

PARKS AND CULTURAL AFFAIRS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and 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 Wednesday, **October 27, 2004.**

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MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairperson
Legislator Michael Caracciolo • Vice•Chair
Legislator Cameron Alden
Legislator Angie Carpenter
Legislator Vivian Vilorio•Fisher
Legislator Ricardo Montano
Legislator Peter O'Leary
Legislator Jon Cooper

ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Ronald Foley • Chief Deputy Commissioner of Parks
Sean Clancy • Budget Review Office
Charlie Bender • Aide to P.O. Caracappa
Steven Gittelman • Vanderbilt Museum
All other interested parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 11:37 A.M. *)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting to order of Parks and Cultural Affairs this 27th day of October. If you all will rise and join us for the Pledge of Allegiance led by Legislator Caracciolo.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

I expect a fairly brief meeting. I have one card, although it is for a person who is looking to be appointed to the Suffolk County Vanderbilt Museum Commission, that would be Steven Gittelman. And I would just say that we bring him up when we get to that resolution, if that okay with Mr. Gittelman, and I see that it is. Is there anyone else for public portion who wishes to speak to us? Anybody else on other business? Okay. Let me see if the Parks Commissioner wants to approach us on any issue. Commissioner Foley?

COMMISSIONER FOLEY:

No, thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Then we will move right to the agenda.

TABLED RESOLUTIONS

1388•04. To establish Community and Youth Services Program at Sheep Pasture Road in Port Jefferson/Setauket, New York. (VILORIA•FISHER)

CHAIRMAN SCHNEIDERMAN:

Motion by from the sponsor, Viloría•Fisher, Legislator Fisher to table, I'll second. All in favor? So **tabled. (VOTE:8•0•0•0)**

INTRODUCTORY RESOLUTIONS

1892•04. Appoint a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Christopher Drake). (CARACCIOLO)

CHAIRMAN SCHNEIDERMAN:

Is Mr. Drake present? He is not present. I'll make a motion to table, seconded by Legislator Caracciolo. All in favor? Any opposed? So **tabled. (VOTE:8•0•0•0)**

1893•04. Appoint a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Thomas McCaffery). (CARACCIOLO)

CHAIRMAN SCHNEIDERMAN:

Is Mr. McCaffery here? He is. If you will step up to the table, introduce yourself, give us a little bit of your background and why you wish to serve in this capacity.

MR. MCCAFFERY:

Yes. Good morning. My name is Tom McCaffery. I'm a life•long resident from the Town of Southold, born and raised in Mattituck. I went to school for parks and recreation back in the early '90s. I graduated from High Point University with a degree in parks and rec. I currently have been employed since with the Town of Smithtown Parks and Recreation for the last 11 years. I am also a commissioner in my community with the Mattituck Park District. And I'm requesting the appointment to the Parks and Rec Board of Trustees.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracciolo.

LEG. CARACCIOLO:

This appointment comes about by a recent •• well, vacancy, let me just leave it there, okay? And as we can see from Mr. McCaffery's resume, his experience, knowledge, both his academic training and his experience in the Town of Smithtown as the Assistant Superintendent of recreation imminently qualifies him to represent the Town of Southold on the Suffolk County Parks Trustees. So I'll move a motion to approve this resolution.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to approve. Is there a second? Seconded by Legislator Montano. All

in favor? Opposed? Passed and carried. **Approved. (VOTE:8•0•0•0)**

You will go to the full Legislature. Is it necessary for him to appear in front of the full Legislature?

LEG. CARACCIOLO:

No.

CHAIRMAN SCHNEIDERMAN:

No, it wouldn't be necessary to reappear. So that's the next step, it goes to the full Legislature, and then we can say congratulations.

MR. MCCAFFERY:

Thank you.

LEG. CARACCIOLO:

Good luck, Tom.

1896•04. Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law. (SCHNEIDERMAN)

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to approve, it's in my district, a second by Legislator O'Leary. All in favor? Any Opposed? Passed and carried. **Approved. (VOTE:8•0•0•0)**

1931•04. Appoint member to the ATV Task Force. (LOSQUADRO)

LEG. VILORIA•FISHER:

Can we pass over this one?

CHAIRMAN SCHNEIDERMAN:

Okay. There's a request to pass over.

LEG. VILORIA • FISHER:

He is here. I'm sorry.

CHAIRMAN SCHNEIDERMAN:

Okay. Let me see which names are on this resolution. Just give me a moment. Are the individuals here?

LEG. LOSQUADRO:

There's just one.

CHAIRMAN SCHNEIDERMAN:

Is Mr. Casey here? No, he is not? Are you expecting him?

LEG. LOSQUADRO:

Yes, he said he will be here.

CHAIRMAN SCHNEIDERMAN:

We'll pass over it for know. All right. We will move on to 1946.

1946•04. Donation and dedication of certain lands to County parks • a SCDHS Board of Review transfer of development rights. (COUNTY EXEC)

CHAIRMAN SCHNEIDERMAN:

Ms. Fishcer, if you are here, if you want to just quickly tell us what •• what's being donated here as parkland. And this is also asking for a TDR, right, of the rights on the property?

MS. FISHCER:

Good morning. I'm Laretta Fischer with the Suffolk County Planning Department. This resolution is requesting a donation of dedication of land in the Carlls River watershed for TDR credits to be placed on a property in Hauppauge called the Sweetwaters Restaurant. This is an intermunicipal arrangement. In your packet, as part of the resolution, both towns have approved this transfer, and we are requesting that you approve this.

CHAIRMAN SCHNEIDERMAN:

The land that the rights are being taken off, is it already County parkland?

MS. FISHCER:

No.

CHAIRMAN SCHNEIDERMAN:

Oh, it's not. It would become ••

MS. FISHCER:

This is going to be donated to the County as part of the TDR.

CHAIRMAN SCHNEIDERMAN:

I see. So one property would be sterilized and become a County parkland, and the rights upon it would be transferred to this other property in Hauppauge.

MS. FISHCER:

Yes.

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve. Let's get a second, then we'll talk.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Cooper. On the motion.

LEG. ALDEN:

On the motion. How much •• what's the swap thing as far as how much development on the other parcel? Sterilization is a hash word, isn't it?

MS. FISHCER:

Yes, it is.

LEG. ALDEN:

Kind of makes me cringe a little bit.

MS. FISHCER:

I'll try to come up with a better one. The property that we are acquiring •• there's actually three lots along the Carlls River Watershed which includes over half an acre. Those properties and their developments rights will be transferred to the Sweetwaters property in Islip for a restaurant capacity increase. That was part of the Board of Review's requirement for a variance. I don't know •• I'd have to go back and look at the details of that variance as to what the number is.

LEG. ALDEN:

They're in compliance with all the discharge and •• you know, as far as the extra things that they have to do for the Health Department?

MS. FISHCER:

Yes. It received their approval based on this donation.

LEG. ALDEN:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Caracciolo.

LEG. CARACCIOLO:

The transfer of the TDRs are coming from the Town of Babylon?

MS. FISHCER:

Correct.

LEG. CARACCIOLO:

And the Town of Islip?

MS. FISHCER:

Islip will receive them. The Islip parcel will receive them.

LEG. CARACCIOLO:

And looking at the maps, it appears that the transfer sites in Babylon are very densely populated residential streets, unless this is just a paper map.

MS. FISHCER:

Yeah, this is a paper map area. This area is very wet. And portions of it are developed, but the portion •• the area •• the parcels are in the area that we have designated out for acquisition. It's either wetland or buffer wetland area. There is a branch of the Carlls River that flows in a westerly direction in this area south along that large piece that the County owns. There's a portion of wetland that goes into the northern area where this parcel is •• these parcels are. The other parcel is along the northern branch of the Carlls River right adjacent to the Carlls River itself.

LEG. CARACCIOLO:

Okay. The map I'm looking at in schedule B shows one lot, and I'd like to know the size at Hickory Street, adjacent to the County parkland.

MS. FISHCER:

Yes. That's right adjacent. There's other properties we own there, and that's all wet in there.

LEG. CARACCIOLO:

Okay. And the property on Cedar Street?

MS. FISHCER:

The wetland goes up. We have our boundary going up to Jefferson in that area.

LEG. CARACCIOLO:

Up the way up to Jefferson?

MS. FISHCER:

Yes.

LEG. CARACCIOLO:

So everything that's shown here as residential lots don't exist.

MS. FISHCER:

There are some areas to the west and to the east that are developed, but this area in particular right in the center is where the wetlands are, and they have not have extensive development in there. That's why we earmarked that area to be acquired.

LEG. CARACCIOLO:

So they cannot be developed.

MS. FISHCER:

I don't know that for sure whether this was a developable lot, a wetland wet lot, I don't know how much of the lot was wetland. I don't know what the determination was.

LEG. CARACCIOLO:

Under which TDR program is this permitted?

MS. FISHCER:

This is under the Health Department Board of Review Program where an individual who needs more land area or gallons per day for their commercial establishment are requested to offset that need in a property to be sterilized, quote, unquote. How they sterilize that can be dedicated to the town, the County, an adjacent owner, as long as in the deed the restriction is applied and the credits are then transferred to the other property indicating that the property no longer can be developed on, whether we acquire it or not. We do recommend in areas that we've been trying to amass properties, that the Health Department does recommend that they contact the Planning Department, and we in turn review it and assess whether this would be a property that would add to our holdings in an area that we have already had parkland acquisitions in.

LEG. CARACCIOLO:

Is it the goal and objective of the Health Department TDR Program to transfer TDRs from other parcels that are developable to another?

MS. FISHCER:

Yes, it can be. Yes.

LEG. CARACCIOLO:

Okay. But it's not limited or exclusive?

MS. FISHCER:

No.

LEG. CARACCIOLO:

Because this is wetland. I'm trying to say, what would these owners be able to discharge on these properties if they're wetlands and you can never develop them?

MS. FISHCER:

Correct.

LEG. CARACCIOLO:

So where's the net gain for the public?

MS. FISHCER:

Well, that's a Health Department issue. I can't speak on their behalf as to what their requirements are when these proposals come before the Board of Review.

LEG. CARACCIOLO:

I'd like to make a motion to table, Mr. Chairman, and get the Health Department here to explain how this program works, because I don't see any urgency, I mean, unless you are familiar or Counsel or somebody else if familiar with how that program works.

CHAIRMAN SCHNEIDERMAN:

I'm little bit familiar with this. I think it's important particularly with a bond coming up next week that deals with TDRs that the record is really clear about how the program works, because I think there's this sense out there in the public that somehow the County can transfer density or development rights from one piece to another and suddenly make lots of housing appear somewhere where it might not otherwise occur, and that is not at all how the program works.

This is really •• it's a sanitary offset. And it's really the town that set how many units can happen at a particular site, but sometimes they can't do it. Even though the town says you can build six units an acre on a particular site, you can't do it because the County says only four. So you need somewhere to get those extra two. And those sanitary credits could be transferred under the County program.

What is happening in this case is exactly that, where somebody for their expansion of their business needs to get from the County the right to transfer sanitary credits. And they're extinguishing a parcel to make that happen. It's really •• as Ms. Fishcer said, it's really the Health Department that sets these regulations as to how many units per acre in a particular hydrological zone is acceptable, and it largely goes back to the 208 Study. And, you know, that's being reviewed again. I think there may be some changes in the future as to what is appropriate based on, you know, the Pine Barrens being preserved and a lot of land being preserved and other science that may come into the discussion. But I'm hoping that •• Laurreta, please correct me if I'm saying anything that's incorrect, hopefully that will swage any fears that you may have, Mr. Caracciolo.

MS. FISHCER:

I also have a copy of the findings and recommendations of the Board of Review on this property if you wish to see them and read them.

LEG. CARACCIOLO:

I'd appreciate it.

MS. FISHCER:

Sure.

LEG. VILORIA • FISHER:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

The Chair recognizes Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

Further explanation with regard the TDR Program, this is a little bit unusual because the sending and receiving parcels are in different towns. And we have in the backup the resolutions of the two different towns, and it seems that •• that it was a mutually beneficial sending and receiving arrangement, whereas Babylon Town supported it because it's in a wetlands that they want to have the assurance that it will be protected. And in Islip Town, in Schedule D, in part of Schedule D, you see that Islip Town is willing to be the receiving end possibly because it's an existing business that's a viable business, and probably would •• the town economically would benefit from the viability of this •• of this business, which is an appropriate location. You know where Sweetwaters is, as you go south on 111 from here.

So it would seem to be an appropriate place to place these credits. And the Town Board both voted on this. And that's exactly what TDRs are meant to do, which is allow density where it's appropriate and to disallow it or prohibit it or preserve land where there would be inappropriate development. And so I think that this really is going with the spirit of the •• of the program. Lauretta, is that it in a nutshell?

MS. FISHCER:

That's correct. Yes. If I may state one •• one of the finding and facts is that the proposed sending lots appear to be three buildable lots in Groundwater Management Zone VII. Although Zone VII •• although in Zone VII, the parcels are just south of the border within Zone I. The properties are part of the Carlls River Greenbelt. And Suffolk County Planning has forwarded a memo supporting such transfer. Twelve, the applicant has initiated contact with the towns to ascertain their acceptance. And 13, of the three lots, one does not conform to local zoning and would not qualify for a full 300 gallon density credit, but would qualify for partial credit.

LEG. VILORIA • FISHER:

Thank you.

LEG. ALDEN:

Mr. Chairman, am I up?

CHAIRMAN SCHNEIDERMAN:

Yes. We have Legislator Alden.

LEG. ALDEN:

In a way I'm going to agree with Legislator Caracciolo. I think it would be beneficial if the

Health Department actually gave us a little bit of a presentation because I have •• there's a couple of other issues too with our Health Department that I'd like to explore, whether they come down here or if this gets discharged today, if they come down to the full session and be fully prepared to talk about this program. But also, I'm going to put two other things out there, that if we have them to this committee or if we have them to the full Legislative body, I think they have to talk about, in Suffolk County, if you go and get your building permit through the Town of Islip or any of the towns, and you are going to add a bedroom to your house, you have to go before the Suffolk County Health Department. They don't do an inspection, but they have a fee that you have to pay and a long process, and in some instances it can be a year or more. So that's one thing I'd like to look at.

But the other thing is if you have three substandard lots in Suffolk County, you're put into a different category and you actually have to come forward with a new master plan, so to speak, before the Suffolk County Health Department will go and look at those three building lots. They can be scattered anywhere in Suffolk County. You could have one in Babylon, one in Huntington, and one over in Brookhaven, and Suffolk County puts you into a different category. I went to the last Health Committee Meeting and did bring that up, but I never got an answer from the Commissioner.

CHAIRMAN SCHNEIDERMAN:

Okay. There has been a motion to table unless the sponsor is withdrawing that.

LEG. ALDEN:

I would recommend to withdraw it and put it out there.

LEG. CARACCILO:

Yeah. I'll make a motion to discharge without recommendation.

CHAIRMAN SCHNEIDERMAN:

So he's withdrawing the motion to table. There's a motion to discharge without recommendation, second. All in favor, aye? Ms. Fishcer, if I could just ask that when this does hit the floor of the Legislature that a representative from the Health Department is there to further explain this.

MS. FISHCER:

Sure.

LEG. VILORIA • FISHER:

And, Mr. Chair, I'm sorry, could I just add one more thing?

CHAIRMAN SCHNEIDERMAN:

Yes. Legislator Fisher.

LEG. VILORIA • FISHER:

I'm not •• I think that someone was having a side•bar conversation with you, and there was something very important that was presented by Ms. Fischer which answered one of the concerns that Legislator Caracciolo had mentioned, which is what is the benefit to the County, and that is that she did say that these are buildable lots or partially buildable.

LEG. CARACCIOLO:

Two were, and one was partial.

LEG. VILORIA • FISHER:

So they would have been buildable lots. So we do have that net •• the sterilizing of a sensitive area that would have been buildable because they were outside of the primary zone; is that correct, Ms. Fischer?

MS. FISHCER:

Yes.

LEG. VILORIA • FISHER:

So that's an important answer to the question that Legislator Caracciolo had. So there is a net benefit to our environmental health here in Suffolk County.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Vilorina•Fisher.

LEG. ALDEN:

Through the Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

Maybe it would be appropriate if •• again, it's through the Chair, if we talked to Ben, and maybe Ben can brief the people from the Health Department, whoever would have to be there to answer, like, the two issues I raised.

CHAIRMAN SCHNEIDERMAN:

I think I've already asked Ms. Fischer to make sure that the Health Department is there, and I'm sure Mr. Zwirn heard that. So, you know, if they're not and it can't be explained, this bill has a good chance of being tabled on the floor. Okay. Let's continue on. That was **discharged without recommendation. (VOTE:8•0•0•0)**

1980•04. Appoint members to the ATV Task Force (slots 7 and 11• William Patterson and Stephen Laton)

CHAIRMAN SCHNEIDERMAN:

I have received word that Mr. Laton will not be able to serve, at least temporarily, so I'm going to make a motion to table 1980.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Cooper. All in favor of tabling? Any Opposed? 1980 is **tabled. (VOTE:8•0•0•0)**

1988•04. Appoint a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Gary Olsen). (VILORIA•FISHER)

CHAIRMAN SCHNEIDERMAN:

Is Mr. Olsen here?

LEG. VILORIA • FISHER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Carpenter, seconded by Legislator Viloría•Fisher. All in favor? Any Opposed? So **tabled. (VOTE:8•0•0•0)**

1990•04. Reappointing Steven H. Gittelman, Ph.D., as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 11). (PRESIDING OFFICER).

CHAIRMAN SCHNEIDERMAN:

Mr. Gittelman is here, if he'll step forward. Mr. Gittelman, I understand you are already serving. So if you could just introduce yourself to those who don't know you and give us a little bit of your background and why you wish to continue to serve in that capacity.

MR. GITTELMAN:

I've provided by resume, as I believe, is traditional.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MR. GITTELMAN:

The first thing I would say is that I do not view serving on the Suffolk County Vanderbilt Museum Board as a right, I view it as a privilege. And I have been serving for 15 years. And I wanted to just share with you a few of the reasons why I'm here to ask you to reappoint me. Perhaps the most recent one was when I went to a book signing a week ago, a week ago today, and a fellow named Al _Vallachi_ had written a book on Motor Parkway and in particular, Mr. _Vallaci's_ book is called "The Toll Lodges of the Long Island Motor Parkway, Their Gatekeeper's Lives." And I know that Mr. _Vallachi_ has haunted the archives of the museum for the past six years. And I always hear, oh, Al is here, Al is here. And in the preface of his book, he mentions that in 1938, Mr. Vanderbilt collected the records of the Motor Parkway now that had been closed and brought them back to his estate at Eagle's Nest. And they were in a state of disarray, and for 60 years they stayed in that state of disarray.

Then in 1998, the museum received a grant to work on and put in order those records. And

that it was the availability of those records that it made it possibly for him to write the book. That is one of the key components that museums are about. They are not just for the showing of objects, they are not just for the visiting. They are supposed to serve as repositories of information and as resources. But in order to be in that condition, they must reach a level of stability where the staff turns in on itself and says, are our collections usable. And never before where our collections in a state of such usability so that Mr. _Vallachi_ could write his book.

Tomorrow night I'm going to another lecture. The fellow who is giving that lecture is writing another book. That book will be about the races, The Vanderbilt Cup Races. His records are also coming from the museum archives, which are in a condition that he can go and say, I want to see file number such and such, after having looked at the records, and there they are, these rare unequaled records. I know of at least two more books in process. I speak to you in a moment of emotion and pride and say that it's stability and dedication that brings an institution to a level where it is truly a resource to the community at all levels.

CHAIRMAN SCHNEIDERMAN:

Thank you, Dr. Gittelman. We have a couple of questions. I have a list here.

MR. GITTELMAN:

You know, I wasn't done, but that's okay.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. You know, I saw you take that breath, and I jumped right in. If you want to ••

MR. GITTELMAN:

So apparently, I have used up a reasonable amount of time.

CHAIRMAN SCHNEIDERMAN:

Let's go to Legislator Alden.

LEG. ALDEN:

I've been going to the museum since nineteen •• early '60s, I guess, and it's never been in a better condition that it is right now. And I think you have a bunch of people to thank, but, you know, due mainly to one man's efforts, and I really want to thank you for what you have done, I think, with a gem that Suffolk County owns. I attended •• I usually attend two to four

meetings a year. And I like the way you run the meetings. It's very concise, to the point, but it's also very, very technically oriented too. For instance, somebody •• and I don't understand about this stuff about adeem and things like that, and maybe I'm using the wrong term there, but somebody tried to donate something to the museum, and I guess everybody wanted it, but Dr. Gittelman said that, you know, we haven't seen it. You know, our procedure is that you look at it, you know, then everybody can vote on something that they've actually seen. So we have to follow procedures. Even though it was a very valuable gift, it seemed like, a very valuable piece of history to the museum, Dr. Gittelman resisted the temptation to break from tradition and break from his own procedures and actually said, no, we're going to put this off one meeting until everybody on the board has a chance to look at it. And that impressed me that you would actually have, you know, like, and exhibit that kind of restraint to do things in a proper manner. So every time I've gone to the meetings I've been impressed. You know, that's been the norm rather than an exception to the rule. So I wholeheartedly endorse you for reappointment.

MR. GITTELMAN:

Thank you for that. I would just answer that accessioning an item would put an item underneath the responsibility of the institution forever is a very •• if you will, sanguineous •• very holy responsibility. We can't take it lightly. We take on that responsibility until the museum isn't there anymore, so, yes, there is a process and there is a procedure, and despite the fact that there were some very annoyed trustees, I stuck to it.

CHAIRMAN SCHNEIDERMAN:

So, in other words, like, some artifacts might require certain controlled humidity type of conditions that you might not have or might be better served by a different facility?

MR. GITTELMAN:

Absolutely. And we just cannot take that responsibility lightly. There are items we can take into our collections, but accessioning them is a different story.

CHAIRMAN SCHNEIDERMAN:

We have several other questions or comments. Legislator Cooper is next on my list.

LEG. COOPER:

I actually had a mix of both comments and questions. First of all, for the record, I cannot think of a more articulate and dedicated advocate for the Vanderbilt Museum than Dr. Gittelman. It's my great pleasure to have gotten to know you better, Steve, over the years. And I wanted to thank you sincerely for your passion and your vision and what you bring to the table. But I did want to ask you, if you could •• setting aside money for a moment, assuming that you can have any wish granted and money was no object, what would your vision be for the museum over the next three, four, five years? What would you like to see accomplished, something that's maybe on the drawing board? What do you think is the most important thing that can be done at this point.

MR. GITTELMAN:

There are museums that fail, there are museums who rely too heavily on their endowments, there are museums that don't get repeat visitorship. It is necessary to have one of two elements; either a critical mass, which just warrants repeat visitorship or changing exhibit that warrant repeat visitorship. The museum currently does not have a venue, a building, a space to have change exhibits. And the museum would achieve critical mass if it had its waterfront. So the project, my dream project, that I would like to stick with until it happens, is that the museum finishes the waterfront, the seaplane hangar, the boardwalk, it becomes finished, so that we have a waterfront destination that goes over the top so that there's a reason to go back every Sunday, there is a reason to go back on any nice day, not just when the school bus pulls up. And that would be my dream so that we could grow our revenues and grow how we service the community. And I thank you for that question and your comments.

LEG. COOPER:

And, Steve, for those committee members that may not have either been to the museum or at least have not toured the waterfront, could you take a moment to just describe in a little more detail just what this project would entail?

MR. GITTELMAN:

There is •• if you think •• there is a mansion. And when you go down to waterfront, there's 1500 feet of the most prime waterfront overlooking Northport Harbor. At one end of the waterfront is a magnificent boathouse that only a Vanderbilt could build. From the boathouse there is a seawall and a beach to a seaplane hangar, which was an important component in Mr. Vanderbilt's later life. The seaplane hangar, boathouse are current projects, the waterfront,

these are all projects in various stages of approval from the County. South of the seaplane hangar is 800 feet of seawall, which we built in an unusual matter. We built it so that it was away from the hill behind it, back-filled it with sand. So what we have there already is 800 feet of boardwalk, if you will, without the boards, we'll call it a sandwalk, an elevated protected walk that literally goes down and overviews Northport Harbor.

So a big piece of this already funded. What we need is the flow of the money. What we need is movement on the projects. These are not •• this is not a plea for additional appropriations. This project will do two things. One, it will bring water traffic to the museum. In other words, it will be a destination from Connecticut and from every other North Shore harbor anywhere in the Sound. It will be a prime destination. Because where can you go and then go to a fine museum?

The boardwalk itself and the seaplane hangar will serve as venue for those temporary exhibits that I feel are so appropriate for giving you a reason to come back. If we have families coming back, our revenues will improve. Right now we have no place to change programming that would equal the boardwalk, the waterfront. We have no place to have, for example, a temporary exhibit, and that's critical. So that would be the vision, and I hope to see it some day.

CHAIRMAN SCHNEIDERMAN:

The East End Legislators want to know if we'll get use of the seaplane to go back and forth to the museum.

MR. GITTELMAN:

Actually, there's a ramp that goes into the seaplane. The seaplane hangar sounds mundane, but it is colossal. And not only is it a seaplane hangar, but the entire front wall is made of glass. So you have to see it.

CHAIRMAN SCHNEIDERMAN:

It sounds like you have a great vision for the future of the museum. We still have other comments. Based on the constant stream of accolades you're receiving, it's hard to imagine that you won't get past this committee. So we will move to Legislator Caracciolo.

LEG. CARACCIOLO:

Steve, let me enthusiastically lend my support to your renomination. I can remember when •• you said 15 years ago, and that was shortly after I became a Legislator, and I can remember the wars, literally the wars, the fights and everything that was taking place on the board at that time. We had numerous turnover of members of that board. And to the credit of a lot of people, and many of whom were Legislators who rolled up their sleeves and really went out in their own districts and provided volunteers to serve on the board, we have made a difference, and it's really under your leadership. Would I be incorrect, you probably are the longest tenured member?

MR. GITTELMAN:

There is one member who has one month more than me.

LEG. CARACCIOLO:

I share the accolades, if you want to call it that, that Legislator Cooper made about the transformation of the fiscal plant at the museum, but more importantly the management. We had a director that we had to fire, and there were a lot of contentions issues that you have, you know, navigated us through, and it has made a tremendous difference. So as I said, enthusiastically I support your renomination. But on a more practical note, because we are going into the County's Operating Budget, I note that the Budget Review Office has raised some concerns about the endowment. And through no fault of the board or anyone else at the museum, you have experienced what a lot of private institutions, including colleges and universities and their endowments have experienced, changes in the market place that have resulted in significant sums of money, less money available for the endowment. Where do you see that situation and do you see it stabilizing, and if so, how?

MR. GITTELMAN:

Well, the best performance is past performance. This year •• one of the things that happens when you reach a stage of credibility is that when you submit a grant proposal, you're more credible. You have more grants that you have been given, you have program that you have achieved. And not only did we get the grant in 1998 to reorganize the records, but in 2004, we received a grant of \$145,000 from the •• from IMS, the Institute of Museum Sciences. And this is one of the most prestigious grants given anywhere in the United States. There's only 20 •• it's a federal grant, I believe there were only 20 recipients. And this money, \$145,000, is for the purpose of helping us restore the habitat that's below the museum.

Now we also are receiving annual installments from Mr. Rogers. The Board of Trustees has raised money. So we have raised, plus or minus, \$300,000. There was one year where we had a \$300,000 contribution. So I would say this was our second best year in terms of raising money. Now, no, it all doesn't go to operations. Some of that goes toward •• you know is targeted money. But we are raising money. And that would be my best defense, that we are raising money.

The second thing is we have a superb record in the past ten years of setting objectives in terms of long range plans. And we sat down •• and I should have brought it with me, but we sat down and looked at the past two long range plans where plus or minus, we had 99% completion. It was not that we set plans that seemed easily achieved, we set plans that we thought we would never achieve. And yet, we did. And then we had long lists of things that went beyond those plans.

So one of the things that happens is that when you achieve the mass and the success rate we have, for example, today is 100th Anniversary of the New York City Subway System, and I am not here to celebrate that, but I am glad for New York City that it has the cultural mass and that the subway system has the ability to draw the attention. But I challenge them to get eight pages in Newsday like we did for the Vanderbilt Cup Race, which for all intents and purposes was almost an unknown event. And it was because the museum went out and promoted the Vanderbilt Cup event. Well, of course, that makes the museum better known, makes it a better institution in terms of the public awareness of what Willie K did. And we hope that we'll get better attendance and more revenues. And that's the kind of answer I have to give you for the time being.

LEG. CARACCIOLO:

Okay. The Budget Review Office makes a recommendation that the 2004 and five financial plan for the institution be provided to them or to the Legislature. Is it the Board's intention to do that?

MR. GITTELMAN:

We always do that. Maybe I'm confusing •• we always give our budget in, it's part of the County's budget.

LEG. CARACCIOLO:

No. I think •• I think specifically what they're looking for •• let me look right at their recommendation.

MR. GITTELMAN:

Let me inject this, that if they're asking, we're going to give it. Now what was the question?

LEG. CARACCIOLO:

Okay. Specifically, how are you going to deal with the projected deficits? Just •• we don't need to discuss that today.

MR. GITTELMAN:

Okay. Thank you for letting me off the hook.

LEG. CARACCIOLO:

That's really not the purview of this committee. We're here to determine and ••

CHAIRMAN SCHNEIDERMAN:

To reappoint or not.

LEG. CARACCIOLO:

Exactly, which I'm confident you will be. But separately, if you want to, you know, contact my office with a memo addressing that issue, I'd appreciate it.

MR. GITTELMAN:

Certainly.

CHAIRMAN SCHNEIDERMAN:

I'm going to move on to Legislators Vitoria•Fisher.

LEG. VILORIA • FISHER:

Hi, Steve, thanks for being here. I know the real reason why you want reappointment, you don't want to give up that gig as the gardner.

MR. GITTELMAN:

That's right.

LEG. VILORIA • FISHER:

But seriously, some of my questions were going to be directed to the types of questions that Legislator Caracciolo was approaching. And with regard the endowment, I know that you had looked at a different •• as you remember, I was the Legislator who was here during that very critical transitional period, so I did a lot of very close work with museum, I worked a lot with Lance Mallamo. And I believe the way you are accessing the money from the endowment is a little bit different now, isn't it, that reconfiguration has been done?

MR. GITTELMAN:

The historic argument on the endowment is the phrase that we shall not invade the principal. According to various bodies of law, the principle is defined as the original contribution. For whatever reason, the \$8 million original contribution has been ignored in calculating the ability to give the museum the money. And what has crept in in the past that has been changed is that the growth of the principle be counted as principle, which is not appropriate in terms of New York Education Law.

I will never say to you that using any of the endowment is something that we wouldn't like to grow away from, and we have a plan for doing that. But there is no known reason why the continued support of a museum through the endowment cannot be continued. The crisis ••

LEG. VILORIA • FISHER:

And that's without actually diminishing the principle.

MR. GITTELMAN:

The principle, right. The crisis arose, most poignantly, by my suggestion, it's a funny thing how things come back to haunt you, many years ago, I don't know how many years ago, Kevin Rooney and I •• he was a trustee at the time •• we advocated that there would be a possible drop in interest rates and a possible growth in equities. And instead of leaving 90% of the endowment in •• in bonds, we recommended a balanced portfolio or that the Legislature through their investment counsel look at the concept of a balanced portfolio. Up until that date, irrespective of what the interest was, all of interest went to the museum. So when the interest rates were 14% and the endowment was 12 million, museum received \$1.7 million. Well, it's

whole budget was \$1.7 million. That made for easy work for a museum that was only open half the year.

But what we were saying was that •• is that is typical portfolio would be invested in a mix of equities and bonds. You can look at that logic and criticize it, but that's what we said. And the Legislature agreed. But immediately that meant that the percentage •• the amount interest yield in the endowment was cut in half. And since the income to the museum was always defined as the interest yield from the portfolio, our income was cut in half. Well, we didn't think that that was going to be the case, so we came back and argued, well, you'll have to fix our income at our need level, which has been between one an 1.2 million •• over, I think, an eight or nine year span, it's gone to 1.2 million from an original one million. And what we're basically saying is that you can't just give us the interest on the bonds. You have to give us a piece of the growth. Now, the endowment, as of today, plus or minus, is 1.25 million. And there is no •• you know, you'll have to excuse me, because I don't wish to step on anybody's toes, but there is no legal requirement anywhere that we cannot draw from the endowment down to eight million.

Now we don't want to have the endowment shrink. We have a plan. And when the plan •• what you're essentially doing is helping the museum reach the plan. It's like we are investing in the future. And when we are finished with the projects, we are going to move away from that endowment. And we've been successful in our plans. And I hope that you have confidence in our plan.

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Dr. Gittelman, we're going to need to move on. This is a very important conversation, particularly for you as Chair of the Committee there that maybe we need to continue this at some point in front of this committee, but really today's purpose is to decide whether you will continue to serve on the committee. It's quite clear, so what I'd like to do is call the vote. I do need a motion and a second. We have a motion by Legislator Caracciolo, seconded by Legislator Carpenter. All in favor, aye? Any opposed? Okay. Congratulations. **APPROVED.**

(VOTE:8•0•0•0).

DR. GITTELMAN:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you for coming. Thank you for your service. It's really nice to hear you. You are new to me, and I look forward to actually paying a visit. Hopefully, I'll set something up with the Parks Commissioner. I have been there, to the museum, but not in this official capacity. I would like to go and see some of the things that you are talking about.

MR. GITTELMAN:

By the way, we come up for reaccreditation on Monday.

LEG. CARPENTER:

Good luck.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

I just want to make one comment, and I want to thank the Chairman for remembering to thank you for your service, because I think sometimes we are negligent to do that. We see trustees when they come up for appointment or reappointment, and we forget that they're out there doing this work and volunteering. So I will echo his comments and thank you for your dedication, your volunteer service, and your passion about the museum.

MR. GITTELMAN:

Angie, without something said by you, it wouldn't be complete. Angie was one of my colleges on the board and a terrific trustee.

1931•04. Appoint member to the ATV Task Force. (LOSQUADRO)

CHAIRMAN SCHNEIDERMAN:

One last resolution we're returning now to 1931. I understand Mr. Casey is here, so Mr. Casey

if you will step forward to the table or podium and briefly give us your background and tell us why you wish to serve in this capacity.

MR. CASEY:

First of all, thank you for allowing me to come in here a bit late. And I apologize for appearing in my grubbies, you may know I was out leading a Greenbelt trail hike this morning, which is why I was just able to get here at noon. I am vice president of the Long Island Greenbelt Trail Conference. I've been with them for close to 25 years now. I've edited their newsletter for 21. I'm president of the Walt Whitman Birth Place Association, secretary of the West Sayville Civic Association. Nancy Manfredonia, the president of the Greenbelt gave me a refrigerator magnet that said, "Stop Me From Volunteering for Anything Else," but so far I haven't had enough sense to follow the advice.

I've been walking the woods of Long Island for a quarter of a century, and in fact •• more than that. In fact, the first place I started was right in your backyard here in Blydenburgh Park. And in that time, I have become quite familiar with what motor bikes and ATVs do out there in the woods. I just •• when Legislator Losquadro called me and asked if I would serve on the committee, I said I'd be happy to, because this is definitely a problem that needs some kind of solution.

CHAIRMAN SCHNEIDERMAN:

We have several people who want to speak. I have one question, I guess, for Counsel, because when we set up the ATV Task Force, we set it up statutorily to have members serving from different •• in different capacities, and there was a member from the Greenbelt.

LEG. LOSQUADRO:

I can address that.

CHAIRMAN SCHNEIDERMAN:

We've already appointed somebody from that •• for that slot. Let me recognize Legislator Losquadro who is not typically on this committee but is the sponsor of the resolution.

LEG. LOSQUADRO:

I appreciate you recognizing me and allowing me to take part on this committee. If I pick up

one more, I can be on every one.

CHAIRMAN SCHNEIDERMAN:

We'll have to stop you from volunteering too.

LEG. LOSQUADRO:

Yes. Yes, the intent of the legislation, which I helped craft was to have those specific representations, and I had been searching for representatives from the environmental community. And I spoke to Mr. Casey, he had agreed to take part in this. Legislator Caracciolo filed a bill which added two additional members to the task force, which did not have to fill a specific slot on the current makeup of the task force. I don't know •• I was not in favor of that resolution, it passed. Legislator Caracciolo had not conferred with me and he did not know that one of my selections was from the Greenbelt Trails Conference to fill that slot.

He had also made a pick, which obviously someone, again, with wonderful environmental credentials, someone from the Greenbelt Trails Conference. I don't see this harming the makeup of the board in any way. If anything, we will just have an additional environmental perspective. So as I said to Mr. Casey out in the audience, thank you, obviously we know you have a volunteering addiction. I said we do this •• we willing subject ourselves to this everyday. Thank you. You know, we're very fond of creating task forces here in the Legislature. And if it weren't for people like yourself or people like Mr. Gittelman who are out there willing to step up and do the things to help better the environment and their community, you know, the best laid plans would really all be for not. So again, thank you for agreeing to step up and serve in this capacity. And that was the intent of this legislation, is to try to address 30 years of failed enforcement and try to find a new creative solution to this problem, which has only gotten worse. So again, thank you, Mr. Chairman, for recognizing me.

CHAIRMAN SCHNEIDERMAN:

So the answer to my question is, yes, there is a slot available.

LEG. LOSQUADRO:

Which must be filled as by the resolution.

CHAIRMAN SCHNEIDERMAN:

I would ask you though since you do have this volunteering addiction, do you have the time to

devote to this committee?

MR. CASEY:

Actually, yes. I'm retired so I spend most of my life going to meetings.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

Mine is just a quick question. Do you believe in capital punishment as an appropriate method for people that operate ATVs on County Parkland?

MR. CASEY:

I've heard piano wires suggested, but no.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Mr. Casey, are you aware George Fernandez will also be on this task force?

MR. CASEY:

I wasn't until this moment.

LEG. CARACCIOLO:

George is a colleague of yours?

MR. CASEY:

Yes. He was on the Greenbelt Board previously, and I know him well from maintaining trails in the Pine Barrens.

LEG. CARACCIOLO:

I know when his appointment was advanced by myself, Legislator Alden raised a very valid issue and that was, was his appointment sanctioned by the Greenbelt Conference. And we'd correspondence to that effect. This appointment •• is this •• just which category is this?

LEG. LOSQUADRO:

This is from a widely recognized environmental group, which obviously the Greenbelt Trail Conference is.

LEG. CARACCIOLO:

And I would just note for my colleague that I don't have an obligation to confer with anybody about an appointment, neither do you. And I think we've selected two very fine appointments. Thank you, Mr. Casey.

MR. CASEY:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Any other Legislators have questions or comments? Okay. Thank you, Mr. Casey. There's a motion to approved from Legislator Caracciolo, seconded by Legislator Cooper. All in favor? Opposed? **Approved. (VOTE:8•0•0•0)**

That concludes our agenda. We are adjourned.

(* THE MEETING WAS ADJOURNED AT 12:32 P.M.*)

_ _ **DENOTES BEING SPELLED PHONETICALLY**