

**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, 725 Veterans Memorial Highway, Smithtown, New York, on **August 14, 2003** at 12:00 P.M.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Alexander B. Sullivan - Chief Deputy of the Legislature
Steve Raptoulis - Deputy Commissioner Parks Department
Judy Gordon - Commissioner of Suffolk County Parks
Catherine Stark, County Executive's Office
Nicole DeAngelo, County Executive's Office
Ray Zaccaro, Aide to Legislator Bishop
Nanette Essel, Aide to Presiding Officer
Sean Clancy, Budget Review Office
Erin Barbara, Aide to Legislator Fields
Frank Tassone, Aide to Legislator Crecca
Alexander McKay, S. C. Board of Trustees Parks, Recreation and Conservation
Christopher O'Connor
Lisa Grenci
All other interested parties.

Minutes taken by:

Eileen Schmidt, Legislative Secretary

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

CHAIRPERSON FIELDS:

We will begin the Parks Committee meeting and we're going to start the Pledge of Allegiance led

by Legislator O'Leary.

SALUTATION

CHAIRPERSON FIELDS:

Okay. Do we have any cards? Okay. Mr. McKay, if you'd like to step up to the -- either the podium or the desk. For those who are here, you are here for a reappointment to the Parks Trustees and I believe are the longest serving Parks Trustee?

MR. MCKAY:

No. Mr. White from Montauk.

CHAIRPERSON FIELDS:

No. That's right, Mr. White is.

MR. MCKAY:

Can you hear me? Is this on?

CHAIRPERSON FIELDS:

Yes.

MR. MCKAY:

All right.

CHAIRPERSON FIELDS:

Yes. And I'd like you to just give a little bit of background and maybe you could inform the Legislature that's here, the committee that's here about your attendance because that has become a question in a lot of the appointments for the Legislature and for the committees.

MR. MCKAY:

Good morning ladies and gentlemen. Alex McKay for the record, 3 Lemington Court, Northport, New York. I've been a resident of the Town of Huntington for about 45 years now. I was first appointed as a Park Trustee back in 1976 the bi-centennial year to complete the term of the late great Julia Fairchild who was one of the leaders of the environmental movement on Long Island back in the '70's and into the '80's before she passed away. I've been reappointed five times by five different supervisors of two or possibly three different political parties. I would say I'm fairly much apolitical when it comes to my background in town, although I did served seven years on the Huntington Town Planning Board, two years of which I was chairman. I was responsible for, much to the chagrin perhaps of some of the business community, a moratorium on development in Melville while we rewrote the master plan for the Town of Huntington.

During my 27years as a Park Trustee I've served on numerous committees. I'm presently on the Alternative Funding Committee. I have a long history and background in the environmental movement on Long Island having started way back in the '70's as president of the Huntington Audubon Society. And having been on the board of director's of numerous different organizations having taught environmental studies as part of my professional job which was basically an English teacher, but I also taught Environmental Science for probably ten to twelve years. I taught in the summers for Scope, Boces. For many, many years I did a course on Long Island waterways and in service course for teachers. Probably taught over two or three hundred teachers about the rivers of Long Island and our waterways and wetlands.

I have also been an author; I've written numerous articles on the environment. I use to write for the Huntington News and the Northport Observer probably for three or four years. I wrote a weekly column on -- called North Shore Almanac which covered topics very much like the one that was just in Newsday on Purple Loose Strife as an invader of our wetlands which I started a campaign against about ten years ago. Having uprooted myself infectious read a piece that I wrote this morning I was looking it for it where I think I'm responsible for destroying over 50 million Loose Strife seeds.

So I'll leave you with that background. If you have any questions I'll be happy to answer them. I've spoken to Supervisor Petrone and informed him that I'm ready, willing, and able to serve another five years. And if you're willing to go along with that I hope to serve you as a trustee again.

CHAIRPERSON FIELDS:

Anyone have -- the Legislator from that district I guess.

LEGISLATOR COOPER:

I just wanted to say, if you look at Mr. McKay's resume he has a really breathtaking range of experience. I'm thrilled that you are dedicated enough to our environment and the park system to want to contribute one more time to serve as a trustee. You've made tremendous contributions over the years. You are extremely well respected in the community and I just want to thank you for your past service and thank you in advance for your future service.

MR. MCKAY:

Well, thank you, Jon.

CHAIRPERSON FIELDS:

I think one of the keywords that Legislator Cooper just said was, contribute, and having attended the Parks Trustee's meeting for, I guess, the last three or four years one of the -- that word jumps out for trustee McKay. You are a great contributor to that group and you ask tough questions and you demand the answers and for that I have great respect for you plus all of the other -- all the other assets that you bring to the table for your knowledge and your experience. And I would like to make a motion to take this I don't know if it's even first on the agenda or not.

SPEAKER:

It's not.

CHAIRPERSON FIELDS:

Okay. Then I'm going to make a motion to take it out of order --

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

-- for purposes of approval. And I'll make a motion to -- that motion was accepted. I'll make a motion to approve.

LEGISLATOR COOPER:

Second the motion.

CHAIRPERSON FIELDS:

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

MR. MCKAY:

Thank you very much. I neglected to respond to one thing you did request that was my attendance record. I think if you'll check back over the past 27 years I probably have the same record I had when I was employed by the school district in Huntington when I retired with over 300 sick days. I believe I probably have missed in 27 years no more than a dozen Parks meetings and probably half of those was because of illness. I think I can keep that record up hopefully.

CHAIRPERSON FIELDS:

Yes. Thank you so much and you do not have to show up on Tuesday. This committee will pass on our recommendations to the full Legislature and I don't see any problem, but one never knows.

MR. MCKAY:

Thank you very much.

CHAIRPERSON FIELDS:

Okay. So we'll let you know. Thank you for coming.

MR. MCKAY:

Thank you very much.

CHAIRPERSON FIELDS:

All right. We have two Legislators who have to leave at 1 o'clock.

SPEAKER:

Make it three.

CHAIRPERSON FIELDS:

Three? So we will not have a quorum and I'm going to ask that we have the presentations or discussions after the bills that we vote on and we'll begin with,

IR 1404 To amend the user fee schedule for Suffolk County Parks. (County Executive)

Commissioner, I guess -- why don't you come on up and anyone else you want to bring up with you if you need them.

COMMISSIONER GORDON:

I would just like to extend my comments about Trustee McKay too. He's a -- he's certainly tremendous asset and he's a great resource for me also. And I welcome his continuing service and thank him for his past service.

I'm sorry, Legislator Fields, are we on the fee resolution?

CHAIRPERSON FIELDS:

Yes. We're on user fees.

COMMISSIONER GORDON:

I amended it again from what you received or what you have in front of you and I have not had the opportunity to run this by the Park Trustees. They don't meet again until next Thursday. So I don't know whether we want to have some discussion about this. I don't really expect that you would not -- I'm sure -- I assumed that this would not be voted on today. I just wanted to talk about it, but I would like to handout the amended copy that I did do and if we don't want to talk about it today at least you have time to digest it and I can get the reaction out of the Park Trustees.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

I think that probably not today, but we're right around in this cycle where we should be talking about this because we're going to be going into our budget discussions within the next month or so. And I think this is very appropriate to start looking at user fees and what we charge and what we want to do and even the direction we want to go in with the Parks. And that's why I'm going to make a motion now just to table this.

COMMISSIONER GORDON:

Fine.

LEGISLATOR COOPER:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. **(Vote: 6-0)** Can you just tell us what you before we get it what you changed?

COMMISSIONER GORDON:

We increased -- we went up further on the camping particularly for premium sites the sites with water and electric. And we did that, the staff convinced me to do that primarily based on the expenses that we incur over the course of the summer utilities, garbage, etc. Now what I don't have with me today are figures on those expenses and perhaps if I when we do discuss this perhaps I should come back with that, you know, so you have that information at hand also. That's the primary area where we went up a little bit more than we had from what I had given to you originally.

CHAIRPERSON FIELDS:

The next -- I was just looking up the next meeting is September 5th so we'll address this I guess on the fifth again.

COMMISSIONER GORDON:

Fine. Okay.

CHAIRPERSON FIELDS:

Okay.

COMMISSIONER GORDON:

Is there only one meeting in September? Yes, there is only one and then in October -- because we also have the alternative funding report that we're trying to get finished. So, well -- okay.

That might be a stretch, but we'll try.

CHAIRPERSON FIELDS:

Next on the agenda is,

IR 1406 To implement RFP Committee for Concessionaire Program at County Parks. (Postal)

COMMISSIONER GORDON:

I assume that should be tabled again.

CHAIRPERSON FIELDS:

Motion to table.

LEGISLATOR ALDEN:

Second.

CHAIRPERSON FIELDS:

All in favor? Opposed? Tabled. **(Vote: 6-0)** And we passed 1611 so we're done with the agenda. That's a record it's 12:18 make a note of that. We'll never repeat that again. First agenda item for discussion is the re-opening of County Parks. Now what we did was we discussed this the last time about the camping, campgrounds that are closed for either two or three days each. Is there any other movement that has happened or occurred since that time?

COMMISSIONER GORDON:

No, there hasn't, Legislator Fields.

CHAIRPERSON FIELDS:

Is there anyway that any -- did you do anything about the garbage at Blydenburgh?

COMMISSIONER GORDON:

Did I do anything about garbage --

CHAIRPERSON FIELDS:

We were talking about a pilot program.

COMMISSIONER GORDON:

We're going to try something I think at Smith Point. We didn't think that it was appropriate to do it at Blydenburgh just yet. I think that that's something that we need to ease into and I think that what we would like to do is sit down and meet with the Suffolk Committee for Camping who do meet on a regular basis; although they don't meet all that often during the summer months because I think that just doing it I think we need to ease into it. I don't think that it's something that we can just do overnight.

CHAIRPERSON FIELDS:

Just, you know, for experience, I brought this up the last time. I when I have a life get out on the boat and go over to Talisman which is over on Fire Island. And it is a beach that gets anywhere on a weekend from 80 to maybe 150 boats. They anchor out cause there's no docking and they bring all their stuff up to the beach and for the past 20 years they had garbage pails. All of a sudden about three years ago the garbage pails disappeared and there was a note, what you

bring in you bring out. They gave no notice to anyone and it had absolutely no problem what so ever, none. People just knew, okay, I have to bring the garbage home on a boat, which is even more difficult, than a camp vehicle cause, you know, you're throwing all your garbage right back on your boat. So I'm not sure I agree that you have to give people notice or that you have to ease into it. I think when people realize that there's no place to put their garbage you are going to pick it up anyway. So if there's no way that you're going to pick it up now you're going to still have those who take it home and whatever residue is left.

COMMISSIONER GORDON:

Well, I think you'll have some people that'll take it home, but I do think that we would continue to have some people that would just leave it. And if we don't have containers then that's creates even more of a problem to clean up. The birds can come and pick at it and it can be scattered all over the place.

CHAIRPERSON FIELDS:

It did not happen over at Fire Island. And, you know, I heard that in other parks it doesn't happen, but you know.

COMMISSIONER GORDON:

Well, it's a common practice I know in state parks upstate because I've used them myself and you know the last time I was in a state park upstate I felt well, wouldn't this be a great thing to do on Long Island. I think we would have trouble with it; I really think we'd have trouble with it. Would the majority of people do it, perhaps, but I think you're still going to have people out there who wouldn't do it and would complain to us, well, we're paying a fee. What do we get for this fee? You should be picking up our garbage. That's why I would like to sit down and maybe do some kind of a learning program through the Suffolk Committee for Camping cause I think that they could be a big help to us in this effort.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

Just one of the answers that could be given if somebody asked, you know, like we're paying a fee and what do we get then I wouldn't mind if Legislators were used as far as, you know, like to keep the campgrounds open this is a compromise we came to. Otherwise it's going to result in closing down camping for certain days and things like that. The other question I had though was, our Department of Health closed one of our campgrounds?

COMMISSIONER GORDON:

Southaven County Park campground.

LEGISLATOR ALDEN:

Can we reassign some of those people to the other ones?

COMMISSIONER GORDON:

We have already.

LEGISLATOR ALDEN:

So now can we expand the days that we're going to be open at the other parks?

COMMISSIONER GORDON:

No. We haven't done that, but we have placed them in other locations. I think it was only three, it might have -- I think it was three seasonal employees that we relocated elsewhere, but that doesn't buy me a lot of -- and even if I were to getting back to the garbage have people take out the garbage it still doesn't buy me the staff that I need. I still need additional staff.

LEGISLATOR ALDEN:

My point is that you've got a supervisor that was running the campground at that location that's going to be closed and from my conversations with --

COMMISSIONER GORDON:

Oh, no, the park supervisor is still at Southaven. Southaven isn't closed completely. The park is opened from dusk until dawn, dawn until dusk.

LEGISLATOR ALDEN:

But the one person who was supervising the camping, right, that person is not needed? That person could be switched over?

COMMISSIONER GORDON:

No. The people that were in the campground, the seasonal workers that were in the campground have been moved to other facilities.

LEGISLATOR ALDEN:

Other camping facilities?

COMMISSIONER GORDON:

Yes, yes.

COMMISSIONER GORDON:

And it didn't result in anymore days for us to be open?

COMMISSIONER GORDON:

No, it didn't. Cause I think as I said the last time I was here, Legislator Alden, I need full-time employees. I don't want to operate a campground with just seasonal employees in the campground.

COMMISSIONER GORDON:

Now I'm confused because if it was just seasonal employees that were operating the one that got closed by the Board of Health why wouldn't that be good enough?

COMMISSIONER GORDON:

No. Southaven was on a limited schedule also; Southaven was not open seven days that was on a limited schedule.

LEGISLATOR ALDEN:

How many days is Southaven open?

COMMISSIONER GORDON:

I believe we're open -- it was open I believe it was five nights. And the other two days of the

week is when I have trouble with full time staff in the park.

LEGISLATOR ALDEN:

I mean, still like we're at the point now where I would think that you're operating whatever one it is that's still open only on a limited basis and I think it's Blydenburgh, right?

COMMISSIONER GORDON:

Blydenburgh, West Hills and Cathedral Pines.

LEGISLATOR ALDEN:

They're all limited?

COMMISSIONER GORDON:

Yes. For -- well, until the week of Labor Day we will be open seven days because during the holiday weeks we wanted to be open seven days to give people the opportunity during the holiday weeks Memorial Day week, 4th of July, and Labor Day.

LEGISLATOR ALDEN:

You know what, I'm not going to continue here I'm going to try to get over to your office if I have lend any of my expertise in, you know, like scheduling and staffing, you know, cause at one time I did run a couple of bus companies where we had about 2500 employees. And the buses all had to go out every day at certain times.

COMMISSIONER GORDON:

I'd be happy to sit down and show you on paper, Legislator Alden. If you can figure out a way to help us I would be happy to take the recommendations.

LEGISLATOR ALDEN:

Well, actually that's our job and if it means putting more resources in there or getting some jobs, you know, released that can be filled that's really what our job is. So I'll call you and come over.

COMMISSIONER GORDON:

Fine.

LEGISLATOR ALDEN:

Thanks.

CHAIRPERSON FIELDS:

I have just one question about that. Prior to this year when the parks were open seven days and you had a supervisor there and the supervisor worked five days and had two days off what happens to the park the two days he's off? You didn't shut then.

COMMISSIONER GORDON:

No, no, no. We had additional staff; we had additional staff in these park facilities. The parks I'll give you one example. Cedar Point last weekend we've got four full-time employees at Cedar Point on a regular basis. Obviously, they work a five-day week. There is some overtime that they work as well. Two of the full time people, one was in the hospital and one was out sick for the weekend. We had to take people from another park to put them into Cedar Point and reduce the level of staffing to some extent at the other park, but Cedar Point's got 190 campsites. And on the weekends it's pretty much full most of the weekends during the summertime. You know and the park supervisor who actually is a full-time employee of ours who has his own house, but

actually lives in the campground during the summertime to make his job and our life a little easier he was out cutting grass at five o'clock at night. You know it's just -- people are spread so thin in the department.

CHAIRPERSON FIELDS:

I know, but that's not answering the question that I just had. In other words, if you had park staff a year ago and the park supervisor didn't work two days you didn't close the park. And now we -- you wanted six personnel --

COMMISSIONER GORDON:

No, we had additional staff --

CHAIRPERSON FIELDS:

Well, you got the six personnel.

COMMISSIONER GORDON:

Only six.

CHAIRPERSON FIELDS:

But that's what you said you needed.

COMMISSIONER GORDON:

That's what I said I needed to reopen the two -- to get the two parks that were closed completely reopened. That's what I needed the six for. I think I told you two weeks ago that in order to bring things back to a seven day a week operation in the campgrounds we would need sixteen additional staff.

CHAIRPERSON FIELDS:

More than you have now.

COMMISSIONER GORDON:

The six, yes.

CHAIRPERSON FIELDS:

Sixteen additional.

COMMISSIONER GORDON:

Yes. And that would include supervisory personnel also.

CHAIRPERSON FIELDS:

How many supervisors?

COMMISSIONER GORDON:

I apologize I don't think I have the sheet with me today.

CHAIRPERSON FIELDS:

Steve, do you know?

COMMISSIONER GORDON:

Probably not off the top of his head he doesn't. I'll say maybe five or six.

CHAIRPERSON FIELDS:

Are there people --

COMMISSIONER GORDON:

But the other issue with the supervisor, excuse me, Legislator Fields, the other issue with the supervisory personnel is I just can go out off on the street and fine and hire them.

CHAIRPERSON FIELDS:

That's what I was going to ask. So on the supervisors --

COMMISSIONER GORDON:

There are Civil Service restrictions involved with it.

CHAIRPERSON FIELDS:

On the supervisors though, are there people within the parks personnel who according to experience and expertise would be able to take that test that could be supervisors? Do you know? Or is this new people that you have to find?

COMMISSIONER GORDON:

No. I think there's probably people in the system who would qualify. I don't know if there would be -- I doubt that there would be five or six though.

CHAIRPERSON FIELDS:

Do you have a system within Parks where they, what's that called when you're --

LEGISLATOR ALDEN:

Cross-trained.

CHAIRPERSON FIELDS:

Cross-trained? Not cross-trained.

COMMISSIONER GORDON:

Oh, our whole staff is cross-trained.

CHAIRPERSON FIELDS:

I don't mean that that's not, you know, getting people ready or advancing.

COMMISSIONER GORDON:

Like a mentoring program to some extent?

LEGISLATOR ALDEN:

Minor leagues.

COMMISSIONER GORDON:

Minor leagues, oh, yeah. Absolutely, you know, it's maybe not formalized, but, you know, we look at the staff and if we think that there is somebody that can be groomed to move up. Oh, yeah, we absolutely do that.

CHAIRPERSON FIELDS:

Because what we went through the last time with early retirement was it killed, you know, a lot

of departments.

COMMISSIONER GORDON:

It really did even though we didn't have a huge number of retirees we lost a lot of experience.

CHAIRPERSON FIELDS:

Right, and that's a good point.

COMMISSIONER GORDON:

A lot of experience. In particular, I'm not going to name the park because I don't want to criticize an employee, but we have one park where we had a retirement, it was a Park Supervisor II. We also had a Park Supervisor I in the park and we did move him up to Park Supervisor II, but there's nobody behind him to take his role. And it's pure experience and we sort immediately this year when we started to get into the season with the other -- one of the other employees that's in the park whose been with us a number of years. He's a good employee; I'm not saying anything against him. He's just not supervisory material.

CHAIRPERSON FIELDS:

Legislator Alden.

LEGISLATOR ALDEN:

I did know there was a tough situation down there when I went to West Sayville one day and I saw the gentleman to the right of you out there cutting the grass on the ninth green so I figured it was a little tight.

COMMISSIONER GORDON:

(Laugh)

CHAIRPERSON FIELDS:

Okay. Suffolk Trap and Skeet unless Steve, did you have something to say.

MR. RAPTOULIS:

Nodded head, no

CHAIRPERSON FIELDS:

Okay. Suffolk Trap and Skeet, the last time we met we discussed the dirt and where we were at on evaluating whether it was going to be tested and removed and so forth.

COMMISSIONER GORDON:

We are talking to -- we probably do have to test it again because it hasn't been tested, I think it's almost two years now and the state DEC is going to require that we do test it. We are fairly confident that it will be the same result that we had when we did it two years ago. We'll just have to do a test for metals and then we'll be able to dispose of it. There's somebody -- I think the local office of DEC was under the impression that it was more of a problem in terms of hazardous materials than it is. And we've been -- between my office and the Health Department have spoken to a woman who I believe is in Albany who deals with this on a regular basis and we're in the process of getting the DEC satisfied. Then we have to make the arrangements to dispose of the material. And again, as I said I think I said the last time we meet I'm confident that we can get that done this fall.

CHAIRPERSON FIELDS:

Who removes it?

COMMISSIONER GORDON:

I'm not sure.

CHAIRPERSON FIELDS:

DPW?

COMMISSIONER GORDON:

I'm not sure, Legislator Fields.

CHAIRPERSON FIELDS:

Okay. Let say, let say they remove it or let say someone removes it; they bring it where?

COMMISSIONER GORDON:

Probably -- we'll we're hoping that it's brought to a landfill.

CHAIRPERSON FIELDS:

A Brookhaven landfill?

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

And who pays for that?

COMMISSIONER GORDON:

We do.

CHAIRPERSON FIELDS:

And -- wasn't this supposed to have been done though like a year ago that it was removed? Maybe more than a year.

COMMISSIONER GORDON:

Probably. We did -- we had a little bit of a problem with how that was handled in the department.

CHAIRPERSON FIELDS:

So the monies in the budget to remove that?

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

In this year's budget?

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

Okay. So when we meet again you'll be able to tell me there was a test; that we've determined whether or not there was hazardous materials and the result of that. That it will be removed by who and where it will go.

COMMISSIONER GORDON:

Um'hum.

CHAIRPERSON FIELDS:

Okay, great.

COMMISSIONER GORDON:

I'm not going to guarantee that I have all those answers, but we'll be moving along in the process. I'll definitely update you, but hopefully we will have a schedule from when it will be removed.

CHAIRPERSON FIELDS:

All right. Now here is one of the other questions we're going to move right on to and that the surplus showmobile.

COMMISSIONER GORDON:

Oh, yes.

CHAIRPERSON FIELDS:

Legislator Carpenter and I were -- made a lot of, you know, conversations in the past about the new showmobile. I've been involved with different groups that couldn't get the showmobile because it was going to be utilized in a different area of the County and it was I think and I'm not going to speak Legislator Carpenter because I'm sure she'll have something to say. But it was our thought that when we bought the new one we would then have two in the Parks Department just so you know the evolution of where we're at and why I'm upset. All of a sudden it showed up in the committee Way & Means or whatever committee it was that our showmobile that we thought was going to be utilized as a secondary showmobile was being given to Southold.

COMMISSIONER GORDON:

Southampton.

CHAIRPERSON FIELDS:

Southampton.

COMMISSIONER GORDON:

Well, sold.

CHAIRPERSON FIELDS:

For the \$200 or something.

COMMISSIONER GORDON:

\$200 I think it was.

CHAIRPERSON FIELDS:

I mean, you know, that disturbs me very, very much because my idea of not my idea, but my thought and -- was that we were going to have it as a secondary showmobile. Had we not -- Legislator Carpenter not been pioneer and pushing for another new showmobile we would've had to of utilize that showmobile and invested money in fixing it. In addition to that if it can't be which I'm sure it can because they wouldn't buy it unless it could be utilized. But let's say you determine that it can't be utilized then in our mind when you go to the campsites they're always looking and they certainly participate in putting a lot back into our County facilities, why wouldn't it be used as a permanent showmobile in a campsite? Legislator Carpenter I don't know if you want to --

LEGISLATOR CARPENTER:

Basically you've captured the discussions that we had when the resolution came before us at the full Legislature. I felt Legislator Guldi of course representing that area was very much supportive of seeing that Southampton Town have the showmobile, but again a little bit of history going back to why we were, you know, willing to commit the resources to the showmobile. Yes, our showmobile was old and deteriorating, but you know a County the size of ours should have more than one showmobile. And I, you know, was a little surprised to see that we were, you know, selling it for that low amount of money to Southampton. In fact, as Legislator Fields just said, I question, you know, if at one of the parks where they have their camp-o-rees and everything like that. There are retirees camping events they would love to have a permanent stage of sorts. And even if it were not able to be moved from park to park we could pick a site that was appropriate and have a permanent showmobile setup. So that's where we're and I guess we'd like your feedback on it.

COMMISSIONER GORDON:

Well, to tell you how it all transpired we didn't just decide to give it or sell it Southampton. We were going to turn it over to DPW as surplus and then somebody in the department said well, what about maybe one of the other towns might want it. I said, fine if you can find a town that wants it then rather than, you know, turn it over as surplus lets investigate that and that's how that happened with Southampton. Again, it's a staffing; the unit does need work. Are there outfits out there that can retrofit them, yes there are. How much it would cost I've heard ten, ten thousand I don't know. I don't think we really have gotten a true determination of what it would cost to do it, but again, it's a staffing issue. We don't -- I came before you how many months ago and said there's a possibility I can't even put the new one on the road. And we're doing some creative staffing with having the new one on the road. The new one is great; it's a lovely unit, but we have to have at least two people with that unit. It's not like the old one where we can send one person out with it and they can set it up fairly easily. The new one requires two staff and sometimes three if somebody is asking for additional staging. Again, it's a staffing issue. Do we have the money in the budget this year to repair it, no.

CHAIRPERSON FIELDS:

How much was the new showmobile?

COMMISSIONER GORDON:

\$100,000.

CHAIRPERSON FIELDS:

So if it cost \$10,000 to repair --

COMMISSIONER GORDON:

I don't know if that's the figure.

CHAIRPERSON FIELDS:

But how would you -- how could you give it away without knowing, I guess that's my question?

COMMISSIONER GORDON:

Well, we -- I don't think anybody in the department was under the impression that we were going to keep the two of them.

CHAIRPERSON FIELDS:

Why wouldn't we use it as a permanent stage in our own parks?

COMMISSIONER GORDON:

I'm not sure about that, but again, the only way we could do that is to repair it because it looks horrible. It really looks awful.

LEGISLATOR CARPENTER:

May I? Legislator Fields, may I?

CHAIRPERSON FIELDS:

Yes.

LEGISLATOR CARPENTER:

I would like to -- we're meeting in two weeks I am telling you right now that I'm not ready to support giving that or selling and I'm going to say giving because for 200 bucks, you know, we're giving it.

COMMISSIONER GORDON:

Well, and also with the understanding that Southampton would have to put in money to repair it or retrofit it also.

LEGISLATOR CARPENTER:

Right, I understand that. Right, but also I would like to know that you are researching what it would cost for us to fix it. And if there is an appropriate spot at Cedar Pines or Southaven or one of our parks where we could set it up, you know, next to the building and have it be there permanently.

COMMISSIONER GORDON:

I can certainly do that and get back to you.

LEGISLATOR CARPENTER:

It certainly eases the burden on the one showmobile that we do have so that when events are being held at that park we don't ever have to worry about that particular park or the user groups requesting the showmobile there because they've got one.

COMMISSIONER GORDON:

Then that user group might want the new one.

LEGISLATOR CARPENTER:

Well, if it's available then fine, but it just makes it easier.

COMMISSIONER GORDON:

Well, generally, you know, for the big camping activities that go on the new one has been there.

LEGISLATOR CARPENTER:

And I would imagine that the Suffolk Community for Camping would be interested in taking it on as a project and maybe doing the sprucing up that needed to be done to get rid of the rust and paint it. And maybe do some of the repairs as a project knowing that they'll always have a showmobile available when they have their events.

COMMISSIONER GORDON:

I'll come back at the next meeting and give you an indication of the cost to retrofit.

LEGISLATOR CARPENTER:

Okay, great.

COMMISSIONER GORDON:

And if we think that there's a good spot --

LEGISLATOR CARPENTER:

And also if there'd be some interest in some of the groups that might want to pitch in and help.

COMMISSIONER GORDON:

I don't know if I can get to them by that date cause I'm not sure if they're meeting, but we can certainly try.

LEGISLATOR CARPENTER:

Well, you know I'm not in any hurry. You know the season is winding I'm mean as far as needing to have it for the meeting on the 26th because I'm prepared to table that on the 26th.

COMMISSIONER GORDON:

Okay.

CHAIRPERSON FIELDS:

I will agree with that because --

LEGISLATOR CARPENTER:

And especially if, you know, we can say that your researching whether or not we can find a spot for us to use it and what it would cost to -- for us to repair it.

COMMISSIONER GORDON:

I understand that.

LEGISLATOR CARPENTER:

The season is winding down so even for the Town of Southampton that may have been counting it I'm sure they were expecting to use this season. So I'm not concerned about them I just want to maximize it for us.

COMMISSIONER GORDON:

No, it's not a problem for us.

CHAIRPERSON FIELDS:

Yeah, I will -- we did table it at the last two meetings I believe because we felt so strongly about the fact that, you know, it should be reused and at whatever cost I'm sure it can be. Legislator Nowick.

LEGISLATOR NOWICK:

Yes, Judy. I have another thought if that doesn't work out. If we were -- from the bottom line comes -- we were to sell it to Southampton for \$200 could we enter into some type of not enter into a contract, but just say to them, we're going to sell it to you for \$200. And they are going to as we discussed fix it up so they can use it, but part of the deal is that we can as a County use it for so many agreed upon hours per month or year or whatever. So let them do all the work; let them fix it up and actually rent it back from them without paying because they're getting it so cheap maybe we could strike some kind of a deal with them. Let them do all the work.

COMMISSIONER GORDON:

We could run that by them.

CHAIRPERSON FIELDS:

The other think is I don't know if you read the report that we got about how much money we've lost for giving away vehicles at \$200 a piece, but you know I think from this point forward I don't think I'm going to support any colleague who want to sell a vehicle for \$200 and lose the money from the County. I mean, we are just simply being a little more than benevolent to give away things.

LEGISLATOR NOWICK:

We are giving away an awful lot and this could be a win-win.

CHAIRPERSON FIELDS:

Legislator Carpenter was right when she said, giveaway. You know if it cost, what did you say \$100,000 to buy a showmobile?

COMMISSIONER GORDON:

To buy the new one.

CHAIRPERSON FIELDS:

Yeah. \$100,000 and give it away for 200 is to me insane. So again, I think we'll probably fight to table that resolution in the hopes of keeping it. And I would actually advocate for no matter how much it cost to repair it that we do repair to keep it as permanent fixture in one of the parks. I don't believe at all that that should be given away and for the amount of money that it could cost to repair it if you compare that to \$100,000 we'd still have a second vehicle that could be use at another facility, you know, if it were even fixed up and be able to be used. So I think it probably could be.

Clean up of the Little Red School House, you were going to investigate.

COMMISSIONER GORDON:

It's not finished yet, but it's scheduled.

CHAIRPERSON FIELDS:

Oh, you did check it out --

COMMISSIONER GORDON:

Yes.

CHAIRPERSON FIELDS:

-- to find out who -- do we know who is was that was dumping this stuff?

COMMISSIONER GORDON:

No. We don't know that, but we are -- but it's being scheduled to remove the debris.

CHAIRPERSON FIELDS:

Okay. Legislator Alden.

LEGISLATOR ALDEN:

Just in furtherance to that, did we have the Park Police go out there and just see if they could determine whether it came from a certain area or?

COMMISSIONER GORDON:

Yeah, Legislator Alden, I think somebody went, but I don't think that they were able to determine who in fact did it.

LEGISLATOR ALDEN:

I would hate to see, you know, like somebody that like show that little regard for, you know, like public property to get away with it if at all possible.

COMMISSIONER GORDON:

Oh, I know, I agree with you. I agree with you.

LEGISLATOR ALDEN:

All right.

CHAIRPERSON FIELDS:

Okay. Do you have anything?

COMMISSIONER GORDON:

Oh, yes. Before Legislator Foley asks me I just wanted to give you an update on the parking lot at Smith Point.

LEGISLATOR FOLEY:

Right.

COMMISSIONER GORDON:

We experienced delays I believe because of the weather and we had been notified by DPW that the people who were coming in to do the repair work would be able to start in ten days. And I think that was towards the end of July and we just made the decision to wait until after Labor Day just in case we go days like today where, you know, it might conflict with some people that are parking.

LEGISLATOR ALDEN:

(inaudible)

COMMISSIONER GORDON:

Smith Point? Smith Point has been very heavily used since the July 4th weekend very heavily used.

CHAIRPERSON FIELDS:

Even in all the rain?

LEGISLATOR ALDEN:

Even with all the rain and everything? Great.

COMMISSIONER GORDON:

Well, oh, yeah. People are camping there.

CHAIRPERSON FIELDS:

Oh, no. I meant the beach part.

COMMISSIONER GORDON:

Oh. Well, no, there have been people at the beach too, but I expect that today and tomorrow and hopefully through the weekend the beach will very heavily used. But also another update on Smith Point; the outer beach camping we have allowed day trippers out on the outer beach also summer on a limited basis because of the endangered species. We reopened today for outer beach camping on a very limited basis, but people were anxious to get back out there and I think at 7:30 this morning there were 15 campers lined up to get out on the outer beach already.

CHAIRPERSON FIELDS:

Anybody else?

LEGISLATOR FOLEY:

Just on a different topic, not Smith Point. Madam Chair, I meant to bring a copy of the letter I had sent to the Commissioner the other week and I will send it forth with. I had sent a letter to the Commissioner because it was brought to my attention and there was an article in Newsday about the same issue of the Montauk Airport in East Hampton where there has been some documentation --

CHAIRPERSON FIELDS:

-- why do they call it the Montauk Airport if it's East Hampton?

LEGISLATOR FOLEY:

East Hampton Township in the Hamlet of Montauk. So I don't think it's an incorporated village, but in the greater unincorporated area of Montauk.

COMMISSIONER GORDON:

Yes.

LEGISLATOR FOLEY:

So why they tried to incorporate they may try to do council districts at some point there; well, maybe they'll follow Islip's lead I think at some point. But on a serious vain, there's some very

serious allegations that have been raised and documentation that indicates that the County owned Parkland as immediately adjacent to the airport. There is indications that County Parkland may have been encroached upon by airport activities; either by the widening of the runway itself or, two, clearing of County Parkland as part of the clearance requirements of having an airport, and/or three, that within the airport master plan for Montauk Airport that County Parkland was utilized as part of the overall submission of documentation for the airport's master plan and subsequent receiving of federal funds.

So I had requested of the Commissioner of Parks that given these serious allegations and documentation that indicates that these things have occurred, I requested that a survey be undertaken by the department in order to make certain one way or the other and let the chips fall where they may, whether or not in fact the Parkland has been encroached upon or of any clearing has occurred at the Parkland without any kind of County approval. So I just wanted to ask the Commissioner through the Chair where all that stands at this point.

COMMISSIONER GORDON:

Well, after I got that from you, Legislator Foley, I forwarded it over to the County Attorney's Office and I did get some feedback already that they're going to be reaching out or in the process of reaching out to State DEC, the Town of East Hampton, as well as the owners of the airport to sort through this issue. It's probably likely that we would have to have a survey done, but we're not at that point now. I'm hoping that if that happens we don't have to pay for it because I think that that's going to be -- that's going to be an expensive one to undertake.

LEGISLATOR FOLEY:

Do we have any time a timeframe --

COMMISSIONER GORDON:

No, I don't as yet, but I definitely can report back to you by the next legislative meeting or I can keep you informed as to the process.

LEGISLATOR FOLEY:

Keep us informed, in fact, through the Chair or directly to the office even on a weekly basis because I said these are rather serious charges.

COMMISSIONER GORDON:

We don't take encroachment lightly.

LEGISLATOR FOLEY:

And I know you don't, and your remarks on the record were appreciated in Newsday. As I said, you know, let the chips fall where they may whether it does or doesn't, but we need to find this out one way or the other. And it would be important that again, whether a survey be done by us or paid by some -- I wouldn't want the payment to hold up the survey because as we know the Division of Real Estate has surveyors on call that can be utilized as does the Department of Public Works.

COMMISSIONER GORDON:

I don't think the payment would hold it up. I really don't think that that would be the case.

LEGISLATOR FOLEY:

Okay.

COMMISSIONER GORDON:

I think we would probably find the money somewhere.

LEGISLATOR FOLEY:

Very good.

COMMISSIONER GORDON:

The County Attorney tells us it should be done we'll find a way to do it.

LEGISLATOR FOLEY:

Right. Okay. Could you just mention to the committee, which County Attorney is the department working with on this?

COMMISSIONER GORDON:

Ted Sklar.

LEGISLATOR FOLEY:

Ted Sklar. Okay.

COMMISSIONER GORDON:

Who has helped us with other issues of this type.

LEGISLATOR FOLEY:

Madam Chair, I'll be speaking with Mr. Sklar too about this because this encroachment issue can really be -- well, is a very important one especially --

CHAIRPERSON FIELDS:

-- well, we saw an example of that in Brookhaven at the range, right? Legislator Foley?

LEGISLATOR FOLEY:

That's correct.

CHAIRPERSON FIELDS:

In addition we have a card that I just received now --

LEGISLATOR FOLEY:

-- thank you Commissioner.

COMMISSIONER GORDON:

You're welcome.

CHAIRPERSON FIELDS:

Chris O'Connor and Lisa Grecni; come on up. This is regarding the Montauk Airport.

CHAIRPERSON FIELDS:

Identify yourself for the stenographer, please.

MR. O'CONNOR:

Chris O'Connor, Program Director for the Neighborhood Network. Issues of planning and issues

of development have always been a cornerstone of my organization. So when I learned about the possible encroachment at the Montauk Airport I immediately brought this to Legislator Foley's attention and he moved swiftly on trying to get this issue resolved. This is a very complicated issue; it deals with easements, it deals with FAA master plans. So to sort of clarify the issue for the committee I brought a person with me, Lisa Greci, who is also Chairman of the Montauk Advisory Committee in Montauk; that's a town committee. And she's done a lot of the research which she's also -- Brian does have some of that and I think that she's also prepared to work closely with the committee and the Parks Commissioner --

CHAIRPERSON FIELDS:

-- stop for just a second --

MR. O'CONNOR:

-- and the Parks Commissioner to determine, you know, what encroachment has occurred. We also planned to turn over to the committee aerials -- no, to look at to see. Extensive aerials that can be reviewed --

CHAIRPERSON FIELDS:

-- can I interrupt for a second? Have you reached out to the Legislator whose district this is?

LEGISLATOR FOLEY:

We spoke with Legislator Guldi and he's aware of what this committee and what we're trying to do -- what we are doing here today. So he's aware of the overall issue. The particulars Ms. Greci and Mr. O'Connor want to bring to the committee's formal attention.

CHAIRPERSON FIELDS:

I just wanted to make sure that you did do that. Okay.

MR. O'CONNOR:

So Lisa do you want --

MS. GRENCI:

-- yes. Good afternoon. Thank you for having us. I began investigating the airport in 1996 when the town was presented with a master plan for the airport. What I discovered basically was that there were easements being claimed by the airport that actually are County Parkland. I have put an exhibit book together just so you can see. This is the certified survey of the airport. The yellow is the actual airport property. The easements owned by the -- that are not owned in fee title by the airport, but are shown on the survey submitted to the town and also incorporated in the adopted 1996 FAA master plan are actually County Parkland in pink. This is continued on since 1996 through the town planning records. It was brought to the attention of Lisa Liquori, Planning Director at the time. She did submit a letter, which is in this file, to Supervisor Lester at the time basically saying that the Planning Department conducted several conversations with County officials who are unaware of any easements covering the County Parkland. Most recently copies of deeds, abstracts of title and documents dating to 1957 were sent to me by County officials which show no evidence of easements allowing the airport to clear into County Parkland. However, an opinion from the County Attorney's Office should be sort on this matter. Planning Director has asked Steve Jones who at the time was the Planning Director to request an opinion from the County Attorney's Office. It was never received.

Some of the clearing for the Runway Rehabilitation and Obstruction Removal project involves

Suffolk County Parkland. Until the easement matter is resolved we do not recommend that the town board proceed with resolutions supporting a grant for the Runway Rehabilitation and Obstruction Removal. In addition to clearing County Parklands there is correspondence from the DEC stating that the project that was proposed for this is a Type I action including clearing of extensive areas of wetland vegetation and some dune vegetation. There are also two state-endangered plants, the prickly pear and the bayberry. I do have copies of the portions of the master plan and it is on file from the FAA and you can clearly see that the County Parkland is included in the documents that were submitted in the adopted FAA plan.

CHAIRPERSON FIELDS:

Can I just interrupt for a second? On the red that you've indicated that map, can we first just know we don't know what the scale is? Is it acres; is it --

MS. GRENCI:

-- one inch equals 40 feet I believe is the scale. It would probably come out to be somewhere around seven acres or eight acres.

CHAIRPERSON FIELDS:

And how have you established --

MS. GRENCI:

-- what was what --

CHAIRPERSON FIELDS:

-- how -- who owns what.

MS. GRENCI:

I did a title search on it.

CHAIRPERSON FIELDS:

You did the title search.

MS. GRENCI:

And the deeds chain of title is included in the document that I put together.

LEGISLATOR FOLEY:

Madam Chair, just let the record reflect that the copy of the deeds were sent to the Commissioner along with a copy of the -- of that survey rendering which showed exactly what is shown here today. In fact, it's lots A, B, C and D that were conveyed to the County decades ago that is in question now as to the airport encroaching upon those four lots in order to undertake whatever airport uses they had so desired. That documentation was submitted to the Commissioner weeks back and the thing is the fulcrum of what the County Attorney had to look into.

MS. GRENCI:

Right. And if I may continue in addition to that the FAA has issued over \$1.7 million to complete these projects which called for the clearing of this land, County land, using false erroneous information according to my research. They received \$300,000 to remove obstructions, which were the clearing. Obstructions are considered plants, trees, vegetation whatever it may be. I have all these documents. This has not been submitted; I should make copies for you of it.

\$300,000 were awarded in 1999; \$900,000 in '96 I believe it is, '97. The year that grants were awarded doesn't necessarily mean it was the year that the projects were completed. What I've been able to do is copy all of the town and zoning and building department records to show that they have been continuously told they could not move forward with these projects because the easements were not -- they could not prove ownership of the easements. And they could not under our town's zoning do this project because the airport is zoned A-Residential. It's a pre-existing non-conforming use. All of the projects did not conform to zoning and since 1996 the town board has passed eight, nine, ten resolutions authorizing matching DOT funds for projects that don't meet our zoning.

So now that the projects are complete I'm waiting for an updated aerial. They were suppose to go out this week based on the weather because according to their own documents submitted to the FAA besides redoing a taxiway that they can prove never existed. In addition they say that there is a clearing or a object free area from both the runway and the taxiway which is required clearing. For the runway it's 250 feet wide which would be 125 on either side of the center line of the runway which is definitely off airport property and the taxiway object free area is the 89 feet wide which is 44.5 feet on either side of the center line. They claim that the total area to be cleared is 11.15 acres. I could find no evidence that they received a variance from the FAA not to do the clearing. The funds were received; it is closed out according to the FAA. And the taxiway from not being able to prove if you look at these surveys, the surveys are somewhat erroneous because not only do they include County Parkland, but they include hand drawn taxiway. The aerial proved there was never a taxiway so from their claims of what was pre-existing taxiway if in fact they could prove that their plans also call for making a .39 acres of an acre larger.

So the money has been issued. Projects have been completed according to their own master plan and both the town's records and the plans records include County Parkland easements being claimed by the airport which we, myself through research, as well as the town, and multiple documentation cannot prove as part of the airport property.

LEGISLATOR FOLEY:

Madam Chair, if I might just follow-up to that particular point. If the township had this information did they ever convey it to the County that by the way we have applications at the town level? It appears as if it encroaches upon County Parkland it should send some personnel down to take a look at this to see whether in fact the County Parkland has been cleared or encroached upon. Was there any correspondence directly from the township to you the Parks Department?

MS. GRENCI:

Yes. The letter from Lisa Liquori dated February 18th of '98 was sent to Stephen Jones the Suffolk County Planning Director.

LEGISLATOR FOLEY:

He's the Planning Director, but as far as the Commissioner of Parks at that time?

MR. GRENCI:

No, not that I can see.

CHAIRPERSON FIELDS:

Was there a CC on the letter?

MS. GRENCI:

Yes. To the Town Attorney's Office; to Tri-State Engineering which is the firm responsible for the site plan and the FAA master plan document; Mr. Jones, the town planning board and the Planner Mr. Brusseau.

LEGISLATOR FOLEY:

Will we be able to have copies of that?

MS. GRENCI:

This is all and yes, you can have copies of whatever you would like.

LEGISLATOR FOLEY:

I mean, for the committee, that we could have copies of that when they're finished.

MS. GRENCI:

I also have a copy that was sent to the Planning Department September 30th '97 from the owners of the Montauk Airstrip. It's not signed, but they claim that parcels A, B, C and D are not owned by the Montauk Airport if they're included in the FAA adopted master plan. And on every survey on file with the town they state their easements acquired from the Montauk Improvement Company. Then they say since they were acquired the County purchased all of the land surrounding the airport therefore it must be assumed however that these easements followed the land and in fact the County of Suffolk could not construct any obstacles on them.

LEGISLATOR FOLEY:

Madam Chair, two requests and again I will submit the letter to you. One was for the Commissioner to take a survey to see whether what was encroached upon, but the second part was also through her office as well as through the County Attorney's Office to determine definitively whether or not the master plan that was developed for that airport also included County Parkland within the master plan description without using County Parkland as part of justification for receiving federal funds without ever notifying the County of this intention. So it's a twofold request that was made.

MS. GRENCI:

Right.

CHAIRPERSON FIELDS:

I have one other question. Is there work that is being done at the moment?

MS. GRENCI:

According to the FAA and DOT records everything is done. The burying of the power lines, the taxiway, the runway, beacon hangers, tie-downs, paved parking. Every project they applied for in '96 through the FAA master plan is now to my knowledge been completed. And that's what an aerial and accurate survey both by the applicant the Montauk Airstrip as well as the County is needed because the meets and bounds of the filed site plans and the FAA don't match the meets and bounds of the deeds or the surveys.

CHAIRPERSON FIELDS:

Okay.

LEGISLATOR FOLEY:

What's important, just saying that line of thought about the aerials the fact is and the record should reflect and this again is something that could help assist the Parks Department to follow-up. The Planning Department has decades worth of aerial photographs throughout the County including the Montauk County -- the Montauk area as well and they keep those on microfiches as well as on file. So even through the Planning Department they could show what it looked like in 1930, 40, 50, 60 --

MS. GRENCI:

-- I don't know how far they go back.

LEGISLATOR FOLEY:

Oh, they go back many, many decades and so that could also assist the department in fulfilling this responsibility and it would be interesting to compare that to what some of these other aerials are. So that information is readily available for the Parks Department when they will make the request of the Planning Department.

CHAIRPERSON FIELDS:

Okay.

MS. GRENCI:

I would also share when I get the 2003 aerial with Ms. Gordon and anyone else. I did bring a 1976 aerial because that was the last time a certified survey was filed and the last time a building permit was issued from the town. And all of the work has been paid for through federal and state matching funds and that's not conformed to our town's zoning. And with the easement issue even the EAF's that were done without any environmental there was never even lead agencies established on this because they found that it didn't meet zoning. They basically stated that a discrepancy existed between the number of acres of land depicted on the site plan and the number of acres on record at the Assessor's Office. Site plan portrays 45 acres when the town records portray 47 acres. Based on the town's assessment it is clear that a significant portion of the proposed clearing is within the confines of the Montauk County Parkland. The guaranteed survey must be submitted depicting the actual boundaries of the property including meets and bounds, natural features, extent of clearing; all necessary elements of site plans as described in the Town Chapter 15365.

CHAIRPERSON FIELDS:

Counsel, let me ask you, if at the end of the process the County Attorney's Office and everyone else investigates and we find that they have indeed encroached on County Parkland what would be the process? Do you tell them that they now have to dig it all back up again and give it back to us? What happens?

MR. SABATINO:

Well, they are a multitude of possibilities. The last time we addressed this was with the allegations of the encroachment that the Forsythe Meadow property and if you recall that particular juncture we were looking for restitution. I mean, the first line of offense in this case would be if you in fact delineated, there's been an encroachment to cause to try to force or compel the party that caused the encroachment to number one, pay damages if there are in fact damages to the County in terms of lost value. And number two, at least provide restitution in the sense of restoring the property to the condition it was in previously and thirdly, it would be to remove whatever it is that constitutes the physical component of the encroachment. So at a minimum you'd be looking for three things. The damages part is hard because we found in the Forsythe Meadows situation it was difficult to get a consensus on retaining an expert to do the

evaluation, but if you get an expert who can come in and establish that this is the diminution in value of that particular portion of the County Parkland you could also seek the monetary damages. But at minimum you want to eliminate the encroachment and get the property restored to its prior condition. Those two would be to me the bare minimum.

MR. O'CONNOR:

This issue is important to decide as quickly as possible because it also concerns federal jurisdiction, state jurisdiction. Money has changed hands. If indeed they did it to up to what the FAA approved the project for, well, then perhaps encroachment incurred. If they didn't do the obstruction removal then they took funds from the FAA and didn't use them for what they were properly supposed to be allocated for. So this issue has a lot of implications. We're dealing with encroachment issues here, but it has a lot of issue on the town level, the state, the DOT is also investigating it right now. So it's a -- multiple investigations now are going on.

MS. GRENCI:

And the FAA adopted plan that you can obviously see it does include the easements should be null and void and I would hope that the Parks Commissioner would investigate that fully. Now that it's all done I think it's a shame, but I'm not sure what you can do.

CHAIRPERSON FIELDS:

I would think that they have to give us back our property if its Parks property. I mean, that -- we talk about alienation of Parkland and that's absolutely an alienation I would think.

MS. GRENCI:

We don't know if there's structures or of the obstruction removal is just clearly which would be the area object free. So it's unclear because we don't have a certified survey and neither does the town.

CHAIRPERSON FIELDS:

Commissioner, did you get an answer from the County Attorney's Office about how long it would take to get you some answers from them?

COMMISSIONER GORDON:

Not yet, but as Legislator Foley requested I'll check it on a weekly basis.

CHAIRPERSON FIELDS:

Okay.

MS. GRENCI:

I've done the work. I mean, I'm willing to turn it over for free if you'd just make a copy and then the easements are there, the title work.

LEGISLATOR FOLEY:

We can make copies here.

CHAIRPERSON FIELDS:

The deeds, everything.

CHAIRPERSON FIELDS:

Why don't we -- my -- I think she is making copies now.

LEGISLATOR FOLEY:

This is additional information.

MS. GRENCI:

This is the volume of work.

CHAIRPERSON FIELDS:

Judy, can't we have an appointment made with this woman and the County Attorney's Office?
Maybe somebody here from --

LEGISLATOR FOLEY:

-- speak in the mike please.

CHAIRPERSON FIELDS:

Someone's here from Mr. Gaffney's Office. Maybe you can direct the County -- hello --

LEGISLATOR FOLEY:

Catherine --

CHAIRPERSON FIELDS:

-- can you pass on this information to the County Attorney's Office through your office to say that we would like to have an appointment set up. We'll give you the name, the address of this lady, and her phone number.

COMMISSIONER GORDON:

Well, I can do that too Legislator Fields. I can call the County Attorney's Office and do that.

CHAIRPERSON FIELDS:

And have it done within the next week.

COMMISSIONER GORDON:

We'll try that.

MS. GRENCI:

Whatever you need I will give it over; it will save us all a lot of money and time.

CHAIRPERSON FIELDS:

Right. It has to be done as soon as possible. Okay.

MS. GRENCI:

Thank you.

LEGISLATOR FOLEY:

Just to follow up if I may. Commissioner, have you asked from the Town of East Hampton for a copy of the airport master plan?

COMMISSIONER GORDON:

No, I haven't.

LEGISLATOR FOLEY:

You intend to do so though, correct?

COMMISSIONER GORDON:

Yes, yes.

LEGISLATOR FOLEY:

Okay. Having that, armed with the information that Ms. Grenci has provided -- she will provide, will greatly assist you in the determination of encroachment, but it also for the Chair it'll also getting to Mr. O'Connor's point, point to multi-jurisdictional issues that definitely have to be addressed from town, county, state and federal. So this is going to be an on-going issue; it could be a very serious one. Another point of it that really needs to be amplified is, you know, the issue of grandfather. You know these aerials will show whether or not there was a certain length of runway cause from what our understanding is is that there -- there was a notion that there was a pre-existing runway, and that they were simply going to repair that and that being the case they didn't need certain -- they didn't fall into certain wetland regulations that they otherwise would have to comply with if in fact they extended the runway as opposed to simply repairing it. And I think that's going to be an issue that the aerials will -- should be of help as well.

So I want to, on the record, thank Ms. Grenci and Mr. O'Connor for doing great work and you know this issue of encroachment unfortunately is become a little bit more common place now in County lands. So we need to have the vigilance of not only departments, but also of citizens to assist us. I want to thank you both.

MS. GRENCI:

Do you want to see the aerial?

LEGISLATOR FOLEY:

Why don't we, on the record, take a look at the aerial and then we can describe it. Counsel, is that fine to have the aerial on record?

MR. SABATINO:

Yes. That would be fine.

LEGISLATOR FOLEY:

Okay. And what you want to do Ms. Grenci if you want to come on this side of the long table, pick up one of the microphones so you can speak into it as you describe --

COMMISSIONER GORDON:

-- and I have just a question. This was taken recently?

CHAIRPERSON FIELDS:

1976, right?

COMMISSIONER GORDON:

Oh, oh, I thought --

CHAIRPERSON FIELDS:

-- this will show what it was then.

MS. GRENCI:

I have 1976 and a 2000 and I have commissioned a 2003. What the 2000 will show you is the actual improvements (**Ms. Greci banged the microphone**) I'm sorry, I'm just a little nervous.

CHAIRPERSON FIELDS:

Don't be you've done a great job so far.

MS. GRENCI:

Thank you. It'll show you the actual improvements up to 2000, but it's really the taxiway that I feel from my research is the clincher with the easements for the County land. So that will not be shown on this aerial from 2000 because it wasn't completed until last summer.

COMMISSIONER GORDON:

Yeah, because I have an aerial from 2000.

MS. GRENCI:

Okay.

LEGISLATOR FOLEY:

Chris, why don't you assist -- Mr. O'Connor why don't you assist her with this.

LEGISLATOR FOLEY:

You have to speak into the mike.

Ms. Greci is holding up a very large aerial map.

LEGISLATOR FOLEY:

They'll hold it up for you, Sean and Mr. O'Connor will hold it up as you describe what's on the aerial.

MS. GRENCI:

What you're looking at here is the 1976 aerial. As you can see it's one runway here runway and then you see a dirt road which is now a taxiway. You'll see that even on the 2000 before it was redone. You also see that they're using the crosswind here at this time --

CHAIRPERSON FIELDS:

-- can you identify the County Parkland on here?

MS. GRENCI:

Yes. Everything around the airport except for the houses on the -- across the street. It's completely surrounded. There's also a large dune here and when you match up the aerials you can see the waterway paths. Some of them are gone just from 2000, but what they claim they were doing and go the funds from the FAA would have been to make this dirt pathway which is meandering and they acknowledge that in their own records. It varied in width and size and also in distance from the taxiway a standard 25 foot width 3,000 foot long with a .39 of an acre addition and the funding is closed out. It has been given both at the FAA and state level.

LEGISLATOR FOLEY:

What's mainly adjacent to that meandering dirt path?

MS. GRENCI:

This is all County Parkland.

LEGISLATOR FOLEY:

Mainly adjacent to it. Okay. Correct.

MS. GRENCI:

And this is Big Reed Pond. This is -- we just had an aircraft go unfortunately in here and we lost three men. This is a federally protected pond. This is a critical environmental area under New York State DEC. Any action as an adjoining owner the County should have been notified regardless --

CHAIRPERSON FIELDS:

-- and a SEQRA be done.

MS. GRENCI:

That's correct.

COMMISSIONER GORDON:

At this particular point --

LEGISLATOR FOLEY:

-- speak into the mike please.

COMMISSIONER GORDON:

At this particular point in time the County was in the process of acquiring --

MS. GRENCI:

-- that's correct --

COMMISSIONER GORDON:

-- Montauk County Parks. So I don't --

CHAIRPERSON FIELDS:

-- this is '76.

COMMISSIONER GORDON:

In '76 I can't definitively tell you which parcels were in County hands at that point.

MS. GRENCI:

That's correct.

COMMISSIONER GORDON:

Cause it was happening around that time.

MS. GRENCI:

'78, and I have the deeds on file here of the transfer to the County and there's no easement

language.

CHAIRPERSON FIELDS:

And is there a second map?

MS. GRENCI:

Yes, there is.

CHAIRPERSON FIELDS:

May -- could -- I hate to ask you to stay there and hold that, but maybe if we could probably it would help to have at least --

LEGISLATOR FOLEY:

-- you can bring it over here that's all right.

MS. GRENCI:

This is the 2000 and you can see that the pavement's done, the runway as been improved --

CHAIRPERSON FIELDS:

-- there's a big difference according to this.

MS. GRENCI:

You can see that this has been extended for tie-down area for the airplanes from this area here --

CHAIRPERSON FIELDS:

-- are they being held in the same direction? Can we hold them both the same way?

LEGISLATOR FOLEY:

That's it.

CHAIRPERSON FIELDS:

You never thought you'd have to be doing this, Chris.

MS. GRENCI:

This here is the same as this area here.

CHAIRPERSON FIELDS:

Okay.

MS. GRENCI:

Okay. Now you see the runway, the taxiway is somewhat more defined than the little road. Four hangers have been -- tie-down, parking. Since this has been taken funds have been given for burying of the power lines which are an off site project which I understand the FAA is now allowed to do with federal money because it doesn't occur on site. And this runway has been totally re-paved with a buffer zone of obstruction removal on either side as required by the FAA. I haven't been able to find any easements that were given to lessen the required obstruction footage.

LEGISLATOR FOLEY:

That portion of the runway that's closest to the dune line and the beach.

MS. GRENCI:

Right. If you compare the ends you can actually see the difference. So it's a possibility I'm not clear, but everybody I know that flies in there hated that dune. It was hard to come down in on and I do know the local contractor that was hired to remove the obstructions, beautiful shads, and so forth. So there's a lot more --

LEGISLATOR FOLEY:

Just let the record reflect the beach area and the dune area is that also County owned or otherwise municipal owned?

MS. GRENCI:

Yes. This is where the County -- it's like Smith Point over here. Everybody parks --

COMMISSIONER GORDON:

It's County, Legislator Foley.

CHAIRPERSON FIELDS:

What is that beach called?

MS. GRENCI:

Gin Beach because they use to gin the sheep down there, not cause of the rumrunners.

COMMISSIONER GORDON:

No, but Gin Beach is there.

MS. GRENCI:

Yeah, Gin Beach.

COMMISSIONER GORDON:

In front of the airport is County beach.

LEGISLATOR FOLEY:

So the record should reflect that the runway extension closest to the beach is completely surrounded by County owned Parkland, correct?

MS. GRENCI:

That's correct.

LEGISLATOR FOLEY:

So one of the issues here is whether or not the extension not only the width of the extension, but whether the length of the extension has encroached upon County Parkland number one. And number two, whether or not there was actually additional extension made above and beyond simply repairing what was the prior runway, correct?

MS. GRENCI:

Correct.

CHAIRPERSON FIELDS:

Can I just ask a question; it looks like maybe there's some dredge spoil right in the middle of the triangle there.

MS. GRENCI:

In here?

CHAIRPERSON FIELDS:

Over here on Chris'.

MS. GRENCI:

On Chris'.

CHAIRPERSON FIELDS:

Just put your finger -- no, go to your right. Is that dredge spoil there?

MS. GRENCI:

It actually showed up as wetland.

CHAIRPERSON FIELDS:

It looks bigger.

MS. GRENCI:

Well, it's changed and it may have been more sandy and there may have been more brush that has grown in the twenty-five years.

CHAIRPERSON FIELDS:

Or maybe when they did some expansion they dumped it over there.

MS. GRENCI:

That's possible. It could be, it looks sandy.

CHAIRPERSON FIELDS:

I would evaluate that on a County level also to whether or not our County property has some extra land on it that we didn't have before.

LEGISLATOR FOLEY:

And that's immediately to the north.

CHAIRPERSON FIELDS:

That could be where the dune is.

MS. GRENCI:

Right. And --

CHAIRPERSON FIELDS:

And the dune there that they didn't like.

MS. GRENCI:

And the cross one you see here has been extended almost to the {dread} from Little Reed Pond, which serves through a tributary area into Big Reed Pond as opposed to here when they superimpose it in the East Hampton Star you could actually see it exceeded their superimposed.

And I couldn't tell if they imposed it with the easements A,B, C, and D and E. A, B, D or not because you have erroneous surveys with hand drawn things that don't match. The '76 don't match the 2001 and none of them match the FAA adopted site plan -- master plan.

MR. O'CONNOR:

(inaudible)

LEGISLATOR FOLEY:

Use the mike.

MR. O'CONNOR:

It should also be noticed for the record that all the new structures were in violation of town code because this is zoned A3-residential and needs a variance for any building done. And they have no site plan approval; they have no certificate of occupancy, which now the town admits to. However the town attorney thwarted the efforts of the building inspector to site these properties because they're trying to come up with a legal theory saying that the FAA because they approved all these projects preempts their zoning laws, preempts the County; preempts the state which is interesting. A town should be defending their zoning laws, not looking to circumvent it.

LEGISLATOR FOLEY:

(inaudible)

MR. O'CONNOR:

Right.

LEGISLATOR FOLEY:

This is not a municipal airport; it's a private airport.

MR. SABATINO:

Well, that's the key because there is a legal argument that you can make if the property is being used by a government, but for proprietary or private purposes then in fact the zoning laws do apply. But if they're being used for governmental purposes then they don't so, but the case here it's clearly being done for private so that argument wouldn't apply there.

MS. GRENCI:

In addition to that, the FAA adopted master plan has erroneous information in it. So this has been classified as a reliever airport for MacArthur.

MR. SABATINO:

Just to go back the thing with the deeds, were the deeds meets and bounds descriptions.

MS. GRENCI:

Yeah.

MR. SABATINO:

They weren't these things like they say go to a rock --

MS. GRENCI:

No, no. It's meets and bound description. I have the deeds and I've done quite a --

MR. SABATINO:

Did anyone in the town every try to reconcile those against that survey that you (inaudible).

MS. GRENCI:

I have.

MR. SABATINO:

Not you, but did anybody in the town try to reconcile?

MS. GRENCI:

Lisa Liquori I met with and I gave her my information, which I gave -- I read the letter that she (inaudible) that contacted Mr. Jones and people from the County and they corroborated the fact that there were no easements although we have two certified surveys showing easements. And when I went deed by deed I mapped it out meets and bounds and it's -- nobody else did anything.

MR. SABATINO:

That's my point though. I heard all of that, but nobody in the town has prepared a formal document or survey --

MS. GRENCI:

They don't even have a guaranteed survey.

MR. SABATINO:

I just wanted to be sure.

LEGISLATOR FOLEY:

The meets and bounds --

CHAIRPERSON FIELDS:

What would happen if we invited the town to the next Parks Committee meeting? Do we have subpoena power?

MR. SABATINO:

I thought that I read that they had hired some experts to -- some outside counsel to prepare some kind of a report. Did that ever happen?

MS. GRENCI:

That's what the East Hampton airport it turns out that Tri-state Engineering also put together the plan, the master plan for East Hampton and people are claiming without any environmental review, it's a different airport; that's a municipal airport and it's actually a lower class airport than this, which has been categorized as a reliever again for Islip.

CHAIRPERSON FIELDS:

We will invite, is it Liquori?

MS. GRENCI:

Yes. Lisa Liquori's no longer on -- she was removed actually probably at the beginning of 2000 half way through and after that period of time is when the project started (inaudible). Well, we could ask her to come.

CHAIRPERSON FIELDS:

We'll invite Mr. Schneiderman, is that his name? And we will invite a -- we will do that for the next meeting which I believe is September 5th I think we established.

LEGISLATOR FOLEY:

But prior to that working with the department and the County Attorney's Office, Ms. Grenci, that will be important.

CHAIRPERSON FIELDS:

Okay. All right. Thank you very, very much. And thanks for all your work. Motion to adjourn.

(Having no further business, the meeting was adjourned at 1:20 P. M.)

{ } denotes spelled phonetically)