

**PARKS, SPORTS & CULTURAL AFFAIRS COMMITTEE  
of the  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Parks, Sports and Cultural Affairs 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 **January 24, 2003**.

**MEMBERS PRESENT:**

Legislator Ginny Fields - Chairperson  
Legislator Jon Cooper - Vice-Chair  
Legislator Lynne Nowick  
Legislator Brian Foley

**MEMBER NOT PRESENT:**

Legislator Angie Carpenter - Excused Absence  
Legislator Cameron Alden - Excused Absence

**ALSO IN ATTENDANCE:**

Paul Sabatino II - Counsel to the Legislature  
Judith Gordon - Commissioner of Parks  
Bill Faulk - County Executive's Office  
Sean Clancy - Budget Review Office  
Mary Skiber - Aide to Legislator Fields  
Lance Reinheimer - Budget Review Office  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

1

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(\*THE MEETING WAS CALLED TO ORDER AT 12:10 P.M.\*)

**CHAIRPERSON FIELDS:**

I'm going to begin the meeting, so if you will all please rise, and we will start with the Pledge of Allegiance led by Legislator Cooper.

**SALUTATION**

**CHAIRPERSON FIELDS:**

Good afternoon, and welcome to the first committee meeting of the

Parks Committee for the Year 2003. And for anyone who has not been here before and would like to address the committee, please fill out a yellow card, and we will a happy to hear from you. And we'll start with Warren Breining. Okay. Neil Ruiz.

MR. RUIZ:

I'm going to hold out for the time.

CHAIRPERSON FIELDS:

Nancy Solomon.

CHAIRPERSON FIELDS:

You have to turn the microphone on and speak closely to it.

MS. SOLOMON:

Okay. Can you hear me? Okay. Great. It's a real pleasure to be here, and I see some old friends and meet some new wonderful representatives. I am a the Director of Long Island Traditions, and we have offices in both Nassau and Suffolk County. And we have been most fortunate receiving funding from the Office of Cultural Affairs over the last several years for programs such as our Annual Maritime Festival, Classical Music, Latino traditional Music, Steal Band Programs. This year we have planned a tour of the West Meadow Beach at the Cottages, as well as a program on Dominican merengue music.

And through the years we've gotten to know and we're work very supportively with Chris Cooke, the Executive Director at the Office of Cultural Affairs. And I understand that there have been some personnel issues that have jeopardized if not eliminated his tenure as the -- as the Executive Director of Cultural Affairs. And I'm very sad for that, because through all of the different personalities that are part of work in the cultural affairs community, I've really grown to appreciate his embracing the different forms of cultural expressions, whether it's music, art, dance, film, occupational culture, architecture. And that will be a major loss that many of us will feel for years to come.

Having weathered and unfortunately not survived the Nassau county fiscal crisis in its cultural affairs programs, we've really, you know, come to see how gifted Chris has been in understanding all the different, you know, facets of cultural expression in Suffolk County. And we hope that the next director assuming that Chris cannot be reinstated will have that kind of vision and understanding that we have all come gotten appreciate.

And, you know, in the closing comment, I do hope that a way would be

2

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found to bring him back to represent all of us. There are many groups

besides myself that have benefited from his knowledge and expertise in helping us raise funds as well as bringing people together who might not cross paths otherwise. So I hope that your committee will be able to look into this a little further and to urge his reinstatement and to, you know, barring that, to look for somebody who could fill those shoes as well. So if there are any questions that I can answer for you.

CHAIRPERSON FIELDS:

I don't think that there are any questions, but I would refer to our Counsel who could give us a little response about the loss of Chris Cooke.

MR. SABATINO:

Yes, Madam Chair. Based on a discussion that was held in Executive Session yesterday at the Economic Development Committee, which has primary jurisdiction over the issue, it was essentially explained as being a personnel matter that was essentially carried out in accordance with a proceeding that complied with all the requisite procedures. And the evidence that we heard in the Executive Session was compelling that the department acted properly in accordance with all the procedures that were as set forward for that particular matter. And furthermore, just to assure people that are under the impression that somehow this is linked the funding of cultural affairs --

MS. SOLOMON:

No, we know that's not an issue.

MR. SABATINO:

Well, apparently in yesterday's testimony there -- clearly in the public portion, a lots of the members of the public thought somehow it was linked to funding. And just to state from a legal standpoint, terminating that office or abolishing it or terminating funding can't be done unilaterally. That would require Legislative action. So, I mean, unless or until the Legislature would take that kind of action, the funding remains in place. So the funding issues really should be kept separate and apart from what was otherwise a personnel matter.

CHAIRPERSON FIELDS:

Okay?

MS. SOLOMON:

I understand that. And I appreciate you're -- you're sharing that information with us. And I do know that the funding and personnel matters have been separate and will continue to be as we always hope in good government.

CHAIRPERSON FIELDS:

I have spoken to Judy McAvoy about the issue. And she assures me that

the department will continue to run as well as it has, if not better. She will try everything that she can to make sure that that happens. So you have her word, and we also will keep an eye on it. And you can always reach out to is on the committee.

3

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MS. SOLOMON:

Thank you very much.

CHAIRPERSON FIELDS:

Thanks for coming up. If they are no other speakers, I would ask the Commissioner to come up. And I think I had asked a couple of days ago if we could just get an update on some information that I had given to Greg Lauri regarding sports and recreation.

COMMISSIONER GORDON:

I do have a draft with me today. I don't have copies for everybody because as I said to you the other day, the educational component, I think, maybe we can do a little bit more work on, but we do have a draft, and we've gotten a commitment from Athletes helping Athletes from Adelphi University, who I think testified last year, that he would like to be involved with the educational component also to maybe do some -- some training programs. So I would say give us another two weeks, and we'll get something out. Now, do you want us to send it to the whole committee? How do you want to us proceed with this?

CHAIRPERSON FIELDS:

Well, since I'm going to be putting in another bill, perhaps you could send it to me and --

COMMISSIONER GORDON:

Before filing the bill?

CHAIRPERSON FIELDS:

Yes. Yes.

COMMISSIONER GORDON:

Okay. That's what we'll do.

CHAIRPERSON FIELDS:

Great. Thank you.

COMMISSIONER GORDON:

Thank you.

CHAIRPERSON FIELDS:

Stay where you though because --

COMMISSIONER GORDON:

I'm not moving. I'm not moving.

CHAIRPERSON FIELDS:

Okay. We're going to go right to the agenda. Just for the record, Cameron Alden, Legislator Cameron Alden and Legislator Angie Carpenter both have excused absences for today's meeting.

4

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TABLED RESOLUTIONS

IR 1953. Adopting Local Law No. -2003, authorizing County Department of Parks, Recreation and Conservation to construct dog runs at Coindre Hall in Huntington and within County Parks. (COOPER)

LEG. COOPER:

Motion to table.

CHAIRPERSON FIELDS:

I'll second the motion. All in favor? Opposed? TABLED.  
(VOTE: 4-0-0-2) (Not present; Legis. Alden and Carpenter)

IR 2152. To implement retention of technical consultant in connection with Forsythe Meadows property damage. (FISHER)

CHAIRPERSON FIELDS:

I'll make a motion to table, seconded by Legislator Nowick. All in favor? Opposed? TABLED. (VOTE: 4-0-0-2) (Not present; Legis. Alden and Carpenter)

IR 2234. Adopting Local Law No. -2003, a Local Law establishing dog and cat run policy for County parks. (BINDER)

CHAIRPERSON FIELDS:

I'll make a motion to table.

LEG. COOPER:

I'll second the motion.

CHAIRPERSON FIELDS:

All in favor? Opposed? TABLED (VOTE: 4-0-0-2) (Not present; Legis. Alden and Carpenter)

IR 2253. Adopting Local Law No. -2003, authorizing County Department of Parks, Recreation and Conservation to construct dog runs within County Parks. (COOPER)

LEG. COOPER:

Motion to table.

CHAIRPERSON FIELDS:

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

TABLED. (VOTE: 4-0-0-2) (Not present; Legis. Alden and Carpenter)

IR 2286. Authorizing transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (COUNTY EXEC)

COMMISSIONER GORDON:

I'd like to request to table that again.

CHAIRPERSON FIELDS:

Okay. Could you explain a little bit. I got it, but --

COMMISSIONER GORDON:

I will try. The request to table is from the Planning Department.

5

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And the Director of Planning assured me that he would do whatever he needs to do prior to the next committee meeting. I think this has to do with the Smart Growth Committee. And it pertains to, I think, transfer -- I don't know if it's development rights, but having to do with affordable housing. And Tom just wanted another two week to look into it, and he hopes that he will have a conclusion by the next meeting.

CHAIRPERSON FIELDS:

Now I'm really confused. What does affordable housing have to do with Department of Parks and recreation?

COMMISSIONER GORDON:

It doesn't anything to do with it. It's -- these parcels if they were transferred to Parks, it's -- it has something to do with, it's not development rights and I apologize, maybe I should have asked Tom to come, it has something to do with affordable housing in other areas, not on these parcels at all, but it has to do with other areas.

CHAIRPERSON FIELDS:

Counsel.

MR. SABATINO:

The only thing I know for certain is that the motivation in transferring it would be to reduce the County's obligation to pay taxes. These particular parcels total about \$60,000 in taxes that otherwise would be -- are being paid by the County of Suffolk. By transferring it to Parks, you would eliminate that. But probably the problem -- I'm just speculating on this part of it -- probably the Planning Department just wants to be sure that these property don't have some alternative use which might include affordable housing before they're authorized to --

COMMISSIONER GORDON:

No, I don't think -- I don't think the individual parcels would be used for affordable housing. It has to do with transferring something else that could --

CHAIRPERSON FIELDS:

Credits.

COMMISSIONER GORDON:

Credits, yes. It's transfer of credits.

CHAIRPERSON FIELDS:

I'm on the Smart Growth Committee, and I believe there's been some discussion about when the County purchases open space, should or should not there be some kind of a system where you can accumulate credits to -- for a developer to add to building more -- or having more housing to change his variances. And I'm not really quite sure that this should be tabled for that reason, because that's still in the early stages of discussion. And -- so I'll talk to Commissioner Isles about it too.

COMMISSIONER GORDON:

Well, in talking to him -- you know, the two of us spoke about it this

6

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morning, and we thought that two weeks probably wouldn't make a lot of difference, but -- and he did assure me that, you know, he wouldn't come back and request to table it several more times.

CHAIRPERSON FIELDS:

Okay. One question that I had though if this comes back to us is that I would ask -- who put this in? Presiding Officer -- County Executive.

COMMISSIONER GORDON:

I think it was introduced in December.

CHAIRPERSON FIELDS:

County Executive's Office. If you could attach to this resolution one of the Hagstroms for each and every parcel of where these are located, that's the first part. The second part is I would like to know, because we ran into some questions about parcels that have been put into the Nature Preserve that are really not Nature Preserve -- don't meet the criteria of Nature Preserve. So I would like to have the Planning Department stipulate if any of these are going into the Nature Preserve, why they are. So in other words, that they do meet the criteria.

COMMISSIONER GORDON:

I believe some of them are, and I believe they do meet the criteria, but that's just me telling you that.

CHAIRPERSON FIELDS:

So I'd like to see. And I think that before this committee would agree to it, I think we'd all like to have a little better analysis of where these properties are and, you know, the whole reason for it.

COMMISSIONER GORDON:

I do think for the most part they are adjacent to existing County park holdings, for the most part. I can't be 100% sure.

CHAIRPERSON FIELDS:

That's why I think it would be good, you know, to see the maps that are associated with each parcel.

COMMISSIONER GORDON:

Okay. We'll request that.

LEG. FOLEY:

Madam Chair, may I be added to majority on each of the bills?

CHAIRPERSON FIELDS:

Yes, you may.

LEG. FOLEY:

Thank you.

CHAIRPERSON FIELDS:

Thank you, Commissioner Gordon. I'll make a motion to table.

7

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LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

Seconded by Legislator Foley. All in favor? Opposed?

TABLED (VOTE: 4-0-0-2) (Not present; Legis. Alden and Carpenter)

And now we'll go to Lance who's going to give us an update on the Vanderbilt. And maybe you could give a little history for those who have not been on the committee, a brief history.

MR. REINHEIMER:

Sure. At the last Parks Committee Meeting in December, the Budget Review -- it was requested that the Budget Review Office update on a monthly basis the status of the Vanderbilt Trust Fund. This was in conjunction with changing the current policy -- or changing the policy

to allow \$1.2 million to be distributed to the museum using capital gains realized from previous years, not the current year, and also to provide a smooth \$100,000 per month for 12 month to equal 1.2 million. The Budget Review Office had gotten a letter from Fleet advising the Budget Review Office that this policy was fine and should not adversely impact the fund. However, should the equity markets continue to decline and the value of the fund approach 12.2 million, then this policy should be reevaluated.

So the Parks Committee requested Budget Review update the status of the fund, the market value of the fund on an monthly basis to ensure that it doesn't fall below 1.2 million and this policy's continued without looking at it under the current market conditions. So that being said, the market value of the fund as of December 31st is \$12.9 million. This amount is \$700,000 over and above what Fleet set as a limit or a lower limit to reevaluate the current policy. This is also -- this is also \$200,000 over and above the low point of the value of the fund, which was in September when it was approximately \$12.7 million.

CHAIRPERSON FIELDS:

Lance, can I just interrupt? I think you said 1.2 million was the crucial, but I think you meant 12.2.

MR. REINHEIMER:

Oh, 12.2 right. I have a problem with decimal points. Okay. 12.2 million, that's correct. It should be the lower limit value of the fund. The value of the fund right now is 12.9 million, which is \$200,000 over and above the low, which was in September when it was about 12.7 million.

CHAIRPERSON FIELDS:

Can you just explain what would happen if it went below the amount that Fleet as established as a red flag?

MR. REINHEIMER:

Sure. Fleet established that lower limit using historical value -- historical data on returns for trust funds given the composition of the Vanderbilt Trust Fund, 12.2 million should be a value that should support distributions of \$1.2 million a year without the funds being

8

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adversely hurt. However, in the current financial market condition where the market is still going down, you know, this may not be possible this year. They are looking at it historically, long term, 12.2 million should provide \$1.2 million in income through interest dividends and capital appreciation. So it's really a Legislative policy to continue providing \$1.2 million to the Vanderbilt should the fund fall below \$12.2 million. It's still over and above the original

investment or corpus of the fund which is around either six or 8 million. So we won't distribute the original corpus of the fund.

CHAIRPERSON FIELDS:

Does anybody have any questions? Okay. Thank you for giving us all that information. I wanted to share that with the new members, because they have not really been following it or had an opportunity to understand it, so i appreciate it. Commissioner Gordon, anything that you'd like to address?

COMMISSIONER GORDON:

No.

CHAIRPERSON FIELDS:

Okay. This is probably the shortest meeting that we've ever have in -- or will have --

LEG. FOLEY:

I have a question.

CHAIRPERSON FIELDS:

Uh-oh, I spoke too soon.

LEG. FOLEY:

We have to extend the time here a little bit. It's too cold outside to go out.

COMMISSIONER GORDON:

The cars might still be wrong.

CHAIRPERSON FIELDS:

That's right. See there's always a half full-half empty way of looking at it.

LEG. FOLEY:

Thank you, Madam Chair. Commissioner, at our Public works Meeting the other day Legislator Towle who has an active interest in the Smith's Point area, as I do, had asked a question of the Commissioner about the intentions of the Parks Department working with the Public Works Department to pave the parking lot or make improvements to the parking lot before the next summer season. So whether you are prepared now or within a couple of weeks just to give us some ideas as to what improvements will take place, temporary improvements, will take place at Smith's Point, particularly the problems in the parking lot area. The concern we have is that something needs to be done prior to the summer season. So I know we had to prove the capital project list at our last meeting last year -- last meeting, General Meeting, to the tune of I think about 450,000. And I think some of that was going to make some improvements to the area, central area of the parking; is

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that not correct?

COMMISSIONER GORDON:

Some. It wasn't to repave the entire parking lot, but there is some preliminary work that does need to be done prior to the paving that DPW, I believe, wanted to get a jump on. And I do not have a schedule, but I'll get that by the next meeting.

LEG. FOLEY:

Yeah, that would be helpful if we can have that. Also to have it done before the start of the summer season.

CHAIRPERSON FIELDS:

One of the things they may have to do is to mow the lawn on the parking lot, because there's extra grass growing.

LEG. FOLEY:

That's -- that's what they were talking about. I don't think that's deliberately an interpretive center, I think that they need to --

COMMISSIONER GORDON:

And also related to Smith Point, we've gotten a draft of the master plan to us that we are in the process of making comments on right now. So that should be forth coming soon too.

LEG. FOLEY:

I understand Legislator Towle either has a copy or has some information on that, and if I could be extended the same courtesy of the draft. Also what we could do is next meeting you have scheduled with the consultants to contact my office so we can all sit down and take a look it. Thank you.

COMMISSIONER GORDON:

Sure.

CHAIRPERSON FIELDS:

And then one other question. I think a couple of meetings ago we had asked if you had checked into EZ Pass and the ability for the County to be involved in an EZ Pass System.

COMMISSIONER GORDON:

We did. One of the people on staff contacted both EZ Pass and Sayville Ferry. And the information that we got from EZ Pass, I think, was for an individual, not, you know, an organization. So we requested for them to send that to us, and hopefully we'll get that shortly.

CHAIRPERSON FIELDS:

Another way maybe of getting it, I know McDonalds has contracted with EZ Pass. There are some McDonalds where you can actually drive through and pay for your meal with an EZ Pass. So may be somebody at McDonalds has an answer to how they got involved. Any other -- I will make a motion to adjourn.

LEG. COOPER:  
Second.

10

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CHAIRPERSON FIELDS:  
The stenographer is like ready to jump up and down. Okay. Thank you.

(\*THE MEETING WAS ADJOURNED AT 12:30 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY

11