

PARKS AND CULTURAL AFFAIRS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and Cultural Affairs of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **March 17, 2004**.

MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairperson
Legislator Cameron Alden
Legislator Angie Carpenter
Legislator Viloría-Fisher
Legislator Ricardo Montano

MEMBERS NOT PRESENT:

Legislator Michael Caracciolo (Excused Absence)
Legislator Peter O'Leary (Excused Absence)

ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature
Ronald Foley - Chief Deputy Commissioner of Parks
Tracey Scala - Deputy Commissioner of Parks
Roger Podd - County Executive's Office
Sean Clancy - Budget Review Office
Charlie Bender - Aide to P.O. Caracappa
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 11:30 A.M. *)

CHAIRMAN SCHNEIDERMAN:

Good morning, everyone. I'd like to call the meeting of the Parks and Cultural Affairs Committee for Suffolk County to order. I'd like to ask you all to rise and join for the Pledge of Allegiance, which will be led by my colleague Legislator Viloría-Fisher.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Happy St. Patrick's Day to all. Thanks for coming out on this somewhat snowy day. I'd like to bring one person forward in the beginning here, because we do have an appointment. Maria Loreta Celitan, who I believe is in the back, if she'll step forward, she's been recommended for the Citizen Advisory Board for the Arts. Hi, Maria. If you could just introduce yourself real quick so the board has some familiarity with you.

MS. CELITAN:

All right. My name is Maria Loreta Celitan. I'm the artistic director and principle dancer with Soly Sombra Spanish Dance Company. We have worked here in Suffolk County as one of their premiere dance companies for the last 17 years. You have my resume before you. I don't -- do you want me to go on and list any of my profession?

CHAIRMAN SCHNEIDERMAN:

One or two of the highlights would be fine.

MS. CELITAN:

Okay. I've been a professional dancer for 25 years, worked with many companies. And in that time, I've performed at such prestigious places as, I guess, Carnegie Hall, Kennedy Center, for the UN. I have a BA Masters in art. I study many dance forms besides flamenco, a Spanish dance, that includes modern, bharatanatyam, ballet. I have taught for many prestigious organizations, including now I am teaching artist or Lincoln Center Institute and the Tilles Center Institute in dance as my expertise, though I have training in the visual arts. Is that

enough?

CHAIRMAN SCHNEIDERMAN:

You sound very talented. Questions? Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Well, actually mine is not a question, it's a comment. Maria Loreta Celitan is certainly an incredibly powerful force in dance and cultural awareness and danced at the high school where I taught years ago, where I had her come to my high school when she was beginning and made a tremendous impact on the students and the community. And I've seen her perform many times. And I would be proud to make a motion to approve, because she's certainly a great asset here in Suffolk County.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. We have other comments or questions. Legislator Alden.

LEG. ALDEN:

First, I'll second the motion to take out of order and approve 1063. But to you, do you have the time to spend on this committee.

MS. CELITAN:

Yes, I do. I asked this morning how many times a year they meet, and it's a bit of work and it's also some out auditing, but certainly I have the time.

LEG. ALDEN:

But you are ready for it?

MS. CELITAN:

I'm looking forward to the challenge and the honor of serving on the Commission.

LEG. ALDEN:

Great.

CHAIRMAN SCHNEIDERMAN:

So let's take this one out of order. So we have a motion to take 1063 out of order and a

second. All in favor?

1063-04. To appoint Maria Loreta Celitan as a member of the Suffolk County Citizens Advisory Board. (NOWICK).

CHAIRMAN SCHNEIDERMAN:

Okay. Let's take up 1063. Do we have a motion?

LEG. VILORIA-FISHER:

Motion.

LEG. CARPENTER:

Second.

LEG. ALDEN:

Third.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Fisher, seconded by Legislator Alden. All in favor? Any Opposed? Congratulations. **APPROVED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)**

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to move us to the public portion. I have quite a number of cards. I believe that most people are here to speak regarding Resolution 1155 on noise moderation at the Trap and Skeet Range at Southaven County Park. Let me just a show of hands how many people are here on that resolution? Okay. Virtually the entire audience. Can I also ask how many people are here in favor of that resolution? Okay. I suspected. I'm going to ask that you limit the comments to three minutes in time. If somebody had already said what you want to say, since we are running late today, I would ask you to simply say you support resolution, you don't need to repeat things that have already been said. And hopefully we'll get through this as quick as possible. I'm sorry, Legislator Carpenter.

LEG. CARPENTER:

That's all right. With a show of hands, I'd just ask if there's anyone here to speak in opposition to the resolution?

CHAIRMAN SCHNEIDERMAN:

So no one here in opposition.

LEG. CARPENTER:

It seems like there's unanimity of support.

CHAIRMAN SCHNEIDERMAN:

Good. And we will take this resolution out of order. But I do believe in allowing the public the public to be heard. So I'd like to start with Gil Herzy, if you'll step up, a concerned sportsman.

MR. HERZY:

Good morning. You want my name and address?

LEG. CARPENTER:

No. It's on the card.

MR. HERZY:

I'm here basically to support the motion. And I would urge you to maybe follow in Mayor Bloomberg's footsteps and agree to something that seems to be quite politically incorrect. And yet it seems to my fellow sportsman that you will be doing the right thing. So we urge you to not only pass this, but to very, very definitely see to it that the range there a opened ASAP. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Lewis Giordano. If I call you and you simply want to pass because it's already been said, just simply say I pass as well.

MR. GIORDANO:

My name is Lewis Giordano from Sportsman Association of Firearm Education. I am in support of this resolution, although I want to bring something to your attention. Over the years, we have had several meeting on this range. There have been environmental studies done and noise abatement studies done. And we found that, I believe, it was one study that many noise -- under the old Suffolk County Noise Law that this range doesn't -- that other noises -- excuse me -- other noises that commonly occur are louder that the original Noise Abatement Law.

Last year this range was exempted by this Legislature -- last year's Legislature by a vote of 16 to 1 exempting the range from the noise abatement. And I believe it was the former commissioner, Commissioner Scully, did a lead impact on the land and found out that it would cost over \$4 million to close this range down to clean it up. I just wanted to bring this to your attention, to go forward -- to move forward more rapidly being that these studies were already done and open this range up, because the County in the amendment of last year specifically recognizes that the recreational use of firearms is a rapidly growing family orientated activity.

Also, the Legislature finds and determines that this recreational use of firearms at County facilities brings economic benefit to Suffolk County. If this is a winning service, I think the range should be opened immediately and do away with the studies, because they have been done already. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. To speed things up, I'm going to say the name and the person who's next. Robert Baumann followed by John Toronto, this way the second speaker can prepare himself to the podium as quick as possible.

MR. BAUMANN:

Good morning, ladies and gentlemen, Robert Baumann from Copiague. I've lived there about 15, 16 years. I have the honor and pleasure of serving as President of SASI, which is the Suffolk Alliance Sportsman Incorporated and as the Long Island Regional Director for the New York State Rifle and Pistol Association, the official state level affiliate of the NRA. We've been here before.

Our affiliate memberships with the clubs and our independent memberships in this particular area, this geographical area approximate 50,000 interested sportsmen and sportswomen. We are wholeheartedly behind reopening this range. Previous hearings here have determined that this particular piece of property is uniquely suited, perhaps perfectly suited, as a Trap and Skeet facility.

The present Suffolk County Executive Mr. Levy was here at one of the last meetings last year and stated unequivocally that when he wrote the noise ordinance, that was in contention at the time, it was not directed at this particular range or this particular facility, it was directed at the

boom boxes and 400 amp stereo systems that the younger people seemed to favor at that time and unfortunately still do favor.

We are unequivocally enthusiastically in favor of reopening this range for the variety of reasons that the previous speakers have mentioned, plus several others that I won't go into here, because I'm sure fellow -- following speakers will cover them. It's been two and a half years, the County has lost an untotaled amount of revenue because this range has been closed. It should be opened. It's a world class facility and could be utilized, as one of the previous researches stated, as an Olympic Trap and Skeet Shooting facility. It could benefit the County, it could benefit the sportsmen, and it could benefit the ladies and gentlemen on the committee and on the Legislature. Thank you very much.

LEG. ALDEN:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

John, before you speak, Legislator Alden.

LEG. ALDEN:

Whenever you would allow it, I'd like to make a motion to take this out of order and approve it.

CHAIRMAN SCHNEIDERMAN:

I'd like to hear from some of the other speakers, if you don't mind. Also, let me state for the record that Legislator Caracciolo has an excused absence from this meeting. We have John Toronto followed by Matthew Catania.

MR. TORONTO:

Good afternoon, and thank you for the opportunity to speak regarding the Suffolk County Range. My name is John Toronto. I'm a retired teacher, resident of Manorville and Suffolk County resident for 40 years. I'm addressing you today as the President of the Peconic River Sportsman Club. The Peconic Club is located on 400 acres in Manorville. We offer our membership and their guests the opportunity to participate in rifle, pistol, archery and all gun sports.

Since 1980 when I became a member of Peconic, we had a two to three year waiting list. Since

the closing of the Suffolk County Range, we've seen our waiting list grow to five plus years. At your general membership meeting two weeks ago, a constitutional amendment to raise the cap from 400 members to 500 members was voted and approved. Although this will cut our waiting list by less than half, it will diminish the waiting time to three years. We feel that the current size of our waiting list is due primarily to the closing of the Suffolk County Range.

The point I'm trying to make is that interest in the shooting sports has grown and the need for additional shooting facilities is evident. As our economy continues to improve, the need for all venues that supply leisure time activities will increase. Although the shooting sports have gained interest and popularity, opportunities to participate in them have decreased. In addition, shooting sports have remained more economically viable than other venues such as golf or boating.

Reflecting on the long history of meetings, public input, research and testing, it would behoove Suffolk County to finally return the range at Yaphank to its original intended purpose. To this end, the 400 resident members of the Peconic River Sportsmans Club strongly encourage you to approve IR 1155 and to take immediate action to expedite the reopening of the Suffolk County Range. Thank you.

CHAIRMAN SCHNEIDERMAN:

Our next speaker is Matthew Catania followed by Maureen Ariola. Again, keep your comments as brief as possible. If it's already been debated, just to say that you support what the others have said is fine.

MR. CATANIA:

I just support reopening the Suffolk County Trap and Skeet Range.

CHAIRMAN SCHNEIDERMAN:

Thank you. Okay. Ms. Ariola.

MS. ARIOLA:

I'm Maureen Ariola. I support it as we will.

LEG. ALDEN:

Thank you. Mark Moscarillo followed by John Hoina.

MR. MOSCARILLO:

Yes. I support the reopening of the range in the strongest possible way.

CHAIRMAN SCHNEIDERMAN:

Thank you. John Hoina. Okay. This speaker will be followed by Tom Claps.

MR. HOINA:

Good morning. My name is John Hoina, this is my son Travis. I'm a father of four sons, and I've taught them all how to shoot. And most of that training has been done out at Suffolk County Trap and Skeet. And my boys have a profound respect for the environment and a profound respect for handling firearms and hopefully a profound respect for their father. Maybe not so profound. We've had a lot of good bonding times out there, and we'd like to see the range reopen again so we can enjoy our sport. And I appreciate you letting us speak this morning. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Tom Claps.

MR. CLAPS:

I support the reopening of the range.

LEG. VILORIA-FISHER:

Mr. Chair, although I know we're trying to go through this quickly, if you mention a couple of them and they can come up. It's very difficult for the stenographer when people speak from the audience. If they just say yes, but if they want to say more, they have to come to the microphone for the benefit of our stenographer who's struggling up here.

CHAIRMAN SCHNEIDERMAN:

Bill Kirchhoff.

MR. KIRCHHOFF:

Hi, ladies and gentlemen. My name is Bill Kirchhoff. I'm a retired New York State Supreme Court Officer, a firearms instructor, and a range safety officer. I'm also a Boy Scout leader.

And for the last two and a half years the Boy Scouts in Suffolk County have been unable to do their shotgun courses because we have not had facilities to teach the boys to do this. I strongly urge the reopening of the range as soon possible. There is no reason why the range cannot be opened immediately, and we can add the abatement as we go. We've now been waiting two and a half years. And this if the only facility that we have to utilize this. And the quicker it's opened, the more benefit to the boys in Suffolk County. If I can be of any assistance please contact me. I have already left my business cards. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Richard Fahie. Alex McKay is following.

MR. FAHIE:

Hi. My name is Rich Fahie. I live in Mastic. I don't live that far from the range. And I just want to say that I'm the treasurer of the Sportsmans Association for Firearm Education. So I am in charge in fiduciary responsibilities. I can tell you I -- because of that, I'm very careful about where the money goes and stuff. I can tell you that by not having this range open, you are doing the people of Suffolk County a great disservice in having to tax them more. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Alex McKay followed by Charles Nardi.

MR. MCKAY:

Alex McKay, I'm the Suffolk County Parks Trustee representing the Town of Huntington, and I'm currently serving as the Chairman of the Board. I wanted to take this opportunity to introduce myself to you. I've been away and haven't had a chance to do so, so here I am. And I'd like you to know that the Park Trustees stand willing and ready to help you, assist you in any way that we possibly can on this issue and any others.

Just very briefly, the trustees are in complete support of whatever needs to be done to reopen the range so that that facility can be made available to the public as soon as possible. Trustee John Fritz from Babylon is also here. He asked me to add, so we don't take time, that the Sportsman's Advisory Board is also in support of this proposal and whatever needs to be done to reopen the range. Thank you.

LEG. CARPENTER:

Mr. McKay, I know that you are a volunteer and have served us well as a trustee. And I just want to thank you for taking the time to come down here and thank you for being supportive of this issue. It is something that has lingered for way too long, and I think it means a lot to everyone here and all of the others that support this that could not be here this morning that you took the time to be here and show the support of the trustees. Thank you.

MR. MCKAY:

Thank you. I appreciate that. And whatever needs to be done, let's do it.

CHAIRMAN SCHNEIDERMAN:

Okay. Charles Nardi followed by Stanley Kessler.

MR. NARDI:

Thank you, ladies and gentlemen for letting speak to this here. I'm 82 years of age, and I've been a recreational shooter for over 50 years, and I was also a member of the Nassau Trap and Skeet. And I think as a taxpayer for the County that you're depriving me of a sport which I've enjoyed for all these years. And I think also as a taxpayer, I think we are losing a revenue by keeping this place closed. And we always keep saying we want more money, more money, well, why not open the County (sic) as soon as possible and get that refunds so that we can get into this. So I'm, of course, 100% in favor of it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Before Mr. Kessler speaks, for the record, please note that Legislator O'Leary also has an excused absence from today's meeting. Stanley Kessler.

MR. KESSLER:

Good morning. I'm Stanley Kessler, I live in Holtsville. I've been living out there for 35 years. I'm wholly in favor of this range opening as soon as possible. Many of us for lack of a place to go enjoy the shotgun sport travel Upstate or to Pennsylvania or to New Jersey. Let's try to keep some of this money on Long Island and in Suffolk County. Thank you.

CHAIRMAN SCHNEIDERMAN:

Martin Podel followed by Dave Wissemann.

MR. PODEL:

Martin Podel, I live in Melville. I've been a Long Island resident for 35 years and an avid skeet and trap shooter. I'm very much in favor of this. At the field, six fields away when they're shooting, you hear the shooting. It is not noise, it is -- you can here it, but I don't consider it noise, not because I am a shooter, because it isn't that kind of noise. It isn't loud, it isn't bombastic. And this noise abatement stuff is just a ploy, I think. And I'm very much in favor of opening the range and keeping the money in Suffolk County. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Dave Wissemann.

MR. WISSEMAN:

In favor.

CHAIRMAN SCHNEIDERMAN:

Okay. In support. Bill Rabb.

MR. RAAB:

Well, they told me I don't need a microphone, but I'll use it anyway. I'm Bill Rabb, I'm an NRA member, I am a sport shooter, I'm an NRA rifle and pistol instructor, also a Boy Scouts leader. I've been harassing Ms. Carpenter unceasingly for the last two and a half years to get this place reopened. We have -- this is the 13th meeting I believe on this. And with this vast pool of resources we have, there is no reason this place cannot be opened and we can start getting some of that money, keeping it in Suffolk County, giving us a place to shoot so I don't have to drive to Upstate, Jersey or Pennsylvania. I'd like to see this place get opened tomorrow. If it was opened today, I would go home and I would take my wife and we would take our stuff and we would go over there. She'd be here too, but she just got out of the hospital, otherwise you would be listening to her too. But let's get this place opened. All these people are here to help. We've all said we'll help, whatever needs to be done, we'll do it. We come out, we don't just sit and complain as you see by the amount of cards you have and the amount of people sitting in these seats. We are a do-it-type of people. So let's do it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Next is Robert Ott followed by Rich Wiles.

MR. OTT:

Yes. Hello. I'm Robert Ott. I'm actually here on Resolution 1207. I am a long time Suffolk County resident. I'm also here to represent the 1000 members of the LIORV, the Long Island Off Road Vehicle Association. And I'm also the American Motorcyclist rep on this Legislative topic for the 14,000 New York State members. We would just like to indicate our support for Legislator Crecca's resolution, I believe that was 1838. We've reviewed the Resolution 1207, and we find that increasing the size of the committee from nine to 18 members, we have concerns of some duplication of interest in there and it's just gotten too large to be efficient. Some of these people I'm sure they would have some valid input. And we just feel that maybe they could be part of the committee, but not -- you know, they could just be interviewed and -- we would solicit their input, but they would not be members of the committee. And 18 member committee we just think is excessive. So we would just like to indicate our support for Legislator Crecca's resolution with the addition of the law enforcement personnel, I think that was suggested by Vivian Fisher last time. So we support 1838, and we would like to oppose 1207. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you. Rich Wiles followed by --

MR. WILES:

Rich Wiles. I'd just like to say I support opening the range. I believe I speak probably for the silent majority of Long Islanders, sportsman, fire arm owners, collectors and target shooters. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

George Kreuzscher followed by Frank Spinazzola.

MR. KREUSCHER:

Good afternoon, ladies and gentlemen of the committee. My name is George Kreuzscher. I am an East Moriches resident, former Marine, retired New York City firefighter and an NRA member. I urge us to open -- I urge the committee to open this range as soon as possible. I am active in my community in coaching various sports. My daughters have athletic ability. They've expressed an interest in shooting. I'd like to bring them up in that. My grandfather was a member of the old Roslyn Rifle and Pistol Team. He actually shot competitively down in Camp Perry, Virginia. I'd like to pass that lineage on to my daughter. Thank you very much. I

appreciate the time.

CHAIRMAN SCHNEIDERMAN:

Frank Spinazzola followed by Mark Woobel.

MR. SPINAZZOLA:

I'm in favor. I'm in favor of opening the skeet and trap range.

MR. WOOBEL:

Mark Woobel. In favor of reopening the range.

CHAIRMAN SCHNEIDERMAN:

In favor. Okay. Robert Rinck followed by Jerry Amatucci.

MR. RINCK:

Also in favor of opening the range.

CHAIRMAN SCHNEIDERMAN:

Robert Rinck in favor. Jerry Amatucci followed by Craig Kessler.

MR. AMATUCCI:

I'm Jerry Amatucci of Ronkonkoma. I'm in favor of opening up the Suffolk Trap and Skeet Range. I think it would great if this board would do it because of the retirees of Long Island and the senior citizens. It would be a great thing to do for them, which I'm part of. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Craig Kessler followed by Richard Vincent.

MR. KESSLER:

Good morning, Mr. Chairman, committee, thank you for the opportunity to speak. I'd just like to add that as a professional employee of Ducks Unlimited we represent a sportsman organization of about 3000 members here in Suffolk County. In the past we've held organized fund raising events at Suffolk County Trap and Skeet, and obviously we're unable to do that at the present time. These are not only fund raising opportunities for conservation dollars that get spent in Suffolk County, but also an opportunity to teach our next generation or sportsman and sportswoman the opportunities to practice these activities in a safe manner. So we would

strongly encourage the reopening of the Suffolk County Trap and Skeet Range at the earliest possible date. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Richard Vincent followed by Michael Edler.

MR. VINCENT:

Yes. Good morning and thank you. My name is Rick Vincent. And my wife Janet and I have lived in Dix Hills for the last 27 years. She wanted to be here today to voice her support for this, but unfortunately because of the ice and the snow, it would just be to problematic. She is handicapped and requires a wheelchair when we leave home. Shooting trap was one of the few sporting activities that she and I could enjoy together, and we both greatly miss it. We would both urge you to support whatever efforts are necessary to reopen the range. Thank you.

CHAIRMAN SCHNEIDERMAN:

Michael Edler followed by William Toner.

MR. EDLER:

I'm in support.

CHAIRMAN SCHNEIDERMAN:

Okay. That was Michael Edler in sport of the resolution. William Toner.

MR. TONER:

Good morning. In support of reopening the range.

CHAIRMAN SCHNEIDERMAN:

Okay. William Toner in support of Resolution 1155. And lastly, Nelson Klein.

MR. KLEIN:

Hello. My name is Nelson Klein. I am a 12 year resident of Suffolk county. And I'd like to voice my support of the -- of IR 1155.

APPLAUSE

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. That's the end. That's the end of speakers' cards. I want to thank you all for coming out and participating in this exercise of democracy. And thank you for leaving your guns at home.

LEG. ALDEN:

If you did.

CHAIRMAN SCHNEIDERMAN:

Or in your car. All right. I'd like to take this out of order. So we have a motion to take resolution --

LEG. VILORIA-FISHER:

Well, actually, it's the first resolution.

CHAIRMAN SCHNEIDERMAN:

You're right, but there's a public portion. So I guess -- well, we don't have to take it out of order

INTRODUCTORY PRIME RESOLUTIONS

1155. Appropriating fund in connection with noise moderation and attenuation at the Trap and Skeet Range in Southaven County Park. (COUNTY EXEC)

LEG. VILORIA-FISHER:

Motion to approve.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Viloría-Fisher, second by Legislator Carpenter. All in favor?

LEG. ALDEN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

Okay. Discussion.

LEG. ALDEN:

I think it's just real important to point out a couple of things. We have a new County Executive, and we also have a new Commissioner of Parks. I'm very optimistic that we can get that range open very, very quickly. If you took what we wanted to do as a committee, because I've been sitting on the Parks Committee for seven years, that thing would never have closed in the first place. But again, now we have the new Commissioner who is sitting with us today. I'm glad to see him. As I said before, we have the County -- a new County Executive that actually put this resolution in. So I'm very optimistic.

LEG. CARPENTER:

Very well said.

CHAIRMAN SCHNEIDERMAN:

Any other discussion? Okay. Let me call the vote. All in favor? Opposed? Okay. It's unanimous. It's **APPROVED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)**

APPLAUSE

CHAIRMAN SCHNEIDERMAN:

Congratulations. This resolution will now move on to the full Legislature. Okay. At this point I'd like to move to -- we have one public hearing scheduled. First, let me ask Sandy if the notice is in proper form.

MS. SULLIVAN:

Affidavit of publication is in order.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you very much. I don't have any yellow cards on public hearing -- oh, there is one. Mike Edler would like to speak. Mike, I'd like call you forward at this point. Do we need

to read the hearing notice?

PUBLIC HEARING

Intro No. 1203-04. Adopting Local Law No -- 2004, A Charter Law to eliminate one year residency requirement for Parks Commissioner appointment. (MONTANO)

LEG. ALDEN:

No.

CHAIRMAN SCHNEIDERMAN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Just for the record, this is a charter law to eliminate the one year residency requirement for the Parks Commissioner appointment.

MR. EDLER:

Good morning. My name Michael Edler. I reside at 15 Garnet Drive in Brentwood, Long Island. I came in support the range, but I see here a -- Mr. Montano, Legislator Montano, is trying to have a law adopted to eliminate a one year residency for Suffolk County Department of Parks. My money goes to Suffolk County. I don't want somebody from Brooklyn, Queens, Staten Island, any place else coming to Suffolk County taking a job away from people who can do the job in Suffolk County. The money should stay in Suffolk County. I belong to a lot of organizations in Brentwood and the Island. I'm sure if they knew that this hearing was coming up they would oppose it too. Suffolk County deserves Suffolk County people, not people from some place else. I strongly object to this. I thank you.

CHAIRMAN SCHNEIDERMAN:

I thank you for your comments. Anyone else who wishes to be heard? Okay. Let's make a motion to -- get a motion to close public hearing.

LEG. CARPENTER:

Motion to close.

CHAIRMAN SCHNEIDERMAN:

Motion to close by Legislator Carpenter, is there a second?

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano. All in favor? Opposed? So we have **CLOSED** the public hearing. **(VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)**

And we will move on to our resolutions. We already have taken 1155. We'll move onto Resolution 1172.

1172. Authorizing the use of Blydenburgh County Park by Habitat for Humanity of Suffolk County for their annual Housewalk Fundraiser. (COUNTY EXEC)

LEG. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? **APPROVED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)**

1203. Adopting Local Law No. 2004, A Charter Law to eliminate the one year residency requirement for Parks Commissioner appointment. (MONTANO)

CHAIRMAN SCHNEIDERMAN:

Do we have a motion on this?

LEG. MONTANO:

Motion to approve it.

CHAIRMAN SCHNEIDERMAN:

Is there a second?

LEG. COOPER:

I'll second the motion.

CHAIRMAN SCHNEIDERMAN:

Any discussion? Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I would like to add my name as a cosponsor.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. VILORIA-FISHER:

And with regards the comments -- just to address the comments that were made by the speaker. This is a position that requires a great deal of experience and expertise. And when you have a position of this caliber, it's important to be able to cast a wide net in looking for the most -- for the best candidate for the position. And so that's why although we have a residency requirement for other level positions, for this type of expertise and knowledge base, it's critical for us to be able to broaden our search. That's why I have asked that my name be placed as cosponsor. And I strongly support the adoption of this local law.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

I was just going to say that the reason this bill should be approved is along the lines of what Legislator Fisher said. I think that in today's world with the advanced technology and with the complicated system that we have in government -- did you all here that? I also, in talking with Legislative Counsel, believe that this is probably the only, if not -- there is one other position that requires a one year residency requirement, not with respect to working in Suffolk County and living in Suffolk County, but one year residency prior to being appointed. So this law having been on the books for 25 years, seems to be a law that we ought to look at and say we ought to get -- and for every position, not just this, we ought to get the most qualified person

out there for any job in Suffolk County. And that's the basis and the intent by which this bill was introduced.

I would like my colleagues to join on this. I think it's necessary, not only with respect to this department, but any department. We ought to be able to seek the most qualified person to service the needs of Suffolk County residents, whether they actually live in Suffolk at the time they apply -- because I know when I came out here in 1981 to run the Human Rights Commission, I moved back from New York City to come out here. Had there been a residency requirement of one year prior, I would not have been able to serve the people of Suffolk County. I moved here in '81, and I've been here since. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

My question might be to Counsel. What other residency retirements do we have? And I know that there's one other, and that's for the Suffolk County Executive, there is a one year requirement. And then what do we have beyond that?

MS. KNAPP:

The Executive was the only other one year requirement that I could find. In addition, every County employee is required to be a Suffolk County resident.

LEG. ALDEN:

How about other appointed positions; Commissioners or Department of Health, any of those?

MS. KNAPP:

They all have to be County residents, unless there is a requirement in the state law for either Health or Social Services. And I don't recall it being, you know, having a minimum period of time. I think that's the only other one.

CHAIRMAN SCHNEIDERMAN:

They have a certain amount of time to change their residency to Suffolk County; is that correct?

MS. KNAPP:

That's a slightly different provision. That's the -- that's when someone lives outside of Suffolk County wishes to become a County employee, there's an Administrative Code provision that allows us waive it for a period of up to one year, and that allows the person to move into the County and become a County resident.

CHAIRMAN SCHNEIDERMAN:

Thank you for that clarification. Legislator Carpenter.

LEG. ALDEN:

Well, I had still a couple of questions.

CHAIRMAN SCHNEIDERMAN:

I'm sorry.

LEG. ALDEN:

Now, on the County Executive, and I believe it's the same requirement for all of us, to run even as a Legislator, you have to have lived in your Legislative District for one year prior to the announcement or the commencement of that election; is that true? And I know I'm hitting Counsel with this -- there is a residency requirement in the districts, I believe. The only year it is different is when you redistrict. That's the only year. I believe that under our election law, you have to have been a resident.

MS. KNAPP:

I would have to, I'm afraid, check the state law on that. I don't recall a provision in our own County Code. However, you may very well be correct that it's contained in state law.

LEG. ALDEN:

And I am, I'm looking at other laws, because I want to be consistent, you know, with other laws. Now for instance, if you want to file and you have the opportunity, say you have a vacation home down in Florida, but you have a home here, you have to establish certain criteria with the IRS, and it's the citizen of your domicile, things like that. And that's an intention, right? And there's other -- there's a whole bunch of other criteria. I know it's unfair to hit you with this right now, but I have a sense that this is going to pass out. I would just like to put that on the record at the full meeting if this does pass out of the Legislature today.

And you know, if we're going to make a little bit of change to conform, and I think that might be for the better, then, you know, let's put it on the record that, you know, it's not us just looking at thin air and coming up with this. And I believe that the requirement, you know, just for the Commissioner of Parks might have been, you know, like -- I can't understand the thinking for it, because I went back and researched the law, and you don't find it with anything else. So I can't understand the logical reasoning to do that.

As long as we have, you know, the residency requirement in Suffolk County, I think that, you know, once the person is announced as a candidate, they have to establish their residency and they've got to make sure that, you know, that is their permanent residency. I think that, you know, to be fair, we want to have conformity throughout the laws.

CHAIRMAN SCHNEIDERMAN:

Since the question of rationale was raised, I'm going to go back to the sponsor, Legislator Montano, to explain.

LEG. MONTANO:

Thank you. Legislator Alden, there is as I understand a provision in the Charter that the County Executive must be a resident for one year. And I believe that you are correct in saying that what you run for a Legislative position you must be a member -- you must be a resident of the district in which you run for, except for a reapportionment year in which you have a year after you get elected to move in as we went through this last year with the reapportionment issue. But there is a difference between a Legislative function and an administrative function. And that position is an administrative function.

We are hiring someone to administer a Park Department the way we would hire someone to manage any other department. So the law that you are citing, as I understand, has a different legal or fundamental basis in that people are electing someone from the district who knows the district. What we're electing -- what we're doing here is appointing someone administratively to administer a department. We as the Legislature or the County Executive would set the policy. But we're looking for an administrator. I don't think that we should be barred in terms of having qualified people administer the agencies that we fund, and that's the difference in terms of the Charter provision that you cite with respect to elective office versus administrative.

I believe that there is no other administrative department in Suffolk County that requires a one

year residency prior to assuming the position. There is a residency requirement once someone decides to administer an office or an agency for the County, they must then become a County resident. But there's a difference there. I don't know if that addresses what your concerns were. That's my understanding of it.

CHAIRMAN SCHNEIDERMAN:

I'd like to answer too as cosponsor of this resolution. Clearly, in the County Charter, the intent here is to make sure that somebody who is in charge of the parks as Parks Commissioner has an in depth familiarity with County parks. I think that is an important requirement. In this case, where we have a recommended appointee, Ron Foley, who is now acting in that capacity, but not in title, who spent eight years or more in Suffolk County and has a very strong knowledge of the County parks, it's a shame that he couldn't receive that formal title.

There was a point where we could not figure out how to do that, and we looked at this provision which couldn't be waived administratively, so it would have to be changed in the Charter. And that's how -- to me, that's where I supported it in thinking that perhaps we could amend the Charter that it would be more specific than this actual resolution did to guarantee the person did have that familiarity. In this case, he does have the familiarity. So I felt that the Legislative Board in the review process certainly would not pick somebody for a position like this unless the board was comfortable with that person's familiarity with the county park system.

So that's why I supported it. However, there has been a way found for Mr. Foley to act as Commissioner and in fact, is now acting as Commissioner and that was determined in the interim. So I don't quite see the need that I did originally when I sponsored this resolution. But I do look forward to a time when Mr. Foley is serving with the proper title. Okay. I'll go to Legislator Carpenter.

LEG. CARPENTER:

Thank you. I do not see the need for changing the Charter. To me the Charter is something there and has been for many years. And I can't see changing the Charter for one person, and that's what we're being asked to do here. I think Mr. Foley is an incredible candidate. The fact that he had been a resident of this County year ago prior, although it was a number of years ago, he did have some familiarity so that I was very comfortable with him serving in the capacity of the Parks Commissioner. But I think we have a Charter that we have been sworn to uphold. And I for one do not see the need for changing the Charter. He is functioning in the

role. And in ten months or nine months from now when he is here a year, I certainly look forward to seeing him that official, official title.

But everyone knows that he is functioning and acting as the Commissioner, and quite frankly, I don't -- I think that he is probably comfortable with the way things are going. And again, I am a going to repeat, because I think it is something that should not do lightly. I do not think that we should be changing the Charter Law for one person.

LEG. VILORIA-FISHER:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to recognize Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I certainly understand Legislator Carpenter's points. I think they are important that we respect our Charter and abide by the provisions that are set forth in our Charter. However, I do want to revisit some of the points that were made by Legislator Alden, which to me sounded as if we are looking for a consistent pattern. Rather than see this resolution simply as addressing the position of one person, I believe that we should look at it, at this local law, and Charter change as a way of recognizing that right now our Charter doesn't address the administrative positions in a consistent manner. And I believe that's what Legislator Alden -- I don't believe that I'm misspeaking or misinterpreting what you said. We're -- right now it's not consistent. There are Commissioners who don't have the residency requirement. This is the only Commissioner's position that has a residency requirement. So I believe that in order to streamline and make our Charter more consistent, this local law should be adopted.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano is next.

LEG. MONTANO:

Just very briefly, not to belabor the point, but we can't have it both ways. Either we have a Charter provision that we look at seriously and we seek to amend or we seek to leave the way it is, or we seek to find other ways to resolve the issue. It seems that in this case we've chosen

the later, to go ahead and resolve the issue without dealing with the fundamental issue, which is do we need this type of provision in the Charter.

I'll reiterate, it's not person specific. It had to do with whether or not we can go out and get the most qualified person. Mr. Foley is acting as the Commissioner of Parks in an acting capacity, but should he leave tomorrow, then we will be faced with the same issue. So we want to be in a position where we've looked at the issue because it's confronted us and say down the road, yes, we've tackled that issue, we dealt with it objectively. We want to get the most qualified. If that person so comes from Suffolk County, so be it. But if that person happens to come from somewhere else, then look at that and serve the people responsibly. That's why the bill was introduced. And I would then urge my colleagues move on -- we shouldn't be so resistant to change the Charter or any other law that we deem to be antiquated. And this one has in my opinion a basis that it was exclusive at some point as were many of the other positions in other jurisdictions. They've been changed over time because of the advanced technology interaction between governmental agencies. We want to be able reach out and get good people. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Next I have Legislator Alden.

LEG. ALDEN:

I'm going to ask Legislative Counsel also to do one other thing for me. I think a number of years ago they looked at the Charter, and they identified provisions that might be antiquated and might be right for change. So if you could just, not for today, but whichever way this goes, if you could get that information for me too if this was identified. One thing I want to speak on too is I really don't believe that we should be looking all over the world for people to fill positions in Suffolk County. I believe that it's in enough places in the Charter that we wanted to find people from Suffolk County that were qualified.

Now, having said that, I'm not so sure that I agree with a long residency requirement, because if somebody had moved to Suffolk County a week ago, a month ago, six months ago, whatever, and they have the indication that they stay here in Suffolk County, I believe that they should be able to be considered for jobs in Suffolk County. We do have 1.4 million people, and I think we have a lot of talented people. And I think that the Charter really reflects a desire on the people that created the charter to keep those jobs and keep Suffolk County people working.

Having said that, I'd be willing to look at, you know, provisions in the Charter that I don't find any justification for. And when I find something that sticks out like this, if there's only one Commissioner's job that has that one prior residency retirement that kind of sticks out in my mind -- the other I can justify. The other one year requirement, and that's for the County Executive, because that reflects what election law does, but this one doesn't really reflect what we can do with other very important positions; Commission of Health and other people, the Department of Public Works, things of that nature. It also -- this is one of the positions that is approved by the Suffolk County Legislature. So there's a couple of levels of review on who gets this job and why that person would be qualified or not found qualified, so.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Alden. Legislator Cooper is next.

LEG. COOPER:

At this point, all the points that I wanted to make really have been made. I also -- I guess I agree with Legislator Carpenter that we should not lightly pursue a course of revising the Charter, but in this case, since this error was brought to our attention, there's clearly no logical reason for this exception to have been made for the position of Parks Commissioner as has been noted. We have no such requirement for Police Commissioner, Health Commissioner or DPW. I think that for consistency's sake, we should revise the Charter in this case. It really has nothing to do with Ron Foley since he has already assumed this position in an acting capacity. But clearly an error was made. No one seems to know the original reason why the Charter was drafted in this fashion. But I think it's equally clear that it was a mistake. And I think it's our obligation to rectify this error at this time.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

I just want to clarify, I certainly am not resistant to change, but I don't agree that it's an error until we know why the provision was put in place. And I'm sure that there's got to be documentation that shows why this was adopted as a charter -- part of the Charter 20 some odd years ago.

But I can see the justification for why you might want to have the person who assumes the role of Commissioner of Parks to have at least resided in this County a year prior. We've got nearly 46,000 acres of parkland, many structures, historic structures, and to expect someone to come into the position from somewhere outside of this County and not have any familiarity at all with it, I think the Commissioner's position is too important to have it be an on the job training kind of situation where they are first lettering about where Suffolk County, what Suffolk County is, what about our 40,000 acres of parkland, where are they, what park.

I mean, we are such a unique entity. We are so geographically diverse and large and our beaches and our campgrounds and everything that, you know, symbolizes what your parks are all about, I certainly think that, and I'm sure that those that were thinking when they put this Charter provision in felt that the person that assumes this role should have been a resident of this County, should have familiarity with the County. And certainly there are mechanisms to -- I don't want to say get around it -- but live within the letter of the law when a situation presents itself as is did with Mr. Foley who unfortunately decided to leave Suffolk County, but saw the error of his ways and wanted to come home.

CHAIRMAN SCHNEIDERMAN:

I'd like to say something else here. I agree with most of everything my colleague just said. Clearly, this was there to ensure that the person who end up in this position is familiar with the parks. In Mr. Foley's case, who clearly is familiar and lived in the County for quite a number of years, was not living in the County for that one year prior or for several years, but not living in the County for that one year law requires in this case. And you technically can have someone who spent their entire life in Suffolk County but wasn't here for one year prior, then they can't qualify for the position.

The problem I see with amending it in the fashion we have before us is that it's kind of a blanket removal of the retirement and basically takes away the clear intent which is to make sure that person has that familiarity. So maybe we need to relook at this, eliminate the one year prior, but specifically say that that person must demonstrate a strong knowledge of the County parks and have lived within the County for a specific number of years, whatever it may be, but not necessarily one year prior, because that does potentially eliminate some very qualified candidates. As in this case, it does for Mr. Foley.

So as a sponsor, I'd like to recommend tabling this for now so we can look at this a little further

and maybe reintroduce in a way that recognizes the intent of the original Charter so that that is consistent with that. So we have a second on tabling it. All in favor of tabling, aye.

LEG. VILORIA-FISHER:

I'm opposed.

LEG. MONTANO:

I'm opposed.

LEG. ALDEN:

I'm opposed.

LEG. COOPER:

I'm opposed.

CHAIRMAN SCHNEIDERMAN:

Okay. Let me get a count here. We have three opposed to tabling. Tabling fails.

LEG. MONTANO:

Motion to approve.

LEG. VILORIA-FISHER:

Second.

LEG. COOPER:

I also have a question. Who is the sponsor? Is it Legislator Montano?

CHAIRMAN SCHNEIDERMAN:

I'm a cosponsor.

LEG. COOPER:

Cosponsor. Okay. Thank you.

LEG. MONTANO:

I think Viloría-Fisher asked to be a cosponsor.

LEG. COOPER:

And add me to the list as well, please, as cosponsor.

CHAIRMAN SCHNEIDERMAN:

Okay. Based on the comments today, I'm not going to support it in its current form. So we'll have a vote on the resolution. We had a -- was there a motion? Motion to approve by Legislator Montano, a second by Legislator Fisher. All in favor? Let's do it as a roll call. Can we have a roll call.

MS. SULLIVAN:

To make it clear, I have a motion and a second was Montano and Cooper. We'll do the vote now.

CHAIRMAN SCHNEIDERMAN:

The tabling failed. Now there is a motion to approve.

(ROLL CALL BY ALEXANDRA SULLIVAN - DEPUTY CLERK OF THE LEGISLATURE)

MS. SULLIVAN:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

No.

LEG. MONTANO:

Yes, to approve.

LEG. COOPER:

Yes.

CHAIRMAN SCHNEIDERMAN:

I will abstain. I'll change from no to abstention.

LEG. CARPENTER:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Yes.

MS. SULLIVAN:

Four.

CHAIRMAN SCHNEIDERMAN:

So there was four, 4-1-1-2.

LEG. ALDEN:

Yes. Right. 4-1-1-2.

CHAIRMAN SCHNEIDERMAN:

Who were the four in favor?

MS. SULLIVAN:

It's Viloría-Fisher, Montano, Alden and Cooper.

CHAIRMAN SCHNEIDERMAN:

You voted in favor of it?

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Motion fails.

CHAIRMAN SCHNEIDERMAN:

Actually, we have an eight member committee.

LEG. VILORIA-FISHER:

Who is the eight member of the committee?

MS. SULLIVAN:

Right, 4-1-1-2. It's an eight body committee. Right? Two abstain -- I mean two are not here.

CHAIRMAN SCHNEIDERMAN:

O'Leary is not here, and Caracciolo is not here.

LEG. ALDEN:

The motion passes by our rules. As long as you have a quorum to start your meeting, then it's the majority of the quorum, of those present.

CHAIRMAN SCHNEIDERMAN:

We need a clarification on whether it passes or not.

CHAIRMAN SCHNEIDERMAN:

While we wait for an interpretation from our Counsel, let's move on with other business.

1205. Authorizing the use of Smith Point Park property by Mastic Beach Fire Department, Inc. for 4th of July fund drive. (O'LEARY)

LEG. COOPER:

Motion to approve.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Cooper, seconded by Legislator Alden. All in favor? Any Opposed? Resolution **APPROVED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)**

1206. Authorizing the use of Smith Point Park property in 2004 by the Bay Area Civic Association and William Floyd summit for a 5K race. (O'LEARY)

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Carpenter, seconded by Legislator Cooper. All in favor? **APPROVED.**

(VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)

1207. Establishing task force for ATV park use in Suffolk County. (CARACCIOLO)

CHAIRMAN SCHNEIDERMAN:

I'm sorry. We'll hold for one second. Our Counsel has returned with an answer to our question. Thank you.

MS. KNAPP:

Rule 6-B says that each law shall be placed on the agenda for consideration by the full Legislature and shall be eligible for a vote only if it has been discharged by at least a majority of the entire membership of the primary Legislative committee to which it's been assigned with or without recommendation.

CHAIRMAN SCHNEIDERMAN:

Okay. So it does not have the vote then.

MS. KNAPP:

It fails.

CHAIRMAN SCHNEIDERMAN:

It fails.

MS. SULLIVAN:

1203 fails.

LEG. CARPENTER:

For tabling it's just the majority of those present at the committee, correct?

CHAIRMAN SCHNEIDERMAN:

It's too late now to table.

LEG. COOPER:

For tabling, it's just the majority of those present at the committee?

CHAIRMAN SCHNEIDERMAN:

Correct.

MS. KNAPP:

This deals with making it eligible for consideration by the full Legislature. So that I guess we would drop back to Robert's Rules, which would allow for a majority of those present as long as have a quorum.

LEG. ALDEN:

Actually, through the Chair, You have two excused which would technically and legally reduce your committee to six. You absolutely do. You have excused absences.

CHAIRMAN SCHNEIDERMAN:

Now we need an interpretation on that, whether the full committee is minus the two -- I don't know if we need the answer today. I will say, though, as one of the cosponsors originally of this I would like -- assuming that it does not pass, I would be willing to look at it again and rewrite it somewhat so that the intent of the original provision is there and potentially do another public hearing on this.

LEG. VILORIA-FISHER:

Well, it would be good to have an interpretation today regarding the issue of the two excused absences and thereby reconstituting our committee to two less, which would give us a majority and we would be able pass this out of committee.

LEG. CARPENTER:

I don't think the rules of the Legislature even spoke to the authority for an excused absence.

LEG. VILORIA-FISHER:

Well, we'll leave that question to Counsel.

CHAIRMAN SCHNEIDERMAN:

I'm going to have to assume right now that the resolution failed, it did not pass. If we're given another interpretation later on --

LEG. ALDEN:

I'm going to challenge the ruling, because I believe that legally it passed.

CHAIRMAN SCHNEIDERMAN:

You're challenging the ruling of Counsel, I don't know how --

LEG. ALDEN:

No. I'm challenging the ruling of the Chair.

CHAIRMAN SCHNEIDERMAN:

Procedurally, what do you do when somebody challenges the ruling of the Chair?

LEG. VILORIA-FISHER:

Well, based on that, I would like to discharge it without recommendation, based on the challenge to the Chair.

CHAIRMAN SCHNEIDERMAN:

Do we need to vote on the challenge?

LEG. ALDEN:

Well, if you made a ruling, and I believe that our rules provide for a majority of the those present, to either confirm what you made as a ruling or to override your ruling.

CHAIRMAN SCHNEIDERMAN:

Do you need a super majority to override my ruling or a simple majority?

LEG. ALDEN:

It's a simple majority.

CHAIRMAN SCHNEIDERMAN:

All right. Shall we take a vote on overriding my vote?

LEG. ALDEN:

Let Counsel get -- she's going to get Robert's Rules, because where our rules are silent --

CHAIRMAN SCHNEIDERMAN:

Are we going to be in the same position?

LEG. COOPER:

Well, no, because I think a motion to discharge only requires a majority of those present. I think it's only a motion to approve. So if a new motion is on the table, then we might be --

CHAIRMAN SCHNEIDERMAN:

So you're saying the motion to discharge it. What about the motion to overriding my determination? That's not a motion to discharge. Does that require the majority of full committee or those present?

LEG. VILORIA-FISHER:

Those present.

CHAIRMAN SCHNEIDERMAN:

Are you making that up?

LEG. VILORIA-FISHER:

I believe it's Robert's rules, those present.

CHAIRMAN SCHNEIDERMAN:

Can we recess this for a few minutes so that we can get an answer to this? Why don't we take -- we'll finish the rest the agenda. We'll come back to this issue. We are at Resolution 1207. I'd like to make a motion to table 1207.

LEG. MONTANO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Any Opposed? Okay. It's **TABLED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)**

1231. Authorizing Cultural Affairs funding for 2004. (COUNTY EXEC)

LEG. CARPENTER:

Have we got all the back up on that?

CHAIRMAN SCHNEIDERMAN:

I believe so.

LEG. CARPENTER:

I see that there are representatives of the Cultural Arts Advisory Council here. I would like to ask someone to come forward and just review the process and find out the number of if there were agencies that requested funding that were not funded.

CHAIRMAN SCHNEIDERMAN:

Please identify yourself.

MS. STARK:

Michele Isabelle Stark. I'm the program director for Cultural Affairs. And I have with me the Chair of the Citizens Arts Advisory Board John {Corrar} who will speak to any questions regarding funding for individuals organizations.

LEG. CARPENTER:

I just want to comment, I think it's very helpful that you have provided the amount of last year's funding and the difference in what was requested and what's recommended and the difference between, because we haven't always gotten that, and this really does help give us a bird's eye view of where everyone's at. But I'd like to know how many agencies requested funding that were not funded, and if there are any agencies there were funded last year who requested funds this year who were not funded.

MS. STARK:

Yes, there were. I just wanted to point out that we have a number of representatives from the Arts Advisory Board here, and I wanted them recognized; Lillian Barbash, Bradley Bing, Fred {DeFay}, JoAnna Ferraro Levy, Ron {Emulvy}, and Maria Loreta Celitan is here as well.

LEG. VILORIA-FISHER:

Since you've just introduced them, I'd like to thank them for serving. And we know how much time they spend doing this. Thank you.

LEG. CARPENTER:

Absolutely. And this is probably the most difficult task that they're faced with all year, juggling.

MR. (CORRAR):

They were a total of 90 applications received for cultural affairs grants. You have before you recommendations for awarding grants to 77 of those applicants. And that, of course, leaves a total of 13 applicants that the Citizens Advisory Board is recommending that not be funded in 2004. There are a variety of reasons for that. The vast majority of them were technical in nature, that the applications were incomplete or that they had failed to submit complete final reports telling the Citizens Advisory Board and the Cultural Affairs Office what they did with their prior grant funding.

LEG. CARPENTER:

I do see in the backup that they are here, so I thank you for that.

CHAIRMAN SCHNEIDERMAN:

On the list we have in front of us, there's only a handful that are actually funding at lower rates than what their funding request was -- I'm sorry, than what 2003 funding was; The American Concert Band Society. Can you speak for those few as to why they were funded at less than 2003 funding levels.

MR. (CORRAR):

Well, each year, the determination is based on the application that's received and an assessment of the quality of the proposal -- of the project that's proposed for funding. I don't recall offhand the -- all the funding determinations made for every group. So I probably have to confer with my colleagues to give you a more complete answer than that.

CHAIRMAN SCHNEIDERMAN:

Do you know particularly the Opera of the Hamptons, why their funding was eliminated?

MR. (CORRAR):

Yes. I think I can speak with some accuracy on that. They were proposing a grant for a single program, presentation of one opera, one evening to a very limited audience, and it was the

opinion of the CAV that the project was, in the scope of other applications received, did not warrant funding. It's not a commentary on the quality of the organization or its ability to deliver fine programming, it's just the application itself was felt -- it was not appropriate for receipt of support.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Legislator Carpenter, do you have other questions?

LEG. CARPENTER:

Yeah. I was a little disappointed to see that the West Islip Symphony Orchestra requested a modest \$800 increase and they were not granted that, although I see that the vast majority agencies did receive increases, albeit not what they might have wanted, but more than not received and increase and very few were flat from the previous year. So I find that a little bit bothersome to me.

I know personally how the orchestra is struggling. They've reached some road blocks with the school district as far as rehearsal space and having to pay to use school buildings, which I find absolutely incredible. They're trying to provide a services to the community, yet the school districts are charging them to rent auditoriums and rehearsal space. It's absolutely absurd. But, you know, on a personal note, I'm certainly not going to object to the resolution and will support it, because I know that the group has done an incredible job, and I know it's very, very difficult. But I just felt I had to say that. Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other questions from Legislators? Okay. I'll make a motion to adopt.

LEG. VILORIA-FISHER:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? **APPROVED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)**

1232. Authorizing contract with the Friends for Long Island's Heritage to provide interpretive programs in county historic sites.

(COUNTY EXEC)

CHAIRMAN SCHNEIDERMAN:

Is there a motion? Is someone here from the County Executive's Office who can provide some backup to this resolution? Our acting Parks Commissioner, Mr. Foley, if you have some information on this, it would be helpful to the committee.

CHIEF DEPUTY COMMISSIONER FOLEY:

Mr. Chairman, we have a list of programs that this money supports. Shall we make copies for you?

LEG. CARPENTER:

That would be helpful. Mr. Chairman, I think on 1232, since there seems to be a lot of documents and they're going to have to copy it and everything, that perhaps it might be best to -- we've got another committee starting -- to table this resolution, give us a cycle to review it all.

LEG. ALDEN:

I'd like to make the motion.

LEG. CARPENTER:

Yeah. I'll second that.

CHAIRMAN SCHNEIDERMAN:

All in favor of tabling 1232? I'm sorry. Mr. Foley, is this time sensitive?

CHIEF DEPUTY COMMISSIONER FOLEY:

It's not now. The first program that would have functioned with this money has already been postponed. It will become time sensitive as the season goes on. It funds programs in the parks, primarily Deepwells. It's consistent with the distribution of the hotel-motel tax money that's directed by the law.

CHAIRMAN SCHNEIDERMAN:

All right. We do have the information in front of us? There's a motion to table and a second. So let's vote on the tabling.

LEG. VILORIA-FISHER:

On the motion.

CHAIRMAN SCHNEIDERMAN:

I don't think it's necessary -- on the tabling motion.

LEG. VILORIA-FISHER:

Yes, on the tabling motion. Mr. Foley, I do see that there are -- I know that Deepwells is beginning its programs, Sagtikos Manor, isn't that -- aren't those programs beginning, Angie?

CHIEF DEPUTY COMMISSIONER FOLEY:

These are all programs conducted by the Friends.

LEG. CARPENTER:

That has nothing to do with Friends.

CHIEF DEPUTY COMMISSIONER FOLEY:

The first Deepwells program has been postponed because the funding wasn't there.

LEG. VILORIA-FISHER:

Because the funding wasn't there. And I thought I saw Sagtikos here as well. But you said it was postponed because the funding wasn't there?

CHIEF DEPUTY COMMISSIONER FOLEY:

Right. We need this contract approved for the authority to enter into this contract for you to schedule these programs[.|.|.] Tracey has more details if you are interested.

DEPUTY COMMISSIONER SCALA:

The program that was cancelled was at Deepwells. It was the first theatrical program. And we just postponed it because we didn't have the contract in place to authorize Friends to run these programs. We're actually moving the first show until of end of the summer. So we didn't cancel the program, we're just moving it to the end of the summer.

LEG. VILORIA-FISHER:

Okay. Well, because these are well known programs, we're all familiar with them and the

people of Suffolk County are certainly familiar with them and look forward to their production, then I would like to make -- ask my colleagues to support a motion to approve this -- this contract so that it can move forward, and they can have some confidence that they can schedule their programs. People from all over Suffolk County do go to Deepwells and expect these programs to be produced. So I'm making a motion to approve. I know that the motion to table has precedence, but I'm hoping that you will support a motion to approve.

LEG. ALDEN:

On the motion, I have a couple of questions?

LEG. VILORIA-FISHER:

I just need to know, Mr. Chair, if I have a second on the motion to approve, although I know that the tabling motion takes precedent.

LEG. COOPER:

I'll second the motion.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

The tabling motion takes precedence. On the tabling motion, Cameron Alden.

LEG. ALDEN:

Commissioner, could you tell us what the status is on -- there's another contract with Friends, right? And that's to maintain properties throughout Suffolk County. Could you tell us what the status is on that?

CHIEF DEPUTY COMMISSIONER FOLEY:

Well, that contract is in effect. It's undergoing an audit by the County Comptroller's Office. It's independent of this issue. We are in constant conversation with the friends on how they manage those housing rental, housing use agreements.

LEG. ALDEN:

So this is a total of \$130,000 would go to Friends to conduct these programs?

CHIEF DEPUTY COMMISSIONER FOLEY:

Yes.

LEG. ALDEN:

Is there anyone else who conducts programs like this? Did we do an RFP on this or?

CHIEF DEPUTY COMMISSIONER FOLEY:

This is not an RFP. This is really directed by the law that divides up the hotel-motel tax revenues.

LEG. ALDEN:

Well, it doesn't have to go to Friends. It just has to be spent for programs, right?

CHIEF DEPUTY COMMISSIONER FOLEY:

Right. There are two contracts -- well, this would be the third -- with Friends. One is for the Landmark Program, which is the rental properties. The second one is for interpretive programs, and we opt to fund some of those interpretive programs that the Friends conduct with this money.

LEG. ALDEN:

Okay. So right now, there's no other option for this money other than to do these programs by friends?

CHIEF DEPUTY COMMISSIONER FOLEY:

Certainly, it would be wrong to say there is no other option. There is another option. But these things are so well established and attended that it's late now to be going in a different direction.

LEG. ALDEN:

Just to the rest of the members of the committee, I think you and I served on the Parks Committee for a number of years, there's been some questions over the past couple of years as to the upkeep and the repairs that should have been made or might have been made, might not have been made. So, you know, in my mind there's some questions. If this is completely different, and I know it's a completely different contract for a completely different service that they provide us, then fine. But the audit that you do on the other contract might find that, you know, there might be a balance and it's not in favor of Suffolk County.

LEG. VILORIA-FISHER:

Well, that's why when I looked at the backup here, it encouraged me to make a motion to approve rather than to table, because this is so separate and distinct from those rental parcels that were so -- that were called into question last year. And these are very well established and well attended and important pieces. And the public can see through the Deepwells programs how a park's property, historic property, is being used to really benefit the community and really develop a sense of history and cultural heritage in the community. They teas and theatrical productions are very, very, very important. It's not in my district, it's in Lynne Nowick's district, but I support it because it really has such a far reaching --

LEG. ALDEN:

the problem in my mind though arises that there was question about the management of another program.

LEG. VILORIA-FISHER:

That's a different program.

LEG. ALDEN:

But would it be a different manager for this program?

CHIEF DEPUTY COMMISSIONER FOLEY:

If I could once again beg for some time, which I hope to stop doing at some point. We're looking at everything, everything systematic in the organization, including these contracts and how their performance --

LEG. VILORIA-FISHER:

Excuse me. Can you hold that mike a little closer to you. I'm having trouble hearing you.

CHIEF DEPUTY COMMISSIONER FOLEY:

We are examining all the systems of the organization, particularly contract management, not just these, but everything else. We don't believe that there's a problem with this contract in isolation. We think they do a good job. We have pretty good oversight over both the quality of the programs, we know the programs are conducted, we know the attendance is respectable. It's a different category. It's more tangible than the housing and the other parts of the interpretive contract. So I would appeal to the Legislature to let this one go. Give us some time to continue these examinations and come back to you with some recommendations if we

think some changes are needed.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. First of all, the reference to Sagtikos Manor is showing that \$55,000 would be directed towards other historic sites, and Sagtikos Manor is listed as one of those sites.

However, to the best of my knowledge, there are no programs planned that Friends has planned with Sagtikos Manor. I know that they are in the process of trying to assist in securing a grant through the state, but they are also going to be given a fee or a portion of that grant if they are successful.

So my question, and I don't know if Counsel can answer or Budget Review has to answer it or we may have to wait on acting, is that these dollars that come from the hotel-motel tax are specifically -- are supposed to be specifically earmarked for historic preservation. Now some of these items that are being listed, will that fall within the letter of the law as far as using the money for historic preservation?

CHIEF DEPUTY COMMISSIONER FOLEY:

Those specific items for Sagtikos Manor are for promotion of their programs, promotion of the site, tours of the site. If you are asking the question is this improvement of structure --

LEG. CARPENTER:

No. No. No. Your comments about Sagtikos Manor, Friends has not engaged in any formal arrangement with Sagtikos Manor, have they?

CHIEF DEPUTY COMMISSIONER FOLEY:

No.

LEG. CARPENTER:

Okay. So it's a bit of stretch or a supposition on their part that they're going to be coming to Sagtikos Manor to do programs.

CHIEF DEPUTY COMMISSIONER FOLEY:

No. They'll be distributing this money to the people at Sagtikos Manor for those purposes is my understanding.

LEG. CARPENTER:

But it doesn't clearly say that, you know? And that's something we need to know. This money from the hotel-motel tax, it was very clear, it's three quarters of 1%, and 66 and two-thirds of it goes to the designated tourism promotion agency and the remaining one-third is split; one half between cultural arts programs and one half for historic preservation, historic preservation. I don't know if it meant printing of post cards. I don't know if it meant catering. I don't know if it meant -- you know, I'm not saying that those things are bad, because I think it's great when you do the teas and, you know, you have luncheons and dinners or whatever programs are going, it brings people out, they're happy to support, they get to visit the sites.

Those are really wonderful things, but I don't know if legally we can be using that portion of the historic preservation money. To me, I was under the impression and maybe I'm wrong, that that had to go to actually preserving the sites, whether it's replacing the roof on Sagtikos Manor or, you know, repairing something at Deepwells or something that we have coming up at the Scully Estate or any of our other historic sites. I don't think that -- I mean, I have to question that. So I really think -- no, absolutely not.

CHAIRMAN SCHNEIDERMAN:

There's just a question about whether this complies with the law in terms of how these funds should be spent. I think that's a significant question. And this is all on the motion to table. Any other discussion on the motion to table. I mean, I think it's unfortunate.

LEG. VILORIA-FISHER:

It's unfortunate.

CHAIRMAN SCHNEIDERMAN:

But this can possibly be discharged before the main committee if we have that answer before next week. So basically, we need something -- a memo from you, Mr. Foley, showing compliance with the law or from our Counsel, then I think perhaps we can discharge it at the full Legislature next week. And you won't lose any time if that's the case. So we have a -- on the motion to table.

LEG. VILORIA-FISHER:

Can we discharge it without recommendation then pending the information?

LEG. CARPENTER:

No.

CHAIRMAN SCHNEIDERMAN:

Let's vote on the tabling. Okay. We have a motion to table and a second -- by Legislator Carpenter, we had a second by Legislator Alden. All in favor?

LEG. VILORIA-FISHER:

I'm opposed.

LEG. MONTANO:

I'm opposed.

CHAIRMAN SCHNEIDERMAN:

Okay, we have two opposed and four in favor.

LEG. COOPER:

I'm opposed.

CHAIRMAN SCHNEIDERMAN:

Okay. Three opposed and three in favor. It fails.

LEG. ALDEN:

Now you have a motion to approve.

LEG. VILORIA-FISHER:

I'd like to make a motion to discharge without recommendation.

LEG. COOPER:

I second that motion.

CHAIRMAN SCHNEIDERMAN:

Okay. I'll support that too. Okay. So a motion to discharge without recommendation by Legislator Fisher, seconded by Legislator Cooper. All in favor? Any opposed?

LEG. CARPENTER:

Opposed.

LEG. ALDEN:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Two opposed. Okay. So that does pass.

LEG. ALDEN:

Motion does not pass.

LEG. MONTANO:

Does that call into question the same issue we had with the other resolution that if there are only four votes, it does not pass?

LEG. ALDEN:

It's the same exact scenario.

LEG. MONTANO:

I'm asking the question.

CHAIRMAN SCHNEIDERMAN:

Again, we're in the same situation. We have four votes in favor, two against. We have an eight member technical committee with two excused absences.

LEG. COOPER:

Through the Chair, it's my recollection that over the past four years this has come up often. I think historically it's been a majority of the members present. And I thought for discharge without recommendation --

LEG. CARPENTER:

That's actually releasing the resolution from the committee.

CHAIRMAN SCHNEIDERMAN:

This still could be discharged though at the next -- this could be resolved anyway if the information is given to the full Legislature.

LEG. COOPER:

We could do a discharge motion on Tuesday.

CHAIRMAN SCHNEIDERMAN:

That's what I'm saying. We could do a discharge motion on Tuesday.

LEG. COOPER:

I think if we get information and it satisfies our concerns, I'd support the discharge.

CHAIRMAN SCHNEIDERMAN:

Well, we have to go back then to the tabling resolution. So we have to reconsider the resolution, then they can do a motion to table. I don't think you can --

LEG. VILORIA-FISHER:

I was on the prevailing side on the tabling motion, because it failed. So I will make a motion to reconsider.

LEG. CARPENTER:

Second.

CHAIRMAN SCHNEIDERMAN:

Al in favor of reconsidering? Any opposed to reconsidering? Fine. Now we'll -- it's before us again. We need a motion to table.

LEG. VILORIA-FISHER:

I'll make a motion to table.

LEG. CARPENTER:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay. Motion by Legislator Viloría-Fisher, seconded by Legislator Carpenter. All in favor of tabling? Any opposed to tabling. Okay.

It is successfully **TABLED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo)**

LEG. VILORIA-FISHER:

And the Commissioner will bring the backup information that will indicate that this is being used in the appropriate manner.

CHIEF DEPUTY COMMISSIONER FOLEY:

We'll check the lie, as Legislator Carpenter pointed out, to see what the distribution is supposed to be and see whether this presentation matches that. If not, we'll make adjustments.

CHAIRMAN SCHNEIDERMAN:

Now, we have a similar problem on the earlier resolution, Resolution 1203. And I'd like to handle it, if we could in the same manner. So from the prevailing side, which is the side that it did not pass the resolution. So I think, Legislator Carpenter, can you make a motion to reconsider?

LEG. CARPENTER:

Motion to reconsider.

CHAIRMAN SCHNEIDERMAN:

I will second that, and that is now before us once again.

LEG. CARPENTER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table, and I'll second the motion to table. All in favor of tabling 1203? Any opposed? Okay. So **1203** is also **TABLED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)**

TABLED PRIME

1027. Establishing a turf policy for athletic fields in Suffolk County Parks. (BISHOP)

LEG. VILORIA-FISHER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Viloría-Fisher, seconded by Legislator Carpenter. All in favor of tabling, aye? Any Opposed? 1027 is **TABLED. (VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)**

We took 1063 out of order.

LEG. COOPER:

Through the Chair, that was one vote that I missed. I'd like to be recorded with the majority in favor.

LEG. ALDEN:

Motion to reconsider.

CHAIRMAN SCHNEIDERMAN:

So we have to do this as a reconsidering? Okay. Motion to reconsider by Legislator Alden, seconded by Carpenter. All in favor of reconsidering, aye? Any opposed? Okay. It's before us again. Motion to -- who made the motion before?

LEG. VILORIA-FISHER:

Motion to approve 1063.

CHAIRMAN SCHNEIDERMAN:

Okay. The original motion, Sandy?

MS. SULLIVAN:

Was Viloría-Fisher and Alden.

CHAIRMAN SCHNEIDERMAN:

Okay. Let's keep that the same. So we have a motion by Viloría-Fisher, seconded by Legislator

Alden. All in favor, aye? Any Opposed? Okay. So once again, 1063 is passed.

1097. Confirming Commissioner of County Department of Parks, Recreation & Conservation. (COUNTY EXEC).

CHAIRMAN SCHNEIDERMAN:

We cannot do that because -- so there's motion to table 1097. All in favor, aye? **TABLED.**
(VOTE:6-0-0-2) (Not Present; Legis. O'Leary and Legis. Caracciolo.)

Okay. That concludes the meeting. Any other business? No? Motion to adjourn by Legislator Carpenter, seconded by Legislator Cooper. We are adjourned.

(* THE MEETING WAS ADJOURNED AT 1:10 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY