

**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 **August 3, 2005**.

MEMBERS PRESENT:

Leg. Jay H. Schneiderman, Chairman
Leg. Lynne C. Nowick, Vice•Chairperson
Leg. Cameron Alden
Leg. Angie Carpenter
Leg. Jon Cooper
Leg. William J. Lindsay

ALSO IN ATTENDANCE:

Legislator Vivian Vilorio•Fisher, Fifth District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ronald F. Foley, Commissioner of Parks
Charles Bender, Aide to PO's Office
Ben Zwirn, Assistant Deputy County Executive
Frank Tassone, Aide to Majority Leader
Eric Brown, Aide to Leg. Schneiderman
Linda Bay, Aide to PO's Office
Jill Moss, Budget Review Office
Kevin LaValle, Aide to Leg. Losquadro
Paul Perillie, Aide to Minority Caucus
Vito Minei, Director of Division of Environmental Quality
Ed Hogan, Aide to Leg. Nowick

Terry Pearsall, Aide to Leg. Lindsay
Warren Greene, Aide to Leg. Alden
Barbara LoMoriello, Aide to Leg. Cooper
Gilbert Cardillo
Miles Borden
Robert Brown, Land Design Associates
Frank Mancini
Albert Wesnofske
Esther Wesnofske
Jacqueline Caputi, Assistant County Attorney
Robert Brown, Land Design Associates

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CONVENED AT 11:49 AM)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting of the Suffolk County Committee of Parks and Cultural Affairs to order on this 3rd day of August 2005. If you all will rise and join us for the Pledge of Allegiance led by Deputy Presiding Officer Angie Carpenter.

(SALUTATION)

CHAIRMAN SCHNEIDERMAN:

We're going to go right to public portion. I have several cards. Our first presenter is Frank Mancini on the topic of Elwood School; right? Sir, you have three minutes for your comments.

MR. MANCINI:

I want to say good morning to everybody and thank you for letting me come up here and speak.

First thing I'd like to ask you is, how many years was the Art Council renting or leasing the school? Does anybody have any idea?

CHAIRMAN SCHNEIDERMAN:

No idea. Anybody? What Art Council and what school?

MR. MANCINI:

The Elwood School. The one that's in subject right now is the Elwood School on Cuba Hill Road and is the one that is falling apart because nobody's taking care of it. I'd like to know how much money per month the Art League paid to put a school building •• and to whom it was paid, and what was it used for? Does anybody have an idea for that?

CHAIRMAN SCHNEIDERMAN:

Is there a particular resolution that this is pertaining to on the agenda?

MR. MANCINI:

Yeah, it's pertaining to the school that is beginning to fall apart that nobody's taking care of that the Parks Department owns.

COMMISSIONER FOLEY:

No resolution.

CHAIRMAN SCHNEIDERMAN:

All right. When •• I will refer your question to the Park Commissioner. If he has any information when he comes up to speak, if you'll stay and we'll hopefully have an answer for you.

MR. MANCINI:

I got a couple more questions for you.

CHAIRMAN SCHNEIDERMAN:

Okay. Go ahead.

MR. MANCINI:

Is this school building insured? Was it insured for water damage because there is water damage in the building. The pipes froze and broke. Nobody ever shut the water off, ceilings are damaged. What was the money used for? Was it collected for repairs? How much money was received to fix the damage to the interior of the school? Do you have a maintenance man there on duty? Is he on call 24 hours a day? Can you answer these questions •• can anybody answer these questions for me?

CHAIRMAN SCHNEIDERMAN:

Okay. We'll find out shortly.

MR. MANCINI:

All right. I'll sit down. I'll get back up afterwards if you let me. I'll ask these questions if you have somebody that can maybe answer.

CHAIRMAN SCHNEIDERMAN:

You've laid out your questions. After the other speakers have spoken, I'll bring the Park Commissioner up to address any of the questions that came up during public portion.

MR. MANCINI:

I would appreciate that very much.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. Okay next speaker Albert Wesnofske.

MR. WESNOFSKE:

Good afternoon. Elwood School is probably the most historic building that we have on Long Island. It was purchased by Suffolk County Parks Department.

CHAIRMAN SCHNEIDERMAN:

Oh, I know which building this is.

MR. WESNOFSKE:

The people who purchased it didn't think it was. So, they left it to die and rot. I'm going to read you a letter about the building. I'll go as quick as I can so I hope I can get finished.

"This meeting today is about the original first Old Elwood School. It was built in 1909 in the hamlet of Elwood. The thin new schoolhouse was and still is a two-story building. It had two classrooms on the first floor and a large room unfinished on the second floor. The two classrooms on the first floor were divided into a set of two rooms. One teacher taught the first, second and third, fourth. Another teacher and also the principal taught fifth, sixth and seventh and eighth grades. Eventually the upstairs room was finished to be used as an auditorium and classroom with a stage. A fire escape and an exit door were installed for safety. Around 1949 the outside of the building was renovated. The brown cedar singles were removed and replaced with asbestos shingles that were painted red. Since then the school has been known as the Little Red School House.

The original school was used for classes and the administrative offices until 1987 or '88. In 1988 it was put up for sale. It was used by the Elwood school district as a school for eighty areas. The school was bought by the Suffolk County Parks Department and would become part of the Suffolk County Historical Preservation Program. A trust agreement was made between the Elwood School administration and the Parks Department that the building was to be used and maintained as a community center. And that they would restore the second floor to a circa 1920 classroom. It was during that time that the County rented or leased the school to the Huntington Art League for about 12 years.

The school was deteriorating rapidly. Little or no maintenance was being done. The flag pole broke off and was left broken like a sore thumb for many years. The windows were rotting out and broken. Then rags were stuffed in the openings to keep out the weather. Graffiti was sprayed on the building and left there.

The wood under the overhang is badly warped and stained and is starting to fall down. The wooden doors leading down to the basement are all rotted away and look like an open pit. Shades and drapes are torn and broken and left twisted and hanging crooked on the windows. An air conditioner was left on the windows. A pile of debris was left outside the back door. Some of it is still there. Paint is peeling off of the asbestos shingles. Two old broken air

conditioners units are rusting under the fire escape. The metal railings are rusting and scattered around by the fire escape. A large wooden platform is rotting on the ground in the weeds and grass so you can't walk around safely. A hole that was dug in front of the school was left open. Last but not least the heating system failed sometime in the winter and a sprinkler or pipe burst and almost destroyed the inside of the school.

When it was discovered a call was made to the emergency number on the sign but no one could be reached so the fire department was called.

The school has not been used for several years. The inside looks worse than the outside and the outside looks worse than the inside.

Last Friday July 29th my wife and I went over to the school building. Nothing much has changed. A piece of plywood was laid over the cellar entrance and the old wood from the doors were put on the top of it. The mailbox is stuffed to the top with old papers and the black plastic bag full of garbage is still hanging on the back railing by the door. Parts of a boat trailer were left on the lower parking lot in back of the building. And another one is practically covered in the weeds in the upper parking lot. The grass was cut, the twigs and branches were picked up from the front porch, sidewalk and steps. They were taken away. The sidewalk, walk and steps were swept clean. The front looks presentable now."

I'd like to ask Mr. Foley a question.

CHAIRMAN SCHNEIDERMAN:

You have to address your questions directly to us. We can answer the questions through Mr. Foley, but since all three speakers that I have cards for are all on the topic of the Little Red School House, I'd like to get all the speakers and then I will bring •• rather than having him keep going •• sitting down and going back.

MS. SULLIVAN:

Stay there.

CHAIRMAN SCHNEIDERMAN:

Yes, if you'll stay at the podium. Again, what I'm saying is that when the three speakers on

Elwood School are finished, I'll have Mr. Foley, the Park Commissioner, come forward and we can •• he can talk and address all of the questions that have been asked.

MR. WESNOFSKE:

Let me ask you something.

CHAIRMAN SCHNEIDERMAN:

You can't. It's got to be on the record.

LEG. ALDEN:

You have to use the microphone.

LEG. NOWICK:

Mr. Wesnofske, can I ask you a question?

MR. WESNOFSKE:

Why am I only given three minutes? How can you explain something in three minutes?

LEG. NOWICK:

No, you have more time.

CHAIRMAN SCHNEIDERMAN:

I haven't even limited you to three minutes. Legislator Nowick has a question for you.

MR. WESNOFSKE:

You know something ••

LEG. NOWICK:

I have a question for you. Do you have those photos because the photos of that school speak a thousand words.

MR. WESNOFSKE:

Yes, I have.

LEG. NOWICK:

Could you possibly pass them around to the Committee?

MR. WESNOFSKE:

I'd be delighted to.

LEG. NOWICK:

Because •• okay. If you could just give them to this lady right here.

MR. WESNOFSKE:

But, you know, I'd like to ask one more thing.

LEG. NOWICK:

Sure.

LEG. LINDSAY:

Go talk into the mike.

MR. WESNOFSKE:

I'd like to ask one more thing.

LEG. NOWICK:

Sure.

MR. WESNOFSKE:

Almost nine years I called over to the County Executive, over at Sayville, Timber Point, calling up these people. Always got the same answer. Somebody's out, somebody's on vacation, somebody's doing this and somebody's doing that. And I spent a lot of time and a lot of gasoline running around for information. And certainly all the time that I took I think I should be allowed more than three minutes. But I'll accept it if that's the way it has to be.

LEG. NOWICK:

Okay, Mr. Wesnofske, your questions today will be addressed as I promised you at my district office. What I would like is for you to pass around the photos. And we're going to also speak to

three other people that would like to address us.

CHAIRMAN SCHNEIDERMAN:

Okay. I'd like to call the next speaker. Maybe some relation to the last. Esther Wesnofske. Esther.

MS. WESNOFSKE:

I haven't got too much to do with this school. But over this past week end, we were talking to several school teachers in various districts that had •• when the subject came up about coming to this meeting. And one of the teachers said that with the school budgets getting so tight, there isn't that much money for help or field trips. So they go locally as much as they can so that the children get a chance to go away and see things. And we found out that the Stony Brook Museum has an old school room set up where they take the children. They dress up in old fashion clothing and bring their lunch. No wax papers, saran wrap or zip lock bags or aluminum foil or anything are allowed to be used when they bring their lunch. So, they bring their lunches in the old fashion baskets and pails. And they wrap their lunches in cotton napkins. And they can bring fruit or •• they can bring fruit or anything. And if they have to bring a bottle of something, they can't bring soda because soda in that time was not used. So, they bring a bottle with a cork in it. And that's put in their lunch pail or the basket. And this is quite a big thing over there in Stony Brook.

Now we have in papers that when they sold the school to the Parks, that we were supposed to have that school restored to 1920 upstairs. The room upstairs was supposed to be restored to a 1920 classroom. And I thought this was a very interesting thing if they wanted to draw the people in, the teachers from around this district could bring them to this classroom and do the same kind of thing. And I think the children would really enjoy it.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MS. WESNOFSKE:

That's it.

CHAIRMAN SCHNEIDERMAN:

Before the Parks Commissioner comes up, let me •• first I wanted to thank Mr. Wesnofske for

bringing these photos to the attention of the Committee. They are very telling and they do show the exterior of the building in a state of disrepair. The County owns some 300 historic buildings. Certainly as we take these buildings on, it's our responsibility to maintain them for future generations. I have been repeatedly calling for a full inventory of all of the historic buildings and a structural analysis so we can get a maintenance schedule developed so we're not responding when it's too late in crisis mode to some of these problems. I was very distressed with the Little Red School House when the pipes broke in the winter time and there was significant flooding and water damage in that building.

At this point I'd like to bring the Park Commissioner forward to address first specifically the Little Red School House and answer the questions that were raised by the earlier speakers. And then maybe we can talk more globally about how the County is going to approach all of the historic assets in terms of maintaining these structures. Good morning, Commissioner Foley.

COMMISSIONER FOLEY:

Of course as you see by the pictures we can't dispute anything that's been said here this morning. The story is lengthy, though. This building is one of several that was under the control of the Friends for Long Island Heritage. Its lack of maintenance is one of the reasons we changed that whole arrangement and took over these properties ourselves.

Part of the reason for lack of maintenance •• I'm not saying this as an excuse •• is when Friends had it, the school district was talking about coming back in. We kind of danced with them for a while and didn't get an answer. Then they went away. We have been talking to other groups about the possibility of occupying this place. And have not done the interior repairs from the water damage until we find out who's coming and what they might need. We have the exterior of the building scheduled for painting this fall.

On their questions •• I'm not sure of the history of the Art League. I'm just not familiar with that. I'll try to find out.

The insurance, like every other building, we're self insured. Our plan is to do the interior restoration work ourselves. We don't have any staff assigned to the site on a regular basis, although the maintenance crew which is housed in Yaphank is on call 24 hours a day. All police entities have their numbers and they know how to get them if they need them.

We have talked also about, you know, living up to that original intention of restoring the upper floor to the 1920's era class room; but, again, you know the difficulty we have in getting funds for these historic properties. And as bad as the Little Red School House is, it's not the worst. We've got buildings worse than that.

CHAIRMAN SCHNEIDERMAN:

Commissioner, could you just raise your mike just a little bit because I see some people struggling to hear what you're saying and I know they want to hear.

COMMISSIONER FOLEY:

That's all I have other than questions you have.

CHAIRMAN SCHNEIDERMAN:

Okay. Very specifically, Commissioner, what plans are in place to fix the exterior of this building and fix the interior water damage?

COMMISSIONER FOLEY:

No definite plans for the interior yet. If we continue to be unsuccessful in finding an occupant, we'll go in and repair the water damage the way it was before regardless of what the potential town wants or some prospective tenant.

The exterior is going to be put back in shape and painted this fall. That's our plan right now barring any other surprises.

CHAIRMAN SCHNEIDERMAN:

Okay. So, this fall we have •• that's something you're doing in•house?

COMMISSIONER FOLEY:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. And you have the staff to do that?

COMMISSIONER FOLEY:

We do.

CHAIRMAN SCHNEIDERMAN:

Okay. I'll let Legislator Lindsay and then Legislator Nowick ••

LEG. LINDSAY:

Commissioner Foley, I was going to ask has an assessment been done of •• is it a matter of resources to get the work done? Do we have an assessment of how much it would cost to repair the building?

COMMISSIONER FOLEY:

Again, I'm going on recollection more than fact here. I think it's eight to \$10,000 to do the interior renovation. I didn't see a price tag on the painting but we're going to do that.

LEG. LINDSAY:

But you have the resources in your budget to did it?

COMMISSIONER FOLEY:

Yes.

LEG. LINDSAY:

So, it isn't a resource problem?

COMMISSIONER FOLEY:

Right.

LEG. LINDSAY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Nowick.

LEG. NOWICK:

Commissioner, I can't help thinking that we're buying these buildings and we're becoming nuisance neighbors. We are. I'm looking at these pictures and I'm embarrassed •• I'm embarrassed as a County Legislator. Even if the outside was presentable •• if my neighbor kept their house like that, I think that I would want them to move out of the neighborhood. So, I'm very concerned about this house and I'm very concerned •• and I hate to hold your feet to the fire, but when you say we're going to be doing that in the fall barring anything else, can you •• I hate to ask you •• but be specific because we have to answer to our constituents. And if you're saying that to us, can you be more specific? When are we going in there as a County and painting and making that look presentable? Now, that's number one.

And number two is I am concerned that Mr. Wesnofske said that he's made many calls to the Parks Department, to many different people and every time •• and I might be wrong but I thought I heard him say he did not get return calls. There was always somebody out, somebody on vacation. So, we're in the business of serving the public.

COMMISSIONER FOLEY:

Absolutely.

LEG. NOWICK:

And I'm a little concerned that there were not return phone calls; and that Mr. Wesnofske and Mrs. Wesnofske and neighbors needed to come in here. So, I need those answers.

COMMISSIONER FOLEY:

Okay. The only direct contact I've had has been from you or your staff. If they have called other people and I know who they are, we'll correct that situation. And they will get return calls. I don't like that any more than you do. I can't ••

LEG. NOWICK:

And you know •• excuse me. And I don't mean to interrupt. And I'm sure you don't. And probably •• sometimes as the boss you don't •• you aren't aware ••

COMMISSIONER FOLEY:

That's right.

LEG. NOWICK:

And this make you aware. And I'm sure you want to hear about it.

COMMISSIONER FOLEY:

I do, I do. I'm not objecting to anything ••

LEG. NOWICK:

Nope, I'm sure you do.

COMMISSIONER FOLEY:

•• they said or taking issue with it. And we ought to be giving them better service than they've had ••

LEG. NOWICK:

Absolutely.

COMMISSIONER FOLEY:

•• within our capability to do it. I can't sit here today and tell you the exact date the first paint brush is going to hit the side of that building. I will try to define it better than I have and get back to you later on this week or next.

LEG. NOWICK:

That would be great. If you could just say the week of. It doesn't have been to the exact time.

COMMISSIONER FOLEY:

Okay.

LEG. NOWICK:

But just to make that horrendous looking building safe for one thing. And number two so we're not embarrassed as Legislators.

COMMISSIONER FOLEY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Commissioner, is there an individual under your supervision who's directly charged with historic buildings; the over sight of historic buildings?

COMMISSIONER FOLEY:

There are three people who make up the Historic Services Department so to speak. A director, an assistant and a program manager. They're responsible for the maintenance and upkeep of 230 buildings. We have relationships with 20 or more local volunteer groups who we depend a great deal on to take care of and be our eyes and ears on these buildings. And they're also responsible for coordinating all the capital projects that do get done on these properties. So, yes, there are.

CHAIRMAN SCHNEIDERMAN:

Can we speak globally for a moment? I had asked for a capital budget amendment a while back to do a full inventory of the historic buildings, a structural analysis, a priority list in terms of historic importance and a maintenance schedule for these buildings. I was told that it was better placed as an operating budget. I think \$200,000 was the request. As the operating budget is being developed, are you looking toward doing this type of inventory?

COMMISSIONER FOLEY:

Yes, I am. And I think the County Executive is supporting it and you'll see it in the Operating Budget when it comes to you. And what you're seeing today is a symptom of the absence of that kind of overall assessment. Instead of looking at all the properties we're responsible for and attending to the worst first, we end up attending to the one that gets the most noticed first. And even though Little Red School House isn't the worst one we have, that's where we'll go next. And that leaves a lot of other buildings that get less noticed in much worse and faster deteriorating condition.

CHAIRMAN SCHNEIDERMAN:

We're operating on the squeaky wheel theory.

COMMISSIONER FOLEY:

Absolutely, yeah.

CHAIRMAN SCHNEIDERMAN:

Legislator Alden.

LEG. ALDEN:

I'm glad we're having this discussion because in another month or so we're actually going to talk about the operating budget. But I actually have a building in my district which is down at Timber Point that you could die going in there. The floor boards are rotted. It's a historically significant building, but again there was negligence on the part of the County to allow the building •• to take over that property and then allow the building to •• it was very, very well deteriorated when we took it, but it further deteriorated. And now there's no decision, you know, whether just to let it go or whether we should try to restore it, try to save it. But now is the time that we also have to be cognizant of the fact that in this next budget we should not be taxing our overtaxing the Parks Department. And we've done that on a number of resolutions.

For instance, we gave away the show mobile the other day. That cost overtime. That cost manpower, labor. And those resources have to be taken from something else. And unfortunately it's a building like the Little Red School House, that that labor and that manpower and that money was taken from. So, everything we do has a significant little fallout effect. So, as we're going through this operating budget, we should keep it in the backs of our minds instead of cutting the resources we give the Parks Department to work with, maybe we should put a little more in there because there are things just like this. And we're going to end with our neighbors down here and rightfully so telling us that we're doing a lousy job and that we're embarrassing ourselves and we're embarrassing them. And get these properties up to snuff.

CHAIRMAN SCHNEIDERMAN:

The Scully Building in your district is a good example. We keep taking on more historic buildings and we haven't added another staff to possibly maintain these buildings. And we keep adding more open space which is good; however you need to steward these properties. And if we don't add additional staff to do that, we're going to end up with dumping and encroachments and all kinds of problems.

LEG. ALDEN:

And now you've just opened up another little thing, a look into Pandora's Box because as we buy open space, we're charging this gentleman with preservation and the oversight of those. And he's got no resources. We don't •• we've cut the park police.

CHAIRMAN SCHNEIDERMAN:

Absolutely.

LEG. ALDEN:

There hardly is any park police anymore. There's hardly anymore staff that we've given him. And yet we've given more and more property every day here. Now keep the people out of there so they don't wreck it, so they don't dump on it, so they don't use the four-wheel drive things and run, you know, hikers over or people that are on their horses. So, we're giving him more and more of a job and we're giving him less and less resource to do that job. And we're going to have more meetings like this where the people come down and hold our feet to the fire and rightfully so.

CHAIRMAN SCHNEIDERMAN:

I personally think the Commissioner's doing a wonderful job with the resources he has. He just does not have the resources he needs to meet the task and that's unfortunate.

LEG. NOWICK:

Also just as Legislators, we're asked all the time, can you preserve that historical building, can you preserve it? Well, in St. James we have a school house that thankfully the Suffolk County Legislature didn't preserve because it went to a private entity. And it is just a little jewel. It's beautiful. I am so glad that we didn't get our hands in there.

CHAIRMAN SCHNEIDERMAN:

Okay, Lynne, are you done?

LEG. NOWICK:

Yes.

LEG. LINDSAY:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Yeah, I just •• I mean I couldn't agree with Legislator Alden's remarks. I just want to clarify the record. We didn't give the showmobile away. Somebody isn't running around it. We let somebody use it on a weekend, you know.

LEG. ALDEN:

At a reduced rate.

LEG. LINDSAY:

I agree with ••

LEG. ALDEN:

That was my point.

LEG. LINDSAY:

I know what your point is. I'm not sure the public realized, you know, that we gave it away. We didn't give it away.

LEG. ALDEN:

No, we still own it.

LEG. LINDSAY:

We still own it. All right.

CHAIRMAN SCHNEIDERMAN:

It's driving across the country. Somebody's camping out in it.

LEG. ALDEN:

Thank you.

LEG. LINDSAY:

And the other point that I want to make is, you know, your insight into county buildings within your district, you know, I do the same thing. Any holdings within my district I feel kind of

responsible for to keep an eye on it to make sure it's maintained properly. And it's unfortunate that this building has deteriorated, you know.

CHAIRMAN SCHNEIDERMAN:

One building in my district I bring up all the time and maybe you can give an update because I hear there's been some delays now with the Third House construction out in Montauk which is, I believe, a very important historic building. So, we have not awarded the bid I understand?

COMMISSIONER FOLEY:

We have not. The new bid date is the end of this month, August 31st. And it's really •• it's not DPW's fault by any means. It's the fault of hiring an inadequate architect who made a set of plans and specs that just are not biddable without chaotic confusion. That again is a sign of difficulty in maintaining historic buildings. You can't just put out a set of specs for a gymnasium. It's got to be very detailed and very correct and really address the error and the condition of the building.

CHAIRMAN SCHNEIDERMAN:

You know I'm frustrated on this one.

COMMISSIONER FOLEY:

I know you are.

CHAIRMAN SCHNEIDERMAN:

Because I feel there's a clock ticking. And every time it rains, it's getting worse. As it rains inside this building, there's going to be more and more damage and it's going to be more •• you know, more expensive to repair. I just urge you to work out whatever wrinkles there are and get this bid awarded and get this construction started.

COMMISSIONER FOLEY:

And I don't want leave the Legislature or the public with the belief that nothing been done in the past because there are some grand, very valuable historic assets that the County has done a good job of maintaining. Sagtikos Manor and Meadowcroft and a number of buildings; St. James General Store and Deepwells, we've done a great job on these. But we've got to do more in some of the areas we haven't been able to attend to.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any other comments or questions? Okay. So, Commissioner, you'll get back to us on a more exact date for painting the Little Red School House?

COMMISSIONER FOLEY:

I will.

CHAIRMAN SCHNEIDERMAN:

Okay. Particularly to Legislator Nowick because it's in her district so she can report to her constituents. Legislator Lindsay.

LEG. LINDSAY:

Just on •• is that your district, Legislator Nowick?

LEG. NOWICK:

No, but I'm just a caring Legislator.

CHAIRMAN SCHNEIDERMAN:

Whose district •• is it your district?

LEG. LINDSAY:

No. Allan Binder's.

LEG. COOPER:

It's Allan Binder's.

CHAIRMAN SCHNEIDERMAN:

It's Binder's district? Okay, it's Allan's district.

Okay. Then we'll move to the agenda unless, Mr. Commissioner, there are other things that you wanted to bring to our attention before we move the agenda?

COMMISSIONER FOLEY:

No, I don't think so. As you come to them, if you need me, I'll be here.

CHAIRMAN SCHNEIDERMAN:

Okay. There is one other person maybe I can bring up if he's here, Gilbert Cardillo, who's here for a potential appointment to the Suffolk County Board of Trustees. Mr. Cardillo, if I'm saying that right, if you'll ••

MR. CARDILLO:

Cardillo.

CHAIRMAN SCHNEIDERMAN:

Cardillo. If you'll step forward to the table and introduce yourself.

MR. CARDILLO:

Good afternoon. Gilbert Cardillo.

CHAIRMAN SCHNEIDERMAN:

Can you tell us a little bit about yourself and your interest in serving on the Suffolk County Board of Parks Trustees?

MR. CARDILLO:

Yes. I had sometime ago in the mail received our tax dollars at work, the Leisure News. I guess it was about a year ago. And I had read through the Leisure News as to the goings•on in the County Parks system. I had looked down •• I live in Riverhead. I'm a resident of Riverhead for 13 or 14 years. So, I looked down to see the representative for Riverhead to see if maybe I knew the individual. And as I •• much to my surprise it said vacant. The position was unfilled. So, after some review, I found out that the position was unfilled, I guess, for a significant period of time. Not knowing the next step, I had called the County Parks area. And they informed me •• a very nice lady informed me that the •• I asked how does one •• how is one then considered for such a position as a trustee to the County Parks figuring that someone would be better than no one.

So, she informed me that the Supervisor •• the Town Supervisor normally would appoint such a candidate. I did not know my Supervisor, but I do have a relationship with the Chief of Police. And he introduced me to the Supervisor. And after further discussions back and forth, he

looked into my credentials and experience. And he had recommended me for appointment to •
• the trustee for the Town of Riverhead. I'm sorry. Did I not answer your question?

CHAIRMAN SCHNEIDERMAN:

No, no, you're doing fine. I'm just looking at your resume. I did my Masters at Cortland.

MR. CARDILLO:

Oh, okay.

CHAIRMAN SCHNEIDERMAN:

Let's see. Any questions for Mr. Cardillo? Actually we have one other person who's also for a Park Trustee position, Miles Borden. I think that at this point Mr. Cardillo, you can sit down.

MR. CARDILLO:

Yes.

CHAIRMAN SCHNEIDERMAN:

And I probably will take that resolution out of order so you won't have to sit through the whole agenda.

MR. CARDILLO:

Thank you. But I'd like to give Mr. Borden an opportunity as well.

MR. BORDEN:

Good afternoon. I'm Miles Borden and I live in Kings Park.

CHAIRMAN SCHNEIDERMAN:

And just tell us briefly why you are interested in serving as Park Trustee.

MR. BORDEN:

Probably two or three weeks ago Legislator Nowick through Edward Hogan approached me and asked if I would be interested in serving on the board. I think if you look at my brief resume, I've had a long history of association with parks and park environments.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions for Mr. Borden? Your background as a historian, I think, it would be quite an asset to the Park Trustees.

MR. BORDEN:

Yeah, I had •• in fact one of my histories, I had the chance to look at the Parks in the Town of Smithtown; looking at the State, County, Town, of course. And then •• I view many of our school buildings as parks because they're used many times in that fashion.

CHAIRMAN SCHNEIDERMAN:

Legislator Nowick.

LEG. NOWICK:

Yes. Mr. Borden, thank you for coming forward and agreeing to possibly serve on this board. And I just wanted the resume to be reflected into the record. Mr. Borden has spent much of his time on being familiar with the Green Belt Trails in Suffolk County. He's been hiking and running those trails. He's had wilderness hiking experience in New York, New England, Canada, Switzerland, Nepal, Alaska; has written and published numerous books. I am very, very proud, Mr. Borden, to introduce you as a possible member of the Board of Trustees. And I hope that you're willing to accept this if the Suffolk County Legislature approves.

MR. BORDEN:

Yes, I certainly would. And I know the difference between being a trustee and an administrator. And I think that's important.

LEG. NOWICK:

And I also know having spoken to you that you have the time to give to this Committee. And we're very happy about that.

MR. CARDILLO:

Yeah, I do. Yes.

LEG. NOWICK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I too, Mr. Borden, want to compliment you on your resume. It's certainly extensive both in the community. And it has a tremendous amount of historical value to the County. And I appreciate you, you know, being willing to do this. So many of our citizens give so much of their time to make this a better place to live. And we really appreciate that.

My one question may be more to the sponsor is protocol, we usually get the appointments from the Supervisor; is that ••

LEG. NOWICK:

As I understand it, it's a recommendation from the Supervisor. But my •• I have been in touch with the Supervisor. He certainly agrees with Mr. Borden. He thinks very highly of Mr. Borden as everybody does in our Town. And I think you have also spoken, Mr. Borden, to the Supervisor.

MR. BORDEN:

Correct.

LEG. LINDSAY:

Okay.

LEG. ALDEN:

Brief question.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, I was talking to Counsel for a second to see if there was anything statutory regarding how these appointments are made. And what I'm being told is that there is a recommendation by the Supervisor.

LEG. NOWICK:

Right.

CHAIRMAN SCHNEIDERMAN:

That is part of the, I guess, the Charter. And you say we do that?

LEG. NOWICK:

I have been in touch with the Supervisor.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. NOWICK:

The Supervisor agrees with this recommendation. The Supervisor has spoken to Mr. Borden and everybody's on board.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Alden.

LEG. ALDEN:

Is it the case with this position that it's a vacancy also? I believe the first gentleman that came up to speak said there is a vacancy that exists.

LEG. NOWICK:

I think this is filling out a term. Is that ••

MR. BORDEN:

Yes.

LEG. NOWICK:

What does it say in the ••

MS. KNAPP:

Mr. _Krugar_ expired back in •• well, his term expired back in November 30th of 2000.

CHAIRMAN SCHNEIDERMAN:

So, it's a vacancy.

LEG. ALDEN:

And has he been serving as a holdover?

MS. KNAPP:

I don't know that.

LEG. NOWICK:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. I'm going to make a motion to take 1653 out of order. Is there a second?

Second by Legislator Lindsay. All in favor? Any opposed? **1653 is now before us. This is to appoint Mr. Bordon to the Suffolk County Board of Trustees.** All in favor? Any opposed?
1653 is approved. (Vote: 5•0•0•1. Leg. Carpenter not present)

This now will go to the full Legislature next week. You do not need to appear. If you are confirmed •• does this go again to the County Executive or no? Mea, is there a County Executive approval on this type of resolution or no? It's just a legislative resolution. So as long as you're approved by the Legislature next week, then, you'll be invited as a member to the Park Trustees. So, thank you, sir. Congratulations.

LEG. NOWICK:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I'd like to make a motion to take 1779 out of order. This is to appoint Gilbert Cardillo.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a second by Legislator Cooper. All in favor?

LEG. LINDSAY:

Same question though ••

CHAIRMAN SCHNEIDERMAN:

Just hold on one second. All in favor? Any opposed? Okay. **1779 is before us. (Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation Gilbert A. Cardillo)**

I'm going to make a motion to approve, seconded by Legislator Nowick. On the motion Legislator Lindsay.

LEG. LINDSAY:

Yeah. My question again is this an open seat and •• I don't see ••

CHAIRMAN SCHNEIDERMAN:

The testimony today certainly implies it is a vacant seat.

LEG. LINDSAY:

Yeah, it is. But I don't see ••

CHAIRMAN SCHNEIDERMAN:

We're talking about •• we're talking about Cardillo.

LEG. VILORIA • FISHER:

Okay. Sorry.

CHAIRMAN SCHNEIDERMAN:

We just appointed Mr. Borden.

LEG. LINDSAY:

I'm reading the letter from the Supervisor that says there's been a vacancy in regard to the

Riverhead representative on the Suffolk County Parks Commission. So, I guess it's vacant. There's nobody there. So that answers my question.

CHAIRMAN SCHNEIDERMAN:

Okay. So, there's a motion to approve and a second. All in favor? Any opposed? **1779 is approved. (Vote: 5•0•0•1. Leg. Carpenter not present)** Congratulations, Mr. Cardillo. Again, you don't need to be there next week. It'll go before the full Legislature. And if you are approved, then you'll be invited to be a member of the Park Trustees.

Thank you.

TABLED PRIME RESOLUTIONS

Continuing back to the beginning of the agenda, under **Tabled Prime Resolution 1443 to establish an Ecology and Technology Park in Suffolk County.** I don't know that this has been to the Park Trustees. Speaking to the Park Trustees. Is there a motion?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a motion to table. I'll second that motion. And ask the sponsor, too, if he can route this to the Park Trustees. Okay? All in favor of tabling? Any opposed? **1443 is tabled. (Vote: 5•0•0•1. Leg. Carpenter not present)**

1581 (linking County Park fees for Community Emergency Response Team Volunteers, Medical Reserve Corp Volunteers and Volunteers in Police Services to park fees for senior citizens.) I've had a request from the County Attorney to speak on 1581. Ms. Bizzarro.

MS. CAPUTI:

Thank you. If I could just address 1581 and 1736 at the same time. They're related.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. ALDEN:

This is also not Ms. Bizzarro.

CHAIRMAN SCHNEIDERMAN:

Oh, I'm sorry. Jackie. I'm sorry. I'm the new guy. Sorry.

MS. CAPUTI:

Anyway, they're both regarding proposed reduction in fees for County Park facilities. And one is for certain type of volunteers. Another one's for senior citizens as you probably know. But we're concerned because the Parks Trustees as required under the Charter hasn't approved these proposed reductions. And that's required. One was •• it has been heard by the Trustees and they tabled it for more information. And the other one hasn't even been presented to them. So, we recommend that these be tabled until that's done.

LEG. COOPER:

Which is which?

MS. CAPUTI:

Okay. Let's see. Wait a minute. I can tell you. I think your resolution, Mr. Cooper, has not gone before the Trustees.

LEG. COOPER:

Okay.

MS. CAPUTI:

And Caracciolo's was tabled by the Trustees.

CHAIRMAN SCHNEIDERMAN:

And the Cooper resolution is also •• I think we're co•sponsors on that one. Okay. All right. I'll make a motion to table 1581, second by Legislator Cooper. All in favor? Any opposed? **1581 is tabled. (Vote: 5•0•0•1. Leg. Carpenter not present)**

Resolution 1640 to establish Community and Youth Services Program for the Boys and Girls Club of Suffolk County.

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Lindsay. I actually have a question about this resolution.

LEG. COOPER:

Sure. I'll second the motion.

CHAIRMAN SCHNEIDERMAN:

For the purposes of discussion, there's a second by Legislator Cooper. The sponsor is here, Legislator Fisher. Have you amended this resolution? There was concern about the length of the lease being longer than what is traditional here. Typically it's a five-year lease, plus five-year extension. Have you amended it to be a five-year lease and a five-year extension?

LEG. VILORIA FISHER:

The County Attorney's Office is coming up. We made amendments regarding the utilization by all Suffolk County residents. Has the length of the lease been a problem, Jackie?

MS. CAPUTI:

No. But actually it's important. It's not a lease. It's going to be a license agreement. A lease wouldn't be permitted, but it's still •• it's a ten-year license agreement with a ten-year option to renew. The option has been converted now to •• at the County rather. It formerly read that it was the licensee's option to extend it for the additional ten years. So, after ten years the County could decide that it didn't want to continue with the arrangement.

CHAIRMAN SCHNEIDERMAN:

I'm being told by various individuals that typically these are five year, not ten-year arrangements; is that correct?

MS. CAPUTI:

I don't know but •• but I think that it's up to us. But generally the shorter the better for the County. But here to ask this group to make such a commitment, they're going to be doing a lot of the constructing and maintenance. I don't think they would hesitate to get involved if they don't have a significant time that they know they can use the facilities.

LEG. VILORIA • FISHER:

Mr. Chair, this has been a very abused property. It was a sand mine. And it's certainly a piece of property that's going to require quite a bit of work and resources on the part of this not•for•profit group. And because of that, the County understanding the kind of expense and effort that the not•for•profit is putting into it has agreed to a ten•year license agreement. But the option to renew is on the part of the County.

This will also be unlike what we saw earlier today County property that's a blight to the community. This will be County property that is currently a blight to the community because it's used as a dump. It was a sand mine; will be improved by this not•for•profit group and will be available for Little Leagues and other community groups in the surrounding area for use without any expense to the County. In fact, the maintenance and operation will be shouldered by the Boys and Girls Club.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. VILORIA • FISHER:

And so that's why I think the County Attorney's Office under both this administration and the past administration have supported a longer license agreement with this group.

CHAIRMAN SCHNEIDERMAN:

And what's the extension? Is it a five•year extension?

LEG. LINDSAY:

Two fives.

MS. CAPUTI:

Ten, ten and ten. No, it's ten and ten. Did you change it?

CHAIRMAN SCHNEIDERMAN:

Ten and two tens or ten and two fives?

LEG. VILORIA • FISHER:

Ten and two fives.

MS. CAPUTI:

Oh, okay. That's a change, then, I think, because that wasn't the way it originally read.

MS. KNAPP:

The renewal provision is for two periods of up to five years each.

CHAIRMAN SCHNEIDERMAN:

Okay. On the motion Legislator Alden.

LEG. ALDEN:

On the license agreement, traditionally that would be the responsibility of Parks Department to oversee?

MS. CAPUTI:

Yes, that's going to be the case here.

LEG. ALDEN:

And how much oversight is provided for in the license? And I'll tell you where I'm going. We did it •• and it might not be a license agreement; maybe it's a contract. But we have a deal with Bergen Point that, you know, as an attorney, I don't know how anybody in the County could even look favorably upon that because we have no rights at all under any of it. And basically when I went down there to look and see as far as performance, I'm not seeing a lot on the performance side. So, I'm a little bit leery to get involved in these types of agreement especially here now we've got a park or it's going to developed into a park where it's not really going to attract people from all over Suffolk County. So, I think that we can be criticized in that we're giving something away to a local group that doesn't benefit all the taxpayers in Suffolk

County.

And as far as the oversight, I want to make sure that the resources are in place because, again, I'll go back to some comments I made before. I think we overtax with almost everything we do. We overtax the Parks Department. And then we're reluctant to go and step up to the plate and say you know what, you need an extra auditor or you need another contracts enforcer or you need somebody in contracts evaluation. So, you know, we don't put the resources in there. And yet we do things like this. So, if we've got the positions in the budget and it's working properly where they can •• there's some oversight that's going to be exerted on this, then I might be persuaded to vote for it. But if we're just treading water at the Parks Department, how can we put something else in there? And this is significant because there's a lot of money that they claim they're going come to the plate with as far as building and developing of fields. It does require some money on the part of Suffolk County going in; right?

MS. CAPUTI:

No, not really.

LEG. VILORIA • FISHER:

No.

LEG. ALDEN:

Not a penny?

LEG. VILORIA • FISHER:

No.

CHAIRMAN SCHNEIDERMAN:

How big of a sight •• it's our property, though?

MS. CAPUTI:

We're just giving the property basically. 36 acres. Yeah, it's 36 acres.

LEG. ALDEN:

Okay. And then I'll get back to •• and then I'm even more right in my thinking that I don't

want to create a club for somebody that's living right there and be criticized by everybody in Suffolk County for giving away almost an alienation of park land. So, I want to make sure that the mechanisms and the people and the amount of money that we're going to have to spend to provide the oversight is there in the Parks Department. And anybody in the Legislature that comes forward with these type of resolutions or even purchase of property anymore, I'm going to question them on have they given any thought to how we're going to make sure that there's no abuses in the future and how we're going to make sure that we assure rights; and, really, the taxpayer has to be protected in all of these.

So, again, you would be turned to from the Parks Department for the legal advice, but still the Parks Department, I'm going to have to be convinced that they have enough people there, that they can get out and exercise some control over this license agreement.

MS. CAPUTI:

I'd like to have Mr. Foley address that, but I can give you a couple of points. The Law Department had serious reservations about this. And we've gone over it. And we feel, you know, a certain level of comfort at this point. We haven't drafted the license agreement yet. But we intend to really make it pretty tight. It will provide that the Parks Commissioner could cancel the license agreement at any time if the licensee isn't living up •• keeping the park at a certain level or living up to the terms of the license agreement. But as far as, you know, the Parks Department resources, I'd really have to defer to Mr. Foley on that. But we do •• you know, we do share your concern. We want to exert tight control through the license agreement itself.

LEG. ALDEN:

And as a former governmental attorney, a shorter lease is better than the long lease •• lease •• I didn't say lease •• lease •• because if you're giving somebody ten years, you know, there's a lot of stuff that can happen. And if we don't go out there and look all the time, things can go in the wrong direction as far as protection of the taxpayer and everybody in Suffolk County. So, there is precedent, though, for the shorter time periods. For instance, I think over in Hauppauge right behind the Dennison Building, that's only a five•year license agreement. And there is significant amount of money and repairs put in there by the local Little Leagues and some of the other users. So, you know, as far as the argument that because somebody's making a substantial investment in governmental property that they have to have, you know,

like a longer period of time to protect them, no, they've got to rely on us to be, you know, doing things in a proper manner and not an illegal manner and not, you know, just willy nilly going and taking it away from them in the future. But they've also got to realize that there's a responsibility on their part. And I think that people pay a lot more attention when there's a shorter period of time than when they have a longer period of time; that they could just relax and possibly •• I'm not saying abuse it, but start, you know, start drifting off the straight and narrow.

MS. CAPUTI:

That will ultimately be the Legislature's policy determination as to •• I mean we could draft a license agreement basically for whatever term you determine is appropriate. But, you know, we listen to the sponsor and we thought that there was some validity to the fact that if this club is going to be investing as much as they are proposing to do, they're going to need some kind of assurance that they have the property for ••

LEG. ALDEN:

But that scares me when you start hearing that because we can't do things for local •• you know, we can't be exclusionary and ••

MS. CAPUTI:

Well, we also •• the resolution says right in it that there's going to be guaranteed public access times. Whether the public chooses to use those, but we intend to make it a specific term in the license agreement of hours; you know, prime time hours that these fields will be available for general County use.

LEG. ALDEN:

Yeah. And I'm also worried about the appearance of impropriety. And as an attorney you have to worry about that because, you know, we answer to everybody in Suffolk County.

MS. CAPUTI:

I did a lot of research on this and, you know, reviewed a lot of case law about similar agreements. And, you know, it's a close question so we've tried to •• we've worked on the resolution and put in certain language that we felt made it as proper as possible. It and •• you know, it should work.

LEG. ALDEN:

I think the precedent is for the shorter period of time rather than the longer period of time. And I hope that the sponsor might take that back as a suggestion, a strong suggestion to maybe amend for the shortest period of time. And they're going to have to rely on us. And there's got to be a certain amount of trust between, you know, a group •• user group like this that is stepping up to the plate and the government that's providing, you know, the people's asset to them.

CHAIRMAN SCHNEIDERMAN:

I have some questions about this, too. First of all, how much money is the Boys Club prepared •• I'm sorry •• the Boys and Girls Club prepared to invest in this property?

MS. CAPUTI:

I don't know whether they ever gave a figure, but they've given several presentations before the Parks Trustees.

LEG. LINDSAY:

And through this Legislature they made presentations.

MS. CAPUTI:

They have? Okay, I haven't been present for any of those.

CHAIRMAN SCHNEIDERMAN:

Now, are they proposing to put structures on the property?

MS. CAPUTI:

Just one building. It was originally going to be a larger building, but they've scaled that back. It's mainly going to be sports fields and bathrooms and an office building.

CHAIRMAN SCHNEIDERMAN:

Do we know how many sports fields?

MS. CAPUTI:

There is a plan. If you want, I'll get it.

CHAIRMAN SCHNEIDERMAN:

Yeah, I'd like that because 36 acres is an extremely large site. You know, I've seen ten-acre facilities that have multiple soccer fields and baseball fields. I can't imagine •• we're giving a property that potentially in this area is a very valuable property away for an extended period of time. Is it even in parks status, this property?

MS. CAPUTI:

Yeah, it was •• there's a prior resolution at the Legislature ••

CHAIRMAN SCHNEIDERMAN:

It's been dedicated as parkland?

MS. CAPUTI:

•• that designated it as parkland; at least 30 acres of it. And the six are •• the balance was public use so it has a history there that •• you know, we couldn't go use it for something ••

CHAIRMAN SCHNEIDERMAN:

So some of it was dedicated to park land; some of it is public use?

MS. CAPUTI:

Public use. It's just a general ••

CHAIRMAN SCHNEIDERMAN:

General municipal?

MS. CAPUTI:

Six acres of it is public use.

CHAIRMAN SCHNEIDERMAN:

And we're giving that public use portion away, too?

MS. CAPUTI:

The way we looked at it was that it's facilitating •• it says in the resolution, which I can give you the number if I get my complete file, I think it's from '86, that the six acres was to facilitate the public use of the parkland. In other words for, you know, sort of like access or the building.

CHAIRMAN SCHNEIDERMAN:

And we got this •• this was a tax default parcel?

MS. CAPUTI:

Yeah, we took it by tax deed.

CHAIRMAN SCHNEIDERMAN:

You know, I've seen these former sand mines reclaimed in several instances. And they could be beautiful properties. This is not a Brownfield site, I don't believe, right?

MS. CAPUTI:

No, no.

CHAIRMAN SCHNEIDERMAN:

It's a sand mine. So, it's a clean site and, you know, for ••

MS. CAPUTI:

We couldn't go and, you know, sell it to some developer or something at this point because of that prior resolution from '86.

CHAIRMAN SCHNEIDERMAN:

Okay. The plan that's in front of me is a large plan showing what? Three ••

MS. CAPUTI:

It's a very ambitious undertaking.

CHAIRMAN SCHNEIDERMAN:

It looks like two junior little league, one adult, it looks like, field. And then a couple of soccer

and •• or lacrosse. Soccer fields. It looks like four soccer fields, varsity soccer fields and four or five junior soccer fields. It's extensive. This will be an expensive •• it looks like most of the site is being used in this project as well as the 350•car parking space. This is bringing up some more questions for me because this is •• we are now turning this over to another group to develop, you know. I'm wondering about traffic flow and what kind of planning process.

MS. CAPUTI:

Well, all the construction is subject to the approval of DPW and the Parks Commissioner. That's in the resolution as well. It has gone to CEQ. I think they •• their resolution passed on the traffic ••

CHAIRMAN SCHNEIDERMAN:

Does it need to go since it's not the County itself •• does it need to go through Brookhaven or is this in the Brookhaven Town ••

MS. CAPUTI:

That's a very good point. I don't •• I raised that at one point. I don't know if ••

CHAIRMAN SCHNEIDERMAN:

Is this through the Planning Board there?

MS. CAPUTI:

I don't know if they've every acted on it.

LEG. VILORIA • FISHER:

Mr. Brown, who has been •• he can answer that question for you.

CHAIRMAN SCHNEIDERMAN:

You know, and then the last question really is, I mean it looks like a wonderful facility. I'd love to see it built. It really should be available to all County residents. And I haven't seen the agreement to know ••

MS. CAPUTI:

Well, we haven't drafted it yet, but the resolution does say •• and believe me the Law

Department stands firmly behind it. Otherwise it would not fly.

CHAIRMAN SCHNEIDERMAN:

I know •• I understand. But when they're not using it •• this is kind of similar to a recent resolution with a particular school district. How can you vote on something unless you know that use agreement and, you know, are these going to illuminated fields? Is it county time •• if they're not illuminated if our time is only at night, it's useless to us.

MS. CAPUTI:

We put in •• let me just see.

LEG. VILORIA • FISHER:

No.

CHAIRMAN SCHNEIDERMAN:

Yeah, I'll put you on. But, you know, but I think it's important before we act to know what level of use we're going to have because this is a very valuable piece of property.

MS. CAPUTI:

I think I can answer a lot of your questions.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. LINDSAY:

If I could ever get the mike.

CHAIRMAN SCHNEIDERMAN:

All right. So, I've asked a couple of questions regarding Town Planning, Town Planning Board and County access and use of this property. So, Mike, if you want to address some of it then we'll go to Legislator Lindsay who wanted to comment as well.

LEG. LINDSAY:

First of all, this resolution is a second part of an agreement that's been before this body for at

least two years. It might be longer than that. When this originally came up, we had an extensive presentation from the Boys and Girls Club with a full document of what they wanted to do, the design of it, their business plan, how they were going to raise money. This is going to be a regional County Park that's run by another organization. I agree with Legislator Alden that the Parks Department does not have enough resources to maintain our extensive park system. And if anything this resolution should be a model for where we should be going, where we should partner with not-for-profit organizations to run and maintain our parks. Because Mr. Foley certainly doesn't have the resources to develop and maintain this facility like this not-for-profit organization wants to do.

And as far as it being used for local use, I think that's perfectly appropriate. I wish I could turn the clock back 30 years and develop regional County Parks all over Suffolk County for all of our citizens. If you look at our parks holding, I think you'll find most of them are on the east end. I'm sure the local people on the east end use them than the people on the west end. I don't think there's anything wrong with a County Park being developed in this area. If it's only used by the people in that area, so be it. They're county citizens. If someone from Montauk or from Babylon wants to come there, they have access to it. I don't see anything wrong with this agreement.

CHAIRMAN SCHNEIDERMAN:

That was not my concern, Legislator Lindsay, that people from the east end would not have access or whatever it is. This is fine for the people who live near this community.

LEG. LINDSAY:

It's fine for all Suffolk county.

CHAIRMAN SCHNEIDERMAN:

This is a wonderful facility. I'm not •• I just want to make sure that the people who aren't participating in the Boys and Girls Club get to use this facility because the County does own the land. And I don't know what that arrangement is. And that's ••

MS. CAPUTI:

If you look at the First Resolve Clause ••

CHAIRMAN SCHNEIDERMAN:

It's a simple question.

MS. CAPUTI:

Legislator Schneiderman, if I may, if you look at the First Resolve Clause, we tried to •• we worked with Legislator Fisher's office to tighten the language to guaranty access. That's very important to Suffolk County residents. And we intend to continue that so that •• the Legislature's going to be putting its stamp on that. And then we intend to continue that in ••

CHAIRMAN SCHNEIDERMAN:

Do you have it before you so I can just hear that Resolve Clause?

MS. CAPUTI:

Yes, it's in the First Resolve Clause.

CHAIRMAN SCHNEIDERMAN:

It doesn't state specific times so ••

MS. CAPUTI:

Do you want me to read it you?

CHAIRMAN SCHNEIDERMAN:

Yes, if you would.

MS. CAPUTI:

The terms and conditions shall include but not be limited to scheduled use of the fields and facilities by the Suffolk County residents consistent with open and equal access to such facilities for all Suffolk County residents and prime time field use for Suffolk County residents. Such hours for use to be enumerated in the license agreement.

CHAIRMAN SCHNEIDERMAN:

So, without seeing that license agreement we really don't know what that use is.

LEG. VILORIA • FISHER:

You can't do the license agreement until we pass this.

CHAIRMAN SCHNEIDERMAN:

I understand. But we don't get to see that license agreement.

LEG. VILORIA • FISHER:

It's a catch 22.

CHAIRMAN SCHNEIDERMAN:

That's the problem. I would feel more comfortable if that license agreement was subject to Legislative approval.

LEG. VILORIA • FISHER:

Yeah, but you're pushing this into a catch 22. What this Resolve is saying is that the license agreement will enumerate such hours. This guarantees that Suffolk County residents consistent with open and equal access to such facilities for all Suffolk County residents and prime time field use for Suffolk County residents, such hours for use to be enumerated in the license agreement. They cannot enter into the license agreement until such time that we have passed this.

CHAIRMAN SCHNEIDERMAN:

I understand that.

LEG. VILORIA • FISHER:

So, to say you have to see the license agreement before you pass this is really throwing it into a catch 22.

CHAIRMAN SCHNEIDERMAN:

Well, if it's construed that equal time will mean equal ••

LEG. VILORIA • FISHER:

But just to give you some historic background ••

CHAIRMAN SCHNEIDERMAN:

•• prime time.

LEG. VILORIA • FISHER:

But just to give you historic background, this is a 36-acre parcel in my district, which has lain fallow for 20 years because it was used as a tax •• as a sand mine. It has been abused for that period of time. It was •• it came into the possession of the County through tax default. It is now costing the taxpayer money because it is used as a dump. There are car radiators thrown there, mattresses thrown out there. It's a blight.

This community group, which by the way, has to raise money in order to provide its resources, has individuals and private concerns that •• and community groups that provide the funds for it through, you know, fundraising, etcetera, has to be able to say to the •• to all of those contributors, look, we're going to be using the resources, but the County is going to have a license agreement for ten years. We're not going to use the resources and the funds that we're raising and turn around and lose •• have the possibility of losing the license in five years. This will be to the betterment of Suffolk County, to the Parks Department, to all residents of Suffolk County. Certainly fulfilling our fiduciary responsibility which is right now the Parks Department is having to expend monies to clean up this property. And we will be providing a benefit to Suffolk County without expending money.

CHAIRMAN SCHNEIDERMAN:

Legislator Fisher, I just want to be clear. I'm not opposed to this project. I think it's a good project. I just make sure in this agreement the County's interests are protected.

LEG. VILORIA • FISHER:

Well, the County's been working on this agreement for four years.

CHAIRMAN SCHNEIDERMAN:

That's all. Because ten years is different than in the past.

LEG. VILORIA • FISHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

And you've explained that it's a more significant investment. I understand that. I wanted to

make sure that this was a park property, that it wasn't competing with some other County potential needs. I wanted to make sure that they needed all 36 acres. I've been getting my questions answered. They're just simple questions, you know, that I feel are my responsibility as a Legislator.

LEG. VILORIA • FISHER:

And I agree with you.

CHAIRMAN SCHNEIDERMAN:

But I think it's a wonderful idea. I think every community would love to have a facility like that.

LEG. VILORIA • FISHER:

And we've been working for four years on this.

CHAIRMAN SCHNEIDERMAN:

And if you have somebody willing to pay for it rather than the County •• now, Ms. Caputi, is there a way if for some reason that this organization does not make the investment or doesn't maintain the investment, would that violate or •• the license agreement so that we could take it back and either bring in another organization or the County could do it themselves?

MS. CAPUTI:

Under case law and the proposed licensed agreement, the Parks Commissioner is allowed to cancel or terminate the license agreement in good faith for reasons like that, yes.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Nowick.

LEG. NOWICK:

Yeah, I just want it to be clear that there are going to be •• this 36•acre is going to be fields? Ball fields, soccer fields, that sort of thing?

LEG. VILORIA • FISHER:

Yes. And one small building for restrooms and storage.

LEG. NOWICK:

So, you're taking a horrible mess and you're cleaning it up for the use of young people. And the County does get use of this •• the other towns do get use of this?

LEG. VILORIA • FISHER:

Absolutely. It's in the resolution.

LEG. NOWICK:

Well, you know, Legislator Fisher, although I'd want to look at this a little bit more thoroughly, you sound like you're on the right track because I'm hearing a lot about not enough fields for the young people. And, of course, I am the neighboring town so I can see this being a possible bonanza for Smithtown. So, I just want for look it over a little more. And, of course, I'm very concerned about the term of the lease, but I'm •• looking at it superficially, it sounds goods.

CHAIRMAN SCHNEIDERMAN:

And just one more clarification. This Boys and Girls Club, maybe you can answer this, Legislator Vilorina•Fisher. They won't charge any fees for anybody who uses these fields?

LEG. VILORIA • FISHER:

Yes, they can charge fees.

CHAIRMAN SCHNEIDERMAN:

To County residents?

LEG. VILORIA • FISHER:

Yes. Yeah, they can charge fees.

MS. CAPUTI:

First, I'll speak to the resolution and then I'll tell you. The resolution provides in •• I think it's the last Resolve Clause, but all fees are going to be paid to the County and audited •• subject to audit by the Parks Department and or the Department of Audit and Control. And they will be returning some of the fees to the organization but only that •• as they can show that they're commensurate with maintaining the fields or their costs incurred. And I also did a lot of

research on that. And it does seem to be proper under the laws as long as it's tightly controlled.

CHAIRMAN SCHNEIDERMAN:

But the County will collect the fields.

MS. CAPUTI:

Well the Club is going to be maintaining the •• being the manager on•site along with the Parks Department. But all the monies are going to go to the County. I don't know exactly whose hand it's going to be put in. I imagine it would be the club actually.

CHAIRMAN SCHNEIDERMAN:

And who sets the fees?

MS. CAPUTI:

The Park Commissioner is going to approve the amount of fees that they would propose to be charged.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. VILORIA • FISHER:

We just did that in Babylon with the agreement with the school district.

CHAIRMAN SCHNEIDERMAN:

Yes. I hope you understand, Legislator Fisher, that these are just basic questions. You're more familiar with this. You've been working on this.

LEG. VILORIA • FISHER:

Well, I'm just using as a precedent what we just passed in Babylon.

CHAIRMAN SCHNEIDERMAN:

I would ask these questions no matter whose district •• even if they were in my own district, I'd want to know the answers to these questions.

Legislator Alden.

LEG. ALDEN:

Just a quick comment on what we passed in Babylon has left us open to a taxpayer lawsuit. So, I'm not sure I'm going to jump on the ban wagon and use that, you know, the golden example that I want to go forward with. But aside from that, I do remember when they came in. And I remember that there was major problems with their financials. There was some major problems with some of their business plans so to speak as far as how they were going to raise money. And I do remember that originally ••

LEG. VILORIA • FISHER:

No, I don't think there were.

LEG. ALDEN:

Originally it called ••

LEG. VILORIA • FISHER:

No, I'm sorry to interrupt but there were not problems with their financials. They had very strong financials.

LEG. ALDEN:

Well, I had about 25 questions at that time that never got answered because it never really went to the next stage. And here's what I believe happened at that time. At that time it called for a contribution or investment of money on the County's part. And I think that's what you were pushing ••

LEG. VILORIA • FISHER:

No, I believe you're confusing this with The Wedge.

LEG. ALDEN:

No, no, no. I know there's two separate things.

LEG. VILORIA • FISHER:

There was never a contribution •• no, there was never a contribution from the County in this

project ever. Ever. I had presented The Wedge at the time •• and that was where we had some problems.

LEG. ALDEN:

Right. But these people came in and said ••

LEG. VILORIA • FISHER:

Not with the Boys and Girls Club ever. There was never a county contribution.

LEG. ALDEN:

Then we shouldn't really go forward with this at this point, then, because I'm going to have to see those presentations or maybe pull out the testimony because ••

LEG. VILORIA • FISHER:

But this stands on its own.

LEG. ALDEN:

They testified that they didn't have any cash. And there was a couple of different problems with, you know, their plan to raise money, their plan to actually implement and build this. They had indicated in testimony and it is a couple of years ago now so I might not be, you know, like hitting it right on 100%, but they testified they thought they were eligible for County grants.

LEG. VILORIA • FISHER:

No, that was The Wedge, which I had been the sponsor of The Wedge.

LEG. ALDEN:

No, I know distinctly two different properties.

LEG. VILORIA • FISHER:

Not the Boys and Girls Club; never asked for money.

LEG. ALDEN:

All right. Then you know what? I'm going to want to see all those financials, I'm going to want

to see that business plan. I'm also going to ask the Legislative Counsel and Mr. _Lagudi_ , is there a different way to draft this because I'm not going to vote on something where we're giving the ship away before we even see a license agreement, before there's a requirement for a certain, you know, like timing as far as when they're going to raise funds. They can sit there 30 years and not raise, you know, like the funds that would be indicated in a goal. So, is there a different way to draft so that so we can somehow get them to go ahead with it but also reserve the right to come back to the Legislature and approve this when all the agreements are there? Because there's going to be a fundraising timetable, there's going to be a construction timetable. And we're not able to even go and review that after this.

So, I'm not comfortable doing this at all now. And I'm really uncomfortable with the time frame. I'd like it a five•year. And you know what? There's trust on both sides so if they want to put an investment in here, then they're going to have to trust us to operate as a good government, too. So, I don't mind a five with like three fives after that or something like that to give them the full 20 years if that's what they feel comfortable with. But I'm going to want to have that come back us for review and vote before we go forward. So, if there's some way to give them encouragement and allow this to go to the next stage, I'm willing to do that. But not when I don't have approval over the final agreement.

CHAIRMAN SCHNEIDERMAN:

Mike, did you want to comment? No.

LEG. VILORIA • FISHER:

You know, that was the most bogest statement I've ever heard in my life. You made up the thing about their asking for money which they never did. You can go through all of the records you want. This group has never asked the County to fund this project.

LEG. ALDEN:

Whatever you want to say. Whatever you want to say, Legislator.

LEG. VILORIA • FISHER:

You just put a misstatement on the record. Please go over your past ••

LEG. ALDEN:

I will stand corrected when I see that statement that they made.

LEG. VILORIA • FISHER:

Okay. Well, do your homework and look for it.

LEG. ALDEN:

What do you mean do my homework?

LEG. VILORIA • FISHER:

Well, you made a statement ••

LEG. ALDEN:

You're asking me to vote on something where I don't even ••

CHAIRMAN SCHNEIDERMAN:

Point of order.

LEG. ALDEN:

I don't even have an agreement in front of me. You do your homework.

LEG. VILORIA • FISHER:

You never have the agreement before you. You're just looking for a reason to vote against it.

CHAIRMAN SCHNEIDERMAN:

Okay. Go through •• through the Chair. We're not going to have arguments across the table. Legislator Fisher, Legislator Alden. Okay?

LEG. ALDEN:

Keep going.

LEG. VILORIA • FISHER:

Why? To make you more partisan than you are?

CHAIRMAN SCHNEIDERMAN:

Excuse me.

LEG. ALDEN:

And you're not partisan, right, Vivian?

LEG. VILORIA • FISHER:

No, I'm not.

CHAIRMAN SCHNEIDERMAN:

Excuse me.

LEG. ALDEN:

Oh, I'm so impressed.

LEG. VILORIA • FISHER:

I vote on the merits.

LEG. ALDEN:

I'm sure you do.

CHAIRMAN SCHNEIDERMAN:

I'm going to ask both of you to end this discussion across the horseshoe with respect to the Chair. Okay. We are at resolution 1640 to establish a County use services program for the Boys and Girls Club, Suffolk County.

LEG. VILORIA • FISHER:

This is the about the kids of Suffolk County.

CHAIRMAN SCHNEIDERMAN:

Excuse me. Is there a motion to approve?

LEG. LINDSAY:

You have it.

LEG. VILORIA • FISHER:

There's a motion.

CHAIRMAN SCHNEIDERMAN:

There's been a motion to approve and there's a second.

LEG. NOWICK:

I'm going to make a motion to table for one cycle and one cycle only just so I can clear this up in my mind about the •• about the five years.

CHAIRMAN SCHNEIDERMAN:

Is there a second?

LEG. NOWICK:

Because I think this is a good project and I don't want to see it die.

CHAIRMAN SCHNEIDERMAN:

Is there a •• one second. Is there a second on the motion to table?

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a second to the motion to table. I take it that neither one of you are prepared to support approving this motion at this point? Because as I know •• I understand that but I want to ••

LEG. ALDEN:

Actually I was until about two minutes ago but now I'm not.

LEG. LINDSAY:

On the ••

CHAIRMAN SCHNEIDERMAN:

Because I don't want to see this motion fail either.

LEG. LINDSAY:

On the tabling question.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. LINDSAY:

You have a motion and a second?

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. LINDSAY:

Okay. I have •• if I may, I'd like to ask in Mr. Brown, I think he can clarify some of the issues that were raised here.

CHAIRMAN SCHNEIDERMAN:

All right. The Chair recognizes Mr. Michael Brown. I thought somebody introduced you as Michael. What's your first name? I'm sorry?

MR. BROWN:

Good afternoon everyone. I'm Robert Brown from Land Design Associates. I've been associated with this project for a better part of five years. I've been through all the committees in one cycle and now we're back again. And having returned, we thought we would be able to resolve the one issue and one issue alone that we were bringing to you. That one issue was that we were changing from the originally approved building of 35,000 square feet to a building that was 4,000 square feet. And that was the change that was made to these plans. Previously everything was approved by this Committee and by Parks Trustees and CEQ. We have been back to Parks Trustees. We've been back to CEQ and now we are here.

The issue of a five-year lease is a very important one from the financial standpoint. Since this property was in such degraded condition over the last 25 to 30 years because this mining process started in the late '40's, when it suddenly became the owner's realization that he had the potential to build condominiums, he wanted to get it back. The County had this in court for 12 years to get it back. It now is back in the hands and able to be touched by the County in some way. We are here offering the opportunity for that capital investment to be made by the community in lieu of having a tax incentive.

A five-year program versus a ten-year program for the first lease is because there is a major construction period that has to be gone through. That construction period will probably be at least two to three years in stages. So, to take us and give us five years of which more than half of that period would be actual construction would sort of be unfair to us and the investment we're making. We would hope that you've seen the aerial photograph. You see that the area's been disturbed for many years, that we can bring this into a situation where the community no longer suffers from the degradation.

Two things happened here. And I don't want this to be the second one or third one. First, there was the sand mining. Second, there was the right-of-way of the AO Smith Highway that ran through that has never been developed. It has had a negative impact on the housing in that particular area. When you say Setauket, everyone thinks of Old Field and Stony Brook. That is not true. This area is suffering from the fact that that highway was always in someone's backyard and there was an issue to be discussed. People were afraid to buy there because of these things. We are now trying to place this property in active use to the benefit of the community and to rehabilitate it. We know there's no environmental problems there. We've researched that. We've done everything that everyone wants us to do. The exception is that now we need the time to raise the money and to do the construction.

Ten-year period for the first portion of the lease is very important. The issue of dollars and cents, we have never asked the County for any money. We have always said that the project will be self-sustaining. We have money that is committed. We cannot go to the people that have committed money and asked for them to right us that check until we have the documents from the County that we need. And we want to get the approval here and then go to our license agreement and get that resolved. I beg your indulgence in my request. Please approve this.

CHAIRMAN SCHNEIDERMAN:

Is that right•of•way, has that been abandoned now? Or ••

MR. BROWN:

The right•of•way is undeveloped. There are some plans to do a bicycle path, jogging path in that area. We've made provision for an inter•connect to our facility where we would have some bicycle storage capability so that young people or older people myself included could ride their bicycle from one part of town to this park. It's all part of a community effort that's been developed over a long period of time. It's something that, I think, as a resident of Suffolk County, I would love to see every park have a steward that will create the same situation where they're investing their own money and not asking the tax payers to get it. We are going to satisfy that issue. And I think •• we don't have an estimate, but I think that the end result of the investment will be in excess of a million dollars. Don't turn a million dollars away.

CHAIRMAN SCHNEIDERMAN:

Thank you. All right. I don't have a problem with the ten years. I think it makes sense in light of the level of the investment for this property. And I think it's a great project. We are meeting again in two weeks. I know Legislator Nowick is asking me for two weeks to study it in a little bit more depth. It's not a longtime, two weeks. I hope to see this thing go through because I think that community will really benefit from it. I don't want to see it fail here either today so Legislator Nowick.

LEG. NOWICK:

I just wanted to make the record clear; that I think this is an excellent project, but if I do not •• I feel I just need to do my due diligence, take a little breath here. It's just two weeks. I just want to make sure that the i's are dotted and the t's are crossed. And don't forget this is •• this is a wonderful project also for my district.

MR. BROWN:

Better reach out.

LEG. NOWICK:

I know that.

CHAIRMAN SCHNEIDERMAN:

I think we're fortunate actually to have a group that's willing to make that kind of investment. All right. So, there's a motion to table and a second. I'm going to ask the sponsor if you'd bear with us for two weeks. And I do hope to see this move forward quickly. And I certainly will do my part to see that happen so ••

LEG. ALDEN:

You got the votes.

CHAIRMAN SCHNEIDERMAN:

I don't think so. Lynne wants two weeks. I don't think it's unreasonable to ask for two weeks.

LEG. ALDEN:

So, what is the request now? In two weeks what kind of documentation are we going to get? Are we going to get the funds raising schedule from them? Are we going to get the tentative building schedule from them or what? What are we going to get in two weeks? Are we going to see a proposed license agreement? Or are we just going to blindly approve whatever?

LEG. NOWICK:

Can I just ask one question?

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. NOWICK:

And maybe I'll change my motion. Legislative Counsel, quickly, we heard from the County attorney. Let me just ask you. Five•year lease as opposed to a ten•year lease, is that •• excuse me •• license agreement, is that problematic to you? The ten•year as opposed to the five•years?

MS. KNAPP:

The issue of the alienability of park property is one that I've had discussions, you know, over the years with the County Attorney's Office and when I was in the County Attorney's Office. We

used to as lawyers have that discussion. I believe based upon my conversations that the County Attorney has looked at that very, very, very closely. And I think that they have drawn this as narrowly as they could practically given the fact that they accept the representations by the Boys and Girls Club that the dollar amounts will be significant. I understand from what they've said, although I understand that you also have not seen this in writing, that •• that the County Parks Commissioner will keep a close eye on the performance by the group. And there's plenty of case law that says that if the Parks Commissioner has a reasonable basis to do it and is acting in good faith, he can terminate a license agreement. It's not a lease. And I believe that one of the reasons that it's being drafted as a license agreement and not a lease is because it's in recognition of the concerns when you're dealing with park property.

So, I guess my short answer is I agree with what the County Attorney's Office has said, that it's •• the legal questions are close questions. But I think they've tried to act as practically as they can in this.

LEG. NOWICK:

Well, then with due respect to the County Attorney and to our Counsel, I'm going to withdraw my tabling motion.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to approve then. We have no tabling motion before us. There's a motion to approve and a second. All in favor?

LEG. ALDEN:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion.

LEG. ALDEN:

Just be aware of the precedent you're setting as far as •• you already got some license agreements with people that have put in excess of \$250,000. So, I'm not going to include the ones that didn't put \$250,000 in, but right down the street we required a five•year agreement. And I think they put in somewhere between 250 and \$700,000 into the reconstruction of the

fields. And we went for a five-year license agreement.

Also, you're approving something once again, which is, that's fine to do it because like Legislative Counsel points out all the time, if you have ten legislators and you get the County Executive to sign it, then anything is law. But you're approving something that you haven't seen, you haven't seen the terms of, you have no clue as far as how it's going to be enforced, if there's ability on the part of the Parks Department to even enforce it. And it seems that this legislative body has been reluctant in the past to actually give the Parks Department the resources that they need to enforce the existing agreement. So, I just caution you, like, where are you going with this and where you've gone in the past with even that one in Babylon that we approved but ••

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to discharge without recommendation because there are I know some questions about the five-year versus ten-year. That'll at least put it in front of the floor. Just •• that at least gets it out of the Committee and before the full Legislature. So, I believe, that supersedes the motion to approve. So, it's a motion to discharge without recommendation, second by Legislator Nowick. All in favor? Any opposed?

LEG. ALDEN:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Okay. We have •• Cameron Alden opposed. Okay. I think we do have to revisit this issue of these license agreements and use agreements and put some standards in place or additional legislative oversight. **(Vote: 4•1•0•1. Leg. Alden opposed. Leg. Carpenter not present)**

Resolution 1653, we already have done.

Resolution 1657, adopting local law to amend the composition of the Suffolk County Vanderilt Museum Commission to ensure geographic diversity. I'll make a motion to table.

LEG. LINDSAY:

Why don't you give me the opportunity since I'm the sponsor, okay?

CHAIRMAN SCHNEIDERMAN:

Oh, that's fine. I didn't hear. I paused. If you would like to make a motion.

LEG. LINDSAY:

There's been too much arguing already today. So, I'll make the motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay. So, there's a motion to table by the sponsor, Legislator Lindsay.

LEG. COOPER:

Second the motion to table.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. All in favor? Any opposed? **1657 is tabled. (Vote: 5•0•0•1. Leg. Carpenter not present)**

1716 should be withdrawn.

LEG. ALDEN:

No, it was adopted. You have it right here.

CHAIRMAN SCHNEIDERMAN:

It was done by CN. So, it shouldn't be on the agenda. It was done by CN. Okay.

1736 (Linking County park fees for veterans to park fees for senior citizens), the County Attorney spoke to before. I'll make a motion to table. I'll make a motion to table, second by Legislator Cooper. All in favor of tabling? This is your resolution. The agenda shows it as Nowick's. Okay. So tabling motion by the sponsor, second by myself.

1759 appropriating funds in •• I guess •• all in favor of tabling 1736? Any opposed? **1736 is tabled. (Vote: 5•0•0•1. Leg. Carpenter not present)**

1759, appropriating funds in connection with purchase and installation of mobile data terminals for park police vehicle.

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion.

LEG. NOWICK:

On the motion.

CHAIRMAN SCHNEIDERMAN:

There's not a second on the motion.

LEG. LINDSAY:

I'll second it.

CHAIRMAN SCHNEIDERMAN:

There is a second.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay. Second by Legislator Cooper.

LEG. NOWICK:

Just •• I have a question.

CHAIRMAN SCHNEIDERMAN:

Legislator Nowick.

LEG. NOWICK:

What is the amount of that?

MS. KNAPP:

It's \$150,000.

LEG. NOWICK:

All right.

CHAIRMAN SCHNEIDERMAN:

How much is it?

LEG. NOWICK:

150. Is that •• from what account is that? Is that a Pay•As•You•Go?

CHAIRMAN SCHNEIDERMAN:

This resolution probably should be Pay•As•You•Go. Right now I don't believe it is. And I don't know what the useful life span of these data terminals are either.

LEG. ALDEN:

It's appropriating funds. We're way past •• if this was a bond resolution, we're way past that form so ••

MS. KNAPP:

It is bond money.

LEG. ALDEN:

So, we've approved the bond already.

MS. KNAPP:

No, no. This the Capital Program.

LEG. ALDEN:

This is appropriating funds.

MS. KNAPP:

Amending the capital and appropriating funds.

CHAIRMAN SCHNEIDERMAN:

Does this even qualify? I mean what's the five-year •• what's the shelf life? Is it over five years for this equipment?

MS. KNAPP:

Oh, wait, I take it back. This looks like •• there was a transfer from Pay•As•You•Go. Let me defer to Budget Review here. Am I right? Is it a transfer from Pay•As•You•Go to pay for this?

LEG. LINDSAY:

It says serial bonds in the resolution.

MS. KNAPP:

I also see in a Resolve ••

CHAIRMAN SCHNEIDERMAN:

This is confusing. Mr. Zwirn from the County Executive's Office.

MR. ZWIRN:

This was amended to be Pay•As•You•Go.

CHAIRMAN SCHNEIDERMAN:

Oh, it was.

MR. ZWIRN:

Yes.

CHAIRMAN SCHNEIDERMAN:

Is that the resolution before us? Can I just get confirmation from Counsel that what we've voting on is in fact a Pay•As•You•Go resolution.

MS. KNAPP:

I believe it is but ••

MR. ZWIRN:

Yes.

MS. KNAPP:

Budget Review, do you agree with me?

LEG. LINDSAY:

Because the resolution I have before me is old. It dates back to 4/28.

MS. KNAPP:

There is an amended copy as of July 18th. Is that the one that you're looking at? The title has remained the same. Does talk about the capital •• oh, no, I'm sorry. It does say and appropriating Pay•As•You•Go money. I believe this is Pay•As•You•Go money.

LEG. LINDSAY:

But Mr. Chairman, while we have the Commissioner there and I don't mean to prolong this, but we're all familiar with these mobile terminals in our police vehicles. How is this going to enhance the park police's ability to police our parkland?

COMMISSIONER FOLEY:

We have an arrangement with Suffolk County Police Department where they do all our dispatching of the park police. They have told us if we don't incorporate these systems in our vehicles, they will stop dispatching us. So, it's an immediate operations cost increase.

CHAIRMAN SCHNEIDERMAN:

Okay. We had a motion to approve and second, I believe.

MS. ALEXANDER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Thank you. All in favor? Any opposed? **Resolution 1759 is approved.**

(Vote: 5•0•0•1)

Resolution 1763, appropriating funds in connection with historic restoration and preservation at Third House. (Theodore Roosevelt County Park, Montauk.)

LEG. ALDEN:

Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

I take that as a facetious motion.

LEG. ALDEN:

I withdraw the motion.

CHAIRMAN SCHNEIDERMAN:

Yes, thank you. I'll make a motion to approve. Second by Legislator Nowick. All in favor? Any opposed?

LEG. LINDSAY:

Is this the improvements that you were asking about going out to bid?

CHAIRMAN SCHNEIDERMAN:

Yeah, this five hundred thousand was •• we added this for the interior improvements? Is that how it's being used?

COMMISSIONER FOLEY:

That's part of this, yes.

LEG. LINDSAY:

Is this the job you were talking about that's going out to bid at the end of the month?

COMMISSIONER FOLEY:

It is.

CHAIRMAN SCHNEIDERMAN:

Now, this money isn't being used because the bids are coming in higher than the money's appropriated for •• so this really is going to go towards the interior of the building and repairing the water damage. Okay.

COMMISSIONER FOLEY:

Five hundred thousand, yes.

CHAIRMAN SCHNEIDERMAN:

My only complaint is I would have liked to have co•sponsored this. But I still will. When it goes to the floor, I will co•sponsor. Make a note that •• put me down as a co•sponsor. All in favor? Any opposed? That's approved. **(Vote: 5•0•0•1. Leg. Carpenter not present)**

Resolution 1779 •• we took that. And we are adjourned.

(THE MEETING CONCLUDED AT 1:17 PM)

DENOTES SPELLED PHONETICALLY