ORIGINAL

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DEPARTMENT OF PLANNING.

COUNCIL ON ENVIRONMENTAL QUALITY

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December 8, 2010

9:30 a.m.

Sagtikos Manor Historical Society

Montauk Highway & Manor Lane

P.O. Box 5344

West Bayshore New York 11706

S.C. PLANNING DEPT.
2010 DEC 22 PM 12: 16

B E F O R E:

R. Lawrence Swanson, Chairperson

Michael Kaufman, Vice Chairperson

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1 A P P E A R A N C E S:
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James Bagg, Suffolk County Planning Department
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Mike Mulé, Suffolk County Planning Department
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Richard Martin, Historic Society
5
Gloria R. Russo, Council Member
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Mary Ann Spencer, Council Member
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Daniel Pichney, Council Member
8
Thomas Gulbransen, Council Member
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Eva Growney, Council Member
10
Gloria Russo, Council Member
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Legislator Vivian Viloria-Fisher
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A L S O P R E S E N T
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Dominic Ninivaggi, Vector Control
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Bob Steele,
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Mary Dempsey, Department of Energy
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Russ Mackey,
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CEQ Meeting 120810

(Time Noted: 9:44 a.m.)

CHAIRMAN SWANSON: We will call the December meeting to order.

First of all, I would like to thank Richard and Maryann and our host -- who are our hosts?

MR. MARTIN: Jim McDaniel (Phonetic) is our host.

CHAIRMAN SWANSON: Thank you all for making this meeting possible.

As you all know, I think it's important for us to visit the properties that we have some responsibility for overseeing. So, as we continue to make our way around the County, I think we'll all be educated and have learned some of the fascinating history not only of the buildings, but how these buildings act as contacts of the County as a whole.

I was here a little early and Richard came in, and it just blew my mind with regard to what I thought I understood about this particular house and its role in Suffolk County -- the

history and I hope, Richard, that when we go around for a tour, that you will be able to enlighten -- well, first, maybe everybody else knows, but I think -- you certainly enlightened me, as well as others as to the context of this house.

Alright, anybody review the minutes?

MR. MULE: There were none available.

CHAIRMAN SWANSON: None available? That's good news.

(WHEREUPON, there was laughter.)

CHAIRMAN SWANSON: Correspondence?

We have a letter concerning vector control. Basically, the letter is asking that we allow the timeline for the reports for vector control to slip until February 16th. For those that were not here when that all took place, we require that there be a Triennial Report and that report is now due -- perhaps it is even overdue, but this is

explaining that they're having a little difficulty completing it, and they would like to have an extension.

MR. BAGG: Can I have clarification, Larry, on what the purpose of the Triennial Report is as opposed to -- there's another evaluation coming in terms of the Best Management Practices, I believe, and what the potential impacts are. How is this dealing with that, and what is the status of the secondary steps?

MR. NINIVAGGI: My name is Dominic Ninivaggi and I am with Vector Control. This is Mary Dempsey from the Department of Energy.

MS. DEMPSEY: The Triennial Report is three departments with processes of vector control. I just wanted to clarify that.

MR. NINIVAGGI: The Triennial Report is due three years after the EIS, which was signed in March of 2007. We realized that we weren't going to be

able to get it done very easily in 2010 because preparation would have fallen right in the middle of the busy mosquito season; also, we had to compile data from previous years.

CHAIRMAN SWANSON: Just to clarify that. My recollection is that as part of the legislation, this Triennial Report is a requirement.

MR. NINIVAGGI: Yes, it's a progress report.

MS. DEMPSEY: It's contained within the Statement of Findings, Appendix 1 which outlines what kind of information that they're requesting.

MR. NINIVAGGI: The Wetland Stewardship Plan is in progress. There were some delays initially years after the EIS was approved as to who was going to do it and then it had to put out to BID. A contractor was hired relatively late in the process, and they're working on that now.

Mary, what information do you have

on what their timeline is right now?

MS. DEMPSEY: That's being handled by my Department and Camilo Salazar is the contact. I am not really sure what the timeline is for that. I can find out and report back. It's my understanding that the consultant on that project, LKB has gotten -- they're trying to renegotiate their contract as if they were, at this point, supposed to have completed the project.

CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: Michael Kaufman.

Adding to what Mary is stating, the Wetland Stewardship Plan, as she stated, kind of fell behind with the contract problems. There has also been a lot of work done on it by some sub-consultants. Part of the plan, if you will, has been developed into a draft stage. The people on the Wetland Stewardship Committee, for example, I am one of them, but we have been reviewing them. We've had a number of comments and there

may be little bit of change in focus and strategies on how they're doing it. That may have an impact upon its timeline. It's an extremely complex situation -- how you basically assess the Wetlands. There's a lot of scientific debate about it. We're trying to come up with a working plan as opposed to a perfect plan so that we can get underway and start utilizing some of the technics that were proved in the EIS and actually start getting some work done.

Coincidentally, there's a project down at Indian Island. Indian Island, which is a dredge spoil site -- County owned out in Riverhead -- and it might be a perfect site to do an actual pilot project on wetlands restoration. Everything is kind of in flux right now. We're approaching a draft version, if you will, on all of this stuff so that we kind of know where we're going, but it's not there yet. It may be

Summertime that you might actually see something. That's just a guesstimate of mine.

MS. DEMPSEY: I just wanted to add that at our last -- we have a work group and then we have The Wetlands Stewardship Committee. The work group is made up of technical individuals and it's Chaired by John Tanatredi from Dowling.

At the last meeting of November 30th, we did make some progress in discussing not only the BMP's that are in the long term plan, but some additional BMP's that could be of use in terms of assessing the wetlands and doing the monitoring.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: I have a question. What are BMP's?

MS. DEMPSEY: Best Management Practices. They were categorized by simple activities that would not require DC permits to fill in ditches, create

new ponds, and as I said, at our last meeting, we really did make some progress in opening it up and looking at some other ideas. Also, the Indian Island Restoration Project is a grant that we got from the DEC. It's on Suffolk County property, and it will be done in conjunction with the Department of Environment and Energy, as well as the Department of Public Works. We're looking forward to beginning that plan process.

CHAIRMAN SWANSON: Jim, does that answer your question?

MR. BAGG: Yes.

CHAIRMAN SWANSON: We need to have a motion if the group is willing to let the Triennial Report slip until February 16th.

MR. KAUFMAN: I will make the motion that the Triennial Report acceptance be delayed until February 16th.

MS. GROWNEY: Second.

1 CEQ Meeting 120810

2 CHAIRMAN SWANSON: I have a

3 question?

4 From your group, is there anybody

5 in particular knocking the door down

6 saying, "We want this report?" Has the

7 Legislature said, "We want this report?"

8 MR. NINIVAGGI: No, we haven't

9 heard anything from them. It has been

10 extremely quiet in the last couple of

11 years. As a matter of fact, on many of

12 the committees that were set up such as

13 the Pesticide Management Committee, the

14 Wetlands Stewardship Committee, and some

15 of the original interest groups -- they

16 asked for these committees to be set up

17 such as the Nature Conservancy and

18 Citizens Campaign for the Environment,

19 and they had basically bowed down in the

20 process. I'm taking that as a vote of

21 confidence that we're doing things the

22 right away. It doesn't seem like

23 there's any urgency to getting this done

24 other than from -- as from my agencies

25 point of view, I would certainly like to

get the Wetlands Stewardship up and running and these Best Management Practices -- get our tool kit because we have been asked to reduce the amount pesticides we put out particularly for mosquito larva and the only way we can reduce that use of pesticides without having more mosquitos, is to do more wetlands management work. I am certainly anxious to see this be put into play so that we can get back some good wetlands management.

CHAIRMAN SWANSON: Jim?

MR. BAGG: If I recollect correctly, before the Wetlands Stewardship Plan can go any further, it needs a supplemental for the original environmental documents.

It was originally approved for Best Management Practices which is not required to have a permit from DEC; however, some of those practices that were supposed to be implemented were supposed to have further environmental

review, thresholds, and potential impacts depending on the wetlands.

MR. KAUFMAN: I think it's five through nine and ten through fourteen.

MR. NINIVAGGI: There are provisions already in the EIS for additional review on Management Practices that are more likely to have an adverse impact. This Wetlands Stewardship Plan will flush that out and clarify what the risks and benefits are for the various management plans and that will have to go to CEQ for approval.

CHAIRMAN SWANSON: Vivian?

MS. VILORIA-FISHER: Dominic, when we talk about going through the nine through the fifteen -- well, I think we're moving to the area of more machines working rather than hands and maintenance and -- well, we're doing more heavily with the ditching, and we want to proceed very cautiously. Where are you in regards to moving in that

direction at this point?

MR. NINIVAGGI: Basically, the Management Practices are grouped in rough order of their likelihood of changing the existing conditions of the marsh. Remember that those changes could be positive or negative. The middle level of the Best Management Practices are unlikely to change the basic hydrology of the marsh -- you know, they're not likely to change water levels or degrees of tidal flooding. Primarily from a mosquito patrol point of view, it would be primarily directed towards improving fish habitat, but also improve tidal circulation which is important from a natural resources point of view. These are changes from the existing -- right now, the management practices we use are basically maintaining the status quo. The low level management practices will change the status quo, but it should not be a very large change because you're not

1 changing the hydrology; that would be
2 different for higher level management
3 practices because you're intentionally
4 changing the hydrology or the basic
5 function of the marsh with the idea that
6 you're restoring values that have been
7 lost. So, basically, that's the way the
8 hierarchy has been set up.
9 MS. VILORIA-FISHER: I just had a
10 follow up to that.
11 We had done some evaluations of the
12 -- I guess, it was a pilot program at
13 one time. Dominic, what subsequent
14 evaluations or reviews has been done as
15 to what is happening at Wertheim? What
16 kind of results have we seen? At the
17 time that we were working on the plan,
18 there had only been -- how much time?
19 Maybe a year and at this point, we're a
20 few years out so what kind of results
21 have we seen?
22 MR. NINIVAGGI: Well, we have five
23 years results through 2009. What we
24 found was that the project did not
25

succeed in its goal of reducing the need to use pesticides. It did reduce mosquito production in the marsh.

MS. VILORIA-FISHER: Did you say it did not?

MR. NINIVAGGI: It did reduce the production. So, in terms of mosquito control goals, they have been met and they could be even better with some tweaks to the system. We can get to the total elimination of pesticides, but we have definitely reduced it by about 75 percent which was the original goal. We have seen a reduction in the invasive vegetation. We have seen good re-vegetation of the area by native species of wetland plants. We have seen increases in population to native fish, particularly, in parts of the marsh that were most heavily impacted. So, the results so far have been very good in terms of meeting our goals from both the mosquito and the natural resources point of view.

At this point, after five years out, the marsh is pretty stable at this point. We're not expecting very rapid or significant changes from here on out; so we're pretty positive that the positive results we have seen will be maintained.

CHAIRMAN SWANSON: Dominic, with regard to that, who is the chief scientist, if you will, for that project?

MR. NINIVAGGI: At this point, the County is managing and monitoring the efforts of this project, so ultimately that would be me.

MS. DEMPSEY: It's the Department of Public Works and the Department of Environment and Energy. We were all out there throughout the Summer. We will also be out there through 2014. The CEC added an additional year of monitoring.

CHAIRMAN SWANSON: Can we plan on having a scientific presentation some time in the Spring when we can review

1 some of the questions that Vivian just
2 asked in a more substantial way?
3 MR. NINIVAGGI: Yes, we can do
4 that. We already have the 2009 updates
5 on the monitoring. We already had some
6 discussions in terms of what we found so
7 far. By the Spring, we may have --
8 actually, as for 2010, we should have
9 those results in by now.
10 The other thing that we have done
11 is we have published some of the
12 mosquito results and they now appear in
13 the Journal of International Geographic.
14 That now has become open literature.
15 MS. VILORIA-FISHER: Can you site
16 that again, Dominic?
17 MS. DEMPSEY: Journal of
18 International Geographic. It probably
19 was -- I have to get back to you on
20 that.
21 CHAIRMAN SWANSON: Christine can
22 probably perhaps forward that reference
23 to the --
24 MR. NINIVAGGI: The other thing
25

that we're working on now, as far as the natural resources data is concerned, is that we're actively working to try to publish that in the open literature, as well as working with some of the scientific staff at the U.S. Fish and Wildlife Service and the U.S.G.S. -- some of whom were involved in the original design of the project and some of them who have already published information on this general subject.

We're working on getting this into the open literature in cooperation with some well-established scientists in the field.

CHAIRMAN SWANSON: Jim, Mike, and then Tom?

MR. BAGG: Dominic, East Hampton had a program, I believe, running jointly with the Nature Conservancy to plug the mosquito control ditches. I don't think they did any environmental review; is anybody evaluating that program?

MR. NINIVAGGI: We haven't evaluated any of that. You would have to talk to East Hampton and the Nature Conservancy about that. I understand that they did do some measurements, and I actually did work with Nicole Marr (Phonetic) from the Nature Conservancy and showed her a little bit about mosquito dipping. I don't know if they received any mosquito results on that. At one point, that project had been independent of us.

MR. BAGG: I understand that, but I think somebody should really kind of evaluate something like that. It might increase the mosquito population.

MR. NINIVAGGI: Well, from our own monitoring of the area, we're not seeing an increase like we've seen in New Jersey with samples of adult mosquito populations in that area. They have been relatively low for the last few years. As a matter of fact, in many of the marshes, in that system, we needed

to do very little larviciding. From the information we have, we can't tell whether that's a result of what East Hampton did or it's just part of the nature cycle of the marsh, but certainly there's no evidence that whatever they're doing has made the situation worse.

CHAIRMAN SWANSON: Mike?

MR. KAUFMAN: First off, just to follow up on what Jim's talking about, I find it curious that the County was placed in the position of having to do very, very heavy monitoring and having data collecting in order to justify any permits that were undertook to deal with the mosquito situation; yet in East Hampton, that seems to have gone by the Board. There's really no data coming out that I have seen, and they're doing a lot of the practices that they accuse the County of doing. They said they were wrong, for example, for plugging ditches and we're opening up ditches

depending upon where it is and actually doing some catching. They've opened up some culverts and things like that yet we're not seeing any of that data, and we're not exactly sure where it is going, so I find that very curious.

The second thing is regarding Wertheim. The interesting thing to me is -- and I review a fair amount of the data on that, but a lot of people predicted destruction of that particular marsh if the project was undertaken by the County did go forward and they predicted that the actual construction, once they saw it, would be catastrophic and would never recover yet I seem to recall about a year or so ago, there was a presentation made to this group and to others showing the scars from the construction work which, apparently, have not been permanent and that they have been filled in with spartina and other native vegetation; however, the catastrophic results that were

predicted, apparently, have not occurred at least going out four or five years. Now, the DEC is saying they want to have a sixth year, so it will be good to see that data when it comes out. My point is that the catastrophic results that were predicted have not occurred. There have been other projects like this -- Mary, where is that other place that the DEC is doing?

MS. DEMPSEY: Namkee Creek.

MR. KAUFMAN: Yes, Namkee Creek. They have been doing something very similar to that, and they're not seeing catastrophic results the way some people have been predicting them.

Indian Island is going to be designed the same way to avoid those types of catastrophic results. My point, basically, is that the plan that was adopted by the CEQ and by the Legislature back in 2007, appears not to have -- either place seem to be substantive and the work that has been

authorized by it and a lot of the work that composes the basis of the study has proven to be a positive net gain. In my opinion, I am just not seeing the catastrophic results that some people had predicted.

CHAIRMAN SWANSON: I think we need to have the members review the report and so forth to show that conclusion.

MR. NINIVAGGI: The other thing I wanted to point out is that the work that was done by the Town of East Hampton and Accabonac actually was done back in the 90's in cooperation with vector control. But, what the Town did there is very, very different than what was done at Wertheim and indeed it's very, very different than what is done anywhere else in the northeast in terms of what's called Open Marsh Water Management. That project was never designed to reduce mosquitos, in fact, that project was intended primarily to maintain water in the marshes in the

hopes of keeping coliform bacteria out of the shellfish beds. So you can't really compare what was done by the Town of Aquaponic to what we did at Wertheim or what's been done really anywhere else in the northeast. It's a very different type of project using very different technics with very different goals. The other thing you have to keep in mind is that Accabonac also installed a large culvert in the road enclosing the marsh with the intent of improving tidal action. So whatever effect that increase in tidal flow had on the marsh, that is going to obscure the effects of the things like ditch plugging especially when you have two things going on at the same time; so it's kind of hard to know what caused what. Not that it wasn't a good idea to do that, it just makes it harder to know what is causing what changes.

I also wanted to mention that we had done some work in cooperation with

the DEC last Winter in terms of restoring tidal flow to a couple of their heavily impacted marshes. We were able to do some follow up -- our consultant did some follow up at Namkee Creek and they believe that they have seen positive changes in the vegetation. I am gratified to see that but on the other hand, what was done there was very low key. It was just a very simple reopening of the marsh and tidal flow. It was not a full-scale wetlands restoration project. So, our goals was very modest, and we've have seen a modest improvement in one year. I am gratified to see that, but it's very early.

The same thing happened with the Lime and Marsh Project. That marsh was totally cut off from tidal flow. We have some decent tidal flow, but it's far too early to know whether there is positive or negative changes.

The other thing I wanted to point

1 out about the Terry Creek Project is
2 that, that's also very different from
3 what we have done at Wertheim. The
4 Terry Creek Project at Indian Island is
5 basically taking an old dredge spoil
6 site and restoring tidal flow and
7 restoring proper elevations to basically
8 allow the marshes to rebuild.
9 Again, that's a worthwhile thing to
10 do but it's very, very different from
11 what we did at Wertheim where we took an
12 existing ditched marsh and basically
13 tried to remove the effects of the
14 ditching and restore a marsh that was
15 already functioning. Basically, we were
16 looking to rehabilitate and improve a
17 marsh that was already a marsh and
18 already had some basic marsh functions.
19 So when we look at these projects,
20 we have to keep in mind that they're
21 very different from one another.
22 CHAIRMAN SWANSON: Tom?
23 MR. GULBRANSEN: Dominic, I see
24 your point earlier about having two or
25

three things going on at the same time. It's hard to figure out what the causality is in whatever condition we see in any given month. Do you anticipate that maybe next Spring we can have something on the science and the process and how you assess the progress?

MR. NINIVAGGI: Yes.

MR. GULBRANSEN: Could you add to that agenda how you consider sea level rise or how you juggle it? You mentioned in today's discussion that your goal is, by mandate, to address status quo and keep things as they are. You also said that the marshes seem to be maintaining themselves as you monitor them, but that's a different story then I hear from other marshes. They're pretty sensitive places and the sea level rise seems to be one of the factors that people are worried more about.

MR. NINIVAGGI: Well, also, you have to remember that we're lucky --

MR. GULBRANSEN: In the Spring, could we add that layer if it was already discussed to see how you juggle things that aren't changing with the need to juggle hydrology? It is such a tough thing to --

MR. NINIVAGGI: Well, you have to remember, what we did at Wertheim was something we were looking at over a five year term and the sea level rise over a shorter period of time and that's not a major issue.

The other thing that was found during the course of the EIS Project was that different marshes are in a different statuses relative to sea level rise. Some marshes on the island such as the Wertheim Marsh seems to be keeping pace with sea level rise relatively well, while others are not. So that's a little bit outside the scope of the Wertheim Project.

One of our mandates in terms of the Wetland Stewardship Program is to

consider the long term impact of the sea level rising depending on what the County would like to do. I think that, that's going to have more to do with things like buffers and allowing areas from the marsh to migrate than what you did within the marsh itself.

MS. DEMPSEY: Tom, the Nature Conservancy, I think, in conjunction with U.S.G.S has set up what we call S.E.T. which stands for sediment elevation tables throughout Long Island. They would have more data on that kind of thing, but we're not collecting that kind of information.

MR. GULBRANSEN: I didn't mean to add it to your menu. It's not our scope to do that. I just wanted to help you rational and help you with the progress and that it be expressed mindful of the other stuff that's going on out there. As you juggle it this way, it might be helpful in some cases or it might be a counterbalance. We can always talk

about it in the Spring.

MR. NINIVAGGI: One of the things that seems to be key is if you have a marsh where you have healthy growth of vegetation and where you would think they would be more able to resist the effects of sea level rising. Certainly, we're trying to get good healthy vegetation for that.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: In terms of your program, can you just give us a very brief idea of what kind of things we're going to see and how often you -- how often do you check the various places and what kind of recordation system do you use? You mentioned earlier that there are different agencies that do different things. If you can just briefly --

MS. DEMPSEY: With the Wertheim Project, we looked at the biological factors of fish, birds, and vegetation changes. Every year we take photos and

we also have a bit of a permit modification because we're going out there and collecting data every year and there wasn't any change in -- every year you don't see these kinds of changes. Currently, every year, we go out and check to see where all the population is and that is done every year.

MS. GROWNEY: At the same time?

MS. DEMPSEY: That's right. We do vegetation at set locations and we call them transects. We do a vegetation analysis, as well. We have fish stations. We have bird stations, and we also measure things like salinity, poor water salinity, and we try to assess if there are any changes to hydrology and water tables heights, as well.

MS. GROWNEY: Are there any endangered species that are also looked at to see -- you kind of touched on that a little bit in terms of the active marsh lands and you were saying that there is healthy -- to see if there is

healthy growths over there; is there anything that you noted as an endangered species that is problematic?

MR. NINIVAGGI: There weren't any listed species present regularly in the marsh. The marsh is visited by bald eagles, osprey, and those sorts of animals. I know there are some marsh sparrows that utilize the salt marshes. We haven't seen anything specific as listed species. I think one of the things you should also keep in mind is that the Wertheim Project was intended, among other things, to give us an idea of what sort of follow up monitoring is appropriate and worth doing.

In the initial couple of years, a very large number of things were looked very intensively at, and over time what we found was that some of the things we were looking at didn't seem to give us much useful information. In conjunction with Fish and Wildlife Service, we have changed some of the monitoring. There

are some things that we look at every other year or every two to three years because that's the timeframe that you can expect to see changes. We are a mosquito control agency, and we do look at the mosquitos very intensively. We're out there once a week because it is part of our regular program. At Wertheim, we look at it a little more intensively than our regular program because of the follow up to the project, but that's going to be an interesting issue.

As we go forward, we need to see how much monitoring we can reasonably do as we go operational with some of these practices.

MS. GROWNEY: Thank you.

CHAIRMAN SWANSON: Dominic, just a couple of comments to clarify the record.

When would be it best so that we can do some planning to have a scientific presentation?

MR. NINIVAGGI: I would say April would probably be worthwhile because at that time we should have some of the 2010 data in, and it's before we get into the busy season in terms of our mosquito control program.

CHAIRMAN SWANSON: Christine, would you tentatively make sure that we try to get on April's meeting?

MS. DE SALVO: Yes.

CHAIRMAN SWANSON: The other thing, Dominic, that I wanted to comment on is that, while nobody is knocking your door down or our door down for this report, I think it's imperative that it be done by February 16th, because this is exactly the kind of thing that some day somebody might be knocking our door down on. I don't think we want the CEQ or the County hounding us for it -- hounding us for not having it done when we're required to have it done by the EIS process.

MR. NINIVAGGI: I agree.

Also, from my program's point of view, I would like to see this process be pushed forward especially the Wetland Stewardship part of it because operationally, it will be very helpful for us to meet our goals.

CHAIRMAN SWANSON: So we have a motion and a second.

Any further comments?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed?

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

CHAIRMAN SWANSON: Motion carries.

Thank you very much for coming.

MS. DEMPSEY: We're doing this report with the help of Sal Scarfutti (Phonetic) who did the tick report. He is the one that is going to be formatting it. He is familiar with getting different departments together

to write such a report, and then we have a shared drive and we do appreciate this because we definitely need the extension.

CHAIRMAN SWANSON: Vivian?

MS. VILORIA-FISHER: I will be inviting you, although I don't know whether or I will be Chair of the Environment Committee, but the likelihood is that I will be, and I will invite you to do a short presentation at the Environment Committee meeting and that will be after you come to the CEQ.

CHAIRMAN SWANSON: Your welcome to stay. Eventually, we're going to have a tour of this house. If you have the time or the inclination, you're certainly welcome to stay and be part of that.

Anybody here from the public that wants an opportunity to speak? Ordinarily, we speak as particular issues come up on the agenda, but if there is anybody that wants to speak,

they may do it now.

(WHEREUPON, there was no response from the Public to speak.)

CHAIRMAN SWANSON: Historic Trust?

MR. MARTIN: The Housing Meeting is scheduled for December 16th, and that is the committee that reviews all of our housing for rent, the amounts, and also concerns that we have.

We do have a concern right now. We've had vacancies for a long time at the West Oaks County Park which has two houses there. The Simpson House has been vacant since the rent was increased a number of years ago. We need to take a serious look at that house. We need to look and see how we can get those properties rented.

We're also going to be reviewing the Lindley House out at Theodore Roosevelt County Park. That is a house within the Park that came with the original County purchase in the 1970's. The owners were given until this coming

February of 2011 to use the property. That's coming up, so we need to review that property and see how the County wants to go forward with occupancy on that. That's also on the agenda.

As for the Custodial Agreement, we're still working on the agreement with the Long Island Chapter and U.S Lighthouse Society. That's for the Cedar Point Lighthouse, and we're also working on the Long Island Maritime Museum agreement. We have a museum site at West Sayville County Park.

MS. VILORIA-FISHER: We just voted on that, didn't we?

MR. MARTIN: It was voted on to approve, but the paperwork is not complete. The reason it's not complete is because it has been approved, but the contract itself has not been completed. That's all I have.

MR. KAUFMAN: Rich, as for the Simpson House, which I familiar with, the rent is rather high on there. I

know the group that you're part of has the authority to, after proper review, lower that possibly. The house is incredibly hard to heat. The windows are single paned. If you want to have somebody in there, and West Sayville is a heavily used park, you have to try and find some justification for radically dropping that rent. The house itself is not the easiest place to heat. It's not well-layed out for a family or whatever. It's not a easy house to live in, and that comes from speaking with some of the tenants that live over there. I remember a Suffolk County police park woman was the last one to live there. If you want to get somebody in there, you really have to drop the rent.

MR. MARTIN: You're right. My understanding is that the Committee does have the authority to take all those conditions into account and that's what we will look at.

MR. KAUFMAN: I really think that

an appraiser -- I have been dealing with appraisers on another issue, but if justification is needed for that -- for that particular house, the age of the house and the heating and -- I mean there's no insulation. There's nothing. It has single paned windows, so you have every justification in the world to drop that rent radically and the more important ones need to be rented.

MR. MARTIN: The Committee reviews more so than the appraiser. The appraiser gets it done at market rate by looking at comparable houses in that area. It is a very nice neighborhood, but the Committee can look at the immediate environment within the Park and the activities within the Park so maybe the appraiser can take that into account.

MR. KAUFMAN: Just as part of the appraisal process because I am dealing with appraisers with another historic house myself right now, but when you

1 look at comps, that's always a problem
2 because it tends to drive the prices
3 higher than you would normally see with
4 a regular house. For example, let's say
5 you have three houses in a row and the
6 middle one is the historic house and the
7 two on either side of it are more
8 contemporary -- more of a 1950's house.
9 The comp method seems to drive the price
10 higher on the middle house as opposed to
11 the historic house and as opposed to the
12 two houses on either side. Again, using
13 that approach without factoring in and
14 decreasing, if you will, some of the
15 issues that apply to historic houses in
16 terms of value, you really get a higher
17 rate and you may need to have an
18 historic appraiser in there -- if such a
19 thing exists because I am looking for
20 one right now.
21 MR. MARTIN: I think the Committee
22 can play that role.
23 MR. KAUFMAN: That's what I am
24 basically driving at. You guys have to
25

exercise some sort of judgment on this and go beyond what the appraiser is saying. The appraiser is always going to have a higher price. They're not equipped to factor in certain things. Realistically, a lot of appraisers have problems dealing with asbestos and contamination. They're not able to knock down prices that way without specialized addendums to the report which they're usually not able to do and that's why the appraisers are somewhat high. That's where I am going with that.

MS. VILORIA-FISHER: Mike, that's exactly why we have the Committee. We begin with the appraiser to do the appraisal and then we go through -- we have set up a grid of different criteria, and we have somebody from the Department of Public Works who sits on the committee to help us with precisely these kind of issues you're talking about regarding utilities and the cost

of the utilities. I don't know how far they're going to go with this home. I know it has been an issue because we have had letters from former tenants about the inability to heat the house; so everything you're saying is something that the committee is already doing. We can only go so far with the relief without tipping the scale and having to hear the cries that we heard a few years ago. It becomes very political, and it can hurt the whole program.

One of the things that we looked at -- I don't know because I am not Chair of Parks anymore so I am not sitting on the committee anymore, but it was having some kind of straight utility forgiveness or help with the utilities. I know these houses are so expensive to heat.

MR. KAUFMAN: Once, a long time ago, I saw an approach to establishing a fair market value wherein the cost of the utilities was factored in on a

square footage basis, and it was compared with more modern housing and there was an equalization process that was brought in to account for that justification for the lower rent. All I am saying is --

MS. VILORIA-FISHER: I think they're doing that.

MR. MARTIN: We haven't done it to that extreme -- you know, a formula but we're capable.

MR. KAUFMAN: What I am trying to do is push you at least with the Simpson House to really look at this house, and its rental value. I am well aware of the Committee and how it was founded and the parameters of it. I just want to see that house rented somehow, but it's a liability otherwise and that's a big problem.

CHAIRMAN SWANSON: Jim?

MR. BAGG: I have a question about the heating issue on some of these structures.

I know the County has purchased contracts for fuel oil and everything else. I assume that the prices are down and the people that are moving into these structures are certainly negotiating a price where they can have a reduction, but do these houses utilize the County's system in terms of the cost of the heating oil?

MR. MARTIN: I can tell you in the past, that was possible. I don't know what they're doing now. I would have to check on that. We did do it, but I just don't know what is happening now.

MR. KAUFMAN: You should look at the legalities of it.

MR. MARTIN: I got your point, yes.

CHAIRMAN SWANSON: Eva?

MS. GROWNEY: The only other thing that I am just underlying is that those houses need to be heated any way, so it's really a benefit to having somebody in there with reasonable numbers who is also overseeing things.

MR. MARTIN: Also, just within the Parks Department and we haven't brought this over to the committee yet, but we always have the option of using it for another activity such as a park office or a historical group or things like that. We need to open it up and look at all the possibilities.

CHAIRMAN SWANSON: Thank you, Richard.

Any Type One Actions this month?

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

CHAIRMAN SWANSON: Maryann, would you introduce the topic that you introduced, I think, originally last month?

MS. SPENCER: Yes. We talked about -- there was a motion asking the CEQ to approach the attorneys for both the Legislature and the County Executive for an opinion. I have been thinking about that, and I am a little concerned with that but that's not our purview and so,

respectfully, Vivian, I would like to revisit that motion.

MS. VILORIA-FISHER: I agree with you. I would be happy to take that on and ask the District Attorney and Legislature's Counsel for an opinion rather than having it come from the CEQ because the CEQ advises the Legislature; so I would be happy to do that.

CHAIRMAN SWANSON: Do you want to withdraw the motion?

MS. SPENCER: May I?

MR. KAUFMAN: There's a big problem here.

MR. YOUNG: If I can, for the record just -- I don't know if it was clear, but you said "district attorney."

MS. VILORIA-FISHER: I meant the County Attorney.

CHAIRMAN SWANSON: So we have this action before us that we are to write a letter and --

MS. SPENCER: May I make a motion to not write the letter?

MR. KAUFMAN: You want to make a motion to rescind.

MS. SPENCER: I would like to make a motion to rescind.

CHAIRMAN SWANSON: Do we have a second?

MR. KAUFMAN: I'll second.

CHAIRMAN SWANSON: Michael has seconded the motion.

Any discussions?

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

CHAIRMAN SWANSON: All in favor of the motion?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.

Michael, Ratification of Recommendations for Legislative Resolutions Laid on the Table?

MR. MULE: It is pretty straight forward. There is nothing out of the ordinary with this.

I did want to mention that 2171, I believe, Appropriate Funds in Connection

with County Water -- as is normally done with any County dredging projects, the State being the permitting authority, will be the lead agency and take care of the SEQRA compliance for this.

CHAIRMAN SWANSON: Anything else?

MR. MULE: It's pretty straight forward.

CHAIRMAN SWANSON: I just had a question that you may or may not know. Where do we stand in the status of completing the dredging at Stony Brook Harbor?

MR. MULE: That I do not know.

MS. VILORIA-FISHER: The dredging was just finished.

CHAIRMAN SWANSON: It's gone?

MS. VILORIA-FISHER: It's gone. I have gotten calls on it.

CHAIRMAN SWANSON: You have?

MS. VILORIA-FISHER: Yes, calls about midnight noise and the smell of diesel, so I had a very long talk regarding this situation. My

legislation, which calls for diesel, has a very strong smell. They work as much as can be done economically, so we're reviewing what the dredging company has done and there's going to be talks about that when we come back with that information.

CHAIRMAN SWANSON: One of things, if you could inquire, is I got a call on Monday saying that there were boons (Phonetic) placed out over some of the wetlands over in the vicinity of where the Mercer property is -- over at Stony Brook Harbor and the question was what was going on that would require that? Did they spill something or was there hydrologic --

MS. VILORIA-FISHER: I have not gotten any information about that.

CHAIRMAN SWANSON: Can you ask what they were trying to do? Maybe it was totally unrelated. I don't know.

Mike?

MR. KAUFMAN: We need a motion.

I will make the motion to accept staff recommendations.

MS. GROWNEY: Second.

CHAIRMAN SWANSON: Anything further?

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

CHAIRMAN SWANSON: All in favor?

(WHEREUPON the Council voted.)

CHAIRMAN SWANSON: Opposed?

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

CHAIRMAN SWANSON: Motion carries.

Unlisted Actions: Proposed Declaration of 95.3 acres of Commercial Zoned Property surplus/offer for sale, Town of Brookhaven. This is a tabled project.

Is there anything new?

MR. KAUFMAN: I spoke to Legislature Kennedy a couple of days ago as to what was going on with this. As you know, all legislative resolutions that are not passed basically expire at

the end of the year, if I remember correctly.

MS. VILORIA-FISHER: Not this year. It's not an election year.

MR. KAUFMAN: Not this year? It's not an election year? So they're still out there?

MS. VILORIA-FISHER: Yes.

MR. KAUFMAN: He's not doing anything on it right now. We would like to have it tabled.

CHAIRMAN SWANSON: Do we need a motion to continue tabling it or does it just stay on the table?

MR. BAGG: Just stays on the table.

CHAIRMAN SWANSON: Thank you, Michael.

Now, Proposed Storm Water Remediation to the Yaphank Lakes and Carman's River at County Road 21.

MR. MACKEY: Good morning, everyone. My name is Russ Mackey, M-A-C-K-E-Y. I am Senior Civil Engineer with the Department of Public Works.

Here today to present this is the County's consultant, Bob Steel from LKMA who will further describe the project.

MR. STEELE: MY name is Bob Steele .

The purpose of this project is to address three direct stormwater discharges that are occurring along the corridor of CR 21. I will start by describing the first one that occurs at the Mill Road culvert just down stream of the upper lake -- upper Yaphank Lake. The existing condition in this watershed is that water from Main Street -- County Road 21 and water from Yaphank Middle Island Road come down and get collected by a few catch basins near the Mill Road culvert and get directly discharged into the abutment just down stream of the culvert. So, what we did is we calculated the water quality volume which is 1.2 inches of rainfall that would fall on the roadway, and what we're proposing is to provide enough leaching basins located throughout the

corridor and capture the water quality volume as much as we can and then to retrofit the existing drainage system, which consists of catch basins and pipes with a Best Management Practice called a snout device. What this snout device does is it acts like a baffle (Phonetic) so water goes into the catch basins. Any floatable or debris that fall into it, will be protected or prevented from going into the drainage system and will be stored inside the catch basins for removal. So this is the first location that we --

CHAIRMAN SWANSON: May I ask you why only 1.2 inches of rainfall?

MR. STEELE: Well, 1.2 inches of rainfall is the water quality volume as described by the New York State DEC from the New York State Stormwater Manual to provide -- that's the amount of rainfall for 90 percent of the storms on Long Island are less then. So what we're doing is trying to find a budgetary

number for the amount of rainfall that would occur for 90 percent of the rainfalls. This system that we're providing is going to capture and treat. It is cost prohibited to provide storage in leaching basins at least for a system that's bigger.

MR. GULBRANSEN: Isn't it also true that with the first half inch or inches of rain with stuff is what we're trying to get?

MR. STEELE: Yes. The first flush over of rainfall over time collects most of the oils and the pollutants and the sediment which carries the pollutants. That's where the biggest concentration of pollutants are located.

CHAIRMAN SWANSON: Vivian has a question.

MS. VILORIA-FISHER: How much maintenance is required? How often does it have to be cleared?

MR. STEELE: Each --

MS. VILORIA-FISHER: I guess it

depends on how much rain occurs.

MR. STEELE: Each location -- whenever you put a best management practice like vortechnic system or a snout, it depends on the decided cells. Monitoring of the system to see how fast it fills up with floatables and debris, is always needed because every site collects a different amount of trash. It is really hard to say how long it would be until it needs to be cleaned, but the best thing we can do is have the maintenance crews keep an eye on it and get a feel for when it needs to be cleaned -- every six months and if they go every six months, and they notice it is already filled up, then they need to go every three months.

CHAIRMAN SWANSON: Rich?

MR. MARTIN: Historic information wasn't complete in the application. The whole project runs through the Town of Brookhaven's Historic District and the east end of Yaphank Avenue. The corner

of Main Street and Yaphank Avenue is the Suffolk County Historic District. There's an additional national register property which is called the Hawkins House. That was not identified yet. Also, the Historic Society is aware of this project. We support it, but at some point it would be good if they could take a look at this project. The president wanted to be here today, but couldn't make it. They wanted to see how this is impacting their property because the right-of-way especially at the east end of this project is actually on the County -- the County ownership is actually on people's front lawn so they might have some comments.

MR. KAUFMAN: The format should be corrected -- the EAF. I think it should be corrected to reflect that information about the existing historical corridors.

CHAIRMAN SWANSON: Gloria?

MS. RUSSO: Bob, I know the County has used the Vortechnic system for other

stormwater projects brought forth by DPW. As for the new snout one, have you used this one before?

MR. STEELE: Yes. It's basically a more cost efficient way to provide some treatment to the smaller areas. The vortechnic system would be used when you're providing treatment for a whole watershed or any other $75,000 vortechnic system verses a $500 snout.

CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: Lower lake and upper lake are both subject to pollution and evasive species. There's a lot of it out there right now to do some restoration work out there. I know speaking with Charlie Guthrie (Phonetic) at the DEC, basically, it comes down to poisoning the lake to get rid of the evasive species and dredging it to a fair degree because there has been a lot of infiltration of storm sediments or sediments brought in by the stormwater, et cetera. The plan that you have

before us looks, to my eye, like it's trying to address those particular issues and may be moving forward to plug up the gaps, if you will, which causes stormwater sediments to go into the lake. Is that part of the planning that you guys have been trying to do? Have you been coordinating basically with DEC to try and eliminate some of the past problems?

MR. MACKEY: That is more of a question for the Department of Water Quality and the projects that the DPW is bringing forward. I am going to assume that they're coordinating this with that project which has come down through them. The Department of Water Quality has overlooked this project and was approved as far as the Department of Public Works is concerned.

MR. KAUFMAN: So you don't know then if these are the primarily points for stormwater sediment?

MR. MACKEY: I am going to assume

that -- part of this is that this is the County's area. There are other areas which are the Town of Brookhaven's which we don't have jurisdiction over, and we can't do anything from what I have seen. From the plans coming through, these are the major points of discharge from the county road system into the lake and that's what we're trying to take care of.

MR. BAGG: I might point out that the CEQ, as well as the County Legislature probably about 15 years ago came out with a policy to eliminate direct discharge of run-off surface water and the Department of Public Works has been trying to do that. This is in line with that original directive.

MR. KAUFMAN: They're trying to do the same thing at Peconic right now to eliminate the discharge coming off the County roads.

So, this is well in keeping with that. I guess my basic question is how

closely was this coordinated, I guess, with water quality to make sure that these are County impacts upon lower and upper lakes whether these are the best locations for catching what they can?

MR. MACKEY: They do an engineer inspection within the Water Quality Department. They found a direct discharge into the lake area and they're -- you know, putting these systems to prevent further discharge.

MR. GULBRANSEN: So to finish the overall process, we're trying to eliminate or decrease the amount of stuff that gets into the lake such as sediments and floatables and high carbons in the water. So the two questions I have about a major elimination taking place is that one of them is the MS-4 Program. We heard from them and we heard from their -- they have a lot of trucks that can do the suck out but they're limited on staff. So they actually talked about how they

couldn't get to all these places that already wanted to monitor.

MR. MACKEY: I believe so. To my knowledge, we have three trucks. As far who is monitoring that program, I believe it is the Division of Highways. I am unfamiliar with it so I can't speak for them because I haven't -- anything I say is speculative.

MR. GULBRANSEN: So we will go back to them and see if -- see if it comes down to the fisher's point. It is all about maintenance. We can put it in but unless you yank the stuff out, it is going to get in there.

The second part of eliminating it is for the stuff that dissolves, if it goes into a catch basin, it's all sandy there. Does it actually get all the way down? Does it go down a little bit and then come out into the lake through groundwater? Do we know what the groundwater --

MR. STEELE: Well, the leaching

basins will leach into the sand.

MR. GULBRANSEN: Will it keep going down or will it hit a clay area and turn left and come out?

MR. STEELE: It eventually hits the groundwater.

MR. KAUFMAN: Tom, that's why we have depth of sand in there a couple of feet down to catch those particles and add absorption whenever possible as opposed to the upper layers and that's why you scrap out basins like that every once in a while.

MS. VILORIA-FISHER: Tom, to answer your question, we don't have enough staff and that's why it is a concern. Staff levels are very low due to budgetary issues, so that's definitely a concern.

As far as the water quality provision, this being funded through 477; isn't it?

MR. MACKEY: I don't know what 477 is.

MS. VILORIA-FISHER: It comes before the Water Quality Commission.

MR. MACKEY: Yes, this has to go before the Water Quality Commission to get them to accept it.

MS. VILORIA-FISHER: So then it will -- there will be the interaction between DPW and the Water Quality Division. Gill sits on the Water Quality Review Committee. So if you're at this point and the planning has been done, then so has the water quality project.

MR. MACKEY: Yes, as far as the capital project, the numbers are done, yes.

MS. VILORIA-FISHER: So it is under 477.

CHAIRMAN SWANSON: Just a follow up on that.

In your section, Page 13, under Impact on Water it says, "List other impacts" and then it says "Beneficial impacts of water quality and wetlands

associated with Carman's River and upper and lower lakes will be achieved," but then you only say it's going to be a small to moderate impact. So I am wondering if some of these other issues of -- can you keep things clean? Is that groundwater going to go into the lake and so forth? If you're only anticipating a small impact, why are you doing it?

MR. MACKEY: Well, again, we don't know where all the other discharges come into the watershed area. We can only talk about the County roads that are doing it. So we're making it a benefit to the County roads to say that what we're doing is going to make a huge impact. It could be false not knowing where all the other watersheds that come in off of the town roads or further up. So if we made that a statement a large impact, I think, that would be kind of inappropriate to say. We're making the best impact that we can.

CHAIRMAN SWANSON: This is one of many small contributing areas?

MR. MACKEY: Yes, exactly. We have two other locations.

MR. BAGG: Larry, I live just north of there and that particular area receives a lot of runoff because it goes all the -- the sediment from the road comes right down into there and runs right into that bridge.

MR. STEELE: This project not only provides stormwater quality treatment. It's also improving the safety of transportation because a lot of water from Main Street and County Road 21 was rushing across the roadway where a super elevated roadway occurs. So this will knock down the amount of water that's actually forcing across the roadway from the storms. It has others reason for doing it, as well.

The second location is further east on the project near the Hawkins.

MR. MARTIN: I just want to point

out that it is the County's property. That is someone's front lawn. The County purchased that right-of-way years ago. It is an access road to the Expressway. The Hawkins House and the Police Museum on the corner was also dedicated as a historical trust property. So, the Hawkins House just north of that is the Police Museum Annex which is also a dedicated property. They're all within this right-of-way of the road, but many people don't realize that it extends upon people's front lawns.

MR. MACKEY: I believe this here is the blue line. (Indicating.)

CHAIRMAN SWANSON: The concern is that the neighbors don't really appreciate the fact that the County owns the property.

MR. MARTIN: You can say that again.

Also, as we review this, and I didn't bring it up last time and I

should have, but I wasn't aware that when the Road Widening Project review said this was an existing right-of-way, they were including this right-of-way on people's front lawns. The County purchased this years ago. They weren't purchasing any new property, but the existing does extend to people's front lawns, and they have since met with the Historic Community and modified that and pulled it back a little bit from our initial review.

CHAIRMAN SWANSON: So the County is trying to be good citizens?

MR. MARTIN: Yes. The historic site is also the site of a strong support group that will advocate for this property. I think the people just need to know about the design.

MS. GROWNEY: Approximately, how much does the County go in? They go in 20 feet or 30 feet?

MR. MARTIN: It varies.

MR. STEELE: It looks to be about

30 feet.

MR. MARTIN: The Road Widening Project, as we reviewed it, was going right over people's stoops and that's what was modified and pulled back.

MS. VILORIA-FISHER: Wow, so these people have been living in theses houses yet they're not paying taxes on their whole front lawn.

(WHEREUPON, there was laughter.)

MS. VILORIA-FISHER: Yet they're claiming rights on it.

MR. KAUFMAN: Thank you, Ms. Levy.

(WHEREUPON, there was laughter.)

MS. GROWNEY: That's very perkily.

CHAIRMAN SWANSON: Just to follow up a little bit, how does the Road Widening Project intersect with what we're seeing here? Are they coordinated?

MR. MACKEY: They're pretty much coordinated. This here is the road widening. This is the curb that goes right into here. (Indicating.) You can

see we're not really touching anything that they're doing or what we're doing.

MR. MARTIN: Were you involved with the meeting with the committee?

MR. MACKEY: No, that was Highway Design that is doing that.

CHAIRMAN SWANSON: Sorry to keep interrupting you.

MR. MACKEY: That's okay.

CHAIRMAN SWANSON: Gloria?

MS. RUSSO: So the homeowner that lives there really their front lawn belongs to the County and not to them; are they aware that this project is coming along?

MR. MACKEY: I don't know. I wasn't at the meeting to be honest with you. This is actually in separate locations. We're not really in front of anybody houses.

MS. RUSSO: Well this one is; isn't it?

MR. MACKEY: We haven't notified this person here. (Indicating.) I

haven't -- I don't know what was said at the meeting. I was not there.

MS. VILORIA-FISHER: I didn't go to the meeting.

MR. MARTIN: I don't think they're aware.

CHAIRMAN SWANSON: It's important that they be notified. At least if they're notified, they can react. So, whatever we agree to do, we have to somehow establish communications with these people.

MR. BAGG: They did that with the realignment of the road, and we can do the same thing with this specific project and we can suggest that the historic society and the adjacent property owners be informed of the project -- the one's that are going to be impacted.

MR. GULBRANSEN: The fact of the matter is, if they were sitting right here, you have to put that structure where the pipes are. Pretty much,

you're already where it needs to be. You're not doing something which can't be backed over. It has to take presence.

MR. MACKEY: It will be buried.

MR. GULBRANSEN: You have to maintain it.

MR. MACKEY: They maintain it with manholes.

MR. GULBRANSEN: So it will be capped?

MR. MACKEY: Yes.

MR. KAUFMAN: You're not going to see it?

MR. GULBRANSEN: They have to be informed. What would you do if it were your own house?

MR. MARTIN: It just needs to be explained to them so they know.

CHAIRMAN SWANSON: Okay. Let's move on.

MR. STEELE: In this case, this is a little bit bigger watershed. So using the leaching basin approach would have

been a lot more extensive, and over here is where the pipe drainage system will go along. (Indicating.)

MS. RUSSO: That's feeding your new unit?

MR. STEELE: Yes. So, in this case, let's just this is the extended positive drainage system that eventually goes down the side of this person's property and discharges into the lake. So, in this case, we're proposing to provide we talked about before the vortechnic stormwater treatment system.

MS. GROWNEY: So as I understand it, this discharge system is going to go down into the lake, is that County property also at that point or is that permission from the homeowner?

MR. STEELE: We believe there is an easement there.

MS. GROWNEY: Okay, so there is easement there?

MR. MACKEY: Yes, there is.

We're not touching the pipe. We're

not doing anything. This is a system that you tap into the pipe and it's already there.

MS. GROWNEY: Oh, it's already there?

MR. STEELE: Yes, the yellow piping is already there. We're just retrofitting the existing system and providing stormwater treatment.

MS. GROWNEY: How old is the pipe?

MR. STEELE: It's probably -- we didn't inspect the structure and the pipes.

MS. GROWNEY: All the way through?

MR. STEELE: Not all the way through, but we didn't video inspect it. We did inspect the concrete catch basins and the opening of the pipe and they're actually in very good condition.

MS. GROWNEY: So we don't know if that pipe actually goes all the way, do we?

MR. STEELE: It's not flooding so --

MR. KAUFMAN: The real trick is, is there water coming out of it? If it storms, that's how you judge it.

CHAIRMAN SWANSON: Exactly.

MS. GROWNEY: I was just asking.

MR. STEELE: So that's basically -- I could describe what the vortechnic system is, if you'd like?

MS. GROWNEY: Yes, please.

MR. MARTIN: Is that your last panel?

MR. STEELE: No, there's one more.

MR. MACKEY: This vortex system is being used currently in many other locations throughout the County. It is nothing new. It is just one of those practices that the County uses.

MR. STEELE: What the vortechnic system is very good at, is it removes a lot of sediment that is in the water. The sediment, that it's capable of removing based on the test that they do is 80 percent of the total suspend solids in the water. The vortechnic

system -- all these systems work a little bit differently, but this system uses a swirl chamber so the water comes in and swirls around the first compartment of the chamber and the sediment collects on the bottom. So if you ever swirled sand around in a glass, you can see how it collects around the bottom.

After the water swirls around the first chamber, it goes through a baffle sytem where the snout keeps the floatables and oils inside the stormwater treatment sytem and then the clean water will come out and continue down stream.

MS. GROWNEY: The third chamber is to be clean water?

MR. STEELE: Hopefully.

This is the last location which is on Yaphank Avenue just north of the Long Island Expressway. At this location, there is no drainage system. There is no pipe that directly discharges into

the lakes. In several of the areas, going towards the lakes, water will just sheet flow into the grass; so it is not a direct flow on the northern sections.

On the southwest section of the roadway, it is already fitted with leaching basins which collects the water before it goes any further towards the lake. What we're proposing here is the remaining sediments -- the remaining shoulder of the roadway, we've found that the existing shoulder because of heavy flow that comes down towards the Long Island Expressway is being eroded and you can see that from the pictures. People park here when they go fishing and the sediment, when it rains heavily, is taken out onto the shoulder and down towards Carman's River. A solution that we have proposed would involve installing two leach basins in the roadway which would capture a percentage of water and then constructing a pervious pavement treatment which they

call grass creek to provide both a place for cars to park when they use the fishing area, and also to provide a system that would infiltrate the rain water before it goes any further.

This system is interesting because it allows the grass to grow through the concrete voids -- the voids in the concrete but it will also allow the grass to live when the cars are park on it. So it doesn't allow the grass to get crushed. It will almost be invisible once we get it established.

MS. RUSSO: How wide is that?

MR. STEELE: This parking area?

MS. RUSSO: Yes.

MR. STEELE: I think it is eight feet.

MS. RUSSO: Has the County used the grass product before?

MR. STEELE: New York State has.

MS. RUSSO: What were the results?

MR. STEELE: I think they're happy with the results of it. They used it

for parking lots initially.

MS. RUSSO: How many inches of sediment goes on --

MR. STEELE: It is built on crush stone and infiltration of water.

MS. RUSSO: Ideally, to use such a product and how it works, optimally, what is the typical depth of groundwater that we should have before we put this in?

MR. STEELE: About two feet but we have a lot more than two feet. We have a lake on one side and then by Carman's River, there is a big drop off on this side of the creek.

MS. RUSSO: So there is enough room?

MR. STEELE: Yes, definitely.

MS. GROWNEY: So there's no issue with speed or anything seeing we go full --

MR. STEELE: Well, one reason why we collect this over a lot of other pervious pavement systems is because it

is articulated concrete and there are some plastic products out there, but this is actually poured into place and it's reinforced. Our main concern was with snowplows and preventing -- providing something stronger enough to withstand the impact of the snowplow and this will.

MR. MARTIN: Has this been reviewed by the Department of Public Works and submitted to Gill Anderson because this concern with the traffic and the fisherman crossing the road at that point; is that something everyone is comfortable with?

MR. MACKEY: I believe so. It's not just -- even if we don't want people parking, people will park there. This is a way to stabilize the area as opposed to people parking and cars ripping up any grass or anything else we plant there. Whether they do or don't, obviously, it is an enforcement issue and people are going to keep doing it

whether we say do it or don't do and at their own risk, obviously.

MR. MARTIN: There's been no discussions of putting a guardrail there and blocking the parking there?

MR. MACKEY: We usually don't put guardrails up because guardrails are not warranted because of -- we were asked not to do because -- I am trying to think of the words off the top of my head -- it is actually a roadside hazard.

MR. MARTIN: I just want to bring up the fact that there is traffic there and it is extreme -- the truck traffic now is extreme. I just want to know if that's all been reviewed.

MR. MACKEY: It's been thought about. As far as what other measures that they are going to do, I am unfamiliar with it but I am sure if Gill was involved, it would come down and have been spoken of.

CHAIRMAN SWANSON: What is the cost

of the square footage of the grass creek? I guess that's what you called it.

MR. STEELE: The total cost of this was $18,0000.

CHAIRMAN SWANSON: For how many?

MS. GROWNEY: For that strip?

MR. STEEL: Yes. I have with me --

MS. SPENCER: 190 by 80 feet.

CHAIRMAN SWANSON: What did he say the cost was?

MS. GROWNEY: $18,000.

CHAIRMAN SWANSON: $18,000 for a couple of hundred feet?

MS. GROWNEY: 1500 square feet.

MR. MACKEY: New York State prices are usually a lot more higher than what we get just because the State has different --

MS. GROWNEY: Is there any signage planned such as "Park at your own risk?"

MR. MACKEY: The County can't -- it's a local enforcement. The County, to my knowledge, doesn't have the

authority make parking enforcement rules.

CHAIRMAN SWANSON: Thank you.

Unlisted Action -- we have a motion --

MR. KAUFMAN: I shall make the motion for an Unlisted Negative Declaration.

MS. GROWNEY: I will second it.

CHAIRMAN SWANSON: We have a motion and a second.

Gloria?

MS. RUSSO: I think we should just say -- you know, it was a good point that Rich brought up as far as the Historic District and the homeowner's property that will be damaged when they put that in, but I think they should notify the homeowner and notify the Historic District and any property owners before we get started.

MR. KAUFMAN: I accept.

CHAIRMAN SWANSON: I got it. So we had a motion and a --

MS. VILORIA-FISHER: I just want to clarify that. You were adding that we should --

MS. RUSSO: Notify the Historic District and the homeowner's, who think it's their property but it's really the County's, where the vortechnic system will be put in.

MS. VILORIA-FISHER: I just wanted to make sure I had that.

MR. MARTIN: Yes, the Yaphank Historical Society, as well.

MS. VILORIA-FISHER: Okay, so there is three that should be notified.

MR. KAUFMAN: As amended, that's my motion.

MS. GROWNEY: I second it.

CHAIRMAN SWANSON: Any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.

We have the CEQ meeting schedule

which has been proposed. I presumed that it is every third Wednesday with the exception of December.

Do you want to vote on that now?

MR. MULE: May as well.

CHAIRMAN SWANSON: Do we have a motion to accept the proposed schedule?

MS. SPENCER: Motion.

MS. RUSSO: I will second it.

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Opposed?

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

CHAIRMAN SWANSON: Motion carries.

Now we have to talk about going digital with the Minutes.

MS. VILORIA-FISHER: Motion to accept that.

(WHEREUPON, there was laughter.)

MR. BAGG: Let's look into that.

MS. VILORIA-FISHER: We already talked about this.

MR. MULE: Right now the charter

states that we need to keep verbatim minutes. You were going to look into --

MS. VILORIA-FISHER: Oh, that's right. I didn't do my homework, did I?

MR. MULE: Christine and I spoke to the clerk over at the Legislature. Apparently, they're using some digital recording for their minutes. I am still trying to check and see if we will be able to post the minutes on our website. Our minutes shouldn't be a problem, but I haven't heard back from IT yet. We can still go ahead and -- for this meeting, instead of moving forward with the meeting summary for you guys to review and vote on it. But as far as the verbatim minutes goes, it's still up in the air if we're going to continue with transcripts -- written transcripts or go with a digital version which we can transcribe as needed.

CHAIRMAN SWANSON: Explain how that works?

MR. MULE: Basically, it is a

digital tape recorder. We would have to be more conscious of speaking over each other and identifying ourselves before we speak. It would be up to you guys if you wanted to do that.

CHAIRMAN SWANSON: We would still have somebody from your office that would --

MR. MULE: Do a meeting summary, correct.

CHAIRMAN SWANSON: (Continuing) -- try and clarify the confusion on the tape?

MR. MULE: Yes, but --

CHAIRMAN SWANSON: We still need them.

MR. YOUNG: I went back and looked at the resolution from 2002. The reasons, which I gave, are that you may need legislative action to do away with verbatim minutes. The verbatim has always meant or taken to mean "word-by-word" transcripts. It was a policy decision when the Legislature did

what they did, and they gave reasons in the original bill, but they may or may not hold true today. That's something that the Legislature has to address.

MR. GULBRANSEN: When you have digital recording, you feed that into a listening piece of software and it turns into a typeable translation of that -- it's not perfect but what is verbatim? Is that legally verbatim?

MR. YOUNG: Verbatim is defined as "word-by-word" and it always has been taken to be transcribed or written. Now policy decisions have to be made -- you know, if you have it on a recording, it's obviously going to be harder for the public to really go through because instead of being able to pick out something that they're interested in and go right to it, you now have a tape that's going to be there.

MS. RUSSO: Tom, you just said --

MR. GULBRANSEN: Our current transcription is not always surgical.

If you type in word, it doesn't necessarily find that word. You can make it do that, but I don't know what verbatim means from a legal perspective. I am just pointing out that you can take up digital sound tracking and turn it into words.

CHAIRMAN SWANSON: Vivian?

MS. VILORIA-FISHER: Tom, actually at the public hearings when we were running low on our budget particularly with the Task Force, we used a digital recorder. It satisfied the verbatim components of the public hearing because it was digitally transcribed. You have the tape record, you hook it up into the computer, and you upload to the website -- the County website. To tell you the truth, the transcribable minutes -- the steno minutes here are something that we do review and when we review the minutes, they don't always give the names correctly or the words that were said; so there could be mistakes here

and there. I thought it satisfied verbatim because it's actually recording the voices and uploading them digitally. It's just different technology.

MR. YOUNG: An issue we have to look to oversee accessibility. I mean, if you're going to say you're going to use a machine that's going to print it out word-for-word and that word-for-word is going to be available at all times, then that may be a different story.

MS. VILORIA-FISHER: It's the same availability.

MR. YOUNG: Yes, but the availability is that you're supposed to get the minutes passed on a motion. The public -- if someone wants the minutes -- there's a difference between the verbatim in writing because if someone was interested in one issue that was discussed at the meeting, it's accepted and accessible to them without listening to a two hour tape. That would be another issue.

MS. GROWNEY: I think what you're saying is transcribed means it still can be transcribed into a written format from the digital thing and that then can be posted or printed. So, I think, it's the transcribing thing that's kind of --

MR. KAUFMAN: I have a problem in two respects:

One, how accurate are these systems? When I used them or I have seen them used in court, I have actually found them not to be all that accurate. In terms of spelling, they're useless. In terms of complicated words, they're useless. If you have more than three to four syllables, forget it. They're not necessarily that accurate. Now, we don't always talk in three or four syllables but the question of accuracy does come up.

MR. GULBRANSEN: It starts with a microphone.

MR. KAUFMAN: Right, we each have to wear a microphone -- nine of us, et

cetera.

MR. MULE: I think we're looking more into keeping it as an audio file and posting the audio file and should we need the written transcript for one reason or another, we can go back and manually listen to it.

MR. KAUFMAN: I hear what you're saying, and it would be nice to have the digital system so we can see something. The second question is the approval process. I mean memories do fade after a while sometimes and if we don't -- if we have it on a tape and if we don't necessarily have it in a format that we can see it -- let's just say the digital only goes so far -- I actually do read the minutes. I actually will print them out occasionally, and I am not sure how we can approve what happened especially if we start going by memory without having some sort of a written transcript. I have no problem with it being on the computer, but I am very

concerned in terms of the approval process.

CHAIRMAN SWANSON: For 2,000 years and probably longer we were able to do this without transcriptionist. People kept records of meetings and what went and probably better than what we're doing with the transcribed stuff. My problem with what we're doing today with transcription is that people around this table do not have the time or the inclination to sit down and read 102 pages of meetings and as a consequence, we're essentially not telling the truth when we sit and say we approve the minutes because most of us have not read them. To me, it is not an accurate reflection of what went on at the meeting. I want to see that we get something that is efficient and the people that are here who are volunteers have the time to read and understand and get the essence of the meeting.

MR. MULE: Which we will do. We

will be doing a meeting summary for now on.

MS. GROWNEY: Okay.

MR. MULE: But the only other question is are we going to continue with the verbatim transcripts or are we going to continue with audio?

CHAIRMAN SWANSON: I think it's not up to us. It's up to -- I think it is up to the Legislature and what they want.

MR. YOUNG: In all due respect, in 2002 the Legislature passed a bill and they voiced concerns about the minutes and whether they were predated minutes or whether they were accurate or not. They went to the verbatim format for that reason. It's policy. Just as we listen here -- as we're talking -- between the two Mike's were talking and that's not going to be very decipherable off of a tape as to who said what. So I think we have concerns there.

Also, I know as Larry said that it

is difficult to read all of these things but it's our obligation to read them -- you know, and to be sure that they are certified minutes.

CHAIRMAN SWANSON: Jim?

MR. BAGG: In the past before the Legislature passed that resolution for verbatim minutes, the CEQ used to prepare a summary of minutes which was required by Robert's School of Order. It doesn't state verbatim. The minutes are supposed to be a summary of business transacting; not every word and that we used to keep a copy of the audio tape of the meeting, and if we ever had a court case or a litigation case or anybody questioning the minutes, then those audio tapes would be transcribed and given to the County Attorneys Office for entrance into the Court or given to anybody else for clarification. It wasn't done for every meeting and every time at the cost of thousands and thousands of dollars. I think the

policy to be able to clarify minutes or find out what was said, if that is retained then, in essence, we're fulfilling the nature of the law and the policy of that law rather than go through all this expense.

MR. GULBRANSEN: Coming back to Larry's point, there is a requirement that the body retain a verbatim ability to recall what happened; correct?

MR. BAGG: Right.

MR. GULBRANSEN: Larry's point is that the way we're doing it now, we're explicitly -- one of us is agreeing that the record is accurate. I try and go back and read the "Gulbransen" quotes to make sure whatever I tried to say gets un-jumbled because it never comes out the way I am speaking. I definitely can say that I buy off on it and approve those pieces of the minutes that I get to reread. I wonder if this is causing us buy into this and approve this process and that's more than what we

1 think we can each do.

2 MR. BAGG: You're probably right.

3 MR. GULBRANSEN: Keeping a record

4 is different from all of us doubling

5 stamping it as verbatim -- I checked it

6 and I'm buying into every letter of

7 translation.

8 MR. BAGG: I think you're right.

9 MR. GULBRANSEN: Do we have that

10 obligation to certify that document or

11 that it was produced and can be

12 revisited on demand?

13 MR. BAGG: You would have to ask

14 about the law.

15 MR. KAUFMAN: It's not affidavit

16 that you're signing. You're not

17 swearing to anything. You're simply

18 making an approval and that has a lesser

19 burden of standard -- lesser burden or

20 standard of review and accuracy. Again,

21 if we were putting an affidavit down, I

22 don't know if I could do it because I

23 would be seeing something maybe a month

24 later and trying to go on my own memory.

25

What we're doing here is basically approving a general sense, if you will, of the meeting even though we're having every word taken down and hopefully they're accurate and we try and correct what we can. Frankly, you can make the statement that, "Yes, this reflects whatever the general sense is of what's going on" even if Gulbransen spoke in there and it isn't coherent or in my case, definitely not coherent. It's acceptance.

MS. VILORIA-FISHER: It's acceptance of the minutes, not verification of the minutes.

CHAIRMAN SWANSON: Maryann?

MS. SPENCER: I agree with Jim that in the interest of prudent fiduciary responsibility that we certainly examine any legal hurdles, but what I would like to see is way it used to be.

MS. VILORIA-FISHER: Tom, what's that IR Resolution Number?

MR. YOUNG: It's 142202. What

concerns me is the Legislative Intent because the Legislation also finds and determines that the official minutes of the Suffolk County Council of Environmental Quality did not represent what's been decided by that agency because apparently failure to use verbatim minutes has resulted in inaccurate records as to what has occurred at such meetings. The Legislature finally finds and determines the formal accurate records of the CEQ proceedings should be maintained to allow informed and intelligent public debate of issues of such minutes. They preface that not only flattering remarks before by saying that they're doing this because what you guys are doing is so important that they want to have a clear record of it.

MS. VILORIA-FISHER: Just to make it very clear, that was a very political piece legislation by a particular legislator attacking a particular

decision and it's unfortunate but that's the same particular legislature who has burdened us with the whole issue that we're dealing with the rental properties and some times that's a shooting from the hip. Paul Sabatino forwarded the hyperbole wrote that piece of legislation and I will go back and speak with my colleagues about changing it to the kind of more common sense practices that I served on CEQ for three years before that legislation occurred. There was no various timing of what has happened and it was just -- you know, it was political.

CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: I would like to say one thing. Larry and I have the greatest length of service on CEQ and I know that when we went to verbatim minutes, there was a certain essence lost at CEQ. Before that, we were a little more freewheeling in our discussions, and I think a lot more

business transacting. We were able to go into things in a little bit more depth. I always found the requirements to have Larry point out whoever wants to speak and recognize them to be a little bit restricting to put it very, very bluntly. I also felt that we lost something from what we once had. Admittedly, most of group except for Larry and myself post date that particular decision, but if it comes down to a choice of how the group functions, I think that as opposed to having verbatim minutes to the extent that we can have some sort of a record to satisfy the intent of that prior legislation but to regain something that we lost to some degree, I would come down on that side. Frankly, for me, the choice is very, very stark. It's either have the verbatim minutes because I don't trust the accuracy and some of the other stuff going digital or go back to the way we once were which, frankly,

would be my preference. I think, again, it may restore something we once had and help us out a little bit.

MS. GROWNEY: Coming from somebody post time, I completely agree with -- I don't feel restricted all. I think everyone can see that.

MR. KAUFMAN: Compared to the way --

MS. GROWNEY: But I don't know the way it was before.

CHAIRMAN SWANSON: Well, I don't totally agree with Michael. Everybody has to be recognized, otherwise, it is complete chaos. So just to --

MS. VILORIA-FISHER: Just so I have my direction here and my sense -- Michael, I think if we work to go back to what it had been, we can satisfy that particular desire; however, we're in new age where people are accustom to going onto the web and being able to find the minutes there, as flawed as they may be because even the stenographic -- when

you go read back, you will find names that are miswritten and misspelled and the scientific names are completely out of control but this satisfies both of them. If we have a digital recording, we have a recording that we can save and review. We have the digital transcript and we have the official summary which is what is required by law which is rule of order. So, if we can amend the legislation 2002, which I think has a negative spin to it -- I mean that's passed language and I think that would -- is there some kind of sense that, that would satisfy what role we're looking for to have digital recording which would -- you know, put it on the computer and we have a digital transcript but we have -- I don't know -- remember that it is a sort of freewheeling --

(WHEREUPON, there was laughter.)

MR. GULBRANSEN: It would probably help me to know how to do that summation

because therein lies a moment in time when you can either picture at length what the Chairman Kaufmann says or cutback on one sentence which I'm trying to say correctly or you can say, "this is the topic," and "these are the people who spoke to it," and not have the running commentary of that.

CHAIRMAN SWANSON: I can tell you that the minutes that we used to get from CEQ were superb, and they reflected the nature of the meeting, as well as what the important decisions were, and also the essence of what the debate was. You get none of that in transcripts. You just get the boring sentences that we all speak.

The last thing that I would like to say is that this has no reflection on our Stenographer. Sometimes we're not seeing the stenographic minutes for months and months and if you say we're supposed to recall what happened in August and December -- you know, you all

have to be a lot better than I am to recall that kind of debate went on, and I just think it's sort of bogus.

Vivian, you have your homework, are you going to do it this time?

(WHEREUPON, there was laughter.)

MS. VILORIA-FISHER: You know what? We can go back to what I proposed at the meeting, so I did my homework in class.

CHAIRMAN SWANSON: We will waive your advice; is that okay?

MS. VILORIA-FISHER: I will talk to Counsel.

CHAIRMAN SWANSON: Any other business?

MR. YOUNG: One other thing is that when you look into that which it may be difficult and one reason it might be hard to make those changes is that the current legislation says you have to get it back in 30 days after the meeting. The official minutes provide copies of such verbatim minutes to the County Executive and to the County Legislature

within 30 days of such proceedings.

MS. VILORIA-FISHER: But we haven't been adhering to that in ten years.

MR. YOUNG: I know so we should say, "We know the difficulty in what you require us to do under that law." If you want to do that.

CHAIRMAN SWANSON: So it's the Legislature that has been providing the stenographic proceedings?

MR. BAGG: It's all paid for out of budget. It is probably $25,000 to $30,000 a year for verbatim minutes for all their commissions.

CHAIRMAN SWANSON: Any other business?

MR. GULBRANSEN: Happy Holidays.

CHAIRMAN SWANSON: We are going to have a tour of the house starting now.

MR. MARTIN: Do we want to officially adjourn?

CHAIRMAN SWANSON: Yes.

MR. KAUFMAN: Motion to adjourn.

MS. RUSSO: Second.

1 CHAIRMAN SWANSON: All in favor?

2 (WHEREUPON, the Council voted to

3 adjourn.)

4 CHAIRMAN SWANSON: We're adjourned.

5 (WHEREUPON, the CEQ meeting of

6 December 8, 2010, was adjourned at 11:29

7 a.m.)

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

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4 STATE OF NEW YORK)

5 :ss

6 COUNTY OF SUFFOLK)

7 I, MELISSA POWELL, a Shorthand Reporter and

8 Notary Public of the State of New York, do hereby

9 certify:

10 That the within transcript was prepared by me and is

11 a true and accurate record of this hearing, to the best

12 of my ability.

13 I further certify that I am not related to any of the

14 parties to this action by blood or by marriage and that

15 I am in no way interested in the outcome of this matter.

16 IN WITNESS WHEREOF, I have hereunto set my hand this

17 _____21_____ day of _December_____ 2010.

18

19 Melissa Powell

20 MELISSA POWELL

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