

COUNTY OF SUFFOLK



STEVEN BELLONE
COUNTY EXECUTIVE

DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING
DIVISION OF PLANNING AND ENVIRONMENT
COUNCIL ON ENVIRONMENTAL QUALITY

GLORIA RUSSO
CHAIRPERSON
CEQ

MICHAEL MULÉ
ENVIRONMENTAL PROJECTS
COORDINATOR

SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY MINUTES

DATE: January 16, 2013

TIME: 9:35 pm to 10:40

LOCATION: Arthur Kunz Library
H. Lee Dennison Bldg. – 4th Floor
Veterans Memorial Highway, Hauppauge, New York

PRESENT:

James Bagg, Vice-Chair
Thomas Gulbransen
Hon. Kara Hahn
Michael Kaufman
Richard Machtay
Gloria Russo, Chair
Mary Ann Spencer
Larry Swanson

ABSENT:

Eva Growney
Dan Pichney

CAC REPRESENTATIVES:

Joy Squires, Town of Huntington

STAFF:

Peter Scully Jr., Administration
Christine DeSalvo, Senior Clerk Typist

GUESTS:

Sarah Lansdale, Director, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
Frank Castelli, Environmental Projects Coordinator, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
Camilo Salazar, Environmental Analyst, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment

Andrew Freleng, Chief Planner, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
DeWitt Davies, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
Lauretta Fischer, Chief Environmental Analyst, Suffolk County Department of Economic Development and Planning, Division of Planning and Environment
Ben Wright, Principal Engineer, Suffolk County Department of Public Works
Richard Martin, Director of Historic Services, Suffolk County Dept. of Parks, Recreation & Conservation
David Johnson, Director Coastal Steward
Mark Campo, Coastal Steward
Richard Brand, Reporter, Newsday
Debbie Tinniello, Legislative Aide, 5th Legislative District

Discussion Regarding CEQ's Purpose, Duties, Responsibilities and Staffing – Replacement of Michael Mulé

Ms. Russo wanted to bring to the Council's attention the CEQ's roles and responsibilities as they relate to replacing Mr. Mulé. Peter Scully Jr. was present, temporarily sitting in for Mr. Mulé. He identified himself to the Council. Mr. Bagg and Ms. Russo have been in discussions with Ms. DeSalvo and Director Lansdale about the qualifications for a permanent placement, as this person is to represent Suffolk County on the board. Mr. Scully is currently working in Economic Development. He is an attorney with an Environmental Policy background. He is filling in for today and possibly for a limited time into the future. Ms. Russo mentioned that Mr. Scully's tenure would be a short, and the Council hopes to have a permanent replacement quickly. Mr. Bagg and Ms. Russo were in discussions with Ms. DeSalvo and Director Lansdale about outlining responsibilities and qualifications for a new candidate, which Ms. Lansdale and Ms. DeSalvo are taking care of. But they wanted to inform the Council on the process and allow them input. Director Lansdale intended to be here to discuss this but she was on a conference call. Depending on her schedule and she may be able to discuss further details and how the transition would work at a later point in the meeting. Mr. Kaufman suggested that the Council delay further discussion until that time.

Mr. Machtay noted that Council members are SEQRA practitioners and that it is the Lawyers who have to defend their decisions. He recommended that a law degree be added to the credentials required. Other members disagreed, noting that CEQ actually has had a County Attorney assigned to represent CEQ when needed in the past. Presently CEQ is assigned a County Attorney when needed. All members agreed that SEQRA experience was the most important qualification for a replacement. Members also agreed that the position should be full time. Any replacement may help out within the department of Planning and Environment, but CEQ duties and responsibilities must take priority. Mr. Bagg noted that part of the staff person's duties include preparing environmental documents and directing the proper SEQRA process when any department, person or legislator requests the Council's assistance. The staff person works with departments in filling out Environmental Assessment Forms (EAFs), reviewing EAFs, and filling out EAFs from scratch. The staff person may be working with Legislators, the County Executive's Office or any department in that capacity. Mr. Bagg noted that the CEQ is advisory to the Suffolk County Legislature. CEQ does not make the final SEQRA determinations or decisions; it makes recommendations which go through the Legislative Council and the County Attorney's office for legal review. In the past they have not overturned any the CEQ recommendations because they have been made pursuant to the rules and regulations. Everything is carried out according to the rules and regulations of SEQRA. A thorough understanding of SEQRA, implementing rules and regulations, and

classifications of actions, as well as handling projects and activities and sending the Council's recommendations to the Legislature are all of utmost importance for the position. The Council will be apprised as the process continues.

MINUTES:

A motion was made by Mr. Kaufman to approve the August 15th, 2012, October 17th, 2012 and the December 12th, 2012 minutes. The motion was seconded by Ms. Spencer. Ms. Growney and Mr. Pichney were not present and Mr. Machtay abstained to the August 15th, 2012 minutes as he had not reviewed them. Motion carried.

PROJECT REVIEW:

Recommended Unlisted Actions:

Proposed Coastal Steward Shellfish Restoration Program

Frank Castelli, Suffolk County Economic Development and Planning, Director of the Division of Water Quality, along with David Johnson, Director, Coastal Steward gave a presentation. This project was recommended for funding by the Water Quality Restoration Protection Program at the September 25th, 2012 meeting. This is the program that utilizes the quarter percent sales tax funding for environmental projects. This project was recommended for funding by the committee. David Johnson, Director and Founder of Coastal Steward said his organization has an agreement with the Town of Brookhaven. He met with the Supervisor and Town Council members on Monday to renew that agreement which expired in December. Coastal Steward and the Town of Brookhaven share facilities in Mt. Sinai Harbor and work under the Town of Brookhaven's Environmental Protection Department, which has permits from the DEC. Mr. Bagg wanted to know what the Town of Brookhaven did as far as SEQRA was concerned. If they find out that the Town hasn't completed SEQRA they should be advised to do so. Mr. Johnson and Mr. Castelli were not aware of what the Town did and would get in contact with the Town and let the CEQ members know what the outcome was.

This project involves the restoration of oysters in the Port Jefferson and Mt. Sinai Harbors to improve water quality and provide oysters for commercial and recreational harvesting.

A motion was made by Mr. Bagg to recommend classification of the project as an Unlisted Action with a negative declaration, provided that all work will be in compliance with all applicable New York State Department of Environmental Conservation permits and shellfish will not be placed near any outfall pipes or areas that have increased contamination. The motion was seconded by Mr. Machtay. Motion carried

Recommended Type II Actions:

Ratification of Recommendations for Legislative Resolutions Laid on the Table December 18, 2012 and January 2, 2013.

Mr. Kaufman made a motion to accept staff recommendations for the December 18, 2012 and January 2, 2013 Legislative Resolutions. The motion was seconded by Mr. Machtay. Motion carried.

Proposed SD#12 – Birchwood/Holbrook, CP 8143, Sewer System Improvements, Town of Brookhaven.

Mr. Ben Wright, Principal Engineering with the Suffolk County Department of Public Works made a presentation regarding Sewer System Improvements to SD #12-Birchwood/Holbrook. This project involves the replacement of portions of the sewage conveyance system prior to emergency response or failure. The project involves the repair and/or replacement of facilities in-kind on the same site.

Mr. Bagg made a motion to recommend classification of the proposed project as a Type II Action. The motion was seconded by Mr. Machtay. Motion carried.

Other Business:

Election of Officers

A motion was made by Ms. Spencer to nominate Ms. Russo for Chair and Mr. Bagg as Vice Chair. The motion was seconded by Mr. Swanson. Motion carried.

Resolution 1006-12 – Prohibiting use of Hydraulic Fracture Brine on County Property and Roadways. Resolution 1006-12 was approved December 3, 2012.

Ms. Russo provided the Council a copy of Resolution 1006-12 – Prohibiting use of Hydraulic Fracture Brine on County Property and Roadways. Resolution 1006-12 was approved December 3, 2012. Ms. Russo thanked Kara Hahn as she was the co-sponsor of the legislation. Legislator Hahn noted that Legislator Calarco was the main sponsor.

The Long Islander Paper – Article dated 11-29-12 regarding the Vanderbilt Revitalization Plan

Mr. Kaufman informed the Council of an article in the The Long Islander Paper – Article dated 11-29-12 regarding the Vanderbilt Revitalization Plan. The proposal described in the article would make Vanderbilt a destination center.

Ms. Russo interrupted the continuation of Other Business to indicate that Director Sarah Lansdale had arrived and wanted to return to the topic of Mr. Mulé's replacement. Ms. Russo informed Director Lansdale of the conversation that had taken place earlier and asked if any of the Council members had any questions for Director Lansdale as far as the process and the timeframe for replacement. Legislator Hahn informed Director Lansdale that during the prior discussion the Council wanted to ensure that the position was a full time position due to the varied responsibilities. Director Lansdale informed the Council that, with input from Ms. Russo and Mr. Bagg, the duty statement was revised and submitted to the Commissioner of Economic Development and Planning. The Commissioner will in turn request that this position be filled. It is hopeful that by the next meeting they would have someone in place and if not then certainly by the March meeting full time. Director Lansdale thanked Ms. Russo and Mr. Bagg for all their help during this transition.

HISTORIC TRUST DOCKET:

Mr. Martin updated the Council on the following:

Housing Program:

- No new updates to the housing program. All homes that can be rented are currently filled.

Custodial Agreements:

- The County is still working on the custodial agreements mentioned in the past. Mr. Martin is currently working on Sagtikos Manor Historical Society; which has required more time because the contracts are essentially new, as opposed to amended. They have been revised so completely that they are essentially new contracts and take more time to go through.

Mr. Martin is working with Yaphank Historical Society on Mary Louise Booth House to have it listed on New York State and National Registry. This house is in Yaphank and was moved into the park. Listing requires a good justification. Mr. Martin is hopeful because the condition of the house is original, and there is a growing interest in Mary Louise Booth. They also want it to be one of the sites on the New York State Path Through History, as it relates to the Women's Rights Moment in New York State.

CORRESPONDENCE:

Vector Control Assistance in Debris Removal in Mastic Beach

Ms. Russo mentioned to the Council that Victor Ninivaggi with Vector Control is assisting with debris removal after Tropical Storm Sandy. Everything had proper DEC permits.

PUBLIC PORTION:

No comments were presented at this time.

CAC CONCERS:

None

Legislator Hahn wanted to address the Council to clarify an issue about Historic funding and Hotel/Motel Tax Dollars. Legislator Hahn previously thought that the Legislature could change the percentage allocated to Vanderbilt or Walt Whitman and the percentages that were assigned to other local projects and historic services. That can't be changed by the Legislature.

Ms. Spencer offered a clarification. There was confusion on whether the Legislature could change the apportionment to the Hotel/Motel Tax. Steve Englebright wrote legislation so Ms. Spencer spoke to him about it. A couple of years ago, two items – Vanderbilt and Walt Whitman weren't named but they were described in such a way that it could be nothing else – were earmarked to receive funds for a period of time. So some of the Hotel/Motel tax money is going to Vanderbilt and Walt Whitman. The earmarks may expire in 2014. It was done to help in a time of need, and it is unclear if it will be renewed. The intent of Hotel/Motel Tax was that a portion would go to supplement Historic Services and historic properties within Suffolk County, and for a long time it did that. A couple of years ago the legislature took the line item in the Parks budget that provides for Historic Services staff salaries and put it in the Hotel/Motel Tax. So instead of a portion of Hotel/Motel Tax money *supplementing* Historic Services' efforts, it *supplanted* it. The result is that they have less money instead of extra. Ms. Spencer had indicated at the last meeting that she would like the legislature to take the Historic Services line item out of the Hotel/Motel Tax allocation and put it back in the Parks budget, so that this percentage from Hotel/Motel Tax supplements Historic Services, instead of replacing it. The question is whether or not the legislature could do that. It was the legislature that took it out of Parks, certainly the legislature can

put it back in Parks. But what the legislature cannot do is change the percentage that goes to Vanderbilt and Walt Whitman. That's written into the law. That does require the State and that was the confusion.

Meeting Adjourned.