

## **COUNCIL ON ENVIRONMENTAL QUALITY**

### **MINUTES**

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on December 6, 2006.

#### **MEMBERS PRESENT:**

Dr. Larry Swanson, Chairman  
Michael Kaufman  
Dr. John E. Potente  
Leg. Vivian Vilorio-Fisher  
Mary Ann Spencer  
Enrico Nardone  
Daniel Pichney  
Lauren Elizabeth Stiles  
Gloria Russo  
Richard Martin - Historic Trust.  
MaryLaura Lamont - CAC Board Member/Town of East Hampton

#### **ALSO IN ATTENDANCE:**

George Nolan, Counsel to the Legislature  
Dan Gulizio - Deputy Director/Suffolk County Planning Department  
Lauretta Fischer, Principal Analyst/Suffolk County Planning Department  
James Bagg, Chief Environmental Analyst/Suffolk County Planning Dept  
Claire Chorny - Principal Clerk/Suffolk County Planning Department  
Larry Penny - Natural Resource Director/Town of East Hampton  
Walter Dawydiak - Chief Public Health Engineer/Dept of Health Services  
Dominick Ninivaggi - Superintendent of Vector Control/DPW  
William Houch - Associate Electrical Engineer/Dept of Public Works  
Michael Monaghan - Principal Mechanical Engineer/Dept of Public Works  
Ralph Borkowski - Landscape Architect/Department of Public Works  
Dr. David Tonjes - Cashin Associates  
Dr. Amy Juchatz - Health Program Analyst/Dept of Environment & Energy  
Mary Dempsey - Biologist/Department of Environment & Energy  
Philip DeBlasi - Environmental Analyst/Office of Ecology  
Kim Shaw - Principal Environmental Analyst/Office of Ecology  
Anthony Ceglie - Gabreski Airport Manager/Dept of Economic Development  
Nick Gibbons - Senior Environmental Analyst/SC Parks Department  
Adrienne Esposito, Executive Director/Citizens Campaign for the Env.  
Kevin McAllister - Peconic Baykeeper  
Matthew Atkinson - General Counsel to the Peconic Baykeeper  
Karen Blumer - Vice-President/Open Space Council  
Martin Vanlith - Secretary/Open Space Council  
James M. Campbell - Architect/JM Campbell Associates  
Bob Steele - Associate/LK McLean Associates  
Roy R. Fulkerson - Principal/LK McLean Associates  
George Priois  
Jonathan Kornreich  
Bob McAlevy - Vector Control Citizens Advisory Committee  
Rick Brand - Newsday

#### **MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

#### **MINUTES TRANSCRIBED BY:**

Diana Kraus & Alison Mahoney, Court Stenographers

**(THE MEETING WAS CALLED TO ORDER AT 9:30 AM)**

**CHAIRMAN SWANSON:**

Good morning. I would like to call the meeting to order. First I'd like to introduce the new member of CEQ, Mary Laura LaMont from the Town of Riverhead. It's a pleasure to have you with us. Do you want to tell us a little bit about your background?

**MS. LAMONT:**

Thank you. It's a pleasure to be here and I look forward to working with you all. I was just appointed to the CAC in Riverhead in October and my background is I'm a Federal Ranger at Fire Island National Seashore, I have been there since 1979.

**CHAIRMAN SWANSON:**

Thank you very much, and welcome on behalf of all of us.

I'd like to review the minutes for the March 15th meeting. Any comments? March 15th, they're available on the web. Did anybody check the web?

**MR. KAUFMAN:**

No, I didn't look.

**CHAIRMAN SWANSON:**

All right. Well, seeing that nobody checked the web, I'd suggest that we table the minutes of March 15th until the next meeting. And I know it's awkward to do this, but let's try to look at the web so we can keep up with our minutes.

All right, correspondence. We have a letter from the County Attorney with regard to the GATR site, I think I'll leave that until we reach that part of the agenda. We also have some very recent additions of material to -- that will be reviewed with regard to the Vector Control Plan, and I guess that's it.

I'd like to remind everybody that if you have a reason that you want to speak, please feel free to do so. With regard to the Vector Control portion of the program, rather than speaking now, we'll entertain comments from the audience if they -- at that section of the meeting which is in the latter part of the schedule.

Okay, **Recommended Type II Actions:**

They were in your packets. You want -- Jim, do you have any advice on these?

**MR. BAGG:**

Basically everything is straight-forward. There are a lot of things in there that have previously been reviewed and SEQRA is complete, some things in there SEQRA is pending that's before you today, but it's fairly straight-forward.

**CHAIRMAN SWANSON:**

Okay. Any other comments?

**MR. KAUFMAN:**

I'll make a motion to ***accept staff recommendations.***

**CHAIRMAN SWANSON:**

We have a motion. Do we have a second?

**MS. RUSSO:**

.

**CHAIRMAN SWANSON:**

Motion and a second. All in favor? Opposed? Motion carries.

***Proposed construction of a sanitary facility at Indian Head County Park, Town of Riverhead.*** Good morning, Mr. Gibbons. How are you?

**MR. GIBBONS:**

Good. How are you?

**CHAIRMAN SWANSON:**

Good, thank you.

**MR. GIBBONS:**

This project is under our Capital Program Improvements to Campgrounds, Capital Project 7009. It calls for the construction of a sanitary building immediately adjacent to our campground, existing campground at Indian Island County Park.

I should start by saying this project was brought to the CEQ in 2003, so our money has been tied up and appropriated since that point. But there are two changes that I felt warranted coming back here for the Council's review. One was that the square footage has change; the original resolution called for a building that was approximately 1,550 square feet, this calls for 1,995 square foot building, and the other change was the location of the building. You might recall from two-and-a-half years ago or so the controversy related to our improvements to the campground, we brought in water, electric, reconfigured some sites and added a new section to our group area; that plan showed this building on it. And I'd like to go bring this up to show you, to show the council and show you from where it changed originally to where we're proposing now to locate it.

Before I do that, though, I just wanted to walk you through the attachments that I included in the correspondence. The first is the short EAF and that describes the building, 1,995 square feet, it's approximately .03 acres affected.

The next is an approximate location map, but that's for the entire park. The aerial that's probably of most interest to the group and it shows the approximate bathhouse location as identified, this is oriented so that the top of the page is north, so immediately south you'll see that configuration there that Loop Road is our campground road, and when I come up I'll use that to show you where the original location was.

And the next attachment is a two-page set of preliminary plans, obviously we're working with DPW on this. This design probably won't change much between now and construction, but for the purposes of today's review I think it's more than adequate.

And the final attachment is some representative photographs from the area where we propose the location. And you can see that it's somewhat open and it's been used over the years as additional parking space for typically if we have a camping unit and one of our camp sites has room for one additional vehicle, whether it be the tow vehicle itself or guests. Additional vehicles we've pushed over into this area outside of the campgrounds. So there's really quite a bit of room to work around, but it will, in fact, require some cutting of trees and we did quantify that. But depending on your definition of a tree, six inches or greater in diameter, there will be 12 such trees of that size removed. They'll be an additional 12 to 15 trees that I would classify as saplings also removed as a result of this.

We've laid out the building in this disturbed area in such a way as to minimize the necessity for cutting additional trees. We recognize the council's sensitivity of that and we share it. So I would like to at this point bring this things up for you.

**CHAIRMAN SWANSON:**

Nick, I have several questions. Are you going to have lighting or anything so that people can get to the facility safely?

**MR. GIBBONS:**

There will be lighting on the building itself, but not to the building. It's roughly -- from the nearest campsite, I would say it's probably 75 to 125 feet.

**CHAIRMAN SWANSON:**

So you don't see that there would need to be a pathway or anything with lighting on it?

**MR. GIBBONS:**

There's an existing footpath and I hope not -- I would, you know, oppose any -- making that any more formal than it already is. And I would also -- as has been practiced at least recently, we would try to diminish ambient lighting and keep the lighting focused on the building and downward and to be as dark-sky compliant as we can.

**CHAIRMAN SWANSON:**

Good. Have you thought, in a facility such as this, of using something like solar power, other alternative forms of power to generate electricity for the facility?

**MR. GIBBONS:**

Yeah, we have actually. And as we go to more automated fixtures that use electric, we actually were asked and directed by the Commissioner to take a harder look at incorporating some of those elements into this, if feasible. Our concern with those automatic fixtures is that when we lose power we lose the ability to use the bathroom as effectively as we would with conventional units.

We're also looking at -- this isn't really -- this is more of a maintenance and operations issue that we're tackling more than energy efficiency, but to add back-up emergency generators adjacent to these things so we can continue to operate them in the event that we lose power, which is more frequent than you might imagine.

**CHAIRMAN SWANSON:**

So you're pumping -- are you using well water, then, for the toilets and the shower?

**MR. GIBBONS:**

Well, we have well -- we have -- there's not Suffolk County water there, there's Riverhead Water District water at the park.

**CHAIRMAN SWANSON:**

Okay, so you have piped water.

**MR. GIBBONS:**

Right.

**CHAIRMAN SWANSON:**

Okay. And lastly, the discharge is to a septic system of some sort?

**MR. GIBBONS:**

That's right and that's in compliance and consultation with the Suffolk County Department of Health Services.

**CHAIRMAN SWANSON:**

Thank you. Any other questions? Mr. Kaufman.

**MR. KAUFMAN:**

Nick, this particular property was the subject of some very intensive CEQ review a couple of years ago, as you alluded to.

**MR. GIBBONS:**

Yes, it was.

**MR. KAUFMAN:**

And the rearrangement of campsites really limited the potential for damage in that area. I'm happy to see that you're cognizant of that and you're trying to reduce the tree removals for this particular facility. I'll ask the question, is there any way to reduce that even more or just the footprint of being 2,000 square feet is just unavoidable?

**MR. GIBBONS:**

We're currently operating there with inadequate bathroom facilities. What we do have is by today's standards, and there are codes that speak to such things, they're too far away from where the people are congregating. I think this is a nice balance between having the facility but without impacting the camping experience. We had it located right in the -- well, surrounded by campsites, as I showed you up there on that drawing.

**MR. KAUFMAN:**

Yeah, I could see why you might want to move that.

**MR. GIBBONS:**

I like that this is in a disturbed area and somewhat secluded and buffered from the camping experience. It's hard to say -- we've taken a hard look at how much is needed, in the future these camping units, if you could even call them that, they've just gotten so much bigger and air-conditioning is the norm. You wouldn't use a public restroom if you had your own private one.

**MR. KAUFMAN:**

AC is the norm nowadays? I've never heard of that.

**MR. GIBBONS:**

So it's not the camping experience that you or I might consider.

**MR. KAUFMAN:**

Okay. What you're basically saying is you've tried to mitigate as much as possible to lessen damage.

**MR. GIBBONS:**

Yeah, but this is -- there is still a need, very much so, for the tent camper and/or the more modest pop-up camper that you can pull behind a two-wheel drive vehicle. They need the facility like this, we currently don't offer one that's of adequate capacity.

**MR. KAUFMAN:**

Thank you. The other question is regarding the solar panel issue that Larry brought up. When I've been in Maine I've encountered some of these types of facilities and they have a few solar panels on them and they have adequate showers and adequate other, shall we say, utilities inside there. I really would echo what Larry was saying and, if possible, putting something like that in there I think would be of good use and I think it would be something appropriate. Thank you.

**CHAIRMAN SWANSON:**

With regard to the solar, Nick, how would you balance -- this is hypothetical. How would you balance the use of something like solar as opposed to cutting down trees?

**MR. GIBBONS:**

In this particular location, I wouldn't cut any trees to accommodate a solar panel.

**CHAIRMAN SWANSON:**

Thank you. Any other questions? Do we have a motion?

**MR. KAUFMAN:**

I'll make a motion, Type II Action, Neg Dec.

**CHAIRMAN SWANSON:**

Do we have a second?

**MR. NARDONE:**

Second.

**CHAIRMAN SWANSON:**

I have a motion and a second. All in favor? Opposed? Motion carries. Thank you.

**MR. GIBBONS:**

Thank you.

**CHAIRMAN SWANSON:**

***Proposed installation of Emergency Communication Facility at the former GATR Facility, T. Roosevelt County Park, Town of East Hampton.*** This was a motion -- or this was a tabled action last month. We do have a letter from the County Attorney addressing this; excuse me while I try to find it in all this mess. I had it out. Do you have yours, Jim? Oh, here it is. I won't read it into the record, but we'll provide a copy to the stenographer so that she can put it in the record.

Basically, the County Attorney has determined that the use of the GATR site does not constitute alienation of parkland because such use is consistent with the historic usage of the site, so that is something for our consideration. And also, I'd like to ask Ms. Spencer if she would comment on the historic review that took place concerning this site.

**MS. SPENCER:**

Thank you. The Historic's Trust looked at this last week and have the following recommendations. First, that an alternative location for the facility off-site be considered. If this location is used, that there be -- just a minute, I want to say it correctly -- a Phase I archeological survey because this is very sensitive, the entire site is very sensitive archeologically. Also, if it's used, that there be non-reflective paint used on the outside of both the polls and the cabinets, that the interior antennas be used as opposed to exterior antennas on the poles and that they configure the new poles in such a way as to replace the poles that are being removed, and that's positions I, N, J. On the May 12th, 2006, Ward Associates map.

**CHAIRMAN SWANSON:**

Thank you. Just to remind everybody that we need to consider the recommendations of the Historic Committee because we are the Historic Trust, so we need to consider that. I'm sure there's also some debate over the issue of the County Attorney's decision. So I open the floor to some comments. Vivian?

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. I have a question, Marian, regarding the letter from the County Attorney's Office --

**MS. SPENCER:**

Yes.

**LEG. VILORIA-FISHER:**

-- on page two where she says that according -- well, I guess this might be a question for Richard Martin which is that according to you, Richard, the Roosevelt County Park was never formally dedicated to the Historic Trust?

**MR. MARTIN:**

That's true. The entire park, just for everyone's background information, has been reviewed by

the Historic Trust Committee and by the full CEQ and had been recommended to the Suffolk County Historic Trust but that it did not go to the full Legislature to be voted on. And the entire park has also been recommended to the National Register, but again, that paper work is not been completed but it's declared eligible.

**LEG. VILORIA-FISHER:**

Okay. And so because we have recommended, because CEQ has recommended it, then the recommendations that we were just read into the record by Mr. Spencer would hold true?

**MR. MARTIN:**

Yes; Jim might clarify that, but that's my understanding.

**LEG. VILORIA-FISHER:**

Okay.

**CHAIRMAN SWANSON:**

Jim?

**MR. BAGG:**

I might point out that even thought properties have not been designated to the Suffolk County Historic Trust that if they are eligible for the National Register they are treated as if they are on the National Register to a great extent. And basically the Historic Trust Committee is a committee of the CEQ, so if Mrs. Spencer's making that recommendation from the committee to you as the Historic Trust, then you make the final decision as the Historic Trust, because you are the members of the Historic Trust, not the committee.

**LEG. VILORIA-FISHER:**

Thank you.

**CHAIRMAN SWANSON:**

Yes. Lauren?

**MS. STILES:**

The memo from the County Attorney's Office I think has some serious errors. It doesn't even provide citations for anything, although there are footnotes indicated they're not there. So I'm wondering if there's anyone here that can address this memo or has information on this, other than what we have right now.

**MR. GIBBONS:**

I can't, we don't have County Attorney representation here today, I want sure if they were going to arrive or not. I had the same comment, though. I only saw this yesterday afternoon.

**MS. STILES:**

Right. Well, we're just -- I'm just seeing this now and I'm guessing everyone else is just seeing it now.

**MR. GIBBONS:**

But yes, the citations, that's something I'm going to request of them, I'll provide that to Jim.

**MS. STILES:**

And I just want to point out, whether or not parkland is officially dedicated, in terms of the alienation question it doesn't matter; if it's parkland it's parkland, it doesn't matter if it's dedicated or not dedicated. And that -- I've confirmed that with the New York State Parks Department attorneys that exclusively work on alienation. It's also available on the Internet in the Alienation Handbook prepared by the State Parks Department which doesn't just cover State parks, it covers all municipal parklands in the State.

Also, I did a little follow-up research on the question as to whether or not if they really need the service out there they need it, but the question that we had raised last time was whether or not they really need five carriers. That we were told by a speaker at the last meeting that each cell phone company needed to have its own equipment there to be able to receive 911, but I researched that and that is not true. Actually, under FCC regulations, every cell phone carrier has to accept 911 calls, regardless if you have their carrier -- if you're subscribing to their service or not. And even if you don't have any carrier, if you have any old cell phone that's charged and you dial 911, it's supposed to be picked up; under Federal Law the carriers are required to pick it up and send it to the appropriate emergency response area.

**CHAIRMAN SWANSON:**

Thank you.

**MR. KAUFMAN:**

I would agree with Ms. Stiles. Thank you, Mr. Chairman. I would agree very much with Ms. Stiles on the alienation issue and also, frankly, about the technical issue that she has come up with, that is a point that I have been very concerned about and I am -- what's the right word for it, very unhappy about certain of the representations that were made to us. I don't have a problem with 911 service in that particular park, I think it's very necessary to protect the health and safety and welfare of park users. But I do have a problem with basically promoting, if you will, private usages outside of a parkland's primary usage.

I'm looking at the County Attorney's memo on all of this and they talk a little bit -- without citing the actual document right now, they do talk about private activities being allowed inside a park. You have concessions, things like that; this seems to go beyond concessions, at least for me.

From a CEQ standpoint, the only thing I'm going to -- that I can look at is the impact of the pole upon the environment. From a Historic Trust standpoint I have further concerns and I do want to make that known to the members of the council, that I do have to look at this in two different ways and I recommended that they also do that.

That being said, at the Historic Trust meeting, Nick, the question was whether -- how this pole was going to be actually designed; was it going to have an antenna inside or outside; have we ever determined that particular issue?

**MR. GIBBONS:**

Actually, based on Maryann's comments that she read into the record earlier, my understanding is that one of the requests that we agreed Parks would take a harder look at was getting those antenna internal to the pole.

**MR. KAUFMAN:**

Inside, yeah.

**MR. GIBBONS:**

And I'm not at liberty to comment, I hope that you all know that. I can't tell you whether or not 911 calls can be carried by one of five different providers, regardless to whom you're subscribed to; I don't know, we'll bring the guy back in here and we'll debate those issues later. But the project we're bringing to you is, I guess -- those technical type questions can't even be answered by the Montauk Fire District, they have to be ultimately answered by their consultant and whomever it is that's representing the infrastructure for the cell use.

I just want to go back to a comment you just made, Mike, and that was that I wouldn't classify what we're doing as promoting private use here, it's an incidental and -- it's not necessarily even a welcome change to the park. If we could somehow exclude private cell use for just routine calls and make it specific to emergency service response and/or 911 we would. We're not interested in -- does the County stand to gain money by this arrangement? Yes, we already talked about that. But there's no way at least that exists today to separate the two uses from



emergency use versus routine incidental use. If we could, I agree with you, I don't -- we're not comfortable with signing over private rights to public lands, it's just part of this package to get the greater benefit which we all agree is warranted.

**MR. KAUFMAN:**

That's one of the fundamental questions that I have with all of this. I think -- I think the Historic Trust recommendations that Maryann laid out for us are very important to look at. At this point in time, given the fact that we don't have all the information, we don't have the results of an archeological review or anything like that. I think the best thing to do at this point in time is probably to table this.

**MR. GIBBONS:**

Let me just before we do that --

**MR. KAUFMAN:**

Okay.

**MR. GIBBONS:**

And I expected that result anyway. Of the five things that were discussed, four of them are easy for me, we can do those types of things internally. But the first one, and maybe the most important to everybody, is to look at an alternative location outside the park; that's beyond my purview. You know, we can request of the district a more thorough description of how they came to our site for the benefit of the council. But, you know, we were both at the committee meeting, you know that my jurisdiction doesn't extend beyond the boundary of our park, so to discuss private properties outside of the park and elsewhere on the Montauk peninsula is --

**MR. KAUFMAN:**

Well, that is within our jurisdiction, to look at alternative locations and see if there are possibilities for that. I know at the meeting, the Montauk Manor, I believe, the 14 story building over there was discussed as one particular location. I don't know, frankly, if it's the greatest location in that there may be a ridge line blocking signals into the park itself. There may be something to the east.

What we need is the consultant, if possible, to show us the promulgation characteristics of the cell signals in that area, that's really the key. It's not hard to produce that kind of thing, they do that kind of stuff routinely.

**MR. GIBBONS:**

And maybe they have, maybe they have already and didn't -- had taken it on faith that we're coming to this -- and I'm not sure, that they're coming to this location because they've ruled everything else out, I don't know.

**MR. KAUFMAN:**

I mean, it's an intelligent idea, don't get me wrong. We have 14 poles in the area, we're going to be taking down seven, why not replace it with say two or something like that. It's not an unintelligent way to go. And again, looking at the promulgation characteristics, it's not a bad location, but there may indeed be better places to go that would, shall we say, avoid some of the alienation issues and avoid some of the other problems that we might see. And again, there's unknown issues out there at this point in time with the archeological {reconisance}, etcetera.

**MR. GIBBONS:**

Well, that's -- I mean, that would be -- just ignoring the alternate location issue for a second. The first thing that we would work towards is putting together a contract with the consultant to get an archeological investigation going on the site. That's clearly a Parks assignment and we would delegate that to the district to, you know, retain somebody and bring those results to the council, and provided we find something, we'll have to take a harder look at the entire project. If we don't find anything, then I want to be in the position for moving forward, because all these other things can be addressed and they're almost -- some of them are already things that we've agreed to just in the committee meeting alone. So I guess our first step would be to take a

harder look at alternate locations, convince the Council that there aren't any and then move on to the archeological assessment.

**MR. KAUFMAN:**

I will say one thing, though. I don't want to be in a position where this council is micromanaging, but we are, under SEQRA, supposed to consider that kind of stuff.

**CHAIRMAN SWANSON:**

Nick, with regard to -- who is the primary beneficiary, is it the people that will be using the park?

**MR. GIBBONS:**

I'm sorry, of the facility?

**CHAIRMAN SWANSON:**

Yes.

**MR. GIBBONS:**

I don't think you could -- I don't think you could say that the people using the park are going to benefit any more than the people outside of the park who are using it for the same emergency communication.

**CHAIRMAN SWANSON:**

Okay. So it's not unreasonable to ask the fire department, who I think originated the notion, that you need to be convinced that, in fact, the park is the right place, or the only place.

**MR. GIBBONS:**

That's true.

**CHAIRMAN SWANSON:**

And, you know, I understand you have no control over space outside the park, but certainly they ought to have a convincing argument to you that the park is the place that it has to be.

**MR. GIBBONS:**

I guess if they convince the department, but the bigger issue is convincing the council and I think that they need to bring more to the table than we had the first time around to show the council and demonstrate to you that this site fits their needs.

**CHAIRMAN SWANSON:**

Yes. Jim?

**MR. BAGG:**

I think, Nick, that one of the requirements of SEQRA is that they consider alternatives. I mean, and basically those alternatives do not have to be constrained to the proposed site or the park or anything else, they can be wide-ranging. And since this did, I believe, come in through the fire departments and Emergency Services and some of the providers, that basically they should be asked to look at that.

**MR. GIBBONS:**

Alternatives are certainly something that's required, I'm not disputing that. I think everybody felt that this wasn't going to be such a heavy lift considering the past use of the site, the benefit to the general public and park users as a whole. But it's probably fair to say they didn't think too much about the alienation issue at all, so.

**CHAIRMAN SWANSON:**

Maryann.

**MS. SPENCER:**

Nick, I'd like to underline something that Lauren said, and it's my understanding as well that if 911 calls are all that you're going to receive and all you're going to enable, it is a Federal law that they be accepted by all carriers. So that when look at these five carriers, they are accepting more than 911 calls, they're -- this is being set up to accept all calls, and I think that's an issue that needs to be revisited.

**MR. GIBBONS:**

Absolutely, and it was -- I was present when it was represented to all of us that you needed to be -- it was provider specific, that is that they couldn't universally accept 911 calls from everybody. So absolutely, that is a point that needs to be clarified one way or the other. Because I do believe that then we're in the position of how do we argue for providing space for five carriers when, in fact, the job can be done by one; I agree.

**CHAIRMAN SWANSON:**

Okay. Do we have a motion?

**MS. STILES:**

Can I ask --

**CHAIRMAN SWANSON:**

Yes, Lauren?

**MS. STILES:**

Can I just add some more stuff? I have some other questions and maybe, Nick, you can bring them to the Parks Department or the County Attorney's Office or whoever would be the appropriate person to answer these questions. But I want to know if any State or Federal funding was used to acquire the land or to improve or maintain it at any time. And if so -- well, also the grant of the property, does it have any easement or restrictions or covenants in it? Because I believe it used to be a Federal facility, right?

**MR. GIBBONS:**

Correct.

**MS. STILES:**

And quite often, when the Federal government transfers property, there are some rules that apply about alienation, which in Federal terms they call it conversion which basically the same thing. And I just think that's something we have to be careful of, too, because we don't want the Federal government coming in and taking the property back from us. If in any Bond Act money -- I don't know if it was donated or we had to pay for it, but was any Bond Act money used to acquire it; and if not, where did the money come from? If anyone has coverage maps of where exactly we're missing coverage, cellular coverage, that might be helpful to --

**MR. GIBBONS:**

I'm sorry, coverage?

**MS. STILES:**

If anyone has any map showing where the cell phone coverage is not adequate?

**MR. GIBBONS:**

We had some of that at the previous meeting.

**LEG. VILORIA-FISHER:**

I thought we saw them at previous meetings, yeah.

**MR. GIBBONS:**

They were representations of --

**MR. KAUFMAN:**

That kind of stuff is specific to each carrier, every carrier has different promulgation characteristics. AT&T has a much wider bandwidth, for example, than does Sprint; Sprint is down at the lower end of the spectrum. So everyone is going to have different dead spots, if you will; Sprint will have them every three miles, AT&T will have them maybe every ten miles. So that I'm not sure we could necessarily easily get, it is site specific.

**MS. STILES:**

I guess what I'm trying to find out is where -- when you dial 911, where is it that it's getting sent to Rhode Island? Because that's what they told us this was for, it's to get the 911 calls.

**MR. KAUFMAN:**

Again, that's more characteristic of each individual carrier. I grasp what you're saying and, I mean, I know -- I will point out that there is a ridge line blocking line of site transmission, so there may indeed be dead zones in that particular area, but the question is rather broad-ranging is the problem.

**MR. GIBBONS:**

Lauren, do you recall having seen -- they were renderings, really, that showed coverage, they were overlaid on aerials and photographs in the Montauk area?

**LEG. VILORIA-FISHER:**

It showed the topography and where the hilly areas didn't allow signals.

**MS. STILES:**

Yeah. I didn't really think that was like a coverage map like you would see, that's not really -- it was just some arrows pointing to areas, it wasn't really specific.

**MR. GIBBONS:**

Right. I think that was, right, a more -- you're looking for a more technical explanation of --

**MS. STILES:**

I mean, usually what I've seen, the carriers, when they want to put a new tower in, they figure this out before hand, they wouldn't put a duplicate tower in if they didn't need it. So they probably -- someone probably has that done already.

Quite often when the State Legislature passes an alienation bill, including ones that have passed to authorize cell towers in public, in parks, they require the replacement amount of parkland for whatever the acreage, however small it is, that's being taken out of the public parkland domain and put towards the equipment buildings or whatever, they require replacement parkland, which is something we probably wouldn't have a hard time doing considering we're buying open space all the time, but we might want to just, you know, think about it in those kind of terms.

And then I also wanted to know where the lease money is going; is it being dedicated to Parks or is it the Legislature's General Fund or whatever?

**MR. GIBBONS:**

Probably the latter if I had to guess.

**LEG. VILORIA-FISHER:**

It goes into General Funds.

**CHAIRMAN SWANSON:**

Nick, I don't recall, maybe you discussed this before, what are the plans for the use of the tower after the tower is no longer deemed necessary? This is a technical that's changing rapidly. Are there provisions for removal of the tower included in your potential lease agreement?

**MR. GIBBONS:**

I don't think we've thought that far ahead. I haven't looked at the contract hard enough to answer whether or not there's a contingency for the technology becoming obsolete and who is responsible for its removal.

**CHAIRMAN SWANSON:**

Well, I think that we don't want to be left, the County doesn't want to be left holding the bag for a tower that's no longer necessary because the technology has changed in five years.

**MR. GIBBONS:**

Right. It seems to be a minor issue, but I guess I'll ask the question now. If at that point we want to remove these two poles, is that then an impact to the historic features by which you guys were concerned originally? And I'm going to hold you to it because you've switched before, so.

**CHAIRMAN SWANSON:**

What? I can't imagine that.

**LEG. VILORIA-FISHER:**

Ouch.

**CHAIRMAN SWANSON:**

All right.

**MR. KAUFMAN:**

Are you trying to pin us on this?

**MR. GIBBONS:**

They'll probably be more stable than the original seven, but if you want them down we'll take them down.

**CHAIRMAN SWANSON:**

Well, I just think it's something that should be addressed. Because it, in fact, is an issue and the cell people do, in fact, walk away. The reason I know that is that I'm involved in another issue with cell towers in a village and, you know, they promise you that they're going to pay you, I don't know, \$10,000 a month or something for the life of the use, but then they don't tell you what they're going to do afterwards as the technology changes, they can play all sort of financial games. So I just think you ought to look into it.

**MR. GIBBONS:**

So you'd like the contract to address that the maintenance and then eventual removal of it would be incumbent upon --

**CHAIRMAN SWANSON:**

Right.

**MR. GIBBONS:**

Fine.

**CHAIRMAN SWANSON:**

You know, CEQ clearly is not supposed to be getting involved in the financial aspects of this, but I think in terms of the ecological affects, the archeological effects, you should address what happens when service is no longer needed.

**MR. GIBBONS:**

The restoration to a pre-existing condition.

**CHAIRMAN SWANSON:**

Correct. Any other discussion on this matter? Do I have a motion?

**MR. KAUFMAN:**

I'll make a motion to table this but with the following recommendations; that the questions that have been raised here that we've given to Nick, that we ask that responses be given back to us on all of this.

**CHAIRMAN SWANSON:**

We have a second?

**MR. NARDONE:**

Second.

**CHAIRMAN SWANSON:**

We have a second. Any other discussion?

**MS. STILES:**

I just would like the County Attorney's Office to provide the --

**MS. KRAUS:**

Can you use the microphone?

**LEG. VILORIA-FISHER:**

You have to turn it on.

**MS. STILES:**

I'm sorry. I just would like the County Attorney's Office to provide the citations; they provided us with a memo with numerous citation footnotes, but no actual footnotes included and I think that that would be very important for us to have, if the Council does.

**CHAIRMAN SWANSON:**

So Nick, you're going to take the lead in getting the questions that have been raised concerning the County --

**MR. GIBBONS:**

Well, that was a concern of -- I'm sorry?

**CHAIRMAN SWANSON:**

You're going to take the lead in trying to get answers about what the County Attorney needs to respond to?

**MR. GIBBONS:**

Yeah, I'll take a closer look at the minutes, you know, when they become available and outline all the different concerns that were brought up here today.

**CHAIRMAN SWANSON:**

And go to the County Attorney's Office.

**MR. GIBBONS:**

For those that are appropriate to do so. And I'll delegate the homework, I just want to make sure that we're clear that all the issues are on the table today.

**CHAIRMAN SWANSON:**

Okay, thank you. So we have a motion, we have a second. Any further discussion? All in favor of the motion? Opposed? Motion carries.

**MR. GIBBONS:**

Thank you.

**CHAIRMAN SWANSON:**

Thank you. *Proposed renovation and construction of facilities at Gabreski Airport, Town of Southampton.* Is there anybody here to speak of that? Good morning.

**MR. CEGLIO:**

Good morning. My name is Tony Ceglie, I'm the Airport Manager at Gabreski Airport.

**CHAIRMAN SWANSON:**

Welcome.

**MR. CEGLIO:**

Thank you. Actually, I have four projects that are coming up, some of which I will be up here by myself discussing, some of which I have help and I'll call them up as needed.

Before I start, though, I just wanted to point out that I have a couple of props over here on the left and they're also in your packages. One, the map on the left is a Proposed Airport Land Use Plan, it was reviewed by the Pine Barrens Commission and developed with support of the community to satisfy the Pine Barrens Act of 1993 and it is, like I said, up there on your left. The green areas on the map represent areas that are proposed not to be cleared and represent 35% of the total airport property.

Also, just a little background on the airport for this project and some of the other ones. The airport is located in Suffolk County in the Town of Southampton, in the Village of Westhampton Beach. The airport is in the Pine Barrens, mostly in the compatible growth, some in the core. All projects that are proposed, the next four projects that I'll be going over are in conformance with the last approved Master Plan by the County Legislature which was in 1990 and complied with SEQRA.

**CHAIRMAN SWANSON:**

So the first project you're going to talk about is -- is it the sidewalk?

**MR. CEGLIO:**

Right, it's Capital Project 5702 and the short-form SEQRA has been prepared or a short-form EAF has been prepared for the project. I also have some photos that I will distribute to show you what we're talking about.

The proposed project includes replacement of sidewalks at the Airport Administration Building that have fallen in to disrepair due to age or past construction efforts. I believe this project is a Type II Action since it involves maintenance and repair involving no substantial changes in the existing structure or facility. I made one group of photos that I would just like to pass around, it just shows how bad the sidewalks are.

**MR. KAUFMAN:**

For the record, Ms. Stiles is going to be recusing herself on all the Gabreski Airport issues.

**CHAIRMAN SWANSON:**

Can't she speak for herself?

**MR. KAUFMAN:**

She asked me to do it.

**MS. STILES:**

No, I didn't ask you to do it.

**CHAIRMAN SWANSON:**

Might I ask you a question on this?

**MR. CEGLIO:**  
Sure.

**CHAIRMAN SWANSON:**  
I did not see in here that you actually specified what the material for the sidewalks would be, the new material.

**MR. CEGLIO:**  
Oh, currently it's asphalt but we're going to replace it with concrete.

**CHAIRMAN SWANSON:**  
Is there any possibility that you could look into using less impervious -- or impervious materials than concrete or asphalt?  
I mean, there are materials out there now on the market that allow for percolation and it just seems to me, for the overall benefit of County property, this might not be a bad idea.

**MR. CEGLIO:**  
We can certainly look into that. Something like pavers perhaps that allow water to percolate through; is that what you're talking about?

**CHAIRMAN SWANSON:**  
Perhaps. On the other hand, you know, we don't want to create a maintenance nightmare for you either, but it does seem to me that the technology is moving towards trying to use less impervious surfaces wherever we possibility can.

**MR. CEGLIO:**  
I don't see a problem with looking into that.

**CHAIRMAN SWANSON:**  
Okay. Any other comments on this?

**MR. KAUFMAN:**  
I'll make a motion that this particular project is a Type II Action.

**CHAIRMAN SWANSON:**  
We have a motion that it's Type II . Do I have a second?

**MR. NARDONE:**  
Second.

**CHAIRMAN SWANSON:**  
We have a second. Any other comments? All in favor of the motion?  
Opposed? Motion carries.

Okay, next I have is the *upgrade of the utility infrastructure*.

**MR. CEGLIO:**  
You ready for me?

**CHAIRMAN SWANSON:**  
Yes.

**MR. CEGLIO:**  
Okay. Suffolk County has recently received a grant from New York State Department of Transportation for a portion of this project. The project includes installation of underground utilities including electric, water, telephone, gas, sewer along existing roadways and increasing



the lane widths along one roadway from 10 to 12 feet at Gabreski Airport. Provisions will be made to upgrade existing utilities originally installed in the 1940's and provide adequate capacity for future facilities as described in the 1990 Master Plan accepted by the County Legislature in Resolution 1145-1990.

The project involves maintenance and repair involving no substantial changes in the existing facility and extension of utility distribution facilities including gas, electric, telephone, cable, sewer and water. This is one of the projects I have a little bit of help with, behind me from the Department of Public Works I have Mike Monahan and consultants from McLean Associates, Roy Fulkerson and Bob Steele, I'd ask them to come up and maybe just describe the project in a little more detail, if I could.

**CHAIRMAN SWANSON:**

Gentlemen, would you please identify yourselves for the record?

**MR. FULKERSON:**

Good morning. My name is Roy Fulkerson and I am a Principal at L.K. McLean Associates and project manager for this particular project.

Our firm was hired by Suffolk County DPW to do a complete study of the existing utility infrastructure on the air side of Gabreski Airport. We issued a report to Suffolk County DPW indicating that most of the infrastructure, basically most all of it, is outdated or non-existent. And so we recommended that on the northerly side of the airport that all of the existing infrastructure be upgraded and replaced and/or where there was some missing that some new facilities be installed there. And this is in particular for the north part of the airport for improvements to be done there which are in conformance with the Master Plan that was provided or approved in 1990.

One of the things I'd like to point out is that there is -- the entire infrastructure is going to be put along the existing road or utility infrastructure will be approved along the existing road in an area that's already been cleared and has been a grass area for I guess since the County acquired the airport. We're also going to be putting some of the utilities in a common trench so we minimize the excavation that has to be done along there. We are also going to provide sanitary sewer treatment facilities to bring the material to the existing centers who have plants on-site. The areas that are going to be disturbed during the improvements will be regrassed and brought back, restored to the current conditions.

**MR. CEGLIO:**

I just wanted to add something. I might have asked Roy to jump in a little bit too quickly, but just a little more background on the airport. As he mentioned, a lot of the utilities have fallen into disrepair and they're old, they were put in when the original airport was built.

Just a little background on the airport. It was built by the military, by the Federal Government in the early 40's, 1943, and this is all in your EAF but I wanted to point it out a little bit and emphasize a little bit. Built in the 40's, turned over to the County around 1970 through a quick claim deed which conveyed the former air force base to the County for the development, improvement and operation and maintenance of the airport under oversight of the FAA. There were covenants and restrictions that are enforceable through a Reverta Clause that is contained in the deed. The FAA has what they call a compliance handbook which discusses how we are to comply with the covenants and restrictions of this quit claim deed.

In addition to that, the County has accepted over the last 35 years numerous grants that contain grant assurances that mimic the requirements of the quit claim deed, basically to say that the airport needs to be opened to the general public on a fair and equitable basis and that we are required to operate it, let's see, specifically it's on page two; "The owner is not required to construct hangars or terminal facility, has the obligation to make available suitable areas or space on reasonable terms to those who are willing and otherwise qualified to offer flight services to the public."

The upgrade of these utilities is to serve existing hangars that are on the north side of the airfield now and we're also taking into consideration any upgrades that may come about in the future in accordance with the Master Plan. And again, the Pine Barrens Act is taken into consideration. I think my map on the left hand side was covered up, but the utilities are going in an area to the north where it's not shown in the green area that is supposed to be preserved in accordance with our Land Use Plan, in accordance with the Pine Barrens Act of 1993.

**LEG. VILORIA-FISHER:**

Mr. Chairman, may I ask a question?

**CHAIRMAN SWANSON:**

Yes, absolutely.

**LEG. VILORIA-FISHER:**

Hi, Mr. Ceglie; nice to see you.

**MR. CEGLIO:**

Hi.

**LEG. VILORIA-FISHER:**

I see that there's going to be -- there are going to be sewer upgrades; are you increasing the capacity there?

**MR. CEGLIO:**

No. As you know, there is a sewage treatment plant at the airport, the line currently runs just up to the airport administration building. What we're doing is we're extending the line to the north side of the airport to take into consideration the hangars that are there now and some other hangars that are future, are going to be put there in the future. We're not increasing capacity at this point, it's not necessary based on the calculations that were done.

**LEG. VILORIA-FISHER:**

Okay. And it would also be -- would the light industry that's around the Gabreski Airport area be hooked in to that sewer system?

**MR. CEGLIO:**

The proposed airport industrial park will eventually be hooked into that system, yes.

**LEG. VILORIA-FISHER:**

It will be, okay. And that infrastructure is being developed now to do that in the future?

**MR. CEGLIO:**

The infrastructure that we're proposing to run up to the north side to take care of aviation will also consider the work that's going to be done in the industrial park.

**LEG. VILORIA-FISHER:**

Okay. Would there be any ability in the future for any surrounding areas to hook into that sewer system?

**MR. CEGLIO:**

I think right now what's considered for the capacity of the sewage treatment plant is just what's on the airport. If the surrounding areas would get hooked in, they probably would have to have an increase in the size of the plant.

**LEG. VILORIA-FISHER:**

Okay, thank you.

**CHAIRMAN SWANSON:**

Mr. Bagg.

**MR. BAGG:**

Yeah, Larry, if I might point out that the 1990 Master Plan, when it was reviewed, one of the SEQRA requirements in the neg deck was that the airport be sewered. That plant was constructed to handle the projected build-out of the 1990 plan, including the industrial park, the Air National Guard and the other facilities. At this point in time, I understand it is under utilized, but the proposed expansion of the airport called for in the 1990 plan, the facility is to handle that -- those expansions and build-outs which this is doing, is extending the sewers as required by the 1990 plan.

**LEG. VILORIA-FISHER:**

Thank you, Jim.

**CHAIRMAN SWANSON:**

One of the questions I had was I certainly understand why you need to replace utilities, I'm not clear on why you have to widen the road ten feet in certain sections.

**MR. CEGLIO:**

Well, as part of looking at the entire project, we realize that the road was built undersized. Right now it's got two 10 foot lanes, a standard land for traffic is 12 feet. So as part of the project and increasing, or upgrading rather, the utilities, we figured we'd make the road where it's supposed to be in accordance with standards.

**CHAIRMAN SWANSON:**

Thank you. Mr. Kaufman.

**MR. KAUFMAN:**

Following up on what you just said, Mr. Chairman, regarding widening of the road. Again, I don't have a problem with the expansion of utilities, I've been down to the airport and I can also see the aerial photograph, but there's one interesting point. I'm looking at the map that was given to us, proposed Land Use Plan, and it marks out certain areas to the northeast of Runway 15 or Runway 1-5, that are green and on that map it shows the road, the access road, but it also states that that particular area is supposed to remain natural.

**MR. CEGLIO:**

If I could walk up to the map and just point it out. I think the size of your map or the scale of the map doesn't show the road as being excluded, but in essence it is.

**MR. KAUFMAN:**

The road is excluded then is what you're saying.

**MR. CEGLIO:**

Yes.

**MR. KAUFMAN:**

Okay.

**MR. CEGLIO:**

I was just thinking, I don't know if you wanted Bob Steele from McLean Associates to just go over exactly where, we might get a better picture of what or where the utilities are going to go, it might just help you with -- if you could walk up there and take a look at it.

**MR. KAUFMAN:**

Okay. Well, I appreciate the fact that they're going in a road, that kind of removes a lot of the objections that I have.

**MR. CEGLIO:**

Would you like him to take a quick run through it?

**CHAIRMAN SWANSON:**  
Sure.

**MR. STEELE:**

Bob Steele from L.K.McLean, Project Engineer for this job. The proposed utility upgrades will be coming in off of County Road 31 in the main access road. They'll be on the side of the road off to the utilities, where all the utilities at this point will be in a common trench coming down {Colin's} Way until they meet Sheldon Way at which point they'll head north in the direction of the north side of the airport. In this common trench there will be electric, any communication and cable facilities that are required. At the north access road, existing water terminate -- starts at the corner, at the northwest corner, the existing Suffolk County Water Authority currently has a 12 inch line that terminates at this point. Our plan is to continue that 12 inch line to the north side of the airport to provide the required needed fireflow for any facility that is currently there or any future facility that will be there in the future.

It's proposed that the common trench would be installed, I think it's approximately four feet to the south of the north access road, and if you have the cross-section in front of you, you'll see about four feet away from those utilities, to the south will be the proposed water which will replace an existing, old eight inch cast iron line which is undersized.

As far as the remaining utilities which is the sewer, its plan to install a gravity line in the vicinity of the proposed aviation properties, this gravity line will run north of the aviation area and collect the sewage from the properties at which time it will be pumped by a pumping station into a force main which will travel on the north side of the access road back to where it meets the gravity line on Sheldon Way. Thank you.

**CHAIRMAN SWANSON:**

Thank you. The discharge from the sewage treatment plant is going into the ground, cesspool, septic; it's not going through a notion outfall or --

**MR. STEELE:**

No, no, it's a leaching field.

**CHAIRMAN SWANSON:**

Leaching field? Okay, thank you. Any questions about this project? Yes.

**MR. PICHNEY:**

Just one more question. Not being familiar with this sort of installation, does ordinary electric cable require a cooling jack the same way as a high tension wire would be if it was put underground?

**MR. STEELE:**

I do not believe so.

**MR. PICHNEY:**

Okay.

**CHAIRMAN SWANSON:**

Other questions?

**DR. POTENTE:**

Yes. The leaching field, is that randomly disbursed throughout the airport or is there a concentrated area?

**MR. STEELE:**

It's located in --

**MS. KRAUS:**

Just the mike, please.

**MR. STEELE:**

Sorry. It's located on the south side of the airport, currently, next to the treatment plant.

**MR. CEGLIO:**

Do you want us to point that out? Okay.

**DR. POTENTE:**

No, I see it. Is there going to be any additions to that?

**MR. CEGLIO:**

Can you point that out, Bob?

**MR. STEELE:**

There's no additions needed at this time.

**DR. POTENTE:**

I'm talking about the leach field. Yeah, can you point that out?

**MR. CEGLIO:**

Sure. The current sewage treatment plant located on the south side of the airport, right next to our department of -- Suffolk County Department of Public Works, so the current system has piping that runs up along here, into the Air National Guard along the west side of the airport, right up to about the administration building. The intent is to extend that up along the road to the existing hangars that are up on the north side of the airport and provide enough capacity for any future development for aviation on that north side also.

**MS. RUSSO:**

Also, do you feel that the current leaching field will have enough to hold and handle the increased sewer capacity when you put your new lines in?

**MR. CEGLIO:**

It has been calculated and yes, it will handle the additional capacity that's going to be added.

**CHAIRMAN SWANSON:**

What's the current sewage flow and what is the design capacity?

**MR. CEGLIO:**

I'll ask Bob to look it up. Off the top of my head, I believe it was 100,000 gallons a day. Currently the only hook-ups into it right now are from the Air National Guard and I believe they use less than 10,000 gallons a day.

**CHAIRMAN SWANSON:**

Okay, so this is really a very, very small plant.

**DR. POTENTE:**

May I just --

**MR. BAGG:**

If I might point out, that plan is constructed in conformance with the Suffolk County Department of Health Services Standards and Code.

**CHAIRMAN SWANSON:**

And the County operates it?

**DR. POTENTE:**

That's the leach field, Jim, you're referring to?

**MR. BAGG:**

Everything, the whole plant.

**DR. POTENTE:**

I mean, my concern looks like the wetlands to the east, that was actually my concern, and it looks like you're driving the leach fields to the western portion, is that correct? The leach field itself, you said this was a leach field, correct?

**MR. CEGLIO:**

Well, it's --

**MR. FULKERSON:**

This is an existing facility, we're not adding any leaching fields at all up there, it's all going to be piped down to the existing sanitary sewer plant which has the leaching facilities now that have been sized.

**DR. POTENTE:**

Yeah, that's what I was questioning, where that is.

**MR. FULKERSON:**

That's down where the plant is and that's been sized to accommodate the hundred.

**DR. POTENTE:**

Okay, that was my question. Okay.

**CHAIRMAN SWANSON:**

Other questions? Do I have a motion?

**MR. KAUFMAN:**

All right, I'll make a motion, Unlisted Neg Dec; I think this is an unlisted -- yeah, it's an Unlisted Neg Dec.

**LEG. VILORIA-FISHER:**

I'll second that.

**CHAIRMAN SWANSON:**

We have a motion, it's been seconded. Any further discussion? All in favor of the motion? Opposed? Motion carries. Thank you.

Next? Next that I have is the *relocation of the existing maintenance facility*.

**MR. CEGLIO:**

For this project, it's Capital Project 5733, Replacement of the Maintenance Facility at Francis S. Gabreski Airport. We have Department of Public Works, Ralph Borkowski and Jim Campbell, Architect, who's done some preliminary design work on the project so far.

Generally the -- it's just as the title suggests, it's a replacement of an existing maintenance facility that was removed about a year ago from the proposed industrial park. We are currently housing our maintenance crew and equipment in a temporary facility at the airport. The project, the proposed project is just to rebuild the building that was torn down and make it into a more modern facility on the south side of the airport. Ralph, if Ralph is ready, he's going to talk about this to you.

**MR. BORKOWSKI:**

Ralph Borkowski, Suffolk County Department of Public Works. Basically, as Tony suggested, this is a relocation of an existing maintenance facility. It's 6,074 square feet and we are just relocating it from one portion of the airport to a new location.

**CHAIRMAN SWANSON:**

Could you go to the map and please illustrate that?

**MR. CEGLIO:**  
James -- okay.

**MS. KRAUS:**  
Can you just use the microphone, please?

**MR. CEGLIO:**  
The old maintenance facility was located over here on the west side of the airport, basically off of County Road 31. It was in the middle of the proposed Airport Industrial Park so it had to be removed, it was an old building, part of the old Air Force buildings that were built in the 40's. The relocation site is going to be down on the south side of the field, very close to the Suffolk County Department of Public Works Maintenance Facility and also the Westhampton Village Maintenance Facility.

If you go over to the proposed Land Use Map, it's in an area down here, it's in light blue on the key, it's proposed for non-aviation development so it's not in any of the green areas that we propose to leave undisturbed.

**CHAIRMAN SWANSON:**  
And this is an area that has other maintenance type facilities around it as well; is that correct?

**MR. CEGLIO:**  
Correct. Suffolk County Department of Public Works Maintenance Facility is probably about a quarter of a mile away, and immediately to the west of the proposed property is the Village of Westhampton Beach Highway Yard.

**CHAIRMAN SWANSON:**  
Thank you.

**MR. BROWN:**  
Larry, is this a segmentation?

**CHAIRMAN SWANSON:**  
In what way?

**MR. BROWN:**  
The last one that we just did.

**CHAIRMAN SWANSON:**  
Oh, the infrastructure for the electrical, cable and this --

**MR. BROWN:**  
Right.

**CHAIRMAN SWANSON:**  
-- as being segmentation?

**MR. BAGG:**  
Larry?

**CHAIRMAN SWANSON:**  
Yes.

**MR. BAGG:**  
I believe the airport facilities that were proposed in 1990, this is, you know, in conformance with that proposed plan and that build-out of that particular plan. In addition to that, in terms of the

airport, the airport has been designated a receiving area in terms of the Pine Barrens by the Town of Southampton. The airport has been zoned light industrial, the entire airport, by the Town of Southampton and the proposed uses that you are, you know, reviewing today are all covered under existing master plans that have been previously reviewed and everything is consistent, as well as the Pine Barrens; the Pine Barrens reviewed that plan, too.

**MR. BROWN:**

Yeah, I understand that. But we're voting on a segmentation of two projects, the development or the proposed development of the Gabreski Airport and now you're throwing in another maintenance building on a separate --

**CHAIRMAN SWANSON:**

It's a replacement.

**MR. BAGG:**

But here it's a replacement, but here again, they're all single and separate projects in and of themselves.

**MR. BROWN:**

It's not a replacement -- it's not a replacement, it's a relocation. So if it was a replacement in-kind I would agree with you, but it's not, it's a complete relocation of it.

**MR. BAGG:**

But what is it a segmentation from?

**MR. BROWN:**

From the original proposed plan that we just voted on the last one.

**MR. BAGG:**

Well, you didn't vote on a plan, you voted on a project to upgrade utility.

**MR. BROWN:**

We voted on a project, right.

**MR. BAGG:**

In the northern portion of the airport, and this is now a relocation of a maintenance facility that was there that's going to have to go someplace else. It's all been reviewed by the Master Plan in 1990, the Legislature adopted that plan to say, "Yes, this is the proposed build-out we want to happen at the airport."

**MR. KAUFMAN:**

Maybe another way to look at it, Steve, is to realize that the northern area where the utility lines are going to be going into are designated as future development and that -- and there is existing development in there also, and the relocation is going into an area that's already developed anyway. Maybe it's not replacement in-kind, I mean, I fully understand that. Moving it over from one location to another obviously can't be, but conceptually you might consider it that way. I'm just throwing it out.

**MR. BAGG:**

I mean, one of the things you have to consider here is the towns adopt Master Plans and they all have separate zoning and subdivisions. Now, once you have that master plan in place, does that mean every subdivision or every project comes in pursuant to zoning in that town is a segmentation? They don't consider it that way.

**MR. BROWN:**

Jim, the original Master Plan, did this -- did that undergo SEQRA back then?

**MR. BAGG:**

Yes.



**MR. BROWN:**

Oh, it did.

**MR. BAGG:**

It went through SEQRA and the Council made a number of requirements to mitigate impacts. One was that the site had to be sewerred and all construction of that site has to be in conformance with Article 6, 7 and 12 of the Sanitary Code and that certain areas of that property would be left as open space and those areas were placed in the core by the Pine Barrens and are to be left in their natural state. And then since the Pine Barrens plan has passed and they came out with clearance standards, the Department of Economic Development & Workforce Housing went to the Pine Barrens Commission, and this is the plan you have before them that shows the green area that will meet that 35% standard so that all the future development that comes in, if it's not in those areas technically you don't have to consider the clearance standard because it's already been approved by the commission.

**MR. BROWN:**

Okay. So this has undergone SEQRA, we've pretty much seen it. This falls within the confines of what the original Master Plan was then.

**MR. BAGG:**

Right. And one of the, you know, also reasons for a Negative Declaration that the Council did specify was that because there was not enough specificity in each individual project, that the individual project should come back in to CEQ, all right, for a review. So in essence, the departments are now submitting these projects with specifics to you for review again.

**MR. BROWN:**

Thank you, Jim, for clarifying that.

**MR. KAUFMAN:**

Actually, there's been, according to my count, nearly four or five SEQRA's done on this.

**CHAIRMAN SWANSON:**

Okay. Any other discussion on this one? Do I have a motion?

**MR. KAUFMAN:**

I'll make a motion Unlisted Neg Dec.

**CHAIRMAN SWANSON:**

We have a motion. Do we have a second?

**MS. RUSSO:**

Second.

**CHAIRMAN SWANSON:**

We have a second. Any other discussion? All in favor? Opposed? Abstentions? Okay, motion carries.

Okay, the last one has to do with clearing.

**MR. CEGLIO:**

This is also a Capital Program 5731 entitled ***Airport Obstruction Program***. The County has received a State grant from the New York State Department of Transportation for this project for safety reasons which I'll describe in a minute.

The project includes removal of about 18 acres of trees in the center of the airfield in an area that is not part of the 35% that's going to remain uncleared. The trees are a safety hazard because they obstruct the line of site from the air traffic control tower to a portion of Runway 33

and Taxiway Sierra at the airport.

In accordance with Federal Aviation Administration requirements that I described to you earlier, we are required to comply with certain requirements to the FAA. The airport must provide a clear unobstructed, direct line of site to the approaches to all runways, landing areas and all runway and taxiway surfaces, and that's in FAA Advisory Circular 150/5300-13 609(b). The project is consistent with the Pine Barrens Act, as I mentioned, since they're not an area designated to remain in its natural state.

In addition, as part of the EAF I've included an Air Traffic Control Tower Hazardous Air Traffic Report that was recently submitted to the Air National Guard. The control tower is staffed and manned by the guard, they consider the trees that block the approach to this runway and their visibility of this runway to be a hazard because they can't see aircraft when they're landing, they can't see aircraft when they're holding short of the runway after they've been told to do so. As recently as last year we had an aircraft come in, the control tower normally asks the aircraft to make sure their wheels are down if it's a retractable landing gear aircraft; the aircraft landed, the gear wasn't down, they couldn't see the aircraft until it skidded to a stop at the middle of the runways. So they would like this done, it makes sense to do it, it is a safety hazard and it is in conformance with FAA requirements.

I will -- I believe in your package, I just want to go through it, There is a depiction -- and I'll go up to the map and point it out, but an aerial photo showing where the control tower is; it looks like this if everybody can see this. But a point where the control tower is located and just a basic line showing where the control tower needs to see and everything on the inside of that line which is required to be cleared. Once the clearing is done, nothing is going to be built there, obviously, because that would obstruct the line of site, but it also is going to be replanted with natural grasses in accordance with the Pine Barrens Comprehensive Land Use Plan.

**CHAIRMAN SWANSON:**

An alternative would be to build the tower higher.

**MR. CEGLIO:**

If there was funds for that. The tower also was built in the 40's, it's been renovated a few times, I think as late as the 60's. I don't think we can just add a couple of floors to it, it probably would have to be torn down and rebuilt; the cost for doing something like that, we looked into it a couple of years ago, is in the order of about three million, it might be closer to four million now.

**CHAIRMAN SWANSON:**

Okay, so we're not going to get a project coming back here in a couple of months asking to rebuild the tower anyway.

**MR. CEGLIO:**

I can't promise you that because, again, the tower is in bad shape, we're keeping it glued together. But if it were rebuilt, it would be built on the same site and I don't know if it could be built high enough to clear that line of site for the tree. The trees -- apparently when the tower was built in the 40's, the trees were low enough for the line of site problem not to be an issue. The trees have grown up, they haven't been maintained at a lower height, so now we have to come back and restore that line of site.

**CHAIRMAN SWANSON:**

Are the trees -- have the trees reached their maximum height?

**MR. CEGLIO:**

It's Scrub Oak and pine, I would imagine they've there for over 65 years, I don't know what the timeframe is for those type of trees to reach their full height; I would imagine they probably are at this point.

**CHAIRMAN SWANSON:**

Okay, thank you. Yes, Mr. Kaufman.

**MR. KAUFMAN:**

How tall are these trees?

**MR. CEGLIO:**

They range in height probably from eight feet to 12 to 14 feet.

**LEG. VILORIA-FISHER:**

Oh, that's not that high.

**MR. CEGLIO:**

If I could, I just want to walk over to the map and just give you a picture of where this is also to get a better idea. The control tower is located on the west side of the airport, about where I'm pointing to now. The area that the control tower cannot see is along this taxiway, there's what's called a hold line where aircraft are required to hold before they proceed on to the runway. The trees running north of this line are the trees that we're talking about, it's approximately 18 acres and the problem is the tower cannot see this hold line and the trees are high enough where they can't see this first portion of runway up to about the center section of the airfield.

**MR. BAGG:**

If I might point out something. As part of the Pine Barrens Commission, that's the State Pine Barrens Commission, in their habitats, not only do they point out that Pine Oak Woods is a valuable habitat, but they also are considering that grasslands, okay, are an important part of the Pine Barrens mosaic, an important habitat and they make recommendations to maintain those grasslands. A large portion of the maps that you were handed out and up there, in between the runways are grasslands and they are also considered -- in meeting -- they would help meet the Pine Barrens clearance standards. So in essence, the airport far exceeds the natural vegetation limits of 35% in natural vegetation.

In this particular instance, taking the trees out would eliminate one type of habitat considered by the commission to be important but replacing it with another form of habitat which the commission also feels is important and they feel that the airport grasslands are very important as they are now.

**MR. CEGLIO:**

In addition -- I'm just going to speak loudly because that's going to be -- when this map was developed --

**LEG. VILORIA-FISHER:**

Actually, she needs the mike because it's recorded for her, for the stenographer.

**MR. CEGLIO:**

When we came up with this map and development it with the support of the community, we specifically excluded this area knowing it was a problem for the control tower. And if you notice, this area, in addition to the other areas here, is shown in white and it's called Runways, Taxiways and In-Field areas. Knowing that the trees would have to be cleared or removed or trimmed in this area and certain other areas around the airport, if you go to the aerial photograph you can see that the tree areas over here, there's tree areas over here and in other areas of the airfield, some of them have not grown up to a point where they're considered obstructions but they may be in the future which is why we developed a map that looks like this.

As Jim mentioned, there are also grass areas that are in the infield that can help us meet the requirements of the Pine Barrens Act also if for some reason we had to go outside of -- or revise the map at some future date. But right now, what we're talking was considered when we developed this map.

**CHAIRMAN SWANSON:**

Legislator Viloria-Fisher?

**LEG. VILORIA-FISHER:**

As I look at the Legend, it says that, "The runways, taxiways and in-field areas constitute 600 acres." Approximately how many of those acres would be grasslands, eventually if we took the trees down and they were just grasslands?

**MR. CEGLIO:**

I would manage that at some future date all 608 acres could be grasslands.

**LEG. VILORIA-FISHER:**

Oh, so when you -- but you have taxiways, though, you have to subtract all of that.

**MR. CEGLIO:**

Yes, true; I'm thinking of the in-field areas surrounding runways and taxiways. I haven't done that calculation where you take out the runways and taxiways.

**LEG. VILORIA-FISHER:**

Okay. But it's large areas and they would be large enough to be a habitat and a grassy -- a grassland habitat?

**MR. CEGLIO:**

It could be.

**LEG. VILORIA-FISHER:**

Those areas between the runways are large enough?

**MR. CEGLIO:**

Absolutely. Yeah, if you look in here, I mean, this entire area represents, I believe it had about 70 acres, say about 70 acres here, approximately another 60 acres here, maybe 80 acres in this area.

**LEG. VILORIA-FISHER:**

Okay, that answers my question. Thank you.

**CHAIRMAN SWANSON:**

One of the things that I recall is that you have said there are no animals of significance or concern in this particular area, but yet it seems to me that in past presentations that, in fact, there have been important animals identified on the airport property. So I'm just wondering about how you reconcile sort of the differences between at least what I recall from years ago and now.

**MR. CEGLIO:**

Well, there certainly are wildlife on the airport; we have a deer problem, I think like most of Long Island right now. We also have some groundhogs and fox as far as I know, but I think those are all identified, I don't think any of them are on the endangered species list, so I don't think we're ruining any habitat.

Plus, we are -- the entire airport is almost 1,500 acres and that's just the border of the airport. There's almost another 3,500 acres to the north of the airport running from our north border to Sunrise Highway. A lot of the wildlife did an aerial survey with the guard, the Air National Guard. Last year, you can see deer trails coming from those 3,500 acres on to the airport property and going back in other areas. So if we remove some of the trees, there's, again, 500 acres in the core of the Pine Barrens that will never be developed that the wildlife, I would imagine, would migrate to.

**CHAIRMAN SWANSON:**

Yes, we have a question or a comment from the audience. You'll have to speak into the microphone.

**MR. PENNY:**

Larry Penny, Natural Resource Director, East Hampton Town. I've actually done -- made several counts on that airport grounds and in favor of the grasslands, there are three rare New York State species, birds that breed in the grasslands, Grasshopper Sparrow, one of the few places where it breeds on Long Island, the Upland Sand Piper, it used to be called the Upland Plover, and the Grasshopper Sparrow, I think the Grasshopper Sparrow was actually on the New York State threatened list. But they all -- if it grew up in the pine trees, those three species wouldn't be breeding there.

**CHAIRMAN SWANSON:**

Okay. So you would be in favor of removal of the trees?

**MR. PENNY:**

Well, I would not like to see the grassland decreased in area, that's for sure. Yeah, thank you.

**CHAIRMAN SWANSON:**

Okay, thank you. Any other comments? Yes.

**MS. RUSSO:**

Would it be possible, Mr. Ceglie, to try and replant, you know, to re seed elsewhere on the property to kind of make up for some of the 18 acres of trees that are cut down? Is there any area -- when I looked at the map here carefully, I'm like I don't know what area really could fill in, but you're more familiar with it than me just looking at the map and maybe you have some areas you could make up some of that lost acreage with trees.

**CHAIRMAN SWANSON:**

Jim?

**MR. BAGG:**

If I might point out, I mean, the State came out with a Pine Barrens Preservation Plan to preserve the core area, per se. The County did preserve those areas in the core here, but the County's purchased approximately 45,000 acres of Pine Barren areas throughout Suffolk County and a good majority of the core area to some extent and that plan called for the preservation of the core and making this area the CJA for development in order to preserve those other areas to some extent. So when you talk about mitigation, I think that the County has a great mitigation plan in that they're preserving the rest of the Pine Barrens as well as the area to the north. We just bought the majority of that other 3,000 acres for preservation to the north of the airport.

**CHAIRMAN SWANSON:**

Thank you. Any other comments? Do we have a motion?

**LEG. VILORIA-FISHER:**

Wait, I just have --

**CHAIRMAN SWANSON:**

Yes.

**LEG. VILORIA-FISHER:**

I'm sorry.

**CHAIRMAN SWANSON:**

No problem.

**LEG. VILORIA-FISHER:**

Jim, I'm looking back at some backup I have from quite -- from the 1990 plan and it refers to evergreen screening along Route 31?

**MR. BAGG:**

I believe that was done.

**LEG. VILORIA-FISHER:**

That was done, so we wouldn't be able to add more screening there, or is that sufficient? I'm just trying to respond to the question that was --

**MR. BAGG:**

The Department of Public Works did go in and landscape the area next to the 31 in conformance with the Town of Southampton requirements and meeting Pine Barren standards, that was done.

**LEG. VILORIA-FISHER:**

Okay, thank you.

**CHAIRMAN SWANSON:**

Okay. Any other comments? Do we have a motion?

**MR. KAUFMAN:**

I'll make a motion Type I, Negative Declaration.

**CHAIRMAN SWANSON:**

Type I, Negative Declaration. Do we have a second? We have a second. All in favor? Opposed?

**MR. KAUFMAN:**

One abstain.

**CHAIRMAN SWANSON:**

One abstention, Mr. Kaufman abstains.

**DR. POTENTE:**

I'll abstain along with Mr. Kaufman.

**CHAIRMAN SWANSON:**

Okay, and Dr. Potente is abstaining.

**LEG. VILORIA-FISHER:**

How can you abstain, you made the motion?

**MR. KAUFMAN:**

Oh, okay, sorry. I made the motion so I have to vote in favor of it, sorry about that.

**LEG. VILORIA-FISHER:**

If you make the motion you can't abstain.

**MR. KAUFMAN:**

I have the rules of the Legislature right here, I'll check it out and see.

**LEG. VILORIA-FISHER:**

I mean, you can vote against if you made the motion, but I don't think you can abstain.

**MR. KAUFMAN:**

I've thrown everyone into confusion. I will vote in favor of the motion.

**CHAIRMAN SWANSON:**

Do you have the -- we have one abstention now, Dr. Potente.

**DR. POTENTE:**  
I'll go along with --

**MR. BAGG:**  
You're going to vote in the affirmative?

**DR. POTENTE:**  
Yeah, go ahead.

**CHAIRMAN SWANSON:**  
For the record, can we -- all in favor of the motion please raise their hands. All opposed? Abstentions? All right; you do know the difference between abstaining and --

**MR. KAUFMAN:**  
Yes, I do know the abstention law.

**CHAIRMAN SWANSON:**  
Thank you very much.

**MR. CEGLIO:**  
I think that's all I have this morning. I'd like to thank the Council for their time. Thank you.

**CHAIRMAN SWANSON:**  
Thank you. In order to relieve the stenographer, we'll take a break for about five minutes.

**(\*Brief Recess Taken: 1:29 PM - 1:41 PM\*)**

**CHAIRMAN SWANSON:**  
I'm going to rearrange the schedule a little bit and before we start to talk about Vector Control, I'm going to insert the Historic Services Report. Okay, Lauretta?

**MS. FISCHER:**  
Good morning.

**CHAIRMAN SWANSON:**  
Good morning.

**MS. FISCHER:**  
Do you want me to start, Larry?

**CHAIRMAN SWANSON:**  
Yes.

**MS. FISCHER:**  
The first one before you is an acquisition in the ***Mastic/Shirley, again, Conservation area, the Ferrieri Property***. This is a small .1, almost .2 acre lot down in our conservation area again; we're acquiring this under the new Drinking Water Protection Program for Open Space.

**CHAIRMAN SWANSON:**  
Do we have a recommendation?

**MR. BROWN:**  
I'll make a motion, Unlisted.

**CHAIRMAN SWANSON:**  
I have a motion, it's Unlisted Neg Dec. All in -- second?

**DR. POTENTE:**

Second.

**CHAIRMAN SWANSON:**

Second by Dr. Potente. All in favor? Opposed? Motion carries.

**MS. FISCHER:**

Thank you. The next one, again, is in the *Mastic/Shirley Conservation area, another small .2 acre lot (Fischette Property)*.

**MR. BROWN:**

I make a motion, Unlisted.

**CHAIRMAN SWANSON:**

We have a motion that's Unlisted.

**MS. STILES:**

Second.

**CHAIRMAN SWANSON:**

We have a second by Ms. Stiles. All in favor? Opposed? Motion carries.

**MS. FISCHER:**

The next one, again, is in *Mastic/Shirley, the Nielsen Property* and again, it's approximately .2 acres in size.

**MR. BROWN:**

Motion, Unlisted.

**CHAIRMAN SWANSON:**

Just a minute. Oh, you can go ahead and make the motion.

**MR. BROWN:**

I did; motion, Unlisted.

**MS. RUSSO:**

Can I ask a question? Is it too late, I can't ask?

**LEG. VILORIA-FISHER:**

No, you can ask a question on the motion.

**MS. RUSSO:**

Okay; it's not on the motion, I have a question about actual application.

**CHAIRMAN SWANSON:**

Ask your question.

**MS. RUSSO:**

The resolution talks about the purchase price of 130,000, this is barely two-tenths of an acre. It's in the same area that the previous two purchases are and they were both at 14,500. I was questioning -- it has nothing to do really with the SEQRA review, by why the difference in price and such a big jump?

**MS. FISCHER:**

I would have to refer -- defer to the Division of Real Estate in their appraisal review, I do not get involved in their appraisal reviews.

**CHAIRMAN SWANSON:**

I know we're not supposed to do that, but I had the same question, it amounts to about \$650,000 an acre.



**MS. FISCHER:**

Right; I can't answer that question at this time.

**MR. KAUFMAN:**

Do you want to -- I'd make a suggestion maybe that we want to table?

**MR. BAGG:**

No.

**MR. KAUFMAN:**

No?

**CHAIRMAN SWANSON:**

We can't.

**MR. BROWN:**

No, I made the motion unlisted.

**MR. KAUFMAN:**

Sorry.

**MS. STILES:**

Larry, can I say something?

**CHAIRMAN SWANSON:**

Yes.

**MS. STILES:**

Lauretta, isn't there an entirely separate committee that deals with the pricing?

**MS. FISCHER:**

Yes, absolutely, the ETRB Committee and this has gone before them and they have approved the price. All I can summarise for you is that some of these lots could be considered buildable versus others that are completely contained with wetland habitat. So I can just presume that that does get taken into account, but I cannot speak specifically on the issues of the appraisal of this property.

**CHAIRMAN SWANSON:**

Okay, so we still haven't moved forward. Do we have a motion?

**MR. BROWN:**

I have the motion Unlisted.

**CHAIRMAN SWANSON:**

Mr. Brown made the motion; a second?

**MR. KAUFMAN:**

I'll second.

**CHAIRMAN SWANSON:**

Second by Mr. Kaufman. All in favor? Opposed? Motion carries.

**MS. FISCHER:**

Thank you.

The next one is the acquisition of the *Proios Enterprises Property*.

I would like to request that we table that, we're still waiting for information regarding the use of the site from the Legislature.

**CHAIRMAN SWANSON:**

It's been suggested that this be tabled? Do we have a motion to table it?

**MR. BROWN:**

I'll make a motion to table.

**CHAIRMAN SWANSON:**

Mr. Brown made a motion. Second?

**MR. KAUFMAN:**

I'll second.

**CHAIRMAN SWANSON:**

Second by Mr. Kaufman. All in favor of tabling? Opposed?

Motion tabled.

**MS. FISCHER:**

Thank you.

The next acquisition before you is the ***Smith Road/AVR 123 Property in the Town of Brookhaven***. This is an acquisition that totals three hundred -- 296.5 acres of which another approximately 100 acres will be acquired separately by the State of New York. On your map it indicates the breakdown of the acquisition and the portion -- the purple parcel to the north on Middle County Road is going to be acquired completely by the State of New York; the next property in red outlined to the south of that property is going to be bought half by the State, a quarter by the County and a quarter by the Town of Brookhaven; and the orange parcel outlined to the south of that portion parcel will be owned 50/50 by the Town of Brookhaven and the County of Suffolk.

This is being acquired under our Land -- Multi-Faceted Land Preservation Program as the Land Preservation Partnership for open space preservation purposes. This was on our Master List, too.

**MR. BROWN:**

I'll make a motion of Unlisted.

**CHAIRMAN SWANSON:**

We have a motion that's Unlisted by Mr. Brown.

**MR. KAUFMAN:**

I'll second.

**MR. BAGG:**

No, it's a Type I.

**CHAIRMAN SWANSON:**

Oh, that's right. You want to correct your motion?

**MR. BROWN:**

Yes, correct my motion, Type I.

**LEG. VILORIA-FISHER:**

Second.

**CHAIRMAN SWANSON:**

I have a second.

**LEG. VILORIA-FISHER:**

May I just say something on this parcel? Because we spent quite a bit of time at yesterday's General Meeting of the Legislature putting more funds into our environmental -- Open Space Acquisition Program because this particular parcel has such a great impact on our budget and that CN did pass last night; it was a Certificate of Necessary, it passed last night and this resolution will be coming before us in the Legislature. This is a three-way partnership which is probably the best way to leverage our County dollars, and so this is a very exciting resolution.

**CHAIRMAN SWANSON:**

Yes, you deserve a lot of credit for this one.

**MS. FISCHER:**

Yeah, this was a long time coming.

**CHAIRMAN SWANSON:**

Okay, we have a motion, we have a second. All in favor? Opposed? Motion carries.

**MS. FISCHER:**

The next acquisition is a small lot on ***Fresh Pond that flows into Dickerson Creek in the Town of Shelter Island***, it's part of our area of acquisition along -- around this water body, Fresh Pond in Shelter Island. We are going to be doing a partnership, I believe; yes, a partnership with the town, a 50/50 partnership on this property.

**CHAIRMAN SWANSON:**

We have a motion?

**MS. FISCHER:**

It's a small lot located just directly on the pond itself.

**MR. KAUFMAN:**

I make a motion, Unlisted Neg Dec.

**CHAIRMAN SWANSON:**

Second?

**MS. STILES:**

Second.

**CHAIRMAN SWANSON:**

It's been seconded by Ms. Stiles. All in favor? Opposed? Motion carries.

**MS. FISCHER:**

Thank you. The next, No. 13 is the acquisition of the ***Estate of Weisz, the Amsterdam Beach Count Park addition***. This property is part of an acquisition area that we started a few years ago with New York State, with the Town of East Hampton as well as the County. This property will be acquired 50/50 with the Town of East Hampton, it is 26 acres in size near and along the shoreline of the Atlantic in the Montauk area. It's a beautiful piece of property with undulating title wetlands and maritime shrub land habitat is a truly unique piece of property for Long Island.

**CHAIRMAN SWANSON:**

Do we have a motion? We have a comment from the public.

**MS. FISCHER:**

Larry Penny is here.

**CHAIRMAN SWANSON:**  
Yes?

**MS. FISCHER:**  
If he'd like to speak.

**MR. PENNY:**  
Larry Penny, Natural Resources Department representing East Hampton Town. This will bring your total holding of State, County and Town combined lands on the ocean in Montauk I believe to about 240 acres and it's all this kind of this Montauk Moreland, {heathland} with perch wetlands and so forth. And for you who are interested in the botany of the area, it's loaded with State-listed plants. So it's a wonderful thing and we thank the County and thank you. Thank you.

**CHAIRMAN SWANSON:**  
Thank you very much. Do we have a motion on this one?

**MR. KAUFMAN:**  
Motion, Unlisted Neg Dec.

**CHAIRMAN SWANSON:**  
Second?

**LEG. VILORIA-FISHER:**  
Second.

**CHAIRMAN SWANSON:**  
Okay, we have a second. All in favor? Opposed? Motion carries.

**MS. FISCHER:**  
The final acquisition is the *River Club Property in the Town of Riverhead on the Peconic River*. The County is acquiring approximately 17.6 acres --

**LEG. VILORIA-FISHER:**  
Excuse me, Laretta, I just have a question, a procedural question.

**MS. FISCHER:**  
Sure.

**LEG. VILORIA-FISHER:**  
Mr. Chair, isn't Mr. Penny the East Hampton representative on CEQ?

**CHAIRMAN SWANSON:**  
No.

**LEG. VILORIA-FISHER:**  
No? Okay, I was misinformed, I'm sorry. I was wondering why he wasn't voting on this.

**MR. KAUFMAN:**  
No, he's a paid employee, he's not on CEQ.

**MR. BAGG:**  
He works for the town. I don't believe he's on the CAC and the Town of East Hampton has not sent in any names relative to seating.

**LEG. VILORIA-FISHER:**

Got to get on that. Sorry for the interruption, Laretta, I just thought he might have wanted the opportunity to add his name to the majority if he could vote on that. Sorry.

**MS. FISCHER:**

No problem. Okay.

**MR. KAUFMAN:**

I'll vote for you, Mr. Penny.

**MS. FISCHER:**

The River Club Property is -- the County is acquiring 17.6 acres along the Peconic River, just west of the County holdings of the Indian Island Golf Course. The town will be buying another twenty some-odd acres north of Riverside Drive and adjacent to their sewer treatment plant south of the Long Island Railroad. So this is actually a partnership, but partnership in two parts; the County's portion will be solely acquired by the County.

**CHAIRMAN SWANSON:**

Okay. Do I have a motion?

**MS. LAMONT:**

I'll make a motion, Unlisted Neg Dec.

**CHAIRMAN SWANSON:**

We have a motion for Unlisted Neg Dec.

**MR. KAUFMAN:**

I'll second that.

**CHAIRMAN SWANSON:**

Seconded by Mr. Kaufman. All in favor? Opposed? Abstentions? Motion carries.

**MS. FISCHER:**

Thank you very much.

**CHAIRMAN SWANSON:**

Thank you, Laretta. Now, Richard, do you want to comment on Historic Services?

**MR. MARTIN:**

Okay. The Deepwells Farm Historic Society has opened up Deepwells to the public this past weekend and they will also have it open to the public the next two weekends, December 9th and 10th and December 16th and 17th, and they're trying to revive the holiday show house event that we had there, but at this point just on these three weekends but they will look to expand this event next year. I think they got a good visitation this past weekend.

**MR. KAUFMAN:**

Rich, did they sign a contract finally with the County?

**MR. MARTIN:**

No, the contract is still being negotiated. They are opening Deepwells on a permit that we've issued to them, to their organization, and that's how they're running the event, and they did have their insurance to run the event.

**MR. KAUFMAN:**

Thank you.

**MR. MARTIN:**

Sagtikos Manor will be open to the public this weekend, December 9th and 10th, for a special

holiday tour, both Saturday and Sunday. And the next Historic Trust Committee meeting will take place at the {Commondinger} Property after the County closes on that property. Legislator Kennedy has requested that we have a meeting on-site and take a look at the house that's going to be purchased with the property for our history significance, so that's why we're going to that site. That's all I have today.

**CHAIRMAN SWANSON:**

Is that it?

**MR. MARTIN:**

Yes.

**CHAIRMAN SWANSON:**

Okay. Any questions of Richard? Thank you very much.

Now we'll come to the best part of the program and that is Vector Control, something we all wait for every month. Good afternoon, or good morning, Mr. Dawydiak. You want to introduce your panel?

**MR. DAWYDIAK:**

Thank you, Chairman Swanson. I'm Walter Dawydiak, Chief Engineer for the Suffolk County Health Department. I'm also the project manager for the Vector Control and Wetlands Management Long-Term Plan. To my right is Dave Tonjes, Professor and Dr. Dave Tonjes, consultant for the Long-Term Plan with Cashon; Dominick Ninivaggi, Superintendent of Suffolk County Vector Control, and Amy Juchatz, Environmental Toxicologist with the Department of Environment & Energy with close connections to the Health Department.

**CHAIRMAN SWANSON:**

Okay. And you were going to have a presentation?

**MR. DAWYDIAK:**

Yes. With your permission, what I would like to do is since there are several new members on the panel, I'd like to give about a ten minute overview of the Long-Term Plan, maybe ten minutes about how it's evolved and what the FEIS has accomplished. There were some questions and issues raised by Dr. Potente, I believe, I believe in the October CEQ meeting, we were prepared to provide some supplemental responses in November but we ran too, late so Dr. Tonjes would like about five minutes or so to respond to issues on the Wertheim OMWM Project, the Wertheim Marsh Restoration Project; the word OMWM doesn't exist in our dialogue anymore. And then Amy Juchatz would like to respond to your questions at the Vector Control Steering Committee on the synergistic effects and background levels of pesticides in terms of risks. So if that's acceptable, we expect that this whole process will take about 30 minutes or so.

**CHAIRMAN SWANSON:**

Well, go ahead.

**MR. DAWYDIAK:**

Okay, I'm going to talk a little bit about the goals and why we got into this plan, what questions we answered and what the highlights of the plan are and segue into the final environmental impact statement.

This is a graphic that we've used since the beginning. We really got into this plan initially back in 2002 when a Positive Declaration was adopted. To minimize public health risks from toxics and mosquito-borne diseases while optimizing environmental quality, specifically wetlands potentially subject to impacts by Vector Control activities; so the scope did not initially include all wetlands in Suffolk County. The valuables in this universe were larvicides, adulticides and other

alternatives as well water management. And again, reducing pesticide usage is a paramount County policy that was an important consideration as well.

Back around 1999 when the West Nile threat first appeared here we were ground zero, since then we've had four deaths and 27 cases. By way of perspective, New York State has had about an order of magnitude higher than that, over 30 deaths in 300 cases and nationally yet more than another order of magnitude higher than that. West Nile obviously is was one of the major reasons we got into this. With the rapidly evolving management issue and the need to respond rapidly and effectively, the need to re-visit vector control was apparent to optimize it.

This is a map showing the 2005 adulticiding, I think Dominick has one for '06 which is substantially similar. In terms of pesticide reduction, adulticides and non-emergency response situations are really used quite sparingly. This map shows service requests; it's a little hard to see but service requests are dotted throughout the entire Suffolk County and the areas subject to Vector Control adulticiding are really very small, less than 2% of the County receives adulticide, typically a **pyrethroid, like resmethrin and a non-emergency response situation**. That being said, no pesticides are risk-free and the goal was to continue to reduce adulticiding.

The larvicide problem is much more widespread and defuse. The green marshes here along all of our major estuary systems show marshes which are routinely larvicided. We're looking at about 4,000 acres out of 17,000 acres of title wetlands which are routinely larvicided, and this obviously is not an optimal issue. These marshes were heavily grid-ditched, mainly in the 1930's. We're well over 90% of the 17,000 acres remain grid-ditched which is obviously not a state of optimal marsh health and it's certainly not effective uniformly for vector control either, these areas still require larviciding.

So we entered this plan with these initial goals, charges, reduce pesticides, improve marshes that would, in effect, then protect public health and one of the big highlights of the plan is how well we refine these goals. There's a lot of technical stuff that we just don't have time to get into, but we were able to quantify the acreages and areas affected by larviciding and come up with a goal of 75% reduction of larviciding, typically the bacterial Bt or methoprene.

Adulticiding has already been reduced significantly as compared with 1990 levels. The goal is to continue that reduction, no increase and no reduction in adulticiding. Health risks, obviously protecting health and decreasing risks or IPM's, surveillance, resource reduction are a major part of the plan. And the part which has triggered a lot of environmental controversy was restoring the 4,000 acres of tidal wetlands which are currently routinely larvicided.

The County Exec wanted us to change this presentation, rather than recommendations and actions, he wanted us to pose this in terms of answers to questions. So going in, the question that was raised by the Legislature is why even do this Vector Control, is this stuff necessary at all, is there a real health risk here? Based on best available information and modeling, those numbers that you saw before where every year you might get a West Nile death, the situation could be an order of magnitude higher, tens of deaths and a hundred -- hundreds of serious illnesses. These are neuroinvasive, often with longlasting health implications, could be possible locally without the intervention of a Vector Control Program. I'm not going to talk a lot about Triple E, Malaria and other ovo virus or mosquito-borne diseases, but those are legitimate health issues as well which are described in detail in the plan.

Will the pesticides really have an impact on the health or the environment? There are so many conflicting anecdotes out there about what pesticides were doing and not doing and nobody had ever locally taken a very hard look. This stuff is looked at very intensively at the Federal and the State level. We took it a step further here and looked at a lot of very worst-case assumptions based on local data and what our locally sensitive populations and ecosystems are. The answer to this question is that there's no significant adverse impacts that we were able to uncover. The human health impacts were mild and assessed to be negligible; the ecological impacts were minor. Really no impacts were detected whatsoever with the exception of flying, non-target market impacts potentially to insects from adulticide and those can be mitigated

which we'll talk about a little later down.

Can we reduce pesticide usage? It was done at Wertheim. While we believe that it can be done with a lot of lower impact BMP's or over a much larger area, this is why we're committed to a 75% larvicide reduction goal over 12 years. The improving vector control itself, the integrated pest management as well as wetlands management and adulticiding and adult -- wetlands management and restoration.

Can Vector Control be improved? This was largely a nuts and bolts program about how to make an excellent Vector Control Program even better. And again, we just don't have the time to go into all the details, but in terms of it improving source reduction, education, surveillance, technologies, there's an awful lot in here that we would invite your attention to and we'll hit on a few more points later on.

Wetlands can be enhanced, this has been demonstrated in many areas, whether they're major restoration or low impact, minor impact or no impact BMP's. Mosquito control and marsh restoration are not mutually exclusive concepts and, again, we'll talk more about this a little later.

A lot of policies, some from the County Executive, like no routine ditch maintenance. It was stated that we wouldn't do ditch maintenance for the duration of this study except for when necessary for critical health or ecological purpose. If it's ancillary to a culvert replacement or if it's an area which is suddenly adversely impacted and you need minor restoration of tidal flow, that's an issue, but the area of routine ditch maintenance has ceased essentially. The policy of no new ditching is already in effect, that will continue. And the Wetlands Stewardship Committee we're going to talk more about in detail at the request of CEQ.

A tremendous amount of technical work was done here. We could have just gone in here with a predetermined outcome with a course of action, like an annual plan of work and vindicated it with a generic environmental impact statement, as is often done with many projects. We in Health and DPW, and now with Environment & Energy as a lead partner, said we need to take a fresh look at the existing data, at the tools available to us, literature, monitoring and modeling, get out there in the field, assess the wetlands, hundreds of samples, all our water sediment, biota, levels down to which are unprecedented using the US Geologic Survey in Stony Brook down to the low part per trillion level.

We took extraordinary measures to measure and assess locally above and beyond what was required by the Federal and State Government in developing a management plan essentially from scratch. One of the criticisms we've heard is, "Geez, you can't do an EIS on a management plan while they're going on together"; well, that's just not true. You know, to suggest that we developed an environmental management plan by minimizing impacts and that minimizing of impacts can't be used in an environmental impact study, that just doesn't make sense. It was a tremendous economy and time, money efficiency and program benefits to doing these things concurrently and benefitting from the planning and assessment process as the EIS process proceeded.

The studies have been talked about, caged fish, a lot of demonstration projects and early actions. The Wertheim Demonstration Dave Tonjes will talk about. The Adapci Wingman Technology improves pesticide delivery of adulticides by using real time meteorology to minimize pesticide application and optimize mosquito control. Less pesticide usage, better Vector Control already implemented for regular applications.

This is a program of adaptive management, this is not a static moment in time. We've heard a lot of concerns that the County wants to issue this plan and just walk away from Vector Control or environmental management and nothing could be further from the truth. We model this whole effort after the National Estuary Program where we have a Steering Committee, a Technical Committee and a Citizens Advisory Committee. These committees will continue to meet, there will be an annual Plans of Work as well as annual Water Management Reports and every three



years, as with the National Estuary Program model, there will be a Triennial Report dealing with Public Health, Vector Control and Water Management and I'll talk more about some of the types of indicators we'll be looking at and how we'll use those as we get into the FEIS.

As we go into the GEIS part of this presentation, I just wanted to take a moment to talk about the organic structure of how this whole process evolved. We're on the left side of this graphic over here, Health is in the middle administering it on behalf of Environmental Vector Control. The Long-Term Plan has been adopted by the Steering Committee for further review and processing, that Steering Committee is agencies with jurisdiction and responsibility for implementation. We're on the left side of this, Public Works is the initiating agency and obviously the Council on Environmental Quality now has the FEIS and is charged with making a recommendation to the Legislature.

I wanted to point out the great pains we've taken to incorporating stakeholder input via committee meetings and comments. We've actually reissued -- issued this plan and reissued it twice over, there have been three iterations of this plan. We initially put this out after an intensive two year period in September of '05. This initial plan was fairly narrow and vector-centric, very geared toward what vector control needed to do and not ecologically sensitive enough. These were the general criticisms that we heard were limited to the wetlands of vector control. We wanted to do work and we limited to open marsh water management as effective mosquito control, so we listened to a lot of the criticisms and comments, a lot of our changes made this document more user-friendly and there were a lot of technical clarifications. We added strict numeric criteria for adulticiding, we expanded education outreach and health emergency response versus vector control in terms of public health nuisance. But the big change was a wetlands change and this was at the direction of the County Executive and the Department of the Environment. We said yeah, more needs to be done with these wetlands. Suffolk County needs to begin a process to manage all 17,000 acres of tidal wetlands and we need to get the strategy in place within three years.

We heard the concerns about pond creation and what was then termed open marsh water management for vector control purposes. We still believe this has an important place in marsh restoration and mosquito control. It was never intended to be a panacea, it was never intended to apply to all or most of the 4,000 acres, but we've rewritten the plan to indicate that there will be no major integrated marsh management projects in the first triennial period. What was formally dubbed OMWM, marsh health function and values are now paramount, not mosquito control. And the degree of preimplementation monitoring required by DEC renders the implementation of these projects an impossibility within a three year period in any event; that was really just an academic argument as whether to do this immediately or not. The amount of time and effort we put in on Wertheim was just extraordinary and we would need to get a project designed with a stakeholder agreement and probably multiple years of preimplementation monitoring in place, this relates to the Stewardship Committee which I'll get to next.

So honestly, I think a lot of the changes were to assuage concerns or really substantive. The big change was to address all the marshes in the County with functions and values and wetlands health as a paramount consideration. Vector Control is an issue but is not dispositive, it's not controlling. Over the first three year period the only marsh management projects which would take place would be minor best management plans. At the end of three years we'll have a wetlands strategy, it will undergo CEQ review and as needed SEQRA and we'll revisit it, that was the whole point of this adaptive management process.

Okay, in October of '06 we revised this plan yet again and that's the subject of the current FEIS which is before you. There are a lot of supportive comments, there will continue to be some criticisms about clarity of plan which we think we've addressed. We've revised the Risk Assessment Summary, we clarified the FINS, Fire Island National Seashore as a separate review process.

One of the biggest substantive changes, again, had to do with wetlands. We've added now four non-profits to the Wetland Stewardship Committee which I'll talk about in a minute. The

Wetland Stewardship Committee will get notice and review authority, and CEQ will be represented on that Stewardship Committee, for all significant wetland projects except for the most diminutive of projects. There was a 15 acre threshold of cumulative minor impacts which has been eliminated, this was a recurring comment from CEQ and other commentators. We've taken that out, it's going to be a lot more time and effort on the part of Vector Control to coordinate these projects, but these projects are going to get a fuller environmental review which I'll talk about in a minute.

One of the comments was is the County really serious about coming back in three years and telling us how well they've done, do we need more environmental review, do we need a mid-course correction, and we took that comment to heart and we came up with a report format of what indicators we'll be looking at at the end of this three year period. This plan is extremely specific, we're increasing New Jersey traps from 27 to 30, we're increasing CDC trapmites to 105 as a goal, we're increasing catch basin inspection and potential larviciding from 10,000 to 40,000 annually; strict numeric criteria prior to every adulticide event. This is all going to be recorded and reported on and if there's an issue with any of this, CEQ and the Legislature will know about it and we'll do what needs to be done to correct it. And we think it's going to be positive and we think it's going to be an outstanding implementation effort, but it's going to be transparent and we're going to be accountable with this stuff.

In terms of water management, we expect the machine maintenance is essentially not going to be done per ditches, it's going to be in the Annual Plan of Work, it's going to be in the Annual Water Management Plans and the Triennial Reports.

I wanted to take just a moment and walk through the Wetland Best Management Plans because there's still a misperception that this plan is somehow an OMWM plan or a ponding plan or a major marsh change plan. These are the details that we'd invite everybody's attention to. We characterize the universe of wetlands management actions into different classes, we've looked at their impacts and we've treated them accordingly, these are the no action and minimal action wetland BMP's, in-kind culvert replacement and just natural processes and reversion. Now, people are confused about when does DEC get involved, when does stewardship get involved, when is SEQRA done? We laid this out as clearly as we think it can be laid out so that everybody is on board with how each of these projects will be treated. So a DEC permit application would be needed to replace a culvert in-kind, identical dimensions, identical location. We don't think SEQRA will be required if the findings of the County and the State are adopted accordingly in that case.

Moving up the gradient of potential impacts, these are minor impact projects. This is ditch maintenance, whether by hand or by machine. If the findings -- if the FEIS is accepted and the findings are adopted accordingly, annual plans of work could be adopted which provide for minimal ditch maintenance. DEC permits would be needed for machine work only, but there would be no Stewardship Committee review and no SEQRA review, that's one possibility as per the FEIS recommendation.

These are the actions where we had a major, major change. These are presumptively small, minor actions. Whether it's a small pond or a minor upgrade in a culvert, what the Wetlands subcommittee advised is that if this is a small action which affects a small area, 15 acres or less, they should presumptively be minimal impact. We heard from a lot of commentators, "It's not the size it's the impact, you need to treat each of these seriously," so we've amended this plan. The Stewardship Committee gets notice of all these projects, they get a DEC permit and SEQRA is required for all of these. Any proposed wetland manipulation which has any potential significance will receive full environmental review, as well as the additional processes like Stewardship Committee which I'll go into a bit more.

These are the major impact projects; no real change here, larger pond, breaking berms. Stewardship Committee approval is going to be needed for these as well as a DEC permit and the SEQRA permit, so I hope that this clarifies the way that we've structured these wetlands actions. It's a big change from what was in prior documents, we think it will assuage a lot of

concerns place and set in place a very productive process which is going to do a lot of good for the wetlands.

The Wetlands Stewardship Committee membership was expanded. We have eleven governmental or quasi-governmental agencies including CEQ, three estuary programs and four non-governmental reps. There will be a technical staff advising the Stewardship Committee, we expect that the Stewardship Committee would meet on a quarterly basis and the technical group would meet monthly.

There's a project review function for the Stewardship Committee. This project review function means that all of those potentially significant wetland management actions, five through fifteen, if the County is involved, these are going to go to the Stewardship Committee and CEQ. Now, if a town, the State or a private entity has a wetland action, they're not bound by this, this is a County action only. We're encouraging everybody to avail themselves of Stewardship Committee resources, but we don't have the legal authority to require them to do so and I wanted to make that clarification.

The Stewardship Committee also reviews and approves Annual Water Management Plans and Triennial Reports; that's a typographical error, it's Triennial Program Reports, not just Water Management Reports.

Now, the rest of this is a little more fluid. This Wetlands Stewardship Program which is in the plan is not well-defined in the plan. We're working with The Nature Conservancy, Cornell Cooperative Extension and others to help define the scope of what the Stewardship Program will include. We know that the plan says if marsh health needs to be paramount with Vector Control, one consideration we know that the strategy needs to be published at the end of three years.

We hope that Capital Program 8730, a Public Works Capital Program for Wetland Restoration, can be used, we hope that Cornell Cooperative Extension, as part of their Environmental Services Contract with Suffolk County, can do some of this. The Nature Conservancy has expressed an interest and we hope that this can holistically look at developing broader indicators and more specific indicators of wetlands health, come up with an assessment strategy for all the County's wetlands and come up with a uniform systematic list of restoration priorities. Early pilot demonstration projects will be part of that work plan as well and, again, those would undergo SEQRA. So this is an ambitious commitment on the part of the County, we're pleased that it's in and it's been added at the response of a lot of commentators who should hopefully be pleased.

The issue of mitigation came up but I sense CEQ would like a brief summary of what the mitigation in the FEIS is proposed at. Enhanced integrated pest management in terms of targeted education and outreach, increased surveillance, both in terms of pre-adulticide sprays and post-spray efficacy and control, enhanced management of catch basins and tires. DEC has indicated that we need to use disease-free fish, preferably native as bio-controls and DEC is going to give us an updated list on endangered species where we need to avoid biocontrols in those areas. So those are the sorts of IPM type things, there are more and there's more specificity, but this gives you a feel for the nature of the mitigation that we're contemplating.

For water management, the no new ditching policy continues and the area of routine ditch maintenances has ended. Marsh health is paramount and the Wetland Stewardship Committee is an additional safeguard with the Wetland Stewardship Program, a follow-up planning and management initiative.

For pesticides, we've discussed some of these in terms of the integrated pest management and pesticide reduction roles. Numeric criteria and thresholds, setbacks and timing is already in the Annual Plan of Works, those sorts of things will continue. Avoiding endangered species and cooperation with DEC, improving geographic information systems and meteorology technology and the Adapco Wingman. A lot of work going to mitigate pesticide impacts.

To summarize what will be subject to future environmental review, any Annual Plan of Work which is not in compliance with this Long-Term Plan would be subject to Environmental Quality Review Act review. If surveillance reduces and if we don't start to meet the targets of increasing surveillance, that's a change in IBM which would warrant potential additional review. Different larvicides are adulticides or different use patterns, new non-native bio-controls, failure to use the Stewardship Committee, all of the things that I've talked about are essentially binding as an FEIS instrument on Vector Control operations.

All wetlands management actions would be subject to SEQRA with the exception of the most diminutive microversion, minimal ditch maintenance and in-kind culvert replacement.

We think we've done a good job being very specific in this plan, both in terms of what needs to be done to improve the integrated pest management and what it's going to cost. The County Executive has budgeted four new positions to enhance the surveillance. Most recommendations that we've discussed are realistic and they can be accomplished using in-house resources. We're going to need help especially with the Wetlands Management piece, a Capital Program is in place. And the Peconic Estuary Program has already voiced its support for the Wetland Stewardship Program conceptually, we're hoping to get similar support from the South Shore Estuary Reserve, the Long Island Sound Study and CEQ, they're looking forward to that planning initiative. Again, the benefits I've discussed protect public health, reduce pesticide usage and ultimately restore wetlands.

That's the plan and FEIS in a nutshell. I hope I didn't take too long and if there's any questions, I'd be happy to answer them. We have Dave Tonjes and Amy Juchatz with supplemental presentations as well.

**CHAIRMAN SWANSON:**

Thank you very much. Any questions at this point? Okay, Mr. Tonj -- or Dr. Tonjes.

**DR. TONJES:**

Thank you, Dr. Swanson. I just want to take a few minutes to talk about some of the comments that you've heard to date and what responses we've formulated to some of the things you've heard.

You've heard from many committed, passionate and sincere people who have concerns about this project and we recognize that those are -- those are well said things for you to hear. What we're concerned about is some of the things that were said are perhaps inaccurate or inappropriate for you to consider in light of this plan. One of the things that we've heard a lot about is the impact of storm water on marshes and how water management features may impact the ability of a marsh to address storm water. In a natural setting, storm water generation is very minimal. I invite you to go to look at any well wooded area and notice the -- during a hard rain storm and notice the amount of runoff that's generated even on a steep hillside, and when you go to a marsh setting where generally the slopes are slight you get very little impact from natural ground into a marsh. Now, that changes, of course, when we come and we put in parking lots, and of course adding impervious surfaces generates runoff. And you'd think that in a situation where you had things like ditches in close conjunction with roadways that you would naturally transmit storm water into these systems. However, when we look around the County, for example, critics of the program continually site a single example from the town of -- the Village of Greenport and Vector Control, when they look at some of their records, can find some examples in the Oakdale area, but there are very few examples where storm water structures directly drain into a ditch. And certainly, you don't want storm water structures conveying materials directly out on to a marsh, that's just not a wise thing to do with the sort of material that can be conveyed by the -- from these impervious surfaces.

It is true that salt marshes have the ability to serve as a filter for contaminants in the water column and to absorb them into their sediments and sometimes to keep them tied up for decades or years. But the major source of water to the marsh system, especially to the surface

of the marsh, are the tides. So in other words, what the marsh is treating is not storm water from the uplands but it's actually treating the estuarine water that's washing on to it through tides, tidal flooding. And so you should just not get the impression that that's a major function of salt marshes to treat storm water, that's just not accurate.

Now, we have heard a lot about the efficacy of water management and potential impacts associated with it. One of the studies that's been cited is this long-term and wide-ranging U.S. Fish & Wildlife Study throughout the northeast or the U.S. They looked, for example, here on Long Island at mosquito breeding as part of their efforts. They -- the only place they collected data from, however, was Goose Creek in Riverhead and the control site associated with that. Goose Creek is not identified by the County as a mosquito breeding problem and you can see from the U.S. Fish & Wildlife data that that, indeed, was the case, there was no mosquito breeding in either the control site or the treatment site except for one minor episode in 2003. So therefore, the statistical approach taken by Fish & Wildlife very accurately said there is no difference in mosquito breeding between the control site and the treatment site, but that's because they weren't looking at a site that treated a mosquito-breeding problem.

In addition, this is from an e-mail from Mary James-Pirri who is the lead investigator. She is adamant at pointing out that their primary goal was to create statistically valid information. My analysis of the study would suggest that they perhaps focused a little too hard on generating statistically valid information and forgot what they were supposed to be assessing the impact of what they were looking at, but that's material for another day.

We also heard about a study of Florida killifish which I'm not quite sure how relevant that is to us today here on Long Island. The U.S. Fish & Wildlife has done a very nice job in doing some reporting on killifish that live in our area and some of the important elements that you should see from this study include -- let's see, the fact that natural killifish and natural fish in the marsh are important for water management and control of mosquitoes if you want to use that as a technique. Also, they talk about the life cycle and life history of killifish in quite a long extent. It is true that Killifish lay their eggs up on the high marsh where the high tide floods only occur infrequently. They lay their eggs, however, not in the mud where the mosquitoes lay their eggs, as you heard, but actually on the blades of marsh grass. And when the floods occur at some later date, a month or so later, the eggs then hatch and the killifish then go back into the nearest more permanent body of water, they don't stay on the surface of the marsh as the mosquito larvae do. So there isn't a convergence of habitat between mosquitos and killifish.

This was a very interesting paper and I was glad it was brought to our attention. This talked about insect emergence in three different types of habitats in a southern main salt marsh, and the three habitats were larger salt ponds on the order of several acres or so, similar size brocage ponds and then the marsh surface itself. Some of the interesting data that came out of this study include mosquito breeding, and that's this {cusaladay} lying here and you can see that mosquito breeding was down about 90% in the ponds which, you know, is one of the reasons that we're talking about using ponds as a mosquito control device, because in the ponds the fish can then thrive and the fish eat the mosquitos.

Now, one of the concerns could be that the fish might eat beneficial insects and some of the data suggests that that may indeed be the case. For example, the greatest insect -- the largest number of insect in the studies were chironomids and they reduced by about tenfold too in the salt pond; however, in the fresh water pond they reduced actually not at all. And so it's not entirely clear that fish consumption is the sole reason that these insects are less in number. One of the interesting things from this study was also one of the conclusions drawn from it. And the author of this study specifically states that he has concerns about open water management as a means of marsh management because he's concerned that the chironomids, which could be a potential food source for other fish and maybe directly to spored fish that may use the marsh as feeding areas, he's concerned that this will reduce their numbers. Well, if these chironomids are indeed being eaten by the killifish and other small fish, those killifish in turn, as the U.S. Fish & Wildlife Report points out, have a huge 99 plus percent mortality rate, most of which is through consumption by larger fish. So if the chironomids are consumed by the killifish,

this could indeed support fisheries and not lead to their detriment, and that's one of the points that we wanted to make out.

In general, I wanted to point out that, you know, the committed citizens who have come to talk on this plan have very strong viewpoints on the plan. But we had a very strong professional management, you know, team that looked at this program in great depth, people with tremendous academic and professional credentials and we provided you with several thousand pages of material to review as a result of this and we don't want to see that minimized at all.

I want to take just a minute or two to look at Wertheim with you, briefly, to give you perhaps a different perspective than you've heard before. The original plan at Wertheim was that it was going to be one of several demonstration projects and the primary means of managing water there was to continue to use this technique of ditch plugging which has been widely used across -- not widely used, it's been used in more than one location on the south shore of Long Island and in the Peconics. Through input from the landowner, primarily, which is the U.S. Fish & Wildlife Service, this approach was altered. And in a two-day planning event which involved marsh professionals from a variety of sources a new approach was come upon, and I want to point out that this was not a plan developed by a single mosquito management person determining what should happen in a salt marsh.

The model that we want to use for future marsh management is this collaborative design approach that's going to bring in a variety of viewpoints and a variety of ways of looking at the problems. And a variety of problems were identified; there was mosquito breeding throughout the marsh, there's fragmites expansion across this important wetlands. U.S. Fish & Wildlife has a mandate to support waterfowl. There was agreement that if greater fish use of the marsh could be encouraged, that would also be a benefit to the general Long Island environment. And there's just the aesthetics of having these straight linear ditches carved across the marshes, and more -- anyone who looks at a salt marsh that has been ditched, this is what they notice. So we redesigned the approach to Wertheim and it was based on using ponds to construct tidal channels and to fill in ditches. The sites chosen for these activities were based upon mosquito sampling; we went out and looked for where the mosquitos were and that's where the alterations were intended to take place.

One of the major issues was whether too much marsh would be lost and whether great amounts of open water would be introduced. And what we did was pre-project we had about a third of an acre of open marsh in each one of areas one and two, that is on the order of less than 1% of open water across the marshes. Post-project we increased that to about an acre and a half in each place which means it's on the order of 2.2 -- I'm sorry, it's on the order of about 4% open water in each one of those areas. Naturally, a study across New England has found that on average un-ditched marshes have about 10% open water, so that should give you some perspective.

New York State chimed in and wanted to see the design changed somewhat, again, to encourage interchange between the pond systems and the more open waters of the estuary so that fish -- use of the habitat and potentially ecological relationships between the prey fish and the predator fish would be enhanced. Construction is messy. You know, we create a lot of mud, we chop down a lot of vegetation and the place looked terrible during the middle of the project, and this was also true for area two. However, there were results and we want to give you some of the preliminary results to date, and we've seen dramatic, noticeable decreases in the amount of the mosquito breeding across both areas. Fragmites extent has decreased, this is the same photo shot at a slightly different angle from 2005 to 2006, but fragmites has been tremendously reduced through this and Fish & Wildlife is exceedingly pleased.

Bird use has been increased, especially the water birds. We are finding a variety of fish in the ponds and channels and we're finding blue claw crabs up into the -- up on to the surface of the marsh which was not something that was found previous to this. This is the pattern of -- that's occurred with this project. Post-construction it looked like a mess, within two years we have a natural looking marsh. Even within one year you get major recovery in these areas where

admittedly major manipulations occurred.

Wertheim is a very dramatic example of the kinds of marsh management that could occur under the long-term plan, but Wertheim is the most dramatic example. The kinds of projects that the County wants to undertake under this plan are much less ambitious, they'll be designed, however, following the same principals and with the same general idea of establishing goals to reach and then picking the tools to help meet those goals. If you have any questions, I'll be glad to answer them at this point.

**CHAIRMAN SWANSON:**

Okay, any questions? All right. Amy Juchatz.

**MR. DAWYDIAK:**

Dr. Swanson, while Amy is getting set up, I just wanted to mention for the record that handouts were distributed to the Council, a Power Point of my presentation has been given to you as well as a one-page update on the Long-Term Plan dated November, '06, the GEIS timeframe as well as the Long-Term Plan Wetlands Stewardship Committee Overview; so you should have all of those documents in your possession.

**MS. JUCHATZ:**

Good afternoon; I think it's afternoon. My name is Amy Juchatz and I'm with the Department of Environment and Energy. At the start of this project, which has been a long project, I was with the Suffolk County Department of Health Services in the Division of Environmental Quality which is where I still am located, though -- and I still work very closely and integrally with the Suffolk County Department of Health Services, but technically I am with the Department of Environment & Energy.

By way of background, before I began working with Suffolk County I was a toxicologist for the New Hampshire Department of Health Services where I worked in the Bureau of Health Risk Assessment. There I was a Toxicologist providing technical over site for the Bureau of Health Risk Assessment, and prior to that I was a Science Research Analyst for the American Health Foundation where I did research on chemical carcinogeneses, on tobacco PAH's, polyaromatic hydrocarbons as well as nitrosamines. In Suffolk County, much of my work has been focused on pesticides, groundwater quality, hazardous waste sites. I have chaired the Pesticide Community Advisory Committee since 2001 and that committee is charged with helping implement the pesticide phase-out on County property. I have been involved in the DEC, New York State Department of Environmental Conservation Pesticide Groundwater Monitoring Project, the BNL clean-up of the Peconic River, various hazardous waste site clean-ups ranging from brownfields to superfund sites; the common link here being evaluating environmental exposures and the potential for health impacts.

The reason I'm going into all of this is I wanted to give you background of what I bring to this project to give you the perspective of how comprehensive the environmental and health risk assessment has been. There were three main projects that I worked specifically on in this big project; the first one being the Toxicological Literature Review which was completed in 2005. I'm not sure if you've had a chance to look at this, many people I don't think have but it was a pretty big, large document which I take a lot of pride in, but this was completed along with myself and also Erin Duffy. It was a pretty in-depth document that went into a lot of research characterizing the toxicology of the primary pesticides that are used, both adulticides and larvicides that are used for -- that were used in the risk assessment. It went into also domestic animal toxicity and this was also completed in February of 2005 and it laid the foundation for the Quantitative Risk Assessment. This document is an important component to the Quantitative Risk Assessment, but I think a lot of focus is really on the Quantitative Risk Assessment as opposed to the Toxicological Literature Review, but you'll find a lot of information about background -- a lot of background information about the toxicology of the pesticides that are discussed in the Quantitative Risk Assessment.

Two other projects that I work closely on is the Q uantitative Risk Assessment, I provided a

lot of the technical review of that document at the County level. And then I also did some work on the Background Pesticide Exposure document which I'll talk a little bit more about as well in this presentation.

Okay, there were two questions that had come up that Walter asked me to try to talk about today and one of them regarded synergy and I think it was specific in regard to Piperonyl Butoxide, so I wanted to go into that a little and hopefully I'll be able to address that question a little bit. First of all, to go over some definitions. Synergy is basically an interaction that can occur when you're exposed to more than one chemical, a mixture of chemicals, and it's what can happen when you are exposed to more than one chemical that the reaction or the toxicity is greater than what you would expect if you just added the toxicity of those chemicals together. So the toxicity of the mixture of chemicals is greater than expected than just by assuming simple additivity. It's sort of like -- I like to say it's sort of like Thanksgiving Dinner. I don't know if any of you -- this was a perfect example, if any of you had happened to see Newsday, but it's sort of like Thanksgiving Dinner; Thanksgiving Dinner is greater than the sum of its parts, and that was perfect; when I was thinking of this presentation I saw this and it was just absolutely perfect. You can have turkey, you can have the gravy, you can have the cranberry sauce, it's all great individually but you put it all together and it's greater than the sum of its parts and that's synergy.

So PBO is added as a synergist because it makes the pyrethroid adulticides act a lot worse than they would if you just added the toxicity of PBO and the toxicity of pyrethroids alone, it makes them a much more potent pesticide. And the way that it does that is that PBO inhibits the enzymes that break down pyrethroids in the insect as well as in humans, and those enzymes break down those pesticides so what ends up happening in the insects is it breaks them down and they don't act anymore, they no longer maintain that pesticide activity. So by PBO inhibiting that breakdown, it makes them that much more potent.

It turns out that this is a bi-phasic response which means initially it inhibits the enzymes, but eventually it actually enhances those enzymes. So if the insect doesn't die quick enough, those enzymes would quickly reenergize and break down the pesticide that much more quickly, so it sort of decreases the enzyme activity and then quickly enhances the enzyme the activity.

So what impact does it have on risk assessment? Well, in risk assessment, synergy -- this additive or this impact on -- synergy is always an uncertainty in risk assessment. We always have a hard time predicting how mixtures, exposures to mixtures of chemicals will react in a risk assessment and energy is one issue. And so we always try to compensate by making assumptions, conservative assumptions, trying to over estimate what risks could be, where it is no clear-cut guidance.

We happen to know more about PBO and its possible synergistic effects than we do about any other combination, mixtures of chemicals. For this risk assessment, I think it was handled appropriately, primarily because of this bi-phasic reaction. The synergistic affect of PBO is again at that pesticidal level where they're trying to kill an insect, it's not at this lower dose kind of chronic exposure. So I think for this case it was not an issue. I'm not aware of any other risk assessment that is done -- has done -- has looked at Vector Control like we have that has handled it any differently than we have and I think that this is about the only way that you really could handle it.

Okay, putting Vector Control -- I think this was another issue that was asked about, putting vector control risks into perspective. How do -- how does exposure to the Vector Control pesticides relate to exposures that we receive every day just from typical activities that occurs? And we tried to address this in another document that was prepared on health risk from background pesticide exposure; again, that was prepared in November of 2005. This is a tough -- was a tough problem to really wrap our hands around because there's so much information, there's so much -- so many exposures that are out there. EPA is really trying to do this in a big way, looking at groups of pesticides. They've recently done it with organophosphates and have done an amazing job taking a look at a lot of data, they're looking at food, lawn and garden, drinking water, mosquito control, indoor treatments, pets; it's probably



just about the best, you know, reference you can look at.

We talk about that a little bit in this document. If you're, you know, interested, take a look at this document; you know, refer to EPA's document, they just recently updated that.

**CHAIRMAN SWANSON:**

Excuse me. Mr. Dawydiak, we're running close to an hour now, can she summarize?

**MS. JUCHATZ:**

Yep, I was just about at the end, so we can wrap it up. What I tried to do to put these in perspective is I have some graphs for you. Just real quickly, if I can just explain one term for you because it will put these graphs into an understandable term. One is this term origin of exposure which is a ratio of a benchmark dose to an estimated exposure in the environment; EPA likes to give you a target where they basically want you to be exposed to anywhere where from a hundred to a thousand times less than some dose that causes an effect in an animal study. Looking at EPA's reregistration eligibility documents, this is a graph that will show you -- that shows you mosquito control relative to other exposures that you might find, that EPA has estimated and this is giving you the perspective of mosquito control to indoor exposures, pet spray, lawn treatments, etcetera. And you can see, I guess it's the dark purple that is much lower than any of the other exposures that we get. A ratio of one is what the target is and they're all below one. This is resmethrin, these are non-cancer effects so you can see the mosquito control from truck, aerial is much lower and falls off the chart.

In terms of cancer effects, cancer risks are low from Resmethrin all around but cracking crevice treatment is 98% of the risk. It would take greater than 365 applications a year from aerial treatments to reach a one in a million risk as opposed to six from indoor air treatment. So again, Vector Control is way lower than other pathways of exposure. Permethrin is a little different story because indoor treatments are much, much higher and kind of skews it. This is something that EPA looks at when they do their reregistration eligibility documents and they'll be taking a closer look at that indoor spray for carpets because that does exceed their level of concern. But again, you can't even see mosquito truck treatments, it's off the chart, falls off the chart. PBO is a good story, everything is below one, but mosquito trucks, again, is much lower than anything else.

And just in closing, I guess I just would like to say that a lot of effort went into trying to detect Vector Control pesticides in this project. Not only Suffolk County, USGS, Stony Brook University. Outside of PBO, only rarely did they detect Resmethrin, and in very fleeting occasions with great difficulty. We're not only -- we're not used to having such trouble in Suffolk County; in the contrary, we're used to finding things that we're not supposed to. Imidacloprid, Temik, Alachlor, all of which have restrictions on Long Island, largely because of the monitoring that has occurred in Suffolk County. Alochlor, which has been banned in Suffolk County, can be found in groundwater seeping into bays above concentrations reported at the EC-50's. And then there's deet and other personal care products which via sanitary systems are being detected in groundwater. But we had a hard time detecting vector control pesticides. Suffolk County is not alone in its evaluation. New York City, Westchester County, USCPA reports in the open peer review literature come to similar conclusions. The risk for the use of pesticides to control mosquitos are minimal.

It should be comforting that Suffolk County has conducted the study using state-of-the-art techniques and worst case local data to validate these conclusion.

As with any risk assessment there are always uncertainties and refinement could and should continue. Pesticide use should be conduct in a judicious manner and exposure to humans and the environment should be limited.

As designed this plan is a dynamic, well-constructed plan and will continue to be evaluated as new data on potential environmental and health impacts become available so that we can refine the vector control program to make it as effective and protective of health and environment as

possible. Thank you.

**CHAIRMAN SWANSON:**

Thank you.

**MR. DAWYDIAK:**

Thank you again for your time, Chairman Swanson.

**CHAIRMAN SWANSON:**

Okay. Do we have any questions?

**LEG. VILORIA-FISHER:**

Yes, I do.

**CHAIRMAN SWANSON:**

Viloria-Fisher.

**LEG. VILORIA-FISHER:**

I'm not a trained biologist or an environmentalist but when I was trying to wade through all of this, I wondered about the question -- you did say that regarding the marsh land, restoration, etcetera that your outcome objective has changed; that it's not for the purpose of mosquito control but now you're looking for at marshland restoration as your primary objective. I'm -- I don't want to put words in your mouth. I'm kind simplifying what you had said earlier. However, we are looking as mosquito control and vector control. And the comments that I read over and over again were that marshland mosquitos are not vectors of the -- you know, they're not a health risk because they're not vectors of West Nile Virus, etcetera. And when I was reading through trying to find the answer to that, and I went to page 455 on mosquitos being vectors, I really didn't understand it. And I was wondering if you could give me a shorter version of the answer because we went through -- you explained various species of mosquitos and then you went to Salinarus, I think, from Connecticut; and how Salinarus is related to another. So could you just kind of put it in a shorter lay person's version?

**MR. NINIVAGGI:**

Basically the way you implicate whether a mosquito is a vector or not, you get a couple of key characteristics. The biting habits, that is, does it bite people, which of course were salt marsh mosquitos, excuse me, is very true. In the case of West Nile, you want to know whether the mosquito also bites birds so that it could pick up the virus from birds and then transmit it to people. That's also true for salt marsh mosquitos, our primary one sollicitans. You want to know whether the mosquito is a competent vector. Is it capable of transmitting the virus by bite. Again, that's been demonstrated in the laboratory. And that's the primary way you demonstrate that.

The third thing you want to see is whether that mosquito is capable of acquiring the virus in nature. And then that also has been demonstrated -- that's a yes or no thing. And, yes, in fact our primary salt marsh mosquito Aedes Sollicitans has been found with the virus in nature.

You also want to look at things like the seasonal abundance. Is this mosquito abundant during the time when you see virus transmission. Again you see yes with salt marsh mosquitos with sollicitans. And the relationship to humans, is this a mosquito that's found out in the woods or is this a mosquito found in residential areas? Again, with sollicitans you find it in residential areas. So Aedes Sollicitans are primary salt marsh mosquito; has all the characteristics necessary to make it a vector of certain for West Nile Virus.

In addition, Dr. Wayne Krantz from New Jersey presented some information from his lifetime of research on this and came to the conclusion that Aedes Sollicitans is the most efficient known vector of East Equine Encephalitis, which again is a pathogen that we see periodically in Suffolk County. Fortunately we haven't seen it recently, but there's -- it's a constant concern for us. Because it can turn up on any given year. It's a highly fatal disease.

I think to keep in mind that, yes, there have been relatively few positive samples of *Aedes Sollicitans*; however relatively few of these mosquitos are tested because most of the testing takes place in the mosquitos that bite birds because that's where you're going to see the virus first. And what you're looking for in a surveillance program is early warning. So you can't take any comfort from the fact that we don't have a lot of positive sollicitans.

I think the other thing that we have to keep in mind is that our current situation where we don't see a lot of virus and sollicitans is undoubtedly related to the fact that we have a tremendous amount of suppression of this species. We do a lot of work in the larval stage. And this suppression is extremely effective. If you go to places where our suppression program does not exist, which is, again, the Fire Island National Seashore, you see two orders of magnitude roughly more salt marsh mosquitos than you see where our suppression program is in place. And if anybody wants to believe that if we abandon suppression of these mosquitos and had 50 to 100 times as many of them that there would be no impact on virus transmission, I don't know how you could possibly say that. So of our primary salt marsh mosquitos *edi sollicitans* is certainly of concern for public health not only in terms of West Nile but in terms of Eastern. I think that's a very clear case and no one has presented anything --

**LEG. VILORIA-FISHER:**

Can I make it a little more clearer for myself?

**MR. NINIVAGGI:**

Sure.

**LEG. VILORIA-FISHER:**

So are you saying they have the capabilities and the potential or are you saying that, in fact, they have been tested and found to be vectors?

**MR. NINIVAGGI:**

They have been tested and found to have virus in nature. And in the laboratory they have been shown to be capable of transmission. So once -- if you have a mosquito that can acquire the virus in nature and can transmit it to people, that makes it a vector. There's a lot of argument over how important that species is relatively to other species. And that's a very difficult question to answer. But the other thing you have to keep in mind is that if that's species is not a big transmitter under current conditions that may very well be because of the intensive control we direct toward that species. The idea that because it's not transmitting now we don't have to worry about it, we can abandon control simply doesn't make sense because if you have ten times to 100 times as many of these mosquitos out there, I think it's very reasonable to assume that there maybe a lot more disease transmission from them.

**LEG. VILORIA-FISHER:**

Again I ask the question because in the comments that I saw that was one that seemed to come up quite a number of times that the salt marsh mosquitos are not vectors. And that's, you know, various environmental groups that did make that case. And so -- and as I said the background that you gave on it -- page 454, 455, it was a little difficult to follow the science for me so I wanted to clarify that.

**DR. TONJES:**

If I could add a little bit, Legislator Fisher, the New York State Department of Health Scientists created a model of relative risk associated with different mosquitos based on the factor that Dominick discussed; their abundance, their ability -- their laboratory derived ability to transmit the disease, the frequency with which the virus is found in them in nature. And they found -- and when we applied that model to distributions of Suffolk County mosquitos we found that the house mosquito *Culex Pipiens* carried most of the risk for people for virus transmission. But the sollicitans mosquito was the second greatest source of risk in the County.

In addition, in Connecticut when they did similar tests, similar modeling, they found that a mosquito called Culex {insolinaris}, yeah, carried the most amount of risk. And we thought that was a Connecticut specific issue because most of the testing -- most of the mosquitoes speciation here in Suffolk County has rarely found this particular mosquito. It turns out that it's very difficult to distinguish between the various species of quillix type mosquitoes. And now that the County has additional capability entering the speciation, we're finding the solinarias mosquito more and more often. And so it's quite possible that if we had updated numbers showing the true distribution of this salt marsh mosquito that we would find that it also may be -- may represent a significant risk to health. And so control of salt marsh mosquitoes which was the solicitors mosquito but also the solinarias mosquito will, in our estimation reduce risk tremendously.

**MR. NINIVAGGI:**

I would also like to add that one of the things we did this year, we hired an additional entomologist in the program who's been working on the whole quillix issue. And we went out and started looking now that it seem like salinarias is more common than we thought, we started to look for larval habitats. And the larval habitats we found so far turn out to be the upper relatively undisturbed areas of salt marshes. So this is a salt marsh mosquito. And what appears to be happening is that our overall salt marsh program that's directed at solicitors is also suppressing salinarias at the same time.

As a matter of fact one of the problems we had in doing our salinarias surveys is that we would have a crew go out. And they would find salinarias larvae, bring back larvae to the lab and they turn out to be salinarias. Well, so {Porilea} our entomologist would run out to that site only to find out that it had been larvicided as part of our routine program because we don't wait. So mosquitoes get away. So our control program was kind of interfering with our survey program in terms of finding the larval habitats. But there's no question that our salt marsh species salinarias solicitors are competent, you know, capable vectors. And abandoning control of those simply doesn't make any kind of public health sense even ignoring, you now, the public health aspects of just major numbers of mosquito bites in the effected areas.

**LEG. VILORIA-FISHER:**

I thank you for that answer. You did clarify this for me, however, I'm going to go into what might be a practical issue that we'll be facing because as I read the comments many of the comments were written by members of respected non-government groups. And I don't know if you will convince them as you convinced me. And if these people are members of the Stewardship Committee, will there be a problem with working across purposes if particular the marshland restoration or, you now, the marshland programs are seen as having as one of the purposes mosquitoes control rather than marshland restoration? Am I being clear here? With regard to that membership, if some of the members of the different groups that might be part of the Stewardship Committee are not convinced by what you're saying regarding the salt marsh mosquitoes because one can look at data one way and other people can look at it and not agree. I work with lawyers a lot. They don't agree with anything and they're looking at the same data. I think the same thing with scientists. There's some lawyers laughing here. But I'm just wondering is that going to become a sticking point?

**MR. DAWYDIAK:**

It's going to be a discussion issue no doubt. But you kind of have to go back to what the Stewardship Committee's role and charge is. It's not a committee which oversees Vector Control. It's a committee which reviews County proposals for marsh restoration or alteration projects. And that committee is just going to have to come to consensus. It's not their charge to determine what species are vectors or whether pesticides need to be --

**LEG. VILORIA-FISHER:**

That was my original comment in all this questioning. And so you're verifying that we're just looking at the marshland --

**MR. DAWYDIAK:**  
Yes.

**LEG. VILORIA-FISHER:**  
-- restoration and not the vector impact. And control?

**MR. DAWYDIAK:**  
That's correct. I mean vector control is one consideration in terms of a marsh alteration impact. It's one of many considerations like standing water, select vegetation, fragmitis invasion. So it's one of the things and the considerations and factors but it's not their primary jurisdiction.

**LEG. VILORIA-FISHER:**  
And speaking of their jurisdiction now, when we have marshland work going on now, okay, if there's machine ditching involved, it comes to CEQ, you have DEC permits. And your plan or your course of action for the year has to go through Legislative approval. Where does the role of the stewards come into that? Where is their authority? Can they supercede CEQ? I'm trying to see where they are come -- -

**MR. DAWYDIAK:**  
No, it's an additional layer of protection above and beyond the CEQ. Right now the plan is written the Stewardship Committee is an informal body, almost like a treaty rather than a County law.

**LEG. VILORIA-FISHER:**  
An advisory role?

**MR. DAWYDIAK:**  
No. The County has voluntarily consented to abide by the determination of the Stewardship Committee.

**LEG. VILORIA-FISHER:**  
Yes. And I'm just wondering where it comes in the scheme? Would a plan go to the Stewardship Committee first and then come to CEQ and then to the Legislature?

**MR. DAWYDIAK:**  
Yeah, I think the intent of the operation is for the proposal or design to go through the work group and the Stewardship Committee as early as possible in the planning process so I don't think that any document clearly specifies this as of now. But the interaction is going to be there early on.

**CHAIRMAN SWANSON:**  
I see it sort of the same way as the Historic Committee reports back to us as the historic trust. That it's a means to get additional information, additional opinions so that we could --

**LEG. VILORIA-FISHER:**  
It's very clear that that be very clear. And I'll tell you why. There are some issues, for example, that come before the Legislature. And certain legislation has to be -- certain actions that take place in parks have to go through the Park Trustees. And there have been times where Legislators have said, well, they're not not elected officials and they're superceding what we might be deciding here in the Legislature. And so I believe at some point the role of the Stewardship Committee needs to be codified so that the order and the purview has to be very clearly defined so that we run up against that. If there is a plan and there might be Legislators who are saying, well, we want to go full, you know, forward with that and these are not elected officials and there's not a clear place in the Charter where they can supercede the judgement of the Legislature or -- do you know what I'm saying? So I believe that a codification of that purview will have to in order at some point; perhaps a resolution or an executive order, some kind of codification of their role would be necessary. Walter, what's that funny look?

**MR. DAWYDIAK:**

No, that's definitely in order. Right now the plan by nature has been a little bit looser on specifying all of these details because it's really up to the policy makers. It's going to be up to the Legislature and the County Executive.

**LEG. VILORIA-FISHER:**

Yeah. I'm just suggesting that that's something that we'll have to look at as policy makers to codify that; either put it in the Charter, have a resolution, you know, something will have to go in to codify that so that the role is very clear.

**CHAIRMAN SWANSON:**

Thank you.

**MR. NINIVAGGI:**

Yeah. I just wanted to add something about, you know, the issue of what happens when we have projects and there are people on the Stewardship Committee who basically don't believe in mosquito control. What I'm hoping is that as we come forth with projects, you know, the benefits will be multiple. It won't just be mosquito control and they'll be enough in the project that people who don't care at all about mosquitos hopefully will still see it as a beneficial thing. I've been working on these issues now for about 20 years. And I've been looking at the way these have evolved in other jurisdictions. And basically the management techniques and the water management plan we've put together here is similar to what has been done in other areas with the idea of reconciling these competing interests and coming up with projects that are mutually satisfactor; that all the stakeholders can get something out of it.

If you look at the Wortheim project, I think there's an example of that. The Fish and Wildlife service is obviously not a mosquitos control agency, but they had a goal. They wanted to see a reduction in pesticide use on their refuge. And they saw the marsh as a grid ditched being less than ideal for their management purposes. So we worked together to come up with a project that met their goals in terms of their goals as a migratory bird refuge and in terms of our goal as a mosquitos control agency. And if you look at what we did there, the work we did was probably quite a bit more extensive than was the minimum necessary for mosquito control. We could have made the pond smaller. We could have done a lot less work. But that wouldn't have been satisfactory to the resource agencies. So we worked with them. And basically if they wanted additional restoration, additional natural resources, work beyond what's necessary for mosquito control, we kind of looked at that as the price of admission. And so, okay, you know, we'll help you with your restoration goals and your research goals if you're willing to work with us on the mosquito control goal.

And I think that that's the way to proceed. I'm hoping that when this whole process is done people can look at it this way because there's a tremendous potential in the County for reducing our reliance on pesticides for mosquito control. And there are a lot of degraded wetlands out there, you know, that need some help if you look at the landscape. And hopefully when we're all done with this process, you know, we'll see progress in both of those areas and we could all be happy with it.

**MR. DAWYDIAK:**

I think I've got a better answer for Legislator Fisher's question if I could clarify this even further. There's two ways a Stewardship Committee will work in cooperation with CEQ right now. This can be changed, I believe, without materially altering neither the plan or the FEIS and see it as procedural and policy rather than as environmental impact related. BMP's 5 through 9, which are presumptively potentially significant. They were formally minor if affecting less than 15 acres. These include things like upgrading a culvert or constructing a small pond.

The way that these procedurally work is early notice goes to a Stewardship Committee including CEQ. And the Stewardship Committee can comment to the lead agency DEC, CEQ, DPW, whomever. Essentially they're presumptively advisory in that situation. Their comments should be taken seriously as part of the CEQ process and the permit approval. But there's no ability to usurp or supercede the DEC or the County CEQ. These are the only sorts of projects

that are going to occur in the first triennial period keep in mind; either these or lesser impact projects. The BMP's 10 through 15 major ponds, major intergrated marsh managements, breaking berms, those sorts of projects, right now the Stewardship Committee does essentially have a quasi veto power. And if the County does not get approval from this committee, the CEQ or the Legislature will never even see the project. And that's the way that model is drafted right now. And we welcome any guidance on this issue in terms of how you'd like to see this work but that's the way it's drafted right now. I hope that clarifies.

**LEG. VILORIA-FISHER:**

Thank you.

**CHAIRMAN SWANSON:**

Mr. Pichney.

**MR. PICHNEY:**

Yes. In the commentary there was someone who commented the wetlands management practices of the -- at the Town of East Hampton. Can you tell me what those practices are and how they differ from what's proposed in the plan or similar?

**MR. NINIVAGGI:**

I don't know if Larry Penny is still here. He can talk a little bit about that. What I would say from the -- in those projects there, they're not really mosquito control oriented. And from our standpoint it looks like they're probably pretty much neutral in terms of mosquito control. It doesn't look like they make mosquito production worse but it doesn't look like they eliminate mosquito production either. But I think that, you know, that's something that we can work with the Town on in the future and, you know, Larry wants to say more about what they do in East Hampton.

**MR. PENNY:**

Larry Penny, Natural Resources, East Hampton Town. Actually Dominick helped us get started on those projects. And the Cornell Cooperative Extension Emerson Hasbrouck, 1992, we began plugging mosquito ditches. And what we were really after at that time was we found the DEC had found that most of the coliform contamination, most of the microbial contamination that was making shellfish waters unsanitary were coming from those vector control ditches. So we weren't -- we never liked the ditches because essentially grid ditching, we had 17 -- 17 miles of ditching in Acabonic Harbor, for example.

So we got -- we used the Suffolk County Vector Control's general permit then. Dominick was in the DEC looking after the DEC's wetlands, then he became the head of Suffolk County Vector Control. Somehow in that process 1992, 1993, 1994 we began plugging ditches. And we -- our marshes are very different from the south shore marshes, the Wertheim marshes. We have 18 feet of peat, that kind of thing. So the wooden plugs don't work as well as bags and sand plugs.

Any rate, we don't keep mosquito numbers. I'm depending upon the Vector Control for mosquito numbers. We have seen that the fragmitis fragmitis has been -- has stopped spreading seaward because we are keeping the water up on the marsh for longer times. That's what those ditches do. They essentially -- they drain the water off the marsh prematurely so that the high water can't stay on the marsh as long as it should stay on the marsh, you know, in a normal situation. And we have found that the coliform values have gone down somewhat. And we have found that the ditches -- and this is one of the supprises that have been growing back in very quickly. So essentially the ditches are growing back in with spartina grasses and (inaudible) disappearing. But in that process it takes about 15 years sometimes for that to happen. So because we don't have the -- and we don't want to use heavy machinery on our marshes because of this peat layer which is a fairly -- fairly soft; that we don't want to compress that peat. You can walk on it an compress it, you know.

So essentially what's happened is these ditches have been filling in. While they're filling in, they serve as places for Killie. We've been -- ten years of data now in front of the ditches and behind

the ditches. And ten years of data in all of our harbors in terms of seining and trapping fish and trolling and so forth. And these -- while they're filling in, they serve an ecological purpose. But our marshes aren't large enough to pond and Ducks Unlimited wanted to come to our marshes and do that and I essentially chased them away because we just can't -- our marshes aren't that large. And we know now that marshes, for example, we're losing marsh, we're losing wetlands and we're actually gaining a few because we're getting those ditch areas back. We're losing wetlands in Long Island and it's chancy, creating a pond with a rising sea level and so forth, is that going to expand the water surface over those wetlands in time? Rising two-and-a-half millimeters per year, that's what I'm told by various experts. So, you know, it's very chancy, we didn't want to do that. We just wanted to do the -- plug the ditches and we're now plugging 72 more ditches in Acabonic Harbor, so we'll have -- at the end of January we'll have plugged about 60 miles of ditches.

**CHAIRMAN SWANSON:**

Thank you very much. Ms. Stiles? Oh, sorry.

**MR. PICHNEY:**

Just to continue with that a little bit. Okay, I know that plugging is discussed in the plan. Could you just reiterate, then, like to what extent that technique is applicable, what percentage of it would be used on the south shore? And especially in light of what Mr. Penny said about, you know, reducing the flow of, you know, coliform, waste material into the Bay, the Great South Bay?

**MR. NINIVAGGI:**

Well, I think that we have a little bit of a disagreement in terms of how much that impacts the coliform. I'm not sure that we've got really good data that demonstrates it has a major impact on coliform. Those projects, again, they're not really intended to have a big impact on mosquitos, and it doesn't appear that they do. I think that in a particular situation plugging a ditch might be appropriate but I think we have to approach that with a great deal of caution. And actually plugging ditches are considered a major impact management practice because when you plug ditches you are intentionally changing the hydrology of the marsh and you're potentially changing the vegetation pattern. So I think that those kind of projects need to be looked at very cautiously and I think it's very appropriate that they're considered major impact.

**MR. PICHNEY:**

But in a sense, you know, change is a neutral term. It could be a good change.

**MR. NINIVAGGI:**

It could be. There are -- in other jurisdictions they've plugged ditches and they've been happy with the results that they got. And we've done that in other marshes. When I was with DEC we did that. But because you're changing they hydrology, you do have to be very cautious about it because, you know, you're intentionally holding water back. You're intentionally changing the water regime. And water regime and vegetation are closely related. So it's just -- it's a possibility, but I think it's got to be done cautiously.

**MR. DAWYDIAK:**

There are no imminent plans, I think, is a short answer to conduct any plugging.

**MR. PENNY:**

What's happening, really -- could I just say, the True Spartina grasses are coming in much more thickly than before and the fragmitis is receding, and so in that respect it's working but it's taking a long time to do that. Fish are behind and in front of these dams. But, you know, a thing like Wertheim, you're going to have to study it for quite a long time, maybe three years won't be enough.

We're seeing some surprises. And the coliform values have dropped, but there are still coliforms coming out of those ditches because the -- because we built -- we plugged them so that the main, high water goes over the top of them so the water is always back there on the



marsh, so we don't try to cut all the water off from the marsh.

**CHAIRMAN SWANSON:**

Thank you. Ms. Stiles.

**MS. STILES:**

I had a question going back to something you said when we first started discussing this, so. You mentioned that there are areas, areas in Fire Island where there's no suppression efforts. And I was wondering if you have monitoring stations there, or you take samples in those areas, right?

**MR. NINIVAGGI:**

We have a cooperative monitoring program with the National Park Service; as a matter of fact, that figure I gave you is from their most recent report. Their high number for mosquitos in a single night's trapping at Hospital Point was approximately a 119,000 mosquitos in a night, and those were not counted, they were weighed because there were too many to count.

By contrast, I checked with our lab and outside of the National Seashore, this wilderness area, the highest that they would see was about 2,000 and that's in the middle of a Manorville Woods and it's usually much less than that. So where -- in the wilderness there's no larviciding, there's no water management, there are some old ditches there but they haven't been touched in years. And, you know, that was a good example. That's basically what you would see throughout all the salt marsh areas of Suffolk County, at least on the south shore, if we were to simply go away and do nothing. You know, there was nothing special about those marshes, there's no reason to think that the exact same thing wouldn't happen if we were to just walk away from our other marshes.

**CHAIRMAN SWANSON:**

Mister --

**MS. STILES:**

I'm sorry, can I just -- it's a quick follow-up.

**CHAIRMAN SWANSON:**

Go ahead.

**MS. STILES:**

So if you're seeing -- you said there are, you know, several orders of magnitude more of sollicitans} captured there; are you seeing orders of magnitude more virus presence or virus transmission in the areas where there's no suppressin?

**MR. NINIVAGGI:**

We're seeing virus activity, again, more in the fresh water species that are tested in Fire Island National Seashore. Fortunately, most of the time those mosquitos are in the wilderness, although they do come to the Mastic Beach/Shirley area. We haven't seen a lot of increase in virus activity, but you also have to remember that during -- when there is virus activity in a populated area and a lot of these mosquitos come in, we do go in and spray, you know, we do try to suppress this.

So I certainly would not want to visit those kinds of numbers on the rest of the south shore of Suffolk County and just assume that there's going to be no more disease.

**CHAIRMAN SWANSON:**

Mr. Kaufman?

**MR. KAUFMAN:**

First a comment. Walter, on page 295 and 296 of the final Volume I of V, Final GEIS, the role of the Wetlands Steering Committee and CEQ are fully defined in there and there's about five or

six pages of commentary; it starts at the bottom of page 295 specially. Essentially, the Stewardship Committee is going to, if you will, get a first crack at any projects that are going to be proposed by the County. They will have the ability, depending upon the BMP and the voting count over there, they will have the ability to call for formal reviews of any project should it's membership request such a review.

Turning the page, the Wetlands Stewardship Committee again says -- it says that it will have the ability to review, after that all projects using BMP's 5 through 15 will undergo SEQRA review through the CEQ; that is the definition that Legislative Fisher was looking for earlier. Essentially, to repeat myself, the Stewardship Committee has a first crack at all of this, there are procedures within the document setting forth which ones are fully reviewed by the Stewardship Committee and which ones get somewhat less review, and then afterwards there is a procedure. So that's the first thing.

**CHAIRMAN SWANSON:**

Let me ask Legislator Viloría-Fisher a question. I think, you know, you ought to review this very carefully and let us know whether your concerns about whether the duties of the Legislature are being overtaken by other activities.

**LEG. VILORIA-FISHER:**

I am going to review these pages very carefully. I had read them but it wasn't very clear at that time whose purview it was and in exact terms, so I'm going to be reviewing this with the Presiding Officer and with Legislative Counsel, just to be certain that our purview is very, very clear.

**MR. KAUFMAN:**

There's an interesting wrinkle to this in that read one way, the Stewardship Committee is allowed to request further review which then would go to CEQ. And in fact, on page 297 it says, "The Wetland Stewardship Committee has been given certain responsibilities, they are intended to determine which projects require further review, especially in terms of making recommendations regarding SEQRA to the CEQ." There is information in the document, though, saying that the Stewardship Committee can reject projects that damage marsh health, that's a converse of all of that. So you've got the Stewardship Committee being allowed to request further review which is always a good thing, where it may disturb the separation of powers, if you will, is in their possible ability set forth in page 297 to reject projects. On the other hand, if those projects don't pass muster before the Stewardship Committee, I would submit that there may be major problems with those particular projects and they might not pass muster with anyone else. So that's something that you have to look at in terms of the structure of powers; that's the first thing.

**CHAIRMAN SWANSON:**

Mr. Dawydiak, do I also understand that the DEC has -- wants to look at the Stewardship Committee and its roll a little more in detail?

**MR. DAWYDIAK:**

We've requested a letter of support from DEC, they have indicated that they may provide input but they haven't committed to it.

**CHAIRMAN SWANSON:**

Thank you.

**MR. KAUFMAN:**

One other thing. This is something I've been fighting for, and I will say it's been a lonely battle for the last three years and I'm very pleased to see certain parts of it, but I want to go through it just to make sure in my own mind about something. The key question for me, sitting on a SEQRA Review Board, is the SEQRA control issues in here. GEIS' inherently are limited, they're good for large scale planning but they don't offer translate well into -- or provide for individual site or project reviews in the way that a regular EIS does, because a GEIS is basically

more global, it often lacks those additional SEQRA triggers.

I've looked at the charts, I've looked at the EIS, etcetera, the finals, etcetera. It looks to my eye as if the final has changed the GEIS to allow for full individual site review and full individual environmental review under SEQRA, except for maintenance, ditching but for BMP's 5 through 15. In other words, the GEIS is no longer the final environmental review or authorizing document, SEQRA review on BMP's 5 through 15 will occur in the future, so there will be a second crack at individual sites; is that an accurate viewpoint?

**MR. DAWYDIAK:**

Yes.

**MR. KAUFMAN:**

Okay.

**LEG. VILORIA-FISHER:**

Actually, Mike, could you yield for a second?

**MR. KAUFMAN:**

Yeah, absolutely.

**LEG. VILORIA-FISHER:**

Because following the pages to which you were referring, on page 299 I think it makes that very point where it says we're not -- we won't have a cookie cutter approach but each individual project would be viewed.

**MR. KAUFMAN:**

Yeah, I'm trying to make sure that they are on the record on this one.

**LEG. VILORIA-FISHER:**

Yeah, on page 299 it does state that.

**MR. KAUFMAN:**

And also, just to reemphasize in my own mind. Previously I have noted that this plan was, as I like to say bugcentric, that it was much more oriented towards Vector Control. I've noted throughout the document that there are statements in here that the health of the marsh is now the primary focus of this plan. That mosquito control is now a mere component of marsh management and not the total objective and that this stance is now the directive for all actions under this plan. By making those statements and placing it in this document, the County is bound by that; is that your understanding, as to a shift in emphasis or focus?

**MR. DAWYDIAK:**

Subject to Legislative adoption of findings, yes.

**MR. KAUFMAN:**

Thank you.

**CHAIRMAN SWANSON:**

Ms. Stiles.

**MS. STILES:**

I think that there -- I mean, obviously it's going to have to be worked out by the Legislature exactly who's doing the environmental reviews and exactly how it's going to work, because I don't think putting it in a document like this is, you know, codifying it like it needs to be done. But I think it's a little bit conflicting, or at least confusing; page 296 it says, "All projects using BMP's 5 to 15 will undergo further SEQRA review through CEQ." When you're saying that, are you saying that that will be done after the Wetland Stewardship Committee calls it up, so to

Speak, says it needs more review? Like we don't have jurisdiction until they've said we have it?

**DR. TONJES:**

That was -- may I?

**MR. DAWYDIAK:**

Go ahead.

**DR. TONJES:**

That wasn't the intent. The intent was that for all projects 5 through 15, they will come to CEQ, but proposed projects may not get to you. The Wetland Stewardship was intended to act as a filter to review projects as they come up from whatever source, whether it be vector control or some other agency or group. They would then review them if they meet the standards of the Wetlands Stewardship Committee which could include making a recommendation to you that, gee, we think this needs an expanded EAF or, gee, this doesn't look like it has much impacted associated with it, whatever recommendation they may give.

**MR. DAWYDIAK:**

It's a little more complicated because CEQ itself is on the Stewardship Committee, so you're going to get the project in the early formative period to give input which may or may not be subject to full CEQ review, it may just be one CEQ up on that committee, however CEQ decides to deal with it is fine, it's just a decision for you to make. Then you see it at this later project phase that Dave was talking about when it's ready to go to a permit or an approval which is later down the road.

I wanted to make one clarification. The document that you're looking at and siting is the FEIS which by nature is a disparate response to individual comments, it's not a holistic integrated presentation of what the steering committee is. So what Mr. Kaufman was siting was just a little bit out of context in terms of the review, rejection concept. The plan is very specific, if the steering -- if the Wetland Stewardship Committee rejects a project, it will not go forward, so it's not just an advisory recommendation, the County agrees that if we can't pass muster with stewardship it's just not a worthwhile protect. This again is a policy issue for CEQ to pass judgement on, that's the way that it's written right now.

**CHAIRMAN SWANSON:**

Mr. Pichney.

**MR. PICHNEY:**

Yeah, I just had one final comment to the remarks I made before. It just seemed to me that, you know, just probably being a Johnny-come-lately to this, but in terms of balancing mosquito control and the health of the marsh, that one would also need to seriously address the movement of coliform through the ditches throughout the south shore.

**MR. DAWYDIAK:**

I just want to make a statement. That we took a very hard look based on all published and reasonable available data, I have not seen any studies that Mr. Penny cited. I've heard allegations that marshes have been opened up to shellfish beds, have open shellfish beds due to ditch plugging. I know that some of those are attributable to increased monitoring back in the days when DEC had an administrative closure, marsh manipulations were made, then intensive monitoring was reinstated. I've never seen a report which is definitively or even partially documented this, so we'd welcome the submission of any such data or reports, I just haven't seen them, and they're not in the FEIS because they haven't been submitted.

**CHAIRMAN SWANSON:**

Okay, I want to end this part of the session and give our stenographer a wee break and then we will resume with the public portion of the meeting.

**(\*Brief Recess Taken: 1:07 PM - 1:21 PM\*)**

**CHAIRMAN SWANSON:**

Ladies and Gentlemen, I think we can resume. I want to thank all of you for your patience, but this is, as you know, a very important issue and we don't want to slight anybody with the opportunity to express their feelings and give their recommendations.

I'd like at this time to ask Jim if he would review CEQ's responsibility with regard to this Long-Term Plan, just so we -- everybody has an idea of what we, the board, has to do here this afternoon, or at some future date.

**MR. BAGG:**

Basically, the article or Chapter 279 of the Suffolk County Code states that, "Number one, upon receipt of the FEIS," which was your last meeting, "the CEQ should prepare a Notice of Completion in accordance with the SEQRA rules and regulations and they shall file and circulate and make available the Notice of Completion and copies of the FEIS in accordance with the rules and regulations." The Health Department sent the FGEIS to everybody. The Notice of Completion was filed the day of your meeting, I understand that it was published in the Environmental Notice Bulletin on November 22nd. And then it says, "The next step is the CEQ shall forward the FEIS and Notice of Completion, together with its comments and comments received from other parties on the FEIS, to the County Executive and Legislature within 30 days of receipt thereof and shall provide a copy of its comments and any others to the initiating unit."

**CHAIRMAN SWANSON:**

Thank you, Jim. Now, how many people in the audience are prepared to speak? I see four. Okay, we will proceed with that and I will give you five minutes each. So why don't we start over here.

**MR. McALEVY:**

Thank you, Mr. Chairman, and members of the Council. I think what I saw was a moving target here and --

**MS. KRAUS:**

Please state your name.

**MR. McALEVY:**

Oh, my name is Robert McAlevy, I reside in Hampton Bays, I'm a member of the Citizens Advisory Committee to the Vector Control Studies. I'm also -- was a member of the Citizens Advisory Committee to the Peconic Estuary Program Study. Here's an example paid for by the Federal Government, it says, in essence, don't open the old new mosquito ditches -- don't open new mosquito ditches and don't open the old ones. It also says don't use the pesticides in the salt marsh. This was a problem for our bureaucrats that you heard from today. So what they decided to do, we had word, we had word that they were going to try to build duck ponds, call it mosquito control holes and whatever. So Robert Gaffney pledged the County to enforce to enforce this document, a pledge for the Peconic Estuary, the bureaucrats wanted to violate it. How did that come about? That's why I'm here today, that's this whole new thing.

What happened was they hired a smart consultant and they hired a lobbyist; the lobbyist worked for Ducks Unlimited. The lobbyist essentially told the Fish & Wildlife that it was very important to build duck ponds on that area that we were talking about, the Wertheim area, and the lobbyists worked with some members of the Legislature and the State and got the DEC Commissioner for the area to approve what his scientists said would be destruction of the salt marsh. And it's like 1984; they called destruction rehabilitation or whatever. This is destruction. Don't ask me, ask Scully, he's embarrassed that he approved it. I suggested last time that I was here you call him up, he said in a small group, "This is not restoration. What they've done in Wertheim is not restoration." Call up Scully, he approved it, he's one of the few bureaucrats that learned something new. Normally they just forget nothing and learn nothing new, he learned something new and I think his opinion would be valid.

Anyhow, Mr. Chairman, I hope that the new members will be gifted with my contributions, as some of the new members haven't seen them. I wrote a letter outlining how what the County wants to do is in violation of the Peconic Estuary Program on December 26th and if it can be dug up, I'd appreciate it if you gave it to the Council members, and use one in March.

I'll just point out on the issue of does the mosquito control ditch introduce pollutions from up -- upland to the water, here's an application in my December 26th letter from one Mr. Ninivaggi to the State to do some ditching and it said, "These ditches are important for the drainage of upland rain run-off." Now, if any of you think that the upland rain run-off doesn't control bad substances, then there's a new science someplace. Of course these ditches give you a straight shot for all of that garbage upland into the water.

Anyhow, why did they hire the consultants? I submitted this one, this was an editorial from one of our papers and it says in part, "Impartial consultant is an oxymoron. In most cases, the government decides what they want to do and pay someone to rubber stamp it under the guise of a costly study"; I think the editorial writer was right in this particular case.

Another issue is what is the effect of the pesticide. Not on me, you know, I have my ticket to the old folk's home in my back pocket. What does it mean for the next generation. In the study that was done by Mr. Tonjes who, as I understand, his organization is the house engineering firm for Suffolk County and he knows when he gets a contract what the results have to be like. If you pick --

**CHAIRMAN SWANSON:**

Can you please summarize, your five minutes are about up.

**MR. McALEVY:**

Yes, I will, I will. Not considered and specifically not considered in the many volumes that will put you to sleep was that the effect of the pesticides on pregnant women and developing embryos, that is the next generation. When this was brought up in our discussions as citizens advisory committees and, in fact, requested, sent a letter that the County should look into this and see if there's a relationship between the rise of special education, special need kids and pesticide spraying, it was a big issue. It turns out that the pesticides at one part per billion, one part per billion, that's one person, one terrorist that in India would kill any American that set foot there, that's what one part per billion as a killer is like. So when they spray they kill off the next generation of fish and fin fish because they kill the floating eggs and larvae which are sensitive at one part per billion.

**CHAIRMAN SWANSON:**

Mr. McAlevy, we're going to have to move along.

**MR. McALEVY:**

I just -- just one more thing. Dave Tonjes told us that, "Well, it doesn't bother the embryo because the placenta protects the embryo from the poisons ingested by the mother. I pointed out in my second letter that there were 26 pesticides found to have passed the placenta barrier and I put that into submission. I think Dave will tell you, he called me up and asked me, "Where did you get that one part per billion and where did you get this placenta barrier?" So I told him the one part per billion came from the scoping document for this particular study, the scoping document, it's right in there. And the other one -- and I pointed that out in my letter of December the 26th and in the March letter, I point out it appeared in Consumer's Report reporting what the March of Dimes found on how pesticides effect the next generation. This has all been ignored. You're putting the next generation of wildlife, of our natural productivity and of human beings at risk if you let them go forward without investigating this. And I would say from what I heard today, you've got a moving target, you've got a moving target here. And how can you vote to find this complete or proven and so forth? Let's go over this a little bit more, get some input, how can anyone respond rationally at the end of all of these hours? Don't vote to -- that it's complete or whatever the technicalities are, give us a chance to look at it, think about it and come back maybe with an idea from outside the bureaucracy.

**CHAIRMAN SWANSON:**

Thank you.

**MR. McALEVY:**

Thank you.

**CHAIRMAN SWANSON:**

Who would like to go next? Going once?

**MR. McALLISTER:**

Good afternoon. My name is Kevin McAllister, I'm Baykeeper for Peconic Baykeeper. I'm going to start by talking about Methoprene, once again.

I know over the course of the last year or two certainly I've brought forward some relevant literature to the impacts of Methoprene; and again, once again, this is the larvicide that's sprayed directly by helicopter over salt marshes with the intent to have it enter the water. Brought forward the Hershey Study, that was the Minnesota study looking at impacts to non-target insects. The Horse Study, obviously looking at Crustacia, impacts to both adults as well as larval stages. And actually, if you noted -- if you read carefully the EIS, you saw there was a non-~~{mispuriabue}~~ that's questioning the conclusions of no impacts relative to Methoprene. What counters this information is a Mosquito Control Study performed out in Minnesota, the municipal district out there, and basically this is not a peer review paper as I understand it. And also, it's further bolstered by the Cage Fish Study which has some deficiencies.

I want to read to you a passage from New York State's comments. "According to the DGEIS, one is supposed to ignore the findings of two dozen published and peer-reviewed articles based on a single, unpublished study done by the Vector Control Agency and a Literature Review by Suffolk County Vector Control's own consultant, both of which could not be considered unbiased parties."

Moving on to the wetlands. You know, I appreciated the discussion again on impacts or conveyances from these ditches which you certainly have been speaking to, and I just want to make a point. I know it was identified that perhaps storm water is minimal and that's, you know, that's a fair statement relative to the region, and obviously we have flood waters coming over these marshes. But nevertheless, one of their principal functions and the most critical functions is filtration, cleansing of all water that may come into this system. And again, a straight ditch or a sinuated ditch has a potential to convey, and whether it be Muskrat, Blue Herron, Marsh Herrier or, for that matter, humans, human sources, nevertheless export of coliforms to receiving waters is not a good thing.

Relative to OMWA, and I know Mr. Dawydiak said, you know, this was never presented as a panacea, and I would beg to differ with the earlier version of OMWA within this document. It was being presented as an end-all to mosquito control with the interest in reducing pesticide applications, and that's certainly a laudable goal but it was, in fact, pushed out there, again, as the answer. And due to really public participation in this process, and I'll emphasize public participation from, again, a wide variety of groups, both government as well as non-government, we've strengthened this, we've entered into the debate and really debugged some of these contentions. And the positive news is -- and Mr. Dawydiak went to great lengths to really articulate the structure and I think is tremendous, to have some oversight from the Wetland Stewardship Committee comprised of, again, government and non-government officials, to really vet these projects.

There is a great deal of opportunity for marsh restoration out there, absolutely. We can revert some of the damages from years past, whether it be from Vector Control or other anthropogenic sources and impacts. That's some good news, there's opportunities, but let's not all throw it in one bag and say everything fits because it doesn't and it needs a hard look. And I think, again,

this process with the Stewardship Committees is a very good thing and I know hearing Mr. Dawydiak talk, they seem fully behind it and willing to subscribe to the findings of this committee.

The last thing I will say, it's inherent, however, that the committee -- and really, this goes to the four seats for the non-government organizations or not-for-profits. You know, it's properly balanced. Let's have open debate within this committee to again do justice to vetting some of these techniques relative to these wetlands on a case by case basis to make sure they make sense. And in fact, what is again touted as paramount, that we are restoring the values and functions to these wetlands and what is taking a lower priority is vector control activities, reducing mosquito populations. Thank you.

**CHAIRMAN SWANSON:**

Thank you. Karen, I think I saw your hand.

**MS. BLUMER:**

My name is Karen Blumer. Good afternoon, members of the council. I'm speaking today on behalf of Open Space Council which is an environmental group who has worked mainly in Suffolk County. Personally, also I am a wetlands ecologist and I am also a professional restorationist of habitats, I'm a consultant to the Suffolk County Water Authority and restore many of their construction sites back to what it originally was.

We urge the council to really have careful consideration, possibly reject the plan before you and the FGEIS. Based on its failure that we feel is to perform the primary SEQRA task and that's to weigh and evaluate the potential impacts of the proposed action based on, and we emphasize, a very long-term consideration of what those impacts would be, and also valid scientific evidence. While there are sections of the plan that we deem to be positive and we see some good additions today such as the delivery of public education regarding health and vector issues, an effort to encourage mosquito control through natural predation which we strongly urge actually be looked at by this committee to have more of that added, or the creation of what could be a valid overseeing entity, the Wetland Stewardship Committee. But again, after hearing the discussion today, we're not sure that that's what is in place.

It's unclear how these portions of the plan can be teased out separately and you can approve some and not others. So if that's not the case, we would encourage you to really reject this plan in favor of something you will suggest later. We find the proposed plan has little ecologically valid grounding, little systematic thought and fails to present honestly to the public what in the literature and in the experimental world works. It also fails to identify what of the plan needs testing and monitoring adequately and within what time period. Regarding both the ponding proposal, referred to variously as OMWM and other things, and the use of pesticides for Vector Control. We're particularly concerned about the Long-Term Plan's proposal to ultimately create ponds in the high tidal marsh, and this is expressed today as just after a tri-ennial effort, I -- we have questions about that. Because this is not for hundreds of acres but ultimately, in this proposal, thousands of acres of Suffolk's coastal marshland.

And the main point is here, without knowing what the final impact of that action is, we don't feel there's a clue from this entire thousands of pages in over \$4 million study. We do not know after reading the plan whether it's a valid method of mosquito control at all, nor and perhaps more importantly do we know its ultimate impact on the very important ecology of the marshes and its impact on the estuarian environment.

Even if ponding is a successful way of controlling mosquitoes, of which, again, we do not find conclusive evidence or much evidence in the plan, would it justify the ecological damage it might result in? And I as a personal restorationist classifying digging up the high marsh as restoration is, I guess I'd say for Open Space Council, misleading, but for myself really laughable; we believe it to be dishonest to portray this activity as such to the public. If anything, digging ponds may serve to destroy the proper and vital function of an intact marsh which acts as a critical filtration system and seed of bio diversity to protect all marine environment. The point here is



that the ultimate ecological outcome of such a proposed action is not considered adequately in the plan, nor the FGEIS as is required by law.

We also feel that the impact of pesticides -- and again, we emphasize over the long-term -- has not been dealt with completely or adequately. For example, we have seen a study and it's sort of akin to Dr. Juchatz reference to the biphasic response. In the first year pesticides that were applied really reduced the mosquito population significantly, by the second year it had reduced the predators and by the third year the mosquito population had actually grown. Again, we would like some of these concepts at least included in this plan and addressed and addressed by peer review literature.

We are concerned about the supporting documentation. Any expected impact from both the creation of the ponds and application of pesticides on the environment lacks a valid scientific peer review. Rather, the impact is substantiated almost exclusively by studies and documentation from Departments of Vector Control in other states whose livelihood depends on the acceptance of these proposed activities. To that end, we submit here to the CEQ -- well, we've submitted a letter that was written to Legislator -- County Executive Steve Levy and Legislators by a really symphony of serious research scientists from St. John's, Brown's University and a selection of others. Their conclusion was based on our current understanding of marsh hydrology and ecology, there's nothing to suggest that OMWM restores lost ecological functions; in the long run, it may even do more harm than good for your irreplaceable salt marshes. Again, the point is this has not been looked at the way legally is required in either the plan or the environmental impact material.

OSC is further concerned that the healthier alternatives which could be employed and worked into such a plan have not been submitted or really considered seriously. And these alternatives would include things like mosquito control through natural predation, a few things that I think Dr. Tonjes and others have mentioned with garlic oil, rosemary, whatever. And again, we'd like to see some of the comparisons that Mr. Ninivaggi mentioned in terms of suppression; what is the suppression comparison, and especially compared --

**CHAIRMAN SWANSON:**

Can you please summarize?

**MS. BLUMER:**

Okay. Well, certainly we'd like that -- you know, we'd like true restoration considered at the high spartina marsh, and also a consideration of new job niches for vector control, both a new budget -- you know, this plan, after six years and \$4 million, we were hoping would really look to revamp some of the useful goals of Vector Control.

Just finally, I'll summarize. We have questions about the composition. Although we think the Wetlands Management Committee is a good idea, of the 18 places there's not one there for a Research Scientist. And we'd like to see, you know, rather than the eleven agencies -- and again, with caution because we feel that this committee should be somewhat independent, should not have anyone on it whose agency benefits fiscally from the activities being considered. So we would like to see some scientists, though, on that committee. We, of course, endorse the NGO's, we don't know who they are but hopefully -- and the members of the Estuarian Committee. Thank you very much for this opportunity.

**CHAIRMAN SWANSON:**

Thank you.

**LEG. VILORIA-FISHER:**

Question.

**CHAIRMAN SWANSON:**

Yes.

**LEG. VILORIA-FISHER:**

Karen?

**MS. BLUMER:**

Yes.

**LEG. VILORIA-FISHER:**

Hi, Karen.

**MS. BLUMER:**

Hi.

**LEG. VILORIA-FISHER:**

Thanks for coming down. Karen, I just have a question. You know we serve on the Invasive Species Task Force together and one of the problematic issues is the control of fragmitis. And when I looked at the presentation earlier, it seemed that at the Wertheim there was a decrease in fragmitis and wouldn't that be a positive outcome of the work that had been done?

**MS. BLUMER:**

Well, superficially it sounds yes, of course. Again, we'd have to look at what was happening to the rest of the ecology in that marsh as a result of, you know, is it that the water was deeper and all those fragmitis actually can out-compete other species very well in deep water. You know, I am not intimately familiar with what is happening in Wertheim and I would look at it, but certainly it sounds like it's perfect. But on the other hand --

**LEG. VILORIA-FISHER:**

Well, I don't think they were making it sound like it was perfect, but I think that they showed positive outcomes and I just feel that it's very important and I'm taking -- I'm listening very carefully to your criticisms and I'm valuing what you're saying, you know, having sat together, I know that you add a great deal of value. But I also feel that it's important to see when positive aspects are presented and your presentation sounded as if you were very intimately aware of what went on at Wertheim because you really had a very scathing criticism of it and yet you're saying that you are not very familiar with what happened at Wertheim.

So, you know, I'm looking at work here that has been done with a great deal of expenditure of County money and I do have to say that I become very concerned when you say that it's superficial and it's one-sided. I've seen -- I've been trying to pour through this and look at the responses to the public hearings. And so maybe I'm being a little bit defensive because I have personally spent so much time on this and that's not nearly as much as what the people who were referred to as just bureaucrats, and I hate to see people just categorized that way, I don't really think that's fair.

So what I'm saying to you, Karen, is that perhaps you're not looking at any of the positives that I've seen come before me. I see that the Stewardship Committee has also been up fine tuned to try to be more responsive and try to stop the projects before they even come to CEQ if they're not deemed to be environmentally sound. And I'm not trying to debate you, I'm just asking you to look at this perhaps a little bit more fairly, maybe more objectively and try to see some of the positive outcomes that are being presented.

**MS. BLUMER:**

Well, again, the removal of fragmitis by digging them out and creating ponds does not take into account the entire -- what's happening in that whole ecosystem and, you know, the ecology of what is happening.

**LEG. VILORIA-FISHER:**

Well, they showed some Fauna also that -- I mean, some shellfish and other fish that had come

back and aquatic birds. As I said, I'm just asking that you take a second look, too, and look at the positive results that they're saying which seem to be not only the removal of fragmitis, but a healthier ecosystem there. Just so that we could have I think just a more fair view is what I'm asking for, Karen. And I'm listening to what you're saying and I'll look back at this with your remarks in mind, but I'm just asking for a fairer view,

**MS. BLUMER:**

Okay.

**LEG. VILORIA-FISHER:**

Maybe we're not seeing the same thing.

**MS. BLUMER:**

Well, I do feel that it's fair. You know, I'm looking at this as an ecologist and I don't see the ecosystems really being addressed and the functioning of the systems on a very large scale at all and I think that that must be done. Again, we're talking about thousands of acres. You know, the constant spraying of toxic pesticides that, you know, if we -- in the one study the population of mosquitos increased after three years. It probably doesn't because we surprise it every year with constant spraying and I just didn't see that addressed in the studies, that's all, that are there other alternatives.

**LEG. VILORIA-FISHER:**

Thank you, Karen.

**DR. POTENTE:**

May I make a comment, Mr. Chair?

**CHAIRMAN SWANSON:**

Yes, Dr. Potente.

**DR. POTENTE:**

In reference to your question, Vivian, about the OMWM and the ponds helping address the fragmitis invasive species on the high marsh. Unfortunately you had missed the previous meeting where I had shown some of this. That was one of the concerns of mine, I'm on the board of the Long Island Botanical Society and one of the initial interests was exactly that.

From the series of aerial photographs and from where Vector Control had actually gone in, the areas of fragmitis that were actually addressed was extremely minimal. This -- and the photographs that were shown now were just the fragmitis and then a pond, it was actually quite deceiving. Most of the water ponds that were dug were done in clean sparteine patents which is a native species of the high marsh. It was only in a few fringe areas that was depict -- that was evident from the aerial photographs and I went to Wertheim myself twice to walk these areas, to see these areas myself. Now, granted I did not see it -- I did not see area one before the ponds were dug, I saw it after, but the surrounding area was sparteine patents, it was not fragmitis. So this is actually -- this OMWM that has been done at Wertheim has really not affected the fragmitis to any great extent.

**LEG. VILORIA-FISHER:**

But you had not gone before to see the difference.

**DR. POTENTE:**

No, I didn't, but there were aerial photographs from before and you can tell from the aerial photographs that this was not areas of fragmitis, of extensive fragmitis. And I did go and I asked when I was there, I was there with the biologist from US Fish & Wildlife and I asked him, "Did you see this before," and he said no because he actually arrived on the scene after the fact. So the only people that can really attest to whether this extensively affected fragmitis would be Dominick Ninivaggi and Craig Kessler, those were the two that I know of.

**CHAIRMAN SWANSON:**

Thank you. Mr. Atkinson,

**MR. ATKINSON:**

Thank you. I am Matthew Atkinson, General Counsel with Peconic Baykeeper.

I just want to touch on one thing that Karen did say that I think should be given a little more attention which is weight of authority, and this is something that the CEQ is just going to have to do itself and I'll be interested to hear its debates later. But there are, you know, very important scientists who commented on various aspects of this plan and there -- you know, they're as well qualified as Dave Tonjes.

I really want to speak about this marsh management primarily because I'm not entirely clear that we have our arms around this. Basically, marsh management for mosquito control, as Legislator Fisher points out, was an impetus here and now she's wondering about why is it that now marsh health and restoration are taking a lead. Because they are -- it turns out they're not synonymous and even others, jurisdictions that have been cited such as Connecticut, you'll see Exhibit O in your comments from Ron Rosza, he's the Chief Architect of their restoration, he says that they're not synonymous.

This has become accepted by the initiating unit under direction of Steve Levy, saying, "Okay, we agree open marsh management" -- management of our marshes for mosquito control is not the same as restoration, we have to pay attention to marsh health as well; I applaud this goal. Therefore, the whole water management portion of this which included new manipulations to the marshes is in some sense -- it's like old news, it's like what is it that we're going to do? What is our governing principals? How are we going to evaluate individual plans that come forward? And that's established by the Wetlands Stewardship Committee, that they're supposed to develop a program that will be reviewed again by CEQ and will be adopted by the Legislature if it so chooses. That is to say we're going back and we're going to have another look at how we're going to manage our marshes and that's how we're going to evaluate the effectiveness and the purpose and the value of any individual project. Until we have that overarching scheme, I'm not quite clear how we're going to look at this. And if we look at each marsh management program separately, each one of these OMWM projects or this project or that project as purely distinct projects when Suffolk County's initiated agencies have stated on the record that they want to do 4,000 acres, then we're starting to run into danger of segmentation under SEQRA.

I strongly suggest that the CEQ recommend to the Legislature that let's have our marsh management program developed through the Stewardship Committee and take another look at this very important issue before we start approving individual plans.

I just have a couple of questions about it really runs to nuisance control versus disease prevention. Although this is a somewhat conflated issue, the initiating agency does agree that trap counts are appropriate as well as landing rates for initiating mosquito control when there is no specific viral activity. I just would like this tightened up a little bit and a little bit of clarity about it.

Landing rates of a mosquito per minute by somebody in the field as adequate to trigger a numerical limitation for mosquito control is just -- it seems really very vague, it's very subjective really. You know, it's like I go out on my deck and there a mosquito lands, okay, now we're ready to spray? I don't think so, especially when there's no viral activity. If there's identified viral activity we're not talking about these thresholds anyway, but where there is no viral activity then these thresholds I think need to be much more rigid and much higher. Vector Control already knows where major mosquito breeding problems are; they already have their traps out, they can stick to their trap counts for non-virus response events. And then these trap counts I'm confused about because I never really understood what 25 a night meant or a hundred a night meant in a different kind of trap. And now we've gotten some figures that maybe 100,000 on Fire Island -- that's a real infestation, a record I guess -- and over a thousand in Manorville someplace, in the woods. So, I mean, what's a real number that really bothers people a lot? I'm

not sure and I don't believe that we have the data yet to understand that and I'd like to get a better sense of it.

The Methoprene, again, there's a lot of authority for keeping it out. The adulticiding, there's a lot of authority for keeping that away from the waters of our areas. I think that we need to have severe controls when we're only doing it for nuisance control. And I'm not going to try to get into an argument about what's an appropriate response when there's an immediate health risk because that really belongs to the health professionals of this County and that's where it belongs. But to say that every mosquito poses a risk or a potential risk, it creates the kind of zero risk toleration, that is to say there's a lot of them out there, they might infect people, we don't know if they actually are carrying any virus, therefore we need to do something. I think that that's a policy decision, but it's not a really practical decision about mosquito control or its adverse impacts on the environment. And I think that the CEQ really doesn't need to worry so much about that and can go ahead and say that there is a lot of evidence under important peer reviewers that nuisance control and Vector Control for disease is really a different thing and different standards and permissible control measures should apply. Thank you.

**CHAIRMAN SWANSON:**

Thank you. Is there anybody else that would like to speak? All right, we're going to move on to the discussion forum of the meeting now and I'd just like to say that Mr. Atkinson has objected to my voting on the basis of the fact that I have a research project of the Forge River that may some day be funded in part by New York State and in part by the County and in part by the Town of Brookhaven. I have referred his letter to the Department of Ethics and so I will recuse myself.

**MR. KAUFMAN:**

Thank you, Mr. Chairman. Jim, you stated a couple of minutes ago what our task was under SEQRA, but there's also one or two other issues out there at this point in time. I believe that the DEC has not submitted comments yet but intends to regarding the final EIS. We've also been -- received comments here today, we've got a letter from Mr. McAllister, we've also heard comments from several of the public members out there, and I'm worried in one respect that we may not have developed a full record in that respect, or incomplete to some degree and I'm not exactly sure how to proceed. We've got the Suffolk County Charter out there, we've got SEQRA out there also, but at the same time our primary mission under the County Charter is to manage the EIS process. We don't officially approve or judge the FEIS under SEQRA or the County law, rather the Legislature is the proper body to approve or disapprove and make finding statements. Our job under SEQRA is essentially a transmission job to transmitting a finished product to the Legislature rather than assess or judge it. Admittedly, we do have a role in this in that we are allowed to make comments and that's put in the Charter.

At this point in time, I'd like to throw it open to the members of the commission as to what they think as to how we should proceed. But first I'll start with Jim, if you have any ideas on this.

**MR. BAGG:**

Well, as I stated, I'm not a lawyer.

**MR. KAUFMAN:**

Thank God.

**MR. BAGG:**

It says here under N of Chapter 279 of the code, "CEQ shall forward the FEIS and Notice of Completion together with its comments and comments received from other parties on the FEIS to the County Executive and Legislature within 30 days of receipt thereof and shall provide a copy of its comments and any others to the initiating unit"; I mean, that deals with the FEIS. However, if you go back into Chapter 279 of the Suffolk County Code, it does state that, "The CEQ normally has a 45 day review period. However, if the CEQ finds that sufficient information has been provided to allow said recommendation and notifies the initiating unit in writing of

specific deficiencies, that time allotted for a recommendation can be extended." But I'm not a lawyer and I'm not an expert in the County Code, so I can just give you those facts and it's up to you decide.

**MR. KAUFMAN:**

I've read those laws several times over and my initial opinion right now is that we would be transmitting less than a full record to the Legislature if we discharged it today. One of the County laws in there says that we're supposed to provide our own recommendations as part of the package, as part of the transmission, we have not had a work session or anything like that wherein we've tried to determine how the various members feel. And again, I do want to see the DEC comments. DEC had a great impact upon me previously with this 42 page letter.

So my personal meaning at this moment in time, and it can change, is that it's possible maybe we should table this until we get all comments.

**LEG. VILORIA-FISHER:**

Mr. Chair, I just asked Counsel to come in just for a minute regarding the time requirement.

**MR. KAUFMAN:**

Okay, I recognize Mr. Nolan.

**LEG. VILORIA-FISHER:**

If Mr. Bagg -- do you want to sit next to Jim Bagg? He has the two pieces of --

**MR. NOLAN:**

Sure.

**MR. KAUFMAN:**

How about -- should we take a break for a minute while Mr. Nolan reads the legislation; thirty seconds?

**LEG. VILORIA-FISHER:**

Yeah, why don't we give him a minute to read it.

**MR. KAUFMAN:**

Yeah, that helps.

**LEG. VILORIA-FISHER:**

Because, I mean, he had no warning that we were going to drag him in here to do a legal opinion on that.

**MR. KAUFMAN:**

Nice catch, by the way, Legislator Fisher.

**DR. POTENTE:**

I would like to make a comment while they're discussing, we're sitting here anyway. I think that in the event that we do have a work session, some of the things that we should be thinking about with this long-term plan is did it set out to do what it wanted to do? And what are -- what is the crux of this long-term plan and has it gone through unchanged? If you read through the executive summary, there are a couple of key points and I'm just going to reiterate them as a summary of things that we need to think about before we go into work session, if that's what it's going to be.

A, from day one Vector Control had said there is no distinction between a nuisance control and disease in the mosquito population; is that something that we're going to accept? And what does that do if that distinction is blurred? What further abilities will that give Vector Control in terms of going out on to private property to tend to mosquitos, anybody's home on Long Island or in Suffolk County?

B, is the -- is the marsh management that's taking place in the mosquitos going to alleviate the public health risk of West Nile Virus in Suffolk County? Things you need to think about is they found one, maybe two mosquito pools in -- since 1999, so we're looking at eight years that this West Nile Virus that's been told is going to run rampant through our wetlands, our tidal wetlands has not happened.

So a lot of this talk is on conjection on things that may happen and it's conceivable and this could happen, but the reality of the situation is in eight years it has not. So what's the practicality of it?

**MR. KAUFMAN:**

John, may I interrupt you for a second as the Chair right now. You're starting to vere into editorial. The issues that you want to raise are valid issues, there are other issues out there also; this is something that I would submit that you simply raise the issue as opposed to editorialize on it.

**DR. POTENTE:**

Okay. Well, the last thing is just the pesticides. We need to think about the issue of pesticides, what -- very seriously, over these next -- week or two or whatever it's going to be, take a look at the information that was submitted by legitimate scientists in legitimate scientific peer-reviewed literature and what is being substituted in its place. A caged fish study to determine whether the impacts upon the people of Suffolk County and the environment are real or not. There's a big substitution that has taken place here.

**MR. KAUFMAN:**

John?

**DR. POTENTE:**

I'm through.

**LEG. VILORIA-FISHER:**

May I --

**MR. KAUFMAN:**

Let me just say something first. One of the missions that we're supposed to do under the Charter at this point in time -- and that guides our activities, John -- is that we are supposed to guide the preparation of the EIS. We're not supposed to necessarily fully get into policy, etcetera. Obviously policy decisions and interest as to which way the science goes is something that is important and that is something that we have to look at when we start giving our comments, but you also have to remember one other thing. This is the applicant, we are a transmitting body at this particular point. We got an FEIS out of this, okay, that was a very -- one of our more fundamental victories, if you will, in doing all of this, okay?

**DR. POTENTE:**

This is no victory, Mike. It's paper work that's been -- it's paper work that's been handed to us, this is no victory. And this is an environmental review board, we're supposed to review this and hand our findings to the Legislature.

**MR. KAUFMAN:**

Yes, we are transmitting. But I'm telling you what the Charter actually says and I would suggest that you seriously read the charter. There are certain rules and responsibilities that we have at this point in time. Obviously we're going to have to come up with recommendations. We can fight the science out all we want, we can fight out any errors in there. You know that I've had my problems with this plan, too, okay, but there is a time and there is a place for it; not necessarily right now. What I would suggest is you maybe put together a list of what issues you want to have looked at. I've already set up such a list; I mean, the work session was my idea, to try and battle this stuff out. Put up a list and then you can have a second list in there where you

may be putting in as bullet points the various issues that you see and then we can debate all of it. We're going to agree on some points, we're going to disagree on some points, it's that simple.

**LEG. VILORIA-FISHER:**  
Mr. Chair?

**MR. KAUFMAN:**  
Yeah.

**LEG. VILORIA-FISHER:**  
I have two comments. The first one is haven't a number of parties already submitted lists of problems and haven't most -- it seems to me that the lion's portion of them have been addressed or at least responded to by the department, number one.

Number two, I don't agree that we shouldn't be editorializing here because if we're debating, then I think that those members of the council who have an opinion regarding what's before us should have an ability to state that opinion. Because I believe I've been editorializing, certainly when Karen spoke; and I keep forgetting your last name, Karen, I'm sorry.

**MS. BLUMER:**  
Blumer.

**LEG. VILORIA-FISHER:**  
I was responding --

**MR. KAUFMAN:**  
Vivian, I was looking at this --

**LEG. VILORIA-FISHER:**  
-- vis-a-vis my own opinion regarding what you said.

**MR. KAUFMAN:**  
What I was trying to set up was the following. We are going to try and have a work session wherein we try and crystalize our own ideas and our own thoughts, having been given all of this information. I didn't want John editorializing as to how he felt about different things. Set up the points, set up the agenda is what I'm trying to set up and deal with in the work session, that was where I was starting to go. And that's why I didn't want to start going viewpoint after viewpoint on all of this. We have to have a work session, it's going to -- we have to consider all the information that has been given to us.

**LEG. VILORIA-FISHER:**  
I have a question about the work session. Now, in the Legislature when we have a subgroup that meets, we cannot have a quorum of that group without having -- having this as an open meeting with a stenographer who could put it on the record. Now, previous to this, when we've had work sessions there have subgroups and I don't believe they've constituted a quorum. So I would have a question of --

**MR. KAUFMAN:**  
We've already explored this issue somewhat. Having something less than a quorum of the CEQ members does a disserve to those members who are not present. We have to have a public meeting when we have this work session, however we can control the meeting how we want to. Essentially, it would be set up the way many town boards do which is it's the members only speaking among themselves, people can watch but they're not going to have a role in it. So, for example, if Dominick Ninivagi shows up or Mr. McAllister shows up, it's my proposition, at least at first, to not have them intrude into the discussions of the members. We've been hearing from them for quite a while, I want to hear what the members think because we are supposed to



eventually transmit something to the Legislature, it's us.

**LEG. VILORIA-FISHER:**

So the work session will still be transparent and it will still be public, okay.

**MR. KAUFMAN:**

Yes, it has to be open meetings, etcetera. How it's going to be handled in terms of stenography or tape recording, etcetera, it has to be recorded one way or the other, that is something we'll have to explore with the County Attorneys, but it has to be on the record and it has to be out there.

**LEG. VILORIA-FISHER:**

Okay, thank you.

**MR. KAUFMAN:**

But I do think that we have to have something like that. Meanwhile, most of the attorneys seem to have left the room right now, which perhaps is a good thing; I don't know where they all disappeared to.

**LEG. VILORIA-FISHER:**

So do we have a motion to table it while we --

**MR. KAUFMAN:**

Well, we have to check on SEQRA right now on that.

**LEG. VILORIA-FISHER:**

Because of the 30 day requirement.

**MR. KAUFMAN:**

Yeah, and that's what we're looking at right now, that's where I'm having some issues. I would suggest that we take a break until the lawyers get back.

**LEG. VILORIA-FISHER:**

It's too bad I didn't order pizza.

**MR. KAUFMAN:**

We're going to take a five minute break, or -- yeah, a five minute break is good enough.

**(\*Brief Recess Taken: 4:41 PM - 4:55 PM\*)**

**MR. KAUFMAN:**

Several members have had a chance to consult with the attorney for the County Legislature and there has been several discussions beyond that which I'm not going to go fully into, but the advice, if you will, that I have received from several of the members and from some of the other things that have been going on around here is that it would not be harmful necessarily to us if we were to table this particular program until next month's CEQ meeting.

There are a number of open points still; for example, we still need clarification of a Wetlands Committee and I still would like to consider some of the other comments that have been given to us. So that's my thinking right now. I don't want -- I want to be able to present a full and complete record to the County Legislature. And as I stated earlier, I also would like to try and have a work session before the next meeting that we consider this plan at. I believe the next meeting is the beginning of or middle of January if I'm not mistaken.

**MR. BAGG:**

It's the third Wednesday usually.

**MR. KAUFMAN:**

The third Wednesday, I'm informed by Mr. Bagg; I've been only here for 12 years and I couldn't remember that. At any rate, I'll throw that open to the members as to what they think. I'll recognize Lauren Stiles.

**MS. STILES:**

I think that we should table the meeting but I think it's really important that we schedule the work session maybe as part of the same motion or something, because I think that we really have to be careful about not delaying this forever.

**MR. KAUFMAN:**

Yeah, I agree with you.

**MS. STILES:**

I also think it's really important for us to get the DEC comments which they indicated they'd be sending, we haven't received them yet. You know, they've been really integral in the past and they are involved in this whole process.

**MR. KAUFMAN:**

And any other comments that the public sends in regarding the FGEIS.

**LEG. VILORIA-FISHER:**

Mr. Chair, with regard -- regarding the scheduling of a work session.

I do want to again put on the record that when we have a quorum it has to be a public meeting.

**MR. KAUFMAN:**

Yeah, absolutely no doubt about that.

**LEG. VILORIA-FISHER:**

A public meeting has to be recorded and a public meeting has to provide time for public portion, for public commentary; we could put that at the end of the meeting, we could do our deliberations beforehand, but those are the rules of Suffolk County.

With regard to space for that, next week the Legislature is back in committee week, so it's a full week here in the Legislature. The following week we will have -- on the 19th is a General Meeting of the Legislature again, and so the auditorium will be used on that day. And so I'm just apprising you of the availability or lack thereof of space and steno help.

**MR. KAUFMAN:**

Does anyone have a problem with doing this in early January sometime?

**LEG. VILORIA-FISHER:**

No.

**MS. STILES:**

Well, we have to do it before the next meeting, right?

**MR. KAUFMAN:**

Okay, before the next meeting is the middle of January. If we try and have the work session in early January, does anyone have a problem with that? I suggest that we try and work the actual date out after this particular meeting and then we'll communicate with Jim as to any decision on that and we'll get it properly advertised, etcetera. Are you okay with that?

**LEG. VILORIA-FISHER:**

No, actually let me -- I just have to say that the calendar for the Legislature isn't set yet for January, so we would have to -- whatever plans we make for the work session, we probably shouldn't plan to have it in the auditorium because we won't have a schedule yet for the Legislature.

**MR. KAUFMAN:**

Way ahead of you, I've already considered that issue. My personal preference is to have it at the meeting room of County Planning, but there are other rooms available; there's the Media Center, for example, downstairs at Dennison, there's a number of rooms that we can get into so I'm not particularly worried about that.

Okay, again, I'll just sort of look around the room. Everyone okay with early January for a meeting? Okay. I'll entertain a motion then to table this particular Vector Control Project until the January meeting.

**MR. POTENTE:**

I'll make a motion to table.

**MR. KAUFMAN:**

Do I hear a second?

**MS. RUSSO:**

I'll second the motion.

**MR. KAUFMAN:**

Ms. Russo seconds. All in favor? Okay.

We also need a motion to have a work session some time in January, date to be determined, with all the proper caveats and cautions as have been expressed around here. Do I -- I will entertain a motion for a work session of CEQ by anyone; Ms. Stiles?

**MS. STILES:**

Motion to schedule -- are we going to call it -- it's a special meeting, isn't that what we call it officially?

**LEG. VILORIA-FISHER:**

A special meeting, yes.

**MR. KAUFMAN:**

A special meeting is fine.

**MS. STILES:**

Yeah, motion to hold a special meeting before the next regularly scheduled CEQ meeting and that's it, that's my motion.

**LEG. VILORIA-FISHER:**

Second.

**MR. KAUFMAN:**

Sounds good to me. I recognize a second by Ms. Viloría-Fisher. Do I -- all right, I'll call the vote. All in favor? All opposed? Motion carries.

**MR. BAGG:**

May I? I said earlier today the committee had questions about the exact nature of the Wetlands Stewardship Committee and where it fit in the overall process in terms of a project going to the committee and when was it going to CEQ and when would the Legislature fit in, can we get some clarification in writing as to what that process -- what you envision it to be?

**MR. DAWYDIAK:**

Well, actually the DEC had given us input requesting that we provide more detail on who will serve as technical staff and how, so we're already revising and updating that based on questions we've heard today. By the end of this week we'll e-mail to you a revised write-up on

the Stewardship Committee and the process.

**MR. BAGG:**

Fantastic.

**MR. KAUFMAN:**

All right, thank you, Walt. Okay. Moving on just for a second, I don't think we have anything else on the agenda. Are there any other concerns of the members? Any CAC concerns? Okay, in which case I'll entertain a motion to adjourn.

**LEG. VILORIA-FISHER:**

So moved.

**MS. STILES:**

Second.

**MR. KAUFMAN:**

All right. All in favor? Sounds good; the meeting is now declared ended.

**(THE MEETING CONCLUDED AT 2:32 PM)**

**{ } - DENOTES SPELLED PHONETICALLY**