

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 February 28, 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:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Robert Lipp, Deputy Director of Budget Review Office
Jill Moss, Budget Review Office
Greg Moran, Aide to Leg. Nowick
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Ronald F. Foley, Commissioner of Parks
Ben Zwirn, Assistant Deputy County Executive
Brian Beedenbender, County Executive's Office
Paul Perillie, Aide to Majority Leader
Barbara LoMoriello, Deputy Chief of Staff
Debra Alloncius, Legislative Rep for AME
Fran Siems, Legislative Aide
Justin Littel, Aide to Leg. D'Amaro
Bill Raab
James D. Kelly, Jr.
Michael Kaufman, CEQ
Gail Lolis, Deputy County Attorney
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:02 PM)

CHAIRPERSON NOWICK:

Will members of the Parks and Recreation Committee please come to the horseshoe? Good afternoon. Welcome to the Parks and Recreation Committee. We'll start with the salute to the flag led by Legislator Viloría-Fisher.

SALUTATION

Good morning everybody. We have a few cards this morning. We'll start with Bill Raab. Oh, again, I did good morning. Good afternoon.

MS. KRAUS:

Use the mike.

MR. RAAB:

No, I don't need that but I'll use it any way.

CHAIRPERSON NOWICK:

You just can't stay away from this committee.

MR. RAAB:

Oh, I just love coming here and seeing all you people.

Okay. I'm here today just to speak -- there's a bill up to appropriate money for a sound attenuation at the Trap and Skeet Range. And some of us had expressed concern earlier that it might be put to hurt the County's position in what was going on. But we understand that that's not the case. So we have no problem with the supporting the -- any efforts made to increase the -- to bring the funding about to help with the sound attenuation over at the Trap and Skeet Range.

And on a similar thing there was a bill subject table to call for banning the political fund raisers at County facilities, which we still are opposed to. And that's pretty much it. I won't waste any of your time.

CHAIRPERSON NOWICK:

Well, thank you. And that was very nice to you see again.

MR. RAAB:

Oh, yeah. And one other thing, there was a committee to look for an alternate site, which we -- none of us have any problem. We've expressed that we would certainly help with that. And I haven't heard anything, so if it comes about, I'd like to hear.

LEG. BROWNING:

Would you like me to speak on that?

MR. RAAB:

I have qualifications both in the shooting sports and conservation. I'm President of Coastal Conservation New York, which is a conservation group. And I also work with the Boy Scouts on stuff on teaching, Leave No Trace, and all that kind of thing. So I have the environmental qualifications also. Thank you.

LEG. BROWNING:

You want me to answer to that?

CHAIRPERSON NOWICK:

Excuse me, Legislator Browning would comment on that.

MR. RAAB:

Sure.

LEG. BROWNING:

Yes. Actually one of the issues that I had, people have had problem fighting was in the environmental end. I have asked Mr. Cushman. And he has accepted.

MR. RAAB:

Right.

LEG. BROWNING:

And do I have another gentleman from Legislator Romaine's district who is an NRA member --

MR. RAAB:

Okay.

LEG. BROWNING:

-- who's also accepted.

MR. RAAB:

Okay. Well, then as I said, I have qualifications both in the shooting sports and in the environmental capacity so that's not a problem. I would certainly volunteer. Thank you.

CHAIRPERSON NOWICK:

Thank you. James D. Kelly, Jr.

MR. KELLY:

Thank you. Good afternoon, Legislators. I too agree with Bill Raab that this bill should be go through and the sound attenuation efforts should go through. We have no objections. Again, it's the same thing as Bill said, you know, we had objections prior to that point because of some legal issues. They are now gone so quite frankly we have -- we enthusiastically support it.

Also, I would like to -- also in agreement with Bill about this bill 2265-06, prohibiting the use of County parks for political fundraisers, I feel as long as you're paying a fair price there should be no prohibition on people using, you know, County catering facility -- not County facilities, but if you have a caterer or a golf course at a County facility and they're running it under contract with the County, I feel there's no reason why they shouldn't be able to use it for political fundraisers. Oh, boy, excuse me. They shouldn't be -- they should have no problem using it for political fundraisers as long as they, you know, pay the going rate.

CHAIRPERSON NOWICK:

Well, okay. Just so you know, that's been tabled subject to call.

MR. KELLY:

Right.

CHAIRPERSON NOWICK:

And thank you very much for your comments.

MR. KELLY:

You're welcome.

CHAIRPERSON NOWICK:

Jane Keuskamp. Keuskamp.

MS. KEUSKAMP:

Good afternoon. As some of you may know as part of the development of West Meadow Beach peninsula the Town of Brookhaven is proposing to create access to West Meadow Creek for canoers and kyackers. They're proposing to create this access on County parkland now known as Old Field Farm.

Initially, I was not going to get involved in this because I live across from the farm. But my town Councilman Steve Fiore-Rosenfeld said my opinion would be valuable because who would know better what goes on on the creek but the people who live on the creek. Before the town could remove the cottages that existed on Trustees Road, they were required to file an environmental impact statement, the state law created -- that made this possible in 1996 refers to many issues in the EIS, which was completed on the town portion of the peninsula.

The West Meadow Beach master plan and draft EIS states that Snowy Egrets and Great Egrets were both observed on the site and should nest on the site after revegetation. Egrets are very likely to breed on-site after revegetation and should receive significant beneficial impacts. An upland area of the site should be planted with red cedar in an attempt to establish a stand of the species similar to some at Cedar Beach and Long Beach.

It appears that the town wants to place this access, which John Turner, Environmental Planning Director, has often referred to as a boat ramp, at the only place on West Meadow Creek where a substantial stand of cedars, low thicket and deciduous trees already exist, as you can see from my pictures. The area is located on Old Field Farm.

The town is also proposing to create overflow parking on the farm for kyackers and canoers. There are covenants on the use of the waterfront at the farm. And the current lessee according to her agreement with the County is not even permitted to launch a boat into the creek. The Ward Melville Heritage Organization still owns the area of the creek adjacent to the farm.

It seems to me what the town is investigating is how to get around these covenants. Most recently they have suggested they will be improving the shoreline if they are given permission to build this access. The cove in front of the farm was dug out in the 1930's by the Melville Corporation with the idea of creating a small arena. The entire shoreline is composed of pieces of cement used to stable the cutout. There has never been a need for improvement until now.

Why is this boat ramp and this parking necessary? The creek is currently used by kyackers and canoers who use the town boat ramp in Stony Brook where there's also a large parking lot to gain access to the creek. The town is notoriously lax in taking care of what they have. Last week the local papers reported that the few remaining cottages meant to be used for education and security on the park were extensively vandalized and the vandals had tried to burn them down.

There are also complaints that the town had neglected to open the gates of the parking area on several beautiful days making it impossible for people to park at the beach. How will the town prevent anyone who wants to go to the beach when that lot is full from parking on Old Field Farm? Will there be special parking permits for kyackers and canoers? The most important question is, why disturb the only place on the creek side of West Meadow where these birds feed on the sandy shoreline, roost and possibly build nests in those trees? I think at the very least another environmental impact statement covering the County portion of the land be done before the town is permitted to go forward with this.

CHAIRPERSON NOWICK:

Okay. Thank you.

MS. KEUSKAMP:

Would you like to see -- could I show you my pictures?

CHAIRPERSON NOWICK:

Yes, could you please. Did you have a question?

LEG. VILORIA-FISHER:

Yes.

CHAIRPERSON NOWICK:

Legislator Viloria-Fisher has a question for you.

MS. KEUSKAMP:

I'm sorry.

CHAIRPERSON NOWICK:

Legislator Viloria-Fisher has a question for you.

LEG. ROMAINE:

And then me.

LEG. VILORIA-FISHER:

Thank you to coming down, Jane. This is a very important issue in our district and certainly to the County parklands. And as I've said to you at the previous meetings that have been held, in our -- regarding West Meadow Beach, before any of this activity is permitted on County property, it would have to go before the Parks Trustees. And it would have to go before CEO. The Vice-chair of CEO is sitting on the front row there. And the issues that you brought up I think -- I saw him nodding that they're very legitimate issues that we need to look at. And they may trigger, you know, a very -- a closer look and closer scrutiny --

MS. KEUSKAMP:

Okay.

LEG. VILORIA-FISHER:

-- if we're talking about endangered species or species that are not found in other areas. We would want to protect them. Be that as it may, any activity that goes on there will have to go through these various processes.

MS. KEUSKAMP:

Yes. I think the state would have to approve any permits there too because it is waterfront planned.

LEG. VILORIA-FISHER:

Yes. So there are restrictions. But I did want to ask you, Jane, has Sally Lynch -- and maybe I'll ask the Commissioner later on, but has Sally been talking about --

MS. KEUSKAMP:

Yes.

LEG. VILORIA-FISHER:

-- this lately?

MS. KEUSKAMP:

Yes. She was very upset that she had known nothing about this until I called her and told her.

LEG. VILORIA-FISHER:

Okay. And you said that she can't launch a boat. Is that in the written covenant?

MS. KEUSKAMP:

I could read you the covenants, that you cannot have any boat ramps, any boat moorings in that water --

LEG. VILORIA-FISHER:

I have a copy of the covenant.

MS. KEUSKAMP:

-- according to the covenants. I gave you a copy.

LEG. VILORIA-FISHER:

But I didn't remember that piece.

MS. KEUSKAMP:

Right.

LEG. VILORIA-FISHER:

That she as the operator --

MS. KEUSKAMP:

In fact her lease says, whatever document she has where she's the lessee, states that she cannot launch boats from the property.

LEG. VILORIA-FISHER:

Okay. Thank you again, Jane, for coming down.

MS. KEUSKAMP:

Thank you. Can I just make a comment about the pictures? I don't have a complete picture of the farm but I hope many of you are familiar with what it is. It's a very large white barn in the middle. The pictures of the trees, that area with the trees is on the left. The other area with the other egret standing in the water is to the right of the barn; okay. And those kyackers just happen to be there that day. Thank you very much.

CHAIRPERSON NOWICK:

There's another question. Legislator Browning. Oh, I'm sorry you had a -- oh, Legislator Romaine.

LEG. ROMAINE:

Yes. You talk about West Meadow Beach. That was a controversy that most people in Brookhaven are somewhat familiar with because it waged for many years whether to leave the cottages or not to leave the cottages. Eventually a decision was made to eliminate most but not all of the cottages. And you're saying the last few have been vandalized and there's been inadequate security in the park. And the town hasn't maintained its stewardship. Have you had those conversations with your local Councilman Steve Fiore-Rosenfeld?

MS. KEUSKAMP:

The newspaper indicated that he was that -- the newspaper, I think, made -- the article made everyone aware of it. I don't even know if the town was aware of it at that time.

LEG. ROMAINE:

Have you had any conversations with Supervisor Foley?

MS. KEUSKAMP:

Not since the article appeared. The article appeared a week and a half ago.

LEG. ROMAINE:

My very strong recommendation to you because you're coming down to the Legislature to talk about

an area that is essentially mostly a town --

MS. KEUSKAMP:

No. This area I'm talking about is Suffolk County property.

LEG. ROMAINE:

I know -- I understand. And we're not going to allow parking on that property or other uses for that property without an appropriate application from a town or something of that nature.

MS. KEUSKAMP:

Yes.

LEG. ROMAINE:

And I doubt that we would be even inclined to do that. However, I would strongly suggest that you contact your elected officials, your councilman, and your supervisor to make them aware of the lack of security and ask --

MS. KEUSKAMP:

They are aware.

LEG. ROMAINE:

Well.

MS. KEUSKAMP:

I know they're aware.

LEG. ROMAINE:

What was their response? They would do better?

MS. KEUSKAMP:

Oh, we'll take care of it, you know. They had another issue going there about dogs using the peninsula. They told people they had to clean up after their dogs. They provided bags and receptacles and they never emptied these receptacles. They don't follow through or -- on the security or the maintenance that they promise. This is not the only place they do this.

LEG. ROMAINE:

I'm sure there's people other than you from --

MS. KEUSKAMP:

There are, yes.

LEG. ROMAINE:

-- the Three Village Area that are as equally concerned and you should get them together to try to demand action from your local officials.

MS. KEUSKAMP:

Thank you.

CHAIRPERSON NOWICK:

Thank you. I would like to ask the Commissioner now to come up. We do not have any more cards.

COMMISSIONER FOLEY:

Good afternoon.

CHAIRPERSON NOWICK:

Good afternoon. Commissioner, before we get to any questions from the committee, did you want

to address any of these pieces of legislation?

COMMISSIONER FOLEY:

No. I don't think there's anything specific here. The tabled things have been tabled.

CHAIRPERSON NOWICK:

Okay. I see Ben is up here.

COMMISSIONER FOLEY:

1015, which is tabled, I've commented on that before that in my opinion, in the staff's opinion that piece of land doesn't merit designation as nature preserve. I've since found out it's really under DPW's jurisdiction. And they have some reasons to keep it mixed use so speak available for some DPW purposes. So I think that needs to be considered before you take action on that.

CHAIRPERSON NOWICK:

Okay. I know that there is one question for you from Legislator Romaine before we start with the legislative agenda.

COMMISSIONER FOLEY:

Sure.

LEG. ROMAINE:

Yes. Good afternoon, Commissioner. Very quick question. Could you give us a status update of the Smith Point Beach restoration project? Have the permits been issued? Has the firm from Virginia that was doing work I guess down in Jersey repositioned their barge? Is the dredging imminent? Could you just fill us in and give us a status of where we are with these items?

COMMISSIONER FOLEY:

Yes. All necessary permits are in hand.

LEG. ROMAINE:

Including Army Corps?

COMMISSIONER FOLEY:

All necessary permits --

LEG. ROMAINE:

Okay.

COMMISSIONER FOLEY:

-- including Army Corps, DEC, FIN's, U.S. Fish and Wildlife Service, all necessary permits. The dredge contractor, Weeks Marine, is conducting its land based operation now. The dredge is on its way from wherever it last was.

LEG. ROMAINE:

All right.

COMMISSIONER FOLEY:

It was in New Jersey then went --

LEG. ROMAINE:

Right. Oh, okay.

COMMISSIONER FOLEY:

-- south and it's on its way back up. They hoped to start the actual dredging and pumping onto the

beach next week sometime.

LEG. ROMAINE:

So the first week in March?

COMMISSIONER FOLEY:

Yes.

LEG. ROMAINE:

Right.

COMMISSIONER FOLEY:

And that's where we stand. We're getting everything in order to commence the project and that should begin.

LEG. ROMAINE:

And how long will the project be in duration?

COMMISSIONER FOLEY:

The permit window ends April 1st. It's going to be very tight to get everything done in that period of time. But that's what the permit says; that's what we'll do.

LEG. ROMAINE:

And how many cubic yards of sand will be taken from the ocean and pushed upward on the beach?

COMMISSIONER FOLEY:

Two hundred and twenty-five thousand cubic yards.

LEG. ROMAINE:

Two hundred twenty-five thousand. And you anticipate this being finished before April 1st?

COMMISSIONER FOLEY:

Hopefully, yes.

LEG. ROMAINE:

Okay. I appreciate the update. Thank you, Commissioner.

COMMISSIONER FOLEY:

It's okay.

CHAIRPERSON NOWICK:

Legislator Viloría-Fisher, you had a question.

LEG. VILORIA-FISHER:

I did want to ask you, Commissioner, regarding the testimony that was put before us a few minutes ago regarding West Meadow Beach, now, it was my understanding that there had been some conversations with Miss Lynch at the horse farm?

COMMISSIONER FOLEY:

There have been.

LEG. VILORIA-FISHER:

There have been.

COMMISSIONER FOLEY:

Yes.

LEG. VILORIA-FISHER:

Okay.

COMMISSIONER FOLEY:

Yes. Here's my position on this. And we've told the town this. We said to them, you know, it's nice of you to do this plan and look at the whole area comprehensively. And we -- as much as we appreciate your factoring in County land into your planning effort, nothing on County land will happen because this plan says so. We'll take that under consideration. But neither the town nor we in the State Parks Department can violate the restrictions on the -- that came with our ownership of that property without agreement from the Ward Melville Heritage Association who controls those restrictions.

LEG. VILORIA-FISHER:

Right. They have covenant restrictions there.

COMMISSIONER FOLEY:

And I don't -- the one thing I will take issue with, I don't think there's any explicit prohibition in Sally Lynch's contract to launch a canoe from that land.

LEG. VILORIA-FISHER:

I didn't remember that either and so I'm going to go back and look at --

COMMISSIONER FOLEY:

Yeah.

LEG. VILORIA-FISHER:

-- the covenant. I have a copy of it in my office.

COMMISSIONER FOLEY:

If she can go out there and launch a canoe without building anything, I think she can probably do that. It's not the described purpose of that property today to have that kind of recreational activity going on.

LEG. VILORIA-FISHER:

But I think the concern that Mrs. Keuskamp had was that the County -- the town has been speaking about doing some improvements at the farm. And those improvements could be interpreted as being a kind of boat ramp thing.

COMMISSIONER FOLEY:

That's right.

LEG. VILORIA-FISHER:

So that people could have easy access without harming the vegetation around the shoreline. So -- and that is restricted in the covenant, building boat ramps; isn't that?

COMMISSIONER FOLEY:

Development along the shoreline of the stream is prohibited. It doesn't specifically say boat ramps as far as I recall.

LEG. VILORIA-FISHER:

Okay. Mrs. Keuskamp was indicating that it did. So I'm just going to go back and reread mine.

COMMISSIONER FOLEY:

Okay.

LEG. VILORIA-FISHER:

Now to --

COMMISSIONER FOLEY:

And I've been very clear with the town. Talk about the all the things you want to. Nothing is going to happen on County land without the County going through its own review and approval processes.

LEG. VILORIA-FISHER:

Exactly, yeah. Thank you, because I did say that at the meeting that we had at Ward Melville High School. That we have to go through our County processes in order for the approvals or any action to be taken.

With regards to Legislator Kennedy's dedication to the Nature Preserve, have you spoken with Legislator Kennedy about how restrictive the Nature Preserve is? Because maybe that would have an impact on his -- on 1015.

COMMISSIONER FOLEY:

Yes. We had --

LEG. VILORIA-FISHER:

Oh, he's asking for it to be tabled? Okay, because --

COMMISSIONER FOLEY:

We have had that conversation and I think he wants --

CHAIRPERSON VILORIA-FISHER:

Yeah, because Nature Preserve is very restrictive.

COMMISSIONER FOLEY:

Yep.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRPERSON NOWICK:

Okay. We are going to go to tabled resolutions.

TABLED RESOLUTIONS

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

LEG. VILORIA-FISHER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON NOWICK:

Legislator Romaine, do you have any comments? It's your legislation. Okay. Tabling motion by Legislator Viloria-Fisher, seconded by Legislator D'Amaro. All in favor? Opposed? **2244 is tabled.**
(VOTE: 5-0)

2517, Appropriating funds in connection with nose moderation and attenuation and other

improvements at Trap and Skeet Range (CP 7097). (Browning)

LEG. BROWNING:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Browning, second by myself. All in favor? Opposed? **2517 is tabled. (VOTE: 5-0)**

1015, (Dedicating certain properties to the Suffolk County Nature Preserve.) (Kennedy)

The sponsor has requested this be tabled. I'll make that motion, seconded by Legislator Viloría-Fisher. All in favor? Opposed. **1015 is tabled. (VOTE: 5-0)**

INTRODUCTORY RESOLUTIONS

1029, (Designating) Dedicating April 29th as Craig Ludin Day in Suffolk County. (Stern)

LEG. VILORIA-FISHER:

I'll make a motion.

CHAIRPERSON NOWICK:

Motion by Legislator Viloría-Fisher, second by Legislator Browning. All in favor? Opposed?

LEG. ROMAINE:

Abstain.

CHAIRPERSON NOWICK:

1029 is passed. Please note the abstention. **(VOTE: 4-0-1-0. Abstention: Legislator Romaine)**

1049, Authorizing use of Makamah Preserve in Northport by Northport Road Runners Club. (Cooper)

I'll make a motion and I'll ask to be put on as a cosponsor.

LEG. D'AMARO:

Second.

CHAIRPERSON NOWICK:

Second by Legislator D'Amaro. All in Favor? Opposed? **1049 is approved. (VOTE: 5-0)**

1122, Appropriating funds in connectin with improvements to historic sites and buildings - Timber Point Golf Clubhouse (CP 7510). (Co. Exec.)

LEG. VILORIA-FISHER:

Mr. Foley, I was reading a letter from Cheryl Felice from AME. And I thought it made reference to -- well, thank you very much. AME requests that the following resolutions be reviewed by the Legislative Contract Agency Committee to ensure that County employees are given first consideration for these various programs. And it lists 1122, building improvements to the Timber Point Golf Clubhouse. Would you know why this would be an issue because this is all that the letter said. And I wasn't certain why it would have been a problem.

COMMISSIONER FOLEY:

Other than it being they're issued generically by using County employees for projects, I don't know. This is a very large restoration project at the Timber Point Clubhouse to make it both historically

correct and make it compatible with today's building codes so that the second floor offices that have been used for years can now actually be legal.

It's going to be a multi-million dollar project. Phase I is coming to a conclusion now. This appropriation will give us the money to bid and sign a contract for Phase II, which would start in October. And the timing of this is very important so that we're doing it at a period of time when we're not interfering with the concession catering operation there.

LEG. VILORIA-FISHER:

Commissioner, would you mind if I, through the Chair, ask Gail Lolis to join you there because I'm trying to understand the process here. Because in her letter she's asking that this resolution be reviewed by the Contract Agency Committee. And I'm not -- why would that involve AME workers if it's a -- I'm very confused by the implications of this letter.

MS. LOLIS:

I don't know. I would have to look into it. If I could get a copy of the letter, I'll contact Cheryl Felice --

LEG. VILORIA-FISHER:

I'll give you my copy.

MS. LOLIS:

-- and find out what the concern is.

COMMISSIONER FOLEY:

I would -- I'd just point out that this is a capital project, probably a \$3 million scale. It's far beyond what we would use County employees for in the normal course of business. And I'll also assure you that we use -- we make maximum use of County employees on maintenance and upkeep projects not of this scale wherever we can. And we also use them to augment these contracted projects where it's appropriate. The timing on this one is very crucial to get everything in place in time to not disrupt business both for the public and for the concessionaire.

LEG. VILORIA-FISHER:

And, Commissioner, I wouldn't want to hold this up because I know how long this has been -- Legislator Nowick, you know how long this has been going on. We're trying to complete the Timber Point Project. And I'm not certain of how to interpret this. So perhaps someone could have an answer for us by Tuesday? Okay?

COMMISSIONER FOLEY:

I'd be happy to talk to --

CHAIRPERSON NOWICK:

What I would think is let's get it out of committee but I just don't understand Legislative Contract Agency --

LEG. D'AMARO:

Maybe I can --

LEG. VILORIA-FISHER:

Oh, Legislator D'Amaro.

LEG. D'AMARO:

I'm a member of the -- are you a member?

CHAIRPERSON NOWICK:

As I am.

LEG. D'AMARO:

Yeah. And I'm part of the -- I don't think that part of the charge of that committee is to determine whether or not County employees as opposed to contractors are being used on any project.

CHAIRPERSON NOWICK:

No, no. Not at all.

LEG. D'AMARO:

And I think --

LEG. VILORIA-FISHER:

I'm confused, yeah.

LEG. D'AMARO:

Well, maybe Ms. Felice was just mistaken in her interpretation or something. I'm not sure.

CHAIRPERSON NOWICK:

We will need that answer. And again I wouldn't want to hold this up because that building is in such desperate need. It's really frightening. It would be a -- the faster that we improve that I think the more opportunity the County has for revenue. So --

LEG. VILORIA-FISHER:

But I had remembered that it came up in the letter that I read this morning so I felt we needed to address it.

CHAIRPERSON NOWICK:

So can I make a motion to discharge without recommendation? Or just take it out?

LEG. VILORIA-FISHER:

I think we could just approve it.

CHAIRPERSON NOWICK:

Okay.

LEG. D'AMARO:

I would also suggest that even if we discharged the resolution or approved the resolution it would not prevent the Ad Hoc Committee from taking a look at it. This is a recommendation only.

CHAIRPERSON NOWICK:

But I don't know what the Ad Hoc Committee would have to do with that.

LEG. D'AMARO:

I don't think it is appropriate, but --

CHAIRPERSON NOWICK:

No. It's not.

LEG. VILORIA-FISHER:

It's not a contract agency.

CHAIRPERSON NOWICK:

Right.

LEG. D'AMARO:

Then again, we don't know what the intent of the letter was.

CHAIRPERSON NOWICK:

So let's -- I'll make a motion to approve and second by Legislator Viloría-Fisher. And then by Tuesday we could get that information.

LEG. D'AMARO:

True.

CHAIRPERSON NOWICK:

All in favor? Opposed? **1122 is approved. (VOTE: 5-0)**

1123, Appropriating funds in connection with the removal of toxic materials in County Parks. (Co. Exec.)

LEG. VILORIA-FISHER:

I'll make a motion.

CHAIRPERSON NOWICK:

Motion by Legislator Viloría-Fisher. I'll second it. Second by Legislator Browning. What is the -- how much is this?

LEG. VILORIA-FISHER:

\$200,000. It's for removal of asbestos from the Timber Point Golf Clubhouse.

CHAIRPERSON NOWICK:

Okay. All in favor? Opposed? **1123 is approved. (VOTE: 5-0)**

1137, Appropriating funds in 2007 Capital Budget and Program in connection with renovations to the historic gate house in Brookside County Park in Sayville. (Lindsay)

LEG. VILORIA-FISHER:

Motion.

CHAIRPERSON NOWICK:

Motion by Viloría-Fisher, second by myself.

LEG. D'AMARO:

Just on the motion, I was reviewing the agenda. And I'm just new to the committee so is it the norm to bond a \$50,000 amount? We had -- the full Legislature had taken issue with some of these last year. And I think the next resolution as well is bonding --

LEG. VILORIA-FISHER:

80,000.

LEG. D'AMARO:

-- 80,000. And rather than discharge it -- not that we shouldn't but I'm just questioning if that's more standard procedure.

CHAIRPERSON NOWICK:

We could certainly talk to Budget Review about that. Is there a reason we're bonding rather than --

LEG. VILORIA-FISHER:

Well, it falls within the 5-25-5 parameters.

MS. MOSS:

Right.

LEG. VILORIA-FISHER:

So, it falls within the parameters that we usually use for pay-go, which is the 5-25-5.

LEG. D'AMARO:

Right. Well, my question would be this is part of a capital project 7510, I think, it says. And what's the total authorization for that capital project? Is this a very small portion or is this the entire project?

CHAIRPERSON NOWICK:

50,000.

MS. MOSS:

Actually I'll look it up while you're discussing it. I'm not sure what the total appropriation is, but I can look it up.

LEG. D'AMARO:

Okay.

CHAIRPERSON NOWICK:

Okay.

MR. ZWIRN:

While BRO is looking at it, I just might add we suspended pay-go this year. And with sales tax receipts coming in below and other ominous indicators out there in the economy, cash is going to be very tight this year. And sometimes I think when you have a very good cash position, sometimes it's better to go out and pay for these things up front so you don't have to have the long term debt incurred.

But I think in these times and I think the Legislature and the County Executive together last year had decided -- I don't know if these particular projects were involved. They're not changing the funding so they were capital projects to begin with. It's just something that -- it's been on an debate, I think in, you know, in times when you're in the cash rich position, cash positive position when sales tax revenues were coming in in record numbers, it's a good time to spend cash.

But there are other times because these projects have a life of more than one or two years, and other members of the public are going to be able to enjoy them, I think part of the idea is also let them pay part of the tax bill so that they -- not just the ones who are here -- who created the surplus get to enjoy them but residents in the future also get to enjoy them and also get to pay for them as well.

But I think part of it is the economy that we've looked to suspend the pay-go account. We use that money for plugging holes in the budget that might have otherwise occurred. And again with sales tax receipts now starting to go come in below what projections were -- yesterday's stock market not taking into account -- because I don't know what's happening there today but that --

CHAIRPERSON NOWICK:

It's up a 100.

MR. ZWIRN:

It's got to come up.

CHAIRPERSON NOWICK:

NASDAQ'S up. They're all up.

MR. ZWIRN:

Yeah, but I think they got a long way to go to get back to where they were. It's just a sign. And I think one of the things that probably Budget and Finance and the entire Legislature might talk about -- I was at a meeting the other night where the town -- the County Clerk spoke at a meeting. And Legislator Romaine was there. We were talking about some of the signs that they find in the Clerk's Office as opposed to money coming in from refinancing and mortgage tax receipts --

LEG. VILORIA-FISHER:

The lis pendens coming in.

MR. ZWIRN:

-- it's coming with foreclosures and -- and divorce proceedings are up. And that's where a lot of the revenues are coming in from today because when the economy gets hard, unfortunately these kinds of numbers start to increase. So that's why I would just add that to the debate and see if we can get these projects done so that our parks remain as wonderful as they have been for all the residents of the County.

CHAIRPERSON NOWICK:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Ben, and I think more to the point, regarding the 5-25-5 is that although you didn't mention this, even if pay-go had not been suspended, this would still qualify as something that we could bond because of the 5-25-5 because the life of the project will be more than five years. It is more than \$25,000. And I always forget the third -- the second five. Rob, can -- what's the second five on the 5-25-5? I'm blanking. It's more than five years, it's more than \$25,000 and --

MR. LIPP:

Individual items are \$5,000. It would have to be more than \$5,000.

LEG. VILORIA-FISHER:

Okay.

MR. LIPP:

So you can't like -- I think several years ago there were examples of we were bonding for weed whackers.

LEG. VILORIA-FISHER:

Yeah. They were clumping things together in one project.

MR. LIPP:

Yeah.

LEG. VILORIA-FISHER:

But anyway this meets those criteria. So even if pay-go had not been suspended, this would meet the criteria.

LEG. D'AMARO:

It takes more than five years to renovate the gatehouse?

LEG. VILORIA-FISHER:

No, no, no. It will last more than five years. Not that the project -- for example there were arguments in the past about computers that computer systems don't have a life of more than five years so they didn't qualify. But this would qualify on all three criteria. So I feel comfortable voting for it. I'm not -- I would rather pay cash than to add it to our bonding, to our indebtedness. But it does meet the criteria so we don't have that argument.

LEG. D'AMARO:

Could -- through the Chair, could I ask a question?

CHAIRPERSON NOWICK:

Sure.

LEG. D'AMARO:

Just of BRO. One, I would like to know what the total capital project calls for on this. And second, with respect to the pay-go, I know we had suspended it last year, Mr. Zwirn, but I --

MR. ZWIRN:

For this year.

LEG. D'AMARO:

-- thought we had put it in this year in '07?

MR. ZWIRN:

It is in the budget but not funded.

CHAIRPERSON NOWICK:

Not funded.

MR. ZWIRN:

And we're going to see what happens I think --

LEG. D'AMARO:

Depending on --

MR. ZWIRN:

-- toward the end of the year.

LEG. D'AMARO:

Okay.

MR. ZWIRN:

So it was done under a conservative and I think fiscally prudent manner with the understanding that we don't know where we're going to be at the end of the year. But if there is money there, then it will be there to be expended. If it's not there there was -- there'd be no impact on the immediate operating budget.

LEG. D'AMARO:

Okay. Thank you. Just what's the total dollar amount of that capital project, Robert?

MR. LIPP:

In 2007 it's 1.495 million.

LEG. D'AMARO:

And how much of that has been appropriated? Can you tell from what you're looking at?

MR. LIPP:

It'll take a minute. We'll get back to you. You can continue the meeting and we'll just give you the information when we get it.

CHAIRPERSON NOWICK:

Did I have -- I don't know, did I have a --

LEG. VILORIA-FISHER:

I made a motion.

CHAIRPERSON NOWICK:

A motion by Legislator Viloria-Fisher. Was there a second? Second by Legislator Browning. All in favor? Opposed? **1137 is approved.**

LEG. ROMAINE:

Abstain.

CHAIRPERSON NOWICK:

Abstain Legislator Romaine. Legislator Romaine abstains. **(VOTE: 4-0-1-0. Abstention: Legislator Romaine)**

Introductory Resolution 1140, Amending the 2007 Capital Budget and Program and appropriating funds in connection with reconstruction of spillways at Brookside County Park, Town of Islip (CP 7099) (Lindsay)

This is also very similar to the last one. I think it's 80,000.

LEG. VILORIA-FISHER:

But this has the total number of the project in this resolution.

CHAIRPERSON NOWICK:

Okay.

LEG. D'AMARO:

Oh, it does?

CHAIRPERSON NOWICK:

I'll take a look.

LEG. VILORIA-FISHER:

If I may?

CHAIRPERSON NOWICK:

Surely.

LEG. VILORIA-FISHER:

On 1140, it has the cost elements of the construction at 1.9 million?

MR. NOLAN:

That's the offset.

LEG. VILORIA-FISHER:

Oh, that's the offset?

LEG. ROMAINE:

How much are they spending?

LEG. VILORIA-FISHER:

It says total estimated cost is 1.9. Is that -- am I looking at the wrong column?

LEG. ROMAINE:

It's 80 grand.

LEG. VILORIA-FISHER:

No, I know that this is 80 grand. But I thought the whole project was 1.9; no?

MR. NOLAN:

Well, that's the project of taking the 80,000 --

LEG. VILORIA-FISHER:

80,000 from --

MR. NOLAN:

-- from to be the offset to go into this --

LEG. VILORIA-FISHER:

I see.

MR. NOLAN:

-- reconstruction of spillways.

LEG. ROMAINE:

And that would be bonded out?

MR. NOLAN:

Well, yeah.

LEG. ROMAINE:

Okay.

LEG. VILORIA-FISHER:

And the second page where it has 495, none of those refer to a full project? I may be reading --

MR. NOLAN:

Yeah, that does. You're right.

LEG. VILORIA-FISHER:

Okay. So that 495 is the project?

MR. NOLAN:

That's the estimated cost. 140 was in the program. And this will increase it to 220. But they're only going to be bonding 80.

LEG. D'AMARO:

With an offset of 80.

CHAIRPERSON NOWICK:

Did I have a -- I had a motion, didn't I? Did I have a motion?

LEG. VILORIA-FISHER:

I'm not sure if I made a motion or not.

CHAIRPERSON NOWICK:

Same motion, same second. Is that okay with everybody?

LEG. VILORIA-FISHER:

Okay. Can Robert just walk us through that second page, though? I'm confused.

MR. LIPP:

My point of information from -- for 7510, The total appropriations were at 8.4 million of which 7.2 in change were serial bonds. This was state aid and other funding.

LEG. VILORIA-FISHER:

On 1137 --

LEG. D'AMARO:

Thank you.

LEG. VILORIA-FISHER:

The project is 7510. And, Madam Chair, if I may, Robert, can you walk us through IR 1140 and all of the different numbers therein because it's a little confusing?

MR. LIPP:

1755 is the offset. And we're talking \$1.9 million in borrowing costs from that. And serial bonds are 80,000. Okay, serial bonds for this particular project just \$80,000. What else is there in here?

LEG. VILORIA-FISHER:

So the cost of this project?

MR. LIPP:

Yeah, I'm sorry. It's just -- the cost is 80,000.

CHAIRPERSON NOWICK:

But not the total?

MR. LIPP:

Well, for what's being appropriated in this resolution.

CHAIRPERSON NOWICK:

I know but you want to know the total.

LEG. VILORIA-FISHER:

The total project.

LEG. D'AMARO:

1.9 million.

LEG. VILORIA-FISHER:

That's what I thought, but Counsel said no.

LEG. BROWNING:

That's what I thought, yeah.

CHAIRPERSON NOWICK:

It says 450 here.

LEG. VILORIA-FISHER:

But then on the second page it says --

LEG. D'AMARO:

Oh, no. That's the offset. That's the offset.

MR. LIPP:

Yeah. And the thing is on the first page what you see is the offset being the 1755. It's reduced by \$80,000.

LEG. D'AMARO:

Right. That's the offset.

MR. LIPP:

And that's the offset.

LEG. VILORIA-FISHER:

Okay.

MR. LIPP:

That's the point of confusion.

LEG. VILORIA-FISHER:

Right.

MR. LIPP:

So you don't have a difference column there. So if you do the math, it's \$80,000 reduction as the offset.

CHAIRPERSON NOWICK:

Okay. So we have a motion and a second.

LEG. D'AMARO:

And increasing -- no, I was just going to say and increasing 7099 by the same 80,000?

MR. LIPP:

Correct.

LEG. D'AMARO:

Okay.

CHAIRPERSON NOWICK:

All in favor? Opposed?

LEG. ROMAINE:

Abstention.

CHAIRPERSON NOWICK:

1140 is carried. Abstention. **(VOTE: 4-0-1-0. Abstention: Legislator Romaine).**

And that will complete the agenda. I have a motion to adjourn --

LEG. BROWNING:

Yep.

CHAIRPERSON NOWICK:

-- by Legislator Browning, second by myself. All in favor? Opposed? This meeting is adjourned.

**(THE MEETING CONCLUDED AT 1:42 P.M.)
{ } DENOTES SPELLED PHONETICALLY**