

**REVIEW COMMITTEE FOR SITINGS OF MEMORIALS & SYMBOLS AND
NAMING OF COUNTY FACILITIES, PARKS & ROADS COMMITTEE**

Of the

Suffolk County Legislature

A meeting of the Review Committee for Sitings of Memorials & Symbols and Naming of County Facilities, Parks & Roads 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 April 23, 2008.

Members Present:

Legislator Lynne Nowick - Chairperson/District #13
Legislator Lou D'Amaro - District #17
Linda Bay - Representing Legislator Losquadro/Minority Leader
Ralph Borkowski - Representing Department of Public Works
Thomas Isles - Director/Suffolk County Planning Department
Paulette Bartunek - Director/Suffolk County Human Rights Division
Joe Dujmic - County Executive Designee

Also in Attendance:

Legislator Edward P. Romaine - District #1
Carol Walsh - Suffolk County Planning Department
Greg Moran - Aide to Legislator Nowick.
Justin Littell - Aide to Legislator D'Amaro

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 11:07 A.M. *)

CHAIRPERSON NOWICK:

Okay, we're going to call to order the meeting of the Sitings of Memorials, Symbols and Naming of County facilities, Parks and Roads Committee.

Tabled Resolutions, the first on the agenda, **1158-08 - Naming the Supreme Court Building in Riverhead the "Thomas M. Stark Supreme Court Building"**. And today Legislator Ed Romaine is here to make a presentation.

LEG. ROMAINE:

Do you want me to join you up here?

CHAIRPERSON NOWICK:

Of course.

LEG. ROMAINE:

I will pull up a chair.

CHAIRPERSON NOWICK:

Wheel up a chair, come on up.

LEG. ROMAINE:

I have -- someone wanted to know about the Stark Family, their genealogy. Of course, Tom Stark is a historian as well as a Judge, he served as a Supreme Court Judge for over 30 years, he was a Town Justice in Riverhead and a Town Councilman in the 50's and then he served as a Justice of the Supreme Court.

The Stark Family has been around in Suffolk County for a long, long time. And he is also the author of what will be several volumes of the History of Riverhead, the first of which has already come out and was distributed last year. So if I can answer any questions about Tom Stark, I'd be happy to do that.

CHAIRPERSON NOWICK:

Lou.

LEG. D'AMARO:

Hi.

LEG. ROMAINE:

A long-time, obviously, Long Island family from the east end.

LEG. D'AMARO:

Ed, good morning. Thanks for bringing this forward. I looked at everything that was made available to us on Judge Stark, it's very impressive. Starting in the County Court, going to Supreme Court, Harvard Law School, Naval Officer.

LEG. ROMAINE:

Right.

LEG. D'AMARO:

Active in the community, Judge of the Year, Golden Anniversary Award from the Bar Association, recognized by his colleagues. The question I had was one thing that -- one thing that caught my eye, I wanted you to maybe see if we need more information or if you could address it, was distinguishing him on the bench itself, his decisions, especially that he was part of the Appellate

Term.

LEG. ROMAINE:

Right.

LEG. D'AMARO:

Which is also very impressive, not all judges get to go up to the Appellate Term. But since this is a court facility that we're looking to name, do we -- other than the fact that he decided the LILCO case that cost taxpayers about \$1.1 billion in this County, what else has he done to distinguish himself on the bench, or can we get that information or can someone make that presentation?

LEG. ROMAINE:

Well, I could try to have someone make that presentation. As you know, I'm not a lawyer by profession and, therefore, don't follow the decisions of the court or of the Justices. And as you know, Mr. Stark or Justice Stark has been retired for several years now --

LEG. D'AMARO:

Right.

LEG. ROMAINE:

-- and is late in life at this point. But I take your point; that would take voluminous research to take a look at every decision that he made to determine --

LEG. D'AMARO:

Can I make a suggestion?

LEG. ROMAINE:

Yeah.

LEG. D'AMARO:

I read an article that was made available to us, a newspaper article, that he is aware that this is ongoing.

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

Maybe he could --

LEG. ROMAINE:

That was not on an article put out by my office; in fact, I wasn't even mentioned in that article.

LEG. D'AMARO:

It doesn't matter. All I'm saying is maybe he could assist --

LEG. ROMAINE:

One of his nieces works as an aide to Legislator Schneiderman.

LEG. D'AMARO:

Oh, okay.

LEG. ROMAINE:

Catherine Stark.

LEG. D'AMARO:

Yeah, so maybe either himself or the family or someone --

LEG. ROMAINE:

I can ask Catherine Stark to bring forward some of the illustrative cases of his career.

LEG. D'AMARO:

Right. The other one I saw was the Amityville Horror case that he had.

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

A great book, by the way. But, you know, that's -- as an attorney myself --

LEG. ROMAINE:

Right.

LEG. D'AMARO:

-- you know, I am agreeing with you that the career is distinguished, but it is a court facility and I want to make sure as a jurist --

LEG. ROMAINE:

Right.

LEG. D'AMARO:

-- that he also meets the threshold that we're looking to meet; I'm not saying he doesn't, but I'd like just more information on that.

LEG. ROMAINE:

Okay.

CHAIRPERSON NOWICK:

Ed, if I'm not mistaken, was he not the Administrative Judge for many years?

LEG. ROMAINE:

Yes, he was.

CHAIRPERSON NOWICK:

As was Arthur Cromarty.

LEG. ROMAINE:

Yes, he was. We named the building for Arthur Cromarty, the one across from this.

CHAIRPERSON NOWICK:

That's right, yeah.

LEG. D'AMARO:

One of the things you may want to look at --

LEG. ROMAINE:

And this is just an annex, this would not be the building, this is just the new annex to the building.

CHAIRPERSON NOWICK:

This is the annex to the building.

LEG. ROMAINE:

Right, this is the annex to the building.

CHAIRPERSON NOWICK:

How many Administrative Judges can we name off-hand.

LEG. ROMAINE:

Very few.

CHAIRPERSON NOWICK:

Yeah, that's what I'm thinking. There was Cromarty, there was Stark.

LEG. ROMAINE:

Oshrin.

CHAIRPERSON NOWICK:

Oshrin, short-term.

LEG. ROMAINE:

Right. Obviously the current --

CHAIRPERSON NOWICK:

Whose the current Administrative Judge?

MR. DUJMIC:

Judge Lees.

LEG. ROMAINE:

Right, Patrick Lees from Huntington. And he's been --

CHAIRPERSON NOWICK:

But Stark was a long time.

LEG. ROMAINE:

Right. And before him, who was the other guy?

CHAIRPERSON NOWICK:

Before Stark?

LEG. ROMAINE:

He gave me agita. I'm trying to think of the name, I'm drawing a blank.

CHAIRPERSON NOWICK:

It wasn't Cohalan.

LEG. ROMAINE:

No, it was McGowan.

CHAIRPERSON NOWICK:

Oh, McGowan. He wasn't before Stark.

LEG. ROMAINE:

No, he was not before Stark.

CHAIRPERSON NOWICK:

No, he was after Cromarty.

LEG. ROMAINE:

I was County Clerk at the time that he was the Administrative Judge.

CHAIRPERSON NOWICK:

Well, didn't he give everybody that, agita, as I recall? He was tough. I don't know if --

LEG. ROMAINE:

I've only suggested Thomas Stark because obviously the court annex is located in Riverhead proper next to the old Supreme Court Building and Judge Stark was all of these things, besides which he was I believe the Town Justice and Town Councilman in the Town of Riverhead, he still lives and is writing the history of the Town of Riverhead. So, I mean, I don't know if one court decision that may be controversial disqualifies him from a lifetime of service, I don't know if there is a court decision that's controversial.

CHAIRPERSON NOWICK:

But I also think, though, with the court -- due respect, with which cases he presided over. In all fairness, these Judges are given cases, they're not --

LEG. ROMAINE:

They're assigned cases, right.

CHAIRPERSON NOWICK:

It's not their choice.

LEG. ROMAINE:

They don't seek out cases.

CHAIRPERSON NOWICK:

If there wasn't a Pelosi case or something like that, this would certainly would not be reflective upon the judge himself. I was around that court system for many years.

LEG. D'AMARO:

If I could -- yeah. Well, let me just address that because one of the things that I would want to look at would be --

CHAIRPERSON NOWICK:

I mean, unless it was overturned.

LEG. D'AMARO:

-- not whether he decided cases right or wrong -- I'm not going to put myself in the position of the Judge, that's what he was there for -- but more about was he reversed and was he reversed frequently. That's part of his record --

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

-- and I think the public should know.

LEG. ROMAINE:

Well, let me focus in because then I can get you some information.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

Because if you ask me about the history of his cases since he's served on the bench for many, many

years, I mean, that would just be an impossible task and we might as well withdraw this and state that on the record for the full Legislature. But if you're asking -- if your concern is how many -- what percentage of his cases were reversed on appeal; is that the question? I just want to know what the question is.

LEG. D'AMARO:

Well, there were two questions.

LEG. ROMAINE:

How easy to quantify it.

LEG. D'AMARO:

I wanted to know how often he was reversed; so if you want to say that as a percentage, that's fine.

LEG. ROMAINE:

Well, that would be a percentage, how else would you express that?

LEG. D'AMARO:

That's fine.

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

Or you could say fifty out of a hundred, whatever.

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

Whatever, semantics.

LEG. ROMAINE:

Right.

LEG. D'AMARO:

I would also want to know if there were any extremely complex or difficult landmark cases that his peers point to and say, "Hey, you know, this was a very difficult case to get through and the Judge did a superb job," that kind of thing. And then the third thing --

LEG. ROMAINE:

Most people don't say that Judges don't do a superb job as long as they're sitting on the bench.

LEG. D'AMARO:

Well, I don't know if that's true.

LEG. ROMAINE:

I doubt that you would be critical of any Judge if you're still practicing law in an active fashion.

LEG. D'AMARO:

The third thing I want to know is is there anyone -- I see the town of Riverhead passed their resolution already.

LEG. ROMAINE:

Yes, the Town of Riverhead has endorsed this, and as you know, that's a tri-partisan board --

LEG. D'AMARO:

Right.

LEG. ROMAINE:

-- with an Independence member, the Supervisor is a Democratic and there are three other Councilmen that are Republican.

LEG. D'AMARO:

Right. And maybe this goes more to procedure, Legislator Nowick, about it would give me on any application more comfort seeing recommendations for a yes or an approval addressed to this committee from his peers or from other people other than, let's say, the sponsoring --

LEG. ROMAINE:

How about the Suffolk County Bar Association, would that --

LEG. D'AMARO:

Right, yeah.

CHAIRPERSON NOWICK:

I think it's going to get --

LEG. ROMAINE:

I'm trying to quantify what you need so it's accomplishable.

LEG. D'AMARO:

By the way, I'm making this -- I'm doing this because, you know, when you start naming County facilities, you know, I just want it to be the right decision. I want it to be backed up and have the right data.

CHAIRPERSON NOWICK:

And you're right about that.

LEG. D'AMARO:

And I want everyone to --

LEG. ROMAINE:

Well, I want to get you the right data; someone asked for his genealogy, we got his genealogy.

CHAIRPERSON NOWICK:

I don't know if you're going to be able to get, though, the one question that Legislator D'Amaro is asking you, and I'm trying to think how -- when he had a particular case, how did he do, what was -- I spent 23 years in the court system, I don't ever remember anybody saying -- because part of a Judge's decision is helped with their law assistant --

LEG. ROMAINE:

Right.

CHAIRPERSON NOWICK:

-- based on maybe the research that the law assistant does. I don't ever remember -- the Judge at the time that I worked for who did the Tankleff case, nobody ever said he was brilliant. It wasn't about the Judge, it was about the end result. I mean, I don't remember anybody saying in all those 23 years, "The Judge handled it beautifully." Hopefully the Judge knows what he's doing and the law assistant is helping along the way. I don't know if you can get that information, that's my point.

LEG. ROMAINE:

Usually those comments are usually not public comments that people are prepared to make one way or another regarding a Judge's situation.

CHAIRPERSON NOWICK:

I think that might be a hard thing for you to get.

LEG. ROMAINE:

That would be impossible.

CHAIRPERSON NOWICK:

Especially since he's retired.

LEG. ROMAINE:

Right, absolutely, and he's been retired for many years and many of his peers are gone. But what I will do is I will try see if somewhere, I don't know if they keep statistics on Judges like they do on baseball players, whether there's a statistic on how many of his decisions were reversed on appeal. As an attorney, you would know where that would be available so I could seek that out; where would that type of information be available?

LEG. D'AMARO:

I think you would just do a Lexus search, the attorney would have to do an Lexus search on that.

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

You know, I --

CHAIRPERSON NOWICK:

That doesn't mean you're buying a new car.

LEG. ROMAINE:

No, no, I know what Lexus is.

LEG. D'AMARO:

You know, usually someone knows how to use those programs, they're readily available.

LEG. ROMAINE:

Okay.

LEG. D'AMARO:

And again, you know, I raise these issues because I was impressed with the Judge's career and record and I just wanted to look --

LEG. ROMAINE:

Right.

LEG. D'AMARO:

-- at the substance also as a jurist, I don't think we have enough on that.

LEG. ROMAINE:

So we're looking, one, to see -- because I want to come back to this committee whenever it meets again. We're looking, one, how many times or what percentage of his cases were reversed in his long career, okay. I'm going to do a Lexus search and see if that's available; we don't have LexusNexus available to us, by the way, at the County Legislature.

LEG. D'AMARO:

George Nolan may have it.

LEG. ROMAINE:

Oh, well, I'll task Mr. Nolan with that task, I'll pass that along to him; he'll be delighted about that. And then the second thing is to get -- to write to the Bar Association and indicate that Judge Stark is up for consideration to have the annex, not the building but the annex to the building --

LEG. D'AMARO:

Uh-huh.

LEG. ROMAINE:

-- just named for him before he passes on and to get the Bar Association to comment on that as an appropriate -- is that, would that be appropriate or would there be, in their opinion, other Judges from the area that would be more meritorious or worthy of that honor.

LEG. D'AMARO:

And it's interesting that you say it that way because I was thinking about this, not with -- about Judge Stark because I think he stands pretty firm in his own right, but if we're going to name a court facility, I was wondering if we shouldn't somehow let the Bar Association know that we're contemplating that and solicit applicants, for lack of a better term or, you know, prospective names, you know. Because I don't want to make this decision in a vacuum.

LEG. ROMAINE:

There aren't too many court facilities that aren't named that I'm aware of.

LEG. D'AMARO:

Well, yeah.

LEG. ROMAINE:

The Cohalan Court Complex, obviously.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

The D'Amato Court Complex, the Federal Building.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

The Cromarty Court Complex and now we're looking to name an annex, not the Supreme Court, in Riverhead.

DIRECTOR ISLES:

But the process you outlined would enable the Bar Association to come forward with another name if they felt --

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

-- that there were other suggestions to move forward, to put forward.

LEG. ROMAINE:

Yeah, I'll write the letter and I'll copy members of this committee and I'll write it in such a way as to ways that, you know, we are considering I have put forward. But the committee has asked the Bar Association if they -- not only if Judge Stark is worthy of this, but if they would think of someone else that resided in the area that served on the bench that would be as worthy or worthier; is that the way you'd like me to term it?

LEG. D'AMARO:

I don't like the word worthy, but that's basically what we're saying.

LEG. ROMAINE:

Well, what adjective would you use?

LEG. D'AMARO:

I don't know, I don't know. I'm just saying that, you know, we're considering naming the County Court Annex --

LEG. ROMAINE:

Right.

LEG. D'AMARO:

-- after a jurist from Suffolk County, you know, we would welcome any recommendations, something like that.

LEG. ROMAINE:

Unfortunately for the Bar Association they don't have the responsibility of bringing forth resolutions in the County Legislature, only the Legislators do.

LEG. D'AMARO:

No, I know that. But do they have --

LEG. ROMAINE:

I would not be bound by anything that the Bar Association -- this committee may be.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

And again, this committee is only advisory.

LEG. D'AMARO:

Right.

CHAIRPERSON NOWICK:

Your question to them is is Judge Stark, in fact, the jurist --

LEG. D'AMARO:

Or would they support the naming of the facility, that's all.

LEG. ROMAINE:

Right; okay, I'll raise it that way. I just want to get the language so that I'm following the directive of the committee. Okay.

DIRECTOR ISLES:

Could I just ask for a clarification?

CHAIRPERSON NOWICK:

Go ahead.

DIRECTOR ISLES:

You mentioned the annex which is the new part of the building that's constructed.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

The main building is not named for anyone at this point?

LEG. ROMAINE:

Not that I'm aware of.

DIRECTOR ISLES:

Okay.

LEG. ROMAINE:

And I'm not looking to name it for Judge Stark, I'm only looking to name the annex, the new building that was set up; the annex, the addition.

DIRECTOR ISLES:

Eventually some day in the future, somebody can make -- a Legislator can make a request to name the building after someone if they chose to. Historically it hasn't been named, I guess, in honor of anybody, I'm just curious.

LEG. ROMAINE:

I would hope that they would name it for someone that, you know, was reflective of that history. I believe that building was built in 1929, if I'm not mistaken. The regional Court Complex was built 1753.

MS. MAHONEY:

Can you speak up a little bit?

LEG. ROMAINE:

I'm sorry. The Regional Court Complex was built in 1753.

CHAIRPERSON NOWICK:

Ed, while you're sitting here, let's pick a date for the next meeting.

LEG. ROMAINE:

Well, if I can't be here, certainly my staff would be here. And the only thing I'd be sharing with you additional about this request would be the percentage of cases that were overturned on appeal and whatever correspondence I get from the Bar Association. So I don't know when the Bar Association would respond, I would just set your meeting absent me and we certainly would forward that information to your office and you can distribute it to the various committee members.

CHAIRPERSON NOWICK:

What committees are you on, regular committees?

LEG. ROMAINE:

I'm Tuesdays.

CHAIRPERSON NOWICK:

Because if you're around next week --

DIRECTOR ISLES:

I would just like to say, too, that when I had heard Mr. Stark's name, I really didn't know too much about him, the information was very helpful to me. And certainly as Mr. D'Amaro has said, it's very impressive, we're certainly looking at someone of significant stature in Suffolk County who has contributed public service and so forth.

But I think also the point that we've agreed to is that there's an opportunity for the Bar Association to come forward if there's someone who has a higher statute standing before we make this important decision, before the County Legislature makes this important decision. I think it is helpful to the process and sensible then once the selection is made. But the information was good, I appreciate it.

LEG. ROMAINE:

Okay.

CHAIRPERSON NOWICK:

Okay. Anybody else have any other questions for Legislator Romaine? All right, so I'm going to make a motion to table 1158. Is there a second?

LEG. D'AMARO:

I'll second it, sure.

CHAIRPERSON NOWICK:

Second by Legislator D'Amaro. All in favor? Opposed? ***1158 is tabled (VOTE: 8-0-0-0).*** Thank you, Ed.

This is yours, too, right?

LEG. ROMAINE:

Well, partially mine.

CHAIRPERSON NOWICK:

Okay.

LEG. ROMAINE:

It's a commitment by the County Executive.

CHAIRPERSON NOWICK:

Next on the agenda we have the ***Previously Adopted Resolution IR 2049-07 - Resolution No. 1125-2007 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Moeller & TMJ Realty, Inc. Property - Peconic Dunes/Bittner Preserve (Town of Southold - SCTM No. 1000-058.00-01.00-001.000, 1000-068.00-01.00-017.002 & 1000-068.00-01.00-017.003) (Romaine).***

We spoke about this two weeks ago, or whenever we were here last. And I think, Carol, was it you that had questions --

MS. WALSH:

Yes.

CHAIRPERSON NOWICK:

And the right kind of questions you asked, was why would we be naming this after the Bittner Family? And your question was related to -- we had decided when we first formed this committee that when we were naming something, we really wanted to know that the person we were naming it after had done something in the community, for the community, for the County to be deserving of

that honor. And the other thing that we had questioned, even though it was in the legislation, the other thing, Carol, you were questioning was that most of the adjoining property is called Peconic -- what is it, Peconic --

MS. WALSH:

County park.

LEG. ROMAINE:

Dunes.

CHAIRPERSON NOWICK:

Dunes; why would this be singled out as to Bittner. So what you really wanted was a good reason to name it that. So Ed, this was your resolution and I think we asked Lisa to bring that question back to you. So again, you're on.

LEG. ROMAINE:

Right, someone wanted a chain of title so we did a chain of title search and did produce all the deeds. The Bittner property has been owned by the Bittner Family since the 1950's. My understanding is, and I want to say this clearly on the record, that Real Estate promised the Bittner Family that their name would be part of the acquisition if they sold this to the County at a lower price than what they could currently could have gotten on the market. Not only is that my understanding, but that's the comment that the County Executive made when he went to the Bittner property and stood on the sound and said that the property would be named for them.

Their attorney, Charles Cuddy, contacted me and made it clear that their donation to the County was based on the fact that the family wanted to be remembered.

CHAIRPERSON NOWICK:

Excuse me, a donation? Are they in charge -- you mean taking the better price.

LEG. ROMAINE:

No, no, taking the County's price.

CHAIRPERSON NOWICK:

Okay.

LEG. ROMAINE:

That their commitment to take the County price and not a more competitive price which apparently was on the table; and I'm not privy to negotiations as a Legislator, so this is what I've heard and I'm just saying this as a matter of hearsay, that they wanted to be remembered. There's some correspondence in there from -- and this is from Mrs. Jacqueline Bittner and their attorney, Charles Cuddy. And the property could have been -- had been rezoned one acre, could have been developed on that basis, instead they chose to sell it but they wanted it to remain.

Now, they made that also clear to the Town of Southold who was also involved in this purchase and the Supervisor of the town, and there's correspondence in there as well, that the Town of Southold -- who was our partner, so it's not simply a County decision, this is also a Town of Southold decision -- that the Town of Southold has agreed to recognize the Bittner Family name in naming the site once it's acquired. So that's an interesting little twist because we're not the only players at this table, so is the Town of Southold.

Then you have the County Executive's Press Release where the County Executive -- and I'm going to quote him, but he said it in even more definite terms as I stood next to him, or at least close to him, at the press conference he had which I surprised him by showing up at; "This Bittner property is particularly appropriate for our first Legacy Fund acquisition that's a 50/50 acquisition, so only 50% of this is County, 50% of this is purchased with the Town of Southold. Because these 57 acres

nestled between two County parks will forever represent the Bittner Family legacy of environmental appreciation," and he indicated in his speech that day that the property would be named for them. And based on that correspondence from Mr. Cuddy and the commitment from the Town of Southold, I, as the Legislator for that district, introduced a resolution to name this. And the resolution to purchase this which was laid on the table and passed, by the way, unanimously by all 18 Legislators, Introductory Resolution 2049-07 was laid on the table by the County Executive and he also added me to the resolution, indicated in the ninth reserved -- "RESOLVED that the official naming of the property in honor of the Bittner Family, once said property had become part of the County park system, shall be reviewed," and it was the County Executive's, I assume, desire to carry through with the commitment he made publicly to this family.

So -- and then there's also an e-mail from Cary Meek-Gallagher dated October 29th which says, "The acquisition resolution now refers to the property as Peconic Dunes-Bittner Property.

LEG. D'AMARO:

That's pretty --

LEG. ROMAINE:

Based on that, I move forward to do what I guess the Executive can't do which is introduce a resolution to name the property Bittner Property, Peconic Dunes Bittner Property.

CHAIRPERSON NOWICK:

You know, Ed, this just brings up another question for us as a group here. If property is -- is this property purchased 50% from the town?

LEG. ROMAINE:

Oh, absolutely.

CHAIRPERSON NOWICK:

So who owns the property then, does the town own half and the County own half?

LEG. ROMAINE:

That's an excellent question for the Legacy Fund.

DIRECTOR ISLES:

Usually it's joint title.

CHAIRPERSON NOWICK:

Joint title.

DIRECTOR ISLES:

Usually.

LEG. ROMAINE:

It's like husband and wife on a deed.

CHAIRPERSON NOWICK:

So this is interesting. Now, us as committee, we have no -- I don't know, do we have the authority to name Southold --

LEG. ROMAINE:

Well, Southold has indicated by correspondence from the Supervisor --

CHAIRPERSON NOWICK:

No, you understand what I'm saying? We have a committee here, Naming and Sitings to Name County Property; this property, from what I'm hearing, is 50% the County and 50% town, where do we fit in here?

LEG. ROMAINE:

We fit in if we have both parties agreeing to name the property.

LEG. D'AMARO:

Right, I agree with that.

LEG. ROMAINE:

We don't fit in if our partner disagrees with our decision, but since our partner, the Town of Southold, has already agreed and sent a letter --

CHAIRPERSON NOWICK:

Well, what happens if they agree and we don't?

LEG. ROMAINE:

Well, then --

CHAIRPERSON NOWICK:

That's my question.

LEG. ROMAINE:

Well, then I go back to the Bittner Family and say, "Here you go. It's 853-4000, or if you want 46666, call him, that's our County Executive's telephone number."

CHAIRPERSON NOWICK:

But we are separate from the County Exec. My point is more of an authority kind of a thing.

LEG. ROMAINE:

If he has a working majority in the Legislature, that's all I would say.

DIRECTOR ISLES:

My understanding --

MR. MORAN:

The committee makes a recommendation.

LEG. ROMAINE:

Right. The committee never has the final say; you make a recommendation, the Legislature can accept it or ignore it, at their pleasure.

CHAIRPERSON NOWICK:

So having said all that, does anybody have any further objection to this or do you still, Carol, have the objection that you had?

DIRECTOR ISLES:

Well, I think one point I would just like to clear up, or just speak on my understanding of -- Ed, you had mentioned the point that Real Estate promised that this would be named for them?

LEG. ROMAINE:

Had indicated that, that's what I was told.

DIRECTOR ISLES:

Okay, my understanding is that they don't have the authority to promise it. What they promised is

that it would be reflected in the documents which you've made mention of --

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

-- and then go through the process which is spelled out --

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

-- which is to come to this committee and then go to the full Legislature for action. So I think they promised that they would enable that path or somehow acknowledge that path even though they don't have the -- didn't have the authority to --

LEG. ROMAINE:

Charles Cuddy is their attorney, you may want to have a discussion with Mr. Cuddy about that.

DIRECTOR ISLES:

Okay. So my understanding from Real Estate is that they, here again, don't have the authority to approve naming of parks but they would acknowledge the path in their documents.

I think the -- just a comment I think we want to provide from the County Planning Department's perspective is the naming of County parks, as this committee certainly has addressed on many occasions, is one that's not to be taken lightly. As we talked about with the prior matter, it takes into consideration the significance of the person or entity to be recognized, to take into consideration their service to the County, you know, local service might be recognized at a local level; it's a pretty high bar that the County has established from cases that I've seen.

I was recollecting with Laretta Fisher in my office who has more time in the County than I do in terms of naming of parks, most are named these days based on the location or environmental aspects of it, and looking at like Carlls River Preserve, Mastic Shirley Conservation Area and so forth, things of that nature. And examples of parks that have been named for individuals, the most recent one that we could recollect was Dennis Pultsen which was a -- he was a renowned environmentalist in the Town of Brookhaven. I think it was four or five years ago, one of the Warbler Woods acquisitions was named in his honor and he was instrumental in the preservation of the Wertheim Wildlife Refuge and had a long history of service to the public.

LEG. ROMAINE:

And of course the property across from the EPCAL, the Grumman facility, the Robert Murphy Cushman Park.

DIRECTOR ISLES:

Absolutely, and he was actually an international naturalist, no question about it.

So I think the question then in this case would be where the County has this high bar and has an appropriate place for naming parks after citizens of the County, or families in the case of the Bittner Family. With no disrespect whatsoever for the Bittner Family, clearly the documents do show they had purchased this property 50 years ago, they appear to have been very good stewards of the property during that time. But I think there are two points I'd like to make; number one is that the practice of naming parks after people we're buying land from does open up a new door for us, I think, in my opinion in the sense that we buy dozens, if not hundreds of properties a year, literally hundreds of properties and some small lots, and the practice then of naming those parks after the families or individuals we buy them from starts a new direction for us. And certainly there is a test

here, how long have you owned it, how have you taken care of it, but the mere fact that they haven't developed it I don't think is enough of a justification to give it this County-wide significance.

I make the point, too, that we paid over \$13 million between the County and the town for the property; I don't know that it was a bargain sale, I'm not sure of the details of how much of a discount the County got. If the property was given to the County as a donation, that to me would be a significant contribution to Suffolk County. But this was a long transaction, sitting on the ETRB on that part I know, and so it wasn't as if there was a massive gift, maybe there was some consideration and certainly we can find that out. But I think from a practice standpoint, the prior practice of the County as I've observed is that there's been very limited cases where the County has raised the bar, Robert Cushman Murphy as mentioned and Dennis Pultsen are two notable cases. And with no, here again, disrespect whatsoever for the Bittner Family, we have an established County park, Peconic Dunes County Park which is significant, we're expanding it with additional acquisitions including this one, to me it would be inappropriate to provide this recognition in this form.

What we have done, and having sat at many Parks Trustees meetings, there was a proposal that came to the Parks Trustees in Cathedral Pines County Park to name the park for an active camper who had passed away and the amateur camping or the camping groups submitted a proposal to name the park after this individual; and here again, no disrespect for the person because he had been a very strong camping advocate. The Parks Trustees had a concern, here again, there's a historical reference to Cathedral Pines that he had established himself and they ended up naming a campground area for this individual.

Naming requests are, we think, extremely important. We've had deceased veterans that have been killed in the line of duty named for streets and potentially for parks, but the bar has always been set very high. So just the feeling of the County Planning Department, I don't speak for the County Executive or anyone else, we feel that this is a step beyond what we previously have done in terms of trying to set that County-wide standard of significance. It's not a case where there was a donation of this property, at least in full fee to the County and we would just respectfully disagree with the proposal to split the naming of this park which is historically existed as Peconic Dunes County park to include the Bittner name.

CHAIRPERSON NOWICK:

Does anybody else want to address this?

LEG. D'AMARO:

Just to add my two cents. I think it's commendable that the owner and the family had the right, as a matter of right, to develop this property and chose, for whatever reason, not to do so. That's specifically poignant to me when I drive through western Suffolk County; had other people taken that same path, I think we would have been in better shape today in at least western Suffolk County than we are. So that in my mind was very significant.

The problem -- or to carry that logic further, though, by definition, anyone we buy open space from chose not to develop their property, obviously by definition. And it was also significant to me that, you know, the property was not donated, we paid probably the appraisal rate for the property. So just to think out loud, I feel a little torn on this one.

CHAIRPERSON NOWICK:

Yeah.

LEG. D'AMARO:

I don't know that we would want to set the precedent of starting to name parcels that are attached to parks, or even if they're not attached to parks, after sellers, you know, that is a new door. And it's certainly significant that a seller chose not to develop and chose to either sell or donate to the County, but that's always the case.

CHAIRPERSON NOWICK:

I agree with you, I'm torn as well. But I keep thinking that part of our job here may be, just like Tom said, not to name pieces of property after sellers. However, having said that, we just make a recommendation, but the full Legislature -- in other words, what we do here we do according -- we set precedent here, but the full Legislature could certainly vote in a different way.

DIRECTOR ISLES:

Sure.

CHAIRPERSON NOWICK:

-- and not be setting precedent for us. That would be a way of -- I hate to say getting around it, but.

LEG. D'AMARO:

I have a question; Tom, if you know. Is this contiguous to a County park? We had a discussion --

LEG. ROMAINE:

On both sides, it's surrounded.

LEG. D'AMARO:

-- that there was a parcel in between or something?

CHAIRPERSON NOWICK:

That we're trying to acquire?

DIRECTOR ISLES:

We have a map.

LEG. D'AMARO:

Yeah, we do have a map.

MS. BARTUNEK:

Is there an alternative in this situation as far as naming a portion of it, like a campground situation that would maybe be satisfactory? I mean, not a portion of the whole County park, but a portion of this property that would make the family happy and the town happy?

LEG. ROMAINE:

I don't know. I wasn't the Town Board or the Town Supervisor that made the commitment and I wasn't the County Executive that made the commitment --

MS. BARTUNEK:

Is there a campground on there or a horse trail or --

LEG. ROMAINE:

I'm just a Legislator.

CHAIRPERSON NOWICK:

They made a commitment for us, we have a certain way of doing things but --

LEG. ROMAINE:

And if the committee defeats this, I will just simply go back to the County Executive and the Town of Southold and ask, "What do you want me to do?"

CHAIRPERSON NOWICK:

No, but Ed, even if the committee defeats it, doesn't it still go to the Legislature?

LEG. ROMAINE:

No, I will ask for the support of the County Executive publicly and from the Town of Southold publicly.

CHAIRPERSON NOWICK:

But it does say that --

LEG. ROMAINE:

The reason I'm bringing this resolution forward is because they both asked me to bring this forward.

MS. BAY:

It needs to come out of here.

CHAIRPERSON NOWICK:

So if it doesn't come out of here it doesn't go to the Legislature?

MR. MORAN:

Well, you would forward a recommendation, the recommendation gets forwarded to the County Executive and then it gets forwarded over to the Legislature and the Chair of Ways & Means.

LEG. D'AMARO:

The Legislature can overrule the recommendation, it certainly comes to a vote.

CHAIRPERSON NOWICK:

Yes.

LEG. ROMAINE:

Correct, but I would not even push this resolution unless I had the support of the County Executive and obviously the Town of Southold.

LEG. D'AMARO:

Well, that's significant. Why don't we then just table it and give you an opportunity to do that?

CHAIRPERSON NOWICK:

Yes.

LEG. ROMAINE:

No, it would be better for you to defeat it and then I can ask them if they wanted me to continue with this, if that's your wish. Because I get that impression that the wish of the this committee is to defeat this resolution.

LEG. D'AMARO:

Well, let's put it this way.

LEG. ROMAINE:

This recommendation.

LEG. D'AMARO:

You've said today that you were at the press conference where the County Executive affirmatively promised to do this.

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

So I'd like to table this today just to get more information about that.

LEG. ROMAINE:

His press release is in there as well as his resolution that he brought forward on the acquisition.

LEG. D'AMARO:

Right, but you didn't read the rest of Carry Meek-Gallagher's e-mail that says they've changed the resolution as per your request and that of course it's subject to the Naming Committee.

LEG. ROMAINE:

Right, because obviously she ran that past the County Executive because I was informed by the Town of Southold and the attorney, Mr. Charles Cuddy, Esq., that that was a commitment that was made.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

Or at least they had that impression, and maybe they didn't understand there was a process involved, but they got the impression in their dealings with the County that that was something that would be done.

LEG. D'AMARO:

Uh-huh.

LEG. ROMAINE:

I wasn't privy to any of that. The only thing that I witnessed was, one, the County Executive's statement, two, his press release and, three, his resolution that came forward; it wasn't my resolution, he just tacked my name on it. So, you know, as far as I'm concerned, I'm the Legislator for the district, I'm certainly willing to accommodate the town and the Executive and if there was even an implied commitment.

MR. MORAN:

Not to muddy the waters even further, but just informationally just to throw it out there, because I heard the point brought up and it's purely the decision of the committee. With reference to naming a place after the owners, I think this committee recently approved the Kommendinger Estate.

DIRECTOR ISLES:

I'm not sure -- I don't think that's officially been named the Kommendinger Estate.

MR. MORAN:

I think that's a condition, you'd have to check that out.

DIRECTOR ISLES:

Okay. I don't think anybody refers to it as that, but --

CHAIRPERSON NOWICK:

I think we'll make a motion to table this, second by Legislator D'Amaro.

LEG. D'AMARO:

Sure.

CHAIRPERSON NOWICK:

And then you can find out that information.

LEG. D'AMARO:

Yeah, I'm not interested in defeating it today only because there's significant --

CHAIRPERSON NOWICK:

Yeah, because we're not happy with that.

LEG. D'AMARO:

-- you know, representation that Legislator Romaine is making and I would just like an opportunity to explore it.

LEG. ROMAINE:

Well, the town's portion of that is in a letter signed by the Town Supervisor, so 50% of the ownership of this property have committed to that.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

My understanding, and I'm telling you where I hear it from, Mr. Cuddy indicated to me he was under the impression that if the County acquired it that this would take place; whether he understood the details of what was required to make that happen or not, I don't know.

LEG. D'AMARO:

Well, my --

LEG. ROMAINE:

And the County Executive referred to the Bittner Family and that their name would be included in the press conference.

LEG. D'AMARO:

That is significant to me, especially --

LEG. ROMAINE:

And I'm going to go back and see if there's archives in terms of news articles or not.

LEG. D'AMARO:

That's significant to me, especially in light of the fact that I agree or am leaning towards agreeing with Director Isles that to set the precedence of just naming parcels when we pay \$13 million to the seller, I'm not sure is enough to get it over the hurdle.

LEG. ROMAINE:

In this particular case, unlike the Stark case where I advocate for that, I'm just the messenger here because I'm the district Legislator.

CHAIRPERSON NOWICK:

So we have a motion and a second. All in favor? Opposed? Abstentions? ***This has been tabled (VOTE: 8-0-0-0).***

LEG. D'AMARO:

Good.

LEG. ROMAINE:

Thank you for your consideration.

CHAIRPERSON NOWICK:

Okay.

LEG. ROMAINE:

And I will get the information on Judge Stark, I don't know what -- there's nothing else I can provide on Bittner, I think I've tried to provide all the documentation.

CHAIRPERSON NOWICK:

Thank you, Ed.

LEG. D'AMARO:

Thanks, Ed.

CHAIRPERSON NOWICK:

Before anybody leaves, I want to set up the next meeting date. Lou?

LEG. D'AMARO:

Yes.

CHAIRPERSON NOWICK:

How about if we do this. We have Ways & Means --

LEG. D'AMARO:

On Wednesday.

CHAIRPERSON NOWICK:

On a Wednesday, we're both on that Wednesday, what, the 7th. Wednesday the 7th.

LEG. D'AMARO:

Okay.

CHAIRPERSON NOWICK:

Didn't we get out last time about 12, 12:30? Do you remember -- do you have any idea how long this one is going to go?

LEG. D'AMARO:

I think this one will go --

CHAIRPERSON NOWICK:

Because since we're both here, it would be good to do it right afterwards.

MR. LITTELL:

It's going to go a long time.

LEG. D'AMARO:

No, I agree. This one will go longer, though, because remember at the committee we talked about bringing in contract agencies and we invited Legislator Montano to talk about his {new change} bill.

CHAIRPERSON NOWICK:

Do you think 12:30?

LEG. D'AMARO:

Well, I have Park at 1.

CHAIRPERSON NOWICK:

So do I.

LEG. D'AMARO:

Oh, you're on that, too; right, of course.

CHAIRPERSON NOWICK:

What do you think?

LEG. D'AMARO:

If everyone talks fast.

CHAIRPERSON NOWICK:

Where, in Ways & Means?

LEG. D'AMARO:

Here.

CHAIRPERSON NOWICK:

Here?

LEG. D'AMARO:

We may be under the gun.

CHAIRPERSON NOWICK:

Oh, this one we can do fast. Otherwise the next day, 12 o'clock on May 8th?

LEG. D'AMARO:

I can't, I'm booked that day.

CHAIRPERSON NOWICK:

That's not good for you?

LEG. D'AMARO:

You know what, I'll go with 12 o'clock on Wednesday.

CHAIRPERSON NOWICK:

You like that idea?

LEG. D'AMARO:

Yeah, and we'll --

MR. LITTELL:

At nine.

CHAIRPERSON NOWICK:

You think you'll be done with Ways & Means?

MS. BAY:

What about before Ways & Means? You start at ten.

CHAIRPERSON NOWICK:

I can't do it before Ways & Means.

MS. BAY:

Oh, okay.

LEG. D'AMARO:

That's true. Oh, you can't make it then?

CHAIRPERSON NOWICK:

I actually might even be a few minutes -- Ways & Means is at 10, I have a doctor's appointment at nine, so I can't do that.

LEG. D'AMARO:

Okay.

CHAIRPERSON NOWICK:

Unless you want to wait two weeks down the road to --

LEG. D'AMARO:

The following?

CHAIRPERSON NOWICK:

-- maybe the following Ways & Means, I think it's two weeks down the road on the 21st.

MS. BAY:

Be careful, we have the Capital Budget.

CHAIRPERSON NOWICK:

I see Ways & Means is 9:30 that day?

LEG. D'AMARO:

Well, it's 10.

CHAIRPERSON NOWICK:

Ten.

LEG. D'AMARO:

Yeah, it's always at 10.

CHAIRPERSON NOWICK:

Well, maybe we can do it at 9:30? Come in here at 9:30, it only takes us a half an hour in here, and then go to Ways & Means at 10; what do you think, Lou, is that good for you?

LEG. D'AMARO:

It's fine with me.

CHAIRPERSON NOWICK:

Everybody else?

MR. BORKOWSKI:

What date is that?

CHAIRPERSON NOWICK:

That's going to be the 21st, that's the following.

MS. BAY:

I'm not sure what time the Capital Budget Committees are going to start. Do you remember?

CHAIRPERSON NOWICK:

I have 9:30, but it's your choice.

MS. BAY:

No, this is -- that week is Capital Budget, it's not a regular schedule.

CHAIRPERSON NOWICK:

Quite frankly, there's no rush with naming the Stark building right now. So -- all right, the next --

MR. BORKOWSKI:

You wanted time getting information on the park.

CHAIRPERSON NOWICK:

Yeah, fine. You know what, you're right. June 4th Ways & Means is at 10, do you want to come here at 9:30?

LEG. D'AMARO:

What is that, June 4th?

CHAIRPERSON NOWICK:

Yes.

LEG. D'AMARO:

June 4th.

CHAIRPERSON NOWICK:

That will give everybody a lot of time?

LEG. D'AMARO:

I don't have a problem with that. I think just realistically I think you need to say 9 am; by then a month and a half would have gone by, by the time we start getting into it and talking about it.

CHAIRPERSON NOWICK:

All right, so --

LEG. D'AMARO:

We probably need an hour.

CHAIRPERSON NOWICK:

All right, nine o'clock?

LEG. D'AMARO:

That's fine with me.

CHAIRPERSON NOWICK:

Unless we do it between Parks, again, we do it more like twelve o'clock between Parks and --

MS. MAHONEY:

With the committees, you can never predict --

CHAIRPERSON NOWICK:

Well, he runs the committee.

LEG. D'AMARO:

We can do it at 12.

CHAIRPERSON NOWICK:

Twelve and then we go into Parks afterwards.

LEG. D'AMARO:

I'm not adverse that either; either way, it's up to you.

CHAIRPERSON NOWICK:

All right, you know what? I'm going to set it for 12 clock on June 4th. If it happens, Lou, where you -- that committee gets crazy, you'll know, you're the Chair.

LEG. D'AMARO:

Right.

CHAIRPERSON NOWICK:

We'll change it.

LEG. D'AMARO:

Okay.

CHAIRPERSON NOWICK:

So June 4th, twelve o'clock, it will be between the two committees for us.

MR. LITTELL:

We're inviting the Board of Elections people that day to give a presentation.

CHAIRPERSON NOWICK:

They don't take that long, do they?

LEG. D'AMARO:

I don't expect it will be that long; even if that went a half hour, 10:30, 11, we'll make it, we'll be okay. So June 4th at 12 o'clock here.

CHAIRPERSON NOWICK:

That will work out, because we're here anyway, everybody is happy.

DIRECTOR ISLES:

Carol will be here.

CHAIRPERSON NOWICK:

I'm going to make a motion to adjourn, second by Linda Bay.

All in favor? Opposed? We will see you June 4th, 12 o'clock.

*(*The meeting was adjourned at 11:50 A.M. *)*