

**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 **March 14, 2002.**

Members Present:

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

Also in Attendance:

Legislator Martin Haley - District #6
Paul Sabatino - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Clark Gavin - Aide to Presiding Officer Tonna
Fred Pollert - Director/Budget Review Office
Lance Reinheimer/Budget Review Office
Sean Clancy - Budget Analyst/Budget Review Office
Bill Faulke - County Executive Office/Intergovernmental Relations
Peter Scully - Commissioner/Suffolk County Department of Parks
Lawrence Hynes - Security Director/Department of Parks
Denise Speizio - Suffolk County Parks Department
Greg Lauri - Director/Division of Sports & Recreation/Dept of Parks
Steve Gittelman - President/Board of Trustees - Vanderbilt Museum
Lance Mallamo - Executive Director/Vanderbilt Museum
Howard Carpluk - Resident of Yaphank
John Palasek - Resident of Yaphank
Chuck Scharff - Resident of Yaphank
All Other Interested Parties

**The following is a list of names of people opposed to
IR 1102-02 Regarding Suffolk Trap and Skeet Range:**

Brian Pemberton	Robert W. Blake	John L. Cushman
James Kelly	Paul J. Emmert	Craig Kessler
Rudy Fasco	Thomas Kister	Marie Kister
John W. Van Wagner	Joseph F. Raub	William Mills
George Porfert	Alan F. Graf	Charles Bleistein
Lucian Loguirato	James Kinsella	Edward F. Howell
Charles W. Maas	Stuart Libster	Julio A. Verrelli
Frank Spinazzola	Jim Burnett	Anthony Martinelli
J. Trier	Carroll Hamlet	Ron Powell
William A. Whelan	Robert F. Baumann	Jerry Rynston
Gil Herzy	Charles Denis	Fred Winter

1

William Raab	Ed Koropsak	Frank Watkins
Afred DiBernardo	Anthony J. Oliva	Richard Cininieri
J.R. Roclauer	Eric Collins	Matthew Catania

William Giordano	Fred Munnich	Alan Skorski
Dr. Jack Giannola	Natalie Eccleston	Frank Gennari
Joan Jedlicka	Lewis Giordano	Mark Moscarillo
Walter A. Fields	Joseph Considine	Bob Meoli
Jack Kefalos	Geoff Ross	Vincent Bellacicco
Mark Wroobel	Robert A. Riegi	Scott Marshall
J. O'Sullivan	Frank Herebia	Ken Willers
Anthony Grrigo	John Fritz	Ronadl Shimborski
Peter Driscoll	Joe Massey	Stuart Rosenthal
Ed Bosch	Sean Henderson	Leonard J. Henderson
Brian Lavelle	Gerald Hoppe	Richard Mazarakis
Michael DeMeo	Bill Kirchhoff	Charles Houser
Thomas M. Ebmeyer	Barry Riedel	Gene Brady
Thomas Claps	Bernard Bertash	Patrick J. Liberti
Dean Klimpel	Joe Sarrantonio	

Minutes Taken By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:12 P.M.*)

CHAIRPERSON FIELDS:

We would like to begin the meeting with having you stand for the Pledge of Allegiance led by Legislator Carpenter.

Salutation

Would the Legislators please report to the horseshoe so that we can begin the Parks Committee Meeting. We don't have a quorum so we're waiting for the other Legislators to join us. Legislator Haley would like to have a point of personal privilege.

LEG. HALEY:

Thank you, Madam Chair. I am not a member of this committee and I just left a previous committee and I notice that there's quite a number of individuals here to talk about Suffolk Trap and Skeet. And one of the things that I think is very important to each and every one of us in the County of Suffolk is quality of life and the quality of life reaches many people in many different ways. And I think that the operation of Suffolk Trap and Skeet reaches an awful lot of people, not just the people who are in this room. It's something that's -- you know, we have Olympians that participate in that sport, I think it's very important to the well-rounded quality of life that we enjoy in Suffolk County. And I would hope that this particular committee and the rest of my Legislators totally and unequivocally support the future of the Suffolk Trap and Skeet in Suffolk County and that we do everything possible to make sure that that's operating not only safely but forever. Thank you, Madam Chair.

Applause

2

CHAIRPERSON FIELDS:

Actually, I'm going to see if I can take one of the bills out of order, and it's IR 1269. I'm going to make a motion to approve -- or I'd like to make a motion to take it out of order.

LEG. CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved. And now I will make a motion to approve IR 1269 - (Authorizing the County Executive to enter into a license agreement with Cable & Wireless USA, Inc., for the purpose of installing a subterranean Trans-Atlantic Telecommunications cable beneath Smith Point County Park, Town of Brookhaven (County Executive)).

LEG. CARPENTER:

Are we prime on this?

CHAIRPERSON FIELDS:

We are not prime on this. Ways and Means is prime.

LEG. CARPENTER:

Okay. Was there a presentation made?

CHAIRPERSON FIELDS:

There was a presentation, many, many presentations made, actually, for quite a while now.

LEG. CARPENTER:

And did we it pass out of Ways and Means?

LEG. LINDSAY:

I am not on Ways and Means.

CHAIRPERSON FIELDS:

I think it did.

LEG. CARPENTER:

Is someone here from the County Exec's Office?

MR. PIZZULLI:

Good afternoon, Madam Chairwoman, Members of the Committee. My name is Vincent Pizzulli, I'm an attorney-at-law with offices at 330 Old Country Road in Mineola and I represent Cable and Wireless, USA, and I'm happy to speak to this resolution and answer any questions that you may have.

LEG. CARPENTER:

I had just asked the Chairman if there was a presentation made at the Ways and Means Committee because we're not prime on this resolution, and I take it that there was?

MR. PIZZULLI:

Yes.

3

LEG. CARPENTER:

And did it pass out of committee?

MR. PIZZULLI:

It was discharged from committee without recommendation on Monday. And on Tuesday the Environment Committee, which is also prime, voted to approve and recommended the resolution.

LEG. CARPENTER:

Okay. Well, since we're not prime and it was discharged without

recommendation from the prime committee, I would make a recomm -- a motion to discharge without recommendation.

CHAIRPERSON FIELDS:

I will second the motion. All in favor? Opposed? Discharged without recommendation (VOTE: 5-0-0-1 Not Present: Legislator Caracciolo).

MR. PIZZULLI:

Thank you very much.

CHAIRPERSON FIELDS:

Okay. I'm going to begin with the cards. Brian Pemberton.

(*Legislator Foley entered the meeting at 1:16 P.M.*)

And in fact, I'm going to call a couple of names up -- there are about four seats up here, maybe you could -- in hopes of moving it along. John Cushman, Robert Blake and James Kelly.

LEG. CARPENTER:

Madam Chair, if I could make a suggestion. Because there are so many people here to speak, perhaps if some of you have come here together you can group your comments and one spokesman on behalf of a few of you so that we have as much opportunity for everyone to get their point across. Because there is another committee meeting that's scheduled to start at three o'clock and we'd like to move this along in a timely fashion. Thank you.

CHAIRPERSON FIELDS:

Mr. Pemberton?

MR. PEMBERTON:

Yes, hi, Madam Chairwoman and Members of the Legislature. My name is Brian Pemberton, I'm from the National Rifle Association, I'm the Range Technical Team Advisor for the State of New York. I'm here to talk to you today about the Suffolk County Trap and Skeet Range. It's a facility that I have used I'd say over 20 times in the past -- oh, the past six or seven years I'd say I've gone out there, competed over there.

There's really three issues that have come up in regard to this range. They would be, you know, health and environmental issues, sound issues and safety issues. And in all my experience with all kinds of different ranges, whether it be a trap range or a skeet range or a sporting clays range or any other type of range, this particular facility, I've never seen a problem over there. Now, I'm looking at

4

this legislation here and it says it was closed for a failure to comply with the health, noise and safety regulations of Suffolk County. Well, that's not what happened at all, it was closed for whatever problems you had with the particular vendor that was operating the facility, with paying rent or whatever. But I have never seen anything that shows that it's caused -- the closure was caused by these problems.

Now, in relation to the health issues and the safety issues. My understanding is that there was some soil samples taken there, the

samples went down to 12 inches and nothing was even below that, all the lead stayed at the top of the soil. And when you're talking about environmental issues in relation to lead, what you're looking for is what's happening in the soil in relation to the ground water, okay. Groundwater is where you always look into what's happening, whether it's getting into the water supply system, and it's clearly not happening. It hasn't left the crux of the earth at the facility. You know, you're talking about going down pretty far as far as reaching the water table on the upper glacials, the upper glacial aquifer here on Long Island, that's the top aquifer, we have three upper, glacial, magathy, in the lid. We're not even -- it's not even getting anywhere close to that. And I think that your results have shown that in the soil samples you've taken, at least in all the accounts that I've read; I haven't seen the official results, but all the accounts I've read in the press.

As far as the sound issue goes, I haven't taken any sound samples over there, but just looking at that facility, and I've taken them on other ones, you're going to fall into the same situation that all the other ones do. You measure it at the property line of the facility, and it's particularly in between the property line and the complainant; in this case the complainants would be the people on the other side of -- I don't know the name of the road over there but where those houses are that were built after the range was already in operation. And in a situation like that, you're going to find you're well within the sound standards that it required by the law. And you'll find that things like trucks going by, airplanes over head, all other things creating any type of sound will be a lot lower in decibel readings than what's coming off of that facility. And I will point out to you that in a Parks and Receptions Department setting, for instance, a baseball field with a little league game going on and cheering parents and fans in the bleachers there, you'll find that those decibel readings are a lot louder than what's coming off of this particular firing facility.

As far as safety regulations go, like I said, I've fired at that facility at least 20 times. I have never ever seen anything there that would be a safety concern for me. And I have been at ranges and I look at them and I just say, you know, geez, I can't believe these people are operating, but, you know, I don't see that at the Suffolk Trap and Skeet Facility. I see a very safe operation. I see a shot-ball zone area that is well within the safety fan that would be required on a facility of that nature.

So all these things that are being put forward in this bill here, this bill is based on falsehoods. And just by saying that it was closed for the failure to comply with all these things, that is not what

5

happened. You know, I can't see you people voting to close it based on these reasons. Now, just before I go, I do want to offer to you -- and I guess I'll present it to you, Ms. Fields. I understand that you're going to probably looking for another vendor or somebody to operate this facility and we hold conferences around the country, we've got five of them this year across the United States; the closest one here would be in Buffalo, New York, I believe in June, I'll just look at the date here. But you might want to consider sending somebody from the Parks Department. It's a five day conference on how to operate a facility like this, you know, the business plan, the safety plan, environmental plan, all the things you might need to operate a

facility properly like this. So I'll offer you these two brochures that I did bring with me today and I highly recommend that you do send somebody so that you understand, you know, what it takes to properly run a facility this way.

CHAIRPERSON FIELDS:

Thank you very much.

MR. PEMBERTON:

Okay? If you have any questions, I am -- I know you've been going through some problems as far -- you guys wanted to contract with the National Rifle Association, there was problems with -- really they're all legal problems in the consultants agreement. But as far as -- you know, I don't like to get involved in that, I'm not a lawyer, but if you have questions please call me, I'll come over there, I'll take a look, I'll give you any recommendations I see. For instance, on the sound issue, I understand there's people across the street and they don't like the sound that comes out of there even though it's within the legal boundaries; however, there are ways to handle that. We can work on perhaps some sound abatement with just some trees, you know, a lot of ranges use trees up along that road there. You can put something up as ugly as what they put up on the LIE, those sound walls, I don't think you want that.

CHAIRPERSON FIELDS:

Well, actually I am going to be filing two bills, one calling for a sound consultant --

MR. PEMBERTON:

Correct.

CHAIRPERSON FIELDS:

-- who has done this all over America.

MR. PEMBERTON:

Right.

CHAIRPERSON FIELDS:

And one calling for an environmental consultant --

MR. PEMBERTON:

Right.

CHAIRPERSON FIELDS:

-- who does this kind of thing all over America. I don't personally

6

feel that Legislator Towle's bill is what is necessary for this and I do want to see it reopened and I think it's the best use for this facility.

We are also going to call on our Parks Commissioner and on two people who have just completed a report, and perhaps that might be the next way to go next rather than listen to some of the public, but just some of the questions that the public may have and some of the concerns may be addressed in this report. And so I would ask right at this point maybe for Bob Seyfarth from the Suffolk County Health Department, Larry Hynes from our Parks Department and the Commissioner and anyone else that the Commissioner deems should come up and do a short

presentation on the report.

MR. PEMBERTON:
Am I finished, Ms. Fields?

CHAIRPERSON FIELDS:
Yes.

MR. PEMBERTON:
Thank you.

CHAIRPERSON FIELDS:
Thank you.

Applause

COMMISSIONER SCULLY:
Good afternoon, Madam Chairperson, Members of the Committee. It's a pleasure to be with you again this afternoon to talk about this issue. For those of you who were on the Parks Committee last year, you'll recall that in the fall, early fall, the department found itself in the unenviable position of being essentially forced to invoke the fault provisions against at the operator at the Trap and Skeet Facility for failure to comply with a variety of contractual obligations. And in the wake of that default, especially in light of some of the concerns that had been voiced about lead management issues, I, with the cooperation of the USEPA and the Commissioners of Health and Public Works, assembled what is essentially a working group or a task force to address some of the issues associated with the management of the range. The scope of the effort will be detailed by Larry Hynes, our Security Director, and Bob Seyfarth from the Department of Health Services, but generally range from the issue of lead management, the extent to which we need to undertake any lead clean-up on the site, what it would take to clean the site up for continued use as a range, what it might take to clean the site up for an alternative use such as passive parkland or active recreational use, and I think that they'll speak to those issues as well.

In addition, I asked them to take a look at the way in which the range had been operated, the way in which the facilities are situation, and to comment on the extent to which those arrangements were consistent with the Best Management Practices Guidance Document the EPA recently issued, and they have done that.

7

It's taken some time for us to -- for them to complete this work and there are pieces of it, of the overall effort which I think we'll get to later where we think there are still some answers that we need specifically with regard to sound, but especially in light of some of the charges that have been flying around this chamber as recently as the last Parks Committee meeting about the department acting in a reckless manner with respect to range operations and the management of materials generated by those operations. I don't think we can be faulted for taking the type of careful look that we are taking at the practices at the range. I am both aware and respectful of the fact that the Legislature and individual Legislators have an interest in the future of the site and the way in which it's imagined and I'm attempting to do a careful job of taking an honest look at these

issues.

We are very lucky in Suffolk County to have a very sophisticated Department of Health Services, as you're well aware. And when we found ourselves in a position last year where we needed to undertake a clean-up in the adjoining Southaven Park facility, we were able to lean on Mr. Seyfarth who provided guidance with respect to the environmental thresholds for lead exposure that we needed to deal with and the best means of dealing with those. So I was very, very comfortable asking Commissioner Bradley for assistance again and the technical support we received from both the Department of Public Works and the Department of Health Services was very, very valuable.

That being said, I think what I'll do is ask Mr. Hynes to talk a little bit about the approach and the scope of the study, the meeting schedule and any other comments he may want to offer and then we'll try and answer any questions that you may have.

MR. HYNES:

Good afternoon.

CHAIRPERSON FIELDS:

I would just ask that you hold the microphone closely when you speak into it. Thank you.

MR. HYNES:

Good afternoon, everybody. My name is Lawrence Hynes, I'm the Security Director for Suffolk County Parks. We were given a charge by Commissioner Scully back in October 11th, year 2001, to look at the Trap and Skeet Range. A committee was formed with the following members; a Deputy Commissioner from our office, Charlie Bender; myself, Lawrence Hynes; Bob Seyfarth from the Health Department; from Public Works we had Martin McMorrow; and from the EPA we had Edward Guster.

The charge of the committee was to look at the trap and skeet in three areas; maintaining the site as a trap and skeet, looking to convert the site to a passive park for hiking, birding and watching, and modifying the area for a recreational type park, ballfields, basketball courts and soccer. The committee met approximately 12 times, we worked together. I gave assignments out to each member of the committee to report back to me when they were accomplished.

8

It was said earlier that the department did try to work very hard with the NRA. We tried to work out a contract with them and unfortunately we could not find a middle ground on the contract; I was disappointed in that because I would have liked to have had their expertise come down and look at the range. We are also looking at the Federation of Shooting Rangers. A gentleman, Mr. Patterson, I have a call into him and possibly he'll be coming down to do an evaluation on the range on how it's operating.

Next I'm going to let Bob speak about what the Health Department mission was in looking at the range.

MR. SEYFARTH:

Good afternoon.

CHAIRPERSON FIELDS:

The button is on the top.

MR. SEYFARTH:

This is more difficult than not doing the assignment.

CHAIRPERSON FIELDS:

Just state your name for the record.

MR. SEYFARTH:

Bob Seyfarth, I'm with the Suffolk County Health Department. I'm a Supervisor in the office of Pollution Control and some of my duties include overseeing the clean-ups of over 250 sites a year in Suffolk County. So the idea of doing environmental assessment, environmental clean-up is not new to me, the range and the scope of this one was a little bit different. There isn't a lot of information on a lot of the different things we've had so we looked on to the Internet and to different documents to try to gather information, plus we have also done a fairly extensive investigation at the site.

As was brought up previously by the member from the NRA, is that lead was a major concern but lead is a concern basically if it gets into the environment or into human beings, and what you need is not only the lead but an exposure route. So what we were concerned with was can lead dust cause a problem, can lead get into the groundwater and is the lead in the condition it is on the parkland a significant environmental problem? Our investigations really haven't shown any of them to be a significant environmental problem.

We have done -- I have gotten some information on air testing at a shooting range up in Westchester, it was very limited amount of investigation that was going on, but it showed that the shooter was exposed to low levels of lead within what OSHA would consider acceptable for an eight hour work day. So it was there, they are being exposed to it, it is a decision that they have made and it's within what OSHA would consider acceptable. Again, this was a limited investigation so I don't want to extrapolate out to say it's across the board.

9

We also did some clean-up at the park, as Commissioner Scully had said. And in order to determine and make sure that the people doing the clean-up at the park were given proper respiratory protection, we put personal monitoring devices on three of the workers as they were actually moving the debris and the contaminated soils. None of them had any detectable concentrations of lead, so we felt fairly comfortable lead was not a significant factor in air pollution in the area.

(*Legislator Towle entered the meeting at 1:33 P.M.*)

We did sampling in the soils and, as was stated, once you got down below a foot we only did a couple of samples of that depth, we did not find any elevated levels of lead. The levels in the surface soils do range up into the hundreds of thousands of parts per million which is a significant amount of lead, again, if it's going to be consumed, stirred up as dust or children are playing in it. And that's one of the big things that you have to realize, is the fact that lead exists does not make it a hazard. Here the lead is on the surface of the

ground, within the top foot or so it pretty much disappears. We were hoping to see it drop off like we had in the parkland where the top one or two inches of soil contain almost all the lead and once you remove that you were down to very low levels. We did not find that at trap and skeet range and from what I understand, it was basically with the way they had recovered lead in the past and it accumulates a pile of sand, that sand will spread. So the same with the lead contaminated soil, it was actually mixed to a depth that we can see is at least six inches. What's bad about that, again, is the fact that if you are going to clean this up, you're cleaning up not just an inch or two of the surface but you're going at least six inches below grade over an area that may run, what is it, almost 40 acres. You know, you're dealing with a significant clean-up if you want to get it back to parkland.

And our other concern really was could it get into the groundwater. Our Office of Water Resources routinely samples the wells at the park and at the trap and skeet range, none of which has shown any elevated levels of lead. We then went a step further and said well, what's the worst case scenario? Let's drill a well, shallow well right through the highest contamination we found in the soil. We did that and we found very, very low levels of lead, plus it was approximately 20 parts per billion which is below the DEC's water quality standard of 25. So in the absolute worst case scenario, we did find some lead. And again, with time constraints, the well was drilled and sampled, it was Christmas Eve so there was no time really involved with letting it sit, letting it develop properly and letting it purge. I would assume if we went back we would find even lower levels of lead because there is a possibility that we dragged some down when the well was actually installed. At this point, I'm not sure where else we want to --

LEG. ALDEN:
Ginny?

CHAIRPERSON FIELDS:
Legislator Alden.

10

LEG. ALDEN:

Bobby, at a previous meeting somebody brought up the fact that some of the shot went into the foliage that was around the exterior of the range and that there was a possibility that animals could eat that and that it could get into, you know, like human consumption type of questions; did you look at that at all?

MR. SEYFARTH:

That was looked at. Again, I talked to I believe the person that brought that up and he wanted me to actually go out, capture deer and then have them dissected and tested and I told him that wasn't what the local Health Department would do. I did look for other studies that had been done. I contacted Ward Stone who is the New York State Pathologist who does investigations with the dead geese that we found on the Island and other kind of animal kills. He had done a study on Cadmium contamination in deer and felt that lead would work just about the same way, whereas most of it would be stored in the kidneys, livers and bones, very little that actually stays in the meaty portion of the deer. Looking through other research, I found a study that was done in Japan back in the 1980's and had found the same thing, that almost all the lead was stored in the bone. And that would really be

what you would expect to find because human studies show that people with relatively low levels of lead exposure, 90% or more sometimes is stored in the bone, the teeth and the hair. So yes, I know liver kidneys can be eaten and if it's a fresh consumption of the lead there could be slightly higher levels there, but most of the lead storage in animals is in the calcium portions of the body and that's even true in clams and things along that line.

Yes, there is lead in the trees on the surrounding areas where the sporting clay area is. There's very little vegetation in the actual drop zone where the trap and skeet is, which according to the EPA expert that had come out, if you wanted to design a park this is what they would do. You want it relatively flat, you want limited vegetation and you want a situation where the run off is not going to contaminate either wetlands, surface bodies of water or neighboring pieces of property. We are quite a distance from the nearest surface body of water which is the Carmen's River. We had sampled immediately outside of the range to see if run-off had caused a problem on one of the adjoining properties and out into the street, we found no elevated levels of lead. In the street we found basically what you would expect to find in the street and on the person's property we found no detectable concentrations of lead. So we didn't feel it was a significant risk.

LEG. ALDEN:

Thank you very much.

CHAIRPERSON FIELDS:

Legislator Lindsay?

LEG. LINDSAY:

Yeah, Just a comment to you, Peter. The preliminary report that you issued to us, I read the whole thing and I found it to be -- it seemed to be very thorough and I commend you and the rest of the task force for the job you have done so far with this problem.

11

CHAIRPERSON FIELDS:

Thank you. So what I get out of reading this report really is that we're under the standards or the acceptable standards of EPA as far as lead and that this kind of facility is conducive to the safest kind of facility for trap and skeet as far as a flat area. And that from reading the report where it doesn't seem that we're that much higher on the decibels for the sound and that very possibly it could be mitigated so that it would bring us into those standards that are acceptable; is that more or less what this report reflects?

MR. SEYFARTH:

One of the sections I'd like to just comment on is you have to be careful when you say you're within somebody's standards. There are no soil standards that exist. There are groundwater standards, there are some air quality standards, there are no soil standards. All of the information really is based on what are you going to use that land for? A trap and skeet range that's an active trap and skeet range, the EPA and the New York State DEC both recommend routine maintenance; in other words, you would clean-up the lead shot when it accumulates to a certain level. The EPA representative that was out at the site with us felt that we had not even reached the level yet that would require removal of the shot that was on the ground, he didn't feel

that there were enough there. He said at many sites he's been at there's several inches. On this range itself, we're talking about probably one pellet high, so he felt that it would cost us a lot more money than it should because we would not be able to recover money from lead.

If you go to the next step, and I think maybe it would be important to bring out this point, is if you're looking at making this a passive parkland -- in other words, it would be used just for bird watching, hiking and left natural -- the lead levels would have to be dropped lower if you're going to have people go in here. The EPA recommends what they call alternate means of remediating lead when levels exceed 2,000, and what they use as an alternate method would be putting in a ground cover, being able to put leaves down or something like this. So a natural parkland at 2,000 parts per billion say of lead would be considered safe as far as the EPA is concerned. If this is going to be developed into an active parkland where you can expect children to be playing in it, there's no guarantee that ground cover is going to be able to be maintained. At that point, we would recommend staying below 400 parts per million which is what we did in the parkland itself. Any area where you can't ensure that children are not going to be exposed to his, you should keep the lead levels as low as humanly possible.

And the reason I bring that up is that if you remove four to six inches of soil across this entire parcel, you will pretty much get it back to a position where it can be left for passive parkland, just left to go natural. If you want to use this as ball fields, additional testing is going to have to be done because we found extensive levels of lead at six inches below grade in areas where the soils were mixed. So you may be talking about going to eight or ten inches and each inch you're going down it's going to add thousands of dollars on to the costs of removing it.

12

In addition, depending on the lead levels in the soils and whether or not they pass what's called a TCLP test, a Toxicity Characteristic Leachate Procedure, it's determined if the lead leaches. If it fails that test it's got to be handled as hazardous waste and it will add at least an order of magnitude onto the costs of removing it.

CHAIRPERSON FIELDS:

But if it were to stay as a trap and skeet range, we could keep it within the standards that EPA requires?

MR. SEYFARTH:

Yeah, the EPA and the New York State DEC actually legislated that soil at a trap and skeet range, an active range is non hazardous by statutory regulation. So it would not be required to be removed, it's not required to be tested or anything along that line. Their biggest concern from what I gathered from their documents and speaking to individuals involved with this study and a Westchester study that I had looked over was the wetland concerns where water fowl would be able to get to the material and eat it and that's the main reason why lead shot has been outlawed for duck.

CHAIRPERSON FIELDS:

But there are no wetlands.

MR. SEYFARTH:

There are no wetlands here which makes it in the right place. And again, the lead levels in the soil are not a concern if it remains an active trap and skeet range, only if you want to convert to another use.

CHAIRPERSON FIELDS:

Okay. Did you have something that you wanted to demonstrate?

MR. SEYFARTH:

I could show an overview of the site if you want and then if there's any questions about specific areas we could probably go into it further.

CHAIRPERSON FIELDS:

Do any Legislators want to see that? I mean, is it necessary for us to --

LEG. TOWLE:

I would.

CHAIRPERSON FIELDS:

Legislator Towle who has joined us would like to see that.

MR. SEYFARTH:

Okay. I don't know where you want the --

CHAIRPERSON FIELDS:

Wherever you find that most people can see it, I guess. And just take a microphone with you.

13

MR. SEYFARTH:

Okay, I don't do this, so don't laugh. This is basically the layout of the trap and skeet range at Southaven Park. If you look along the west side there, you can see Gerard Road which runs along the western boundary of the park and the homes that have come in -- this is where most of the noise complaints have come from, by the road and the communities that are in here.

What we've got laid out here is there are the trap and the trap and skeet shooting towers and what happens is the shooters shoot out into this direction and then along the outside on the other end is the sporting clay area where a skeet or trap, or targets anyway, I'm not very good with their language, are shot out to give the appearance of deer and other things, maybe rabbits, and have them shooting through a natural type of environment.

What we did was we came out into where we figured the shot-ball zone would be which would be out into here, and you can actually see on the aerial photographs little darkened areas which is where a lot of the lead shows up a little bit higher. The lead will run to the relatively low areas; again, it's relatively flat with the lower areas and the lead will accumulate in those areas. So what we did was we collected samples at the surface of the ground at each of these three locations, or actually six locations, three this way and three out this way; one at 200 feet, one at 300 feet and one at 400 feet from the shooting area. We then wanted to see how deep the lead would go so we took lead samples at two inches -- four inches below grade and six inches

below grade at least these four locations. What we had seen in the park and what we were hoping to see here is that the lead would all be confined to the surface. When we found in this section here 95,000 I believe parts per million of lead at six inches below grade, it was a real concern.

Speaking to the people that were involved with the shooting range, it seems that what they had done is accumulating the shot. And what they'll do is they'll either vacuum or the scoop the shot along to the side, they'll accumulate a large mound of soil after the shot is screened and removed from the site which is, again, what the EPA recommends, that soil was spread. By spreading that soil you have at least six inches now of lead contaminated soil; we don't know the full extent of it, so that's a problem. The sample that we collected here we also ran the TCLP analysis on and it failed the TCLP analysis which would mean that the material right there would be classified as hazardous waste if it had to be removed from the site. And what that signifies is instead of spending 15 or \$20 a yard, you're spending 200 to \$300 a yard to remove it, a significant increase on something that's about 1,800 feet by about four or 500 feet in width. Prices could range up to \$4 million to remove that stuff.

We also then, like I was saying, looked for the worse case scenario. And since we had the highest soil samples here we put a well right through there. And again, we put another well down stream to see if this had been very high, we wanted to see if the lead had been removed as it flowed across towards the Carmen's River. The direction of flow would be from the northwest to the southeast towards the Carmen's

14

River. What we found was approximately the same amount, 20 parts per billion in each of these two wells.

Now, looking at industrial samples that I see routinely from Farmingdale areas and stuff like this, these levels are relatively low in an industrial area. Our natural soils do not contain lead so we do not have a lead problem in Suffolk County as general. Most of the lead that is in drinking water comes from your solder and stuff in your fixtures. So the levels that we looked at at 20 parts per billion were below the DEC levels set for GA waters which is considered water suitable for drinking. So in the worst possible place, just into the groundwater supply in the heaviest contaminated area, the water was relatively clean. Okay? All samples from the range and from the park for the actual drinking water supplies, I don't believe any showed more than maybe two parts per billion of lead. And again, that would not -- what I expected it to be from is from fixtures and from solder in the piping.

CHAIRPERSON FIELDS:

Where you said it might be a problem, can it be cleaned up?

MR. SEYFARTH:

What is that, the groundwater itself?

CHAIRPERSON FIELDS:

No, the earth that you said was spread.

MR. SEYFARTH:

The earth that was spread; yes, it could be cleaned up. What you would

do as you would go in with a backhoe or a bucket loader and clean this all up. The problem is once you clean it up, you've now got a waste material, the waste material must now be determined as to whether or not it's hazardous; if the material is hazardous it's expensive.

CHAIRPERSON FIELDS:

If you were going to leave it as a trap and skeet range it would not --

MR. SEYFARTH:

You don't have to do anything.

CHAIRPERSON FIELDS:

It would not have to be cleaned up.

MR. SEYFARTH:

No.

CHAIRPERSON FIELDS:

I just want that to be on the record.

MR. SEYFARTH:

And the law is very specific, it actually says that the sand on a range is non hazardous by law. So in other words, if that stays there, it is non hazardous, it does not have to be removed and does not have to be cleaned up. Once the range is closed the site has the possibility of becoming what's called an inactive hazardous waste site

15

which is what you would hear as Superfund. At that point, the County probably would not be your lead anymore, it would probably be taken over by either the DEC or the EPA and they would regulate once being done in the way of a clean-up.

LEG. TOWLE:

Legislator Fields, would you suffer a question on that point?

CHAIRPERSON FIELDS:

Absolutely.

LEG. TOWLE:

Bob, is there any standard levels of what the lead should be at? I mean, I looked at some of these numbers, I had a chance to read through the report and obviously some of the numbers were very high, exceptionally high in fact. Is there a standard number that they should be at for a trap and skeet range?

MR. SEYFARTH:

For a trap and skeet range, no. They actually say don't -- there is no reason to sample it. And one of the reasons for that and one of the concerns I had when we -- I believe I had spoken to you, when we did the original investigation at the park, we didn't even collect samples at the surface here because you can see the lead. If you can see the lead you've got a possibility of having the sample be a hundred percent lead; that doesn't tell me anything. It's the same thing as like there's lead -- the balance your tires in your car, if it's sitting there on the tire going around it's not a problem, if somebody were to soak that in your glass of water at home it could be a problem, and that's what the big concern is.

LEG. TOWLE:

So are you suggesting that because of the lead maybe on the ground that that may have skewed the samples, or what are you suggesting?

MR. SEYFARTH:

Definitely, there's part particular lead. What you're doing is you're firing the lead shot, it's hitting the clay pigeons and the targets in this kind of an area here. Some that of that lead shot is going to be maybe not vaporized but fragmentized and it's going to be coming out here. Then as -- especially if they've done clean-ups in the past, as you go scraping you're going to be breaking up the lead into smaller and smaller pieces, so some of that lead will slowly work its way down into the sand. Lead doesn't have -- lead, let's put it this way, isn't very soluble in water unless the water is acidic. So one of the recommendations we had made was to lyme this area on a routine basis, that would push the PH of the water up, any water that would be sitting there would now be more neutral and the lead would not dissolve in it. So that would be a good preventative measure in the future.

LEG. TOWLE:

Under normal operations, would that area be cleaned up as part of the remediation of a site or, you know, that area wouldn't normally be touched?

16

MR. SEYFARTH:

If this was a trap and skeet range, what they would do is they would go through, and actually things have improved over the last few years, to go through with what's called a guzzler or a supersocker. It's like a large vacuum and they will actually suck the surface of the land, all of the organic matter, the leaves and twigs and stuff like this would be separated off and then the sand and the shot would be screened, the shot would then be recovered. And again, according to State and Federal regulations, that sand can now be just applied right back to the ground, there is no reason to do any testing.

LEG. TOWLE:

Okay.

CHAIRPERSON FIELDS:

Thank you. Does anyone else have any questions?

LEG. TOWLE:

Legislator Fields, I have a couple of other questions of Commissioner Scully actually, I just didn't want to --

CHAIRPERSON FIELDS:

Go ahead.

LEG. TOWLE:

-- interrupt the presentation, if you wouldn't mind.

LEG. ALDEN:

Fred, are you done with this, can we take it down?

LEG. TOWLE:

Yeah, yeah, I don't need that. I obviously had a chance to read

through this, Commissioner. I would have to say that I found it, like Legislator Lindsay, quite extensive.

One of the things, though, that I notice you don't address in the report is the guide on how to operate a trap and skeet range and that's been one of my concerns. Clearly, one of the reasons that we're here today, despite popular belief, is that if we're going to operate a trap and skeet range at this location or any location, I think the County has a responsibility to the people that use it and also to the surrounding community that we operate in a professional manner, that we operate a facility that's safe to the community and to the environment and to the people who use it, and that we obviously put out an RFP, an RFP that someone can respond to and meet the obligations, and clearly our last vendor did not do that in many regards.

This report, though, although quite extensive, does not really address the operations of a trap and skeet range, how we should operate it. And I'm curious what level of expertise your department has in that regard and what the committee did as far as that's concerned.

COMMISSIONER SCULLY:

Well, one of the reasons that we needed to reach out for assistance from the folks who helped out at the EPA and one of the reasons that

17

we had attempted to work a little bit more closely with the NRA is that in-house, other than the personnel who were familiar with this facility, we really don't have any what I would consider expertise in the operation of a range. So for technical expertise, whether it's environmental with the Health Department or operating a range with the EPA or the NRA, we look for expertise and advice from folks who are more familiar and that's one of the reasons that we were disappointed we couldn't come to terms with the NRA.

The one thing I can tell you with respect to the site and I think that Mr. Hynes or Mr. Seyfarth mentioned it earlier, is that Mr. Guster from the EPA who served on the committee said that generally when you look for a site for a range, not speaking about the noise issue which we have yet to discuss today in any meaningful way, that this is the type of site that you look for, it's flat, it's not heavily vegetated in the center and those sorts of things.

That being said, to get back to what I think is your central issue regarding getting expert advice on the most appropriate way to operate a range, one of the things that this committee was tasked to do is to take a look at the EPA's Guidance Document and to make some judgments as to the extent to which the operation of the range was consistent with that guidance or not. There's not a lot of detail there, the general observation was based I think on Mr. Guster's comments. But we have -- I think we still have a need for some advice from people who are more expert, most particularly when it comes to the issue of noise.

One of the things that we haven't yet discussed today is the fact that things are a little bit different now than they were a year ago. There was a point in time when I was initially appointed Commissioner when folks in the community came before the committee and asserted

that a 1999 law enacted here in Suffolk County which regulated noise emanating from County parkland would apply to this facility. And at that time there was a difference of opinion; Legislative Counsel believed that the law apply to the range and the County Attorney's Office at that time did not believe that the law would apply to the range. Since that time, the County Attorney's Office has taken another look at that issue and now agrees with Legislative Counsel that the law would apply to the operation of the range. For that reason and in light of the environmental findings which in the broader sense seemed to indicate the use of this site as a range for environment reasons is not -- you know, is not a horrible thing or a terrible thing or ab even inappropriate thing to do.

The issue of noise and the impacts on the adjoining residences becomes a more critical and more central issue. So our hope had been that one of the areas where the NRA could have been a real help to us would be in offering us advice as to state-of-the-art efforts to control noise emanating from ranges and perhaps to make some recommendations in that regard. There are some recommendations made in that report. However, more recently, in the absence of any agreement with the NRA to utilize them in this way, in any formal setting, we had earlier testimony from a representative of NRA, he offered to come out and take a look and, you know, we're thankful for that. We are aware, based on video that we received from one of the shooting associations, that there are

18

certain improvements that can be made far beyond what's recommended in this report to control noise, and we saw in the video some examples of those. They may be expensive, we don't know that yet, but we have taken initial steps to contact those folks and see what it would take to bring them up to take a look at the noise control issues as well.

LEG. TOWLE:

You covered a couple -- I just want to follow-up, if I could, on that.

CHAIRPERSON FIELDS:

May I just interrupt for a second?

LEG. TOWLE:

You are the Chair, go right ahead.

CHAIRPERSON FIELDS:

There was a law that was passed by -- and the law was brought to the Legislature by Steve Levy who is now a State Assemblyman. And I spoke to him and he sent a letter saying, "It has come to my attention that the County Attorney's Office has rendered an opinion regarding a law I drafted and passed while serving on the Suffolk County Legislature pertaining to noise decibel levels on County property. Being that you chair the Legislature's Parks Committee, I thought I might provide you with the intent of the bill. I clearly wanted the legislation to protect individuals at County beaches and parks from loud stereos and boom boxes. In no way was the law drafted to terminate, prohibit or

limit traditional activities on Suffolk County property. I hope this clarifies the bill. Please feel free to contact my office." So the intent of that law --

Applause

The intent and purpose was certainly not aimed at this kind of use or traditional use in our parks. And one of the other things that I also note is a booklet that Suffolk County Parks puts out to its general population, and on the cover page it says, "Something For Everyone." And I would note that this facility hopefully will be reopened so that truly what is listed on our brochure for Suffolk County Parks is something for everyone and not just --

Applause

Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Fields. I'll get into the sound issue in a second, I just want to stick back to the original question that Commissioner Scully very delicately and very professionally danced around. The bottom line is what was your conversation with the NRA, why didn't they take part in the operational review? Let's air that publicly and then we can get into the sound issue and what Legislator Levy wanted to do or not wanted to do.

COMMISSIONER SCULLY:

There was some discussion of contract issues and contract language

19

which was problematic to us in that we requested their advice but there was some language which would have limited our ability to utilize the advice once we received it. And there was I think some concern on the part of the NRA, although I can't speak for them, regarding some of the requirements of the standard operating procedure that the County utilizes to retain consultants. And there were attempts I think made to try and compromise on the language in those documents but no agreement could be reached in that regard.

LEG. TOWLE:

The bill that's before this committee, as you know, I felt tried to do two specific things. One was an environmental review of the property, and clearly you have done a pretty extensive job with that with the EPA and with the Health Department and I'd be prepared to accept this report as meeting that component of what I was looking to do. Operationally, though, I still think we're no further along than where we were when the problem developed with the last operator of the trap and skeet range.

We only need to look at the thought that one of our employees and the operator of the trap and skeet thought it was okay to take trap and skeet debris and place it throughout the park. It's our lack of knowledge and understanding of that facility and the consequences that come with the facility that concerns me. I definitely think that we need an operational review of the facility, how the facility should operate, whether it's going to be at this location or at another location or if we're going to open multiple locations, whatever the case may be. No matter where it is, there should be some guide as to how the facility operates and I clearly don't feel that we have that level of expertise. And whether it's the NRA or some other professional group, I think they need to work with your department in helping put together an RFP for that type of operation. And I just think we're negligent in our responsibilities to the people who are going to use this facility and, you know, the community that surrounds

wherever the facility is going to be if we don't have that type of mechanism in place as far as a trap and skeet range is concerned.

And I'd be curious on your thoughts of having someone work with your department to put together an operational plan as opposed to asking a vendor to come in and give us your plan. How do we know whether or not that plan is a good or a bad plan? I mean, what do we have to compare it to, what expertise do we have to determine if what they're telling us is accurate or inaccurate?

COMMISSIONER SCULLY:

I think that the point that you raise is a good one and, you know, to simplify a response, it's like -- it would be like chicken soup, it couldn't hurt to have somebody who's got expertise assist us in the event that we decide to move forward with an RFP. I did just today respond somewhat belatedly to a letter that you had sent to me last month, or in late January perhaps, asking that the department prepare a noise control compliance plan for the range; and forgive me for the delay, there's been a lot going on. But just to paraphrase that, one of the things I said was that we could very well just make the language in the RFP, make it clear to potential proposers that we have these noise control issues, set forth a standard and be explicit in

20

requiring that they make that type of compliance plan part of any proposals that are submitted. But it certainly couldn't hurt to have expertise assisting us in the event we decide to issue an RFP.

And I know that prior to your arrival, I can't speak for Legislator Fields, but she was indicating her intention to introduce a couple of bills, one of which I think was aimed at environmental issues. So it may be that you are speaking or talking about the same issue and meeting the same need.

CHAIRPERSON FIELDS:

Well, my aim -- excuse the pun -- is to -- I've done a lot of homework on this, as I told you and I told you I was going to work really hard to reopen it. There is a Best Management Practices for Lead at Outdoor Shooting Ranges put out by the EPA, I gave you the brochure for Range Development and Operations Conference with Business Planning.

LEG. TOWLE:

I thought you were inviting me on vacation, that's somewhere in -- where was it?

CHAIRPERSON FIELDS:

I would be happy to accompany you to this.

LEG. TOWLE:

South Carolina, actually.

CHAIRPERSON FIELDS:

Well, actually the one I was going to go to was Buffalo. But there is a lot of literature, a lot of material, a lot of experts in this field. And I have spoke, I've called people in Maine, I've called people in Virginia, I've gotten resumes that I would be happy to share with you that shows pages of their expertise and the fact that they do this all over the country and these are the experts. They can come and look at the range, tell us what the problems are and how to

correct it to make it so that it is a properly running facility. And as far as -- I need to ask the Commissioner this question. If -- and I don't know what Legislator Towle is going to do, if he would be willing to withdraw his bill and look at a consultant that would look at sound mitigation and the environmental aspects of the facility and perhaps put an RFP together that would ask that a new vendor be educated through some of these programs before the vendor was allowed to operate it.

But the main thing that I think that I would like to ask you, Commissioner, is that I know that this range was given a year-to-year contract and I can't imagine any vendor in his right mind looking for a one year contract. So I guess there are a lot of answers. If Legislator Towle doesn't want this to go through and would like to look at the other two bills that would try to help us get back on track, that we put an RFP together, but I would ask that you give thought and maybe an answer today of -- if all of that were to be properly in order, would you look at a five year contract with a five year option or a ten year contract so that we could give a vendor the ability to put money into this range and bring it up to the standards and keep it at those standards.

21

LEG. TOWLE:

Legislator Fields, before Commissioner Scully answers that, let me just touch a couple of points that I think if he could include answers to these things it would clarify a lot of things for these people that are sitting here. And I want to recall you of a conversation that we had earlier in the year where you told you me your opinion on the range and I gave you my opinion on the range, and I thought then as I think today that our opinion is not that far apart.

Your request, your request of me at that time was to do the review and put out the RFP at the same time, and I said to you I didn't think that was a wise move because how do we put out an RFP if we really don't know what we're asking the vendors for. And that's what I had hoped to accomplish by this resolution. Now, one component of that was the environmental component; that appears to be addressed. I mean, I read this over night, I haven't sat down and reread it a couple of times to maybe develop some more questions, I've had one day to look at, but it appears to have met the threshold of answering a lot of the environmental questions. But clearly I think we agree, we have no more knowledge on how to operate a trap and skeet range than we did in the past, and I think that's been part of the problem.

It's been part of the problem why we've had, you know, materials dumped in our park and why we had to spend almost \$300,000 to clean up our park. Because our people, with all due respect to Commissioner Scully and his staff, don't have any knowledge on what to do and what not to do. And I think clearly, whether it's these programs or any other programs that are offered that can help teach us or direct us of what we should expect of our vendor, whether it's at this site, an additional site or possibly a complete relocation, whatever it is, no matter where we are, I think we need that knowledge before we put out an RFP. And to put out an RFP first, you know, I just think would be, you know, not a wise move and puts us back into the same position that we're in today.

CHAIRPERSON FIELDS:

Oh, after that conversation I did not put the bill in to look for an environmental study with an RFP at the same time, because I did agree that that was premature. One of the -- well, I guess I have a whole bunch of thoughts, but would you be content with someone who did attend some of these courses and have the knowledge that is taught to be a vendor?

LEG. TOWLE:

Well, you know, quite honestly I don't know who would be the best person as a vendor -- as a consultant. But normally, as far as that issue is concerned, we have hired consultants in one of two manners. The Department of Parks puts out a request for a consultant to help us develop a plan to operate our trap and skeet range, a certain number of people apply to be that consultant for whatever the fee is that they're going to need, and the Commissioner then would make a recommendation and we would appropriate funding. We've also hired consultants out of the Legislature's contingency funds. I don't know if the Counsel could address the Presiding Officer's discretionary fund to hiring consultants for the Legislature; how does that process work?

22

MR. SABATINO:

To do it from the Legislature's 456 Account there has to be some kind of a screening process, at least three parties would have to be interviewed and then the relevant committee that it's assigned to would make a recommendation and the full Legislature votes on it.

LEG. TOWLE:

As I said, whether it's done through the Commissioner's office or through the Legislature, I've never been opposed to that. And as I told you then and as I'm saying today on the public record, you know, I think we clearly need someone of that stature or experience. It was my hope that the committee that -- the resolution that's before this committee today would have been able to locate that individual or determine who that person was, whether it's the NRA but apparently that's not going to work as an association, or whether it's a group of individuals or a company or a consultant or whatever the case may be. I think clearly someone needs to advise us of how to develop the RFP and how we would operate a trap and skeet professionally, properly, where the County generates the most amount of revenue and services to the community or the people, the users, where we have the least amount of impact, where we're not infecting the environment or the community wherever possible. I think there needs to be some, you know, guidelines for that RFP.

As far as the noise issue is concerned, now that Counsel is back in the room, you know, despite Legislator Levy's, you know, good will of his letter, the fact of the matter is it's just inappropriate for a governmental entity to disregard whether it's local laws, in this instance the Town of Brookhaven, or in this instance our own law that was passed. And although the law was not intended directly for trap and skeet range is, clearly our Counsel at that time last year had given an opinion on this and I would like him, once again, for the purpose of the record today, for those of us that maybe weren't here the last time, to get a clear understanding of how this facility falls under that law. And if it's the intention of the Legislature to change that, well then so be it. But the fact of the matter is whether I our law is here or not, I think we also have some obligation to live up to

the local standards.

And clearly, the noise abatement program at that facility has not happened. Because we put a vendor in place who obviously did not know what he was doing, who obviously did not operate the facility properly and make payments to the County properly and obviously did not live up to the contract obligations that he had. So if Counsel would just review what that law did and where we are or whether this facility is exempt from our law or local law, I'd be curious for his opinion on that.

MR. SABATINO:

The legislation that Legislator Levy had sponsored in 1999 was a Local Law that restricted noise on County-owned, County-leased, County-operated property, it was one of those across the board statutes. But again, it was limited to property that the County has an interest in because other jurisdictions would have the authority to regulate private activity and it was based on decibel levels. There's a very complicated, scientific formula which is written into the

23

statute that identifies how you determine whether or not you're in excess of the noise standard. The exceptions that were written in don't include County facilities because by definition the point was to have County property covered.

So to create an exception you'd have to modify the statute. I'm not really -- you have to treat everybody the same so you'd have to say that like all -- I guess you have to say all County recreational facilities would be exempt. You have to find some category. This is recreational so I suppose you'd have to say that all recreational facilities in Suffolk county would be exempt. But you couldn't single out one entity and say this one particular site would be exempt, it would have to be something that would be where all situated parties would be treated the same.

LEG. TOWLE:

Would we be exempt from Local Law? Forgetting --

MR. SABATINO:

That would require a Local Law to amend the previous law.

LEG. TOWLE:

Forgetting our law for a second, let's pretend Legislator Levy never introduced that law. Would the facility, even though it's at a County location, fall under the jurisdiction of whatever noise ordinances are in place in the Town of Brookhaven?

MR. SABATINO:

Yes. Then in the absence of the County legislation which was intended to cover County property, whatever, if any ordinance is in existence in that particular jurisdiction would apply.

LEG. TOWLE:

See, one of the points, Legislator Fields, that I've been trying to make since we discussed this issue a few times is that instead of looking to change the law, why don't we attempt to try to deal with some of the noise problems. Obviously there was a noise abatement plan put in place that was never followed. And I'm not suggesting it

may or may not work, I don't know the answer to that, nor am I suggesting that a vendor should come in and have a month to month contract, that's ridiculous, I've already stated that on the record. I mean, obviously we need to look at the same terms that we give other people for contracts. But clearly, if we've developed a noise abatement plan through the RFP process, the vendor, whoever he or she may be, needs to comply with that plan so the facility has as least amount of impact on a community, whether it's at this site or another site.

CHAIRPERSON FIELDS:

Okay. So then the two bills that I am going to be introducing are one where it is authorizing, empowering and directing County Parks Department to secure environmental evaluation for trap and skeet shooting range near Brookhaven Park in Yaphank, and the other one will be for sound. That way I figure it's an outside consultant, the RFP can be worded so that it looks for the best in the field to do so. And from what I understand, after speaking to a couple of different

24

gentlemen all over the state, it shouldn't cost more than 2,000 to \$3,000 for each consultant, for each of these two aspects of it.

At that point, I think that we probably could get NRA and the National Association of Shooting Ranges and other groups together to tell us the proper way to run this kind of a facility. And with all of that in mind, if the sound study comes back and the environmental study comes back that this can be a workable facility and that we can mitigate the sound so that it doesn't effect the neighbors, I mean, I did make a phone call to Supervisor LaValle and I said, "What are your complaints in Brookhaven, with Brookhaven range? Do you have people that are complaining about sound?", and he said, "No, I am not." And we operate it within a certain time limit and we've mitigated it with berms and other things and it works well. I mean, that was before the other problem, but it was working correctly. And I don't see any reason why we would not be able to do that in this facility if we had the proper experts telling us how that could be done.

LEG. TOWLE:

I would concur with your analogy that we clearly need to bring in the experts. I think clearly we would also both agree that we haven't done that to date and that's one of the reasons that this facility has had such, I believe, a conflict with the community.

I think the other thing that we need to do is put to bed once and for all, and obviously Commissioner Scully and maybe our Planning Commissioner, Commissioner Isles, could finalize this question as to whether or not the County does have any other sites that may be possible locations that would be good for an additional facility or --

Boos From Audience

CHAIRPERSON FIELDS:

All right. I would like to respond to that.

LEG. TOWLE:

No, no, I'd like to finish it, actually, if you don't mind.

CHAIRPERSON FIELDS:

Oh, I'm sorry. Go ahead.

LEG. TOWLE:

And that's not to say that this facility is good, bad or indifferent. But I do -- you're listening to me, Legislator Carpenter, because like you I'm a Legislator and like you, I can ask questions and like you, Legislator Carpenter, there are issue here that are being discussed and that's just the way it is.

LEG. CARPENTER:

And when --

LEG. TOWLE:

That's called the democratic process.

LEG. CARPENTER:

And when there are 84 people who have signed cards to speak, I think

25

we have an obligation to listen to the public.

Applause

LEG. TOWLE:

That's good, Legislator Carpenter. I am glad to hear that because like you I am prepared to sit here and listen to those 84 people once we get done with this discussion.

(*Legislator Fisher entered the meeting at 2:19 P.M.*)

CHAIRPERSON FIELDS:

Okay. As Chairman, I'd like to try to get in the middle of this. I was hoping to -- Legislator Carpenter, I was hoping to actually let Legislator Towle see all of the work that we had done and hopefully ask that his bill be altered or withdrawn so that we could move on and move forward. So that was my aim in having Legislator Towle get involved in this conversation.

May I just state that I have called people that have worked within the parks and within government and around this trap and skeet range and apparently for many years, way before Commissioner Scully and Wankel and Frank and all of the people that have worked here, apparently this problem came up before and they have gone out and they have looked for another location and it has been told to me that there is no other location.

In addition to that, and I think you'll here that if we can get to these people that have come today to speak, I have with me today over 300 or more, actually it was 300 before I left the office and then I retrieved these off the fax machine and my e-mail. There is not one person who does not want to see Suffolk Trap & Skeet reopened; 47 from Nassau, 172 from Suffolk, I have Brooklyn, Pennsylvania, Upstate, New York, people who have used this facility before and want to use it again. And one of the things you see in a lot of this literature that's been sent to me is that it is a family sport, it's used by men, by women, by children, it's an olympic support and they don't want to see it further out or away.

Applause

So I am working very hard to keep it right where it is because I think it's centrally located. And again, it is a Suffolk -- it is one of the only areas that's open to the public that you don't need a lot of money to join and it's a safe and enjoyable sport for all family members.

LEG. TOWLE:

As far as the bill is concerned, Legislator Fields, clearly, as I said, I wouldn't be prepared to amend the bill because I believe that Commissioner Scully and the committee have addressed the environmental issues. So as far as that's concerned, I think we're fairly safe to say we're in agreement on that subject.

26

As far as operationally, it appears that we're in agreement on that too. Clearly we need somebody in place to move forward with operating the facility and I'm prepared to reword the bill as far as that.

On the third subject, I have heard the same story, that we've looked at numerous other sites. I have never seen that list, I don't know if you were given a list of sites that someone has looked at, whether it was Commissioner Wankel or Commissioner Frank, but I've never seen that and I would like to see that.

CHAIRPERSON FIELDS:

Okay.

LEG. TOWLE:

Because if we have looked at other sites and this is the best site, well then so be it. I'm not saying it is or isn't, all I'm saying is I don't know that to be factual. And clearly, I have not been able to obtain that information and I think we have an obligation to look at that.

CHAIRPERSON FIELDS:

Okay.

LEG. ALDEN:

Madam Chairwoman?

CHAIRPERSON FIELDS:

Actually, Legislator Lindsay has been waiting very patiently for the past fifteen minutes..

LEG. LINDSAY:

Yeah, and I don't want to delay this and I know a lot of people want to talk, so I'll be very brief. But it's a matter of a procedural matter and that is we have no intention of operating this range ourselves, we're looking for a vendor. Why can't we go forward with the RFP and in the RFP ask the potential vendors how they intend to mitigate the sound and the other problems that we have experienced in the past? When we get the RFP's back, I mean, if we evaluate them and we feel that we need additional expertise then let's bring in that expertise. But is it -- you know, shouldn't we get the RFP's back first to see what potential vendors are telling us how the best way to operate it and if we need additional expertise let's get it.

Applause

CHAIRPERSON FIELDS:

Legislator Alden?

LEG. ALDEN:

Based on Legislator Towle's comments, I would make a motion to take out of order and table IR 1102.

IR 1102-02 (P) - Authorizing, empowering and directing the County Parks Department to conduct an environmental/operational review before reopening skeet shooting range near Southaven Park in Yaphank, Town of Brookhaven (Towle).

27

LEG. LINDSAY:

I second it.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled (Vote: 5-0-0-1 Not Present: Legislator Caracciolo).

Let's just ask for some of the public to come up and speak on the matter. John Cushman.

MR. CUSHMAN:

Thank you, Madam Chairman and the rest of the committee for allowing me to speak today. It would seem that we were all invited to a heavy weight fight and we just saw the fight, so a lot the things that we might have said you two folks have already ironed out, I just wish you would have done that a long time ago, especially before the range was closed. The problem we're having today, though, is in one of the issues, while you have beaten the issue pretty well on the technical aspects of it, I really don't think this debate ought to be left to those issues only. Look around the room, this is small, and I emphasize small, sampling of the number of people involved and affected by that range, and I'm talking about the County.

Applause

Legislator Fields, you emphasized the number of people from Nassau County and out of area that have it; I would say that doesn't even scratch the surface because there are so many people who won't come out here in the winter. But now you're going to have leagues like a bowling league and literally hundreds of people who show up for these leagues in the summer, spring and fall, they don't even know this range is even closed. These people at least know it's closed or know that there's an issue.

I'm here today representing the Sportsmen's Association for Firearms Education, affectionately everybody calls us SAFE. My name is John Cushman, I am the President. We are opposed to the legislation. I'm also opposed to it being tabled, and one of the reasons I'm opposed to it being tabled, every time it gets tabled it rears its ugly head, six months, a year, nine months later with the same little technicalities to close it down. Now, I haven't heard anybody come out, other than yourself and maybe one or two other members, talk about these people, the taxpayers, the people who pay the bill for the entire County Legislature. I have a -- and I don't mean to sound rude when I say this. I think over a lot of years Legislators have lost sight of what

their function is; you represent us, not your opinion, our opinion.
And I think there are a few people --

Applause

And as I said, I hope you don't take offense and it's not meant as a personal, but too many Legislators today think they know everything better than we do; they don't. That's why you have us. That's why most of these people, myself included, we lose a day's pay to come down here to come down here to have a hearing and we would like to be heard because these are very important issues to us.

28

You talked about Olympic shooting. Just to make it a mention, how many members of this committee know the name Kim Rhodes? She won a gold medal for the United States in trap and skeet shooting at 16. Where do you think she got her education in trap and skeet shooting? At a range like this. We have lots of people who have gotten tremendous value out of this. This isn't just a recreation which I will emphasize, by the way, is the safest recreation this County has ever seen. You don't have accidents here. You don't have twisted ankles, you don't have people going to the hospital, you don't have doctor bills being run up. This is one of the safest and a family oriented sports in the United States and it always has been. It is the oldest practiced sport in this country. Think about it for a minute. They did competitive shooting before we actually became a country.

In any event, I'm emphasizing these things because these people have something at stake. This is a recreation, it's a hobby, it's a way of life. It's also a Constitutional right. We talk about that in vague and generic terms, but the reality is if you limit my places to shoot you've effectively taken away one of my rights. How did do you that, on some technicality? You look around the room, as I said, look at the sheer numbers of people that are here today on a beautiful Thursday. Believe me, if these people have taken off, they would rather not be in this room listening to a bunch of Legislators bandy about whether or not I should have a legitimate, lawful place to go shoot trap and skeet and hurt nobody else and actually contribute to the economy of Suffolk County.

I don't have too much to say. I would recommend strongly you don't micromanage anything you do. Most of the time when you put these things out you leave it up to the experts to take care of an {antle}; when they don't handle it get another one. But you don't need to have an entire County Legislature or even a whole committee sit and try to micromanage every detail of every facility you own. You have to put some trust in the people that are there. And as I said, if this man didn't do his job, fine, you're removed, but it should be somebody else almost immediately to take over and remedy the situation that he didn't do right.

Applause

My last comment is simply that I would urge that you open the range as soon as possible. And I would vote you reject this legislation because I think, as I said, you guys already worked out most of the details but I would reject this once and for all because there are larger issues other than the technicality of is it a little too loud

on a certain day when the wind is blowing in a certain direction.
Thank you.

CHAIRPERSON FIELDS:

Okay. Thank you very much. Robert Blake?

MR. BLAKE:

There's not much I can add to what John has already said except that I'm a taxpayer and a voter and a sportsman in that order. And I can't see any reason why this range, skeet shooting range shouldn't be

29

opened immediately. There hasn't been anything told to me why it was ever closed in the first place except mismanagement; let's put a new manager in. It isn't harming the environment, many people are enjoying it and I'm paying taxes to enjoy it. And I won't pay taxes to move it or place it someplace else or millions to take the sand off, I still want to use it as a shooting range. That's all I have to say.

CHAIRPERSON FIELDS:

Thank you very much.

Applause

James Kelly? And then I would ask Charles Bleistein, Paul Emmert, Craig Kessler and Rudy Fasco to come forward.

MR. KELLY:

Thank you, Madam Chair. I've got to tell you, that was a wonderful presentation that these gentlemen gave, I think it was absolutely fantastic, technically correct, it was perfect. I've got to thank you for having these people here because I know on various other issues related to firearms you don't have any experts like that and I think you did a fantastic job. And you know what? I think everybody -- you deserve a round of applause just for that.

Applause

I concur -- you know, I concur with John --

CHAIRPERSON FIELDS:

On behalf of our County workers who did work on this, the Health Department --

MR. KELLY:

Yes, I don't know their names specifically, that's why I didn't mention them.

CHAIRPERSON FIELDS:

They did a great job. Thank you very much.

MR. KELLY:

You did a fantastic job, fellas, we appreciate it.

Applause

One thing I wanted to say with regard to Commissioner Scully's remarks about the NRA not sharing it. We have had a history, and I notice from talking to Wayne {LaPierre}, we've given remarks, we've given interviews and then it's been cobbled together to put a completely

different spin of view on things. So that's one reason why the NRA is reluctant.

Secondly, Mr. Towle mentioned about a factual basis for things. As I told you last year, I work at Kennedy Airport and the jets come right over where I work. And I can tell you that three to 400 yards from the building you barely hear the planes. Now, when I hear these people complaining, just on my own personal experience, I don't buy it. And last year I said a lot of people complained, you know, they said the

30

noise was too loud, but nobody had a reading, nobody had any scientific test for it or anything else. Our fear is that the idea that somebody may come along and say there's too much noise and then the bottom line is that, you know, without any testing, without any evidence of that, you know, they may put onerous burdens upon the operator of the range. So that's another one of our concerns.

And a lot of people are going to tell you about the Constitutional issues and the other things, too, but I would like to go just for a moment into the economic issues. When I used that range and I went out there and I took my wife out on a Saturday or Sunday, believe me, my wife did not want to be sitting there for an hour and then we'd drive right back home. What happened is we went to dinner, you know, went to someplace local, we went to the farm stands, we went to the beach or whatever. So when you think about this, just remember, you're not just cutting off shooters, what you're doing is you're also cutting off economic, you know -- let me just try and think here.

MR. CUSHMAN:

Impact.

MR. KELLY:

Yeah, the economic impact, thank you. And the bottom line is it's not just the shooters who come in here and make money for the County, but it's all the other things on the periphery, it's the people who after they shoot they go out to the restaurants, they go to the beach, they go to the antique shops. So I would also tell you when you think about this, also think about the economic impact of it because it does provide a lot more jobs than just the people who work at the range.

CHAIRPERSON FIELDS:

I will tell you that in these letters, I mean, I don't want to take the time to read every one of them because you are here and I know you took time off from your busy schedules also to try to speak, but in these letters it is noted that people came out here to go to Tanger Outlets and Bellport Outlets and shopping, restaurants, all kinds of things. So they are utilizing, it is good for the economy to keep this open and for that reason it is something that the County Executive Office should hear also.

LEG. TOWLE:

Legislator Fields? Just a comment on the sound issue, just to refresh your memory Fields since you were here at the last hearing. The RFP that went out that hired Mr. Marino, in that RFP originally was a discussion of a sound abatement plan. That sound abatement plan was done based on the fact that the County Department of Parks contracted an independent study, sound study, of the facility and said that the County needed to move forward with a sound abatement plan that Mr. Marino agreed to do

and never did.

MR. KELLY:
Uh-huh.

(*Legislator Caracciolo entered the meeting at 2:33 P.M.*)

31

LEG. TOWLE:

So, you know, just for the record, there were some sound things done that demonstrated there was a need for an abatement plan. And part of the problem that I have as a Legislator and that you should have as a taxpayer is that Mr. Marino did not live up to his bargain or arrangement as far as the contract is concerned. And you're right, we should throw somebody out when they don't do that, whether it's Mr. Marino or Tom Jones selling ice cream at Smith Point Park. The problem is that to develop the RFP to get the person in, you need to have that expertise. And although clearly we have demonstrated the health expertise --

CHAIRPERSON FIELDS:
Okay. You know what?

LEG. TOWLE:
-- we didn't have the operational expertise.

CHAIRPERSON FIELDS:
Legislator Towle, I'd like to hear from the public. So if you want to have that conversation, speak to him later.

Applause

MR. KELLY:
Can I just say some concluding remarks. I thank you for telling me that and I'm glad you brought it to my attention. However, you know, if somebody said that there's a problem we'd like to know specifics, is it 38 decibels, is it 48 decibels or whatever. We have found whenever somebody gives us a nebulous figure or does not nail it down, usually they're trying to use that to shut us down and shut down our rights. That's why we look for very specific answers to these things.

CHAIRPERSON FIELDS:
Okay.

MR. KELLY:
Will you make a copy of that report available to me?

LEG. TOWLE:
I will get you a copy of the report.

MR. KELLY:
Thank you.

CHAIRPERSON FIELDS:
Paul Emmert?

MR. EMMERT:
Yes, I'm a Huntington resident. I would just like to say I have used the facility several times and I think it should be open. It and

Brookhaven are the only two facilities around, we had more years ago, we don't have them now. And it also is a money maker for the County. And thank you for your time.

32

CHAIRPERSON FIELDS:

Thank you. Craig Kessler.

MR. KESSLER:

Legislator Fields --

CHAIRPERSON FIELDS:

You have to turn it on and keep it close.

MR. KESSLER:

Is that on? Okay. Legislator Fields, Members of the Legislature, thank you for the opportunity to speak. I think we have made some tremendous progress here this afternoon towards a technical solution that could very well end up with the reopening of the range at the current site, so I applaud you for that progress that's been made. I guess I just wanted to echo some of the sentiments that were put forth by John Cushman, I think he hit the point that I wanted to come and speak to this afternoon and that was the constituency that sits behind us here and has spent their afternoon doing that. I simply wanted to make the point that the sportsmen have been an integral part of the social fabric of Long Island. It doesn't take a brain surgeon to look and see that that fabric in our landscape is changing dramatically, yet they continue to be an important constituency for the recreational activities in Suffolk County.

If you look at the piece of property in question, the Hard Estate deeded over to the County by Kenneth Hard, it might be worth noting that this was originally a hunting and fishing property. And if you look around the rest of the park system, you will see that the Anson Hard Estate in Sayville which is currently the headquarters of the County Parks Department, the Smithers Property, the Black Duck Lodge and many others are there because of sportsmen control in the past. Sportsmen have always been an important and integral part of the population of Suffolk County and I would hope that as you consider their needs to recreate in Suffolk County that you would consider their sentiments echoed over the past and help to find a solution for their recreational pursuits rather than being another nail in the coffin. Thank you very much.

Applause

CHAIRPERSON FIELDS:

Thank you. Rudy Fusco, and then I just want to read a couple of the names to come up; Thomas Kister, Marie Kister, Warren Busch and John Van Wagner.

MR. FUSCO:

Good afternoon. My name is Rudy Fusco --

CHAIRPERSON FIELDS:

You have to either turn it on or move it really close.

MR. FUSCO:

My name is Rudy Rusco, I reside in Deer Park. I cannot express any

more eloquently what has already been expressed, except to say that to drive the point home, I would like to recognize two individuals who

33

are here today from both Nassau and Suffolk County who are so serious about the issue that they are seeking the nomination to run for Congress. I would like them to stand and be recognized; Al {Skorski} and Charles {Chuckhauser}.

Applause

That's only the tip of the iceberg, but I'll -- I decided after hearing all these eloquent examinations of the issue, I was going to keep it brief so I will. Thank you very much.

CHAIRPERSON FIELDS:

Thank you very much. Thomas Kister?

MR. KISTER:

Madam Chair, Members of the Board, my name is Thomas Kister, I'm a Suffolk County resident and I just felt it absolutely necessary for me to come here today and voice my opinion. I have been a shooter since I'm 16 years old, I have lived in Suffolk County all of my life. And I think it's absolutely ridiculous to even think about closing this range after 50 years of operation. I would just like the board to consider reopening the range and finding another vendor. Thank you very much for your time.

CHAIRPERSON FIELDS:

Thank you very much. Marie Kister; is Marie here? Okay.

MR. KISTER:

No.

CHAIRPERSON FIELDS:

Okay. Warren Busch.

MR. BUSCH:

Good afternoon, Legislator Fields and --

CHAIRPERSON FIELDS:

Please put the microphone very close, you know, a half inch away.

MR. BUSCH:

My name is Warren Busch and I'm a Board Member of the Nassau County Fishing Game and I am represented here today for these purposes which is to represent many, many members and clubs in Nassau County. We have no trap and skeet range to shoot at except Suffolk. We would like to see it remain in place and reopened as soon as possible. Many of my members can't afford to take the day off so I'm here on their behalf to voice their concerns about this sport. I have been a shooter for a lot longer than before 16 and it's very enjoyable area there that I've shot at and I would like to see it remain that way. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. Warren Busch? Oh no, you are. John Van Wagner?

34

MR. VAN WAGNER:

My name is John Van Wagner, I'm a recent immigrant to Suffolk County from Nassau County and I'd like you to know that one of the reasons that I moved to Suffolk County was to get closer to the rang³. But seriously, the range should be open, it should be operated the way the County wants it to be. But it's important, it's a land mark, it's an institution and it should be open and as soon as possible. Thank you.

CHAIRPERSON FIELDS:

Thank you. Commissioner Scully, could you just come up to the podium there? Are you aware of a Newsday ad from 1990 in which apparently the developer of the houses there advertised the houses that would be built being close and near the Suffolk County Trap and Skeet Range?

COMMISSIONER SCULLY:

Yes.

CHAIRPERSON FIELDS:

So in other words, you are aware that there was advertising to build -- I just want to make this clear for the record -- that there was advertising that absolutely stated that this -- these homes would be built near a Suffolk Trap and Skeet Range trying to entice people to live near a range. That has come in a lot of these letters where people -- that's the beauty of history, where people have been around long enough to know that those kinds of activities have happened. So I just wanted -- do you have a copy of that advertisement?

COMMISSIONER SCULLY:

It was provided to me yesterday.

CHAIRPERSON FIELDS:

Great, thank you. I'd like to get a copy, if I may. Joseph Raub, William Mills, George Porfert, Alan Graf. What is your name, sir?

MR. BLEISTEIN:

Charlie Bleistein, I'm a --

CHAIRPERSON FIELDS:

Oh, okay. Go ahead.

MR. BLEISTEIN:

I'm a resident of North Babylon. I have been shooting at the County range since 1962 when it was originally built by the Nassau Skeet and Trap Club and I was a member there for two years before the County took it over. There are over a hundred gun clubs on Long Island, shooting clubs, and thousands and thousands of shooters and many of them use that range. It's considered one of the finest on the east coast, because of the background, because of the safety features and the layout, the parking and everything else, and accessibility. It's a very safe range, I've never heard of a serious injury there.

When the bids went out a few years ago, when Charlie Marino took over as the operator, there were several other bids that everybody felt the people were well qualified to run it and were very experienced and had a lot of money behind them to upgrade the facilities as the County wanted it. In the opinion of the shooters, he was the least likely

of years because he didn't have the backing, the money and the knowledge to run it properly. And I think if you go ahead with your plan to bring in the experts, we'll get a better facility there.

CHAIRPERSON FIELDS:

Great. Thank you.

MR. BLEISTEIN:

It's really a fine place.

CHAIRPERSON FIELDS:

Thank you very much.

Applause

Joseph Raub and then William Mills and George Porfert.

MR. RAUB:

My name is Joseph Raub, I'm a resident of Suffolk County for over 70 years and shooting is a great sport. What I seem to find here, it's amazing but my State Senator mentioned a few years ago that the State has passed a law which grandfathers all the shooting facilities from being harassed by noise problems, and it's amazing that nobody has brought that up. That's all I have to say.

Applause

CHAIRPERSON FIELDS:

Who's your State Senator? Sir, who's your State Senator?

MR. RAUB:

Owen Johnson.

CHAIRPERSON FIELDS:

You want to repeat that to our Counsel and maybe he could respond to it.

MR. RAUB:

The statement was the fact that the State passed a law grandfathering all shooting facilities from noise problems.

Applause

CHAIRPERSON FIELDS:

Wait a minute.

MR. SABATINO:

I've read that statute, that's not true. Somebody brought that to my attention months ago and it's not true.

MR. RAUB:

It's not true?

MR. SABATINO:

It's not true as it applies to this particular circumstance. The statute doesn't read the way you think it reads.

36

UNKNOWN AUDIENCE MEMBER:

How does it read? Can a copy be produced so that we can get it,

please?

CHAIRPERSON FIELDS:

Okay, we need to have a little bit of order. I will get that from the Counsel, from our Counsel, and if you wish to get a copy of it, perhaps you can leave your name address and I'll get you a copy of it.

UNKNOWN AUDIENCE MEMBER:

I have a copy of that law, if you would like to take a look at it.

CHAIRPERSON FIELDS:

Okay. Joseph Raub, was that --

LEG. LINDSAY:

Who's this guy here?

CHAIRPERSON FIELDS:

William Mills.

LEG. LINDSAY:

The fella right here, who is this fella here?

CHAIRPERSON FIELDS:

Is William Mills still here? George Porfert? George Porfert? Alan Graf?

MR. GRAF:

Alan Graf speaking.

CHAIRPERSON FIELDS:

Good. Okay, let me just read a couple of names. Lucian LoGuirato, Anthony Martinello, James Kinsella, Edward Howell.

MR. GRAF:

Good afternoon. The last four years of the operation of this facility I had shot there at least once a week, sometimes two, so I spent thousands of dollars in supporting this facility. And I've always found that the safety rules were enforced and I never saw anything detrimental to anybody's safety being happening. And I just hope that the facility will be opened again because there are two facilities -- there were two facilities and it definitely isn't enough to accommodate the amount of shooters on Long Island. Thank you.

CHAIRPERSON FIELDS:

Thank you. Legislator Carpenter?

LEG. CARPENTER:

I just have a question. Sir? Al, I just have a question. You said you've spent thousands of dollars.

MR. GRAF:

Yes.

LEG. CARPENTER:

How much does it cost when you go to shoot

MR. GRAF:

I shoot about five to six rounds at 4.50 a round, besides the

reloading the ammunition, you know, the expense of all of the equipment that I use, you know. So I do sometimes -- I go two times a week.

LEG. CARPENTER:

The equipment, I would assume, is subject to sales tax.

MR. GRAF:

Yes.

LEG. CARPENTER:

Is the shooting rounds -- do you pay sales tax on that also?

MR. GRAF:

At the facility, the tax is included in the --

LEG. CARPENTER:

So it is a sales taxable item.

MR. GRAF:

Yes.

LEG. CARPENTER:

So we are generating sales tax revenue.

MR. GRAF:

Yes, you are definitely.

LEG. CARPENTER:

Okay, thank you.

MR. GRAF:

You're welcome.

CHAIRPERSON FIELDS:

Lucian Loguirato. Are you Lucian?

MR. HOWELL:

No.

CHAIRPERSON FIELDS:

No. Okay, he left probably. Anthony Martinelli? James Kinsella? Edward Howell?

MR. HOWELL:

Yes.

CHAIRPERSON FIELDS:

Okay, bingo.

38

MR. HOWELL:

My name is Edward Howell, I'm a resident of West Islip for over 70 years. I've shot at Suffolk County Skeet and Trap and I hope it's opened up again.

CHAIRPERSON FIELDS:

Thank you very much.

Applause

MR. HOWELL:
Thank you.

CHAIRPERSON FIELDS:
Charles Maas, Stuart Libster and Giulio Verrelli. Charles Maas?

MR. MAAS:
Yes, I'm Charles Maas, I live in Melville. And I would like to see the range reopened. There are softball fields, there are golf courses, soccer fields, why not trap and skeet? I enjoy it, it's a nice bunch of guys there, we should be able to use this facility as a range. Everything is in place, why spend all the money to move it somewhere else? Thank you.

CHAIRPERSON FIELDS:
Especially if we can't move it somewhere else. Stuart Libster?

MR. LIBSTER:
My name is Stuart Libster, I'm a resident of Islip Terrace. I have shot at the range approximately seven to eight years. I also instruct the New York State Hunter's Safety Education Courses at that range. I have trained over 150 to 200 people at that range in the safe operation of firearms and hunting. That range is an asset to us for training safety, to making people safety conscience in the hunting sports. Thank you.

Applause

CHAIRPERSON FIELDS:
Thank you. Giulio Verrelli.

MR. VERRELLI:
Yes, I have been shooting at Suffolk County Trap and Skeet since 1969. I think it's a great place to shoot, I don't think the noise levels are high at all. Other than that, I think it's run extremely safe. I think their accident level is none that I know of that anything has ever happened there. I think it's a very safe range, I think it's a great range and I think we should keep it open. Thank you.

Applause

CHAIRPERSON FIELDS:
Frank Spinazzola. Jim Burnett. J. Trier. Mr. Carroll Hamlet. Ron Powell and Robert Baumann. You are, your name, please?

39

MR. SPINAZZOLA:
Is there a switch on this?

CHAIRPERSON FIELDS:
It's on, just hold it closely.

MR. SPINAZZOLA:
I'm Frank --

CHAIRPERSON FIELDS:
Closer than that.

MR. SPINAZZOLA:

Closer than that. Frank Spinazzola.

CHAIRPERSON FIELDS:

Great.

MR. SPINAZZOLA:

Okay? I have been shooting at the range since 1972, that's about 30 years, and it's a sport in which as I age I can still partake; I can't run a four minute mile, but I can still shoot skeet and trap. I feel that -- although I heard it mentioned before, that you need a sound barrier between there and Gerard Avenue. And a sound area I understand costs money and you probably need landscaping around there, too, to hid people from it, and I don't know about government grants but there must be money around from government to take care of that.

I also feel out there the EPA where they talk about sand, I forget the gentleman's name, I have been out there and that sand does not look like sand to me, it's kind of hard. Well, that sand can be replaced with like a beach sand which would make it easier to maintain, I think, and easier to keep it cleaner. Thank you.

CHAIRPERSON FIELDS:

Jim Burnett?

MR. BURNETT:

Yes. Thank you very much for the opportunity to speak. I can't address the operational issues, although I never saw any problems with the operation of the range, it seemed to be pretty orderly and safe to me. As far as the noise, although I'm not insensitive to the issues of the local homeowners, when I first started shooting there 20 years ago most of those homes weren't there; I have to assume that they were priced accordingly. It would be kind of hard not to notice it if you came out to look at a home. I'm sure that those issues can be addressed by some kind of barriers, or maybe the homeowners should put up some trees.

I'd just like -- I feel it's somewhat irresponsible, the closure of the range by the County, the way it was closed. All efforts should have been made to keep it open for the shooters, we are taxpayers in this County. And I just urgently -- I urge you to open it as soon as possible, the clock is ticking, it's already the middle of March.

40

CHAIRPERSON FIELDS:

Thank you very much. J. Trier? Carroll Hamlet? Ron Powell?

MR. POWELL:

My name is Ron Powell. I have been a trap shooter for over 25 years, I have been shooting at Suffolk County Trap and Skeet since 1982. Over the years I taught my daughter to shoot there, my son to shoot there. We spent many enjoyable weekends out there shooting as a family, shooting on leagues and shooting tournaments. I have never ever seen a problem out there as far as safety or environmentally. The range has been there an awful long time and from the time it's there, the findings are showing it's clean as far as trap ranges go. And I think that we should keep this thing going and it's a crime to even think of stopping it.

As far as revenue, by the way, besides ammunition, they sold shooting apparel there, that generated taxes, they had a snack bar, little kind of restaurant like, that brought in more revenue for the County. Plus, every time I went out there with my family, we always went out to eat at a restaurant before we went home, and I'm sure a lot of other people did the same thing. I'd like you to really consider to get this thing open as soon as possible. Thank you.

CHAIRPERSON FIELDS:

I might add, to all of the Legislators who are here today, I have gotten faxes and e-mails from constituents in all of your areas.

LEG. TOWLE:

Legislator Fields? Just for the record, I mean, I think it needs to be restated because maybe people didn't hear this earlier on in the day. The reason the range was closed is because Mr. Marino did not live up to his financial obligations to the County. And I'm not suggesting that the range didn't generate money for the County when we were paid, but clearly that was the issue with Mr. Marino. And I just think, you know, for the purpose of the record, I mean, that needs to be clear. The Commissioner took what action he saw fit, in this instance it happens to be a he, whether this was a trap and skeet range or whether it was a snack bar at Smith Point or the Equestrian Facility at Southaven Park, it doesn't make a difference on the facility. If people are not paying the County what they're supposed to be paying the County, we have to take them out, it has nothing to do with the range, just for the record.

CHAIRPERSON FIELDS:

Okay. But I think some of the points they're making is --

LEG. TOWLE:

No, I understand their points. I mean, you've continued to make little side-bar comments and I don't mind that, it's your committee, but the reality is, I mean, the truth of the matter is he did not pay the County, that's why he's not here.

CHAIRPERSON FIELDS:

Right, we understand that. But what they're trying to say is that it does create revenue to reopen it and that would be an asset to the

41

County, it would create more money, and I think that's what they're trying to say. Robert Bauman?

MR. BAUMANN:

Good afternoon, Ladies and Gentlemen. I wear two hats here today. I wear my Suffolk Alliance of Sportsman, SASI, hat as Vice-President and Firearms Chairman, and I wear my New York State Rifle and Pistol Association hat as Long Island Region Director for that organization. The New York State Rifle and Pistol Association is the official NRA affiliate at the State level. The Long Island Region incorporates what I like to call Greater Long Island, Nassau and Suffolk Counties.

Two weeks ago tomorrow night, SASI, Suffolk Alliance of Sportsmen, met at the Caleb Smith State Park and the issue of reopening this range was brought up. The members in attendance unanimously empowered the officers of that organization, including me, to recommend and strongly

advocate for the prompt reopening of that range facility at its present location at that meeting. One week ago Saturday, on the 9th of March, I attended the New York State Rifle and Pistol Association's annual convention held at the {Friartuck} Inn in Catskill, and I took a few minutes to address the several hundred people there regarding the situation at the Suffolk Trap and Skeet Range. And I unashamedly admit that I got a standing ovation in support of bringing the message back from the State Association of Legal Shooters and Gun Owners that this range should be opened, reopened at its present location as soon as possible.

The Pine Barrens Range, shooting range out at West Hampton Air Force Base, which is property leased to a couple of clubs out there, has been suggested or bandied about or rumored as a substitute location for the operations of the Suffolk Trap and Skeet Range which presently is in limbo in Yaphank, as we all know. For anyone who hasn't been to view the Pine Barrens Range out there, that is tantamount to comparing a stone age spear in the hands of an aborigine to an F-18 Fighting Eagle aircraft today. The Barrens Range is an absolute mess, it is small, it is dirty, it has no permanent buildings, it has a couple of old broken-down trailers and shanties, it has no visible sanitary facilities. And the money that would be required of the taxpayers in this County to upgrade that facility to even approach the quality of what is presently in place in Yaphank would I think be unpalatable to the average taxpayer if he or she knew of the extent of it.

Big bucks would be required to establish that range. It's fine where it is, it was there for 50 years, there are no known safety problems. And I suggest, perhaps some what irrespectfully, that there may have been some Legislative oversight, because we have sat here for the last hour, hour-and-a-half hearing allegations that the range wasn't properly operated over God knows how long in the past. Significantly no one said how long this improper operation or this lack of operation took place. Who was supposed to be over seeing it? The members of the Legislature who are supposedly elected as representatives of the people to see that the people's money is spent properly and that the contracts that the people through the Legislator has -- Legislature has with the several vendors are properly executed. Who was in charge? What was going on? How long did this situation exist?

42

CHAIRPERSON FIELDS:

The Legislature is not in charge of the Parks Department, the Parks Commissioner is in charge of the Parks Department.

MR. BAUMANN:

Okay, but the Parks Commissioner is a recent arrival. In addition to that, there are -- the only other publicly acceptable, or I should say publicly accessible trap and skeet facility is the Brookhaven -- the Long Island Shooting Range of Brookhaven which is operated under contract, I believe, to the Town of Brookhaven. That's under attack at the present time. Rhetorically speaking, if that's closed and Yaphank stays closed, where do we go? What happens to our sport? What happens to the revenue that is lost?

Finally, it has been suggested that we or the Legislature or the Parks Committee, acting in the name of the people, submit proposals for RFP's, PFR's, whatever the term is, for an operator. It has not been mentioned, as has been called to my attention, that there is in our

estimation a prime applicant standing in the wings, a Mr. Joseph Scalfani.

CHAIRPERSON FIELDS:

There are probably three or four here that would like to be vendors.

MR. BAUMANN:

The only one that I know of is Mr. Scalfani with whom I spoke again this morning. Mr. Scalfani asked me to express his regrets, he had a problem in the family that prevented him from appearing here today and to advance his proposal publicly. He also expressed his regrets that his attorney who was also scheduled to appear here and read the letter that he sent to the members of the committee was called to court on another matter and couldn't make it. In the interest of full public disclosure, I now ask someone on the committee to read Mr. Scalfani's proposal. Thank you.

CHAIRPERSON FIELDS:

Where is the proposal?

MR. BAUMANN:

It was mailed to the members of the committee and I understand you got a copy, Mrs. Fields.

CHAIRPERSON FIELDS:

Not one of us got a copy.

LEG. TOWLE:

Never saw it.

MR. BAUMANN:

Somebody got a copy.

CHAIRPERSON FIELDS:

None of us got a copy, believe me. I have all my mail right here, you're welcome to go through every one of them.

43

MR. BAUMANN:

No, thank you. I won't take up any more of your time, but for anyone who would like to hear a resume of Mr. Scalfani's proposal, please meet me outside after the meeting concludes, I'll be happy to explain it to them. Thank you.

CHAIRPERSON FIELDS:

William Whelan? Thank you.

LEG. FOLEY:

Before he leaves, Madam Chair. Sir, if you could just take a seat again, just as a follow-up question. Do you how long ago that was mailed out and was it mailed not only to the committee but was it also mailed to the management of the department or management of the Parks Department?

MR. BAUMANN:

I don't know Mr. Scalfani's -- Mr. Scalfani left a message on my machine, apparently he was a little upset, something going on adverse in his family.

LEG. FOLEY:
I understand.

MR. WHELAN:
He said he had sent a letter to the committee.

LEG. FOLEY:
To the committee, a letter.

MR. BAUMANN:
That's all I know at the moment.

LEG. FOLEY:
Okay, thank you.

MR. WHELAN:
Thank you.

CHAIRPERSON FIELDS:
There is another meeting scheduled to start in one, two minutes, and we're only at card number 29. I would ask that if you've heard testimony and you were going to repeat the testimony, that you just ask -- you know, not to speak and let the next person speak. So I'll name the next names. Jerry Rynston, or no, I guess we were looking at William Whelan.

LEG. FOLEY:
Madam Chair, there are two members of this committee, Legislator Carpenter and I, who are members of the Education Committee. It's our understanding that the Chair of the Education Committee will be taking the resolutions for that committee and voting on them at the beginning of the meeting. So we're going to have to leave, the two of us are going to have to leave this meeting to go to the other meeting which is across the hallway, and then we'll be back before you vote.

44

LEG. CARPENTER:
And if I could just state for anyone who does speak, while we are not able to be here we will be reviewing the minutes when we get them and there are others speakers throughout the building, so we'll be listening with half an ear and apologize for having to step away for a while.

UNKNOWN AUDIENCE MEMBER:
Madam Chairlady, William Whelan is with me, he just stepped out for a moment.

CHAIRPERSON FIELDS:
I know. Mr. Whelan.

MR. WHELAN:
Here I am.

UNKNOWN AUDIENCE MEMBER:
Oh, there you are.

MR. WHELAN:
Hello. Madam Chairman, Members of the Committee, my name is Bill Whelan, I'm the President of the Suffolk Alliance of Sportsmen. And

as the President of the Suffolk Alliance for Sportsmen, I am representing its membership. We are a unified front. We not only represent trap shooters and other gun enthusiasts but archerers (sic), trappers and anyone else that's in those type of sports. We highly recommend to you, and I strongly say that, we highly recommend to you that with expediency you reopen this range, get the necessary people in there that you need, because anybody in the private sector would have done this long before this, it would have never happened. I'm a retired businessman myself and know it would have never happened in my company. And I suggest that you get that range open and I think that you can see, you'd have to be deaf, dumb and blind not to see the importance of this range to the community, not only here in Suffolk County but on Long Island and throughout the state and other places. Thank you.

CHAIRPERSON FIELDS:

Thank you. Jerry Rynston.

MR. RYNSTOW:

My name is Jerry Rynston, I'm the Vice-President of the All Island Trap Club. You know, what really disturbed me today was hearing that the County was considering alternate uses for this property. It makes me feel that the County looks at us as second class citizens. I think we're entitled to have a recreational facility just like anybody else.

Also, as far as the management to this club is concerned, this is a trap and skeet range, it's not a missile launching site. Trap and skeet ranges are managed throughout the country very safely, very profitably. I think after hearing all this testimony, the real problem here was Charlie Marino not paying his bills. The County did the right thing, now let them do the right thing and get another vendor in

45

there and get that place opened. The weather is getting nice and there's a lot of people that want to make use of that club. Thank you.

Applause

CHAIRPERSON FIELDS:

Thank you very much. John Palasek? John Palasek? Then Gil Herzy, Charles Denis, Fred Winter, William Raab. Come on up and we'll go right from one to the other.

MR. PALASEK:

Good afternoon. I am here to support the legislation, much to the chagrin of the people sitting behind me, only because as has been stated here a few times by some people, they're demanding some kind of an RFP be issued to expedite the reopening of this range, and I for one can't see how you can issue an RFP if you don't know what you're proposing on. And I feel that this legislation is offering some type of a blueprint, some way of making this a plan. You don't start a business without a plan, you don't build a house without a plan, why would you want to step into something that has been mismanaged and has been managed in a somewhat scatter-shot, no pun intended, type of way, as opposed to simply saying here is a step-by-step, A-B-C type of proposal where you say this is what we want, invite vendors to bid on that, have mechanisms in place to guarantee that they'll follow through with whatever it is you ask them to do, mechanisms that will

allow them -- or force them, if you will, for lack of a better word -- to comply with any State, local or County laws, anything from sound to safety, whatever has to be done and then take it from there.

I don't think this facility should be shut down. I don't think trap and skeet shooting should be abolished or anything like that. I just think that considering the fact that it is where it is, it needs -- the needs of a community also have to be entertained as well. You can't simply ignore the fact that people live there.

CHAIRPERSON FIELDS:

You live on Quaker Path; how close is that to the range?

MR. PALASEK:

That's about 3,000 feet or so from the main entrance.

CHAIRPERSON FIELDS:

You're directly affected by the range.

MR. PALASEK:

I think I am, yes. And we -- just as an aside, by the way, I heard it mentioned before that there was a Newsday article regarding something about the builder, letting people know and such. When I bought my house in '92, I was told that the range was going to be relocating at the end of its lease in '95. I was told by the builder, by the Parks Department, by the Police Department because the police Department is where it was supposed to be located behind on Yaphank Avenue, County land, and that never came to pass. So I said fine. When the range was reintroduced, we were called to a meeting and given a seven page document explaining about noise mitigation and such and there was some kind of a five year plan, I believe, and we said fine, but none of

46

that was enacted. And my fear is that without some kind of a comprehensive type of document that stipulates what needs to be done, that the same thing is going to happen again, everybody is going to start off with the best of intentions and it's going to wind up being --

CHAIRPERSON FIELDS:

That is what we're trying to do.

UNKNOWN AUDIENCE MEMBER:

-- a type of a thing. And that's all I see this resolution offering is that it's just simply offering a blueprint. I mean, what's wrong with having something in place that makes it work right? That's all I'm asking for.

CHAIRPERSON FIELDS:

I don't think that we need all that. But anyway, okay, thank you very much.

MR. PALASEK:

Thank you.

CHAIRPERSON FIELDS:

Is Gil Herzey still here?

MR. WINTER:

Fred Winter.

CHAIRPERSON FIELDS:

Charles Denis? Fred Winter?

MR. WINTER:

Is this -- can I be heard?

CHAIRPERSON FIELDS:

Yes.

MR. WINTER:

Good afternoon, everyone. Thank you for letting me be here. My name is Fred Winter, I live out in Wading River. And I was just pondering a phrase that I heard earlier used in that there was a conflict with the community and I was -- I did a lot of leg work for Legislator -- I mean sending a lot of those faxes of people who signed up and were opposed to closing, I have all the originals here. Everyone was shocked; why is this happening, what's going on? I don't really see a conflict with the community, I see many people want this range open.

As far as using other sites, it's already been mentioned that that would require a cost to clean-up this site, I don't see the use of doing that even if another site were available. Just to take something from personal experience, something that probably have all experienced, is we've seen the LIE have sound abatement and we didn't have to shut down the LIE. So it seems to me that we can do things in parallel, you know, this is not rocket science, it seems like there are answers. We do things all the time where we can start and work on the solution as we continue operation, we see it all the time in

47

government offices, if a new office is being put up, "Well, sorry, we're under construction but let's proceed." You know, there are solutions, it doesn't have to be an all or nothing deal with this being over open or closed while these solutions are ironed out.

It does sound a little bit to me like not in my backyard, to be frank. And I am sensitive to the issues of people living nearby, but I think there are solutions. And I just wanted to mention that and I thank you for letting me be here today.

LEG. LINDSAY:

Just a quick comment, and you keep missing the point. The range wasn't shut down for environmental reasons, it was shut down because the vendor didn't pay his bills. The Parks Department didn't want to throw him out of there, they gave him every chance in the world to pay his bills, he didn't pay them.

LEG. TOWLE:

Five months.

LEG. LINDSAY:

You know, the Parks Commissioner's back was against the wall.

MR. WINTER:

Okay.

LEG. LINDSAY:

It's like having a tenant and he doesn't pay rent, how long can you go

on without getting him out and getting somebody new in? And that's what we're trying to do .

MR. WINTER:

Sure, I can see that. But it would seem to be -- if it could be done timely, that's what I would advocate, and I think many others also.

CHAIRPERSON FIELDS:

Thank you.

MR. WINTER:

But thank you for your time and I appreciate the work you're all doing.

CHAIRPERSON FIELDS:

Thank you very much. William Raab? Ed Koropsak. Frank Watkins. Alfred DeBernardo and Anthony Oliva.

MR. KOROPSAK:

Okay. My name is Ed Koropsak. I have used the range many times, I have only been active in the sport for approximately the last seven years, but since then I have really come to enjoy it. I'm a resident of Center Moriches but I'm here also to represent more than a hundred fellow club members. I belong to the Smith Point Fish and Hunt Club, we use that range for many of our shooting events. And I'd just like you to know that I'm expressing their feelings, too, that they all wish to see this open again.

48

As you pointed out, the range was closed down because the contractor didn't pay his bills, so I don't see why all of this is happening right now. Just get someone in to pay the bills. You can't make too restrictive of -- when a new vendor comes in, to make him be responsible for all this noise mitigation and whatnot as part of his running the place. Guns are going to make noise, you're never going to be -- it's never going to be quiet there, that's impossible. And you could mitigate some of the noise, but I don't even think that should be a big issue. People knowingly bought houses next to a range, they have to live with that now; if they don't like it, sell the house, move. As if some someone bought a house next to the railroad tracks; they knew the trains were going to come by and make noise. That's part of what they've got to live with.

And as far as noise goes, the range is not open at night, it doesn't open till ten in the morning, it's not keeping people up at night. I mean, I'm familiar with the area, you're going to hear guns going off, there's no doubt about that, it's never going to be quiet. And how much can you do and put on to a new vendor that's going to run the place. Like how can you quiet down guns? There's not a lot that they could do. And just to say that they want it quiet, that's impossible. And someone's got to tell them, look, you're going to have to live with some amount of noise in that area.

CHAIRPERSON FIELDS:

Thank you.

MR. KOROPSAK:

That's it.

LEG. TOWLE:
Legislator Fields?

CHAIRPERSON FIELDS:

Frank -- I'm going to ask that just the public be heard from this point forward because we're only on number 36 and there are 80 something. Frank Watkins and then Alfred DiBernardo.

MR. DiBERNARDO:

My name is Al DeBernardo, I'm a Suffolk County resident and I have listened to all the testimony of Legislator Towle and now Legislator Fields and I feel very strongly this range should be opened. And I have a few issues I would like to comment on, the main one being Legislator Towle had mentioned that the community has a problem with this range, and Ms. Fields has contacted the Brookhaven Town Supervisor and he has not received any complaints. So I'm not sure what community he's referring to, it's certainly not the community in this room.

And the only community I could possibly imagine he is referring vaguely is the people that live near this range. And again, as my previous speaker just mentioned, you know, you don't buy a home near a very loud noise source such as an airport or a railroad or a range and then expect to have everything changed around because you bought a house in that area, like one resident was just here mentioning. And it reminds me of a situation that happened with the Long Island

49

Railroad with the diesel locomotives that they purchased and the horns were a little bit too loud and people complained that bought homes near a railroad track and they had to spend hundreds of thousands of dollars, if not millions of dollars, taking all the horns out of the diesel locomotives and putting in new quieter horns. And it just gets -- it gets to be a bit ridiculous at a certain point where, you know, how much money do you spend trying to please a very few? Obviously a whole County, and more than just this County, enjoys this range, and do you try to eliminate noise, do you try to build a hundred foot sound barriers trying to make these people happy, or you just say you know what, if you're that unhappy sell your house. You know, you can't please everybody all the time. And I think this may be a situation where you cannot please everybody all the time, but you need to keep the majority happy. In this case, this range has been here for a long time, it's not like this range was just built yesterday and these people bought these homes not knowing.

You know, another point I would like to mention, we heard from the Suffolk County Department of Health and they mentioned that nothing needs to be done to this range to keep it open or remain to stay open from an environmental standpoint. But if this range would be closed or kept closed, then it becomes an environmental hazard if it remains closed or if it should try to be moved, and now it will cost at least \$4 million to remove sand and debris from this particular area. And I don't know about everybody else in this room but, you know, we just had a pretty big tax increase in Suffolk County with our property taxes and I don't think the County should be looking to frivolous spend \$4 million on trying to fix something that's not broken. There's nothing at all broken here.

Applause

And I think this County has enough problems with trying to solve real problems, not manufactured problems. The last thing we need to do in life is look for problems and try to make solutions to problems that really don't exist. It seems like there's been a problem with this vendor, everybody's agreeing on that, so let's get a new vendor. But I don't think that to serve some political purpose or to serve some purpose of keeping the people who live near this range happy, that looking for this vendor should take four or five years or just being an indefinite process and saying, "Well, we're looking for a vendor," but in the meantime it stays closed indefinitely.

The last point I would like to make is this technicality about noise. Now, if this law is going to be such an issue for Legislator Towle, change the law. Let's exempt the range. You're the people who make the laws, you can introduce it and say, "Okay, you know what? We have this law that was passed by Legislator Levy, it wasn't meant to be handled this way. This is becoming technicality and, you know, obviously if everybody lives their life by complete technicality nothing will ever get done. And if you are going to make a technicality issue out of it then just change the law, make it an exemption. You guys make the laws, you can change the laws.

50

So I think there's lots of things that can be done here. We certainly need to dwell on technicalities. And again, with the interviewing of our vendors, we just need to find somebody new and just choose somebody wisely and make it with a longer term contract, as Ms. Fields had mentioned, where somebody has an incentive to make improvements on this and not to think, "Well, I'm going to invest X thousands of dollars. But my contract is up in a year, I don't know if I'm going to get renewed the contract so I have a disincentive to ever make the place better." So it should be a long-term contract, ten years or so, and if the person is not living up to the contract then you get rid of him and interview somebody else. But it certainly needs to be remained opened. It certainly doesn't need to be moved, that doesn't make any sense at all, because we certainly don't need to waste taxpayer money trying to clean up a hazardous waste site that would exist if you closed the range but doesn't exist if you leave it as a range. So that's my comments.

Applause

CHAIRPERSON FIELDS:

Thank you very much. Mr. Anthony Oliva? Anthony Oliva. Richard Cininiero, Cininieri? JR -- it looks like Rockawek. Eric Collins? Matthew Catania? William Giordano? Alan Skorski? Fred Munnich? Dr. Jack Giannola.

MR. COLLINS:

My name is Eric Collins, I'm a resident of Islip and I think that this bill should be thrown out and it should not be tabled, it should be handled and resolved immediately and tossed out. The range should remain open. We have heard irrefutable scientific evidence that it poses no safety hazard to the environment, to the people, the noise is probably not really an issue. I think the issue here is someone's political agenda taking precedence over the wants and needs of people. I don't hear the complaints about this except from one man here, Mr.

Tool or whatever it is.

CHAIRPERSON FIELDS:

Towle.

Applause

MR. COLLINS:

Towle, and you're the only one who seems to be against it. This room is filled -- well, it was filled before -- of people who want to see this range open. You say the problem is the vendor didn't pay his bills; let's get a new vendor and let's not tie his hands behind his back and give him a short-term contract which is another way of defeating this bill. You don't want the place opened so you want to tie the new vendor's hands behind his back. Let's give him a five year or a ten year contract, whatever it takes, so he can make money, that's his idea, he wants to come in and make money. It serves the public, it serves everyone here except one person who doesn't even seem to want to pay attention to a lot of things. When he asked to see a diagram, he wasn't looking. It seems that you've already made up your mind, Mr. Towle, and I think that your mind is incorrect. Thank you.

51

Applause

CHAIRPERSON FIELDS:

Mr. Matthew Catania? Or just state your name, who are you?

DR. GIANNOLA:

I'm Dr. Jack Giannola.

CHAIRPERSON FIELDS:

Okay, go ahead.

DR. GIANNOLA:

I was brought up in Brooklyn until my 14th year. I was on a rifle team, I came out to Suffolk County and I started shooting skeet and trap, my love. My wife, my children, and now my grandchildren are being taught. My wife is very competitive and we have outings with the kids and they are learning this technique of shooting. Will they ever get into competitive sports, the Olympics and what not? I hope so. But this is a range where national champions were made; people don't realize this. I for one think that this is a business decision that should have been done on a business level. I don't even think this meeting should have been held, because if somebody is not doing their job you get rid of them, you get somebody else in; slip them in and let them go. To find things -- I read in the paper all the issues, and there isn't any issues, the only issue was nonpayment. So where does all this environmental nonsense come from? The newspapers play this up and they play us up. And my suggestion is to get this thing open as quickly as possible.

CHAIRPERSON FIELDS:

Thank you. Your name, please?

Applause

MR. MUNNICH:

Yes, good afternoon. My name is Fred Munnich and I was wondering if I could ask the Chairman if I could just deviate from the thing and say hello to an old friend that I used to work with; I don't know if that's appropriate or not but I'm going to do it anyway.

CHAIRPERSON FIELDS:

It would be better if you did it later because we'd like to try to get everyone up to speak.

MR. MUNNICH:

Okay, I'll cut it short. I personally believe -- I'm a former police officer and I think that a lot of people missed the whole idea that this is also a place where you can train people to handle firearms and these places are shrinking smaller and smaller and I think that this range should be opened immediately. And I only agree with anybody else that spoke, John Cushman always takes my thunder. But thank you very much for letting me speak.

CHAIRPERSON FIELDS:

Thank you for coming. Natalie Eccleston? Natalie Eccleston? Frank Gennari? Joan Jedlicka? Vincent (Jim) Bellacicco? Mark Moscarillo.

52

MR. GENNARI:

I'm Frank Gennari, I'm a Suffolk County resident. I'm a retired police officer of Suffolk County, I've used this range for several years. I am here because I would like to see it open again also. But what I've learned here today, number one, the first speaker from the NRA presented you, Madam Chairperson, with booklets on a seminar coming up that they are going to teach people how to run ranges and how to properly manage them. I don't believe Legislator Towle was here when that happened but it was -- that's something that's been discussed 20 times today and the paperwork is right in front of you, so that is a solution.

What I've heard today, the environmental impact evidently was possibly a guise to keep this thing closed, but now we're very happy it was done and we know it's safe; it's safe for us and our children and for all the people in the area. But the people of Suffolk County seem to be getting punished for a poor choice of a vendor. Now, if the vendor didn't live up to his money obligations, and at one point I heard he didn't live up to some of the noise barrier obligations, it's up to you, our Legislators, to put a person in there that's going to live up to the contract and open it up for the public and not punish us because you picked the wrong person. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. Joan Jedlicka?

Applause

MS. JEDLICKA:

Yes, hi. My name is Joan Jedlicka, I'm an NRA member and avid shooter and an expectant mother residing in Suffolk County. I have lived in Suffolk County for the past two years. My husband and I moved here from Nassau County because we enjoy shooting, we enjoy the lighthouse, we enjoy many things that Suffolk County offers so we decided to relocate here. We used to enjoy the Suffolk County Trap and Skeet Range in Yaphank until its closure and I do understand the reason for

its closure. However, I think that the reason why we're all here explaining our different reasons for wanting this range open and what have you is because we're always under attack. If the range was closed for that specific reason, I don't understand how every other issue under the sun got in. And it seems as though that's the way things start and that's the way the ball gets rolling and before you know it we have no place to go.

I just want to say that we all know that shooting was -- is an Olympic sport and in the year 2000, 103 countries competed in the sport. I just don't want the ability to practice my sport to be taken away from me. This range is as important to me as a baseball field is to a ball player. I think today it's more important than ever to have a place to teach my child the safe handling and the respect that a firearm deserves and I'm urging you to please keep the range open so that I, as many others in the past, can continue to enjoy this wonderful Olympic sport. Thank you.

Applause
53

CHAIRPERSON FIELDS:

Thank you very much. Go ahead.

MR. MOSCARILLO:

Yes. I would be curious, if this were a --

CHAIRPERSON FIELDS:

Your name for the record.

MR. MOSCARILLO:

Mark Moscarillo, I'm sorry. Mark Moscarillo, a resident of Sayville, New York. If this was an issue regarding a vendor of a golf course, would we be running around in circles as we are? And I've been hearing over and over the Legislators say, "Well, this is an issue of a vendor not paying their bill," and that's fine, but why is it taking so long for this -- and it seems like it's going to continue as such, to get a vendor in instead of issues of sound, issues of lead? It seems like if that's the case, why isn't there an immediate investigation, get a new vendor in place instead of running around in circles. And I think a lot of people are voicing their frustration with that and I'm one of those, if that's merely the case then let's get a vendor in there who can do the job correctly. No one here wants anything but that, shooters or anyone else. And I'm just very concerned about that and I think that's the immediate concern instead of these other issues of discussion. It seems like there's been plenty of evidence that has been disseminated that shows that this is operating safely and to clean it up and to take those extra steps would only be extremely costly to the taxpayers. Thank you.

CHAIRPERSON FIELDS:

Thank you. Lewis Giordano? We're on number 53. Joseph Considine, Bob Meoli, Jack Kefalos.

LEG. ALDEN:

Louie, don't take any time up saying hello to any old friends either.

MR. GIORDANO:

How you doing? Thank you for letting me speak. My name is Lewis

Giordano, I live in Bohemia. I spoke to several people over the last couple of days about the range and they're all concerned why they're not being able to shoot there. If the only problem is with the vendor, like other people had mentioned before, get a new vendor in. But another point brought up was the sales tax. Between a firearm and reloading equipment, you could spend several thousand dollars a year very easily, especially on a gun, and we're losing that. And while this range is closed, we're still losing that money, we're not -- this County is not getting any revenue from this range while it's going to be closed. And it's an issue that seems to be on everybody's mind, bring it to attention, that we're going to be losing this money. I would like to urge that this range be opened very quickly.

CHAIRPERSON FIELDS:

Thank you very much. Your name?

54

MR. MEOLI:

My name is Bob Meoli. I would like to see this range open as soon as possible, even with the status quo, while all the other issues are studied. I agree with everything the previous speakers have said in reopening this range. And John Cushman made a comment, that if we all could be someplace else, I know my wife would like to have me in the living room putting down a new floor that I started two weeks ago. I would like to thank you and let's get this range open as soon as possible.

CHAIRPERSON FIELDS:

Thank you very much. Fifty-four we're up to, Joseph Considine. Bob Meoli, Jack Kefalos, Geoff Ross, Mark Wroobel. Robert Riegl, Scott Marshall, J. O'Sullivan, Frank Herebia. Go ahead.

MR. ROSS:

Good afternoon, Legislator Fields. My name is Geoff Ross, I'm a native of Suffolk County. I have three generations of my family buried in the cemetery in my village, I've lived here my whole life. I enjoy shooting. And I'm also a businessman and I also have rental properties, and I know with my rental property, if I have someone in it who's wrecking the place and not paying the rent, I'm going to get them out of there and get somebody in there as quickly as I can because I am losing money and I have to pay taxes on it.

I am very disturbed that this range is closed. I enjoy shooting here -- shooting there. In my years of shooting there, I've shot with people from all over the country, I've shot with people from outside the country, from Italy, three Koreans from the UN who came there to shoot one time with me. I'm sorry to see this range shut down. The County I know is losing money by having it shut down, I would like to see it opened up again as soon as possible. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. Frank Herebia, Ronald Shimborski, John Fritz. Ken Willens, Anthony Grrigo, Peter Driscoll. John Fritz.

MR. FRITZ:

Good afternoon, Ladies and Gentlemen. I'm here today -- my name is John Fritz, I live in Deer Park, I represent three fishing organizations and they all told me to come here and make this statement on their behalf. I am also Chairman of the Sportsmen's

Advisory Board to Suffolk County Parks and I'm also a Parks Trustee. I would like to thank the Legislators present here today for their commitment to this issue. And given the debate that took place before, I think a lot of the issues are resolved. I would just like to see the issue put to rest in the very near future and our position is we would like to see the range reopened insofar as the environmental and the operational concerns are addressed. Thank you for your time and effort.

CHAIRPERSON FIELDS:

Thank you. Mr. Driscoll.

55

MR. DRISCOLL:

Hi, my name is Peter Driscoll. I have been a shooter all of my life, I'm 63 years old, fifty some odd years back in Manhasset and three years in Hampton Bays. I ran the Port Washington Yacht Club Trap Shooting Organization for quite a number of years. That's been a continuous operation since 1917 on Manhasset Bay, surrounded by multi-million dollar houses, and somehow we always learned to learn to live with our neighbors. I might also point out that Sands Point Yacht Club, Piping Rock to mention a few, Maidstone, shoot and shoot successfully and somehow learn to live with their neighbors. So I think it points out that this sound abatement issue is not a real one, it's a political one.

I did hear from a good source that a law was promulgated in Washington about one year ago and it was adopted by 46 states, New York being one of them. I can't find out the source shed, but I think it's legitimate, that if a range has been in continuous operation for a number of years it may not be closed for sound abatement. Now, to address one comment from Mr. Towle that Mr. Marino did nothing about abatement, that's not true. He put up special walls between the skeet and trap courts, he put up a six foot fence at the other side of the courts to catch sound and throw it back away from the area. Sound abatement was reduced there.

Now, on the issue of sound, I don't think it's fair to put that burden on an operator. All the money we're talking about moving this place, put some of that money, a fraction of that money towards reducing it so your operator can concentrate on his job.

The last thing I -- or the second to last thing I would like to bring up is the question of time. Can we get from you people some kind of commitment as to when we might possibly open this place? Are we going to have another meeting? What are we to look forward in this direction?

CHAIRPERSON FIELDS:

Commissioner Scully?

COMMISSIONER SCULLY:

How can I help?

CHAIRPERSON FIELDS:

The gentleman would like to know what we are looking at in time?

How --

MR. DRISCOLL:

I might say that Peter and I are no strangers, we've talked a bit in the past. And I think he's been very open-handed and done a pretty good job on this issue. And yes, he had no choice but to do what he had to do in terms of Charlie. But one of the things that Peter and I also talked about, by the way, this idea of selecting a vendor. I mean, you insult the intelligence of the fifty -- the hundreds of men here from all walks of life who have been shooting collectively for hundreds of years, think of the magazines, the books, the knowledge, the courses they had. These guys know how to shoot, how to shoot safely, and they would be -- a selection of them would be a great

56

committee as an oversight committee for not only the selection but the regulating of a vendor.

But the question to Mr. Scully is when can we look forward to some real action? Not political stuff. When -- is there a point in time we can look forward to getting this thing reopened?

COMMISSIONER SCULLY:

Having sat through almost the entire meeting and having heard that there's likely to be legislation forthcoming which would be part of the process, I could give you a time frame but I don't think it would be honest of me to do that. I mean, if, in fact, the Legislature acts and authorizes --

MR. DRISCOLL:

Well, how about a voluntary target to shoot for, that we can all come back and keep you honest and say, "What's happening?"

COMMISSIONER SCULLY:

Well, I really -- that depends somewhat on what the legislation that the Legislature considers and enacts says and what it directs and empowers and authorizes us to do. I mean, that's an honest answer. And let me --

CHAIRPERSON FIELDS:

Well --

LEG. TOWLE:

Commissioner Scully, would you suffer an interruption for a second? Since I'm the bad guy here today regardless for the majority of you, let me continue along that vein. And just if -- Commissioner Scully, if anything I say you disagree with as a department head, feel free to chirp in.

Let's assume that Legislator Fields and I can come to some compromise, which I think we've made some major progress in that regard today -- and I wish we could have made it before today's meeting, but unfortunately despite repeated attempts between the both of us, we weren't able to do that -- let's assume that the Legislature acts on some compromise bill by the end of this month, beginning of next, that gives the Parks Commissioner some direction. At that point, the Parks Department or the Parks Committee would select a vendor, you know, a consultant; that could be done realistically let's say within 60 to 90 days; I mean, would you think that's a particular reasonable amount of time?

Boos From Audience

I'm not arguing with you, I'm just telling you the process. It's not the process that I'm determining, that's the process that government works by whether all of us collectively like it or dislike. The reality is by the time the consultant is on board, we're probably now talking June or July, by the time that consultant provides the information for an RFP which a lot of people I heard shout before, "What is an RFP?", that's a Request For Proposal, it's basically like a bid. That bid could be put out some time in September or October. I would imagine the bid would come back to the County within 30 or 60

57

days and at some point during January or February, the Parks Department would select a bidder. And realistically, whether you like me or dislike me, and I think Legislator Fields would agree, that is the typical process whether we like it or not . . . I mean, quite honestly.

MR. DRISCOLL:

Well, I don't like it.

LEG. TOWLE:

I'm not saying I like it either, but that's the process.

MR. DRISCOLL:

We find it unacceptable.

CHAIRPERSON FIELDS:

Okay.

MR. DRISCOLL:

If you people can get together in terms of what you want to do, why can't we target June as an opening date? I mean, you're making High Mass out of this.

CHAIRPERSON FIELDS:

I have been working very hard on this whole matter. And when I felt, and I was wrongly -- I was incorrect about it, I thought the Parks Department was not acting quickly enough and I thought that they weren't getting the information that I could probably get a lot quicker. So I made these phone calls to the NRA, I made phone calls to these consultants and to people all over, the National Association of Shooting Ranges and so forth, and I did get back some of the same information that they had been getting and they were actively working on the same problems. They have been doing a very good job, as you heard today from the report that they submitted. And Legislator Towle is also giving you a pretty good reflection of how, unfortunately, bureaucracy works.

LEG. TOWLE:

We concur, it's unfortunate.

CHAIRPERSON FIELDS:

And it is very unfortunate. However, I will tell you this, that I will give you my promise, as the Parks Chairperson, to aggravate and nag Legislator Towle as much as I can to try to have us both come to a consensus. I think he is willing to do that and I will -- and he will verify it, that I will nag the Commissioner to death, I have already done it and I will continue to do so, to move this to a point in which we're not going to be looking at January. I would like to see it ASAP

as do all of the people who have been here today and I will work to that end. And I think that some of the Legislators who are here today also see that this particular issue, this bill, brought an awful lot of individuals out who care who are taxpayers, who are voters, who are spenders beyond just the taxes in our economy. And I think that by you being here, it showed that you have a passion for the sport and that you want to see it reopened and I think that also lets them know that people do care and I think that they will -- and I would ask for

58

a promise to continue to work as fast as we can from the Commissioner to try to get this resolved.

MR. DRISCOLL:

Ginny, I would like to say one last thing on behalf of -- I think I speak on behalf of everybody in this room, every shooter, man or woman. We thank you from the bottom of our heart and you will be remembered.

CHAIRPERSON FIELDS:

Thank you.

Applause

Joe Massey. Stuart Rosenthal. Ed Bosch. Sean Henderson. Leonard Henderson. Brian LaVelle. Gerard Hoppe. Richard Mazarakis. Michael DeMeo. Bill Kirchnoff. Thomas Ebmeyer. Barry Riedel. Gene Brady. Charles "Chuck" Houser. Bernard, it looks like Berhash. And we're up to number 81.

MR. ROSENTHAL:

My name is Stuart Rosenthal and I'm from Huntington. I just want to point out another slant that I haven't heard today. I grew up in Brooklyn as an asthmatic and was precluded from, you know, a lot of different sports that my friends were involved in, so I got involved in shooting, archery, that sort of thing. There are any number of people with handicaps that I've been on the line with; believe it or not, a one-armed archer, you know. People who are doing trap and skeet, you know, had one arm, or obviously a bad leg. There's a limited number of things some of these people can do. You know, we don't want to also limit the number of places for them to do it. You know, we have enough difficulty. You know, I'm urging that you give fast consideration to opening this facility and encouraging people to use this kind of facility, because there's a whole class of people who are precluded from other kinds of activities. Fortunately, my asthma situation went away, but that's that.

The other thing was watching the day today, it was a little bit troubling because if I were an employee and i wanted to get rid of an employee, I'd hire one -- I would be out there looking before I got rid of the current one. In other words, this seems to have been treated like a linear sequential problem; get rid of this guy, do this, get the next guy. It might have been more productive if there was some sort of overlap and got rid of the {linear sequential} effort and saying, "We've got to get rid of this guy," let's start working on getting rid of him as opposed to, you know, this thing that ended up closing the range, because that way the range might not have been closed. That's my comment.

CHAIRPERSON FIELDS:

Thank you. Yes, your name?

MR. MAZARAKIS:

Richard Mazarakis, life-long resident of Suffolk County. Pretty much everything of what I had to say has been said already. One of the few things I'd like to say is that not many people recognize the fact that

59

Commissioner Scully had done a lot to work with the old vendor to try and keep the place open. They're treating him like a bad guy, he's not, and right now his hands are tied by legislation, he can't reopen the range until the legislation allows it.

The other thing is that we're principally here because 30 to 50 very vocal new homeowners who moved to previously undeveloped area adjacent to a 50 year old trap and skeet range and began to complain about the noise versus the many thousands of long-time Suffolk County taxpayers who have been using the range for years with no problem. I myself have spoken to some of these new arrivals, the summer before last for example. This one gentleman told me that his real estate agent told him, "Don't worry, the range is going to be closed." Well, I suggest he take that up with his real estate agent and not the Legislature.

And as far as the noise rules go, there are already three limits that I know of. There are no short-barrel shotguns allowed at that range, the maximum load is a three gram powder equivalent. And the largest shot site we're allowed to use is number seven and a half. I can stand in the parking lot in that range and have a wonderful conversation and have no trouble with noise. I say we should reopen the range under the preexisting rules and then go from there, if there are any problems with the noise, we can straighten that out. And in addition to the sales tax revenue, there are also excise taxes on guns and firearms and ammunition that we're missing out on. And it would be nice to clarify the noise level laws as per Mr. Levy's advice. Thank you.

CHAIRPERSON FIELDS:

Thank you. Your name?

MR. KIRCHHOFF:

Good afternoon. My name is Bill Kirchhoff, I'm a retired New York State Court Officer, I'm a lifetime member of the NRA, I'm a certified instructor in rifle, pistol, shotgun, personal protection and home security. I'm also a Boy Scout Merit Badge Counselor. This range is used for Boy Scouts to teach them shooting safety and as part of the Boy Scout Merit Badge Program for shotgun. This range being closed stops all of the Boy Scouts from obtaining this merit badge in Suffolk County and Nassau because they come from as far as Nassau to obtain this merit badge. There's very few places that these boys can obtain this instruction.

I have been a certified instructor with the NRA for 20 years. I have shot everywhere from Florida to California, I have not found a range that is better suited than this in all my times. I have shot here with my deceased father, I've taught my son to shoot here, I've taught my daughter to shoot here. I don't understand why this range is closed, it does not make any sense to me. If there was a golf course that the operator failed to do his job, Suffolk County would not have

closed the golf course and waited for a year to turn around and reopen it. This range needs to be opened before this summer, not in January next year, there's no excuse for that.

60

As to the noise abatement, I've been told by Owen Johnson myself that there is a law that does preclude the range being closed on noise abatement. I have also spoke to Mr. Levy in reference to his Legislative intent to the bill. If Mr. Levy wants to come here and testify and say his legislative intent was not in reference to a range, then a Legislator should take that into consideration and supply an appropriate exemption because that was not the basis, it was noise abatement for loud radios. That does not enter into a range and it's unreasonable, if that was not the legislative intent, to now use another means, no more than political agenda for home owners, to try to close this range and keep it closed.

I'm also the Vice-President for Maverick and Rifle Pistol Club. We've shot at this range for over 20 years. We have members that have gone there on a regular and consistent basis. They are now being deprived of teaching their children, being there with their families on regular outings. The sales tax issue has been raised repeatedly by numerous other people. The problem I see here is the Parks Department representative needs to be trained and supervised as to how to oversee a range. Maybe the brochures that were provided by the NRA will help and assist the Parks Department in becoming proficient in this manner.

There was also a recommendation that a number of us should be put on to an oversight committee. I'm sure John Cushman who I know for 20 years is quite capable, myself would volunteer, and I'm sure there's many other people in the community that would volunteer. But the primary issue here needs to be to get this range opened immediately, not six months from now, not after more political debate, not after more adjournments because that's not serving the community. And I ask that this committee move to open this range at the earliest possible date, before this summer so that the Boy Scouts can earn their Merit Badges and make their rank advancements.

CHAIRPERSON FIELDS:
Thank you very much.

Applause

Our Counsel I think would like to respond about the exemption to the noise ordinance.

MR. SABATINO:

Also, on the State statute, I know there were some comments made before, I pulled the book out before. There was a front page story in the Wall Street Journal about four or five weeks ago talking about all kinds of State Legislatures which are taking all kinds of actions to try to provide additional protection for shooting ranges. And one of the things that came out of that article is that a lot of it is overstated or misunderstood, and New York happens to be one of those cases where it's overstated and misunderstood.

What the State statute does is two things. The first thing it does is it says if -- in an attempt to protect a gun range owner or a gun range operator, it says that if somebody challenges that particular

gun range on the issue of noise and alleges that too much noise is emanating from there, the defense, the defense for the gun range

61

operator or owner is that he or she can cite the State statute but only in this context. That one, there's some local law noise ordinance has not been exceeded, or if there's no ordinance in place then you use the State standard. If you can show that the State Standard is not being exceeded, then you've got a total defense against the person bringing the complaint. The reason, as I said before, why that has no relevance to the local situation is because Suffolk County does in fact have a noise ordinance on the books. So under the State statute, if you can show you're in compliance with the Suffolk County noise ordinance, you've got a total defense against complaining neighbors.

The second thing the statute does is it says that there can be no operation between 10 PM and 7 AM in the morning unless some locality passes a law which says that you can do it. So it was an attempt by the State to provide some degree of protection to gun range operators and owners, but it doesn't do anything for our situation here.

MR. KIRCHHOFF:

I understand completely what you're saying. But if Mr. Levy's legislation that was submitted for the local ordinance was the noise abatement for stereos and it's now being applied --

MR. SABATINO:

I don't know -- I'm sorry, on that point. I don't know where that -- I kind of know where it came from. What he's saying is that the initial complaints that he was receiving from Parks was the people with the boomboxes and the stereos, he was receiving complaints, but the statute that was drafted had to have a decibel level standard written into it. And it does, it's got a formula, you can't go above a certain decibel level, but it applies to all County owned property. It doesn't only apply to decibel levels emanating from a particular piece of equipment, it's any kind of noise that reaches that level and that's the way that statute has to be constructed. In fairness to the Assemblyman, I think what he's trying to say is that what precipitated, it wasn't complaints about the gun range, what precipitated his bill were complaints from Parks and other places regarding the boom boxes.

MR. KIRCHHOFF:

I understand that, but I don't think that's the main concern here. The main concern here is that the range be reopened. And if we need to do noise abatement, then Suffolk County needs to invest in doing the noise abatement, it shouldn't be the reason to preclude this range from opening immediately.

CHAIRPERSON FIELDS:

Okay, thank you.

MR. KIRCHHOFF:

This range has been here for years and it needs to continue.

CHAIRPERSON FIELDS:

Thank you. I'm going to just read the names. We have seven cards left, I'd like you to raise your hand if you're here. Some of the Legislators have to leave and I want to see if there are many more

people here. Is Patrick Liberti here? Bernard Bearash. Howard Carpluck. Dean Klimpel, is not here?

LEG. LINDSAY:

If you're here, come on up.

CHAIRPERSON FIELDS:

If you're here, come up. Joe Sarrantonio, Chuck Scharff and Thomas Claps.

[SUBSTITUTION OF STENOGRAPHER - DONNA BARRETT]

MR. LIBERTI:

Thank you for listening to me today. I'm going to go off a little bit. My name Pat Liberti. I will not say where I live only for the fact that Suffolk County Legislators, people in office, maybe not you people here, you get the people to vote you in on an agenda or whatever it is, you get into office and everything changes. The Suffolk County Noise Law that they're talking about, in my area it doesn't exist. Nobody -- when you mentioned the word Mastic Beach, everybody looks down because the laws are enforced; they're not. Boom boxes, all of this stuff going on, it's not enforced. I live right next to the Poospatuck Reservation, and I hear gun shots all the time. I live there, fine. The house was there, I decided to live there, fine. I'm an avid shooter, and I love it, okay?

Number one, it's the same situation like that happened with Grucci. Why does the County allow, and the insurance companies, houses to be built that close to a range? Grucci was there for how many years? So was the range, and then you allow, just to make your money for the town or whatever, you allow houses to be build that close. There should be an ordinance. You know, if you want to live by it, then don't complain about the noise. You don't want to live by a sump or whatever, fine. Get the range open, have somebody -- what about Brookhaven Range, having them come down and oversee it, get it opened up. I'd be more than happy to volunteer to sit at the range, either at the desk or whatever to do any kind of work that's needed. But the range should be open. It generates a lot of money.

CHAIRPERSON FIELDS:

Thank you.

MR. LIBERTI:

Thank you.

CHAIRPERSON FIELDS:

Go ahead, your name.

MR. SCHARFF:

My name is Chuck Scharff. First and for most, I'd like to thank Legislator Towle. He hasn't gotten many of those today.

LEG. TOWLE:

It's part of the job.

MR. SCHARFF:

Yeah, I see that. He's done a great job, and he's been out-gunned today for sure, no pun intended. I'd just want to emphasize a couple points. As you probably realize, I live in the area. Some things that I'd like to point out. One is, if the laws are abided by, the local, State, County, town laws, and they're not very restrictive, they allow for quite a lot of noise. If they are enacted, if they're abided by, I think the residents of the area would -- would not be -- be in the position that we are, where we're requesting the help of Legislator Towle. I think that this range could be a good neighbor if, in fact, they were able to maintain the decibel level that's required by law. The laws are enacted to protect the people. And that's all we're asking, we're asking for some protection, you know, from the law, that's all.

I mean, you know, if it was 40 decibels and we were complaining about that, everybody would have a right to say, look at these guys, ridiculous. And that's not the case. You know, I just want to emphasize that they're there to protect us, and that's all I'm asking is that if we could get something going here where we can get the sound down and the mitigation, that would be appropriate. And one other thing, I think it was Legislator Lindsay who made a reference earlier. He wanted to put forward the RFP and then do a study. I think that's kind of reversed. I think that if there is a study to be, and it doesn't have to be a super inclusive study that's got to take eight, ten months, we're not looking at that at all. But we want to see a study that's going to show us how we are going to reduce the level of noise. It shouldn't take a long time, but I think the study should be done first prior to the RFP being issued, because if a vendor wants to come in, and he wants to open a range and then all of a sudden we do a study, and the study says, Jesus, you guys are into the hundred decibel range, you've got to spend, you know, this much money in order to bring it into compliance with local laws, then you're going to put him out of business.

You've got to let these perspective people that want to put RPS forward, you've got to let them know exactly what they're in store for prior, so they can give a fair and honest dollar amount as to what they're willing to go for. I think that's about it. Yes. For now I think that will work. Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Thank you for coming. Yes. Next. Who's next.

MR. CLAPS:

I am the last one, thank God.

CHAIRPERSON FIELDS:

Okay. Mr. Carpluk, then we'll take you.

MR. CARPLUK:

My name is Howard Carpluk, and obviously you are all familiar with me right now. We, as neighbors of the range, have come to you time and time again over the last year or so, and we've brought forth just a lot of questions as to how the range operates. We were not opposed to the range being open, but we were looking for a little bit of fair

we have the right to live there. Okay? We are taxpayers like everybody else is. My questions that we have asked, not many have been answered. I can go into some questions that need to be addressed. You mentioned lead, the lead shot. The Health Department came in, did a study, no problem with the lead of the groundwater and such. He also stated, this is Bob Seyfarth, who I have contacted with a couple of times. He said that in the sporting clay areas there was clearings where the lead would fall out, and that's the only place where the lead is. And I said -- I said to him I don't think that's absolutely true at all. I mean, you go out there, and look in the brush, move the brush away, and it's just loaded with lead. And the thing is the lead should be cleaned up periodically. That's all I'm looking for when it comes to the lead. I stressed it, and I pushed it, and that's the situation with that.

Number two, I mentioned the clay pigeons. I go onto these internet sites that are four shooting ranges, okay. And I go to questions and answers pertaining to guys that own ranges that are questioning the make-up of the clay. Now, of course, they talk about the clay being detrimental to pigs because it eats them -- that's not really important unless it affects the deer. But when you're talking about the clay and you're talking about the chemicals like the poly -- they call it -- it's a hydrocarbon, polycyclic aromatic hydrocarbon. It's a carcinogenic, okay, it's in the clay pigeons, and it's being laying on the grounds forever. I was on the phone with a doctor from the -- I have it right here -- from the Agency for Toxic Substances. And I talked to him about polycyclic aromatic hydrocarbons, he says it airborne, it can become airborne, it can become a groundwater contaminant. And with clay targets that have been sitting there for all them years not cleaned up, is that answered? Is that answered in what you have today? Does Bob Seyfarth know about polycyclic aromatic --

CHAIRPERSON FIELDS:

Bob, do you have any response to that?

MR. SEYFARTH:

Good afternoon, Howard. The poly aromatic hydrocarbons and polynucleic hydrocarbons and all the these other things, what they are is large, usually long-chained or cyclic petroleum products. The compounds that's he's talking about are carcinogenic, and they are a concern in the environment. A lot of them are bi-products of cooking and other things like this, so your hamburger has these on them. It is one of the reasons they recommend not barbecuing routinely. The compounds do not get into groundwater very easily. They are very non leachable, they adhere to soil, they adhere to organic matter, and they don't seem to cause a problem. I've look at studies where they actually apply compounds that include this to piping for water supplies and are not finding levels down to the nanogram per liter range. You're talking about lower than parts per trillion. So I don not feel that's it's a -- a leaching problem. They do not feel that it's a concern.

65

One of the problems that -- and Howard's right on it -- we didn't look into this because our laboratory cannot do specifically this hydro carbons. So we did not look at those in the groundwaters because we don't have the capabilities to do it, it's an expensive thing, but actually, that could be done. We do have wells in the area. We can

take a look at it. The other thing is that most of these compounds are identical or very, very similar to what you're going to find in asphalt and tar. So unless we start ripping up roads, I don't see any purpose of taking this off of where it is. One of the things I do want to say is that Howard and Chuck were very good at bringing out problems where these -- the trap and skeet debris was used on the parkland. That was a real concern, and like I stated before, you don't want this where kids are playing. The County Parks Department jumped on it, they removed over 3000 cubic yards of material from the park in order to ensure that kids that are playing there don't get exposed to it. And I'd like -- I would like to give them credit for that because we didn't know it was going on, the Parks Department wasn't really aware of it, we have a new Parks Commissioner, and so forth.

And it was a problem, and that, I think, goes back to my first statement is lead on the linear tire so it balances your wheel is not an environmental hazard. The lead that in your drinking water supply or in the air in an indoor range is an environmental hazard. And people have taken steps to try to remove that. The range that I had spoken about in Westchester County they did a \$500,000 environmental assessment. So I don't know where Mr. Towle was going to get with 3000, but, I mean, I know what these things can run, I review them, that run into the quarter million range routinely. They did look for these contaminants in the air at the skeet range and did not find any excessive levels. I didn't include that because lead was our main concern and I didn't want to muddy it, but they did do work on that.

LEG. TOWLE:

Legislator Fields, just one second. I mean, Bob, with all due respect, we do environmental impact statements on every piece of legislation that this Legislature reviews. For you to sit here as a Department of Health official and question the fact that a Legislator is doing an environmental impact statement on a piece of legislation, we do that as a normal course of business in the County of Suffolk. It's done by SEQRA, all right, and that's what the resolution calls for. So to suggest that it's going to cost a half a million dollars is absolutely ridiculous and outrageous. It's a lie to these people, and it's an insult to this Legislature.

MR. SEYFARTH:

I didn't say it would cost a half of a million dollars. I said I routinely see them that they cost that much.

LEG. TOWLE:

You brought the question up that \$3,000 was not enough, Bob, that's what you said. You want to have the Clerk read back the minutes?

CHAIRPERSON FIELDS:

Fred, I think that what Mr. Seyfarth is referring to is the fact that

66

Westchester did do an environmental impact statement, study, and how much did it cost in Westchester?

MR. SEYFARTH:

Random roughly, \$500,000.

CHAIRPERSON FIELDS:

Okay, that's what I think he was saying.

MR. CARPLUK:

What clay targets were they using, the biodegradeable type?

CHAIRPERSON FIELDS:

Excuse me?

MR. CARPLUK:

What clay targets were they using?

CHAIRPERSON FIELDS:

I don't know. Okay, what else did you want to know? And maybe we can get you those answers.

MR. CARPLUK:

I mean, that study right there doesn't tell me anything. I mean, if the clay targets that we use at Suffolk County Trap and Skeet, are they the same targets that were used in Westchester County? There's a big difference. Well, there's biodegradable out there now that doesn't have this in there. And why would it be in there? Because there's a problem with it, okay? And it wasn't answered. Now it just gets answered somewhat by a study that was done in Westchester, that doesn't give me any answers. Okay? I live next to this place, okay? I'm just looking to get the place run safely, get these guys -- get them back to shooting and doing what they love to do. I mean, they're County residents, okay? But I am a County resident, too. I live there. Just do the right thing. All this sound abatement stuff that's out there that the NRA talks about, okay, why is it not with this range? Because you don't care about it? I mean, I don't follow it, because I don't think the right thing is being done here.

You gave me a great lesson on politics within the last two or three weeks, and I appreciate that. Thank you. But the bottom line here is we're looking for a fair shake. That's all I can say. I mean, I'm not against this. I've told you from the start till the very end. Give me a fair shake.

CHAIRPERSON FIELDS:

I think you have the commitment of this -- of this panel to try to do everything that we can to make it a better situation. Yes, your name, please?

MR. CLAPS:

Tom Claps. Wheatley Heights, New York. Everything's been mentioned here that I was going to speak about. Mr. Lindsay mentioned the fact that we don't get it because it's all about money and management of the -- of the Suffolk Trap and Skeet Range. We didn't bring up the -- we the shooters did not bring up the -- the environment, the noise

67

abatement, the safety, so forth and so on. I don't know who did, but it wasn't the shooters. So consequently, if we get to management, like Mr. Lindsay said, it's all about, Mr. Marino, who couldn't run a lemonade stand if he had to was given this job and have heard him raked over the coals, and I have no great love for Mr. Marino. However, did run a safe range, he sure did that. He was given, I understand, I might be wrong, a one year lease during which time he put up -- I'm not a good judge of distance, but at least a thousand

feet the fencing to reduce noise abatement, put up huge barriers between skeet fields to reduce noise abatement, and then he's accused of not paying his bills. Well, I don't know if he can afford to do that. And as I say, I'm not going to support Mr. Marino, but we have to decide. Certainly the issue of environment was put to rest this afternoon as far as I'm concerned. Noise abatement. Did anybody check this noise level after Mr. Marino put up those thousand feet of fencing? I don't know. But consequently, it should be done, and I agree with everybody here. Let's open up this range right away, because waiting until December or January, nobody shoots. It's useless, and the County's losing a lot of money. Thank you.

CHAIRPERSON FIELDS:

Thank you. Thank you all for coming and for your testimony and your presence. Bob, thank you and all of the people that worked on the report, and we will do everything we can to try to facilitate a resolution. Can I ask the Counsel to return so that we can get on to the agenda; where is he?

LEG. FOLEY:

Counsel is in executive session at the Education Committee. We don't necessarily need him for the -- for the resolutions.

CHAIRPERSON FIELDS:

I would ask Fred Pollert to be here.

LEG. FOLEY:

We have the Budget Review Office right here.

CHAIRPERSON FIELDS:

Okay. Fred said that he wanted to speak about something, so.

LEG. FOLEY:

Well --

CHAIRPERSON FIELDS:

All right, I will get back to the agenda. There are two more speakers and they are on an agenda item; would you rather wait until we get to that item?

LEG. FOLEY:

Yes.

CHAIRPERSON FIELDS:

And then -- okay.

Tabled Resolutions

68

IR 1028 -02 (P) - Requiring anti-theft surveillance cameras for County park concessionaires (Caracciolo). I'm going to make a motion to table. Do we have a second?

LEG. LINDSAY:

Might I ask, Madam Chairlady, the reason for tabling; is it a budget item or it isn't funded?

CHAIRPERSON FIELDS:

It's going to be -- it was apparently, we discussed, going to cost

quite a bit, and --

LEG. ALDEN:

I'll second the motion because it is quite expensive. So let's table it.

LEG. FOLEY:

Table? Yeah.

CHAIRPERSON FIELDS:

Commissioner, did you want to say something?

COMMISSIONER SCULLY:

I can help. During the -- at the last Parks Committee meeting we had a little bit of discussion about the conversations I had had with Legislator Caracciolo wherein I expressed support for the intent which is to try and make sure we're protecting our collections of revenues, fees and revenues at all parks locations, but I suggested a broader approach than just the concession locations. And he said he would hold off on pushing action on the bill, give us an opportunity to work with the Comptroller's Office to scope a broader review of cash handling in the Parks Department. We have a meeting scheduled with the Comptroller's Office on the 25th to try and scope the project.

LEG. FOLEY:

Just on that point, if I may, Madam Chair, on that point. Commissioner, you may want to include Mr. Duffy from the Budget Review Office who's worked on cash controls for ferry operations and for parking facilities for ferry operations. The cash controls that we've required on a number of our -- of our ferry operations, you may be able to use the same kind of approach or a modified approach for your facilities. So I think speaking with Mr. Pollert, you may want to have someone from his office there as well.

COMMISSIONER SCULLY:

Thank you.

LEG. CARACCIOLO:

Peter, just to refresh my memory, what was the date you indicated that you felt you could accomplish this administratively?

COMMISSIONER SCULLY:

I told you that to actually do the work we'd have to do it in season, because we're handling money when the facilities are open. I told you that I would try and get a project scoped at least within 30 to 60

69

days, I think that's what I told you. But bottom line, I have a meeting --

LEG. CARACCIOLO:

It was, it was early April we expected it to be there. I overheard -- and I appreciate Legislator Lindsay's question regarding why delay, why not act on this now. I feel the County is losing significant revenues because we don't have proper cash controls in effect. The cost of implementation of a surveillance camera system is not costly, it would be very cost effective. However, as I indicated at our last meeting, I'd be willing to give the Commissioner an opportunity to

find an alternative way to address this issue when we look at the fees we collect at the County's beaches. I believe the figure last month you cited, Peter, was half a million dollars. It was quite significant. Am I right about that; what was the figure?

[RETURN OF REGULAR STENOGRAPHER - ALISON MAHOHEY]

COMMISSIONER SCULLY:

The figure representing what specific --

LEG. CARACCIOLO:

The parking fees at Smith Point and at Comsewogue?

COMMISSIONER SCULLY:

It's far in excess of half a million dollars.

LEG. CARACCIOLO:

Yeah, it's a lot of money. And essentially what you have is a system in place where hire -- I believe they're seasonals in that instance, right?

COMMISSIONER SCULLY:

That's correct.

LEG. CARACCIOLO:

And they are at a booth, at a ticket booth and people come up with cash, depending on whether or not they're a resident or a non-resident they pay one of two different fee schedules. And we have no way of knowing the honesty and the integrity of the people taking in that much money. So that would be one -- two locations where I think we could utilize a system like this, to put in place a system of checks and balances. However, there may be other ways of doing it and I'm open to that, and the Commissioner said he would get back to us by early April. So I'm in agreement with the tabling motion.

CHAIRPERSON FIELDS:

Okay. Do we have a price of what it does cost for one camera?

COMMISSIONER SCULLY:

No, I don't have any information. I know that BRO had been working on it and has offered some comments, but I don't think they have anything comprehensive.

LEG. CARACCIOLO:

I would note for the record that the Sheriff's Department has looked

70

at this in terms of the correctional facility, and as Legislator Guldi has pointed out, the cost is very insignificant. So I think we should make that clear.

CHAIRPERSON FIELDS:

Okay, thank you. So motion to table, we had a second. All in favor? Opposed? Tabled (Vote: 6-0-0-0).

IR 1102 --

LEG. TOWLE:

It was tabled.

CHAIRPERSON FIELDS:

-- was already tabled.

Introductory Resolutions

IR 1236-02 (P) - Authorizing contract with the Friends of Long Island's Heritage to provide Interpretive Programs in County Historic Sites (County Executive). Commissioner?

COMMISSIONER SCULLY:

This is just a continuation of our relationship with Friends for Long Island Heritage under which we utilize hotel/motel tax revenues to present events like the {Tees} at Deep Wells for example and other interpretive programs.

CHAIRPERSON FIELDS:

Okay. Motion to approve.

LEG. LINDSAY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Approved (Vote: 6-0-0-0).

IR 1242-02 (P) - Amending the 2002 Capital Program and Budget and appropriating construction funds for renovations to the former Smith Point Bridge toll booth building (Towle).

LEG. LINDSAY:

Do we know that it's -- is it in the budget, is it funded now?

LEG. CARACCILOLO:

This would amend the budget.

LEG. FOLEY:

He did reduce it from 250 to 200,000.

LEG. LINDSAY:

But it still isn't in the budget.

LEG. ALDEN:

It's in the budget, it's in the budget for later years, though, I think. And there was a question as far as what DPW brought up.

71

MR. POLLERT:

There was never a Capital Project request for this included in the Capital Program. We have an offset that was provided by Legislator Towle which is the County Clerk's Capital Project for the Microfilm Processing System, so that's being used as an offset. The County Clerk doesn't intend to proceed with that project at this time.

LEG. ALDEN:

Madam Chair? Fred, it was represented to us that this toll bridge or whatever, the bridge operator is in there and it would have to be renovated anyway, it was part of DPW's extended plan?

MR. POLLERT:

They would probably be putting in a Capital Project Request at this point in time but was not included in last year's Capital Program Request from the Department of Public Works. They were just letting the building languish, I believe that it has been brought to their attention that the building has to be stabilized and do some renovation work on it. So I believe it's been included in the current Capital Project Request for the Department of Public Works or the Department of Parks but it previously was not included.

LEG. ALDEN:

And that would be for next year's budget.

MR. POLLERT:

It could be next year or the year after that or the year after that even.

LEG. ALDEN:

Okay.

LEG. LINDSAY:

I make a motion to table.

LEG. CARACCIOLO:

Second.

CHAIRPERSON FIELDS:

Legislator Caracciolo seconds the motion. All in favor? Opposed?
Tabled (Vote: 6-0-0-0).

IR 1245-02 (P) - Designating Suffolk County as America's Lighthouse County (Fields). I'll make a motion to approve.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

Second by Legislator Foley. All in favor? Opposed?
Approved (Vote: 6-0-0-0).

IR 1254-02 (P) - Extending the deadline for new investment policy of Suffolk County Vanderbilt Museum Trust Fund (Cooper). We do have Steven Gittelman and Lance Mallamo here.

72

LEG. ALDEN:

After they're done with their presentation, I have a few questions.

MR. GITTELMAN:

Good afternoon. Thank you for inviting us to the table. My name is Steve Gittelman.

CHAIRPERSON FIELDS:

Talk right into it, you've got to hold it closely for anyone to hear you and for the stenographer to get it.

MR. GITTELMAN:

Do you think I'd be used to this by now?

CHAIRPERSON FIELDS:

No.

MR. GITTELMAN:

After all these years. I'm back for another visit. The endowment that funds the museum has to be renewed each year, you have to extend your commitment to us. It's that time. In fact, unfortunately it's uncomfortable because we are now at the point where the endowment funds will drop off significantly as of this month, as of the month of March. So we are now running into a cash flow problem so this is a matter of urgency for us.

The request in the legislation has been for 1.2 million, which is the same as it was last year, to come from realized capital gains. And I understand that Budget Review has submitted a report as of this date, I received it on my way in the door. We also have contacted Fleet Investment Advisors as of today and have checked with them to determine whether realized capital gains available are sufficient and they have informed us that the ratio of realized capital gains for unrealized gain needed to provide the \$1.2 million guarantee for this year. We have a ratio of 3.4 years, we have enough capital gains, we have 1,889,000. Budget Review's report appears to have been generated from February data, this is data of the last 48 hours. Of course I would like to provide you copies if that would be appropriate. Of course I'm available for questions.

One of the things I would like you to know is that the museum's reliance on the endowment continues to decrease. The current budget for the museum is \$2.6 million, the museum historically has used approximately a million dollars from the endowment, but that goes back to a time when the museum's budget was \$1.7 million when I first began as a trustee. So each year the endowment remains constant and the museum's revenues and expenditures increase, but we are not seeking to increase that. This is the year that we are going for reaccreditation. For us to run into a major cash flow crisis and to be forced to layoff staff or to close for a period of time in order to cover a budget gap created by a reduction in the annual installment would be a crisis for us with major magnitude.

CHAIRPERSON FIELDS:

Legislator Alden and then I would ask our Budget Review Office to comment.

73

LEG. ALDEN:

Actually, my question is more to Fred Pollert. Do you agree with that analysis, that it's more than one year or two years? I think that in your analysis you stated that if the current sell-off in the market or the current economic condition continues, there is a possibility that we don't have enough capital gains to actually fund the budget past this year?

MR. POLLERT:

Currently, at this point we would have a sufficient amount of unrealized capital gains which means they're potential gains if the equities were sold to be able to accommodate a \$1.2 million guaranteed income to the Vanderbilt Trust Fund. What our concern was with respect to today's memoranda is we just received yesterday the monthly report from Fleet Investment Services which indicated that they had sold off a number of stocks and taken a loss on those stocks. What

that means is that we would normally expect that in order to make the \$1.2 million guarantee, a portion of that would come from the proceeds from their bond portfolio, a portion of it has to come from realized capital gains. Approximately \$600,000 would come from realized capital gains, because they just took a loss it means that in total they're going to have to make up that \$200,000 loss and continuation of the \$1.2 million means that they will have to generate \$756,000 worth of realized capital gains to obliterate the \$200,000 loss so that they can have \$1.2 million distribution. There are sufficient unrealized capital gains to be able to do that.

The policy issue which we had raised last year and which we didn't get back into again because it's a legislative policy issue is that in order to do the \$1.2 million distribution to the museum, the Fleet Investment Services or whoever is going to be managing the fund may have to sell equities to generate the \$1.2 million which they would normally not want to sell. Their obligation would be to make the \$1.2 million distribution to the museum. So they may have to sell a stock which they would normally want to keep in the portfolio just because they have an obligation for the \$1.2 million. That's a legislative policy issue.

LEG. ALDEN:

But you have just stated it and I think it was stated prior to that, that we do have enough for this year and this is an extension of one year on the policy?

MR. POLLERT:

This would be a one year extension on the policy. It would be possible at this point in time to generate sufficient realized capital gains to provide \$1.2 million in total to the museum from the trust fund.

LEG. ALDEN:

It's always been a concern of mine where you're actually relying on dipping into basically the capital or the corpus of the trust for ongoing -- that's really what you're doing when you're selling off -- even when you're selling off stuff that's appreciated, you're dipping into the corpus of the trust; is that not correct, Fred?

74

MR. POLLERT:

From a technical interpretation from the IRS that we received a number of years ago, they don't consider that dipping into the corpus of the trust. As long as your market value exceeds the book value, you're really not going into the principal. So the Legislature has been careful to define that they can only use the realized capital gains that occurred during the year, so it resets every year, you can't carry it over from one year to the next. We have been very careful to monitor and we are in close communication with Fleet to make sure that we have never violated the legislative intent and we have never innovated the corpus of the trust.

LEG. ALDEN:

See, technically you can conform with that. But in essence, what you can do is you can take any of your appreciation which would really offset any of the -- I guess the inflation type of inflationary effect on your trust account and you can negate that so that you're going forward with no gain in the trust, or actually a possible loss. And

it's going to be a paper loss, I realize that, but you can end up with a loss even by being technically correct and not invade the corpus.

MR. POLLERT:

That would be correct, yes. If the market went down, part of our concerns were even before the market declined after September 11th we were concerned that if there was a decline in the market it could negatively impact the operations of the trust if they had to continue to generate \$1.2 million. Clearly, there was a major retrenching after September 11th, the market has come back. The value of the trust has gone back up again, but what has happened recently is that Fleet decided to sell off the stocks and take the \$200,000 loss.

LEG. ALDEN:

And that's part of the risk that you have, it's a market risk. And even though -- I notice what they've been buying is major corporations and things that should be fairly safe. You always have that market risk. So if you end up with a sell-off and it could be a quite extended period of time like with what's going on right now, those major corporations that we own in that trust, they might not actually come back to what prices they had hit last year or the year before and things of that nature. That's why -- I'd support going through with this one year extension, because it doesn't look like we're going to actually burn through, you know, all the capital gains that we've accumulated or that we could actually use to support this. But what I would like to try to do is develop more of a plan or more of a business plan to try to get some other kind of income that we can rely on. And I'm not sure where to go with that, whether it be programs or whether it be switch the investment back over to something that's -- like long-term bonds where you're going to get your yield out of it. I'm not a hundred percent sure which way to go, but I would like to see some kind of a business plan or something put forward that is going to make us less reliant on actually realizing these capital gains and then having to use that to supplement your operating expenses.

75

MR. GITTELMAN:

We agree with the current policy of allowing outside investment counsel to invest up to 50%. We believe that it's a refreshing change compared to what existed a decade ago when the entire endowment was investment or nearly the entire, I think it was less than ten or 11% was invested in inequities, and the endowment has profited by the changes that we made in 1994. And at this juncture, even though we have relied on it for income, the endowment has increased over where it was before we had that change in policy.

You are going to have your up years and you are going to have your down years. The museum should be able to rely on a certain amount of stability. Because one of the problems that we do have is that in some ways we're booked solid with programs. We have, for example, some of our education programs, we can't take additional people, the Historic House is booked, we literally run at capacity. And we -- as you give us -- the capital improvements that are being made will open up additional capacity and we will have increased revenues. And as far as raising money, in the past five years we have raised more money for this museum than in the prior 50 years. So we are -- things have changed to some extent.

LEG. ALDEN:

No, I realize that. But what I'm doing is taking what happened in the market and use that as a focal point that that could continue. There's nothing to say that, you know, there can't be a double bottom and the second bottom might be twice as low as what we just saw, which could -- I mean, if you really do go and use worse case scenario, it could wipe out most -- or not most, it could wipe out the entire investment portfolio.

MR. GITTELMAN:

You are correct.

LEG. ALDEN:

So what I'm saying is just, you know, I am going to support this because it's a one year period, you know, and it looks like we do have enough capital gains to go and realize them, cover the losses that we just took and supplement the operating income. But I think that, you know, we really do have to look at any and all possibilities to increase income to the museum from any way, any way possible, even if it means revisiting the investment strategies.

MR. MALLAMO:

Legislator Alden -- Lance Mallamo, Executive Director of the museum. I want you to know that the staff and I are totally focused on that aspect. I would be happy to give you a report on new revenue areas we see developing in the next -- this year, next year and in the next few years. Many of them are based on capital projects which you have funded which haven't occurred yet or are in the process.

I want you to understand, 2001 was a very good year for the museum, in spite of the tragic impact of the terrorist attacks in September. And this has had a devastating effect -- I think all of you read the paper and know what's going on in the New York area -- on museums and cultural institutions. It has had such a major impact, the American

76

Association of Museums has done a special survey of our region's museums calling this a crisis of unprecedented proportion, because you had a huge drop in charitable contributions. You had a huge drop in endowment values. I'm sure you read just a few weeks ago, the Web Institute of Naval Architecture lost 50% of their endowment almost overnight. It is actually so bad that the good that is coming out, we happily by October had recovered pretty much our attendance; we had an immediate drop-off but we recovered. Many museums on Long Island did not recover and still not have recovered.

And we have formed a group, seven museums in both counties. In fact, Monday -- we have been working for three months and on Monday we had a meeting with the Long Island Museum Association to establish ourselves as the marketing committee with that organization to promote Long Island's museums, and not just the Vanderbilt but all of our institutions as a region and how we can assist the economy of both Nassau and Suffolk County and our mutual interest. We're going to be advertising together, we're going to be providing programming and brochure space in our mutual institutions to do just that.

From our perspective, and I think we should tout this a little bit, we are the single starred attraction in the AAA Guide to the Middle Atlantic States in Suffolk County; there are only two on Long Island,

one is Jones Beach, the other is the Vanderbilt Museum. We actually found that out quite accidentally when a visitor came here and Steve Gittleman, who was working as John the Gardener in our local history program that Sunday, said, "What brought you here?", because the man was from Chicago, and the guy said, "Well, you're the starred attraction and I brought my family from Chicago here this weekend and we're doing that."

We have two weeks ago booked for the first time -- you know, I know I've told you before, we have schools from all over Suffolk County, we booked our first education program from a school in Pennsylvania. We have another school coming in May for a program from California, and they're not just coming for us, they're coming on a field trip for several days, but they booked the program. And I'm like astounded that word is getting out on the programs that we have at the Vanderbilt. Not only are the popular here, but really, we're getting nationally known now.

LEG. ALDEN:

I hope you didn't take my comments really out of context.

MR. MALLAMO:

Not at all. Not at all.

LEG. ALDEN:

Because I've been --

MR. MALLAMO:

And I would love to supply you with the information you're interested in. Well have to work with you on that.

77

LEG. ALDEN:

I've been going to that museum since I was eight years old and I've seen the changes and the changes in the last couple of years since the two of you have really, I would say the reins were passed to you, has been astounding. And I am very, very much, you know, impressed with the way you have brought the museum around, because it was crumbling even back when I first started going there and now it's not. It is a major attraction. But I'm just saying that we are all -- we are all really, in this day and age, we have to be challenged, maybe even look outside the box a little bit, whichever way we can improve it. And for instance, you know, one quick thought that came to my head, the Long Island Convention and Visitor's Bureau is supposed to promote this region, and maybe we need a little bit more coordination just with them to promote our museums. As you've mentioned, you want to see a regional promotion, so even something like that. Maybe if we can get some, you know, promotional help that way, it won't strain your budgets --

MR. MALLAMO:

Absolutely.

LEG. ALDEN:

-- and yet, you know, maybe we can get some more of the income coming in. So that's what my --

MR. MALLAMO:

I think we're definitely on the same mindset here.

MR. GITTELMAN:

We even met last night to get our generators in operating condition. The estate used to be so sufficient electrically, so if you folks need any help with LIPA or LILCO, you just let us know.

CHAIRPERSON FIELDS:

Lance and Steve, what if we were not to support the extension, what would happen?

MR. GITTELMAN:

Well, we would be short by -- I guess the exact number --

MR. POLLERT:

About \$600,000.

MR. GITTELMAN:

About \$600,000. We would have to look at options such as closing the institution for a period of the year. We -- since that shortage would occur immediately, it would begin, in essence, today. We probably would be confronted with staff layoffs and it would be a very difficult recovery. It's not as if this is a -- these funds are for this calendar year, they are not for next year, they are for today.

MR. MALLAMO:

Actually, we're three months into the year now. So our income dropped on January 1st. Our expenses are set. Although our fiscal year is January to December, in actuality we really rely on the school year; our educational programs were booked in September for this coming

78

year. So we've got to provide the services, we've made the commitment to provide services through this school year of June 30th. If we had to now make large scale cuts, they would -- there's not really much I can do about the programs we have in place for June. If I cancelled them I'm losing the revenue, so I'm only in a worse situation. So I would have to make that up primarily in the second half of the year.

MR. GITTELMAN:

However, our first responsibility is the responsibility towards the collection. And therefore, we could not remove security, we could not remove members of our curatorial staff who maintain the collections. So we would be forced to close programming; even though programming is revenue generating, it would be an on thing. What we have left, we would have to reduce utilities, we would have to reduce programming, we would have to shut down buildings. It would be -- because we cannot ignore our key responsibility of the collections.

LEG. CARACCILO:

Question. I think in terms of the resolution, it's appropriate to put the whole issue in context. When you look at the investment trust fund, it has remarkably given its equity mix very well. As the financial impact statement indicates, over the course of the years, and I think it's six years now that the Legislature has appropriated a 50/50 mix, its annual return on investment has been 9% and the only down year was last year and that was only 1.2%, a lot better than most investment portfolios of institutions. And you mentioned Web, but many other not-for-profits said they did not fair very well.

So the first question I have is has the Board of Trustees taken any decision with respect to the investment mix since we are presently out with an RFP and later this year, or sometime this year the Legislature could address, if it were a recommendation of either the investment advisors or the board, to consider some other type of mix?

MR. GITTELMAN:

We have never been asked a question as to what our opinion is regarding the way in which the endowment is managed, that has always been a Legislative prerogative. In the case where the current investment counsel is being reviewed, we were not asked -- we were not offered the opportunity to be a part of that committee. We have been graciously allowed to observe.

LEG. CARACCIOLO:

I know, Lance has been there. But my question is do you as the President of the Board feel as though the board should make some recommendation along these lines? Do you have any in-house financial expertise, people who perhaps work in the markets, people who are familiar with this type of investment on behalf of a not-for-profit that would like to offer -- perspective now, not at the present -- a recommendation to the Legislature to perhaps consider some other type of mix?

MR. GITTELMAN:

We feel that Budget Review works very well with investment counsel, and we don't have a problem with the way things are being managed. Our only --

79

LEG. CARACCIOLO:

I bring that up, Steve, only because I don't want to hear later on there was a problem, that's all.

MR. GITTELMAN:

It's a fair statement.

LEG. CARACCIOLO:

There was a reason for the question and that was really the reason, because people like to become Monday morning quarterbacks if things don't go well.

MR. GITTELMAN:

We have never -- we have never been asked this question, but we certainly can't be dissatisfied with the way it's been handled, either by investment counsel or by Budget Review.

LEG. CARACCIOLO:

Okay. Now, in Tuesday's Times there was a story that Governor Rowland of Connecticut was out at the Gillette Mansion, and I thought Gillette was the famous razor company magnet, that this was his mansion and the State had inherited it, which it did some 40 years ago. And the State has just completed a restoration program, so on and so forth. And what he pointed out in his press release was that there has been a tremendous influx or increase in visitors since last September to his State's landmarks and museums, and I would imagine that's probably true around the Tri-State region, and he cited one of the reasons being that people want to get away from all the negative news reports

that we're bombarded with daily. And I'm wondering, have you seen, you know, a corresponding increase in attendance at the Vanderbilt?

MR. MALLAMO:

Well, I can tell you clearly, Long Islanders are staying closer to home this year. They're much more focused on family activities than -- I will tell you, our biggest week of the entire year is our February winter break and this year we broke all records we've ever had; happily that's paying the bills right now, frankly. I shudder to think what would have happened had it rained that week and I'm praying for rain in the first week of April because we have spring break coming up. But we really geared ourselves and positioned ourself to take advantage of that. We increased our programs each day of the week, we advertised heavily, we added programs that we never had before, programs that we only offered on Sunday we offered seven days that week, and still we found ourselves faced with lines coming out the door of the planetarium. All our mansion tours were filled, and I suspect that's only going to increase this year.

Also, I will tell you that many schools -- initially we had a drop-off in September from schools cancelling field trips. Then I think what brought us back, because we are the largest educator of Long Island school children in a museum. Many school districts told their educators that you're no longer allowed to cross the city line, you have to find a program in Nassau or Suffolk. So we picked up schools that had not visited us before, particularly our Egyptian Program, most schools -- many schools would go to the Brooklyn Museum and the Metropolitan Museum of Art, they're now coming to our facility. But

80

we're very concerned, you know, that's great, but we've also had the Long Island Children's Museum open, which I'm delighted it's open, that's very healthy competition for us and we wish them every bit of success in their mission, but we want to stay competitive with them as well. The Cradle of Aviation will be opening in the next month or so, so, you know, it's going to be stiff competition for us and we know it.

LEG. CARACCIOLO:

Have you ever thought about a twofer program deal?

MR. GITTELMAN:

We've done them.

MR. MALLAMO:

Yes.

LEG. CARACCIOLO:

You've done that with other museums, other attractions?

MR. MALLAMO:

Yes. We actually even -- we participate in a new program that I helped develop with the North Shore Promotion Alliance called the North Shore Heritage Card where if you buy a \$5 card, you will get one free for every -- each paid admission at over 20 museums. And really when I say north shore, and I'd include all of Long Island, but we go almost to Veterans Highway in that, from Great Neck all the way out to Port Jeff. That corresponds to the new Long Island Heritage area which just got extended out to Orient Point and we hope to extend those

benefits there. It's not only for museums, it's also for restaurants, hotels, we have many commercial interests as well where you can get ten or 15% --

LEG. CARACCIOLO:

Let me throw one out to you that you may want to pursue. Because I am amazed when I drive down Main Street, Riverhead, at the amount of traffic, weekdays, weekends, that the Atlantis Aquarium is attracting. You may want to reach out to them and see if you can do something like that with the, because I thought they were going to be a -- what's that expression, in the pan?

MR. MALLAMO:

A flash in the pan.

LEG. CARACCIOLO:

A flash in the pan, I thought it would have a certain appeal for a certain amount of people.

MR. MALLAMO:

I think they're the tail wagging the dog now, aren't they?

LEG. CARACCIOLO:

They are just doing fantastic. And of course they're doing it through educational institutions, primarily elementary schools.

81

MR. MALLAMO:

Right.

LEG. CARACCIOLO:

So I would encourage you to maybe go out there and try to get a secret or two, if they'll allow, from their marketing plan to see if you can pick up on that. Because the Vanderbilt is a gem, but it's also one of the best kept secrets. Most people don't know that it's a public institution --

MR. MALLAMO:

You're absolutely right and we --

LEG. CARACCIOLO:

-- and it's open to the public.

MR. MALLAMO:

And our facilities very much compliment theirs.

LEG. CARACCIOLO:

Right.

MR. MALLAMO:

So we'll definitely look into that.

LEG. CARACCIOLO:

So maybe you can look into that and let me know if there's any prospects.

MR. MALLAMO:

Absolutely.

CHAIRPERSON FIELDS:

Okay. I'm a little concerned with the report that I got and I'm going to ask Fred what his recommendation is.

MR. POLLERT:

Part of our concerns were raised last year. We had started to raise as a major concern in September the fact that the timing was running out on the \$1.2 million pledge. And we raised the issue in September or October, November, December, we have issued perhaps six or seven reports. Last year Legislator Caracciolo, as Chairman of the Finance Committee, requested what Legislator Alden had requested which is some sort of a multi-year budget plan, how would you deal with this as a contingency. Unfortunately, at this point in time, you have few degrees of freedom, you are already a third into the year. If you had the luxury of attempting to look at alternative sources or alternative business plans six months ago, you really wouldn't be under the gun. The problem that you have now is, as the museum has represented, they have commitments out, it's extremely difficult to at this point in time say that you don't want to continue the \$1.2 million pledge.

I firmly believe that what Legislator Caracciolo and what Legislator Alden said is really necessary. You need a multi-year marketing plan, you need a multi-year forecast with respect to their business plan, with respect to their operating budget with how they intend to deal

82

with possible revenue shortfalls; we have gotten those in the past but they have never included corrective plans. The County has corrective plans if our revenues drop off in sales tax areas or if our expenses go up in the social security area or in the retirement area, we have contingency plans. To this point in time, there is nothing that has been prepared that has been shared with us and that I'm aware of that the museum has.

So it's truly a Legislative policy issue. At this point in time, I don't think that you have too many options but to ensure the continued operation of the museum. But at the same time, I also think it would be a good idea to insist that the museum put together contingency plans, put together some sort of a multi-year plan with where they intend to be and what type of correction actions they intend to take if the fund-raising is not working out, if the programs that perhaps they were intending for the Normandy Manor don't occur. That would be my recommendation, that you really can't at this point in time leave the museum in the situation where they'll have to close their doors.

CHAIRPERSON FIELDS:

Okay. Well, then I'm going to ask for both of you come and visit again in about three or six months, whatever it takes for you to put together an alternative, correctional business plan, something that you could bring back to us to say that you haven't ignored the reports and that you are aware that there is a problem and that you're not going to just come back three months after the year begins again next year and say, "Well, you have to help us." And although I think it's everybody's feeling that they do want the museum to continue, I don't think they want to see it with this kind of an outlook. So I will make a motion to approve, but --

LEG. LINDSAY:

Second.

CHAIRPERSON FIELDS:

-- but asking that you come back in three -- would it would take you less than three months or three months to put together a corrective plan?

MR. MALLAMO:

Well, actually we had presented a plan, I believe it was two years ago, and we have implemented certain aspects of it. Legislator Caracciolo had asked me to prepare a plan for this year which I did and I think I attended your meeting, if my memory serves me correctly, I believe it was October 30th of last year.

LEG. CARACCIOLO:

Uh-huh.

MR. MALLAMO:

So I thought we had done that but we would be happy to do that again in three months, six months, whatever you would like.

CHAIRPERSON FIELDS:

Okay. So I would ask that you come back in three months to let us know that we can feel good about approving this today.

83

MR. MALLAMO:

Certainly.

CHAIRPERSON FIELDS:

So we have a motion, we have a second. All in favor? Opposed? Approved (Vote: 5-0-0-1 Not Present: Legislator Carpenter).

MR. GITTELMAN:

Thank you very much.

CHAIRPERSON FIELDS:

Thank you.

MR. GITTELMAN:

We always appreciate your support.

CHAIRPERSON FIELDS:

Thank you.

LEG. ALDEN:

We appreciate the job that you are doing, too.

CHAIRPERSON FIELDS:

Yes. And you do have a wonderful museum and it is beautiful.

MR. GITTELMAN:

Come visit.

CHAIRPERSON FIELDS:

I have, it's great.

Yeah, we did 1269. IR 1272-02 (P) - Amending the 2002 Capital Program and Budget and appropriating funds for improvements to Raynor Beach Park (CP 7175) (Caracappa).

LEG. LINDSAY:
I make a motion.

LEG. FOLEY:
Second.

CHAIRPERSON FIELDS:
All in favor? Opposed? Approved (Vote: 5-0-0-1 Not Present:
Legislator Carpenter).

Motion to adjourn.

(*The meeting was adjourned at 4:47 P.M.*)

Legislator Ginny Fields, Chairperson
Parks, Sports & Recreation Committee

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