

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 November 15, 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
Ian Barry, Assistant Counsel
Gail Vizzini, Director of Budget Review Office
Lance Reinheimer, Assistant Director of Budget Review Office
Jill Moss, BRO
Renee Ortiz, Chief Deputy Clerk
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Ronald F. Foley, Commissioner of Parks
Ben Zwirn, Assistant Deputy County Executive
Greg Moran, Aide to Legislator Nowick
Paul Perillie, Aide to Minority Caucus
Barbara LoMoriello, Deputy Chief of Staff
Fran Siems, Legislative Aide
Linda Bay, Aide to Minority Leader
Dennis Brown, Assistant County Attorney
John L. Cushman
Bill Raab
James Kelly
Johan McConnell
J. Lance Mallamo, Vanderbilt Museum Executive Director
Dr. Steven Gittelman, President of Vanderbilt Museum
Vinh Tran, Portfolio Manager of Vanderbilt Museum
Bryan Amico, Client Service Officer for Vanderbilt Museum
Ray Corwin, Parks Trustee
John Fritz, Parks Trustee
Richard F. White, Jr., Parks Trustee
Miles Borden, Parks Trustee

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 11:20 AM)

CHAIRPERSON NOWICK:

The Parks and Recreation Committee, please, come to the horseshoe.
Will all Legislators please come to the horseshore for Parks and Recreation?

Good morning. We will start today's meeting with the salute to the flag. And today's salute will be led by Lance Mallamo. Lance Mallamo.

SALUTATION

CHAIRPERSON NOWICK:

Good morning everybody and welcome to the Committee of Parks and Recreation. I do have a few cards here this morning for the public portion. And I do have a few presentations. I think we'll do the public portion first. I would like to call John Cushman first, please.

MR. CUSHMAN:

Good morning everybody. My name is John Cushman. I'm the President of SAFE, Sportsmen Association for Firearms Education. We're here to discuss 2123, the bill that's creating the committee to look into the feasibility of property for a trap and skeet range. Excuse me.

In general we are not opposed to the idea of looking for an alternate site, to find a site that would be more compatible. We do understand the problem. However, we are a little concerned about the construction of this particular piece of legislation. One, it talks about environmentally sensitive land. And we realize that. But if that were the case, what stopped -- why didn't 300 houses stopped being built? Why were they built on or adjacent to environmentally sensitive land? The fact that the range has been there for 60 plus years and is creating no environmental issues proves that it's not a contributor. 300 homes will contribute much more to the environmental soundness of the area.

Second, on the resolution itself, and I guess I'm concerned because we've raised this issue before, before this body and the full County Legislature, we would have thought a simple letter on the part of a Legislator or of a committee to whatever department you deem is appropriate to get an inventory of the land that's available that County has, has ownership of or control over; and whether or not there are, in fact, any pieces of property big enough and are capable of handling alternate site for a trap and skeet range. We have no problem with like I say the purpose. To do it in this fashion we're not sure why that was necessary. A simple letter by the Committee or the individual's who involved.

Third, is more like a question. And I hope you don't -- I have to ask Miss Browning the question because she drafted the bill. We have no objections to the four different kinds of groups that you want to pull from to serve on the committee. The only one I have a question about is the 5th group. Why would only the Legislator from the Third District be allowed to appoint somebody and to appoint somebody who lives next to or adjacent to the property when in fact the Committee itself is supposed to be concerning themselves with facts of the case of where there's other property? Would the person who lives adjacent to the property bring something special to the table with regard to having knowledge of land that's available and capable and suitable that the rest of the County Legislators wouldn't be able to provide instantaneously? I'm just curious because I don't understand the purpose of that additional appointment.

CHAIRPERSON NOWICK:

Let him finish up.

MR. CUSHMAN:

No, I'd rather hear what the answer is because I think anything else I might have to say would be in response to what Legislator Browning has to --

LEG. BROWNING:

The one thing that's very important to me is openness to my community and the district that I represent. Too often we hear about government not being open and accountable and being transparent to the constituents.

I believe this is what I'm doing. My constituents did put in that request. And I am going to respond to that request because I believe that in order to look -- we are -- we do need to look for another site. And what if we find out that there is no other alternative site? If that community member is a part of that process, then, they have the opportunity to say, well, you know what? I was involved and I know what was done and I do see that there was no alternative site. So it's more being open and accountable and not trying to -- making them feel for them that we're doing something behind doors.

MR. CUSHMAN:

My understanding, then, in response to your statement is I thought all of these committees were open to the public; that they were not allowed to go into an executive session except you and a committee (inaudible) or other County Legislature which means every and all meetings that they would have would be published and open to the public. So the transparency issue is automatically there without the need of having somebody there specifically from that neighborhood. That also kind of insults the rest of the people on the committee. Your own County Legislator who'd be on it, the two environmental people, the two sporting communities' representatives. It kind of insults all the rest of them to suggest beforehand that you don't trust them to do the right thing for the right reasons and in the right way; and that we need to have somebody watching over you to make sure you do it the right way. I personally if I was on that committee I'd be really a little ticked off that you don't trust us to do the job you asked us to do, which is merely factual accumulation of information; not trying to slip something under the door or out of the way. So that was in response. Thank you for your time.

CHAIRPERSON NOWICK:

Thank you, Mr. Cushman. Mr. Cushman, I don't think it's that Legislator Browning doesn't trust the person on the committee. I think your point was that you wanted input from your district because that was what was being asked from your constituents. Doesn't mean whether I agree or not. That's what I think she said.

MR. CUSHMAN:

Excuse me. I think I understood you. You do want somebody there to make sure to report back to the community. But just like there's three of those people sitting in the back of this room, they could sit there at any meeting that's going to be held and just as eagerly and efficiently report back to the community. Yep, they had an open and honest meeting. We saw everything. We heard everything. And the truth of the matter is there is not a piece of property big enough, capable of handling this problem that's not going to start up somewhere else. So again I just -- I guess personally I don't agree with it. I think it's a slap in the face to the rest of the committee members. I think you're going to have your openness just like you have at this meeting. I have not seen it. Even though we may disagree I've never seen this group or the Legislature slam the doors on everybody and say we're now going to discuss these important issues behind closed doors. Everything always comes out in the open and we're very happy that that has happened. Just a point -- and that's it. I'm just responding back to you. I think it's a slap in the face. I don't think it's necessary. As a matter of fact I think it might even taint the process because now only you or that district would have somebody there; not the other 18 county Legislative districts. Thank you again for your --

LEG. BROWNING:

And as you see we have two members of the sporting community who will also be there. So -- and I think out of fairness and I am doing this for my district --

MR. CUSHMAN:

Understand.

LEG. BROWNING:

And I think out of fairness to them I'm going to continue to do that.

MR. CUSHMAN:

You may.

CHAIRPERSON NOWICK:

Thank you. Bill Raab, please.

MR. RAAB:

Good morning. I agree with Mr. Cushman on a lot of points. There's a few others that I'd like to bring up. I believe in this bill it was that five would be a quorum. And that means that anyone of these groups could be not in attendance and a lot could happen. And that kind of doesn't really fly very well with me.

Again, I'm a taxpayer here as we all are in Suffolk County. I don't mind paying my taxes. When I get services for it, I don't mind when the money's spent on things that are necessary. I really have a problem with spending money to relocate a range and to clean up an existing range. I understand there's a neighborhood problem. This has been discussed ad nauseum. And if we relocate this, we do find a suitable piece of property that's within a close proximity and it's usable for everyone and everyone agrees and all of that, and I've said this before this body several times earlier, how long is it going to be before either I'm here or my son is here to argue these same points again before another legislative -- the same body, possibly with different people -- that the people who move next to a new range are going to be unhappy with it and we're going to be fighting this fight all over again? I really don't think that's fair. I just -- I really don't think that this is going to do a whole heck of a lot. And as far as the appointment from the one district, I agree with Mr. Cushman that that's somewhat insulting unless that member brings something to the table that can be considered worthwhile to the process. I'm trying to keep it short. And thank you all for your time.

CHAIRPERSON NOWICK:

Thank you, Mr. Raab.

LEG. BROWNING:

Can I ask one question?

CHAIRPERSON NOWICK:

Sure. Mr. Raab?

MR. RAAB:

Yes?

CHAIRPERSON NOWICK:

We just have one question.

MR. RAAB:

Sure.

LEG. BROWNING:

I have a question. What district are you from?

MR. RAAB:

Legislator Barraga's district. I can't remember -- is that 11?

LEG. BROWNING:

Okay. So the two sporting community members.

CHAIRPERSON NOWICK:

Go to the mike.

MR. RAAB:

Not a problem. I don't really need that but you know --

LEG. BROWNING:

No, you don't. But the two sporting community members, what districts might they come from? Do you think they're going to come from the Yaphank area?

MR. RAAB:

They could come from the Yaphank area. There are plenty of sportsmen in the Yaphank area.

LEG. BROWNING:

Okay.

MR. RAAB:

There are sportsmen all over Suffolk County.

LEG. BROWNING:

Okay. And I do believe that in the past when I spoke with Mr. Cushman I did express an interest in having him be involved in the process.

MR. RAAB:

Yes, you did.

LEG. BROWNING:

So he does come from another district.

MR. RAAB:

Yes, he does.

LEG. BROWNING:

So then we do have people from other districts besides mine; correct?

MR. RAAB:

Yes, but they're only representing the sporting community. Your district's appointee is there because they're from your district. And that's my problem.

LEG. BROWNING:

But we do have people from other districts.

MR. RAAB:

I answered your question and I expressed how I felt about it. And you just need to go around it again. Yes.

LEG. BROWNING:

Thank you.

CHAIRPERSON NOWICK:

James Kelly, please.

MR. KELLY:

Good morning, ladies and gentlemen. My objections are similar to John Cushman's. My feeling is, is that, you know, on the third Whereas it says the County's Trap and Skeet -- Trap and Skeet Shooting Range is located in the environmentally sensitive Carmans River Watershed, blah, blah, blah.

Anyway the bottom line is why the heck were those houses built there? I mean, you know, it was environmentally insensitive -- excuse me, I have a cold. If it was that environmentally -- environmentally sensitive, why wasn't this dealt with then? That's my first question. I don't understand. You know, houses are going to cost more pollution than anything you could possibly get from the range.

My next objection goes on the Second Resolve which says two members of the environmental community to be appointed by the Suffolk County Legislature. This is absolutely redundant. It should say four members of the sporting community. Now you're probably saying why? Well, that's because sportsmen for the last -- close to a hundred years have donated billions of dollars towards the support of wildlife. Organizations such as Coastal Conservation and Ducks Unlimited have done a lot of conservation projects on their own. The so-called environmental groups have no record either of doing projects or of donating money.

If they were to turn around and start donating money, and give say like a tenth of what we've given, they'd have to write a check for a billion dollars. So personally it's insulting to me to have two members of the so called environmental community here on this committee when they haven't done anything. When you put in the time and you put in the money like we have, I think then you deserve a place at the table.

My next objection is to the Second Resolve, number five about one member being appointed by the Legislator for the Third Legislative District. Are you going to appoint the person across the street who's lived there for God knows how many years and has never had a problem with the range? Or are you going to pick Johan McConnell who seems to find everything under the sun that's wrong with it? We don't know. That's why I object to that.

And, finally, you know, I asked a member of the Legislature, you know, when they want to request about lands and what not, it says that this has got to be done in a 120 days for consideration, review and appropriate action. Well, guess what? The Legislator told me he's been waiting more than six months for a complete inventory of the land.

So, you know, I mean this thing is flawed from the get-go. There's no need for it. You make a phone call, you find out from the Parks Department what you got, what's suitable. And if it's suitable you know you make plans to build. Other than that, you know, you're whistling Dixie. You have any questions, I'll be glad to answer them.

CHAIRPERSON NOWICK:

Thank you.

MR. KELLY:

You're welcome.

CHAIRPERSON NOWICK:

Johan McConnell.

MS. McCONNELL:

Good morning. I'm Johan McConnell, President of the South Yaphank Civic Association.

CHAIRPERSON NOWICK:

Use the mike.

MS. McCONNELL:

Johan McConnell, President of the South Yaphank Civic Association. I had not planned to come and speak to the group this morning. I was really going to sit in the back as an observer; but seeing that my name has been mentioned at a public meeting, I think I need to speak.

I presently -- I have sat on two Suffolk County committees. And I feel that I've been very impartial in my participation in it. You can ask Tom Isles, Director of Planning. And you can ask Jim Morgo, Economic Development and Workforce Housing. The project is the 400 acres in Yaphank which will have a tremendous affect on my community. I feel that I served on the community (sic). I had input on the community (sic). I felt I was impartial. You can ask any members of the community that that is wheres I come from.

I resent the mentioning of my name in the derogatory manner. I do not object to if John Cushman was to become a member of this committee. I think he's a value and has tremendous influence and knowledge. I do resent the fact that I would be singled out; that I shouldn't have the right to serve on the community (sic). I have done a tremendous amount of research on the Southaven Park and the trap and skeet. I know the historical -- history of it. And I support the sport of trap and skeet and clay. I grew up and I watched them shoot at the Ridge facility because it's awkward for me to go in to the actual trap and skeet that is down the block from me because I've been harassed by members of the public who are in there. And so I try to stay out of there so it will not be confrontational. So again I do have a problem with that.

And there were two other things that I'd like to address. The surrounding area where the houses were built was not declared in a critically environmentally sensitive area. The Carmans River Watershed and the Pine Core Preservation Area of the Pine Barrens. Suffolk County before the Pine Barrens Act was passed in 1993, in 1988 Suffolk County itself declared the Carmans River Watershed and that Southaven Park a critical environmental area. They did not declare the surrounding area of the park that.

Second, I have no objections to having two members of the sporting community represent and sit on that committee. And the object or the objection of having a resident sit on it is basically that if there's no other place that can be found a member of the community can go back and explain that. There are two members of the sporting community -- there are two members that will be appointed by Suffolk County Executive Steve Levy. If each one of those representatives came from a different district, you would have five different districts represented on that committee. And I personally know of an area that before the lawsuit was put into court, there was a discussion of an area that is owned by Suffolk County and is not in the Pine Barrens area. And it was an area that was discussed for moving the range. So there has been previous discussion about this. So that's just really what I want to say.

LEG. ALDEN:

Madam Chair.

CHAIRPERSON NOWICK:

Yes. Legislator Alden has a question for you, Ms. McConnell.

LEG. ALDEN:

Have you been approached to serve on the committee?

MS. McCONNELL:

No, I have not.

LEG. ALDEN:

Okay. Thank you.

MS. McCONNELL:

So that was the disturbing fact that that gentleman brought up my name. I have not been approached. The community asked to have a representative. We would respect the judgement of County Executive Browning (sic) that anyone in the community --

LEG. ALDEN:

Wait a minute. You just gave her a huge increase.

MS. McCONNELL:

Oh, sorry.

LEG. BROWNING:

Thank you.

MS. McCONNELL:

Legislator Browning.

MR. CUSHMAN:

Legislator Alden, I just said she might be chosen. I didn't say she was.

CHAIRPERSON NOWICK:

Excuse me. Ms. McConnell, Legislator Browning, do you have a question?

LEG. BROWNING:

No.

CHAIRPERSON NOWICK:

I'm sorry.

LEG. BROWNING:

No, that's okay. I can respond to Cameron. There was another resident from the district that was not Johan that did come to me and made the request to have a local person.

CHAIRPERSON NOWICK:

Okay.

LEG. ALDEN:

So you deny that you're the Suffolk County Executive then? Although, you know something? Thinking about it I think we might have a fair shot at -- never mind.

LEG. BROWNING:

That's okay. He can keep that job.

CHAIRPERSON NOWICK:

Okay. Thank you. We will be debating the bill later on. Okay. We have two presentations today. There are two presentations but does everybody want to come up together? It's J. Lance Mallamo, Suffolk County Vanderbilt Museum, Executive Director, Dr. Steve Gittelman, President of the Suffolk County Vanderbilt Museum Board of Trustees. Do you want to come up first or do you want the gentlemen from -- the new portfolio managers to come up?

DR. GITTELMAN:

I would prefer the new portfolio managers to come up.

CHAIRPERSON NOWICK:

Okay. So that would be Vinh Tran and Bryan Amico. Do you all want to come up together? Do you want to come up at all?

DR. GITTELMAN:

Yes, we do.

CHAIRPERSON NOWICK:

Okay. Okay. Good morning. All righty. We have your presentation here in writing and maybe you would like to start.

MR. AMICO:

My name is Bryan Amico. I'm a Senior Relationship Manager for the Philanthropic Division of Bank of America as well as the Relationship Manager for the Suffolk County Vanderbilt Museum. Okay. There we go. I was just saying I'm Senior Relationship Manager at Bank of America as well as Relationship Manager for the Suffolk County Vanderbilt Museum.

What I'd like to do in the interest of time before we go over the presentation is just introduce Vinh Tran who's the Senior Portfolio Strategist on the account. Both Vinh and myself have been on the relationship since the spring of 2005 subsequently -- after Steve {Mallo} the previous portfolio strategist has retired. So with that being said I'd like to hand it over to Vinh to go over the presentation.

MR. TRAN:

Thank you, Brian. We'll use the -- can you hear me well? Okay. Thank you very much. Again, my name is Vinh Tran. It is our pleasure, Brian's and mine to be here today. I would have to admit that this is the first time I make a presentation in front of Legislature. So I'm not sure of the ground that I'm standing on but I'm going to try my best.

Just a little bit to give you about my background, I've been with the bank a couple of years. Before that I was manager of an equity hedge fund. I was with Morgan Stanley. I'd been with them for 10 years heading a global fund group. Before that I was Director of International Investment for Aetna Life & Casualty. I taught a -- actually am professor of Finance at NYU Stern School of Business and Fairfield University. And again thank you very much for your time. How much time do I have, may I ask?

LEG. ALDEN:

Keep it short and sweet.

CHAIRPERSON NOWICK:

Can you do this in 15 minutes, 10 minutes, 15?

MR. TRAN:

As little or as much time as --

CHAIRPERSON NOWICK:

You know what? The shorter the better.

MR. TRAN:

Okay.

CHAIRPERSON NOWICK:

Because you don't want us to be too involved with all the details.

LEG. ALDEN:

We have the attention span of a flea.

MR. TRAN:

Okay. Thank you. I'm just going to give then -- I'm going to go -- if I may refer you to the book on the first few pictures. In the first page if I can point to you and I sort of -- before your review, I have summarized a number of points on this. Without much ado I just say that the bond and the stock market during the last couple of years even though we have seen stocks going up this year especially in the middle of the year more towards in July, the strength and the momentum of the stock market has not been that uniform. And earlier this year the market especially in the April and July, the stock market has taken a fair amount of correction meaning going down significantly. And a number of our managers have really not performed that well. I mean overall.

In the {fixed income} market, as you know, the federal reserve has raised interest rates for the seventh time in June to 5 1/4 % in the fed funds rate, but since then it has adopted what the market called a pause in its monetary policy. And as a result the level of interest rate has stabilized in the fairly now range. And the market participants themselves have truly not been sure whether or not rates should be expected to go up or to go down. The sentiment has been swinging back and forth between fears of inflation and fears of an economic recession. And that's where we are right now.

So there's been a lot of uncertainty in the market. I'm pleased to report, however, that the Vanderbilt Museum account has done quite well in the last 12 months. For the last 12 months ending September of 2006, the account on a net of fees basis return 11.68%. That is well in excess of the return for the last five years as well as the blended benchmark of 50% in the S&P 500 and 50% in the Lehman government index. Those are the two indexes that have been used to measure our performance.

So overall it has been a very good trial month period. And obviously the future is yet to come and why we can sort of form some prognosis of about the future. Obviously we don't know what the future's going to be like whether or not this rate is truly going to be -- continue.

Typically in a presentation like this, and usually we present to a smaller group of people, we as a matter of normal course of business, we would propose our clients to look at the asset allocation strategy, the investment policy, the spending policy. The totality of the issues that would impact a foundation account. I suppose that in this context is probably not the place to do so nor do you have to time to do it. But if you would like to, we'll be happy to spend as much time as you want to spend on it.

On the next half, I just want to draw your attention to the investment policy of the account. In the (inaudible) sketch it's 50% split in equity, 50% split in fixed income; investing in a number of different funds, more strategies. Some of the strategies I manage. Some of the strategies are managed by other managers within the Bank of America organization. We have a full range of investment strategies and managers that have (inaudible). Some of them are extremely good. Are of them are not so. We have the ability to select those which we feel would meet the investment objective of our clients. That's why they are in here. Overtime we would expect them to change and we would do so when the opportunity or the conditions required. There is an error in this page. My colleague mentioned to me that currently the account is -- would draw at the rate of \$105,000 a

month so it is a little bit over. {We are two a year over two} -- or over 10% a year given the current market value of \$12.5 million.

MR. AMICO:

That's also including the investment fees.

CHAIRPERSON NOWICK:

Is that on that first page.

MR. AMICO:

It's under tab one; the first page under tab one.

CHAIRPERSON NOWICK:

Approximately 125 a month?

MR. AMICO:

Yeah. It should be 105. There's a typo.

MR. TRAN:

The rest of the booklet is -- deal with the some sort of what we call the optimal asset allocation, some of the asset classes that we would recommend our client to invest in. For example currently you do not a mid-cap stock. It is an asset class. When it is appropriate we'll be happy to talk about the possibility of investing in that asset class in changing some of the components.

The following section is a summary of our Bank of America official forecast of the economy, the market outlook, stock, bonds, international. Again if any of you ladies and gentlemen have any question, I'll be happy to refer to that.

In the following tab the first page there's a current allocation which shows exactly where the foundation's assets are invested in with a summary of the investment in stocks and bonds and different asset classes.

The following page is a distribution of cash, equity and fixed. The investment policy (inaudible) 50 split between stocks and bonds. The account currently has 55% of equity which is slightly higher than the policy because of the market action. That is we didn't artificially add more money to the equity exposure. But because of the equity exposure, the account has increased. After talking to the Budget Review Office we felt with their approval that that would be the thing to do; just to leave it alone because of the market action, not because of our artificial arbitrary increase of the exposure.

The following page you will see a detailed one month, three month on the performance. One month, three month year to date and so on of the account performance again S&P 500 again to Lehman Government Credit Index and also the plan of 50% in S&P 500 and 50% Lehman Government Credit Index.

The rest of the book has details about the portfolio holdings; the funds and all of those things. And that's basically a scratch of our presentation. And again, you know, we'd be happy to answer any question you may have.

CHAIRPERSON NOWICK:

Thank you. Legislator Alden had a question.

LEG. ALDEN:

A panacea then; and maybe you can give me an answer on it. If I was a client and came to you and I said I had about \$12 million and I'm going to need --

LEG. VILORIA-FISHER:

I'd marry you.

LEG. ALDEN:

What? Thank you. And the reverse is true, too, Vivian. So thank you. But I need X number of dollars a month which would be about \$125,000 range. Would you put the same mix 50% stock, 50% fixed income type of assets?

MR. TRAN:

Well, you know, in the money business, in the investment business, there is never a, yes, black or white answer. And I would love to give you a black and white answer but I cannot because there's --

LEG. ALDEN:

All right. We'll go this way, then. This says that our risk factor is high on this portfolio; right?

MR. TRAN:

Yes.

LEG. ALDEN:

Or our risk tolerance, whatever. But the way it's constructed, the risk factor is high. Is it going to be higher if we put it all in stocks?

MR. TRAN:

Yes. I have done some simulation about different kinds of portfolio structures. You may have -- I go from the current structure of 50/50 to 60/40. 60% stock, 40% bond. 70/30, 80/20, 90/10. And I've done all of those. And obviously it's up to the client to change that -- those risk factors.

LEG. ALDEN:

Okay. So if we needed more current income, we'd have to take on more riskier type of investments.

MR. TRAN:

As you move up the exposure of the equities, the probabilities or opportunities to (inaudible) the investment return would be higher. But the probability or the risk of losses would also increase.

LEG. ALDEN:

Right. So if we had \$40 million, we could put it all in 5% government bonds and throw off the million dollars a year that we need or a little bit over a million dollars a year and very safely just sit there for the next whatever number of years and accomplish our goal. The problem we have is we need X number of dollars to run the Vanderbilt Museum. And this is what we've been putting the pressure on to run the museum. So it might be time to start looking at for a short period of time taking on some of that responsibility to run the museum out of general fund and allow this portfolio to build up a little bit more. And just -- I'm thinking of a different, you know route to go. Because if we want long-term viability you need more money than what we have here. And what we've established here is we took a -- have you seen the history of this? We had 18 or maybe when Lance comes up, we had approximately \$18 million. And we've had to draw down from that over the course of a few years to make sure that the museum did what we wanted the museum to do. And that's provide some kind of educational and, I think, actually some fun type of programs. But we might have to actually start looking at like a little bit different approach, taking some money out of general fund to support the museum's operations and take the pressure off of this. Because if we continue on the course we're going now -- it's very risky to draw down your principal and to do that on a continuing basis. Now I don't mind doing that for this year again to make sure that the money goes to the museum, but we might really have to start looking at a different course; because we could go with a risky mix, and I'd go with maybe 80 or 100% stocks, which possibly could throw off the capital gains

that we need to get the one point something million out of it. But you surely can't go to all bonds now. And there's no -- well, there's still risk in bonds because we've had some losses now because the interest rate went up; right?

MR. TRAN:

Yes.

LEG. ALDEN:

Which is kind of contrary to what you would think. But as the interest rate goes up and you own bonds, you start losing principal value. So we might have to think of a different mix to generate the kind of fund balance we're going to need here for future solidity, I think, of the financial future of the museum. And the only way I see it -- because I don't know if we want to fool around too much with the mix right now. But this mix requires us to take principal or capital gains. And that's what we've been doing to run the museum.

CHAIRPERSON NOWICK:

To Budget Review, what does it take per year -- what do we need per year from this portfolio to run that museum? How much per year? I see this year it was a \$105,000 a month. What do we need?

MR. REINHEIMER:

The current policy by resolution allows a distribution of a \$100,000 per month for the museum for their operating costs. Right now the way the museum is running, it's very tight. They've had problems during the year to make payroll that they needed the distribution on the first of the month. Their cash flow has been very tight. Our concern is long-term versus short term. The museum obviously's looking short term because they need to make payroll today. Our concern, like Legislator Alden said, is that over the long term we need to grow this account to meet the future income needs of the museum and to provide income for the museum today.

One of the problems is that we're distributing income at about a 10% rate. And the long-term return has been 8%. So the museum, you know, it's difficult to grow this account. One of the things when we talked to Bank of America a couple of weeks ago is that they were concerned about the 50/50 split. And like Vinh had said that it was not by accident of putting additional funds in there. It's by accident of the market. And we didn't think it was wise or prudent to throttle back the 50% because the market was going up. So we said that, you know, within the Legislature's -- the spirit of the Legislature's policies is that because the stock market was going up, and by that accident allowed the fund to go past 50% that we thought that that was prudent to allow that to happen.

One of the things that we may want to look is changing the investment policy to give more flexibility to Bank of America so that they can respond to the market conditions. And I'm sure the Vanderbilt will be bringing forward a resolution by the end of the year for investment policy and to continue a distribution of at least \$100,000 per month. That's a long answer to your short question.

CHAIRPERSON NOWICK:

Right. So the answer was they need a hundred thousand a month to run --

MR. REINHEIMER:

At least at this point in time.

CHAIRPERSON NOWICK:

At least.

MR. REINHEIMER:

In the near future they may need more.

CHAIRPERSON NOWICK:

Okay. And that's all coming from the proceeds of this portfolio; however, a lot of it is not -- is not the proceeds. A lot of it is going into principal?

MR. REINHEIMER:

Well, it's capital gains, capital appreciation. Mixture of capital appreciation, dividends and interest.

LEG. ALDEN:

As you have capital gains, which is a good thing, you'd like to keep that in the portfolio and not distribute it if your goal is long-term solidity.

CHAIRPERSON NOWICK:

Absolutely. Never touch the principal.

LEG. ALDEN:

So we've had to -- right. We've had to tap this to keep the museum running. And the museum's had to cut back on, you know, the optimum operations to stay in line with the amount of money we're taking out of here. And that's my point; that if we keep going in this route, we're probably going to have no trust fund at some point in time. And if we come up with a different solution to keep the museum going, and that's included in probably our operating budget, that that might be the way to go to grow this fund back to the point where it can generate enough, you know, cash without tapping into principal to keep the museum operations going.

CHAIRPERSON NOWICK:

So then we would need something a little over a million from the operating budget?

LEG. ALDEN:

This generates a lot. So what you'd have to look at is how much you're tapping into capital gains to accomplish this. And then that's the point where you might want to consider taking the burden off of this and going back to the operating budget. I'm probably talking about, you know, maybe a couple hundred thousand to a half million dollars a year.

MR. REINHEIMER:

Yeah, I would say in the short term, if you look -- if the long-term gain is 8%, a prudent long-term approach would be a distribution of somewhere in the range of 4 to 5%, which based on the current needs of the Vanderbilt would be a distribution from the General Fund of about 5 to \$600,000.

LEG. ALDEN:

Okay.

CHAIRPERSON NOWICK:

And that would save taking that 5 or \$600,000 out of the principal like you were talking about, Legislator Alden.

LEG. ALDEN:

Right. And now you're going to grow your fund again. And you're going to supplement the operations at the Vanderbilt with some money from the -- and I would think that you might be able to get away with that on a short term basis. It doesn't have to be, you know, forever because once you grow this fund, it could generate, you know, enough money to operate the museum.

LEG. VILORIA-FISHER:

Can I interrupt? I'm a little confused.

CHAIRPERSON NOWICK:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Thank you. I'm a little confused about something. We're actually not drawing down the principal; but what we're doing is impeding the growth by using the capital gains; isn't that in fact -- am I confused or isn't that --

MR. REINHEIMER:

No, that's correct. Yes.

LEG. VILORIA-FISHER:

So we're not shrinking our principal base amount. But what we're -- using the capital gains means we're not allowing the growth to be what it should be.

MR. REINHEIMER:

Right. The fund has been around 12 million for the past couple of years. It's been up a little bit, it's been down. It's been maybe 13 million. But it hasn't been able to grow. And this is going to create a problem in the future when the Vanderbilt needs it more than -- 1.2 million a year. The fund won't be able to support that.

LEG. VILORIA-FISHER:

I just wanted to clarify that in my own head because I didn't think that we were allowed to actually draw against the principal.

LEG. ALDEN:

Just as a clarification? If you look at the history of this, it went from 18 million to 12 million.

LEG. VILORIA-FISHER:

Well, that's why by resolution we don't allow ourselves to draw against the actual principal if I recall correctly.

MR. REINHEIMER:

We've adopted a total return policy which allows us to use capital appreciation. The original corpus of the fund is about \$8 million. And we can not go below \$8 million.

LEG. VILORIA-FISHER:

Okay.

CHAIRPERSON NOWICK:

Okay. Could we bring up Lance Mallamo and Dr. Gittelman, please? I assume you can stay as well. It might be helpful.

MR. TRAN:

If you want us stay, we'll stay.

CHAIRPERSON NOWICK:

Yes, that would be great.

MR. TRAN:

You could tell us to go.

CHAIRPERSON NOWICK:

You can stay.

LEG. ALDEN:

We might have a question.

LEG. VILORIA-FISHER:

Can I ask a question before they begin? I'm sorry, I just had another question.

CHAIRPERSON NOWICK:

Sure.

MR. MALLAMO:

Good morning, ladies and gentlemen.

LEG. VILORIA-FISHER:

I'm sorry, Lance. I just had another question before you begin while Lance was still there because I had written it down earlier. A few years ago when I was Chair of Parks and we talked about what kind of restrictions we had, didn't we also have restrictions as to how aggressive we could be or what kind of split we would have? Isn't that why we can't give Bank of America the full flexibility? Was that part of a former resolution? That's -- I thought I recalled legislation of that sort from about --

MR. REINHEIMER:

The resolution states 50/50 split between equities and bonds.

LEG. VILORIA-FISHER:

So it was by resolution --

MR. REINHEIMER:

Yes.

LEG. VILORIA-FISHER:

We can't allow that kind of flexibility at this point in time.

MR. REINHEIMER:

Well, we can change the policy. It also allowed required investment grade bonds. So that was -- those are the two restrictions by resolution.

LEG. VILORIA-FISHER:

Okay. Thank you.

MR. MALLAMO:

Again, thank you for the opportunity to make a presentation to you today. I'm Lance Mallamo. I'm Executive Director of the Vanderbilt Museum. And before I even get started I'd just like to thank the members of the Legislature for discussing this issue and making the point that the historic dollar value is the principal amount. And Legislator Fisher is correct. That figure is 8.2. By state law we can not go below the 8.2 figure. That's the amount that Mr. Vanderbilt and his family left to the museum. And that's the figure that New York State uses for educational entities such as the Vanderbilt Museum as the principal amount that we cannot go below. The fact that the endowment went to 18 was because of the wise investment decisions made many years ago. But after 2001 not only the Vanderbilt Museum but virtually every other institution on Long Island with an endowment saw their values shrink dramatically. So it's not actually that we drew down the money; it just vanished due to the decline in the stock market.

So we find ourselves today in a situation then -- and I want to say the good news is we're fairing a lot better than many of the museums on Long Island. You only have to pick up the paper to see some real catastrophes that are occurring right now. But our attendance has rebounded. We've developed

new opportunities to generate revenue. But what we find ourselves today is in a situation where we have dramatically increased cost in areas that we virtually have very little control over. And these are primarily utilities and energy costs, insurance; and in our case we have new expenses associated with maintenance contracts for our heating systems and our alarm systems, etcetera. We used to pay this as we went. And we found that that wasn't cost effective so we've now instituted maintenance contracts that have added probably another 100,000 a year to our operating budget.

So these costs have been going up. And in the case -- you all see it with energy dramatically. Our energy costs are about four times what they were just three or four years ago. At the same time our endowment income has been going down. And that million point two figure that we've been getting, I think we've been getting that figure for near -- for a decade. We haven't asked for an increase in that. And Lord knows we probably have needed one. What we've tried to do is look at ways to increase our revenues or cut our expenses. There's really only two avenues that we can proceed here.

Let me tell what we've tried to do to increase revenues. We've added new educational programs. And we've revised the educational programs that we have. We are still the largest educator of Long Island school children. We have over 70,000 kids a year come through our programs. And we have to keep those programs fresh, exciting, geared to the New York State educational curriculum to keep schools coming back.

After September 11th, 2001, a number of schools cut back. In more recent years schools are cutting back further because of the increased cost of bussing and cost of field trips. With the tax burden the way we it is we saw a number of school districts cancelling their programs. So what we - we were able to develop a program that actually Bank of America supports where they have awarded the museum a grant. And we provide scholarships to different school districts on the Island to enable those kids who wouldn't ordinarily be able to come to still come. We do it on an application basis. We've identified those districts that either are title one or afford -- have a high percentage of federally subsidized school lunches. And those districts are invited. So we've been able to spend that amount allowing these kids to still come to the museum and get that experience at no direct cost to the museum.

We've also increased our site use opportunities for catered events at the museum; weddings, etcetera. We've done this and still kept on a good neighborly basis with the neighborhood for the most part. We are trying -- we've purchased a site use tent that we have up six months a year. And we've been able to generate this year a record number of weddings and catered events. And, believe me, it's difficult. We have capital project construction going on. Last summer I was re-sodding the lawn every Friday because Monday through Thursday it was dug up. And when the wedding was on Saturday the bride expected a lawn to be in place. We had that increase cost. Right now our bell tower is in constant netting to prevent concrete from falling on people because that capital project hasn't been implemented yet. So it's difficult to overcome challenges like that and still convince brides to pay \$9,000 to have -- use our site for their wedding reception.

We've developed new sources of revenue for the museum. We added a laser show program back at the planetarium. We've developed new corporate support and memberships. We have a new program with our most recent corporate member Arrow Electronics who recently joined the museum as a corporate sponsor. We had a very well received Arrow Electronics employee day on October 15th where over 700 members of Arrow and their families came to the museum at no charge. They used the facilities for the day. And that resulted in the award to the museum from Arrow subsequently of a \$25,000 donation to provide free admission for the public to the mansion and grounds during the holiday -- upcoming holiday period in December. And we're looking to build on those kinds of new corporate relationships.

We've also developed new opportunities for food service. We have our first ever department permit to have a food service in the planetarium. We're looking to provide one on-site caterer for museum

facilities. We're looking to upgrade our facilities, particularly along the water front and the planetarium. Our planetarium equipment is 36 years old. It's technically totally outdated. Many of our programs rely on slide projectors and they don't even make slide projectors any longer. I have to buy them on E-Bay to cannibalize the parts to maintain the equipment that we have.

We've also added a new position at the museum of Special Projects Director. While I have budgeted for this position for the past two years, it has remained vacant because of our cost constraints. But this year we decided to implement that program. And with the intent that that individual will develop new revenue and grant opportunities for the museum. And I'm happy to say two applications are going to be filed today developed by that new Director by five o'clock.

We have also looked to cut our expenses. We've reduced our full-time staff by one-third during the past three years. Interestingly to note, when I look back in the history of the museum 20 years, in the mid-eighties we had 45 full-time staff members. And that -- just before that we were only open seasonally. Now we have 16 full-time staff members. Earlier this year alone we laid off four full-time staff members. And those duties of those four were transferred to other staff on hand.

We have also laid off our entire security -- museum security guard force and contracted that entire division out to a private security firm. And although this resulted in some increase costs to us this year due to unemployment and severance pay that we had to provide, we do think that in the long run we will have a savings from not buying equipment, uniforms and paying the employee benefit cost that we formerly had to pay.

We've looked at the possibility of even closing buildings seasonally to reduce our energy costs. And we had worked the program up, but in discussing that with the fire marshall we were prevented from implementing that because we must maintain a building at a minimum temperature to maintain the alarm system for those buildings. We've looked more closely at how we utilize our buildings to maximize every inch for a classroom or income producing space.

We've looked at cutting salaries back. That's really the only major area. And you've recently reviewed our budget for 2007. And this is a bare bones budget. I defy anybody to find any waste in this budget at all because I can defend every figure in it. The only area would be salaries. And unfortunately every salary dollar I cut, I'm probably cutting \$1.25 in revenue. Last year we had a capital project going on replacing the bathrooms in the mansion. And we decided to close during the January and February period, which is our -- a period of low attendance aside from President's week. And after that closure we realized that it actually cost us money to close. We still had to pay all the utility costs, we had to pay the unemployment figures to close. And we didn't have the revenue. So it was really not cost effective at all to do that.

Other features that you would look to cut would be the frills. But these are the very features that make the museum so attractive. The fresh flowers, the manicured gardens, the prime maintenance are what people expect when they come to the museum. You know, today we live in an experienced economy. We're fighting in same economy as the shopping mall which is now defined as a recreational activity as well as the other attractions and theme parks that are available for people to spend their recreational dollar. They're coming to the Vanderbilt Museum seeking a temporary respite from the intricacies of 21st century life. They want to return to that oasis. They just don't want to look at the artifacts any longer. That's no longer the role of the museums. We have to develop an immersive, fresh ever vibrant, ever changing museum to keep people coming back and to keep them entertained and educated as well.

Recently -- in fact two weeks ago today I was down at the American Associations of Museums in Washington. If you remember we were re-accredited last year in 2005. We had our first ever full ten year reaccreditation by the AAM. For those of you who you don't know the history of the museum we actually lost it in the 1980's which was a national or county wide scandal at the time. And winning

that back, that full unconditional guarantee was really a validation of everything we've tried to do to maintain and upgrade the museum.

Two weeks ago when I was there that evening I attended the retirement dinner of the President of the AAM Edward Abel. And Mr. Abel took the time to come over to me and say, you know, I just want tell you, we have been keeping our eye on the Suffolk County Vanderbilt Museum and we're pleased as punch at the results that we've been seeing. Keep up the good work. This really is a validation of the partnership between the County and the museum to maintain and upgrade this facility and keep it a vibrant facility for the people of Suffolk County.

With that said, I think I'm going to turn it over to Steve Gittelman who can talk more on some of the other issues that we have.

DR. GITTELMAN:

God, he makes me look good. It was said before; that the museum -- first of all, thank you for giving us this time. It is something that I look as a privilege. And we do need -- we do need to communicate with you regularly. And thank you for inviting us.

Before it was mentioned that the museum is looking short term. But, no, the museum is looking long term. Lance is looking short term. He has to. He's got to make the ends meet and the people function. And he's got to keep the public that comes today happy. But years ago we came up with a plan. We approached this Legislature and we approached the donor. And we got the donor to agree to give us a million dollars if the plan was put in place. That was in September 2000.

Here we are six years later. What we agreed to -- what the donor agreed to was to give us a million dollars if the seaplane hangar and the water front were brought up to public use and made part of the facility for public use purposes. And, of course, I have a presentation here. I know that you have seen this before, but just let me distribute this.

I think the point I want to make is simple. We do -- we do not want the endowment to suffer. The endowment is critical for the museum's future. The drop in the value of the endowment was due to the stock crash of 2001. And the endowment has through hook or by crook managed to provide the 1.2 million that we seek. The museum has been running a deficit of, I would say, between 50 and a \$100,000 a year. And that's accumulating. Okay?

And we did not come here asking you for operating capital; although I greatly appreciate Legislator Alden's generous suggestion. What I am asking you and what I'm saying is this; is that we are going to lose our million dollar matching fund. The gentleman who has given us the money is 86 years old. It's one million dollars. You have already appropriated and I believe bonded all of the money for all the projects and they sit fallow.

LEG. VILORIA-FISHER:

They haven't started them yet?

DR. GITTELMAN:

We haven't gotten -- I mean the waterfront itself, there's been no start. And the seaplane hangar we've have gotten through the planning stage. That's it. And six years later -- I mean I remember going out to lunch with you when we all decided this was the way to go. A long-range plan that will bring in revenue, that will give the museum new vibrance and excitement. Just imagine it. Look at the back of your brochure that I gave you. You can see the illustration. It's all funded. I believe it's -- is it bonded?

MR. REINHEIMER:

The funds have been appropriated. Generally they don't bond until they need the money and the project goes forward.

CHAIRPERSON NOWICK:

So what you're telling us is -- as we know that money has been there. And if we don't do this we'll lose the --

DR. GITTELMAN:

Right.

CHAIRPERSON NOWICK:

-- the endowment.

DR. GITTELMAN:

We lose the million dollars contribution. I'm sorry, Legislator Nowick. Let me just make another point. This contributor is willing to give us money to help us through our cash flow crunch. Not only is he willing to give us money towards the project, he has given us money that we have borrowed, even though it's targeted funds with his knowledge, we have borrowed the funds to help us through operating crunches. We have made payrolls using this money. Okay? He's patient. He's letting us do it. But he's 86. Okay? I won't say more than that. And this was done -- the sequence of events was that in September the museum board sent a letter requesting you to consider a three-year program of, you know, appropriation and construction.

In October Legislator Fisher and I met. And then in December the Legislature -- in December 2000 the Legislature past all the appropriate bills for appropriating the money approving the seaplane hangar and the waterfront. And in January the following month the contribution was agreed upon.

CHAIRPERSON NOWICK:

Can I just interrupt you for one minute, please? I'm sorry.

DR. GITTELMAN:

By all means. I'm sorry.

CHAIRPERSON NOWICK:

Can I just ask the committee if they have any further questions for the Bank of America gentlemen or we can ask -- or you can leave if you want if there are no other questions. You can stay if you want also, but I don't want you sitting here.

MR. TRAN:

We would like to leave.

CHAIRPERSON NOWICK:

That's fine with everybody. Fine.

LEG. ALDEN:

Thank you very much.

CHAIRPERSON NOWICK:

And thank you very much. Also, I just want to ask you is that -- so is that sitting in some order at Public Works? Is that how that's supposed to be done? I mean, is that where it is?

DR. GITTELMAN:

I believe.

LEG. VILORIA-FISHER:

It's Public Works.

CHAIRPERSON NOWICK:

Public Works. And do they --

DR. GITTELMAN:

I believe that it's at Public Works.

CHAIRPERSON NOWICK:

-- tell us where it is on a schedule; the priority? Do we know?

LEG. ALDEN:

Just to interrupt you, you have to the Public Works Committee meeting and get an update on all the projects that are sitting out there that have been funded and are progressing along. And that's what we used to do. I served on Public Works a number of years ago. That's one of the things that -- I think it was Legislator Foley asked for an update on all the projects. So each of us who had something in our district would give the list to Brian and Brian would, you know, give that list --

CHAIRPERSON NOWICK:

When does Public Works meet?

LEG. BROWNING:

Yesterday.

CHAIRPERSON NOWICK:

Okay. We can certainly get that.

LEG. ALDEN:

They meet again in two weeks.

CHAIRPERSON NOWICK:

Yeah, but we don't have to wait for a meeting to get that update which is what we need to do and find where it is. And maybe we can push it along a little bit.

LEG. ALDEN:

Here's a partial answer, though, to that; that once you expend the funds and you have to go borrow the money, then you have to pay for that out of your cash account. So that comes out of the operating budget at that point and --

CHAIRPERSON NOWICK:

Is this operating? Or isn't that capital?

LEG. ALDEN:

Your money that you pay back for the money that you borrow comes out of your operating budget. So once you borrow the money, now you start paying back principal and interest that comes out of operating and --

CHAIRPERSON NOWICK:

It comes out of their operating --

LEG. ALDEN:

No. It comes out of ours.

LEG. VILORIA-FISHER:

The General Fund.

LEG. ALDEN:

Right. So there's disincentive there to do projects because you're raising the costs.

CHAIRPERSON NOWICK:

I see what you're saying.

LEG. ALDEN:

So that might be a reason why some projects are being sat on so to speak.

DR. GITTELMAN:

Of course that may be the reason why they have remained fallow, but on the other side of the coin I don't see how this museum ever goes out and gets another major contribution if we are going to break our promises to the contributor.

LEG. ALDEN:

Through the Chair, it's even worse than that because, you know, a number of years ago as a rookie I threw down some challenges to you and I didn't agree with the investment policy, and you know, some of those kinds of things; but I by no means think that you guys squandered any money or did anything improper. I think you've done actually a great job. And as I become educated over the years to your operations and things like that, I saw a lot more than what I saw as a rookie coming into this. And I think we gave you the challenge. You rose up to the challenge. And now we're at a point where-- and this is where I meant as far as exploring money coming out of the operating budget to make sure that the museum operates at a certain level. Because we have assets throughout the County.

And we're almost getting to the point where, you know, you can keep squeezing operating -- keep squeezing operating costs and then you close the thing down because you know what? You don't have enough money to run it properly; you might as well close it down. You know, I don't think that I would agree with closing down the Vanderbilt Museum. And even if it's going to cost some tax dollars, I think that's a promise that we made to the people of Suffolk County to have a museum there so the kids could go to it and the adults could go to it and enjoy it.

So I think we're at the point right now where you've done and risen to the challenge. We have a lot of new people on the Vanderbilt board. And I think that they are rising to the challenge that we threw down. We told them come up with other ways to raise funds other than looking at the tax dollars and looking at our endowment fund. I think they are rising to that challenge also. Now we're at a point -- I would say six months to a year from now we better make a decision to go one way or the other where we're actually -- by squeezing operating costs, we're providing less and less of what we promised to the people. And I don't think that's the right way to go. I mean we could make the decision -- I would be very adamantly opposed to it -- we could make the decision to close down programs and close down the Vanderbilt. And do what with it, I don't know. We could go that route. That's unacceptable to me.

So now we're at the point where do you squeeze it more and more? Do you squeeze the operating budget more and more to take away the opportunities for people to go there? Or do we look a long-term solution for viability of the Vanderbilt Museum? And I agree with you 100%. If we expect anybody to want to serve on the board or to donate money to that museum and they look at the example of the way we've treated a person that came up with a million bucks -- I think that's deplorable. And we are actually telling people out there keep your money. And that's the opposite that we've challenged the Vanderbilt, the board to do. We've challenged them to go out there and get people to donate to us. And then we don't stand up to our obligations on this side.

CHAIRPERSON NOWICK:

Thank you, Legislator Alden. And I think that what I'm going to do as soon as I leave here is as Chair of the Committee, and Greg, I think you're listening, I would like to go to Public Works representing this committee and find out where this on the agenda. Oh, he just made the call. He's good. Isn't he good?

LEG. ALDEN:

I'll make one other suggestion, too, while you're talking about getting an update from Public Works. That's great. And we have to get right on top of that immediately.

CHAIRPERSON NOWICK:

Not just an update. We need to push them along.

LEG. ALDEN:

Right. I think it would be very beneficial for the museum and for us if we had a co-meeting with the Vanderbilt trustees. We would understand a little bit more of what they're doing. And really it's the squeeze that we're putting them in try to provide the services and the programs. And then we would understand, I think, a little bit more on our side which way we might have to go with that by getting a couple of meetings together with them. And there's a lot of new people on the board so I think that --

CHAIRPERSON NOWICK:

So you're suggesting having them meet with the committee.

LEG. ALDEN:

A co-meeting. Either have them here -- come here or we go there. And I do go up there once in a while. That'll make Jon happy because he can roll out of bed and go right down the block.

DR. GITTELMAN:

If you came there you could see exactly what we're describing. And you could get a sense of the potential of these projects. They are astonishing.

CHAIRPERSON NOWICK:

Okay. So what we need to do is first, we're going to get updates from Public Works. The second thing we're going to do is try to push them along as Chair and as Committee in a joint effort. And also with respect to your suggestion, we could start to think about having a joint meeting either over there or over here and get as many together as possible.

LEG. COOPER:

Maybe we can meet at the museum.

LEG. ALDEN:

Absolutely.

CHAIRPERSON NOWICK:

That would be wonderful. And, also, too, what you said, Lance, when you talked about frills, you could knock off frills, I think you're right. I think you're right when you say people want to walk in and see manicured grounds; to see the flowers. It's part of the ambiance, if you will, of a museum, of the Vanderbilt, of the era of what the north shore was. And I don't think it's frills. I think it's part of the show if you will.

MR. MALLAMO:

Well, I think, too, let's face it. Tourism is one of our, if not the biggest economic engine in Suffolk County.

CHAIRPERSON NOWICK:

Absolutely.

MR. MALLAMO:

And we're a key part of that. You know, I know we're here for the people of Suffolk County, but people come from all over the world to the Vanderbilt Museum. I've been there when they've gotten off the plane and this is their first stop. It floors me sometimes but people do expect it.

CHAIRPERSON NOWICK:

All right. We know what we have to do.

MR. MALLAMO:

You know, if you saw the show that channel 21 did last on Long Island's gold coast, it's no accident. We were the major feature in that show. Out of the hour long show we had 21 minutes. And channel 21 told us later you're one of the only estates left that's completely intact to the way it was. So we really are a key factor in Suffolk County's economy.

DR. GITTELMAN:

Speaking not as Steve Gittelman, President of the board but as John the gardner, the character that I play in Living History, Mr. Vanderbilt would be very upset if the waterfront and the museum were to be closed down. And if you do close it down --

CHAIRPERSON NOWICK:

We have know intention.

DR. GITTELMAN:

-- you still have to heat it.

LEG. VILORIA-FISHER:

That's not going to happen.

CHAIRPERSON NOWICK:

No, that's not going to happen.

DR. GITTELMAN:

Don't let us collide with our own endowment.

LEG. ALDEN:

Exactly.

CHAIRPERSON NOWICK:

Thank you for your presentation. We all appreciate it.

DR. GITTELMAN:

Thank you so much for your time.

CHAIRPERSON NOWICK:

Lights a little fire. I would like to take -- we're going to the agenda now because we have no further presentations. And what I would like to do is take the reappointment -- we have two -- we have a few reappointments, but two of them are -- I think two are here, the reappointments?

LEG. VILORIA-FISHER:

I saw Ray Corwin.

CHAIRPERSON NOWICK:

Ray? Yes. Who's here now? They're all here. I would like to take them first if that's okay because I know they have to leave.

INTRODUCTORY RESOLUTIONS

And so **2195 is approving the reappointment of John Fritz as a member of the Suffolk County Board of Trustees and Parks. (Lindsay)**

LEG. ALDEN:

Motion.

CHAIRPERSON NOWICK:

Motion to reappointment Mr. Fritz.

LEG. VILORIA-FISHER:

No, to take it out of order.

LEG. COOPER:

And a second.

CHAIRPERSON NOWICK:

Okay.

LEG. ALDEN:

That's the first one.

LEG. VILORIA-FISHER:

No, we have tabled resolutions first.

CHAIRPERSON NOWICK:

This is the order I would like to put these in. **2195, approving the reappointment of John Fritz. (Lindsay)** We have a motion by Legislator Alden, second by Legislator Viloría-Fisher. All in favor? Opposed? **The reappointment of John Fritz is approved. (VOTE: 5-0-0-0)**

LEG. VILORIA-FISHER:

You're not even going to invite him up?

CHAIRPERSON NOWICK:

Well, I think you have to leave? You have to leave, right?

MR. FRITZ:

Yes.

LEG. ALDEN:

Well, thank you very much.

CHAIRPERSON NOWICK:

Okay. **Introductory resolution 2220 approve license agreement for Tom Smith to reside at the Schmidt house.** I don't think he's here.

LEG. VILORIA-FISHER:

Does he have to be here?

CHAIRPERSON NOWICK:

No. **Unit 144 at Arthur Kunz County Park. (County Executive)** I'd like to make a motion.

LEG. COOPER:

Second.

LEG. VILORIA-FISHER:

Just on the motion.

CHAIRPERSON NOWICK:

Yes.

LEG. VILORIA-FISHER:

I'd like to ask the Commissioner a question about that.

CHAIRPERSON NOWICK:

Certainly. Commissioner.

LEG. VILORIA-FISHER:

Hi, Commissioner. I just had a question about this because when I looked at the resolution it said that the fee would be -- would have to be determined; the rental fee on this.

COMMISSIONER FOLEY:

I believe it's in there.

LEG. VILORIA-FISHER:

Is it in there?

COMMISSIONER FOLEY:

Look in the backup for it.

CHAIRPERSON NOWICK:

What was your question?

LEG. VILORIA-FISHER:

How much they would charge for rent. It's in the back up. Okay. I'm sorry, I didn't see that. I don't have the backup attached to mine.

COMMISSIONER FOLEY:

Yeah, it's in there. Most our residences were appraised for fair market rental value. This one was acquired after that was done so we made a comparison of square footage and location and everything else and set a rental rate equivalent to those appraised units.

LEG. VILORIA-FISHER:

I see. Okay. I was just wondering about the fee. And being that it's in the back up, I just didn't have it attached to mine. Thank you.

COMMISSIONER FOLEY:

It's \$1225 a month.

LEG. VILORIA-FISHER:

I'm done. Thank you.

LEG. ALDEN:

This is using the criteria that we want, for instance, if it's a park ranger or a police officer or employee of the park, they get preference to go into these units so that we're providing security, we're providing, you know, a little bit more oversight of the park.

COMMISSIONER FOLEY:

There is a priority scale set by legislation that was passed, I think, in 2002. We'll respect that except in cases where we think there's a higher operational priority and we'll come to you and explain that if we're varying from the list. This one, though, is consistent with the priority list you established.

LEG. ALDEN:

But we can take from the presentation of these resolutions that this is a benefit to the parks, this is a benefit to the people of Suffolk County.

COMMISSIONER FOLEY:

It is.

LEG. ALDEN:

By having these particular people in there.

COMMISSIONER FOLEY:

Right.

LEG. ALDEN:

Good.

CHAIRPERSON NOWICK:

Absolutely.

LEG. VILORIA-FISHER:

Actually in fact I think they should get a little break on the rent because they're serving a purpose. But that had been the resolution that it be fair market value, you know.

CHAIRPERSON NOWICK:

And, you're right, Legislator Alden, I happen to know this house. It's in beautiful, mint condition so it needs to be taken care of. So I have a motion by myself, seconded by Legislator Cameron Alden. All in favor? Opposed? **2227 is approved. (VOTE: 5-0-0-0)**

I have a motion by myself to take 2260 and -- wait, wait -- and 2269 out of order.

LEG. VILORIA-FISHER:

Second.

CHAIRPERSON NOWICK:

Second by Viloria-Fisher. All in favor? Opposed? **2260 is now before us. Approving the reappointment of Raymond P. Corwin as a member of the Board of Trustees of the Suffolk County Parks Recreation and Conservation. (County Executive)**

LEG. ALDEN:

Motion and thank him very much for a great job.

LEG. VILORIA-FISHER:

Second.

CHAIRPERSON NOWICK:

Motion by Legislator Alden, second by Legislator Viloría-Fisher. All in favor? Opposed? **2260 is approved. (VOTE: 5-0-0-0)** And we do thank you very much for a wonderful job.

2269, reappointing Richard F. White, Jr as member of the Suffolk County Board of Trustees and Parks, Recreation and Conservation. (Presiding Officer)

LEG. ALDEN:

Motion.

CHAIRPERSON NOWICK:

This is a reappointment. Motion by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? 2269 is approved. And thank you, Mr. White, for a wonderful job.

LEG. COOPER:

Thank you.

CHAIRPERSON NOWICK:

And also I see Miles sitting back there. And thank you for being here and for your interest. Always nice to see you.

TABLED RESOLUTIONS

Okay. So now we are going to go back to the Tabled Resolutions and follow along on the agenda. Did I confuse everybody on that?

LEG. COOPER:

Totally.

LEG. VILORIA-FISHER:

We're following you, Madam Chair. We're with you.

CHAIRPERSON NOWICK:

Okay. **1953, linking County Park fees for veterans to park fees for senior citizens. (Cooper)**

LEG. COOPER:

I have a question for the Commissioner. The resolution was amended, I believe, per your suggestion to revise the form of identification. The veteran would have to provide -- now specifies they need to show a DD 214 card. Do you know whether the Parks Trustees have had a chance to review the amended resolution?

COMMISSIONER FOLEY:

They have not. We'll take that to them tomorrow for their meeting.

LEG. COOPER:

Okay. So I'd like to make a motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Cooper, seconded by myself. 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 Parks Facilities. (Alden)

LEG. ALDEN:

Motion to table.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? **1974 is tabled. (VOTE: 5-0-0-0)**

LEG. ALDEN:

We have to table 1975 also.

CHAIRPERSON NOWICK:

1975 (amending the 2006 Capital Budget and Program and appropriating funds in connection with a cash control pilot program at the Suffolk County West Sayville Golf Course) (Alden) Same motion, same second. All in favor? Opposed? 1975 is tabled. (VOTE: 5-0-0-0)

2123, creating a Trap and Skeet Search Committee. (Browning)

LEG. BROWNING:

Make a motion to approve.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

We have a motion by Legislator Browning, second by Legislator Alden.

LEG. ALDEN:

No, I didn't make the second.

LEG. COOPER:

I'm sorry. Second by Legislator Cooper. On the motion.

LEG. ALDEN:

Yes.

CHAIRPERSON NOWICK:

Legislator Alden.

LEG. ALDEN:

I agree with the concept to go out and look. And if there are suitable properties, that's fine. Also some of the Whereas clauses, I think in general I agree with all of them. I'm just a little bit as far as the common sense approach to it, I'm a little bit in quandary as far as, you know, why this one property would be, you know, so sensitive. And the property that is like, you know, 15 feet away from it would not be considered sensitive. And I really question Brookhaven's approach to this and allowing building permits and things like that. But that's a different question again.

I hope that the intent is to do just a thorough look not just in our inventory but, you know, a thorough look at all of Suffolk County to see if there's a more appropriate place to have a trap and skeet shooting range. And that I hope everybody could be objective when they're out there looking at it and don't have a pre-supposed idea of where they want the committee to go. And NIMBY-ism, I hope that doesn't enter into it either because if there's a totally appropriate area for it, I hope we can identify that and possibly facilitate a move.

There is a lawsuit. I'll just still point that out. It's still pending. To try to close this one down. I would hope that this does remain open and provide the opportunities to people as it has in the past number of decades to people who want to exercise their right to this type of sport. And with having said that, I'm not a hundred percent in support of it, but I'm supportive of your concept. And there are some problems with it, but I will support the resolution to try to get, you know, some kind of more information or go -- even if we go in a different direction, whatever. I would support that on a conceptual basis so --

LEG. BROWNING:

Thank you.

CHAIRPERSON NOWICK:

Yea, I would also like to comment that I am supportive of the idea of a search. But I do -- I have to be honest. I don't understand the Second Resolve Clause number five which appoints a member from the Third Legislative District. And I understand why you did that, Legislative Browning. But does that mean since we're -- it's a representative from the Third District. Does that mean only the Third District will be considered for the relocation? I mean why from the Third District? Whoever's on this committee is looking in every district in Suffolk County or just the Third District?

LEG. BROWNING:

No.

CHAIRPERSON NOWICK:

I just don't understand why.

LEG. VILORIA-FISHER:

Would you mind if I answered that?

LEG. BROWNING:

Go right ahead.

LEG. VILORIA-FISHER:

From my point of view? Because I was listening to the comments earlier during the public portion. And this is for all of Suffolk County. The committee will be looking throughout Suffolk County.

What I see as the logical reason for having someone from the Third District is that because in the discussions as to what the impact would be, because there have been so many people from that community who have come before us, when other areas are being looked at and the person who might have been exposed to the experience of being -- having that close proximity could say, well, you know, it might seem like a hundred feet is far enough, you know, from the nearest house or whatever. But having lived there I know what it's like to be out of my backyard and listen to the noise. Just having that kind of input whenever they're looking for the siting. Someone who has direct experience of being a neighbor.

CHAIRPERSON NOWICK:

So a person from the Third District, is that what you want; their expertise having been through that before? Is that the idea?

LEG. BROWN:

Absolutely. And like I said, also, being open and accountable to my constituents that, you know, the representative I have, if we're not able to find one can go back and say, you know what? We tried. We tried hard and we couldn't find something. And at least they know -- and I know Mr. Cushman mention about, yes, we're supposed to be open and accountable. But, you know, people do have a preconceived idea of what politicians do. And, you know, that sometimes things are done behind their backs. So it's giving them an opportunity to be a part of the process. And we're not just going to have somebody from the Third Legislative District.

I know that when I first introduced the bill to close the trap and skeet, I know that Mr. Cushman, I said it very clearly I would be interested in having him a part of it. I know he's from -- I believe the fifth District. So everybody who's going to be on this is going to be from a district. So I think every district is going to have some representation there. And, again, two people from the sporting community outnumbers the local person. So I really feel it's important to have that local person involved. And like I said every district -- not every district will be represented but the two sporting community people, I would like to see that they're not from the same district; that they're from -- maybe one's from the east end so that we can kind of cover Suffolk County a lot better.

CHAIRPERSON NOWICK:

Maybe, Commissioner Foley, you could answer this for me. Would you say that most of the sites that are being looked at for a possible trap and skeet are further out east?

LEG. ALDEN:

They didn't start yet, did they?

CHAIRPERSON NOWICK:

I don't know. Are there any available sites?

COMMISSIONER FOLEY:

There have been informal conversation. And that's -- I have one practical concern. 120 days is not going to be sufficient to do this because to answer your question, you have to come with some filters that this Committee will use. They either have to do it themselves or you have to do it for me. Will it be in the Pine Barrens, will it not. I mean areas that they'll look at.

This doesn't limit it to county owned land. So this includes all privately owned land. Will it be a certain distance from existing residences? Will there be those kinds of qualifiers put around the search before it begins. The legislation doesn't lay any of those out so it's presumed the committee will have to do it itself. That debate will be lengthy. And -- but it has to occur to take a fair look at things so -- it's --

CHAIRPERSON NOWICK:

Legislator Browning first.

LEG. BROWNING:

You know, I do -- I understand what you're saying with the 120 days. However, I would like to pass this. And in the event that we possibly need to have an extension, I'm more than happy to do another bill to extend it. But I know that there has been some informal conversation to look for an alternative.

COMMISSIONER FOLEY:

In regard to that, in answer to your question, there have been conversations. But these parameters have never been fully flushed out so it's difficult to put a geographic location on the answer.

CHAIRPERSON NOWICK:

Legislator Alden.

LEG. ALDEN:

To pick up on what Legislator Browning just said, there is a tradition here that a lot of our reports don't come back on time. And we've put in extensions and then maybe another extension on top of that. So that's what I envision when I saw the time table, that's a very optimistic time table. If it does come back in that time, fine. But I envision you having to put in an extension and a partial report from the committee as far as how much progress they've made or there's a lack of progress or whatever; and then a reasoning out where we have need another 120 days or you need more than that, whatever. But I don't think that's fatal. And it's our tradition to actually extend the times so that's not etched in stone.

LEG. BROWNING:

I will say that we have the Yaphank Development Review Committee and we did do it within our time frame. It got done.

CHAIRPERSON NOWICK:

Okay. So I have a motion by Legislator Browning, second by Legislator Cooper? Who seconded it?

LEG. COOPER:

I believe I seconded it.

CHAIRPERSON NOWICK:

Cooper.

LEG. COOPER:

Could we just wait for Legislator Viloría-Fisher? She'll be back in just a few seconds. I think she wanted to be on the record.

COMMISSIONER FOLEY:

Thank you.

CHAIRPERSON NOWICK:

Okay. While we're waiting -- Commissioner, while we're waiting, if you go onto 2184 and it's not going to be a motion yet, but do you have any remarks on that particular legislation?

COMMISSIONER FOLEY:

We visited the site at Southaven that's the subject of this resolution with the Legislator and the family. And we think it's a fine thing to do. I mean he was a person who had some personal interest and involvement in the park and certainly gave the ultimate sacrifice for his country so we think it's a fitting memorial.

LEG. ALDEN:

Madam Chair? Madam Chair?

LEG. BROWNING:

Lynne?

CHAIRPERSON NOWICK:

Yes. Wait. Hold on.

LEG. BROWNING:

Go ahead, Alden.

LEG. ALDEN:

I just have a procedural question. The naming of our parks and buildings does that fall under Jon's --

CHAIRPERSON NOWICK:

No, no. Wait. Hold on. Hold that thought for one second. We were waiting for you. Okay. We have a motion by Legislator Browning to approve 2123 and a second by Legislator Cooper. All in favor? Opposed? **2123 is approved. (Vote: 5-0-0-0)**

Now we're going to go back to **2184 (naming picnic area 8 and 9 in Southaven County Park in honor of Specialist Thomas J. Wilwerth) (Browning)** This will have to be tabled. I have a motion to table by myself, second by Legislator Viloría-Fisher for purposes of discussion. Legislator Alden, to answer your question this does go to the naming committee, but, Greg, that naming committee, I thought that anybody that was in the service -- this is a specialist. Was this gentleman in the service?

LEG. COOPER:

Well, I was going to defer to Ian because that was a separate resolution that was passed. And I think if -- I forget if was a road that was named after a veteran or is it -- there was some exemption.

MR. BARRY:

No, we had a couple of resolutions. I think the Presiding Officer had one about roads; a separate one. But your -- the resolution that you introduced combined within the naming committee this -- this would apply.

LEG. COOPER:

This would apply?

MR. BARRY:

Yeah.

LEG. COOPER:

How about --

MR. BARRY:

You know, it's not a building or a park. It's a portion of so --

CHAIRPERSON NOWICK:

Even from the service?

MR. BARRY:

Yes.

LEG. COOPER:

But is there an exception if a road is being named after someone that served?

CHAIRPERSON NOWICK:

Yes, there is. I believe there is.

MR. BARRY:

The narrow exception of a road being named after a member of the military?

LEG. COOPER:

I believe so. It's moot in this case but if you can check on that when you have a chance. I think that's the one exception.

CHAIRPERSON NOWICK:

I think that's a legislative decision. It goes to the full Legislature if a road was going to be named after someone in the service.

LEG. COOPER:

You know what? Maybe we should amend that resolution so it's treated the same as all the other -- it doesn't really make sense.

CHAIRPERSON NOWICK:

That's your resolution?

LEG. COOPER:

No, that was another resolution that was put in.

CHAIRPERSON NOWICK:

I'm going to ask Counsel if you could look that up and let me know and then we'll try to amend it to keep everything together so the confusion doesn't exist the next time. And I'll sponsor that and we'll get that over with.

LEG. COOPER:

Okay. Thank you.

CHAIRPERSON NOWICK:

So from what I understand, then, this still has to go -- so the tabling motion stands. And we approved that.

LEG. COOPER:

I don't think we voted on the tabling.

CHAIRPERSON NOWICK:

Didn't we vote on the tabling motion yet?

LEG. VILORIA-FISHER:

No. We made a motion to table.

MS. ORTIZ:

We haven't voted, no.

CHAIRPERSON NOWICK:

Okay. All in favor? Opposed? **2184 is table. (Vote: 5-0-0-0)**

Okay, Tabled Resolutions subject to call. That doesn't count. Okay.

INTRODUCTORY RESOLUTIONS

2221, approving license agreement for Randy Bond to reside at Foreman's Cottage, Unit 139 at Cedar Point County Park, East Hampton. (County Executive)

LEG. VILORIA-FISHER:

Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Second by Legislator Cooper.

LEG. ALDEN:

Explanation from the Chair if I could.

COMMISSIONER FOLEY:

Madam Chair, if I could, this recommendation does vary from the priority list established in the 2002 resolution, which I think was 2250. The reason for the variation is this person is the first In Command Supervisor of that park. It's a fairly remote place. He is called upon endlessly to deal with problems off his work hours. And we think for the benefit of the park users, public and the County, he's the right person to be living in that only house in that park. So that does vary from the priority list earlier established.

LEG. VILORIA-FISHER:

But it's so logical.

COMMISSIONER FOLEY:

It's logical in my opinion. And I request your approval of it.

CHAIRPERSON NOWICK:

Okay. We have a motion and a second. All in favor? Opposed? **2221 is approved. (Vote: 5-0-0-0)**

2244, establishing the Suffolk County Parks Corps Volunteer Cleanup Program. (Romaine)

Motion to table. Seconded by Legislator Alden.

LEG. VILORIA-FISHER:

No, I'll second it.

LEG. ALDEN:

For the purposes of discussion. Does this have to have a public hearing?

CHAIRPERSON NOWICK:

I thought that this was a problem with insurance.

LEG. ALDEN:

No, this is a new resolution so.

CHAIRPERSON NOWICK:

Oh, it is. I'm sorry. Introductory. I'm so sorry.

LEG. ALDEN:

Now we need the input from Legislator Fisher and we also need to let the Commissioner --

CHAIRPERSON NOWICK:

The Commissioner, yes.

LEG. ALDEN:

To say if -- did this improve his initial application or submission or did it -- is it the same thing or --

LEG. COOPER:

It's the same bill.

LEG. VILORIA-FISHER:

It looked pretty much the same to me. I mean I could wait 'til the Commissioner speaks but it looked like pretty much the same request to me.

LEG. ALDEN:

If it is then I support a tabling motion until we work out the same problems but --

COMMISSIONER FOLEY:

Is it very much the same as the earlier resolutions already on the books. It is also redundant in the sense there's a standard operating procedure that sets out the process for engaging volunteers, which we'd have to use in any case whether it was this resolution or the pre-existing one. So, you know, the concept, I guess, is a good idea but it's nothing new.

LEG. ALDEN:

Then I support the tabling. And I'll get in touch with the sponsor and see if he wanted to do something new or add to the program.

CHAIRPERSON NOWICK:

Okay, 2244 there is a motion and a second. All in favor? Opposed? **2244 is tabled. (Vote: 5-0-0-0)**

2265, prohibiting the use of County Parks for political fundraisers. (Browning)

LEG. BROWNING:

I would like to make a motion to table so I can have a further conversation with the Parks Department.

LEG. VILORIA-FISHER:

Second.

CHAIRPERSON NOWICK:

Motion to table by Legislator Browning, second by Legislator Viloría-Fisher. All in favor? Opposed? **2265 is tabled. (Vote: 5-0-0-0)**

LEG. ALDEN:

Before we adjourn?

CHAIRPERSON NOWICK:

Before we adjourn.

LEG. ALDEN:

Legislator Browning, do you want any input from us on this?

LEG. BROWNING:

Sure.

LEG. ALDEN:

Okay. My concerns would be that we're creating a special class of people. And they're going to pay the same fee, but we're creating a special class of people and saying that you can't go and rent the facilities that could be rented by anybody else. So that's my first thing.

And I think that you might end up with a little bit of a freedom of speech problem with it in a legal challenge. But also this could impact all the contracts that we have with any of our operators because now there's a whole group of people that can't solicit to come in and provide revenue. They might want adjustments and downward adjustments in their contracts because this is definitely going to impact, you know, their ability to make money. And in a way I think we're opening up something that goes very far reaching. And depending on what you wanted to accomplish with it, and I don't know yet, but, you know, I knew you've asked time to confer with other people. But depending on what you wanted to accomplish with it, I'm not so sure this is the way to go in that particular way.

LEG. BROWNING:

Can I respond?

LEG. ALDEN:

Absolutely.

LEG. BROWNING:

Okay. You know one of the things that came to me was ethically is it correct for elected officials to use County Parks for fundraisers. And, you know, I have Smith Point Beach, for example. There has been political events at Smith Point Beach. And the concern was that you have County Parks. And the concern is that if an elected official is having an event at a public park, at a County Park, is that taken away from the taxpayer and their ability to use that facility while they're having their event. And as a taxpayer they have a right to do that. So I'm not -- it's not an opposition to anybody having kind of fundraisers. It's just that some people feel it's ethically incorrect.

LEG. ALDEN:

But you understand that the problem, for instance, Timber Point's in my district. If you prohibit any political fundraiser there, that's going to impact the catering facility. It's also going to impact the pro that's there. And that will interfere with the contract that we have with them because they bid on a -- you know --

LEG. VILORIA-FISHER:

Aren't golf courses excluded on this?

LEG. BROWNING:

No.

LEG. VILORIA-FISHER:

Oh, okay.

LEG. BROWNING:

One last -- and that's why I'm tabling it because I understand that maybe -- maybe it's not a golf outing. Maybe it's just using the catering facility. So that's why I'm tabling it so that we can tweak it and see how it goes.

CHAIRPERSON NOWICK:

But also --

LEG. ALDEN:

Good. But I'm just trying to give you a little input before, you know --

CHAIRPERSON NOWICK:

And I would tend to agree. And the other thing is if there is a County facility that can be leased out to my next door neighbor, why then could I not lease it out if I pay the same amount of money? It's -- it's -- it would only be fair. I don't think that just because we are elected officials we can be denied a fundraiser. And would that also be for elected officials; school district elected officials? Anybody.

LEG. ALDEN:

It's every elected official. That's the problem.

CHAIRPERSON NOWICK:

Yeah, I think it's a little -- yeah, vague. Legislator Viloría-Fisher, you had a question.

LEG. VILORIA-FISHER:

I wanted to ask Mr. Brown a question regarding the contracts. Would this be a problem with the contracts we have or license agreements we have with vendors?

MR. BROWN:

The question might be answered by Mr. Foley. But as the resolution is written, it absolutely would prohibit and affect all fundraising at all facilities by any group with any contract.

LEG. ALDEN:

Just to add to it, I think that if you look at the financial impact statement -- some of it might be offset because the date -- you know, you might be able to re-sell the date. But the financial impact statement, which I think is understated, states that it's a huge impact. And we're going to have people wanting to renegotiate their contracts; all of them.

MR. BROWN:

If I may also, Madam Chair, I just wanted to point out that the County Attorney's Office also has questions regarding the constitutional impact that it has and that it's likely that there are prohibitions that this resolution really runs afoul of.

CHAIRPERSON NOWICK:

Counsel?

LEG. ALDEN:

Be careful which way you go because I'd bring a lawsuit myself.

MR. BARRY:

I don't necessarily agree with that interpretation because this tends to be a reasonable restriction. There is a Resolve Clause that does allow -- it doesn't say you can't conduct political activity. All it says is that you can't do a political fundraiser. And we have other -- other aspects of our code -- other sections of our code do just this. They prohibit political fundraising.

The Fourth Resolve Clause does say that this shall not be interpreted as prohibiting the use of any County Park by any person, committee, organization for the discussion or advancement of political questions or principles without connection to any vote. I don't think there's a blanket prohibition against that.

LEG. ALDEN:

Question to Counsel. Isn't it any government action has to be the least restrictive on free speech? Unless you're actually setting up a special category of people. And what is the legitimate government purpose in setting up a special category of people here when the constitution protects the exact thing that they're setting up a fundraiser for. I think -- I disagree with your interpretation of that, but you know, we can take that up in the --

MR. BARRY:

I don't disagree with that point. I was just responding to Mr. Brown's position.

CHAIRPERSON NOWICK:

Motion to adjourn.

LEG. ALDEN:

Second.

CHAIRPERSON NOWICK:

Motion to adjourn by myself, second by Legislator Alden. All in favor? Opposed? This meeting is adjourned.

(THE MEETING CONCLUDED AT 1:02 PM)

{ } DENOTES SPELLED PHONETICALLY