

**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 October 11, 2006.

**MEMBERS PRESENT:**

Leg. Lynne C. Nowick, Chairperson  
Leg. Vivian Vilorio•Fisher, Vice•Chairperson  
Leg. Kate M. Browning  
Leg. Jon Cooper  
Leg. Cameron Alden

**ALSO IN ATTENDANCE:**

William J. Lindsay, Presiding Officer  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk  
Jill Moss, Budget Review Office  
Ronald F. Foley, Commissioner of Parks  
Paul Perillie, Aide to Majority Caucus  
Barbara LoMoriello, Deputy Chief of Staff, PO's Office

Dennis Brown, Assistant County Attorney  
Alexandra Sullivan, AME representative  
Johan McConnell  
John McConnell

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED 11:17 AM)**

**CHAIRPERSON NOWICK:**

Good morning everybody. I'd like to call this meeting to order and we'll start with the Pledge to the flag led by Legislator Cooper.

***SALUTATION***

**CHAIRPERSON NOWICK:**

Good morning and welcome to the Parks and Recreation Committee meeting. We do have two cards today. Johan McConnell.

**MS. McCONNELL:**

Good morning. Johan McConnell. I'm President of the South Yaphank Civic Association. The Civic Association supports resolution 2123 and ask that you vote yes. The community is not

opposed to the sport of trap, skeet or sporting clays. We are opposed to the location of the facility.

Okay. We do have two other concerns that I would just like to bring up to the Committee. One concerns the licensing agreement. Again, I'm not a lawyer but I have been reading through it. And there's section 4 (A) that says a failure to comply with federal, state, local laws, rules, regulations or county licensee policies or directives. And then section 18 compliance with law, the licensee shall comply with all federal, state and local laws, rules, regulations, codes and ordinance in the performance of this agreement.

On September 13th there was a meeting between the Town of Brookhaven officials and Suffolk County officials to discuss the violations of the town noise control law. There was an agreement that the range was in violation and the County had agreed to 30 days to develop a plan to mitigate the noise. On September 30th the vendor was issued two summonses from the town for the violating the noise control law. The town is preparing to issue more summonses based on noise studies conducted this past weekend. Based upon this information I'd like to note that the vendor is in violation of his contract because he's, therefore, not in compliance with town ordinances.

The second concern that I'd like to bring up is residents being threatened with arrest if they entered the club house or entered the property last Thursday. Section 378•3 of Suffolk County Code persons authorized to use the Parks clearly states that all residents of Suffolk County are allowed to enter and use public parklands. I cannot find any mention in the license agreement that permits the vendor to restrict entrance to the park by residents or taxpayers of Suffolk County. Thank you.

**CHAIRPERSON NOWICK:**

Thank you. John McConnell.

**MR. McCONNELL:**

Good morning. John McConnell of South Yaphank Civic. I would just like to reiterate what Johan said. The community is in full support of this resolution 2123 in order to find a new location for the trap and skeet.

I just want to add something to the residents threatened with arrest. I was one of the residents. We were outside the range. And we asked •• inquired about the fact that the Suffolk County Attorney said that they could hold a ••you know, the fundraiser because it's a public park for

public use. And the •• we were questioning about that. And then they said if you step inside, you know, we're going to get •• arrest you and so on. And we're going to fill out •• file a formal complaint because there was no reason for that. He wouldn't give us his name, badge number or anything. Thank you.

**CHAIRPERSON NOWICK:**

Thank you. I do not have any other cards. Commissioner, would you like to come up?

**COMMISSIONER FOLEY:**

Sure.

**CHAIRPERSON NOWICK:**

Have anything you want to talk us to about? Good morning.

**COMMISSIONER FOLEY:**

Good morning. Thank you. I did want to talk a little bit about the Bergen Point Golf Course that we •• that you mentioned last month as not being up to what you expected to see at a county golf course. And the next day or two days after that I went to look myself.

What I found was a golf course that the playing surfaces •• by that I mean the T boxes, the fairways and the greens seemed to be acceptable. Some of them were very good. But looking out across the golf course you didn't get a sense of attractiveness that you would expect at one of our golf courses.

My measure of performance here is when I first came to this job, there were a lot of complaints about that golf course about the contract. And as we look back through the files I was not happy with the documentation for required capital expenditures that I saw in the files. And we brought the proprietor of Global Golf who has the contract to operate that golf course. And let me diverge here.

It's •• that golf course unlike our three other courses is privatized. There's a contract •• turn key contract for a private business to come in and operate the golf course, maintain it, collect the fees, run the restaurant, coffee shop, run the pro shop, rent the carts; lock, stock and barrel. It is a private enterprise licensed on public parkland.

At our other golf courses County employees take care of the maintenance. The golf pros take care of the pro shop, rent the carts, collect the fees and turn over the fees to the County and

operate the driving ranges at each of the three places. So •• and I think you know from some of our •• some of my previous actions, I'm not adverse to throwing someone out if they're not performing and not showing any capacity to perform under a contract with the Parks Department.

In this case, though, after some contentious meetings with the principal of the corporation, he convinced me that he was able and willing to make some progress on this place. They did that initially by renewing the entire fleet of equipment. We had a little bit of a problem with the financing •• financing agreements for that, but he worked that out. So they got new equipment. They hired a new superintendent for the golf course who unfortunately didn't work out. They replaced him with another who seems to be knowledgeable and working hard to get the place in shape. And they put an overseer, not a day to day manager but an overseer on the place who is in control of the resources and told me he has authority to spend whatever they need to spend to bring this place into shape.

They invested this year \$30 thousand in an irrigation well and replacing much of the old antiquated irrigation system changing it from a single row irrigation system to a double row which provides much more coverage for irrigation.

You talked about evidence of geese. I saw that in sand traps. I saw it on one hole where they were present that day. I also saw them release the dog that's supposed to discourage the geese. They could have done better but it wasn't a disaster with evidence of geese. Unfortunately after I finished talking with the guy who runs the place I went to the men's room. The sink that was falling off the wall in May was still falling off the wall. And we had told them twice before to repair that. And there were other things in the restroom that were not acceptable. I didn't go to the restaurant. I should have done that.

So my position on this thus far is they have agreed to make progress. They've showed some evidence of making progress. I guess one could dispute the rate at which they're making progress. And we can go back and look at that. But if someone is genuinely investing the money and making some improvements, I'm willing to stick with them until they prove I should change my opinion. So that's my report back from my rainy day on the golf course. And I'd be happy to hear any critique you have beyond that.

**CHAIRPERSON NOWICK:**

Yeah. When you said that you did meet with the principals, was that within the last month; is that when you talked to them?

**COMMISSIONER FOLEY:**

No. That was two years ago. And I couple of times since then.

**CHAIRPERSON NOWICK:**

So that's what concerns me. If it took two years to get to the point that I saw it at a month ago, that is not good news for us because •• and I did walk into the lady's room and into the lobby and into the restaurant. And I found it very uninviting for taxpayers. I think that if you spoke to them two years ago, within that time they certainly could have gone down to the Benjamin Moore store and bought some paint and spackle and cleaned it up because paint is cheap. That's a good way to make things look nice. It's very uninviting.

As far as the geese go •• I think I saw the dog, too. And I understand that in a way. Sometimes you can't control •• there's so many of them. And that I understand in a way. But cosmetic changes and changes in the course, I think, two years, it's a longtime. If this is what it is now, I can't manage what it was two years ago. I think that Legislator Alden has a question. I see him with his microphone.

**LEG. ALDEN:**

Actually a couple of comments, too. The change from two years ago 'til today is •• as far as I'm concerned is kind of unacceptable. They've been in there seven or eight, maybe even a little longer than that, years because that privatization happened before I was a Legislator so ••

**COMMISSIONER FOLEY:**

They've been there since 1993.

**LEG. ALDEN:**

Okay. So 10, 13 years. And for a private entity to take over a county facility, and as far as I see it's all benefiting the private entity, that the condition of that course is unacceptable. And the condition of our facility is unacceptable. So I think what we have to think about is, you know, do we want to continue a course of privatization of the golf courses or county facilities and/or do we want to embark on a, I think, a path of possibly take that one back and put it under the management once again of the County and/or maybe a combination of both. Maybe, you know, cut that one loose and, you know, realize some capital gains and go our way. But I think that a new course one way or the other has to be established because that's an embarrassment to the County. And it's an embarrassment, I would think, to the County Department of Parks. It's an embarrassment to me as a Legislator.

And I go along with most of what you said on the condition of the golf course. However, as a golfer, and I paid my green fee and I didn't get my money's worth. And it's as simple as that. It's just •• it was pathetic. So I'm not sure 100% what the answer is, whether it's giving this contractor more time to try to come up with it.

And I also want to make something else very, very clear. This problem existed way before this administration came in and before this Commissioner was here. So I don't anybody to think that this Commissioner or this administration has done anything that was improper or anything along those lines. But I believe that there's an impropriety that occurred here. And it goes way back; a number of Commissioners back and a prior administration. And there's something very drastically wrong with the way this relationship started and the way this relationship went along. And I followed it for a number of years now. And some of the initial documentation where this company went in there and was supposed to spend millions of dollars to improve this golf course. I don't believe that money ever went into the golf course. I believe that there was fraud and other types of •• maybe even crimes perpetuated against the County of Suffolk. So, I'm not sure what the solution is. I think that now we have an opportunity over the wintertime because golf season's winding down. I think what I'd like to do is suggest, you know, getting the County Attorney in here; maybe even if we have to have an executive meeting on this, but I think that we've got to pursue options at this point. And I just •• I'm not happy with the numbers that I see over the years as far as what was turned over to the County and what was supposedly spent on this course. And I think it calls •• time right now is for drastic action.

**CHAIRPERSON NOWICK:**

In thinking about what Legislator Alden just said, two questions. Let me just move away from that for one second. For Curiosity, Indian Hills •• Indian Island out in Riverhead, beautiful little golf course; who runs the restaurant and the bar area there? Is that ••

**COMMISSIONER FOLEY:**

That's a concessionaire independent of the golf pro.

**CHAIRPERSON NOWICK:**

But we do not hire them there. They're separately or is that part of our contract or how is it that they are there at the golf course?

**COMMISSIONER FOLEY:**

They have a separate license that allows them to operate the restaurant and bar.

**CHAIRPERSON NOWICK:**

With us? Is that how it works?

**COMMISSIONER FOLEY:**

Yes.

**CHAIRPERSON NOWICK:**

Because they do an excellent job.

**COMMISSIONER FOLEY:**

They do.

**CHAIRPERSON NOWICK:**

And I think they could be used as a model. That would be one thing and maybe one way to go. I'm sitting here thinking •• yes. I'm sitting here thinking about do you give these people more opportunity? Well, it's been •• it seems like a 100 years so far and two years now since you've spoken to them. Now the question in my mind is because it's the end of the season, do we say to them, look, this is the problem. This is what's going on. We're going to be severing relations unless you can show us in the next two months an •• I mean they can work inside in the next two months and fix up the place; or do we just say right now we give up? And that's •• and that's what I'm wondering. What kind of contract •• if they're not doing their job, though ••

**COMMISSIONER FOLEY:**

You've got a competitively bid contract that originally ran from 1993 to 2013.

**CHAIRPERSON NOWICK:**

So we're still in contract until 2013.

**COMMISSIONER FOLEY:**

Well, no, no. The Legislature then extended that contract to 2017.

**CHAIRPERSON NOWICK:**

We extended it before 2013?

**COMMISSIONER FOLEY:**

Yes.

**CHAIRPERSON NOWICK:**

Five years earlier?

**COMMISSIONER FOLEY:**

Yep. And I have a philosophical problem with that in that I don't think you should extend a contract beyond what was advertised in the RFP for anyone for much of any reason.

**LEG. VILORIA•FISHER:**

Why did we do that?

**COMMISSIONER FOLEY:**

I don't know. I wasn't here.

**CHAIRPERSON NOWICK:**

Because they were doing such a good job or what?

**LEG. COOPER:**

When did we do that?

**LEG. ALDEN:**

It was a split vote.

**COMMISSIONER FOLEY:**

I'm not sure of the date. I don't have the resolution before me but it was extended maybe in ••

**CHAIRPERSON NOWICK:**

How many respondents to the RFP were there at the time?

**COMMISSIONER FOLEY:**

I think there was only one initially.

**CHAIRPERSON NOWICK:**

Maybe the County Attorney would know if the vendor wasn't doing their job, could we break out of contract?

**COMMISSIONER FOLEY:**

Well, sure we can. But it's not an easy thing. You can't sit here and say today we're going to end this contract.

**LEG. ALDEN:**

Right. And that's why ••

**COMMISSIONER FOLEY:**

It's a lot of work and a big fight. And it takes real proof to show that they are not performing up to the terms of the contract.

**LEG. ALDEN:**

And part of that discussion is appropriate only in executive session.

**COMMISSIONER FOLEY:**

That's right.

**LEG. ALDEN:**

But what I'm saying is there's a broader issue to think about, too, whether we want to cut our losses, sell that golf course, continue on the same path or try a different path to make them compliant with what I think are the terms that they breached. But again, I think, it's something philosophically we have to think about and then there's some nuts and bolts things. We do have the winter now to work on. And part of it is a legal question whether we want to try to remove them from what I think is, you know, like an illegal situation. But, you know, again it was a contentious vote when the contract was extended because when the contract was extended there was a whole bunch of •• whole bunch of requirements that ••

**LEG. COOPER:**

Cameron, when was that extended; do you remember?

**LEG. VILORIA•FISHER:**

What year was that?

**LEG. ALDEN:**

It was a •• I'm pretty sure it was a Bishop/Binder bill. So it's got to be maybe like three, four,

five years ago. It was prior to this Commissioner coming on board.

**COMMISSIONER FOLEY:**

I think it was in '02 but I'm not certain of that.

**LEG. ALDEN:**

Yeah, that about what I would think. But it relieved them •• it relieved the contract vendee of some obligations that were fairly costly that they would have had to make a bunch of improvements to the course. That's what I'm saying. We need to do some work on it. We got to dig up those resolutions. And I think we should look at the original resolution that awarded the contract back in '93, too. So that's what I'm saying; that these are things that we have to think about. And we do have some time because it is the end of the season.

**P.O. LINDSAY:**

Madam Chair.

**CHAIRPERSON NOWICK:**

Yes. Legislator Lindsay.

**P.O. LINDSAY:**

Just to weigh in on this, I'm as disturbed as everybody else by the lack of the vendor to fulfill his obligations. I'm opposed to selling the property off. I •• you know, parkland especially with the shrinkage available, property on the west end is •• I'd hate for us to get rid of property. I would much prefer to pursue the vendor. And I think it would probably be most appropriate if we put him on notice that he's in violation of his contract.

**COMMISSIONER FOLEY:**

Well, just so you don't think we've been asleep at the switch here, when I first came, the County Executive said we got to take a look at this and get them into compliance with the contract. And we've spent a great deal of time in the early months hammering them to perform. And they showed response. And that's why we didn't move to terminate this contract because they showed some progress. And if you remember we had a couple others that we were fighting with that weren't so successful and we did terminate that one. So I don't know if it's drastic action the way Legislator Alden suggested, but I'm willing to sit down and hammer on them some more. It's an easy thing to say they're in violation of their contract. It's much more difficult to prove in a definitive way that would then prompt action by us. So again we'll be responsive to your suggestions. We'll go back and look at the contract again. We'll look at the performance. We'll

get these guys in and sit down talk and talk through everything in as blunt as terms as we can.

I think our duty is to stick with someone who has a chance of making it. We can debate the level or the pace of progress. I don't think we ought to be throwing people out unless we have very good reason but that's my opinion.

**P.O. LINDSAY:**

Madam Chair, if I might, too, I had two other things. The model that that we use at the other three golf courses is we contract out the concession, we contract out the actual golf fees to a pro and the carts and all that. And we maintain the course ourselves?

**COMMISSIONER FOLEY:**

Essentially, yes.

**P.O. LINDSAY:**

So the difference with this course is they do the maintenance of the course.

**COMMISSIONER FOLEY:**

Yes. And none of those things ••

**P.O. LINDSAY:**

As well as everything else.

**COMMISSIONER FOLEY:**

That's right. They •• it's a turn key operation. They are responsible for everything. And none of those arrangements are completely problem free. If I had my way I would do it differently. It would be Suffolk County employees collecting the fees and making the bank deposits and things like that rather than running them through the hands of some private entity. But the other three golf courses certainly produce a better product than what we're seeing at this place.

**P.O. LINDSAY:**

Do you think if the county employees was to collect the fees and run, what would you do then; just hire a pro to do the lessons and ••

**COMMISSIONER FOLEY:**

There's a number of variables that are possible. You could have a pro just running the pro shop and the driving range, running the carts. There's an expense side to this, though. If you're going

to have County employees collecting the money, you got to hire those employees to do it. And you're not really increasing your revenue unless you expect that there is significant mis•direction of the revenue now. We've taken some steps to limit that and, I think, cut down any problems that there were. It's just a much more convenient and cleaner operation to have the County's money collected by County personnel.

**P.O. LINDSAY:**

But you don't see any increased revenue if we went to that?

**COMMISSIONER FOLEY:**

It's awfully hard to do that. We've implemented a number of new checks and balances. Some of them came with the new reservation system we've put on line this year. The weather is so variable and has such an impact on revenue you can't draw a straight line between any of those improvements and the bottom line revenue. We hoped to but we haven't seen it yet.

**P.O. LINDSAY:**

Okay. And County Attorney's Office I see is at the table. Mr. Brown, did you want to weigh in on this as far as this contract is concerned?

**MR. BROWN:**

No. Actually I just came to the table because I believe it was Ms. Nowick had talked about getting the County Attorney's Office involved. I really am not familiar with the terms of the contract or the factual circumstances of how the course is run and whether or not the contractor can be defaulted on the contract. But certainly if it was the will of this Committee and the Legislature, I would certainly go back to the County Attorney's Office and advise her.

**P.O. LINDSAY:**

Well, I'm, you know •• I concur with Legislator Alden. I really think we should take a look at the contract if •• for no other purposes to find out where this guy isn't living up to the letter of it and he should be notified, you know, as a precursor to any other further action that we want to take.

**MR. BROWN:**

I'm sure we can do that. I'm sure that we can get a copy of the contract and talk to the people at Parks Mr. Foley and his staff about the status of how the course is run and look at it from a legal perspective.

**P.O. LINDSAY:**

And just one last comment, Madam Chair, is that unlike Legislator Alden, I have never played a golf course that I didn't get my money's worth.

**CHAIRPERSON NOWICK:**

Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

I just wanted to mention to both Mr. Foley and Legislator Alden, I don't believe that selling the property would be an easy thing if indeed it is a park •• a parks property. Then we would have •• it would be very difficult because we'd have alienation of parkland and that would have to go to the state for a state vote on that and legislation. And I don't think we want to get into the •• into the, I think, problematic area of selling off parkland when we have such a robust land acquisition program. I think that would be contrary to the direction in which we've been going. I think that would really be problematic. So I think that researching the contract, holding their feet to the fire and keeping this •• as a golfer I'm sure you'd want this to remain a golf course but in better condition.

**LEG. ALDEN:**

May I respond, Madam Chair? To clarify my remarks, I mentioned that it's our collective responsibility to determine what direction we want to go in. And that would include do we want to sell it off because we actually took some steps to privatizing that golf course. And that was before any of us were here. But we did take steps towards privatizing that. And one of the steps would be to sell it off. I would be very opposed to selling off that golf course. However, on the other hand I'm very opposed to the way it's being operated right now. And that's sort of semi ••privately, sort of semi•publically. And I don't think that the people are being well served in that.

And, again, I think if we open up the conversation, then we can look at, you know, a little bit of the way we run all the golf courses. And you participated in •• I think it was a number of years ago •• but we looked at this way some other counties in New Jersey and other places in New York State the way they run their golf systems. And they're a little bit different than ours. I'm not saying one right here just off the top of my head is better than the other. But say for instance the New York State runs their parks system; if you go out to Montauk Downs or you go to Bethpage, you pay a cashier that is an employee of New York State. You go out to the first Tee. And that starter is an employee of New York State. And then they have a supervisor that makes sure that the number of people that play on the course •• or that is what his, you know,

hypothetically his job is, the number of people that are playing on the course are the same number of people that paid and that all those numbers much up; and that somebody isn't, you know, cheating the system so to speak. That's a different system.

Suffolk County set theirs up, you know, vastly different from that. And there is one thing now we have to consider. And it's •• it's almost \$6 million comes into the County. That's County money. It goes into General Fund that is collected by non•Suffolk County employees. And that's why Commissioner Foley did mention that there's other models that we should be looking at. There's costs associated with those. And you are not necessarily •• you're going to make more money but it's just a different way of doing business. And for instance all the Titleists in the golf courses. So all the people that are doing maintenance, those are not specific to golf courses. So if we're looking at the way we run our golf system, we might want to professionalize or, you know, revamp that. But we might want to just look at and do nothing. But I think it's something that is, you know, it would behoove us to take a look at least; how we're running the operations, how they're structured. And this is an aberration from what we're doing with the rest the County recreation system.

So that's one of the reasons why I bring it up. And when I first got elected I was looking at it. And at one time just, you know, to throw it in there, at one time they were almost a million dollars behind in the money that they were supposed to send over to Suffolk County. So, you know, there's some funny things that have happened over the years and I think that, you know, we should actually take a look historically, presently and look forward. But I agree with you. I would not want to see that sold off. I just want to see it operated in a great manner that's consistent with the way we're operating the other courses.

**LEG. VILORIA•FISHER:**

Just one more question, Madam Chair. How often do we do audits of these entities who run County facilities?

**COMMISSIONER FOLEY:**

Because you and the County Executive allowed us to, we hired a number of auditors within the department. They are doing kind of continuous audits. The capital •• the performance against their required capital investment, they look at every piece of documentation that comes in and verify it or reject it. And they treat all concessionaires the same way in that regard. We do now a system with those auditors of surprise cash counts at any point of sale operated by us or concessionaires. And that's on a routine basis. The County Comptroller, I think, audited this contract again before I got here, but probably not more than four years ago. And they are in the

midst of some audits of golf courses. I don't know if it's going specifically to this one or just the golf operation of the County in general.

**LEG. VILORIA•FISHER:**

Thank you.

**CHAIRPERSON NOWICK:**

All right. So we are right now is that we're going to be trying to pressure them into doing a better job. They've got the winter. My only concern though is what you had said, Commissioner, that it's so hard to see where they're not living up to contract and where they are. I'm afraid that •• how do you go to the contractor or to the people that are running the golf course, how do you go to them and say, hey, we need this done or you're out if they feel that they're so protected by this contract? That's a concern that they say, hey, well, you know, the hell with them. What's the leverage?

**COMMISSIONER FOLEY:**

And I want don't to say that it's hard to see we're they're not performing acceptably. We need •• we would have to spend some time and establish some very clear measures to say if you don't do this, you've got a problem. I think what's difficult is accumulating enough of that stuff to warrant terminating their contract. It's not a ••

**CHAIRPERSON NOWICK:**

My opinion is it's easier not to terminate the contract; just get them to do the work.

**COMMISSIONER FOLEY:**

That's right. And that's my goal.

**CHAIRPERSON NOWICK:**

And we certainly should know by April when they open up again •• I don't know if it's April or May, whenever they open up again when the spring comes, we certainly should know if they've • if they've done •• but I mean you can tell better in April or May when things start to grow if they're doing what we've talked about; designated certain areas with weeds, foliage and •• so we would know by then. And I'll just close the conversation but I have to say one thing and you know how I feel about this. You get on that course in the middle of the summer and unless you go in there and spend \$2.50 for a bottle of water, they •• even at the club house like they do at

Indian Island, they have cold water there. One day somebody's going to be out there and they're going to have a heart attack from the heat.

**COMMISSIONER FOLEY:**

And we offer free water at the other golf courses.

**CHAIRPERSON NOWICK:**

That's right. So, I mean, they're selling the water. That's okay, you do that, too, if you prefer bottled water. But only my kids can afford that so.

**LEG. ALDEN:**

On their allowance.

**LEG. BROWNING:**

Because you're paying for everything else.

**CHAIRPERSON NOWICK:**

Did you have anything else you wanted to discuss with us in relation to the resolutions?

**COMMISSIONER FOLEY:**

In relation to resolution 1953, it went before the Board of Trustees. They tabled that one. They didn't take a position on that yet. They found a technical error in the language regarding identification of that ••

**CHAIRPERSON NOWICK:**

Which one?

**COMMISSIONER FOLEY:**

1953. That was a tabled resolution. And 2021 they opposed that one. They voted not to support that resolution. That would waive the fees during oppressive weather. They have a general opposition to waiving park fees. And in this case based on information from me, they agreed that the fee schedule for parks is affordable as it is; that we stop collecting that 4:30 in some places, 5:00 in others so people who are working people get in free anyway.

In addition we extended the hours of lifeguards and EMT's which was a cost to us we hadn't anticipated so that the beaches could stay open longer and people could get the benefit of the beaches in that way.

**CHAIRPERSON NOWICK:**

Okay. Then I guess we'll go to the calendar. I'm sorry. Legislator Browning.

**LEG. BROWNING:**

One question. Commissioner Foley, I have a question. What is the policy say for example there was a recent fundraiser at the trap and skeet range. And I want to have alcohol served. What's the policy on serving alcohol at events like that?

**COMMISSIONER FOLEY:**

On licensed premises which trap and skeet is, it's generally allowable to have alcohol as part of the fundraiser. That place is a little different, though. And we haven't discussed this with the operator yet, but I don't think we should be serving alcohol there. So we've got •• I've got to go back and look at his contract, see what that says about it. It's different than a licensed facility like the beach huts that have outdoor events and have alcohol or the catering facilities that lessens operate. Those are okay to have alcohol as part of the fundraiser.

**LEG. BROWNING:**

So my question is then is did they get a permit to serve alcohol?

**COMMISSIONER FOLEY:**

They did not. No, they did not.

**LEG. BROWNING:**

Yet they did?

**COMMISSIONER FOLEY:**

But we wouldn't •• on a license premises with lessens or beach •• we wouldn't allow •• we wouldn't require them to get an alcohol permit either. It's part of their business. But it's a different situation there.

**LEG. BROWNING:**

Okay. I'd like to talk to you some more. Actually I've received a number of e-mails from constituents. I'm sure you know what happened last Thursday at the trap and skeet range. And I have some letters of complaints. I'm not going to read them now. I'm •• I would like to sit down and talk with you and show you these e-mails because it does involve some inappropriate behavior from what I understand of some County employees that were actually working there.

So I do want it on record that I do have complaints. And I'd like to meet with you on that.

**COMMISSIONER FOLEY:**

Well, if they're the complaints I'm thinking of people washing tools and accidentally squirting someone, we apologize. It was an accident.

**LEG. BROWNING:**

We'll talk more.

**TABLED RESOLUTIONS**

**CHAIRPERSON NOWICK:**

Okay. **Tabled resolution 1953 linking county parks fees for veterans to park fees for senior citizens. (Cooper)** Legislator Cooper?

**LEG. COOPER:**

I'd like to make a motion to table for one cycle.

**LEG. VILORIA•FISHER:**

Second.

**CHAIRPERSON NOWICK:**

Motion to table by Legislator Cooper, seconded by Legislator Vilorina•Fisher. All in favor? Opposed? **1953 is tabled. (Vote: 5•0•0•0)**

**1974, amending the 2006 capital budget and program and appropriating funds in connection with the installation of cash control and security at Suffolk County park facilities. (Alden)**

**LEG. ALDEN:**

Motion to table.

**CHAIRPERSON NOWICK:**

Motion to table by Legislator Alden, seconded by myself. All in favor? Oppose? **1974 is tabled. (Vote: 5•0•0•0)**

**1975 amending the 2006 capital budget and program and appropriating funds in connection with the cash control pilot program in the Suffolk County West Sayville golf course. (Alden)**

**LEG. ALDEN:**

Motion to table.

**CHAIRPERSON NOWICK:**

Motion to all table by Legislator Alden, second by myself. All in favor? Opposed? **1975 is tabled. (Vote: 5•0•0•0)**

**2021 waiving beach fees during periods of oppressive weather conditions. (Romaine)**

**LEG. COOPER:**

Motion to table subject to call.

**CHAIRPERSON NOWICK:**

Motion to table subject to call.

**LEG. VILORIA•FISHER:**

Second. If the Park Trustees are opposed to it, I would second the motion to table subject to call.

**LEG. ALDEN:**

On the motion.

**CHAIRPERSON NOWICK:**

Yes.

**LEG. ALDEN:**

I think that again this is a policy decision. I would hate to see this stricken so we don't even consider it. But I believe that the sponsor wanted to pick up on an action that New York State really did during the last heat wave that we had where temperatures went over 90 degrees and New York State opened up all their beach facilities and park facilities to people so that folks that can't afford the air conditioning could get some kind of relief from the heat. So I think it's well intentioned. However, I would like to hear a little bit more from the Parks Trustees as far as some of the discussion that took place whether •• you know, they just thought the idea was inappropriate or whether there's some other way to accomplish this and they would rather do. So

I would hate to see it tabled subject to call where it's not ever going to be spoken again.

**LEG. VILORIA•FISHER:**

If I may, Madam Chair?

**CHAIRPERSON NOWICK:**

Sure.

**LEG. VILORIA•FISHER:**

We're not asking to strike it. We're asking to table it subject to call so that if at any time we get more information we can call it back. We're not withdrawing it if that's •• only the •• only the sponsor can do that. But we're just getting it out of the way until we get more information that might change our mind at some later point.

**LEG. ALDEN:**

Table subject to call gives the connotation that, you know, we're talking it off the table and we're kind of putting it in the back room. We're not even going to think about it. I just •• that's why I mentioned the comments. I think that it's something that we should think about. We should get a little more information on; but •• and I'll be opposed to subject to call.

**CHAIRPERSON NOWICK:**

Subject to call takes precedence.

**MR. NOLAN:**

I just wanted to say that if the Park Trustees •• pursuant to the charter the Park Trustees would have to approve the changes to the fee. And if they don't do so, we're not going to be able to do it.

**LEG. VILORIA•FISHER:**

Okay. Well, there's a table subject to call.

**CHAIRPERSON NOWICK:**

There is a table subject to call which supersedes the tabling motion. There's a second. There's a table subject to call by Legislator Cooper, second by Legislator Vilorina•Fisher. All in favor?  
Opposed.

**LEG. ALDEN:**

Opposed.

**CHAIRPERSON NOWICK:**

**2021 has been tabled subject to call. (Vote: 3•2•0•0. Legislators Alden and Nowick opposed)**

## **INTRODUCTORY RESOLUTIONS**

**CHAIRPERSON NOWICK:**

**Introductory resolution 2123 creating a trap and skeet search committee. (Browning)**  
Legislator Browning.

**LEG. BROWNING:**

Motion to approve.

**CHAIRPERSON NOWICK:**

Motion to approve by Legislator Browning, second by Legislator Vilorina•Fisher.

**LEG. ALDEN:**

On the motion.

**CHAIRPERSON NOWICK:**

On the motion.

**LEG. ALDEN:**

I didn't get a chance to read through it fully but who's on the committee?

**LEG. BROWNING:**

Well, actually I haven't •• we haven't currently picked people.

**LEG. ALDEN:**

Not people but ••

**LEG. BROWNING:**

There's two members of the sporting community, two members of the environmental

community, two members from the county legislature appointed by the Presiding Officer and Chairman of the Committee and two members to be selected by the Suffolk County Executive. And I do believe I put in a request to have a local resident. Did that get amended? Because I don't have it in front of me.

**MR. NOLAN:**

Yes, one member of the community adjacent to the trap and skeet facility has been added.

**LEG. ALDEN:**

There's a couple of questions I have then. Why would you have a member of the community that's adjacent to this trap and skeet if you're looking for another place?

**LEG. BROWNING:**

You have a point. You have a good point.

**LEG. ALDEN:**

I'm just raising it as a point. And then I have another question, too. If this is an advisory committee to us, why would we want legislators on there to try to push it one way or the other?

**LEG. BROWNING:**

I wouldn't say we're going to try to push it one way or the other. You know, I know that we •• I have had concerns from members of the community that felt like they would like to be a part of the process because, you know, what if we can't find another location? And I think it would satisfy them that if I have a community member involved in the process and they for themselves will get to see that, well, there is no other location, it's at least letting them be a part of the process.

**LEG. ALDEN:**

All right. Then my suggestion would be why not make this all experts and private citizens rather than have Legislators in there? Because it's going •• the report's going to come back to us and we're going to participate in it any way so, you know, you're loaded up with members of the legislature which •• and I'll be quite honest and frank here. You know there's a lot of NIMBY •ism over the years that I've seen in the Legislature so, you know, if we put all the A team on there, then you're going to eliminate 18 districts for having a location of a trap and skeet. So I think that my suggestion would be have experts, members of you the •• you know if want that community or other communities have representatives on the committee, I think that they're going to report back to us anyway. So I think that would be a little bit better. Even if you

wanted to have an RA, you know, if you wanted to spell that out or some other shooting.

**LEG. BROWNING:**

Well, the sporting community. And I did speak to Mr. Cushman ••

**LEG. ALDEN:**

There are other representatives as far as I'm concerned because those are the users of it. And you know, you're going to want to see some expertise from their part as far as noise mediation and whether these operations can be combined into an existing facility. So I'm just suggesting it. Experts and members of the community would •• you know private citizens other than Legislators.

**LEG. BROWNING:**

Well, I would prefer that we do keep someone from the Legislature. And again you're going to say it doesn't matter what Legislators. Somebody's going to say not in my backyard like you said. However, I do think it's important and to have representatives from the Legislature there. And again there are locations and I've spoken to a couple of Legislators who •• I know there are places that could •• you know that are possible. So I don't want to eliminate if it's in another Legislator's district that maybe, you know, they would be interested in participating.

**LEG. ALDEN:**

Through the Chair?

**CHAIRPERSON NOWICK:**

Yes.

**LEG. ALDEN:**

Then you're going to end up with a two or a four•step process, because you're going to have Legislators on this committee and they're going to •• there's a potential for having them steer it one way or the other. And then you're going to have sites that are suggested and you're going to end up with •• you know, to be fair, you'd have to put that Legislator, if it's somebody's Legislative District, you'd have to amend this, put them on the committee. And I see it as, you know, like it's almost counterproductive, because you're going to end up with the NIMBYism argument right from the get•go by putting two Legislators in there.

If you just have a panel of experts go out there and give us an unbiased or •• it will be biased, but give us a report on where it might be appropriate, whether there's an existing range that we can

move this operation to and how it can operate. I think that's a lot better than having Legislators on an advisory committee that's going to advise the Legislature on an action.

**CHAIRPERSON NOWICK:**

Okay. Right now, I have a motion to approve. Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

I just wanted to make a comment on the •• having the member of the community. I think that that's a very important function. I just wanted to respond to that, because there's a certain perspective that the people who live in that particular community would bring to the body that's discussing this. So I think that's a good idea. By having the Legislators •• when I read this, I thought it was two members of the committee to be assigned by the County Legislature. I have to admit that I read that incorrectly.

You make some good points about that, because of NIMBYism. But when we •• when the site is chosen, and we've seen this with other cases. We've seen it with •• do you remember when we were trying to find a site for the Children's •• the Youth Correctional Facility, I think the shelter, and that was something that became very problematic here and it was tossed around? So I suppose, even if there were not anyone from the Legislature on the committee, ultimately it would be the Legislature who would be making the choice and the final decision as to where the placement is. So we're going to run into NIMBYism one way or the other. And maybe we should try to put more faith in the people who choose to be on this committee to have a more impartial view, and maybe people who think that the siting would be a good idea. You know, Legislator Cooper has a piece of legislation on the siting of what, a drag racing strip, or something like that? And it's not something I'd want in my district, but if he thinks he's a •• it's a good idea, maybe, you know, he would want to •• I mean, it didn't pass, but that's just an example.

**LEG. COOPER:**

No. I actually had your district in mind.

**LEG. VILORIA•FISHER:**

Oh, yeah, I thought so.

**LEG. COOPER:**

Because I know where you were going with that.

**LEG. VILORIA•FISHER:**

But the point is that, ultimately, it's the Legislature that's going to make the final decision, determination as to what the •• whether or not to accept the recommendation. So it's going to come to the Legislature willy•nilly.

**LEG. ALDEN:**

But may I respond?

**CHAIRPERSON NOWICK:**

Yes.

**LEG. ALDEN:**

The problem with having two Legislators on this committee, they're going to be advising us, and their pros and cons or prejudices, or whatever you want to call it, are going to drive the process, rather than having people that are not Legislators come to us with a fully, you know, subjective, whatever, opinion on this.

**LEG. VILORIA•FISHER:**

I think objective is the word.

**LEG. ALDEN:**

Right. You're going to end up with subjective rather than objective opinions on this, because you're putting two people that are going to have two shots at it. They're going to drive the process as far as looking for appropriateness and other solutions to the problem. And then they're going to be on this •• well, they are, they're Legislators that are going to be voting on it.

And the other problem I had with a neighbor or a person from the neighborhood being on there is are you going to look for somebody that hasn't made their mind up about the shooting range? And I don't know if you can find somebody there that isn't prejudice one way are the other about the shooting range. So, if you take somebody from the immediate surrounding area, I think I can •• I'm not Karnack the Great, but I think I can predict where they're going to go with it. It's got to be some place other than where it is now. So I'm not so sure that, you know, like that makeup with •• those three are questionable, as far as I'm concerned. I would go for like all experts, all separate from the Legislature, and then let us •• you know, let them advise us on a objective manner, not a subjective manner.

**LEG. BROWNING:**

Okay. Well, I will take his point on the Legislature and have •• I will table it to amend •• to take off the members of the Legislature. However, I will keep a member of the community. I do believe that it's •• when you're looking for another location and there's concerns about •• that maybe there isn't another location, and we're coming back to the community and saying, you know, we can't find one, at least it makes them comfortable to know that they've been a part of the process, and they've gotten to see that we've looked for locations and, you know, they can see for themselves. And they feel like they're being shut out and that something was done behind their backs. This is giving them an opportunity to make sure that they're involved.

**LEG. ALDEN:**

I'm glad that you're reconsidering the two Legislative appointments. Would you consider making an appointment from my Legislative district, too? Because I have somebody that's very forceful and would like to sit on that?

**LEG. BROWNING:**

Two community members?

**LEG. ALDEN:**

I have one community member that I think I'd like to have sitting on there, just to make sure it doesn't go in the Tenth.

**LEG. BROWNING:**

Well, I will table it at this time. We'll talk about that.

**LEG. ALDEN:**

All right, good.

**CHAIRPERSON NOWICK:**

Motion to table by Legislator Browning, second by Alden. All in favor? Opposed? **2123 is tabled. (Vote: 5•0•0•0)**

**2184 naming Picnic Areas 8 and 9 in Southaven County Park in honor of Specialist Thomas J. Wilwerth. (Browning)**

**LEG. VILORIA•FISHER:**

A motion to table.

**CHAIRPERSON NOWICK:**

This has to be tabled. We have a ••

**LEG. COOPER:**

The only exception is a military if a road was named after it.

**CHAIRPERSON NOWICK:**

Right. We have a resolution here that says this has to go to a committee. Okay. 2184, we have a motion by Legislator Viloría•Fisher, seconded by Legislator Cooper. All in favor? Opposed? **2184 is tabled. (Vote: 5•0•0•0)**

**LEG. BROWNING:**

Can I ask a question? When will this Committee meet again? The Naming Committee?

**LEG. COOPER:**

I have the same question because it's holding up my bill.

**CHAIRPERSON NOWICK:**

What bill is yours?

**LEG. COOPER:**

Naming a street in Huntington Station after a woman that was killed.

**CHAIRPERSON NOWICK:**

Has it gone to the committee yet?

**LEG. COOPER:**

We're referring the resolution •• you know, this is so new.

**CHAIRPERSON NOWICK:**

Yes.

**LEG. COOPER:**

So I'm forwarding a copy of my resolution to the committee.

**CHAIRPERSON NOWICK:**

I can tell you when the next meeting is.

**LEG. BROWNING:**

Does mine go through the Naming Committee or does it go through the Parks Committee?

**LEG. COOPER:**

The Naming Committee.

**CHAIRPERSON NOWICK:**

Hold on. Sitings and Memorial Committee meets October 31st at 10:30. That doesn't mean, though, the decision is going to be made because at this point because it's brand new, we're sitting up •• we're setting up the strategy we're going to use in naming, we're setting up what we're taking into consideration. So it doesn't mean there's going to be a decision at that time but ••

**LEG. COOPER:**

And who's the Chair of that committee?

**CHAIRPERSON NOWICK:**

That would be myself.

**LEG. COOPER:**

Okay.

**CHAIRPERSON NOWICK:**

You got a problem with that?

**LEG. COOPER:**

Oh, no. I think you're a wonderful choice.

**CHAIRPERSON NOWICK:**

With no further business I'll take a motion to adjourn by Legislator Vilorina•Fisher, second by myself. All in favor? Opposed? Adjourned.

**(THE MEETING CONCLUDED AT 12:08 PM)  
{ } DENOTES SPELLED PHONETICALLY**