

**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, **December 15, 2004**.

**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

Ben Zwirn • County Executive's Office

Sean Clancy • Budget Review Office

Charlie Bender • Aide to P.O. Caracappa

Steve Gittelman • Vanderbilt Museum

Lance Mallamo • Vanderbilt Museum

Kenneth Kindler

All other interested parties

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**MINUTES TAKEN BY:**

Donna Catalano • Court Stenographer

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

**CHAIRMAN SCHNEIDERMAN:**

Okay. I'd like to call the meeting of the Parks and Cultural affairs Committee to order. If you all will rise and join us for the Pledge of Allegiance led by Presiding Officer Carpenter •• Deputy Presiding Officer.

### **SALUTATION**

**CHAIRMAN SCHNEIDERMAN:**

I'd like to start our by calling our Parks Commissioner forward to address any questions. I think he may have some comments on some of the legislation before us today. Commissioner Foley, if you will step to the table so you can address any bills or questions.

**COMMISSIONER FOLEY:**

Good morning. I would like to clarify a little bit the resolution on rental housing. We've recommended some revisions to the 2002 legislation, more intended to streamline the process than to remove any approval authority from anyone. We talked to our Board of Trustees, that 2002 legislation has not been implemented since it was passed. We think it's our obligation to respect these things, so we've been trying to deal with filling rental houses in accordance with this law, and that gave rise to these recommended revisions.

We talked with our Board of Trustees. They would rather not be involved in approving these things. I think it takes too much time and is beyond the scope of their charter authority. So we've recommended that the Legislature approve the proposed occupants, but not the trustees. We added a couple of categories to the list of •• in private order of the types of people who can occupy houses, focused mostly on expanding the police officers who are eligible to rent houses. And we would like to change the way we make •• the way we develop the waiting list, if effect, for these houses. Instead of doing it every time a building becomes vacant, we would like to establish a waiting list based on the priorities directed by the legislation, do it once a year, work off that list, then send out a solicitation to update the list rather than doing it every time a house becomes vacant. That's the essence of what we have there.

On the legislation regarding Trap and Skeet, we are attempting to lock up the remaining •• appropriate the remaining funds, the \$450,000, for use on reopening the facility when and if we get all the approvals and exemptions we need. So those are my comments on what's before you. Any questions, I'll be happy to answer them.

**CHAIRMAN SCHNEIDERMAN:**

On 2244, has SEQRA been completed, the Trap and sheet •• Trap and Skeet?

**COMMISSIONER FOLEY:**

They reviewed it this morning, and I think they passed a Sense Resolution that it's an unlisted action. And Jim Bagg was here.

**CHAIRMAN SCHNEIDERMAN:**

He still is.

**COMMISSIONER FOLEY:**

Am I accurate, Jim?

**MR. BAGG:**

CEQ met this morning. They did not have a quorum to discuss business. They did discuss the Trap and Skeet noise facility (sic). Those members present, there were four members, had a consensus vote that they felt it was an unlisted action with a negative declaration as set forth in the resolution before you. The 45 review period is also up, so that basically would be up to the Legislature to make that determination and move forward since you have to make the SEQRA decision yourself.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

So we basically have guidance, but it's still up to us to vote on it?

**MR. BAGG:**

That's correct. I mean, CEQ makes a recommendation to the Legislature anyway, and the Legislature makes the final decision. You cannot delegate that to an arbitrary body.

**LEG. ALDEN:**

Commissioner, I just had a question. When did we raise the fees for the docking at County marinas at Timber Point?

**COMMISSIONER FOLEY:**

I don't know. I think the last time fees were adjusted was 2001, but I'm going by my recollection.

**LEG. ALDEN:**

There's no new escalation on those fees, right?

**COMMISSIONER FOLEY:**

No.

**CHAIRMAN SCHNEIDERMAN:**

Let me go back to Jim for a second. So this committee could make a SEQRA declaration at least temporarily before the full Legislature. Is there other •• any concerns we need to be aware of?

**MR. BAGG:**

No. Basically the Council reviewed the information submitted to them. They asked for the noise report and the background data, and they felt that that was self explanatory and did not pose any problems, so they made •• had a consensus vote of those members present that the

negative dec would be warranted.

**CHAIRMAN SCHNEIDERMAN:**

This project actually cleans up the site, does it not?

**MR. BAGG:**

That's correct, yes.

**LEG. ALDEN:**

Just on that note. To a certain extent it cleans up the site. My recollection is that we're not going to clean the •• we're not cleaning that site completely, because it's a two or \$3 million ••

**COMMISSIONER FOLEY:**

Well, it depends on what you mean by the term clean up. We are going to dress it up, you know, fix up with facility.

**LEG. ALDEN:**

But we're not taking the lead out.

**COMMISSIONER FOLEY:**

We're not cleaning up the lead, because it's my understanding as long as it's used for its preexisting purpose, we don't have to do that. We need to reclaim is occasionally, and we'll do that as part of whatever operation we undertake. But a full blown clean up will not happen.

**LEG. ALDEN:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And again, on the •• Mr. Foley, on the first resolution, 2176, that deal with the County residences, did you say that was ready to move or you were modifying that?

**COMMISSIONER FOLEY:**

This resolution modifies the original resolution of 2002.

**CHAIRMAN SCHNEIDERMAN:**

Okay. It is modified. Okay. Any other questions or comment for the Commissioner. Deputy Presiding Officer Carpenter.

**LEG. CARPENTER:**

Thank you. Good afternoon. I'm sorry I didn't have chance to call you, I've been in committees yesterday and today, but I did get an e•mail from my office, because there's been an ongoing question about what has been happening with Trap and Skeet. We had sent an e•mail, and Theresa was going to be checking, but we haven't heard back yet, that the last time we met, it was stated that you were waiting for a response from Brookhaven on an exemption for the noise restriction and that County Executive's Office is saying that has been taken care of and that the problem is with securing a vendor and that the original vendor backed out, and I just need to know what is fact and what isn't. You know, where are we?

**COMMISSIONER FOLEY:**

Those statements about a vendor sound like old information. That happened a couple of years ago. We have not yet gone out on the street with an RFP for a vendor. We've drafted the RFP, it's going to be reviewed by the County Attorney's Office. We think it's pretty good. So we can go, you know, almost on a moment's notice. We have not heard back from Brookhaven officially, that I'm aware of. So we haven't got writing yet that says whether or not we're exempt from that noise ordinance.

**LEG. CARPENTER:**

Okay. Because it's my understanding that the County Executive's office is saying that this has been taken care of as far as the exemption from Brookhaven.

**COMMISSIONER FOLEY:**

Maybe in some late breaking event it has been, but I have not heard that we received a written exemption as of today.

**LEG. CARPENTER:**

The County Exec's rep is here, perhaps, Mr. Chair, if we could, maybe he has some information.

**MR. ZWIRN:**

Thank you, Mr. Chairman. My understanding, Legislator Carpenter, is that there was an oral representation that was •• that was made that we were exempt, and we have not received

anything in writing. But the County Executive is intent to move forward with this as quickly as possible. He is very much in favor of this project and would like this resolution passed and hopes that everything else will fall into place.

**LEG. CARPENTER:**

Terrific. So is he, in fact, waiting for that written confirmation and not going with the verbal?

**MR. ZWIRN:**

I think we would like to have something in writing, but I think •• my understanding is that we would like to go forward in any event.

**LEG. CARPENTER:**

Okay. Thank you.

**LEG. O'LEARY:**

Mr. Chair.

**CHAIRMAN SCHNEIDERMAN:**

Legislator O'Leary.

**LEG. O'LEARY:**

I just found out that we are discussing Trap and Skeet. I have information from the Brookhaven Town that their Town Board addressed this matter, and they're not of the mindset to change the noise decibel level. And that will be forthcoming in writing from the town. So I just wanted you to be aware of that.

**LEG. CARPENTER:**

Excuse me, may I interrupt?

**LEG. O'LEARY:**

Sure.

**LEG. CARPENTER:**

It was my understanding that no one was asking them to change their ordinance, but just recognizing the fact that the County was not being held to that ordinance.

**LEG. O'LEARY:**

That's not necessarily correct. There was a request to consider waiving it or exempting the facility from their noise decibel level. The Town Board did address that issue, and in the very near future, there will be something forthcoming in writing with respect to their decision regarding that matter.

**COMMISSIONER FOLEY:**

Then, I guess, we have an oral representation from the Supervisor that the opposite is true. That's why we have proposed appropriating this money so we don't lose it. We won't act until we're certain of ••

**LEG. O'LEARY:**

I'm not surprised.

**COMMISSIONER FOLEY:**

•• their position.

**LEG. O'LEARY:**

I'm not surprised, but my information is that the Town Board has, in fact, made a decision with respect to the request of the County Executive that was made in writing to the Brookhaven Town Board. They did address it, and my understanding is that they will respond in writing as to their decision in the very near future.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Commissioner. Okay. We have just two yellow cards, then we will move on to the agenda. I'm going to take the appointments first, because several of the people who are up for potential appointments are here. First speaker is Steve Gittelman.

**MR. GITTELMAN:**

If it's okay, I'll hold my comments.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Kenneth Kindler.

**MR. KINDLER:**

First of all, my name is Ken Kindler, a few of you may be familiar with me. I spend most of my time either hiking the trails on Long Island or working in support for them. What I •• what I need to share with you is possibly too complicated to cover in a matter of a few minutes. But I'll •• I did write something •• actually I prepared this for the Protected Land Council and the Law Enforcement Council of the Pine Barrens Commission. But the issue is universal. I mean, it's not something that any one group should be involved in. It's something that anybody who really cares about our public lands should care about.

As I •• as I say in the text that I handed to you, I travel 100 miles of trail every week. And I go to innumerable meetings with all of the different groups who care about the natural open space and the trails initiative. And my impression is that you won't find too many people out who have the kind of gest alt of what's go on in our public lands as I do.

What I'm •• what I'm experiencing is an incredible devastating amount of damage from ATVs. Of course, there are other things too that I find rather disturbing. I find all the dumping and

basically a lack of real consciousness about what's important out there. Just the other day, I was checking out a portion of the Paumanock Path in Southampton, and somebody decided that they didn't want people walking on a certain portion of path, and they went through with a machete and took the blazer off the trees for about a mile, killing •• I'm sure killing hundreds of trees.

But, I mean, this is the kind of thing, it's not •• it's not just •• you know, you can't just attack a problem. What you really have to do is you have to educate people as to the value of the resource. So, you know, I've been looking at this ATV issue for quite a while. I've been working with the Law Enforcement Council. They've all grown to know me quite well. The Protected Land Counsel. This isn't the only thing I'm concerned about, but it's a road block towards our accomplishing anything else at this point. I know a lot of people find it very disturbing and would rather live in a world of denial and say, well, you know, Ken, it's not true that we can't go on to other •• other stewarding issue until we get rid of these •• this damaged caused by these motorized vehicles. But the reality as I see it, and I really feel that I'm in a position to give you a realistic opinion here, we can't move forward until we address this problem in a very affirmative manner. The damage is just overwhelming. And my feeling is that one way ••

**CHAIRMAN SCHNEIDERMAN:**

That sound is your time expiring, but if you could just sum up, tell us what you think needs to be done to repair these trails and prevent further damage. If you could do that quickly.

**MR. KINDLER:**

Well, obviously, I can't, because it's going to have to be a multilateral initiative. But I can give you one session, and that is that we discuss creating a special service unit for addressing enforcement on our public lands. Right now, what they're doing with the ATVs is they're sending out sting operations. As I explained in this text that I handed out, they wait for an area to get devastated, then go out, and they take out a few •• they impound •• they impounded 144

vehicles last year, and as I understand it, that's barely touching the numbers that are out there.

It's •• it's •• what we're doing is we're allowing a general degradation of our resource while we're addressing the problem as an ongoing problem, and it can't •• it can't be addressed in that manner. We really need to look at how are we going to stop this, because here we are paying all this money to preserve this land, and it is •• it's value is diminishing at such an incredible rate. So I think a special service unit would be one of many suggestions, and I think it really demands that we put some more capital and manpower into it.

**CHAIRMAN SCHNEIDERMAN:**

I know Legislator Caracciolo wants to address you on this issue as well. I just wanted to say, I really vouch for your expertise in this area. Having been on a hike with Ken, it was about a seven hour hike, we started to walk through the woods, I was totally exhausted by the time we reached our destination. We all got •• there was •• there were cars there to pick us up. And I saw Ken didn't get into the car. I said, "Ken what are you doing?" He said, "I'm walking back." So he spends a lot of time in the woods. It's really great to have you come here to talk to us about the trails, because you obviously have that personal knowledge that probably most of us don't have. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Sir, are you here by invitation or on your own today?

**MR. KINDLER:**

Well, I was talking to Vivian Vilorio•Fisher about the problem, and she suggested that I come here.

**LEG. CARACCIOLO:**

I'm glad you did, because it's individuals like you and others like George Fernandez who have before brought this problem to County officials and this Legislative body and have long been ignored in dealing with this problem. However, I'd like to try switch gears and you ask about a proposal for the County to purchase land for an ATV park. Do you think •• to what extent do you think that might mitigate these conditions, this deplorable degradation of public land conditions that you have described? Do you think that's also living in denial, That somehow the broader problem is going to go away?

**MR. KINDLER:**

I think you might be surprised by my reply.

**LEG. CARACCIOLO:**

I'm looking forward to it either way.

**MR. KINDLER:**

Okay. When I first heard about it, I thought it was a terrible idea. But then as I began talking to people and think about it, I realized that, number one, you know, giving people who care about this activity a chance to do it in a legal manner is giving us the moral high ground. I mean, you know, it's not right to create a blockade against people enjoying the things that they care about. I meet these people on the trails, they don't even know how I feel about what they're doing. They think I'm a nice friendly guy. And they ride away, you know, thinking just had a conversation with somebody who is pro ATVs. The idea is not to try and fight these people, it's

to work with them. And I applaud you for doing that.

Also I feel that the discovery process in our working to create this park is an excellent idea because it will bring to the floor a lot of the issues that we're having to wrestle with now, such as noise and air pollution and the impact on our hydrology and the problems we're going to be coming across in terms of dealing with local communities, the communities local to these areas. The thing is you don't accomplish anything by •• by pushing hard against it. What you do is you work with people. And I think that is absolutely the best tack we can take.

**LEG. CARACCIOLO:**

So you feel there is a possibility that a venue can be found large enough that would accommodate the majority of individuals who ride ATVs, not only on public lands, but on public roads and streets?

**MR. KINDLER:**

Actually, I don't think there's a prayer in the world. My feeling is that the people who are going to use this park are people who aren't using their ATVs now because they believe in following the law. I think you will continue to see people driving out of their backyards and ripping up our precious natural resource, even when we have this legal park.

**CHAIRMAN SCHNEIDERMAN:**

I think what he's saying when he says the moral high ground is that when we really step up the enforcement cracking downs on ATVs, you know, we have the justification that there is a legal place for them to ride, right? So it's kind of part of this, same picture. There's always going to

be some people who prefer to, you know, break the law, you know, ride where they're not allowed to. But I think measures can be taken to strengthen those types of enforcements. It gives us a little bit of a justification.

**LEG. CARACCIOLO:**

Well, as you know, I'm not opposed to that approach. However, I don't ever believe we'll find the space that could possibly ever meet the demand, because many of these individuals are not only County residents, they're out•of•County residents. And I think what will happen •• and we have an ATV task force, I'd encourage you to attend their meetings. I'd like to ask the Commissioner when those meetings will commence if they haven't already. I know there was a long delay in that happening. I would encourage you to attend those meetings as well. Thank you very much for coming.

**CHAIRMAN SCHNEIDERMAN:**

Ken, can I ask you, have you seen any evidence that trails are being maintained, ones that are being •• that have been hurt by these ATVs? Are they being put back together? Is there people who work for the County or private groups, trail preservations societies, that are fixing these trails? If you can answer that, and what it would take get these trails back to where they need to be in terms of what type of manpower.

**MR. KINDLER:**

I see a very limited effort. I for one am experimenting with means of revitalizing, repairing these trails. A see a few other people going out there and blocking trails and planting trees, but it's a very small effort in terms of what has to be accomplished. My feeling is that even if we were to somehow magically stop the damage right now, the challenge is monumental. We're going to need an enormous infrastructure just to address this problem now. If we let it continue much longer, it's going to be overwhelming.

**CHAIRMAN SCHNEIDERMAN:**

Maybe at some point either today or at another meeting the Parks Commissioner can address the issue of trail maintenance. Meanwhile, Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. I would suggest that members of the Legislature, this committee and the whole, join Ken and go out and do some walking and see the damage firsthand. I've seen photographs of it. I've seen some of it firsthand, particularly around Southaven Park. It's unbelievable. And what you are really talking here is County taxpayers have made a huge investment in the Pine Barrens and elsewhere to preserve land for groundwater protection and for open space preservation, and yet see others that are totally defacing and damaging beyond repair those very, very precious lands that have been paid for by taxpayer dollars.

So the choices are limited. One, can you provide a venue to meet the demand to stop all illegal activity? I don't believe we can. Two, do you reinvest somehow in the restoration of the damaged lands? And that's going to cost money. And part of that solution, you have to have an enforcement effort that's ongoing, not just sting operations, not just the confiscation 140 plus ATVs annually, a real serious effort, otherwise we can sit here for days, for months, for years, and the problem only gets worse. And public officials should bury their head in shame for not dealing with this issue forthrightly and promptly. Thank you again for your testimony today.

**MR. KINDLER:**

Thank you, Michael, I couldn't have said it better myself.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Mr. Kindler. Commissioner, did you want to save for another day talking about trail maintenance? Maybe put that on your agenda for next time in terms of what steps are being taken to fix some of these damaged trails. Let's move on to the agenda. I'd like to take a couple of things •• maybe we won't have to take them out of order. Why don't we go right straight to the agenda.

**TABLED RESOLUTIONS**

**1980•04. Appointing members to the ATV Task Force (Slots 7 and 11 • William Patterson and John McGann) (PRESIDING OFFICER)**

**CHAIRMAN SCHNEIDERMAN:**

There was an issue with this, was there not? I don't know if that's been resolved.

**MS. KNAPP:**

I think one the members suffered a serious illness who was being appointed, and I'm not sure I know the status of his health.

**CHAIRMAN SCHNEIDERMAN:**

I'll make a motion to table it again.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by myself, seconded by Legislator Cooper. All in favor of tabling? Opposed?  
So tabled.

### **INTRODUCTORY RESOLUTIONS**

**2176•04. Revising Taxpayer Protection Policy for use of County residences. (COUNTY EXEC)**

**LEG. VILORIA•FISHER:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Viloría•Fisher, seconded by Legislator Cooper. All in favor? Any opposed? Abstentions? Passed and carried. **Approved. (VOTE:8•0•0•0).**

**2205•04. Appointing Michael B. DeLuise as member of the Suffolk County Vanderbilt Museum Commission. (BINDER)**

**LEG. CARPENTER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

We'll bring him forward. We have a motion by Deputy Presiding Officer Carpenter, seconded by Legislator Cooper. On the motion, I'd like to bring Mr. DeLuise, if he is here, if he'll step forward. Just come to the front table here.

**MR. DELUISE:**

Good afternoon.

**LEG. VILORIA•FISHER:**

Good afternoon.

**CHAIRMAN SCHNEIDERMAN:**

Just introduce yourself and tell us why you are interested in serving on the Vanderbilt Board.

**MR. DELUISE:**

Well, my name is Michael DeLuise. I'm a Vice•President at Dowling College, I'm the vice •President of Development and External Affairs. One thing •• I think you have a copy of resume, but I also put out, which a lot of people don't realize, my background on Long Island. I worked at Hofstra for about 15 years, now I'm over at Dowling. But before that, I worked mostly in the entertainment business, New York, Washington and Boston and handled a number of accounts, including the Museum of Natural History, the Hayden Planetarium, the Kennedy Center for the Performing Arts. So there are quite a bit of them. And what I'd like to do is, you know, just leave a copy of some of my background. So my experience working with entertainment and the tourism industry, I think, adds to it. I'm a Long Island Suffolk resident and resident of Huntington, and the Vanderbilt is a very important place in my heart, and I'd like to be involved with it.

**CHAIRMAN SCHNEIDERMAN:**

Do you have the time?

**MR. DELUISE:**

I have the time. And what I've done is I have talked to the President of college and let him know that, you know, I was nominated for this, and he said, sure, this would be something really good for us. My office is actually in the Vanderbilt House in Oakdale, right one the river in the old Vanderbilt Mansion, the other part of the family.

**LEG. VILORIA • FISHER:**

Mr. Chair.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

In your responsibilities and duties over at Dowling College, you don't supervise any adjunct faculty staff, do you?

**MR. DELUISE:**

You want a job?

**LEG. ALDEN:**

No, I already am an adjunct.

**MR. DELUISE:**

No, I honestly don't.

**LEG. ALDEN:**

If you don't I can vote on this. If you do, I couldn't vote on it.

**MR. DELUISE:**

No. My area is raising money. So what I might do as an adjunct is ask you to donate some time, but that's separate.

**LEG. ALDEN:**

I'm getting a nod of the head from somebody in the audience. It looks like I'm okay, right?

**CHAIRMAN SCHNEIDERMAN:**

Legislator Vioria•Fisher.

**LEG. VILORIA•FISHER:**

Good afternoon, Mr. DeLuise. I just want to thank you for stepping up. This is a very important membership as a trustee of the Vanderbilt Museum. And I did see in your resume that you had from 1977 to '82 represented a number of very important clients.

**MR. DELUISE:**

Some big names. I could drop a few names, but they're just like you and me, they're good people.

**LEG. VILORIA • FISHER:**

Sure. But you know what it is to work with a variety of different types of entities, in other words. You just haven't worked with educational institutions. I think the Vanderbilt is an educational institution and entertainment as a cultural entity. It's very important to the Suffolk County economy and our cultural heritage. I just wanted to mention in your capacity right now at Dowling, I've seen that you are very hands•on, because I've seen you at events that I've attended there, and it's been good to have met you there, and I welcome you to the Suffolk County family.

**MR. DELUISE:**

Thank you. The other thing I'd like you all to realize too, is if you look at my resume, I've been very involved on the Board of the LICVB, Long Island Convention and Visitors Bureau. I've met with a number of you individually about that, and I do feel a real strong commitment to Long Island. And I also believe that, you know, some of this stuff •• and I agree with you •• on where you're moving with control of that organization, but I really do. And I do feel that as Long Islanders, we have to be involved. If we want our children to have the best education, an organization like the Vanderbilt Museum really can add to that. And if it means that we have to put a few extra hours in, I think it's really worth while.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. I was so delighted when I was reviewing the packet and saw this resolution that Legislator Binder had put forward, because I have been acquainted with Mr. DeLuise over the

years. And reviewing the resume, I just feel that he can bring so much to the board. The thing that struck me was the Cool Jazz Festival, because I think that venue over there in Centerport would be very, very lovely for some sort of a jazz festival. There are so many things that could be done there, and your marketing and public relations background, I think is really going to be an asset. Fund raising is also an area that the board hasn't had the depth over the years that it perhaps should have. So I'm just delighted with this appointment, and wish you well.

**MR. DELUISE:**

Thank you. Thank you. Working with the New York Philharmonic, I was the first one •• I worked with the New York Philharmonic and the Hayden Planetarium, and we started doing concerts in the planetarium, which was very different, because you could bring a harpist or a small group. There are some sensational things that I know we could do out here.

**LEG. CARPENTER:**

Great.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions or comments? All right. There's been a motion and a second. All in favor? Any Opposed? Abstentions? Passed and carried. **Approved. (VOTE:8•0•0•0)**

Congratulations.

**MR. DELUISE:**

Thank you, all. Have a great holiday, everybody. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Mr. DeLuise, it's not necessary for you to come to the General Meeting, okay. It will go now to the General meeting, I think next week, and hopefully you will be confirmed there as well.

**MR. DELUISE:**

Thank you very much.

**2206•04. Appointing Stanley M. Feldman as a member to the Suffolk County Vanderbilt Museum Commission. (LINDSAY)**

**CHAIRMAN SCHNEIDERMAN:**

Mr. Feldman, if you are, if you would please step forward. I think you know the routine.

**MR. FELDMAN:**

Good afternoon. I see some friendly faces up there. Maybe Vivian will forget one incident, the dunk tank.

**LEG. VILORIA•FISHER:**

Yes, I remember.

**CHAIRMAN SCHNEIDERMAN:**

Just, again, introduce yourself, a little of background and why you're interested in serving.

**MR. FELDMAN:**

My name is Stanley Feldman. I'm a resident of Oakdale. And you have my resume in front of you, some people call me a professional volunteer. I'm pretty much retired, deeply involved in many activities. And as my wife said to me, well, you know, you're only sleeping two hours a night anyhow, so what the heck.

I think there's quite a bit I can bring to the Vanderbilt. I have served as Chairman the Long Island Maritime Museum. I serve as comptroller for the Coast Guard Auxiliary Association. I still dabble a little bit in insurance. My activities are pretty much all over the place, and I believe my activity would help in the activities of the Vanderbilt Museum.

**CHAIRMAN SCHNEIDERMAN:**

Any questions?

**LEG. VILORIA • FISHER:**

Sounds like a lot of activities, though.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

Again, I can almost repeat what I said earlier when I saw this particular resolution. Mr. Feldman has a long history of being involved. And back well before the time I was a Legislator and involved very much in the Chambers of Commerce and the Chamber Council, I know that Mr. Feldman was very involved in the Oakdale Chamber and has a long, long history of community involved and too, I think, will make a valuable addition, so I wish you well. And thank you.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions?

**LEG. VILORIA • FISHER:**

By the way, he did talk me into being the target in a dunk tank.

**CHAIRMAN SCHNEIDERMAN:**

That doesn't disqualify him.

**MR. FELDMAN:**

And you were extremely gracious, really. And we really did appreciate it. My wife yelled at me afterwards, but I appreciated what you did, and you did raise some money for us.

**LEG. VILORIA • FISHER:**

Yes. So he's very inventive, and he is very •• he's somebody who can be very convincing.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

Mr. Feldman, when would Vivian have another chance at participating in a dunk tank? Keep us informed.

**MR. FELDMAN:**

If we were ever to do a seafood festival or something like that over at the Vanderbilt, we could probably get a dunk tank.

**LEG. VILORIA • FISHER:**

I think I'll pass.

**LEG. CARACCILO:**

How about pies?

**CHAIRMAN SCHNEIDERMAN:**

Can we move the resolution? Is there a motion? Motion by Legislator Carpenter, seconded by Legislator Viloría•Fisher. All in favor? Any opposed? Abstentions? Passed and carried.

**APPROVED. (VOTE:8•0•0•0).**

Congratulations again, you don't need to appear in front of the full Legislature next week. Hopefully you will pass then, but it won't be necessary to appear.

**MR. DELUISE:**

Thank you very much, and do have a happy holiday.

**2208•04. Reappointing Anthony J. Pecorale as a member to the Suffolk County Vanderbilt Museum Commission. (CARPENTER)**

**LEG. CARPENTER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

There is a motion by Legislator Carpenter, seconded by Legislator Cooper. Mr. Pecorale is here, if he'll step forward. I think most of the Legislature is familiar with you. As a new member I am not, so I welcome this opportunity to hear a little bit about you and why you're interested in being reappointed.

**MR. PECORALE:**

Good afternoon. I'm 69 years old, 40 year plus resident of Suffolk County. Recently I had the opportunity to serve with Michael Caracciolo on the committee dealing with endowment. My original interest in the Vanderbilt Museum was as a teacher many, many years ago. I brought my classes there on a very regular basis. I was on the Blue Ribbon Commission appointed by Peter Cohalan. My interest in the Vanderbilt has always been quite to the point that I wanted it to become more educationally oriented and to do more for the schools and the student and residents of Suffolk County. Other than that, I teach part time at Stony Brook University.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. I would just like to state that Tony has been a member of the board for a number of years and has been extraordinarily participatory. I know whenever there are events, he makes sure he reaches out and encourage me as a Legislator to attend. And I think that that is something that the trustees need to do. The way this was designed originally, I'm sure that the

intention was that Legislators have appointments, and these people that are on these very, very important boards and do this important work, kind of keep us connected to the institution and let us know what is happening and keep our commitment level to what it should be. And Tony has really done an extraordinary job in that respect. I know that he is very involved in the financial aspects of the museum, you know, Chairing the Finance Committee, I believe. And really would encourage everyone to support this nomination or reappointment.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. All right. We have a motion and a second. All in favor? Any opposed? Abstentions? Passed and carried. **APPROVED. (VOTE:8•0•0•0).**

Congratulations. Again, it's not necessary to appear before the full committee. Why don't we take 2223 out of order.

**LEG. VILORIA•FISHER:**

I'll second that.

**CHAIRMAN SCHNEIDERMAN:**

Motion by myself to take 2223 out of order, seconded by Legislator Fisher. All in favor? Any opposed. Passed.

**2223•04. Appointing Daniel R. Olivieri as a member of the Suffolk County Vanderbilt Museum Commission. (COOPER).**

**CHAIRMAN SCHNEIDERMAN:**

Is Mr. Daniel Olivieri here? Okay. Motion to table. Motion by Legislator Carpenter, seconded by Legislator Montano. All in favor? Any opposed? So **tabled. (VOTE:8•0•0•0)**

**2212•04. Modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund. (COOPER)**

**CHAIRMAN SCHNEIDERMAN:**

Moving back now to 2212. Actually, before we do that, I'd like to reconsider the first one. We tabled 1980. I'd like to take that from the tabled.

**LEG. CARPENTER:**

I'll make a motion to reconsider.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Opposed? It's now before us.

**1980•04. Appointing members to the ATV Task Force (Slots 7 and 11 • William Patterson and John McGann) (PRESIDING OFFICER).**

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve. Motion by Legislator Caracciolo, seconded by Legislator O'Leary.

**LEG. VILORIA•FISHER:**

I have a question.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, Legislator Fisher.

**LEG. VILORIA•FISHER:**

When this originally was read by the Chair, Counsel made reference to one of the members being ill, one of the appointments being ill, is there more information about that?

**MS. KNAPP:**

After Legislator Schneiderman asked me the question as to why it was tabled and I recalled that

there was a question about somebody's either disability or illness, so I pulled it up in my computer and found an amended copy as of November 3rd. So I went back and asked the question as to whether or not that amendment replaced whomever it was, and the answer was yes.

**LEG. VILORIA • FISHER:**

Are there different names now or the names that are listed here are correct?

**CHAIRMAN SCHNEIDERMAN:**

The names before you •• these are the different names.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden? That answers your question? Okay. All in favor? Any opposed? Passed and carried. **APPROVED. (VOTE:8•0•0•0)**

**2212•04. Modifying new investment policy for Suffolk County Vanderbilt Museum Trust Fund. (COOPER)**

**CHAIRMAN SCHNEIDERMAN:**

Is there a motion?

**LEG. COOPER:**

Motion.

**LEG. ALDEN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cooper, seconded by Legislator Alden.

**LEG. CARACCILO:**

Explanation.

**CHAIRMAN SCHNEIDERMAN:**

Okay. On the motion.

**LEG. VILORIA • FISHER:**

Lance is here.

**CHAIRMAN SCHNEIDERMAN:**

I believe I understand it, but I'd rather have somebody from Vanderbilt explain it. So Mr. Gittelman, if you want to come forward or Mr. Mallamo.

**MR. GITTELMAN:**

The museum currently receives \$1.2 million, which is renewed annually by the Legislature. It receives that money from the endowment. The money comes from accrued growth in the fund. And why don't I open up it to questions?

**CHAIRMAN SCHNEIDERMAN:**

I think some explanation is in order here. Originally there an endowment, you're not allowed to touch the original amount in the endowment, which is some \$8 million, if I'm correct?

**MR. GITTELMAN:**

The original endowment was \$2 million, then an additional 6.2 •• the original endowment was \$2 million originally put in place by Mr. Vanderbilt by virtue of his will in 19 •• he passed away in '44, I think it came out in '47 after his wife died. When the County took it over in '49, that's what we had, \$2 million. His daughter Muriel passed away in 1972 at which time \$6.2 million was added to the corpus. We're originally not allowed to invade that corpus.

**CHAIRMAN SCHNEIDERMAN:**

Which is around \$8 million.

**MR. GITTELMAN:**

\$8.2 million.

**CHAIRMAN SCHNEIDERMAN:**

But you are technically allowed to, as it grows, to use some of that?

**MR. GITTELMAN:**

We can use everything •• everything but the 8.2.

**CHAIRMAN SCHNEIDERMAN:**

How much are you asking now to •• what would it leave if you get what you're asking for right now?

**MR. GITTELMAN:**

The end of month statement for the month of November shoved 12.6 plus or minus million dollars. We are asking for 1.2.

**CHAIRMAN SCHNEIDERMAN:**

So in today's dollars the endowment still would be •• if you took original 8.2 and you brought it up to today, you still would be •• you will have more than that in the bank; is that correct?

**MR. GITTELMAN:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

Even after this change?

**MR. GITTELMAN:**

Yes, that's correct.

**MR. MALLAMO:**

It's actually not a change, this is continuing what we've been doing for the past decade.

**CHAIRMAN SCHNEIDERMAN:**

I just want to make sure •• you know, the original intent of the endowment was obviously to provide for the operation of the museum and obviously contribute a certain percentage of that operational cost, and I'd like to at least know that the endowment was continuing to provide for

a similar percentage of the operation cost.

**MR. GITTELMAN:**

I think the underpinnings of this •• I'm sorry to interrupt, but the underpinnings of this comes from that •• for many years, the endowment was invested in fixed interest commodities. Those fixed interest commodities yielded a much higher interest rate than available today. Approximately nine years ago, I came up with another trustee and suggested that we get into a more balanced portfolio. And you with investment counsel put the endowment in a balanced portfolio where you could go up to 50% equities. The ability to go up to 50% equities obviously reduced the amount of interest income that would be yielded from that fund since now less than the 100% of the fund was yielding interest. It was now only 45% or 50%, because about 5% is kept in cash.

Obviously with today's low interest rates, we simply would not be able to have survived on the interest as itself. More importantly, there has to be a plan in place eventually so that we can wean away from this kind of reliance on the endowment. That plan is in place, and you have at it your disposal, and that is opening of the waterfront. The funding for the waterfront is in an advanced stage. What's happening is that the money itself is flowing slowly. You have appropriated it, bonded it, but we're not seeing it. So we need the waterfront to replace the cash flow that the endowment now provides.

**CHAIRMAN SCHNEIDERMAN:**

That's a County Capital project, and money for that waterfront isn't coming from any endowment fund.

**MR. GITTELMAN:**

No. It's a County Capital Project that has already been approved, pieces of it are still on your agenda to approve.

**CHAIRMAN SCHNEIDERMAN:**

I had a bunch of hands up. Let's start with Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Steve, in terms of the portfolios mixed of 50/50, has there been any suggestion in recent times since the last change and as a result of low returns on fixed equities to change that asset mix?

**MR. GITTELMAN:**

Well, we are not •• the way it's set up is that actually it is •• it's on your side of the fence, Mike, that controls how investment counsel handles the endowment. We do not get the privilege of providing input unless invited. So, no, I don't think there has been a revisit as to whether or not investment counsel should change the mix for approximately a year.

**LEG. CARACCIOLO:**

Given the low return, investment return, on fixed equities, as you mentioned going to 50/50, a balanced portfolio as you said, actually has provided a better return than the previous portfolio mix.

**MR. GITTELMAN:**

Without question. You have now had now eight years which the museum has received between one and \$1.2 million in income, and we still have an endowment that's larger than we started out with eight years ago.

**LEG. CARACCILO:**

And it was at that time when we made the change that we were starting to just see the opposite where it was bringing down, drawing down, the investment return, then there were fee issues and so forth.

**MR. GITTELMAN:**

That's right.

**LEG. CARACCILO:**

So it's nice to know that, you know, this is working and that you don't see any reason to change it.

**MR. GITTELMAN:**

No. You made a good decision, I think.

**LEG. CARACCILO:**

Mr. Spero, would you concur with that judgement?

**MR. SPERO:**

Yes, I would. The equities probably return more money than the fixed income securities, especially with low interest rates.

**LEG. CARACCILO:**

Okay. So BRO then would have no objection to increasing the allocation from one to 1.2 million?

**MR. SPERO:**

The allocation has been at 1.2 for several years now.

**LEG. CARACCILO:**

Thank you.

**MR. GITTELMAN:**

We're not asking for an increase. We don't want increase.

**LEG. CARACCIOLO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

All right. Next on the list is Legislator Alden.

**LEG. ALDEN:**

I think it's important to just point out that the way we structured it or allowed it to be structured with the balanced portfolio, it's more like for somebody between •• a 40 or 50 year old, if you're getting ready for retirement because you're going to look for the Stock Market to, you know, throw some gains your way. And right now, we've gone through a little bit of a period where we took a big hit on a couple of aspects of the portfolio. The equities basically took a hit, now they're starting to come back. The bonds and the fixed income things actually took a hit too. They went up very much in value, now they are starting to suffer a little bit. But I think that with the flexibility and with the long term approach, I think we're in good shape. And this I don't see as a problem, allowing this much money to go into the •• not the subsidy, but the operations of the museum. I would hope for, you know, like, some goods gains in the market, and hopefully that's what we have ahead of us. But, you know, again, I don't have a crystal ball. I'm just hopeful of it.

**MR. GITTELMAN:**

We all hope with you.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions or comments?

**LEG. CARPENTER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

I was reviewing your memorandum, and I can appreciate the statement that was made about the museum not being in a position to be able to support any further reductions of supplies, personnel, contracted services, etcetera, considering the awesome task you have there of preserving that structure. With that in mind, are there any plans to expands personnel in any way?

**MR. MALLAMO:**

We had a layoff last fall of a number of key employees, we reorganized employees, we laid off about six employees all together, reassigned duties. We did make arrangements to create two new positions that we have not filled; one as an assistant or deputy director that would have shared responsibilities with administration and development fund raising; the other with an office manager, which we dearly need as well. But due to financial constraints, we have not filled those positions as yet, but we hope to fill them at some point in the future.

**LEG. CARPENTER:**

The two positions are an office, manager which sounds •• how many staff people are there now?

**MR. MALLAMO:**

Right now, we have 21 full time staff.

**LEG. CARPENTER:**

Twenty•one. Okay. And did you say •• what was the other position?

**MR. MALLAMO:**

Assistant or deputy director.

**LEG. CARPENTER:**

And is that something that you feel is needy and necessary?

**MR. MALLAMO:**

We do. We had •• historically, we've had a development director over the •• I think we had three during my tenure, none of which, frankly, have achieved the goals we set out for them. It's a very difficult field. It's an extremely difficult field.

**LEG. CARPENTER:**

And competitive.

**MR. MALLAMO:**

And very, very competitive. We're really not in a position to pay the kind of salary that really significant development directors can command. We've also witnessed the need that we need more of an administrative capacity at certain times, particularly, you know, we have no coverage on weekends, we have a weekend manager.

**LEG. CARPENTER:**

Excuse me. If you could, just speak into the microphone. It's a little difficult to hear you.

**MR. MALLAMO:**

We don't have coverage on weekends, and our programs are increasing, our responsibilities are increasing. We're working on a huge amount of Capital Projects. We're trying to get this waterfront plan developed. We've vastly increased our educational programs, we've returned the laser shows. I know that was an issue you brought up several years ago, Legislator Carpenter, you said you wanted •• you know, why were they discontinued. We have reinstated them, but we want to be very careful that we don't impact the community the way that it had. So we've really increased our offerings. We're going seven days a week. Even the days we're closed, we're opened to school groups.

I just find I can't be everywhere. We need somebody, a second in command, at many, many times during the day and during the week that we don't have that coverage right now. So we're really trying to combine and development. Fund raising would be a major portion of that job, or assisting with the fund raising. I've been doing it on my own in the past couple of years. And, you know, when I'm doing that, I'm not focused on what we're really trying to do.

**LEG. CARPENTER:**

I can support, you know, someone in the realm of development. I'm not quite sure at this juncture with 21 employees that a deputy director is •• is necessary. And I would ask that you consider holding off. You've got a number of new appointments who are bringing some really valuable expertise to the board. And since it is your role or the board's role to set the policy for the institution and oversee the policies for the operations, that rather than move forward with hiring someone immediately that you wait and gives these new trustees an opportunity to show what they might be able to help with. I mean, you heard about Mr. DeLuise's extensive background in fund raising, and I think that his input would be very, very helpful. So I would just ask that you hold off for a number ••

**MR. MALLAMO:**

That's an excellent suggestion.

**LEG. CARPENTER:**

•• of months before you move forward with any of those new positions, accepting the office manager.

**MR. MALLAMO:**

Let me just make one clarification. When I say we have 21 full time employees, we have 99 employees all together, the rest are part time. Fifteen years ago, we had 49 full time employees, and I don't believe we were open all year at that point either. We were open seasonally. So we're really doing significantly more with significantly less.

**LEG. CARPENTER:**

As is everyone.

**MR. MALLAMO:**

Yes.

**LEG. CARPENTER:**

Yes. Some of the other things that I noted here; that you are preparing an RFP to select a caterer for the museum, where are you in that process?

**MR. MALLAMO:**

We're just writing •• we had prepared an RFP this year that was halted because we did not have •• we had an issue with Health Department in acquiring what was essentially going to be a seasonal tented operation. They wanted certain plumbing improvements to be made; a grease trap, etcetera, so we were •• we were prevented in following through in that regard. And we're working those problems out with the Department of Public Works. We have a project for rehabilitation of plumbing, and they're including those aspects in it.

But since we did that, we were in a position where we had hoped that program would be in place for this year, and that the tent required under that •• to do that operation could be the responsibility of the caterer selected. Since we were not in a position to do that this year, we ended up purchasing the tent at our own expense, because we had committed a year ago to people to get them to commit their wedding, that we would have a tent available. You know, what happens at the Vanderbilt, any kind of event has to place outside. They pay us a site fee, then they have to rent a tent. Well, they cost of tents today •• you know, five years ago it was 4000, now they're up to 10,000. So right off the bat, people are looking at a fee of \$15,000, and we were finding we weren't competitive. So we put together a package deal. We said, we'll have a tent available if you book the site, and we'll give you a rate which will range from 7500 to \$10,000, which has been good. We've booked a number of weddings. When this program couldn't go forth this year, we either had to tent these tents or purchase the tent, and it was going to cost a little more to purchase it, but now we own it. So we've put the tent up, we've set it up, it's allowed us to really not only expand what we're going to be doing next year, but expand our own museum events. When we would have a gala before, we had to rent the tent, and 10,000 right off the bat came out for that.

**LEG. CARPENTER:**

Is the tent located where you've had the tent before for the gala?

**MR. MALLAMO:**

Yes, it is, but it will not be located there hopefully in the future. We just had a project to extend our sidewalks down to the area directly behind the mansion, which won't impact visually the access to the mansion, it won't impact the neighbors who right now border that tent site, and it will provide a much larger level surface. So rather than doing 250 person events, we can go to 350. So that to me is an investment we made this year that will have •• pay off significant benefits next year. At the end of day we found, you know, if the caterer is not going to provide

the tent, let's just go for somebody who is going to pay us the fee. So that's what we're pursuing now.

**LEG. CARPENTER:**

So then the answer to the question, the RFP is •• has not gone out.

**MR. MALLAMO:**

Has not gone out, no.

**LEG. CARPENTER:**

Have you give any thought to including the improvements that the Health Department would require as part of the RFP and let the caterer or vendor do the improvements?

**MR. MALLAMO:**

That's certainly something we could look at, and in many cases we probably could and will do it that way. Some others would be integral to the plumbing system itself and probably wouldn't be able to be carried separately. One of the issues was increasing the number of sanitary facilities available at the museum. That project, I understand, has already been out to bid. We were planning to do that anyway as part of our •• actually, some of it will be included today as part of our ADA, because we don't have ADA compliant bathrooms currently.

**LEG. CARPENTER:**

My last issue. I see that the Finance Committee did a review of the development and the special event and membership programs and have come up with some recommendations that are going to be implemented early next year. What are some of those recommendations?

**MR. MALLAMO:**

I said they're working on it. We're actually having a meeting tonight to •• we've gathered the financial information together for them, and they will be meeting tonight. We've been meeting over the past several months, because in some areas we've dramatically increased our revenues and others are falling behind, and that's an issue we are concerned about. We want to see what's working, what isn't working. Even some of the activities that worked five years ago no longer work today because •• you talk about special events, when we would previously do concerts on a weekly basis and charge money, now we find you can go to concerts on the Huntington Village Green, and they're free.

So we have to rethink what we're doing. So that's what they're working on right now. This is the same process we went through last year when we reinstated the laser show program, and that's been very, very successful. And I will say in the one year it's been in effect, we have not had one complaint, which is •• and I'm sure Legislator Cooper would hear them before I would.

**LEG. CARPENTER:**

Well, when we first brought those in, and that's got to go back, I would say, about 14 or 15 years ago, the intent was to make sure that they be tasteful and they not be the kind of shows that would, you know, encourage an audience to come that could be problematic, that, you know, you try to keep to family kinds of entertainment.

**MR. MALLAMO:**

We've tried to provide family based entertainment. They are very popular. We've had a lot of requests for it. And now we're going to be putting in an upgraded system which will allow us to actually use the laser for our educational programs, in addition to the astronomy offerings, say if we were trying to show •• do a show on constellations, we can link the stars with the laser, which we weren't able to do before. So you know, it's something I had reservations about doing, but I'm very glad we did it, and it's providing income.

**LEG. CARPENTER:**

I am too.

**MR. MALLAMO:**

We expect it to have achieved 100,000 this year, and we think with the new system and some advertising, we will be able to increase that substantially.

**LEG. CARPENTER:**

Well, again, I think it would be important once these recommendations are in place to come back and let the committee know exactly what the plans are. And again, my first point about holding off on that hire until you get your new board members in place and active for a couple of months, I'd really appreciate it.

**MR. MALLAMO:**

I certainly think we will be able to accomplish that, because financially we're not in a position to

implement it right now any way.

**CHAIRMAN SCHNEIDERMAN:**

Thank you Lance and Steve. We have a motion and a second. All in favor? Any opposed? Abstentions? 2212 is passed. **Approved. (VOTE:8•0•0•0).**

**2237•04. Amending the 2004 Capital Budget and Program and appropriating funds in connection with the restoration of the historic hay barn, Yaphank. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Let's gets a motion and a second and we can get a comment. Okay. Motion by Legislator O'Leary, seconded by Legislator Carpenter. Mr. Commissioner, step forward and enlighten us as to this historic hay barn.

**COMMISSIONER FOLEY:**

This is a project that's been around for almost a decade, I think. This resolution would take advantage of a state history preservation grant and pick up some of the already bid options in phase one. So it's just added to the Capital money and picking up the 50% funding from the state grant.

**CHAIRMAN SCHNEIDERMAN:**

How much is it adding from the capital?

**COMMISSIONER FOLEY:**

153,000, I think.

**CHAIRMAN SCHNEIDERMAN:**

Where is this building?

**COMMISSIONER FOLEY:**

This is in Yaphank.

**CHAIRMAN SCHNEIDERMAN:**

Where in Yaphank?

**COMMISSIONER FOLEY:**

Near the DPW complex.

**CHAIRMAN SCHNEIDERMAN:**

This is an historic hay barn near the DPW. Is this something that is open ••

**COMMISSIONER FOLEY:**

It's on the County farm essentially.

**CHAIRMAN SCHNEIDERMAN:**

Oh, it's part of the Cornell Farm. All right. Any other questions? All in favor? Any opposed? Abstentions? Passed. **APPROVED. (VOTE:8•0•0•0).**

**2238•04. Amending the 2004 Capital budget and Program amending the 2004 Operating Budget and appropriating funds in connection with the purchase and installation of playground equipment in Suffolk County Parks, customized for disabled young children. (COUNTY EXEC)**

**LEG. ALDEN:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Carpenter, seconded by Legislator O'Leary. On the motion.

**LEG. CARPENTER:**

On the motion, I just would like to ask the Commissioner if you know off hand what parks you are talking about, and hopefully Gardiner is one of them?

**COMMISSIONER FOLEY:**

We've talked about several parks. Is Dr. Zaglin here?

**CHAIRMAN SCHNEIDERMAN:**

Doctor, would you like to step forward?

**COMMISSIONER FOLEY:**

We did talk about Gardiner, I'm not sure what we settled on.

**DR. ZAGLIN:**

Good afternoon. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Just introduce yourself first.

**DR. ZAGLIN:**

My name is Dr. Meryl Zaglin. I'm the Director of Services for the Health Department for Children with Special Needs. We have targeted ten parks that Bruce Blower has kindly pointed out to us as having accessible trails. And so we thought we would start with something that had some access already. We've inspected about eight. And we have not made a final decision, because it depends on how much it's going to cost us. So we thought we would get some plans in place and estimates on different configurations and make a final determination.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

Which of the ten sites that you had on the list •• you have gotten to eight of them you said?

**DR. ZAGLIN:**

Yes.

**LEG. ALDEN:**

Which of the ten?

**DR. ZAGLIN:**

I have personally gone to two, and I have photographs of the additional six. We looked at East Hampton, a site in East Hampton.

**COMMISSIONER FOLEY:**

Indian Island Park.

**DR. ZAGLIN:**

Indian Island in Riverhead.

**COMMISSIONER FOLEY:**

Gardiner we looked at.

**DR. ZAGLIN:**

We looked at two •• one in Lake Ronkonkoma. Lakeland Park in Connetquot area. Blydenburgh Park is on the list. And •• I'm sorry, I didn't bring the list with me, but there are two others.

**LEG. ALDEN:**

What part of the criteria would be usage though? We're not going to put it in a remote area where no one goes to the park.

**DR. ZAGLIN:**

Well, our goal was to locate close to where our children are. So we thought we would pick •• hopefully we can do approximately three parks; one on the western end, one in the central and one in the eastern for access to the East End school districts.

**LEG. ALDEN:**

So we should consider this a pilot program then, right, because if it's successful, we're going to want to extend this to ••

**COMMISSIONER FOLEY:**

This uses state education funding that is continuing beyond this first resolution. So this would be just the tip of the iceberg. We would continue to expand the program.

**LEG. ALDEN:**

Good. Okay.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Carpenter.

**LEG. CARPENTER:**

You had said it depended on how much it cost. Do you have any idea how much this resolution is appropriating?

**DR. ZAGLIN:**

Yes, I have the resolution.

**LEG. CARPENTER:**

How many do you expect this to cost probably is a better question?

**DR. ZAGLIN:**

I can't give you an honest answer to that, because we haven't •• we haven't costed out the specific pieces of equipment yet. My guess from the literature I've read is that each park would cost approximately 200,000.

**COMMISSIONER FOLEY:**

What you have before you is 722,000.

**LEG. CARPENTER:**

I see that.

**COMMISSIONER FOLEY:**

We'll have to put together specs and go out with an RFP to get competitive prices.

**LEG. CARPENTER:**

And is that going to come back to us, or this will be the final approval, Counsel or Budget Review? Because I appreciate the fact that you're saying you want to have in the West End and

East End and somewhere in the middle, but Gardiner Park does have an existing playground, and it seems to me that would be an ideal spot. So I'd like to know that before I vote to approve the expenditure of \$722,000 where they actually are going to be.

**MS. KNAPP:**

This appropriates the money. There should be no reason for it to come back.

**DR. ZAGLIN:**

We already have this funding. We are actually filling out the third year of these funds. They must be spent by June, 2005.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

If Legislator Carpenter would suffer an interruption, just a quick one. So we don't jeopardize the funding source and we don't really get in the way of putting the RFP out, right, because you can actually put the RFP out, scope the project and then come back to us once you have, you know, some site and actually know what the cost of the equipment is? So by us tabling this today, it's really not going to be a stumbling block to get this done. You could still do all your work.

**COMMISSIONER FOLEY:**

I'm not certain of that. Usually we have to have the money appropriated before we can do the RFP and we have to know everything in place.

**LEG. ALDEN:**

But we don't know how much the equipment costs, we don't know how many parks this is going to affect.

**COMMISSIONER FOLEY:**

That's always of case when you go into a Capital project. We don't know exactly the dollars and cents of anything until the money is appropriated. We have rough guesses, rough estimates.

**LEG. ALDEN:**

But we have •• we're not adding any money to this, right? You have a 700 and something thousand dollar grant from New York State, right?

**DR. ZAGLIN:**

Yes.

**COMMISSIONER FOLEY:**

Yes.

**LEG. ALDEN:**

So we not adding to it. So we know we have a finite amount of money, now we just have to work with all the pieces. We have to go and basically find out how much the equipment costs.

**COMMISSIONER FOLEY:**

But this resolution authorizes the County to accept that grant money.

**DR. ZAGLIN:**

Right now the money is not in a capital account, it's in the general budget.

**LEG. ALDEN:**

We haven't accepted the money yet?

**CHAIRMAN SCHNEIDERMAN:**

We need the resolution to accept it.

**MS. KNAPP:**

My notes indicate, and I could be wrong, I'll defer to Budget Review, that this a 50% grant, am I wrong?

**DR. ZAGLIN:**

No. This is 100% grant.

**LEG. ALDEN:**

I think it would be more appropriate to have a resolution that accepts the grant and then we'd

have another resolution that would appropriate the funds once we know the scope of each project. Because as Legislator Carpenter was saying before, if it's \$200,000 for each park, that leaves us with three point something parks that we can do •• actually two point something parks, right? We can do three point something parks. So if it's somewhere less than that, we can scope the project maybe, you know, along the lines where we might want to see it done in four or five parks that would be appropriate.

**CHAIRMAN SCHNEIDERMAN:**

It's possible. We don't have to stop here, but this is ••

**LEG. ALDEN:**

Only have X numbers of dollars. I'd like to see the Legislature told how much it's going to cost for the equipment, and we make the decision how many parks we're going to try to do that with.

**CHAIRMAN SCHNEIDERMAN:**

It sounds like if they're going to continue planning this out, they need us to move forward here.

**LEG. ALDEN:**

I'm not so sure they do.

**CHAIRMAN SCHNEIDERMAN:**

What if they lose the \$700,000 that they have?

**LEG. ALDEN:**

That's what I just said. I think the appropriate resolution that should be before us something

accepting the grant.

**LEG. CARPENTER:**

If I can interrupt for a moment.

**LEG. ALDEN:**

You can take your time back.

**LEG. CARPENTER:**

All right. I'll take my time back. Thanks. And I appreciate Legislator Alden's comments. And perhaps what we could do is amend the resolution to accept the grant and add a resolved clause that this •• you know, once you have more clearly scoped out the project and we know where the parks are going to come, that it would come back to the Legislature for approval so that we will be aware of where the money is actually going to be spent.

**DR. ZAGLIN:**

The dilemma that we faced when we first started the collection of these funds is they were not recognized as a grant to Suffolk County. They were federal money given to the state, the state allocates it to each school district, and Suffolk County had to petition each school district to get our funding that represented children that we served.

So it is not a direct grant to Suffolk County. And it wasn't accepted into the budget as a grant, it was accepted as general funds, so •• revenue fund, I guess. So this move to take it out and put

into a capital account will save that money for us come December 31st, because it is not currently in a capital project account, it's in the General Fund.

**MR. SPERO:**

If it's not a grant, we can't accept it and appropriate funds during the year. All revenues have to be received before the Legislature could create additional appropriations. For example, if we have millions in excess sales tax revenue, we can't appropriate them and spend them. So if this is not a grant, technically you are precluded from appropriating.

**LEG. VILORIA • FISHER:**

Mr. Chair.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Fisher.

**LEG. VILORIA • FISHER:**

Jim, I'm looking at the resolution, and in the resolution there's •• there are quite a number of items that are inter•fund transfer from Health Services. Is that because •• and I'll go back to Meryl, are you saying the money went to Health Services.

**DR. ZAGLIN:**

Correct.

**MR. SPERO:**

They're taking \$367,173 in additional revenues and appropriating in the Health Department account, okay? Then they're talking that money plus additional funds from other health accounts and transferring it to the pay•as•you•go project ••

**LEG. VILORIA•FISHER:**

Right.

**MR. SPERO:**

•• account, and then moving that to the capital fund for the project. My problem is the acceptance of these •• and appropriation of these additional revenues. If they're not a grant, the \$367,000 can't be appropriated.

**COMMISSIONER FOLEY:**

Isn't this money that exists in the Operating Budget?

**MR. SPERO:**

Some of it is. We're talking about the 367,173.

**LEG. VILORIA • FISHER:**

Where it says preschool flow through funds?

**MR. SPERO:**

They're showing additional revenue and then appropriating that revenue, so it's not grant revenue. They're precluded from accepting •• appropriating it.

**LEG. VILORIA • FISHER:**

And what the second resolved where it shows all those health ••

**MR. SPERO:**

Well, the transfers would be from some of its excess appropriations, and some of it is that additional revenue that they're showing.

**LEG. VILORIA • FISHER:**

Are you distinguishing those here in this resolution?

**MR. SPERO:**

Right, because some are existing appropriations. So I think the resolution is technically flawed.

**LEG. VILORIA • FISHER:**

How would you fix it, Jim?

**MR. SPERO:**

You take out the 367,173.

**DR. ZAGLIN:**

I believe that's money that we have already spent out of •• we collected a far greater sum than this.

**MR. SPERO:**

That may be, but you can't appropriate it and spend it. Just like I said, if we have excess sales tax revenues, we just can't say, oh, I have \$10 million more to spend. That's now how it works. All revenues must be collected prior to additional appropriations being made. And effectively, you never collect all the revenue, because you never know what they are until four or five months after the fiscal year closes.

**LEG. VILORIA • FISHER:**

Jim, who would have drafted this, and how we go back to them and get them to work with you

so that we can have a cleaner bill before us? Do you know who would have drafted this, Jim?

**CHAIRMAN SCHNEIDERMAN:**

I'm going to recognize Mr. Zwirn from the County Executive's Office.

**MR. ZWIRN:**

I don't know.

**LEG. VILORIA • FISHER:**

But I had a question.

**CHAIRMAN SCHNEIDERMAN:**

Which as soon as you're done, I will do.

**LEG. VILORIA • FISHER:**

Thank you.

**MR. SPERO:**

I don't know who drafted it. It could be the Parks Department or the County Exec's Office.

**DR. ZAGLIN:**

It was the Health Department.

**LEG. VILORIA • FISHER:**

It was the Health Department? Okay. Ben, you did you have a comment on this?

**CHAIRMAN SCHNEIDERMAN:**

I'll recognize Mr. Zwirn at this point.

**MR. ZWIRN:**

Thank you, Mr. Chairman. I don't know who particularly prepared this resolution, but I know Legislator Bishop had a good idea when we were sitting in the back. He said could the committee look to discharge this without recommendation, because we have the last meeting of the year coming up. And then in the interim, if it's not technically flawed, then that's •• then that's another problem. But then we can answer some of these between then and •• between now and then, and if you are still not satisfied, you can table it on the floor. At least we can get it •• we can get it out of committee and into the general Legislature.

**LEG. CARPENTER:**

May I?

**CHAIRMAN SCHNEIDERMAN:**

Yes. Legislator Carpenter.

**LEG. CARPENTER:**

I would suggest that perhaps, you know, working with Budget Review, that you start preparing a CN, because obviously, that's what it's going to take, because it's going to have to be changed substantially. And without a CN, we're not going to be able to act. So we could really just table it now, and you need to make whatever changes are necessary. Because I •• you know, if Jim says it's technically flawed, then it's technically flawed.

**MR. ZWIRN:**

Right. I was under the impression it was a grant, then it wouldn't be a problem. That's why •• that's why I was here.

**DR. ZAGLIN:**

Can I try to clarify that? Because it's a little complex in that the County didn't initially accept it as a grant to Suffolk County because we didn't have a grant letter. But we have a contract agreement with every school district that participated granting us that money. It's a federal grant for disabled children that is called a flow through grant, because it goes from the federal to the state to the school district to all the providers of service for children with disabilities for every

county in the state.

So it's called a federal flow through grant. It's technically a grant, but it wasn't granted directly to Suffolk County with the grant letter, and that was where we had our confusion. It was through contract that we have collected these funds and have obligated it to spend on children with disabilities.

**CHAIRMAN SCHNEIDERMAN:**

Jim, does that change anything in terms of our ability to vote or not vote on this?

**MR. SPERO:**

It seems to be some sort of hybrid situation, so I'd like a little time to study it.

**CHAIRMAN SCHNEIDERMAN:**

So there's a motion to table, and is there a second?

**LEG. O'LEARY:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

We have a second by Legislator O'Leary. Hopefully this will all be elucidated by next week. All right. All in favor? Any opposed? So **tabled. (VOTE:8•0•0•0)**.

**DR. ZAGLIN:**

Thank you.

**LEG. VILORIA•FISHER:**

I just wanted to reiterate or ask Mr. Zwirn again, you would be becoming over with a CN on Tuesday? Because we certainly don't want to jeopardize money that's going toward the ADA compliance of playgrounds for children.

**MR. ZWIRN:**

Yes.

**LEG. CARPENTER:**

And also too, while you're doing that CN if it could be worded in such a way that the resolution then would then come back or there would be some •• come back to this body so we can approve the particular location so that we know what we're appropriating it for.

**MR. ZWIRN:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

That was affirmed by Mr. Zwirn.

**2244•04. Appropriating funds in connection with noise moderation and attenuation at the Trap and Skeet Range at Southaven Park.**

**(COUNTY EXEC).**

**LEG. O'LEARY:**

I'd like to speak on this resolution.

**CHAIRMAN SCHNEIDERMAN:**

Can I get a motion and a second?

**LEG. ALDEN:**

Motion to approve.

**LEG. CARPENTER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Alden, seconded by Legislator Carpenter. On the motion, Legislator O'Leary.

**LEG. O'LEARY:**

Mr. Foley, I noticed in the backup of the resolution that there was a survey of the property done by your department and that the report was issued with the details of the construction requirements at the Trap and Skeet facility.

**COMMISSIONER FOLEY:**

Yes.

**LEG. O'LEARY:**

Was that report made public or ••

**COMMISSIONER FOLEY:**

No. It's really an internal •• it's kind of a maintenance report really. It deals with upgrading the surface that shooters fire from, the walls separating the stations, some improvements to the building that's there in the way of restrooms and new floors and things like that. It's really a maintenance report more than anything else. We can certainly send you a copy.

**LEG. O'LEARY:**

Yeah, I'd like to see a copy of that, please. And additionally, when the recommendation to install the various sites at this trap and skeet were taken into consideration, I'm aware of the fact that the County has waived the noise decibel level with respect to that particular location, but, however, the Town of Brookhaven has not, and they do have an ordinance in effect with respect to that. Has •• does this resolution take into consideration for the construction of the noise mitigation and other matters at that facility, the possibility that the Town of Brookhaven will not waive their noise decibel level?

**COMMISSIONER FOLEY:**

This resolution is intended to tie up the remainder of that funding that was put forward couple of years, to appropriate the 450. We'll adjust our action from nothing to full blown whatever we can afford based on what comes back, you know, formal response to the County Executive's request for that exemption. So if we don't get it or if it's declined, we have got kind of a new ball game.

**LEG. O'LEARY:**

As I stated earlier, the information I have is that there will be a verification of the position of the Town of Brookhaven with respect to that issue forthcoming in writing. I know of no verbal commitment on the part of the town to do so, but I have otherwise that they •• that their position is to maintain that level. In light of that, if that does occur, what •• in your opinion, what sort of impact will this construction have on the noise mitigation issue with respect to that facility?

**COMMISSIONER FOLEY:**

I'm not sure I get the question.

**LEG. O'LEARY:**

What I'm saying, sir, is if the Town of Brookhaven does not adhere to or agree to the request made by the County Executive to waive the noise decibel level ordinance, as the County has done with respect to this facility, and they maintain the 55 decibel level that's on ordinance on file now, what impact will that have on the noise mitigation construction in your opinion with respect to that facility?

**COMMISSIONER FOLEY:**

I think we would be back in the County Attorney's Office and figuring out what we can and should do. We're going forward based on the verbal assurance we have had receive from the town that we're going to be exempt. We're not going to violate laws, rule and regulations.

**LEG. O'LEARY:**

Okay. And as I stated before, the information I have is that the town will be sending to the County Executive in short order a written verification of their decision with respect to that ordinance. So in light of that, and with the understanding that my information is that they will not waive, they will not exempt, I would ask my colleagues to reconsider the approval until such time as some impact is made with respect to the decision of the Town of Brookhaven. And I make a motion to table this resolution.

**LEG. ALDEN:**

On the motion.

**LEG. CARPENTER:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

On the motion, is there a second to the motion to table.

**LEG. CARPENTER:**

I would second the motion to table just for discussion purposes.

**CHAIRMAN SCHNEIDERMAN:**

Discussion. Thank you, Legislator Carpenter.

**LEG. CARPENTER:**

I can appreciate Legislator O'Leary's concern, and this has been an issue that has been before us for a very long time, certainly before Legislator O'Leary was a member of this body. And there was representation made to many people that we were going to move forward with this in a timely fashion. And certainly the conflicting information we're getting as far as whether the Town of Brookhaven is going to allow an exemption from the ordinance for the County is

something we need to get an answer to. But rather than tabling this , I would respectfully request that if you don't want the approval, that we at least discharge this without recommendation so we can get this to the floor on Tuesday. And hopefully by then, have an answer or that written confirmation of where the town stands on this.

**CHAIRMAN SCHNEIDERMAN:**

On the motion. Mr. Foley, the project itself is a noise mitigation project. Do we have indication that when it's done, it won't •• that the noise level there will meet Brookhaven's current levels or won't meet?

**COMMISSIONER FOLEY:**

This is a combination of noise mitigation and just facility upgrades, it's not solely noise mitigation. The reports that have been to date indicate that most of the time the mitigation and the report would deal with •• would keep the notice under the limit.

**LEG. O'LEARY:**

I may then, then why then is the County Executive asking for an exemption from the Town of Brookhaven ordinance.

**COMMISSIONER FOLEY:**

Because it's most of the time, it's not all the time. If the wind is blowing the right way, there might be an occasion where it would exceed the limit.

**LEG. O'LEARY:**

I understand that. That's the reason why until such time as the Town of Brookhaven makes a decision with respect to this, and my understanding is that they did at their recent town board, so I'm going to contact them for purposes of expediting their correspondence with the County Executive with respect to the issue taken.

Now, the concern I have, if the Town of Brookhaven does not grant this exemption, this waiver, what sort of impact is that going to have on the construction of the noise mitigation efforts at this facility?

**COMMISSIONER FOLEY:**

Again, it binds us up in some fashion. My concern is that if we don't get approval of this, we lose the money, we have to come back, we go through the same routine again, it's one more delay. That's assuming that we're going to get the exemption.

**LEG. O'LEARY:**

So then this is contingent upon the Town of Brookhaven waiving that exemption, making a waiver with respect to that ordinance.

**CHAIRMAN SCHNEIDERMAN:**

Not exactly, because you can build it, and it may turn out that it does meet those recommendations. If it doesn't, you might have to add in minor additional mitigation possibly.

**COMMISSIONER FOLEY:**

It's possible.

**CHAIRMAN SCHNEIDERMAN:**

Not necessarily.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Alden.

**LEG. ALDEN:**

The noise ordinance in Brookhaven is not enforceable as it's written, because garbage trucks exceed it, motor cycles exceed it, school buses exceed it, just about anything of a normal life exceeds the decibel requirements of Brookhaven. So actually, on its face, it's really not enforceable. And I don't think that, from the testimony we have heard over the past three or four years, I don't think that you could build a facility that's going to meet that on a 100% basis. So there's another avenue that might be pursued, and that might be just to have that ordinance declared unconstitutional, because they don't •• or selectively enforced, because they don't really enforce it against 90% of the things that actually exceed the noise in Brookhaven. So that's another avenue that we should go.

We have been kicking this thing around for four years or more. It's been closed. If we leave this thing closed any longer than this, we're going to incur some kind of two to four or \$5 million bill to clean it up. So there is no way that we can serve the people in Suffolk County by closing this thing down or allowing it to not remain or not reopen, because the bill is going to four or \$5 million or even more at this point. So we should move forward with this. Hope that Brookhaven acts and gives us some kind of a timely answer, but there is a number of different avenues to take on it. But I think we have to move forward now.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. Commissioner Foley, did I hear you earlier today make reference to conversation with the Supervisor of the Town of Brookhaven and a representation to the effect that going ahead with this capital project would not meet with any objection on his part?

**COMMISSIONER FOLEY:**

I didn't that conversation directly. I think Ben was closer to that.

**LEG. CARACCIOLO:**

Mr. Zwirn, did you or someone else in the administration?

**MR. ZWIRN:**

I didn't that the direct conversation. That was my understanding. It wasn't from the town board.

**LEG. CARACCIOLO:**

I understand. It was the Town Supervisor.

**MR. ZWIRN:**

From the Town Supervisor.

**LEG. CARACCIOLO:**

Was it he or a representative of the Town Supervisor.

**MR. ZWIRN:**

I believe it was the Town Supervisor. But the town board would be the one that would •• I mean, the Town Supervisor is one person on the town board. So if the town board took an official action, then if the Supervisor is not on the majority side of the vote ••

**LEG. CARACCIOLO:**

Correct.

**MR. ZWIRN:**

•• it's just his opinion.

**LEG. CARACCIOLO:**

Now, as far as the capital project, and finally meeting the commitment that this County Legislature made a long time ago, Commissioner, if I heard you correctly, there might be occasion because of wind speed and direction, where the noise emitted from the range could exceed a town ordinance if the town ordinance is not repealed, correct?

**COMMISSIONER FOLEY:**

On occasion, that's possible.

**LEG. CARACCIOLO:**

Okay. I would suggestion that unless •• in the absence of objection by the District Legislator, which would weigh heavily on my mind how I •• whether I support to this not, if Mr. O'Leary doesn't have an objection to go ahead with this capital project, then I would suggest approve the resolution, so we don't loose the funding, and you can deal on a contingency basis in the future with the issue of whether or not the town ordinance is repealed or otherwise. And if it gets to a point where it's not repealed and it's in effect, then it's a question of enforceability on the part of the town.

And furthermore, a compromise could ultimately be reached that maybe on those rare occasions, because of wind speed and direction, where it becomes perhaps in the town's opinion a nuisance to surrounding residents, that the range be suspended. That would be a last resort. But we have a huge investment in this property. It has been closed. There are many individuals who participate in this activity. It's something we recognized a long time ago as a public benefit that we wanted to provide to residents and nonresidents, and I think it's time to move ahead with it. It's unfortunate, here we are at the end of '04, on a commitment that was made to these groups, these user groups, some two years ago. I'd like to hear from Mr. O'Leary.

**CHAIRMAN SCHNEIDERMAN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Just a couple of comments. I'm not going to ask Mike to repeat all of that, but I think the gist of it is would be I be in a position to be •• have an objection with respect to the appropriation of the monies for restoration of the facility. I do not object to that. My particular problem, as you can well imagine, being the Legislator for that particular district, is the concerns of my constituents in that particular immediate area, and that's why I'm taking the position I'm talking, obviously.

But my other concern is the position of the Town of Brookhaven and what they're going to do going forward with respect to this facility in the event that we expend monies to revitalize it, for lack of any other descriptive phrase, and the actions of the town with respect to the noise decibel and the noise mitigation efforts on the part of the County. With respect to Legislator Alden's comments about the anticipated expense of three our \$4 million, that's •• that will only be incurred if this was not restored as a trap and skeet facility, if it went to some other type of

entity. The anticipated clean up for that, the environmental clean up, will certainly be in the millions of dollars. But that's not what we're talking about here.

We're not talking about the three or \$4 million expenditure or anticipated expense that Legislator Alden alluded to, what we are talking about is opening up this facility with clearly an emphasis on noise mitigation, and every effort should be made to do that. That's my position. And I'm not objecting to the opening of the facility. My objection to the facility opening up is the noise that is anticipated to be resulted as a result of the users that come to the facility itself. So I will abstain. I'll withdraw my tabling motion and will abstain on the motion to approve.

But clearly, this is going to be an issue in my mind going down for the Parks Department to address if the Town of Brookhaven takes a position opposite of what you have been told verbally.

**CHAIRMAN SCHNEIDERMAN:**

Okay. The tabling motion has been withdrawn. Is there a motion to approve?

**LEG. CARPENTER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Any opposed? Okay. One abstention.

Mr. O'Leary abstaining. Resolution passes. **APPROVED (VOTE:5•0•1•2) (Abstention; Legis. O'Leary) (Not present; Legis. Montano and Cooper.**

**2245•04. Amending the 2004 Capital Budget and Program, and appropriating funds in connection with the restoration of the Habitat Wing at the Vanderbilt Museum. (COUNTY EXEC).**

**LEG. VILORIA•FISHER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Lots of motions. Motion by Legislator Fisher, seconded by Legislator Caracciolo. All in favor? Any opposed? Abstentions? Passed and carried. **Approved. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper)**

**2246•04. Appropriating funds in connection with waterproofing masonry walls and drainage at Suffolk County Vanderbilt Museum. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Any opposed?

Resolution passes. **Approved. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper)**

**2247•04. Appropriating funds in connection with restoration of facades. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Commissioner. Commissioner Foley.

**COMMISSIONER FOLEY:**

I'm sorry.

**CHAIRMAN SCHNEIDERMAN:**

On 2247. It may be Mr. Gittelman. Is this facades at the museum?

**MR. GITTELMAN:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

I'm sorry Commissioner. Either one. Lance, if you want to answer the question.

**MR. GITTELMAN:**

The answer is yes. What what the question?

**MR. MALLAMO:**

It's actually very easy. If you go to Vanderbilt mansion today, when you get to the bell tower, you will see a big scaffold with a roof on it. That's to carry •• that's to catch the masonry that falls off on the main access.

**LEG. ALDEN:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve by Legislator Alden, seconded by Legislator Carpenter All in favor? Any Opposed? Passed and carried. **Approved. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper).**

**2250•04. Appropriating funds in connection with the modification for compliance with the Americans with Disabilities Act at the Vanderbilt Museum. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Any opposed? Abstentions? 2250 is passed. **Approved. (VOTE:6•0•0•2) (Not present; Legis, Montano**

**and Cooper).**

**2265•04. Donation and dedication of certain lands now owned by Long Island Property Group, LLC to the County of Suffolk Department of Parks, Recreation and Conservation. (COUNTY EXEC)**

**LEG. ALDEN:**

Motion to table.

**LEG. CARACCIOLO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table, seconded by Legislator Caracciolo. All in favor? Any opposed? 2265 is **tabled. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper).**

**2269•04. Applying for a grant from New York State Department of Parks, Recreation and Historic Preservation for a 2005 TEA•21 Recreational Trails Grant at Manorville Hills. (COUNTY EXEC)**

**LEG. CARACCIOLO:**

Motion.

**LEG. ALDEN:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's motion by Legislator Caracciolo, a second by Legislator Alden. All in favor? Any opposed? Abstentions? 2269 passes. **Approved. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper).**

**2281•04. Donation and dedication of certain lands now owned by Long Island Property Group, LLC to the County of Suffolk. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Alden, seconded by Legislator Caracciolo. All in favor? Any opposed? Passed and carried. **APPROVED. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper).**

**2284•04. Appropriating funds in connection with improvements to planetarium, Suffolk County Vanderbilt Museum. (COUNTY EXEC)**

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Alden, seconded by Legislator Caracciolo. All in favor? Passed. **APPROVED. (VOTE:6•0•0•2) (Not present; Legis, Montano and Cooper).**

**MR. GITTELMAN:**

I beg a moment of your time. I want to introduce to you Stephanie Gress. The reason why I'm doing this is this is a rare moment for us. We received a \$135,000 grant from the Institute of Museum and Library Science. Stephanie wrote it. She's wonderful. I wanted you to know about it. We dragged her down here so that she could meet you. And of course, it's always a pleasure to come here, but she did wait the time.

She was in reference to 2245•04, which is the habitats. Stephanie, you are on. Just give her one minute.

**MS. GRESS:**

High. I'm Stephanie Gress, and I'm the curator of the collections at the Vanderbilt Museum. I wrote the grant for the habitat restoration from the IMLS, which is kind of a tough grant to get because they require a dollar for dollar match.

**MR. GITTELMAN:**

Which you just gave.

**MS. GRESS:**

It requires a dollar for dollar match, which was available to us through the capital improvements projects. So we were fortunate in that respect, then there was a very stringent criteria to meet as far as the grant committee went. We needed to prove that what we had at the Vanderbilt was a national treasure, not just of significance locally, but nationally. And we succeeded in doing that, and that's how we got the grant to restore the dioramas. So I don't know if have any other

questions about it, but I'd be glad to answer them.

**CHAIRMAN SCHNEIDERMAN:**

Any questions? Thank you for your fine work.

**MR. MALLAMO:**

I think it's important to note this is our first federal grant, and hopefully the first of many.

**CHAIRMAN SCHNEIDERMAN:**

Congratulations.

**MR. GITTELMAN:**

I think less than 20 museums nationwide ••

**MS. GRESS:**

No, more than that. We had 63 nationwide.

**MR. GITTELMAN:**

Sixty•three nation•wide received the grant •• receive the grant. We get one of the larger ones.  
We just wanted you to know.

**CHAIRMAN SCHNEIDERMAN:**

You are doing a great job, and we appreciate it. Thank you. Motion to adjourn. All in favor?  
We are adjourned.

**(\* THE MEETING WAS ADJOURNED AT 1:53 P.M. \*)**

\\_ \\_ **DENOTES BEING SPELLED PHONETICALLY**