

COUNTY OF SUFFOLK
DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

March 16, 2011

H. Lee Dennison Building
Hauppauge, New York

APPEARANCES:

CEQ COUNCIL MEMBERS:

- Lawrence Swanson, Chairperson
- Gloria G. Russo, Vice-Chairperson
- James Bagg
- Eva Growney
- Michael Kaufman, Esq.
- Richard Machtay

CEQ STAFF

- Christine DeSalvo
- Michael Mule

SUFFOLK COUNTY PLANNING DEPARTMENT

Thomas A. Isles, Director of Planning

S.C. PLANNING DEPT.
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3 DIVISION OF HISTORIC SERVICES

4 Richard Martin, Director

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6 CAC REPRESENTATIVE

7 Joy Squires, Huntington

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2 (Whereupon, the meeting was called
3 to order by the Chairman at 9:40 a.m.)

4 CHAIRMAN SWANSON: I will call the
5 meeting to order.

6 The January and February minutes
7 were available. Did anybody have an
8 opportunity to review them?

9 MR. MACHTAY: I read the January
10 minutes.

11 MS. RUSSO: And I read February.

12 CHAIRMAN SWANSON: Any comments?

13 MS. RUSSO: Yes. In January, the
14 names where they say list of appearances,
15 they were missing your name, Larry, and
16 missing Mike Kaufman's name.

17 Page 26, line four: They are
18 talking about "the village, itself, as it's
19 drafted. The word really should be, "the
20 resolution as it's drafted."

21 Page 53, line 11: The word
22 "space," S-P-A-C-E. It should be F-A-C-E,
23 face.

24 CHAIRMAN SWANSON: Thank you.

25 Any other comments on January's

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2 minutes?

3 With the suggested changes, do we
4 have a recommendation to adopt them?

5 MS. RUSSO: I will make that
6 recommendation.

7 CHAIRMAN SWANSON: Do we have a
8 second?

9 MR. BAGG: I second.

10 CHAIRMAN SWANSON: Any further
11 discussion on the January minutes?

12 (No response)

13 CHAIRMAN SWANSON: All in favor?

14 MR. MACHTAY: I'll abstain.

15 CHAIRMAN SWANSON: Okay. You
16 weren't here.

17 MR. MACHTAY: I didn't read them.

18 CHAIRMAN SWANSON: The February
19 minutes? Rich?

20 MR. MACHTAY: A couple of minor
21 misspellings. Otherwise, I thought they were
22 pretty good.

23 CHAIRMAN SWANSON: Are there any
24 other comments?

25 (No response).

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2 CHAIRMAN SWANSON: Do I have a
3 motion to accept the February minutes?

4 MR. KAUFMAN: I have a motion.

5 CHAIRMAN SWANSON: We have a motion
6 from Mr. Kaufman.

7 MR. MACHTAY: Second.

8 CHAIRMAN SWANSON: I have a second
9 from Rich. All in favor?

10 Motion carried.

11 All right. I.R. 2256, Mike, do you
12 want to tell us what you know about that now?

13 MR. MULE: Vivian wanted to
14 eliminate the verbatim minutes requirement,
15 which was adopted by the legislature on March
16 8th. It still has been to filed with the
17 Secretary of State and we will go through
18 that process. But I would anticipate that to
19 be done, hopefully, by our next meeting and
20 we will go back to the meeting summary,
21 instead of verbatim minutes for the meetings.

22 CHAIRMAN SWANSON: Okay. Very
23 good. Is there any other correspondence that
24 you want to bring to our attention?

25 MR. MULE: We didn't receive

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2 anything.

3 CHAIRMAN SWANSON: Okay. Neither
4 did I.

5 I would just like to mention while
6 I have an opportunity, that this may be Tom
7 Isles' last meeting, which is that we are
8 going to miss you.

9 MR. ISLES: Thank you, Larry.

10 CHAIRMAN SWANSON: You have been
11 very, very helpful to all of us. But, to me,
12 in particular. And you've made the
13 transition from Jim to Mike a very nice
14 process, and I think I, at least, appreciate
15 having had the opportunity to sit down and
16 talk to you about my opinions on what we
17 needed for that position. So, you know, for
18 everything you have done for us over the last
19 decade, thank you.

20 MR. ISLES: Thank you, Larry. And
21 I agree with you. I appreciate your input in
22 the transition from Jim, who has been the
23 original role of CEQ. He began with CEQ.
24 That was a tough one to do. And I think
25 Michael has done a great job on it. And

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2 also, the transition from Penny to Christine
3 was a good one for the county, as well as
4 CEQ.

5 It's been a pleasure to work with
6 the council and I have respect for the work
7 of the council and I thank you for your well
8 wishes.

9 CHAIRMAN SWANSON: And we wish you
10 the very best --

11 MR. ISLES: Thank you.

12 CHAIRMAN SWANSON: -- in whatever
13 you decide to do next. I think you said you
14 were going to expand your garden or
15 something?

16 MR. ISLES: That is part of it.

17 MR. KAUFMAN: Organically and no
18 fertilizer:

19 MR. ISLES. Absolutely.

20 (Whereupon, Mr. Isles was greeted
21 by applause from the council)

22 CHAIRMAN SWANSON: So, this is a
23 public meeting. If the people have comments,
24 please feel free to make them. Typically,
25 the public reacts after we bring the topic to

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2 the table and discuss it amongst the CEQ
3 members.

4 So, our historic trust?

5 MR. MARTIN: Good morning.

6 The two houses at West Hills County
7 Park are still vacant. We have not sent out
8 the county-wide -- the county employee memo
9 for the open house that we plan to show the
10 houses, again. So, I'm hoping that will
11 happen sooner than later.

12 The three contracts that are still
13 being worked on are the Cedar Point
14 Lighthouse out in East Hampton, at Cedar
15 Point County Park; the contract for Splashes
16 of Hope at Coindre Hall in Huntington and the
17 Maritime Museum at West Sayville Golf Course.
18 And those three are at different stages of
19 negotiations at this point, but they are
20 still being worked on.

21 Larry, just to confirm, we had
22 discussed, I think at the last meeting,
23 having the next CEQ at Blydenburgh. Is that
24 still the plan?

25 CHAIRMAN SWANSON: Yes.

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2 MR. MARTIN: Okay. So, that part,
3 just if people haven't been there, I will
4 send out, through Christine, the directions.
5 But just so you know, it's on the north side
6 of Blydenburgh County Park at the end of New
7 Mill Road. We will send you specific
8 directions. There is parking -- we will be
9 meeting at the main farm house there and
10 there is parking right next to the house.
11 So, that is not a problem. And we will have
12 a small room, but we should be able to fit
13 everybody.

14 MR. MULE: That entrance is from
15 25?

16 MR. MARTIN: It's off of Brookside
17 Drive.

18 MR. KAUFMAN: 25 is right over
19 there.

20 MR. MARTIN: Just south of 25.

21 CHAIRMAN SWANSON: Just to make
22 sure, I know it's a little early, but you
23 don't anticipate anything in the next meeting
24 that would require a large public forum.

25 MR. MULE: Not that I'm aware of.

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2 Not yet.

3 CHAIRMAN SWANSON: So, if there was
4 something to come up, we might have to change
5 for that reason.

6 MR. MULE: Okay.

7 MR. MARTIN: We could have our
8 meeting, but if the public comes, it would be
9 tight in there.

10 MR. KAUFMAN: A question, Rich. At
11 Blydenburgh, is that the heated section of
12 the house, or is the entire house heated?

13 MR. MARTIN: The main house is fully
14 heated.

15 MR. KAUFMAN: The other question I
16 had, you and I had discussed cutting down or
17 trimming some of the live trees in front of
18 the property that block the view on to the
19 lake over there, which was part of the Well's
20 View Shed. Has anything been done with that?

21 MR. MARTIN: It's still fairly open
22 from the last time, but we do plan to
23 continue that. We need to apply for a D.E.C.
24 permit. But we do plan to maintain that view
25 and you will see at the meeting, it's still

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2 the majority cleared.

3 MR. KAUFMAN: Do you need a D.E.C.
4 permit to cut down?

5 MR. MARTIN: Yes.

6 MR. KAUFMAN: Do you need a D.E.C.
7 permit to trim?

8 MR. MARTIN: At that location, yes.
9 Because of the ordinance to the waterway.
10 It's part of the wildlife and recreation.

11 MR. KAUFMAN: It would be the first
12 time they ever enforced the regulation.

13 MR. MARTIN: But we do need to do
14 that.

15 MR. BAGG: With the council, they
16 will enforce it.

17 MR. KAUFMAN: That is probably
18 true.

19 MR. BAGG: They want us to pay for
20 the operation.

21 MR. KAUFMAN: What is very funny,
22 they never really enforced it on the west
23 side of the river in Smithtown. And on the
24 east side, I think they have enforced it
25 twice. And compared to the atrocities that I

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2 see on a daily basis --

3 MR. MARTIN: I can say within the
4 county parks they enforce them and we do
5 follow them.

6 CHAIRMAN SWANSON: Is there
7 anything else, Rich?

8 MR. MARTIN: No.

9 CHAIRMAN SWANSON: Thank you very
10 much.

11 The recommended Type II actions, is
12 there anything you wanted, in particular, to
13 call our attention to, Mike?

14 MR. MULE: Aside from your reappointment
15 being laid on the table I.R. 1241, it should be pretty pro forma.

16
17 CHAIRMAN SWANSON: Okay. Any other
18 comments that members would just like to
19 make?

20 MR. KAUFMAN: I will be abstaining
21 on 1241 when the vote comes.

22 CHAIRMAN SWANSON: So, all in favor
23 of adopting the staff recommendations?

24 MR. BAGG: You need a motion?

25 MS. RUSSO: I make a motion to

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2 adopt them.

3 MR. BAGG: Second.

4 CHAIRMAN SWANSON: All in favor?

5 All opposed? Abstentions?

6 Motion carried.

7 MR. KAUFMAN: On 1241.

8 CHAIRMAN SWANSON: The motion

9 carries.

10 All right. Recommended Type I
11 actions. Draft generic environmental impact
12 statement for the sale of 255 acres of
13 county-owned land in Yaphank.

14 So, is there someone here to
15 comment on the E.I.S?

16 (No response)

17 CHAIRMAN SWANSON: Just us.

18 MR. KAUFMAN: Just us.

19 MR. ISLES: We have a
20 representative from the county's consultant
21 here from Janice Jijina from Cameron
22 Engineering. Obviously, I'm here on behalf
23 of the planning department. If you have any
24 questions?

25 Janice, did you want to say

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2 anything?

3 (Indicating in the negative)

4 CHAIRMAN SWANSON: So, our role
5 here is to ascertain whether or not the draft
6 G.E.I.S. is ready for the public to review
7 and to comment on. And so, we will open the
8 discussion to see where we want to go with
9 this.

10 Just as a reminder, probably, three
11 or four -- well, I guess it was just before
12 the last meeting, a small group of us got
13 together and went over our comments with the
14 consultant and they have incorporated that in
15 a red line document that has been provided.
16 And that is what you had the opportunity to
17 review for the last couple of weeks.

18 So, with that, do we have any
19 discussion?

20 Michael?

21 MR. KAUFMAN: I went over the
22 document with a fine tooth comb, having lots
23 of questions, originally. And lots of
24 comments.

25 Some of the stuff was very unclear

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2 to me. The consultants worked very, very
3 well with Mike and incorporated, I would say,
4 about 95 percent of what I had identified as
5 being problems and corrections. And they
6 punched up a bunch of different sections.

7 I went over the red line. It
8 looked pretty good and I also, obviously,
9 went over the final. And for the purposes of
10 putting the document out there at this point
11 in time for the public to comment, I think we
12 meet that standard.

13 I think the SEQRA standards, in
14 terms of legal requirements, have been well
15 met. Some people may say that some of the
16 sections are weak. Some of them may say
17 some of the sections are very strong. Some
18 may say that we are nuts in saying that some
19 of the presentation in here is accurate.

20 That is for the public to
21 determine.

22 But for right now, as a draft, and
23 then also as a generic, I think it's pretty,
24 pretty solid for release. Obviously, the
25 limitations of it being generic, really put a

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2 crimp in everything. But there is enough
3 meat on this thing to put it out there and
4 let people see.

5 CHAIRMAN SWANSON: Richard?

6 MR. MACHTAY: Yeah, I think
7 rightfully, the document, in a number of
8 places, makes a lot of assumptions. It also
9 opens up questions as to, you know, the
10 jurisdiction, okay, that the county has and
11 that the town has. And it can't pinpoint, so
12 to speak, what is actually going to happen
13 with the zoning, with the site plan, the
14 roads and so on and so forth.

15 So, there are assumptions which
16 grow out of that. And those are the things
17 that I would assume that the public would
18 comment on when they see the document, if
19 they read it. And they read it through and
20 through, and thoroughly.

21 But other than that, I don't see
22 how our consultant or the county could have
23 been more specific on these issues. And I
24 think we talked about that when this first
25 came up, Jim, if I'm not mistaken? And I

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2 think to put it out there for the public to
3 comment, and to see what comes back, is
4 probably not a bad idea.

5 CHAIRMAN SWANSON: Okay. Does
6 anybody else have any opinion that they would
7 like to express concerning this?

8 MR. KAUFMAN: (Indicating)

9 CHAIRMAN SWANSON: Mike?

10 MR. KAUFMAN: Just enhancing what
11 Rich was saying, the jurisdictional issues
12 and the consequent uncertainty that he sees
13 in the document, that is basically inherent
14 in the jurisdictional problems that we have
15 and in the generic approach. I don't know
16 that a lot of the public is going to
17 necessarily understand that. I'm
18 anticipating, bluntly, a large amount of
19 comment by people saying that it's not site
20 specific. That there is enough that has been
21 presented out there with the Legacy Village
22 plans, that we could have done it
23 differently.

24 I don't think we really could have.
25 Again, it's the generic aspect of it, and the

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2 document was purposely written as generic.

3 There is no way to do the site
4 specific, because we just don't have a full
5 plan in any way, shape or form.

6 So, the inherent limitations, I
7 don't think the public will get. I think we,
8 at this table, who have the general authority
9 to shape this document, we have to keep that
10 in mind when the slings and arrows of
11 outrageous comment, to paraphrase
12 Shakespeare, start coming in. That is a
13 critical thing. We may take a few hits on
14 this one, but that's the generic approach and
15 we don't have a plan.

16 CHAIRMAN SWANSON: Any other
17 comments?

18 (No response)

19 CHAIRMAN SWANSON: Do you think
20 that the document met the scope that we laid
21 out?

22 MR. KAUFMAN: I checked it
23 line-by-line against the scope and it hit the
24 high points of the scope. I don't think
25 anything was left out.

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2 I could have wished that one or two
3 sections were more -- were dealt with in more
4 depth. But in terms of the legal
5 requirements, at least in my opinion, I think
6 everything was okay that way.

7 CHAIRMAN SWANSON: Any further
8 discussion?

9 (No response)

10 CHAIRMAN SWANSON: Does the public
11 want to make any comment on it?

12 (No response)

13 CHAIRMAN SWANSON: Okay. Do we
14 have a motion?

15 MR. KAUFMAN: I'll make a motion --
16 I started all of this -- I make a motion that
17 the draft generic, environmental impact
18 statement should be -- I find -- let me try
19 to get this right.

20 MR. MACHTAY: Released to the
21 public?

22 MR. KAUFMAN: Yes. It should be
23 released to the public and that it meets the
24 requirements of SEQRA and CEQ at this time.

25 CHAIRMAN SWANSON: Do we have a

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2 motion and second?

3 Any further discussion.

4 MS. RUSSO: Don't we still have to
5 declare and schedule --

6 MR. MACHTAY: Schedule a public
7 hearing?

8 MR. KAUFMAN: That would be the
9 second thing, I guess.

10 CHAIRMAN SWANSON: We have a public
11 hearing with a date and a room.

12 MR. MACHTAY: Doesn't the motion
13 have to include scheduling a public hearing?

14 MR. KAUFMAN: I can do it as a
15 second motion.

16 MR. BAGG: It could be two motions.

17 MR. KAUFMAN: I will do it as a
18 second motion once we throw out dates.

19 CHAIRMAN SWANSON: Do I have a
20 second?

21 MS. GROWNEY: Second.

22 CHAIRMAN SWANSON: Any further
23 discussion?

24 MS. RUSSO: Don't we still have to
25 declare the negative or positive impact.

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2 MR. KAUFMAN: Yes. We already did.

3 CHAIRMAN SWANSON: That is why we
4 have this.

5 MS. RUSSO: Okay.

6 MS. GROWNEY: That was a long time
7 ago.

8 CHAIRMAN SWANSON: So, all in
9 favor? Opposed? Abstentions?

10 Motion carries.

11 All right. So, Mike has
12 tentatively scheduled a meeting for April
13 12th?

14 MR. MULE: 6 p.m. across the street
15 in the legislative auditorium.

16 CHAIRMAN SWANSON: So --

17 MR. BAGG: What date is that?

18 MR. MULE: It's a Tuesday.

19 CHAIRMAN SWANSON: I just might say
20 that Gloria and I will be there. Planning
21 will be there. All of you are encouraged to
22 attend. In fact, the more that we have from
23 CEQ, the better. We are the ones who will be
24 receiving the comments and have to consider
25 the comments. So, I would encourage you to

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2 come, if you can at all.

3 Yes?

4 MR. MACHTAY: April 12th? What
5 time?

6 MR. MULE: 6 p.m.

7 MR. KAUFMAN: In which case, I will
8 make a motion we schedule a public hearing
9 for April 12th 6 p.m. at the county
10 legislature.

11 MS. RUSSO: I will second.

12 CHAIRMAN SWANSON: We have a first
13 by Mr. Kaufman and a second by Gloria. Any
14 comments?

15 (No response)

16 CHAIRMAN SWANSON: All in favor?
17 Opposed?

18 The motion carries.

19 Yes?

20 MR. KAUFMAN: One final comment on
21 this. This was Eva's first time working on
22 an E.I.S., and I know from conversations with
23 her, she found it to be a very, very
24 interesting process. And for a rookie, she
25 did pretty well and that is the best way to

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2 put it.

3 MS. GROWNEY: Thank you.

4 MR. KAUFMAN: She was part of the
5 original work team on all of this and had
6 some coaching comments and they were included
7 in the document. So, your handwriting is on
8 this thing.

9 MS. GROWNEY: Thank you.

10 MR. KAUFMAN: She is working out
11 well. Let's put it that way.

12 MS. GROWNEY: I enjoyed it.

13 CHAIRMAN SWANSON: We appreciate
14 the time and attention you gave to it. That
15 Michael and Rich gave to it and everybody
16 else did, as well, because it was a very
17 time-consuming process.

18 And we also have Mike Mule, who
19 really went through it. Probably, way too
20 much time.

21 Yes?

22 MR. SLAUGHTER: Josh Slaughter
23 (phonetic) from Kate Brownings' office. I
24 just have a question.

25 If the public wants to review the

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2 document now -- I know it's a pretty large
3 document. It wasn't big enough to E-mail
4 people. Is it on line for access to it?

5 MR. MULE: Now that the council has
6 accepted it, we will post it on the county
7 web site and we will have a copy in here if
8 people want to come in to planning and review
9 it.

10 CHAIRMAN SWANSON: Isn't it still
11 required that you post it in to the
12 libraries?

13 MR. ISLES: I think that is
14 something we need to look into.

15 MR. MULE: All right. If we need
16 to do that, we will do that.

17 CHAIRMAN SWANSON: Yes?

18 MS. JIJINA: Janice **Jijina** from
19 **Cameron Engineering**. Do you have a date for
20 the close of the comment period?

21 MR. MULE: It will be ten days
22 following the hearing; 30 days from
23 acceptance. We're looking at the 22nd of
24 April. If you want to make a motion.

25 MR. ISLES: What day of the week is

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2 that?

3 MR. KAUFMAN: Will that be long
4 enough, do you think?

5 MR. MULE: It's statutorily, long
6 enough.

7 MR. KAUFMAN: Okay, that is the
8 statute.

9 CHAIRMAN SWANSON: I think it's a
10 little short.

11 MR. MULE: The 2nd is a Friday,
12 which is ten days following the hearing.
13 We could push it out.

14 CHAIRMAN SWANSON: I would give it
15 at least three weeks.

16 MR. MULE: Okay.

17 CHAIRMAN SWANSON: If not a month.
18 Does that tie up the legislature's
19 hands too much?

20 MR. ISLES: The comment period will
21 have to be at least 30 days. So, it
22 commences upon --

23 MR. MULE: 30 days from today or
24 ten days from the hearing, whichever is
25 later, which ends up being the 22nd of April.

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2 CHAIRMAN SWANSON: Other than
3 perhaps the newspaper people will not really
4 be aware that it's out there. So, I would
5 say at least the public ought to have three
6 weeks after the hearing, because in fact, if
7 they give us written comments, they may want
8 to consider what they hear at the hearing.

9 MR. MULE: That brings us to the
10 3rd of May.

11 CHAIRMAN SWANSON: So, my question
12 is, will this be okay for the legislature?

13 MR. ISLES: The legislature meets
14 May --

15 MR. MULE: May 10th.

16 MR. ISLES: May 10th. I think in
17 terms of laying it on the table.

18 MR. MULE: They could lay it on the
19 table on the 10th as a place holder.

20 MR. ISLES: Would the 29th work of
21 April in your opinion?

22 MR. MULE: The last day of April.

23 MR. ISLES: Which would give it the
24 rest of March and all of April.

25 MR. BAGG: I think the procedure is

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2 though, once the document is out there, the
3 public hearing is held. Then when comments
4 are received, then CEQ has to make a
5 recommendation to proceed to the next step to
6 the legislature, which would be to go to an
7 F.G.E.I.S. to respond to all comments
8 received.

9 MR. ISLES: Which --

10 MR. BAGG: They can't do that until
11 the 18th.

12 MR. ISLES: That is true.

13 MR. MACHTAY: And the other thing
14 is people will not come into the public
15 hearing and comment unless they have read the
16 document.

17 CHAIRMAN SWANSON: Right.

18 MR. MACHTAY: So, they should be
19 fairly conversant with the document when they
20 do that. So, to leave them more time after
21 that -- well, okay, give them another week or
22 two, to get it in writing. But you know, you
23 can't leave it forever.

24 MR. MULE: Go to the end of April?

25 CHAIRMAN SWANSON: The 29th was

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2 suggested. That is good with me. The 29th;
3 is that okay?

4 (Council indicating in the
5 affirmative)

6 CHAIRMAN SWANSON: All right. So
7 be it. The 29th. We need a motion for
8 that?

9 MR. KAUFMAN: So moved.

10 CHAIRMAN SWANSON: We have a motion
11 that the public comment period be --

12 MR. BAGG: I will second.

13 CHAIRMAN SWANSON: I have a second.
14 Any further discussion?

15 All in favor?

16 Opposed?

17 The motion carries.

18 Now, I asked Tom and I asked Mike
19 before, the last public hearing that we had,
20 I don't remember what it was, but you ran the
21 hearing.

22 MR. ISLES: Right.

23 CHAIRMAN SWANSON: And CEQ was
24 present.

25 MR. ISLES: Right.

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2 CHAIRMAN SWANSON: Mike thinks this
3 time CEQ is going to run the meeting, and he
4 will service that.

5 MR. ISLES: I think that is fine.

6 CHAIRMAN SWANSON: All right.

7 Other business. CEQ term limits.

8 We have a draft of what was
9 proposed by staff.

10 We also have some comments from
11 Michael, which I have difficulty reading.
12 But let's discuss that. So, as it reads now,
13 the proposed wording is: "No person shall be
14 eligible to be elected to or serve in the
15 role of chair, vice-chair, if that person had
16 previously held either office for four
17 consecutive terms, unless a two-year time
18 period has elapsed since that person last
19 held such office. This section may only be
20 overridden by a two-thirds vote of the
21 council."

22 I had a question on the two-thirds
23 vote. My question was, is that on for any
24 particular year for the person or are you
25 referring to a two-thirds vote to get rid of

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2 the entire text?

3 MR. MULE: By year.

4 CHAIRMAN SWANSON: By year?

5 MR. MULE: Because it's basically,
6 altering the intention of the by-laws and to
7 do that, you need a vote of two-thirds of the
8 council. So, if you want to override this
9 clause within any particular year, it would
10 be basically, an alteration of the by-laws,
11 which requires a two-thirds vote.

12 CHAIRMAN SWANSON: Michael?

13 MR. KAUFMAN: I think it's messy to
14 have it in there with this two-thirds vote.

15 One, in my little handwritten
16 thing, I think the two-third override kind of
17 nullifies the entire purpose and intent of
18 term limits. So, why have it at all? Okay?

19 We might as well just go back to a
20 year-by-year vote.

21 Second of all, in terms of
22 legalities, it's messy. I have looked at
23 this a number of times and this is not the
24 way I would draft it.

25 It is saying that this second

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2 section could be overridden. But you don't
3 put something in there and have an override
4 as the same section. It makes no sense to do
5 it that way from the legislature drafting
6 standpoint. You either have a bright line
7 standard, or you don't.

8 To have this stuff in there, again,
9 it's like a nullification in its own way and
10 for that reason, I don't like the two-thirds
11 aspect of it.

12 Again, it defeats the entire
13 purpose of it.

14 I have other comments in here. I'm
15 not sure about the clearness of the language.
16 I tried to clean it up a little bit with the
17 first part of what I said.

18 Again, this is a matter for lawyers
19 to puzzle over when there's just the hint of
20 ambiguity. When I look at this thing, it
21 reads one way. But I'm just not sure about
22 it and if I'm unsure about it, you know, then
23 it's unclear. I, again, I do legislative
24 drafting, as you well know.

25 CHAIRMAN SWANSON: Any other

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2 comments?

3 MS. RUSSO: Yes.

4 CHAIRMAN SWANSON: Yes?

5 MS. RUSSO: What I wanted to find
6 out it stated as to the term. Do the by-laws
7 or the charter state that a term is one year,
8 and that is why we have always had elections
9 annually by the year. I just wanted to
10 clarify what the term is.

11 MR. KAUFMAN: In Section 6,
12 Officers, this is the CEQ by-laws.

13 MR. BAGG: Elected annually.

14 MR. KAUFMAN: Elected annually in
15 accordance with Section 104 of the County
16 Charter.

17 MS. RUSSO: You need to know that
18 to get the drift of this. I wanted to verify
19 that.

20 MR. KAUFMAN: It's also there that
21 we all serve five-year terms as members,
22 but --

23 MS. RUSSO: Officers?

24 MR. KAUFMAN: Officers is something
25 internal to us, because the county does not

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2 appoint us, officers. It's different, for
3 example, from the planning commission, where
4 I believe a chair is actually appointed by
5 the executive or legislature, whoever has the
6 authority.

7 MR. BAGG: There is a correction on
8 that, Michael, the terms run for five years,
9 and if somebody vacates in midriff term, the
10 appointment goes to the end of the five-year
11 period and then they have to be reappointed.

12 CHAIRMAN SWANSON: Any other
13 comments?

14 MR. KAUFMAN: Frankly, if you are
15 talking about term limits, and we have your
16 example where you were in office -- I did the
17 addition once -- it was 18 years or 19 years,
18 something like that, you know.

19 CHAIRMAN SWANSON: I was in office.

20 MR. KAUFMAN: Yes, that long. Not
21 even counting your re-election last night.

22 I mean, if we are talking 8 years,
23 is 8 years, is that, maybe too long? I
24 mean, again, I don't particularly believe in
25 term limits when we have yearly elections.

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2 Okay? But essentially, this sets it up as a
3 possibility of 8 years, rotating through the
4 chairs. And is that a term limit?

5 I mean, if you and I had talked
6 about this a while back and you were saying
7 not everyone wants to be an officer here,
8 because there is a little bit of
9 administrative responsibilities. But at the
10 same time, you thought that it would be a
11 good idea, maybe, to rotate some of the
12 people through. To give everybody a chance
13 at it? 8 years is maybe too long that way.
14 Okay?

15 I could see -- well, 8 years, we
16 have for president. 12 years we have for
17 county executive over here. 12 years for
18 legislative terms. But those are every four
19 years you have the elections. In other
20 words, there are two terms for president.
21 For a county legislator, it's six terms.
22 Suddenly, you are at 8 terms over here. I'm
23 not sure about the numbers.

24 CHAIRMAN SWANSON: Rich?

25 MR. MACHTAY: I think I voiced my

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2 opinion the last time. I think term limits
3 are a good thing. I think four years -- I
4 think you were suggesting five years?

5 CHAIRMAN SWANSON: Yeah.

6 MR. MACHTAY: I thought that was
7 too long. And I think I said two years was
8 quite enough, because if you take somebody
9 that has been chairperson for two years, and
10 then vice-chair for two years, that's four
11 years and then you give them a hiatus of
12 another two years, it's six years before they
13 can serve as an officer again. You know?

14 MR. KAUFMAN: That is exactly what
15 I just drafted.

16 MR. MACHTAY: I think I said the
17 last time, and --

18 CHAIRMAN SWANSON: So, does anybody
19 else have any thoughts?

20 Jim?

21 MR. BAGG: I think four years is
22 fine. I think this is, basically, you have
23 yearly elections. So, if the members feel
24 that the chair should be turned over before
25 that term, that is --

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2 CHAIRMAN SWANSON: There is a
3 provision?

4 MR. BAGG: It would be perfectly
5 legitimate and then basically saying the
6 four-year limit per office puts an end on it.

7 I mean, it's never been really, to
8 some extent, utilized

9 CHAIRMAN SWANSON: And I don't even
10 know if there will be.

11 MR. BAGG: I don't know if this
12 will ever been enacted, to tell the truth.

13 CHAIRMAN SWANSON: Just my own
14 experience, I thought the previous chair was
15 in office for probably close to a decade.

16 MR. KAUFMAN: Fifteen.

17 CHAIRMAN SWANSON: Fifteen years?
18 And not that anybody was really aspiring to
19 do it, but it just seems to me that that was
20 a little long, and that there is a lot of
21 talent, as I have said before, sitting around
22 the table. And they should be given the
23 opportunity to serve as chair. And I think,
24 also, that one tends to get stale in doing
25 the job, and you know, after awhile, rotation

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2 is good. And it's just a matter of what is
3 -- what is a proper length of time.

4 I think four years in any
5 particular office is probably reasonable
6 because it allows you to come up to speed,
7 and sort of put your mark on the job, and
8 then leave gracefully, or in disgrace,
9 whatever.

10 MS. GROWNEY: With continuity.

11 CHAIRMAN SWANSON: Yes. And you
12 know, I just throw it out there. So, it's
13 your pleasure.

14 MS. GROWNEY: I will make one more
15 comment.

16 CHAIRMAN SWANSON: Yes?

17 MS. GROWNEY: I know nothing about
18 writing these sorts of things, but I do value
19 that input that you are mentioning and where
20 it has the section that it may be overridden
21 by two-thirds vote of the council, I
22 understand what you are saying, that within
23 it, it's also gets nullified.

24 So, it's a question for me. If
25 this is the best way to write this or not.

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2 It's -- I just don't know.

3 CHAIRMAN SWANSON: It probably
4 doesn't need to be there, because we can
5 probably override with two-thirds and that is
6 part of the ground rules. So, it probably
7 doesn't have to be there for every particular
8 issue that we have.

9 It's there, in general. I would
10 suggest, perhaps, taking that out.

11 MS. GROWNEY: Because it's handled
12 in another way. It's already been announced
13 that it can be handled

14 CHAIRMAN SWANSON: Right.

15 MS. GROWNEY: So, it doesn't need
16 to be underscored again.

17 CHAIRMAN SWANSON: Right.

18 MS. GROWNEY: Thank you.

19 MR. KAUFMAN: Aside from the time
20 limit, I would -- the way I drafted it, sort
21 of tracks what Mike was saying. But in a
22 slightly clearer way. And you know, to serve
23 as chair or vice-chair for more than eight
24 consecutive terms, four consecutive terms,
25 whatever the number is, it's just like

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2 slightly more clear. It's essentially the
3 same words, but I'm telling you as an
4 attorney, the language that he has, is just
5 -- there is an ambiguity here.

6 MR. MULE: This is just the first
7 draft.

8 MR. KAUFMAN: I know. I'm not
9 smacking at you or anything. I'm just saying
10 that mine is a little clearer. It's not
11 pride of authorship. But I am an attorney.
12 This is what I do.

13 MS. GROWNEY: You work in front of
14 us.

15 MR. KAUFMAN: This is the way I see
16 it now. It's a little more clear. Right
17 now, the language works as if that person had
18 previously held either office for four
19 consecutive terms. Again, there is an
20 ambiguity in there, as to whether you can
21 rotate through.

22 I think it's clearer the way I
23 drafted it and the numbers I think,
24 obviously, we need to talk about it. Eight
25 years, as the way Mike has it drafted, the

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2 four years the way I have it drafted, you
3 know, two years the way Rich maybe wants to
4 see it. Those are numbers we can play with.

5 I would say one thing. We are
6 missing a few members today. While the
7 by-laws allow us to vote today, I don't know
8 the opinion of everyone. I know Tom
9 Gulbransen was more oriented towards, I
10 think, my numbers, if I remember correctly.

11 MR. BAGG: Where were expecting and
12 recommending that that begin? January 1st,
13 2012 be placed? At the second resolve?

14 MR. KAUFMAN: I wouldn't even
15 bother with the resolve. I would just put it
16 into the document, itself.

17 See, that is one of the
18 ambiguities. If it takes effect on January
19 1, it actually, believe it or not -- if you
20 have it in a resolve clause, taking effect,
21 it actually knocks a year off for Gloria.
22 That is one of the ambiguities. Whereas, if
23 you have it starting anew -- I forget which
24 amendment to the Constitution it is, it's
25 slightly clearer on this one and it does not

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2 knock off the year.

3 Right now, it has retroactive
4 impact. Or it could have retroactive impact
5 if someone wanted to say something on Gloria
6 the way it reads right now.

7 CHAIRMAN SWANSON: Mike -- we will
8 get Michael Kaufman's version drafted up.

9 MR. MULE: Sure.

10 CHAIRMAN SWANSON: Along with yours
11 and have them the next meeting?

12 MR. MULE: Sure.

13 CHAIRMAN SWANSON: It's a little
14 hard for me to go back and forth between his
15 script and yours.

16 MR. MULE: I will work with Mike on
17 that.

18 CHAIRMAN SWANSON: Okay. And maybe
19 we could get an agreement that the two-thirds
20 vote really is not necessary in the document.
21 I don't think we have to have a resolution,
22 but it's just not needed.

23 MR. MULE: Okay.

24 CHAIRMAN SWANSON: Okay? And then
25 maybe next month --

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2 MR. MULE: Compare the two?

3 CHAIRMAN SWANSON: We will compare
4 the two. Is that okay?

5 MR. KAUFMAN: That works. Okay.

6 MS. GROWNEY: Yes.

7 CHAIRMAN SWANSON: All right.

8 Thank you.

9 CAC concerns.

10 MS. SQUIRES: Since we have time,
11 and since we are talking about our
12 organization, I would like to discuss CAC
13 membership and Christine just -- I have just
14 given her a list, a new list, up-to-date list
15 of CACs in Suffolk County.

16 Could we discuss the fact that
17 nobody comes, except myself and maybe Steve
18 Brown?

19 I don't know if we want them to
20 come, in view of the distressing situation
21 some years ago when people came and they
22 didn't understand how CEQ operates, and they
23 were riled up, etcetera. I don't need to go
24 into that. But Larry, could we take the
25 piece of the charter that says why we can sit

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2 on CEQ? Could you send a letter to CACs,
3 telling them about CEQ? Because every day it
4 says, the above information is circulated to
5 your local legislature. Legislator's
6 comment, but do CACs comment? They don't.

7 CHAIRMAN SWANSON: Not, generally.

8 MS. SQUIRES: I don't think so.

9 MR. BAGG: If I can give you an
10 overview, that is not in the charter. It is
11 when the council applied for state aid, which
12 has not been in existence for what? Fifteen
13 years now.

14 MS. SQUIRES: At least.

15 MR. BAGG: In order to get state
16 aid in their by-laws, they put in that CACs,
17 if approved by the local legislature and town
18 boards and so on, could have a vote on
19 projects on CEQ, relative to their respective
20 jurisdictions.

21 So, it's in the by-laws. It's not
22 in the charter. And it was at the CEQs, you
23 know, that is how they got state aid. To
24 comply. Now, that no longer is applicable.
25 So, therefore, the council really doesn't

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2 have to comply with the state. Because they
3 don't get aid, anymore.

4 MS. SQUIRES: Jim, are you saying
5 you want to kick me out? After at least
6 twenty years, or so?

7 MR. BAGG: No.

8 MS. SQUIRES: I don't know how many
9 years.

10 MR. BAGG: You know, people who
11 come to the meetings regularly, and give good
12 advice and votes and everything, that has
13 always been taken by the CEQ. It's when we
14 got into the situation, where they actually
15 had CAC people appointed to the CEQ to vote
16 against Vector Control and make it a
17 political process.

18 MR. KAUFMAN: They never read the
19 bloody document.

20 MR. BAGG: It tended to cause
21 problems.

22 CHAIRMAN SWANSON: But didn't we
23 determine through you and Kaufman, that in
24 fact, CAC membership is more than just
25 arriving here. That it actually requires the

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2 approval of the legislature?

3 MR. BAGG: Yes.

4 MR. KAUFMAN: Yes.

5 CHAIRMAN SWANSON: So, while you
6 can notify CACs that there is the potential
7 to be on the committee here, it still will
8 require that they be approved by the
9 legislature.

10 MR. KAUFMAN: Yes.

11 Actually, that is not entirely
12 correct. We got ambushed with the Vector
13 Control situation by some of the members
14 going a little bit into left field and trying
15 to stack votes by CAC people who never read
16 the bloody document. Three of them admitted
17 out of six of them admitted they never read
18 the document. One of them admitted to me
19 they read about fifty pages and then had
20 given up.

21 Nonetheless, that is what went into
22 the record and nobody had spotted the CEQ
23 restrictions. CEQ restrictions in the
24 by-laws, as they exist right now, whether
25 they apply or not, is an open legal question.

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2 But we have them right now.

3 What it boils down to, is
4 representatives from CACs, to have a vote in
5 their particular area, have to be approved by
6 both the executive and the legislature. And
7 once approved, they then have a limited vote.
8 Okay?

9 Right now, the by-laws say that
10 designated representatives, and it has to be
11 a designation by the town, are advisory to
12 CEQ.

13 These representatives' status
14 regarding voting, is set forth in Article 7
15 of our by-laws. The vote is limited. They
16 have to be approved by the Exec and by the
17 Leg, subsequent to their approval by the town
18 or the village.

19 You have, basically, three
20 requirements to even have a vote on CEQ. And
21 again, there is another section in there,
22 saying they are advisory to CEQ. They get
23 the partial vote in limited situations.

24 MS. SQUIRES: How did you pull that
25 out so instantly?

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2 MR. KAUFMAN: I was ambushed once,
3 and I will never allow that again.

4 CHAIRMAN SWANSON: It was two years
5 ago.

6 MR. BAGG: If we could have Michael
7 read the actual by-laws' designation in terms
8 of what is required?

9 MR. KAUFMAN: 504 and then Article
10 7.

11 MR. MULE: 504(b) and then the
12 second portion of it:

13 "A designated representative shall
14 be appointed by the CAC."

15 "A designated representative shall
16 be appointed by the CAC, subject to the
17 approval of the county executive and
18 legislature, for a term of two years as set
19 forth in Article 7 of these by-laws."

20 And if we go to Article 7: "CACs,
21 shall include -- shall be included in all
22 general meetings of the CEQ and in accordance
23 with Section 118 of the Suffolk County
24 Charter, shall be given at least one copy of
25 the environmental impact statements,

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2 assessments or other appropriate material
3 that pertain to a county project or activity,
4 likely to have significant environmental
5 impact on the respective areas."

6 "The designated representatives or
7 alternates shall be given voting status on
8 the council for projects or activities within
9 their respective area."

10 MR. KAUFMAN: What it boils down
11 to --

12 MS. SQUIRES: Speaking of term
13 limits --

14 MR. KAUFMAN: What it boils down
15 to, who can vote is in Article 5 and how they
16 are appointed, it takes three to tango: The
17 town, the municipality having jurisdiction,
18 the Exec and the Leg, and when they can vote.

19 They can not always vote on many
20 projects. That -- these regulations have
21 kind of been, not ignored, but no one really
22 looked at them closely until after the Vector
23 Control situation.

24 It's an open question, given what
25 happened with Vector Control, how -- how the

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2 Exec and how the Leg went and reacted to some
3 of this.

4 These are in our by-laws. Then you
5 have the second legal problem. But these are
6 our by-laws. If they conflict with the
7 charter, that is something else. A charter
8 does not give those rights, okay? And our
9 by-laws of CEQ, specifically state that the
10 charter, in a situation where there is
11 conflict, controls.

12 So, I don't know how people who
13 would want to handle that, there is -- there
14 are issues that we have had before with this.

15 CHAIRMAN SWANSON: Other than
16 Vector Control.

17 MR. KAUFMAN: Actually, Vector
18 Control was the only time. But, for example,
19 Yaphank has had elements of that, which I
20 will not state on the record at this point in
21 time. Let's just say, there have been -- I'm
22 a little worried about the Yaphank situation
23 and CACs.

24 MS. SQUIRES: You are being
25 exclusionary.

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2 MR. KAUFMAN: I also used to be a
3 village CAC member.

4 MS. SQUIRES: I know a CAC that is
5 now defunct. But -- if I may say so -- but I
6 think all over New York State, a CEQ is
7 considered an environmental management
8 council. Do you feel that way, in terms of
9 -- of state municipal law? Do you consider
10 yourself an environmental management council?

11 CHAIRMAN SWANSON: Yes.

12 MS. SQUIRES: So, environmental
13 management councils have representatives from
14 the CACs in their counties.

15 MR. KAUFMAN: And sometimes things
16 go wrong.

17 CHAIRMAN SWANSON: I don't think
18 anybody says that they should be excluded,
19 but we do have to make sure that they are
20 appointed in the appropriate way.

21 MS. SQUIRES I understand that.

22 MR. KAUFMAN: And don't take over
23 the process.

24 MS. SQUIRES: But my initial
25 question, was could we inform CACs about CEQ?

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2 And indeed, fight the legislation? Mike,
3 could you send me a copy of that, please?

4 MR. MULE: The by-laws?

5 MS. SQUIRES: Yes.

6 MR. MULE: Sure.

7 MS. SQUIRES: And the -- what
8 pertains.

9 MR. KAUFMAN: Joy, just to let you
10 know --

11 MR. BAGG: If I may reiterate,
12 though, we have been notifying the CACs their
13 right to vote and everything else.

14 MS. SQUIRES: I know.

15 MR. BAGG: Ever since that was
16 passed and they just don't show up.

17 MR. KAUFMAN: I know a number of
18 CACs at town levels and other levels who are
19 aware of their right to show up here, and
20 simply don't.

21 MR. BAGG: They don't even comment.

22 MR. KAUFMAN: The Town of
23 Smithtown, for example, once or twice their
24 CAC chairman has called me up and said he
25 couldn't make the meeting or whatever. And

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2 he asked me to say something over there.

3 Most of the CACs, no.

4 Head of the Harbor CAC knows it.

5 Town of Smithtown. Town of Huntington.

6 Brookhaven knows it. Town of Southampton

7 knows it. Zeb Youngblood, for example, was

8 our rep. A lot of the towns know it.

9 Southold knows it. They know it. They just

10 don't choose to participate except sometimes

11 --

12 MS. SQUIRES: And Jim and I have
13 been arguing about this for many years, so, I
14 just -- since we were so early, I thought I
15 would bring it up again

16 CHAIRMAN SWANSON: That is fine.
17 I'm glad you did. But let me ask you, do the
18 attendance rules apply to the CAC?

19 MR. BAGG: No.

20 CHAIRMAN SWANSON: So, they don't
21 have to show up virtually every meeting in
22 order to get a vote?

23 MR. BAGG: No.

24 CHAIRMAN SWANSON: They can come
25 whenever they want.

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2 MR. KAUFMAN: Larry, that creates a
3 problem. Because I remember Vector Control.
4 And I got ambushed once by it and I have a
5 bad feeling about something else.

6 When you have a CAC that doesn't
7 participate and just shows up and doesn't
8 know what is going on, and doesn't do the
9 work, and then tries to influence a process,
10 based upon -- I will hold my tongue on what I
11 want to say it's based upon. But based upon
12 a nullity and the process can be hijacked and
13 we can see what can happen in our advice to
14 the legislature.

15 This is not directed at you, Joy.
16 Honest to God, it's not. I know you are a
17 faithful member over here. But it worries
18 me, what the legislature might think. What
19 the legislature might do. And we saw that
20 with Vector Control. You saw the articles in
21 the New York Times. You saw what happened
22 -- well, you weren't there. But I heard it
23 on the radio. I was listening to one of the
24 meetings.

25 I saw what happened when the final

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2 vote on Vector Control was taken. And all
3 these CACs were out there.

4 When somebody is not doing the work
5 and trying to hijack it, fool me once, shame
6 on you. Fool me twice, shame on me.

7 MR. BAGG: Larry, if I might say
8 something?

9 CHAIRMAN SWANSON: Yes.

10 MR. BAGG: Being staff to CEQ,
11 since the by-laws were drafted and everything
12 else, SEQRA is a public informational
13 process. We send it to the town supervisor.
14 We send it to the town parks department. We
15 send it to the town CAC for comments.

16 The CEQ has always taken the
17 comments from the town, whether it be from
18 the supervisor's office, the local department
19 of the CAC, into consideration, and more
20 often than not, you know, followed that.

21 However, one of the big problems is
22 getting those entities to respond.

23 It's not our job to go over to
24 those towns and tell those people, "We want
25 your comments. Respond."

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2 It goes to those people. They have
3 the right to respond. CEQ takes that advice
4 into consideration. But one of the problems,
5 Joy, is the whole CAC and the EMC movement,
6 to some extent, is becoming more and more
7 defunct every year. At the town level.

8 I mean, it has nothing to -- you
9 know, some CACs are very active, like
10 Huntington. A lot of the these other CACs,
11 they don't even show up to vote on their own
12 projects.

13 So, I mean, it's not CEQ's
14 responsibility to see to it that those people
15 either send comments, which would be required
16 through the SEQRA process or don't.

17 I mean, that is my qualm.

18 MR. KAUFMAN: Jim, I would not have
19 an objection if Joy's suggestion was followed
20 about telling people that, you know, CEQ does
21 meet, and we value their opinion. Especially
22 for projects that might have in impact on
23 them. But giving them a reminder might not
24 hurt. Giving them authority --

25 CHAIRMAN SWANSON: We don't give

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2 them authority.

3 MR. KAUFMAN: I know. But they
4 have to qualify. But we have seen what a
5 hijacking can do. And frankly I doubt the
6 legislature would go along with that and I
7 know the Exec would not.

8 CHAIRMAN SWANSON: If the town
9 supervisor --

10 MS. SQUIRES: The legislature go
11 along with what? I'm speaking of a simple
12 letter. We can drop it, Michael, if you want
13 to, but --

14 MR. KAUFMAN: I don't -- no, no,
15 no. I have no problem with the letter going
16 out.

17 MS. SQUIRES: I'm talking about,
18 you have to put the Vector Control issue
19 aside. I'm simply talking about a reminder.

20 CHAIRMAN SWANSON: I have no
21 objection to sending a reminder.

22 MS. SQUIRES: Of what CEQ is about.

23 MR. BAGG: I have no problem. Just
24 sending another reminder, you mean?

25 CHAIRMAN SWANSON: We can send a

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2 reminder.

3 MR. KAUFMAN: Easy, Jim.

4 CHAIRMAN SWANSON: But we have to
5 be careful about what it says with regard to
6 their rights and privileges, if they happen
7 to show up.

8 MR. KAUFMAN: On the other hand,
9 though --

10 MS. SQUIRES: I rest my case.

11 CHAIRMAN SWANSON: Okay. Michael?

12 MR. KAUFMAN: No.

13 CHAIRMAN SWANSON: Is there
14 something you don't really care about? I can
15 tell.

16 MR. KAUFMAN: Let me put it to you
17 this way. Somali hijackers worry me,
18 sometimes.

19 CHAIRMAN SWANSON: All right. Any
20 other business?

21 Do we have a motion to adjourn?

22 MS. GROWNEY: I make a motion to
23 adjourn.

24 MR. MACHTAY: I second.

25 CHAIRMAN SWANSON: We have a second

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CEQ Meeting - March 16, 2011

by Rich Machtay. Thank you very much

And again -- off the record.

(Whereupon, the meeting was
concluded at 10:45 p.m.)

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CEQ Meeting - March 16, 2011

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

I, Dennis P. Brennan, do hereby certify that I am a court reporter, certified by the State of New York, and that the foregoing is a true and accurate transcript of the proceedings.

IN WITNESS WHEREOF, I have hereunto set me hand this 17 day of March, 2011

Dennis P. Brennan
Dennis P. Brennan

Court Reporter