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PARKS & RECREATION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
MINUTES

A meeting of the Parks & Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, December 12, 2018 at 12:30 p.m.

Members Present:

Legislator Kara Hahn - Chair
Legislator William J. Lindsay, III
Legislator Susan Berland
Legislator Kevin McCaffrey
Legislator Robert Trotta

Also in Attendance:

Presiding Officer DuWayne Gregory - District No. 15
Legislator Leslie Kennedy - District No. 12
George Nolan - Counsel/Suffolk County Legislature
Amy Ellis - Chief Deputy Clerk/Suffolk County Legislature
Laura Halloran - Budget Review Office
Bill Hillman - Chief Engineer/SC Department of Public Works
Amy Keyes - County Executive's Office
Philip Berdolt - Commissioner/Suffolk County Department of Parks
Joseph Kukral - Appointee/SC Board of Trustees of Parks
Brian Whitehurst - Water Families
Fred Gorman
Joseph A. Magliato
Judy McCormick
Claire Russell
Joanne Greco
Marie Hayle
Linda Rose
Mike Kaufman
Mark Nocero
George Leocata
Thomas K. Spico
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Kim Castiglione - Legislative Secretary

(**The meeting was called to order at 12:40 p.m.**)

CHAIRWOMAN HAHN:

Welcome to the Legislature's Parks and Recreation Committee. If we could all rise for a salute to the flag led by Legislator Berland.

Salutation

CHAIRWOMAN HAHN:

Okay. Correspondence. We are in receipt of an e-mail from Eileen Cook regarding public comment for Smithtown flooding. We have circulated it to the committee and it is with the Clerk's Office.

We'll move on to Public Portion. We have a number of cards. If there is anyone in the audience who would like to speak, please see the Clerk and you can fill out a card and you will be called and have three minutes to speak.

Our first speaker, and you can come to the podium when I call your name, is Mark Nocero; and Mark will be followed by George Leocata.

MR. NOCERO:

Good afternoon. I'm here to speak in support of the resolution regarding the Miller Pond weir. My wife and I have lived on 5 Cresthill Place in the Village of the Branch for close to 30 years now. During this time I cannot tell you the number of times our basement has flooded after heavy rains. It's not just on occasion, it's very frequently. It's not just my home, it's the homes in my development and the homes in neighboring developments.

I know when they built this development they built up -- they raised some of the houses. They backfilled because they were concerned about the high water table. To give you an idea of how high the water table is, last summer I put in a mail box. With a post hole digger putting the mailbox in I hit groundwater. That's how high the water table is. That's why my wife and I, and the people in the neighborhood, were thrilled to find out that they were trying to do something by replacing the culverts and dredging the creek or the stream. That stream goes -- basically it abuts my property. It runs probably 50 to 100 yards through the back of my backyard.

But I'll tell you what happens, and I have observed this for years. I'm no expert on things. When we get heavy rain the water table rises. The only thing that gets that water out of the neighborhood is that water moving out of the stream. When that stream gets full the water has no way to get out of the neighborhood, because if the stream can't flow anymore, the basement starts to flood in my house and everybody else's house. It almost becomes comical that the neighbors after heavy rain we look at each and go, "How did you do this time?" "I didn't do too well." "How was your basement?" "I got creamed."

If that water doesn't get taken out of our neighborhood we're going to continue living with this problem for years. I know there's the weir at Miller Pond and now they removed boards, they removed

1 boards to allow the pond to -- the level of the pond to be able to
2 manage it. By the time somebody gets there to get the board out
3 we're wet vacing our basement. I own two wet vacs. I mean it's
4 with pumps going. When the water rises it's coming up through our
5 floors. We can waterproof our basement, it doesn't matter, water
6 finds its way in.

7
8 I understand you as elected officials have to be concerned about
9 how you're spending the taxpayer dollars. Please understand this
10 isn't a frivolous problem, it's not something that's just happened
11 once in a while. This is something that's been occurring for years
12 in my development and the developments around it. And living like
13 this and having to watch weather reports saying, "Oh my gosh, rain
14 is coming. Are we going away this weekend?" Our daughter has to
15 come over and check the basement. It's just not a way to live. I
16 ask you respectfully please approve and support this resolution.
17 Thank you.

18
19 *(Applause)*
20

21 **CHAIRWOMAN HAHN:**

22 Thank you. Next speaker is George Leocata; followed by Thomas K.
23 Spico.

24
25 **MR. LEOCATA:**

26 Thank you for this opportunity to let me speak. I would like to
27 urge you to pass the resolution appropriation funds in connection
28 with the Millers Pond weir. I would like to point out that the
29 rise in groundwater in the Smithtown area is much more than
30 basement flooding. It also affects cesspools. As the groundwater
31 goes up cesspools are unable to drain, causing backups into homes
32 and properties creating unsanitary conditions. I have noticed many
33 cesspool trucks in my neighborhood in the last few weeks. Many of
34 my neighbors have had to have their cesspools pumped out only to
35 have it fill again with groundwater. Relief is very much needed in
36 our area, and having a weir that can adjust itself automatically is
37 a step in the right direction.

38
39 One more point. Just because some people in the surrounding area
40 do not have wet basements or cesspool problems now does not mean
41 that will not happen in the future as the problem gets worse. We
42 need your help to alleviate these problems now and for the future.
43 Thank you very much.

44
45 *(Applause)*
46

47 **CHAIRWOMAN HAHN:**

48 We have a question. If you could just stay at the podium, we have
49 a question by one of the Legislators for you, Mr. Leocata.

50
51 **LEG. LINDSAY:**

52 Hi, Mr. Leocata. Thank you for coming in today and thank you for
53 your testimony. I'm sorry for all the issues that you're having
54 along with your neighbors. I'm just trying to understand what's
55 occurring here. So from what we've been told, the water isn't
56 spilling over the banks of the stream and coming into your home,

1 it's coming from underneath.

2

3 **MR. LEOCATA:**

4 No, it's coming from underneath.

5

6 **LEG. LINDSAY:**

7 But I'm also, again, trying to understand if that's what's
8 happening how does -- how would the weir help this?

9

10 **MR. LEOCATA:**

11 In Smithtown there's a clay layer, so it's like a big bathtub and
12 it fills up with water and eventually it comes in, you know, it
13 goes to least point of resistance, which is your cesspool, your
14 basement. So by lowering the pond it allows the water to run out
15 and it lowers the water level. Am I saying this right? Pretty
16 close? I mean, I'm no scientist, but in the past, you know that
17 you go past the pond and you see what the level is and you know the
18 next rainstorm you're going to have water in your basement.

19

20 **LEG. LINDSAY:**

21 What if you were to drain the pond all together, would that?

22

23 **MR. LEOCATA:**

24 Well, before you can drain the pond all together you have to clear
25 out the streams past it so people past it don't have a problem.

26

27 **LEG. LINDSAY:**

28 Okay.

29

30 **MR. LEOCATA:**

31 So, yeah, get a dredge in there and dredge it from one end to the
32 other. That would be great.

33

34 **LEG. LINDSAY:**

35 Are there people downstream that flood as well?

36

37 **LEG. KENNEDY:**

38 Yes.

39

40 **MR. LEOCATA:**

41 Yeah, absolutely. You'd have to work from the river and work your
42 way back.

43

44 **LEG. LINDSAY:**

45 Wouldn't this create more flooding for them then if you're allowing
46 more water to flow through?

47

48 **MR. LEOCATA:**

49 No, because they're doing work right now, I believe, to alleviate
50 some of the problems past the weir.

51

52 **LEG. LINDSAY:**

53 Okay.

54

55 **MR. LEOCATA:**

56 So once that's done then the weir could be lowered, right. Am I

1 saying this right? Then the weir could be lowered and the
2 groundwater before it will go down.

3
4 **LEG. LINDSAY:**

5 Okay, because I'm just picturing the water is going to flow
6 downhill somewhere and it's going to end up in somebody's yard at
7 some point.

8
9 **LEG. KENNEDY:**

10 That's the goal, to get it to stay in the river.

11
12 **MR. LEOCATA:**

13 Well, we got to make it end up in the Nissequogue River, I'm pretty
14 sure.

15
16 **LEG. LINDSAY:**

17 Okay. All right, thank you.

18
19 **MR. LEOCATA:**

20 You know, it's one thing leads to the other.

21
22 **LEG. LINDSAY:**

23 Thank you. I appreciate your testimony.

24
25 *(Applause)*

26
27 **CHAIRWOMAN HAHN:**

28 Thomas Spico; followed by Fred Gorman.

29
30 **MR. SPICO:**

31 Good afternoon, Honorable Legislators. I have a few pictures and
32 things I just put together quickly today just to help paint a
33 picture of what's going on.

34
35 **CHAIRWOMAN HAHN:**

36 Thank you.

37
38 **MR. SPICO:**

39 I've lived in my house for over 21 years and I have been dealing
40 with this problem. It's a cycle. A cycle repeats over and over
41 again. It's the high water table in combination with the stream
42 not flowing. So I equate it -- I'm not trying to dumb it down, I'm
43 not saying you guys are dumb, but it's like an old, leaky hose and
44 if you squeeze it, the water is going to find a way out. As the
45 gentleman was saying, it's going to find a way through these quote
46 sand springs and they'll come up under my basement, which acts like
47 as a boat, and the water is going to try to find a way in.

48
49 So I have a French drain in my basement that has now two sump pumps
50 hooked up that run all the time. When the water level comes up the
51 water -- because it's like a bilge pump in a boat, but only it's
52 not going into anywhere, it's going into my yard. As time goes on
53 my yard will flood. I gave you guys some pictures of my neighbor's
54 yard, my yard. Every year a couple of times a year it just floods
55 all over the place. I'm handy so I'll make more drainage pits,
56 more places for the water to go. I just did one in June. I rented

1 a ditch witch, gave up a whole section of my yard, dug it up, had
2 my neighbor and my son help me and we just went to town just so the
3 yard won't flood.
4

5 When I have parties -- you can't count on the cesspool so you got
6 to rent port-a-potties. Because if everyone used your cesspool,
7 it's going to smell terrible and it's going to be real embarrassing
8 to you. Just this week I just had cesspool company come and spent
9 over \$700 just to get it ready for Christmas so I don't have to
10 have that terrible smell.
11

12 But it's something every year and a half, two years I have to do
13 and it shouldn't be that way. The ground should be able to take
14 this stuff, but it just can't. You go on vacation and you worry if
15 something mechanical -- we went away when the northeast -- when we
16 had the power outage in the northeast. In the summer who would
17 have thought I would have had a flooding issue. Well, I had no
18 power so the pumps don't run, so then water starts coming in the
19 basement. I have to have a generator -- you have to have a
20 generator because if you don't have a generator your basement is
21 going to flood.
22

23 I had to put my oil burner up on blocks. In Smithtown you wouldn't
24 think your basement would flood, but it does. I have to have
25 everything in my basement off the floor just in case I'm not there
26 to get the generator going or the generator doesn't start. I even
27 have a second generator just in case that one fails. I mean,
28 countless things have gone through my mind that I have to do all
29 the time just to live in that house and it shouldn't be that way.
30

31 If the water flowed out of the neighborhood and through the stream
32 and there were no restrictions along the way going to the
33 Nissequogue River, the water level would go down and there would be
34 far less problems. I drove over a stream into my neighborhood,
35 they're working on the culverts now, and I know just as the others
36 were saying, I look and I can see the water at its banks, I know
37 those pumps are going to be running 24/7 and I got to keep an eye
38 on it. I got to go down there regularly and make sure, and now
39 there's water coming in on a little corner here or there and you
40 got to get out the shop vac and take care of it. Thank you for
41 your time and have a wonderful holiday season.
42

43 **CHAIRWOMAN HAHN:**

44 Thank you very much. Any questions?
45

46 *(Applause)*
47

48 **CHAIRWOMAN HAHN:**

49 Next we have Fred Gorman; followed by Joseph A. Magliato.
50

51 **MR. GORMAN:**

52 Legislators, my name is Fred Gorman. I live in Nesconset, and like
53 these people here, I live in the land of French drains. We have
54 the same problem. Actually, it's a different problem. It's
55 separated like my two hands, but they're part of the same problem,
56 and that problem is going to get worse because that heavy winter

1 rain you have right now is the main cause of groundwater rising.
2 It takes about two years for it to get up.

3
4 Back in 2006-2007, Leslie Kennedy's husband, John Kennedy, who I
5 saw around here myself, worked tirelessly to resolve the problems
6 that were existing all along -- if you want to call it 111. If you
7 want to follow those routes they go all the way into Islip, all
8 right, all of Hauppauge, suffer from the same problems that you got
9 today and it's getting worse. And everybody said, "Oh, it's got to
10 be over development." It's not over development; it is winter
11 rain. Winter rain soaks into the ground, not like summer rain,
12 which gets evaporated right back up, and it keeps soaking more and
13 more. And those clay lenses everyone's talking about starts
14 filling up with more and more water and more and more basements
15 have problems.

16
17 You have to clean out those streams, and I've walked every one of
18 them; there's three of them. I've walked every stream, so did
19 Mr. Kennedy. Now, I formed Wet Without Relief. We got Senator
20 Schumer, we got at that time Hilary Clinton and everybody, Bishop,
21 got us a million dollars in Smithtown to turn around and start
22 fixing those problems, which only didn't get fixed because as
23 everyone here is complaining, they've never been dug out. And
24 you're right, but there is a difference with water that is running
25 along a surface and running into the Great South Bay. There's a
26 big difference between that and groundwater. Groundwater doesn't
27 go anywhere. Like the man said, you're sitting in a bathtub.

28
29 And if you think, you know, like they're talking about minutes,
30 hours, every minute that your basement is flooded with water is
31 worth 24 hours for some guy in -- from wherever, from the Parks
32 Department or whoever, and you also got to get a permit, I believe,
33 from the DEC before you can even touch that thing. Well, if you
34 had it electronically and you could balance it, because I got to
35 tell you, whichever level you have it at you're going to flood out
36 this guy or you're going to flood out that guy. It's a very
37 serious problem you got to look at.

38
39 Now, I told you, we took care of this in 2006. Tony -- you guys
40 must know, Tony, right? He moved. Tony was one of our speakers
41 and it made such a difference because Pat Vecchio and everybody
42 else in Smithtown and all the politicians, including Levy, all had
43 their heads under the desk because everyone said overdevelopment.
44 And you're going to face the same problem because they're going to
45 say, "How come our basements are flooding?" And they didn't flood
46 then. They're going to blame it on overdevelopment.

47
48 I'm going to suggest you get in touch with the USGSC exactly how
49 difficult your problem is, see how almost unresolvable it is,
50 because the French drains in Ronkonkoma are going on again and Lake
51 Ronkonkoma is rising again. And within two years -- the rain that
52 falls today, it takes two years to saturate down into the
53 groundwater and into these clay lens, so it's going to be an
54 ongoing situation. You're going to hear more and more from these
55 people and they really need your help.

1 So I'm going to suggest that you give this very serious
2 consideration. It's one of the small things you have to do, and
3 then look at cleaning it out. And don't tell me about the
4 salamanders and all the other stuff.

5
6 Wait a second. I want you to know that --

7
8 **CHAIRWOMAN HAHN:**

9 Your time is up. Thank you.

10
11 **MR. GORMAN:**

12 -- our County Executive turned around and said I'm an
13 environmentalist. I'm --

14
15 **CHAIRWOMAN HAHN:**

16 We have a question from our Presiding Officer, Mr. Gorman.

17
18 **PRESIDING OFFICER GREGORY:**

19 Fred, I'll give you an opportunity to speak some more.

20
21 **MR. GORMAN:**

22 Usually I take less than a minute.

23
24 **PRESIDING OFFICER GREGORY:**

25 I have never seen that, but it's all right. I have to admit, I'm a
26 little confused. I understand there is an issue, there's
27 undeniably -- you can't deny that there's a flooding issue. But
28 there's a weir there already. This resolution doesn't do anything
29 that you already have. It automates the weir that you have so it's
30 not going to change whatever flooding issues you have there unless
31 I'm confused even further. I don't understand.

32
33 **MR. GORMAN:**

34 First of all, you're going to keep it at a constant level so people
35 know exactly where they are, and it's going to be able to control
36 itself. It's not going to be a situation where you have to wait to
37 get a permit from the DEC to move it an inch or two. You can just
38 let it control itself, so you're not going to have that problem.
39 And the people whose basements are wet are going to remain wet
40 because there's nothing that you can do with that. Now, do I think
41 it's a good idea? I have a feeling I'm going to have to resurrect
42 Wet Without Relief and start it all over again because we now have
43 that problem. And it is not a cyclical problem. It is directly
44 related to rain.

45
46 **PRESIDING OFFICER GREGORY:**

47 Gotcha. All right so, again, I'm not familiar with it but I've
48 seen the pictures, I've heard about the issue. I appreciate that
49 there is an issue, no one's denying that. I just don't want to
50 give false hope that this particular resolution gives answers or
51 provides a solution that it won't provide, because there is an
52 existing weir there already, it would just automate it. The
53 problem that I'm hearing is that people are kind of tinkering with
54 it or messing with it and then that can cause problems?

1 **MR. GORMAN:**

2 I don't know that the -- well, I see Mrs. Kennedy perhaps could
3 answer that better because she's nodding her head. I'm not going
4 to accuse the County or town employees of tampering with anything.
5 What they're doing is what they're told, when they're told. First
6 you get a DEC permit. So all right, now this gentleman's basement
7 is flooded, so as soon as I get a permit from the DEC I'm going to
8 send someone over. Wait a second, I can't get him there until
9 tomorrow. Meanwhile he's got four days of water in his basement.
10 That's what I see as the problem. That's the reason I came down
11 here today.

12
13 **PRESIDING OFFICER GREGORY:**

14 Yeah, but how -- my question is how is this resolution going to
15 address someone having water in their basement for four days?

16
17 **MR. GORMAN:**

18 Because you're controlling it.

19
20 **P.O. GREGORY:**

21 As you understand it.

22
23 **CHAIRWOMAN HAHN:**

24 So the sponsor wants to try to address that. Legislator Kennedy.

25
26 **LEG. KENNEDY:**

27 This is a project that is going to be ongoing probably for another
28 15 years due to fiscal constraints. Originally we walked, God,
29 nine years ago, we walked through all the tributaries of the
30 Nissequogue River in the Town of Smithtown, in the Town of
31 Hauppauge, in the Town of Lake Ronkonkoma, etcetera, etcetera,
32 etcetera. And we walked with an engineer. We walked with Michael
33 Kaufman from CEQ and we walked with one or two constituents, Elaine
34 Renner being one of them. And Tony being another one.

35
36 What was decided by the Town of Smithtown engineers was -- the
37 question was what do we have to do in order to make the groundwater
38 and have a place when it hits one inch to surface water for it to
39 flow. And what they came up with was five streambeds, work on five
40 of our streambeds. Two of them were done when the other Legislator
41 Kennedy was a Legislator. We have waited three years and now the
42 Village of the Branch streambed remediation with culverts is being
43 done. The next step, which we have to wait for the Federal grant
44 to come up and write for because this one will be a tremendous
45 amount of money, will be the Millers Pond and the streambed and the
46 marsh in that area. What happened --

47
48 **CHAIRWOMAN HAHN:**

49 I guess I misunderstood. We don't need to argue the bill now. I
50 thought you were --

51
52 **LEG. KENNEDY:**

53 Oh, no, no. I was just going to say how it would help.

54
55 **CHAIRWOMAN HAHN:**

56 We'll get to that. This is Public Portion so --

1 **LEG. KENNEDY:**

2 You don't want me to say -- okay.

3
4 **CHAIRMAN HAHN:**

5 I want the speakers to get a chance --

6
7 **MR. GORMAN:**

8 To answer your question, Presiding Officer, simply put, it will be
9 stationary. You can control it. It's not sending a couple of
10 people out. Your actions can be much quicker. You can probably
11 work something out with the DEC where you could set some sort of
12 height that it should remain at to keep it as balanced, to keep it
13 as fair, because you've got people on two sides.

14
15 **CHAIRWOMAN HAHN:**

16 Okay.

17
18 **MR. GORMAN:**

19 That's why I think it's a good idea, because you can keep it fair,
20 you can react much faster and someone doesn't have to wait two days
21 with water in their basement. That's why I'm here.

22
23 **CHAIRWOMAN HAHN:**

24 Thank you, Mr. Gorman. Judy McCormick; followed by -- oh wait.
25 Did I miss -- I'm sorry, Joseph Magliato; followed by Judy
26 McCormick.

27
28 **MR. MAGLIATO:**

29 Good afternoon. I'm here to maybe clear up a couple of things that
30 I've listened to. You may or may not know that we are 25 feet
31 above sea level, and really what's happening is there is a layer of
32 clay that traps the water and that's really what we're looking at.
33 Yes, it takes a long time for it to saturate through clay
34 naturally, if you've ever experienced it, and that's also the
35 reason why we have these natural structures, these tributaries, the
36 Nissequogue River.

37
38 What happens, though, now when we get all this rain, just to make
39 it a little more clear, is that property is becoming marshland.
40 What was once backyards and grassed areas are now marsh and you
41 can't walk without walking in water. So that presents two issues.
42 One, if you decide to ask us to put in the treatment, local
43 treatment, sewage treatment, replace our ring with that, there's no
44 place for a leeching field to leech. So that's not the answer.
45 We've heard people talk about a sewer main down Main Street. We
46 think that's the answer because anything that relieves water is
47 going to help. Although I have no idea when that decision probably
48 could take place. However, anything, whether it's someone who is
49 prompt to remove a weir board and lower the level will help
50 naturally.

51
52 Obviously something when I had run into Leslie looking at the
53 project that's at the end my block, I was happy to hear that you're
54 going to reestablish the streambeds because after 25 years that
55 I've have sat -- lived there and watched the debris and leaves and
56 trees fall down, you realize over time sediment builds up and we

1 can all understand that. And that's pretty easy and those are
2 simple, really basic solutions.

3
4 The other thing that I had spoken before this board before,
5 probably about ten years ago, and we talked about the health issue.
6 And the health issue -- there's two health issues. One, back then,
7 were the mosquitoes. How many times, is anybody interested, you
8 might want to ask how many times Vector Control has visited our
9 area to spray for mosquitoes. It's become an issue. And talk to
10 these same people who only one day notification to come down here
11 and make an effort to get the opportunity to speak to you fine
12 gentlemen and gentleladies, get to use their backyards and, you
13 know, pay for that square footage that is now being reclaimed as
14 marshland. That's one health issue which we kind of chuckle. You
15 know, you talk to us about tin cans and lids of garbage cans that
16 fill with water because it could breed mosquitos; we're surrounded
17 by standing water. If you help move the water that'll help that
18 issue.

19
20 And naturally the other health issue is when the cesspools back up
21 and pour right into the street. It's not a third world country.
22 Some of these solutions are pretty simple. That's all. I just
23 wanted to detail a couple of things there. Thank you. I'm
24 available any time you would like to speak.

25
26 **LEG. LINDSAY:**

27 Legislator Trotta has a question for you.

28
29 **LEG. TROTTA:**

30 I think what I'm hearing here is that even if we open the weir and
31 lower the lake, now we're going to flood the people downstream.

32
33 **MR. MAGLIATO:**

34 I'm not sure what happens below the -- okay, so then the choice is
35 -- I'm not sure what the answer is, I'm speaking for the group of
36 people who were contacted, who we all know as neighbors. What's
37 happening below the weir I have no idea. I would guess that --

38
39 **LEG. TROTTA:**

40 But is it your opinion that if we took a board out and lowered the
41 lake.

42
43 **MR. MAGLIATO:**

44 If it runs, if the water runs and continues to flow --

45
46 **LEG. TROTTA:**

47 I've watched it -- I mean, I can see it going over the weir.

48
49 **MR. MAGLIATO:**

50 Right, okay. So then obviously it's not low enough because -- I'd
51 like you to personally visit and take a look at some of the
52 pictures. One of the gentlemen across the street took me on a tour
53 of his property --

54
55 **LEG. TROTTA:**

56 I have been ice skating on it since I was eight years old.

1 **MR. MAGLIATO:**

2 -- it was marshland, literally marshland. Well, that's Tom's
3 neighborhood and you could float a canoe from his backyard to the
4 front, literally float a canoe. What happens downstream I don't
5 know, but would you like to make a choice between the people
6 upstream or the people downstream? Let's solve the problem. We've
7 got talented people and some of the best and the brightest. Thank
8 you.

9
10 *(Applause)*

11
12 **CHAIRWOMAN HAHN:**

13 Judy McCormick; followed by Claire Russell.

14
15 **MS. McCORMICK:**

16 Good afternoon. I live a quarter of a mile north and west of
17 Millers Pond. I have been pumping water for 23 years in the 23
18 years I've lived there. In the past year I had to have a French
19 drain put in because I was lugging water up and downstairs and I
20 obviously can't keep doing that, so I had a French drain put in.
21 Quite costly. I have replaced three pumps and I'm waiting for this
22 one to go. My pumps are running 24/7. They were pumping water
23 into the side yard, which makes no sense because they came right
24 back down into the pump, so I had a pipe laid underground put into
25 the street. During the warm months when the mosquitoes came then
26 we had a health hazard so I had to go out and constantly push the
27 water down into the storm drain, which really makes no sense
28 because there were mosquitoes coming out of the storm rain. So
29 that is a health hazard.

30
31 Now, I finally got in touch with Mrs. Kennedy, who put me in
32 contact with the Highway Department. The head of the Highway
33 Department, Mr. McNulty, came and directed the water from the
34 street, underground from the street, to the -- directly to the
35 storm drain, because in the wintertime when the snow trucks come
36 they block up the passage of the water to the street and then the
37 water backs up into my pump and burns out my pump. So that can't
38 happen.

39
40 And I also know that Miller Pond if you, I don't know about the
41 weir, but if you raise the boards on Miller Pond and let it flow
42 down into my area, I'll flood more. I'll just keep flooding all
43 the time. That is a big, big problem. It's constant, constant
44 water. Water is three feet below ground where I live. Another
45 problem is the indiscriminate chopping down of trees. As we all
46 know, trees take up hundreds of gallons of water every single day.

47
48 Now, I know a new development is underway on the corner of 111 and
49 347 where the old Smithtown General Hospital used to be. I'd like
50 to know, well, there were hundreds and hundreds of trees on that
51 lot, I'd like to know where all that water is going to go when
52 people flush their toilets, put on their dryers -- their washing
53 machines, run their sinks, their hoses. Where is that water going
54 to go? It's going to come down to me, downstream.

1 **CHAIRWOMAN HAHN:**

2 Thank you.

3

4 **MS. McCORMICK:**

5 This has really been a problem for a long, long time. And I have
6 to tell you something. I live in Smithtown, I feel kind of stuck
7 because I would really like to get out of this situation, and I
8 don't know that I would recommend living in my area to anybody.
9 And I think I'll have a difficult time selling my house and I'll
10 have to do it honestly and tell people this is what you're going to
11 be up against, never mind the electric bills for running a pump
12 24/7. It's a big problem.

13

14 **LEG. KENNEDY:**

15 It's huge.

16

17 **MS. McCORMICK:**

18 Thank you.

19

20 *(Applause)*

21

22 **CHAIRWOMAN HAHN:**

23 Claire Russell; followed by Brian Whitehurst.

24

25 **MS. RUSSELL:**

26 Before I read my prepared statement I'd like you to just take a
27 look at me.

28

29 **CHAIRWOMAN HAHN:**

30 You have to speak into the mic unfortunately. We see that you're
31 wearing boots almost up to your knees.

32

33 **MS. RUSSELL:**

34 I was going to get dressed nicely out of respect to the
35 Legislature, and about 20 minutes before I came here I was like
36 what am I doing. I have been here for years, coming to meetings
37 and words don't seem to sink in, so maybe we need some visual aids.
38 This is how I dress when I have to shop vac and pump my basement.
39 That's one of five submersible pumps that I own, and I don't know
40 how many I've had to buy over the years because they burn out.

41

42 Now, with that being said, I live at Kim Avenue, south of 347. I
43 have lived in my house for over 36 years. I moved in August of
44 1982; the first flood was March of 1983. My husband and I thought
45 we were the idiots who bought next to the creek because we do
46 border the greenbelt. We weren't prepared for floods, we had no
47 pumps, no shop vacs. We had to cut up plastic milk containers to
48 use as scoops to put into buckets to carry upstairs to throw out
49 the front door.

50

51 So after that we went and we bought a shop vac, submersible pumps.
52 I can't tell you the frequency of the flooding through the 80's
53 because I honestly can't remember it's been so long, but we'll fast
54 forward to the 90's. My husband died in 1992, at the age of 36,
55 after battling cancer for five years, leaving me with my daughter,
56 who wasn't even two years old yet. I had to raise her on my own.

1 I spent a good portion of the 90's single handedly vacuuming up
2 floodwater. You'd be awake for more than 24 hours at a time in
3 order to try to keep up with the flooding to prevent further
4 damage, doing this while raising a small child, working full-time
5 in order to keep the roof over our heads. And I am self-employed
6 so if I don't work, I don't get paid.

7
8 I'll fast forward to the 2000's, to what I call the great flood of
9 October of 2005, when we had 14 inches of rain that month. My
10 elderly mother was living with me at that point and she had to go
11 into the hospital, so I'm dealing with that. I'm dealing with my
12 daughter who -- she was a really good teenager. Fifteen years old,
13 should be out with her friends; no, she was helping me pump for
14 over 24 hours at a time. That flood totally ruined my basement.
15 Up until that point I was able to keep the water from reaching the
16 finished areas, but it took out my basement. A neighbor of mine
17 came, helped me rip out the carpeting. It ruined the carpet, it
18 ruined the walls. There was a mold issue, and it must have been at
19 least five years before I could do anything. I put some tile down,
20 I wasn't going to replace it with carpeting. My basement really
21 has not fully recovered from that flood. No insurance will pay for
22 this type of damage and we have very limited resources since I --
23 it takes a lot to pay my real estate taxes.

24
25 I've been coming to these meetings for years. I thought the issue
26 was resolved with the wandering project. I'm trying to speed things
27 up. Here we are, it's almost 2019, and I'm back begging for help
28 for this issue. The homes are pumping again. Phase III was never
29 implemented. They were supposed to put new drains in in my
30 neighborhood.

31
32 I would just ask, would you want to see your families go through
33 the physical and mental stress that's caused by the constant
34 flooding? Would you want to see your significant other literally
35 spend days vacuuming up water and pumping it out the basement
36 window?

37
38 My husband is buried in St. Patrick's Cemetery on Mount Pleasant
39 Road, which is in the area affected by this water. I've spent way
40 too much time in my life cleaning up water and I really don't want
41 to spend eternity floating in my coffin due to the groundwater
42 issue. And I understand that some of you think that the proposed
43 electronic system for the weir is stupid. I hope your opinions
44 change now that you're being made aware of the devastating effects
45 the flooding has had to the thousands of your constituents. Thank
46 you.

47
48 *(Applause)*

49
50 **CHAIRWOMAN HAHN:**

51 Thank you. Brian Whitehurst; followed by Joanne Greco.

52
53 **MR. WHITEHURST:**

54 Good afternoon. I'm Brian Whitehurst from 30 South Avenue. I live
55 over behind Maureen's Kitchen. I used to go there to have lunch
56 but nobody goes there anymore because it's too crowded. If you

1 have ever been in that area you will notice that, like a lot of
2 people have said, the groundwater is saturated. To me, this feels
3 like the season for sappy stories because it's just one more
4 Hallmark story after another talking about the problems everybody
5 has been having. Now we're looking for some sort of remediation.
6 The spirit of Christmas needs to happen, there needs to be a gift
7 to these people.

8
9 A lot of people have been here for far longer than I have. You
10 might be wondering why does everybody have basements that are
11 flooding. Well, because this problem hasn't always been here.
12 People came, they found the area, they thought it was lovely, they
13 built their houses, they renovated, they built even more beautiful
14 basements and so forth and then all of a sudden the town or County
15 decided, "Hey we should put a park in. Let's just dam this little
16 stream up and have a nice, small pond. Wouldn't this park be
17 great?" Well, that then started problems for everybody who was
18 upstream.

19
20 Now we're kind of getting a little bit more intelligent about
21 what's going on. I think it was the -- was it the -- I forget the
22 name of the engineering group that did the research.

23
24 **LEG. KENNEDY:**
25 H2M.

26
27 **MR. WHITEHURST:**
28 Yeah, the H2M Group. They actually did research and figured out
29 how the water flows through this particular area. If it were up to
30 me, I would get rid of the dam. There's actually stories of guys
31 pulling the boards at night. I think there's even one story of a
32 guy using dynamite to blow the dam up. You can actually start to
33 understand the feelings that are going on here. People will -- I'm
34 not advocating violence, but people are actually extremely angry
35 over this dam. I call it a dam, some of you call it a weir, let's
36 just call it a dam weir. This weir, if we can find a way to
37 control it more intelligently, maybe, just maybe might change some
38 of the problems.

39
40 I see in the schedule that you are going to be talking about
41 50,000, \$150,000 in park improvements. Well, this is a park
42 improvement that's actually going to physically affect people's
43 lives. Leslie and the Legislature and John have been looking at
44 ways to continue to flush out these streams, to keep them flowing.
45 That's what it's all about. It's about keeping this water moving.
46 So if we can keep those streams flowing great, but this particular
47 dam weir, it actually causes a backup for hundreds of households.
48 If we can clear out what's downstream and then allow that weir to
49 be automated then we can keep the water flowing straight.
50 Hopefully that might straighten out some of your questions.

51
52 Has anybody got any other questions about how the water comes up
53 and how it flows? It would be great to answer them because I have
54 been doing this since I've moved to Smithtown.

1 **CHAIRWOMAN HAHN:**
2 I just have one question.

3
4 **MR. WHITEHURST:**
5 Sure.

6
7 **CHAIRWOMAN HAHN:**
8 What year was the dam added?

9
10 **MR. WHITEHURST:**
11 When was the dam added? It had to be 30 years ago, more?

12
13 **LEG. TROTTA:**
14 I was ten skating. That was 47 years ago.

15
16 **LEG. KENNEDY:**
17 Forty-seven years ago.

18
19 **CHAIRWOMAN HAHN:**
20 Thank you.

21
22 *(Applause)*

23
24 **CHAIRWOMAN HAHN:**
25 Next we have Joanne Greco; followed by Marie Hayle.

26
27 **MS. GRECO:**
28 Hi. My name is Joanne Greco, 286 Bow Drive, Hauppauge. I am south
29 of 347 by Hidden Ponds. I have been living without a water problem
30 and then neglect happened and then a major water problem happened.
31 I'm going use an analogy of a cesspool. You get it pumped, you get
32 it pumped, you get it pumped. The cesspool company is telling you
33 that you need a new cesspool. You have a choice of either sink in
34 money into the ground, which who likes to do that, come on, it's
35 the ground, or you wait until it's backed up into your house. This
36 weir is like that. This weir is not automated so people have to
37 come and actually physically take those boards out. If you have an
38 automated weir you could set the height that you want it. If the
39 water is rising you could actually set the height for it to
40 automatically lower and then the water will run fine.

41
42 I have a French drain system in my basement and three pumps in my
43 basement. I was part of Phase II of the dredging. My pumps
44 finally stopped running. However, they're going to start because
45 neglect of infrastructure. This is an infrastructure item. It's
46 not appealing, but it's got to be done. No one likes to sink stuff
47 into something you're not going to see, but this a quality of life.
48 Mr. Trotta, you're on your phone. Come on. Are you really, I
49 mean, you can't drive and be on your phone --

50
51 **CHAIRWOMAN HAHN:**
52 Okay. Can you just continue your statement, please.

53
54 **LEG. TROTTA:**
55 I can assure you I'm listening to you.

56

1 **MS. GRECO:**

2 Okay. It's not going to cause flooding downstream. It's not going
3 to cause any more than people have. After the dredging happened
4 the DEC came in and said that it's actually making the banks wider
5 and flowing better. If the water flows more downstream the banks
6 are going to get wider and everything is going to flow better. The
7 sediment is not going to build up as much, but we need this
8 infrastructure taken care of. We can't just let it keep going on
9 the back burner and tabling it for another three years.
10 Three-hundred households in Smithtown are affected by this. That's
11 1500 people on average. We're not talking about a small handful of
12 people. This is a large area that's being affected.

13
14 **CHAIRWOMAN HAHN:**

15 Thank you. Legislator Trotta.

16
17 **LEG. TROTТА:**

18 So what you're saying is if you were to lower that, it would just
19 make it better.

20
21 **MS. GRECO:**

22 Well, no. What happens is I don't know who controls putting the
23 boards in and taking the boards out, but what happens is the pond
24 -- they put the boards in that weir, it starts to fill up, we have
25 heavy rainfall and then all of a sudden they're called and saying
26 everybody's flooding, they're like okay, let's take a board out.
27 And then they take the board out for a certain amount of time and
28 then they go in and place it back.

29
30 **LEG. TROTТА:**

31 Why don't they just leave the board out then.

32
33 **MS. GRECO:**

34 I don't know. I don't know. I have no clue why they don't leave
35 the board out. People like having that pond there even though it's
36 a manmade pond.

37
38 **LEG. TROTТА:**

39 But why -- if you're saying that would solve the problem, why even
40 have the board in?

41
42 **MS. GRECO:**

43 I have no clue. That's something that you have to ask H2M. But
44 instead of tabling this vote --

45
46 **LEG. TROTТА:**

47 I think you're missing the point of tabling the vote, because we
48 were concerned that we could have done the whole thing for that
49 amount of money. That's a separate issue. But my issue is just
50 take the board out if you think that that could do it. Maybe
51 someone will answer later on.

52
53 **MS. GRECO:**

54 I don't think that will do it. Whoever the higher ups that's in
55 control of those boards, I don't know why they put them in or take
56 them out. Well, they put them in because they want the pond to be

1 a certain height. I don't know if they're a foot high or how big
2 the boards are, but they want it to be a certain height, and I
3 guess they haven't adjusted the boards so it could be at the
4 correct height that it needs so all these homeowners don't flood.

5
6 **LEG. TROTТА:**

7 So you're saying when they take the boards out the water goes down.

8
9 **MS. GRECO:**

10 Yes. Yes, and everything from up --

11
12 **LEG. TROTТА:**

13 So then why are they even -- maybe someone else can answer that
14 question.

15
16 **CHAIRWOMAN HAHN:**

17 We'll wait to ask that question. I do have one question.

18
19 **MR. MAGLIATO:**

20 How about the engineers?

21
22 **CHAIRWOMAN HAHN:**

23 Excuse me. You cannot ask questions from the audience. We have a
24 process. People have signed up to speak, we have a podium. You're
25 not allowed to call out from the audience.

26
27 **MS. GRECO:**

28 So millions of dollars have gone into this and there's been studies
29 from over 30 years ago, a new study done 16 years ago I believe it
30 was. The problem is is that it goes across a bunch of
31 municipalities. You have town, you've got County and you have
32 State. And trying to get everybody to work together at once is
33 very difficult on top of the EPA.

34
35 **CHAIRWOMAN HAHN:**

36 You mentioned -- I have a question for you because you used the
37 word neglect.

38
39 **MS. GRECO:**

40 Yes.

41
42 **CHAIRWOMAN HAHN:**

43 So what exactly do you feel is being neglected?

44
45 **MS. GRECO:**

46 It's maintenance neglect and infrastructure neglect.

47
48 **CHAIRWOMAN HAHN:**

49 I mean, be more specific than that, because what is being
50 neglected? Is it responsiveness? Is that the proper word, when
51 there's a flooding that someone should come and remove a board or
52 is it that the boards are falling apart. Neglect to me would mean
53 the boards are falling apart or something else is crumbling.

54
55 **MS. GRECO:**

56 I'm not talking about neglect with the weir, I'm talking about

1 neglect with the tributaries, with them being cleared out after
2 storms. How many trees fall down and people take care of that and
3 now you have all the streams and all the areas that everything is
4 falling down and nobody goes in and takes care of it. The County
5 is in charge of certain areas, the State is in charge of certain
6 areas and the town is in charge of certain areas. Do you guys fund
7 a group of maintenance people to go through the County areas and
8 clean out those tributaries? They should be.

9
10 **CHAIRWOMAN HAHN:**

11 That will possibly be a question. You know, I don't know. Maybe
12 the board is the answer. You know, who knows what the answer is.
13 This is what we have to figure out.

14
15 **MS. GRECO:**

16 It's a whole bunch of things that stack up. And this is one part
17 of the maintenance that needs to be taken care of along with other
18 towns and County and State maintenance that needs be taken care of.

19
20 **CHAIRWOMAN HAHN:**

21 Thank you.

22
23 **MS. GRECO:**

24 You're welcome.

25
26 **CHAIRWOMAN HAHN:**

27 Marie Hayle; followed by Linda Rose.

28
29 **MS. HAYLE:**

30 My name is Marie Hayle. I live at 37 Brilner Drive with my
31 husband. We've been there for the last 23 years and it's been 23
32 years of French drain and sump pumping. Some days it's nonstop.
33 Currently we have water sitting in the sump pump itself. It's too
34 low to actually pump out so there's a constant level of water in
35 there. When we do have the rains and the groundwater does come up,
36 it will come in any crack in the side of the basement, so at that
37 point it pools along the sides. We have to then push it to the
38 corners, to the French drains, to be pumped out. So now it becomes
39 a question of mold remediation because there's standing water. If
40 we don't do it one day it pools up and it's constant. We've had
41 the sump pump fail twice. Groundwater continues to come up. It
42 doesn't stop. It's not going to stop. It comes up. We've had to
43 replace a furnace, hot water heater, washers, dryers. It's a
44 constant issue.

45
46 When they did dredge the tributary at the end of the block it did
47 help for a little bit because everything was flowing but once, you
48 know, it stops and the rain just keeps coming, the water just keeps
49 coming up. It's not only a problem for me on my block, but several
50 other people as well.

51
52 You know, having the French drain and the sump pump is great as
53 long as it's working and you have electricity, which is another
54 problem. For the 12 days I was out during Irene I had my generator
55 going nonstop. For 12 days my husband and I were up constantly
56 filling the generator, refilling it with gas, to make sure that the

1 sump pump didn't stop. If it stopped, we were in trouble. So, you
2 know, I just urge you to approve this resolution. It will help and
3 like I said, it's a constant issue for more than just me, as you've
4 heard.

5
6 **CHAIRWOMAN HAHN:**

7 We have a question from Legislator Kennedy.
8

9 **LEG. KENNEDY:**

10 Hi, Marie. Thank you for coming out. At the end of your block was
11 the second tributary remediation that we did at the end of Brilner.
12 It was adjusted, shall I say, when New York State did the sump?
13

14 **MS. HAYLE:**

15 When they did the sump, when they dug out the greenbelt over there.
16

17 **LEG. KENNEDY:**

18 And every time I check I don't see water flowing through it. Do
19 you ever get to check and see? Is it still what we did to improve
20 it or no?
21

22 **MS. HAYLE:**

23 It's still there, it's still flowing, but then it is also still
24 stuck, you know, it's still sedentary in that --
25

26 **LEG. KENNEDY:**

27 In that huge sump. Okay, thank you.
28

29 **CHAIRWOMAN HAHN:**

30 Thank you for coming down. Next have Linda Rose; followed by Mike
31 Kaufman.
32

33 **MS. ROSE:**

34 Hi, my name is Linda Rose. I'm going to speak to you on a
35 different level, okay, because I feel sometimes that people talk
36 and we think you're listening, but sometimes it feels like you're
37 not listening. So several years ago when my kids were in
38 elementary school we actually had this issue come to light. My
39 daughter, who was eight, my son, ten, walked door to door finding
40 out how many people this affects. I'm using my children because I
41 know each one of you either has a child, a niece, a nephew. When
42 this occurred my son was in the basement playing Xbox. My neighbor
43 came over to see how we're doing and we went to the basement,
44 didn't realize how the water was coming from the unfinished side to
45 finished side where my son was and the electricity. So my neighbor
46 went, "Quick, get your son, he is in harm's way with the
47 electricity playing a game", which we all have homes and your
48 family should feel safe. We did not feel safe, okay. So if you
49 can just relate that to your own children, grandchildren, nieces
50 and nephews, and remember that tonight when you go home and lay
51 your head on your bed and remember that this can affect lives, not
52 only a County or community, someone's life.
53

54 My daughter later, and my son, hear the churning of our pumps. My
55 daughter says to me now, she's in high school, she said, "Mom,
56 those pumps are continuously going." And I said, "Yes, they are."

1 And she said, "Didn't we walk? Didn't we take pictures? Didn't we
2 go to our neighbor's home who had three feet of water and didn't
3 our Legislators come and try to help?" "Yes." "So what's going
4 on?" My son said, "Apparently communication, because we feel that
5 some people listen and some people don't." And like Mrs. Greco
6 said, it's all levels of government. We have to talk to one
7 another. We have to listen like a branch, like a tree branch,
8 right? We're a family.

9
10 We vote you in. You know what my son said? Vote them out.
11 Remember who is voting with you and who is voting against you. We
12 are your constituents. We control who is up there. So remember,
13 not from me, remember from our youth, you can be voted out.

14
15 *(Applause)*

16
17 **CHAIRWOMAN HAHN:**

18 Mike Kaufman is our final speaker who has filled out a card. If
19 there is anyone else in the audience who has not had an opportunity
20 to speak yet, but still would like to speak, you can fill out a
21 card and we will listen. Thank you.

22
23 **MR. KAUFMAN:**

24 My name is Michael Kaufman. I'm a resident of St. James. I'm also
25 Vice Chairman of the Council on Environmental Quality. That has
26 bearing on what we're talking about because for the last three
27 hours I have been talking about the dams at Yaphank and possible
28 overtopping and fish ladders and how they're built and fun stuff
29 like that.

30
31 I'm here today to talk about the Millers Pond weir in my personal
32 capacity. I'm probably the only person here who actually has built
33 flood control dams, dredged ship channels, rebuilt streams, created
34 irrigation systems, done land drainage, etcetera, on the
35 operational side and also worked on the designs to start the
36 process, so I have a little bit of civil engineering experience. I
37 have also helped to clear stream channels and things like that.
38 I've walked all the tributaries of the Nissequogue River with
39 Legislator Kennedy and the previous Legislator Kennedy, and also
40 gotten banged into a couple of bridges by accident when I found out
41 why some of the flow of the Nissequogue River was not working.

42
43 The freshwater component of the Nissequogue River and its
44 groundwater, it's controlled or regulated by a series of five
45 dams, which dams control the overall flow of the river and also the
46 groundwater. These are called regulating dams. They work in a
47 tandem or interconnected fashion to control floods, storm water,
48 maintain lakes, maintain water levels, etcetera. The dams are
49 initially at Willow Pond and Caleb Smith Park on the north side,
50 Millers Pond on the south side of Jericho Turnpike, with major dams
51 at Stump Pond, that's the big pond out here, about 300 yards away,
52 and also Phillips Millpond by the Smithtown Bull. The levels of
53 the ponds and lakes associated with these dams and the groundwater
54 and the river itself are controlled by these dams in an
55 interconnected and sequential fashion.

1 The TVA, for example, in Tennessee, is built in the same exact way.
2 You've got major dams on the major river, the Tennessee River, and
3 then on the ancillary rivers you've got dams that basically store
4 the water and release it at various times to keep the water levels
5 where they want them on the Tennessee River.

6
7 The Nissequogue River is very sensitive to large rainstorms and
8 flood events and groundwater and, frankly, kind of shuttles water
9 badly. That was the purpose of the dredging projects that the
10 previous Legislator Kennedy, assisted by his Chief of Staff at the
11 time, present Legislator Kennedy, worked on to get cleared.
12 Unfortunately, only part of them have been cleared. Nonetheless,
13 the stream flow in the northeast branch has been accelerated. I've
14 walked it since then and it is in pretty good condition. The
15 sediment mostly has been removed. But, again, that's a partial
16 solution.

17
18 The northeast branch rises about two or three feet in any major
19 rainstorm and races into Millers Pond, okay. Groundwater levels of
20 -- okay. Groundwater basically once it races into Millers Pond is
21 also trapped in Millers Pond. The flow is partially blocked
22 previous to Millers Pond by two bridges scheduled for
23 reconstruction in the Village of the Branch, but Millers Pond is
24 the first blocking dam or regulating dam. Millers Pond -- I'm out
25 that quickly?

26
27 All right. If I may for a moment. Millers Pond rapidly rises.
28 Stump Pond is also vulnerable as its dam leaks and is very, very
29 vulnerable. In the past, and this is the critical element, the
30 Superintendent of Caleb Smith Park and Suffolk County have
31 cooperated to lower the levels of Millers Pond in flood events or
32 when they anticipate it, and they also lower the levels of Stump
33 Pond and Willow Pond when heavy rains threaten, okay. I have been
34 part of those meetings. I have been present when they have
35 occurred. They drop the level sometimes a foot or two. It's
36 called an acre foot when you drop those kinds of levels and it
37 provides a fair amount of capacity in Millers Pond, in Willow Pond
38 and also Stump Pond. And, again, Stump Pond you've got a problem
39 with overtopping if you don't lower those levels. The dam can
40 collapse.

41
42 **CHAIRWOMAN HAHN:**

43 So, Mike, I know you have -- I've asked the Clerk to get a copy of
44 your remarks, he can photocopy them and circulate them to us.

45
46 **MR. KAUFMAN:**

47 One more thing.

48
49 **CHAIRWOMAN HAHN:**

50 Can you cut to the chase?

51
52 **MR. KAUFMAN:**

53 The chase is, look, the people aren't always available to drop the
54 boards when necessary. That happens at the State, that happens at
55 the two dams in the County. An automatic system will help
56 alleviate that problem because of people who have either failed in

1 the past or don't know the system at the present time. An
2 automatic system you don't have to worry as much. People aren't
3 suddenly, you know, occupied with other jobs, etcetera. Only if
4 you start dropping the boards in those interconnected regulated
5 dams do you have a chance of stopping the groundwater rises in
6 those flood events and shuttling the water out of or through the
7 Nissequogue River into its meeting with the saltwater portion of
8 the river.

9
10 **CHAIRWOMAN HAHN:**

11 And so you said that during large flood events it raises --

12
13 **MR. KAUFMAN:**

14 Large rainstorms.

15
16 **CHAIRWOMAN HAHN:**

17 Large rainstorms, it raises the pond by two to three feet. Is that
18 what you said?

19
20 **MR. KAUFMAN:**

21 No, the streambeds that feed into the pond itself starts rising
22 about, let's say about an acre foot. It's 358,000 gallons. It's a
23 foot of rise basically in Millers Pond. Millers Pond is 21 acres.

24
25 **CHAIRWOMAN HAHN:**

26 And so what would happen if the level was just set lower to be able
27 to handle those flooding.

28
29 **MR. KAUFMAN:**

30 It would lose a lot of marshlands and DEC would not allow that to
31 happen. Basically Millers Pond has naturalized in a certain
32 fashion supporting a certain ecosystem. Again, it's fringed by
33 marshes, etcetera, which are protected by the freshwater wetlands.
34 You can't lose that, but you can control it.

35
36 **CHAIRWOMAN HAHN:**

37 But the marshes as habitats or, you know, what's the concern.

38
39 **MR. KAUFMAN:**

40 It's marshland habitat supporting both animal and vegetation
41 complexes. Again, I forget the name of the plant, but it is
42 valuable wetlands.

43
44 **CHAIRWOMAN HAHN:**

45 Would you lose it or would it just encroach further on the pond, if
46 you understand my question.

47
48 **MR. KAUFMAN:**

49 Well, if it's wetland -- it's like with the Yaphank Lakes. If you
50 look at what's happening with Lower Lake right now where it's being
51 dropped, okay, it's been dropped about six feet or so, you've lost
52 some of the wetlands, some of the marshlands that are protected by
53 the State regulations. You've lost them basically, temporarily
54 admittedly, along the shoreline. You're now getting into muck and
55 mud in the Yaphank area if anyone's visited down there, okay, and
56 that's causing the sedimentation problems that it's hurting the

1 Carmens River. The same kind of thing would happen at Millers
2 Pond. You would literally lose your wetlands if you dropped it
3 permanently.

4
5 **CHAIRWOMAN HAHN:**

6 But wouldn't it -- wouldn't it just come closer? It would move,
7 no?

8
9 **MR. KAUFMAN:**

10 That's called displacement. It would -- it's kind of the opposite
11 of what happens with sea level. You would actually have the
12 marshes move down to the new level, but you would lose the level of
13 the marshes as they exist right now, and that's where the DEC will
14 not give you a permit to do anything. Basically you're stuck with
15 the level.

16
17 **CHAIRWOMAN HAHN:**

18 Even if you were to replace them?

19
20 **MR. KAUFMAN:**

21 You can't replace them and, frankly, displacement where it moves
22 down, that's a process of a couple of years to undertake.

23
24 **CHAIRWOMAN HAHN:**

25 Right, but I mean you can do things that can help that along.

26
27 **MR. KAUFMAN:**

28 You can do that, but nonetheless you're still going to have a large
29 capacity, a large amount of water coming through Millers Pond no
30 matter what happens. Admittedly the regulating dam controls the
31 water flow and controls the level of water as it goes down. But
32 remember, all this is interconnected. Okay, what happens at
33 Millers Pond, if you drop the level at Millers Pond, you're going
34 to be shuttling more water into Stump Pond, and you're problem
35 really at Stump Pond, that's your big problem in terms of flooding.
36 Stump Pond dam over by the Blydenburgh complex of houses, is
37 actually a dam that was overtopped a while back. It was filled in
38 with sand and garbage, believe it or not. It's the most unstable
39 thing you'll ever see. It leaks. As somebody who has built this
40 kind of stuff, that place terrifies me. I will not go down into
41 the mill because that dam can go at any time, okay. It's an earth
42 dam, it's a couple of hundred years old, it formed Stump Pond back
43 in the 1700's and to coin a phrase, it's a piece of garbage at
44 this point in time. It's scary. It's almost overtopped in the
45 past and the County --

46
47 **CHAIRWOMAN HAHN:**

48 The Stump Pond dam?

49
50 **MR. KAUFMAN:**

51 The Stump Pond dam.

52
53 **CHAIRWOMAN HAHN:**

54 Is that the one that should be fixed first or?

55
56

1 **MR. KAUFMAN:**

2 Frankly, that's the scary one. However, if that one blows out no
3 houses will be at risk because the river flows -- doesn't flow near
4 any houses in that particular area. It flows into Phillips
5 Millpond. That's the scary dam, though. You would get a nice rush
6 of water and it probably would hit head of the river. But
7 significant damage to other homes, no, but that's not going to be
8 something you really want to see. The entire lake would drain and
9 that's a historic feature of Smithtown, just as Lower Lake and
10 Upper Lake are historic features of Yaphank. I just went through
11 that discussion for three hours today.

12
13 **CHAIRWOMAN HAHN:**

14 Okay, we have a list. Legislator Lindsay was first.

15
16 **MR. KAUFMAN:**

17 Okay.

18
19 **LEG. LINDSAY:**

20 Good afternoon. Thanks for your testimony, Mr. Kaufman. I'm
21 trying to, again, and I know some people are getting upset just
22 because we're asking questions. I'm really trying to understand
23 what the objective is of where to get the water to flow. So just
24 talking about the weir that we're discussing now, what's the
25 ultimate goal? Where do we want the water to go?

26
27 **MR. KAUFMAN:**

28 You want the flow of the Nissequogue River to be reestablished.
29 Right now it's constrained, and I used that word advisedly,
30 constrained by a series of five dams on its various tributaries,
31 Willow Pond being an outlier, if you will. So basically there are
32 about four dams that really control the main levels. Where you
33 want to go is better stream flow starting in the northeast branch
34 in Hauppauge Springs and even to the south across 347. You want to
35 clear out all of those areas so that there's faster shuttling of
36 water of the groundwater problems that is causing problems.

37
38 The water that flows into those various tributary branches, they
39 are five feet wide, maybe a foot or two deep. They will flow
40 basically unimpeded to Millers Pond, Millers Pond being the first
41 of the blockings, okay. Sometimes in high ground water times
42 Millers Pond will be filled up, sometimes it will be relatively
43 low. That's why you have boards. You don't necessarily want to
44 lower the pond entirely. You want to do it as needed.

45
46 **LEG. LINDSAY:**

47 But where does Millers Pond flow to?

48
49 **MR. KAUFMAN:**

50 Millers Pond flows into Stump Pond, it also has another name, but
51 it's Stump Pond.

52
53 **LEG. LINDSAY:**

54 Okay. I'm just looking at this on Google Earth. I'm trying to
55 follow.

1 **MR. KAUFMAN:**

2 Okay. Then it flows west into Stump Pond, on the western leg of
3 Stump Pond. Then Stump Pond itself flows out of the Stump Pond dam
4 at the Blydenburgh Historic Center to the northwest corner of Stump
5 Pond. It goes into the mill, goes into a stream, then it cuts
6 east. It goes north and then it cuts east and eventually empties
7 into Phillips Millpond, which there's a technical word which I
8 can't pronounce, which empties into the saltwater portion of the
9 Nissequogue River by the Smithtown Bull. Willow Pond, as a
10 tributary from Caleb Smith Park, comes into Phillips Millpond.

11
12 **LEG. LINDSAY:**

13 Okay.

14
15 **MR. KAUFMAN:**

16 So basically you've got four dams in that area. It's basically
17 moving out of Smithtown.

18
19 **LEG. LINDSAY:**

20 Okay. And now just really simple -- two simple questions. And
21 looking at this as an isolated solution for this particular
22 situation, not with five other solutions after it, what will the
23 cause and effect of just doing this by itself -- will it alleviate
24 the issue that these folks are having?

25
26 **MR. KAUFMAN:**

27 You've got -- basically Millers Pond serves as a pressure radiant
28 for that particular area of the homes in that particular area along
29 Maple Avenue, etcetera. By having the ability to move boards up
30 and down and raise the water levels up and down, at times of high
31 groundwater you might want to drop the boards. That will remove
32 the pressure wave. Basically the pond serves as a pressure valve,
33 if you will. When you drop it by say a foot, that's called an acre
34 foot, it's 21 acres. When you drop it by a foot you're providing
35 reservoir capacity and the groundwater starts moving out from
36 underneath the houses into the pond and then starts shuttling out.
37 So in times of low water that's probably a good thing to do
38 drainage. In terms of high groundwater it's probably also a good
39 thing to do because the pond will always be taking water. You'll
40 be removing it and providing, again, a reservoir, if you will, and
41 shuttling it out of the area. You just have to be careful now you
42 do it so that you don't overtop Stump Pond.

43
44 **LEG. LINDSAY:**

45 Well, that was going to be my next question. So if this was all
46 that we did, this one fix here, are we creating a problem somewhere
47 else?

48
49 **LEG. KENNEDY:**

50 No.

51
52 **MR. KAUFMAN:**

53 Not really. Stump Pond can absorb a fair amount of water, okay,
54 because it essentially serves as a primary reservoir for the
55 system. It can take a fair amount of water, it simply has to be
56 watched, okay, and that's an easy solution to do, basically remove

1 a board when you need to.

2

3 **LEG. LINDSAY:**

4 But is there any --

5

6 **MR. KAUFMAN:**

7 And there are people at Blydenburgh.

8

9 **LEG. LINDSAY:**

10 Okay. Is there anywhere along the track for it to get to Stump
11 Pond that's going to create --

12

13 **MR. KAUFMAN:**

14 There's no blockages that I know of. There's marshy areas, but
15 marshes actually are valuable. They do absorb water, they do
16 prevent flooding.

17

18 **LEG. LINDSAY:**

19 But you're not going to push any flooding inland.

20

21 **MR. KAUFMAN:**

22 If you do it correctly you obviate the flooding problem by having a
23 shuttle system. Legislator Kennedy and I and others walked that
24 particular area and it's relatively deep. It can handle large
25 amounts of volume, large volumes of water in a storm event, so I
26 don't see it as a blocking.

27

28 **LEG. LINDSAY:**

29 All right. Thank you. I appreciate your information.

30

31 **CHAIRWOMAN HAHN:**

32 Legislator Trotta.

33

34 **LEG. TROTТА:**

35 I think that you just went over what -- so the solution you think
36 is taking a board out.

37

38 **MR. KAUFMAN:**

39 Occasionally, sometimes, but maybe --

40

41 **LEG. TROTТА:**

42 Why not all the time?

43

44 **MR. KAUFMAN:**

45 Well, as I explained a couple of minutes ago, at Millers Pond --
46 first off, DEC probably would not give you a permit.

47

48 **LEG. TROTТА:**

49 Let's say they said you can do it or let's say they said do an inch
50 a day or an inch a month for the next year.

51

52 **MR. KAUFMAN:**

53 You're basically saying take down the water body and eliminate it.

54

55 **LEG. TROTТА:**

56 No, I'm not saying eliminate it, I'm saying take it down a foot.

1 **MR. KAUFMAN:**
2 You're going to change its hydrology, you're going to have impacts
3 that the State is not going to allow.

4
5 **LEG. TROTТА:**
6 I mean, clearly they shouldn't have built houses where they built
7 these houses.

8
9 **MR. KAUFMAN:**
10 Well, there is a strip of County land around the pond itself.

11
12 **LEG. TROTТА:**
13 I'm talking about all the houses. A lot of these houses shouldn't
14 be built with basements and --

15
16 **MR. KAUFMAN:**
17 Well, remember this was clay pits. A lot of the houses were built
18 before the pond was. It's an artificial pond.

19
20 **LEG. TROTТА:**
21 So then what would be the downside of removing the pond?

22
23 **MR. KAUFMAN:**
24 There'd be basically the destruction of the habitat in the area.

25
26 **LEG. TROTТА:**
27 There was never a habitat before 45 years ago anyway.

28
29 **MR. KAUFMAN:**
30 True, but it's there's now. That's the problem.

31
32 **LEG. TROTТА:**
33 Well, that would be a DEC issue then.

34
35 **MR. KAUFMAN:**
36 Well, all I can tell you is DEC is an ornery agency. Sometimes
37 they'll allow you to do things and sometimes they won't, but this
38 is the kind of thing, and I have a lot of experience with DEC,
39 this is the kind of thing that they generally do not like. Also,
40 the County is charged with preserving its assets, okay, and
41 lowering a -- you have to balance preserving your assets to
42 protection of people.

43
44 **LEG. TROTТА:**
45 So if you lower it a foot, that would help.

46
47 **MR. KAUFMAN:**
48 I don't disagree with that. I do not disagree with lowering it or
49 having it -- the ability to lower it rapidly in any kind of rains.
50 Now, we're getting rains every three days.

51
52 **LEG. TROTТА:**
53 I'll wait for the rest for later. Thank you.

54
55 **CHAIRWOMAN HAHN:**
56 Legislator Berland.

1 **MR. KAUFMAN:**

2 Legislator.

3

4 **LEG. BERLAND:**

5 Hi. Okay, a couple of questions. You said there's a series of
6 five dams and there's bridges, and you said that the bridges were
7 scheduled to be reconstructed?

8

9 **MR. KAUFMAN:**

10 Yes. There are two bridges on Terrace and Village Way in Village
11 of the Branch. They are built in the 1950's I believe. They are
12 box culverts, which I found the hard way by running into them with
13 my shins as I was looking up. They were built that way --
14 basically box culverts are used to just simply drop in bridge
15 supports and compact the soil underneath by their sheer weight.
16 They just don't move. Other bridges are built with piers sunk
17 deep, but this is all muck so they didn't build it that way.

18

19 **LEG. BERLAND:**

20 Okay. The reconstruction of these bridges, is that going to affect
21 the flow of water?

22

23 **MR. KAUFMAN:**

24 That will affect the flow of water in that particular area,
25 reestablish the streambeds in that area.

26

27 **LEG. BERLAND:**

28 Okay, so my point being this is planning money to go forward with
29 this. Why would you not wait until bridges are reconstructed to
30 see what effect that has?

31

32 **MR. KAUFMAN:**

33 Looking at the streams and having walked them, frankly you've got a
34 flooding problem right now. I don't think you can wait. You've
35 got to take what you can get --

36

37 **LEG. BERLAND:**

38 Well -- -

39

40 **MR. KAUFMAN:**

41 -- and get it done now to shuttle the water out of the way. And
42 the dredgings that have already occurred have eliminated a lot of
43 the flooding problems to some degree.

44

45 **LEG. BERLAND:**

46 Well, look, I can tell you -- I'm in Dix Hills.

47

48 **MR. KAUFMAN:**

49 Yes.

50

51 **LEG. BERLAND:**

52 Total clay, all right. We bought a house that had no basement and
53 were smart enough to build one, okay, so it floods. And no matter
54 how many French drains or how many, you know, plants we plant or
55 how many times we waterproof the basement it still floods and it
56 still comes in, no matter what we do. So each person that we

1 contact to help us with this has a different suggestion and a
2 different thing, but every time you do one thing it affects it in
3 some other way that you might anticipate and might not. So what
4 concerns me is that there are multi-levels of government that have
5 to participate in making this whole thing go right, and if they
6 don't and if we're doing one piece and these bridges are doing
7 another piece and then the Feds are going to do yet another piece,
8 then everybody's pieces are going to be all over the place.

9
10 **MR. KAUFMAN:**

11 Actually the riverbed -- the riverbed is owned entirely by the
12 County.

13
14 **LEG. BERLAND:**

15 Let me finish, let me finish, let me finish, let me finish, let me
16 finish, let me finish. Everybody's piece may be affecting it in a
17 different way that, you know, maybe there needs to be an order set
18 up and that whatever is currently in the pipeline to be done should
19 be done before the next municipality or level of government decides
20 to jump in and do something different.

21
22 **MR. KAUFMAN:**

23 Well, first off, the riverbed is owned by the County of Suffolk, so
24 you've got one level of government owning it, except for one small
25 -- a couple of small portions owned by the Town of Smithtown. But
26 the County of Suffolk owns all of them. They are the primary
27 landowner. So that's the first issue.

28
29 The second issue is you're saying some sort of a coordinated
30 effort. Well, that's exactly what's going on. Again, these dams
31 are all interconnected. Well, the cleansing of the streams is
32 interconnected also. You've got to start someplace to start
33 getting the groundwater out of the area and reducing the pressure
34 waves that are flooding everyone's basements. It got started at
35 the south end where there have been several dredgings undertaken by
36 the Town of Smithtown in cooperation with the County. The bridge
37 abutments, the replacement of those abutments, is simply the next
38 step. So you are having a sequential step in probably the right
39 order. Millers Pond is the next collecting area, but then you also
40 have Stump, then you also have Phillips Mill. So it's all
41 interconnected.

42
43 **LEG. BERLAND:**

44 Right, but you just said the town is doing their part.

45
46 **MR. KAUFMAN:**

47 They already have finished.

48
49 **LEG. BERLAND:**

50 So then maybe we should wait until the bridges are replaced and
51 that part is done.

52
53 **LEG. KENNEDY:**

54 They are doing them now, Susan.

1 **LEG. BERLAND:**

2 Okay, but this is -- what I also don't understand, which might not
3 be appropriate for you, but this is planning money, but everybody
4 keeps talks about a plan that H2M did. So what additional planning
5 money are we asking for if H2M, which probably is not a question
6 for you anyway, that's a question for the department. But I just
7 don't want to throw good money after bad, because this should be,
8 it seems to me, more coordination of what's going on here and wait.
9 You know, nobody wants to wait. Look, I understand flooding. You
10 know, my basement, every time it rains, whenever it snows and then
11 it melts, you know, we're up all night and we're cleaning out
12 carpets and the whole thing.

13
14 **MR. KAUFMAN:**

15 I have the same -- Legislator, let me put it to you this way.
16 Having done this kind of work to a fair degree, the Town of
17 Smithtown started it at the southern portion, and as the sequence
18 going up the bridge abutments are the next ones, followed by
19 Millers Pond. You got to go upstream.

20
21 **LEG. BERLAND:**

22 When you say up, doesn't water flow down?

23
24 **MR. KAUFMAN:**

25 Okay, downstream. Okay, I apologize. It flows downstream.

26
27 **LEG. BERLAND:**

28 Well, you know, if you start in the wrong direction it's going to
29 mess everything up.

30
31 **MR. KAUFMAN:**

32 Actually, though, the upstream area, it depends upon which
33 direction you're going. The upstream area as we would call it in
34 Hauppauge, was cleaned first by the Town of Smithtown. And as you
35 move downstream towards the bridge abutments on Terrace and Village
36 Way I think it is, those areas also are the next logical ones to
37 do. You just look at the sides of banks and you see the water
38 capacity and the blockages. And so you're just trying to shuttle
39 water out. That's all you're trying to do, and it shuttles into
40 Millers Pond and it starts collecting over there.

41
42 **LEG. BERLAND:**

43 All right. Thank you. I understand.

44
45 **CHAIRWOMAN HAHN:**

46 Legislator Kennedy.

47
48 **LEG. KENNEDY:**

49 I want to thank you for coming out to bring up every other weir
50 that we have in the town. I just want to clarify. You call it a
51 bridge, I call it culvert systems. They are, those gentlemen over
52 there in the corner and the one lady, they are in Village of the
53 Branch. That project is started and going. They have almost
54 completely ripped out one set of culverts, the box culverts. The
55 road has closed down, and then they will move to the next set of
56 box culverts, then the two single culverts should be very easy to

1 replace. I give it less than, if they work consistently, for
2 everything to be done less than a month.

3
4 This is going to take -- it's imperative that we get this done
5 because I'm waiting for the Federal grant. I can't come up with
6 \$900,000 or a million or two million dollars. I wouldn't ask the
7 County.

8
9 **MR. KAUFMAN:**

10 Well, all I can tell you, Legislator Kennedy --

11
12 **LEG. KENNEDY:**

13 It's Federal money, it's whatever. So, yes, we are going in an
14 appropriate order. I'm not even thinking about Stump Pond. It's
15 on a list in the appropriate order. When we get to that, we'll get
16 to that.

17
18 **MR. KAUFMAN:**

19 In terms of shuttling water out, that Millers Pond is the next
20 place that you have to do.

21
22 **LEG. KENNEDY:**

23 Well, that's what's in the plan, Michael.

24
25 **MR. KAUFMAN:**

26 Deal with reservoirs and things like that, flooding.

27
28 **LEG. KENNEDY:**

29 We're going downstream like we're supposed to do. The engineers
30 have plotted this, not me.

31
32 **MR. KAUFMAN:**

33 Just don't do it -- what I'm saying is don't do it in pieces here,
34 there and everywhere.

35
36 **LEG. KENNEDY:**

37 Correct, that's what we're doing. That's what we're doing.

38
39 **CHAIRWOMAN HAHN:**

40 Thank you, Mr. Kaufman.

41
42 **CHAIRMAN HAHN:**

43 By the way, congratulations, Mr. Nolan.

44
45 *(Applause)*

46
47 **CHAIRWOMAN HAHN:**

48 Okay. Mr. Kaufman was our final speaker that we had cards for.
49 Was there anyone else in the audience who would like to speak who
50 has not yet spoken? Seeing none, we will close the Public Portion.
51 We will move along to the agenda.

52
53 **Appointments**

54
55 ***2146 - Appointing Joseph Kukral as a member of the Suffolk County***
56 ***Board of Trustees of Parks, Recreation and Conservation***

1 *(Member-At-Large) (Co. Exec.)*. I see Joe. If you would like to
2 come up. You can either choose to stand at the podium or you can
3 have a seat in front of me.

4
5 **MR. KUKRAL:**

6 I'm going to be up here that long?

7
8 **CHAIRWOMAN HAHN:**

9 We are going to grill you. Tell us -- I think most of us here, you
10 know, know you because you come every month as head of the campers
11 group. I can't remember the full name.

12
13 **MR. KUKRAL:**

14 I'm a board member of Suffolk Committee for Camping.

15
16 **CHAIRWOMAN HAHN:**

17 Board member of the Suffolk Committee for Camping. We would love
18 it if you could just give us more information about yourself and
19 about why you would like to serve on the Parks Trustees.

20
21 **MR. KUKRAL:**

22 Absolutely. Thank you for allowing me to do this. As Legislator
23 Hahn said, I come here for well over a year now representing
24 Suffolk Committee for Camping. I've been an avid camper all my
25 life. I'm a member of the National Parks Association. In 2005 I
26 am cofounder of a family camping group that is still active here in
27 Suffolk County, and at one time we had over 20 families in our
28 group. For the past several years I have been a board member of
29 Suffolk Committee for Camping with just a couple of years off for
30 cancer treatments, and now I'm back on to serving on the board.

31
32 I have always had the Parks Department and camping within Suffolk
33 County, Long Island in great regards. I look forward to working
34 with the Commissioner of the Parks Department and maintaining and
35 improving our parks here in Suffolk County.

36
37 **CHAIRWOMAN HAHN:**

38 Any questions? No? Okay, we have a motion from Legislator
39 Lindsay; seconded by myself. All those in favor? Opposed?
40 Abstentions? *(Vote: 5-0-0-0)*. Your resolution has been approved
41 by this committee. It will now go before the full Legislature this
42 coming Tuesday. You do not need to be there.

43
44 **MR. KUKRAL:**

45 Thank you.

46
47 **CHAIRWOMAN HAHN:**

48 Thank you for your willingness to serve and all you do to better
49 camping in Suffolk County. Presentations. None today, correct?
50 No presentations.

51 **Tabled Resolutions**

52
53 *Introductory Resolution 1997 - Appropriating funds in connection*
54 *with Millers Pond Weir (CP 7206)(Kennedy).*

1 **LEG. TROTТА:**

2 Motion to approve.

3
4 **LEG. MCCAFFREY:**

5 Second.

6
7 **CHAIRWOMAN HAHN:**

8 Motion to approve by Legislator Trotta; seconded by Legislator
9 McCaffrey. On the motion, we have the Parks Commissioner here.
10 Hello, Commissioner Berdolt. Thank you for being here today. I
11 think we have some questions for you about the project and --
12 what's that?

13
14 **COMMISSIONER BERDOLT:**

15 After all that still more questions?

16
17 **CHAIRWOMAN HAHN:**

18 Okay, we will begin with Legislator Trotta.

19
20 **LEG. TROTТА:**

21 Have you talked to the DEC about removing a board permanently?

22
23 **COMMISSIONER BERDOLT:**

24 No. I believe it was looked at in the study that DPW did. You
25 know, there's a lot more to this than just the automatic weir. You
26 know, there's other components about the dredging of the lake
27 itself. As Legislator Kennedy said, she's waiting for grant money
28 because that could be well over \$2 million by the time you get up
29 to it. So there are certain things that will help the flooding and
30 dredging the lake and, you know, drawing the water. You know, I'm
31 not an engineer, I'm just going on what I was told. You lower the
32 level of the lake and it draws the water away from the homes to
33 fill up the lake more. The automatic weir, yes, it could help some
34 flooding. It's not going to alleviate the problem.

35
36 **LEG. TROTТА:**

37 So, I mean, my question is did you -- I mean, I think someone
38 should call the DEC and get them in there say, "Look, I want to do
39 a test for a year."

40
41 **COMMISSIONER BERDOLT:**

42 As Mr. Kaufman said, right now, since it has been -- I mean, this
43 was made -- I don't know how many years ago somebody made this dam,
44 so now it established a wetlands, so now we're regulated.

45
46 **LEG. TROTТА:**

47 The question is did anybody call the DEC and say, "Hey, can we do
48 this?" I mean, I'm going to call them when I get out of here today
49 and say, "What's going on, can we do this?"

50
51 **COMMISSIONER BERDOLT:**

52 I don't know if anybody has actually called.

53
54 **LEG. LINDSAY:**

55 It's really not that easy. In my district we have a system where
56 we have a backflow valve that fills up with sea grass and

1 everything else. We have Vector Control going to clean it. They
2 can't even go in to clean it out unless DEC gives them permission.
3 That's how insane that whole department is and having to deal with
4 them. So it's very difficult.

5
6 **LEG. KENNEDY:**

7 I just want to state to Legislator Trotta the day after
8 Thanksgiving the water at Millers Pond was two feet from Maple
9 Avenue. I called the DEC. I spoke to the people that we have
10 spoken to for years and years and years. They gave me -- and I
11 called DPW -- they gave me permission to lift the board. I went --
12 I said, "No, I'm not lifting the board because that will cause a
13 few more people to flood. I'm waiting until it gets a little
14 farther." I went there Saturday morning, I went there Saturday
15 night, we went there Sunday morning, we went there Sunday night.
16 It started to recede on its own. Now it's four feet from the road.

17
18 You have to be very careful with this, hence the reason for an
19 electronic weir, so -- I don't want to say so the Legislator
20 doesn't have to run two times a day to check on the levels, but
21 that is the reason why, because I would never call DPW and say,
22 "Hey, lift it, what the heck." That can cause 7,998 more people,
23 according to FEMA, to flood.

24
25 So it's very -- this has to be well thought out and we've been
26 doing it for a lot of years. So you can call DEC but they'll give
27 you the same answer.

28
29 **CHAIRWOMAN HAHN:**

30 Legislator Berland.

31
32 **LEG. BERLAND:**

33 You said that there's a DPW study on this also?

34
35 **COMMISSIONER BERDOLT:**

36 Well, this was done years ago, Legislator Kennedy knows, for the
37 whole thing. There's ongoing -- there are ongoing projects right
38 now still upstream I believe.

39
40 **LEG. BERLAND:**

41 I was just trying to see whether that was a different study than
42 the H2M study. Are you referring to the H2M study?

43
44 **COMMISSIONER BERDOLT:**

45 The H2M study, but we -- as a direction of this body we called or
46 we had Public Works call the engineers and get their opinion on an
47 automatic weir.

48
49 **LEG. BERLAND:**

50 And what was their opinion?

51
52 **COMMISSIONER BERDOLT:**

53 That it could help alleviate or would help alleviate a little bit
54 of the flooding in the area but would not get rid of it completely.

1 **LEG. BERLAND:**
2 So it's not going to solve the problem, but it may help.

3
4 **COMMISSIONER BERDOLT:**
5 Correct.

6
7 **LEG. BERLAND:**
8 Do we have any idea of whether the culverts or bridges and the
9 order in which that's done is going to affect this or not?

10
11 **COMMISSIONER BERDOLT:**
12 I'm sorry, whether the other?

13
14 **LEG. BERLAND:**
15 What the other gentleman mentioned, what he called bridges and
16 Legislator Kennedy calls culverts, whether the repairs of them are
17 going to, you now, affect this in any way.

18
19 **COMMISSIONER BERDOLT:**
20 I'm sure everything together, which was probably in that report,
21 would make a difference.

22
23 **LEG. BERLAND:**
24 Okay, but according to Legislator Kennedy, the electric weirs
25 weren't in the report because they weren't invented when the report
26 was done.

27
28 **COMMISSIONER BERDOLT:**
29 That could be. I don't know.

30
31 **LEG. BERLAND:**
32 So shouldn't there be an updated -- will they update the report
33 that they have done for us, which we paid for, without putting,
34 what is this, how much is this, \$140,000 to planning?

35
36 **LEG. KENNEDY:**
37 It's 150 to do the test and then another 50 --

38
39 **MS. KEYES:**
40 This is -- this exact question is why it was tabled a couple of
41 cycles. We have Bill Hillman here from DPW because it's a Parks
42 project but DPW is basically project managing it. So we had asked
43 Bill to take a look at the study that was done in I think 2013, it
44 was a few years ago, maybe even older than that, it might have been
45 2011, and find out whether or not this option had been included in
46 that study. So he first went back to them, when we came back the
47 next cycle they said no, they hadn't done it.

48
49 So then we had asked them -- when we asked them did you look at it,
50 okay, can you look at whether or not this is viable. They came
51 back, said it is viable, but it would cost the County another
52 \$150,000 for us to plan this system. That's -- so to your question
53 about whether or not -- that's why there's additional planning
54 money. That was, you know, DPW came back last week and said that
55 H2M said in order for them to plan the design of an automated
56 system at this location it would be around another \$150,000.

1 **LEG. BERLAND:**
2 All right. And now -- I think Legislator Kennedy said there's a
3 possibility, though, that through this planning process they would
4 discover that they can't build this? Is that --
5
6 **COMMISSIONER BERDOLT:**
7 Yes.
8
9 **LEG. KENNEDY:**
10 That they can't attach it to the --
11
12 **LEG. BERLAND:**
13 It may turn out that they cannot do this after all. Are you aware
14 of that?
15
16 **LEG. KENNEDY:**
17 Hence the study.
18
19 **COMMISSIONER BERDOLT:**
20 You mean that when they do the engineering they may say that this
21 automatic weir may not work here? Is that what you said?
22
23 **LEG. BERLAND:**
24 Yes. Are you aware of that?
25
26 **COMMISSIONER BERDOLT:**
27 I am not aware of that, no.
28
29 **LEG. BERLAND:**
30 Okay, so.
31
32 **COMMISSIONER BERDOLT:**
33 I have not been told either way. I don't know where you got your
34 -- who did you speak with, Legislator Kennedy?
35
36 **LEG. KENNEDY:**
37 I can't remember. What it was was because there's the large
38 amounts of cement on one side to attach it, it may be an issue.
39 They could say that we have to rip out the whole darn thing, which
40 would be probably another \$2 million.
41
42 **COMMISSIONER BERDOLT:**
43 Could be.
44
45 **LEG. BERLAND:**
46 So it's going to cost \$150,000 to find out whether we can do it or
47 not.
48
49 **CHAIRWOMAN HAHN:**
50 So, the time --
51
52 **LEG. BERLAND:**
53 Is that like negotiable with H2M? They're usually pretty
54 negotiable. It seems like a lot of money to find out whether or
55 not you can build something or not.
56

1 **CHAIRWOMAN HAHN:**

2 Didn't you say it was going to be -- this calls for 200,000 or 150
3 total? Two-hundred, but you told us 150.

4
5 **COMMISSIONER BERDOLT:**

6 A hundred originally. From what I -- the last time I spoke with
7 DPW and they said their estimates were about 150 and the extra 50
8 could go for construction, if it gets to the next phase, which is
9 obviously construction, and finding the money for that. You could
10 use the 50 for construction, for engineering oversight and
11 inspections.

12
13 **CHAIRWOMAN HAHN:**

14 And if you don't use it, it could come back to other parks
15 projects.

16
17 **COMMISSIONER BERDOLT:**

18 Right, if you don't use it.

19
20 **CHAIRWOMAN HAHN:**

21 But wasn't there a time constraint on this, like we have to pass it
22 before the end of the year? George, could you speak into the
23 microphone?

24
25 **MR. NOLAN:**

26 Right. We typically have to appropriate monies for capital
27 projects by the end of the year, otherwise the money lapses.

28
29 **CHAIRWOMAN HAHN:**

30 Okay. Is there anyone else who has any questions? We have a
31 motion and a second. All those in favor? Opposed? Abstentions?
32 Is anyone opposed? No. Okay. I'm think I'm going to call the
33 DEC. I'm voting for this because of the time constraint.
34 Ordinarily we might table just to get the answers from the DEC, but
35 I think we can do that between now and Tuesday.

36
37 **LEG. KENNEDY:**

38 Thank you all for coming out. Thank you for the vote. I hope I
39 will see you on Tuesday.

40
41 **CHAIRWOMAN HAHN:**

42 1997 is approved. *(Vote: 5-0-0-0)*

43
44 ***Introductory Resolution 2123 - Bond Resolution of the County of***
45 ***Suffolk, New York authorizing the issuance of \$50,000 Bonds to***
46 ***finance Improvements at Maxine Postal County Park (C 7201.310) (Co.***
47 ***Exec.).*** Motion by Legislator Lindsay; seconded by Legislator
48 McCaffrey. All those in favor? Opposed? Abstentions? It is
49 approved. *(Vote: 5-0-0-0)*

50
51 **Introductory Resolutions**

52
53 ***Introductory Resolution 2145 - Renaming the Red House at Inlet Pond***
54 ***County Park for Roy Latham (Krupski).*** I have a question. Did this
55 go through Naming and Screenings Committee, George?

1 **MR. NOLAN:**

2 Legislator Krupski's office tells me that it did go through Namings
3 and was approved.

4
5 **COMMISSIONER BERDOLT:**

6 This hasn't been before Park Trustees yet.

7
8 **CHAIRWOMAN HAHN:**

9 Okay. And it needs to be? One moment while Council researches
10 that. Maybe we could discharge. We'll pass over it.

11
12 *2150 (Bond Resolution of the County Of Suffolk, New York,*
13 *authorizing the issuance of \$150,000 Bonds to finance the*
14 *acquisition of Furniture and Equipment For Improvements To*
15 *Campgrounds. (CP 7009.510) was **withdrawn** for everyone's*
16 *information.*

17
18 We are bearing with our Counsel, just one minute, please.

19
20 **MR. NOLAN:**

21 It only has to go to the Park Trustees if we are naming something
22 in exchange for monetary consideration, so we can approve this.

23
24 **CHAIRWOMAN HAHN:**

25 Okay. We have a motion and a second. No? I'll make a motion;
26 seconded by Legislator Lindsay. All those in favor? Opposed?
27 Abstentions? It is approved. **(Vote: 5-0-0-0)**

28
29 Seeing how we have no further business before the committee, we are
30 adjourned.

31
32 *(*The meeting was adjourned at 2:10 p.m.*)*

DATE

| \$ | 3 | | | | | | | | | | | |
|---|---|--|---|---|---|---|--|--|--|---|---|---|
| <p>\$140,000 [1] - 36:34 \$150,000 [5] - 15:41, 36:52, 36:56, 37:46, 39:13 \$50,000 [1] - 38:45 \$700 [1] - 6:9 \$900,000 [1] - 32:6</p> | <p>30 [4] - 2:25, 14:54, 16:11, 18:29 300 [1] - 21:51 347 [4] - 12:49, 13:42, 16:29, 25:34 358,000 [1] - 23:22 36 [2] - 13:43, 13:54 37 [1] - 19:30</p> | <p>abuts [1] - 2:39 accelerated [1] - 22:13 accident [1] - 21:40 according [2] - 35:23, 36:24 accuse [1] - 9:4 acquisition [1] - 39:14 acre [3] - 22:36, 23:22, 26:33 acres [2] - 23:23, 26:34 actions [1] - 10:10 active [1] - 33:26 acts [1] - 5:46 added [2] - 16:8, 16:11 additional [2] - 31:4, 36:53 address [2] - 9:15, 9:24 adjourned [2] - 39:30, 39:32 adjust [1] - 3:36 adjusted [2] - 18:3, 20:12 admit [1] - 8:25 admittedly [1] - 23:54 Admittedly [1] - 24:30 advisedly [1] - 25:29 advocating [1] - 15:34 affect [6] - 15:42, 20:51, 29:20, 29:24, 36:9, 36:17 affected [3] - 14:39, 17:10, 17:12 affecting [1] - 30:16 affects [3] - 3:30, 20:40, 30:2 afternoon [6] - 2:23, 5:31, 10:29, 12:16, 14:54, 25:20 age [1] - 13:54 agency [1] - 28:36 agenda [1] - 32:51 ago [13] - 9:29, 11:5, 16:11, 16:14, 16:17, 18:29, 20:37, 27:45, 28:27, 34:43, 35:36, 36:44 aids [1] - 13:37 alleviate [7] - 3:42, 4:49, 22:56, 26:23, 34:34, 35:53 allow [5] - 3:1, 15:48, 23:30, 28:3, 28:37</p> | <p>allowed [1] - 18:25 allowing [2] - 4:45, 33:22 allows [1] - 4:14 almost [6] - 2:49, 7:49, 13:31, 14:27, 24:44, 31:53 amount [7] - 9:45, 17:27, 17:49, 22:37, 24:29, 26:53, 26:55 amounts [2] - 27:25, 37:38 Amy [2] - 1:29, 1:32 analogy [1] - 16:31 ancillary [1] - 22:3 angry [1] - 15:34 animal [1] - 23:40 answer [11] - 9:3, 10:8, 10:44, 10:46, 11:35, 15:53, 17:51, 18:13, 19:12, 35:27 answers [2] - 8:50, 38:34 anticipate [2] - 22:32, 30:3 anyway [2] - 28:27, 31:6 apart [2] - 18:52, 18:53 apologize [1] - 31:25 appealing [1] - 16:46 Applause [5] - 3:19, 5:25, 13:20, 16:22, 33:45 applause [5] - 3:45, 6:46, 12:10, 14:48, 21:15 Appointee/SC [1] - 1:34 Appointing [1] - 32:55 Appointments [1] - 32:53 appreciate [3] - 5:23, 8:48, 27:29 appropriate [4] - 31:3, 32:14, 32:15, 38:26 Appropriating [1] - 33:53 appropriation [1] - 3:27 approve [5] - 3:16, 20:2, 34:2, 34:8, 39:22 approved [5] - 33:40, 38:42, 38:49, 39:3, 39:27 area [27] - 3:29, 3:36, 3:39, 9:46, 11:9, 12:42, 13:8, 14:39, 15:1, 15:12, 15:29, 17:12, 23:55, 25:4, 26:16, 26:28, 26:41, 27:24, 28:24, 29:24, 29:25, 30:33, 30:39, 31:32, 31:33, 35:54 areas [10] - 10:40, 14:16, 19:3, 19:5, 19:6, 19:7, 25:35, 27:14, 31:36 argue [1] - 9:49 artificial [1] - 28:18 assets [2] - 28:40, 28:41 assisted [1] - 22:10 associated [1] - 21:53 Association [1] - 33:25 assure [1] - 16:55 attach [2] - 37:10, 37:38 Attendance [1] - 1:25 audience [5] - 2:15, 18:23, 18:25, 21:19, 32:49 Auditorium [1] - 1:13 August [1] - 13:43 authorizing [2] - 38:45, 39:13 automate [1] - 8:52 automated [4] - 15:49, 16:36, 16:38, 36:55 automates [1] - 8:29 automatic [6] - 22:55, 23:2, 34:25, 34:33, 35:47, 37:21 automatically [2] - 3:36, 16:40 available [2] - 11:24, 22:53 Avenue [4] - 13:42, 14:54, 26:29, 35:9 average [1] - 17:11 avid [1] - 33:24 awake [1] - 14:2 aware [4] - 14:44, 37:13, 37:24, 37:27</p> | <p>1</p> <p>100 [1] - 2:40 111 [2] - 7:6, 12:48 12 [4] - 1:15, 1:27, 19:54, 19:55 12:30 [1] - 1:15 12:40 [1] - 2:1 14 [1] - 14:9 15 [2] - 1:26, 9:28 150 [4] - 36:37, 38:2, 38:3, 38:7 1500 [1] - 17:11 16 [1] - 18:29 1700's [1] - 24:43 1950's [1] - 29:11 1982 [1] - 13:44 1983 [1] - 13:44 1992 [1] - 13:54 1997 [2] - 33:53, 38:42</p> | <p>4</p> <p>45 [1] - 28:27 47 [1] - 16:14</p> | <p>5</p> <p>5 [1] - 2:24 5-0-0-0 [3] - 38:42, 38:49, 39:27 5-0-0-0 [1] - 33:40 50 [4] - 2:40, 36:37, 38:7, 38:10 50,000 [1] - 15:41</p> | <p>7</p> <p>7,998 [1] - 35:22 7009.510 [1] - 39:15 7201.310(Co) [1] - 38:46 7206(Kennedy) [1] - 33:54 725 [1] - 1:14</p> | <p>8</p> <p>80's [1] - 13:52</p> | <p>9</p> <p>90's [2] - 13:54, 14:1</p> | <p>A</p> <p>ability [2] - 26:29, 28:49 able [5] - 3:1, 6:13, 8:35, 14:15, 23:26 absolutely [1] - 4:41 Absolutely [1] - 33:22 absorb [2] - 26:53, 27:15 Abstentions [4] - 33:40, 38:31, 38:48, 39:27 abutments [4] - 30:37, 31:18, 31:35</p> | <p>2</p> <p>2 [2] - 34:28, 37:40 20 [2] - 13:35, 33:27 200,000 [1] - 38:2 2000's [1] - 14:8 2005 [2] - 14:9, 33:25 2006 [1] - 7:39 2006-2007 [1] - 7:4 2011 [1] - 36:45 2013 [1] - 36:43 2018 [1] - 1:15 2019 [1] - 14:27 21 [3] - 5:39, 23:23, 26:34 2123 [1] - 38:44 2145 [1] - 38:53 2146 [1] - 32:55 2150 [1] - 39:12 23 [4] - 12:17, 19:31 24 [3] - 7:31, 14:2, 14:14 24/7 [3] - 6:37, 12:22, 13:12 25 [2] - 10:30, 10:54 286 [1] - 16:28 2:10 [1] - 39:32</p> | <p>B</p> <p>backed [1] - 16:35 backfilled [1] - 2:32 backflow [1] - 34:56 backs [1] - 12:37 backup [1] - 15:47 backups [1] - 3:31</p> |

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