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COUNTY OF SUFFOLK
DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Veterans Memorial Highway
Smithtown, New York

October 18, 2006
9:30 a.m.

Taken by: Joann Bunze
Court Reporter

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2

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

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Larry Swanson, Chairman

5

Michael Kaufman, Vice Chairman

6

John E. Potente

7

Joy Squires

8

Mary Ann Spencer

9

Lauren Elizabeth Stiles

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Gloria G. Russo

11

James Bagg

12

Lance Mallamo

13

Enrico G. Nardone

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CHAIRMAN: Good morning.

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I would like to call the CEQ meeting to

4

order.

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First I want to review

6

the minutes of the July 19th and August 9th

7

meetings, and they were on the CEQ web

8

page. Does anybody have any comments? Did

9

anybody read them?

10

MR. KAUFMAN: The

11

silence is deafening.

12

CHAIRMAN: Since nobody

13

appears to have read them, I am going to

14

postpone the approving of them until next

15

month, Jim.

16

Correspondence. We have

17

a letter of resignation from Lee Snead who

18

is counsel member for I guess about two

19

years. I'm sorry to see Lee go, because he

20

was a valuable addition to the group, but

21

he has a conflict of scheduling. So, we

22

accept that.

23

Any other

24

correspondence, Jim, you want to call to

25

our attention?

1

2

MR. BAGG: No.

3

CHAIRMAN: I remind

4

everybody that this is a public meeting.

5

If you have any comments, questions and so

6

forth, please let us know and come forward

7

and we will let you speak your peace.

8

Recommended Type II

9

actions. Jim, what do you call out for us

10

this month?

11

MR. BAGG: The packet's

12

pretty regular this month. You either

13

reviewed things or they are Type II

14

actions. There is nothing in it that's

15

unique or special.

16

MR. KAUFMAN:

17

Mr. Chairman, I had read the staff

18

recommendations on this stuff, and I don't

19

see anything out of the ordinary. I will

20

make a motion that we accept staff

21

recommendations.

22

CHAIRMAN: Do we have a

23

second?

24

MS. STILES: Second.

25

CHAIRMAN: All in favor.

1

2

(Board members respond.)

3

CHAIRMAN: Opposed.

4

(No response from the

5

Board.)

6

CHAIRMAN: Staff

7

recommendations are accepted.

8

We have an action tabled

9

at the September meeting, and that's the

10

proposed construction of a wildlife

11

observatory at Cupsogue Beach County Park.

12

Anybody here to -- oh. Please identify

13

yourself for the recorder.

14

MR. FRITZ: My name is

15

John Fritz I am a park trustee representing

16

the Town of Babylon, and I am here to offer

17

my comments on this boardwalk at Cupsogue.

18

MR. GIBBONS:

19

Nick Gibbons Parks Department.

20

Good morning

21

Mr. Chairman. Last month I brought this

22

project to the counsel, and there were

23

several questions. I want to give you a

24

couple of items first before we get

25

started. One is, I guess, a more

1
2 comprehensive set of photographs of the
3 area in question and a complete set of
4 preliminary plans that were done in house
5 by the Parks Department just for the
6 appropriating purposes of this project, and
7 then we will do more complete plans once it
8 actually goes out to bid. This is a
9 capital project (handing).

10 There was a question by
11 some of the members regarding the exact
12 location of this spot, and I been in touch
13 with several of you in the past month. I
14 guess those photos will make their way
15 around, but the photos began at the
16 northern extent of the existing parking
17 area. And I guess to someone not familiar
18 with this site, it would be somewhat
19 camouflaged from -- it isn't obviously
20 evident from depending on where you are in
21 the parking area. But the first I would
22 say 25 to 50 feet is colonized by several
23 pioneer species in addition to some
24 baccharis and fragmities. That's the first
25 four photos or so.

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The top photo on the third page is sort of emerging from that baccharis and fragmities into the wetland, itself, and you will see that the route that's commonly taken on this social trail here is in various states of degradation, from devoid of vegetation to colonized by fragmities. Just flip through those. It gets you back further north to the northern most extent where it's quite wide, it is degraded, and that's the route we proposed to follow with this handicapped accessible observation boardwalk.

The last two pages of the photos that shows pretty much open water, that's not to suggest that the boardwalk will extend into that area, but that's sort of the vantage point from the end of the boardwalk.

And I know at last month's meeting Mike was chairing in your absence, and he had some questions about the design. So those plans you have there, Mike, are for different parks purposes.

1
2 What will happen after our appropriation is
3 we will submit those to DPW for them to
4 refine. They will come up with the
5 ultimate biddable documents.

6 MR. KAUFMAN: These are
7 preliminary plans basically?

8 MR. GIBBONS: Right, but
9 I think for our purposes, they represent
10 what we are trying to do.

11 MR. KAUFMAN: Gloria and
12 I were both looking at the elevations of
13 this particular project, and I told you
14 last time we needed probably 42 inches if
15 we were going to go through the spartina.
16 Forty-two inches makes it three and-a-half
17 feet, which is standard. I don't see that
18 representation on the plan anywhere.

19 MR. GIBBONS: Right.
20 At least, as I said at the previous
21 meeting, we will secure DEC permit, and
22 whatever ultimately their recommendations
23 or requirements are, we will be in full
24 compliance with those.

25 MR. KAUFMAN: That makes

1
2 me feel good.

3 CHAIRMAN: What are you
4 going to construct the walkway from?

5 MR. GIBBONS: It is out
6 of pressure treated wood, and I'm
7 anticipating that you would like us to look
8 into recycled materials, and I will, at
9 least for the decking there has been
10 concerns for the structural support being
11 anything but actual timber, green wood.
12 So, I will look into whether or not we
13 could substitute the decking for recycled
14 plastic lumber.

15 CHAIRMAN: Where is the
16 green wood coming from?

17 MR. GIBBONS: It's
18 actually domestic. It's not -- at least on
19 those plans anyway it's represented as ACQ,
20 domestic wood, but not the wood that we
21 suggested for use in other areas, including
22 I think other projects within Cupsogue
23 Park. That tropical wood that supposedly
24 comes from certified South American
25 forests.

1

2

CHAIRMAN: You are not

3

going to be using that?

4

MR. GIBBONS: No.

5

CHAIRMAN: Any other

6

questions?

7

MS. STILES: I just

8

wanted to share this with the council. I

9

had a very productive conversation with Mr.

10

Gibbons and we had discussed the

11

possibility of Parks looking into

12

potentially a different location for the

13

boardwalk, but still achieving the same

14

goals of increasing access to different

15

habitats and making it handicapped

16

accessible, and I guess I thought, before

17

we all vote on something, that maybe now

18

would be a good time to talk about that

19

with you, and you could explain to the rest

20

of the council what we talked about and

21

your thoughts on that. Do you want to do

22

that?

23

MR. GIBBONS: Sure. And

24

again, I appreciate the time earlier this

25

week, and I agree if there is a way for us

1
2 to mitigate whatever potential impacts
3 there are of putting a boardwalk in this
4 location, I will look into those.

5 As I told you then, I
6 wasn't personally able to look into the
7 area you had in mind in advance of this
8 meeting this morning, so I'm not in a
9 position to tell you that I agree that that
10 is something that -- that requires further
11 investigation, but I will tell you that I
12 guess I would argue here this morning that
13 the potential environmental impacts from
14 one location versus another are probably
15 not too great along that in that general
16 vicinity.

17 And I do have some
18 concerns about whether or not the location
19 you had in mind was, although it is a
20 hard-packed surface, it might require
21 paving just to be in compliance with the
22 ADA regulations. I'm not sure if that's
23 true or not. And provided it gets us to
24 the same general location for the same
25 purposes, it's not as if this location is,

1
2 you know, it's this or nothing for Parks.
3 As long as we are getting people out to
4 experience what we are trying to get them
5 out into, then I think that's a fine
6 suggestion.

7 MS. STILES: Just to
8 share with the council, the location I had
9 suggested as just taking a look at it there
10 is just approximately 150 feet to the west
11 of the trail that you are in these photos
12 here. There is another trail that heads
13 down to the same general vicinity where you
14 could go clamming or bird watching, and
15 that trail is not through wetlands. It's
16 on a sandy dune. It looks to me that like
17 it's an old dredge spoil pile, not a real
18 dune, but it has a very wide -- not very
19 wide, but at least wide enough for a car to
20 fit down the trail just over the sand, and
21 at the beginning of it it's really hard
22 packed. There is a clamming area and I
23 guess it became hard packed from the
24 vehicles driving on it. And I just thought
25 if there is any way to avoid going through

1
2 this wetland habitat, that that might be a
3 possible alternative, and all I'm asking is
4 if Parks look into that and see if that's
5 worthwhile.

6 CHAIRMAN: Yes, sir.

7 MR. FRITZ: Can you
8 describe exactly where that place is,
9 because I'm pretty familiar. You are not
10 talking about the sand road that goes down
11 to the channel, just to the east of that
12 stock pile of sand.

13 MS. STILES: No, not the
14 sandy road that goes down to the inland.

15 MR. FRITZ: You say
16 there is another pile by the osprey
17 platform -- another path by the osprey
18 platform?

19 MS. STILES: It's just
20 to the west of that. If you are to go to
21 the end of the parking lot and go -- I'm
22 visualizing in my head. It's about
23 50 feet, a very short distance.

24 MR. FRITZ: West of the
25 osprey platform. It's going to be much

1
2 longer to get to the water mud flat area
3 that this boardwalk will take you to.

4 MS. STILES: I have
5 walked both trails, and I don't think it's
6 that much longer. It might be, but the
7 purpose of my recommendation is just to see
8 if it's something the Parks could look
9 into. Whether you put the boardwalk 100
10 feet to the west or to the east, it's going
11 to get people to the same area.

12 MR. KAUFMAN: One of the
13 things that concerns me is the wetlands
14 versus the dunes. Normally, we would try
15 to stay off of a dune if possible, and this
16 may well have been created by dredge spoil,
17 but it's functioning at the dune is to
18 protect the features, but we are also
19 dealing with a degraded wetlands to some
20 degree, portions of it apparently badly
21 hurt from the photographs and some not as
22 badly hurt.

23 The question in my mind
24 is the Parks Department and the parks
25 trustees definitely want to try and put in

1
2 some sort of an access structure or some
3 sort of a boardwalk structure in the area;
4 is that basically correct?

5 MR. GIBBONS: Yes.

6 MR. KAUFMAN: Is
7 location critical? If we could stay off of
8 a wetland and possibly put it on a dune,
9 has maybe a less objectionable features as
10 Lauren is suggesting. Is that in Parks'
11 ability to look at.

12 MR. GIBBONS: That's
13 fine.

14 MR. KAUFMAN: Would have
15 you a problem with that? Does Mr. Fritz
16 have a problem with that?

17 MR. GIBBONS: I think I
18 said earlier, provided it gets us the same
19 benefits that we are trying to achieve,
20 then not. This was the initial suggestion,
21 and then, just to repeat from last month,
22 as well, I could also argue that while the
23 construction of a boardwalk in the area is
24 certainly not something that we take
25 lightly or want to dismiss the significance

1
2 of that, the trail that's in there is also
3 fragmented, and I think the marsh might
4 respond nicely to having people up over the
5 marsh and allow for plants to recolonize.

6 MR. KAUFMAN:

7 Recolonization does occur in a marsh,
8 hopefully, and a lot of people frankly are
9 hoping that that kind of stuff does happen
10 in other contents. But frankly, if you put
11 a boardwalk in a marsh, you are going to
12 have somewhat less colonization. It would
13 take longer. You may not get as heavy
14 recolonization. I've seen that with a lot
15 of docks. Sometimes it does happen,
16 sometimes it doesn't. It depends. I'm not
17 adverse to the boardwalk idea at all. I
18 think a county park in this kind of a
19 situation is a good idea, but it's location
20 sensitive, at least to me.

21 MR. GIBBONS: As always,
22 we are trying to balance the sensitivity of
23 the habitats with which we are managing and
24 getting people out there and enjoying it
25 without compromising the integrity.

1

2

MR. FRITZ: Two things.

3

One is the clammers are still going to want

4

to go out there in the mud flats to clam.

5

If you make it off to the west, it's going

6

to make it more difficult for them. I

7

never seen anybody use that other path.

8

Usually when they want to go clam or bird

9

they take this path we are talking about.

10

The other thing is the

11

terminal end of this boardwalk is not in a

12

position to observe the birds better. If

13

you are too far away or the sun is in the

14

wrong spot or something like that. It all

15

depends on where you put the end of the

16

boardwalk, which determines the beneficial

17

aspects of the birding.

18

MR. KAUFMAN: What you

19

are saying is, if you go with the dune idea

20

or that area to the west, you are saying

21

that the terminal end of it is not going to

22

be as effective or provide the same

23

benefits, if you will, same access

24

et cetera, as the spartina boardwalk?

25

MR. GIBBONS: This path

1
2 comes pretty much out to the middle of the
3 mud flat. If you go further to the west,
4 you are going to be off to the one side.
5 The other thing is, if you go to the marsh
6 you do have species like seaside sparrows,
7 salt marsh sparrows, marsh wrens and so
8 forth which you wouldn't have in the dunes
9 which you handicapped and the elderly don't
10 have the opportunity to witness those
11 species very much.

12 In all of Long Island,
13 there are very few places where shore bird
14 access is, you know, good shore bird access
15 is available, and most of those, like
16 Jamaica Bay or even Pikes Beach is a little
17 further to the east. The seniors and
18 handicapped are not going to be able to
19 access it.

20 MR. NARDONE: May I make
21 a comment? It's the same as the
22 gentleman's comment. If the boardwalk is
23 put in an alternative location, there might
24 be reasons why people will still use the
25 other path. If it's put there, at least it

1
2 has an opportunity of recovering, even if
3 it's not at a greater speed or to the
4 extent that you might like.

5 MR. POTENTE: You
6 mentioned there is some bird species in the
7 center of the marsh there, and those
8 various coastal birds are in that area
9 because those birds are there. That's why
10 you should make access to it or encourage
11 more access to that area. It may very well
12 be that those birds are there because it
13 isn't an accessible area. Many of these
14 birds seek solitude and quiet to do their
15 feeding and breeding. I don't see why an
16 alternative route that may be a little
17 longer may give anybody who wants to do
18 bird watching a little more time and
19 exposure couldn't put a pair of binoculars
20 around their neck and see these birds at
21 the same time.

22 MR. GIBBONS: I think we
23 agree to take a harder look at the
24 alternative location, provided it doesn't
25 impede the progress of this moving through

1
2 the system.

3 CHAIRMAN: I had a
4 question on the osprey. If you move the
5 location of the boardwalk closer to the
6 osprey net, will that drive off of the
7 osprey?

8 MR. GIBBONS: No. They
9 are pretty tolerant. I wish I could say
10 yes, that way we could be back to our
11 location.

12 MR. KAUFMAN: There is
13 an osprey in Smithtown that lives right on
14 top of a parking lot. People look up at it
15 all the time.

16 MR. GIBBONS: It
17 actually depends on the individuals. You
18 could look at them on Sunrise Highway down
19 in Great River, as well. We have other
20 locations where I could tell you we had to
21 close hiking trails because the very
22 occasional use of those trails was enough
23 for the birds to abandon the nest. So I
24 couldn't tell you the disposition. They
25 see an awful lot of vehicle traffic going

1
2 by them all summer long.

3 MS. STILES: In response
4 to that, I think the distance to the osprey
5 net would be about the same from either
6 trail area, even if it was -- I think it's
7 about the same distance, but I think I
8 completely understand the desire to have
9 people going where the unique habitat is,
10 where the birds are, so they could see it
11 and have access to it. And I think if you
12 take a look at the suggested possible
13 alternative, that you would find that that
14 route would provide people with the same
15 exact thing.

16 It's not -- we were
17 talking about a dune. It's not like a
18 primary dune like up on the ocean front.
19 It's basically a pile of sand. People
20 drive on it, not down the trail, but they
21 pass each other on the left and right going
22 down to the inlet. It's pretty damaged,
23 and this trail runs down the side of the
24 back of it along the edge of the wetlands.
25 So, it is providing access to the scenic

1
2 wetland area that has the bird habitat, and
3 it goes straight to a huge shell fish bed.
4 I think if it's the goal to provide shell
5 fish areas and the birding area, I think
6 the other trail -- I think you will find
7 will provide the same exact opportunities.

8 MR. POTENTE: I also
9 like to add that a little education goes a
10 long way, as well. If this is a trail that
11 was arbitrarily picked, if the Parks
12 Department went in and explained to the
13 public what they were doing and why they
14 were doing it and if they were looking to
15 try to recover this area that dissects and
16 goes directly through the center of the
17 marsh, many people will listen.

18 CHAIRMAN: Yes.

19 MR. FRITZ: First of
20 all, you are saying, to answer your
21 question first and then to get to this
22 gentleman here, you are saying it's as
23 equidistant from where the proposed path is
24 to the path you are, so you are talking
25 west of the osprey platform the same

1
2 distance that this path is east of the
3 platform?

4 MS. STILES: Roughly. I
5 haven't measured it.

6 MR. FRITZ: Well, no.
7 This mud flat, which is the key to this
8 whole experience, would be way to the east.
9 Yes, we do use binoculars, we do use
10 scopes, but not everybody has top shelf
11 binoculars and scopes. You want to get as
12 close as possible without disturbing the
13 birds. So, if you are talking west of the
14 osprey platform, you are way to the west,
15 and the shell fish bed, is that out where
16 the channel make the curb out to that --

17 MS. STILES: No. It's
18 much, much closer. It's along the edge of
19 the mud flats. When you come out at the
20 end of the trail you are in the mud flats.

21 CHAIRMAN: Lauren,
22 perhaps you could sit down with him and
23 look at the aerial photographs and identify
24 where you are talking about. We need to
25 act on this project, because it's a request

1
2 for capital funds. Nick, I presume you
3 will be willing to come back with your
4 final design both dealing with location and
5 the type of construction; is that not
6 correct?

7 MR. GIBBONS: That would
8 be fine.

9 CHAIRMAN: Do we have a
10 motion?

11 MR. KAUFMAN: I make a
12 motion. I believe this is a Type II
13 action. Withdrawn. I believe that this is
14 an Unlisted action at this point in time.
15 I believe this really is, especially with
16 the caveats that Mr. Gibbons has given. It
17 is a Neg Dec at this point in time, and
18 that with the recommendation that the site
19 be more fully examined and options for
20 different locations be looked at.

21 CHAIRMAN: Do we have a
22 second?

23 (Board member responds.)

24 CHAIRMAN: We have a
25 second. All in favor.

1

2

(Board members respond.)

3

CHAIRMAN: Opposed.

4

(No response from the

5

Board.)

6

CHAIRMAN: No

7

opposition. Motion carries.

8

MR. GIBBONS: Thank you.

9

MR. FRITZ: Thank you.

10

CHAIRMAN: Thank you

11

very much. I look forward to seeing your

12

final design.

13

Also tabled at the ---

14

holy cow, this was tabled in April. The

15

proposed additional parking facilities

16

located at Fire Rescue Emergency building

17

in Yaphank.

18

MR. BORKOWSKI:

19

Ralph Borkowski, Suffolk County Department

20

of Public Works.

21

MR. HORST:

22

Warren Horst, Suffolk County Department

23

Fire Rescue Emergency Services.

24

CHAIRMAN: Welcome

25

gentlemen.

1

2

MR. BORKOWSKI: We were

3

here in April. The Board requested a

4

traffic analysis, which is provided in the

5

EAF. DPW feels that this parking lot is

6

very much needed, and we are hoping the

7

Board could see that, also. Warren Horst

8

is here to provide some information about

9

the uses of the building, and we will

10

answer any questions you have. There is a

11

plan in the packet also of the parking lot,

12

about the tenth page.

13

CHAIRMAN: I think one

14

of our questions last time was, in fact,

15

whether the parking lot was really needed.

16

We noticed that there is already a

17

considerable amount of existing parking,

18

and probably if use was made of the parking

19

lot across the street and people were

20

willing to walk 50 feet, that we wouldn't

21

need a new parking lot. So Ralph, can you

22

address that?

23

MR. BORKOWSKI: I think

24

Warren might be able to do that a little

25

better than I.

1

2

MR. HORST: We certainly

3

do take advantage of the parking lot that's

4

across the street, and many of the

5

employees that are there on a Monday

6

through Friday basis are using that

7

particular parking lot.

8

Our concern really is

9

with the fact that we operate a 24 by 7

10

fire rescue center in the lower level of

11

the addition to the rear of the probation

12

building, which means we have three tours

13

of individuals coming on, 10 employees at a

14

given point. When they come to their place

15

of work at 3:00 or 3:30 in the afternoon

16

and there is no convenient location in the

17

parking lot adjacent to the building and

18

they end up parking across the street in

19

that larger parking lot, that means when

20

they get off tour at 11:30 at night they

21

are going out in an area that is not

22

policed and not within the realm of our

23

security system, our cameras and so forth.

24

We have two neighbors

25

that were particularly concerned about that

1
2 would perhaps jeopardize the safety of
3 those individuals; the minimum security
4 facility and also the probation department
5 that has visitation of clients on a regular
6 basis. Not necessarily at that time of
7 night, but during the course of the week.
8 We are concerned about the safety of those
9 individuals that would have to traverse the
10 distance from the very rear of the
11 building, because that's the only unlocked
12 only operable door at that particular time.
13 They travel around the front of the
14 building, across the street to that large
15 parking lot.

16 We know our past
17 experiences has been that there have been
18 releases of inmates from the minimum
19 security facility at any particular hour.
20 And when we occupied building 13, which is
21 diagonally across the street, I don't know
22 if it's in the aerial photograph or not, we
23 on many occasions had inmates that
24 attempted to get into the building,
25 attempted to get into the employees' cars.

1
2 They are looking for two things; they are
3 looking for a ride or access to a
4 telephone. In this day and age with
5 cellular telephones it's pretty easy to
6 approach somebody now and ask if they could
7 utilize it, but at the same token, they
8 gain entry to an employee's car. We have
9 concern about the safety of these
10 individuals.

11 We also host a variety
12 of after-hours meetings during the course
13 of the week. We have a fire rescue
14 emergency services commission, task force,
15 emergency response training, assistant corp
16 counsel meetings that are also after hours,
17 and those particular meetings often times
18 are during the same hours that probation
19 has their late evening client visitation.
20 Again, it's an issue of concern for the
21 safety of those people that happen to
22 attend the meetings that we are looking to
23 protect.

24 CHAIRMAN: Thank you.
25 Does anybody have any questions concerning

1

2 this? Mike.

3

4 MR. KAUFMAN: Do you
5 have any counts of how many break-ins of
6 cars there has been at the parking lot
7 right adjacent to the building and across
8 the street, as related to potential
9 problems from the minimum security prison?

9

10 MR. HORST: We have no
11 record of that across the street. In our
12 own parking lot I can't quantify it by
13 year. It certainly isn't hundreds.
14 Probably very few over the course of the
15 year, and I don't think it's necessarily
16 the break-in aspect. It's when an
17 individual comes out and they are getting
18 into the car and they are approached. I am
19 talking about employees or visitors of the
20 building that feel threatened at that point
21 in time.

21

22 MR. KAUFMAN: Basically,
23 you are saying there is a large release of
24 prisoners and they are lurking in the area,
25 and you are worrying about your people
 possibly being attacked or bothered as they

1

2 are going from the building to the car?

3

MR. HORST: That is

4

correct, yes.

5

MR. KAUFMAN: Again, is

6

there any documented counts or anything

7

like that, or is this just a generalized

8

feeling? Have there been actual incidents,

9

muggings or anything like that?

10

MR. HORST: No, there

11

have not been.

12

MR. KAUFMAN: Have there

13

been any abscondings with cell phones or

14

anything?

15

MR. HORST: Not to my

16

knowledge.

17

MR. KAUFMAN: That kind

18

of creates a strange situation for me. You

19

are saying that you are worried about it,

20

and I take your fears as being legitimate,

21

but at the same time you are saying there

22

has been no actual incidents you can

23

quantify, and you are basically saying that

24

there is a potential for it.

25

MR. HORST: There is a

1
2 potential for it. Yes, I am saying that,
3 and I am also saying this goes back to when
4 we occupied building 13, which is a number
5 of years ago, when in fact there were
6 instances of break-ins and individuals
7 trying to get into the building.

8 MR. KAUFMAN: That's
9 building 13, though.

10 MR. HURST: Exactly.

11 MR. KAUFMAN: Today,
12 with this particular building, have there
13 been incidents, such as occurred in
14 building 13?

15 MR. HORST: No. One of
16 the perhaps features or values of the
17 parking lot on the south side of the
18 building is it's obscured by the probation
19 building itself from visual observation
20 from inmates that might leave the minimum
21 security facility, ones that are released,
22 not ones that are leaving early.

23 MR. KAUFMAN: Is there
24 any thought of possibly putting cameras or
25 anything like that on the parking lot

1
2 across the street? I'm looking at the
3 road. It looks to be pretty standard
4 Suffolk County road, may be 50, 60 feet
5 wide and not a very considerable distance
6 away from the main building that we're
7 looking at in the area. Has there been any
8 thought about basically increasing security
9 over there?

10 MR. HORST: There has
11 not. I'm not well versed in the
12 installation of video security cameras. My
13 understanding is that the distance that
14 that video signal would have to be
15 transmitted is beyond what is typically
16 acceptable in the normal installation of
17 security system.

18 MR. KAUFMAN: Have you
19 heard of cables?

20 MR. HURST: I'm sorry?

21 MR. KAUFMAN: Have you
22 heard of cables?

23 MR. HURST: Yes.

24 MR. KAUFMAN: Basically
25 the video camera signal propagation you are

1
2 talking about is generally low frequencies,
3 if I remember correctly, and that's when
4 you are doing it by basically radio waves.
5 If you are doing it with a cable system,
6 i.e. telephone wires, that's also possible.
7 You don't have the loss of visual acuity or
8 anything like that. In other words, you
9 don't have loss of signal.

10 CHAIRMAN: How is the
11 lighting around the building now? Is there
12 lighting?

13 MR. HORST: There is
14 lighting around the building, yes.

15 CHAIRMAN: Lurking and
16 hiding prisoners shouldn't be an issue if
17 it's well lit, Ralph.

18 MR. BORKOWSKI: Well, I
19 have seen prisoners walking around this
20 area just wandering after they are
21 released, so I can understand Warren's
22 concern and feeling uneasy about his
23 employees, but whether the lighting is
24 adequate, I'm not sure.

25 MR. HORST: I would not

1
2 say that the lighting is not adequate. The
3 parking lot has lighting and the building,
4 the eaves, the building roof line also have
5 illuminations.

6 CHAIRMAN: You want to
7 make a comment? Identify yourself.

8 MR. ANDERSON:
9 Gilbert Anderson, Chief Deputy Commissioner
10 of Public Works. In listening to the
11 conversation, I just wanted to make one
12 point about the security cameras.

13 Prior to my coming on
14 board with the County, I was with the Town
15 of North Hempstead for a number of years.
16 We did have security issues and we did put
17 up cameras, and to say they were
18 ineffective, to be honest with you, it was
19 an issue with us. We had extensive
20 vandalism on our site and we spent about
21 \$40,000, \$50,000 in cameras for a
22 relatively small site, and I can tell you,
23 the accuracy of the video cameras that we
24 installed, which at the time we were told
25 they were going to be a lot better than

1
2 they were, was -- you knew it was a -- you
3 could tell it was a human, but beyond that
4 you couldn't actually get a picture of
5 anybody to say to the police that hey, this
6 fellow or this person was doing some
7 vandalism on our equipment, and it was
8 pretty out of hand. So I would question
9 only for the purpose of this discussion the
10 effectiveness of the cameras, and that was
11 it.

12 MR. KAUFMAN:

13 Commissioner, I am looking at the aerial
14 photograph over here and trying to do some
15 blind measurements, and it looks like the
16 parking lot across the street which is
17 already established is about 120 feet at
18 its closest approach, and I'm looking at
19 the proposed building of the parking lot,
20 and the parking lot's furthest edge, that's
21 considerably more than 120 feet. It looks
22 more about 240 feet away from the building.
23 And what I am seeing -- what I am saying
24 is, while I appreciate the fact that you
25 are putting it in mostly brushed areas and

1
2 you are not cutting down too many trees, I
3 think the count is 17 trees, it looks as if
4 you are putting up a parking lot further
5 away than an existing one.

6 MR. HORST: The entrance
7 to our facility is actually in the very
8 back end of the addition, which would be
9 closest to the proposed parking. That is
10 the only secure entrance after hours and on
11 weekends. Let me rephrase that. It's the
12 only one they could get into. All the rest
13 of them are secured.

14 MR. BORKOWSKI: You are
15 saying you would like to maybe see it moved
16 closer to the building?

17 MR. KAUFMAN:
18 Fundamentally, my concern at this point in
19 time is, if you look at the building in
20 isolation and I look at the information you
21 provided, it makes a very strong case. And
22 I can understand expanding the lot in that
23 particular area. I am also very happy
24 about the fact that no large trees are
25 coming down. That's just an ancillary

1
2 benefit. And I understand the relation of
3 the parking lot to the building, looked at
4 in isolation. It's the parking lot across
5 the street which I have no real data on,
6 which may be under utilized, I don't know,
7 and that's the thing we are concerning me.

8 If we're looking at
9 utilization rates, et cetera, we are trying
10 to balance that against security, I
11 understand the concern. But nonetheless,
12 we do have under utilized parking lot next
13 door from what I am seeing, and the
14 question in my mind comes down to is this
15 necessary to pave over this additional area
16 as opposed to maybe integrating in maybe
17 the northern portion of the parking lot.
18 Not the northern portion, but the closest
19 portion of that parking lot into the
20 projected area. I am just trying to
21 balance things at this point in time in my
22 own mind.

23 CHAIRMAN: I gather on
24 what you have told us that the walkway
25 leading from the existing parking lot into

1
2 the building, you can't use that because
3 you are entering a secured area there.
4 That's part of the probation department; is
5 that correct?

6 MR. HORST: That is
7 correct.

8 CHAIRMAN: So, you can't
9 walk through that one area into your area?

10 MR. HORST: That is
11 correct, after hours.

12 CHAIRMAN: But you can
13 during regular business hours?

14 MR. HORST: During
15 business hours that's is a path that's
16 available. After hours after probation
17 closes down, and that varies as to the day
18 of the week when it is that the front doors
19 of the building are secured and they cannot
20 get out.

21 CHAIRMAN: And there is
22 no way -- if the probation department isn't
23 functioning after hours, why can't that be
24 an access? It seems to be it would be more
25 of an issue when in fact when they were

1

2 open.

3

4 your point.

5

6 CHAIRMAN: I was just

7 wondering why you couldn't walk through the

8 building after hours. If you're concerned

9 about security, but there is nobody there

10 after hours in the probation department,

11 why wouldn't they let you walk through?

12

13 MR. HORST: Historically

14 they have not provided that access through

15 the front doors. It's key operated. That

16 is not available. It possibly has, and I

17 can't speak for probation, but when they

18 have client visitation and they have

19 counseling and they have random drug

20 testing going on, we would be walking not

21 only through the lobby, but that particular

22 area where that goes on. That might be a

23 concern to them. CHAIRMAN: Thank you.

24 Any other questions?

25 MS. RUSSO: Looking at

1
2 your design, your overview, and seeing
3 where the new parking spaces are going in
4 that back door, the only accessible door
5 you said. When you first look at the
6 parking lot across that street it looks
7 under utilized. It's so much closer to go
8 through the front of the building. Is
9 there any problem right now where everybody
10 is parking on the lawn in the photos you
11 are providing me in gaining access to get
12 out the same way they came in? Is there a
13 back log or is everybody having trouble
14 getting out when they are all trying to get
15 out that one entrance?

16 MR. HORST: In the sense
17 of traffic flow you are speaking?

18 MS. RUSSO: Yeah. As
19 they are trying to get out of the lot. You
20 show all those cars parked on the grass.
21 You have all these parking spaces here and
22 then you still are going to run another
23 road for a driveway to get out here. If
24 there is no problem with clogging and in
25 and out, you have some of these parking

1
2 spaces and you don't do the paving you want
3 to do, because it does seem ridiculous to
4 have that paving when you have access here.

5 MR. HORST: I think the
6 proposal, and I'd have to defer to the DPW
7 in this regard, but I think it's based on
8 the master plan for the Yaphank County
9 Complex and the future design for the
10 building. Again, I might be speaking out
11 of turn, but the DPW can correct me, but
12 there was a master plan also, in addition
13 to the north end of the probation building
14 that would also be served by the same
15 roadway and parking lot.

16 MS. RUSSO: This is not
17 strictly just for convenience getting into
18 the roadway?

19 MR. HORST: No.

20 MS. RUSSO: Because the
21 plan is written strictly for access for
22 people to park?

23 MR. HORST: The parking
24 aspect, that's correct. Are you talking
25 about the extension of the parking lot that

1
2 goes out on the north end around probation?

3 MS. RUSSO: Yes.

4 MR. HORST: I will defer
5 to --

6 MR. BORKOWSKI: I can
7 understand your point, and I believe it
8 probably would function the way you are
9 stating it, but this road here was probably
10 proposed for a future expansion and would
11 probably need to be installed at a later
12 date anyway, so.

13 MR. KAUFMAN: That's
14 actually a question I wanted to get into.
15 Are there any plans to renovate this
16 building or possibly expand in the area for
17 future buildings? I actually, when
18 Commissioner Fishler was over at fire
19 rescue I had occasion to go down to this
20 building -- I think it was this building,
21 and we went down in the depths of the
22 basement over there, and it was not the
23 friendliest place I've ever seen. Are
24 there any plans or anything like that to
25 expand or renovate or anything like that?

1

2

MR. HORST: From our

3

perspective at this point there are not,

4

but again, I am looking at this master plan

5

that was developed for the Yaphank County

6

Complex which shown an addition and future

7

parking at this particular roadway along

8

the north end of the building and coming

9

around to the back side or what would be

10

the east side, the rear of our building.

11

MR. KAUFMAN: Which

12

Yaphank plan is that? Any date? Don't

13

worry about it. It's not that important.

14

MR. HORST: It's not any

15

capital project, 1601. It's the Suffolk

16

County master plan. It says Hauppauge

17

North County Complex Yaphank Campuses, but

18

nonetheless --

19

MR. KAUFMAN: They are

20

both Suffolk County.

21

MR. HORST: That is

22

true, and I can't speak to the time out

23

into the future as to when that is.

24

MR. ANDERSON: To the

25

best of my knowledge, I don't believe there

1
2 is any immediate plans for expansion, but
3 we could verify that through the capital
4 plan. Long range, obviously, it's in a
5 master plan.

6 CHAIRMAN: Since you
7 opened the door about future expansion and
8 so forth, I think it would be beneficial to
9 see what your future plans are and how this
10 does fit in with it, rather than just to go
11 about piece meal approving yet another
12 parking lot, et cetera.

13 MR. BORKOWSKI: You
14 would rather review the overall master plan
15 and adopt that before the proposed for this
16 parking lot at this time?

17 CHAIRMAN: You mentioned
18 this is part of a bigger plan, and if in
19 fact it is, we should see that. Is that
20 possible?

21 MR. BORKOWSKI:
22 Certainly, yeah.

23 CHAIRMAN: There is a
24 master plan?

25 MR. BORKOWSKI: There is

1

2 a consultant that is working on master
3 plans for all County complexes. I'm not
4 sure of the status of it right now, whether
5 it's complete.

6

CHAIRMAN: It seems this
7 should fit in with the plan for Yaphank. I
8 think you mentioned a Yaphank campus. We
9 would like to see how this fits in with the
10 overall --

11

MR. BORKOWSKI: I could
12 understand that.

13

MR. KAUFMAN: Larry,
14 just to add to the Board's knowledge on
15 this particular situation, when the Yaphank
16 jail expansion was proposed we also were
17 talking about hoping to see some sort of a
18 master plan for that area, going back
19 ten years we were talking about that. I
20 wanted to have an idea of where we are
21 going with all of this, rather than
22 willi-nilli development here and there,
23 et cetera in a spasmodic approach. We did
24 know that there was a consultant out there.
25 We did know there were plans out there. It

1
2 might help a little bit if we were able to
3 see something like that to see how close
4 they are to fruition.

5 CHAIRMAN: Do we have a
6 motion?

7 MR. KAUFMAN: I make a
8 motion to table this project.

9 CHAIRMAN: Second?

10 MS. RUSSO: Second.

11 CHAIRMAN: Motion is
12 seconded. Any further discussion? All in
13 favor?

14 (Board members respond.)

15 CHAIRMAN: Opposed.

16 (No response from the
17 Board.)

18 CHAIRMAN: Motion
19 carried. Thank you.

20 Proposed acquisition of
21 land for open space, Laretta.

22 MS. FISHER: Good
23 morning. I have two proposed acquisitions
24 for you. A short agenda, out of the
25 ordinary.

1
2 The first one is a small
3 piece of property, .14 acres, in our
4 Patchogue River Watershed area. From the
5 map you could see that we are trying to
6 acquire a number of pieces along this
7 corridor, as well as to include the
8 acquisitions that we have already made and
9 continue to protect this stream corridor
10 well north of this area, as well as south
11 to Great South Bay.

12 MR. KAUFMAN: Laretta,
13 is this particular project on the master
14 list one or two?

15 MS. FISHER: This was on
16 master list two.

17 CHAIRMAN: And the
18 proposed acquisition is the --

19 MS. FISHER: Parcel in
20 red.

21 CHAIRMAN: -- parcel in
22 red. What is the unnamed water?

23 MS. FISHER: That's just
24 from a database, but that's a tributary to
25 Patchogue River.

1

2

CHAIRMAN: Any

3

questions?

4

MR. KAUFMAN: I make a

5

motion Unlist Neg Dec.

6

CHAIRMAN: Second?

7

MS. RUSSO: Second.

8

CHAIRMAN: Motion is

9

seconded. All in favor.

10

(Board members respond.)

11

CHAIRMAN: Opposed.

12

(No response from the

13

Board.)

14

CHAIRMAN: Motion

15

carried. All right Laretta.

16

MS. FISHER: The next

17

one is the Gould Pond County Park addition,

18

the Roehrich property. This is a five-acre

19

parcel adjacent to an acquisition that we

20

made approximately a year ago to the north.

21

We are going to be taking out one acre that

22

is delineated on the dashed white line out

23

of the acquisition, obviously, and we will

24

be acquiring the remaining five acres

25

surrounding it and adjacent to our county

1
2 holdings to the north, and this is in the
3 Village of Lake Grove.

4 CHAIRMAN: On your
5 aerial there is an outline in red, which I
6 presume is the overall property, and there
7 is a dashed white line.

8 MS. FISHER: Yes.

9 CHAIRMAN: The white
10 line is -- the property inside the white
11 line is not included in the acquisition?

12 MS. FISHER: Correct.
13 That's about an acre of property that we
14 will be omitting. The house is there and
15 they are going to save it. They will
16 remain there, yes.

17 MR. KAUFMAN: I am
18 familiar with the property, and I think
19 this is an excellent purchase if it could
20 be accomplished.

21 MS. FISHER: It's a
22 unique kettle hole habitat and environment
23 unusual in this area. It's very, very
24 heavily developed.

25 CHAIRMAN: Do we have a

1
2 motion?

3 MR. KAUFMAN: I make a
4 motion Unlisted Neg Dec.

5 CHAIRMAN: Second?
6 (Board member responds.)

7 CHAIRMAN: Motion is
8 seconded. Any further questions? All in
9 favor.

10 (Board members respond.)

11 CHAIRMAN: Opposed.
12 (No response from the
13 Board.)

14 CHAIRMAN: Motion
15 carries.

16 MS. FISHER: Thank you.

17 CHAIRMAN: Laretta,
18 just a question. I know Brookhaven is the
19 County you are dealing with, but have we
20 been looking for balance between properties
21 acquired in Brookhaven, as opposed to other
22 towns?

23 MS. FISHER: Most
24 definitely, yes. We did that as part of
25 our master list approach where we looked at

1
2 everything from Huntington, Babylon all the
3 way to Southold, East Hampton. So we do
4 try to balance acquisitions as best we can,
5 determined upon the criteria of each of the
6 programs. Obviously, the acquisitions in
7 the Pine Barrons core area is a select area
8 of the County that is predominantly in
9 Brookhaven, Riverhead and South Hampton, so
10 the majority of those acquisitions would
11 then occur within those towns.

12 The other programs have
13 their other special criteria being
14 environmental characteristics, et cetera
15 that are a lot harder to find in western
16 Suffolk as well as that area being built
17 out to a much greater degree. So,
18 therefore, finding properties that would
19 meet the criterias of the various programs
20 that the County has becomes a bit more
21 difficult, but obviously we have been
22 buying more active recreation parcels, such
23 as other pieces in western Suffolk in that
24 regard rather than just passive open space,
25 per se.

1

2

CHAIRMAN: Just for my

3

edification, how do you select the

4

properties on your list to really devote

5

time to go out and try to acquire them? I

6

mean is it serendipity? Did somebody just

7

comes along and says we are now interested

8

in selling, or do you actually go out and

9

pursue a particular piece of property?

10

MS. FISHER: We have a

11

number of avenues that we utilize. The

12

first one being we do our own in-house

13

evaluation of information; be it land use,

14

aerials, and you know, stream corridors are

15

an important environmental area that we are

16

concentrating on in western Suffolk,

17

especially those that feed into Great South

18

Bay. So I look at water sheds and upland

19

areas, SGPAs more specifically, and then

20

when we get requests in from -- individuals

21

send us letters and requests on a continual

22

basis, we evaluate them and look at them

23

and also each of the legislators then also

24

put in resolutions to do planning steps on

25

various properties that they are familiar

1
2 with that their constituencies have brought
3 to them. So there is a number of avenues
4 that we get this information and we move
5 forward in various ways, be it master list
6 or individual resolutions, depending on the
7 use of the site and where the interest came
8 from.

9 MR. POTENTE: As an
10 anecdote to those comments. May I
11 encourage you to pursue the head waters of
12 the Nessiquogue River?

13 MS. FISHER: We are, and
14 we have. Hauppauge Springs has been on our
15 master list if you remember looking at
16 those, that is an area we are very heavily
17 interested in acquiring.

18 MR. POTENTE: It's my
19 understanding that this may be a good time.

20 MS. FISHER: It's been
21 there over five, six, seven years.

22 MR. POTENTE: I
23 encourage you to --

24 MS. FISHER: We are
25 actively encouraging acquisitions there,

1
2 absolutely.

3 MS. SQUIRES: Larry, may
4 I comment.

5 CHAIRMAN: Absolutely.

6 MS. SQUIRES: It is also
7 the responsibility of the towns to bring
8 information to the County and to make
9 requests. And Laretta works very
10 carefully with people in each of the towns.
11 It's very much a relationship that works
12 this way. For instance, in my town, I was
13 chair of the open space committee and the
14 open space coordinator, work directly with
15 Laretta.

16 When we have a willing
17 seller we let her know. We figure, from
18 Huntington's criteria, if this is
19 worthwhile and valuable. Laretta looks at
20 it from the County's criteria, and we have
21 many shared acquisitions, and it is indeed
22 the responsibility of the town to bring
23 forward to the County this information and
24 to bring it to the County legislators who
25 are working with each of the towns.

1

2

CHAIRMAN: Thank you

3

very much. Laretta, thank you very much.

4

See you next month, I presume.

5

MS. FISHER: Yes, of

6

course.

7

CHAIRMAN: I have been

8

requested that we take a few minute break,

9

and then we will resume with our favorite

10

topic, Vector Control.

11

(Whereupon, a recess was

12

taken from 10:30 a.m. to 10:34 a.m.)

13

CHAIRMAN: We will

14

reconvene.

15

We are ready to begin to

16

discuss the Vector Control 2007 Annual Work

17

Plan.

18

If you gentlemen would

19

be kind enough to identify yourselves for

20

the stenographer, I would appreciate it.

21

MR. JEFFREYS:

22

Christopher Jeffreys, Assistant County

23

Attorney for the County of Suffolk.

24

DR. DILLON:

25

Dr. Patricia Dillon, Suffolk County Health

1
2 Services.

3 MR. NINIVAGGI:
4 Dominick Ninivaggi, Superintendent of
5 Vector Control.

6 MR. ANDERSON:
7 Gilbert Anderson, Chief Deputy
8 Commissioner, Suffolk County Department of
9 Public Works.

10 MR. DAWYDIAK:
11 Walter Dawydiak, Chief Engineer, Suffolk
12 County Department of Health.

13 CHAIRMAN: Is somebody
14 going to make a presentation, Dominick?

15 MR. NINIVAGGI: Thank
16 you for having us here. As you know, every
17 year the Division of Vector Control submits
18 its annual plan of work to the legislature
19 as required by County charter for approval.
20 As we have been doing for the last few
21 years, I submitted the plan. I have done a
22 long form EAF and prepared negative
23 declaration.

24 The 2007 plan is
25 essentially identical to the 2006 plan. We

1
2 are currently working on the long-term plan
3 in EIS, as many of you know, and it's not
4 clear when that will be finalized, so it
5 seemed the prudent course of action was to
6 have this 2007 plan of work in place. If
7 the long-term plan is approved in 2007, and
8 I certainly hope it is, we will conform to
9 whatever the 2007 plan calls for.

10 CHAIRMAN: Thank you.

11 Anybody else want to make a comment?

12 Dominick, in going over
13 this, I guess the first question I have is,
14 in item number one under the summary you
15 talk about cleaning 200,000 linear feet,
16 but I don't see anything about that
17 discussion in the body of the actual 2007
18 plan.

19 MR. NINIVAGGI: You
20 don't see it in the --

21 CHAIRMAN: On page 1 of
22 21 in item number 1 you talk about
23 maintaining 200,000 linear feet of ditches,
24 but in the write-up I don't see anything
25 under -- for example, under water

1
2 management where that 200,000 linear feet
3 is actually discussed in the body of the
4 report. It's in the summary, but not in
5 the body.

6 MR. NINIVAGGI: I
7 understand that, but this is basically the
8 same plan that was approved last year.
9 Basically, in the body we discussed what is
10 done and how it's done for water
11 management, and I didn't see the need to
12 put the figures in that part, but they are
13 certainly in the plan.

14 CHAIRMAN: I guess one
15 of my concerns still in regards to
16 200,000 feet of ditch maintenance where you
17 say you are going to be doing it with hand
18 labor, but not any more than 200,000 feet
19 of ditch maintenance.

20 MR. NINIVAGGI: The
21 200,000 is a total limit.

22 CHAIRMAN: Right. I
23 guess I would feel more comfortable,
24 instead of saying that the maximum that you
25 might maintain is 200,000 feet, I would

1
2 prefer that you say that you would be doing
3 -- you would be looking to do the minimum
4 where only the dishes are clogged and need
5 maintenance, rather than to leave open
6 ended that you might do 200,000 feet
7 whether they need it or not.

8 MR. NINIVAGGI: What I
9 can tell you is that there is probably more
10 than 200,000 feet that needs maintenance.
11 Every year we go over areas where we have
12 concerns where we got mosquito production
13 because the ditches are clogged, and we
14 never get to everything we would like to
15 do. We are pretty consistent over the last
16 few years. I don't think we have gotten up
17 to the full 200,000 feet in the last few
18 years. It's somewhere in the range of
19 about 150,000 to a little less than
20 200,000. There is a limit to how much we
21 could do in the year because of the number
22 of people that we have, especially since
23 it's labor intensive.

24 CHAIRMAN: My concern,
25 though, is it may be only 10,000 that needs

1
2 to be done.

3 MR. NINIVAGGI: I could
4 tell you that's absolutely not so. We
5 have, as you know, about four million feet
6 of ditch out there, and as you could
7 imagine, these things deteriorate over the
8 years, and a lot of it tend to be in the
9 same sort of areas. For instance, in the
10 Mastic-Shirley area, these ditches go back
11 into neighborhoods, people's yards and so
12 forth, and they frequently end up with
13 things in them. How these things end up in
14 the ditches, I would leave to the people up
15 in the area. Everything up to and
16 including the kitchen sink ends up in these
17 ditches. We need to clear them to maintain
18 water flow and all the things these ditches
19 are intend for. We tend to go back to the
20 same places.

21 So, it's been a pretty
22 consistent in the 150,000 foot range over
23 the last few years, because that's about
24 what our labor force could do, and again
25 consistent with there are certain areas

1
2 where we might like to do some work, but we
3 need to get permits in place and things
4 like that. So, that's basically how we
5 come up with these figures.

6 CHAIRMAN: One of the
7 things I think we are pleased to see is
8 that you are actually using hand
9 maintenance, and one of our concerns of
10 course was that in the past with the
11 ditching machines there was actually a
12 tendency to widen the existing ditches,
13 whereas the hand maintenance perhaps would
14 preclude that. Are you able to insure us
15 that the hand maintenance program is not
16 actually developing into widening the
17 ditches?

18 MR. NINIVAGGI: The
19 primary tool in hand maintenance is what we
20 call a potato hook. It's basically a stick
21 with four tongs on the end, and being from
22 Long Island, you could imagine where it got
23 its name from. That's our primary tool.
24 We don't do a lot of work with shovels,
25 because frankly we are not going to get

1
2 anything done that way. You know, it's
3 hand work. So, basically, what we are
4 doing is talking the stuff out of the
5 ditches that's fallen in over the year, and
6 this is also things that, because of the
7 maintenance, they don't require DEC permit,
8 because we talked with DEC about this, and
9 they consider this hand work as kind of the
10 definition of what maintenance is all
11 about.

12 I would also like to
13 point out that a lot of this work, most of
14 it is not in salt marshes. It's primarily
15 along the upper edges in fresh water or
16 upland areas. Out in the salt marsh area,
17 if you are going to do work, you probably
18 want to do medicine work, and I would like
19 to point out that the machines we use
20 basically clear out the ditch to
21 approximately its original dimensions. So,
22 if we are doing maintenance, that's what we
23 are doing.

24 CHAIRMAN: Thank you.

25 MS. STILES: I have a

1
2 question. I have just a question related
3 to that. On the first page about halfway
4 down the page it says machine maintenance
5 of ditches and tidal wetlands will be
6 limited to tidal flow and prevention of
7 loss of wetlands value. Just to clarify
8 what you said earlier, you are doing
9 200,000 feet maximum of hand work, but
10 there is additional possible machine
11 maintenance.

12 MR. NINIVAGGI: No. Any
13 machine work would be included in that
14 200,000. And, in fact, we have done very
15 little machine maintenance of ditches over
16 the last couple of years. The reason I
17 have that in there is because there are
18 times, for instance, if you are replacing a
19 culvert which is collapsed or clogged up,
20 you might need to clear out some of the
21 ditch that leads to it, but the intent here
22 is just to do what is necessary as is
23 described to maintain the tidal flow. We
24 are not going to go out into the grid
25 system and clean it by machine.

1

2

MS. STILES: Just to

3

follow-up on that, on page 1 of 21, the

4

first paragraph of the 2007 summary it says

5

200,000 feet of up wetland ditches with

6

hand labor. So if the machine ditches is

7

included in that, shouldn't that sort of be

8

included for clarification?

9

MR. KAUFMAN: The second

10

sentence, machine work would be limited to

11

the repair, replacement of structure such

12

as culvert pipes of --

13

MS. STILES: But it

14

makes it sound like it's 200,000 feet of

15

hand labor and then machine.

16

MR. NINIVAGGI: I didn't

17

think it was going to be parsed quite that

18

finely. As you know, the County Executive

19

has committed the program to no machine

20

maintenance to ditches, again, other than

21

what's necessary for ecological purposes,

22

to maintain the tidal flow, because as DEC

23

has pointed out, some of our structures are

24

essential to maintaining the character of

25

wetlands. And again, you have what we're

1
2 talking about might be 100 feet here, 100
3 feet there. It's not going to impinge on
4 that 200,000 figure in any way.

5 MR. KAUFMAN: Dominick,
6 there may be a different way of looking at
7 this. Tell me if I'm right or wrong. Is
8 most of the work you are going to be doing
9 is going to be done with hand labor and you
10 are only going to be using machine labor,
11 if you will, in specific areas, and is
12 there going to be maybe an upper limit on
13 that, for all intents and purposes? Is
14 there a way to quantify that?

15 MR. NINIVAGGI:
16 Basically, all of this is just ancillary to
17 doing things like repairing a culvert. So,
18 you might be talking about 50 or 100 feet
19 here or 100 feet there, and the intent was
20 that that would count towards this
21 200,000 feet; but again, when you are doing
22 150,000 feet of hand maintenance, the 20 or
23 30 feet you are doing here and there by
24 machine doesn't really impinge on that
25 figure very much.

1

2

MR. JEFFREYS:

3

Mr. Chair, if I could speak to that for

4

just a brief moment, because I am also

5

involved in running the County Attorney

6

permitting process and things like that.

7

There is a commitment presently to no

8

machine maintenance of our ditch system,

9

but some of our projects just necessarily

10

can't be done with a potato hook. Since we

11

only have one opportunity per calendar year

12

to submit a plan for approval of the

13

legislature, we do have to take into

14

account possible contingencies, although

15

they may not exist on a normal basis. When

16

there is a collapsed culvert there are

17

separate permit issues that go around with

18

that. Some of that does require machine.

19

A potato hook and a shovel just isn't going

20

to do it. That's why we actually do put

21

that in. They are individually permitted

22

projects when we do get into the

23

replacement of culverts and things like

24

that.

25

MR. NINIVAGGI: That's

1
2 an important point. If it rises to the
3 point of reconstruction, a permit is
4 required, and we would go to the DEC and
5 DEC would certainly put the appropriate
6 environmental safeguards on that.

7 And again, what I would
8 stress is that the reason we have this in
9 here as a contingency is because we don't
10 think it makes sense to allow a wetland to
11 become decayed in the name of environmental
12 protection because we promised not to clean
13 any ditches ever and we should let a
14 wetland deteriorate. I don't think that
15 makes a lot of sense.

16 MR. POTENTE: Dominick,
17 you mentioned that you have to clear these
18 ditches out because they are filling in.
19 You would be taking out some of the soil.
20 What do you do with that dredge spoil that
21 you are taking out as you are cleaning out
22 the ditches?

23 MR. NINIVAGGI: Most of
24 this is leaves, debris, branches, things
25 like that, and there is very little soil

1
2 that's being pulled out in the process of
3 this. Generally, it's spread next to the
4 ditch if we could do that safely without
5 causing a problem. If there is enough
6 material, we do remove it from the
7 wetlands.

8 MR. POTENTE: Let's be
9 specific with the salt marshes. What do
10 you do with the dredge spoil you take out
11 of the ditches?

12 MR. NINIVAGGI: I
13 wouldn't characterize it as dredge spoil,
14 but what I would say is that sometimes the
15 best thing to do environmentally is just to
16 spread it in a thin layer next to the
17 ditch, as has been approved by DEC in the
18 past, because sometimes trying to get the
19 material out of the marsh is going to cause
20 more damage than letting it infiltrate into
21 the marsh substrate, which is it's
22 compatible material, material in the salt
23 marsh.

24 Getting material out of
25 the marsh is going to involve bringing

1
2 either wheel barrowing the material out
3 somehow, which is going to trample the
4 vegetation, or bringing in machines to do
5 that, which again I thought we been asked
6 do minimize the amount of machine work in
7 the marsh. So, I think the point is to do
8 things with the maximum environmental
9 sensitivity, rather than start to parse
10 words and say that well this is dredge
11 spoil and we have to move it. I think it's
12 very important to keep in mind what we are
13 doing, which is acting in the best interest
14 of the resource.

15 MR. POTENTE: These are
16 different alternatives that you mentioned.
17 What is it that you are doing in the salt
18 marsh ditch when you take out the soil?
19 Where are you putting it?

20 MR. NINIVAGGI: The
21 small amount when we do the salt marsh
22 would be spread alongside if it's not
23 feasible to bring it out of the marsh.

24 CHAIRMAN: Lauren.

25 MS. STILES: Sure. I

1
2 just had another question about this. In
3 paragraph one of the 2007 summary, the
4 sentence that follows the 200,000 linear
5 feet one machine work would be limited to
6 repair and replacement of structures. I
7 understand the use of the term structures
8 to be culverts and pipes. I know in the
9 past the County has referred to ditches as
10 structures, and I am wondering when you say
11 structures are you including ditches or are
12 you saying just ditches that are adjacent
13 to culverts and pipe, because the culvert
14 or pipe is damaged or filled in or
15 something like that?

16 MR. NINIVAGGI:

17 Generally, ditches are considered within
18 the meaning of water control structures.
19 Again, what we are talking about with
20 machine work is these culverts and pipes.
21 Again, it doesn't make sense to replace a
22 culvert if the ditch leading to it is
23 completely obstructed; and again, in that
24 case, we would go to the DEC and get the
25 appropriate permits.

1

2

MS. STILES: I'm just

3

asking, because I think the language is

4

very vague, and it sort of provides

5

authority to just do -- it doesn't limit

6

that ditch maintenance with machines to

7

just areas related to culverts and pipes.

8

MR. NINIVAGGI: I would

9

disagree. I think that's the clear intent

10

of this. It says machine maintenance of

11

ditches and tidal wetlands would be limited

12

to the minimum needed to maintain tidal

13

flow. I think that that is a very clear

14

statement of what we would be doing.

15

CHAIRMAN: Yes.

16

MR. KAUFMAN: I know the

17

field operations are often very difficult,

18

and I'm hearing what the County Executive's

19

policy has been. I'm hearing what you are

20

saying, Dominick. It's my opinion that

21

there has to be some flexibility built into

22

this plan. There is no blanket permission

23

being given to go in there with machinery.

24

That's fully consistent with the County

25

Executive's plan, but at the same time

1
2 pound kitchen sink lying in a marsh
3 someplace, you may not necessarily be able
4 to get it out with potato hooks. You may
5 need to do something like that. If it's
6 choking on a culvert or something like
7 that, you may need to bring in something.
8 Again, it's the retention of the ability
9 without a broad grant of authority that I
10 think is important for this council to look
11 at. That's my first point.

12 If I may, Mr. Chairman.
13 The plan that you are submitting at this
14 point in time to my eye looks as if it's
15 essentially consistent with the prior
16 three-years' plans. There hasn't been any
17 real changes except for the elimination of
18 permethrin and naylid (phonetic spelling)
19 as chemicals which Lauren Stiles told me
20 EPA apparently banned. Permethrin and
21 naylid are eliminated from this plan as
22 mitigation, but aside from that this is
23 essentially consistent with the three year
24 plans we have seen?

25 MR. NINIVAGGI: That's

1

2 correct.

3

MR. KAUFMAN: One thing

4

I'm not sure about that I saw bits and

5

pieces, previously CEQ had requested that

6

setbacks be set up for chemical spraying in

7

regards to wetlands. I think we are

8

talking about 150 feet where we recommended

9

150 feet when you are spraying on land,

10

except if you actually have to go into a

11

wetland to spray. Is that wetland standard

12

still being contained in this plan?

13

MR. NINIVAGGI: That

14

continues in this plan. There is voluntary

15

100 foot setback from open water for ultra

16

low volume aduenticiding and there is

17

150-foot avoidance of fresh water wetlands

18

in order to avoid the requirement for DEC

19

permits. If there is a West Nile Virus

20

response or Eastern Virus response, at that

21

point, those setbacks don't apply. We work

22

with DEC for the particular situation,

23

because those setbacks are not required for

24

instance on pesticide label.

25

MR. KAUFMAN:

1
2 Essentially when you are identifying a pool
3 of mosquitos in the area as having the
4 disease, Public Health kicks in, Public
5 health exceptions kick in, and those
6 setbacks are temporarily suspended until
7 the public health issue is resolved.

8 MR. NINIVAGGI:
9 Mosquitos are creatures of the swamp and
10 marsh. When you need to control them for
11 disease purposes you need to control them
12 in the habitats which they live. That's
13 the reason why in those situations we treat
14 those areas.

15 MR. KAUFMAN: Otherwise,
16 the setbacks we previously encouraged are
17 still in the plan?

18 MR. NINIVAGGI: Yes.

19 MR. POTENTE: How would
20 that apply in Wortheim? Is there any area
21 of spraying done there?

22 MR. NINIVAGGI: We have
23 sprayed. We have done aerial adulticide in
24 Wortheim for virus response. This happens
25 very infrequently. I believe 2004 was

1
2 probably the last time we did that. We
3 generally avoid the refuge if possible.
4 One reason why we are able to do that is
5 because of the larvicide program that they
6 have in place there. Again, if
7 adulticiding is necessary in the refuge to
8 protect the adjacent communities, we
9 coordinate with the refuge staff and put
10 appropriate controls on that.

11 MR. POTENTE: What about
12 this year, 2006; was there any larviciding?

13 MR. NINIVAGGI: There
14 was larviciding in the refuge, yes.

15 MR. POTENTE: Aerial
16 spraying?

17 MR. NINIVAGGI: Yes.

18 MR. POTENTE: Which
19 areas?

20 MR. NINIVAGGI: There
21 was aerial larviciding in several treatment
22 blocks within the Wortheim Refuge and Sea
23 Tuck National Wildlife.

24 MR. POTENTE: Area one
25 or area two?

1

2

MR. NINIVAGGI: We had,

3

I believe, two treatments in area two and

4

one in area one, as opposed to previous

5

years when those areas would require ten

6

treatments a year.

7

MR. POTENTE: These are

8

over the open water ponds that you

9

previously constructed?

10

MR. NINIVAGGI:

11

Larviciding is conducted out in the salt

12

marsh at low altitude. So, yes, it

13

includes the areas near the ponds. I

14

believe that in the cases that we treated

15

this year we actually did cut down the

16

spray block and not treat the entire block

17

and just the area that we actually found

18

the larvae.

19

MR. POTENTE: There was

20

no West Nile Virus found in the salt marsh.

21

MR. NINIVAGGI: You do

22

not find West Nile Virus in mosquito

23

larvae. West Nile Virus is only found in

24

adult mosquitos.

25

MR. POTENTE: Was there

1
2 any West Nile Virus found in adult
3 mosquitos at Wortheim prior to your aerial
4 spraying?

5 MR. NINIVAGGI: No, no,
6 because we -- again, larviciding is
7 conducted prior to the finding of virus in
8 the -- for the purpose of mitigating
9 mosquito populations if virus is detected
10 down the line.

11 CHAIRMAN: Mr. Dawydiak,
12 I was wondering if you could tell us what
13 the schedule is for the long-term plan. We
14 really appreciate getting the 2007 work
15 plan this early in the year, but I just
16 wondered how it's going to fit in with your
17 schedule of operations here.

18 MR. DAWYDIAK: I would
19 be happy to. It is our goal to get you the
20 final generic environmental impact
21 statement prior to your November meeting.
22 Assuming that goal is attained, the
23 schedule potentially allows for completion
24 of the FEIS process by January of 2007.
25 Everything is subject, of course, to CEQ

1

2 and the actions it takes, but that's the
3 time line right now.

4

CHAIRMAN: Can you give
5 me any idea how much material we are going
6 to be reading before the November meeting?

7

MR. DAWYDIAK: Depends
8 on how much you are willing to read.

9

10

MR. KAUFMAN: I read it
all, Walt.

11

12

13

14

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MR. DAWYDIAK: In
accordance with your guidance, we are
making every effort to come up with a
concise summary overview document, as well
as a highlighted key issue document. There
is going to be several hundred pages as
well as appendices and detailed material,
and depending on how much time you want to
invest in it, there is a lot of reading;
but again, we're making every effort to
make this user friendly.

CHAIRMAN: So, we have
sufficient time to go through this. We
would appreciate that.

MR. DAWYDIAK: We will

1

2 do our best.

3

4 any questions?

5

6 MR. NARDONE: I have a

7 couple questions. Maybe I could do them

8 one at a time.

9

10 The 2007 plan speaks
11 about the maintenance of wetland value.
12 Mr. Ninivaggi, you mentioned a few times
13 the environmental health and resource and
14 other phrases like that. It seems to me
15 that in some ways this is going beyond
16 Vector Control. When you are talking about
17 maintaining these ditches for these other
18 reasons, and I'm wondering if perhaps it's
19 beyond the expertise of Vector Control
20 agency, and who's making these decisions
21 about the environmental health of the
22 wetlands and what role, if any, does the
23 new environmental division of the County
24 play here, and shouldn't they have a role?

25

MR. NINIVAGGI: There is
a memorandum of understanding between the
Public Works Department and the Office of

1
2 Ecology which provides oversight over our
3 ditch maintenance activity. I would like
4 to point out that, as the superintendent,
5 my prior experience was as a title wetlands
6 manager for the State DEC for about
7 nine years. So, I would say that we do
8 have some expertise in wetlands values and
9 health, and of course when you get to
10 something that rises to the level of
11 permitting, then it goes to the DEC and
12 they certainly have their expertise.

13 MR. NARDONE: What about
14 the environmental division? What is their
15 role?

16 MR. DAWYDIAK: If I
17 could expand on that a bit, I don't think
18 Mike is able to be here today, but the
19 Department of Energy and Environment is a
20 lead partner in what we are proposing to be
21 a wetlands stewardship initiative. We will
22 have a lot more discussion this next month,
23 and I don't want to burden you with a lot
24 of FDIS details, but the County is
25 embarking using DPW capital program funding

1
2 and under the leadership of energy and
3 environment a more ambitious wetlands
4 program, which goes beyond Vector Control,
5 to address the monitoring assessment and
6 management needs of all 17,000 acres of
7 tidal wetlands. That's well and above and
8 beyond this which county health supports is
9 a very minimal scaled back status quo
10 annual plan of work. So we just want to
11 make that clear, as well.

12 MR. NARDONE: Regarding
13 the ditch maintenance, the 200,000 feet,
14 you said it's pretty consistent from year
15 to year. Why can't they identify with more
16 specificity -- you can't identify every 10
17 or 20 feet you are going to do, but it
18 looks like you could narrow it down. It
19 seems you could narrow it down.

20 MR. JEFFREYS:
21 Historically, I have been here for I would
22 say the past five years talking about this,
23 we have reduced the linear feet in plans at
24 the request of CEQ members pending the
25 resolution of the long-term plan. We

1
2 started out with I believe somewhere around
3 600,000 linear feet that was going to be
4 maintained, and then we scaled back to
5 400,000 linear feet, and now it's scaled
6 back to 200,000 linear feet, because we are
7 coming down closer to having a long-term
8 plan in effect that we could actually work
9 with each year.

10 From just a working
11 point of view, I think Mr. Kaufman was
12 correct that there would have to be a
13 degree of flexibility, and that's what we
14 had with each prior meeting here with the
15 CEQ, and what is done is remarkable the
16 number of permits that are actually done in
17 order to do that ditch maintenance work
18 from the DEC. And as they come through our
19 office, you know, the numbers just become
20 staggering. So it's difficult to give a
21 specific, we are going to do X ditch when
22 Mary Smith who resides in Mastic who has a
23 problem in her back yard writes her letters
24 to the County saying please maintain my
25 back yard. We don't know that Mary Smith

1
2 is going to write that letter yet and that
3 takes part of our --

4 MR. NARDONE: I had the
5 impression that it was more consistent, the
6 same places. It seems would be able for us
7 to assess the impacts if we had an idea of
8 the places.

9 MR. NINIVAGGI: It's a
10 lot of the same areas, same neighborhoods.
11 Not necessarily the same ditches. Again,
12 as counsel has pointed out, in a lot of
13 ways we have got some idea of what ditches
14 we're going to be clearing or maintaining
15 over the next few months, but conditions
16 are constantly changing. All you need is a
17 good storm to come in and deposit a lot of
18 debris in the ditches and the upper edges,
19 which is what we're talking about, and your
20 plan basically goes out the window. I
21 think these plans of work have always been
22 general in nature, rather than outlining
23 the specific places we are going to be
24 operating, because of the recognition that
25 this changes a lot. And to give you a list

1
2 of places and then next year we come in and
3 you find we worked in totally different
4 places, it doesn't seem to me that that's
5 helpful either.

6 MR. POTENTE: I been on
7 the CEQ for a year and-a-half now, and most
8 of the projects that are brought before us
9 are projects from the Department of Public
10 Works. Customarily, they come before us
11 with a proposition along with some sort of
12 designated outline, photograph, depictions,
13 something so that we have some general idea
14 of what it is that is going on. This is
15 just a bunch of typewritten text that seems
16 very open-ended. I, for one, would like to
17 see at least a single photograph,
18 something, especially from the fresh water
19 marshes and the salt water marshes.

20 Again, my concern is
21 concentrated in the salt water marshes. I
22 would like to know how many 5,000 pound
23 kitchen sinks are in these 200,000 linear
24 feet which translates to 40 miles of
25 ditches.

1

2

MR. JEFFREYS:

3

Dr. Potente, let me first of all say the

4

unique character of Vector Control, it is

5

the only thing in the Suffolk County

6

charter that actually requires this sort of

7

detailed plan to be submitted for

8

legislative approval to be able to do

9

normal work just to go forward with a

10

project. So that's the issue when you say

11

that you see pages of typewritten papers,

12

that's the issue, because it's very unique

13

as a charter provision in the Vector

14

Control area, and that was -- when Vector

15

Control was established that was the

16

legislature's determination that this

17

should be done each year on the specific

18

work. I am going to have Dominick respond

19

to that, but I just wanted to say that this

20

is unique in our charter as something that

21

is required to be submitted just to have

22

the department to continue to operate.

23

MR. POTENTE: I'm not

24

complaining about the text. I read what is

25

probably comparable to a set of

1
2 encyclopedias on information on Vector
3 Control. I'm not complaining about that.
4 There is a very apparent lack of indication
5 of what we are actually talking about. I
6 want to see what is in these ditches. Is
7 it leaves, is it kitchen garbage or in the
8 case of the salt marshes is in merely a
9 fact that these ditches are going through a
10 natural succession where they are silting
11 in and filling in on their own where they
12 have literally gone and gutted it out
13 again? This is my particular interest, and
14 I would like to see photographs of some of
15 these areas that are consistently revisited
16 every year.

17 MR. NINIVAGGI: I think
18 the analogy you are making between the
19 other DPW projects and this is not really a
20 good one, in that you are going to build a
21 building or widen a road. This is
22 something that's planned over a long time
23 frame. It's an actual building project.
24 What we are talking about here is more
25 analogous to things like snow removal or

1
2 highway maintenance where they don't know
3 what parts of the highway system are going
4 to need brush cleared or what parts of the
5 highway system are going to have culverts
6 clogged and things like that. So that's
7 why we can't be specific here. This is
8 just a maintenance function. It's
9 analogous to any other maintenance activity
10 where you do things as they are needed.

11 I think we described the
12 sort of work that we do, and again, we talk
13 about hand maintenance, we talked about
14 very limited work. I think you also have
15 to keep in mind, as counsel has pointed
16 out, that we're under a great deal of
17 oversight from the regulatory agencies. We
18 certainly don't have carte blanche to do
19 whatever we think we should do.

20 MR. JEFFREYS:
21 Dr. Potente, if I just could go a little
22 further on that, the plan we propose each
23 year would be advice of CEQ tells you what
24 Vector Control can do, and it's generally
25 larviciding. It is generally adulticiding

1

2 when necessary or directed by the State of
3 New York to adulticide, and it is generally
4 ditch maintenance of some sort, and that's
5 what this plan states. It is the minimum
6 plan.

7

8 For those folks who were
9 around five years ago when the first set of
10 plans that I was involved with were here,
11 they were significantly different than what
12 we're doing now. We are trying our best to
13 keep a department functioning so that if
14 the long-term plan is actually approved,
15 that there would be a Department of Vector
16 Control who can implement this counsel's
17 guidance on the long-term plan. That's
18 what we are doing, minimum necessary in
19 order to maintain from what Mr. Ninivaggi
20 said the marsh health and wetland health in
21 addition to the County folks, the people
22 who live here, their health and prevention
23 of active born disease. We're trying to do
24 the minimum, and we worked with CEQ for the
25 past five years to try to get that minimum,
and we hit about as low as we can go and

1
2 still give some sort of guarantee of
3 protection.

4 MR. KAUFMAN: Responding
5 to something John said, 563,000 acres is
6 the County. It's relatively hard to set
7 forth an individual plan for an individual
8 marsh at this point in time when you are
9 dealing with an overall authorization. All
10 marshes are different from year to year.
11 The marshes I am familiar with where I live
12 is different from year to year in
13 sedimentation and such.

14 When you are dealing
15 with development of a plan, unless you are
16 dealing with that specific area in concrete
17 detail, it's relatively hard to deal with
18 an entire county and develop a plan that
19 covers the entire county. It would be
20 nice. It's not how the master plan
21 developed the controls to deal with this
22 particular thing. The fact that Health
23 Department has been working with Vector
24 Control for the past couple of years, which
25 frankly not everyone may be aware of,

1
2 Health Department has been working going to
3 DEC a lot more. They are already on this
4 program a lot more. What we are getting
5 here is a master plan for the permitting
6 aspect of it, the actual construction or
7 deconstruction work which you want to call
8 it, that are actually functionally done via
9 permit at DEC and with Health Department
10 concurrence. That's basically the way that
11 they are trying to set that up, and that's
12 essentially the way you do draft master
13 plans around here. You try to get a
14 certain level of specificity and fill in
15 the details while you go through them.

16 The second issue is the
17 plan has been -- the operational plans have
18 been dialed back very heavily over the last
19 couple of years. That's knowledge I have
20 because have I been on this board for 12 or
21 14 years, and it's pretty different, much
22 more heavily delegated than it was in 2002
23 and 3. So I just wanted to let the Board
24 know about that. And one of the things is
25 the fact that the Health Department is

1
2 working closely with Vector Control. So I
3 don't see it as being not monitored or
4 anything like that. I see a lot of people
5 looking at all this stuff and trying to put
6 together something and not let anything
7 fall between the cracks and between the
8 panoply of out there. I think that this is
9 the way the master plan is basically
10 drafted.

11 MR. POTENTE: I would
12 like to see more specificity as to what
13 this maintenance details. There are many
14 categories put forth, fresh water versus
15 salt water, removing garbage, consumer
16 goods versus soil that's in the area. The
17 problems we are running into with these
18 ditches is there is constant removal of
19 soil that's damaging the ditches. I would
20 like to see some sort of the
21 categorization. That's what I am saying.

22 CHAIRMAN: Dominick, I
23 appreciate your comment that you are being
24 much for heavily regulated than in the
25 past, but one of the things that still

1
2 concerns me about the overall approach is
3 that you try to -- even though you are
4 getting more regulated, you are trying to
5 sort of gloss over that regulation by
6 saying that you are going to protect
7 wetland values, and I really question
8 still, even though I think we have come a
9 long way, what you perceive as protecting
10 wetland values really in the long run is
11 protecting wetland values at all. It's
12 just a means for you to do the job you have
13 to do at Vector Control a lot more
14 effectively, and it gives you another tool
15 that, you know, I'm not sure you should
16 have.

17 MR. NINIVAGGI: When I
18 refer to wetlands values I refer as
19 outlined by the State DEC. In reference to
20 their enabling legislation, we're not the
21 decision maker on wetlands values, you
22 know. We defer to the natural resource
23 agencies for that, and I think that that's
24 perfectly appropriate. Again, if we were
25 going for permits and things like that, we

1
2 could suggest what we think is best for the
3 wetlands, but ultimately the decision maker
4 is the regulatory agency, natural resource
5 managers, such as the DEC, the wildlife
6 service working on the refuges. We
7 certainly don't want to institute our
8 judgement in terms the natural resources
9 for those agencies that have that
10 responsibility.

11 MR. POTENTE: You forgot
12 one very important agency, the CEQ.

13 MR. NINIVAGGI: Of
14 course.

15 CHAIRMAN: Anyone else?

16 MS. STILES: Just sort
17 of jumping backwards, a little bit earlier
18 you said that when there is hand work in
19 the ditches or machine work, that it is
20 thinly broadcast across the wetlands when
21 it can't be taken out. I have seen
22 photographs taken by DEC staff members, and
23 I have actually visited the sites where
24 these photographs were taken. There were
25 ditches where, instead of being thinly

1
2 broadcast and right next to it, there was a
3 significant pile, like a mound in
4 Mastic-Shirley area, and I just want to --
5 I know that's in the past. I just want to
6 insure in the language here that for 2007
7 that will not be occurring.

8 MR. JEFFREYS: I have
9 to, as counsel for the County and County
10 legislature, respond to that, because that
11 is part of a piece of pending litigation
12 that you are very familiar with it, since
13 you were involved in drafting the
14 litigation. It is a Clean Water Act case
15 against the County of Suffolk, and that is
16 one of the claims of the County Baykeeper
17 that a particular ditch where photographs
18 were taken annexed as an exhibit against a
19 motion to the County on that particular
20 case violated in some manner the Clean
21 Water Act. I won't get into the heart of
22 the County's response to that, other than
23 we strongly disagree.

24 We are in compliance of
25 considering what to do with the material

1
2 that is taken from the ditch. I have to
3 caution everybody here that there is
4 pending litigation. Ms. Stiles is very
5 aware of the pending litigation, as one of
6 the authors of that litigation against the
7 County, and I unfortunately can't delve
8 into the legal conclusions. That is
9 subject to motions for summary judgement on
10 both sides in front of Judge Spatt. There
11 is a related case up in Amhurst in the
12 western district of the north. They will
13 be decided together, heard together.

14 So, at this point it
15 would be premature to allow any significant
16 discussion on that, other than to say that
17 the County received an opinion from DEC as
18 to what to do with the spoil from ditch
19 maintenance. It is included in the record
20 from the litigation from the Peconic
21 Baykeeper against the County; and the
22 County, in combination with information
23 issued by the DEC, to the extent that they
24 needed to be in compliance, to the extent
25 that there was any claim of any potential

1
2 Clean Water Act violation in this
3 particular incident.

4 MS. STILES: Can I just
5 follow-up with that? Thank you for the
6 thorough explanation for everyone in here
7 that hasn't been on top of that, but I
8 think my question more specifically just
9 dealt with -- you just made a
10 representation to us a few minutes ago that
11 the dredge spoil -- I'm sorry, not dredge
12 spoil, what is either dug up from hand work
13 or machinery is taken off the wetlands or
14 thinly broadcast; that's correct, right?

15 MR. NINIVAGGI: I do
16 believe I said that, yes.

17 MS. STILES: I don't
18 want to put words in your mouth, and I just
19 wanted to ask if what happened in those
20 photographs, whatever you are calling that,
21 is not going to happen again. I am not
22 trying to get into the legal issue, whether
23 it was legal or not, just as far as -- and
24 I understand if Mr. Jeffreys has to answer
25 the question.

1

2

MR. JEFFREYS: It's your

3

interpretation of the photograph. There

4

were three photographs of that ditch, and

5

it's your interpretation, and I know,

6

because you were the counsel for the --

7

MS. STILES: I am not a

8

licensed attorney.

9

MR. JEFFREYS: And many

10

other pieces of litigation of on behalf of

11

the Peconic Baykeeper on those particular

12

photographs, and has been the opinion of

13

the Peconic Baykeeper that the County did

14

not thinly spread the material that was

15

removed from the ditch, and that's a

16

factual question. I will allow Dominick to

17

answer whatever he wants to answer on that,

18

but to the extent that you have a

19

disagreement as to whether it was thinly

20

spread or thickly spread on a side wall of

21

a particular ditch, that is a question that

22

would be considered by Judge Spatt, rather

23

than the Council for Environmental Quality.

24

MS. STILES: I was just

25

trying to qualify a statement made earlier,

1
2 and I was not looking to get into a legal
3 disagreement on any things going on. I
4 just would like -- I guess you're not going
5 to share your -- you said you formally let
6 me think it was thinly spread, or whatever
7 you said. I witnessed this myself, and I
8 have spoken to individuals from the DEC
9 that were concerned about the way the
10 dredge spoil in that particular location
11 was discharged or spread on the wetlands.

12 And just for the record,
13 it was about a foot high or two-foot high
14 piles right next to the ditch. So it
15 wasn't necessarily spread out over the
16 wetlands. That's just what I saw, and I
17 thought the CEQ would want to know that.

18 CHAIRMAN: I would like
19 to open it up to public comment. Before I
20 do, is there any last thoughts by the CEQ?

21 MR. NARDONE: I have one
22 more questions. Mr. Kaufman suggested it
23 would be how we are going to proceed, and
24 we will hold off on that.

25 CHAIRMAN: Do we have

1
2 anybody in the audience? Yes. Please
3 identify yourself for the record.

4 MR. McALLISTER: Good
5 morning, Kevin McAllister, Peconic
6 Baykeeper. Mr. Swanson, I want to thank
7 you for your comments directly to
8 Mr. Ninivaggi regarding wetland
9 restoration. I believe it's complete
10 oxymoron to be stating that maintaining
11 this network ditch system is somehow
12 enhancing wetland values. That's patently
13 false.

14 You heard me talk on
15 this for the last four or five years about
16 one of the attributes or values of wetlands
17 is biofiltration, the kidneys of the bay.
18 Whether it be floodwater coming off that
19 marsh or drainage coming off the uplands,
20 the ability to retain those pollutants and
21 allow those pollutants to break down. In
22 past permits, there is documents and one
23 that talks about the maintenance of the
24 ditch system of the importance for the
25 drainage of upland rain runoff. And

1
2 relative to the question of the
3 photographs, that's located in John's Neck
4 in Mastic Beach, and last year's
5 maintenance, that was done to really as a
6 storm water management technique from road
7 end through that ditch, and that material
8 was placed adjacent to that ditch highly
9 mounded. One of the impacts obviously is
10 conveyance.

11 I know further in this
12 document it talks about there is no
13 discernable information or evidence or data
14 that supports contention that water quality
15 is being degraded by this ditch system.
16 And again, that's false. Professor
17 Chris Golder (phonetic spelling)
18 approximately six months ago under his
19 oversight with the Southampton College
20 Research Program took a hard look at the
21 ditch system specifically around Peconic
22 Bay, Flanders Bay. And in the final
23 report, based on testing from ditches to
24 adjacent to ditches, clear conveyance of
25 both nutrients, as well as bacteria.

1
2 Again, when you consider a network of
3 ditches in and around these developed
4 areas, that's a high likelihood of
5 degrading water quality.

6 I think there is too
7 much discretion in this plan relative to
8 Mr. Ninivaggi's discretion on where he
9 should work. I do think it needs to be
10 tightened down to define specific areas.
11 Relative to photographs, that same site,
12 Cupsogue County Park, where there is
13 interest in maintaining ditches several
14 years ago, there were photographs that were
15 provided. Some of these ditches were
16 90 percent filled in with vegetation
17 growing, completely recovered, and the
18 intent was to go back in there and open
19 these back up.

20 I fully reject the
21 notion of maintaining these ditches for a
22 number of reasons. I recognize where we
23 are dealing with culverts they have to be
24 maintained and there has to be some kind of
25 maintenance in and around these areas, but

1
2 we have to change the mindset of, again, a
3 perpetuating a network of ditches that
4 degrades water quality, affects the
5 hydrology of the systems to ultimate real
6 life restoration on a case-by-case basis.

7 Relative to methoprene,
8 you heard me speak of this. This is a
9 pesticide application. It's a larvicide
10 that is blanket sprayed over wetlands by
11 helicopter on some instances on a two-week
12 basis based on tidal cycles. Again, the
13 profiles I provided the Council in the past
14 speaks to its impacts on crustacean.
15 Insects and crustaceans are like animals.
16 This particular pesticide interferes with
17 their hormones and ultimately disrupts
18 molting and other impacts. Again, it's
19 highly toxic to crustacean.

20 The labelling on the
21 product itself, when the manufacturer talks
22 about it being may have long-term adverse
23 impacts in is the aquatic environment. Dr.
24 Michael Horst out of Mercy University, the
25 premiere researcher on this product, has

1
2 published several peer review papers
3 identifying both chronic and acute impacts
4 from methoprene on crustacean at various
5 levels of the larvae stages.

6 To suggest before the
7 EIS is completely vetted that this product
8 is safe out there, again, is patently
9 false. And relative to the nexus of the
10 EIS and the annual work plans, the CEQ pos
11 deded this approximately five years ago,
12 2002, and here we are year after year on
13 the coat tails of the plan that's
14 forthcoming, basically because it's a
15 scaled down annual work plan, we're
16 approving it; neg dec, neg dec; and without
17 having again this EIS thoroughly vetted.

18 And here's editorial on
19 my part. Several years ago, and I made
20 this objection to you publically and
21 certainly the legislature, as the findings
22 of the EIS were coming forward two years
23 ago, this whole process is back filling.
24 It's ultimately trying to connect the dots
25 to build a fire wall around annual work

1
2 plans with this EIS. And I strongly object
3 to it.

4 And I leave it with
5 certainly this plan is being vetted by a
6 number of experts, Dr. Pematella (phonetic
7 spelling) out of Cornell, for instance,
8 taking a hard look at the efficacy of the
9 pesticide applications, the adulticides,
10 both in their effectiveness in killing
11 mosquitos, as well as the dismissal that
12 there are no environmental impacts
13 associated with this.

14 Do the right thing. Be
15 an independent body. I don't mean to sound
16 crass here. I ask you, don't get caught
17 into the vortex of the bureaucracy. Take a
18 hard look, read the documents that are
19 before you. Pematella's been submitted to
20 you, Dr. Michael Horst's statement's been
21 submitted to you. Review those documents.
22 Let's not continue to perpetuate and rubber
23 stamp annual work plans before the EIS is
24 fully vetted. Do the right thing. Pos dec
25 this. At minimum, direct Vector Control to

1
2 go back to the drawing board. Let's pair
3 out what is acceptable components of this
4 work plan. We have acceptable proponents.
5 I identified the methoprene. Remove
6 methoprene. They have a biological product
7 that is benign and could be used
8 effectively to control mosquito larvae.
9 Do the right thing. Thank you.

10 CHAIRMAN: Just as a
11 matter of the record, I think we did not
12 neg dec this last year. It was referred to
13 the legislature without recommendation.

14 MR. McALLISTER: That is
15 correct.

16 CHAIRMAN: Yes.

17 MR. ATKINSON: I had
18 some written comments that I am submitting.
19 I am Matthew Atkinson, general counsel for
20 the Peconic Baykeeper.

21 Just as a threshold
22 matter, this is a Type I action. I'm sure
23 we're all in agreement on that, but I
24 illustrated why it is in my written
25 documents. This is subject to coordinated

1
2 review, and I assume the CEQ is going to
3 allow adequate time for this to be
4 circulated to, for example, DEC, which may
5 be asked at length to permit some of the
6 activities to be permitted by this plan of
7 work.

8 I just want to clarify
9 something about this. The Amhurst case has
10 nothing to do with ditching. That has to
11 do with adulticide spraying. It's not
12 going to be decided with our case, which I
13 am the co-counsel representing the
14 Baykeeper. The only issue is whether they
15 are allowed to put the dredge spoil, the
16 sediments from the ditches, in the
17 wetlands, not whether they are allowed to
18 pile up or broadcast it. This is just a
19 red herring, this question, and it's freely
20 admitted with the Suffolk County they put
21 it in the wetlands.

22 Specificity of the plan
23 and who is the decision maker here. It's
24 very interesting, and you know it's so
25 subtle law that I'm amazed at the humorous

1
2 of this to say the CEQ should not be
3 reviewing the types of projects requiring
4 permits in the wetlands. Surely should be
5 reviewed by this agency time and time
6 again. You heard how during the summer
7 months where Vector Control, through its
8 monitoring surveillance, recognize where
9 the breeding areas are because of decay of
10 ditches, that that's where they plan on
11 going in the winter months. Where are
12 these places? There is no reason not to
13 disclose it. Come back and disclose the
14 management, other than removing debris from
15 ditches. At least certainly not until
16 there is an adopted policy under the
17 long-term plan.

18 Indeed, this has got to
19 get a positive determination of
20 significance. First of all, it's your
21 implementing a plan without the benefit of
22 the environmental impact statement, which
23 simply violates section 617.3 A and G. You
24 are staying a program which is subject to
25 study, the adoption of plans without the

1

2 GEIS.

3

4 Also, the court's
5 determination, a memorandum discussion that
6 I have included in my written comments.
7 It's already been decided that these annual
8 plans simply cannot continue year after
9 year without; one, completion of the EIS;
10 or two, a rational discussion about why
11 some segmentation should be permitted and
12 why that segmentation is not less
13 protective of the environment.

14

15 Indeed, as
16 Mr. McAllister pointed out, there are
17 aspects of this plan that could happen.
18 There certainly could be all of the good
19 stuff, such as public education,
20 surveillance, monitoring, which is very
21 important to enable the County health
22 officials and other officials to realize
23 whether there might actually be a serious
24 risk of disease. It's worth taking an
25 action about. This could be done under the
emergency division, not under the mention
of a health threat.

1
2 Also, as pointed out,
3 there could be bacterial which had a lot of
4 study, and they appeared to be relatively
5 benign. In making a determination of
6 significance is the requirements of section
7 615.7 are worth quoting, because you are
8 supposed to consider the impacts included
9 in any long range plan of which the action
10 under consideration is part. This is part
11 of an annual plan. This is the fifth
12 iteration since a positive determination of
13 significance was made on the long-term
14 plan. Unless the County cuts out the parts
15 of the plan that are currently under study
16 that have been recognized as having
17 potential impacts and comes back to this
18 council with specific water management
19 projects, they simply cannot proceed with
20 this existing plan.

21 And I also recognize
22 here this old strategy, we come to you with
23 this plan. If you don't approve it, go to
24 the legislature with the same plan. We
25 have to do something, because people are

1
2 going to die, and this is a strategy which
3 is mere mongering and really reprehensible.
4 In terms of the treatment of the people,
5 there are many things, as I indicated, that
6 could be, than allow the County to respond
7 in the event of a real emergency. And the
8 fact that they have been unable to complete
9 the EIS in the five years is not the fault
10 of this council or Suffolk County. It's an
11 administrative failure, and it should not
12 be used as a justification of moving
13 forward with these practices that we
14 already identified as adverse to the
15 environment.

16 That's all I have.

17 Thank you.

18 CHAIRMAN: Mr. Atkinson,
19 I can't help but respond a little to your
20 last comment about the breakdown of
21 whatever. You know, I think in the EIS
22 process we tried to set up a situation
23 where we would get a valuable environmental
24 impact statement. We could have embarked
25 on something that would have been quick and

1
2 dirty. In fact, I was not originally in
3 favor of doing as extensive amount of work
4 and research that's gone into this, so I
5 think we are going to get a better plan for
6 having taken a little time and put some
7 thought into it and done some background
8 studies. In the long term, we're going to
9 be better off. So, I just wanted to
10 comment. You know, we can fault the County
11 that they didn't do it fast enough, but I
12 think the end result is we are going to get
13 something better and something people are
14 going to be more willing to accept.

15 MR. ATKINSON: I
16 certainly hope so. I have been
17 participating throughout the process. I
18 have especially concerns with the draft
19 generic environmental impact statement. I
20 voiced them. They are in the written
21 comments and they will be addressed.
22 Besides, I agree with you. It's really
23 kind of irrelevant. We're looking at
24 another plan of work. We don't have the
25 benefit of the EIS yet. The ones you

1
2 pointed out about the use of machines to
3 improve wetland value, what that means is
4 vetted in the environmental impact
5 statement. We don't know what that means.
6 It's discretionary thing that is being
7 reviewed by other agencies when it is the
8 CEQ that should.

9 CHAIRMAN: Is there
10 anybody else that would like to -- yes.

11 MS. DITTKO:
12 Lorraine Dittko. I am a member of the
13 Mannerville East Moriches Civic
14 Association, publisher of a magazine. We
15 cover the equine industry.

16 On Long Island there are
17 about maybe 30,000 horses here, and I think
18 no other segment of the society on Long
19 Island has really felt the brunt of West
20 Nile Virus than horse industry. Hundreds
21 of hundreds of horses died of West Nile.
22 When it first was discovered it was a big
23 problem in the horse industry.

24 I am also very proud to
25 say that my horse vet, Dr. John Andrayson,

1
2 is the one that discovered West Nile.
3 Nobody knew what this was. It was
4 mimicking other afflictions that horses
5 could have, and he identified it and he
6 called a great grouping of the horse
7 industry. We went to the, I think the
8 Hauppauge OTB, and there were hundreds and
9 hundreds of horse people there, and we
10 discussed how to recognize West Nile, and
11 of course, also what we could do about it.

12 We pulled in certain
13 practices that were very crucial. We were
14 making sure that the wetlands were
15 protected against our horses. We made sure
16 we weren't near there. We used other ways
17 to do this. We had organic chemicals that
18 were put into some of the wetlands near our
19 homes, and they did not affect any of the
20 wildlife, and yet our horses did not
21 contract West Nile Virus.

22 No one said let's ditch.
23 No one said let's use chemicals. The
24 entire horse industry here on Long Island
25 knew there had to be a better way to

1
2 control this horrible thing, and that's
3 what we did. There are 134 people who did
4 get sick, and some people unfortunately did
5 die from West Nile Virus, but I can tell
6 you that, if you have a horse that you love
7 and really are a part of you, and I had one
8 that I was very fond of that died of West
9 Nile, again, I did not go that route. I
10 used a natural way and a more environmental
11 way to combat this situation, and I think
12 this is totally overkill here.

13 I don't think that the
14 horse industry would ever, ever go for
15 something like that, and I know that I
16 represent them in a great way. So, I think
17 that the better way is to go the way that
18 the horse industry did it, and to use that.
19 And as you can see, there has not been -- I
20 don't know of the last time I heard of a
21 horse die of West Nile. I don't know the
22 last time even a human was sick from this,
23 and I think right now that we are really
24 thinking again how we could combat this.

25 Thank you very much.

1

2

CHAIRMAN: Don't go

3

away.

4

MR. KAUFMAN: You said

5

that your group apparently chose to do

6

certain things in terms of possibly -- what

7

did you guys do exactly? What are you

8

referring to?

9

MS. DITTKO: This is

10

what we did. If it was a buggy night or if

11

there was a very bad summer, we spray down

12

our horses and we sprayed ourselves.

13

MR. KAUFMAN: Did you go

14

into wetlands or something like that?

15

MS. DITTKO: I live in

16

Mannerville, and there is a lot of

17

wetlands, and we had a lot of horse people

18

in Manerville, probably the most dense

19

horse community on Long Island; and again,

20

we made sure that we kept our horses away

21

from those wetlands, and a lot of them had

22

these organic doughnuts, and we put them

23

into the wetlands there and they interfered

24

with the mosquitos larvicide and that

25

stopped it, and we have -- as I said, we

1
2 haven't had any occurrence since then.
3 What else do you want to know?

4 CHAIRMAN: Did you have
5 a permit to do that?

6 MS. DITTKO: These are
7 sold by these organic places. You could go
8 to any garden stand and they have that,
9 too, and you could put them into your
10 wetlands.

11 MR. KAUFMAN: Mosquito
12 dunks?

13 DR. DILLON: I think
14 most of you were here last year when I gave
15 my West Nile 101 lecture, and Dr. Andrayson
16 actually is one of the veterinarians who
17 did discover that there was abnormal
18 behavior in the horses out east. He
19 contacted David Graham, and at the same
20 time we had the events going on at the
21 Bronx Zoo; and as you recall, this was my
22 famous emu story, and that's how we found
23 out that it was West Nile.

24 Dr. Andrayson sits on
25 our advisory committee and we meet every

1
2 month, and Dr. Andrayson calls me. He has
3 those horses in his practice that are now
4 vaccinated against West Nile.
5 Unfortunately, we have no vaccine for
6 humans, and if the horse is going to go to
7 Florida, the horse would receive a vaccine
8 every month.

9 We had a horse, but it
10 was only partially vaccinated, and the
11 owner had not vaccinated it yet. We could
12 not count Equine death for a success of
13 anything other than a vaccine.

14 Keep in mind that we are
15 a community that is seeing the presentation
16 of malaria. We had three acquire it
17 locally. We also seen Eastern Equine
18 Encephalitis. In your mind, if you could
19 associate that with childhood deaths, there
20 is a significant rate. Thank goodness it
21 has not appeared in our channel, and that's
22 the point of taking proactive attempts. We
23 don't wait until children or adults are
24 already dead.

25 CHAIRMAN: Thank you for

1
2 giving --

3 DR. DILLON: We do have
4 positive West Nile cases, humans.

5 MR. KAUFMAN: Weren't
6 there also in Nassau recently, Connecticut
7 and Suffolk County? How many people died?

8 DR. DILLON: How many?
9 Ten in Suffolk.

10 MR. POTENTE: According
11 to the Center for Disease Control, four in
12 Suffolk County.

13 DR. DILLON: I'm sorry,
14 we had four mortalities. We were averaging
15 several years ten cases a year and we had
16 two fatalities in 2001. Dominick has it
17 better than me, but we still have West Nile
18 cases pending at this point. In fact, I'm
19 aware in those cases people are still
20 picking up that disease in our county.

21 MR. KAUFMAN:
22 Connecticut has had a break-out and they
23 spray.

24 MR. NINIVAGGI: Our
25 fatal cases were in 2002 and 2003. I deal

1
2 a lot with New York State pesticide law,
3 and I would caution the horse owners that
4 putting over-the-counter mosquito dunks in
5 natural areas is probably a violation of
6 New York State pesticide law. Any natural
7 wetland you need what is called an article
8 15 aquatic permit, and from what I am
9 aware, those over-the-counter products are
10 not labelled for natural areas. So I
11 caution the industry about doing that.

12 On the positive side, we
13 are more than happy to work with the horse
14 industry and we have worked with them in
15 the past, and we -- if they had a mosquito
16 problem in their area, we are happy to look
17 at it, and we are properly permitted to use
18 these materials in the natural areas and
19 we're happy to do it when the need arises,
20 but I just caution you not to do anything
21 that would get you in trouble with the DEC.

22 CHAIRMAN: Thank you
23 very much.

24 MR. POTENTE: Yes, there
25 is a West Nile Virus that is protecting

1
2 horses now, and there is also a prototype
3 West Nile Virus that is undergoing human --

4 DR. DILLON: Do you mean
5 vaccine?

6 MR. POTENTE: Yes.

7 MS. DITTKO: My point
8 was that the horse industry did not want
9 spraying right away. They thought of other
10 ways to combat it instead of going that
11 way.

12 DR. DILLON: I could
13 speak for Dr. Andrayson. He does vaccine
14 100 percent of the population.

15 CHAIRMAN: Thank you.
16 Next.

17 MS. MAHER: Good
18 morning. My name is Nicole Maher. I'm
19 with the Nature Conservancy and this
20 introduction of the 2007 work plan does
21 address some of the concerns we raised with
22 the long-term plan. We're very pleased
23 that this plan better emphasizes the role
24 of public education in Vector Control, and
25 this plan does not promote long-term

1
2 activities in the year 2007. We would like
3 it to more fully describe the efficacy of
4 applications.

5 Also, in previous
6 conversations between the Nature
7 Conservancy and Vector Control, we
8 expressed our concern that they did not
9 have a sampling protocol, and Vector
10 Control promised to address that. We would
11 like to see that in this document. The
12 public needs to know that there is
13 controversies. For example, the difference
14 between nuisance mosquitos and those that
15 are a health threat.

16 You asked us to respond
17 to the question of whether an EIS is
18 required for this plan, and we feel that if
19 the environmental impact statement for the
20 long-term plan is accepted, and this 2007
21 plan is entirely consistent with that plan,
22 implementing only components of it, then we
23 agree there is no need the term of
24 non-significance. If, however, the final
25 environmental statement for the long-term

1
2 plan is not accepted, then an EIS would be
3 warranted. Thank you.

4 CHAIRMAN: Thank you.
5 Doctor, could you comment on the issue
6 that's been raised with regard to the
7 methoprene?

8 DR. DILLON: Actually,
9 Walter has more expertise in this area. I
10 would rather him speak in this area.

11 CHAIRMAN: Walter, can
12 you comment on the issue?

13 MR. DAWYDIAK: I'm
14 sorry, specifically you are concerned with?

15 CHAIRMAN: It's raised
16 time after time after time and we got this
17 study and that study, and I would just like
18 to hear your reaction.

19 MR. DAWYDIAK:
20 Methoprene is a toxic. If you expose for
21 concentration for a long enough period of
22 time, there is certainly going to be
23 impacts. I am trying not to muddy the
24 issue of the annual plan with a long-term
25 plan. A lot of commentators mix the two.

1
2 It was always our intent to embark on a
3 functionally accepted long-term management
4 program that has an associated EIS which we
5 committed to early in the process. This
6 stands on its own merits. That's been the
7 County's position. It's independent and of
8 its own separate review. People are asking
9 that we push this forward because the EIS
10 on this annual plan has not been done.
11 It's totally separate.

12 In terms of methoprene,
13 we had a very exhaustive risk assessment on
14 this plan. It found negligible human
15 impacts, and everything from any of the
16 BTI, methoprene, which were the subject of
17 the annual plan of work. There have been
18 papers submitted.

19 Horses was mentioned as
20 part of the comments today which allege
21 certain ecological impacts. It should be
22 considered the response is not complete.
23 The short answer is the intensity, the
24 concentration and exposures of the studies
25 are not answered. We still have not seen

1
2 any study, paper or data set which shows
3 any impacts from the Vector Control type
4 application as prescribed by the label and
5 as done by the Vector Control program. You
6 will be receiving extensive paperwork on
7 this in the coming month.

8 CHAIRMAN: Thank you.

9 MR. NINIVAGGI: I just
10 wanted to add something about methoprene
11 that I think you should be very much aware
12 of. This is an integrated program. All
13 the components of the program fit together,
14 and I don't think it's appropriate to
15 evaluate any one of them in isolation of
16 the other.

17 One of the important
18 things to remember about the use of
19 methoprene is that methoprene has certain
20 unique capabilities of controlling salt
21 marsh mosquitos, in particular, which are
22 some of our major pest species. When we
23 added metoprine to our program we were able
24 to reduce the amount of adult control using
25 materials like the pyrethroids. I think

1
2 it's very clear, and if you look at things
3 like the pesticide environmental sewage
4 program and others, it's very clear that
5 methoprene is a far more environmentally
6 benign material than any of the adulticides
7 we could use.

8 The other advantage is,
9 when you reduce the amount of adulticide
10 you use, you reduce human impact, because
11 it happens in populated areas, while
12 metoprine is applied in non-populated
13 areas. Methoprene needs to be looked at,
14 not just in terms of its alleged impacts on
15 the marsh, which are negligible, but also
16 in terms of helping us to avoid impacts of
17 adulticiding, and I think that's a net
18 positive, and I think that's something we
19 can't lose sight of.

20 I would like to point
21 out that we use bacterial pesticides very
22 extensively in the program. As a matter of
23 fact, in terms of acres treated, bacterials
24 exceed treatment with methoprene. They are
25 important for a variety of reasons. We

1
2 used them for over 20 years. However,
3 bacterials cannot do everything that you
4 need larvicide to do. No single larvicide
5 can do that.

6 We use methoprene when
7 it's appropriate and bacterials when they
8 are appropriate. That's a key part of any
9 properly run integrated pest management
10 program, using the correct tools necessary
11 at the correct time and place to get
12 optimal results. To say that we could
13 simply eliminate the use of metoprine and
14 there would be no consequences, that is
15 absolutely not so. But we found when we
16 added metoprine to the program we reduced
17 the salt marsh mosquito in our traps 80 to
18 90 percent. If we eliminate methoprene
19 from the program, we could expect a five to
20 ten percent increase in the residential
21 areas.

22 I don't think that's a
23 good solution. Certainly, the people in
24 those residential areas would not
25 appreciate it, and I think it's hard for me

1
2 to see how an increase of five to ten fold
3 of mosquitos in residential areas could
4 have no consequences in terms of disease
5 transmission.

6 I think we need to
7 evaluate metoprine as part of the total
8 program and not look at the individual part
9 of the program in isolation. Same with the
10 water management program, we can't look at
11 it in isolation. By using properly done
12 water management, you reduce reliance on
13 pesticides, which is a good thing, because
14 we should not be relying on the pesticides
15 only for mosquito control. We need to have
16 an integrated program, and I think that's
17 overwhelmingly recognized by public health
18 officials world over, and all the other
19 authorities on this that integrated control
20 is the environmentally sound way to do
21 mosquito control.

22 MR. JEFFREYS: Chairman
23 Swanson, there is one other thing from the
24 legal perspective that I just want to bring
25 up. While Mr. Atkinson appropriately

1
2 quoted the regulations to this, but 617.2
3 subdivision 1 states that human health is
4 one of the aspects of the SEQRA
5 consideration. That's why we always had in
6 our presentation a member from health here,
7 to make certain that those folks who have
8 direct contact with the people who become
9 the most seriously ill from the vectors are
10 here to discuss that with the council.

11 But additionally, Vector
12 Control has the glory and the burden of
13 being in multiple sections of the law.
14 They are in Public Health Law 1600 and
15 states that the Board of Health of the
16 municipality may take all necessary proper
17 steps for the control of mosquitos, back
18 flies, punkies, ticks and other insects
19 detrimental to the health which may require
20 community action of the destruction of the
21 control of such insects.

22 So, we have to be
23 concerned not only with the environmental
24 health but with the public health, as well.
25 That's the straddling effect of Vector

1

2 Control, and that is the reason why we
3 bring Dr. Dillon here, because she has such
4 familiarity with the persons who become
5 afflicted with the diseases.

6 CHAIRMAN: Have you done
7 a coordinated review?

8 MR. NINIVAGGI: We sent
9 out the coordination records. I have not
10 heard back from the health yet. I believe
11 they were sent out October 2nd. They would
12 expire in a couple of weeks.

13 CHAIRMAN: I'm glad you
14 went ahead and did that.

15 MR. NINIVAGGI: I
16 learned from my mistakes last year.

17 CHAIRMAN: I want to
18 open it up to discussion of what we want to
19 do this year.

20 Just to start it off, it
21 seems to me that there have been a number
22 of questions and issues raised that the
23 council should be addressing, and that you
24 know, we might not want to take action
25 today until we get some of those points

1
2 clarified. So, I just raise that as an
3 issue as we move forward in discussion,
4 what action we want to take today.

5 MR. POTENTE: The role
6 of the CEQ is to evaluate many of these
7 projects that come before us for review on
8 the SEQRA. One of the things we need to
9 review are the effects of what the program
10 has on human health and the environment,
11 and it's just apparent from this discussion
12 and listening here that there are many
13 issues within this document. And I agree
14 with Walter, this should stand on its own
15 in this particular case, aside from the
16 long-term plan. Is this a plan that is
17 devoid of any controversy or contestation,
18 in terms of human health or environmental
19 impact? Are there environmental impacts in
20 here that need further scrutiny, and if so,
21 then this plan should have --

22 MR. KAUFMAN: Where does
23 it get us at this point? We have IAS that
24 we spent four and-a-half million dollars --

25 MR. POTENTE: Walter

1
2 said we do need to separate the two. So
3 this stands on its own. Let's look at this
4 in and of itself, this particular plan.
5 The CEQ will either endorse it or ask for
6 further review, in terms of SEQRA. This
7 particular -- forget the long-term plan.

8 MR. KAUFMAN: Again,
9 functionally, where do we end up if we pos
10 dec something like that?

11 MR. POTENTE: We get to
12 review it.

13 MR. KAUFMAN: The funny
14 thing is, knowing the institutional aspects
15 of all of this, we reviewed this and
16 reviewed this and reviewed this, and we
17 functionally have --

18 MR. POTENTE: When you
19 say "we", look at the members of this
20 committee. What about all the rest of the
21 members here? They haven't. They are not
22 going to be piggy-backing on your decision.
23 They need to all make their individual
24 decisions.

25 CHAIRMAN: John, can you

1
2 give some specific recommendation where we
3 need clarification and so forth? If we are
4 going to do anything, we have to give
5 guidance.

6 MR. POTENTE: I agree
7 that's true. There are two major sources
8 that I have. I said them before. Just to
9 elucidate it, my concern is that many of
10 these ditches that were dug in the marshes
11 in Suffolk County we're now finding that,
12 you know, that maybe we shouldn't have dug
13 them. And part of this long-term plan is
14 backing off of these ditches and trying to
15 look for alternative methods of mosquito
16 control in the salt marshes. These ditches
17 damaged our salt marshes, and instead of
18 leaving them alone to reestablish
19 themselves, in many cases these ditches are
20 filling in with resilting in and
21 revegetating, and perhaps that is a healthy
22 ecosystem. Do we want to endorse going
23 back and digging out any -- redredging
24 these ditches that are trying to recover on
25 their own?

1

2

My other source of

3

contention is methoprene. Should metoprine

4

be banned? Not necessarily. There may be

5

occasional instances where it may be in our

6

best interest, in terms of public health,

7

and there may be cases where it may not be

8

used. Maybe the points the Peconic

9

Baykeeper brings up are legitimate. Maybe

10

they are causing damage. It's still too

11

evasive and vague. I wouldn't mind passing

12

on this plan.

13

Those are my concerns.

14

Other members on this committee may have

15

other concerns. Redredging dishes that are

16

trying to reestablish themselves and

17

metoprine used haphazardly, that may be

18

causing harm to our shell fish populations

19

in Suffolk County.

20

CHAIRMAN: Thank you.

21

Any other comments? Lauren.

22

MS. STILES: I think

23

that I agree with that. You might want to

24

not decide this today, because they might

25

be able to come back to us with a more

1
2 finite plan. The question we asked
3 earlier, but I think now is a good time to
4 talk about it, if they do come back with a
5 more finite plan, what we would be leaning
6 towards? I think at the end of the day we
7 are in a bind. Everybody wants to make
8 sure that Vector Control has the tools
9 necessary to do really necessary things,
10 but I also think that the history and the
11 court decisions and the legislature's
12 decisions and stuff, I think we are in a
13 bind that we have to Type I and pos dec it,
14 but nobody wants the provision to go on
15 four years like the long term is going on
16 for.

17 Perhaps a suggestion, if
18 there is a way you could pair down the 2007
19 plans to an absolute minimum of what you
20 really, really absolutely need, with the
21 knowledge that you most likely going to
22 have something for the long-term plan
23 approved in early 2007. That is the goal
24 as I understand it. So, I think that there
25 is no way it would be proper for the CEQ,

1
2 or even if we failed to live up to our
3 duties and kick it over to the legislature,
4 if they neg dec it or Type II, I think it's
5 well established that it has to be a pos
6 dec. It's an uncomfortable decision,
7 because we don't want to prohibit you from
8 carrying out activities that must be done.

9 CHAIRMAN: There was a
10 question over here, comment.

11 MR. NARDONE: The same
12 comments. I would just let it go now and
13 see how you proceed.

14 CHAIRMAN: All right.

15 MR. KAUFMAN: One of the
16 things that I am worried about, Lauren, we
17 have an EIS under preparation now. We have
18 no idea whether that EIS is going to be
19 adopted. We have no idea whether it would
20 go through the legislature. We have no
21 idea what we are looking at at this point
22 in time. There are scientific concerns as
23 to the plan, as last I saw it raised by Mr.
24 McAllister and raised by the County and its
25 various agencies. There are concerns all

1
2 over the place. It is not a done document
3 as such. I been participating in
4 preparation of it, monitoring it, et
5 cetera. I don't know if we could rely on
6 the findings at this time and let it
7 necessarily influence our decision.

8 I know where I feel
9 personally on a lot of this stuff, but
10 sitting in CEQ I don't know that I could
11 let those personal inclinations intrude
12 into the process. We don't know for sure
13 what the EIS is doing. I know it's worked
14 on in the final stage now. I don't know
15 what's going to be happening with that,
16 these associations, that the EIS is going
17 to answer a lot of these questions in
18 itself is questionable.

19 Subsequently, we're
20 faced with a plan. There are time limits
21 we have to deal with. People out there can
22 tell us. I don't know necessarily whether
23 we could table this for a while. It's well
24 within our authority to do, but there are
25 laws out there right now demanding that

1
2 2007 work plan be established. Are there
3 questions as to all of this? Yes.
4 Functionally, yes.

5 Again, many of the
6 members know my concerns about portions of
7 this program, et cetera, but we do need to
8 have, in my opinion, some sort of a work
9 plan out there. The problem is, if we pos
10 dec this and nothing happens, what is the
11 converse of all of that? What are we going
12 to be doing if we don't do anything?
13 That's one portion of it. Okay, are we
14 going to be opening up the flood gates to
15 something? I don't know that answer. I
16 suspect I know it, but I don't know for
17 sure. The next issue is -- you know, and
18 that's something we have to take account
19 of, realistically, we don't know what we
20 are going to -- what is going on right now
21 is we are doing a suppression campaign
22 against mosquito vectors. What happens if
23 that is removed? That's a fundamental
24 question.

25 We have Dr. Dillon out

1
2 there who has dealt with the consequences
3 of the escape of vectors into mosquito
4 population and subsequent impacts on the
5 human population. So, we don't know
6 necessarily where we are going with this.
7 If we shut it down, are there objectionable
8 elements to this? Can we try and dial it
9 back? As John pointed out, not all the --
10 let's rephrase that. This plan, compared
11 to what has been out there, has been
12 heavily dialed back. Is it down to the
13 bare minimum? I'm sure parts of it can be
14 dialed back a little more. I don't know
15 that we could go much further without
16 suffering consequences. That way there is
17 positive impact and negative impact from
18 everything we do.

19 I just -- at this point
20 in time, I don't know that we necessarily
21 want to pos dec this. I tell you
22 previously we didn't. A lot of things --
23 we neg deced it one time, then we
24 considered this to be planning departments
25 and went to Type II and figured we

1
2 shouldn't have done that, and last year we
3 did a no recommendation given the specific
4 issues. Given the deadlines we are dealing
5 with, et cetera, it might be better to
6 consider something like that again, and I
7 know I'm just dancing far afield at this
8 point in time. I will turn over the
9 microphone to the chairman in a second, but
10 these are issues we have to look at and
11 have to answer.

12 CHAIRMAN: Thank you,
13 Michael. I think that we probably should
14 see some of the comments that are going to
15 come from the DEC, I presume. Who else
16 have you asked to coordinate?

17 MR. NINIVAGGI: New York
18 DEC, New York State Department of Health
19 and actually our health department, because
20 theoretically they could be lead agency,
21 also.

22 CHAIRMAN: I would like
23 to see those; and in addition to that, I
24 would like to have the opportunity for us
25 to give you in writing what our suggestions

1
2 and concerns are for this 2007 plan, and
3 then perhaps you could come back in
4 November.

5 One of the things,
6 Dominick, that I think has really worked to
7 everybody's benefit is that over the last
8 five years or so you're getting these plans
9 to us earlier now, so we do have an
10 opportunity to work with them, as opposed
11 to, you know, sometimes they came in
12 February and March and we were really up
13 against the stops to do something. So I
14 think we have a little bit of time to help
15 improve this plan, and that's what I would
16 hope the Board would be willing to do.

17 MR. NINIVAGGI: I see
18 there is also a statute deadline of
19 November 15th to send the resolution to the
20 legislature about the annual plan.

21 MR. JEFFREYS: There is
22 actually strict timing deadlines in the
23 charter concerning commission of the plan
24 to the legislature, which was complied
25 with. The recommendation of CEQ and the

1
2 ultimate filing of the long-term plan has
3 to be done by November 15th. It has to be
4 reviewed by the environmental committee and
5 it has to make it to the floor of the
6 legislature by the conclusion of the year.
7 Last year the last meeting was December 4th
8 for the entire year. If something is not
9 in effect by December 31st, Vector Control
10 will close its doors.

11 CHAIRMAN: What are you
12 raising now, twist our arms because you
13 didn't get the plan in here earlier?

14 MR. JEFFREYS: There was
15 a question, Mr. Chair, from Mr. Kaufman,
16 and I'm telling you what the timing issues
17 are here. By statute, the plan had to be
18 here by October 1st, and it was here
19 slightly before October 1st, and this is
20 the first meeting we are having here. I am
21 telling council what our timing issues are,
22 and if it goes into November, I don't know
23 that we will have a plan in the calendar
24 year.

25 CHAIRMAN: We have a

1
2 meeting November 9th this year due to
3 scheduling conflicts, so we could take it
4 up again.

5 MR. KAUFMAN:

6 Mr. Chairman, I think that we probably
7 should table this thing until November 9th
8 and sort of organize our thoughts. We
9 can't make a decision today without knowing
10 what review would be bringing up. As you
11 pointed out, we won't have the full record
12 available to us, and I think November 9th
13 does give us time to meet the November 15th
14 deadline that Mr. Jeffreys brought up, and
15 at minimum it goes to the committees before
16 the November 23rd general meetings.

17 So, you know, I think we
18 are still within time to be able to
19 consider this, and I would also make a
20 suggestion that, pending receipt of the
21 coordinated reviews of things, we do have
22 an established subcommittee at this point
23 in time at CEQ to discuss these issues
24 further with the Division of Vector Control
25 and County Health and try to resolve some

1
2 of these aspects of things, and at least
3 discuss it, if nothing else. I submit
4 that.

5 CHAIRMAN: The other
6 comment, Dominick, that I would just make
7 is going back to the initial comments you
8 made when we started today, and that was
9 with regard you didn't know that we would
10 as carefully vet it, as perhaps some of the
11 members did.

12 Given the nature of this
13 issue, I think I would be very careful with
14 the wording as we revise this so we don't
15 get into that kind of issue again. Your
16 points were well taken that you meant to
17 include the machine ditching within the
18 200,000 linear feet. If you could just go
19 through it for clarification, and that
20 would be eventually helpful to us in making
21 plans; okay.

22 MR. NINIVAGGI: I think
23 that I just wanted to point out that on
24 page 15 in the last part of the section on
25 water management it says that the division

1
2 will maintain only those structures where
3 there is evidence there that deterioration
4 has resulted in excessive mosquito breeding
5 that would otherwise require pesticides to
6 control and compare compatible with
7 wetlands as determined by New York State
8 law. I think that should address a lot of
9 the concerns that have been raised, that
10 there is nothing haphazard about the water
11 management that we do. It's based on need
12 and compatibility with matters of other
13 resource agencies.

14 CHAIRMAN: Do we have a
15 motion?

16 MR. KAUFMAN: I make a
17 motion to table this to the November 9th
18 meeting.

19 CHAIRMAN: We have a
20 motion on the floor. Do I have a second?

21 MR. MALLAMO: I would
22 second that.

23 CHAIRMAN: All in favor.
24 (Board members respond.)

25 CHAIRMAN: Opposed.

1

2

(No response from the

3

Board.)

4

CHAIRMAN: Motion

5

carries. I want to thank all of you for

6

your time and patience. This is a very

7

difficult issue, as you know, and I think

8

that you want to try to do it right so that

9

everybody benefits. Thank you very much.

10

I would like to change

11

the agenda a little bit, if nobody objects,

12

and let historic services go, and then we

13

will hear from Dr. Potente.

14

MR. MALLAMO: I would

15

like to give you an update on the

16

construction at Sagtikos Manor. They took

17

off all the loose paint, all the exterior

18

of the building and now starting a painting

19

of the main building at that site. That

20

should be completed at the end of the

21

month.

22

Over at the Skully

23

Estate work has been done at the apartment

24

in the main house. We do need a caretaker

25

on site as soon as possible because of all

1
2 the vandalism at that location. At this
3 point, we do have a night watchman there
4 every night to supervise the property
5 because of the vandalism we had, and we are
6 continuing with the heating and air
7 conditioning installation, new plumbing and
8 electric in the main building which is to
9 be used for the County Environmental
10 Interpretive Center at Theodore Roosevelt
11 County Park. We are finishing up the
12 superiority of that building with new roof
13 and siding and concentrating on interior
14 rooms, office space at that location.

15 Just to report on our
16 fall fair, it was successful this year. It
17 took place over the weekend of October 7th
18 and 8th cosponsored by the Chamber of
19 Commerce which helped organize and run the
20 fair, and this is the second year they have
21 done so, and it's a good relationship that
22 we're building with them and a great help
23 to run that event, and we do plan to
24 continue this into the future, and that's
25 all I have today.

1

2

CHAIRMAN: Thank you

3

Richard. Do we have any CAC concerns?

4

MS. SQUIRES: No, that's

5

okay. Let's go on to John. We had our

6

annual environment conference. As you all

7

know, there was a huge snow storm, lake

8

effect snow storm in Buffalo. It was

9

extraordinary environmentally. It was

10

something they had never seen before. All

11

the leaves were on the trees. There were

12

trees -- we had members from Amhurst.

13

Trees snapped through the night. It looked

14

like a hurricane rather than a snow storm.

15

The Secretary of State who was coming to

16

speak, the New York State Secretary of

17

State, was stuck in Buffalo, couldn't get

18

out, and it was a very successful

19

conference.

20

CHAIRMAN: Thank you,

21

Joy. John, you're on.

22

(Mr. Potente refused to

23

furnish the court reporter with a copy of

24

the materials used for his presentation.)

25

MR. POTENTE: What I am

1
2 going to talk about is the open marsh water
3 management. I spent the last little over a
4 year studying this aspect of the long-term
5 plan as a member of the subcommittee and
6 then -- actually, this is the Suffolk
7 County Vector Control wetlands management
8 long-term plan, and within this is an open
9 marsh water management. This is a slide
10 actually prepared by the Vector Control,
11 and you can see open marsh water management
12 right at the fulcrum right here, and it's
13 being introduced in order to alleviate some
14 of the uses of larvicide and adulticide.
15 And by doing that, by introducing open
16 marsh water management, will be improving
17 quality and reducing the risk of West Nile
18 Virus.

19 I just want to give a
20 preamble of water management just so you
21 could get an idea of West Nile Virus. It
22 started here right in the area of Long
23 Island in around 1999 and then started to
24 expand and move across the country, and
25 here's where it became a national concern.

1
2 It looks like it's actually peeking in
3 2003, and if you follow it through 2004,
4 2005, 2006, it starts to break up and
5 disburse. So, it reaches some sort of
6 level. I spoke with Howard Ginsburg, and
7 his comment was that the birds are becoming
8 immune. There is a lot and it's going the
9 course of many typical virus patterns and
10 it becomes involved in the population. In
11 this cases, the birds have become immuned
12 to the disease and these become refractory
13 to effect and could be a lid on West Nile
14 Virus. At this point, it's not a runaway
15 disease. It's reached a point and tapered
16 off to some sort of level.

17 There are two mosquito
18 populations that are of major concern;
19 fresh water mosquitos and salt water
20 mosquitos. The fresh water, the primary
21 culprit is culex pipiens. The salt water
22 is ochlerotatus squaminger. This is culex
23 pipiens, the fresh water. This is the
24 common house mosquito that is around our
25 house, and fresh water, this is where most

1
2 of the West Nile Virus transmission --
3 there is a fuzzy picture of the salt marsh
4 mosquito. There have been maybe one or two
5 or three individual of these mosquitos
6 found in Suffolk County in various places
7 over the last eight years of this disease
8 in Suffolk County.

9 Remember, the disease
10 started here. You would think that in any
11 salt marsh in the country, it would be
12 showing up here in Suffolk County, but it
13 has not. These mosquitos are not carrying
14 West Nile Virus in the salt water mosquito
15 of Suffolk County. Even if they were
16 carrying these diseases, let's say the salt
17 marsh mosquitos in the salt marsh of
18 Suffolk County were carrying it, in this
19 paper Turrell writes most of the surface
20 pool breeding ochlerotatus species tested
21 were relatively effective vectors under
22 laboratory conditions and would probably
23 not play a significant role in transmitting
24 West Nile Virus in nature. Even if they
25 did come -- they are not -- they wouldn't

1
2 be a good transmitter.

3 In terms of a public
4 health risk, these are the marshes that are
5 being tended to with open marsh water
6 management to alleviate us of West Nile
7 Virus, which is not there. Marshes have
8 many -- it's not a homogenous situation.
9 You have areas that have pools and pans and
10 puddles disbursed throughout the marsh that
11 are important habitats, and within these
12 pools and the puddles you have the water
13 bowl back swimmers, water striders and this
14 little insect larvae which is the dragonfly
15 larvae.

16 This is the dragonfly
17 larvae that breeds in the marshes, and I
18 took this little video here. Right here,
19 this is a mosquito larvae and this is the
20 dragonfly larvae. If we watch what happens
21 here, watch the course of this mosquito.
22 Watch with the mosquito larvae. Do you see
23 what happened? The dragonfly larvae is
24 eating the mosquito larvae. Watch it
25 again. He goes and snatches it up. This

1
2 is what's going on and taking place in the
3 salt marshes without pesticides.

4 I took this one and fit
5 it on a piece of paper so it was easier to
6 see. There is a dragonfly larvae and
7 mosquito larvae. This is taking place in
8 the pools of the marshes. Natural mosquito
9 control is taking place. This is just a
10 photograph of it right here. When it
11 matures as an adult -- this is a salt marsh
12 dragonfly -- it eats mosquito adults. How
13 does it do it? It has these front legs
14 with all of these bristles and it goes
15 through the swarms of the mosquitos and
16 catches them and eats many of the mosquitos
17 at one time. It catches hordes of
18 mosquitos. This is what's going on
19 naturally in the marshes in these pools and
20 puddles and pans. If you go into these
21 pools and puddles and pans, you are
22 selectively eliminating these and focusing
23 on these mosquitos.

24 If we look at the
25 diversity of insects that are in these

1
2 little salt pools and pans that are being
3 addressed in open water management, two
4 percent of the insects are mosquitos. The
5 other 98 percent of the mosquitos are other
6 insects. Many of them predacious on the
7 mosquitos. If you go in and you think you
8 are going to attack mosquitos, you have the
9 collateral damage, many of them which are
10 already controlling the insect.

11 This is an example of
12 what the marsh looks like. You have two
13 levels; the low marsh right here where the
14 tide goes up and down every day and the
15 high marsh, and this is where the tide only
16 gets to certain times of the month. In
17 these areas on the water are not just
18 mosquito larvae. They are not just
19 removing mosquito larvae. You are removing
20 all of these other insects breeding here.
21 Now you lost.

22 This is my marsh. This
23 is what it looks like. Almost looks like a
24 prairie. I had gone out there last year
25 with Sue Antonone (phonetic spelling) from

1
2 the Nature Conservancy when I first heard
3 about this at one of the meetings last year
4 in August. I was very curious. Could you
5 actually go in there and manipulate and
6 rearrange the marsh? If so, could you
7 actually extract and minimize the amount of
8 mosquitos there? And this is when I
9 embarked upon this research.

10 So, if we go to open
11 marsh water management, it's a loose term
12 on many states. According to Massachusetts
13 a technique which provides a greater access
14 to the salt marsh for small fish which eat
15 mosquito larvae, not mentioning that the
16 mosquito larvae are already being eating by
17 the insect predators there, but it's making
18 a greater access for the fish. Right off
19 the bat you are rearranging the marsh for
20 small fish and focussing in on one piece of
21 the ecosystem. Delaware, the installation
22 of small shall ponds and interconnecting
23 ditches have imposed on known mosquito
24 breeding. We're taking away from the
25 marshes their normal hydrology which we

1
2 think is important in effectively
3 controlling mosquitos. According to
4 Suffolk County, this is a collection of
5 techniques designed. Doesn't say what this
6 selection is designed to be used on a salt
7 marsh that by manipulating now the water,
8 encourages the presence of killifish is
9 excavating, filling, ditch digging.

10 This is the major player
11 right here, killifish. This fish was
12 stumbled upon. This fish eats mosquito
13 larvae.

14 Michael, I'm giving a
15 presentation. Thank you. This here is --
16 Mike, I'm giving a presentation. Could you
17 please allow the rest of the members to
18 listen.

19 This is Sea Tuck
20 National Wildlife Refuge, and this here is
21 where open water management was first
22 introduced. This was ditch plugging. They
23 just took some -- it doesn't really show on
24 the slide, but they took shovels of soil
25 and they put it in the ditch and pushed it.

1
2 Now the water that goes in there can't get
3 out. So I get these open expanses of
4 water. This was an early attempt at
5 mosquito control. So, now, in place of the
6 high marsh you have water. This was
7 another area, William Floyd. Instead of
8 using some of the soil there, you take
9 superior plywood and ram it into the ditch.
10 What else? Behind that the water comes in,
11 now can't get out. Instead of drawing out
12 the marsh, you are flooding it and killing
13 all of this vegetation behind it.

14 So, what is open marsh
15 water management doing? It looks and
16 focuses in on some of these small little
17 puddles and pans where mosquito larvae are
18 collected with these little ladles, and in
19 its place put in these big ponds they don't
20 lay their eggs in. So you are simply
21 replacing this with this. You find a
22 little area where there is mosquito
23 breeding and put a pond. You take the
24 shallow areas where there is these pans, we
25 just dredge another ditch out do a better

1
2 here is a poster child of what Delaware had
3 done to one of its marshes. This is the
4 marsh they fount mosquitos and built a pool
5 and circled around this way, and it's a
6 work in progress. Here it is again. Nice
7 jigsaw puzzle from Delaware ponds, circles,
8 ditches, and this is what your marsh starts
9 to look like.

10 This is New Jersey.
11 Take a look at what New Jersey is doing to
12 its marshes. We're talking about the high
13 marsh now. We are converting high marsh to
14 either low marsh or open water. This is
15 Massachusetts. This one didn't work out.
16 Here's the killifish in Massachusetts. You
17 get to Wortheim National Wildlife. This is
18 the test project for open marsh water
19 management to control mosquitos on Long
20 Island Wortheim National. We're the
21 custodians for the country of the U.S.
22 right here. We're taking care of this on
23 behalf of the -- on behalf of our County.
24 What are we doing? What kind of custodians
25 are we for this marsh? This is the Carmans

1
2 River and the marsh. I contacted Greg
3 Sedinger (phonetic spelling) of the unit up
4 in Albany. It identifies many of the
5 ecosystems in New York State, exemplary
6 ecosystems, that deserve protection and
7 recognition because of their pristinity.
8 Maybe they are not pristine. It is very
9 hard to find places where human footsteps
10 have not been. What he writes is Carman's
11 River is the largest mainland on the north
12 shore of Long Island. This is the final
13 report identification of reference wetlands
14 on Long Island.

15 MR. KAUFMAN: Could you
16 go back one?

17 MR. POTENTE: I will
18 give you a copy of this later. This is
19 Dana MacDonald, January 2000. This is the
20 identification of reference wetlands on
21 Long Island wetlands that should be used.
22 If you are going to be doing restoration on
23 other side, you need some sort of
24 reference. You need a benchmark. Wortheim
25 was one of these benchmarks, and the areas

1
2 that they are talking about are these areas
3 right here. These areas right here which
4 we're going to show now in here in the
5 report for the reference wetlands, the
6 ecological data, the high salt marsh flats
7 between the mosquito ditches. They
8 recognize that mosquito ditches were put in
9 Wortheim, yes, when this report was made,
10 but the area between mosquito ditches
11 contains high salt marsh with spartina
12 patens, and they recognize that there were
13 also natural small tributary creeks
14 disturbances that existed. Marsh has been
15 impacted, yes, there have been degraded in
16 the areas where mosquito ditches are. The
17 recommendations that were made by the
18 natural program controlled and allowed the
19 mosquito ditches to silt in.

20 Okay. Here we are.
21 This is that same part that I showed. Now
22 this is an aerial photograph. Black and
23 white depicts it better. This is the
24 marsh. If you look at the mosquito ditches
25 here, you see dark areas pretty much

1
2 contiguous to the mosquito ditches and
3 light areas in between the dark area. I
4 went on the ground here. I saw low marsh
5 and fragmities. Why? Because when you dig
6 the ditches here by hand you take the fresh
7 soil, you put it next to the ditch. It's
8 conducive to fragmities. Even without it
9 you are still encouraging the intrusion of
10 the low marsh into the high marsh.

11 These are what they are
12 talking about. These lighter areas are the
13 remaining high marshes. That reference
14 area. This is the spartina patens that
15 they are talking about.

16 When the mosquitos are
17 identified, let's go find the salt marsh
18 mosquitos which are not carrying West Nile
19 Virus. In this case we identify the
20 mosquitos here, and this is where the
21 mosquitos are found. Look at where we are.
22 We are in all of these reference areas, the
23 remaining high marsh, and when Vector
24 Control went in and identified these areas,
25 these areas need pools. We need to go in

1
2 and dig these areas out and put pools.
3 Look at where they are being placed in the
4 remaining areas that are referenced for the
5 marsh. You take a little area like this as
6 an example, found some mosquitos here,
7 let's go in and dig it up. Here's what was
8 done. This area here, now these were the
9 areas here that were the reference areas.
10 They have been dug up, take the spoil out
11 of here and put it in the niches. Why?
12 Because they previously excavated and came
13 in with their annual work plan every year
14 and ditched it again. Now we don't have
15 any spoil. Let's dig a hole over here and
16 fill it in.

17 The first year that this
18 plan came out it was hailed as hinting of
19 success, because they didn't need to spray
20 and larvicides there that year. Why was it
21 such a success? Maybe it's because you
22 made it a mud flap and mosquitos weren't --
23 if we go to the animals of the salt marsh,
24 he writes in his book most eggs are
25 collected in the higher drier portions of

1
2 the marsh.

3 These are the high
4 marsh. The eggs are associated. They need
5 vegetation. They are not deposited on the
6 bare mud of the marsh. What do you do?
7 You made bear mud, no mosquitos. You can't
8 claim that it's because of these ponds.
9 You made bear mud.

10 So, now we go to area
11 two. This is an aerial photograph. I had
12 photographed this area last year, 2005. I
13 went up in a small plane with a friend of
14 mine. This is the area that was already
15 done. Now we go to area two. Again, here
16 is your marsh. You have these little
17 ditches every 150 feet, but the rest of the
18 marsh according to the national heritage
19 program is pretty much intact and
20 representative of what a marsh on Long
21 Island should look like.

22 This here is the high
23 marsh. This was 2005. Here's 2006. They
24 went in and they fixed it. They restored
25 with all of these ponds, filling in the

1
2 ditches. These ditches were filled in and
3 in its place we put in a crooked ditch.
4 Here I went back again in 2006. That was
5 this summer. I went back and revisited
6 area one from the air. You can see some
7 vegetation. The marsh is trying to replant
8 it and the wetlands vegetation is quickly
9 too adapt. The vegetation came back and
10 Vector Control needs to go back and aerial
11 sprayed with methoprene.

12 The mosquitos are back
13 because vegetation came back. This is the
14 crooked ditch that's being dug, a natural
15 creek flow, but if we look closer to it, it
16 seems like it's silting in here. This
17 would be from preventing the marsh from
18 returning to what it wants to be, shallow
19 depressions of various salt marsh so
20 potholes can be formed through growth
21 pattern of spartina patens. It's the
22 dominant grass of the high marsh, and this
23 is in the DEIS that you just looked at, the
24 typical growth pattern of spartina patens
25 fosters these potholes, because it grows in

1
2 clumps, trap sediments and becomes
3 elevated. So here it is. I see these
4 clumps of spartina patens. This is the way
5 it wants to grow, and in essence forms
6 these depression. Are they bad for the
7 marsh? This is the marsh. The marsh is
8 the spartina patens, and it is these
9 depressions where you have their breeding.

10 Now, how do they propose
11 to address this? Elimination of the
12 pothole areas and provide a clear area. So
13 you are removing the potholes that the
14 natural growth of the spartina patens
15 fosters. What is going to happen? Let's
16 go and remove it. We're going to level it
17 out. Fix this problem.

18 You could see the
19 grading from leveling this and bulldozing
20 the marsh in an attempt to make the marsh
21 flat. We are leveling the mud and make it
22 flat. What happens? These are just
23 remnants that haven't been furred under,
24 but you could see the spartina wanting to
25 form its clumping effect and return back to

1
2 this again. So you have to go further.
3 What does tinkering mean? It means
4 bulldozing it again, because you are going
5 to be fighting the natural tendency of the
6 growth patten of the spartina patens.

7 This is an area, this
8 green that you see coming back on the map,
9 this was taken this year when I went back,
10 and you could see a lot of this appears to
11 be spartina patens reclaiming some of these
12 bulldozed flat areas. So, the goal, it
13 seems to me, is to try to make this as
14 tight as you can and flat as you can, then
15 you get more of a lawn or turf type area,
16 but it's very deceiving. When you walk
17 over this it's not flat like a golf course.
18 Your foot is rocking all over the place.
19 And in between here you still have all of
20 these little depressions here with water
21 marsh mosquito breeding areas. So now you
22 have more of a tightly knit spartina
23 patens. You still have the areas where the
24 mosquitos are breeding, though, and what
25 problem may this cause in the DEIS?

1
2 You go and you look
3 again. Salt marsh mosquitos generally lay
4 their eggs on air of high marsh dominated
5 with spartina patens, which can go so
6 closely. What do you do? You made it
7 tightly knit so the mummichugs can't get to
8 the larvae. Do you want it open? No. We
9 want to bulldoze it. Now mosquitos can't
10 get at it. The next thing to do is open it
11 up again. This is the critical point.
12 That was my introduction.

13 This is the main point
14 of the whole thing. Is this efficacious?
15 If you want to consider that we do have a
16 public health problem, which is debatable
17 and controversial -- actually, if you want
18 to say we have a public health problem, is
19 this the way to take care of it? Is the
20 way to take care of our marshes going in,
21 bulldozing it and going in year after year
22 and maintaining this alteration that you
23 now introduced into the marsh.

24 If you go to one of the
25 standard publication, it comes out of New

1
2 Jersey Agriculture Experimentation by John
3 Smith, in this report -- most of the
4 information is going to be from this report
5 now, no eggs are laid in water or on its
6 surface. The salt marsh mosquito -- this
7 is an important fact, because it eliminates
8 important -- if you go in and you remove
9 the high marsh and you let it fill in with
10 water, you are not going to get mosquitos.
11 This has nothing to do with killifish. If
12 you just put a pond in there and keep the
13 fish out, you are not going to get
14 mosquitos. You are simply converting the
15 high marsh to open water. Stated as it is,
16 the eggs must be dry for at least 24 hours
17 after they are laid. So, salt marsh
18 mosquitos are laid on dry ground and then
19 they have to desiccate, and after they been
20 dried and they become wet, then they begin
21 to metamorphose. An inch of water with a
22 heavy swimming with -- they go in, lay
23 their eggs on a dry area on the marsh in
24 between the spartina patens. After they do
25 this, a simple rain fall will come in and

1
2 promote the hatching of the eggs. That can
3 happen any time in between, during high
4 tides, doesn't matter. Point checked for
5 the females includes practically every damp
6 place, be it every damp place, every damp
7 place on the salt marsh. The salt marsh
8 mosquitos lay their eggs everywhere on the
9 marsh, not in elected portions. There may
10 be some areas that they may prefer, but
11 they are throughout the marsh.

12 You could see this
13 picture I took recently, and you could see
14 this is my marsh area. You could see the
15 water glistening underneath here. If the
16 wiggler is successful in reaching the pupal
17 stage before the pool dries up, it's safe
18 for the pupa and adult. You don't even
19 need to really get rid of all the wet
20 spots, because once it reaches a certain
21 stage it finish up right in the wet spots
22 here. It doesn't need pools and puddles
23 and pans. It finishes right here. You
24 have to get rid of all of this, too, if you
25 want to do your job correctly.

1

2

A week is all that is

3

necessary to bring the larvae to maturity.

4

You dug these pools and you put the

5

killifish or allow the killifish to breed

6

in these pools. The high tides come in

7

once or twice a month, mosquitos come in,

8

they lay their eggs and are out of there

9

within a week, where other fish, the fish

10

aren't out walking around here patrolling.

11

They have to wait for the high tide. They

12

are stuck in the high tide while the

13

mosquitos are breeding out here. That's

14

not a fair game for them.

15

CHAIRMAN: John, could

16

you begin to wrap it up.

17

MR. POTENTE: I'm near

18

the end here. This is from the U.S.

19

Wildlife. This is probably the most

20

important aspect. Mummichugs were laid at

21

levels only reached by the ever -- the

22

killifish come in and they are looking to

23

lay their eggs. Where do they lay their

24

eggs? They are laying them right in the

25

very same spots as the mosquitos.

1
2 Mummichugs normally incubate in air. They
3 are not submerged. Within seconds hatching
4 begins. Here's the fish larvae. The
5 presentation of small fish cut from salt
6 marshes have been delivered. They are side
7 by side. The little young killifish larvae
8 and the mosquito larvae are already there
9 together.

10 Fish larvae was seen
11 after flooding. An egg of the marsh
12 killifish in a catch algae on the ground,
13 the eggs of the salt marsh killifish beside
14 them ready to hatch. The very same habitat
15 you are looking to get rid of contain the
16 eggs and larvae of the killifish.

17 This notion that came
18 into open marsh water management has no
19 scientific foundation. Larvae fish, the
20 day they hatch, ingest the mosquito larvae.
21 They are a couple of meters big, the fish
22 larvae, and they eat the mosquito larvae
23 right off the bat.

24 Unlike the adults, the
25 young remain on the marsh in low tide,

1
2 shallow puddles that form between the
3 clumps of vegetation. This is the area
4 that is targeted. Maybe we would get rid
5 of the mosquitos, but you also get rid of
6 the fish that you want to keep. Now look
7 again at this picture. Don't look at this
8 as a picture of mosquito larvae habitat.
9 It's killifish.

10 Here's your lunar tide.
11 What happens? By putting these ponds in
12 here you have these holding pens for these
13 mature killifish. What happened?
14 Predation by adult mummichugs. According
15 to that paper, they contribute to the high
16 mortality of larvae and that's the
17 killifish.

18 When you are raising
19 fish and you want young, you put a little
20 tank in there so they can't eat the baby
21 fish. They get out there, now they could
22 go eat their own young, as well. If you
23 didn't have the ponds, they couldn't do
24 that. The killifish are coming out and
25 eating the fish. I don't know if this is

1
2 going to work. Okay.

3 I went out and took a
4 killifish and took one of these in the same
5 place. I don't know if this is going to
6 work or not. It may. All right. I don't
7 think this is going to work. Right here
8 you see -- forget it. The fish went and
9 ate a baby fish. It's just a basic thing,
10 and I had a picture of it.

11 So, when I went into the
12 literature to find something that would
13 substantiate this notion that's being used
14 by the mosquito agency, and all these
15 throughout these areas. The only thing I
16 could come up with is this year an article
17 of wetlands management, and this is where
18 there is a mention of the open water marsh
19 mosquitos control measures have resulted in
20 major structural alterations of many
21 coastal marshes with relatively unknown
22 consequence to the ecosystem, and open
23 marsh water management are purposely
24 designed to alter the hydrological regime
25 characteristics of standing water on the

1
2 marsh. That's as far as we get. Okay, it
3 intentionally goes and alters the
4 hydrological regime. Maybe somebody else
5 found something other than that.

6 This is the end of the
7 program. Here's what we gone and done. We
8 dug these ponds to fill in the ditches,
9 took the soil out of here. This is a year
10 later. These ditches settle, the soil
11 settles. Now look. They are supposed to
12 have loss of water. Look at all of this
13 open water you have in the ditches. Not
14 only in the ditches, but the whole area.
15 These ditches are wet, plus the ponds.
16 Let's tinker with it and fill this in, too.
17 Here's marsh remaining here. If you find
18 spots remaining, you could go and dig those
19 up and fill it in, as well. Here's another
20 photograph that appears to be erosia,
21 because of the rapid filling of the
22 ditches.

23 This is a study they
24 did, a four-year study, okay. Recognition
25 being the detrimental impacts of the marsh.

1
2 Water management was considered a long
3 ecological management. They were
4 questioning this. Is this a more
5 ecological approach the open -- to
6 establish a marsh that's is unsuitable for
7 mosquitos? Management that promotes, blah,
8 blah, blah, all of the things open fresh
9 water mosquitos is supposed to do.

10 Fish and wildlife.

11 These individuals did this study and the
12 study sites were attempts -- and after four
13 years this is the conclusion, that fish and
14 wildlife reached no differences in mosquito
15 larvae density were observed from any of
16 the study locations. This is a final memo
17 from Greg Enninger (phonetic spelling) to
18 me. Open marsh water activity has
19 commenced at Wortheim Natural Wildlife
20 Refuge because one of them being the high
21 salt marsh ecological process is essential
22 in maintaining and creating the natural
23 landscape to success and should in some
24 cases the results of these are the
25 management practices that are being

1
2 proposed in the long-term plan. There are
3 something like 15 different elements. It
4 doesn't say open marsh water management,
5 but these are the elements in the tool box
6 that contain all of the methods that I
7 showed you on the previous slides.

8 And finally, in summary,
9 the U.S. Department of Interior National
10 Parks Service makes a recommendation, and I
11 would encourage this committee to take a
12 good note of what the national parks
13 service is doing on their lands. We're
14 Suffolk County. The salt marshes of Fire
15 Island were extensively grid ditched for
16 mosquito control in the 1930s. Ditch
17 maintenance was simple. Vector Control,
18 until the mid-70s no longer ditch
19 maintenance activities.

20 The seashore seeks to
21 restore the salt marshes to achieve this
22 passive restoration with natural filling.
23 Thank you.

24 CHAIRMAN: Thank you,
25 very much. In fairness, Walter, would you

1
2 like to make some comments? You don't have
3 to, but I just want to make sure that you
4 have the opportunity.

5 MR. DAWYDIAK: It's
6 after 1 o'clock. I know everyone's been
7 through a very long day. We were planning
8 on giving you an overview of the
9 environmental impact at the next session.
10 We volunteer to respond to some of the
11 comments and issues that were raised today
12 as part of the same presentation, if that's
13 acceptable.

14 CHAIRMAN: That's
15 acceptable.

16 MR. NINIVAGGI: I think
17 we will have a look at this, and I don't
18 think that this really captures the level
19 of preparation and planning that was put
20 into this project. And what I would remind
21 everyone is that this project was designed
22 in conjunction with the land manager United
23 States Fish and Wildlife Service, and
24 everything was done with their approval,
25 and I guess they may want to speak to it at

1
2 some point in the future if they are happy
3 with it so far.

4 Mr. Potente did mention
5 that there was a small amount of
6 larviciding. Technically, that's true. We
7 weren't able to get it down to zero. But
8 on the other hand, area one for instance
9 pre-project would have been treated 20
10 times over the last 2 years. Instead we
11 treated it maybe once or twice. I would be
12 extraordinarily happy if, in other parts of
13 the marsh, I could get the larviciding down
14 by 90 percent. A lot of that is methoprene
15 used, which everybody here didn't seem to
16 want. We will look at this presentation,
17 and I'm sure we will have some comments on
18 it.

19 CHAIRMAN: Thank you,
20 and John, thank you for a fine
21 presentation. It's a long day. Do we have
22 a motion to adjourn?

23 MS. RUSSO: I make a
24 motion to adjourn.

25 CHAIRMAN: Do we have a

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second?

MS. SPENCER: I second.

CHAIRMAN: All in favor.

(Board members respond.)

CHAIRMAN: Thank you for
your patience.

-oOo-

(Time noted: 1:07 p.m.)

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I N D E X

3

DESCRIPTION

PAGE

4

Ratification of Staff Recommendation
For Legislative Resolutions Laid on
The Table - October 17, 2006

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Proposed construction of a Wildlife
Observation Boardwalk at Cupsogue
Beach County Park, CP #7009, Town of
Southold.

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Proposed additional parking
facilities located at Fire Rescue
Emergency building in Yaphank
(F.R.E.S.) as part of rehabilitation
of parking lots, drives and curbs at
various County facilities, CP #1678,
Town of Brookhaven

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Proposed acquisition of land for
open space preservation purposes
known as the Patchogue River Wetlands
Addition - Abel & Delarue property
in the Town of Brookhaven

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Proposed acquisition of land for
open space preservation purposes
known as the Gould Pond County Park
Addition - Roehrich property in the
Town of Brookhaven

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Proposed Vector Control 2007 Annual
Work Plan

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Presentation by John Potente on OMWM 150

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C E R T I F I C A T E

I, JOANN BUNZE, a Stenotype Reporter and Notary Public within and for the State of New York, do hereby certify:

That the foregoing is a true and accurate transcript of my stenographic notes.

In witness whereof, I have hereunto set my hand this 31st day of October 2006.

JOANN BUNZE