

PARKS AND RECREATION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on June 7, 2006.

MEMBERS PRESENT:

Leg. Lynne C. Nowick, Chairperson
Leg. Vivian Vilorio•Fisher, Vice•Chairperson
Leg. Kate M. Browning
Leg. Jon Cooper
Leg. Cameron Alden

ALSO IN ATTENDANCE:

Legislator Daniel Losquadro
George Nolan, Counsel to the Legislature

Richard K. Baker, Deputy Clerk
Jill Moss, Budget Review Office
Greg Moran, Aide to Leg. Nowick
Ginny Suhr, Aide to Leg. Vilorio•Fisher
Ronald F. Foley, Commissioner of Parks
Ben Zwirn, Assistant Deputy County Executive
Fran Siems, Presiding Officer's Office
Sandy Sullivan, AME Legislative Director
Tom Riker, ATV Task Force
George Hafele

THE FOLLOWING RESIDENTS APPEARED REGARDING MILLERS POND

Carl Negrin
Tony Cuzzucoli
Elsie Lane
Elaine Renner
Carolyn Bennett
Judith Giannotti
Joan Baschwitz
Stephen Baschwitz
James Moran
Doris Morris
George Leocata
Louis Prisco
Walter Bejsovec
George V. Jones
Brian Whitehurst
Charles Michaels
James Altemose
Kathy Lloyd
Juliann Raso
Carmine Vaccariello
Felicia S. Perrone
Christina Rieckehoff
John Brant
Robert Hummel
Darlene Klouda

Joanne Greco
James M. Britt
Mike Connor
Lorraine Harvey
Anita Grube
John Grube
Camile Tornello
Sharon Schmidt
Pamela M. Lawler
John M. Lawler
John Brant
Roaseann Young
Brewster Phillips
Dean Trabacchi
Kevin Kamm
James Schojbert
George V. Jones
Patricia Laukaitis
Joseph A. Laukaitis
Lorraine Harvey
Annemarie Beloff
Carole Eng
Robert LeBlond
Joseph Perrone
Felicia Perrone
Joseph Brady
John and Evelyn Pszolkowski
Josep Barone
Gena Barone Juliann Raso
Peter Raso
Pat Nolan
Tim Nolan
Stephen F. Hannah, Jr.
Anastasia Dietz
Dottie Toth.
Istvan Toth.
James P. Moran

Richard Johnson
Harold Sutter
Kathy Lloyd
George Maselli

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 11:18 A.M.]

CHAIRWOMAN NOWICK:

Okay. I'm calling this meeting to order of the Parks and Recreation Committee. We'll start with a salute to the flag, led by Legislator Cooper.

(Salutation)

LEG. VILORIA • FISHER:

If everyone could just have a •• share a moment of silence with us for Valerie Berger. Unfortunately, I read this morning in the obituary that she had died, hit by a train in New York City. And she was a reporter with Newsday and most of us worked with her at one time or another, and a person of great professionalism and great talent. So I ask you to share that moment with us.

(Moment of Silence)

Thank you.

CHAIRWOMAN NOWICK:

Good morning, everybody, and welcome to the Parks and Recreation Committee meeting. Just let me ask, is Tom River here?

LEG. LOSQUADRO:

Riker.

CHAIRWOMAN NOWICK:

Riker? Wait, I'll put my glasses on, it will look different. Tom Riker here? Is Tom Riker here? Is Tom Riker here?

LEG. LOSQUADRO:

If he's not, go to the cards.

CHAIRWOMAN NOWICK:

All right. One more time. Is Tom Riker here? Okay. Okay. We have a lot of cards, and I'm going to just suggest to the Committee, we'll listen and then ask questions later. And we're going to start with our first card, Tom •• how do you say it?

LEG. VILORIA • FISHER:

Cuzzucoli.

CHAIRWOMAN NOWICK:

I can never say it. Tom Cuzzucoli.

AUDIENCE MEMBER:

Tony.

CHAIRWOMAN NOWICK:

I'm sorry, and I'm glasses are on. This is why I'm having problems. Tony.
Come on up, Tony.

MR. CUZZUCOLI:

Did she just call me?

AUDIENCE MEMBER:

Yes.

MR. CUZZUCOLI:

Madam Chairman.

CHAIRWOMAN NOWICK:

Yes.

MR. CUZZUCOLI:

I have a tin ear, so please forgive me.

CHAIRWOMAN NOWICK:

Okay. And I just wanted to go over what we do here in committee.

MR. CUZZUCOLI:

Yes.

CHAIRWOMAN NOWICK:

Tony, it's three minutes, but there'll be questions later and we'll get everybody up and give everybody an opportunity.

MR. CUZZUCOLI:

Thank you very much, Madam Chairman •• Chairwoman. Please forgive me. I'll do my best, three minutes.

First of all, good morning, Madam Chairwoman, members of the committee. My name is Tony Cuzzucoli and I reside at 29 Del Place, Hauppauge, New York. Since early spring I've borne witness to the same insidious phenomenon that assaulted, one, our community in the early 1980's, the breached basements, the collective shock, the dark despair, the rising anger, they're back in 2006. Government encouraged our migration to this county and to this community. Minutes from this building your predecessors made promises to help. They even funded from this building hundreds of thousands of dollars in a study, two of the three volumes here. You can see they're thorough and comprehensive. And, of course, it was sponsored by the Department of Public Works. It found causes and solutions, only to have the Executive and the Legislative Branches walk away from its own study and its own residents. The volumes now gather dust and forgotten in County corners.

Two of these solutions were lower Millers Pond, dredge the accrued sediment, the product of decades of neglect. In the mid •• excuse me. In the mid '80's Suffolk County lowered the pond for a short period of time, and many people found relief for the first time, only to have Suffolk County allow this critical body of water to quietly rise again. Past this prolog, this time residents come before your committee with a message that seventy•two days ago, seventy •two, Ladies and Gentlemen, the New York State Department of Environmental Conservation gave its consent to lower Millers Pond and bring groundwater relief to a beleaguered community.

Operation Desert Storm in 1991 took slightly less, slightly less than half the

time the Parks Commissioner has dithered over pulling one, one of four boards at Millers Pond. He's written that he wishes to keep the traditional level of the pond. No such level exists. Millers Pond is a manmade pond, it's not an act of God. It's traditional level consists of mud flats and grassland. We're not asking for a return to that condition. And the proper level, his words again in a letter, is the level that diminishes the groundwater flooding in my community's basements. That's the proper level. Armed with dry feet and a dryer logic, he remains sublimely indifferent, it would appear, to the pain and suffering of my friends and neighbors. Is this nonfeasance or misfeasance of office? I don't know.

In 1985, the original order of an Administrative Law Judge was circumvented by the County, and the inaction is echoed in 2006. A neighboring County park, neglected for three decades, now has a sediment accretion approximately four feet higher than the two feet.

Please, Madam.

CHAIRWOMAN NOWICK:

I just need you to wrap up, that's all.

MR. CUZZUCOLI:

Thirty seconds, yes. Thank you. A neighboring County park, neglected for three decades, now has sedimentation approximately four feet higher than the two-foot layer discovered by the aforementioned H2M study in 1980. Water still has difficulty flowing uphill, and the neighboring community cries out for you to release them. You'll hear from one of those neighbors momentarily. I'm going to introduce her to you. With each passing storm, new basements are breached while one County official dithers. For whatever

reasons, he's kept to himself.

In closing, Madam Chairwoman, this mindless resistance to a New York State consent order reminds me of something that was attributed to {Ashley Brant}. I don't have any solution, but I certainly admire the problem. The solution is to put •• pull all the boards and finally determine if hydraulic engineers and older residents are correct in stating that groundwater pressure will recede with ebbing waters. Commissioner Foley, do your duty. Act on your oath to preserve and protect innumerable residents in the northeast branch of the Nissequogue River corridor. Thank you so much.

CHAIRWOMAN NOWICK:

Thank you very much.

MR. CUZZUCOLI:

Thank you, Madam Chairwoman.

(Applause)

CHAIRWOMAN NOWICK:

I would like to call Elsie Lane.

MR. CUZZUCOLI:

Madam Chairwoman, I'm going to ask an old friend to come up to the mike.

CHAIRWOMAN NOWICK:

Okay.

MR. CUZZUCOLI:

She demurs, after having strenuously insisted that she be here. I'm hoping and praying that she will be here for you to speak from her heart. Miss Elsie is somewhat known in Smithtown. She's been around for quite sometime. She's actually making history.

CHAIRWOMAN NOWICK:

Can I have her come to the mike.

MR. CUZZUCOLI:

Yes. Miss Elsie, would you, please, come up.

CHAIRWOMAN NOWICK:

Or do you want us to bring the mike to her?

MR. CUZZUCOLI:

Yes.

CHAIRWOMAN NOWICK:

What's good?

MR. CUZZUCOLI:

Miss Elsie is probably the senior resident, if not the most senior resident, in the County of Suffolk. Miss Elsie, we'll have you sit here. You don't have stand, you could sit. You can just say what you have to say right there at the chair.

D.P.O. VILORIA • FISHER:

Is there a chair there for her, Dan?

CHAIRWOMAN NOWICK:

Can we let her sit down, please?

MR. CUZZUCOLI:

Tell them why you're having your problems. Just tell them everything you've told us. Tell them what you've told me over the last four months.

MS. LANE:

About the problems?

MR. CUZZUCOLI:

Yeah, your flooding problems.

MS. LANE:

I can't get away from it.

LEG. VILORIA • FISHER:

There's a chair there available for her.

MR. CUZZUCOLI:

Over there, over there, yeah.

LEG. VILORIA • FISHER:

Her mike's there at the table. And, sir, if you can just let her introduce herself.

MR. CUZZUCOLI:

And I will.

LEG. VILORIA • FISHER:

Okay?

MR. CUZZUCOLI:

Miss Elsie Lane is 102 years old.

LEG. VILORIA • FISHER:

Thank you.

MR. CUZZUCOLI:

Thank you, ma'am.

LEG. VILORIA • FISHER:

And welcome, Miss Lane.

(Applause)

CHAIRWOMAN NOWICK:

Oh, Miss Lane, I think you need to show me your proof of identification of age, because I don't believe it.

LEG. VILORIA • FISHER:

Go ahead, ma'am.

CHAIRWOMAN NOWICK:

Welcome. You can speak into the mike and we're here to listen to you.

AUDIENCE MEMBER:

You can speak now.

MS. RENNER:

You can speak now. Tell them why you're here. Tell them why you're here. Tell them why you're here about the water.

MS. LANE:

I have to tell them now?

MS. RENNER:

Yes, tell them now, they want to hear it.

MS. LANE:

Yeah. About all the problems?

LEG. VILORIA • FISHER:

Yes.

MS. LANE:

I've been living there since '57, and it's the last few years we've been having so much problems. I used to have a nice little vegetable garden in the back. I'd work out there until the last year. This past year, I couldn't have a vegetable garden, because the water table is right up to where the top of the vegetable garden. I can't have my vegetables. But I used to be out there every year working. I was 80 years old when I went around for a petition to lower Millers Pond, and had to go out to the court out in Stony Brook. The Judge ordered the two boards to be taken down. They took the two boards out and all the water flowed down south. Now they don't want to lower the boards and they should be lowered, because that will relieve the whole neighborhood. So there's nothing more I can do. I can't go around anymore. I went around and got all those petitions, so that was enough. Now it's time for me to rest. What else can I do?

CHAIRWOMAN NOWICK:

Well, I think you're doing enough by coming here and speaking to us.

MS. RENNER:

Tell them about the pumps down in the basement, the pumps, how you ••

MS. LANE:

I don't hear you.

MS. RENNER:

The pumps down in the basement, how you pulled the plug in the pumps in the basement. You have to go check the pumps, you know, the pumps, the basement, the pumps.

MS. LANE:

The what?

MS. RENNER:

The water pumps.

MS. LANE:

Oh, yeah, the water pumps. Oh, yeah, I have three pumps in the cellar,

three pumps in the cellar working and they're all going on. I just had to buy a new hose for the pumps and I just can't afford those things, you know. So I was down two nights ago, the pump was making such a noise. There was no one to come in the nighttime, so I went down, I pulled out the plugs. Naturally, what happened, I fell in the water. I fell in about two feet of water. I got up, had to change all •• change everything, clean myself, and went back to bed. But I'm trying to do the best I can in my cellar. I feel sorry for everybody else that has the water. So, I don't know if I •• that's about it.

CHAIRWOMAN NOWICK:

Thank you very, very much for coming here and telling us. We appreciate it.

(Applause)

MS. LANE:

I have to •• when I go home now, I have to check the pumps.

CHAIRWOMAN NOWICK:

Okay. Thank you. Okay. Next is Elaine Renner. Is that you?

MS. RENNER:

Yeah, that's me. I'm one of Elsie's neighbors. I live on Rosalia Court also.

CHAIRWOMAN NOWICK:

Okay. Speak into the mike and just say your name, please.

MS. RENNER:

My name is Elaine Renner. I also live on Rosalia Court. I think, if I •• not only am I speaking for myself, I'm speaking for everybody in our area about the problem with the water in the basements. People are having an overwhelming amount of cesspool problems, breathing issues, dealing with the dampness in their basements, the unacceptable levels with the increase of their electric bill. And here this morning I heard on the news they want to raise the electric for Suffolk County another 17%. People are already stressed both emotionally and financially to their limits of what they're able to handle. One of the neighbors in the area spent \$6,000 not too long ago to have his water •• his basement waterproofed. His pumps go 24/7 and it's still not helping. People in the area are stressed. They want something done.

It was shown years ago that something was going to be done with the studies that Tony has in his possession and nobody has done anything since then to do anything about it. And people are upset, they're mad, they're disgusted, and they want something done to resolve the problem in this area. It stretches to people who have never had a problem. Back in October, we had over six months worth of rain in over 11 days. Then two days after that, we had a nor'easter that dropped another two inches. Then after that, we had some very heavy rain and snow squalls in the area, and we've had nothing but on and off heavy rains throughout this area and the water table is not going down.

It's unusual for us to get this kind of rain in such a short time, but the water level has already peaked its limits, and people are at their limits right now and having a hard time dealing with it. There's •• some of them are pulling up all different types of stuff in their basements. They can't use the living space that they're getting highly taxed for in our area. A lot of things had to be thrown out and discarded from the water damage from a lot of things. People •• some of the areas, the water just sits on top of their properties in their yards. And this is really a health issue. Now, when we're starting to come through the heat where mosquitoes are coming, you're talking about other kind of illnesses and diseases being transmitted through that kind of thing with our water table.

So people want to know the reason why the water table •• the Millers Pond hasn't been lowered, since it showed relief back in the '80's when they did it. And they said it was supposed to be kept at that level, and nobody's maintained it since it was dropped that one time and we want to know the reason why. And whoever the person is in charge for it, we all would like to hear from him to hear what his reason for not doing anything up until this point, when 72 days ago it was ordered for the level to be dropped. And I think I'm speaking for everybody in this room. They are all here for this purpose today to find out what the reason for not doing it is.

(Applause)

Whoever Mr. Foley is, that's the person I know we're all addressing right now.

CHAIRWOMAN NOWICK:

Carolyn Bennett.

LEG. ALDEN:

Point of the order, Madam Chair.

CHAIRWOMAN NOWICK:

Yeah.

LEG. ALDEN:

I would suggest we take a recess. This is the first time I've heard anything about this. Let's see if we can get the study.

[NEGATIVE RESPONSE FROM THE AUDIENCE]

Hold on a second. Hold on a second. I'd like to see •• I'd like to see the research that was just mentioned a few minutes ago so we can familiarize ourselves with the problem. And we have the commissioner here and he was scheduled to speak in a few minutes. So, unless everybody wants me to sit here, and I will because you came down, I'll sit here, but then after the meeting, that's when I'm going to do the research and start looking into the problem. But if you want to spend a lot of time speaking, that's fine. I'm making a suggestion that we take five minutes, try to get that research, then we can familiarize ourselves with the problem, then we could find out exactly what you're talking about, because this is the first time I've •• and just to put it in a little bit different way, we have an agenda today and nothing about this is on it. So this is one Legislator that's not prepared to even understand

what you're talking about.

CHAIRWOMAN NOWICK:

Legislator Alden, just for your information, I have learned about this in the last two weeks. Although it is in Legislator Kennedy's district, I have been approached in my •• in my office to talk about this. I have spoken to Commissioner Foley, who is here today. And I will put it out to the audience, if you would like. Commissioner Foley is very, very aware of what's going on. Now, we have many, many cards here, and we could, if the audience wants, because you are the public and it is your choice and this is a public committee meeting •• let me ask all of you, we have about 40 cards, and we •• that's fine, we can do this and we can be here for many hours. If you would like, because we do understand that the problem is water in our basements, in our backyards, I know there are some photos, and did you bring those photos?

MR. CUZZUCOLI:

Yes, I did.

CHAIRWOMAN NOWICK:

And I would like if you could pass them around. So let me ask all of you, rather than coming up here individually, would you like me to bring the Commissioner up, and then would you like to •• is it forego, is that the word? Would you like to forego speaking, and would you like the Commissioner, or would you like to, each and every one of you, come up and say what you have to say? We do understand and I know the Commissioner does, and we can ask questions. We do understand there is a major problem with flooding.

LEG. ALDEN:

Madam Chair.

CHAIRWOMAN NOWICK:

Yes.

LEG. ALDEN:

But just to add a little bit more to that, we're at a major disadvantage, because, you know, there's two branches of government here, one that can go out and actually fix the problem, and that's the Executive Branch, they operate on a regular basis, and then there's us that determines where the finances are going. So, if you're asking us to act on this also, you have to realize that it's going to go through a process where we have to maybe file a resolution that has to go through a committee process. So then there's all kinds of timetables that would be involved, and you'd look at it maybe in months, if we have to file a resolution, to give you some kind of relief. But we also have know what your problem is, and that's what I'm making a suggestion, we take a five•minute recess ••

CHAIRWOMAN NOWICK:

Okay.

LEG. ALDEN:

•• just to find out what the problem is.

CHAIRWOMAN NOWICK:

To bring it just a little further ••

MR. CUZZUCOLI:

Madam Chair.

CHAIRWOMAN NOWICK:

Just one second. Wait, wait, just one second. Just let me organize this a little. If the public would like to forego speaking, and we're going to bring the Commissioner up, we could then take five minutes, but all of you stay here. We will take five minutes. We will talk to Legislator Alden and my fellow Legislators. There is a piece of legislation in the Environment Committee.

LEG. VILORIA • FISHER:

That's related, but it's not the boards.

CHAIRWOMAN NOWICK:

This is related. If you would like to do it that way and then we can bring the Commissioner up and we can ask questions, not •• raise your hand. Is that what you would like, or do you all want to just come up and speak and then

bring the Commissioner up in an hour or two? It's up to all of you. What would you like?

AUDIENCE MEMBER:

May I interject?

CHAIRWOMAN NOWICK:

No. No, no, no. I just ••

AUDIENCE MEMBER:

I thought I paid your salary.

CHAIRWOMAN NOWICK:

No, I didn't mean no, you can't interject. Would you like to come up and state your name on the record? Do you have a card?

AUDIENCE MEMBER:

No, I don't.

CHAIRWOMAN NOWICK:

Oh, okay.

AUDIENCE MEMBER:

I just had a question.

LEG. VILORIA • FISHER:

No, we can't do that. It has to be on the record, tell her.

CHAIRWOMAN NOWICK:

No. Can I just say something? Unfortunately, under the rules of the Legislature, it has to be on the record when you speak. So, if you want to come up, we fill out a card, and that's fine, we'll do that. You have a card filled out?

AUDIENCE MEMBER:

Yes.

CHAIRWOMAN NOWICK:

Okay. Hold on one second.

LEG. VILORIA • FISHER:

Obviously, they all want to come up and speak.

CHAIRWOMAN NOWICK:

Is it obvious that everybody wants to come up and speak individually?

AUDIENCE MEMBER:

Yes.

CHAIRWOMAN NOWICK:

Okay. Then we'll do that individually and we'll bring the Commissioner up.

AUDIENCE MEMBER:

Let that gentleman take the five minutes and then come back, so all of us can speak.

CHAIRWOMAN NOWICK:

That would be fine.

AUDIENCE MEMBER:

Excuse me. I've got a unique situation. I've been here since 1968 ••

LEG. VILORIA • FISHER:

He can't yell from the floor.

AUDIENCE MEMBER:

•• and we've corrected the situation once.

CHAIRWOMAN NOWICK:

See, this is my point. If everybody wants to come up and speak, that's what we're going to do, we're going to •• everybody will come up individually. I'm going to take a five•minute recess. We will be back in five minutes. We will learn what's going on. The other Legislators will become as familiar as I am with this. Five minutes, no longer.

[THE MEETING WAS RECESSED AT 10:40 A.M. AND RESUMED AT 10:52 A.M.]

CHAIRWOMAN NOWICK:

Will the members of the committee please come to the horseshoe? Okay.

(Applause)

Did Carolyn Bennett speak yet?

AUDIENCE MEMBER:

No.

CHAIRWOMAN NOWICK:

Carolyn Bennett?

AUDIENCE MEMBER:

She didn't speak yet.

CHAIRWOMAN NOWICK:

I'm sorry, Carolyn. You were up here before, and you get to do another repeat.

LEG. VILORIA • FISHER:

Can you let me read this first and then we'll have •• so that they can know that we're going to pass this in environment?

CHAIRWOMAN NOWICK:

All right. Just you stay right there, if you don't mind, Carolyn, please. Legislator Fisher •• Vilorina•Fisher is the Chairwoman of the Environment Committee. There is, as we speak, a piece of legislation in front of the committee, and the committee is on what day?

LEG. VILORIA • FISHER:

It already met this week.

CHAIRWOMAN NOWICK:

Okay. Just quickly, she's going to read you this legislation, the title, so you have an idea what's being considered in the Environment Committee.

LEG. VILORIA • FISHER:

And this is part of the reason why we needed to have the recess, because since I'm not from Smithtown, I wanted to make sure we were talking about the same problem.

This particular piece of legislation was tabled in the Environment Committee for the following reason: Before we could pass it, it has to go through a committee called the Council on Environmental Quality, which will be meeting next Wednesday in this auditorium at 9:30, and they will vote on this. So that the next time the Environment Committee meets, which is two weeks from last Monday, we will be able to pass this. And I'm just going to read you the title, which is "Providing the funds and amending the 2006 Capital

Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue tributary headwaters north from County Road 76, Townline Road, to Millers Pond, Smithtown." So we, indeed, have this, and I'll tell you the amount of money that we're putting into this. It's \$250,000 that the County will be expending to try to do the remediation there. That's only a piece of the problem that will be •• because this is a very complex problem. As you know, you're at a •• on a very high water table, and so we will have to do a number of different types of remediation problems. But this is a piece of legislation that was introduced by Legislator Kennedy. He was at the Environment Committee, did speak about this, and we have every intention of passing this in less than two weeks out of committee, and then it will be voted on at the full Legislative meeting on the 27th, is it?

CHAIRWOMAN NOWICK:

27th.

LEG. VILORIA • FISHER:

On the 27th of June. Okay? So I wanted •• you know, we wanted to be sure, as Legislator Alden said, and I had whispered the same request to the Chair, we wanted to make sure we were all talking about the same thing here. So I just wanted you to know that this was happening.

AUDIENCE MEMBER:

What time on the 27th?

LEG. VILORIA • FISHER:

The General Meeting of the Legislature is at 9:30 on the 27th. Is it •• are we in Riverhead on the 27th, or are we in Riverhead at our next meeting?

LEG. COOPER:

Riverhead.

LEG. ALDEN:

Hauppauge next meeting, Riverhead, the one after that.

LEG. VILORIA • FISHER:

It will be in Riverhead on June 27th at 9:30 a.m.

CHAIRWOMAN NOWICK:

Carolyn Bennett, you're on.

MS. BENNETT:

Okay. Thank you. I've lived in my house my entire life and the water has never been as bad as it is now. And approximately 20 years ago I had the cellar filled in two feet to try to alleviate this, and I'm still pumping out at this point. I've had to buy a new pump once already this year. And the walls in my living room are all cracked from the dampness in the basement. And as

you'll hear from everybody else, we've all got problems with cesspools and just about everything. I'm not much of a speaker, so I think I'll leave it there.

LEG. VILORIA • FISHER:

And you did fine applause.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Judith Giannotti. And on deck, we have Joan Baschwitz.

MS. GIANNOTTI:

We live on North Avenue and we've been in our home almost 21 years. When we moved into the house we did not know there was a problem. We immediately noticed a moist spot in the front lawn that didn't go away. We spent several thousand dollars putting in a huge mound of dirt and landscaping, and gradually the moistness started moving back. The problem has now progressed to the point where every time it rains, our entire backyard is connected to all of the neighbors with a continuous lake. The backyard is unusable. Our septic tanks back up to the point where we cannot have guests for a week or two after it rains, because the smell, the foul smell of the waste is so bad. This is such a health hazard, not to mention how disgusting it is. We spend \$900 a pop several times per year pumping a cesspool. We weren't •• are, in essence, trying to pump the block, so we can buy a few more months with the problem.

It's just awful, the mosquitoes. Our driveway has been collapsing, the pavement is just collapsing all the way down. We had put in a complaint years ago when they took away the sidewalks. No one even came and responded to our letter. We've now been told we need a new fuel tank, because our current fuel tank, which is below the ground, even though there's fuel in it, it must be disintegrating with the water and the pressure, and it's going to be thousands and thousands of dollars. So we are really concerned. We feel that it's really just totally destroying the property value for everyone in the area. And that's really all I have to say.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Joan Baschwitz.

AUDIENCE MEMBER:

What's that?

CHAIRWOMAN NOWICK:

Joan B•A•S•C•H ••

MS. BASCHWITZ:

Baschwitz.

CHAIRWOMAN NOWICK:

Yes. And on deck we have James Moran.

MS. BASCHWITZ:

Hello.

CHAIRWOMAN NOWICK:

Hello.

MS. BASCHWITZ:

I'm the neighbor of the girl that just spoke.

CHAIRWOMAN NOWICK:

Just state your name.

MS. BASCHWITZ:

Joan Baschwitz. And I've been in the house since it was new, 32 years ago. Over 20 years ago I had to put my oil tank in my garage because it filled with water. My oil tank, which was underground, kept filling with water. My backyard, from the day I moved in with three little boys, I've never used my backyard. I have no pool, no deck, no anything in my backyard. I had

natural trees. Every couple of years I pay to have •• \$500 to have a tree cut down that is sitting in water. The water goes from my neighbor on my left to my neighbor on my right, right across the middle. Now, in the last year, it's even coming up closer to my house and further back. My cesspools I'm cleaning every year. I'm having water pumped out, not having the cesspool clean, but just •• you can't •• everything she said prior to me coming up here is exactly the same problem. We're all having the same problem on my street. It's costing money.

Every time I get in touch with the Engineering Department, I've also had the Health Department. The first year I was in I spent \$2,000 to bring in extra dirt in my backyard that just wore away in a matter of years. And, as I said, it's really •• I walk around the neighborhood, I'm a walker, and I see people pumping everywhere who have basements. And I stop and talk to people, they say, "I've lost washing machines, dryers, my oil burner." I mean, it's just the area is just a flood area. And to be paying taxes every year and never complaining, and not really having the use of your property, it's very frustrating and very depressing. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. James Moran. And on deck is Doris Morris. Doris Morris.

MR. MORAN:

My name is James Moran. Just to give you a little background here, I'd like you to know that I am an Assistant Professor and my field is Microbiology, Oceanography and Biology.

I've been in the Hauppauge area for 40 years. We are dealing with a number of health issues in our community. The overflowing cesspools and collapsing cesspools are leading to possible E•coli infections, which people have not mentioned. This is quite a serious disease. Secondly, the standing water in our community is breeding mosquitoes, which leading possibly to West Nile Virus infections. Also, there is a possibility of Eastern Equine Encephalitis coming into this area, working it's way west from out east. The black mold spores that people are seeing in their basements and throughout their houses are the worst type of mold spore problems that can exist. These can lead to possible allergic reactions, pneumonia, asthma, and chronic sinusitis. There's also a problem or possible problem of the spreading of chemical contaminants dissolved in water.

I had a propane smell in my basement. I contacted the DEC. They referred me to KeySpan. KeySpan came into my basement. I had tested it for propane and they concluded that it was stagnant water, indicating that this is possibly methane gas.

The other thing that we're concerned with is injuries to citizens, especially senior citizens, as illustrated by Miss Ellie. I'm a former water safety instructor. Miss Ellie could have drowned in two feet of water when she fell in her basement. I myself, as you can see, am wearing a brace on my wrist, which is a result of my falling down my basement stairs when I went to check on the pumps. The sump in my block, which is one block away from my house, is almost full of water. It is two feet below the road level.

As far as the property damage is concerned, my particular family is dealing with a wet basement, which has reduced the value of our house. It is estimated that if you have a wet basement, the value of your house is decreased by approximately 10%. In my neighborhood the houses sell for

\$500,000 and up. That means that I am losing a minimum of \$50,000. In order to keep the water out of my basement, I have spent approximately \$7,595. This does not include the cost of replacing the cesspools on my property, which runs into thousands of dollars.

I have been pumping water since October. During that time, our electric consumption has doubled. We have had two days in which we have not been pumping water and then the rains came a couple of weekends ago. Now, in order to get some resolution to this particular problem, I have spoken to or written to Smithtown Supervisor Pat Vecchio, Smithtown Highway Department Superintendent Dan Ryan, the Suffolk County Superintendent of the Department of Parks, and I was assured that all the boards were removed at Millers Pond at the end of April for a period of one week.

CHAIRWOMAN NOWICK:

Mr. Moran, you have to wrap up, I'm sorry.

MR. MORAN:

I just want to say one more thing. I have contacted Senator John Flanagan, Jr., Governor Pataki, and I am prepared now to contact the Senators that represent the State of New York, 7 On Our Side, and then, within our community, we are considering a class action lawsuit if this problem is not resolved. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Doris Morris, M•O•R•R•I, apostrophe S. And on deck is George Leocata.

CHAIRWOMAN NOWICK:

Good morning, Dorris, and it still is morning. You can have a seat here. Put the microphone on. Please give us your name.

MS. MORRIS:

My name is Doris Morris.

CHAIRWOMAN NOWICK:

Speak into the microphone.

MS. MORRIS:

And I live on Rosalia Court.

CHAIRWOMAN NOWICK:

Okay.

MS. MORRIS:

Right across from Elsie, and ••

LEG. LOSQUADRO:

Pull the microphone up.

MS. MORRIS:

Excuse me. Yes. I love my block and I don't want to move, but I'm tired of the water in the basement. I lost a dryer and I had to replace it. And we have two pumps going sometimes •• no. I bought two pumps, but we have one hole in case the one pump goes. And they're not cheap, they're \$125 for a good pump. And we've been pumping out forever. And we do have high electric bills, there's no doubt about it. And right now I got a bill for \$100, but maybe if the pump was more pumps, it would be even more. We don't have water lying in the basement, but there's •• and we have mildew in the hallway going up to the stairs. And I was coughing and coughing and my friend said I better watch out, because I'm 80 years old. And it's not safe, but where do we go? We can't sell the house. So that's my problem, because I love it there and I don't want to move. I like Smithtown.

CHAIRWOMAN NOWICK:

We just have one question. Legislator Vilorina•Fisher just has one quick question.

LEG. VILORIA•FISHER:

Miss Morris, how long have you lived in the house?

MS. MORRIS:

Thirty•seven years.

LEG. VILORIA•FISHER:

Okay. So, in 1980, when Miss Ellie distributed that petition that she said ••

MS. MORRIS:

Yeah.

LEG. VILORIA•FISHER:

•• as an advocate, she went around and got the petition and there were boards removed. How much relief was there to your basement problem at that time.

MS. MORRIS:

We didn't have water at that time.

LEG. VILORIA•FISHER:

So in 1980 you were not affected?

MS. MORRIS:

No, because I live across the street from Elsie and the stream must run down differently. I'm pumping it from the ••

LEG. VILORIA • FISHER:

When did you start having your water problem?

MS. MORRIS:

It was about two years ago, because we didn't have any trouble there before that.

LEG. VILORIA • FISHER:

Okay. Was there another development that was built ••

MS. MORRIS:

Yeah.

LEG. VILORIA • FISHER:

•• around that time, because ••

MS. MORRIS:

Yes, yes.

LEG. VILORIA • FISHER:

I'll tell you, I have a basement flooding problem, and it happened after a new development was built uphill from me, and once all of that permeable ground was lost, all of the rainwater comes down to our house, so ••

MS. MORRIS:

I had thought that, too, because across the street from Terry Road •• on Terry Road, that's where they have so many houses, too, now. And I think that's what's all coming down to our water table.

LEG. VILORIA • FISHER:

And you said those were built about two years ago?

MS. MORRIS:

Yeah.

LEG. VILORIA • FISHER:

And that's when your flooding started?

MS. MORRIS:

I think so.

LEG. VILORIA • FISHER:

Okay.

MS. MORRIS:

Yeah.

LEG. VILORIA • FISHER:

That's a big problem on Long Island with the overdevelopment, is that you lose the permeable ground ••

MS. MORRIS:

I know. It's a shame.

LEG. VILORIA • FISHER:

•• for the rainwater to go into.

MS. MORRIS:

It's really a shame.

LEG. VILORIA • FISHER:

Thank you. I was just curious about that.

MS. MORRIS:

Because I really love my house. I don't want to go away.

LEG. VILORIA • FISHER:

And I don't blame you, it's your home.

MS. MORRIS:

And I like Smithtown.

LEG. VILORIA • FISHER:

Thank you for coming down.

MS. MORRIS:

Thank you.

(Applause)

CHAIRWOMAN NOWICK:

George Leocata. On deck is Louis Prisco.

MR. LEOCATA:

Hi. My name is George Leocata. I live at 4 Rosalia Court, next door to Miss Elsie Lane. Fortunately, my house was built two feet higher than Elsie's, so rather than 24 inches of water in my basement, I only have two inches.

I just spent about forty•five hundred dollars to replace my cesspools. And my main concern is what's going to happen when the Category 3 hurricane hits that they keep telling us about and we have 14 inches of rain in one day and the power goes out? I predict that this whole room is going to be filled with people and there's going to be standing room outside for them to get in.

I'm a committeeman with the Conservative Party in Smithtown, and what happens with this whole scenario is who I'm going to be helping in the next elections and everyone else that helps me help everybody else. Okay? So we're going to keep a close eye on all of this. And I just appreciate if things could just speed along a little bit faster, because I'm really worried about that hurricane and what's going to happen to everyone. Thank you very much.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Louis Prisco.

MR. PRISCO:

I'm going to pass right now.

CHAIRWOMAN NOWICK:

Okay. Walter ••

MS. BEJSOVEC:

Bejsovec.

CHAIRWOMAN NOWICK:

Yes. And on deck we have George V. Jones.

MR. BEJSOVEC:

My name is Walter Bejsovec. I don't have too much formal education. The

people before me, they talk very well.

I bought the house in 1968. I've been in Smithtown 38 years. When I was in the house about three years, we had a water problem. They were capping the dump at the time and we thought the water was running off the cover for the dump. And we had an engineer from the people that were capping the dump and they said, "No, the water's not coming this way." But they found out that the water where it goes underneath Nesconset Highway was blocked and they cleaned that out.

Now my neighbor across the street, the floor buckled so severely. I they had three pumps running and they couldn't stop the water. So when the floor became dry, this is early '70's, late '60's, early '70's, when the floor came dry, I said, "I don't want my floor to buckle, I'm going to put a floor on top of the floor." A basement floor is only two inches. So I raised the oil tank, I raised the boiler, I raised the washer, I raised the dryer. I put four inches of concrete on top of the existing floor. Now, for 30 years I don't have a problem, 30 years I have no problem. I put the floor in, I put a sump pump in, I put a •• no problem. Then I read in the paper that they put boards into Miller Pond to protect some historical site, because the historical site was flooded. Now, the last three years I've got water in the basement again.

So, you know, I don't want to say a lot of things that other people said, I'm just telling my situation. Now, for 30 years I don't have an ounce of water in my basement, now, all of a sudden, I got water, but I got a sump pump and everything else. So, you know, it's dampness, it's mold. And they're saying electric is energy, they're saying preserve energy, preserve energy.

So that's all I want tell you. For 30 years I don't have an ounce of water,

now I got a water problem, ever since they put the boards in the Miller Pond to protect some historical site. I'm 75 years old. I don't have old stamps, I don't have old coins, I don't have old cars. All I have is me historical, 75 years old.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. And you did a great job. George V. Jones. On deck •• oh.

LEG. VILORIA • FISHER:

That's a tough one. Toll? Tolls? The last name is Toll, I think. The next person, Ethan Tolls? Does that sound right?

CHAIRWOMAN NOWICK:

No, he doesn't want to speak. And on deck will be Brian Whitehurst.

MR. JONES:

Hello.

CHAIRWOMAN NOWICK:

Hello, Mr. Jones.

MR. JONES:

Can you hear me?

CHAIRWOMAN NOWICK:

Yes. Please state your name on the microphone.

MR. JONES:

My name is George Jones. I don't sing a note. And I •• I'm 85, and I've lived in the same house on Hallock •• in Hallock Acres for 80 years, and we've had a problem for 80 years. We've learned to live with it. We have a sump pump and it's been replaced several times. We've got •• we've got a pretty good size acreage, so it pumps out into the corner of our property, which is now another pond. But I think our problem is overpopulation. I don't know how to cure it. Of course, the Gestapo could do it, but that's not nice. So I just want to tell you that we've had the problem for 80 years.

When I was a boy, I have two brothers, they each had a sled. We had three sleds. Dad would put them one after the other in the cellar to walk on to shovel coal into the furnace, because the water was almost sled height.

I don't know what you're going to do. All of this is •• and I think that global warming has a lot to do with it these last couple of years. And I just feel bad for all of you.

I have a little humor to add to this. One, I'm thinking of putting up a sign saying, "Quick mud, stay out." That's one. The other one, when I was a kid, we did have a drainage under the road and muskrats built a nest in there, so it really backed up. That's all.

(Applause)

CHAIRWOMAN NOWICK:

Thank you.

MR. JONES:

Good luck to all of you.

CHAIRWOMAN NOWICK:

Thank you. We're going to need it.

MR. JONES:

I don't think we're going to get any further than we are now.

CHAIRWOMAN NOWICK:

Thank you. We're going to need it. You know, I can't help thinking, if you're telling me 80 years ago this was a problem, I don't know about my

colleagues, but I can't help thinking, if it was a problem, why in Heaven's name are we still building on that property?

(Applause)

CHAIRWOMAN NOWICK:

Am I right?

LEG. VILORIA • FISHER:

If it's a wetland, they shouldn't be building in there.

CHAIRWOMAN NOWICK:

Brian Whitehurst.

LEG. VILORIA • FISHER:

Who's on deck?

CHAIRWOMAN NOWICK:

On deck is Charles •• what does it say?

LEG. VILORIA • FISHER:

Michaely?

CHAIRWOMAN NOWICK:

Michaely? M•I•C•H ••

LEG. VILORIA • FISHER:

Michaely? Michaely?

AUDIENCE MEMBER:

Michaels.

CHAIRWOMAN NOWICK:

Michaels.

LEG. VILORIA • FISHER:

Oh, that's an "S".

CHAIRWOMAN NOWICK:

Okay.

LEG. VILORIA • FISHER:

Oh, sorry.

CHAIRWOMAN NOWICK:

Okay. Hello.

MR. WHITEHURST:

Hello. I'm Brian Whitehurst. I reside at 30 South Avenue. No, we build on Long Island. We develop where we're allowed to develop. And if there's a water problem, we have County Legislatures, we have Public Works, we have systems in place to make our land developable and livable. There's houses here that have had problems for 80 years. Why? I think it's our Public Works and it's our government that's supposed to be here to make our houses livable, isn't it?

LEG. VILORIA • FISHER:

Not if it's built on wetlands. There's only so much you could do.

MR. WHITEHURST:

If it was wetlands, it would be a protected land, therefore, we would not be

allowed to build there. Now we're in •• this is a Parks Department meeting, correct, so anything that we're going to do here has to deal with the parks. It sounds like there's been a lot of problems with ponds, ponds that aren't maintained, wetlands that aren't maintained. I thought it's the Parks Department to help maintain these wetlands. That's what we need you guys to help us do. There's been studies done. We don't need more studies. We need to take some action here.

(Applause)

We're here, we're not going away. We can find some sort of agreement between the homeowners and the wetlands. Parks, I love the parks here. I go to Millers Pond. Great pond, great place to fish, great place to take my son. I have a little four•year•old, I'm teaching him how to fish. There's other ponds. Blydenburgh Park, beautiful park. I don't want to see anything happen to it. I want to enjoy the parks here, but there can be peaceful coexistence. Our government, our public Parks Department and our Public Works Department need to get together and we need to find a way to make our house livable, because I could go in, just like everybody else, tell you how horrible it is, about the smell, about the water, about the mold. Well, I'm not going to do that, I'm going to start talking about what can you guys do for us? We need to peacefully coexist. We need to find a way to get the parks looking pristine, being maintained and find a way to make our place on Long Island also livable.

Let's see. I also want to thank my friends, I want to thank my neighbors, and I want to thank you for being here and hearing this, and bringing this to light, so that something can finally be done and relieve the stress and the suffering of my neighbors and friends. Thank you very much.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Charles Michaels. On deck is James Altemose.

MR. MICHAELS:

Hi. I'm Charlie Michaels. Thanks to everybody for showing up here today. It's very important for all of us. Same problems, South Avenue. We all have basement flooding problems, we've all replaced our oil burners, we've all done cesspool work. Don't see any resolutions or anything happening here to fix our problem. It's been 30 years. I have nothing really to add to that, except for the fact that New Orleans had a major flooding problem down there. A whole city was flooded and it was emptied within eight months. That's kind of the action that we need here in Smithtown. So, if we can get something moving and do something that works, I'd really appreciate it, so would everybody else here. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. James Altemose, and on deck is Kathy Lloyd.

MR. ALTEMOSE:

I'm just like everybody else. I'm not going to belabor that I've replaced appliances and had troubles. This raised two points. One concern I have is that as of the October flooding, the pumping water is bright orange, rust color, and I don't know anything about that or what that can be, but it's just very bizarre, very bright, very rusty, and other people have the same problem.

The other point I'd make is I think it's presumptuous to imply that these problems are due to overdevelopment. I don't know if people are qualified to make that judgment just based on whether a development happens to be put up at the same time that the flooding starts, and I just hope that's not an attempt to deflect the problem to another department. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Kathy Lloyd, and on deck we have Juliann Raso, { Riso } .

MS. LLOYD:

Hi. I'm Kathy Lloyd. I live next door to gym on South Avenue, and I've been in my house since 1972. And when we first moved in, there were no flooding at all, but when they built the area on North Avenue, all of those houses, they filled in some creeks, which caused I think the people on South Avenue to start flooding. And I've lived with it over the years. It's come and gone. But, basically, it wasn't a tragic problem, it was only an occasional flooding. But in the last, I'd say, five years, it's become, you know, a horrible, you know, constant problem. And as Jim had just mentioned, the major concern is this rust, this gloppy sediment stuff. And I left pictures here of my basement. It's just horrible. The stench from the water is horrible.

The sump •• I live directly across from the sump on the corner of South and Hallock and the stench from the sump is also, you know, getting to the point of being, you know, unbearable. It smells like rotting vegetation. The sump is totally, you know, filled with trees and whatever. I think all of this is just adding to our problem.

I did not complain for years and years. You know, you live with it. This is what you bought, this is what you're dealing with. But this past December, I went down to the Town, went to the Engineering Department. I asked them to please give me help, come and tell me exactly what I can do. I wasn't asking for money, I wasn't asking for anything from the Town besides advice. I wanted to find out the best way of handling this. You get people, these companies, these water•proofing companies going around stuffing your mailbox with, you know, we can do this and that, but I don't know if that's going to be an answer, so I asked for help. They told me I should go to the expense of filling my basement in. I can't afford the 40 or 50,000 this would cost. So we're asking for help. We all desperately need it.

And I also was told by the Town I wasn't allowed to pump water out into the street, and I was threatened with a summons for having my hose go into the street. Up until this point, or that point, I had my hose on my side yard, but it was coming into my basement so fast, I had no alternative than to put the hose out into the street. And because I had made that complaint, I was told that, you know, if I didn't move my hose back onto my yard, I was going to get a summons from the Town. That's ridiculous. But thank you for your time.

CHAIRWOMAN NOWICK:

Thank you.

(Applause)

Juliann Raso, and on deck is Carmine Vaccariello. And I'm sorry if I mispronounce your name.

MS. RASO:

Hi. Yes, I'm Juliann Raso. I reside at 3 Pelican Road. Again, I have all the same issues, new cesspool, new drainage, new basement done twice, thousands and thousands of dollars put into this. My main concern is I have two little children, a six•year•old and a four•year•old. I have been having health issues with them for the past couple of months. We've been treating it as allergies. Now they're being tested. As a matter of fact, they have an appointment this afternoon. They're being tested now because I'm concerned about the mold and the mildew in the house. Even me, my husband, headaches. It's just been •• we're all going to be tested now. I'm just hoping that it's not anything that we think it is, but that's my •• it was the financial situation, it was all the money I'm putting into the house and all this, and the fact that my real estate went down. Now it's turning into the health of my family, and that's really bottom line. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Can I just ask you a question? Does anybody come in and test your home for mold spores?

MS. RASO:

I'm having somebody come in.

CHAIRWOMAN NOWICK:

Okay. Thank you.

MS. RASO:

Yes, I am having someone come in.

CHAIRWOMAN NOWICK:

Carmine.

MR. VACCARIELLO:

My name is Carmine Vaccariello.

CHAIRWOMAN NOWICK:

And on deck is Felicia Perrone.

MR. VACCARIELLO:

And I live at 11 North Avenue in Smithtown. I really feel bad for all of these people that have come here today and to tell you all their problems. My heart bleeds for them. Basements that are under water, replacing oil burners, like I had to do, replacing oil tanks, sidewalks that cave in, water problems that have been existing for years and years. Many times I've called the Town, many times I've had the engineer out there. Many times he came to my property and he said, "Well, what do you expect? We have a high water problem here." Not the answer. If that was the answer, than many

years ago they should have never let them build in this area. They should have never let them come in at all.

(Applause)

So now we're here and we have these problems. We've been asking for years and years, please help us, do something. Cesspools have to be pumped every year, water damage, sidewalks have to be replaced. My driveway sunk in twice. Heck, the whole street had to be repaired. The Highway Department, everyone is aware of these problems, yet we have to come here, hat in hand, give you our problems year after year, always asking for the same thing. Please, do something about the problem. You have the problem. You have the power, you have the ability to be able to help us. Don't table it. Don't put it into another committee, do something, act. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Mr. •• Felicia Perrone.

AUDIENCE MEMBER:

She's not here.

CHAIRWOMAN NOWICK:

Christina ••

MS. RIECKEHOFF:

Rieckehoff.

CHAIRWOMAN NOWICK:

Yes. And on deck is John Brant.

MS. RIECKEHOFF:

Hello. My name is Christina Rieckehoff. I reside at 15 Pelican Road. The reason why I'm here today is to support what everybody is saying. I'm going to confirm that. I've had the problem several times at my house. My husband, who's very handy, does a lot of the work himself. Sump pump work's been replaced twice, sump pump. We have been pumping out water for •• it hasn't stopped, by the way. Three weeks straight it's been pumping into the street. The only thing it's eliminated is my neighbor's foundation from cracking. Since we pump, she stopped getting water. So what do we do? Turn off our pump and have it go back across the street or do we leave on the pump? I don't know what to do anymore. But all I know is you guys are fully aware of the problem now. You say you don't know about the problem. I don't know how you can't know about the problem. I write it on the bottom of my tax stub.

LEG. VILORIA • FISHER:

We don't get that.

CHAIRWOMAN NOWICK:

We don't get that.

MS. RIECKEHOFF:

But whoever gets the tax stub, it says, "This land assessment you have me assessed at will be worth blank if you don't do something about the water problem." The water problem on Pelican Road is out of control. The mosquitoes are going to start. They've already started. We can't sit in front of the house, the kids can't play out there at night, we can't go in the yard. It's out of control. Something has to be done. If you can eliminate it today and go into Mills Pond and pull out that, just before you can resolve it permanently, just do that for us. We need something done. That's it. We need something done.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. I just wanted to comment on one thing. Just so you know, your message is probably not getting through on your tax bill. Do you mail that in?

MS. RIECKEHOFF:

No. I go down directly and drop it in the drop box.

CHAIRWOMAN NOWICK:

That goes to a lock box.

MS. RIECKEHOFF:

Okay.

CHAIRWOMAN NOWICK:

So a lock box goes through a machine, so you need to write personally to the Town the Board.

MS. RIECKEHOFF:

You know what, everybody's written, everybody's called.

CHAIRWOMAN NOWICK:

That's the Towns.

MS. RIECKEHOFF:

It's being ignored.

CHAIRWOMAN NOWICK:

Just quickly.

MS. RIECKEHOFF:

It's being ignored.

CHAIRWOMAN NOWICK:

Have you all ••

LEG. ALDEN:

Let it go.

CHAIRWOMAN NOWICK:

Okay. Yeah, let me have the next person.

LEG. ALDEN:

Let the next people.

CHAIRWOMAN NOWICK:

Okay. John Brant. On deck, Robert Hummel.

LEG. ALDEN:

We can do that afterwards, after they make their statements.

CHAIRWOMAN NOWICK:

Yeah. But I think we need to make •• mention that. Robert Hummel? John Brant?

AUDIENCE MEMBER:

He's left.

CHAIRWOMAN NOWICK:

John Brant? Robert Hummel? Darlene Klouda.

MS. KLOUDA:

Klouda.

CHAIRWOMAN NOWICK:

And on deck is Joanne Greco.

MS. KLOUDA:

Hi. I'm Darlene Klouda. I live on Hallock Avenue. I've actually lived there most of my life. I'll be 38 and I've lived there probably 33 years. Growing up we've never had water in my parent's basement. I now own a house on Hallock Avenue and have never had any problem with water in the basement, but I do notice that now we're getting more moisture. The paint on the floor is crumbling, the cement is crumbling up, and it's •• the problem is getting worse. I do notice people in the neighborhood that are pumping that have never pumped before. The streams at the end of the block, which it's at the end of Hallock near North, and North Avenue, there's •• it's flooding into the street, the water is sitting in the street. And everything is overgrown in that stream area, and I'm sure that all needs to be cleaned out.

And I just •• I'm just afraid that I'm going to be getting water, because I know that there are people that are pumping that have never had water before. I'm noticing a lot of mosquitoes and black flies. I don't know if they're everywhere in Smithtown, but I've never noticed them in years and years before, never. They're little, tiny black flies and they're just a nuisance. I don't know if they're a health hazard, but •• and, again, the rust is in the street, and I'm sure that's not a healthy thing. And I just don't think it's fair to the people. They're laying out money to buy pumps and fill in their basements. It seems like they've been doing more than their share to alleviate the problem and it hasn't worked. So I think now it's time for you to do something, our elected officials.

(Applause)

Thank you.

CHAIRWOMAN NOWICK:

Thank you. Joanne Greco.

LEG. VILORIA • FISHER:

That's who just spoke.

CHAIRWOMAN NOWICK:

Oh, I'm sorry. No.

LEG. VILORIA • FISHER:

Isn't it? Oh, no, that's someone else.

MS. GRECO:

Hi. I'm Joanne Greco. I live at 286 Bow Drive. Just so you know, I'm representing at least 50 of my neighbors who have signed a form about this problem. When I moved in 12 years ago, there was a French drain system already in our basement. It did not run for over two years. All of a sudden, two years into it, it started to run in the springtime. It would run on and off for about three months. Slowly over the years, it's been running more. Since August, my pumps have been running 24/7. Over the time, we have installed a battery backup system, because one of our pumps did fail and we had a flood in our basement, so we invested in a battery backup system. Our electricity bill is out of control that we actually invested in a solar panel system, which ran us over \$10,000. We are trying to alleviate the problem

on our property.

Our system actually pumps straight into the storm drain system, but other neighbors drain right out into the road, which is pooling up right in front of my house. I understand them having to drain, the water has to go somewhere, but I have three young children. And I am mostly concerned about the black mold, about the mosquito problem. Our kids cannot play outside once •• before dusk comes out, and even in the morning. There is a mosquito problem that is •• that's uncontrolled right now, which needs to be addressed. And you guys can address this problem by at least alleviating. Right now, our storm drains, when you look at our storm drains, you could see the water. It's up there. It's almost at street level. We're really just recirculating the water that we're pumping out of our basement, because it has no place to go.

(Applause)

We need Millers Pond gates opened up. We need it done soon, because it's not •• it's not getting better, it's getting worse. Our pumps are going and going and going, and eventually our pumps aren't going to be able to keep up with the water problem. The water problem is just building up, and that's why people who never had a problem before are now having a problem, because their basements are •• the concrete is being affected, and eventually water is going to leak through it. So you're dealing with these people here now. Eventually, there's going to be hundreds of more people if you guys do not open up Millers Pond. Something needs to be done. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

James Britt. And on deck is Mike Connor. James Britt.

MR. BRITT:

Good afternoon. James Britt, 42 Hallock Avenue, a neighbor of the Suffolk County Water Authority, oddly enough. Anyone here in the room will attest that I am probably Ground Zero for this problem. We moved into the house, unlike most of the people that have been here for 20 years, we've been there about two. About \$36,000 has been spent on oil burners, pumps, generators, water•proofing. You name it, I have spent the money •• we have spent the money.

The problem that you have to do is remove the boards today and see what happens. The bigger problem is make Millers Pond part of an aqueduct to get the water out of here. It's a big projects, I know. It's not my project. I'm dealing with my house and my kids. We got three kids, got some health problems that we're looking at. The house is leaning. You could put a matchbox on my dining room table and it shoots down the street, down the table within no time •• Match Box car. So the whole house you can look at it, it's leaning into the ground.

So the other problem I wanted to mention was the fuel spill that Exxon had a couple of years ago, we're told it's going towards Lake Ronkonkoma, but if all the water comes from Lake Ronkonkoma and goes towards Millers Pond or towards the Nissequogue River, I'm curious why the fuel spill doesn't come that way as well. When the Suffolk County Water Authority drilled a new pump, they were pumping about 30,000 gallons worth of water per hour to build that well, I was right next door to it, and the whole time I smelled fuel. The whole time there was an oil smell in my basement, oil smell in the neighborhood, and EPA told us, Oh, nothing to worry about," so ••

AUDIENCE MEMBER:

It's like Ground Zero.

MR. BRITT:

Yeah. If you •• we pump •• we pump all the time. Seven days of hot weather, I'm pumping. Ten days of hot weather, I'm pumping. I'm the only guy •• I'm the only person on the street that pumps all the time. So, if you want to check it out for yourself firsthand, come to my house. That's about it.

LEG. VILORIA • FISHER:

Field trip.

MR. BRITT:

I think •• I think removing a couple of boards is not really going to do it. I think you guys are going to have to look at this whole thing as a big project in the future to get the water that's being left there to the ocean, to the Sound, and that's it. So thank you. Appreciate it.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Mike Connor. And on deck is Lorraine Harvey.

MR. CONNOR:

Mike Connor, 17 Rainbow Drive. I have to apologize. I didn't realize I signed up to speak, otherwise I would have prepared something.

We moved in three years ago. My neighbors are blaming me for the rain and the water in the neighborhood. We just spent \$4,000 for a sump pump in the basement and French drain. It runs 24 hours a day. I unplugged it to see what would happen and the water rose above the slab, rose above the slab and started to go across the floor in about 20 minutes.

About a month ago I was away. My wife told me that she went down in the basement and she heard "ssssss". What was happening was, it was before the sump pump, we were getting little geysers coming out of the basement from the water pressure under the slab all over the basement, little tiny little geysers shooting water out of the ground, out of the slab. I have •• now, we had the sump pump down for 4,000. I have to spend another 500 to put another 16 to 18 foot line in, because it's cracked. I've got a crack with •• when it starts to rain like this today, I'll get a •• I'll get water coming up through the crack.

I didn't realize until the woman said that we can get a summons. I'm pumping it into the street. I can't pump it on my property, I have standing water all over my property. Ducks love my property. I love the ducks, but, you know, I really don't want the standing water. Mosquitoes, we let the dog out at night, if you leave the door open for a split second, I've got •• the house is covered with mosquitoes. It's just •• it's bad. It's bad. I don't know what's causing it.

I was told that the people that lived in the house before us died of weird respiratory problems. We have mold. I'm spraying the basement constantly with Clorox. All my neighbors have water problems on Rainbow Drive. It's bad. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Thank you. Lorraine Harvey. And on deck is Anita Grube, Grube.

AUDIENCE MEMBER:

Grube.

CHAIRWOMAN NOWICK:

Grube?

MS. HARVEY:

Okay. I'm Lorraine Harvey, I'm 14 Pelican Road. I've only been in the neighborhood two years and I've really noticed a difference in the two years of people pumping water into the streets. Now a concern of mine, also, I said what everybody else has reiterated was problems with the mosquitoes and the mold.

I also have questions to approach which would be, when people are pumping this water into the street, where is it going, if it's not going directly into the ground again, if it's going into the Nissequogue River? Is it contaminating that area? Wherever the water goes to, it's contaminating the environment up until that point, you know, wherever it leads to. So, if we can at least lower the water table somewhat, I think that would also help the environment, because people that have contamination in their basement, whether it be paint or oil, or whatever, it's going into the street and it's going down into wherever the water is going to.

Also, my kids can't play in the street, you know, just like what everybody else has said. At night, once dusk comes, even it's come to the point where during the day you're putting all types of chemicals on your kids so they don't get these mosquito bites, and it's just a major concern of, you know, our neighborhood, as well as everybody else. And it's not just my area, it's a lot of Smithtown.

So, I mean, that's pretty much all I really have to say. But I've noticed a tremendous difference just in the last two years that I've been there. I was there three months, I had to get new cesspools, because they filled up. And we dug down seven feet and we hit water at seven feet. We had to go with commercial grade cesspools, because they're narrow and wide, and the water table was down at seven feet, we hit it. So, you know, if there's something that we can do about that ••

CHAIRWOMAN NOWICK:

Thank you.

MS. HARVEY:

•• you know, something that needs to be addressed. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Anita Grube. And the final card will be Carl Negrin, right after Anita.

MS. GRUBE:

Hi. I'm Anita Grube. I've lived in •• I'm Anita Grube and I've lived in Smithtown since 1974. I am one of the fortunate people in our area that haven't had a water problem until the last maybe two years, where we're seeing moisture. My children, my daughter spoke earlier, has moved and bought a house two doors away from us and is planning on having •• staying there the rest of her life. Now, as a grandparent, I'm also concerned for my children and my grandchildren, that they will be able to live in Smithtown where my daughter has gone to school, and I am concerned that this problem would get worse.

At the end of Hallock Avenue, there is a stream that goes to Mills Pond that has not been maintained at all, at least in the last decade. Certainly, you know that this could alleviate some of the problems.

Also, on Hallock Avenue, adjacent to the very last house before North Avenue, on the road you constantly see water, always, there's •• it never goes away.

Also, when we first moved to Smithtown, right adjacent to our property, which is Terry Road, there used to be a terrible water problem. There was •• where between Terry Road and Jones Road, there was a wooded area. It seemed that Terry Road would flood whenever there was, you know, any rain or anything like that, where cars would get stuck in the road and the people would come to our home to use the phone to have their car removed. You could put a canoe in that road. But one day they decided that they were going to build these buildings on Terry Road and Jones, between Jones. They put a sump at the end of the road, and guess what, we never had another water problem.

Now it seems that it would be very possible in this society today that if people really, really truly wanted to do their job and wanted to take care of this problem, it could be done.

(Applause)

I'm certainly sure that if some of this area, these streams were cleaned out, I personally at times wanted to do it myself, because you know •• you should take a ride down Hallock Avenue. You should just look at that one stream. It's to the right, right before you come to North Avenue, any person with any kind of brain could see that that would be a problem. As the gentleman said, four feet higher than it normally would be. I mean, everybody knows if there's a water flow, if you make a little trench, the water will flow beyond that. Why can't we do this? Why can't you help the people and the young people of Smithtown?

I have a girl I work with, her daughter is thinking of buying a house on North. In fact, I think she even went to contract. And I said, "Are you sure you want to do this?" Because, you know what, she's pregnant. Does she

want to bring a baby into this neighborhood? I want my grandchildren to stay here. We have •• my daughter has a lovely home with beautiful property, but it's up to you people, you Legislators, your Parks Department, to be conscientious and concerned for the people of Smithtown and for the people of our area. Young people have bought homes on Rosalia and their backyards are flooded. They wanted to finish off their basement so they had an area to play.

CHAIRWOMAN NOWICK:

Okay.

MS. GRUBE:

Thank you, I appreciate it. We're counting on you.

(Applause)

CHAIRWOMAN NOWICK:

All right. The last card, the last speaker is Carl Negrin.

MR. NEGRIN:

Hi. I'm probably one of the newest neighbors to the neighborhood, I'm here only nine months. I was completely unaware of the problem when I purchased my home. I reside at 33 Del Place. These are some of the nicest people I've ever lived among. I'm amazed. I've learned more today than I've learned in many, many years. I don't know how anybody could sit behind that horseshoe and not get up and act as fast as possible to make

these lovely people live a safe life in their homes and alleviate this problem. There is no excuse as our Legislators that you can sit there and shelve things and put things on the back burner, because I learned to sleep alone, my wife won't stay in the bed when the pump runs every 15 or 20 seconds. She sleeps across the house where she doesn't hear it. This is abominable and I am even considering selling and leaving. Thank you.

(Applause)

CHAIRWOMAN NOWICK:

Okay. Ladies and Gentlemen, we have heard all the speakers. I just want to make a few comments and then we're going to bring up a few people. Just for your information, when you do complain sometimes to the Town, it doesn't necessarily get to the Legislature, although this did get to the Legislature and Legislator Kennedy has a lot to say and he's going to talk to you a little bit about what he's doing. At this point, I do want to bring up Commissioner Ron Foley. I would also •• is there anybody here from Public Works?

MR. ZWIRN:

No, but if I could come up.

CHAIRWOMAN NOWICK:

All right. Ben Zwirn from the County Executive's Office. Legislator Kennedy also would like to address all of you. And would you like to do that first and then we'll talk to the Commissioner?

LEG. KENNEDY:

Madam Chair, yes, I appreciate it, as a matter of fact. Thank you for giving me the opportunity to be here. As you know, I'm not a member of the Parks Committee, however, I'm familiar with the issues that many of the residents have brought to the forefront today.

There are a variety of issues that are being addressed at this point. One of them is the resolution that was before us in the Energy and the Environment Committee yesterday, I.R. 1593, which would actually fund the exact request that some of the residents are making regarding the storm water remediation systems and removal of the silt from the Nissequogue north tributary. Chairwoman Fisher is here and, as a matter of fact, heard those matters in the committee. I was asked to go ahead and table that resolution so that I could work with the administration to do some fine-tuning on the resolution. I do have a meeting this afternoon with Mr. Deering. Nevertheless, I stressed to him the urgency of the matter at this point. This was confirmed for me last week in correspondence that I received from our Commissioner of Public Works, Mr. Bartha, who did confirm that USGS testing wells that are located along Terry Road have a water level in them unprecedented and the highest that it has been since 1974. This is not a phenomena, I guess, of just some folks who are inconvenienced by periodic standing water, it is something that's impacting many, many areas of the 12th Legislative District, and certainly all along the north tributary of the Nissequogue River.

Earlier in the year we worked to go ahead and get the DEC permitting in order to allow for pond level monitoring. Nevertheless, the permit did speak to maintenance of the historic levels. I've asked the County Executive's Office to attempt to intervene. Mr. Zwirn, I think, is going to tell us of some comment that we've got from DEC to try to address the reduction of the water level. But I agree also with the comment of the one gentleman who's right on Hallock, I believe it was Mr. Britt, that actually this is a systemic issue that ultimately requires movement of the water from this whole

watershed area expeditiously to the Nissequogue. And towards that end, I've also introduced a Capital Budget Amendment of 500,000 to update Capital Project 5013 from 1979. That Capital Project did a comprehensive analysis review and recommendations of how to address the high water level table some 26 years ago, certainly long before I think any of us ever were a part of this body, and, for whatever reason, historically, it did not go forward then.

I'll also add that on Monday, I have a meeting with the Town Supervisor, with Mr. Vecchio. He has told me that he is aware of the issues, is sensitive to them, and is seeking to try and go ahead and engage Congressman Bishop's Office to assist with some of the massive amount of funding that will be necessary to implement the systemic matter. That notwithstanding, the message is clear here that relief needs to be done, as well as to go ahead and implement the long-range plan.

(Applause)

And so I'm eager and hopeful that Mr. Zwirn is going to tell us that the County Exec has been able to help to intervene with getting us some immediate relief. And I also ask for colleagues' support and administration's support of the resolutions that will lead us to a long-term comprehensive solution addressing the silt, the stormwater remediation, and possibly even pumping levels at Lake Ronkonkoma itself, which drives the whole water table level for this area of southern Smithtown. Thank you, Madam Chair.

CHAIRWOMAN NOWICK:

Thank you, Legislator Kennedy. And I will cosponsor that legislation for Capital, I will cosponsor this legislation. I am ••

LEG. KENNEDY:

Thank you.

CHAIRWOMAN NOWICK:

•• really concerned right now, I have to say this. We need to find answers. Whether it's going to be at the Parks level, or the Public Works level, or whatever level it is, whether it's going to be at the Town level, it cannot be pushed around in circles, because I cannot imagine anybody living like these people are living.

(Applause)

I worry about mold spores, certainly your children. I've seen pictures of your backyard. I have to go see Mr. Britt's house that's on the tilt, because I'm curious to see about that. But we need not to pass the buck, I know that. We've spoken when we took the five•minute break. I know had the Commissioner, I know the County Executive's Office, and, certainly, Legislator Kennedy, has been doing everything. I know that everybody's interested in doing it. Let's make this top priority, please.

(Applause)

Now, Commissioner Foley or Mr. Zwirn, which, whatever one would like to start addressing some of the issues.

MR. ZWIRN:

My name is Ben Zwirn, and just pardon my back. I'm an Assistant Deputy County Executive and I represent Steve Levy before the Legislature. And I've got quite an education today and about the problems in this area.

The problems are not just here. The parking lots in Lake Ronkonkoma are half covered with water. We've had rain beyond belief. But in the time that you folks have been speaking, I've been on the phone with Bill Hillman, who's the Chief Engineer at Public Works, and asked him what we could do on an emergency basis. I mean, Legislator Kennedy's legislation will be helpful for a long-term solution, but you need immediate relief now.

So we talked about whether there could be some pumping done right away to bring the level of the pond down. You know, government is •• and you think you •• I was an Executive Officer in the Town of North Hempstead, I was a Supervisor there some years ago, and I used to just do things sometimes, and it wasn't the right thing to do, but sometimes that's what we did and we got things done, but there is a procedure we have to go through. And because this is a fresh water pond, the DEC has jurisdiction over this pond, so the Town, the County just •• the County, in this case, can't just go in and do what they want, even though it seems so simple, because then the State steps all over the County. But Bill Hillman as the Chief Engineer has put a call in on an emergency basis to the Department of Environmental Conservation just moments ago to try to get a permit on an emergency basis to try to bring the water level down in the pond right now and to see if we can get that done. I will tell you, one of the responses from the State was that they're concerned about fish spawning at this particular time and they're afraid that if the pond goes down, they may lose the fish that are in the pond. I said, "Well, that's not •• that's not something anybody wants to hear." I'm just saying •• I'm just telling you that sometimes •• you know, sometimes it's just not as easy as you think. I mean, you say, "Well, you know, Mr. Zwirn is here from

Mr. Levy's Office, he heard us, why can't he just fix the problem?" That's

part of the problem is that there's so many levels of government here, and when they pump the water out, it's got to go into ••

AUDIENCE MEMBER:

Isn't there already an environmental study that was done that showed that it would not affect the environment to lower it?

MR. ZWIRN:

No. Just that this particular •• I'm not saying that that's going to be •• that will stop the project on an emergency basis, I'm just saying that that was one of the concerns that the State raised right away, right on the phone. And we've explained that there were •• you know, there were 125, 150 people here who can't •• you know, are having a real emergency situation, so we can try to get the message through to them.

AUDIENCE MEMBER:

Lower Millers Pond and ••

LEG. ALDEN:

Madam Chair. Madam Chair, point of order. Madam Chair.

LEG. VILORIA • FISHER:

Yes, go head.

LEG. ALDEN:

Point of the order. By law, we're required to actually take a transcription of anything that's said in this room. If you shout out from the back, we're not in compliance with the law and it's not going to help anybody. So we really can't take just people shouting out. It hurts •• and, unfortunately, Lucia is doing it right now and it makes her job immensely difficult to try to comply with the law. So, please, hold onto it, because you're going to cause her all kinds of problems and then I know that she would appreciate that. Thank you.

MR. ZWIRN:

Thank you.

CHAIRWOMAN NOWICK:

Okay. Mr. Zwirn.

MR. ZWIRN:

I just want to point out that the fact that you came down here today is important, I mean, it's an important part of the process, because, you know, government hears you when you come down and you have •• most people don't complain to government, they don't care who's in government, it doesn't bother them. But when they have a problem, they expect government to react and solve the problem.

We have tried to get the wheels going in a real quick way to try to fix this problem on a short-term basis. You know, some of the people at Public Works don't think that the lowering of the pond is going to be the answer, but that doesn't mean we're not going to try to do what we can do and including doing that, to try to see if we could bring some relief on a short-term basis. And, as Legislator Kennedy and Nowick's bills and capital projects work their way through, I mean, some of them may be able to be considered as early as Tuesday. I know Legislator Kennedy's bill that was in Environment could be discharged before, before the meeting on Tuesday and then get passed on Tuesday. Maybe some of you folks, maybe, Tony, I can get some of the people to come back on Tuesday in this room, and, you know, maybe not everybody, but as many people as can, just come down and ••

LEG. VILORIA • FISHER:

Actually, Ben, it's the following •• it's 27th is when that bill will be coming up, not this coming Tuesday.

MR. ZWIRN:

I'm just saying that if it ••

LEG. VILORIA • FISHER:

You wanted it to be discharged?

MR. ZWIRN:

I'm just saying, if CEQ has met, if it's met and if it's ••

LEG. VILORIA • FISHER:

CEQ doesn't meet until the day after that.

MR. ZWIRN:

Then they will have to wait.

LEG. VILORIA • FISHER:

So it will be the 27th.

MR. ZWIRN:

But that's the earliest time and that's the time that will be considered. But that's the problem, we ••

MR. CUZZUCOLI:

Point of order.

CHAIRWOMAN NOWICK:

No. I'm sorry, you cannot speak from the gallery.

MR. ZWIRN:

But in the •• in the short run, I will keep you posted, I'll keep Legislator Kennedy posted, and he can contact Tony and any other members who want to be •• Tony and any other members of the community want to be notified what DEC said and what Department of Public Works is going to try to do on a short-term basis.

LEG. VILORIA FISHER:

Ben, could I just interrupt you for one second ••

MR. ZWIRN:

Sure.

LEG. VILORIA FISHER:

•• because there were people who called from the audience when you were talking about needing those DEC permits. And Bill Hillman, I worked with him when we had an erosion problem in Port Jefferson. He was terrific with the help of Mike Deering. And we had to get the permits from DEC and from the Army Corps of Engineers, the federal government. We couldn't do anything. But those guys were really good at reaching out to them and getting their permission to go ahead and do what we needed to do.

MR. ZWIRN:

I impressed upon him that this is not a •• we're not filing an application, this has got to be a telephone call and it's got to be done expeditiously not something they can do in due time that we need immediate relief. So, hopefully, before the end of the day, I'll have some more information. I'll convey that to Legislator Kennedy. Again, there's not much more I can tell you right now, but we'll do everything that we can at the Department of Public Works, which is under the County Executive's Office to try to bring some immediate relief. We hear you and I apologize. I wish there was more that I could do personally.

CHAIRWOMAN NOWICK:

Ben, thank you for making that call, and I'm certain that all of these people have your number just in case they want to know.

MR. ZWIRN:

Absolutely. I'll give you my number. My number is 853•5015.

CHAIRWOMAN NOWICK:

We'll keep up on it. I appreciate it very much. Commissioner, did you want to make comments?

COMMISSIONER FOLEY:

Well, I will live up to Ben's commitment to do everything we can to resolve this. We've been trying to march within the limits of the law. DEC regulates the level of that lake. We've been trying to comply with what they told us.

They define it as the traditional or the median level of the pond defined by vegetation around the pond. There's no numeric value associated to that or anything else. That being the case, we pulled the board about a week ago, we just pulled another one today. I think this problem is so huge that the source of the problem here is so much larger than that lake or the park, or anything else. Doing something in the lake is going to have minimal impact, but we'll do it.

CHAIRWOMAN NOWICK:

Okay. We're going to be back here in two weeks. Hopefully, we'll have answers from DEC before that. And I'm sure that Mr. Zwirn will keep Legislator Kennedy apprized of everything, and, hopefully, we'll have some answers this afternoon a little more. We're going to be pushing.

MR. ZWIRN:

As I said, I mean, I've got ••

CHAIRWOMAN NOWICK:

We have to, we have no choice. We've got to push and we've got to push fast.

MR. ZWIRN:

I've got my cell phone on waiting to hear ••

CHAIRWOMAN NOWICK:

Okay.

MR. ZWIRN:

•• anything further from Bill Hillman. But we were able to get that done at least in the short time when people were speaking. I mean, we heard you and we're trying •• we're trying to move as quickly as we can right now to try to bring some relief.

CHAIRWOMAN NOWICK:

Thank you. Thank you. And we will chat, and I know that Legislator Kennedy will be informed.

LEG. KENNEDY:

Absolutely. Thank you, Madam Chair.

CHAIRWOMAN NOWICK:

Thank you. Okay. We have an agenda.

(Applause)

We're going to go right to the agenda, because we have the Consumer meeting going to be here •• going to be on in five minutes. Tabled

resolutions.

TABLED RESOLUTIONS

LEG. ALDEN:

1077 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the installation of cash control and security at Suffolk County Park facilities (CP 7186)). Motion to table.

CHAIRWOMAN NOWICK:

Okay. Motion to table by Legislator Alden, second by Legislator Vioria •Fisher. All in favor? Opposed? 1077 is **tabled. (Vote: 5•0•0•0).**

1078 (Amending the 2006 Capital Budet and Program and appropriating funds in connection with a cash control pilot program at the Suffolk County West Sayville Golf Course (CP 7186)).

LEG. ALDEN:

Motion to table.

CHAIRWOMAN NOWICK:

Motion to table by Legislator Alden, second by ••

LEG. VILORIA•FISHER:

Second.

CHAIRWOMAN NOWICK:

•• Legislator Vilorina•Fisher. All in favor? Opposed? 1078 is **tabled. (Vote: 5•0•0•0)**

1156 • Linking County park fees for veterans for park fees for senior citizens). Do I have a motion?

LEG. COOPER:

Motion to table.

LEG. ALDEN:

Second.

CHAIRWOMAN NOWICK:

Motion to table by Legislator Cooper, second by Legislator Alden. All in favor? Opposed? 1156 is **tabled. (Vote: 5•0•0•0)**.

1464 • Establishing the "Suffolk County Parks Corps" Volunteer Cleanup Program. Do I have a motion?

LEG. ALDEN:

Motion to approve.

CHAIRWOMAN NOWICK:

Motion to approve by Legislator Romaine.

LEG. ALDEN:

No.

LEG. VILORIA • FISHER:

No. He's not on this committee.

CHAIRWOMAN NOWICK:

I'm sorry, I'm sorry.

LEG. ALDEN:

Wait a minute. I didn't move out •• I'd like to move out east, but ••

CHAIRWOMAN NOWICK:

By Legislator Alden.

LEG. COOPER:

Motion to table.

CHAIRWOMAN NOWICK:

Motion to table supercedes the motion to approve by Legislator ••

LEG. VILORIA • FISHER:

Okay. I'll second that. I still had questions of Legislator •• of Commissioner Foley regarding that, as compared to the stewardship program that we had been working on.

LEG. ALDEN:

Okay. On the motion.

CHAIRWOMAN NOWICK:

Okay. So we have ••

LEG. ALDEN:

On the motion.

CHAIRWOMAN NOWICK:

We have •• hold on a second. We have a motion by Legislator Cooper to table, second by Legislator Viloría•Fisher. On the motion, Legislator Alden.

LEG. ALDEN:

We're going to seriously discuss this, though, within the next two weeks, because it sounds like something we could use right now and would fit in with what you passed the other ••

LEG. VILORIA•FISHER:

I agree.

LEG. ALDEN:

Good. Okay.

LEG. VILORIA • FISHER:

That's why I wanted to get more information.

LEG. ALDEN:

I'll withdraw my motion to approve.

LEG. VILORIA • FISHER:

Thank you.

LEG. ALDEN:

And as long as we're going to move it in a couple of weeks.

CHAIRWOMAN NOWICK:

All right. All in favor of a motion to table? Opposed? 1464 has been **tabled**.
(Vote: 5•0•0•0).

INTRODUCTORY RESOLUTIONS

Introductory Resolutions. **1528 • Authorizing use of Smith Point (County) Park property by Mastic Beach Ambulance Company for "Help Us Save You Program".**

LEG. BROWNING:

Motion.

CHAIRWOMAN NOWICK:

Motion by Legislator Browning, second by ••

LEG. COOPER:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Cooper. All in favor? Opposed? 1528 is **approved.**
(Vote: 5•0•0•0)

1529 • Authorizing use of Smith Point County Park property by Mastic Beach Fire Department (Inc., for Fourth of July fund drive).

LEG. BROWNING:

Motion.

CHAIRWOMAN NOWICK:

Same motion, same second. All in favor? Opposed? 1529 is **approved**.
(Vote: 5•0•0•0)

1577 (Appointing member to the Long Island Maritime Museum Board of Trustees (George P. Hafele).

LEG. COOPER:

Motion.

CHAIRWOMAN NOWICK:

Has he been here? Have we ••

LEG. VILORIA•FISHER:

That a reappointment?

CHAIRWOMAN NOWICK:

Is it a reappointment?

LEG. ALDEN:

He's over here, he's out here.

MR. MORAN:

He's a new appointment.

MR. HAFELE:

Still sitting here.

LEG. VILORIA • FISHER:

Oh, no.

CHAIRWOMAN NOWICK:

Oh, my God. Would you like to come up for one second?

LEG. VILORIA • FISHER:

He's a reappointment.

CHAIRWOMAN NOWICK:

Are you a reappointment?

MR. HAFELE:

No, I'm not.

MR. MORAN:

This is an appointment.

LEG. VILORIA • FISHER:

Oh, okay.

CHAIRWOMAN NOWICK:

If you just want to take one minute ••

MR. HAFELE:

Sure.

CHAIRWOMAN NOWICK:

•• just to introduce yourself.

MR. HAFELE:

My name is George Hafele. I'm the President of Fire Island Ferries in Bay Shore. My family •• as a matter of fact, my Great Grandfather came to Bay Shore, New York on a schooner in the late 1880's. My family has been somewhat attached to the Great South Bay ever since then, and I have a great deal of interest in the success of the Maritime Museum.

LEG. ALDEN:

On the motion.

CHAIRWOMAN NOWICK:

On the motion, Legislator Alden.

LEG. ALDEN:

I don't think anybody has any more knowledge of the bay than George. And, actually, from a commercial point of view and also from a recreation point of view, George has been out there doing it and living it on a daily basis, so I think it's a great appointment.

MR. HAFELE:

Thank you, Legislator Alden.

LEG. VILORIA • FISHER:

That's why I thought he was a reappointment.

CHAIRWOMAN NOWICK:

Thank you. Do we have a motion?

LEG. COOPER:

Yeah, I thought he was on it already.

LEG. VILORIA • FISHER:

Yeah, I thought you were on it, too.

CHAIRWOMAN NOWICK:

Motion by Legislator Cooper, second by •• who seconded it?

LEG. ALDEN:

I'll second it.

CHAIRWOMAN NOWICK:

Second by Legislator Alden. All in favor? Opposed? Motion •• 1577 is **approved. (Vote: 5•0•0•0)**. Congratulations. You do not have to come back here on Tuesday, thankfully, right?

MR. HAFELE:

Thankfully.

LEG. COOPER:

Unless you'd like to.

MR. HAFELE:

Thank you.

CHAIRWOMAN NOWICK:

But, if you want to come back in two weeks.

LEG. VILORIA•FISHER:

Thanks.

CHAIRWOMAN NOWICK:

No, kidding.

MR. HAFELE:

Maybe, maybe in February.

CHAIRWOMAN NOWICK:

1580 • Reappointing Carl H. Luecke as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7).

LEG. COOPER:

Motion to approve.

CHAIRWOMAN NOWICK:

Motion by Legislator Cooper.

LEG. BROWNING:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Browning. All in favor?

LEG. VILORIA • FISHER:

And is that a reappointment?

CHAIRWOMAN NOWICK:

Opposed? That is a reappointment.

LEG. VILORIA • FISHER:

Yeah.

CHAIRWOMAN NOWICK:

1580 is **approved. (Vote: 5•0•0•0).**

1581 • Authorizing use of Smith Point County Park property in 2006 by the Mastics • Moriches • Shirley Community Library's Family (Literacy Project).

LEG. BROWNING:

Motion.

CHAIRWOMAN NOWICK:

Motion by ••

LEG. BROWNING:

Go ahead.

CHAIRWOMAN NOWICK:

•• Legislator Browning, second by myself. All in favor? Opposed? 1581 is **approved. (Vote: 5•0•0•0)**

1586 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning and improvements at Raynor Beach County Park (CP 7175.111 and 7175.313). Do we have a motion? I'll make that motion. Second by Legislator •• second by Legislator Alden. Is that okay with you?

LEG. ALDEN:

What?

CHAIRWOMAN NOWICK:

1586?

LEG. ALDEN:

For Raynor Park? Absolutely.

CHAIRWOMAN NOWICK:

Okay. All in favor? Opposed? 1586 is **approved. (Vote: 5•0•0•0).**

1599 • Amending the 2006 Capital Budget and Program and appropriating funds in connection with the construction of improvements at Cupsogue County Park (CP 7080).

LEG. VILORIA•FISHER:

Motion.

CHAIRWOMAN NOWICK:

Motion by Legislator Vilorina•Fisher.

LEG. COOPER:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Cooper. All in favor? Opposed? 1599 is **approved**.
(Vote: 5•0•0•0)

1618 • Appropriating funds in connection with restoration of West Neck Farm, Huntington (CP 7096).

LEG. COOPER:

Motion.

CHAIRWOMAN NOWICK:

Motion by Legislator Cooper, second by Legislator Browning. All in favor? Opposed? 1618 is **approved**. **(Vote: 5•0•0•0)**.

1619 • Appropriating funds in connection with the restoration of Smith Point County Park (CP 7162).

LEG. BROWNING:

Motion.

CHAIRWOMAN NOWICK:

Motion by Legislator Browning.

LEG. VILORIA • FISHER:

Second.

LEG. COOPER:

Second.

CHAIRWOMAN NOWICK:

Second by Legislator Vilorina • Fisher. All in favor? Opposed? 1619 is **approved. (Vote: 5 • 0 • 0 • 0)**

LEG. VILORIA • FISHER:

Motion to adjourn.

CHAIRWOMAN NOWICK:

Motion to adjourn, second by myself. All in favor? Opposed? This meeting is adjourned.

[THE MEETING WAS ADJOURNED AT 12:07 P.M.]

{ } Indicates Spelled Phonetically