

**PARKS, SPORTS & CULTURAL AFFAIRS COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Parks, Sports & Cultural Affairs Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, 11787, on February 7, 2002.

Members Present:

Legislator Ginny Fields - Chairperson
Legislator Michael Caracciolo - Vice-Chair
Legislator Angie Carpenter
Legislator Brian Foley
Legislator Cameron Alden
Legislator William Lindsay

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Lisa Keys - Aide to Legislator Caracciolo
BJ McCartan - Aide to Presiding Officer Tonna
Sean Clancy - Budget Analyst/Budget Review Office
Nicole DeAngelo - County Executive Office/Intergovernmental Relations
Peter Scully - Commissioner/Suffolk County Department of Parks
Denise Speizio - Suffolk County Parks Department
Gregory A. Mallow - Resident of West Islip
Howard Carpluk - Resident of Yaphank
John Palasek - Resident of Yaphank
Joe Cannone - Resident of Lake Ronkonkoma
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

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(*The meeting was called to order at 1:14 P.M.*)

CHAIRPERSON FIELDS:

Welcome to the February 7th meeting of the Parks, Sports & Cultural Affairs Committee. We'll begin a Pledge of Allegiance led by Legislator Lindsay.

Salutation

Thank you. We have a few cards. Let's begin with Gregory Mallow?

MR. MALLOW:

Good afternoon. Ms. Carpenter, how are you doing?

LEG. CARPENTER:

Fine.

MR. MALLOW:

Good. I had a question of the progress at the Sweet Hills Riding Stables, what's been done since we last spoke in October? I believe it was in October. What the Parks Department's been doing to correct the conditions down there and fulfill the contractual obligations to the residents of Suffolk County.

LEG. CARPENTER:

If I could. I know that the Commissioner has been working on it because I know Mr. Mallow has contacted my office and we've spoken; in fact, I know you called the other day and I returned your call. But perhaps the Commissioner can give us an update.

COMMISSIONER SCULLY:

Thank you. Just to remind those of you who weren't members of the committee last year and for those of you who are new to the committee, Mr. Mallow had come forward at a committee meeting on October 17th, 2001, raised certain issues with respect to the licensee that operates the stable at West Hills County Park in the Town of Huntington and asked that we look into those. Additionally, at that time we did put on the record in fact that there was a notice of claim by Mr. Mallow and his wife against the County which has constrained us somewhat in our ability to continue a dialogue with him, but I indicated at that time that the department was in the process of looking into the complaints and would follow-up.

I did generate a report to the Parks Committee Chair at the time, Legislator Caracappa. And more recently Legislator Carpenter had asked about the status of that, so that file is on my desk and we need to forward her a copy of that report as well. And while I can't at this time discuss specifics, quite frankly, on any of the various individual issues, I am attempting to have the material faxed up from my office now. I will say generally that there were several issues that Mr. Mallow raised that we found had some substance to them and that the department, as is its responsibility, directed the licensee to comply in those instances.

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LEG. ALDEN:

Mr. Scully, you indicated there is a lawsuit at this point, the County Attorney is handling a lawsuit for us?

COMMISSIONER SCULLY:

As far as I know, the latest is just that a notice of claim had been filed by the Mallows against the County as a result of an alleged accident involving Mrs. Mallow having fallen off a horse.

LEG. ALDEN:

Just through the Chair, then, anything else that we do on this would have to go into executive session.

MR. MALLOW:

Excuse me. What did you just say?

LEG. ALDEN:

If we're going to have any further discussions on this, you have a notice of claim pending against the County --

MR. MALLOW:

Right.

LEG. ALDEN:

We would -- I would make the recommendation that we go into executive session which means barring the public from discussing any of that, in case we do go into any or touch on any subject, there would be the subject of that lawsuit.

MR. MALLOW:

Well, that's what brought this all about is when I started investigating and finding out what these people were supposed to do in regards to the Sweet Hills Park area, okay, and what they hadn't done in all they years they were there. This is what brought all this about right now.

LEG. ALDEN:

Okay. But just --

MR. MALLOW:

One second, okay, if you don't mind me speaking. I understand that you're a Legislator but I'm still a resident of this County, okay. And as a Legislator and as the whole Legislative body, you have a responsibility to the people of Suffolk County when you issue a contract or award a contract, or however these people do get their license to operate, to make sure and ensure that they do what they're supposed to do in these contractual obligations. You know, five years of letting somebody stay at a location and nothing's done and then something happens where there's an accident, all right, and then I go through this and I investigate that she has not fulfilled any of her contractual obligations, I found this astounding. Okay, there's only a couple of people that really wanted to listen to me, Angie Carpenter happened to be one of them, who actually told me about these meetings. I was here in October and I brought this about. Whether I have a lawsuit against the County is irrelevant. You still have an obligation

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at this time to make sure that the rest of the people in Suffolk County get what they're supposedly paying for, and that this person who's making money off the County, all right, does what she is supposed to do. And now the County going in there and grooming trails and sending in crews; am I wrong, has the County been in there with their crews?

COMMISSIONER SCULLY:

I don't know but we can check.

MR. MALLOW:

All right. Well, I know for a fact that the County has been in there with crews and these people were supposed to do this now as part of their contract. Now we're going in there, my money is going in there, these people's money is going in there, all right, now we're paying to take care of something that she's making money off of, all right, and she's supposed to take care of and that's contractual. These things have to be addressed. I mean, we're spending a lot of money in the County, our taxes are going up, people are making money off the County. I'm not saying that you can't award contracts, just follow what you're supposed to do. They have to be enforced, it's your obligation, it's your responsibility. I'm not here to discuss a lawsuit and I'm not here to discuss an accident. I'm here to tell you that when people sign contracts with the County, you have the obligation to make sure these things are enforced.

COMMISSIONER SCULLY:

If I may, Madam Chairperson. Clearly it's not the direct responsibility of the Legislature but the responsibility of my department, I'll take full responsibility as the Commissioner for enforcement of license provisions. Mr. Mallow well knows I've conceded that some of the issues he raised in October were valid and that we were addressing them. Prior to today's meeting I asked him if he had additional issues he wanted us to look into, the answer was no; he has just raised another one. This is a very complicated situation. We were thankful that the Mallows were frank with us in October and conceded that they have an estranged social relationship with the licensee which further complicates the situation and you need to know that that's the backdrop against which we're considering these issues.

In any situation where there's an allegation of a violation of contract, I'll go back and do my job. This is a new one offered to me this morning, I mean this afternoon, notwithstanding the fact Mr. Mallow indicated he had no new issues. You can rest assured I'll go back and make sure that they're living -- complying with the contract provisions.

LEG. CARACCIOLO:

Question. Commissioner, within your department, who has responsibility for oversight over various concessionaires? Does that all fall on your shoulders or are there other administrative staff that are dedicated to look at particular operations, in this case the trails at, what is it, West Hills you said?

MR. MALLOW:

West Hills.

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COMMISSIONER SCULLY:

I have a contracts unit which is comprised of three employees, one clerical and two administrative. They oversee three -- I'm sorry, they oversee 30 concession agreements.

LEG. CARACCIOLO:

And when you say they oversee them, do they go out periodically and inspect and make sure that the concessionaires are following not only

the spirit of their contractual obligations of the County and its residents but the intent as well?

COMMISSIONER SCULLY:

The answer to that is that the way we administer the agreements is not uniformed. Some of the higher profile concessionaires or in situations where a concessionaire has a project that's active, we spend a lot more time at those locations. In other locations, we're -- given the amount of staff resources, we respond to complaints to ensure that there's compliance.

So quite honestly, with a couple of people to do field work we could do a little bit more monitoring of the contract compliance in the field, but the people inside the office at West Sayville are dealing with dollars, cents and receipts primarily, monitoring percentage gross, making sure that documents and insurance are all up-to-date. So that in the case of Sweet Hills, it was in response to Mr. Mallow's complaints that we conducted our last inspection.

LEG. CARACCIOLO:

Would you have a sense of to what extent the County has been on the receiving end of lawsuits or claims against it for situations similar to perhaps the one that we're discussing this afternoon, although we're not discussing it specifically? Because that would cause concern in my mind that perhaps the resources that have been neglected in your department and other departments in the end wind up costing the County taxpayers significantly more tax dollars to settle claims or to pay judgments. Would you have any idea within the Parks Department over the last ten years what type of amounts of funds have been allocated to judgments or settlements?

COMMISSIONER SCULLY:

No, I'm sorry, I don't. The matter involving the Mallows is the only instance with which I'm familiar in my tenure as Commissioner where there's been a notice of claim. But insofar as I know, there has been no -- the lawsuit or the filing itself, more detailed motion which would layout what the specific allegations are, it is not yet available so it's not clear what exactly they would assert in that litigation other than at some location within West Hills County Park the condition of the trails led to the accident.

LEG. CARACCIOLO:

During your tenure, because you oversee over 40,000 acres of County parkland, beach front properties, marinas, quite a bit of real estate, during your tenure, which I guess is coming up on two years, have you seen -- are you aware what are the number of claims pending against the County, vis-a-vis incidents that have taken place at County park

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facilities?

COMMISSIONER SCULLY:

I'm not aware of others but it's possible that others exist. If you wanted a very, very clear and direct answer, I'd ask for an opportunity to touch base with the County Attorney's Office on that, but I am not aware of any other claim.

LEG. CARACCIOLO:
Would you get back to us on that?

COMMISSIONER SCULLY:
Sure.

LEG. CARACCIOLO:
Thank you.

LEG. CARPENTER:
May I?

MR. MALLOW:
Could I just say one more thing, please, and then I'll terminate this session. In regards to the Sweet Hills or any other park, from a contractor's side my main concern is this. When a contract is signed, before the County approves that these concessionaires are allowed to build and construct other structures that will make more money for them, which has been done at Sweet Hills -- and I have the paperwork, I have the documentation that they have approved these things through the Parks Department, the building of more stables, the allocation of more corrals, all for these people to make more money and they don't put any of this money back into the park, what they were contractually obligated to do, astounds me. This is what the problem is. All right? They allow them to build more, they allow them to make more, but nobody is enforcing them to do what they're supposed to do. And now, like I said, the County has been in there grooming these trails, and I don't know how many hundreds of thousands of dollars they've been spending back there, there should be an investigation into what's going on in this Parks Department. I'm not holding the Commissioner wholly responsible, although it's his office. All right? There's too many people over there. But the trails have been groomed, I know it's the County that's been in there doing it. You can't keep picking up after people and then giving them contracts to do -- you know, to make money, they have to give back.

CHAIRPERSON FIELDS:
As the new Parks Chairperson, I have been having several meetings with our Commissioner to find out about the parks and so forth and that will be one of the things that I will talk to him about and will share with the rest of the committee and we will see what we can do to improve that situation. And Commissioner Scully, I wonder if you could also get me a copy of the report that you gave to the previous Chair?

COMMISSIONER SCULLY:
Certainly.

CHAIRPERSON FIELDS:

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And Legislator Caracciolo.
LEG. CARACCIOLO:
Is it Mr. Mallard or Mallin?

MR. MALLOW:

Mallow.

LEG. CARACCIOLO:

Mallow, I apologize. The information you apparently are aware of that you've alluded to now several times, that a concessionaire has a contract with the County, let's -- just give me an overview of what we're talking about here. What is the term of that contract?

MR. MALLOW:

I didn't bring the paperwork with me. It was a five year contract, I believe.

LEG. CARACCIOLO:

Do you know when --

MR. MALLOW:

She had five years to comply with certain contractual obligations that they put forth in the proposal when the County awarded it. One was building a new office which hasn't been done. I almost --

LEG. CARACCIOLO:

What year are they in the term of the five years, do you know; are they in their second year, their fifth year? Commissioner?

COMMISSIONER SCULLY:

I believe that the procurement took place 1995 -- don't hold me, I'll make a phone call and confirm that -- and that the licensee began operations in 1996, if I recall correctly.

LEG. CARACCIOLO:

So are they now on an extension of an original five year agreement, that we renewed a licensing agreement with this concessionaire?

COMMISSIONER SCULLY:

I need to make a phone call, but I think that typically the license agreements are usually a ten year initial term plus a five year option, but I can verify that.

LEG. CARACCIOLO:

Okay. I guess I would appreciate --

MR. MALLOW:

Five --

LEG. CARACCIOLO:

Mr. Mallow, I would appreciate it if you could provide in writing specifically what you feel this concessionaire has not lived up to in terms of obligations, contractual obligations, and provide a copy of that to every member of this committee.

MR. MALLOW:

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The Commissioner has that.

LEG. CARACCIOLO:

Okay, but I don't. And since I was not on this committee last year --

MR. MALLOW:

If you pull the minutes of the last --

LEG. CARACCIOLO:

-- I'm not familiar with your testimony in October.

MR. MALLOW:

She had five years. If you just want off the top, she had five years to complete certain obligations and none of it's been done.

CHAIRPERSON FIELDS:

I think it's not --

LEG. CARACCIOLO:

Okay. Whatever information you have, if you could provide that, it would be helpful.

CHAIRPERSON FIELDS:

I don't know that it's necessary that he do it. I think we can get that from the Commissioner and we'll share it with the rest of the committee.

LEG. CARACCIOLO:

Just a copy of the licensing agreement.

COMMISSIONER SCULLY:

It's pretty clear, though. Mr. Mallow just stated for the record that it's his position that the licensee has complied with none of the requirements of the license agreement.

LEG. CARACCIOLO:

Is that true?

COMMISSIONER SCULLY:

Absolutely not.

LEG. CARACCIOLO:

Okay.

CHAIRPERSON FIELDS:

Okay, thank you.

COMMISSIONER SCULLY:

Thank you.

CHAIRPERSON FIELDS:

Howard Carpluk.

MR. CARPLUK:

Good afternoon. Just listening to the gentleman just speak, I find it pretty ironic how -- more like absurd, how the Parks Committee is handling all these lease agreements throughout the County, and I am

know, serious problems of the way the lease agreement is not being supervised. I'm sure you all know my name, my name is Howard Carpluk and I'm here on behalf of the resolution 1102-2002. This resolution pertains to the Suffolk County Trap and Skeet Range.

(*Legislator Foley entered the meeting at 1:31 P.M.*)

From the very beginning, my community and I have been expressing our concerns about how the range has been operated, how the lease agreement was not being followed, mainly the issues that directly affect our welfare. We were forced to look into these concerns on our own and what we have learned is that there is a right way and a wrong way of operating a range. Suffolk County Trap and Skeet was the wrong way. The Parks Department neglected to properly supervise the operation from the very beginning, just like up north in Huntington. Not only did they fail to supervise, they're also not knowledgeable in the proper way of discarding the hazardous waste produced from such a facility, as with the tens of thousands of dollars that the taxpayers spent cleaning up the roadways and the picnic areas throughout the park. I hope all of us realize that you cannot just open up a shooting range without first knowing a proper way to operate such a facility and how to dispose of the hazardous by-products created. All we wanted was a fair shake.

On behalf of my family and the community, I would like to express my gratitude to Legislator Towle, the Parks Department, Commissioner Skully just for listening to our concerns. This resolution, should it pass, will create a guideline from which to follow, a guideline set up by a committee of professionals who specialize in subjects directly related to the shooting range itself. The Legislature would have solid ground to stand on when making decisions on how or where we can operate a range. To table this resolution or to hasten this research would be turning away from the responsibilities the Legislature has sworn to uphold. If there's no other questions, I have some pictures that I had given to the last Parks Committee and I took them back because I knew the changing of the committee was happening, and I would just like to give them back to you and if you can all just take a look through them.

CHAIRPERSON FIELDS:

Mr. Carpluk, you suggest -- we can get those in a few minutes or my aide will pick them up and pass them around; you want them back?

MR. CARPLUK:

Nope, you can have them.

CHAIRPERSON FIELDS:

You said that there is a right way to run a range and a wrong way; do you know the right way?

MR. CARPLUK:

Well, from doing research on my own, I can look through and find out as to lead abatement, as to sound, as to distances between opposing weapons. There's a lot of guidelines that the NRA puts out and I believe Mr. Scully has a copy of a National Shooting Range Association

that gives you guidelines to follow; is that correct?

COMMISSIONER SCULLY:

Yes.

MR. CARPLUK:

I mean, he's been doing a lot of research on them himself and realizing that he has to follow certain guidelines that this place was not following. And, you know, as to the exact, I can do more research myself and find out, I don't think that's my job. But I know that nothing documented myself, but by looking through the Internet and going through the NRA and going through the National Shooting Association, you find guidelines.

CHAIRPERSON FIELDS:

Well, I've been in touch with the NRA and they are -- I gave -- I sent quite a bit of information to them and they are researching it with their attorneys and they are in the midst of getting back to me. So I am going to ask that this resolution be tabled today until we have a little better handle on some of the other research that I've done also. I'm not quite sure that this resolution is exactly what we need, and if it is then the next time we have a meeting we can pass it.

MR. CARPLUK:

I find that not the right thing to do.

CHAIRPERSON FIELDS:

Okay.

MR. CARPLUK:

Because what I'm saying is you're looking at how to operate a range.

CHAIRPERSON FIELDS:

Uh-huh.

MR. CARPLUK:

But you're also dealing with a situation over there where the range is not being cleaned up for five years, it's a dumping zone, it's a hazardous waste site. And you're just going to turn away from this resolution to get to the bottom of what you have there.

CHAIRPERSON FIELDS:

I did not say that. I said I would like to table it --

MR. CARPLUK:

To hold it back like that, I think it's --

CHAIRPERSON FIELDS:

Well, it's a couple of weeks. And, you know, again, I want to look at all of the issues and I don't want to do what you have accused us of doing in the past, and that's doing things the right way or the wrong way.

MR. CARPLUK:

I haven't accused you of anything, it's just that -- it's

CHAIRPERSON FIELDS:
You just said there's a right --

MR. CARPLUK:
It's just documentation.

CHAIRPERSON FIELDS:
Well, my point is --

MR. CARPLUK:
When you spend a hundred thousand dollars of my taxpayers money to go clean up a roadway because the guy just throws the lead around wherever he wants to throw it, you have clay pigeons that are not safe for the environment. The person that sold the clay pigeons to the gentleman that was shooting there -- or that owned the operation says that there's states out there right now that aren't even allowing them to sell the pigeons because they're looking to a inert clay pigeon because of what this particular clay does to the animals.

CHAIRPERSON FIELDS:
Well, again, I'm reaching out and trying to get as much research and answers to some of the questions that I have and the questions you have.

MR. CARPLUK:
I understand.

CHAIRPERSON FIELDS:
You know, neither one of us are professionals at this and that's why I'd like to see as much as I can before we react to this particular bill.

LEG. ALDEN:
Madam Chairperson, I have one question. Hi, thanks for coming down. In other words, from what you've said here, I don't see you being opposed to having a shooting range there, it's just you want to see it run properly.

MR. CARPLUK:
It should be run properly and to be run properly, like I said from the beginning, there's lead, there's clay pigeons, there's noise.

LEG. ALDEN:
Okay. But you don't mind the concept of a shooting range being there, right?

MR. CARPLUK:
From the start I've said they can put a range there, I have no complaints.

LEG. ALDEN:

The range was already there, I mean, it's been there for a real long time. But you just -- you don't mind the concept, you just want to see it run properly, that's what I take from your --

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MR. CARPLUK:

Looking for it to be run properly and, like I said, to be run properly is noise -- there's Suffolk County laws, there's Town laws that have to be abided by in order to run a facility like that. If they can run it and they can abide by the laws, that's fine with me.

LEG. LINDSAY:

Commissioner Scully, maybe -- I mean, since I'm new to the committee, maybe you could give me an update on the range. I know it's been closed for some time. Would you try and enlighten us a little bit where we are with the whole thing?

COMMISSIONER SCULLY:

Certainly. And I apologize to the members of the committee who are a little bit more familiar with the process because I do need to give you a little bit of history.

The prior licensee took control of the site in 1996 and we found ourselves in a situation in the fall of 2001 where we had problems with payments, clean-up of the site and several other contractual issues. And after working through the summer to try and bring the licensee into compliance, we found ourselves in a position where we really had no choice but to invoke default provisions in the license agreement and to close the range down.

In the wake of that, because of the issues that were raised last year about lead management and the public health and environmental issues that pertain to that, I asked the Commissioner of Health and the Commissioner of Public Works to appoint individuals to serve with members of my staff and a representative of the United States Environmental Protection Agency to look at the site itself, make a determination with regard to the need for clean-up of lead, magnitude of that type of clean-up, and also to study issues about the management of the range and ways in which if we were to reopen it it might be managed in a way that closely mirrors the Best Management Practices guidance document that the EPA recently issued.

They issued a preliminary report just before December 1st which was the day I asked them to do that. That report found that the magnitude of a clean-up of the site would depend entirely on what we proposed the future use to be. In other words, if it were to be used for a skeet range moving forward, the levels of permissible lead exposure were at a higher threshold than if you were going to use it for general parkland and allow people to come in contact with it on a daily basis. So that's important because the associated cost of the clean-up, if you were to make a decision to use it for general park

purposes and allow people to come in contact with it on a daily basis, those clean-up costs would be far greater.

With that work done, we began to take a look at other issues just to make sure we had a full picture. The Health Department did groundwater testing there. Through the period of the operation of the range by the prior operator, we had relied on monitoring wells in the area to do sampling to see whether or not there were lead impacts. After consulting with the Health Department, we decided to ask them to

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do a couple of geoprobes, to do some testing outside the monitoring wells themselves. They did two geoprobes on the site, both of which came up free of any lead contamination.

And we began, at the suggestion of the EPA representative on our committee, Mr. {Guster}, to talk about consulting with the NRA about management practices, including such things as noise control. We had been exchanging correspondence in recent weeks with the NRA, they're in the process now of reviewing a proposed agreement with the department under which they would come down at minimal cost, they would charge about \$150 a day for the services of a person that they send down, and we're hoping that they're going to be coming down sometime in the early part of this year -- it's February already, so I'm hoping some time in February, early March -- to take a look at the way the site is laid out and to tell us what state of the art techniques or mechanisms are for issues like noise control. Because noise control is a key issue at the site as a result of the development of the area in the late 80's and early 1990's. It's really -- the history in the early 1990's is that subdivisions were constructed in the area just west of the skeet range which has existed since the 50's and it's the noise impact for those adjoining residential areas which has been a big issue.

The license agreement under which Northeast Guns had operated the site was very unique in that it was a year to year agreement. Typically our license agreements are what we call ten plus five, there's an initial ten year term and a five year option for the licensee. And with an agreement of that length, that gives the licensee a long enough period of time that they can expect a return on any significant investment they make in capital improvements. In 1995 the department saw fit to issue a Request For Proposal and enter into a license agreement that took it one year at a time. In other words, there is no guarantee that in the subsequent year they would still be in business. And an additional provision which made it unique was that the license agreement said that in the event the County decided to relocate the range, that licensee would have the right of first refusal to operate that new site. So the issue of the viability of the site over the long-term was recognized even at that point based solely on sound issues.

And it's clear that this particular type of activity, while important

to, you know, thousands and thousands of sportsmen, has really been below the radar screen of regulatory agencies. The actions of the EPA and the National Sports Shooting Foundation in recent years are really the first focused effort of trying to make sure that these facilities could be managed in a most environmentally sound way possible.

The only other thing I need to offer, just to make sure that you understand, Mr. Carpluk made reference to a clean-up at Southaven last year, and the implication was that the prior operator of the Trap and Skeet Range had deposited material within the park that required this clean up. And the fact is that that material had been deposited within the park by employees in the department in the period between 1990 and 1993 to stabilize roadways, it's basically the debris left behind when you shoot clay targets. Material was removed from the trap and skeet field at some point in time and used to stabilize roadways. And the

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fair and honest answer is that the department's own employees placed that material in Southaven Park and not the prior operator.

LEG. LINDSAY:

Just a follow-up question. So it doesn't sound like we're any closer to reopening it.

COMMISSIONER SCULLY:

Well, we're no closer than we were 30 or 60 or 90 days ago. As you might well understand the Legislator from the district is very interested in where we're going with respect to the site. The piece of legislation on your agenda today I guess is his best idea as to what we need to do and it includes taking -- requiring an Environmental Impact Statement formally on the use of this site and looking for alternative sites within the County, seeing what other sites might be available that might work for this use. And I can't speak for him but I think that the resolution is broadly drafted, it does a variety of different things.

LEG. LINDSAY:

And one more, if I may. While we're talking about 1102, it sounds like your department is going forward with an environmental review without the legislation; is that correct?

COMMISSIONER SCULLY:

Well, I couldn't characterize the review that we're undertaking with the help of the Health Department and Public Works as an Environmental Impact Statement. That terminology is rather formal and stems I think from -- and Counsel can correct me -- from the State Environmental Quality Review Act; it's a very specific term that has very specific requirements associated with it. The review that we have under way is more general in nature and is attempting to take a look at the best way to go about cleaning up the site, if a clean up is necessary, and how the site might be better operated.

LEG. LINDSAY:

Okay.

CHAIRPERSON FIELDS:

The NRA has experience with this all over the country and that is why I and Commissioner Scully have both reached out to them. Because I think I can speak on behalf of the Commissioner, I think they know and have had situations like this I'm sure that have occurred throughout the whole country and there may be a very simple way of handling it, and it might be that we do need an environmental impact study. But again, I would just ask that we delay that by, you know, a week or so and then we can act upon it. Legislator Caracciolo, did you have --

LEG. CARACCIOLO:

I have a number of questions. First, I would like to start by making an inquiry as to the date these photos that were distributed to the committee members, when were they taken?

MR. CARPLUK:

They were taken this fall after the range was closed.

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LEG. CARACCIOLO:

The current condition of the range in the areas that are in those photographs, have they substantially improved?

MR. CARPLUK:

That is it, that's sitting there --

LEG. CARACCIOLO:

That's the current state.

MR. CARPLUK:

That's exactly how it is now.

LEG. CARACCIOLO:

Okay. I would note for the record that the photographs that we have viewed show significant amounts of lead deposits on this facility and throughout the grounds which leads to the question, Commissioner, of who within County government has a responsibility of regulating, or State government or Federal government, what agencies are involved in regulating skeet and trap ranges and firing ranges in general?

COMMISSIONER SCULLY:

The -- what we found early on in our experience since my tenure is that there's no government agency that's got direct regulatory jurisdiction over the operation of skeet ranges. So that with respect to the issue of maintenance of the site, that falls largely upon the department. I felt it was important in the wake of the defaulting of Northeast Guns to consult at least with the Environmental Protection Agency and bring some Federal expertise down to assist us in that regard, and that has been beneficial. It was the EPA that suggested that we contact the NRA.

The visuals in the photographs I think are fairly dramatic. There are two things that I would note, and I think I'm looking at -- you're probably looking at photographs I've already seen; right, Howard?

LEG. CARACCIOLO:

Commissioner, let me ask you this question. In terms of the EPA and the Health Department and other "regulators" that have looked into this matter, you mentioned two geoprobes for groundwater contamination, that means the Health Department was involved or an agency of the Health Department. Those that have looked at this site, have they -- has the site in its present condition raised any concerns with the regulators about the amount of lead deposits?

COMMISSIONER SCULLY:

Well, I was a little bit surprised that the representative of the EPA felt that the amount of lead on the site generally, and you'll see photographs where you can say significant -- would appear to be significant amounts of lead shot on the surface, he didn't feel that was a heavy amount of lead compared to other shooting ranges. But the issue of the clay debris is something that I feel the department could have better managed for quite some time. We're in the process now of cleaning that material up ourselves.

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LEG. CARACCIOLO:

The Town of Brookhaven --

CHAIRPERSON FIELDS:

Where?

COMMISSIONER SCULLY:

I'm sorry?

CHAIRPERSON FIELDS:

In Southaven or in the trap and skeet range?

COMMISSIONER SCULLY:

In the trap and skeet range, we're making arrangements now to do some clean-up of the clay debris.

LEG. CARACCIOLO:

But in comparison to the Peconic Sports Club, Brookhaven Town Range and other range facilities including the County Police and Sheriff's Department Pistol Ranges, how would you characterize this site?

COMMISSIONER SCULLY:

I'm sorry, I don't have enough information to make an informed response to the question. I did have occasion, having gone out to the BOMARC site, to do a preliminary -- just take a look at whether or not we felt there was any potential there for location of another facility to see the police range, and I think that they basically have a

situation where they shoot into berms. It's a different type of shooting, obviously, because they're shooting --

LEG. CARACCIOLO:

I know Legislator Towle has expressed concern over the condition as well as the previous concessionaire not living up to obligations, some of them we heard previously have apparently taken place at West Hills, and that's very troublesome. Again, that brings me back to within your department, who has responsibility to go out and follow-up and examine what is taking place and whether or not concessionaires and vendors are living up to their contractual obligations?

COMMISSIONER SCULLY:

That would be my contracts unit. And I would point out in defense of the department that in this instance we attempted to bring the licensee into compliance, but when I felt that those efforts were unavailing, you know, I didn't hesitate to invoke the four provisions and tell them we felt it was better that he be on his way.

LEG. CARACCIOLO:

I just want to make it clear, because I know the job you do and you put in very long hours, you are very conscientious, you are very dedicated, you are very committed, but you can't do it alone. And I'm going to say something that I've said to many department heads over the years as a member of this Legislature; if you need resources and you can't get them within your chain of command, you come here and you ask for them, because ultimately the buck is going to fall on your shoulders.

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I am going to take a field trip and invite members of the committee over the next couple of weeks to join me if they would like to several ranges and take photographs and bring them back to this committee so we can compare and see how other ranges are operated in comparison to this one. And I'm going to note for the record that I will support this resolution whether we're successful in moving it forward today or at a subsequent date. I think Legislator Towle rightfully, as any one of us would be, is concerned about this issue in his district and he's listening to his constituents and I don't see any reason to delay it. But if the committee as a whole takes that direction today, I would hope in two weeks time it would be prepared to move the resolution forward. Thank you.

LEG. FOLEY:

These photographs are very telling and for me, at least, it shows just the extent to which both the lead and the debris has been spread throughout the grounds. This is for either gentlemen; most shooting ranges, is this how they manage other shooting -- how do they manage other shooting ranges? Do you see all this clay sprinkled throughout the fields or the lead spread throughout the fields or do they have a collection canister or some kind of device that collects all this debris as opposed to just spreading it out, you know, on to the field?

MR. CARPLUK:

It brings up a very interesting situation because according to the EPA, they expect you to clean-up the lead periodically, they don't give you an exact time frame, they say periodically it should be cleaned up. According to his lease agreement, he was to clean it up yearly and 50% of the proceeds of the lead reclamation was to be given to the County. So for the last -- I guess his contract was '95 and '96, from that point forward it had never been cleaned up. Prior to that, the owner prior to them, I think he cleaned it once or twice since I've been there since 1990.

The other situation is there's sporting clay in the back section which is the wood line, you can't clean the lead up unless you move remove the brush. You can see the thick brush, you have the thick layer of leaves and you have the pine needles, you go in there with rubber gloves and move everything out of the way, you're down in the dirt, there's the same exact layer of lead from years and years and years of shooting and they don't clean it up. And they say the longer the lead sits there -- it's not the groundwater that's a problem, it's the runoff and it's the vegetation that has lead in it because the vegetation is growing in the lead. So any animal that eats it is getting a lead build-up in their body and that's -- I have documentation from Operation Safe Range which is on the Internet which gives -- I spoke with a person from Texas about it. I've spoken to the DEC about the deer that are eating the vegetation in the field and he directed me that if anybody is eating the deer, he recommends not to eat the fatty parts of the meat because there's lead in it. And I'm saying is the County warning the people that are hunting in nearby areas that these migratory deer are feeding in a lead field? No. I've said this time and time again.

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Number one, there's sporting clay. You can't clean the lead up so why the sporting clay is open. Those were the noises that were created that were extremely loud because the gun blast is pointing directly at our houses. When that opened up the noise increased I would say double, and all this just pertains to following the lease agreement.

LEG. FOLEY:

Commissioner, have you or a member of your office reviewed how other Parks Departments take care of their ranges or how a contractor for other municipalities, parks, how they manage their shooting ranges, how we could apply that to this particular case?

COMMISSIONER SCULLY:

That's part of the effort that's under way now. We have been in contact with Westchester County and receiving information from them. I wanted to address two points that Mr. Carpluk made. First, with respect to the requirements in the prior license agreement, I believe that he's wrong but I'll stand corrected if I am. The agreement requires a periodic clean-up by the licensee at the direction of the

department and there had been no direction by the department for a clean-up until after my appointment in 2000.

The other issue was with respect to the material that falls on the field, you need to understand by the nature of the activity what happens is that a skeet is shot into the air, you know, a rifle is aimed and shot at the skeet; if the shoot is successful, the skeet falls into hundreds of pieces and falls down and that stuff accumulates on the field along with the lead and then periodically that material needs to be removed. The methodology most commonly used with respect to the lead is reclamation technology. The lead is a metal, it has value and typically what will happen is that technology will be employed whereby a combination of soil and lead is scraped or otherwise removed, maybe vacuumed from the surface of the field and put in a tumbler along with water to separate the lead from the soil and then the lead reclaimed for reuse and that has economic value. And that -- Mr. Carpluk had reference the fact that the County would be entitled to a portion of the proceeds of the sale of the lead. So that's the type of technology that's commonly employed.

He's also correct that a clean-up of the wooded areas in and around the sporting clays would be more difficult than the field itself obviously because there's vegetation in that area. In those areas, based on our conversations with potential contract vendors, a vacuum would need to be employed.

LEG. FOLEY:

The amount of work that needs to be done, what's the danger of having to either wait or delay let's say a thorough clean-up of the property? What dangers are inherent in moving that at a deliberate pace to clean-up as opposed to accelerating the clean-up on site?

CHAIRPERSON FIELDS:

Excuse me for one second, but I think Commissioner Scully also mentioned before that depending upon your future use of this property, you may or may not have to have a thorough clean-up. Because some of

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this --

COMMISSIONER SCULLY:

That is true. I'll first speak directly to your question. I am not -- I can't speak for the Health Department, but what understanding I do have of public health issues are that, you know, public health can be endangered when there's an exposure pathway. In other words, when a human being can come in contact with a potentially harmful substance, either by inhaling it, ingesting it or absorption through the skin, and to the extent that the site is not in use at this time, those exposure pathways don't exist.

And then to address the point that Legislator Fields reiterated, it is true that the EPA representative on our committee has advised us that

the amount of material that would need to be removed would be dependent on what the future use of the site would be. In other words, if the site were to be used for a skeet range, the threshold contamination or allowable exposure is much, much higher.

LEG. FOLEY:

How about the issue of deer becoming contaminated and whether or not they would be then shot off site at some other grounds in the County; how has that been looked at?

COMMISSIONER SCULLY:

Quite honestly, the only place I have heard the issue raised is by Mr. Carpluk, but I made a note of it today and I will plan to follow up because I know that the committee would be interested to hear what other agencies will say. And I think that probably State DEC would be an agency that --

MR. CARPLUK:

If I might interject. The Department of Health, a gentleman by the name of Bob Seyfarth, directed me to a gentleman up in the DEC Upstate who's been doing a lot of work on Lyme Disease and he was tied up, but he had asked me, if I come across a deer caucus, if I could send him a piece of the meat he would be more than happy to do a test on it to find out what kind of lead is sitting in the fatty tissue. And I'm not hunting at this time and I haven't seen any road kills lately, so I don't really have that opportunity.

LEG. FOLEY:

Okay. Thank you, Madam Chair.

CHAIRPERSON FIELDS:

Anybody else? Okay. Thank you, Mr. Carpluk. John Palasek?

MR. CARPLUK:

Thank you.

MR. PALASEK:

Good afternoon. My name is John Palasek, resident in the area. Basically everything that needed to be said I think has been said. I support the resolution, 1102.

LEG. LINDSAY:

Could you speak into the mike, please? Thank you.

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CHAIRPERSON FIELDS:

You can take the mike and hold it like this if you like.

MR. PALASEK:

How about this?

CHAIRPERSON FIELDS:

You have to be very close to it.

MR. PALASEK:

I support the resolution, 1102, basically because after seeing an outline of the resolution, I think having seen the somewhat tumultuous way that this whole issue has been dealt with over the years, I think it's the most clear-cut approach that anyone has come up with to date to be able to deal with this in a concise and a very comprehensive manner. Because what it doesn't do which other meetings and other types of things have seemed to spark is it doesn't seem to become an us versus them type of thing like it's been in the past about sound, shooters versus nonshooters, who was there first, that kind of thing. I think what it does is it addresses this from the point of view of should a range be here, can a range be here, and if so, how can it be managed to coexist with the community? And it also allows for the fact that if it's found that the range can't exist or shouldn't, it seems to offer opportunities to go in other directions and make it perhaps another location, perhaps -- one idea was even expressed to divide the patronage between several smaller ranges to lessen the impact in any one spot so that you don't have hundreds of people in one area, rather maybe tens in smaller ranges and that sort of thing.

I think based on that alone, plus the attention that seems to want to be paid towards environmental protection, environmental issues in general, I think this resolution addresses that. I think it puts it into a package where everyone at the end of whatever is discovered can, I would say, more than likely agree with whatever findings come from it and then we can all move on from there. And if there are any issues that develop from this, I think what it discovers and what it shows everyone is something a little more empirical that can be actually debated in a sensible way rather than just a lot of rhetoric, a lot of assumptions, a lot of he said/she said type of thing. And for that reason alone I'd like to see this resolution go through, just to at least have a blueprint for how to go from here on in and deal with this issue.

CHAIRPERSON FIELDS:

I would agree that in just -- I just would like to hear from a couple of other people before we pass it. There are range protection laws in New York State and I want to look at that also. So, you know, it would be --

MR. PALASEK:

Range protection in terms of what?

CHAIRPERSON FIELDS:

Excuse me?

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MR. PALASEK:

Range protection specifically meaning what?

CHAIRPERSON FIELDS:

They have laws actually that protect ranges. I think you can understand that years ago they were --

MR. PALASEK:

I'd like to see some laws that protect the residents.

CHAIRPERSON FIELDS:

No, there are. There certainly are more laws to protect --

MR. PALASEK:

It seems to be a big part of the issue here, is that it seems like the range is getting the lion's share of the preferential treatment all these years and, you know, concerns raised by the community seem to fall on deaf ears. I think this resolution is something that's go to stop that from happening, it's a chance for everyone to have a fair say. I don't see where it needs to be delayed any further, I mean, it's been delayed for ten years, more or less.

CHAIRPERSON FIELDS:

Well, we'll see what happens.

MR. PALASEK:

Since a lot of this started, I don't see what two weeks is going to make a difference one way or another.

CHAIRPERSON FIELDS:

Okay. You know, the committee will vote either in that direction or not. Okay? Thank you.

MR. PALASEK:

You have a right to this just as I do. That's all I have to say.

CHAIRPERSON FIELDS:

Thank you. Thank you for coming.

MR. PALASEK:

Thank you.

CHAIRPERSON FIELDS:

Does anyone else want to address the committee? Okay, we'll go right into the resolutions.

LEG. CARACCILO:

Commissioner Scully, would you just like to comment on the conversation we had yesterday with respect to the first resolution, the tabled resolution on the agenda?

TABLED RESOLUTIONS

CHAIRPERSON FIELDS:

IR 1028 (P) - Requiring anti-theft surveillance cameras for County

park concessionaires (Caracciolo).

COMMISSIONER SCULLY:

Yes, Legislator Caracciolo. I wanted to thank you for taking the time to speak with me yesterday. And as indicated during our conversation, I certainly can only agree with your objective in trying to ensure --

LEG. CARACCIOLO:

I didn't hear that last part.

COMMISSIONER SCULLY:

I said I can only agree with your objective of trying to ensure the protection of our revenue stream in County parks. As I explained to you yesterday, my feeling is that limiting an overall review to simply concessionaire operated locations might be narrow and that I would like on an opportunity to take a look at all the locations at which the department or its concessionaires collect fees to determine whether or not there are ways in which we could better protect our revenue stream. It may well be that there are instances in which cameras are a good idea. There may be situations in which we can take somewhat simpler or less dramatic steps administratively to better protect our revenue stream. And I understand, based on our conversation, that you'd like to -- you're willing to give the department an opportunity to look at the issue but you want to see some results, and I appreciate that.

As I had indicated to you, we have a whole host of facilities, many places we have private licensees collecting fees, as you well know, and many places where we have a lot of activity, we have departmental employees collecting fees. Any and all locations where we collect fees warrant a look, I think, and we'd like an opportunity to take that kind of look. And we may end up with some administrative recommendations that are easy to implement, we may end up in a situation where we are looking to modernize or update the type of technology we employ at some of these locations. And I think that's a other good idea from time to time, to take a look at the entire system and I welcome an opportunity to do that.

LEG. CARACCIOLO:

Well, as we discussed yesterday, there's really no reason to reinvent the wheel. I think surveillance cameras are one means by which you can accomplish a goal to ensure that the County collects all of the revenues it's entitled to by people using -- the public using its facilities.

Last year, the year before last, on two occasions Legislator Fields, Legislator Alden and several other members of the Legislature joined you and I on a trip, a field trip to Mammoth County, a park system that is the only one in our country that's been acclaimed by the National Association of Park Superintendents to be one of a kind. And I think we can learn a lot from them in terms of cash control procedures and measures because, as you recall when we visited, they actually have published an administrative manual that deals with issues like this as well as many other issues. This resolution, by the way, came to the fore as a result of an article I read where New York City was being bilked out of thousands of dollars at its golf courses because of individuals not properly collecting and recording deposits.

And I think it's a prudent measure, but given our conversation and your willingness to go out and see if there are administrative ways to deal with this initially, I'm going to agree to table it at this time but I would just ask you for a timetable as to when you would like to get back to us with further recommendations.

COMMISSIONER SCULLY:

The first step would be for me to sit down with my staff and develop somewhat of a scope of the examination; in other words, determine what it is that we're going to take a look at at each location. And to be realistic about it, I think I would need 30 days to put that piece of it together and then to go out into the field. Recognize that we're not open for the season yet, so this is a good time to do the planning piece of it. And once the facilities begin to operate, that would be the time to take the hard look at the way money is handled at each location.

LEG. CARACCIOLO:

Refresh my memory; annually, how much do we collect in the way of revenues, parking revenues, park fee revenues, golf course fee revenues?

COMMISSIONER SCULLY:

All revenues preliminarily -- and I'm waiting for final facility by facility numbers which are supposed to be delivered to me by my accounting office tomorrow -- but we did about \$7.5 million in 2001. We had a particularly good year at the golf courses, the weather was great, the golf courses are in much better shape than they've been in recent years; we're catching up at Timber Point, give us another year. So we had a very good year in 2001, about \$7.5 million in total revenues. I don't have a breakdown into categories of facilities with me today.

LEG. CARACCIOLO:

Thank you.

CHAIRPERSON FIELDS:

Motion to table by Legislator Caracciolo.

LEG. CARPENTER:

On the motion, I just have a question for the Commissioner. In the backup, I don't know if you have it or saw it, there was reference made to the audit done by the Comptroller's Office and the statement, "A more cost effective solution may be mentioned in one of the audits", the audits of '99 and 2001.

COMMISSIONER SCULLY:

I think that the audits referenced, one was a general audit of the department from 1999 and the one referenced as August 22nd, 2001, would probably be an audit specifically of the golf course facilities. And those audits made certain recommendations, none of which are general cash handling recommendations but about tying the green key system into registers and things of that nature, and we responded

favorably to every recommendation we felt was on target. And I should point out that in audits completed both in 1995 and 1999, there weren't any real significant issues raised regarding cash handling,

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but that doesn't mean that those things can't be improved. And taking a look at those, at the way we handle money separate and apart from the other financial issues in the department, I think it's a healthy thing to do from time to time.

Some of our facilities grow in use, I'm thinking of Cupsogue Park, you know, Cupsogue Beach in Westhampton which was closed for a number of years in the early 1990's. That is now our most popular beach by far and is doing I think about a quarter million dollars a year in revenue. So facilities change, the amount of use changes, and from time to time I think it's a good thing to look at the way we handle cash. At Cupsogue, for example, we have -- we do have some senior citizens working for us seasonally and they're very, very helpful because they're more mature, and particularly when you have a high use facility where we have traffic concerns, they can be a very stabilizing force. But for the most part we use young, seasonal employees and they're seated in booths, some of which don't have data lines or telephones and things of that nature. So it's 2002, I think it's a good time for us to take a look at the way we approach these things in the broader sense.

And as Legislator Caracciolo indicates, we all went down and took a look at Mammoth County and the park system there and we were all very impressed at what you can get done if you have resources. In each and every location that they identified, I think -- and correct me if I'm wrong -- departmental employees collect all their funds because they have the staff to do that. Clearly we don't, but that doesn't mean we don't have an obligation to protect every dollar that's collected and try to maximize our revenues.

LEG. CARACCIOLO:
Thank you, Peter.

CHAIRPERSON FIELDS:
Okay, I second the motion. All in favor? Opposed? Tabled (VOTE: 6-0-0-0).

INTRODUCTORY RESOLUTIONS

1079-02 - Authorizing use of old toll building at Smith Point Bridge by Bay Area Civic Association (Towle). In Ways & Means we approved that, that's the prime committee. I'll make a motion to --

LEG. FOLEY:
Motion to approve.

CHAIRPERSON FIELDS:

Legislator Foley, I'll second the motion. All in favor? Opposed?

LEG. FOLEY:

Madam Chair, I think -- Madam Chair? I think in 1079 it's the first time we've seen two different spellings of the word Towle.

CHAIRPERSON FIELDS:

That came up at the last meeting, too.

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LEG. FOLEY:

Did it really?

CHAIRPERSON FIELDS:

Yes. Someone also commented that it was amazing to see that a bill was named after the Legislator, too.

LEG. CARPENTER:

I just have a question on this. I know we're not prime, but was the issue of electricity being provided by the County? I mean, is that a little unusual?

COMMISSIONER SCULLY:

Legislator Carpenter is looking my way. I just need to let you know that the toll booth referenced in the resolution is really the property in the purview of the Department of Public Works and we're being cooperative with both the department and the Legislator with regard to the use.

We have obviously a lot of situations in which we have groups, Great South Bay Audobon and other groups, which play stewardship roles in some of our facilities, but we don't have staff. And we -- in almost every instance, we provide the utilities.

LEG. CARPENTER:

Okay, thank you.

LEG. CARACCIOLO:

Yes, question. In another WHEREAS clause, it references that the County will be named as an additional insured; Counsel, could you explain what that implies?

MR. SABATINO:

That's the standard clause which is in all of the resolutions authorizing the use of County property whereby the entity that is using the property has to go out, get insurance that meets the standard requirements from our Insurance & Risk Management Unit. And as part of that, they name the County of Suffolk as a party to be covered by the insurance policy.

LEG. CARACCIOLO:

I don't know if Counsel has the answer or Budget Review or anyone

familiar with the resolution since Counsel drafts the resolutions for Legislators. Would it not make more sense to transfer this building -- it's a small building it sounds like, a toll booth, maybe I'm wrong -- to the Bay Area Civic Association for its exclusive use so that the County would have no liability whatsoever? I don't know.

MR. SABATINO:

Well, there are several legal reasons why you can't transfer the property. That was something that came up earlier in the discussion, Legislator Towle was looking at, but you -- this organization is not a municipality, number one. Number two, it's on parkland property. Number three, you'd have to declare it surplus to any County major uses. So the legal impediments are so great to doing that and really

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I think inconsistent with what the objective is which is to have the property be used in a manner that's consistent with the parkland purposes. So this, from a legal standpoint, was the best fit that we could come up with.

LEG. CARACCIOLO:

Would this be establishing a precedent in terms of giving to a local organization, in this case a civic association, County property? I understand its use is for tourism and -- as a tourism and promotion office for the park, but I just have concerns that it's opening Pandora's Box, if you will.

MR. SABATINO:

We're not giving them the property, we're authorizing the use of the property. We did something up on the north shore several years ago; in fact, we just modified it a few months ago. There are several, you know, limited number of circumstances where we do do it, but we're not -- the precedent would be to give them the property, that we're not doing.

LEG. CARACCIOLO:

Okay, thank you.

LEG. FOLEY:

I have a question on that. Are we -- before voting on the resolution, are we supposed to have the executed agreement or contract? Counsel, this is the resolution, but I know other times when we've approved authorizing the use of properties, perhaps I'm incorrect but I thought that we -- also attached to the bill was the agreement, the contractual agreement; is it required or not required?

MR. SABATINO:

Well, it's not legally required. I mean, we've done it both ways. There are limited number of circumstances in which you do have the agreement ahead of time, but it's generally -- in these kind of situations, it's generally not the case. But you're not precluded from asking for it.

LEG. FOLEY:

Right.

MR. SABATINO:

It's not legally required, it's a question of judgment as to whether you want to see the agreement before you vote. The only thing I would say here is that at least some of the conditions or the parameters are set forth in the resolution.

LEG. FOLEY:

All right. For instance, I don't see anything about maintenance of the facility. I am sure the maintenance would be done by the Bay Area Civics, not by the Parks Department, or in this case actually by Public Works? Now we're getting into micromanagement here but I've got to ask the issue; who would do the maintenance at the facility?

COMMISSIONER SCULLY:

I really haven't been party to any of the meetings or discussions on

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this. The only -- I think that question is a good one. The only question I have that I really need to clarify with respect to intent is in the third RESOLVED there's language that implies that the Bay Area Civic can use vendors to sell food and drink at the mainland side of the bridge, and whether or not that's consistent with the exclusive license one of our concessionaires has to sell food and drink inside the park itself, this is on the mainland side.

LEG. FOLEY:

This is really a Public Works side because it's on the north side. As the Commissioner knows, this is on the -- north of the draw bridge and it's between the two roads, north and southbound William Floyd Parkway. This was -- actually as the resolution stated, the former toll, but it's not -- I don't believe it's in the jurisdiction of the Parks Department, it's DPW, right?

COMMISSIONER SCULLY:

That's correct.

LEG. CARACCIOLO:

Question.

CHAIRPERSON FIELDS:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. Since you -- you know, it seems obvious that we probably should be asking some of these questions to DPW. But in the second RESOLVED clause it talks about the fact that we're allowing them to use a portion of the building; what is the rest of the building being used for, does anybody know? I am not familiar with it.

LEG. FOLEY:

It's a very small building, so I don't know --

COMMISSIONER SCULLY:

There's a bridge operator that works in that building to raise and lower the draw bridge when that is required, I believe. And that's probably why there's a reference to a portion of the building.

LEG. FOLEY:

Yeah.

COMMISSIONER SCULLY:

But I'd ask DPW to be sure.

LEG. FOLEY:

It's quite a small building, it's not that large. I mean, it's a former toll house, if you will, and it's not large at all, it's quite small. So I don't know what else they would have in there.

LEG. CARPENTER:

I don't know if anyone else is on Ways & Means and if it was discussed, but as -- and I had sort of questioned that, too, when the Commissioner referred to the fact that they are going to be able to sell food and drink in there. Is this -- I mean, are we going to be

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monitoring this? If this operation winds up not being conducive to what we like seeing done in our parks, there's going to be sort of a perception that this is a County operation. Are we requiring that it be signed so that it's obvious that it's not the County that's doing it so that if this is not --

MR. SABATINO:

My suggestion would be since all these questions are very good questions and are really beyond the scope of both myself and the Commissioner, because we did not negotiate any of the proposed terms or the conditions with the organization, what I would do if I were a Legislator is I would ask for the association to come before either the committee or the full Legislature to listen to what they're proposing and really walk through the details. I mean, Legislator Towle may have all of those answers, I don't know. I was given a limited amount of information.

The initial proposal, as I recall, was to try to do the direct transfer, I raised the legal issues. I mean, I limited myself really just to the legal issues of what's the vehicle or the mechanism to try to accomplish a goal which was -- the goal was to get this group into that facility to make it work in a manner that was consistent with the park, because allegedly there's a lack of resources to do it. I don't know if any of these things are true or not, I can't comment on the substance of those. Quite frankly, I anticipated that the group would

be at the Ways & Means Committee, but nobody from that group was there. I mean, I defer to Legislators, but these are all very good questions which I don't think I can answer; I know I can't answer some of them, I don't think the Commissioner can answer the others, so.

CHAIRPERSON FIELDS:

Well, maybe what we could do is discharge it without recommendation and I'll put a call into Legislator Towle's office to make him aware of the fact that this committee had many questions prior to approval on Tues -- on Monday.

LEG. LINDSAY:

Madam Chair, if we discharge it then it would be subject to be voted on on Monday.

LEG. CARPENTER:

It's already out, we're not prime.

CHAIRPERSON FIELDS:

We're not prime.

LEG. LINDSAY:

It's already out because we're not the prime.

CHAIRPERSON FIELDS:

Right.

LEG. LINDSAY:

Okay.

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CHAIRPERSON FIELDS:

So if we table it, it's still going to be out there for Monday because the prime committee approved it.

LEG. ALDEN:

Madam Chair?

LEG. LINDSAY:

Which means that we're not going to get these answers before we have to vote on it.

CHAIRPERSON FIELDS:

Yes, we will. I mean, I'm going to ask Legislator Towle to have the answers ready for us on Monday and if not the full Legislature will be aware of the questions that did not come up in Ways & Means. And it would be hoped that the full Legislature would rather know the answers to all the questions before they approve it.

LEG. ALDEN:

I would make this suggestion. If we were prime committee we would have to table -- or I think the inclination would be to table this to

get the information. I think really we should table it.

LEG. CARACCIOLO:

Yes. Motion to table.

LEG. ALDEN:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled (VOTE: 6-0-0-0).

LEG. CARPENTER:

Are you still going to contact him?

CHAIRPERSON FIELDS:

Yes. 1102-02 (P) - Authorizing, empowering and directing County Parks Department to conduct an Environmental/Operational Review before reopening trap and skeet shooting range near Southaven Park in Yaphank, Town of Brookhaven (Towle).

LEG. CARACCIOLO:

Motion to approve.

CHAIRPERSON FIELDS:

Do we have a second?

LEG. CARPENTER:

There was some discussion, I thought, excuse me.

LEG. FOLEY:

Second the motion for the purposes of discussion.

LEG. CARPENTER:

Discussion, thank you. It's my understanding that the Chair wanted to

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table this for a meeting?

CHAIRPERSON FIELDS:

Just for one meeting.

LEG. CARPENTER:

Okay.

CHAIRPERSON FIELDS:

If we don't get the answers after the -- if I don't get the answers that I'm looking for by the next meeting, I would be happy to even possibly cosponsor this resolution. But I just have a couple of questions that I would like to ask before we approve this.

LEG. CARACCIOLO:

I'll be happy to withdraw the motion if you could just clarify what it is exactly --

CHAIRPERSON FIELDS:

I have many calls out to different agencies and groups just to ask for a few -- ask for answers to a few questions. And I would -- since this came so quickly after our last meeting, though it wasn't enough time for me to get all those answers, and I'm just asking for one meeting and then I'd be happy to --

LEG. CARACCIOLO:

Support it?

CHAIRPERSON FIELDS:

Yeah.

LEG. CARACCIOLO:

Good, okay.

LEG. ALDEN:

On the motion? Commissioner Scully, you have ongoing -- or right now, I guess, you mentioned before that you have ongoing conversations with the EPA and also with the NRA on this very subject?

COMMISSIONER SCULLY:

We have been working with a representative of EPA and I'm working to arrange now for the NRA to come out and do a little field inspection work and make recommendations to us.

CHAIRPERSON FIELDS:

So the answer is Y-E-S.

LEG. ALDEN:

No, but is that going to coincide with our timetable?

COMMISSIONER SCULLY:

Well, I'm hoping that the work that this committee is doing, it's going to be contingent on whether or not we can finalize it, we have some contractual language issues with NRA. So it's not clear whether or not we'll be able to resolve those, but I'm hopeful that I'm going to get them out of here some time in the month of March. There are -- I think that some of the provisions in Legislator Towle's bill, namely

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to take a hard look at potential for additional sites or alternative sites I think is something that really ought -- you know, it would be beneficial. But yeah, we have that type of effort under way, although the NRA piece has not fallen into place yet.

LEG. ALDEN:

Have you started to look at other or alternative sites?

COMMISSIONER SCULLY:

We have done some preliminary review. Back in 1994-1995, the Planning

Department had identified a site in Yaphank south of the LIE which I don't think is viable anymore, we have too much activity going on over there, and we've -- it's been suggested to us that there might be alternative locations in the vicinity of Suffolk County Airport in Westhampton and perhaps at the BOMARC site where there are already two ranges in West Hampton/East Port. But we haven't done the type of hard look at traffic access and nature preserve or restriction issues that would really need to be done, the type of complete job that would need to be done to approve a site to be either viable or not viable.

LEG. ALDEN:

Also, Commissioner, at this point in time, are you considering reopening this facility?

COMMISSIONER SCULLY:

I wouldn't rule it out. I think that the other thing that's transpired but hasn't been the subject of much discussion today is that during the pendency of the default and the closure of facility, we have received an opinion from the County Attorney's Office which is a change in their position with regard to the applicability of local laws and ordinances. You may recall in 2000, Mr. Carpluk and some of the residents came forth and questioned whether or not a 1999, 1999 I believe, law enacted sponsored by Legislator Levy which regulated noise generated from County properties, whether or not that applied to this facility. We had at that time an opinion from the County Attorney's Office that indicated they didn't believe it applied to the range, that it fell under an exemption; Counsel to the Legislature disagreed with that. We have since, late in 2001, received an opinion that both the County Noise Control Ordinance and the Town Noise Control Ordinance would apply.

So what that means is that the issue of noise control takes on new importance and somewhat different color to it and we'll allow this process to move forward. But in thinking about it preliminarily, were the County to decide to issue Request For Proposals for the use of this site, it might consider asking potential proposers to represent in their submittal how they would -- how specifically they would deal with the noise control issue in such a way as to comply with those local noise and ordinances and put all the risk on the proposer.

LEG. ALDEN:

How long would it take -- under this bill it requires you -- it actually requires you to conduct an environmental review; how long would that review take you if you were required to undertake it?

COMMISSIONER SCULLY:

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I could not make an informed response to that. A full-fledged environmental impact statement, that's a technical term that I think flows from the State Environmental Quality Review Act, and that's the type of thing I would consult with the Council on Environmental

Quality perhaps and the Planning Department on what the scope of that would be and how long it might take. It's not as if we're dealing with a vacant piece of property and trying to assess the potential environmental impacts of a proposed use. We have a site that's already been operated for this purpose and it's a little bit different than developing an environmental impact statement when you're proposing a new project; i.e., the construction of something in an area where there has been no prior disturbance. So I don't have a good answer for that.

LEG. ALDEN:

Well, Paul, you drafted this; would this require a full EIS statement, an EIS?

MR. SABATINO:

Would the bill itself?

LEG. ALDEN:

Right.

MR. SABATINO:

Not the bill. The bill is just setting in motion some planning procedures, so under that it's designated as a Type II Action because it's just preliminary planning steps. But the requirement is to do a lot of things which would include the full-fledged environmental impact statement, operational study and some recommendations and determinations by this separate commission. The act of passing this resolution itself is in compliance with the planning stage part of SEQRA.

LEG. ALDEN:

Okay. But it would put into motion the requirements to do all these, including an EIS; in your experience, how long would that take to actually -- if this bill was passed --

MR. SABATINO:

There's a four month deadline in the statute that Legislator Towle proposed for the commission to complete all of its work so they're, in effect, being forced to compress their time lines. But if it's done in-house, I would say you're looking probably at six months, if it's done through an outside expert, you probably could make the -- you could probably meet this deadline. But I would expect on an in-house basis you're probably talking six months because it would be a fairly significant undertaking.

LEG. ALDEN:

Thanks.

CHAIRPERSON FIELDS:

And just to add to that, there are ways that you can mitigate sound and there are other ways that if this were to be reopened as a range, not that it would be something that people who utilize the range would

want, but you could also limit it to steel shot rather than lead shot. So there are lots of ways that we can look at this and those are also questions that I would like to get a couple of answers to. So I'm going to make a motion to table.

LEG. CARACCIOLO:
Second.

CHAIRPERSON FIELDS:
All in favor? Opposed? Tabled (VOTE: 6-0-0-0).
Motion to adjourn.

LEG. ALDEN:
Second.

CHAIRPERSON FIELDS:
The meeting is adjourned.

(*The meeting was adjourned at 2:33 P.M.*)

Legislator Ginny Fields, Chairperson
Parks, Sports & Cultural Affairs Committee

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