board was influenced by a pretty significant petition by the adjoining neighbors.

MS. GROWNEY: There was some issue about the ropes court being problematic?

MR. WILSON: I'm not aware of an issue related to that.

THE CHAIRMAN: Legislator Viloria-Fisher has to leave, so if you want to vote.

MR. KAUFMAN: Motion unlisted Neg Dec.

MS. SPENCER: Second.

MR. KAUFMAN: Discuss later.

THE CHAIRMAN: All in favor? Opposed? Motion carries. I also have to leave at this point. If you will excuse me, I'll turn the meeting over to Mr. Kaufman.

MR. KAUFMAN: Suffolk County portion.

(Leg. Viloria-Fisher left at 11:35 a.m.)

MS. SPENCER: We are getting this mess done.

MS. SQUIRES: I just wanted to tell you that the New York State conference on the environment is November 19th, through the 21st. It's at the Fair Hotel in West Point. The conference coordinator is unusual because it's the Hudson Hills Highlands Environmental Leaders Learning Alliance, which acronym is HELIA. And this conference is regional approaches to conservation. The Fair Hotel is a magnificent structure.

I would remind you that CEQ is an

environmental management counsel, and this conference is co-sponsored by them, and by NYSACC, which I am president of New York State Association of Conservation Commissions. It's an exciting conference. You could come for Saturday and just could the workshops or you can come for three days. I have information on it. I, have copies, if anybody is specifically interested, or you can go to our Website which is NYSACC New York dot org. for information

MR. KAUFMAN: Thank you very much. If anybody can attend, the conferences in the past have been very informative. We hosted the conference in 1997, I think.

MS. SQUIRES: We co-sponsored, the Council on Environmental Quality co-sponsored the conference some years ago.

MR. GIBBONS: Similar to reports I have given to other parks I have given in the past couple of months, there was an interest in the Montauk Park which was renamed Theodore Roosevelt Park. I want to give you an overview of the status of the park and some of the things they we are working on there.

I am not sure how many of you are personally intimate with the property or not. Obviously, it's a

magnificent acquisition of the county. It goes back to the early '70's. I have an outline series of photos which focus primarily on the infrastructure in the park, and the aerial photograph of the entire park. I have taken the liberty of highlighting some of the more interesting features directly on the aerial. Then I have -- I'd like to thank Carl Lind in the Cartographic Unit for preparing this.

This is in terms of years acquired. This is 1971. This is not exactly accurate. There was a period of time from around 1970 to 1974 that the acquisition took place. It was a number of different parcels over time after that acquisition were consolidated into what we have today. It's a little over eleven hundred acres.

What we offer there is by far the most important recreation activity is outer beach camping. It's roughly one point five miles of outer beach right on Gardiners Bay. It's a still water beach. It's popular with families with young kids. You can basically back up to the dune and that is your campsite. That is open year round. Obviously, most popular time of year from mid-May through mid-September. We can accommodate up to two hundred campers for a week at a time on the outer beach,

conditions permitting. The beach is no wider than in some cases sixty feet, depending. Some of these trailers are thirty-five to forty feet long. It doesn't leave a lot of margin for error if the water comes up. We routinely evacuate the beach.

MR. KAUFMAN: When Legislator Gouldi was in office, we had a meeting. We, were I think it was in Sayville we were talking about the bluffs at Montauk and basically trying to keep people off the bluff say ten feet away. Is that being enforced?

MR. GIBBONS: We don't have a bluff in the area of the recreational campground, we have a dune. The dune is no more than eight to ten feet above mean high water around the point Shagwong Point the bluffs begin to develop here. The there is no public recreational beach buggy access south of Shagwong Point.

This bluff area is eroding at an alarming rate. We had a structure here years ago; it's gone. The water source for that structure is a good sixty to seventy feet out into the water now. We lost a tremendous amount of material there over the years.

MR. KAUFMAN: The east-west campground areas, what is it like to the south behind the dune field; does

it rise up rapidly?

MR. GIBBONS: No, it drops off after the dune rises eight to ten feet. There are some pocket wetland again. This is the Montauk airstrip that practically comes into contact with the dune.

MR. KAUFMAN: At that meeting I thought there was an agreement to keep the vehicles and people off the dunes and bluffs. Does that agreement continue and are people staying away from the toe of the dunes?

MR. GIBBONS: The camping activity does not exacerbate the dune areas. We haven't seen any evidence that that has been an issue.

MR. KAUFMAN: The reason I ask I know a little bit about dunes. If you hit the toe of the dune you have a nice tendency to cause collapse.

MR. GIBBONS: We haven't seen any.

MS. SQUIRES: How do you get a permit to use the campground?

MR. GIBBONS: It's first come, first serve. We don't have a reservation system there because of the fragile nature of the dune there. I don't anticipate we will have Montauk on the reserve system like we do on many of the other parks.

MS. SQUIRES: To the county or to the town.

How do you apply to have a reservation.

MR. GIBBONS: To the county park. There is a town park. This is Gin Beach on the east side of Lake Montauk. It's a small, maybe quarter mile wide if that. Small, open for East Hampton residents only. At the eastern end of Gin Beach is the county park and all the camping is in the county park.

You need to check with the county park staff at the check station. It's as informal as we get. It needs to be that way. We need to build in that flexibility for people. Oftentimes we need to turn people around because people come out and there is no space available.

MS. SQUIRES: Is it tent camping?

MR. GIBBONS: No, it's self-contained only. You have to have sanitary facilities. Horseback riding is a popular amenity at the parks. We have an arrangement with the manager of the equestrian facilities at the Apollo Ranch hiking activities, fishing, both freshwater and marine fishing. Hunting, we offer both a water fowl program on Big Reed Pond and big game hunting in our special January shotgun season. The park is effectively closed down weekdays to accommodate that use.

We have primitive camping, a youth bike hostel area dating back to the late '70's is tent camping for limited use. The concept is for scout groups that come out for a single night or those that are doing long-term bike trails out to Montauk Point, that is a place they can stay essentially free of charge.

MR. PICHNEY: Is bow hunting permitted on the property?

MR. GIBBONS: This park actually sees quite a bit of use right through December. We accommodate bow hunting in other areas. Historical structures of significance, obviously we have a Third House, which is the Third House on the east end, orginally built in 1747. However, significantly altered in 1806 and again later in the mid to late 19th century. We have the GATR facility; that stands for Ground to Air Transit and Receive Facility, circa 1950. That is part of the waterfront protection program of the federal government, dates back to post-World War II. We have talked about that numerous times.

There has been great progress here. Lindley House is an interesting artifact. It's a privately held residence owned by the county. It's an agreement that was worked out in the mid '70's to allow the Lindleys to

continue tenancy of the structure. That ends in the next three to four months. We have been in contact with the Lindley family. Ms. Lindley was instrumental in the preservation of the park. They brought the structure directly from the federal government in the late 1950's or early 1960's. The county had the option to buy them out for many years. It was in the agreement; just opted not to do to.

We are beginning what we would do with such a place. The house was similar in structure similar to Camp GATR and it has thick concrete walls but stands designed to look like a seaside cottage, but very much industrial construction.

MR. KAUFMAN: Do you have any pictures in here?

MR. GIBBONS: No, it's not much to look at. It has some features, narrow windows for observation of the shore line. It's my understanding that they had some sort of armaments up there as well. We are researching that. I don't know what the Parks Department is ultimately going to decide is the best use for that. It's possible that the Lindleys will have a role in that.

It has no utilities to speak of. Everything

is run on propane. It would be a challenge to find a tenant how you determine a fair market value. It's possible that park staff could be accommodated there. They used to be in Third House and they no longer are.

MR. KAUFMAN: You're going to make park staff rough it?

MR. GIBBONS: They live out there all summer. I think there are modern technologies can be applied solar. It's probably one of the most exclusive residences on the East End.

MS. SPENCER: What kind of access there?

MR. GIBBONS: Not good at all.

MS. SPENCER: You couldn't put the observatory group out there.

MR. GIBBONS: It's pretty rough and the roads are in pretty terrible shape to get there. It doesn't lend itself to public assembly.

MS. GROWNEY: Just an update. The Montauk observatory is no longer going to be in Montauk, it's going to be at the Ross School.

MR. GIBBONS: The Apollo Ranch is a holdover from the dude ranch era the property enjoyed in the late 30's to early '40's and mostly popular in the '50's through the 1960's. There is certainly ample evidence

of that period within Third House itself and the continuation of that use down at the Apollo Ranch. The site was part of Camp Wikoff. That is the Spanish-American War. Theodore Roosevelt's base of operations was in Third house. It was used as aquarantine house for the soldiers. Over 29,000 soldiers were served at Camp Wikoff. That period of time that was used was roughly eighteen months.

MS. SQUIRES: There is an interesting book produced about that time period in Theodore Roosevelt's life.

MR. GIBBONS: I can't do justice to the amount of history that occurred within the park. There are numerous sources or that for that, including Indian Field and Pharoah Village that was researched by Joe Hanneman in his report. Some of you are familiar with that. That is a sensitive archeologic site located on the property, but clearly the entire property is of historical significance and in fact, dedicated to the historic trust.

There are nine cabins and a four unit motel on the site surrounding the back of Third House. In terms of environmental significance and features, there is a Big Reed Pond, which is a national landmark. The

federal government recognizes it as an interesting feature. We developed that nature trail system in and around Big Reed Pondd, which I encourage people to avail themselves of. The access of that is identified in the aerial after East Lake Drive.

There is a maritime community within Theodore Roosevelt Park, specifically, W-2. It's recognized by the New York State Heritage Program as perhaps the best example of maritime grassland in New York State.

In terms of management of the park, we have a comprehensive plan from 1995. There are two reports floating around, one was from 1993. It was never adopted by the legislature. It was somewhat controversial. It spurred the development of this other board in which former county Legislator George Gouldi it was involved. The 1995 report it has come in handy for us today. We still use that today as our guiding document. Following up on that within that document recognizes it endorses the idea of grassland management. Specifically we did a grassland management plan that takes year look at how to best management that community. Obviously, the council was very involved with that.

First page of photos, that top left photo is

the GATR site as of this past Monday. It's undergone a terrific transformation. There are two buildings there. The one in the foreground of the picture has not been renovated. It's been painted by in-house parks staff. The roof is somewhat intact but being repaired. Windows are being replaced as necessary.

I'll jump to the lower right-hand corner photo. That is the new maintenance facility. It was a former GATR building as well. It was transformed to accommodate maintenance uses. That came to the CEQ as well. Both Rich Martin and myself worked closely with the contractors and are pleased with the result of the work. The staff has been working out of the base for three years. This is a tremendous and long overdue improvement to the park operation.

This is the entrance to the riding stables Deep Hollow Ranch. Left lower photo is the log cabin structure dating from the mid '70's. That is where you go to check in and get your camping spot on the outer beach. Next page, the top left is the four unit motel built in the early to mid 1960's. Again, it's an expansion of the dude ranch, expansion of the dude ranch period.

The next photo to the right is what we refer

to as the bunkhouse. Lower right is a picture taken of several of the nine cabins that exist on the site. All the structures date from the 1950's. The lower left photo is of Third House itself, recently restored. It was in terrible shape in terms of the roof specifically, and more so the interior finishes as well. The project is not yet complete. We have a temporary YO office space but we have no C.O. for any kind of public assembly. That is a work in progress. We have money in the capital program for construction, so planning is continuing. Planning for the next phase of that work continues. We were very pleased with the way the restoration turned out.

MS. SPENCER: I haven't been there for two years. There are people now utilizing parts of Third House

MR. GIBBONS: We have part of our parks office working out of there. Their offices are back in there. We like to get that momentum restarted. We have lost some of that. Parks staff themselves are in there.

MS. GROWNEY: How much of the interior of Third House has been dealt with?

MR. GIBBONS: Probably two thirds of it, but the retaining third is really that dude ranch. We had a

bar in there, restaurant, commercial kitchen. That is all very rough, to say the least right now.

MR. KAUFMAN: You took the bar out?

MR. GIBBONS: The bar remains but it's not stocked.

MS. GROWNEY: The job looks really good. I had a question about the bunkhouse. Anybody been down to the interior of the bunkhouse?

MR. GIBBONS: No, unfortunately, the interior has been the same as it has been. That structure was proposed for the the house for the observatory and that has been back and forth.

MS. SQUIRES: Nick, I would like to congratulate you because that roof and this Third House project has been discussed, I don't know how long,

MR. GIBBONS: I had nothing to do with it. I happened to be around.

MS. SQUIRES: Fifteen years, Legislator Schneiderman has been pushing and pushing for many years. It's so exciting to have a roof on it.

MR. GIBBONS: I believe six commissioners passed in our.

MR. KAUFMAN: Welcome to government. It took six commissioners.

MR. GIBBONS: There are a lot of fits and starts. We had tremendous problems with the original design. Without getting into that history, we are pleased.

MS. SQUIRES: That is what you remember when you have been around for a long time.

MR. GIBBONS: The final page, the top left, that is a view from the past you are looking south to the ocean.

MS. SPENCER: That is the bunkhouse.

MR. GIBBONS: That is the views that the cabins have from the top of the pasture, top right, looking down to the Deep Hollow Ranch.

MR. KAUFMAN: That is Rusty's place.

MR. GIBBONS: Yes. His agreement with us goes to 2012, at which point if goes out to the public for an RFP. The cabins, I consider them neat structures; they're all different. They're in fair condition. They're used by seasonal staff for housing. You can imagine it's hard to find people to work in Montauk and live for eight dollars an hour. We made residency in these cabins, facilitate the restoration and cut down the amount of time in getting out there.

MS. GROWNEY: Is Shakespeare coming out there?

MR. GIBBONS: No, we have no proposal.

MS. SQUIRES: Why did that fold, them or us? It was a unique performance. You don't have to read Shakespeare to enjoy the program.

MR. GIBBONS: It grew to a point where it precluded a lot of the other activities. It took on life of its own. They took over residence of Third House, all the cabins. It really displaced parks staff and our operation.

MS. GROWNEY: If the Lindley House becomes usuable, is it possible that the park staff could be there and Shakespeare could be back?

MR. GIBBONS: That is effectively displacing us just as much. Lindley House does not lend itself as a base of operations. Primary access and activity of the park in and around Third House itself and at the check station. Lindley House is so far removed from any of that it doesn't make it effective.

My thought was it might be a residence for staff, in terms of security of the operation itself.

MS. GROWNEY: They had one room in Third House. Would that be sufficient as an office?

MR. GIBBONS: For park staff?

MS. GROWNEY: Yes.

MR. GIBBONS: In Third House there is a lot that needs to be determined in the coming years. We had the Pharoah Museum downstairs, which contained and displayed Indian artifacts. That had been moved to the site. We had a Spanish-American war exhibit. Third House nature study, which ran a program out there. All of this was displaced by renovation of Third House.

We wouldn't be interested in providing for Shakespeare they came back nearly as much space that they evolved to take over in the ten years relationship that we had.

MS. GROWNEY: It certainly brought things to Montauk. There where a lot of people that were dissatisfied with losing Shakespeare. There would be factions that would be served if it came back in some capacity.

MR. GIBBONS: They have not been interested in some of the proposals we had to accommodate theatrical production there. The storage of the stage equipment and things became burdensome for us. It just isn't reasonable to expect us to make that accommodation available in the future.

MS. GROWNEY: Is there some other area that they could?

MS. SPENCER: Camp Upton, Camp Hero. One of the bunkers.

MR. KAUFMAN: No matter how hard you push, I don't think that the Parks Department is interested in having Shakespeare.

MS. GROWNEY: I'm asking the question because you know, there is a lot of dissatisfaction because of it leaving.

MR. GIBBONS: Back to the aerial. Just to give the general overview, the collection station location and then you can see the dirt road that leads out to the campground itself. Shagwong Point is one of the most popular fishing spots on the Montauk peninsula. Lindley House, central location in the park and you can see the access to it. To the southwest is the GATR site. Again, that roadway up there has recently been revealed, so we are pleased with that. We are able to use some funding to get that done as well.

In addition, adaptive reuse of the structure. Still further south, Third House itself. It's a complex of buildings. It's furtherest to the south and there are the cabins and motel units extend to the north. Deep Hollow Ranch down to the east and following all the way up back East Lake Drive, the hiking trails. South

of Montauk Highway along the ocean the tremendous of property acquired by the Parks Department with the Friends of New York State Parks and Town of East Hampton.

The parcels marked SC, they're not owned entirely by Suffolk County, but we have a significant if not majority interest in each of those properties. There is one still further to the west side of Ditch Plains. That parcel we happen to own outright.

MS. SPENCER: To the east where it says New York State, under Oyster Pond?

MR. GIBBONS: It's Montauk State Park. I have this as well. This shows -- it speaks to the past use at Montauk was a significant impact on the landscape. As this begins to wane, then you see the progression from grassland to shrubbery further to -- the grassland study we did several years ago identifies a core area of approximately two hundred ninety acres to combat the natural succession that's occurring there.

We recognize that the grassland to some extent is an artifical artifact of past uses, but it doesn't diminish its significance. This progression again, it's impossible to see from your vantage point. You have to take a close look. You can tell the differences in the

vegetation over time. As pasture use begins to wane, you have the natural succession creeping in quite rapidly.

MR. KAUFMAN: Regarding the aerials from the 1920's and '60's, though they're black and white there is a photographic properties where you can do some tinting. It's expensive.

MR. GIBBONS: It's amazing the lack of development out there. Even in 1960 there is really nothing going on. You begin to see along East Lake Drive as those things begin to occur, as you have housing coming in. That is what led the locals out to push for acquisition of the park.

MR. KAUFMAN: If you are familiar with the waves of population patterns on Long Island, the waves of of population started to hit around 1960. Brookhaven doubled in population between 1950 and '60. Smithtown was fifty thousand in 1960 and a hundred twelve thousand in 1970. You can see the population impacts on the area and why the area needed to have preservation.

MR. GIBBONS: That is the extent of what I prepared today. Are there any questions?

MS. GROWNEY: I do have some questions. Have there been any other groups that have expressed interest

in using the park in any capacity?

MR. GIBBONS: No, but in terms of Third House itself, there is space within Third House. I think the Parks Department has to proceed cautiously with how we need to determine what uses we need to see happen. That will guide what the next phases will look like. Because the codes that are required for certain uses, they really dramatically shift the focus.

For many years it was talked about that this was going to be either a bread and breakfast facility or catering facility for weddings. There is a tremendous interest in that. That is not something that the Parks Department is considering. However, we would like to have some sort of informal or very much reduced prep kitchen or meeting space. You would be surprised -- you personally probably won't be, if you want to have a certain kind of stove versus another, you have to have a hand washing facility and new sanitary. And the infrastructure is somewhat antiquated. Some of the bones of this structure date back two hundred fifty years.

You have to decide very carefully what you want to do, understand what the implications of that decision are going to be. That being said, there is

interest in the Third House nature center coming back to Third House, they're operating somewhere else right now. We have sensitive artifacts that should be on display for the public's enjoyment and understanding of the property. They're boxed up. They're not realizing their full potential either. The Theodore Roosevelt period, although very brief, is still an important part of the history. The last Montauk village was contained within the park, as sad a history of that, that story needs to be told as well. How you do that all in an efficient way is tough.

MS. GROWNEY: There has been no application made for any of those things?

MR. KAUFMAN: I heard that the casino was coming in there.

MS. SQUIRES: Is there a Friends of Third House organization?

MR. GIBBONS: No. There is a prominant group that has been involved, the Concerned Citizens of Montauk, which is a group made up of a lot of different interests, historical preservationists and environmental activists. It's fair to say they have kept a careful and watchful eye on our management of the park. We work closely with them. They are interested in office space

there. We don't know how to handle that yet.

The good news is there is a roof on the building. We bought ourselves a tremendous amount of time. We need to use that time wisely and move onto the next phase.

MS. GROWNEY: Motion to adjourn.

MS. GROWNEY: Second.

MS. SPENCER: First, thanks Nick for staying and giving us a wonderful presentation.

MS. SQUIRES: Thank you for your concern with the park, and your roof restoration is marvelous.

(Time noted: 12:20 p.m.)

1

2 CERTIFICATION

3

4 STATE OF NEW YORK)

5) ss:

6 COUNTY OF SUFFOLK)

7

8 I, JUDI GALLOP, a Stenotype Reporter and

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

10 certify:

11 THAT this is a true and accurate transcription

12 of the Suffolk County Council on Environmental

13 Quality meeting held on October 20, 2010.

14 I further certify that I am not related,

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

16 in this action; and

17 I am in no way interested in the outcome of

18 this matter.

19 IN WITNESS WHEREOF, I have hereunto set my

20 hand this 16th day of November, 2010.

21

22

23 Judi Gallop

24 JUDI GALLOP

25