

**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, on **August 22, 2002.**

MEMBERS PRESENT:

Legislator Ginny Fields - Chairperson
Legislator Cameron Alden - Vice Chairperson
Legislator Angie Carpenter
Legislator Brian Foley
Legislator Bill Lindsay

ALSO IN ATTENDANCE:

Legislator Vivian Fisher
Paul Sabatino, II - Counsel to the Legislature
Mary Skiber - Aide to Legislator Fields
Terry Pearsall - Aide to Legislator Lindsay
Peter A. Scully - Commissioner of Parks Department
Sean Clancy - Budget Review Office
Nicole DeAngelo - County Executive's Office
Chuck Skinner - Parks Department
Larry Hynes - Parks Department
Dick Peddicord - Consultant
Scott Hanson - Hanson Consulting
Other interested parties

MINUTES TAKEN BY:

Ana Grande - Court Stenographer

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(The meeting came to order at 1:10 P.M.)

CHAIRPERSON FIELDS:

I'm going to begin the meeting. I understand that we have another, at least one legislator in the building, hopefully that person will hear me and come on in.

So let's begin the Parks Committee. And we'll begin with a pledge of allegiance led by Legislator Carpenter.

(SALUTATION)

CHAIRPERSON FIELDS:

Thank you. Normally, the procedure that we follow in the Committee process is that we have cards for the public to speak and we invite them to come up and speak, but I have a feeling that all or at least a good portion of the people who would like to speak are here to hear the reports of the two consultants for Suffolk Trap and Skeet.

So I'm going to reverse that order and ask that the consultants come up and do a, you know, present their findings. But I think even prior to that -- and then we go to the cards, because I think the questions and comments will be after that report is heard.

But I also have two appointments that we have on the agenda, so I'm just going to ask the two people who are here to come up together, Muriel Weyl or Weyl, you can correct me when you come up, and Carl Luecke or Luecke, you can also correct me when you come up. And we can just ask you a couple of questions and then you can leave and you don't have to stay through this whole thing, because I know you're not here for that reason.

And I've been told that the air conditioning is broken, so it's probably going to get warmer or hotter than normal in here.

INTRODUCTORY RESOLUTIONS

Let's begin with I.R. 1826. I.R. 1826 (P) To reappoint Muriel Weyl as a member of the Suffolk County Citizens Advisory Board for the Arts. (Fisher)

CHAIRPERSON FIELDS:

And it's to reappoint, we're not going to go to the resolution at the moment, but just listen or ask Muriel Weyl to talk to us about the Suffolk County Citizens Advisory Board for the Arts, which is the reappointment that you are here for.

You have to put the microphone on and put it, you know, within an inch from your lips.

LEG. LINDSAY:

The switch is on the top.

CHAIRPERSON FIELDS:

On the top, top, top. There you go. Go towards you while speaking. Thank you.

MS. WEYL:

I'm Mureil Weyl. I've been on the committee for three years.

CHAIRPERSON FIELDS:

How many?

MS. WEYL:

I've had a three-year appointment to the committee and it's time to be reappointed, if you so desire.

I find it very important to be able to participate, because I'm very involved with the arts in the entire County and I'm interested in continuing. So whatever you'd like to ask me.

CHAIRPERSON FIELDS:

Do you believe that there should be any changes in that?

MS. WEYL:

Oh, I think Chris Cook heads that committee and I've been very pleased with the whole conduct of the committee. I think that everybody is very serious, they give a long time to this.

I know that we spend probably two whole days with all of the proposals before we even go into the committee meeting and then an entire day is spent evaluating that and really giving out money to various groups.

So, I believe in it and I think since 9/11 it's been even more important in Suffolk County than it ever was.

CHAIRPERSON FIELDS:

Thank you.

Does anyone else have any questions?

LEG. CARPENTER:

Not a question,. I really just wanted to comment and thank you, really. I know what an awesome task it is, especially when there are so many requests for funding to go through and make sure that a decision is being made to see that we're maximizing the amount of dollars that we have for the various arts programs across the County.

And I think on balance, the recommendations that were got from the Advisory Board, for the most part I think there were no changes that needed to be made, so you really did a very good job and I'm pleased that you're willing to come back and do it again.

MS. WEYL:

Thank you.

CHAIRPERSON FIELDS:

I'm going to make a -- oh, Legislator Foley, then Legislator Lindsay.

LEG. FOLEY:

Thank you, Madam Chair.

I look forward to your reappointment as well. One of the issues that

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we've discussed in the past is particularly organizations who may not have deep pockets from other sources of revenues where they are equally, if not have a more compelling case to receive funding from the County for their artistic and cultural activities.

So as part and parcel of the whole effort of winnowing down, as much as you like to include all the applications, which I know you would, but money being what it is that you have to winnow down your list.

Just also keep close tabs on whether they're organizations that are well funded through other sources, which I know are part of the overall group that receives funding from us, but also look at other more rooted organizations, if you will, from different communities that are either starting or initiating some cultural activities where the County would be one of the only sources of initial funding for those organizations.

MS. WEYL:

We really do try to address that.

LEG. FOLEY:

Right. And you do it with some success, I must say. But I know in years ahead, years following your reappointment, there may be some other organizations too that will be looking as well.

MS. WEYL:

Thanks.

LEG. FOLEY:

Thank you.

CHAIRPERSON FIELDS:

Legislator Lindsay.

LEG. LINDSAY:

Madam Chairlady, I was probably going to do what you were just going to do, I'd just like to take this resolution out of order and approve Ms. Weyl's reappointment while she's here.

CHAIRPERSON FIELDS:

Do we have to do that separately, Paul? Can we take it out of order

in the same motion?

Motion to take it out of order and approve I.R. 1826. We have a second. All in favor? Opposed? Approved. (VOTE: 5-0-0-0) APPROVED

CHAIRPERSON FIELDS:

Thank you. And thank you for your time.

MS. WEYL:

Thank you very much.

CHAIRPERSON FIELDS:

We now can address I.R. 1831. I.R. 1831 (P) Reappointing Carl H. Luecke as a member of the Suffolk County Vanderbilt Museum Commission

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(Trustee No. 7.) (Cooper)

CHAIRPERSON FIELDS:

Carl Luecke.

MR. LUECKE:

Luecke is correct.

CHAIRPERSON FIELDS:

Okay. And this is a reappointment to as a member of the Suffolk County Vanderbilt Museum Commission.

Can you tell us how you've done and what you foresee in the future of the Vanderbilt?

MR. LUECKE:

Yeah. I was speaking before and I think I'm probably the oldest person on the Vanderbilt Board both in terms of the amount of time I've been there and my age. I've seen a lot of, a lot of very, very positive changes.

I think the Director, Lance Mallamo, who I'm sure you all know, has done an excellent job. We're very proud of the fact that this year we had a fund-raiser that raised fifty percent more revenue than last year in terms of gross, and seventy percent more in terms of, in terms of net.

I enjoy being on the Board and hopefully I've been helpful.

CHAIRPERSON FIELDS:

We're going through some fiscal difficulties and I heard that they are going to affect Vanderbilt in many ways. Do you have any ideas of

what can be utilized to bring even more money and get us into a point where we're a bit stabilized?

MR. LUECKE:

That's a big topic of conversation, and I think one of the keys is fund-raising for us as Board members.

CHAIRPERSON FIELDS:

Well, I think in -- I'll ask my Aide, in September are we addressing the Vanderbilt?

MS. SKIBER:

October.

CHAIRPERSON FIELDS:

Okay. I believe in -- I think it's September. We will be asking Lance Mallamo to come in and discuss the fiscal difficulties and some of the plans that they have, so I would invite any of the Board members, and including yourself, to come and listen and perhaps be part of that presentation and, you know, the information.

Does anybody have any questions?

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LEG. CARPENTER:

I just want to say something. Mr. Luecke is being very modest. I know from experience that in his tenure as a member of the Board, I had served on the Vanderbilt Board before I became a Legislator, but even at that point, Carl was always a very participatory member, served on many of the committees, was the Treasurer for awhile and has always been very supportive, not only in attending the meetings and being on the committees, but also participating, he and his family, in many of the fund-raising events, helping organize, chair them and participate in them.

He's really been a model Board member. So I was delighted to see that he is willing to accept a reappointment. It really will be a valuable addition to the Vanderbilt, especially, as the Chairman noted, as we go into some times that may, may be a little rougher than we expected.

MR. LUECKE:

Thank you.

LEG. CARPENTER:

Thank you, Carl.

CHAIRPERSON FIELDS:

Okay.

LEG. CARPENTER:

May I?

CHAIRPERSON FIELDS:

Certainly.

LEG. CARPENTER:

Thank you. I'd like to make the motion to take it out of order and approve Carl Luecke's reappointment as a Trustee of the Vanderbilt, 1831.

CHAIRPERSON FIELDS:

1831. We have a motion, second. All in favor? Opposed? Approved. (VOTE 5-0-0-0) APPROVED

CHAIRPERSON FIELDS:

And thank you also for your time and your efforts. And we'll see you hopefully September 12th, I understand is the date that we'll have that meeting. Thank you.

MR. LUECKE:

Thank you.

CHAIRPERSON FIELDS:

Legislator Alden.

LEG. ALDEN:

I'd like to make a motion to take out of order and approve I.R. 1847.

CHAIRPERSON FIELDS:

Which is?

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LEG. ALDEN:

The Sierra Club is asking to use Blydenburgh County Park for a fund-raiser.

CHAIRPERSON FIELDS:

This was tabled in the Ways & Means Committee, and the reason being that there was some discussion that the Sierra Club endorses certain candidates and there were some questions as to whether or not the utilization of a County park for a political, for a fund-raiser could be used as a conflict, because it's a political organization. So --

LEG. ALDEN:

They don't endorse me and that's why I made the motion to approve it.

CHAIRPERSON FIELDS:

So I'm going to ask our Counsel if maybe you could shed some light on that.

MR. SABATINO:

Well, Legislator Binder had raised the concern at the Ways & Means Committee with regard to where the money was going, what the money was going to be raised and generated for and then he was concerned about whether or not there was sufficient earmarking or accounting for that money, because it was brought up. And I think Legislator Towle reinforced it that apparently there is some screening of candidates by the Sierra Club, which could include Legislators who actually vote on the bills.

So the consensus that came out of that tabling was Chairman Guldi was going to invite representatives to come before the next Ways & Means Committee to try to see if there were any safeguards built into the system to avoid that potential problem.

And there's enough time, because the meeting, the approved use is for, I think it's October 5th, but let me just double-check. Yeah, October 5th. So that the thought at Ways & Means was that there would still be enough time to get answers to those questions and still allow the organization to go forward if the committee was satisfied.

CHAIRPERSON FIELDS:

So I would then ask maybe if we could make --

LEG. ALDEN:

I'll change it and make a motion to just take it out of order.

CHAIRPERSON FIELDS:

Okay. Then I also want to --

LEG. FOLEY:

For purposes of taking it out of order, for purposes of what, Legislator Alden?

LEG. ALDEN:

Once we're done with that one, then we're done with all three of the new introductory resolutions and then we can sit and enjoy the presentation.

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LEG. FOLEY:

You'd like, you'd like to move to support the resolution?

CHAIRPERSON FIELDS:

I would make a motion, I would like to make a motion to defer to prime on this one, because I think it does need --

LEG. FOLEY:

We are prime.

LEG. ALDEN:
That's fine.

LEG. FOLEY:
It says here that we are prime.

CHAIRPERSON FIELDS:
I'll make -- no. Ways & Means is prime.

LEG. FOLEY:
The way it reads here is that --

CHAIRPERSON FIELDS:
Down at the bottom it says --

LEG. CARPENTER:
It doesn't say we're prime.

CHAIRPERSON FIELDS:
Ways & Means Prime Committee, it says on the bottom of it.

MS. SKIBER:
On the updated agenda, it says it on there.

CHAIRPERSON FIELDS:
So I'm going to make a motion to --

LEG. FOLEY:
Ways & Means prime or is it Parks prime?

CHAIRPERSON FIELDS:
It's Ways & Means. It's apparently prime, I believe.

LEG. CARPENTER:
Yes.

CHAIRPERSON FIELDS:
I'm going to make a motion to take 1847 out of order and to defer to prime.

LEG. ALDEN:
Second.

CHAIRPERSON FIELDS:
All in favor? Opposed? Approved. It is deferred to prime. (VOTE:
5-0-0-0) DEFERRED TO PRIME

CHAIRPERSON FIELDS:

Okay. I'm going to ask Commissioner Scully to come up to the front of the room and discuss introductions of the two consulting firms that did the work of analyzing acoustics and the environmental evaluation of Suffolk Trap and Skeet.

MR. SCULLY:

Thank you, Legislator Fields. By way of background, I will try to be brief, the members of the Committee will recall that the Department had been placed in a difficult position little under a year ago of having to invoke default provisions of a license agreement it had with a company operating trap and skeet range at Southaven County Park. The reasons were numerous, but at the same time there were some environmental and public health concerns that were being addressed in the area.

And earlier this year in face of significant public support for reopening of the facility, the Legislature acted and directed us to procure engineering consulting services, two separate agreements, to review operational environmental issues at the range site and to make recommendations for operational improvements and make evaluation of potential environmental impacts there and additionally to address noise control and sound level issues at the site, which have been an historical concern, but which take on new importance in the face of the determination by the County Attorney's office, which now agrees with Legislative Counsel that local noise control ordinances do apply to the site.

We did move forward building on the work of an oversight committee I had created after the default last fall, which included representatives of my Department, the Department of Health Services, the Department of Public Works and the EPA, building on their work that committee got involved in the procurement process and we have with us today the two consultant entities, which did the two pieces of work that you'll be briefed on today.

I believe we have copies of their work for you to review as you listen. They are Dick Peddicord & Company of Heartsville, Virginia, who did the operational and environmental evaluation; and Scott Hanson of Hanson Consulting of Wilburn, Massachusetts.

I think that what we'd like to do today is have them come forward and talk to you a little bit about what it was that they did, to what end and what the results of that work was in terms of their findings and/or recommendations and then maybe ask any questions, answer any questions that you may have.

I'd also at this time like to acknowledge the efforts of two key members of the Parks Department staff as it relates to this project.

They did a very, very complete and professional job in working with the consultants, procuring services. And I especially want to recognize them, because they both will be taking advantage of the early retirement incentive and this will be their last appearance before you.

That will be Lawrence Hynes, our Security Director, who is a long time

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fixture in the Parks Department; and Charles Skinner, who is the Supervisor of our Contract Section. They will be sorely missed. And the quality of this effort I think is a reflection why.

So at this time I'd like to call up Mr. Peddicord and Mr. Hanson. And you guys can decide in what order you want to present. I guess maybe Mr. Peddicord.

CHAIRPERSON FIELDS:

Mr. Peddicord, I brought with me a laser pointer to make it easier to point out certain things here. So when you get ready, it's available for you.

MR. PEDDICORD:

Thank you very much. My name is Dick Peddicord. I hold a Ph.D. in Environmental Science from the University of Virginia. I've spent nearly thirty years in environmental consulting with assessment and evaluation and management of contamination issues being the focus of that activity.

About fifteen years ago I stumbled across lead in the environment at shooting ranges in relation to Remington Arms and their operation at Stratford, Connecticut across the Sound here, and since then have been involved, not full-time, but continuously on shooting range issues.

So the focus on lead in the environment and the assessment and evaluation and management of the impacts associated with ranges has been a substantial part of my career for the past fifteen years or so.

When I saw the request for proposals, I responded and was pleased to have been selected to perform the study.

Basically what I did was utilized the information gathered by the oversight committee that the Commissioner referred to moments ago. I used their information, I did not generate new information of my own, but simply evaluated their information in light of my experience and my knowledge of what has gone on with other ranges around the country, my awareness of the regulations that affect ranges and so on.

The conclusion is that we have a site where shooting has occurred for

approaching a hundred years perhaps, and certainly has been operated as a commercial range for the past fifty years, in round numbers.

Any effects that we are going to see environmentally, they have had plenty of time to materialize and, therefore, the situation that we look at today probably reflects what effects are or are not going to occur if the range were to continue to operate.

My understanding of the issue that I was to address was simply to lay out the environmental considerations that would be associated with either continuing to operate a range on the site or ceasing to operate a range on the site. And there are environmental implications of both of those lines of activity. So I attempted to evaluate the current situation in terms of those two options.

After having operated at the site as a commercial range for fifty

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years, the available data do not indicate adverse environmental impacts. There is no surface water on the site to be concerned about, there's no wetlands, no standing water, so issues associated with surface water quality are really not relevant.

That is very much a plus for this site compared to many, to many range sites around the country. There are groundwater data that indicate that at this point groundwater is within the standards set by New York State. The available data simply do not indicate significant environmental concerns in this field after this length of operation.

So I believe the issue is not so much fixing problems from the past as it is proceeding in the future in an environmentally and conscientious and responsible manner.

If the range were to be closed or if this, if this site were to cease to be used as a range, whether some other site were to be used in the future or not, if this site were to cease to be used as a range, the current laws at the Federal level are that this site would need to be, there would need to be some restoration activities at the site.

The lead would need to be removed down to a standard specified in some cases under Federal law and other contexts depending on land-use applications, would have to be land-use standards of the State.

I attempted to provide a first order approximation of the costs of doing that, that lead removal. There are two options. One is that if the soil containing lead shot were to be removed and disposed off-site without treatment, but simply removed and disposed off-site, it would need to be disposed at a hazardous waste disposal facility. The rough order of magnitude estimation for that cost is about seven million

dollars.

The other alternative is to excavate the soil containing shot, treat it on site, such that it meets the requirements for placement in a solid waste landfill. The costs to do that are on the order of about two million dollars, two million dollars.

I recognize that these are by no means bids, they are simply first order approximations to provide some comparative costs for two different activities with the same assumptions of the amount of material to be involved and so forth.

If the range were to -- if the site were to continue to be operated as a range, the best management practices established by U.S. Environmental Protection Agency, in conjunction with the Shooting Sports Organization, they are both very much in agreement on this point, that a fundamental operational activity at any ongoing shooting range should be periodic reclaiming and recycling of the lead from the ground.

That activity would take place I suspect at this site on a five to ten year interval. The costs for doing that are probably on the order of fifty thousand dollars per, per operation. So fifty thousand dollars every five to ten years perhaps on the, would be a reasonable estimate for the reclaiming and the recycling of lead shot.

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It would be important to bear in mind that once any activity is started on any site, consideration needs to be given to ceasing that activity at some point in the future.

Shooting has started at this site. It started here long, long ago. To cease that activity would require, as I said, a removal of the lead shot. That requirement will be there into the future.

If the site continues to operate as a range at some point in time, one must assume that there is the potential at least for that operation to cease. And at that point in time, there would need to be a removal of the lead shot. So those costs remain there at some point in the future if the range continues to operate.

However, given time, there are planning and operational considerations that can make that recovery of lead shot easier. Financing can be set aside over time to account for it and future closure is an issue that can be planned for and managed, but it is something that would need to be considered.

One alternative that was proposed for the site was to switch from shooting lead shot to shooting steel shot. And on the surface, this

appears attractive. Certainly there are not the environmental concerns associated with steel that there are with lead.

However, lead is not always an environmental problem at every site. It depends on the site's specific conditions. The conditions at this site are such that having shot here for fifty years or more on a commercial basis, the data do not demonstrate adverse environmental effect.

Therefore, switching to steel at this site would accomplish relatively little environmentally in terms of concrete advantage, because we simply don't have demonstrated an adverse environmental impacts to begin with. So the switch would not accomplish much concretely.

What it would do would be avoid any possible concerns. I mean if it's steel, it's steel and lead is not there and we don't worry about it. But in order to do that, the lead would need to be recovered before you made the switch to steel.

So there again is the approximately two million dollar cost that is associated with either ceasing operations or with recovering the lead before switching to steel to continue operations. Or the other alternative is to continue operations using lead shot, which past precedent indicates is an environmentally reasonable alternative.

Now, there are management techniques that have been worked out with U.S. EPA and the shooting sports to manage operating a range using lead shot. We've talked about some minor reorientation of some of the shooting positions to minimize the amount of area on which lead shot falls. We've talked about periodic reclaiming and recovery of that lead shot. There are some other relatively simple and straightforward management techniques that might be implemented.

So my conclusion is that the range as it exists has not demonstrated

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adverse environmental effect. That if a range were to continue, were to continue to be operated at the site, that could be done using lead shot in an environmentally sound manner implementing the management considerations that we now know to implement.

The switch to steel could be done, although I see no concrete tangible environmental benefits to that, or the range site, the site could cease to be used as a range.

To switch to steel or ceasing to use it as a range would cost on the order of two million dollars. To continue to shoot lead there would cost on the order of fifty thousand every five to ten years or so for lead reclamation activities.

And there would be some other management costs associated with it. Some of them one time costs, some of them recurring costs, but again on the order of a few thousand, certainly measured in the few to tens of thousands of dollars, not in the millions of dollars range by any means at all.

I will conclude my presentation and answer questions.

CHAIRPERSON FIELDS:

Thank you very much. Do we have any questions from --

LEG. LINDSAY:

It's straightforward.

CHAIRPERSON FIELDS:

Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair.

Sir, you mentioned these management techniques. Was it your -- is it your observation that these management techniques were not employed in the past at this range?

You mentioned how some are rather simple and straightforward and others maybe be a little bit involved, but having done the research here, are you telling us, as much as we want to move forward, but it would be important to have the record reflect what were the past practices at this, at the range.

MR. PEDDICORD:

Would it be appropriate if I were to carry a microphone and step to the chart here?

LEG. FOLEY:

Absolutely. Take one of the other mikes.

CHAIRPERSON FIELDS:

You can pull the microphone right out of there and walk around. All right. Take this one over here then maybe. And here is, here is a laser pointer so that you don't have to stand in front of the photo and show anybody who wants to know, just press this button.

LEG. FOLEY:

And the reason I'm asking, the reason I'm asking is, is just how difficult it will be to implement it if these management techniques or how simple and straightforward it might be and what was the past

practice?

MR. SCULLY:

If I might, Dick, one of the things that we've had the benefit of this morning was your observations, were your observations with regard to the suitability of this site, and I think that probably go in part to some of the questions that Legislator Foley has.

MR. PEDDICORD:

Thank you. Am I on?

CHAIRPERSON FIELDS:

You're on.

MR. PEDDICORD:

Am I out of the way, can you see?

CHAIRPERSON FIELDS:

Yes.

LEG. FOLEY:

Fine.

MR. PEDDICORD:

Here we have Gerard Road and the trap and skeet shooting positions as they have existed in the past. The sporting clay stations were around on the east side shooting toward the west. The trap and skeet facilities were generally on the east side, excuse me, on the west side shooting toward, to the east.

Several things about the way the site was operated in the past were optimal, whether that was by conscientious design or fortuitous good luck, who knows, and that's probably irrelevant in several regards.

One, the site is very flat, so it's easy to get to to reclaim and recycle lead. We also don't have torrential downpours running down forty-five degree slopes and carrying lead and that sort of thing.

It is -- the shot was designed or the shot fell largely into a, an open, an open unforested field. The trap and skeet facility shot this way, the sport and clays facility shot this way and the shot fell largely in a large, flat, unvegetated, relatively sandy field. The ideal conditions to reclaim and recycle that shot.

In -- I have seen other ranges where they stood in the middle and shot to the outside in both directions and scattered the shot much more widely. Here the shot was concentrated in a small area. Again, nice. The flat terrain is nice, the open terrain is nice. All of those things are advantageous.

The management techniques that I referred to would include some simple things, such as reorienting some fields. Some of the trap fields to

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the north generally have been used relatively little. The orange in the figures here is target accumulations. So this field has been used a lot, this field has been used relatively little.

Well, we can do away with some of these and consolidate the use down here. Trap fields can be overlaid with skeet fields and, in fact, several of these fields are laid out for trap use, however, the accumulation of targets out here indicates that they were not really used that way or at least not recently.

Well, that use could be encouraged. So that again you've, you've brought in the shooting from the edges and consolidated it more in the center so the shot is over a smaller area.

The sporting clays stations that were along the east side shooting to the west, it's my understanding, and I will not get into Dr. Hanson's acoustics evaluation, but it's my understanding that he's going to address these fields and that these are some of the more greater contributors to sound levels over here, because they're simply shooting in that direction.

They can be done away with. Some of that shooting can be moved to some positions along the south that again shoot generally away from the housing.

The periodic reclaiming and recovery of lead shot, I understand there was one operation in the mid 90's. We don't have a lot of detail about that and how it was done, but by continuing to minimize the area in which the shot falls, perhaps take out a few trees here and there so that we really have all the shot falling in a cleared area to optimize reclaiming and recovery, those sort of operations can be conducted very -- this is almost the ideal situation for those sorts of operations.

There was some concern -- there is no surface water on the site at all, and that again is a great plus. There are no wetlands here, there are no ponds, there are no streams, the river is way off scale there. There are some wetlands, again, way off scale down here.

The rainfall that flows, flows this way. And to call this even a wet weather stream is quite a compliment to it, it's simply the place that rain runs when it rains. That runs into an area down here that is just a slight topographical depression, and I mean a large depression, it's not a pond by any means at all. It is not a wetland, it's just a low area. There is no drainage out of that. We walked around the

entire perimeter, the water simply runs in and soaks in. So you do not have surface water at all.

But, there could easily be some obstacles placed along here, bales of hay to simply slow the water down. And again it's almost flat, so we don't have a huge velocity, but gravity works, works consistently, works whether you're there watching it or not, you can count on it, you slow water down and any lead, it's very dense, will settle out of suspension, or if it's just being rolled along the ground, the water stops, the lead stops.

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So while again fifty years of operation do not give us indications of excessive lead in groundwater, some hay bale barriers across there to slow this down would simply be a precaution.

So there are management techniques like that, that are really pretty straightforward and just simply the nature of the site, while it's not a management technique necessarily, is to the advantage in this situation.

LEG. FOLEY:

One of the other issues that was brought up in the past and something of an environmental issue too is that the contention that perhaps some of the deer in the area may have ingested the lead pellets, the lead if they were grazing in the area. Did you look at that all to see whether, in fact, that was, that came up in your findings or how was that issue approached?

MR. PEDDICORD:

In terms of actually observing deer at this site at this time, no, we did not.

I was project manager several years ago with one of the larger environmental consulting firms. We did a very intensive human health and ecological risk assessment at the Blue Mountain Sportman's Center in Westchester County, which is not this site, nor is it terribly removed from this site either. And white tail deer were one of the animals that we looked at there in terms of potential implications.

We did that not by shooting deer and analyzing deer, but through food web modeling. The sorts of things that are commonly used, routinely at, well, any sort of large scale environmental evaluation, the food web models are the routine way to go.

We analyzed water, we analyzed the plant tissues of the kinds of plants the deer eat. You've got to understand that deer don't eat just everything, and actually they are browsers, rather than grazers, which means where a sheep, for instance, will nibble grass right down

to the ground and actually even the roots and might ingest the shot, the deer don't do that. They eat twigs and buds and those sorts of things and they don't graze right on the ground where the shot is. So the chances of ingesting a pellet by a deer are pretty slim.

Even if it were to happen occasionally, a deer is a relatively large body, body mass, and from -- a shot pellet that we're talking about is two millimeters in diameter, about, you know, less than a 16th of an inch in diameter, so that's a relatively small amount of dosage per body weight sort of thing.

Bottom line was that we did not see elevated lead concentrations in the deer from our food web modeling at Westchester County.

There are a few other things in the open literature related to that based on those kinds of studies, based on the area that is involved here, there's little that grows in this open field that represents potential food source for a deer. It would be browsing in the perimeters. Relatively small area there. Plants tend not to take up

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lead and accumulate it in plant tissues.

For a whole variety of reasons, I really would not expect lead in deer or frankly other wildlife to be a substantial concern.

LEG. FOLEY:
Thank you.

CHAIRPERSON FIELDS:
Okay. Thank you very much. Any other questions?

Okay. Would you be willing to wait through the rest of the presentations and if anyone who's filled out a card has a particular question, you'll be able to answer those questions?

MR. PEDDICORD:
I would appreciate the opportunity. Thank you very much.

CHAIRPERSON FIELDS:
Thank you very much.

MR. SCULLY:
Thank you, Dick.

As I had indicated earlier, the acoustical sound consultant that the Committee retained is Hanson Consulting from all Wilburn, Mass. Scott Hanson is the principal and I guess he'll be talking to you about what has been the issue of real concern to us in terms of the implications

of those noise ordinances.

And I was impressed with the precision and the technical sophistication with which the issue was approached and for quite sometime how to go about that and come up with a product that would stand scrutiny has been an issue of real interest to us, so I was really intrigued by the work that was done here.

And I'll ask Scott to talk to you a little bit about how they planned it and how they carried it out.

DR. HANSON:

Thank you. Can you hear me?

CHAIRPERSON FIELDS:

Yes. Just make sure that when you speak, you speak closely to the microphone.

DR. HANSON:

Okay. Again, my name is Scott Hanson. I've been doing this work for about twelve years now. I started this work with shooting ranges when I left the university. I took a job with the National Rifle Association where my job was basically to handle any noise related issue on any shooting range across this country. I went back to graduate school to work in acoustics. Throughout that time, I continued my work as a consultant for shooting ranges.

Currently I'm also sitting on a working group for ISO Standardization

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on shooting range noise, which is at an international level. And that's just sort of where I started.

I've done about sixty-five to seventy shooting ranges working on noise related issues. Not all of those have stayed open and that's, my job here is not to tell you that the range is supposed to stay open or it should be closed, it's to give you what the noise levels are out there, what are some of the options in front of you and I believe it's your decision where you want to take that.

The methodology that we used was based on the noise standards that were presented to me and that included Suffolk County's noise standard and the Township of Brookhaven. Fortunately, they were both the same. They left a noise level of sixty-five decibels, A weighted, and a maximum level of sixty-five.

With that, we decided to set up a real shoot on the trap and skeet facility and the sporting clays. Eighteen people came out to shoot

for us that day. What we ended up doing was putting at least one or two people on every trap and skeet range that was out there.

In addition to that, we put eight people in sporting clays positions around the sporting clays course so we had a variety of shots and people that were shooting at different locations and different directions.

Each of these people were instructed to shoot in the normal way that they would on a range. We didn't want them to shoot faster or slower or in different directions, we wanted the same elevation that you would shoot a normal shot and in the same directions, because we didn't, we didn't want to stage anything in this.

In addition, to answer the question of do we have someone bringing in their own ammunition, it's not a real load, Larry Hynes procured two or three cases of factory ammunition, which every shooter was given. This way that we had the traceability back to what the real ammunition was and what it was, so that if we ever had to reproduce this, if somebody else wants to come out and do this, that they can follow up for us.

Our procedure from there was to set up seven different locations all around the range. We chose six of them on the west side of the range and one to the northeast or directly what I would consider down-range from the trap and skeet shooting. And that was over on River Road.

That was really to see what the levels were over there, although from my understanding we had no complaints over there, but since we were here, I thought it was a good idea to get some understanding of what we were doing there.

To give you a little bit of a background or something to think about in terms of what the sounds levels are, sixty-five decibels is the limit which is set forth in Suffolk County and the Town of Brookhaven.

Just a couple of sound levels and common sounds. About twenty

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decibels is a whisper. Forty decibels is a library. Normal conversation, one to two meters apart, is anywhere between fifty-five and seventy decibels. So your normal conversations back and forth to each other are on that same order. Vehicles driving by, motor buses are going to be on the order of seventy-five to eighty decibels.

When you get up to very loud sounds, a woodworking shop, those same sort of power tools, are going to be on the order of a hundred decibels. And if you get close to a jet airplane around takeoff, if you've ever been around an airport, that's about a hundred and thirty,

and that's enough to hurt your hearing.

So those are the sorts of sound levels, and a bit of the breath of all of that so that you have an understanding of where sixty-five fits in, that's normal conversation.

At each of the seven test locations we took multiple minutes of gunfire from, in three different scenarios, and they were trap and skeet only, sporting clays only and then all the shooting together.

And the reason we did that was we wanted to take a look and see if sporting clays was the issue in certain locations or if trap and skeet, because of its proximity to Gerard Road was the issue. And then we put the two of them together so we understood exactly what the combined usage might give us.

We did this at each of the seven locations using the sound level meter, this particular one. It's factory calibrated, it's what they consider type one, which means plus or minus a half a DB. So it's very accurate. It's calibrated every year so we don't have an issue with how loud sounds are, we're not -- and it's also calibrated on that day with a field calibrator.

What we found, to sort of cut to the chase, was at sites one, two and three, which were -- I'm trying to -- I don't know, were they given the map?

CHAIRPERSON FIELDS:

Do you want to come up and point to the areas?

DR. HANSON:

Were you given the map?

LEG. LINDSAY:

Yes. We have one, two and three.

DR. HANSON:

Super. At sites one, two and three, which are on the north side of the six sites that we tested, had sites which exceeded the sixty-five decibel limit.

CHAIRPERSON FIELDS:

One, two and three, did you just say?

DR. HANSON:

Yes, ma'am.

CHAIRPERSON FIELDS:

Okay.

DR. HANSON:

Are we okay? At those three sites we had levels which exceeded our sixty-five DB limit. At site four, which is at the entrance to the equestrian center, we had levels just below sixty-five. All the rest of the sites had levels which were below sixty or right at sixty decibels. So they were fine. It was really these three positions which were, or have issue.

At sites one and three, the loudest sounds that we recorded during the number of minutes that we tested were from the sporting clays range. So it was really the issue, the loudest sound that we recorded at those two sites was from the sporting clay shooting, it was not from the combined shooting nor from the trap and skeet.

The second site, which is at the Davis home, the loudest sound was from traffic, and traffic was evident almost everywhere. And as I said before, traffic is going to run between seventy-five and eighty, because we were not in the middle of someone's home, we were on the sides of roads.

So the question is then raised, if we do have levels that exceed sixty-five, what are some of the options that we have that may bring the noise down?

And there are really three that, that are worth noting. And the first one is to build barriers, and that's really going to affect mostly the trap and skeet range in its current configuration.

To bring the shooting levels that we found on that day down to the sixty-five level, we would have to build approximately a seventeen foot high barrier at the back of the trap and skeet ranges.

To reorient or relocate parts of the range, as Dr. Peddicord said, I believe it's going to be important to remove the -- I'm going to need the pointer.

CHAIRPERSON FIELDS:

Just press this button.

DR. HANSON:

It's going to be important to remove the sporting clays sites on this eastern side, because they're the ones that are actually shooting in the direction of these homes and that's actually the sound that's generating the loudest sounds.

Our fourth position by the -- at the entrance to the equestrian center is just off the map here. And you're very close to the shooters on

this side of the sporting clays course, but we were still not getting levels over the sixty-five limit. So a lot of the shooting that is generating these loud sounds are coming from these points here.

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Now, it is possible to develop a sporting clays course, I feel it's possible, if you have a number of shooting positions along this site here shooting in the northeast direction and you can have additional ones on this end of the property also shooting predominately to the east.

I don't believe that it's feasible to move the trap and skeet range at this point. I think the only real solution is to put a barrier up next to it. The barrier can be berm type, concrete, perforated metal with a fuzz in it, a wooden structure or a combination of those. You can put a berm with a wall structure on top of that to accomplish the heights that are needed. And the height will be dependent upon where it's actually placed. So the closer it is placed to Gerard Road, the higher it would be.

There are also some other requirements of that barrier structure that I've put in the report, which probably don't have any meaning at this point.

To relocate other parts of the range? I think that's really only something for the sporting clays and I think you can still make a viable sporting clays course on the outside of that, but it will take some, for lack of a better word, tweaking and lying out the range in a smart manner up front before the things are developed so we have the shooting angles that we want for both the acoustics and the lead issue. And I think that's the way that should be played. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. Do they use berms and wall structures in other facilities?

DR. HANSON:

Berms and wall structures are used on almost all shooting ranges as for no other reason than for safety. Trap and skeet is pretty much a very safe event and so it's, they're used generally to separate ranges as they are currently on this range here.

There are locations where barriers have been put along the back of them. There are, on sporting clays ranges, people will develop different wall structures around them to, for two purposes. One is to control the shooting angles, and the second is to control the noise. So, yes, they're used often across the country.

CHAIRPERSON FIELDS:

But it was interesting that you gave us the amounts of decibels so that we had a, you know, as a layperson, a general idea of what sounds generate how many decibels and at almost any given time any one of the Legislators goes above that, that decibel at any, you know, certain point.

So sound, you said, in normal conversation is fifty-five to seventy. And so am I speaking in a normal or a lower or higher -- oh, you have that on?

DR. HANSON:
I have this on.

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CHAIRPERSON FIELDS:

So at this point as I speak, what is the decibel level of what I'm saying?

DR. HANSON:

The measurement right here when you're speaking is about sixty decibels.

CHAIRPERSON FIELDS:

So if I were to speak a little louder right now, what are the decibels?

DR. HANSON:

You reached levels that were over sixty-seven.

LEG. ALDEN:

You're close to damaging my hearing.

CHAIRPERSON FIELDS:

So I think that's a good analysis of what we're dealing with here so that if -- that we, under a little more than normal conversation, we could break those decibels and go above them. Thank you very much.

Does anyone have any questions?

LEG. FOLEY:

No.

CHAIRPERSON FIELDS:

Okay. Thank you very much, gentlemen. If you'll stay right where you are, I think that would be a good place. And maybe we will use the podium for the speakers. It's missing a microphone. So we won't use the microphone. Oh, it's lying there.

Okay. John Cushman.

MR. CUSHMAN:

Good afternoon. John Cushman, Sportsmens Association for Firearms Education. I'm a resident of Suffolk. I appeared before this Committee before and I want to thank them for opening it up again for me to comment.

I didn't come here with any planned remarks or things to say except basically to hear what the reports were. I'm astounded at what I've heard here and I'm kind of surprised.

CHAIRPERSON FIELDS:

By the way, you're breaking the sound level.

MR. CUSHMAN:

I'm sorry. Would it be better if I did it without a microphone? I'm used to speaking anyway in front of larger groups without a microphone. So my apologies if I hurt anybody's hearing.

In any event, a couple of things amaze me. School bus going to pick up children early in the morning violates the law. A garbage truck

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picking up garbage, a delivery truck making a delivery. How about the kids who play in the neighborhood like they do outside down the street from me, basketball and the yelling and screaming is a block away. All of these people are violating the existing County law. Shouldn't we arrest them? Shouldn't we do something about it?

I say that tongue and cheek, I don't mean that seriously, but I say it to make a point. Maybe the decibel levels created by Suffolk County and Nassau County are not necessarily in tune with what really goes on in the real world.

As you're talking, a conversation, yelling to my friends across the street, I mean we can get into trouble for violating the law by having a conversation over a fence or letting a bunch of kids play ball in the street. I mean they play basketball all the time and I hear them. Some of the things they say, I wish I didn't hear.

But in any event, I'm just doing that to illustrate what I think is -- and I was up until now completely ignorant of the decibel levels. Now I feel sorry for anybody who has to endure unnecessary noises. Every time I hear a car go down a neighborhood and the car is two blocks away and my windows are vibrating and he's got his windows closed on his car, what are we doing about that?

The issue is, though, the range. The range has been productive for fifty years. It has provided a form of recreation that's known in few

other areas. There are none in Nassau County. Suffolk County has had the benefit of that, because there are numbers of Nassau County people who come and spend money and time, some with noisy mufflers, I'm afraid to say, will come into the area and violate the decibel levels, but they will go shooting, spend money here. And I think it's in the best interests of the people of Suffolk County to reopen that range as soon as possible.

To that extent, I would urge the Committee approve a request for proposal to get a new concessionaire in there, keeping in mind the amounts of money that either the concessionaire or the County has to expend in order to get that range open and operating. And for that, unless the Committee has any questions for me, thank you for the opportunity.

CHAIRPERSON FIELDS:
Thank you very much.

Linda, it looks like Glover Caldwell.

MS. CALDWELL:
Do I just leave this, can you hear me?

CHAIRPERSON FIELDS:
Yes.

MS. CALDWELL:
My name is Linda Glover Caldwell and I reside at 51 Gerard Road Yaphank, New York. I would like to state that I am a Suffolk County Probation Officer qualified to carry a nine millimeter Smith and

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Wesson and my husband is a member of the NRA.

My position is that I am not anti-gun, but I am anti-noise. I have been a lifetime resident of Gerard Road, as my parents originally purchased the land that is across from the skeet range and park around 1951 and put houses on that property around 1962.

At that time, the park was a private estate owned by Kenneth Hard, who lived there with his wife and four children. A small private gun club of approximately ten to fifteen members from Nassau County who were looking for a place to shoot skeet entered into an agreement with Mr. Hard in the middle sixties.

Even though it was a small club whose members only came out for a couple of hours a week to shoot, they paid my parents a nuisance fee every year of twenty-five hundred dollars, which was a considerable sum of money at that time.

When the County took over the Hard estate, it discontinued the private organization and its nuisance fee and created a full-time public business drawing people from all over, including out of state. Suddenly Gerard Road was a gun range and the five or six families that reside on that road were no match for the politicians and the bankers of the gun club.

The quality of life simply deteriorated over the years. Every holiday, gunfire from early morning to dark. Every Saturday and Sunday, gunfire from early morning to dark. Family barbecues, gunfire. Father's Day, celebrated with gunfire. Birthday parties, videotaped with gunfire backgrounds. Memorial Day, gunfire. And so forth. Summers spent in your house with the windows closed and the air conditioning going, prisoners in our own homes.

I would like to know how one individual's hobby takes preference over another individual's life. How dare people force us to live our daily lives in an environment of constant sensory attack so that when you want to leave -- so that when they want to leave their nice, peaceful, quiet neighborhoods and shoot their guns for the day, they can come to where we live and do it.

We are tax paying, hard working people who are entitled to be able to sit in our yards on a Sunday afternoon and hear the birds and the laughter of children as the supporters of the gun club do just before they get in their cars and drive to our neighborhoods to shoot their guns.

In a two-mile radius of my home, I have the unsightly and smelly landfill site, the pollution from the fires at Firematic and up until recently, constant gunfire from the gun club.

Our road also hosts the steamers on the weekends, who attracts hundreds of visitors of the train rides. There is inadequate parking for these visitors, so they park on our lawns, all over the street and use my driveway for turn-around all day.

Then we have the early morning arrivals of tractor trailers making

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deliveries to the Equestrian Center, which is usually locked at the time, so now we have the additional delight of listening to an idling tractor trailer and smelling diesel fumes while he waits for someone to open the gate.

Lastly, there is a lead contamination land across from my house from the gun club. The lead situated in the wooded areas remains. But I am assured that it will not and does not affect my drinking water,

which is a private well.

In closing, I remind you that I was here before all of these devastating changes were made to a small community against its wishes. I feel it is time to ask another area to invite the gun club to be part of their neighborhood, perhaps someone who is here today wanting this gun club to remain open would consider having it closer to their home. Perhaps even their own community.

I ask that the gun club on Gerard Road remain closed and a new location be selected, but not one where there are people trying to live and raise their families, because I wouldn't wish that on anyone.

In closing, I just wanted to ask, I believe it's Mr. Hanson, what date did you do this experiment?

DR. HANSON:

I believe the 25th of June.

MS. CALDWELL:

Right. I assumed that. What I think you should do is try it again without the leaves on the trees, it makes a considerable difference. I have a tape of around 1998 of my granddaughter playing outside and the gunfire is incredible. In fact, people wanted to know where I was. It's reminiscent of Bosnia. I mean we have constant gunfire.

And the other thing I would say that breaking the decibels at conversation is fifty or seventy-five and they're all laughing at that. Well, having a conversation or having a car pass your house is one thing, have it go on a thousand times a day, I don't care if you bounced a ball in this room, just keep bouncing it and see how you want to live with it. So repetition is the problem.

And the other thing I wanted to ask, how high a wall would you be recommending?

DR. HANSON:

At this point if they put one directly behind the trap fields, it would be seventeen feet high.

MS. CALDWELL:

And the one that would be on Gerard Road?

DR. HANSON:

It would depend where they would put it there, I don't have a number for that.

MS. CALDWELL:

Okay. And my point would be, as a person that lives across from the park, I don't want to look at a seventeen foot wall. If I wanted to do that, I would live in the city.

You know, we were here before all of this nonsense and I think it's very, very wrong of the public, just because we are not politically in somewhere or have the right people living on our street, that we have to be subjected to this. And that's all that I have to say.

CHAIRPERSON FIELDS:

I think I just have a comment that, you know, Suffolk County taxpayers do pay to provide certain recreational opportunities for all Suffolk County residents, and, unfortunately, your home is affected. But I wrote some notes as you were speaking, and there are equestrians that use areas in our County to do horseback riding, there are golfers that use golf courses to play their sport, there are all kinds of -- there's soccer fields where kids play, and we do have to offer certain recreational opportunities to all of our County residents. And sometimes those things do affect some people in a manner that you are, you know, addressing.

But I think, you know, then, and I don't want to be insensitive to you, because I understand what you're saying, but when we do offer opportunities to all of the residents, and they do demand them and they do want them, you then have a situation where if your home is near a equestrian center or near horseback riding, you have to deal with manure every day. If your house is near a beach, you have to deal with the cars driving back and forth all day. If you're near a golf course, you've got golf balls possibly entering your property.

If you live near an airport, which is not a recreational opportunity, but certainly a mode of transportation that we tend to utilize in all of our areas, you have to deal with sounds of airplanes. You have to deal, if you live near Sunrise Highway, with an expansion to help all of the other residents to get from one place to another, which increases the sound. If you live near a landfill, because of the way we tend to use throw-aways, you have to deal with landfill odors. If you live near the water, you have to deal with people having cigarette boats and using boats that make an extraordinary amount of sound.

So, I do understand what you're saying, and perhaps you did live there before the range, but I think that, you know, the rest of the community did not, most of them came after the range was put there and I think they did use it, you know, for quite a number of years.

And from the evaluations that I've been following over the last year, there really aren't opportunities, because we have not practiced smart growth here in Suffolk County and there aren't many places to go.

And so to stop a particular sport that thousands of people use and, by

the way, shooting is not politically correct, so we are dealing with a group of recreationalists who are trying to take an opportunity of shooting, and it's not politically correct, most people don't look at it in that way.

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So I do understand, I appreciate you coming here, but I just wanted you to hear some, you know, of the other problems that we have to deal with when we do try to provide something for everyone in Suffolk County.

MS. CALDWELL:

Okay. And in a response to that, what I would say to you is that Yaphank has become a dumping ground. For instance, when you had the Firematics explosion in Bellport and those people no longer wanted that, it suddenly appeared over by the dumps, which is again two miles from my house. When the Long Island Compost was thrown out of Center Moriches, because the odor and people couldn't stand it, you brought it back into where we are.

So what I'm saying to you is it's very convenient and anything that no one else wants, the other taxpayers don't want, ends up in our backyard. So that's number one.

And the other thing is that I was, my family was there before. The property my parents had, which these people bought, the Town or the County could have purchased if their goal was to have a skeet range forever, but they chose not to. And my parents had the right to sell their property to homeowners, just like anybody else that invests in their property.

And as I have had to adapt to the fact of going to six homes on that road to probably two hundred, I think the Town and the County needs to adapt to the fact that you cannot have certain services anymore, such as Nassau County when they no longer would allow trap and skeet shooting and that's why these people came out to Suffolk County.

Maybe it's time that there is no more trap and skeet shooting in Suffolk County and that people will have to learn to deal with it, because I think before people's hobbies and what makes them happy, comes the right to live. And if I go to work every day, I have a right as a human being to come home and be able to sit in my yard, not because somebody wants to go shoot a gun all day long. And that's how I feel about it.

So I think maybe Suffolk County needs to start making some changes and recognizing the fact that rights of people come for a sanctity of life before people's hobbies. And golf courses do not make a lot of noise.

Is there anything else?

CHAIRPERSON FIELDS:

I was talking about the safety issue of the golf ball hitting somebody.

MS. CALDWELL:

Well the odds -- I play golf, and the odds of getting hit with a golf ball and having to listen to constant rapid fire all day long, there's no comparison.

CHAIRPERSON FIELDS:

Okay. Thanks very much.

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MS. CALDWELL:

You're welcome.

CHAIRPERSON FIELDS:

Ronald Powell. And right after Ronald Powell is Charles Sheridan.

MR. POWELL:

My name is Ronald Powell. I reside in Suffolk County for the past thirty years. I shot trap at Suffolk County Trap and Skeet for the last twenty years. Not only myself, my family.

And over the years the people who moved into the area have been trying to get this establishment closed. First it was safety, then it was noise, then it's back to safety. Finally they got it closed.

After all the evaluations, everything comes up, the noise is really acceptable, it's not excess, there's no safety issue and it's time we stopped playing games and reopened this trap and skeet range to the sportsmen of Suffolk County and the rest of Long Island. Thank you.

CHAIRPERSON FIELDS:

Thank you. Charles Sheridan followed by Warren Ferdinandsen.

MR. SHERIDAN:

Thank you, Madam Chairman. I'm one of those aliens from Nassau County. I come out here because you people afford me what my County does not. And I want to thank you for that opportunity.

I didn't know what I was going to say, but I think it all boils down to noise. And I'll just give you a little something about what I know about noise. I was brought up in Queens, in Maspeth. It was nice and quiet. I got married, I moved to Jackson Heights, 81st Street and 37th Avenue. I didn't sleep too well, the "EL" kept going by. After about a week I didn't hear the "EL".

1948, I moved out to Nassau County. I didn't hear the train, but a cricket went off in my cellar and I was up all night. Then Grumman started flying their planes, and now I'm not deaf. But God is very good to us he gives us the power to cope with things and noise is one of them. And if it's a constant noise, it will go away. Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Warren Ferdinandsen followed by Lee Thompson, maybe.

MR. FERDINANDSEN:

My name is Warren Ferdinandsen. I'm a resident of Suffolk County and have been for thirty plus years. I would just hope that the necessary improvements could be made to the range and that it can be reopened. Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Lee Thompson followed by Jerry Rynston or Rynston.

MR. THOMPSON:

Good afternoon. My name is Lee Thompson. I'm a forty-eight year

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resident of Suffolk County, builder developer. I'm very familiar with the decibel levels of building and contracting out here. We seem to have overcome the problem of noise with this issue. We're well within acceptable means.

The other issue we seem to have is a problem with lead, which is also well within acceptable means. It's interesting to know that the other range that we have in Suffolk County over at the old Brookhaven site used a tarmac at the halfway point to collect lead.

Now, the average range of shot is approximately sixty yards. We have two ranges at Suffolk Trap going towards the center. The center is sixty yards away from the average shot there. Most of the shot if you go there is falling within that sixty yard perimeter.

Collection of shot could be as simple as putting a tarmac there and just getting rid of it on a periodic basis. The noise has been adjusted.

I've been out there shooting for many years I'm one of the few chief range officers here in Suffolk County, I've been certified by the NRA, I'm a certified instructor from almost every discipline. The range was always run safely, it was run properly and we need recreation here. We have two or three hour waiting periods sometimes at the other ranges, which is simply not acceptable for the taxpayers and

sportsmen of Suffolk County and Nassau County.

This range must be reopened and the sportsmen must be allowed to have their time too. Thank you.

CHAIRPERSON FIELDS:

Thank you. Jerry Rynston, Mark Griffing.

MR. RYNSTON:

My name is Jerry Rynston. I'm a resident of Manorville. I heard that young lady talking about the noise and what happened through the years.

When I was a young boy, I had an uncle that lived near Kennedy Airport, at that time it was called Idlewild. And I remember being thrilled seeing the little, single engine planes flying in and out. I don't have to tell any of us here what it sounds like now. That's progress. My uncle is not alive anymore and I doubt if he would be happy living where he lived before, but again, that's progress.

I fully support the range. You know this is a win-win situation for the County. The County makes money on the fees from the vendor, they create a very important recreational facility for a lot of residents here who also bring in more money spending it in the restaurants and stores here. So I see that the County can't lose on this deal. It sounds good. Thank you.

CHAIRPERSON FIELDS:

Thank you. Just as a little added point, Mark Griffing followed by --

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MR. GRIFFING:

I pass.

CHAIRPERSON FIELDS:

Followed by Diane Guida. But just very quickly, is somebody, any one of those names that I just said, Diane Guida.

MS. GUIDA:

Yes.

CHAIRPERSON FIELDS:

You're here?

MS. GUIDA:

Yes.

CHAIRPERSON FIELDS:

I received an E-mail from a gentleman who doesn't even live here and

he comes to, used to come to Suffolk Trap and Skeet. Went through his American Express bills, brought his wife and his children here, and he added up his gas, his hotel, motel, his eating, his wife likes to shop at the Tanger Outlets and sometimes the kids would go to a movie, and he spent in one year ten thousand dollars just trying to come out here to Suffolk Trap and Skeet.

So the comment about revenue is, that's one man and I'm sure we can multiply that. Thank you.

MS. GUIDA:

My name is Diane Guida. I live on John Court and we've been there for about eleven years. And at the beginning, it was loud and then it got louder and louder to the point where we wouldn't even sit outside anymore.

And I know that we're talking about decibels and sixty-five and all of that, but you have a very lovely voice and to listen to your voice at sixty-five decibels is a lot different than listening to gunshot at sixty-five decibels.

And I'd also like to say there are a couple of misconceptions I think on the side of the people that are endorsing the trap and skeet shoot. One of them, and I was approached by one of these gentlemen at the bus stop when I had my children there. He said something about our taxes being lower because they're there. That's not true. When we moved in they were one amount, they are double now. We don't afford any benefit from our, on our taxes from these people being there.

I'd also like to say that it's not right that these men come there, they catcall the girls that walk down Gerard Road, they offer them rides home knowing full well they live right there. And it, what they represent is not the type of presence we want in our area.

We have young children. There are twelve, there are twelve homes, there are fifteen children, ten of which are under the age of ten years old. And this is not the environment we want them to grow up in. Thank you.

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CHAIRPERSON FIELDS:

Thank you. Is Mark Griffing here?

MR. GRIFFING:

Yes. I pass.

CHAIRPERSON FIELDS:

Debra Carpluk followed by Eddie, it looks like Reinfurt.

MS. CARPLUK:
I'm going to pass.

CHAIRPERSON FIELDS:
Eddie Reinfurt followed by Joseph Olsen.

MR. REINFURT:
Eddie Reinfurt, 5 John Court. It's disturbing sitting in my chair and listening to the sound test. I can be at my house with all of the windows closed and be woken up by gunshots. And if it's like normal conversation, I wouldn't hear it at all. And the men shooting are wearing ear protection. It's just difficult to listen to the results of the sound tests. It's dishonest.

CHAIRPERSON FIELDS:
How long have you lived there?

MR. REINFURT:
Seven years.

CHAIRPERSON FIELDS:
Thank you. Joseph Olsen.

MR. OLSEN:
Yes. I'd like to give my time to Howie Carpluk.

CHAIRPERSON FIELDS:
Ken, it's either Sallente or Saccente.

MR. SACCENTE:
Ken Saccente. Quite frankly, this is an outrage to the residents that live right next to the shooting range. We talk about nobody wants to live near a dump, nobody wants to live near an airport, nobody wants to live near a power plant. You know, these are things that benefit everybody in the community and these are things that we need in our community. A shooting range, though, is not something we need to have in our community.

In terms of revenue that it brings in, I think any analysis there is flawed. Where are these people going to spend there money anyway? They live in Suffolk County. So I don't think you can pursue that line.

Decibel levels. I could tell you, it's absolutely impossible to conduct a peaceful and quiet afternoon with the shooting that goes on.

When we originally moved in, we were told by the builder, and we

bought it, that the shooting range was going to be closed. It was a lease that was held by Suffolk County and they decided to build some homes there and the lease was not going to be renewed. Very quietly the lease was renewed.

I think anyone who supports should be, actually be ashamed of themselves. To put the interests of the residents of a community ahead of appeasing a special interest group is absolutely outrageous.

And I ask you to take all that into consideration and you do not allow the range to reopen. Thank you.

CHAIRPERSON FIELDS:

Thank you. Ellen, I think it looks like Ellie or Ellen Zupach.

MS. ZUPACH:

I pass.

CHAIRPERSON FIELDS:

Howard Carpluk followed by Chuck Scharff.

MR. CARPLUK:

Good afternoon. My name is Howard Carpluk, 5 Leslie Lane in Yaphank.

My first question is to you Ginny Fields, Legislator Fields, excuse me. The Suffolk law that was passed, were you all part of the approval on that law, any of the Legislators here today, were they, were they part of that law?

CHAIRPERSON FIELDS:

I know Legislator Lindsay was not, because he came after I did. The Levy Law was sound decibels were you, either of you? He's asking the question. '98, apparently, so if both of these Legislators were elected before '98, they were here.

MR. CARPLUK:

My question to you is that you talk about the sixty-five decibel level, what were you thinking that if it's a conversation level?

CHAIRPERSON FIELDS:

What do you mean what was I thinking?

MR. CARPLUK:

The Legislators in general that approved this law, that voted this law in.

LEG. ALDEN:

I can answer right now. That law was presented to us because Legislator Levy wanted to protect some people on a beach where a boom box, and that's what they were calling it, some kind of portable music

box was being used and interfering with people that were sitting right next door to them, and it was represented to us that that's exactly what that level was designed and targeted for, nothing more.

MR. CARPLUK:

Okay. So you're saying that you created a law to stop people from

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playing a radio on a beach when at that same level you can have a conversation in a room and still be above sixty-five.

LEG. ALDEN:

Wrong. The level of -- well, you can have a conversation at any level.

MR. CARPLUK:

Sure.

LEG. ALDEN:

It can go up to hundreds, I guess.

MR. CARPLUK:

Right.

LEG. ALDEN:

The prevention of somebody sitting within four, five, six feet of somebody else and playing a music box, that was exactly what was targeted, because the person, the other person using the beach, using a beach, lying on a blanket, had a right not to listen to the music, basically.

MR. CARPLUK:

So you targeted a radio to create a law --

LEG. ALDEN:

That was Legislator Levy, don't say you.

MR. CARPLUK:

-- that generalized everything.

LEG. ALDEN:

Don't say you, Legislator Levy brought that law. I --

MR. CARPLUK:

You voted it in. If you vote it in, aren't you part of the law?

LEG. ALDEN:

No, I didn't.

MR. CARPLUK:
Aren't you agreeing with it?

LEG. ALDEN:
I think I voted against it.

MR. CARPLUK:
Don't you read the law before you say I vote that in?

LEG. ALDEN:
I think I voted against it, but so that, you know --

MR. CARPLUK:
Okay.

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LEG. ALDEN:
This argument is a little academic. I could go and pull the vote slip. You asked what the reasoning was, I'm giving you what the argument was at that time by Legislator Levy.

MR. CARPLUK:
Okay. And the sixty-five decibel level, I mean does that seem to you to be too low, too high?

LEG. ALDEN:
To me?

MR. CARPLUK:
Yeah.

LEG. ALDEN:
I think it's ridiculously low. That, that level, that level actually makes illegal people talking to their neighbors. It makes it illegal for buses to come and pick up your children. It makes it illegal for a furniture company to come and deliver your furniture. It actually makes it illegal for the people that built your house to build your house.

MR. CARPLUK:
Correct.

LEG. ALDEN:
Your house wouldn't exist --

MR. CARPLUK:
In general statement --

LEG. ALDEN:

-- your house wouldn't exist if that law was followed.

MR. CARPLUK:

Very good. What I'm saying to you is that sixty-five decibels, okay, is there to protect people that want to complain about something that have a right to complaint about something. And if not complained upon, no one does anything about it. That's a law, sits there, it doesn't get abided by.

Fifty-five miles an hour on the highway, everybody does over fifty-five. Do they arrest everybody and give them a ticket? No. Okay. But when there's a problem in a neighborhood of speeding in a residential neighborhood with kids out and people are concerned about it, then all of a sudden the cops show up and start radar on the people that are driving by and ticketing.

Let me move on to a lot more important things. This sound study, I'd like to address this question to a Mr. Scott Hanson. The sound study was done one day, correct? Is that a, would you consider that to be an accurate reading of what goes on at that range?

DR. HANSON:

It would be accurate on what happened that day.

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MR. CARPLUK:

Which direction was the wind blowing?

DR. HANSON:

I believe it was from the north.

MR. CARPLUK:

How about humidity?

DR. HANSON:

I don't have that on the top of my head.

MR. CARPLUK:

My question to you is do those have an impact on sound carry?

DR. HANSON:

Definitely.

MR. CARPLUK:

And that particular day, you don't know what the humidity was. So could the, could the decibel levels be louder than that? Could the decibel levels you received that day, could they be louder tomorrow?

DR. HANSON:

Sure. They could change day-to-day.

MR. CARPLUK:

You didn't report that at all. I mean you said one day, that's all you had time for because of your money constraints, actually the Committee's constraints on money, okay, you had one day to do this whole study.

Why the County took a thirty-day study from a gentleman Charles Marino paid, not the homeowners to try to protect our interests, the homeowner -- the lease, the lessor, Charlie Marino, paid for a thirty-day study, which had wind, humidity, all factors involved, and gave decibel levels that don't even come close to what this gentleman is talking about.

And all due respect for him, it was a one day thing and it was something quick, but the decibel levels in here, okay, are in the mid seventies, the mid eighties.

CHAIRPERSON FIELDS:

They may have also all been in conjunction with traffic going by and everything else.

MR. CARPLUK:

Yes. It says right on there, it says traffic went by, forty-four. Traffic went by, forty-three. Car went by, forty-seven. Gunshots, eighty-eight. Gunshots, eighty-three. Gunshots, seventy-eight. Different days, different wind directions, rain day, heavy crowd, light crowd. I mean what kind of study is this?

Now, this is what I'm getting at. The committee was set up to go pick out an environmentalist and they go pick out a sound guy, okay, and

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the problem was that there wasn't enough money to go pick out the people that could do a good job. And no disrespect to him, he didn't, he couldn't do it because he was a one day thing. All right.

The bottom line is you go and get somebody, and who is this gentleman? Can I ask you another question, are you an NRA member?

DR. HANSON:

No, I'm not.

MR. CARPLUK:

Do you work for the NRA?

DR. HANSON:

I do the same sort of work for the ranges that the NRA contacts me

for.

MR. CARPLUK:
The NRA contacts you for?

CHAIRPERSON FIELDS:
He's a consultant.

MR. CARPLUK:
For the NRA.

CHAIRPERSON FIELDS:
That's what we --

MR. CARPLUK:
For the NRA.

CHAIRPERSON FIELDS:
No, no.

DR. HANSON:
I'm not.

CHAIRPERSON FIELDS:
For anyone who wants to --

MR. CARPLUK:
That's why I'm asking, because I wanted to find out. Okay.

And to Dick Peddicord, are you an NRA member?

MR. PEDDICORD:
Yes.

MR. CARPLUK:
Are they a special interest involved with this study?

LEG. ALDEN:
I have a question of the speaker. When you bought your house, did you get that same promise from the builder, that the range was going to be

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closed?

MR. CARPLUK:
That's irrelevant. I don't have to answer that question.

LEG. ALDEN:

What?

MR. CARPLUK:
That's irrelevant.

LEG. ALDEN:
You don't have to answer any questions, I'm just going to pose a couple of questions to you.

MR. CARPLUK:
What I have to say to you --

LEG. ALDEN:
When you went out to look at the site when you bought your house, did you notice that there was a shooting range there? Don't answer it if you don't feel like it.

MR. CARPLUK:
Yes, I did. Let me say this --

LEG. ALDEN:
How long ago -- how long did you establish in your mind that that shooting range existed before you even looked at your house?

MR. CARPLUK:
When the range was there, before I bought, I said, I went to the builder, of course, which you're not going to believe the builder, so I go to the Legislator and I go to the gentleman that ran the range, I forget his name, the gentleman that ran the range said I'm out of here when the last home goes in. So that was the gentleman that operates the range.

LEG. ALDEN:
So that's who, that's --

MR. CARPLUK:
So now what happens is the range is going to close, the range is going to close --

LEG. ALDEN:
The range operator said he was going to be out of there?

MR. CARPLUK:
Yes, he did.

LEG. ALDEN:
And that's what you based your decision on buying your house next to a shooting range?

MR. CARPLUK:

Say what you want, yeah, okay, you can say that, yes.

LEG. ALDEN:

I'm asking the question, you know.

MR. CARPLUK:

I'm answering it.

LEG. ALDEN:

You said yes?

MR. CARPLUK:

Yes, I did.

LEG. ALDEN:

Okay.

MR. CARPLUK:

But now let me go a step further. Now this, let's say the Legislator's on it, the guy that owns the range is on it, they're all leaving when the house gets put in there, then the NRA finds out about it and they say, whoa, you're not gonna go and take that range out of there. Commissioner Frank goes out and sets up another lease agreement and says, here you go. Once again, like Linda Caldwell spoke, a couple of homes up against all of these guys that shoot, and that's what they deal with.

LEG. ALDEN:

Well, would your house substantially increase in value if this range was closed?

MR. CARPLUK:

Once again, that has nothing to do with it. I have no intention --

LEG. ALDEN:

You made that statement.

MR. CARPLUK:

-- of leaving my house.

LEG. ALDEN:

You made that statement to other people, that if, not if, when you get this range closed, then you can sell your house for what the value truly is rather than what it would be with the range.

MR. CARPLUK:

I said it's entirely irrelevant.

LEG. ALDEN:

I don't know if it's irrelevant.

MR. CARPLUK:

To me. I'm not going anywhere, I did not say that.

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LEG. ALDEN:

Have you heard other neighbors make that same comment?

MR. CARPLUK:

Have I heard? Yes, I have.

LEG. ALDEN:

Thank you.

CHAIRPERSON FIELDS:

In response, though, do you have any other questions?

MR. CARPLUK:

I have plenty of questions, yes.

CHAIRPERSON FIELDS:

Okay. Go ahead. We have a few more speakers, so how long do you think your questions are going to be?

MR. CARPLUK:

Five or six minutes.

CHAIRPERSON FIELDS:

Okay. Go ahead.

MR. CARPLUK:

Thank you.

CHAIRPERSON FIELDS:

Quickly, if we can.

MR. CARPLUK:

Uh-huh. To Dick Peddicord.

CHAIRPERSON FIELDS:

Peddicord.

MR. CARPLUK:

Peddicord, I'm sorry. The reclaiming of lead in the brush area, did he have a solution to that or was it just to leave it there?

CHAIRPERSON FIELDS:

I think -- I won't speak for him or maybe I will, that he talked about removing some of the trees and changing some of the site positions.

MR. CARPLUK:

Did he have any kind of plan for the brush, the whole brush area where the lead is lying, it's not just a small area.

CHAIRPERSON FIELDS:

Mr. Peddicord?

MR. PEDDICORD:

Am I on here? I can't tell.

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CHAIRPERSON FIELDS:

You're on.

MR. PEDDICORD:

Sorry, excuse me. The issue of reclaiming and recovering the lead might be addressed in two contexts. One of them would be if the range were to be closed and there were to be a recovery operation there, then lead would have to be reclaimed down to a land use, a criteria appropriate for the land use, the intended future land use.

And you would simply have to define where the perimeter was that had to be addressed down to that area. It might be in the brush, it may not be in the brush. If it is in the brush, then that soil would have to be removed either with removing the lead with a vacuuming type operation or excavation of the top several inches with some small mechanical scraper or blade or perhaps even by hand with shovels, but it would need to be dealt with somehow or another.

If we are talking about reclaiming the lead on a periodic basis as a management, good housekeeping activity during continued operation of a range there, then either those trees would have to be removed on a one-time basis in order to clear the area and facilitate future recovery of the shot, or the, the shooting positions would have to be reoriented to avoid shooting into the trees or the shot could be reclaimed with a vacuuming type device or something else on a periodic basis.

CHAIRPERSON FIELDS:

Okay. Does that answer your question?

MR. CARPLUK:

Yes, it does. My other question to Mr. Peddicord is the -- Bob Seyfarth from the Health Department stated that the health, that the water testing was fine. He also spoke to us and mentioned that the

lead penetrations for the soil in certain areas was getting deeper. So it's only a matter of time to me that it will be affecting the water.

Dick, Bob Seyfarth has said to us directly that this level was six inches, this one -- there was some areas that had it at fourteen inches and it's continuing to seep. Okay?

CHAIRPERSON FIELDS:

It's been there fifty years and those were the --

MR. CARPLUK:

The areas that he tested?

CHAIRPERSON FIELDS:

Correct.

MR. CARPLUK:

I'll just keep that in --

MR. PEDDICORD:

I don't have the information from Mr. Seyfarth before me, I can't comment on that. I would expect, particularly since there has been

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apparently one reclamation activity here in the past, I would expect to find shot two different depths in the soil at various places around the range. That can be determined with monitoring and can be dealt with in a reclaiming operation.

In terms of lead moving downward through the soil in some form other than as particulate shot, the data that I have looked at, that data which was reported in the oversight committee's report, do not indicate to me that lead in the ground is excessive, it does not appear to have reached the water table. I did not find indications of lead moving downward through the soil in the data that I saw from the oversight committee to non-shot lead moving downward in the soil.

There is shot to some depth and to varying depths at various places, but that's to be expected and can be dealt with in a reclaiming operation.

CHAIRPERSON FIELDS:

Thank you.

MR. CARPLUK:

I'm going to move on to the noise study one more time. Just a couple of more questions and I'll be done.

During this study you had eighteen individuals go shoot for you, is

that correct?

DR. HANSON:
Yes.

MR. CARPLUK:
Where did you find these shooters?

DR. HANSON:
The County supplied them.

MR. CARPLUK:
Can I ask the Commissioner where they were, where you got them from?

MR. SCULLY:
I'll stand corrected if Mr. Hynes wants to correct me, but they're former employees and other sportsmen from the Suffolk County area.

MR. CARPLUK:
My question is this, as I sit back here through all these meetings and talking about having the sound study come up, thanks to the shooters that are interested in getting this range back open, they have a lot of comments in the back to make to themselves. And not realizing other people are sitting next to them, mentioning that when they have that study make sure we get there with our loaded down loads, which you guys corrected, and more importantly the direction of the muzzle blasts. Okay. You reemphasized to them at the parking lot, you know, muzzle blasts got to be in the direction of the shooting. How many sites were being supervised during the shooting?

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DR. HANSON:
We had people -- we had one person responsible for the trap range, we had one person responsible for the skeet range and one person responsible to oversee the people on the sporting clays course.

MR. CARPLUK:
Right. The sporting clays course is through the woods, you wouldn't see the other guys. But what I'm getting at is, there's no control here.

One control would have been real nice is that if Fred Towle got a phone call to say that this sound study was going off that day, so we can have some of our representation there watching what's going on.

CHAIRPERSON FIELDS:
Fred Towle has been in contact with us. He could have asked when that was going to be done. I also knew that we were going to do it. We all were aware.

And believe me, Mr. Carpluk, I take exception to you suggesting that we have done things in a negative manner.

MR. CARPLUK:
Not you.

CHAIRPERSON FIELDS:
Well, any of the County has done anything in a negative way.

MR. CARPLUK:
It's not directed to the County at all.

CHAIRPERSON FIELDS:
Excuse me. Let me finish.

MR. CARPLUK:
Go ahead.

CHAIRPERSON FIELDS:
I've been allowing you to speak.

MR. CARPLUK:
Yes, you have.

CHAIRPERSON FIELDS:
And I take exception to you accusing anyone of doing anything that wasn't up and up, because I went to, I went to great pains to satisfy you and the other homeowners on your, in your area and in your community to let you know that we sympathize and we are sensitive to what your needs are.

MR. CARPLUK:
I am not pointing at the County.

CHAIRPERSON FIELDS:
And I am -- I would really like to finish my statement. And I believe

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that we went to try to find experts in the field that had good reputations and that had a good credibility factor and we found those two gentlemen. And I am very satisfied with their results and with the amount of money that we could spend for you, to provide this analysis for you, mainly for you and for some of the other people.

And their analysis now lays on the table. As of today, I will be lying a bill on the table to call for an RFP and to reopen Suffolk Trap and Skeet.

MR. CARPLUK:

That's fine. And like I said, I was not pointing at the County officials.

CHAIRPERSON FIELDS:

Okay.

CHAIRPERSON FIELDS:

Okay. And furthermore --

MR. CARPLUK:

I'm just trying to make the comment --

CHAIRPERSON FIELDS:

-- that when I moved into my house, I lived near an area that there's water, and I found out after I built my home, my husband and I designed it and built it and spent an awful lot of money on it, that I couldn't sit outside with my two little children without being almost carried away by mosquitos. I made decisions to either stay there or move and so can everybody else.

MR. CARPLUK:

Very well put, Mrs. Fields, very well put. I have a few more things.

The gentleman, Scott Hanson was talking about the sounds levels of talking at sixty-five and a gunshot at sixty-five. He also went on to talk about airport noise, traffic noise. You didn't mention what a gunshot, decibel levels of a gunshot were.

DR. HANSON:

Gunshot where?

MR. CARPLUK:

The gunshot, the muzzle, a hundred and fifty decibels for a twelve-gauge shotgun, is that about correct?

DR. HANSON:

At the muzzle, yeah.

MR. CARPLUK:

Why is it that you mentioned the talking, you mentioned a conversation, you mentioned the airport, you mentioned -- but this whole thing is about guns and you don't mention the guns. It's like you're being influenced here, you're being influenced by what's going on here. It bothers me. Why wasn't that mentioned?

DR. HANSON:

No one that I know of, including the shooters, put their ear at the muzzle of the gun. That's --

MR. CARPLUK:

Well, sound studies that you've been doing, they have what decibel levels?

CHAIRPERSON FIELDS:

You know what, Mr. Carpluk, I think we've allowed enough time and I'm going to cut you off now. If you have further questions, I would appreciate if you submit them in writing and I will do my best to get some responses, but we have another committee meeting that has to start in seven minutes. They are building up some people waiting to come in and start that committee meeting and so I don't want to go into other people's times.

MR. CARPLUK:

Thank you.

CHAIRPERSON FIELDS:

We still have three people to speak. Chuck Scharff, Joseph Considine and Bill Raab.

MR. SCHARFF:

Are you ready?

CHAIRPERSON FIELDS:

Go ahead.

MR. SCHARFF:

My name is Chuck Scharff. I live on Leslie Lane. On August 6th of this year, Dan Fagen of Newsday, a report that was published and it spoke about the findings of the Long Island Breast Cancer Study Project.

This was an eight million dollar Federally funded research project, which was formed to ascertain the cause of breast cancer on Long Island. Legislator Carpenter is very familiar with this, she had a very large cluster in her district in West Islip, if I'm not mistaken.

The study focused on four chemicals, DDT, chlordane, dieldrin and PCPs, which were thought to cause breast cancer. The study was led by Marilie Gammon, a scientist at the University of North Carolina School of Public Health, and it revealed an increase of breast cancer is no higher after being exposed to these chemicals, whether or not they're high or low levels.

What the study did uncover, though, is that a woman is fifty percent more likely to develop breast cancer if she's exposed to PAH's, or polycyclic aromatic hydrocarbons.

The PAH's, which we spoke about during a prior Parks Committee Meeting with Bob Seyfarth, is a component of these clay pigeons, which are used at the range.

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Two women in a development directly across the street from the range have developed cancer. One of them is in her 30's, the other is in her 40's. These are the two that I know about. And as we know all well, people are very private about their health and I'm sure that there are others who have had it that I'm unaware of, got forbid somebody that has it and has not yet been diagnosed.

I'm neither a scientist nor a statistician, but I do see a relevance in the correlation between the range and this cancer cluster.

The clay pigeons are targets that are shot into the air and then fired upon. When hit, they're fragmentized causing the dispersal of fine and large particulate matter and components of pigeon can be inhaled.

I firmly believe that this is, that there is a connection between this range and the incidents of cancer in our area. I'm asking the Committee to accept the relevance of this eight million dollar Federal study and use its powers in making a decision regarding the range.

In addition, I'm going to move off that a little bit. I would just like to know who chose Scott, Scott Hanson's firm, how was your firm chosen?

CHAIRPERSON FIELDS:
Commissioner?

MR. SCULLY:
Larry, do you want to talk a little bit about the procurement process?
Larry Hynes, Parks Security Director.

MR. HYNES:
Good afternoon. My name is Lawrence Hynes, Security Director for the County Parks.

The consultant firms were picked on the list that was provided me by the EPA. And I got a list from the EPA and what we did, we put our --

CHAIRPERSON FIELDS:
Excuse me, Environmental Protection Agency, for, if you, you know, just to be.

MR. HYNES:
-- we put an RFP together to those consulting firm and we mailed them

out and we've gotten responses. We got responses on the environmental side, approximately six, and four on the noise abatement side.

A committee was formed in the Parks Department. The members were Bob Seyfarth from the Health Department, myself, Chuck Skinner, Nick Gibbons, our Environmental Analyst.

We reviewed all the RFP's that came in and we were all unanimous on the two selections that were made. They were made because of all their experience in what we were looking for in this study. Thank you.

CHAIRPERSON FIELDS:

Thank you. And, Larry, just an off side here, thank you very much for

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all your years of service. You will be retiring and we appreciate everything that you've done for us. Thank you.

MR. HYNES:

Thank you.

MR. SCHARFF:

Yeah. The test that Mr. Carpluk had spoken about that had been performed a number of years back, that was done by a local person. I don't know, Mr. Hanson, are you local?

DR. HANSON:

No, I'm not.

MR. SCHARFF:

I'm just curious why, why, maybe the EPA didn't have it on its list, but why this person who is from Suffolk County was not used, I mean we're talking about bringing money into the County.

CHAIRPERSON FIELDS:

Again, I think it was explained by Mr. Hynes that the EPA suggested a list of people who, and it was one of the drives and one of the concerns of myself and Legislator Towle to find people that would have expertise in this and would be, you know, a very good analysis. There was nothing, you know, to say, okay, well, let's pick that guy because he's going to be a friend of the County.

I had no idea what these two gentlemen were going to give me. If they would have told me, and which is something that is on the record, that we can't reopen Suffolk Trap and Skeet because we have an environmental problem or we have a problem that we cannot change the acoustics, then I was going to let it be, but I didn't know what those results were going to be.

So there was nothing about how these were chosen, it was done very honestly and efficiently.

MR. SCHARFF:

Okay. But referring back to the prior test that was very, very, very comprehensive compared to Mr. Hanson's test, I'm talking about over a thirty-day period, monitoring the humidity, monitoring wind speed, monitoring barometric pressure, all these, all these variables were taken into, into effect when they did these readings.

And that's why with this prior, prior test we had, we had readings on Sundays from the same locations, from the same type of lows that were being shot in the sixties, but then the following day, from the same spot, same type of load being shot, you have readings eighty-nine. I mean it's considerable.

So the day that he was doing his testing, you know, I don't know what the conditions were that day and how conducive they were to causing a louder disturbance on our part. I don't think the test was comprehensive enough, to be quite honest. And maybe it's not his fault, you know, he can only work with what he's given and, you know --

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CHAIRPERSON FIELDS:

Well, one of the reasons we asked for this, for your own edification was that --

MR. SCHARFF:

For what? I'm sorry, I didn't catch that.

CHAIRPERSON FIELDS:

-- for your own edification.

MR. SCHARFF:

Thank you.

CHAIRPERSON FIELDS:

For your information, was that if we didn't find an environmental problem and Suffolk Trap and Skeet could possibly be reopened, how would we do it in a way that we could diminish the sounds for you and your neighbors. And that is exactly what we're doing.

He didn't come in and say, well, here are the sounds and I'm going to keep them lower so that we can stop these people from complaining, that's not what he came in for. He came in because we need to know in an RFP, well, the next guy that comes, or a woman, that comes in here, what can we do to diminish the sounds.

And that's what we will do. We will set out to put berms, walls, whatever it takes, to try to lower that sound.

MR. SCHARFF:

That's perfect. And that answers my question. I see Mr. Hanson has a point to make.

DR. HANSON:

Just as a point to yourself and to others, that the numbers that were there say that the range currently, if they were just to open it up, would exceed the sixty-five DBA limit. They can't open it up as it is.

The next task I was asked to do is what can they do. So at this point, my findings are that they are in excess of the noise law. I mean I'm not trying to tell them that, yes, you know, everything is fine out there, open it up.

MR. SCHARFF:

I understand what you're saying and I appreciate it. It's just like you're bringing forth these numbers, sixty-eight, whatever your numbers are, and the person or the engineer who's going to develop these sound barriers to mitigate the sound is going to work off of sixty-eight decibels, when, in fact, there are days when it's ninety or above. We know that.

So when he says, you know, that the recommendation is the seventeen foot barriers when it's placed close to the shooter, that's great if you're shooting at sixty-five if the atmosphere is at that level on that particular day. But if it's not, if it's one of those days when we have that booming effect, that echoing effect, that, you know, the

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seventeen foot may not cut it.

You know what I'm saying? That's why a more comprehensive study should have been done or at least use the old study, the west, the west study that we keep referring to. I mean that, I think it would be neglectful for me not to mention it. You know I think my --

CHAIRPERSON FIELDS:

I think if, if we're moving forward, we're going to be taking all of the concerns that we have heard. And that's what we did try to do when the RFP was provided, to try to take into account all of the concerns, all of the complaints, all of the questions and all of the worries. And we will be addressing all of those.

And it is not, it's not my drive at this point or my intent at this point that if the sound barrier, if the sound level is sixty-five,

that we're going to keep it to sixty-four. That's not what the intent is.

The intent is going to be to try to open up something that can offer a recreational opportunity to men, women and children to practice a sport that they enjoy, at the same time paying attention to what our laws are. And that's, we're not asking for any more than that.

MR. SCHARFF:

Okay. So you're basically looking to have the range within compliance of the law, is that correct?

CHAIRPERSON FIELDS:

Yes.

MR. SCHARFF:

Okay. So now what happens, they open the range, they start shooting and all of a sudden the sound levels are above that law with the County, the Town, et cetera, what happens at that point?

CHAIRPERSON FIELDS:

Commissioner or Counsel? Commissioner, would you like to have a shot at it?

MR. SCULLY:

I'll defer to Counsel on the legal aspect of it, but from our standpoint, were we to issue a request for proposals, it would place the obligation upon the licensee to comply with all local laws and ordinances.

In the event that they weren't able to do that, that would be entirely at their risk.

MR. SCHARFF:

Fair enough. Now, as far as going back and getting enforcement, somebody with a decibel reader, you know, because we'll know, we'll know if it's one of those booming days that I talked about. And the shooters all know there are some days, they're probably shooting, you know, that's loud.

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But, you know, as far as getting somebody down here to measure it, that's going to be an issue, you know, that we've run into before, you know, it's like, wow, this is really loud, can't we get somebody in here. And there's nobody that can come, you know, the cops don't have, you know, decibel readers and stuff like that.

CHAIRPERSON FIELDS:

I do believe that Suffolk County Police do have decibel meters,

because of the new law. I think we have five of them. Does anybody remember?

MR. SABATINO:

Five sounds familiar. It may be ten, but I do remember something with Legislator Levy providing for it.

CHAIRPERSON FIELDS:

Okay.

MR. SCHARFF:

So I'm going to be having a cop come to the house, ask him turn on your decibel meter, let's take a reading.

CHAIRPERSON FIELDS:

The same as a resident that complains that somebody just drove by with a boom box, yes.

MR. SCHARFF:

Don't equate me with that, please.

CHAIRPERSON FIELDS:

Excuse me?

MR. SCHARFF:

Don't equate me with those people.

CHAIRPERSON FIELDS:

I'm just saying that you would have to call somebody because you find that someone is breaking the law. That's what we have laws for.

MR. SCHARFF:

Okay. And just I want to address some of Mr. Peddicord's responses. I mean he based his entire statements on his research done at the site, but then he used, he used figures that he had gotten from the oversight committee, I imagine. Isn't that what you said earlier?

MR. PEDDICORD:

Yes.

MR. SCHARFF:

I don't even know how comprehensive they are. I mean you started to say that there's no real runoff. I mean in terms of real, there is some real runoff and you ended up addressing that later on when you talked about putting up these little hay, hay areas to stop the water runoff and keep it in place.

But there is, I mean there's a little ditch and he said that it's a

topographical depression, and that's what it is, and I don't know what effect that has on the groundwater. And I'm just trying to bring forth a lot of different issues for you guys to absorb.

CHAIRPERSON FIELDS:

Okay. And there was a point made about monitoring wells and there would be, and we would be trying, I think at this point trying to put in more monitoring wells to just make sure that what we have here is not going to adversely impact anyone.

MR. SCHARFF:

Okay. And just one more small point to Mr. Peddicord.

CHAIRPERSON FIELDS:

Okay. And then we really have to --

MR. SCHARFF:

I know that. I know that. I don't think everybody is going to talk as long as I did.

CHAIRPERSON FIELDS:

No. We still have an agenda we have to vote on and we're already seven minutes into someone else's --

MR. SCHARFF:

Mr. Peddicord, Mr. Peddicord spoke about a five to ten year clean up interval. Some of the research I've done on the internet, they talk about a two to four year interval for clean up of lead. Maybe you could address that.

CHAIRPERSON FIELDS:

Can I just jump in. Would it not be, so we don't go into a long thing, would it not be ranges that might be larger, that have heavier use or did you estimate because of the amount of, of trap and skeet we have here that it would be five to ten?

MR. PEDDICORD:

My comments were based on the amount of anticipated use here. Other ranges are used at various intensity. They also have various environmental conditions that may prompt them to recover more frequently.

CHAIRPERSON FIELDS:

Right. Okay. Thank you.

MR. SCHARFF:

And if I could just, just ask you to consider what I initially spoke about is the cancer clusters and these PAH's that Bob Seyfarth has recognized as coming from the area. And again, you know, this is

something significant, we're talking about people's lives. Thank you very much for your time.

CHAIRPERSON FIELDS:

Thank you very much. Joseph Considine, Bill Raab. Can we close those doors? I think the air conditioning is now working and it will be easier for us to hear.

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MR. CONSIDINE:

My name is Joseph Considine. I'm a resident of Port Jefferson Station. I'll be very, very brief.

I have a question of Mr. Hanson. You mentioned one method of with barriers of mitigating sound. Are there other methods that could be used that are economical using the current technology today?

DR. HANSON:

There aren't a lot of technologies out there that are going to be able to block the amount of sound that we have on the range economically. I mean there are other technologies that are out there, but by the time the development happens, they won't be economical.

MR. CONSIDINE:

Well, I had an occasion to do some work with Active Noise Reduction, A&R, and is that a feasible technology for a range?

DR. HANSON:

No. Active noise control is not, because of the impulse. Active noise control is the inversion of phase of a signal. When you add that to the original noise source, you cancel it out.

The reason that's not applicable or not {applicable} here is because it is, the impulses hold fast and the speaker system needed to regenerate that out of phase sound wave is going to actually create more sound in a number of areas and the global reduction of sound is just not going to happen. You're actually going to put more sound out into the environment.

MR. CONSIDINE:

Thank you very much.

DR. HANSON:

Sure thing.

CHAIRPERSON FIELDS:

Bill Raab. Then we will move to the agenda.

MR. RAAB:

First I'd like to thank the members of the Legislature for giving those with the problems with the range as much time as they needed, with one exception, to address their concerns. I have three minutes, so I'll be short and to the point.

As far as the range goes, we talked about monetary increases here, and one man totaled up his bills and they were ten thousand dollars for the year, all times how many. Not all our users are from Suffolk, so people do come here to spend money. It's not just people who live in Suffolk.

I heard mention of catcalls and thing like that. My wife gets them at the supermarket, so, you know, come on, let's be real here.

And we mentioned that young children are around. So, oh, we're a threat to children too. I don't think so. Shooters are the most law-abiding segment of society we have. So I think you have to look

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somewhere else for those problems.

Okay. Let's see. As far as concerns with trucks idling, that was in reference to the equestrian center. There's a law in the books in New York State, I'm a truck driver, you cannot idle for more than three minutes without shutting off your truck.

Okay. Parking. Any recreational area is going to have parking headaches. I have a school down the block from me, I have parking headaches myself.

As far as noise, from 6:30 in the morning till ten o'clock in the morning, and from two in the afternoon to six o'clock, I have school buses of all sizes going by my house at the frequency of two minutes. So anybody who wants to hear noise, you can come sit in my yard, it's thirty feet from my front door.

All right. Property values. Well, these people did buy houses next to a shooting range. As such, they got the houses priced the way because they're next to a shooting range. They say it doesn't matter, oh, yeah, that's horse manure. Sorry.

All right. The builder promised the range would close. You want to come to my yard, I've got a lot of things to sell you.

All right. Okay. We have lead. The lead is at six inches in some areas. There is mechanical interference that would bring it to that. The gentleman is worried about drinking water. Well, it's six inches over fifty years. Most wells are at one hundred to three hundred feet down, see me in ten thousand to thirty thousand years.

All right. As far as the NRA slanting things or these people being members of the NRA or anything else to skew the results of the study, the NRA is the most respected civil rights organization since 1871. They're in the business of making sure everything is done legally, so I don't think that's a problem.

As far as the consultant's independence, the consultant was taken off a list by the EPA. I don't think there would be any problem with his, you know, being objective about this.

We listened to a lot of false accusations that are bordering on direct slander. I didn't really care to listen to that, but I sat here and listened to it.

All right. Now we have breast cancer, we're responsible for that too. Okay. How many women live in the area? Long Island, as we all know, we keep hearing one in nine. Well, there's two women there. And if there's more than eighteen woman there's, well, that's -- welcome to Long Island, because that's just not an issue.

All right. That's basically it. I'm just tired of changing. Everybody says, well, maybe we should change, maybe we should do that. You know what, I'm sick of changing. Everybody else expects me to change, they don't want to change.

You know what, I shoot. That's too bad. You move next to a shooting

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range, you buy your house there, whatever, oh, well, you buy a house next to the airport, you buy a house next to the expressway, hey, you know, come on, use your brain, look around.

I live next to a school that has eleven hundred kids in it. I didn't know that that school had eleven hundred kids in it. Do I complain about the buses, except for here just using it as an example, no. Because, well, I bought the house. That's life. Get over it, move on.

I suggest we put out a request for proposal, make whatever changes are necessary and reopen the range. Thank you for your time.

CHAIRPERSON FIELDS:

Thank you. Thank you, all. With the exception of the one person I cut off, I think I cut you off after you had been speaking for quite a long time and I apologize that I had to, but in concern for the next committee, we did have to move on and it became more of a debate than just a statement.

Again, I will be putting in a resolution to put out an RFP and try to get the range reopened. So that will be filed probably this afternoon

or by tomorrow.

We're going to -- is Legislator Lindsay in the building? We're going to go to the agenda.

Thank you all for coming. Thank you, gentlemen, for your work and your report and for being here.

I.R. 1276. I.R. 1276 (P) To implement retention of technical consultant in connection with Forsythe Meadows property damage. (Fisher)

CHAIRPERSON FIELDS:

To implement retention of technical consultant in connection with Forsythe Meadows property damage.

Is legislature Fisher here? All right. Commissioner?

MR. SCULLY:

You had asked, Madam Chairperson, that I speak with the sponsor about the bill. I did have occasion to speak with her last week.

CHAIRPERSON FIELDS:

I would ask that when you exit the auditorium, you could keep the talking down so that we can move on to the agenda, please. Keep the decibel level down, please.

MR. SCULLY:

I won't get too much into the background other than to say this is --

CHAIRPERSON FIELDS:

Excuse me.

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MR. SHAHINIAN:

I'm sorry to interrupt, I had a yellow card and I wanted to speak for two minutes and I didn't get a chance to speak.

CHAIRPERSON FIELDS:

You had a yellow card?

MR. SHAHINIAN:

Yes.

CHAIRPERSON FIELDS:

What was your name?

MR. SHAHINIAN:

Vasken Shahinian.

CHAIRPERSON FIELDS:

I didn't get a yellow card from you.

MR. SHAHINIAN:

I handed one in.

CHAIRPERSON FIELDS:

All right. I'm just saying I didn't get one. Go ahead. You have a couple of minutes.

MR. SHAHINIAN:

Just very quickly, I hope my kids will cooperate. I spoke at the last

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CHAIRPERSON FIELDS:

State your name.

MR. SHAHINIAN:

Vasken Shahinian; 3 Leslie Lane. I don't know if the minutes could be retrieved from the previous meeting.

CHAIRPERSON FIELDS:

We have the minutes from the --

MR. SHAHINIAN:

I just think it's ironic, only because at that time -- my field is acoustics and sound absorption and sound reproduction. I've been doing that for thirty years. These people actually are in the same field I am.

And I had seen it at that time that if -- I had stated at that time that if we're going to be any kind of a reasonable --

CHAIRPERSON FIELDS:

You can pick her up.

MR. SHAHINIAN:

That's okay. She's okay. At that time, I had said that there were going to be walls needed, approximately seventeen to twenty feet put

up, and that was two years ago. And there was no cost, there was not even a study done.

And the only thing I wanted to say is that there are a lot of laypeople that don't really understand about what's going on in

acoustics and with gunfire and all the rest of that. And I just find it, you know, ironic, that the study was done in only one day.

And what the other lady said was really true even though being a layperson, a lot of people have kind of tiptoed over technical issues not even realizing what they were saying even though there was some half truths, but a lot was really correct and that was there should really be a valuation done on days when the actual frequency of the shooting is quite a bit more than one day.

And it just so happens that I think more than half of the people were home that day and heard the actual test going on, and even if you're not from that actual field and have no expertise, you could say that there's probably been no day in the past eight years which was ever as light as when the test was being done. And that's even someone not having all the wonderful equipment.

The only other thing I'll say is at that time too, in the minutes I had said I'm aware of two or three leading acoustical firms in the city that would come out and do a test at approximately fifteen to two thousand dollars a day and it would be far more in depth. We're talking about { B&K } instrumentation costing a hundred twenty-five to a hundred fifty thousand dollars a pop, not at all a hand-held DBA meter that would really be sufficient for it.

And I just think it's ironic, because at that time I had said you can close the expressway and also have a couple of cars drive by and say, gee, why did we put these walls up. There was no need for that kind of sound abatement.

And that's kind of, I think that that's kind of what went on here. This was a artificial situation and so to base anything by that -- notice, I'm not even dealing with the environmental issues, because that's not my field of expertise, it's just an unfortunate coincidence I live there and that's also the field that I'm in.

So, sure, we have two small children, so I'd love to have the piece and quiet and all the rest of it, but from a technical point of view it bothers me and there have been a lot of half truths.

And before, the previous meeting there were a lot more people that were advocates of the shooting that said we have boy scout troops that go there and it builds character, it's wonderful for moral. I also remember shooting .22 rifles when I was twelve and thirteen, but our church group went all the way out east where there wasn't a home within I think about ten miles, or upstate New York.

And so even at that time, maybe thirty years ago, there was some attempt at saying let's have a bit of a conscience.

The last thing I'll say only is that to this day I've never heard one

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of the people that spoke in advocacy of opening the range that were willing to have that kind of shooting go on in their backyard. I know it sounds like a really kind of a weird thing to say, but not one stood up and said, yes, I'll give my name and address and I wouldn't mind if you came and did that kind of noise morning to night as well as weekends and holidays in my backyard as well.

They all said it's all right, they all said, you know, there's too much changing going on and remember the duck farms and all the rest of that wonderful nostalgia, but they never said they're willing to have that go on in their backyard.

CHAIRPERSON FIELDS:

Okay.

MR. SHAHINIAN:

I do understand how people can say you should have known what you were getting into and I understand people saying, well, if you live by an airport, kind of deal with it. But the thing is that there also were some constraints I recall from the previous tenant that talked about the muzzle load, the amount of shot that were allowed and there for sure are days when it sounded like dump trucks are falling out of the sky.

CHAIRPERSON FIELDS:

Okay.

MR. SHAHINIAN:

You don't even need to have any kind of background in acoustical knowledge to know that that was not being policed properly at that time. And I hope that someone else recalls by looking at the minutes that that previous tenant at that time was talking about doing something to abate the sound by fixing some holes in the fence, so he was completely naive and had no idea of what was going on.

And at that point he got involved in a little bit of a confrontational discussion with me and I said, sir, have a look at Nicolls Road and the expressway --

CHAIRPERSON FIELDS:

Your three minutes are up. I thank you and we're going --

MR. KIRCHHOFF:

I also had a card that nobody collected and I've been here for the last two hours.

CHAIRPERSON FIELDS:

Go ahead. Really quickly. Your name.

MR. KIRCHHOFF:

My name is Bill Kirchhoff. I'm a retired New York State Court Officer. I'm a certified instructor from the NRA and I'm also a rifle pistol instructor and I'm a range officer.

I've shot at this particular range for over thirty years. I do take

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the Boy Scouts out there and I do train them at that particular range and that has ceased and discontinued because we have no place in Suffolk County to take the boys to qualify them.

As a law enforcement officer, I think the original intent of this law needs to be revisited as it was in reference to boom boxes. And as the testimony has been here, the decibel level being at sixty-five is not a reasonable decibel level and that should be readjusted and new legislation. That's basically my point.

I urge that this be reopened immediately and we can resume teaching the boys as well as the sportsmen to enjoy the facilities. Thank you.

CHAIRPERSON FIELDS:

And thank you. I will be filing a bill to readjust the decibel level also.

Commissioner, I'm sorry.

MR. SCULLY:

With regard to Legislator Fisher's pending regulation which would authorize and I empower us to retain technical consultants to assess environmental impacts associated with the installation of fencing at the Forsythe Meadow property in Stonybrook, you had asked that I touch base with the sponsor following the last committee cycle, and I did do so.

The Department has pending with the Board of the Ward Melville Heritage Organization a request that they reconsider a covenant running with the land requiring the installation of fencing along the property line between the County owned properties and residential properties to the north of the Forsythe Meadow property.

The technical consultant would be retained to assess environmental impacts associated with the installation of fencing on the property line between the Ward Melville Heritage property and our County park land. That's the only portion of the fence that's been installed.

We've asked that they consider amending the covenant that would require additional fence installations.

After speaking with Legislator Fisher, I reached out to the Ward Melville Heritage Organization kind of to advise them that this legislation was still on the Committee's agenda and to ask what the status of their response to our request was.

I was advised this morning by the staff, Mrs. Rocchio was unavailable to speak with me herself, but did have somebody, she was kind enough to have somebody call me back from the staff and to indicate that they hadn't made a decision yet, they're still considering my request. And I just asked her to take back to Mrs. Rocchio and the members of the Board of Eagle Realty and Ward Melville Heritage Organization, that we do have this piece of legislation pending and that the committee is interested in what's going on with the issue.

I did just advise Legislator Fisher of that fact. So I, I had contact with them this morning and asked that that message be taken back to the hierarchy over there.

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CHAIRPERSON FIELDS:

Legislator Fisher.

LEG. FISHER:

Actually, I do want to clarify something, Commissioner, because I had been waiting to see what would transpire between the Commissioner and Ward Melville Heritage Organization. But the purpose of the study is to ascertain the type of damage that was done by the fence that was, that was put, constructed on the property and the damage that was done by the, by the fence company. And so whether or not WMHO is looking, it would be, have been preferable to know where we were going, but with the protracted delays on the part of the WMHO, I'm going to push that we move forward with this resolution, make sure that we have it complete.

You said that there were some portions of it that you felt had holes in it, can you refer to that?

MR. SCULLY:

I beg your indulgence, let me get my legislative committee file.

LEG. FISHER:

Okay.

CHAIRPERSON FIELDS:

Legislator -- I mean Counsel can explain it.

MR. SABATINO:

Thirty seconds. What happened was a resolution was adopted in 2001, which set up a procedure to find the technical consultant to deal with the damage that Legislator Fisher just described. It authorized the Parks Department to recommend the technical consultant.

What happened, though, was Parks recommended a list of three, Parks didn't want to make a decision. So this resolution would have to interview, would have to be preceded by an interview of the three firms that were recommended by the Parks Department and then one of them would have to be selected as the consultant to do the work.

But the original legislation asked for Parks to recommend a technical consultant to do the work, but since they recommended three, you have to pick one. So it's not a hole, it's just the firms have to come before you and then the Committee would have to say we picked one of the three firms.

LEG. FISHER:

Then I'd like to ask the Chair of the Committee to set up an executive session for the next meeting of the Parks. Would it have to be an executive session if they're interviewed the way we do with the legal firms?

MR. SABATINO:

Yeah. It has to be an open session. This is just really to layout their expertise there, their background and how they would propose to do the study.

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CHAIRPERSON FIELDS:

I'm going to make a motion to approve then, if that's what the sponsor would --

LEG. FISHER:

No. We have to choose one of the three.

CHAIRPERSON FIELDS:

Okay.

LEG. FISHER:

So the next meeting I request that we have the three parties.

MR. SABATINO:

The three firms. The three firms with names and addresses were provided by the Parks.

LEG. FISHER:

And they can provide their credentials and be ready to interviewed by

us, by the Committee.

CHAIRPERSON FIELDS:

All right. So I will make arrangements to have them here for the next meeting.

LEG. FISHER:

Yes.

CHAIRPERSON FIELDS:

Okay. So motion to table. We have a second. All in favor? Opposed? Tabled. (VOTE: 4-0-0-1) (Lindsay) TABLED

CHAIRPERSON FIELDS:

I.R. 1337. I.R. 1337 (P) Amending the 2002 Capital Budget and Program and appropriating funds in connection with the restoration of Smith Point County Park. (County Executive)

CHAIRPERSON FIELDS:

Amending the 2002 Capital Budget and Program and appropriating funds in connection -- motion to table. I'll second. All in favor? Opposed? Tabled. (VOTE: 4-0-0-1) (Lindsay) TABLED

CHAIRPERSON FIELDS:

I.R. 1394. I.R. 1394 (P) Authorizing, empowering and directing Suffolk County Parks Department to secure acoustics evaluation for trap & skeet shooting range near Southaven County Park in Yaphank, Town of Brookhaven. (Fields)

CHAIRPERSON FIELDS:

Authorizing, empowering and directing Suffolk County Parks to secure -- okay. I will -- motion to table --

LEG. ALDEN:

Subject to call.

CHAIRPERSON FIELDS:

-- subject to call. Second. All in favor? Opposed? Tabled subject

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to call. (VOTE: 4-0-0-1) (Lindsay) TABLED SUBJECT TO CALL

CHAIRPERSON FIELDS:

I.R. 1397. I.R. 1397 (P) To establish Community and Youth Services Program at Sheep Pasture Road in Port Jefferson/Setauket, New York. (Fisher)

CHAIRPERSON FIELDS:

To establish Community and Youth Services Program at Sheep Pasture Road in Port Jefferson/Setauket.

LEG. FISHER:

Madam Chair, as the sponsor of this bill, I'd like to ask that it be tabled, because it has to appear before CEQ September 4th.

CHAIRPERSON FIELDS:

Motion to table.

LEG. ALDEN:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. (VOTE: 4-0-0-1) (Lindsay) TABLED

CHAIRPERSON FIELDS:

1543. I.R. 1543 (P) Amending the 2002 Capital Budget and Program and appropriating funds for resurfacing of Smith Point County Park. (Towle)

CHAIRPERSON FIELDS:

Amending the 2002 Capital Budget appropriating funds for resurfacing of Smith Point County Park.

LEG. FOLEY:

Motion to table.

CHAIRPERSON FIELDS:

Second the motion. All in favor? Opposed? Tabled. (VOTE: 4-0-0-1) (Lindsay) TABLED

CHAIRPERSON FIELDS:

I.R. 1644. I.R. 1644 (P) A local law to establish Code of Conduct for sports and recreational activities on Suffolk County property. (Fields)

CHAIRPERSON FIELDS:

Local law to establish code of conduct. Motion to table.

LEG. ALDEN:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed. Tabled. (VOTE: 4-0-0-1) (Lindsay) TABLED

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CHAIRPERSON FIELDS:

Motion to adjourn.

**LEG. ALDEN:
Second.**

(The meeting was adjourned at 3:25 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY