

**PARKS AND RECREATION COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Parks and Recreation 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 January 31, 2007.

**MEMBERS PRESENT:**

Leg. Lynne C. Nowick, Chairperson  
Leg. Vivian Vilorio-Fisher, Vice-Chairperson  
Leg. Kate M. Browning  
Leg. Lou D'Amaro  
Leg. Edward P. Romaine

**ALSO IN ATTENDANCE:**

Presiding Officer William J. Lindsay  
Ian Barry, Assistant Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk  
Richard K. Baker, Deputy Clerk  
Jill Moss, Budget Review Office  
Ginny Suhr, Aide to Leg. Vilorio-Fisher  
Ronald F. Foley, Commissioner of Parks  
Brendan Chamberlain, County Executive's Office  
Paul Perillie, Aide to Minority Leader  
Vito Minei, Director of Division of Environmental Quality  
Barbara LoMoriello, Deputy Chief of Staff  
Greg Moran, Aide to Leg. Nowick  
Justin Littell, Aide to Leg. D'Amaro  
Johan McConnell  
Alexandra Sullivan, AME  
Debra Alloncius, AME  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:10 PM)**

**CHAIRPERSON NOWICK:**

Good morning and welcome to the Parks and Recreation Committee. We will start with a Pledge to the flag led by Legislator Romaine.

**(SALUTATION)**

**CHAIRPERSON NOWICK:**

Good morning everybody and welcome back to the Parks and Recreation Committee for the year 2007. We do not have cards today so I would like to ask if the Commissioner would like to come up because I think there are some questions. Good afternoon, Commissioner. Good afternoon. How are you?

**COMMISSIONER FOLEY:**

Good afternoon. Happy New Year. I'm fine.

**CHAIRPERSON NOWICK:**

And to you. I know that there -- is everybody here from the Committee? Oh, Lou D'Amaro is not here? He's here, but he's not here. Legislator Romaine, I believe you had some questions?

**LEG. ROMAINE:**

Yes, I had several questions which we can deal with as we get to each resolution. I won't take a lot of time. My question -- my primary question concerns Smith Point Beach Park.

**CHAIRPERSON NOWICK:**

Do you want to wait until we get to the --

**LEG. ROMAINE:**

There is no --

**CHAIRPERSON NOWICK:**

There's nothing on.

**LEG. ROMAINE:**

There's nothing on. It's a question that goes to Smith Point Beach Park. And as I understand as nature has it, beaches aren't stable, beaches move. And in this case this beach is moving inland. But we have several fixed things that aren't moving and, therefore, we're attempting to save the beach by pumping sand back onto the beach which inevitably nature at some point will wash out to the beach. So while it's not a permanent solution, is a temporary solution. And this project is costing?

**COMMISSIONER FOLEY:**

Four and a half million.

**LEG. ROMAINE:**

Four and a half million dollars to pump sand onto a beach that could be washed out clearly in less than 12 months; is that correct?

**COMMISSIONER FOLEY:**

It's possible.

**LEG. ROMAINE:**

Under certain conditions. However, we have an obligation to try to stabilize the beach. Now my understanding is the project as it currently exists would -- you're hoping to dredge sand from the bottom of the ocean about four miles out?

**COMMISSIONER FOLEY:**

It's about a mile and a half.

**LEG. ROMAINE:**

About a mile and a half out. Okay. And you're going to be dredging this. And when was this plan of action put together; could you tell me that?

**COMMISSIONER FOLEY:**

It's been evolving over the last two years. Three years ago sand was pumped onto an area of the beach about 210,000 cubic yards right in front of the pavilion.

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

And since then we've been working on whatever the next phase would be. And this is it. So this project would put sand again where we did three years ago, which essentially is gone. It's sacrificial sand. It nourishes the beach somewhere west of us. And so we would put -- the majority of the sand in this project would go right in front of the pavilion for the swimming beach. And then another piece of the project is further east where there's been -- the dune has been wiped out and there's been a couple of wash overs.

**LEG. ROMAINE:**

Right. Now I understand that this is not a Parks Department operation; that this is an operation of Public Works.

**COMMISSIONER FOLEY:**

It's Park budgeted. Public Works, as they always do, performs the engineering.

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

And design services, contracts with the vendor to get it done.

**LEG. ROMAINE:**

And forgive me because I have not been a member of this Committee. This is my first meeting of the Parks. But has this been discussed at previous Parks meetings over 2006?

**COMMISSIONER FOLEY:**

Not in any great detail. It's been --

**LEG. ROMAINE:**

Okay. I know I was a member of Public Works for 2006 and it was never discussed there.

**COMMISSIONER FOLEY:**

Yeah. It's come up when the appropriating resolutions have come up. But I don't think we ever got into it in any great detail.

**LEG. ROMAINE:**

Didn't get into it in any great detail. And the reason that I'm bringing this up, first of all, as you know Smith Point Beach is in Jack Eddington's district. Legislator Eddington's district. And I usually loathe to go into other adjoining districts, but it does have an impact indirectly on constituents in my district because of the opposition of the National Park Service to begin with to that dredging of the ocean bottom. Because they feel that that will have dire consequences further west of the lateral rift on the national park, the national seashore.

Furthermore there was a suggestion -- very strong suggestion by many people in the area that this was the wrong place to dredge the sand from; that the correct place to dredge the sand was further down because any aerial photo at this time, and I'm probably sure it's worse than when I got the aerial photos in December, will demonstrate that there is shoaling on the ocean side outside the Moriches Inlet, which is creating hazards to navigation. And the suggestion was why don't we dredge the sand from the ocean side of the Moriches Inlet, which is about the same distance more or less than from the bottom -- the ocean bottom a mile and a half out that the National Park Service has raised all types of objections to.

And I want to lay that record out because I know some people have met with the County Executive, particularly Save the Forge River group that have been in contact meeting with me about that as well as several other groups that are concerned about Moriches Inlet, which is scheduled to be dredged, I guess, by the Army Corps in two or three or four years as they get to it. But the shoaling in front on the ocean side could be dealt with and solved, two problems, and be far more cost effective to the taxpayer.

**COMMISSIONER FOLEY:**

If we were allowed to do that, it could be.

**LEG. ROMAINE:**

Well, I could almost guarantee you that the Army Corps of Engineers if presented with this option at the correct time -- and I want to emphasize this --

**COMMISSIONER FOLEY:**

The Army Corps of Engineers has been presented with this option and has refused us the ability to access those areas for borrowing sand from.

**LEG. ROMAINE:**

Do you have any correspondence to that effect?

**COMMISSIONER FOLEY:**

Yes, we do.

**LEG. ROMAINE:**

Could you be kind enough to supply my office with that correspondence?

**COMMISSIONER FOLEY:**

Yes.

**LEG. ROMAINE:**

Okay. I understand it's -- the County Executive has said it's obviously very late in the game now to even do this. The permits have been issued. It's highly unlikely that this is going to be reversed.

**COMMISSIONER FOLEY:**

The permits have not been issued. There's no --

**LEG. ROMAINE:**

Okay.

**COMMISSIONER FOLEY:**

And I'm sorry to interrupt you.

**LEG. ROMAINE:**

No, please.

**COMMISSIONER FOLEY:**

But you touch on a lot of points here. And there is no short brief simple way to explain this thing. People say we ought to dredge the inlet; that the County ought to dredge the inlet --

**LEG. ROMAINE:**

Now that's an Army Corps --

**COMMISSIONER FOLEY:**

-- and move it -- move it west. And in one regard that seems like the logical thing to do. But it's a much more costly undertaking. We'd spend \$8 million to do that instead of four and a half because it requires different equipment to operate in that inlet.

**LEG. ROMAINE:**

I understand, right. I'm not talking about dredging the inlet. I'm talking about --

**COMMISSIONER FOLEY:**

And those --

**LEG. ROMAINE:**

I'm talking about dredging the shoalings on the ocean side immediately outside the inlet.

**COMMISSIONER FOLEY:**

There are three approved to borrow areas. And they are numbered. Number three, which is the one we're going to use, number four A and number four B. Four A and four B are in the area you're talking about.

**LEG. ROMAINE:**

That's --

**COMMISSIONER FOLEY:**

Corps of Engineers has said you cannot use those areas because we're reserving that sand to use in Southampton when we have a nourishment project to do there.

**LEG. ROMAINE:**

I certainly would like to see that correspondence.

**COMMISSIONER FOLEY:**

And the Corps has yet to issues our permit. We think we're still two weeks away. The window is closing on us very fast here if we don't get this resolved.

**LEG. ROMAINE:**

The Army Corps has yet to issue their permit?

**COMMISSIONER FOLEY:**

That's right.

**LEG. ROMAINE:**

Okay. I just want that understood because there are some people that met with the County

Executive and they may have got the wrong impression because they reported back to me that it was too late to do this. And I accepted that.

**COMMISSIONER FOLEY:**

It wasn't a question of timing. It was a question of what the Corps has planned for and the various resources that are available.

**LEG. ROMAINE:**

Okay.

**COMMISSIONER FOLEY:**

And we will -- yeah, I'll send you some information about that. And there's -- it's a very large, very inter-related system that we're dealing with here.

**LEG. ROMAINE:**

I know that it's hard. And I don't want to ask you to explain the mysteries of the federal government. But the Army Corps of Engineers the last time I looked was a federal agency. Why is another federal agency, the National Park Service, voicing such vociferous objections to dredging where we're planning to dredge in the ocean?

**COMMISSIONER FOLEY:**

As -- as time has gone on here, the challenges, the regulatory process has moved from one federal agency to another to another and to a fourth. Fire Island National Seashore did finally agree to allow this project to go forward. They noted their objections in loud -- informed the Corps of Engineers that they were no longer objecting to the project. As long as we --

**LEG. ROMAINE:**

Okay. I ask that question because quite frankly the -- I'm sorry to interrupt you this time -- but the Director of the National Seashore has asked to meet with me. We have scheduled a meeting tomorrow on this issue. So obviously he still has some issues with this proposed dredging area.

**COMMISSIONER FOLEY:**

Everybody has -- all these regulatory agencies have issues. They all see it a little bit differently.

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

We're now trying to work with the Corp of Engineers to get US Fish and Wildlife Service to agree that what we're doing does not interrupt potential future habitat for piping plovers. New York State DEC, the fifth controlling entity here --

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

-- has said you must rebuild the dune line and maintain it for four years. Fish and Wildlife Service says that dune line prevents piping plovers from accessing the habitat on the bay side of the dune.

So it's a question of what's nature and what's really nature. And this has not been sorted out yet. We're -- we had an hour long conference call with a variety of these regulatory agencies yesterday to try to hammer this out. If it can be hammered out, we'll get a permit sometime in the next two weeks and we will be very close to the environmental window that regulates this project. We can't go -- we can't do any work beyond April 1st. This thing looks like it's going to take six weeks to do. We are right up against it.

**LEG. ROMAINE:**

Well, let me ask you this. And I know the Chair lady has other commitments today and I do not wish to monopolize the Committee so I will ask you one last question to reaffirm something you've already answered. As of today January 31st, no permits have been issued?

**COMMISSIONER FOLEY:**

The DEC permit has been issued.

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

The Corps of Engineers' permit has not.

**LEG. ROMAINE:**

Has not been issued.

**COMMISSIONER FOLEY:**

Right.

**LEG. ROMAINE:**

Do you -- when do you expect the Corps of -- do you have an expectation -- let me put it that way. Do you have an expectation of when the Army Corps of Engineers' permit will be issued?

**COMMISSIONER FOLEY:**

If all these processes work miraculously quickly.

**LEG. ROMAINE:**

Okay.

**COMMISSIONER FOLEY:**

And in concert with one another, we think we can have the permit in two weeks. And that's just on the edge of enough time to get this done.

**LEG. ROMAINE:**

And the -- we've contracted with someone. My understanding is it's a firm out of Virginia; is that correct?

**COMMISSIONER FOLEY:**

That's right. {Weeks} Marine.

**LEG. ROMAINE:**

Right. We've contracted with someone to do this work, four and a half million dollars worth of work. And are those dredgers currently being -- in transit to Long Island?

**COMMISSIONER FOLEY:**

They're currently in New Jersey finishing up a project there. They will be --

**LEG. ROMAINE:**

Right. So then they could be in transit.

**COMMISSIONER FOLEY:**

They will start mobilizing this coming Saturday in hopes that we'll get the permit and they'll be ready to go the day the permit is signed.

**LEG. ROMAINE:**

Okay. Commissioner, thank you so much. I'll look forward -- if you can fax that correspondence to my office by tomorrow, I would greatly appreciate it.

**COMMISSIONER FOLEY:**

Sure will.

**LEG. ROMAINE:**

Thank you so much.

**COMMISSIONER FOLEY:**

You're welcome.

**LEG. ROMAINE:**

And thank you, Madam Chairman.

**CHAIRPERSON NOWICK:**

You're welcome.

## **PUBLIC PORTION**

Commissioner, if you would just bear with us for a moment, we do have -- we did have -- we did receive one yellow card from Johan McConnell. And if you could just let her come up here but just stay where you are.

Hi, how are you?

**LEG. ROMAINE:**

I think the Commissioner might know her.

**MS. McCONNELL:**

Fine. How are you? I apologize for being late. I tried to be earlier.

**CHAIRPERSON NOWICK:**

That's okay. Johan, is your mike on? I just want to make sure your mike's on.

**MS. McCONNELL:**

Oh, okay. Thanks. Okay.

I actually have two questions. One concerns the Southaven Park and the hunting in the park. I know that water fowling is permitted on the hunting blinds on the east side of the Carmen's River. But when I'm in walking in the Park on the west side closer to the equestrian, there are large signs up that say "Danger, please stay out of this area because of hunting." I'm not sure if they're really hunting in there because it was my understanding the only hunting was the water fowling which is a considerable distance from this area. So my concern was what is actually being hunted there and what the signs are for. So that was one concern.

My second concern was that, I'm again not sure of the pecking order as I could say, there's a Park Trustees and then there's the Park Committee, the Park Trustees. And I'm not sure if there's an oversight. If you oversight over the Park Trustees or not. But there was -- there is a Sports Advisory Committee. And in August I was appraised (sic) that there was a vacancy on it or vacancies. And my County Legislator wanted to know if I was interested. I did put a resume into Commissioner Foley on the Advisory Committee in August. I asked at a Park Trustees meeting in November if there was still vacancies on the Advisory Committee and was told yes.

When I read the minutes in December, it appeared that one person had already been appointed to the Committee and two other appointments were pending. And I was just as -- at a loss as to why my application was not even given any consideration seeing that on the flier that was put out what they were looking for activities, out of the nine activities, I do eight of them. I also have an undergraduate degree in Phys Ed. So I'm well versed and familiar with a lot of the sports that they were looking for. So I'm not sure who has oversight on this; if the Committee has oversight of the Park Trustees and then the Park Trustees have oversight over the Advisory Committee. So I was just curious of this whole process works.

**CHAIRPERSON NOWICK:**

Okay. We have two questions to deal with. The first one, Commissioner, I'm going to ask you to address the hunting question.

**COMMISSIONER FOLEY:**

I think -- pardon me. I think there's other hunting than just the water fowl hunting. I'll have to check and see what --

**MS. McCONNELL:**

Actually I apologize for not bringing my forms in but the only hunting allowed in Southaven Park is water fowling. The other hunting of deer hunting is not permitted in Southaven park.

**CHAIRPERSON NOWICK:**

But that was your question?

**MS. McCONNELL:**

My thing is, yes, I wanted to know what others. But I wanted to know if it had anything to do with the water fowling which is on the further -- furthest -- further away than this distance. And when I read through -- so unless the forms have changed what I've read in the things that were handed out to me on hunting in Southaven Park, the only hunting is the water fowling so.

**CHAIRPERSON NOWICK:**

Is that correct, Commissioner?

**COMMISSIONER FOLEY:**

I don't know. I'll have to check.

**CHAIRPERSON NOWICK:**

Okay. I'm sure the Commissioner can -- I can give you the address and he can get back to you. Just one second. And question -- thank you. That's the only card. So question number two, Legislator Browning, would you like to address that?

**LEG. BROWNING:**

Yes. When that advisory position -- correct?

**MS. McCONNELL:**

Yes.

**LEG. BROWNING:**

-- was -- was advertised, I know that Johan is very committed to -- as a resident next to Southaven Park to the -- to the park and, you know, very involved in the community, spends a lot of time in the park and in our County Parks. And she brought her resume into me. And it's a -- it's a great resume. And, you know, basically the question was there was positions available. I did send in her resume with the recommendation from me. I thought she was highly qualified. And I think you know she goes to all -- you know, all the meetings; that you have the Trustee meetings. And she is very committed to our County Parks. And so, you know, the question was that, you know, we felt

she was very qualified. I did make a request on her behalf that she be considered. My understanding is you went to the Trustee meetings.

**MS. McCONNELL:**

Yes, in November.

**LEG. BROWNING:**

And there was some talk about there was interviews, but you were never -- you were never asked to come for an interview; correct?

**MS. McCONNELL:**

Right. There was -- in the December minutes there was a mention of someone who had submitted an application. And she was going to have an interview with someone.

**LEG. BROWNING:**

Okay. And so the question is, is, you know, I highly recommend her. And the courtesy of an interview would have certainly been appreciated. And I don't know why she wasn't interviewed.

**COMMISSIONER FOLEY:**

Because no one was interviewed. There was not an interview process. The term used in the minutes may have been an error but no one was interviewed. I had a half dozen resumes and requests to be part of this Committee, which is by the way an informal advisory committee set up by Commissioner John Sheraton in 1988. And this just kind of drifted along as an informal thing. It's a Commissioner's prerogative. I looked through the interest represented by the current members. Thought myself it should be diversified. Changed the name of it from the Sportsmen's Advisory Committee to the Sporting Advisory Committee. And appointed a couple of people who brought to it what I thought we needed. I gave every -- every resume I had equal consideration.

**LEG. BROWNING:**

And my question is so every position has been filled on that Advisory Committee or there still pending --

**COMMISSIONER FOLEY:**

I'm not sure. Someone just resigned. There may be another opening.

**LEG. BROWNING:**

Okay. Well, I certainly hope that you will look at Johan's resume. I know that there's been some issue with the fact that she's been, you know, in opposition to the Trap and Skeet Range. And I am appointing her to that committee to look for another location. However, I do hope that that's not having a reflection on the -- on the fact that she's getting appointed.

**COMMISSIONER FOLEY:**

Not at all.

**LEG. BROWNING:**

Thank you.

**MS. McCONNELL:**

Thank you.

**CHAIRPERSON NOWICK:**

Thank you. Okay. We do not have any other cards.

I just want to put on the minutes that I have a correspondence here, a petition, that was dropped off a little while ago for Citizens in Support of Legislation for Land Preservation of Suffolk County Owned Parcels Along New Highway in Hauppauge, New York from Veterans Memorial Highway to

Capitol Court." And there are several signatures on this. There's two pages of signatures. And I just wanted to mention that we do have this. I believe -- it doesn't say exactly what it's for, but my -- that's what I think. I think it's on 1015, Legislator Kennedy's Introductory Resolution but --

**COMMISSIONER FOLEY:**

That's roughly where those properties are.

**CHAIRPERSON NOWICK:**

Okay. That having been said, and the Commissioner is sitting there with us, and if you want to address one by one if there's anything?

**COMMISSIONER FOLEY:**

Sure.

**TABLED RESOLUTIONS**

We'll go to **tabled resolution 1953, linking County Park fees for veterans to park fees for senior citizens. (Cooper)**

**COMMISSIONER FOLEY:**

The hold up on that in the past has been that the Trustees had not considered it. And they have now considered it and approved it so there's nothing standing in the way of that now.

**LEG. VILORIA-FISHER:**

And there was a positive recommendation by the --

**COMMISSIONER FOLEY:**

Yes.

**LEG. VILORIA-FISHER:**

There was a positive recommendation by the Parks Trustees?

**COMMISSIONER FOLEY:**

That's correct.

**LEG. VILORIA-FISHER:**

I'll make a motion to approve.

**CHAIRPERSON NOWICK:**

I have a motion by Legislator Viloria-Fisher, second by Legislator Browning. All in favor? Opposed?  
**1953 is carried. (Vote: 5-0)**

**LEG. ROMAINE:**

Would the clerk please list me as a cosponsor on that, please. Thank you.

**CHAIRPERSON NOWICK:**

**2244, establishing the "Suffolk County Parks Corps" Volunteer Cleanup Program. (Romaine)** Legislator Romaine?

**LEG. ROMAINE:**

Motion.

**CHAIRPERSON NOWICK:**

Motion to approve, second by myself. All in favor?

**LEG. VILORIA-FISHER:**

On the motion.

**CHAIRPERSON NOWICK:**

On the motion, Legislator Vilorina-Fisher.

**LEG. VILORIA-FISHER:**

The Parks Commissioner has indicated on all of the other times that we've discussed the -- this resolution or its previous numbered resolution that described the same program, that it would be difficult to have a full Suffolk County Parks Corps because of the various needs and different parts of our parks systems. And having a blanket corps like this might be problematic. What is your position on this now? Has there been -- have there been changes here that would address the concerns that you've indicated in previous meetings? At previous meetings?

**COMMISSIONER FOLEY:**

If this has been amended, I'm not aware of the changes. I didn't look for that.

**LEG. VILORIA-FISHER:**

I wasn't -- when I read it, I didn't see changes either. Are there changes?

**CHAIRPERSON NOWICK:**

Legislator Romaine, are there any changes on this?

**LEG. ROMAINE:**

No, there are no changes but I'm certainly open if there's something in this legislation that you feel is not conducive to the operation of the Parks that could be amended in some way to make it conducive. I'm certainly open to any suggestions you might bring forward.

**COMMISSIONER FOLEY:**

I think we have to have that conversation. Part of the problem is our -- the procedures we have to go through to sign up a volunteer are so difficult that we almost don't have any. And they require going through Human Resources and a number of other things.

**LEG. ROMAINE:**

We had this conversation earlier. And the reason this legislation came forward is there was a number of groups in my community and the adjoining district of Jay Schneiderman that have offered to help maintain the Pine Barrens, clean up the trail ways, do things like that. And they wanted some official auspices to give them some ability to go in there and work clean ups and to maintain the trails and things of that nature. And they were prepared to do this purely on a volunteer basis. So that was the genesis of this resolution.

**COMMISSIONER FOLEY:**

And -- I'm sorry.

**CHAIRPERSON NOWICK:**

Commissioner, excuse me. Was there an insurance question on this at all? Did I remember there was some type of an insurance issue?

**COMMISSIONER FOLEY:**

There is an insurance issue, which is gotten around by filing an application for each individual volunteer and going through Labor Relations with that. In the end it turns out to be much, much easier to --

**LEG. ROMAINE:**

Hire people than to have volunteers.

**COMMISSIONER FOLEY:**

Well, no, that's not what I was going to say. To develop an arrangement intended to do the same thing this is with a constituted group, some kind of incorporated group. Because you can require a blanket treatment of all the insurance issues that way than it is to take a loose leave formed or even not officially formed group and sign them all up as individuals. It just becomes a management nightmare. If someone comes to us like a chapter of the Audubon Society, says we want to be a steward for one park or three parks or whatever, we write -- we write an agreement with them. And it covers --

**LEG. ROMAINE:**

A Memorandum of Agreement.

**COMMISSIONER FOLEY:**

Well, it's not -- it's a formal agreement. It's a formal contract.

**LEG. ROMAINE:**

Right.

**COMMISSIONER FOLEY:**

And it covers all the stipulations you have put on contracting with groups. Covers the insurance. And then they can bring in volunteers as they see fit under their supervision. And we don't have all the exposure nor do we have all the bureaucracy to go through that we do if it's a not formal group.

**LEG. ROMAINE:**

Well, not to spend a lot of time on this, and certainly not to take up Mr. Brown's time either, let me just proceed. If these people got together and formed an organization, the Suffolk County Parks Volunteer Corps, Inc and not-for-profit, that would be a better way to approach this?

**COMMISSIONER FOLEY:**

It would. Or even easier than that if they allied themselves with someone like the Long Island Green Belt Trail Conference. It already exists and already has an agreement with us.

**LEG. ROMAINE:**

Which are located in the west end and not on the east.

**COMMISSIONER FOLEY:**

They're located on the west end but they work throughout the County on trails. There's a number of ways to do it that probably would be more effective than this one because of the insurance and a number of other things.

**LEG. ROMAINE:**

I hear you and I have no objection. Actually I'll change my motion to approve to motion to table. I have no objection. But the other thing that I'm hearing that's somewhat distressing is that people really can't volunteer; that it's too cumbersome, that there's certain loopholes that people have to jump through. And that volunteers who want to help the County out are discouraged from doing so. Because -- not because of you or anything else, but because of the situation that currently exists; that you now have to be a formal organization. You now have to enter into Memorandums of Agreement or contracts. And that instead of citizens stepping forward and say I want to help because, guess what, I hike along these trails, I'll bring a garbage bag with me and I'll just pick up some of the garbage along the way. I'll clean up these trails. I'll take responsibility for this. That's not possible now because they're an individual. They can't help keep taxes down. They can't help keep our expenses down. They can't help volunteer because of the bureaucracy -- and I don't mean the Park Department. I mean all the legal requirements, which I'm sure Mr. Brown will speak to that's there.

So, you know what? It's discouraging. But rather than debate this, I'll make a motion -- I'll change my motion from approval to table.

**CHAIRPERSON NOWICK:**

And I will second that motion. But, Mr. Brown, you didn't have anything to say, did you? To add to this because I know Legislator Viloría-Fisher has --

**LEG. VILORIA-FISHER:**

Yes. I'm chaffing at the bit here because we have never discouraged volunteers. I just want to say that I have had stewardship agreements with a number of groups in my district. And whenever there's been an interest, there has always been able to -- we've always been able to find a group with whom they can ally themselves whether it's a civic organization or a school district, boy scouts, girl scouts. And there is a lot of opportunity.

And, by the way, I walk through a county park with my dog. And I just carry an extra bag with me. And I pick up garbage and I don't have to have a permit to do it. Because people throw stuff out of their car. And when I'm walking along Belle Mead, I just pick it up. And I don't need to have an agreement. Any individual can pick up trash. I don't think anyone's going to jail for doing that.

**CHAIRPERSON NOWICK:**

Presiding Officer Lindsay, did you have something to say?

**P.O. LINDSAY:**

Well, actually I was going to agree with Legislator Romaine in that I know that I've had an instance in my district where a local community group wants to adopt a county park. They want to be a steward for the park. It's just a little pocket park. I'm talking about Green's Creek. And the requirements -- and I'm not blaming, you know, Commissioner Foley, I mean it's county-wide -- that we put people through, you know, pretty extensive -- and they took a look at the application and they said forget it. You know, I wish there was some way we could simplify the process; that communities could -- could adopt our parks and take pride in their own, you know, particular communities and help us out at the same time, you know. And I know what you're talking about. I go walking in the morning. I'm always picking up bottles. You know, just people are -- you know --

**CHAIRPERSON NOWICK:**

You know, maybe we need some type of a -- I hate to mention the word task force -- to get together and think of a way to simplify it. What did he say?

**P.O. LINDSAY:**

We'll put 17 members on it --

**CHAIRPERSON NOWICK:**

Like three. Ed, his mother, his father.

**P.O. LINDSAY:**

Do they agree?

**COMMISSIONER FOLEY:**

I think you do need to take a look at what the requirements are today to allow this to happen and see if you think they're reasonable. Most of them are designed to either implement resolutions you've passed in the past or to protect the County from some level of liability that would occur if someone gets injured either a volunteer gets injured or a member of the public gets injured as a result of something they did. We're in a litigious society. All those bases have been covered but it makes it complicated to get signed up as a volunteer.

**CHAIRPERSON NOWICK:**

We have a motion to table by Legislator -- by Legislator Romaine, second by myself. All in favor? Opposed? **2244 is tabled. (Vote: 5-0)**

**2517, appropriating funds in connection with noise moderation and attenuation and other improvements at Trap and Skeet Range. (Browning)**

**LEG. BROWN:**

Okay. I'm going to have to make a motion to table because we are now going to have find an offset.

**CHAIRPERSON NOWICK:**

Oh, I thought you did.

**LEG. BROWNING:**

No.

**CHAIRPERSON NOWICK:**

Okay. So I have a motion to table by Legislator Browning, second by Legislator D'Amaro. All in favor?

**LEG. ROMAINE:**

Question on the tabling motion.

**CHAIRPERSON NOWICK:**

Question on the tabling motion, Legislator Romaine.

**LEG. ROMAINE:**

This is for Legislator Browning, if you may? How much is this going to cost would you believe to accomplish this?

**LEG. BROWNING:**

It's 300.

**CHAIRPERSON NOWICK:**

Three hundred thousand.

**LEG. BROWNING:**

Noise moderation? It's 300,000.

**LEG. ROMAINE:**

I hope you find an offset. I'll be looking to work with you on this.

**LEG. BROWNING:**

Well, with a bit of luck our committee will find another location and we won't need it.

**CHAIRPERSON NOWICK:**

Okay. We have a motion to table by Legislator Browning, second by Legislator D'Amaro. All in favor? Opposed? **2517 is tabled. (Vote: 5-0)**

**INTRODUCTORY RESOLUTIONS**

Introductory resolutions. **2607, reappointing --**

**LEG. VILORIA-FISHER:**

Al Colina. I'm sorry. His real name.

**CHAIRPERSON NOWICK:**

What is it?

**LEG. VILORIA-FISHER:**

Aurelio.

**CHAIRPERSON NOWICK:**

-- **Aurelio A. Colina as a member of the Suffolk County Board of Trustees of Parks Recreation and Conservation. (Lindsay)** Now, he's not here but this is a reappointment so I feel that we can go on with the motion.

**LEG. VILORIA-FISHER:**

I'll make the motion.

**CHAIRPERSON NOWICK:**

I have a motion by Legislator Viloria-Fisher, second by Legislator Browning. All in favor? Opposed? **2607 is approved. (Vote: 5-0)**

**1015, dedicating certain properties in the Suffolk County Nature Preserve. (Kennedy).** I have spoken to the sponsor and he's asked that it be tabled. So I will make that motion, second by Legislator Viloria-Fisher. All in favor? Opposed? **1015 is tabled. (Vote: 5-0)**

**LEG. VILORIA-FISHER:**

I just have a question for Parks Commissioner regarding this. Years ago we had a lot of discussion regarding the Nature Preserve Handbook. And what activities would be allowed or not allowed on a nature preserve. Is a nature preserve status what people -- is that what they're actually looking for here? I mean is there an awareness of what a narrow number of activities can occur on a nature preserve? I mean --

**COMMISSIONER FOLEY:**

We looked at -- we took a preliminary look at these properties and not toward that measure. But whether they -- whether there was significant habitat or environmental merit to preserving these properties. And on that perimeter look did not find that they really qualified for what the intent of the Nature Preserve Handbook was. But we weren't thinking about the limitations. We were thinking about --

**LEG. VILORIA-FISHER:**

Because it is very limiting. And the Nature Preserve property should really be for passive recreation. And so it would preclude possibly some activities that the people who sign the petition that was submitted today might be looking to undertake on those properties. So it might just be another thing to look at and, you know, maybe I'll speak with Legislator Kennedy about that? Or you -- you know, perhaps you might want to talk about that with him.

**COMMISSIONER FOLEY:**

Yeah, I'm not aware of the intent of the people who signed the petition whether they're --

**LEG. VILORIA-FISHER:**

Okay. Neither am I. I thought you might have something inkling.

**COMMISSIONER FOLEY:**

No.

**LEG. VILORIA-FISHER:**

Okay. Thank you.

## TABLED MEMORIALIZING RESOLUTIONS

**CHAIRPERSON NOWICK:**

**Tabled Memorializing Resolutions M.080, memorializing resolution in support of the Right-to-Ride Livestock on Federal Lands Act of 2005. (Romaine)**

**LEG. ROMAINE:**

Motion.

**CHAIRPERSON NOWICK:**

Motion by Legislator Romaine. I will second that for purposes of discussion. I would like to just ask Counsel if this is an appropriate memorializing resolution pursuant to our new rules.

**MR. BARRY:**

When we adopted the rules this year we amended the part about the memorializing resolutions seeing that we had so many last year. The new the rule -- or the rule now says that any memorializing resolution shall refer to specific legislation pending in another legislative body and which legislation shall bear directly on the affairs of Suffolk County. This memorializing resolution does refer to a specific piece of legislation, but I think it's questionable whether or not it actually deals with the affairs of Suffolk County. The bill in particular deals with the right to ride horses and livestock on federal lands. It's a question of fact. But I'm unaware of any federal lands in the county where we have -- allow people to ride horses and livestock.

**LEG. ROMAINE:**

We don't allow that on Fire Island?

**COMMISSIONER FOLEY:**

On occasion it's allowed in Smith Point which is in the boundary of the Fire Island National Seashore but is a county park so we wouldn't -- we wouldn't defer to this regulation that is spoken of here to control what happens within the county park. And the rest of Fire Island I'm not aware of what they do.

**LEG. ROMAINE:**

No, you wouldn't until it past. This is a senate bill that's pending. If the senate bill passes, then it would affect the County because obviously national law has higher precedent than county law.

**LEG. VILORIA-FISHER:**

No, we can be more restrictive than --

**LEG. ROMAINE:**

You can be but then you'd have to be because the national law would permit certain things.

**CHAIRPERSON NOWICK:**

Legislator Romaine, is the intent of that law in the senate to have horses -- horseback riding on Fire Island? Is that what you're --

**LEG. ROMAINE:**

No. The intent of that law is to allow people to ride horse on federal land.

**CHAIRPERSON NOWICK:**

Is that the only --

**MR. BARRY:**

If the County does have federal lands, which seems like we do; and if those federal lands allow

riding of horses, then, yes it would bear directly on the affairs of Suffolk County.

**LEG. ROMAINE:**

But it's not only the -- it's not only the National Fire Island Seashore. We have several national refuge, wildlife refuge, such as the Wertheim Estates, such as the Norton National Refuge. We have several in Suffolk County federal land.

**CHAIRPERSON NOWICK:**

Okay. All right. We have a motion by Legislator Romaine.

**LEG. ROMAINE:**

I have a lot of people who like to ride horses in my district.

**P.O. LINDSAY:**

Are you going to ride?

**LEG. ROMAINE:**

No, I don't ride horses. Not as a matter of fact. But I do have a number of horse riding groups in my district that are very interested in this legislation primarily for its impact outside of Suffolk County. Although with the new rules, it's still applicable because we do have several federal lands throughout Suffolk County.

**CHAIRPERSON NOWICK:**

Thank you, Legislator. We have a motion by Legislator Romaine, second by myself. All in favor? Opposed? **M.080 is approved. (Vote: 5-0)**

Okay. And having no further legislation on the agenda --

**P.O. LINDSAY:**

Before we adjourn, could I ask the Commissioner something, please?

**CHAIRPERSON NOWICK:**

Sure.

**P.O. LINDSAY:**

Commissioner, the Comptroller recently did an audit of parks and came up with like twenty recommendations. We started to implement those.

**COMMISSIONER FOLEY:**

This was -- they've got several audits. This was the one where the money disappeared, I think? Is that the one? Is there a title on it that --

**P.O. LINDSAY:**

Yeah, I guess so. I guess it isn't recent.

**LEG. ROMAINE:**

Where the money disappeared, yes.

**COMMISSIONER FOLEY:**

That's under the general category of internal controls and how we're overseeing the collection and deposit of cash. Based on the Legislature's and County Executive's approval, we've incorporated an entirely new reservation and point of sale system that's all dependent on a computer program that we now own. We have hired three auditors within the department to write all the cash handling procedures, train people; and then go out and check on them to make sure those procedures are actually happening.

We augment them in the summer when most of the cash is coming into the department with seasonal accounting students from colleges in the area to go out and perform surprise cash counts, watch procedures, make sure people are doing what they're supposed to do. It's our hope although we know you can't close every single hole that that tightens up the system enough that the kind of thing sited in that report can't happen again. Will people find a way? I think they will. Cash is very tempting. I think it's our obligation to close every reasonable -- to reasonably close every opportunity we can for cash to escape out of the system. And we are aggressively doing that.

**P.O. LINDSAY:**

Okay. Then I have one other question if I might. And some of the other Legislators around the horseshoe might have been contacted by this man, but -- because I don't think he's a constituent of mine. But the Park Police Officer that was hit by the ATV guy last year -- actually Middle Island. His address is -- is he yours, Ed?

**LEG. ROMAINE:**

No, he's actually Dan's but I've been in contact with him and members of the Park Police that have expressed concerns. And I'll say it that they felt that this case was not being vigorously pursued; that a number of people had offered the identities of people that had, I guess, hit him with the ATV. And that the case was not being vigorously pursued. That was the essence of the emails that I had received.

**COMMISSIONER FOLEY:**

Without getting into any specifics here that I shouldn't, I'll say that Park Police of which this individual is a member do the initial response to a crime or an incident or whatever it is. If that incident can't be immediately resolved by writing someone a ticket or arresting someone, Suffolk County Police Department detectives are called to the scene. And all the investigation then rests with them. We don't engage in lengthy investigations. It's just not part of what the Park Police are set up for. We have asked questions of the Suffolk County Police Department about this case. I am satisfied that they are dealing with it in the same professional manner they deal with everything they do. And I haven't seen any reason to believe these accusations have merit.

**P.O. LINDSAY:**

Okay. And my main point was that being an employee of Parks, I, you know, it's reassuring to me that you're keeping an eye on it because some of his, you know, the man's accusations were very troubling, I think, to all of us. And, you know, it all comes full circle with the whole issue of ATV riders, illegal ATV riders. And, you know, the bill that I have that's tabled on increasing the penalties and stuff. And I just to share with the Committee I talked to Commissioner Foley last week. And I talked to Commissioner Gallagher if they would put their heads together and -- because we seem to have a difference of opinion on when is the right time to confiscate whether it should be on the first offense or the second offense. And, you know, at one point I felt a tug of war. The police were asking for one set of restrictions and then we had a police sergeant from the Park Police saying it's too stringent. And, you know, I'm not an ATV rider and I'm not in the -- in a lot of the County parkland so it's not -- you know, I'm looking for some direction. And I would hope that you guys would get to a point where we can come up with some language that everybody feels comfortable with.

**COMMISSIONER FOLEY:**

Chief Brewer, the Park Police, has been talking with Suffolk County Police on that very issue. And I think they will in unison come back to you with some kind of advice.

**P.O. LINDSAY:**

Wonderful. Thank you.

**COMMISSIONER FOLEY:**

Okay.

**LEG. VILORIA-FISHER:**

Motion to adjourn.

**CHAIRPERSON NOWICK:**

Yes, I have a motion to adjourn by Legislator Viloría-Fisher, second by Legislator Browning. All in favor? Opposed? The Parks and Recreation Committee is adjourned.

**(THE MEETING CONCLUDED AT 1:50 PM)  
{ } DENOTES SPELLED PHONETICALLY**