

**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 **February 6, 2003**.

**MEMBERS PRESENT:**

Legislator Ginny Fields - Chairperson  
Legislator Jon Cooper - Vice Chairperson  
Legislator Cameron Alden  
Legislator Angie Carpenter  
Legislator Brian Foley  
Legislator Lynne Nowick

**ALSO IN ATTENDANCE:**

Paul Sabatino, II - Counsel to the Legislature  
Mary Skiber - Aide to Legislator Fields  
Terry Pearsall - Aide to Legislator Lindsay  
Ed Hogan - Aide to Legislator Nowick  
Barbara LoMoriello - Aide to Legislator Cooper  
Roger Podd - Aide to Presiding Officer  
Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature  
Judith Gordon - Commissioner of Parks Department  
Frederick Pollert - Director, Budget Review Office  
Sean Clancy - Budget Review Office  
Nicole DeAngelo - County Executive's Office  
Denise Speizio - Parks Department  
Stephen Raptoulis - Parks Department  
Lauretta Fischer - Planning Department  
Judith McEvoy - Commissioner, Economic Development  
Stephanie Galteri - County Attorney's Office  
Alpa Pandya - The Nature Conservancy  
Bill Jacobs - The Nature Conservancy  
Catherine Stabile  
Marjorie Fuhrmann - Vanderbilt Museum  
Christopher Cooke  
Richard Siberry  
Lee Thompson  
Bill Lunt  
Richard Fahie  
Alvin Marelli  
William Raab  
Bill Kirchhoff  
Richard Valent  
John Toronto  
Robert Baumann

Bob Baumann  
All other interested parties

MINUTES TAKEN BY:  
Ana Grande - Court Stenographer

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(THE MEETING WAS CALLED TO ORDER AT 12:05 P.M.)

CHAIRPERSON FIELDS:

We will begin the meeting of the Parks Committee. Would you all rise for the Pledge of Allegiance led by Legislator Foley.

(SALUTATION)

CHAIRPERSON FIELDS:

Good afternoon and welcome to the February 6th meeting of the Parks Committee meeting. We have yellow cards. For those of you who are not familiar with the procedure, if you would like to speak, please fill out a yellow card and we will have you come up and address the Committee. We'll start with Christopher Cooke.

MR. COOKE:

Good morning -- afternoon.

CHAIRPERSON FIELDS:

Good afternoon.

MR. COOKE:

I'm going to read a newspaper article that appeared in Suffolk Life today. The title is Cultural Affairs Director fired, written by Stephanie Liakakos.

"After more than a decade as Director for Suffolk County's Office of Cultural Affairs, Christopher Cooke was terminated in mid-January. Rallying support from his long-time colleagues and supporters, Cooke is vehemently fighting to be reinstated, claiming his termination was unjustified, politically motivated and the beginning of the office's downsizing."

Cooke signed an agreement last year stating he would provide the County a valid driver's license after having it suspended for driving while intoxicated in 1998. The agreement noted that failure to provide the license could result in termination. When the deadline approached, the Commissioner of the Department of Economic Development, Judith McEvoy, fired him."

'She is heartless,' said Cooke, citing personality and political

differences. 'I don't understand why she wouldn't ask for an extension. It is very odd that she was vehemently opposed to an extension.'

"According to Legislator Ginny Fields, Chair of the Parks, Sports & Cultural Affairs Committee, quote, 'from what I understand, he didn't fulfill his end of the contract. The County had no other avenue. Chris certainly knew what he was getting into when he signed the agreement,' quote.

'McEvoy is deconstructing her own office,' Cooke added. 'when she threw me out, she got rid of two positions.' Besides running the Office of Cultural Affairs, Cooke also serves as Director of the Motion Picture and Television Bureau, actively promoting Suffolk County as a location for films.

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"Arts groups and organizations have been sending letter upon letter of unfettered support to County leaders asking for Cooke's return."

Quote, 'Opera of the Hamptons strongly urges you to intervene and solidify the active, vital existence of the Office of Cultural Affairs with Mr. Christopher Cooke at it's helm. He has proven he believes in the arts for Suffolk County and is truly a patron of the arts,' wrote Barbara Giancola, Artistic Director.

Quote 'Chris and his staff at the Office of Cultural Affairs is the meat of many County ventures. Please return Mr. Cooke to his position. The future of our artistic community depends upon him,' wrote Janet Adriano of the Long Island Center of Puppetry.

"Cooke fears that his termination will be a detriment to the Department, arts organizations and residents. Quote, 'I am concerned with who will fill my shoes. It will not be easy for someone to slip into the slot. I worked with only the arts organizations' interests in mind.'

"Fields disagreed with Cooke. Quote, 'just because is he no longer there, the Department won't fall flat on its face. As long as they have money, the people in the Department will make sure the program will move forward.'

"Vic Skolnick of the Cinema Arts Center in Huntington has worked with Cooke for more than a decade and considers him, quote, 'a professional who has done a lot of good work for the County.' He believes that while no one is irreplaceable, dismissing someone with his experience and background will impact the Department. Skolnick expected, quote, 'more humane consideration be given before slashing someone's throat,' financially speaking."

"Fields ensured that McEvoy gave her word that nothing would be neglected, and to further prove it, McEvoy promised the Committee quarterly updates on the Cultural Affairs Program."

"With the County currently experiencing a hiring freeze, McEvoy may not be able to hire anyone to fill the position. There has been no confirmation on who will replace Cooke as Director and if McEvoy will serve on the Citizens Advisory Board in February when grants will be reviewed. McEvoy and County officials did not return calls for comment."

So that article came out yesterday, actually. And I have one letter that I'd also like to read, simply because it is a letter from Lillian Barbash, who is the strongest arts advocate in Suffolk County. She's been the head of the Islip Arts Council for many, many years, and I know is familiar to members of the Committee.

CHAIRPERSON FIELDS:

How about we just get a copy of it and we distribute it to the rest of the Committee and they can read it?

MR. COOKE:

Whatever you would like to do. I'll just read briefly this statement.

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At the last meeting of this Committee, you heard members of the art community and members of the Citizen's Advisory Board on the Arts share their concern for the Office of Cultural Affairs and support for my continuation as the Director of that office.

In addition, prior and subsequent to my termination, hundreds of letters of support, faxes, E-mails and phone calls have been received by County Executive Gaffney, Deputy County Executive Gatta and Commissioner of Economic Development, Judith McEvoy, members of this Committee and the Parks Committee.

For me, it's been a wonderful validation for the work I have performed on behalf of the County for the past twelve years. For you, the members of this Committee, I hope it has drawn attention to the importance the arts community in Suffolk County, both as an economic stimulus, but more importantly as the backbone of Suffolk's unique quality of life.

Also I think that my untimely dismissal has shed some light on the dysfunctional relationship between the Office of Cultural Affairs and the Department of Economic Development with Judith McEvoy as Commissioner.

At the present time, there is no Program Director of Cultural Affairs. I heard at the meeting of this Committee two weeks ago that it was the intention of Commissioner McEvoy to fill the position as soon as possible. However, it is a Civil Service position and all Civil Service procedures must be satisfied, a process which will take at least six months, if not longer.

Aside from the time element, I wish to draw the Committee's attention to the resolution and Local Law that created the Office of Cultural Affairs in 1978. Local Law No. 8 states that the responsibilities of the Citizen's Advisory Board on the Arts include the selection of candidates for the position of Program Director subject to final approval by the Legislative Committee.

If then this law is dutifully executed, it is the Citizen's Advisory Board, in conjunction with this Committee, that will select the next Program Director, and not the Commissioner of Economic Development.

The criteria for the job of Program Director includes business and arts administration experience, knowledge of the non-profit sector and of the County itself and to be capable of developing and implementing a full service arts program. None of the current employees in the Department of Economic Development fit these criteria. In fact, it will be very difficult to find someone who fits this criteria from the current Civil Service list.

Further examination of Local Law 8 shows that the Citizen's Advisory Board, as established in Local Law 8, shall be selected via personal invitation of Legislators, recommendations of Suffolk County Arts Councils or personal response to public media, notice made through the media, and shall have the following functions, you all have a copy of Local Law 8, on page 3, the functions are listed one through eleven.

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The most important function of the Citizen's Advisory Board, aside from the selection of a Program Director for the Office of Cultural Affairs, is the review of funding applications from over one hundred arts organizations based in Suffolk County. This review has taken place during my tenure as director during the months of January or February in an effort to prevent the recommendations -- in an effort to present the recommendations to the appropriate committees for their review and then the creation and passing of a funding resolution as quickly as possible since the majority of the programs funded take place in the spring and summer.

This meeting has never been, nor is there any precedent as per Local Law 8 or any other law, this meeting has never been presided over by anyone but the Program Director. It is not under the parameter of the duties of the Commissioner of Economic Development or any other

Commissioner.

Commissioner McEvoy recently informed the Citizen's Advisory Board that she will Chair this meeting at a date to be determined. The members of the Citizen's Advisory Board find this unusual and contrary to the rules conducting their business as laid out in Local Law 8. It plainly usurps the responsibilities for which they have been entrusted.

Moreover, Commissioner McEvoy did not consult with any members of the Citizen's Advisory Board or members of this Committee regarding my possible termination, an oversight which can only be taken as an insult and bad judgment.

At the next meeting of this Committee, you will hear from members of the Citizen's Advisory Board in regard to these and other issues. My discussions with the Board have shown that the members feel now more than ever and in light of my arbitrary and capricious termination that it is time for the Office of Cultural Affairs to be taken seriously as an independent entity, not as a poor step-child of a larger department.

In the coming weeks, the Citizen's Advisory Board and members of the arts community will call for the creation and passage of a resolution making the Office of Cultural Affairs an autonomous and self-governing entity responsible to the Legislative Committee as stated in Local Law 8.

When this resolution is proposed, it is my hope that the members of this Committee will give it serious attention. The health of the arts in Suffolk County is dependent upon it. Thank you. If there are any questions, I'm here.

CHAIRPERSON FIELDS:

It's been brought to my attention that, number one, that law has been amended, so that's not an accurate response about what the law means. What I'd like -- does anybody have any questions? I'd like to bring Judy McEvoy up, please.

COMMISSIONER MC EVOY:

Good afternoon.

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CHAIRPERSON FIELDS:

Good afternoon.

COMMISSIONER MC EVOY:

I would like to state for the record several things. Number one, being familiar with the Civil Service --

CHAIRPERSON FIELDS:

Could you just state your title, please.

COMMISSIONER MC EVOY:

I'm sorry, Commissioner of Economic Development, Suffolk County. To arbitrarily and capriciously terminate anyone under Civil Service Law is virtually impossible. I do have a representative from the County Attorney's Office, that if you wish to hear from her later on his termination, she is here.

But let me address the cultural arts community. Number one, the Cultural Arts Department was created and is a part of the charter of this Legislature. Part of that is the hiring of a director. That person is a Civil Service position.

I will indicate to you that I have been in touch with the Civil Service Department, that we are moving forward with that hiring, that it will be very soon as opposed to later. I already have the forms that allow us to hire. We're working on an ad to be going into Newsday and the New York Times to hire an individual.

I also cite for you a determination by the County Attorney that indeed, I won't cite all of this, but I could if you want, that the Program Director from the Legislature and the Department of Economic Development makes the appointment subject to the Civil Service Law, the position is an open-competitive title and could not be selected by the Citizen's Advisory Board or by Legislative Committee pursuant to Civil Service Law. Civil Service Law requires hiring one of the top three available scorers on the exam offered by the Civil Service Department for this title. That is on the record. I have the qualifications for the position. I also have the form that says that we can hire.

As to the cultural arts community, let me say that my background is in cultural arts. My associate degree is in visual arts, that I stepped forward to take care of this situation, I have been in touch with the arts groups, I have spoken with them. I would like no interruptions in this process. The funding allocated by this Legislature is in place, all of the applications were received as of January 31st, the process is continuing with no gaps whatsoever and I will continue to pledge my support to keep it moving in that direction.

And may I ask if anyone has any questions? The County Attorney, do you want to --

CHAIRPERSON FIELDS:

If anyone would like to hear from the County Attorney, we can have her come up here? Does anybody?

LEG. FOLEY:

Many of us heard in yesterday's Committee, but, Madam Chair, if, in fact, a decision of the Chair is to hear from the attorney or someone else on the Committee to hear from the attorney we would have to go into executive session, whether you want to do that now or at the end of the Committee where we go through all the other issues that others are here to talk about.

CHAIRPERSON FIELDS:

Do we have to go into executive session?

LEG. FOLEY:

A number of us on this Committee who were on the --

CHAIRPERSON FIELDS:

I know you did yesterday, but I don't know if it's really necessary to hear some of the responses. Counsel?

MR. SABATINO:

It's permissible to go into executive session if you wish to discuss the background of the personnel decision that was made. It's not necessary, but it would be permissible.

CHAIRPERSON FIELDS:

I'm not sure that any of us really need to hear it, I think we've all heard it before. I think that, it is my opinion, my personal opinion that Judy has gone above and beyond to make the program function and continue and I have not seen any examples of it slowing down or stopping or any of the threats that I've heard that may come true and haven't seen any of that resulting.

I also had a conversation with you about three weeks ago and you promised to give this Committee a quarterly update of that particular department, that as long as I've been Parks Chairman, I've never had an update of what's been going on in that department. So, that would be a plus. Cameron Alden, Legislator Alden, do you have something?

LEG. ALDEN:

I had a couple of questions. You said you have the job description and requirements, things like that.

COMMISSIONER MC EVOY:

Yes, I do.

LEG. ALDEN:

What's the salary on that?

COMMISSIONER MC EVOY:

The salary is about forty-nine.

LEG. ALDEN:  
Administrative budget is about how much?

COMMISSIONER MC EVOY:  
My administrative budget?

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LEG. ALDEN:  
No, not yours, just that department, cultural --

COMMISSIONER MC EVOY:  
Mr. Cooke is making about, I think he's making about seventy, I'm sorry.

LEG. ALDEN:  
Is he the only paid employee, what's the administrative budget for that?

COMMISSIONER MC EVOY:  
Oh, are you talking about how many employees I have in my office?

LEG. ALDEN:  
No. Just for that -- is that a separate division?

COMMISSIONER MC EVOY:  
No, it's included in my budget. It's included in my department.

LEG. ALDEN:  
So you couldn't break out -- how many other employees, is there a secretary assigned just to --

COMMISSIONER MC EVOY:  
In the cultural arts?

LEG. ALDEN:  
No.

COMMISSIONER MC EVOY:  
No, Mr. Cooke is it.

LEG. ALDEN:  
That's it.

COMMISSIONER MC EVOY:  
The rest of my staff does his secretarial work, his administrative work.

LEG. ALDEN:  
Okay. Thank you.

COMMISSIONER MC EVOY:  
If I may say one more thing, I would like to reiterate for the record that the fact that the County Attorney is here indicates that my actions were not capricious and arbitrary.

CHAIRPERSON FIELDS:  
Okay. Thank you very much.

COMMISSIONER MC EVOY:  
Thank you.

CHAIRPERSON FIELDS:  
And we look forward to hearing from you by March, I guess.

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COMMISSIONER MC EVOY:  
Thank you. You will.

CHAIRPERSON FIELDS:  
Thank you. Okay. The next card is Marjorie Fuhrmann, and this is regarding an appointment, a re-appointment, rather, as a member of the Suffolk County Vanderbilt Museum Commission, I.R. 1035. Go right up to the podium and tell us a little bit about yourself.

MS. FUHRMANN:  
Well, first of all, thank you for having me down here so I have an opportunity to talk to you about the Suffolk County Vanderbilt Museum.

CHAIRPERSON FIELDS:  
Just put the microphone a bit closer so we can all hear.

MS. FUHRMANN:  
Yes, I'm short.

CHAIRPERSON FIELDS:  
There's nothing wrong with short.

MS. FUHRMANN:  
I agree. I consider this an opportunity to talk to you about the Suffolk County Vanderbilt Museum, so thank you for inviting me down. I've been a Trustee at the Vanderbilt since 1994. You should all have a copy of my current resume in front you, I hope.

CHAIRPERSON FIELDS:  
Yes.

MS. FUHRMANN:

And I think it speaks for itself. I'm a very active Trustee. I Chair the Education Exhibits Committee. I am Chairing the Raffle Committee of our summer fund-raiser. I hope most, if not all of you, will be able to join us for an evening of Irving Berlin music and dancing and food under the stars in our tent. We do this every summer now with different composers. Last year's was kind of interesting during the monsoon, but, you know, it was a lot of fun.

CHAIRPERSON FIELDS:

Are the stars actually under the tent?

MS. FUHRMANN:

No. You have to step out and dance.

CHAIRPERSON FIELDS:

Okay.

MS. FUHRMANN:

But you can eat under the tent. Last year we all huddled under the tent, because it was during that northeaster, but it was a lot of fun. This year for the first time we're going to try a new kind of fund-raiser. We're going to try a raffle, which the Vanderbilt has really never done before. We're in the process of actively soliciting raffle prizes and I am Chairing that for the museum.

In the past, among other things I've done is -- well, you have some of them listed, but those are mainly what I've done for exhibits and education. I have also located the person who renovated the Ship Models Room in the mansion and we've had all the ship models refurbished, including having the flags that were attached to the models, which had over time, because they were fabric, were destroyed. I found a person who reconstructed those flags for those models, so now they are complete, which the curator was very happy about.

I have shepherded through various accession items, things that needed to be added to the collections. I have solicited and obtained various donations of period pieces, which we have incorporated into our collection, clothing, an old sewing machine of the right period, which we've incorporated into our Vanderbilts Going on a Trip Room, which is in the servants wing, which we have open to the public for the first time.

A lot of good things are happening at the Vanderbilt. We wish that more of you would come by on a more regular basis and take a look.

CHAIRPERSON FIELDS:

Thank you. Legislator Alden.

MS. FUHRMANN:  
How can I help you?

LEG. ALDEN:  
Thanks for coming down. I just want to point out that the meetings that I have attended, you seem to --

MS. FUHRMANN:  
Yes, I have seen you there.

LEG. ALDEN:  
-- you seem to participate and bring a lot of stuff to the table so I want to commend you for that and thank you on behalf of Suffolk County for that.

I'm glad that you mentioned fund-raising, because one of the other reports that we have indicates that some of the, the trust account is still eroding little by little and I'm glad to see that you're, as well as other members of the Board, are concentrating on new and innovative type of fund-raising, because that's really what we're going to have to look to you for the leadership to provide to bring in more funds, because that trust account, as I pointed out before, is getting very, very dangerously low.

And that's a market condition, it's not something that anybody is really doing anything, I'm not insinuating any type of wrongdoing or anything like that, or mismanagement, it is eroding because of market conditions. And I'm glad to see that you are focussing on it and I would encourage to you focus on more and other types of innovative fund-raising. Thank you.

MS. FUHRMANN:  
Well, we have found that these less expensive evenings with the

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various composers have become very successful fund-raisers. We're also doing a Valentine's Day Romance in the planetarium, a romantic evening with your significant other. And the early returns on a mailing we did this past week have been good for us.

We tried a New Years Eve evening, we're trying a lot of different things. We're also trying to get the community to come on a more frequent basis. What other things? We have our Shakespeare days. The living history tours that we do in the spring and the summer draw a great deal of foot traffic for us.

Every school district on Long Island visits the Vanderbilt Museum

every year, which is a good thing, because then the children go back to their families. And we find that we do by our surveys have family visits based on the fact that the children come during the school year and they want to come back.

And we are always looking for innovative ways of, you know, something that other places haven't already tried. The teas have been successful. We're always trying, we're always looking for suggestions too.

CHAIRPERSON FIELDS:

Thank you. Legislator Carpenter.

LEG. CARPENTER:

Thank you. I really just want to thank Marjorie for her dedication to the County having served as a Trustee for the years that she has since '94 and her willingness to continue in that role. It is so important I believe to have everyone understand that this is the Suffolk County Vanderbilt Museum, that it is, therefore, all of the residents of the County, and sometimes we lose sight of that because it is located, you know, north on the island in Centerport. It doesn't always invite those from other parts of the County to feel a part of it.

And I know it is, it's an effort and a real commitment on your part to commute from where you live on the south shore to go over to the meetings and I know you participate in committees. So, from this Legislator's perspective, I really want to thank you and I'm delighted that you're willing to continue in the role, if, in fact, you are approved, which I'm sure you will be. Thank you, Marjorie.

MS. FUHRMANN:

Thank you, Angie.

CHAIRPERSON FIELDS:

Legislator Cooper.

LEG. COOPER:

Hi, Marjorie. This is just a personal request. I wanted to ask you if you could send me an invitation to the Valentine's Day event.

MS. FUHRMANN:

You didn't get one?

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LEG. COOPER:

I don't think so. So my Legislative Aide will give you --

LEG. CARPENTER:

I'm going to mention, if I could, something about that. You might

want to take it back to whomever sent it out. There was no indication except for a tiny little seal that, that it was the Vanderbilt Museum that was doing that event. Take a look at that invitation.

MS. FUHRMANN:

I will. It's hanging on my refrigerator, I'm trying to get my husband to go with me.

LEG. COOPER:

My Aide will get you my home address.

MS. FUHRMANN:

I will personally send you one today, I promise.

LEG. COOPER:

Thank you. It sounds like a lot of fine.

MS. FUHRMANN:

One other fund-raiser that one other Trustee and I are looking to do in the spring, which is something we've never done before, is we're going to be inviting all the local Women's Clubs, the Babylon Village Women's Club, the Huntington clubs and any other Women's Clubs on Long Island anywhere, Nassau County, that we can find, to come help us fill Mrs. Vanderbilt's closets. We've been trying to organize this one for years and one of the other trustees and I are going to be dedicating some time this spring to do this with period clothing.

CHAIRPERSON FIELDS:

Thank you. I'm going to make a motion to take this out of order.

LEG. COOPER:

Second.

CHAIRPERSON FIELDS:

Since she's probably taken time off her day, with also my comments of this is a volunteer position and we appreciate the fact that you take time out of your busy day and evenings to serve on this commission. And so I will make a motion to take I.R. 1035 out of order.

LEG. CARPENTER:

Second.

CHAIRPERSON FIELDS:

Seconded. All in favor? Opposed? Taken out of order.

I.R. 1035 Reappointing Marjorie E. Fuhrmann as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 10).  
(Bishop)

CHAIRPERSON FIELDS:

I'll make a motion to approve 1035.

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LEG. CARPENTER:

Second.

CHAIRPERSON FIELDS:

Second by Legislator Carpenter. All in favor? Opposed? Approved.  
(VOTE: 6-0-0-0) APPROVED

CHAIRPERSON FIELDS:

Thank you. Welcome back in your re-appointment. And, Legislator Alden.

LEG. ALDEN:

Ms. Fuhrmann, what period, what year are they looking for for clothing?

MS. FUHRMANN:

Let's see, 30's and 40's.

LEG. ALDEN:

Nothing like 50's or 60's?

MS. FUHRMANN:

No.

CHAIRPERSON FIELDS:

You can do that, can't you, Legislator Alden, don't you have some clothes from that era?

LEG. ALDEN:

Actually, my mother who recently passed away does have some stuff.

MS. FUHRMANN:

We would -- the other Trustee who is working on this with me is Donna Periconi.

LEG. ALDEN:

Okay. I'll speak to either you or --

CHAIRPERSON FIELDS:

Okay. Thank you.

MS. FUHRMANN:

That would be wonderful. And thank you for this time.

CHAIRPERSON FIELDS:

You're welcome. Thank you for the time. Lee Thompson, next speaker.

MR. THOMPSON:

Legislator Fields, Commission, I'd like to thank you for this time to come up here today. I'm here today to speak about the issue of Suffolk Trap and Skeet, which is long, long, long overdue. I represent sixty members of the Suffolk County Sporting Clays Association.

Currently Suffolk County has two places to shoot trap and skeet and sporting clays. One is Peconic River Sportsman Association, a fine,

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fine place to shoot, but it is a private club. And the other is the Brookhaven Range, which again is a fine facility, but it is well, well, well overcrowded. I was out there on Sunday with my wife, there was a three hour wait to shoot.

Suffolk Trap was in existence for as long as I can remember. I've been shooting there for as long as I can remember. There was some problems with the previous owner that we all know about. We have a tremendous amount of trap skeet and sporting clays shooters here on Long Island and they are not being properly serviced by the County, not only Suffolk County, Nassau County, Queens, we have people coming from all over.

Additionally, one of the problems we have with that range is if the range is not reopened, the County is going to have to reinstate it as parkland, which is fine, but I'm not sure the County wants to spend money to reinstate something that should be maintained the way it is.

There's an issue that's been brought to my attention that some of the people who live in the area are really upset about the noise coming out of Suffolk Trap when it was open. The decibel levels coming out of there generally are well within acceptable means. I understand that if it's reopened there will be a noise abatement wall put up or some type of noise abatement system put up that will take care of that problem.

Again, people who move next to a place, you have the right to live anywhere you want in this wonderful country. When you make the largest investment of your life, perhaps you should take some time and drive around and take a look and see what's around you. Those who move in next to an airport have to be able to know there's an airport next to them. If you're building a house and buying a house, you should know that there's a trap and skeet range next to where you're going to be building or living. If you don't, that was your problem, nobody else's.

On behalf of myself and the other shooters in this community and the

people I represent of the Sporting Clays Association, we're looking forward to having this range reopened and reopened properly and run properly.

On that venue, I've been shooting my entire life, I'm a certified instructor, I'm one of three certified chief range officers in this County. And there is no reason why that range can't be opened, run properly, run safely, and instead of costing the County money, can actually bring money into the County. Thank you for your time.

**CHAIRPERSON FIELDS:**

Thank you very much for coming. I'm going to ask Commissioner Gordon to step up and just give us, for those of us who are here, we have several cards for people who would like to speak about the trap and skeet range. I'm also requesting Counsel to come in and give us an update on the resolution that was passed calling for the RFP and the timeliness of where we are and the status of that.

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I understand that Legislator Towle wrote a letter, two letters to you questioning and opposing the award of the license to Campsites Sports for the reasons that he mentioned in his letters. And he -- his office called me and told me that they had received a fax of a letter saying that you awarded the license to Camp-Site and that he was opposed to that and that you had not answered his letters and he asked for me to call you and ask you to personally appear here to answer publicly as to why you had not answered his letters.

About a half hour before I was ready to leave my office to come here, his office called and said that he would not be able to appear here to hear you speak publicly about it. But for the record, I would like you just to respond so that we all know what the status is at this point.

**COMMISSIONER GORDON:**

Yes. Legislator Towle did send me some correspondence. I don't think that he necessarily said he didn't want it to be awarded, he had concerns. And what I actually when -- we did prepare a letter to the Camp-Sites Sport Shop, but we did not award the license agreement as Legislative Counsel will show you or remind you in the resolution, it was to come back to the Legislature.

We were going to come up with a contract that we will undergo that process and it will come back to the Legislature and it will be subject to the approval of the entire Legislature. So actually, when -- I believe the correspondence from Legislator Towle was the last week in January and we have been looking at this issue. There was, as per our standard, County standard operating procedure, RFP was issued, we got responses, we only got one response, but I felt it was

incumbent upon us to go through the interview -- form the Committee, go through the interview process in order for us to even make an award.

So the RFP Committee was composed, they met. Actually, I think they met twice. Had some questions among themselves as to what types of information they would want from the perspective proposer, interviewed the proposer, and I don't remember the exact dates, but it was a couple of weeks ago, interviewed the proposer, made the recommendation to me that they wanted to award the license agreement.

Based upon that recommendation, I sent Camp-Sites Sports Shop on January 31st a letter recommending award. Again, the key here is recommending award. I did not award it, because it does again have to come back to you.

And as a result of Legislator Towle's correspondence, I did use some -- because I think that we have the same concerns that Legislator Towle has, if we are to reopen the trap and skeet range, there are people that live around the range, we want to be good neighbors. I've had conversation with members of the public indicating this also, that it's not going to do us any good not to be good neighbors, because it will just continue problems. So it is in our best interest to be good neighbors. And one of the things that we need to take, seriously take into consideration is the sound mitigation, which everybody that lives near there is concerned about.

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So as a result of that, that was something that Legislator Towle indicated he was concerned about also. And I actually used some of the language from one of his letters in composing my letter to Camp-Site Sports Shop. This letter was prepared, I believe I signed it the morning of January 31st. It had not been seen by Mr. Swezey nor the people that were cc'd, we cc'd the Committee, but what I did do was fax a copy to Legislator Towle, so he knew about it.

I think one of his issues also was that he was concerned that this would publicly be announced. You know, I don't go and publicly announce this to anybody, what we did was we prepared a letter to Camp-Sites Sport Shop and we did copy the Committee. But again, I have to emphasize, we are going to work on an agreement that does have to come back to this body.

#### CHAIRPERSON FIELDS:

Legislator Alden -- but I just want to -- I received a fashion this morning and there was a gentleman who wrote about the history of the facility. And I'm going to let Legislator Alden speak and then I want to ask you a question about that.

LEG. ALDEN:

Hi, Commissioner. The RFP that went out, did that include noise abatement?

COMMISSIONER GORDON:

Yes.

LEG. ALDEN:

Specifics, like barriers or berms?

COMMISSIONER GORDON:

Well, I think an exhibit to the RFP included the two reports that we had gotten. The one, the sound mitigation report was attached to the RFP.

LEG. ALDEN:

Right. So we made that a part of it?

COMMISSIONER GORDON:

Yes.

LEG. ALDEN:

And expect our contract vendee to come in and do that work, right?

COMMISSIONER GORDON:

Yes.

LEG. ALDEN:

Or is that something that Suffolk County is going to do?

COMMISSIONER GORDON:

No, no, no. Well, that's -- we expect that the licensee would be responsible for that.

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LEG. ALDEN:

Okay.

CHAIRPERSON FIELDS:

Judy, I have a letter here from a gentleman who gave me a whole history about the facility.

COMMISSIONER GORDON:

We'd be interested in seeing a copy I think of that.

CHAIRPERSON FIELDS:

But I'm not sure, you know, I don't know where he got his information and I don't know -- his name is Gus {Nevros}, founder and former President of LITF. And just one of the things that he says in here,

and I'm waiting for Counsel to come in so that I can ask him also, and perhaps you know the history and the papers that were signed when the County received the deed or the property, and he states in this that when -- I have to try to find it here. Here we go.

He says that just, for the record, the club was organized in 1921, it ceased operating in 1960, when it sold the balance of its lease to Suffolk County. It is my understanding that when the property owner, Ken Hard, transferred the entire property to Suffolk County, an agreement was reached that the particular acreage that was occupied by the range was to remain indefinitely for use as a trap and skeet range and not to be used for any other purpose whatsoever. Are you familiar with that?

COMMISSIONER GORDON:

No, I'm not.

CHAIRPERSON FIELDS:

Counsel, do you know how we could find out whether or not that's part of this, this paragraph, that when they transferred the entire property, that the acreage that was occupied by the range was to remain indefinitely for use as a trap and skeet range and not to be used for any other purpose whatsoever when they received it from Ken Hard?

MR. SABATINO:

Well, the only real possibility would be that there may have been a covenant and restriction that was imposed on the transfer. If there was a covenant and restriction, it would have -- it would have been a legal document that would have been recorded. The only way to track that down would be to obtain a search of the property. The real property tax service agencies should be able to do that search for the County.

COMMISSIONER GORDON:

If, in fact, that's true, we may even have a copy of it in my office. And I will certainly look.

CHAIRPERSON FIELDS:

Yeah. I would be very interested in finding out if that's actually true. So the status right now then would be -- where are we actually at in time?

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COMMISSIONER GORDON:

We plan to negotiate with the perspective licensee, prepare a contract that we will forward back to this body. We have not scheduled our first meeting with them.

**CHAIRPERSON FIELDS:**

Are we within any time lines of doing anything on any of the resolutions, Counsel?

**MR. SABATINO:**

I don't believe -- I don't believe we're in violation of any deadlines at this point, no.

**CHAIRPERSON FIELDS:**

Can you give me any kind of a time line of when you think you're going to be ready?

**COMMISSIONER GORDON:**

I don't want to be held to anything. I don't know how long this will take.

**CHAIRPERSON FIELDS:**

You know we're not going to hold you to it.

**COMMISSIONER GORDON:**

Well, as I come back to this body, to the Parks Committee, I would certainly be happy to update you on the negotiations.

**CHAIRPERSON FIELDS:**

Well, can you just give me an idea? I mean --

**COMMISSIONER GORDON:**

As I said, we haven't scheduled a meeting yet. We need to do that. Hopefully we can do that within the next couple of weeks. We will make it a priority.

**CHAIRPERSON FIELDS:**

Okay. So if you schedule a meeting and you're going to make it a priority, what would you suggest --

**COMMISSIONER GORDON:**

If all goes well and we come to an agreement, depending on the County Attorney's Office, well, we could shoot for the end of March.

**CHAIRPERSON FIELDS:**

Can we shoot for the end of March, please?

**COMMISSIONER GORDON:**

We'll shoot for the end of March.

**CHAIRPERSON FIELDS:**

I'd actually even prefer the end of February, if we can do that.

**COMMISSIONER GORDON:**

Well, I don't -- I think that's unrealistic.

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CHAIRPERSON FIELDS:

Well, I'd like to try.

COMMISSIONER GORDON:

But we'll try to do it sooner rather than later. I'll make that commitment.

CHAIRPERSON FIELDS:

Great. Thank you. The next speaker is Richard Siberry.

MR. SIBERRY:

Good afternoon, ladies and gentlemen, Legislators. I represent the management of the Camp-Sites Sports Shop in Huntington. And I would just like to take this opportunity to thank Commissioner Gordon for facilitating the advancement of the tender of the bid, as it were, to get Suffolk County Trap and Skeet Range reopened for the benefit not only of Suffolk County sportsmen, but of the County as a whole.

There are indeed some issues, particularly that of noise abatement, which still need to be finalized and addresses. And I would simply like to take this opportunity to reassure everybody here today that the Camp-Site is more than willing and very able to address those issues.

We, as is the County, are in possession of two sound reports compiled from data gained when the range was operational. We realize that there are some hot spots where noise from the range may be an issue for our neighbors, which we would like to address, and we will do as we can to abate that noise.

And we'd just like to make sure that the procedure continues at its healthy pace that it has right now. And we look forward to hopefully having a long and successful working relationship with Suffolk County and with Suffolk County sportsmen.

We do fully intend to be a good neighbor. We certainly, like everybody else, we want an easy life, we don't need people protesting the range. The range is certainly going to be an asset to all of Suffolk County sportsmen and we look forward to getting it on track and hopefully opened as soon as possible. Thank you very much.

CHAIRPERSON FIELDS:

Thank you very much. The next speaker is William Raab.

MR. RAAB:

I'd like to thank you all for giving us the opportunity to speak today. As I've attended quite a few of these meetings with regards to

this subject and many others, Legislator Towle has expressed resistance to pretty much any proposal to bring this range back into operation. We've heard lots of arguments and every time we address the argument and assure him that things will be taken care of, we come up with new arguments. That's the way it is.

There's a lot of things. This range has been in operation for a long time. When it was built, people were compensated because of the inconvenience. That was quite a while ago, most of those people are

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no longer there.

As far as safety, people are always saying, well, safety, safety, because we preach it too when we're operating with firearms, it's very important. Statistically, if you want, you're at more risk going to your doctor, about a thousand times more risk of having a fatality due to physician error than you are to firearms safety, but I don't see anybody cancelling their doctors appointments.

As far as noise, well, the RFP is -- has noise abatement built into it, which should take care of any concerns that people have, legitimate concerns anyway. Someone is always not happy with something and that's why these meetings take quite so long.

Okay. I'd like to see the range open as a place for recreation. I don't golf, I don't play tennis, I shoot. And there's very few places to do that. I'd like to do it in a County-owned facility and I'd like to be able to help support the County with that. And I'd like -- I like doing it, because it's a good time.

Let's see. Okay. It's not just people from Suffolk County, it's people from everywhere. I think with these gentlemen, they should do a pretty good job. If not, well, they know that they're at risk of losing the contract, because that's how it works. I've had some dealings with Camp-Site and I'm very happy with anything I've ever done there. I don't think you'll have any problems.

And this is about the fourth or fifth meeting on this particular issue. I like coming here, but not that much. I'd like to get this show on the road and get the thing opened and then I can see you and smile and say hi and that's that. I mean I think my Legislator, Ms. Carpenter, has seen me in her office quite a few times and, you know, like I said, I like to stop and say hi, but, you know, sometimes I'd like to just stop and say hi, not have to bend her ear on something.

And Ms. Fields has also received calls and E-mails and such from me. And I packed my lunch, I'll be here a while. So if this doesn't get resolved, well, we'll be here again. I'd really rather it get

finished, because I'd like to go shooting. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. We like to see you too. The next speaker is Bill Lunt.

MR. LUNT:

Good afternoon. I want to thank you for allowing me to be in front of you today. I had heard that Fred Towle, Jr., was against the range opening, so I went down to his office the other day and asked him why. And I was told basically three things. One, that the range was in violation of the noise law. Two, that the people who live around the range complained, and by not opening up the range would let them have a better life. And three was a man is allowed to make profit on his investment. And I guess they were referring to the developer or the contractor and they weren't too specific on that.

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And I would like to address the situations that I heard. And one was, let me say first that I'm in favor of opening the range as is. One reason is we're in a democracy and I always thought that the needs and enjoyment of many outweigh the few. There are thousands of taxpaying residents that have enjoyed the range over the years and only a few hundred or a hundred complain about the noise.

It's only common sense that if you don't like noise from an airline, like Lee said, from an airplane, like Lee said before or earlier, you don't move next to an airport. And the same thing with the railroad tracks, if you don't like the sound of the trains, you don't move next to a track.

Well, before all those neighbors were there and those houses were there, the range was. And the range was even there decades before the law came in about the noise. And the range should be grandfathered and exempt from that noise law.

The noise law was created basically to stop a few rude people when the technology of electronic boom boxes came into play and they played their music and disturbed other people in the public places. So to use a minuscule law that was made just to stop boom boxes and apply it to a range that was there way before the law was in effect, I don't think is fair and I don't think it should be.

But if you're going to use that law and stick it to this range about the range being in violation of it, then you can't turn your head away from the other areas of our County that the law is being broken. And the way that means to me is the marching bands in the parades that we all enjoy over and above the decibels of the law. So technically, all the parades next year, that they can have their parades as long as

they don't have a marching band.

The same thing with the outside concerts. All them should be cancelled, because of the electronic devices that amplify the music and the voices. All right -- and the same with fireworks, the public display of fireworks. And even the County owns these trailers that they come to different events and they set up. And each trailer has these public address systems that everyone uses to talk over and everything and those also are higher than the law agrees. So all that has to be cancelled out if you're going to apply the law to the shooting range. All right?

But you've got to understand the law was made specifically for the boom boxes and not the range and not the parades and not the fireworks, all right, and not the concerts, and you've got to take that into effect. And I think that taking this minuscule law and causing a whole mess of grief toward it, that should not be allowed to happen.

And I just hope that again you keep on the right track and keep pursuing the -- to open it and allow not only myself and my family to use it, but everyone else in the County. Thank you very much.

CHAIRPERSON FIELDS:

Thank you. Are you a constituent of Legislator Towle or you just

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stopped in his office?

MR. LUNT:

I just stopped in his office, I didn't get to speak to him personally.

CHAIRPERSON FIELDS:

Who is your Legislator?

MR. LUNT:

Mr. Towle.

CHAIRPERSON FIELDS:

Oh, he is. Okay. Thank you for coming. Alvin Marelli, followed by Richard, it looks like Fahie.

MR. MARELLI:

Good afternoon. My name is Alvin Marelli. I live in Port Jefferson. I'm a native of Port Jefferson. I've used the range ever since the County had opened it and my family had used the range for many years. I've also been an employee of both ranges and I do know for a fact that on Saturdays and Sundays, both ranges, when they are operating, were operating at capacity. So by closing one range, you're really

hurting the shooters. There's no way that one range can handle all the shooters that we have.

I also remember a customer at one time telling me that he and his wife enjoyed the range and that they came out from the city and they would spend the night and they would eat out here and do various things, so I'm sure that many other people that would use the range would bring money to this area. I'm in favor of seeing the range open. Thank you.

CHAIRPERSON FIELDS:

Thank you for coming. Richard Fahie, followed by Robert Baumann.

MR. FAHIE:

Okay. My name is Richard Fahie, I live in Mastic, I don't live really that far from the range, I live directly east of it, just less than a mile.

CHAIRPERSON FIELDS:

Is Legislator Towle your Legislator?

MR. FAHIE:

He used to be until the last election where he's no longer my Legislator, he used to be when this thing started. Last time I went to vote, his name wasn't on the thing.

CHAIRPERSON FIELDS:

If he was your Legislator last time, he's still your Legislator now.

MR. FAHIE:

Anyway, I could go into the fact that the noise, you heard that, but I can't, because of all the issues that were against it have all been addressed, I really don't see any problem. I'm being honest with you. I live very close to Sunrise Highway, they cut my block in half, I

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have a hundred and fifty foot, I didn't complain. They put Southport Park in my backyard, literally fifty foot wide, I didn't say anything. If I can live with this and I was there before them, I've been on that block fifty years, I mean these people moved in, if I don't complain, I don't see why they have any reason. Thank you.

CHAIRPERSON FIELDS:

Thank you very much. Catherine Stabile.

MS. STABILE:

Good afternoon. I'm a Masters Degree student in applied ecology at Stonybrook University. I'm here to talk to you today about I.R. 1093, designating Suffolk County Invasive Weeds Awareness Week.

After I moved to Long Island last September to attend school, I decided to become involved in the local community. I learned that the Nature Conservancy has a program that focuses on invasive plants and that a group called the Weed Watchers was looking for volunteers. Being interested in invasive species management, this was a perfect opportunity for me.

As a volunteer, I've done a variety of things. I helped remove the invasive mile-a-minute vine from the site in Old Bethpage Village. Using global positioning satellites, I learned how to map the locations of weeds. I also helped pull out young black locust trees in the Sayville grasslands.

During my time with Weed Watchers, I've had the chance to work with many like-minded volunteers who realize that the subject of invasive species management is one that deserves more recognition and merits the attention of everyday citizens.

After habitat destruction, invasive species are the largest threat to biodiversity on earth. Despite this, many people have received little or no education about this subject. As a member of the Weed Watchers Group, I hope to spread the word about the invasive plants that live in our backyards, such as Norway Maple, Japanese Honeysuckle and English Ivy.

The only way these plants can be eliminated from Long Island is if groups like Weed Watchers continue to get citizens involved, interested and active in the cause of invasive plant awareness. I think that an additional step in the right direction would be to designate Suffolk County Invasive Weeds Awareness Week as the last week in February. Thank you.

**CHAIRPERSON FIELDS:**

Thank you very much. Bill Jacobs, followed by Bill Kirchhoff.

**MR. JACOBS:**

Good afternoon. My name is Bill Jacobs, I represent the Nature Conservancy. I'm here to speak in support of the Introductory Resolution to designate Invasive Weeds Awareness Week.

Invasive plants are one of the most serious and pervasive threats to ecosystems in Suffolk County. These invasive plants, also known as

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weeds, spread into natural areas and out-compete, damage and often eliminate native plants and the wildlife that depend on them.

A biological wildfire is quietly consuming public lands in Suffolk

County. Weeds are sweeping across forests, wetlands, waterways and parks and preserves. Across the United States, public lands are being lost at an estimated rate of four thousand six hundred acres per day. Like a wildfire, weeds can damage natural communities and interfere with outdoor recreation.

However, a forest soon heals and is renewed after a wildfire, whereas the effects of invasive plants may be long lasting and sometimes even permanent. The best way to prevent the damage caused by invasive plants is to stop them from becoming established in the first place. The prevention and early detention of new invaders is critical to managing invasive plants and public education and awareness are key components of any effort to manage and control invasives.

Because weeds do not recognize property boundaries, such as the boundary of a County park, and freely spread across them, the success of any individual agency's efforts to control weeds depends on the cooperation of all neighboring landowners. Recognizing this need, the Nature Conservancy has spearheaded the Long Island Weed Management Area, a voluntary association of land managers for more than fifteen Federal, State, County and local government agencies and private conservation groups. All these land managers are working together to help reduce the threat of invasive plants.

The Conservancy on Weed Management Area are sponsoring the Weed Watchers Volunteer Program to provide the many people we need out on the land identifying weeds, reporting them and helping us control them. The challenge before us is to create public awareness of this issue and to focus public and private resources on reducing the threat of invasive plants. And efforts made by this Legislature to promote Invasive Weed Awareness Week are an important step in raising the needed awareness and support. Thank you.

CHAIRPERSON FIELDS:

Thank you. Robert Baumann, I switched right by your card. Sorry.

MR. BAUMANN:

No problem.

CHAIRPERSON FIELDS:

Nice tie.

MR. BAUMANN:

Thank you. Good afternoon, ladies and gentlemen. My name is Robert Baumann, as you've just heard. I'm a almost twenty-year resident of Copiague, a native Long Islander who has hunted and fished on Long Island for well better than half a century.

I'm a retired police officer. I am Vice President and Firearms Chairman of the Suffolk Alliance of Sportsmen, and wearing my other

hat, I'm also here to represent the greater Long Island section, that is Nassau and Suffolk Counties, as a Long Island Region Director of

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the New York State Rifle and Pistol Association.

My first act today would be to apologize to the Chairlady for not recalling the details of the Hard deed that I was aware of several years ago, but which my faltering memory let slip. I'm sorry if you were blind sided and I hope the deed is produced and resolves this situation.

The environmental and noise complaints and concerns that were mentioned earlier were I believe satisfied as a result of the extensive investigations by outside independent expert agencies that conducted a review of the conditions at the range since the closure on October 1st, 1990 -- I'm sorry, 2001.

Those reviews indicated to the best of my understanding that that range and the property on which it stands is uniquely suited for a trap and skeet site and that it would cost the County very, very big dollars to convert it to any other usage, such as parklands. I don't think the fiscal situation in the County and the State or in the country would make that a very viable solution.

The range -- I'm sorry, the Camp-Site Sport Shop over in Huntington Station has a long and honorable history, as we have, with working with it in the Suffolk County Alliance Sportsmen and the State Rifle and Pistol Association. It is a very responsible organization, an asset to the community, it has been there many, many years. And we heartily recommend, not at the price of reopening the range simply for the fact of -- for the purpose of reopening a range, but for reopening the range under what we understand to be at the moment the best possible operator.

Consequently, the -- those two organizations, which I represent, which speak for approximately thirty to fifty thousand legitimate outdoor sporting enthusiasts in the County, endorse the selection of the Camp-Site Company as the next range operator. Thank you very much. Are there any questions?

CHAIRPERSON FIELDS:

No. Thank you.

MR. BAUMANN:

Thank you, ladies and gentlemen. Good afternoon.

CHAIRPERSON FIELDS:

I just want to read a quick E-mail that I got. It's from a Master

Sergeant Thomas {Pikarski}. "Thank you for your support of this issue. I would like to make my position of this issue known. I support the license agreement of the Camp-Site Sports to operate Suffolk Trap and Skeet.

As you know, I am in the Air National Guard and cannot appear in uniform for anything that is politically motivated. I do not think that this issue cannot be resolved and this range reopened. If one of the main issues is the noise, then it would be easy to put up a wall to suppress this problem. If it is the environmental concern, then why can't the lead and other material be cleaned and removed properly

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as it has been done at other sites?

I've enjoyed shooting since I was first able to back in high school. I've been a member of the NRA for all these years and hunt every year that I can. I have great respect for all animals, both large and small, and for all weapons. I cannot see the reasons that would -- that they would try to take this last recreational activity that helps hone the hunting skills for those of us that still hunt and close it down.

The homeowners that bought property near the range have nothing to fear. They bought their property well aware of what was there, what was in their neighborhood. If they did not approve of this activity, they should have bought elsewhere. If we start closing down activities that produce noise or that are not, that are not appealing to us all, then where will it stop. Are the airports next?

I need to use a weapon because I am entrusted with the responsibility of defending our country in time of war and I need to be able to shoot straight and true. Even Uncle Sam has to use local and private ranges to train its members of the armed forces so that we can do our job. It is becoming harder and harder to find these places because our good citizens we protect are closing them down.

Ms. Fields, please make my feelings known to those at the meeting since I cannot attend. I am packing for a possible war and will be making sure that our citizens will be able to sleep well and not have to fear another 9/11. May God bless you and thank you for your support." I just thought that was an interesting note.

Bill Kirchhoff, followed by John Toronto.

**MR. KIRCHHOFF:**

Good afternoon. My name is Bill Kirchhoff. I'm a retired New York State Court Officer, I'm a Range Safety Officer, I'm a Firearms Instructor for twenty-five years, I'm also a Boy Scout and Merit Badge

Instructor. We teach at the range. We have not been able to take our boys out there for two years because of the range being closed. I urge that the range be opened at the earliest possible date.

I live in Lindenhurst, but I also own a home in Shirley, which is approximately a half mile from the range. I purchased the second home there twenty-two years ago. At the time I purchased the home, I also looked at land and homes adjacent to the range, which were one block from it. I spent fifteen thousand dollars more purchasing a home that was approximately a half mile to a mile away, because I didn't want the noise every day to live there. That was a choice I made and an investment that I made.

These people that are now living there and claiming noise abatement, this is a phony issue. There's State law on it, and I provided it to you, Ms. Fields, as well as I have copies for all the Legislators that would like it as well as my business cards. I'm a member of SAFE, I'm a member of the New York State Rifle and Pistol Association.

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This has gone on too long. I know you've done everything that you can, but unfortunately the boom box law was not intended to close the range. It was intended for shutting down boom boxes and having people to be able to speak. Using that law now to turn around and keep the range closed or incur higher expenses so that the range cannot be opened and abatement costs to make it prohibitive, I think is wrong.

Now, Camp-Site has a very good reputation. I'm in favor of them being granted and opening this as soon as possible, but I don't think stringent requirements should be put into place that make it a cost for us utilizing the range or for them operating the range to become exorbitant. Okay. Fair and reasonable is appropriate, but I don't think these people who have made their complaints have a legitimate complaint.

I urge that in the next sixty days that the range be opened so that we can start resuming teaching courses for Boy Scouts. I've carried a gun for thirty years now, I've taught classes for twenty-five years and each child that doesn't get the opportunity to learn, doesn't have safety and doesn't know how to properly handle a firearm. For everyone's safety and concern, I ask that you move this as soon as possible. Thank you.

**CHAIRPERSON FIELDS:**

Thank you. Thank you for coming. John Toronto. And our last speaker is Richard Valent.

**MR. TORONTO:**

Good afternoon. My name is John Toronto. I am the current President

of the Peconic River Sportsmen Club. And I just like to say, not to be redundant or reiterate all of the comments that have already been made in favor of reopening Suffolk Trap and Skeet, the Peconic River Club, its four hundred resident members, its Board of Directors fully support the reopening and the granting of a contract to Camp-Site Sports as soon as practical and as expeditiously as possible. Thank you.

CHAIRPERSON FIELDS:

Thank you. Richard, I believe it's Valent.

MR. VALENT:

Good afternoon. My name is Richard Valent. I'm an attorney, I'm a resident of Syosset, Nassau County, and I am a trap and skeet shooter. And you should be aware that there are many of us who come from outside of Suffolk County to participate in this sport utilizing this range and spending our dollars in the area. On a weekend, we head east for this range. We eat, we buy things, we shop at Walmart, we shop at K-Mart, we get gas.

Without this range we have to go to other places, we go to New Jersey, Connecticut, sometimes Pennsylvania. This is an asset to Suffolk County. It's something unique to this County and it's something that should not be lost, because once it's lost, it will never come back.

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Besides the economic aspects, there is the recreational aspects. It may be unknown to some of you, that trap and skeet shooting is an olympic sport, it is not just confined to hunting and hunting issues or firearms issues, it is an olympic sport. It is also an NCAA sport, and there are colleges that grant scholarships in this sport. It would be nice if some day someone from Long Island would win a gold medal in one of these sports and having had the opportunity to train for that medal in this particular range. Thank you for your time.

CHAIRPERSON FIELDS:

Thank you. Will all Legislators please come to the horseshoe so that we can vote on the resolutions. And thank you all for coming.

I think while we await the rest of the Legislators, Commissioner Gordon, I have I guess a couple of things that I just wanted to ask you about. Number one is there was some discussion about the Show Mobile and I wondered if you have an update. From what I was hearing, you might not have the ability to operate it because of manpower and I just wanted to give the rest of the Committee an opportunity to hear whether or not that's going to happen this summer or not.

COMMISSIONER GORDON:

Staffing is definitely still an issue, however, we are working on perhaps utilizing somebody from another department, maybe weekends or evenings, I don't know how the mechanics of that would work out yet in conjunction with somebody in the Parks Department who is presently on staff. So, I'm hopeful that we may -- I'm hopeful that we may be able to operate it this year.

But one of the things that I think we need to be mindful of is I really think we need to enforce the collection of the fees for that. I think last year we collected half the fees for what, what it cost us, or what we normally charged in fees should have been somewhere I think in the neighborhood of twenty-one thousand dollars and we wound up only taking in ten thousand. And I think if we are going to use the services of another department, somebody from another department, we're obviously going to have to pay for that. So, hopefully maybe the revenue, you know, can help us to do that.

CHAIRPERSON FIELDS:

How much is --

COMMISSIONER GORDON:

But I expect that, I expect by the end of next week we'll have a definite answer, because we've got people waiting out there with applications to use it. We have two, actually two applications for the month of March, and we need to give them an answer as soon as possible.

CHAIRPERSON FIELDS:

How much is it to utilize the Show Mobile for each event?

COMMISSIONER GORDON:

Well, I can't tell you how much it is to utilize, because it differs in the times. Some people only use it for two hours, other people can use it for as long as twelve.

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CHAIRPERSON FIELDS:

Per hour then, what's per hour?

COMMISSIONER GORDON:

I don't know, because I don't have the staff people that will be operating it. I don't have that figure.

CHAIRPERSON FIELDS:

What was it then when the staff people did operate it?

COMMISSIONER GORDON:

I don't know. I'd have to get back to you.

CHAIRPERSON FIELDS:

Okay.

COMMISSIONER GORDON:

But we do, we charge four hundred and fifty dollars for a four -- for up to a four hour period. And beyond the four hour period, I think it's a hundred and fifty dollars beyond that. It's either a hundred or a hundred and fifty dollars beyond that.

And we came up with that fee based on what it cost us to send it out, because even though it's a four hour period that somebody could be using it for, from the time it leaves where we have it stored to get to a location, which could be all the way out on the East End, you know, that's time, obviously.

CHAIRPERSON FIELDS:

Don't we have two show mobiles?

COMMISSIONER GORDON:

Well, this one was to replace the old one that is in, very much in need of repair. We did not plan to operate two.

CHAIRPERSON FIELDS:

So we really only utilize one?

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

Okay. Legislator Cooper.

LEG. COOPER:

I'd like to raise another issue that has raised some concern, Commissioner Gordon. This involves apparent violation of a bond covenant, specifically involving Bond Resolution 136 of 2001. Quoting from this bond resolution --

COMMISSIONER GORDON:

Could you give me that number again?

LEG. COOPER:

Yes. It's 136-2001, involving Coindre Hall. Section one of this resolution said that the specific object or purpose of this resolution

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to be financed pursuant to this resolution is to pay part of the cost of the restoration of Coindre Hall main building, boathouse and dock and the stabilization of the pump house buildings, including planning in connection therewith. And serial bonds were issued, twenty-five

thousand dollars of which were to have been set aside for planning, design planning in connection with restoration of the buildings at Coindre Hall, which as you certainly know are in dire straights. The boat house almost --

COMMISSIONER GORDON:

The boat house, yes, definitely is.

LEG. COOPER:

Literally in the threat of falling into Huntington Harbor.

LEG. ALDEN:

Did you get a copy of this?

COMMISSIONER GORDON:

No.

LEG. COOPER:

When I was able to finally get a copy of a contract that had been let in September of last year, this was the contract involving the historic landscape design for Coindre Hall, I found that the funding for that contract was basically a reallocation of funding that had been set aside for this restoration work at Coindre Hall.

And I did some checking with BRO and Legislative Counsel, the response from BRO was that it appears that the funding -- that funding the landscape design to be provided by MJ Designs, that's the company that was awarded the contract, from bond proceeds is inconsistent with the bond resolution, and they asked for an opinion of Legislative Counsel as to whether or not that particular contract could be funded from the bond proceeds.

First of all, Fred, perhaps you can let me know what you've learned so far and then I'd like to get the opinion of Legislative Counsel. I have a number of questions that have arisen.

MR. POLLERT:

Just with respect to the contract, we did receive a copy of the contract from the Law Department. We had done a review of the contract, what we were concerned about is how they were going to be funded, because we were not aware of any appropriation in the Operating Budget. We found out from representatives of the Parks Department that they were going to be using the bond proceeds.

The concern that the Budget Review Office has is that a bond covenant and a bonding resolution, the proceeds in the bonds can only be used specifically for that purpose. It's not to be diverted for other purposes or the scope of the bonding resolution needs to be changed prior to that taking place. So, that was a concern that we had raised to Legislative Counsel, whether or not the bonding resolution was

robust enough to allow this to take place. It didn't appear to be, because the resolution was very specific, it was for planning for

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restoration of buildings, not for a landscape plan.

LEG. COOPER:

Fred, by the way, did your office have a copy of the contract?

MR. POLLERT:

That's a secondary topic. There also seems to be problems in the County with respect to the standard procedures that need to take place with respect to the distribution of the contracts. We were requested to come up with a copy of the contract. We did secure one from the Law Department, however, a copy had never been filed with the Clerk of the Legislature, as is required.

We then followed up to try to receive a copy of the attached disclosure statement and found out from the Law Department that they did not have the copy of the disclosure statement and it was not unusual, in fact, for them not to have disclosure statements and sometimes not even to have the contracts that had been executed in the County, which I found a little bit troubling.

The Clerk of the Legislature, clearly because he didn't have any copy of the contract, didn't have a copy of the disclosure statement. We finally got one this morning from the Department of Audit & Control. That seems to be the only group that has the complete package of the resolution and the disclosure statement.

So, there seems to be a secondary problem with respect to contracts in the County. There's also a secondary concern that this, as well as a few other things that we have found this year, are kind of a needle in the haystack. The last bite at the apple is when the Legislature appropriates funds. There's really no mechanism to insure that the funds are being used as intended by the Legislature.

And that was something that was identified previously. This isn't a topic with the Capital Program where the same thing seems to have happened, that the bond proceeds were used to fund a contract that was not part of the intent of the bond.

LEG. COOPER:

I have a question for Legislative Counsel. Obviously the funds are not being used for the purpose that were set forth by the Legislature in the authorizing resolution. Legislative Counsel, is it your opinion that the reallocation of these funds was appropriate, did the people that signed off on this have the authority to do so?

MR. SABATINO:

I looked at their documents last night, I didn't complete my reply memo, but just, you know, my preliminary review would indicate that there appears to have been an illegal diversion of the funds from the appropriation in violation of the County Charter. In fact, in 1986, there was a specific change made to the County Charter, which is colloquially referred to as the Frank Jones Amendment, because Frank Jones attempted in 1986 to divert funds from one Capital Project to another. I thought that amendment had basically shut down the potential for that to occur.

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The problem in looking at the documents is that, as Budget Review indicated, it does appear that the appropriation was done in compliance with the Jones Amendment, which was an explicit allocation to do the planning steps for, I believe it was the boat house and the dock and the main building. Looking at the contract, if, in fact, this is the same twenty-five thousand dollars, which Budget Review apparently has been able to confirm, the contract itself does not talk about the boat house or the main building, but talks about landscaping, you know, flowers, plants things of that nature.

So, based on the documents that have been submitted, there would be a clear violation of the County Charter, clear violation of the bond covenants and clearly a lack of authority to implement the agreement with that twenty-five thousand dollars.

LEG. COOPER:

Commissioner Gordon, I know that this took place before your time, this was back when --

COMMISSIONER GORDON:

No, but I was involved with it, Legislator Cooper, so I'm familiar with it.

LEG. COOPER:

Perhaps you can, I have a number of questions, but do you know what was behind the decision to reallocate the funds from the intended purpose?

COMMISSIONER GORDON:

Well, we didn't look at it as a reallocation. I don't have documents with me from my office to compare resolutions. Generally, when we write a capital appropriating resolution, we try to make it as general as we can, rather than being -- the Department has gotten into trouble with being very specific in the past and when you do -- I agree with everybody that what they said when you do a bonding resolution, you need to spend the money as per that bonding resolution.

And at a site like Coindre Hall, which you are extremely familiar with, Legislator Cooper, we do have the boat house, we do have the main building and a number of other out buildings on the site, and I believe the site itself is approximately thirty acres. We also have an ice pond that's down by the boat house closer to the Huntington Harbor. And this historic landscape study was to tie in the entire site, including the buildings. So I think that we can make a case, even though maybe it's not specifically stated in the resolution, I think we can make a case for it.

If we make -- try to make a case for using the money for that and somebody tells us that we can't, we haven't expended any of the money out of that account yet, it's been entered into the IFMS System, which is the County's -- Fred, maybe you can help me with that.

MR. POLLERT:

That's the Integrating Financial Management System.

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COMMISSIONER GORDON:

So the contract has been logged into that system, but I'm ninety-five percent sure that no payments have been made yet. So if it's incorrect, we just won't -- we won't make any payments out of that appropriation.

LEG. COOPER:

But when I checked with you a couple of weeks ago, you told me that the work was almost completed.

COMMISSIONER GORDON:

Well, I was in error. He's done a lot of the research, he's collected a lot of photographs, he's been to visit the Brothers of the Sacred Heart, who are now located in New Jersey, he went with one of our staff people to do a lot of the research. Now he's applying the research to the site. But I'm, again, ninety-five percent sure we haven't expended any of those funds.

But I do -- I want to make a case that the historic landscape study does tie into the buildings, the ice pond, the buildings, you know, it's not just plants and flowers, it's where everything was located on the site and the appropriate trees for the time that we're interpreting, etcetera. So, it does tie into the entire site.

LEG. COOPER:

I think -- I think that the consensus of the Legislators that approved the resolution back in 2001 was that this was to address what was seen as a dire need to restore and repair the buildings at Coindre Hall and that the twenty-five thousand dollars that were allocated for planning and design were directly related to that restoration effort.

COMMISSIONER GORDON:

Well, one of the reasons why I was very concerned about getting this study done was you probably know too that the ice pond is in serious disrepair, and it's in such disrepair that it is affecting the boat house. But the ice pond is definitely a primary feature to the historic landscape of that site and we need to restore that ice pond.

We are working with DPW in that effort right now and some minor planning, some investigatory work has been done. We have not actually started the actual work, we were hoping to do that during the month of February, and I'm sure that the weather may have something to do with that. But that probably will be happening this spring.

But that also gets us into a regulatory issue with DEC. We're probably going -- we do have to go through the permit process, and I was hoping that this historic landscape study would help us, particularly with that issue.

LEG. COOPER:

You'll have to forgive me, when I began to check into this issue, first I had been told that the contract had been let about four years ago, now it turns out it was actually let in September of 2002, first I had been told that the work was almost completed and there was almost no money left, now it turns out that the work has just started and --

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COMMISSIONER GORDON:

No, I don't think I told you that we had spent any money yet.

LEG. COOPER:

If you'll recall, this came about because of the resolution, of the study that you wanted to undertake for the dog park where you had gotten a bid, and I believe it was four thousand, five thousand dollars, and I was hoping that we could use some of the monies for this, and you had said no, it's really too late because the work was completed and you didn't think that there was any money left.

COMMISSIONER GORDON:

Well, because we -- because as I said, the contract was entered and we had, as you see in the contract, he's got a certain number of hours for everything that he's doing up to just under twenty-five thousand dollars.

LEG. COOPER:

And do you have any reason, any idea as to why a copy of this contract was not provided to BRO as is County procedure and County law?

COMMISSIONER GORDON:

I'll have to look into it. I can't comment on that, but I assure you that I will look into that.

LEG. COOPER:

Also, do you know whether the contract was awarded through an RFP process?

COMMISSIONER GORDON:

Yes.

LEG. COOPER:

Because we've been trying to get documentation.

COMMISSIONER GORDON:

But there was -- the RFP, I don't -- again, I would have come more prepared, the RFP was quite a while before the contract was in effect. We were -- the RFP originally I believe came back at more than twenty-five thousand dollars. Members of my staff sat down with MJ Designs to try and bring the contract into line with the budget that we had in place for it. And I know many months went by between having meetings with him. If you would like me to provide with you a time line, I can certainly do that, I just don't have it with me today.

LEG. COOPER:

This is a question for Legislative Counsel to the broader issue here. What steps can be taken to assure that monies that have been appropriated by the Legislature for a given purpose are actually spent for that purpose? And, number two, what can be done to assure that County procedures are being complied with as far as the filing of contracts with the appropriate departments?

MR. SABATINO:

With regard to your first question, quite frankly I thought that the Jones Amendment had addressed the issue, because the Jones Amendment

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says, be specific, expressly line item and detail what the monies are going to be allocated for. And I mean looking at this resolution, it never would have occurred to me that there was an ambiguity or a question about it being limited to the building, the boat house and the dock. So to some degree, these matters are self-executing.

The second part of that adherence issue is what's happening here today, which is the oversight function. I mean this may have been a situation where, you know, there's a misunderstanding or a miscommunication, but, you know, the ability of the Committee to bring it to the attention of the Department can act as the mechanism to, you know, reassure that the monies will not be expended outside of the

scope of the resolution.

Statutorily, I don't think there's anything further we can do. We amended the charter, the resolutions are being constructed the right way, but maybe just highlight with Committees to devote our capital budget appropriations to just get a -- get a commitment or a statement on the record each time we vote on one in Committee, just reiterating that, in fact, the money is being expended for that purpose.

I mean I know that happened once or twice last year or the year before in Public Works, but maybe there's a need to just make it a more common and frequent practice again to just remind people of the Jones Amendment.

With regard to the second part, I'm not sure. I mean if the County, if the document was, in fact, secured from the County Comptroller's Office. That would be an indication that it was, in fact, filed. The, you know, the failure to have it filed with the Clerk of the Legislature may be a timing question, I don't know, but again it's, it's really one of those oversight things where I guess we'd have to communicate with the Clerk of the Legislature and find out if he sees any roadblocks or reasons why he's not getting the documents.

But the other point would be to have the County Comptroller come before a pertinent Committee and just make sure that he, in fact, is, you know, receiving the documents and they're just not falling by the wayside or sitting on somebody's desk. Basically, those are administrative aspects, the Legislative role would be just really one of oversight.

LEG. COOPER:

Fred, do you have any thoughts on this?

MR. POLLERT:

There are literally thousands of contracts executed with respect to Capital Projects. The last time that I can recall that this transpired was with gutters and soffits, probably twenty years ago with respect to the Community College. The problem is there's no way to really insure on the part of the Budget Review Office or on the part of the Legislature that contracts are being executed consistent with the bond covenants. I don't know how to do it, because there are so many thousands of resolutions. I just assume that this is an outlier, hopefully it's not a common occurrence.

MR. SABATINO:

Just upon reflection, just thinking it through, I really think that maybe it's something that each Committee Chairman and Chairlady should just reiterate perhaps in the next cycle where this Capital Budget

appropriations, because maybe there's not an awareness in all the departments with regard to the charter saying it should be specific, since the observation was made before about using generic language as opposed to specific, maybe the fact that the Committee Chairman would be reiterating would be helpful to get us back on track.

**CHAIRPERSON FIELDS:**

Judy, I have a question. Just listening to this discussion about being specific, you commented that you try not to make it specific, but I think according to the law, it has to be specific.

**COMMISSIONER GORDON:**

Well, our historic sites, I would look at it as being -- if it's an historic site such as Coindre Hall or what we like to go back to the original name, West Neck Farm, is to be able to use the money perhaps a little more non-specific, but within that particular site itself. Not to take the money and use it at any other site, but if we have planning money at Coindre Hall, to not necessarily be restricted that we have to use "X" planning amount for the barn that's on the site. Maybe we would like to use "X" amount for the boat house that's on the site.

We're in a process right now where we're -- we've got a contract with an architect for the boat house and they're going, they're going to need additional monies. So we're going to have to -- I mean while we're in the Capital Budget cycle right now, we're going to be asking for additional monies, but when that happens, if we have somewhat of flexibility, and again I'm only talking about flexibility in terms of a specific site, if it's money for Coindre Hall, I'm not suggesting that we would take the money for Coindre Hall and use it over at Blydenburgh, for instance.

**CHAIRPERSON FIELDS:**

But my question is if you -- if someone puts in a resolution to have a specific action taken, then that's -- that's the intent and not --

**COMMISSIONER GORDON:**

Well, again, I didn't think the resolution was written so specifically, but I don't have it with me and I'd have to go back and research what's in my office. I'm positive we didn't send it over this way. So I just -- I would just like to be given the opportunity to research what we did, because we didn't think that we were doing anything wrong, to be perfectly honest with you.

**LEG. COOPER:**

I'd be pleased to give you time to check into this, Judy, but if you read the resolution, it's very clear that the monies were appropriated specifically for restoration of the main building, the boat house and the dock and the stabilization of the pump house. And the twenty-five thousand dollars was clearly appropriated for planning and design

related to that, not to a study of plants and flowers on the property.  
And since there's such a dire need for restoration --

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COMMISSIONER GORDON:

Again, Legislator Cooper, it's not a study of plants and flowers, it's a study of everything and how it relates on the site. And as I said before, one of the issues that I am very concerned about is that ice pond and the fact that the problem with the ice pond is undermining the boat house. And there are regulatory issues that go with that ice pond, because it is a regulated freshwater wetland.

And, you know, not only for this purpose to do the landscape study, but if we could go to DEC and prove to them, show them on paper this is the way it looked, this is the way we want to restore it, that they might be open to working with us in terms of issuing a permit. And I do think that the landscape study does relate to all the buildings on the site. But if we did something wrong, we will correct it, I assure you.

LEG. COOPER:

I don't want to belabor this, but I'm looking at the cost proposal for Coindre Hall that was prepared by the consultant that we signed the contract with and it makes no mention of the ice pond, it does mention eight hours for health assessment of specimen plantings, eight hours for development recommendations for treatment of specimen plantings, on and on and on.

COMMISSIONER GORDON:

Yeah, but the ice pond is all overgrown. Part of what he was doing with the landscape study is providing photographs, going back to, we are interpreting approximately 1912 at that site, and he would go back and collect all the information as to what the site looked like in 1912, which would include showing the ice pond as a pond, not overgrown with phragmites.

But I assure you, if we did something wrong, we will correct it, because I am almost positive we have not expended any of that money yet.

LEG. COOPER:

If you can please check into this at your end.

COMMISSIONER GORDON:

Sure, absolutely will.

LEG. COOPER:

And get back to me hopefully before the next Committee meeting.

COMMISSIONER GORDON:

I will get back to you personally, yes.

CHAIRPERSON FIELDS:

Legislator Foley.

LEG. FOLEY:

Yes. This is not for the Commissioner, just responding to Counsel's remarks about the Chairs of different Committees to remind the departments of the parameters within which these bonds are approved. I would say that that should be the responsibility of the County

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Attorney's Office when they're reviewing this documentation, it shouldn't have to be this Committee reminding, in this case the County Attorney, of what his or her responsibility is.

So, you know, we could voluntarily remind the different departments, but again I think part and parcel of the execution of a resolution that we've approved, to my way of thinking, I think that this is, and if a memo needs to go to the County Attorney as a sharp reminder of this, but the County Attorney is who oversee or work with whatever particular departments, they're the ones that are supposed to insure that the contracts abide by all County laws. Is that not correct, Counsel, shouldn't that be the role of the County Attorney's Office?

MR. SABATINO:

Yes. Legislator Cooper was asking in terms what we can do, and I was just --

LEG. FOLEY:

We could, that's correct, but the fact --

MR. SABATINO:

I didn't mean to create the impression that we were going to micromanage --

LEG. FOLEY:

No, no, no. It's just that with everything else that we're doing, and we do more than just simply legislate, the fact of the matter is, I think you'd agree, that whoever the County Attorney is who is reviewing these particular contracts is the one who should make sure that the Department is adhering to all proper County laws.

CHAIRPERSON FIELDS:

Thank you. Just on that note, Commissioner, I had put in a line item I think for the {Nikon} property to have a survey and have some work done to improve that park and that was about two years ago. Where are we now on that one?

COMMISSIONER GORDON:

The last I understood was that DPW did get a survey back and they were evaluating the survey. I have not heard from them, but I probably should remind them and ask them where it was.

CHAIRPERSON FIELDS:

That was like November.

COMMISSIONER GORDON:

Well, I think the communication was they got the survey back in January, I thought.

CHAIRPERSON FIELDS:

I think they've completed it.

COMMISSIONER GORDON:

I will find out. I have not called them back to find out where it is.

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CHAIRPERSON FIELDS:

Okay. Thank you. Does anybody have any other comments? I guess what we should do is try to move the agenda.

#### TABLED RESOLUTIONS

I.R. 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)

CHAIRPERSON FIELDS:

I.R. 1953. I'll make a motion to table.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

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

I.R. 2152. To implement retention of technical consultant in connection with Forsythe Meadows property damage. (Fisher)

CHAIRPERSON FIELDS:

I.R. 2152, to implement retention of technical consultant, Forsythe. I'll make a motion to table.

LEG. FOLEY:

Second.

**CHAIRPERSON FIELDS:**

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

I.R. 2234. Adopting Local Law No. -2003, a Local Law establishing dog and cat run policy for County parks.

**CHAIRPERSON FIELDS:**

I.R. 2234. Local Law establishing dog and cat run policy for County parks.

**LEG. COOPER:**

Motion to table.

**CHAIRPERSON FIELDS:**

Second the motion. All in favor? Opposed? Tabled.  
(VOTE: 6-0-0-0) TABLED

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

**CHAIRPERSON FIELDS:**

I.R. 2253. Authorizing County Department of Parks to construct --

**LEG. COOPER:**

Motion to table.

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**CHAIRPERSON FIELDS:**

Second the motion. All in favor? Opposed? Tabled.  
(VOTE: 6-0-0-0) TABLED

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

**CHAIRPERSON FIELDS:**

I.R. 2286. Authorizing transfer of certain properties to Suffolk County Department of Parks Recreation and Conservation. What I had asked for the -- Laretta is here, I asked the Department of Planning to submit to this Committee at least maps knowing where the properties were that, that they were considering transferring.

And what I've also been able to find out since that time is that there are two pieces of property that I am interested in not having go over to the Parks Department for other uses, and so I am going to ask that we table this until I can figure out a way of either pulling out those two properties or, maybe I'll ask Counsel, if property parcel 68 and 69 is -- are two parcels that I'm interested in not having be transferred as parkland, can they bill be approved in Committee

knowing that that's an altered part of it or should I table it, ask them to withdraw those two parcels and then have a different bill before us the next Committee meeting?

MR. SABATINO:

Well, what I would recommend is you ask the sponsor to file the corrected copy. The corrected copy would delete the two parcels that you're referring to, then the corrected copy would become eligible to be voted on at the March 11th meeting, if it was filed no later than March 3rd. A corrected copy would be the cleanest, neatest, most direct way of accomplishing it.

CHAIRPERSON FIELDS:

So then I'm going to ask the County Executive's Office if you will talk with me after the meeting and we'll talk about those two parcels. Laretta, do you have anything?

MS. FISCHER:

Yes. We had gotten requests from the Suffolk County Water Authority on those two properties that Ginny had mentioned and we would like to also request from them their interest in that and push them to a later date and at the time evaluate them. So, we would be in concurrence with that.

I'm also here, if you have any questions on any of the properties, I'm here to answer those for you today or I can come back at your next meeting as well.

CHAIRPERSON FIELDS:

I think it's really, really helpful to have maps of parcels, because lot and block numbers are --

MS. FISCHER:

They're very difficult.

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CHAIRPERSON FIELDS:

Yeah. And you don't even for the most part know what jurisdiction it's in, or not jurisdiction, but community it's in. So these are extremely helpful and I appreciate the amount of work that it probably took to put this together.

MS. FISCHER:

Actually, with our new GIS, actually we can take lists now and bring them into our mapping system, which is really wonderful for us and for you. If you, you know, have any questions about any of the properties, I do review them fairly substantially, I go through hundreds of them.

CHAIRPERSON FIELDS:

I think also that if we are asked to deliberate about passing a bill such as this bill, that we not respond to that resolution request until we do have this, because to sit here now and try to go through it can be a little bit difficult and perhaps some of the Legislators may have a question, but they need to really review it. So I am going to make a motion to table this, but before --

LEG. ALDEN:

Second.

CHAIRPERSON FIELDS:

Second the motion, and on the motion.

LEG. ALDEN:

It will help me when I'm going through this, most of these look like small parcels, correct?

MS. FISCHER:

Yes. What you don't see on these maps are other County owned parcels that are probably adjacent to these or are in core or special groundwater protection areas, all the things that go into making each specific recommendation. So in that you have the map, yes, but it doesn't give you the full picture, unfortunately, of all that surrounds it.

I will tell you that what, the priorities that I make in selecting these are if they're in the Pine Barrens core area, areas that we're acquiring property in, areas adjacent to existing County holdings, stream corridors, any wetland areas, these are the areas that I zero in on and I identify and then they're put in these lists to present to you to put into parks.

Many of them again over history, historically they'll -- before we went through such rigorous reviews of these, we send them back out to be sold at auction, they'd come back to us somehow, some way or we'd be buying them again. So this kind of does it without any cost to the County. And in looking at it very closely, we do, you know, present a good package to you for environmental and parkland use.

LEG. ALDEN:

Are most of these parcels, parcels that came to us from non-payment of taxes?

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MS. FISCHER:

Yes, they all did.

LEG. ALDEN:

Every one of these came to us for non-payment?

MS. FISCHER:

Yes.

LEG. ALDEN:

Okay. So these aren't things that we went out and bought?

MS. FISCHER:

No. This is all through non-payment of taxes. Once the property has passed through its redemption period, I am then given a list of all the properties, I review them, make recommendations for their transfer, either to Parks or to auction, sale to adjacent owner, etcetera, or sale to a municipality.

LEG. ALDEN:

Okay. So these aren't appropriate for like affordable housing or that type of use?

MS. FISCHER:

No.

LEG. ALDEN:

Okay. Good.

CHAIRPERSON FIELDS:

Can I ask also another question? One of the things that's become apparent to me is that some properties in the past have been preserved as nature preserves and really don't fit the criteria of a real nature preserve.

MS. FISCHER:

Yes.

CHAIRPERSON FIELDS:

When you're looking at these additional parcels that are going to go, abut next to, let's say a nature preserve, can we be certain that they are nature preserve or are you just tacking it on to maybe a nature preserve that's not a nature preserve and adding this to it?

MS. FISCHER:

We're just adding it to it. It would then have to be -- one of the problems is that the ability of myself to know that the adjacent -- sometimes I do know that they're in Nature Preserve, but our lists are not up-to-date with regard to what parcels are in Nature Preserve or not, I know where core is, but there are others out there that might be possibly be in Nature Preserve that I don't have on my list and that's something that we're working on cleaning up and getting clarity on.

But at this point, it's hard for me to do all of the evaluation on that level, but I certainly want to do that in the future. I just

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don't want to put it all in Nature Preserve and then realize that, you know, a number of them are not, so that's something to be grappled with, though.

CHAIRPERSON FIELDS:

Okay. Legislator Alden and then Legislator Carpenter. Legislator Carpenter, then Legislator Alden and then Legislator Foley.

LEG. CARPENTER:

I just would, if you wouldn't mind, get more specific parts of information on parcel number 72.

MS. FISCHER:

Yes. It's on a creek bed, It has wetlands on it. And anything in any kind of watershed, stream corridor along the Great South Bay, Peconic Bay, I have indicated to place in Parks. These properties usually cannot be developed or should not be developed. And a lot of times in the corridors on the South Shore I have a number of properties that are owned by other municipalities, the towns, the villages, so we have a corridor of municipally owned properties along these stream beds.

LEG. CARPENTER:

Well, if you could just get me, and I don't need it right now, but more specifics on the location, because it's a little bit hard to identify from the map.

MS. FISCHER:

Oh, sure. I can get you an individual parcel map.

LEG. CARPENTER:

Great. Thank you.

MS. FISCHER:

If that's okay.

CHAIRPERSON FIELDS:

Legislator Alden.

LEG. ALDEN:

Now the significance of transferring these from Real Estate or Planning, who holds the deed normally, it's Real Estate, right? Well, actually it's --

MS. FISCHER:

Yes. It's in their --

LEG. ALDEN:

It's the Treasurer, though, he has the deed in his hand. But does transferring them over to Parks, this is actually dedicated parkland then?

MS. FISCHER:

Yes.

LEG. ALDEN:

Okay. So that takes it off the tax rolls?

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MS. FISCHER:

Yes.

LEG. ALDEN:

Because prior to this, on all these parcels, we're paying all the local taxes.

MS. FISCHER:

Yes.

LEG. ALDEN:

Okay.

CHAIRPERSON FIELDS:

But the reason we got it is because the taxes weren't paid.

LEG. ALDEN:

No.

CHAIRPERSON FIELDS:

No?

MS. FISCHER:

Yes.

LEG. ALDEN:

We got it because taxes weren't paid, but we in turn pay the towns and even the school districts, we're paying all the taxes on these things.

MR. SABATINO:

This totals up to almost sixty thousand, it's like fifty-nine thousand nine hundred twenty-three. So you'll save that amount once you make the transfer.

CHAIRPERSON FIELDS:

Legislator Foley.

LEG. FOLEY:

First I just want to thank Laretta for putting this together, because this is something that a number of us over the years wanted to see happen. And it's great to see it happening administratively where it doesn't necessarily have to be the Legislature initiating this, but through your work and through your office you're able to make these determinations on properties, particularly along the stream corridors. Are there parcels that you have recommended to be placed in this resolution that were not placed in the resolution?

MS. FISCHER:

Not that I know of.

LEG. FOLEY:

None that come to mind?

MS. FISCHER:

No.

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LEG. FOLEY:

Okay. Because what I would ask through the Chair is that if, in fact, in the future, you know, there are parcels along stream corridors or meet some other thresholds that you use, and if they're not part of this, if they're not part of the resolution, to make us aware of it. Or perhaps another way, although it's a little extra work for you, is that prior to -- at the same time of submitting your recommended list to, who do you submit it to?

MS. FISCHER:

The County Executive's Office.

LEG. FOLEY:

To also make a copy at least to the Chair of the Committee, probably the Chair of the Committee, so that way at least we would then know what's being recommended and then making sure that the County Exec's Office follows through on what your recommendations are.

MS. FISCHER:

Sure.

CHAIRPERSON FIELDS:

Thank you.

LEG. FOLEY:

Thanks.

CHAIRPERSON FIELDS:

I'll make a motion to table I.R. 2286.

LEG. COOPER:  
Second.

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

#### INTRODUCTORY RESOLUTIONS

I.R. 1028. Authorizing, empowering and directing County Parks Department to initiate process for cell tower revenue at County parks. (Fields)

CHAIRPERSON FIELDS:  
Introductory Resolutions. I.R.1028. Authorizing, empowering and directing County Parks Department to initiate process for cell tower revenue at County parks. County Executive's Office, did Todd Johnson speak to you before you came to this meeting?

MS. DE ANGELO:  
Yes, he did.

CHAIRPERSON FIELDS:  
Could you just come up for a minute, please?

MS. DE ANGELO:  
Yes.

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CHAIRPERSON FIELDS:  
Back in 2001, the County Executive's Office put in a resolution passed by the Legislature to consider wireless cell tower placement on County owned property so that the County could derive revenue from that. And that was back in, it was resolution 1208-2001, and it was called, establishing a policy for the placement of wireless communications facilities on County property.

The anticipated revenue of those facilities was then rolled into last year's budget and now rolled into this year's budget. We didn't realize any revenue in 2002, but we certainly desperately need revenue in 2003. And from that point I understood that there was an RFP and that {Cashin} Associates received the RFP to do an analysis and to recommend sites. And then apparently there was a committee put together and the {Cashin} Associates recommended ten sites on February 4th. The Committee approved fourteen more sites from a list of twenty-three additional sites.

And from what I'm understanding, the -- each site, let's say it's the

Dennison Building, can realize three thousand dollars a month for one site, but there can be five different vendors, Verizon, you know, and four others or six others or who knows how many. So let's say they pay for that site to use it as a cell tower, three thousand dollars, and there are five more, five vendors altogether, that's fifteen thousand dollars per month, per site, and we're looking at recommendations of somewhere in the twenties.

We could stand to receive for one site a hundred and eighty thousand dollars. And if you multiply that, perhaps we don't have to close health centers or cut down in contract agencies if we had that kind of revenue. The point that I'm going to make is that from what I've been able to understand, the {Cashin} Associates submitted a report, the Committee submitted their recommendations, it went to Eric Kopp's desk and it was supposed to go to the Law Department, and from what I understood now, the Law Department, Eric Kopp is sitting on it.

I called the Budget Director's Office, I asked for them to call me back, instead Todd called back and I told him that I would like to know why it has stopped and when we can expect to derive revenue that we certainly need in the County.

MS. DE ANGELO:

Okay. As far as the phone call to Todd, he only spoke to me right before this meeting, and I know he's been trying to get in touch with Eric or Peter to see what the exact issue was. And as far as the Department of Law, this was something that Dave Grier was working on and I think everyone knows Dave Grier has been out of the office, he's hurt. So until he gets back or until we get further information, I can't help you up until right now, since it was only a little while ago that you had asked.

CHAIRPERSON FIELDS:

Well, I'm going to ask to not consider having to wait until Dave Grier comes back, because we've waited from 2001 to 2002, we're in 2003, the County needs money, the County Executive has been claiming that we are in terrible dire straights.

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MS. DE ANGELO:

I'm sure that there's someone else in the office that probably --

CHAIRPERSON FIELDS:

Exactly.

MS. DE ANGELO:

I don't know, have you checked with the Law Department?

CHAIRPERSON FIELDS:

I called, and all I get back is Todd Johnson calling me back.

MS. DE ANGELO:

That was from the Budget Office, yes?

CHAIRPERSON FIELDS:

That was from the Budget Office, but that was my first call today. So I will check with the Law Office, but if the Law Department doesn't have the documents because they're sitting on Eric Kopp's desk, then my phone call is a complete waste of time to call the Law Department, because it's the County Executive who has stopped us from receiving the revenue.

MS. DE ANGELO:

Have you checked with the administration as well?

CHAIRPERSON FIELDS:

No.

MS. DE ANGELO:

Okay.

CHAIRPERSON FIELDS:

That's what I'm asking Todd to do.

MS. DE ANGELO:

Okay.

CHAIRPERSON FIELDS:

But I'll make the phone call if Todd doesn't want to do it or if you don't want to do it.

MS. DE ANGELO:

No, he's tried at this point, but I think you've only spoken to him right before the meeting.

CHAIRPERSON FIELDS:

So I really need to know post haste, I don't want to wait until David Grier comes back, I don't want to wait until anybody comes back, we need to be able to look at this. It's two years and, you know, when you hear that we have no money in the County and we need to raise taxes, we have situations where we're able to get money that can come into the County. And if someone is going to let the information just sit on their desk, then that's totally inappropriate and totally unacceptable to anybody within the County as a taxpayer and certainly to every Legislator who represents the taxpayers.

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MS. DE ANGELO:

I'll bring your concerns forward.

CHAIRPERSON FIELDS:

Okay. Thank you. So I am going to table my bill, because --

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

-- perhaps we can have some other answers about revenue for cell towers quicker. Motion to table, seconded by Legislator Foley. All in favor? Opposed? Tabled. (VOTE: 6-0-0-0) TABLED

I.R. 1029. Directing County Comptroller to conduct an audit of the Friends of Long Island's Heritage (FLIH). (Fields)

CHAIRPERSON FIELDS:

I.R. 1029. Directing the County Comptroller to conduct an audit of the Friends of Long Island's Heritage. I will make a motion to approve.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

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

I.R. 1034. Decreasing daily parking fees at Smith Point County Park. (Towle)

CHAIRPERSON FIELDS:

I.R. 1034. Decreasing daily parking fees at Smith Point County Park. I'd like to ask the Commissioner your feelings about that resolution.

COMMISSIONER GORDON:

Well, based on attendance at that park facility in 2002, by effecting this we -- if attendance is at the same level as it was in 2002 this year, we would effectively lose three hundred and sixty-seven, more than three hundred and sixty-seven thousand dollars in revenue. And as you're just saying, with the decrease in revenue, I feel that it would not be prudent to do this at this time.

CHAIRPERSON FIELDS:

Do you have any idea what the intent of this bill is?

COMMISSIONER GORDON:

No, I don't.

CHAIRPERSON FIELDS:

Brian, do you?

LEG. FOLEY:

Yes, I can speak to the intent. Legislator Towle, As many of us know, has had an ongoing interest with Smith's Point Park.

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CHAIRPERSON FIELDS:

Whose district is this in?

LEG. FOLEY:

It's in this Legislator's District. And being a person who this Legislator, as others, have an avid interest, I certainly don't discourage that. So he has put forward a resolution along the lines that since this is one of the most let's say popular County parks and it's the one that is most readily accessible to County residents for an ocean beach, it's his considered opinion that it needs to be more affordable than the present rates allow. So that's why he submitted a resolution.

CHAIRPERSON FIELDS:

How much is it, Commissioner, to get in, how much is it per person or per carload or how do you work that?

COMMISSIONER GORDON:

Currently if you have a green key, it's five dollars.

CHAIRPERSON FIELDS:

Each time you drive in?

COMMISSIONER GORDON:

Yes. But you can buy --

CHAIRPERSON FIELDS:

Per person or per carload?

COMMISSIONER GORDON:

Per car.

CHAIRPERSON FIELDS:

So if I have five people in my car, it's five dollars?

COMMISSIONER GORDON:

Yes.

LEG. FOLEY:

If you have a green key.

CHAIRPERSON FIELDS:

And if you don't have the green key?

COMMISSIONER GORDON:

Eight dollars if you don't have the green key.

CHAIRPERSON FIELDS:

Per car?

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

And he wants to reduce it to -- what's on the bill? Two dollars?

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LEG. FOLEY:

For a green key holder, it would be two dollars. The non-resident green key holder, four dollars. Resident non-green key holder, it's basically half, it's halving the cost.

CHAIRPERSON FIELDS:

I'm going to make a motion to table this bill, because of exactly the point that I brought up before, we certainly don't need to lower the ability to have the County have revenue, and I think five dollars a carload is certainly well worth it to go to a beautiful ocean beach. So I'll make a motion to table.

LEG. CARPENTER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. (VOTE: 5-1-0-0) (OPPOSED: FOLEY)  
TABLED

LEG. FOLEY:

Opposed.

LEG. CARPENTER:

Question. Commissioner, are you aware, I know I had heard that the State is proposing increasing their fees to the beaches and parking, do you know what that amount is going to be?

COMMISSIONER GORDON:

No. I'm aware also of their thinking about the increases, but I do not have any information on the amount.

LEG. CARPENTER:

So that as we stand now, even without the increase, with the green key it's still cheaper to go to Smith Point?

COMMISSIONER GORDON:

I believe it is cheaper, it's seven dollars.

LEG. CARPENTER:

I believe it's seven dollars to get into Robert Moses.

CHAIRPERSON FIELDS:

Or Heckscher I think even.

LEG. CARPENTER:

Right.

CHAIRPERSON FIELDS:

Okay. Thank you. I.R. 1035, we already acted upon.

I.R. 1036. Appropriating funds for improvements to Gardiner County Park/Sagtikos Manor, Town of Islip (CP 7164.311). (Carpenter)

CHAIRPERSON FIELDS:

I.R. 1036. Appropriating funds for improvements to Gardiner County Park. Motion by Legislator Carpenter, second by Legislator Foley.

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

LEG. CARPENTER:

Just as a matter of explanation in case it comes up on the floor, the money was put in the budget, but at the time, we did not have ownership to the Manor, so it was just put in in anticipation, and luckily everything went okay.

I.R. 1075. Amending the 2002 Capital Program and Budget and appropriating funds for resurfacing of Smith Point County Park parking facility. (Towle)

CHAIRPERSON FIELDS:

I.R.1075. I have a major problem with this.

LEG. FOLEY:

Motion to table.

CHAIRPERSON FIELDS:

I want to ask a question before we make any motions on this. This is amending the 2002 Capital Program and Budget and appropriating funds for resurfacing of Smith Point County Park parking facility by the Legislator who does not have the beach in his district, but has also taken money that, from my district, I believe.

COMMISSIONER GORDON:

Didn't we just have a conversation about something like this fifteen minutes ago?

CHAIRPERSON FIELDS:

It's deja vu all over again.

COMMISSIONER GORDON:

All over again.

CHAIRPERSON FIELDS:

I believe that the money that he is trying to use as an offset is for Timber Point.

COMMISSIONER GORDON:

Yes. It's for the new maintenance building at Timber Point, which is critical to our Organic Maintenance Program. We are in the design process right now for that building.

LEG. ALDEN:

I was told that the sponsor is looking for a different offset.

LEG. FOLEY:

Yes, he is.

LEG. ALDEN:

I think he already got a different offset.

CHAIRPERSON FIELDS:

Do you know, Fred, if he did, or Sean, maybe? I don't know.

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MR. POLLERT:

Legislator Towle stopped by yesterday and asked us to come up with a different offset, and we're working on it as we speak.

CHAIRPERSON FIELDS:

Great. Okay. Thank you very much. Motion to table by Legislator Foley. I will second the motion. All in favor? Opposed? Tabled.

(VOTE: 6-0-0-0) TABLED

I.R. 1093. Designating "Suffolk County Invasive Weeds Awareness Week." (Fields)

CHAIRPERSON FIELDS:

I.R. 1093. We heard some information from a few people from the Nature Conservancy, designating Suffolk County Invasive Weeds Awareness Week. I will make a motion to approve.

LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

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

CHAIRPERSON FIELDS:

Does anyone have anything else they would like to put forth?

COMMISSIONER GORDON:

I do. You're going to see a Certificate of Necessity in front of you at the next Legislative meeting and it deals with the monies that we collect from the hotel/motel tax. There's a discrepancy in the monies that were appropriated in 2002, you know, and I believe whenever we do the budget process we try to be more conservative rather than anything else, but the amount of money that was actually collected is more than was in the appropriations for 2002.

There is an additional one hundred and seventy-seven thousand dollars in that fund sitting from 2002 that should go to the designated places, which is the Conventions & Visitors Bureau, it's Parks Historic Services and Economic Development Cultural Programs.

If -- it's critical, especially to the Convention & Visitor's Bureau, it's critical to get this money as soon as possible so they don't have -- they often get into a borrowing situation. And apparently there's, it hasn't been quite figured out, even though this is a rolling fund, it has not been quite figured out how we can use the money even though it's more than what was appropriated. So that's why the Certificate of Necessity, so that it can be done as soon as possible.

CHAIRPERSON FIELDS:

Say that one more time, the end part of what it is. You're not sure how you can use the money, what do you mean?

COMMISSIONER GORDON:

No, no. It's a rolling -- I don't think that between the Treasurer's Office and Audit & Control, they have not I think come to an

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agreement as to how, even though this is a rolling fund, how when there's more money in the fund than what was appropriated, how it can be spent other than doing it by resolution.

CHAIRPERSON FIELDS:

Legislator Alden.

LEG. ALDEN:

I think there's an opportunity, though, that we have, and it's a unique opportunity, because in the past we've been paying out

unaudited funds, is that not correct?

MR. POLLERT:

Yes.

LEG. ALDEN:

And this might be an opportunity where we can actually have a little bit of a cushion, audit these funds, make sure that we're not either overpaying or underpaying and then allow the money to go out. So that was something that we discussed over the past two or three years, that this might be the opportunity to do that, because if they didn't know this money was coming to them, I think it's a good opportunity that now we can institute some, you know, checks and balances on what we actually give them.

COMMISSIONER GORDON:

This was money that's actually collected and sitting in an account.

LEG. ALDEN:

But it was never budgeted, you said the money came in over budget.

COMMISSIONER GORDON:

I think because you never know from year to year what you're going to collect.

LEG. ALDEN:

But that large of an over-budget or an income, it's not even over collection, it's just an income larger than we anticipated, so they can't make the argument that they've already spent the money or they're going to have to borrow to spend this money, they can't make that argument to us. But on the other hand, now we have a little bit of a cushion where we can establish some checks and balances that we spoke of over the past two or three years, so that it does not reoccur what happened I think it was three years ago where they got a huge overpayment of almost four hundred thousand dollars.

COMMISSIONER GORDON:

Well, I believe the checks and balances are in place.

LEG. ALDEN:

Well, we don't -- well, I'm going to ask, Fred Pollert, do we give them audited funds or is it an unaudited account?

MR. POLLERT:

Basically the process and procedures that have now been established was a result of your requesting Budget Review Office to look at it.

year, on how to make sure they didn't get more funding than they were entitled to and that the amount of fundings that they received was in agreement with the County's audit on what they should be receiving.

What the process and procedure was, was to conservatively forecast the hotel/motel tax, and as the extra revenues came in, have a Legislative resolution on a monthly basis, if necessary, appropriate those extra sales tax revenues. So what this resolution would do would be to, in fact, make sure that they don't receive more money than they were entitled to, this would be right down to the dollar what they were entitled to receive.

The problem with respect to the LIVCB is that they've got a cash flow problem, so by holding back the cash and maintaining the reserve in the County, they're going to borrow in anticipation of them receiving these funds. The LIVCB now knows that these funds are available, they're expanding their expenditures to match the revenue stream, but they don't have the revenues yet.

LEG. ALDEN:

That's not too prudent. And I just would venture forward with, you know, spending money that you might get or possibly could get is not a real good idea and it's not a great business practice, so I would caution them --

MR. POLLERT:

These are revenues that we actually have received, it's just they haven't received it yet.

LEG. ALDEN:

That's fine, but I would caution them as far as spending money that they didn't receive yet. I just have one other request too, if Budget Review can put on the record the State of the Vanderbilt Trust Fund?

MR. POLLERT:

Yes.

LEG. ALDEN:

Because that's something we have to monitor and it's getting very close to critical.

LEG. FOLEY:

He's right.

CHAIRPERSON FIELDS:

Actually last meeting I think Legislator Alden or Legislator Carpenter had an excused absence, we did have a report from Budget Review and I do believe that we have an additional one today, correct?

MR. POLLERT:

Yes, I have updated all the data that we currently have through the end of January, 2003, and I did a memo to the members of the Committee and there's a graph attached as page two, which, rather graphically and dramatically show what has happened with the bear market of the stock market and how it has impacted the Vanderbilt Trust Fund.

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The current trust administrators had made a recommendation that there could be a distribution of 1.2 million dollars as long as they could be assured that they had a certain corpus of the trust so that they could regrow the trust over time. We're starting to approach the limit that they had advised the Legislature was necessary as an absolute threshold so that the trust could be regrown over time.

We will be doing a final report on the composition of the investments that the trust have as well as a current investment strategy for the Legislature hopefully within the next week or so, which would be a recap of the 2002 performance that the trust generated.

CHAIRPERSON FIELDS:

My next question was going to be what would you recommend if they do go below the threshold, but you just said you'll recommend the strategy of what we should do.

MR. POLLERT:

Clearly, if the investment advisors have established a threshold, I think it's important that the Legislature look at that commitment to provide the 1.2 million dollars from the proceeds in the trust fund. I know that the Vanderbilt has already adopted their budget and has a plan to receive the 1.2 million dollars. If it can't come from the trust fund and could potentially be deluding out the future earnings of the trust fund, then it may be necessary for the Legislature to either look at that 1.2 million dollar threshold or consider alternative revenue sources to the Vanderbilt, including potentially a General Fund transfer.

LEG. ALDEN:

You understand the impact?

CHAIRPERSON FIELDS:

I'm very much understanding the impact.

LEG. ALDEN:

Because we've already committed to giving them this money and they've already committed to spend it in huge chunks for the rest of the year.

CHAIRPERSON FIELDS:

Part of it was payroll.

LEG. ALDEN:

How far are we above, we're four hundred thousand dollars above the threshold?

MR. POLLERT:

Yes.

LEG. ALDEN:

That's close.

MR. POLLERT:

Yes, it is getting very close.

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LEG. ALDEN:

Thank you.

CHAIRPERSON FIELDS:

Is there anything that you would suggest that we do at this moment, I mean should we write a letter to the Vanderbilt putting them on notice that we are prepared to act next month or -- when is our next meeting, March 11th?

LEG. FOLEY:

March 6th.

MR. SABATINO:

March 11th is the regular meeting, the Committee would be March 7th.

LEG. FOLEY:

Right.

MR. POLLERT:

We do carbon copy the Vanderbilt with these types of memoranda. Clearly, it would be good if they could start to develop contingency plans. I know they had contingency plans last year, it would be worthwhile if they updated them, if nothing else, just to be proactive.

CHAIRPERSON FIELDS:

I'll ask my aide to remind me to send a letter from the Parks Committee that asks for them to come to the next meeting to provide to us what they have considered as contingency. Yes?

LEG. ALDEN:

I don't know if this is appropriate or not, but to have our investment advisors or the people who are managing this, if they came down and gave us a presentation of what type of defensive posture they can actually go into, whether it be bonds or some other thing and get out

of the stock market, because obviously, you know, nobody knows where this can end and where it can go from here.

CHAIRPERSON FIELDS:

I think we know where it can end.

MR. POLLERT:

Part of the contract with the investment advisor is that they are to make themselves available to the Legislature, so I'll be happy to --

CHAIRPERSON FIELDS:

I would ask that you ask for them to be at the next meeting. We will put it on the agenda, that they were will be part of the agenda and they'll make a presentation to us so that everything is in place and we don't have to be, you know, really upset and not knowing what to do, we'll know what to do at that point.

LEG. COOPER:

Madam Chair, I'd like to make a motion that I be included with the majority in the votes on the various introductory resolutions.

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LEG. FOLEY:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? You are included with the majority.

LEG. COOPER:

Thank you.

CHAIRPERSON FIELDS:

I'll make a motion to adjourn, unless we have anything else anybody would like to bring? Okay. Thank you.

(THE MEETING WAS ADJOURNED AT 2:29 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY

