

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 June 20, 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:

Legislator William J. Lindsay, Presiding Officer
Legislator Steven H. Stern, Sixteenth District
George Nolan, Counsel to the Legislature
Alicia Howard, Legislative Aide
Jill Moss, Budget Review Office
Lance Reinheimer, Assistant Director of Budget Review Office
Tracey Bellone, Acting Commissioner of Parks Department
Ben Zwirn, Assistant Deputy County Executive
Paul Perillie, Aide to Majority Leader
Justin Littel, Aide to Leg. D'Amaro
Stephen Jones, Vice Chairman of Maritime Museum
Russ Moran, Chairman of Maritime Museum
Stan Feldman, Second Vice Chairman of Maritime Museum
George Hafele, Long Island Maritime Museum
Joseph Incalcaterra, Audiovox Corporation
Lynn Blaso, Trustee of Maritime Museum
Ginny Mungerkahn, Long Island Dog Owners Group
Michael Kahn, LI Dog Owners Group
Barbara Boscarino
Pamela Schmidlin, LI Dog Owners Group
Greg Moran, Aide to Leg. Nowick.
Debra Alloncius, Legislative Rep for AME
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:08 PM)

CHAIRPERSON NOWICK:

Good afternoon everybody and welcome to the Parks and Recreation Committee. We'll start with the salute to the flag led by Legislator D'Amaro.

SALUTATION

PUBLIC PORTION

Good afternoon everybody. Today I see we have representation from the Long Island Maritime Museum. Welcome. Thank you for coming. And we're going to go right into the public portion. And as a matter of fact, the representatives from the Long Island Maritime Museum would like to address the Committee; is that right? You can all come up if you want. This is everybody. I see.

MR. JONES:

Hi, good afternoon. I'm Steve Jones. I'm off my day job this afternoon as a Vice Chairman of the Long Island Maritime Museum. With me today on my left is Russ Moran. He is currently serving as Chairman of the Maritime Museum. To his left is Lynne Nowick who's a trustee. I'm sorry. Lynn Blaso. Lynn, Lynn. George Hafele from Fire Island Ferrys who some of may see here from time to time. And to my right is Stan Feldman who's very active in Oakdale Civic Affairs. And Joe Incalcaterra who's the comptroller for Audiovox Corporation.

We just want to come here -- we're here on a particular piece of legislation that you're considering, 1571; but we also are here to just introduce ourselves and to say thank you for your support every year with the Capital Program. The Maritime Museum operates as a not-for-profit corporation as a trustee for exhibits, artifacts and boats down at West Sayville at the West Sayville County Park down there.

We operate under a ten-year license agreement with the County Parks Department. They're responsible for the buildings and grounds and we're responsible for the programs and the upkeep of the artifacts and the collections. We're getting more and more aggressive in the area of corporate fundraising and working very closely with the Parks Department. We're -- we've been working right along with Ron Foley and now with Tracey Bellone. And that's going along well. And we're looking to raise more funds privately to complement what all of you are doing in terms of the funding down there. So I'd just like to turn it over to Stan Feldman briefly to just update you on how the -- how 1571 got in front of you.

MR. FELDMAN:

Good afternoon. My name is Stan Feldman. And I am the second Vice Chairman and past Chairman of the Long Island Maritime Museum. Over the years as our collection has grown and various Museum and collection authorities have come to the museum, they've conducted conservation assessment programs. And the reports have always had one concurrent theme. The Long Island Maritime Museum needs more space to prepare, maintain our collection, display our collection and find new means of funding our collection and preservation efforts.

When we became aware that the gatehouse was available, I contacted Bill Lindsay, our Legislator from the 8th District and explained our needs. And that is how resolution 1571-2007 has been now introduced by the Presiding Officer William Lindsay. Our Chairman, Russ Moran, he will explain in more detail what can be accomplished by your assistance. Thank you.

MR. MORAN:

In my many years on the board of Long Island Maritime Museum, I could never imagine one

opportunity that could along at one time and solve so many problems of the museum. Stan points out in the capital -- not the capital, the Cultural Assessment Program, assessment that was done for us that our big problem is lack of space. 1700 square feet. Now I'm sure you're all familiar with the Maritime Museum as you drive in to the building on the left. It would enable us to move our administrative offices and impedimenta, fax machines, copy machines, etcetera into that space and create a very large additional space in the main -- that beautiful main building of the Long Island Maritime Museum, which is and as it should be able to exhibit space; and also to have a gift shop that is a little bit larger so that if you blink your eyes, you don't walk right by it. It would enable us to have a decent size gift shop to enhance the museum experience.

This proposal, this legislation will solve so many problems for the Long Island Maritime Museum and for the people who know and love the Long Island Maritime Museum. And at the same time having a very, very minor impact on the county budget because all it does is defray or take away from the county budget the small amount of rental income that would be received by having it. So if there's any best use of a property for cultural institutions such as the museum -- and the property is a historic -- county designated historic property anyway. So we thank you very much for entertaining it. And thank you very much for listening to us. And that's all I have to say.

MR. FELDMAN:

Do you have any questions for us?

CHAIRPERSON NOWICK:

No. Actually I was just speaking with Counsel a little bit about it so we would learn more about what's possible here and what isn't. Thank you for bringing it to your attention otherwise we would not have known. Does anybody else have any questions? I'm sure that the Acting Parks Commissioner will come up in a little while and speak to this issue. Did you --

D.P.O. VILORIA-FISHER:

Jut very quickly on the record the question was whether or not the plan had gone before CEQ? Both because of environmental impact and because within CEQ we have the historical advisory. So can we move on this, Counsel, without it having gone to CEQ?

MR. NOLAN:

I believe we can. I'm just going to -- while we're here, I'm going to do a little scanning around on the internet and check. But I believe we can act on this resolution. Because the major part of it is directing Parks not to lease it to somebody else. So I think that's the critical part of the resolution.

D.P.O. VILORIA-FISHER:

Okay. I thought change of use would also make -- require the CEQ review.

MR. NOLAN:

It may be subject to CEQ review but I don't know if that precludes us from acting on this resolution today.

D.P.O. VILORIA-FISHER:

Okay.

MR. NOLAN:

Because it may also have to go to the Park Trustees and some other people may have to review this.

D.P.O. VILORIA-FISHER:

Park Trustees meet tomorrow. Also I just wanted to warn our Chair Woman that when I was Chair of Parks and there was a fundraiser I sat in the dunking tank.

CHAIRPERSON NOWICK:

I just want you to know that's out of question.

MR. FELDMAN:

I just left the room.

CHAIRPERSON NOWICK:

Out of the question. Non-negotiable.

MR. JONES:

The only time anybody's been able to dunk her.

MR. FELDMAN:

It took five tries also.

CHAIRPERSON NOWICK:

You know, maybe it's a good idea if Tracey wants to come up now while everybody's here already. Might as well just go through this now, give us your thoughts.

ACTING COMMISSIONER BELLONE:

Good afternoon.

CHAIRPERSON NOWICK:

Hi, Tracey.

ACTING COMMISSIONER BELLONE:

You know, while we feel that the Maritime Museum is a great organization, and, you know, we know that you and the County Executive support it, we feel the Parks Department fully supports it as well. You know, we do have some concerns and a few points to raise. One would be that, you know, resolution 1250 2002 was established which directed the Legislature to charge fair market value.

LEG. D'AMARO:

What was the number of that? I'm sorry.

ACTING COMMISSIONER BELLONE:

1250 2002.

LEG. D'AMARO:

1250 2003.

ACTING COMMISSIONER BELLONE:

It directed the County to charge fair market value for all rental houses, to bring in the most revenue for the taxpayers of Suffolk County. The -- this house in particular is probably the most popular house to rent. We had an open house in April. And out of 20 people who looked at the house, 15 wanted this house. We are actually very close to signing a contract with the Deputy Sheriff. He was planning on moving in July 1st of this year. And he has already approved the contract.

I think that, you know, while the Maritime Museum has a new Director and a new -- they're getting a new Director of the Maritime Museum and they have a new President, you know, there's many things that they can continue to do with their fundraising efforts to strengthen their financial stability. And I think at the same time we could continue to rent out this house.

Like Legislator Nowick brought up -- or, I'm sorry, Legislator Viloría-Fisher brought up, it does have to go to Parks Trustees. It does have to go to CEQ. It also requires a contract amendment to include this house under the license agreement.

In addition, the house is only zoned -- the house is only for residential use and would require DPW to come in and look at it for both public assembly and business use. The house is not ADA

compliant. So there is a lot of work to be done before this could even go forward. And I do think that we can continue renting the house to the, you know, the expected tenant who is a Deputy Sheriff, who would provide security on the house, and who has been, you know, working on this contract for about a month with us while we continue to look down the road and do the other stuff that'll be necessary in a year to re-visit this idea.

CHAIRPERSON NOWICK:

Tracey, what is the rent per month --

ACTING COMMISSIONER BELLONE:

At fair market value --

CHAIRPERSON NOWICK:

-- if the Deputy Sheriff rents it? Leases it?

ACTING COMMISSIONER BELLONE:

It's \$1100 right now. But at fair -- we did a phased in fair market. I don't know if you remember this. Fair market value would be \$1900 a month on house.

CHAIRPERSON NOWICK:

And that would start when?

ACTING COMMISSIONER BELLONE:

Fair market value would start next September.

CHAIRPERSON NOWICK:

So he would be paying \$1900 a month?

ACTING COMMISSIONER BELLONE:

Next September. He would be paying \$1100 now.

CHAIRPERSON NOWICK:

For a year.

ACTING COMMISSIONER BELLONE:

Every month.

CHAIRPERSON NOWICK:

Right.

ACTING COMMISSIONER BELLONE:

1100 a month.

CHAIRPERSON NOWICK:

For a year.

ACTING COMMISSIONER BELLONE:

And then come March he pays \$1500 a month. And come next September he'd pay \$1900 a month.

CHAIRPERSON NOWICK:

Now does he also pay the utilities?

ACTING COMMISSIONER BELLONE:

He'll be paying utilities, right.

CHAIRPERSON NOWICK:

And does he do improvements on it?

ACTING COMMISSIONER BELLONE:

He's not required to do improvements on -- you know, minor improvements under \$75. But major improvements we would do. We actually just finished renovating this house with maintenance division, you know, which time and labor we actually -- you know, we just --

CHAIRPERSON NOWICK:

How many bedrooms does it have?

ACTING COMMISSIONER BELLONE:

It's three bedrooms, two baths.

CHAIRPERSON NOWICK:

Oh, that's a pretty good deal.

ACTING COMMISSIONER BELLONE:

Yeah.

CHAIRPERSON NOWICK:

That's in Sayville?

ACTING COMMISSIONER BELLONE:

West Sayville.

CHAIRPERSON NOWICK:

West Sayville. And how long -- this has been in the making for quite a while now, this lease?

ACTING COMMISSIONER BELLONE:

Well, we did the open house mid-April. We've been working -- you know, after we canceled our agreement with Friends, we've been working on establishing fair market values for the houses, you know, sending out the letters to the tenants which you know about.

CHAIRPERSON NOWICK:

Yes, of course.

ACTING COMMISSIONER BELLONE:

And doing renovations to the house. So we had an open house in April for all of the rental units. We were concentrating on starting to fill those -- that either Deputy Sheriffs or park police were interested in as they were first on the priority to fill vacancies according to the resolution 1250 2002. So we're working on filling this one with the Deputy Sheriff and we have park police officers interested and three others.

CHAIRPERSON NOWICK:

So, to Counsel, the resolution suggests that we go first to correction officers, Deputy Sheriffs.

ACTING COMMISSIONER BELLONE:

Deputy Sheriffs and park police officers.

CHAIRPERSON NOWICK:

And park police officers. So we are bound to that, I assume?

MR. NOLAN:

I think that was the direction to the department; was it had set a pecking order of who would have first rights to the house. But if we pass this resolution and direct the Parks Department not to lease it, this resolution would supercede as the later resolution. And I think that was the Presiding

Officer's -- he's aware of the time crunch. The fact that the Parks Department was negotiating with somebody to lease this property. And that's why he put the resolution in now. I think he was aware of the Parks Department's position on it.

ACTING COMMISSIONER BELLONE:

Yes.

MR. NOLAN:

But, you know, he spoke to the people at the Maritime Museum. They're very interested in the property. And that's why the resolution is before you.

CHAIRPERSON NOWICK:

What I think what I'm trying to determine is if they are already in negotiations, are we more bound to -- if it's already started or --

MR. NOLAN:

I don't think we're bound until there's a lease signed.

CHAIRPERSON NOWICK:

And what about, though, through our resolution? Are we more -- if there's someone in the wings that is parks ranger, correction officers, are we bound to consider that more? Or -- you see where I'm going with that?

MR. NOLAN:

I understand. But, no, I think we have an executed lease with this person. And if this resolution passes, this lease would for this particular property would supercede the earlier resolution. And it would not have to be leased to somebody who works for the county or park ranger. But that presupposes that this resolution is adopted.

CHAIRPERSON NOWICK:

Okay. I think at this point I would make a motion to table. But if there are other questions before I do that -- well, I'm sorry.

LEG. D'AMARO:

I had a question.

CHAIRPERSON NOWICK:

Okay. I'm sorry, Lou.

MR. FELDMAN:

First of all, we were only -- - this house, the availability of this house was only brought to our attention in April. We didn't know about it before then.

MS. KRAUS:

Your speaker isn't on.

MR. FELDMAN:

How about that? Modern technology. And I have a son in the business no less.

We were only not aware of the availability of the house in April. So we were not able to act on it much sooner. I don't know if the people who are looking at this very desirable rental are aware that about four times a year that place turns into a public mad house. You've got the seafood festival. You have the Halloween boat burning. You've got the vintage boat. The exact terminology of that is --

MR. MORAN:

The vintage boat show.

MR. FELDMAN:

The vintage boat show. And there is a fourth occurrence that happens there. And the place is overrun with 15 to 20,000 people. Keeping that in mind, would it be that desirable to want to live there? So, you know, I don't know if that was explained to the people at the time.

ACTING COMMISSIONER BELLONE:

All tenants are informed of the activities at the park.

MR. MORAN:

Yeah. If I may, we're not talking to this Deputy Sheriff person, who I don't know -- I don't know the person's name or anything. We're not talking about a hardship here. We're talking about a person who would be paying full market value as determined apparently by an appraiser.

In terms of the best use of the property, what serves this cultural institution, the Long Island Maritime Museum, I don't think there's any question. When we were told that a person who went to this open house and decided that he wanted to rent this, when we were told this, I spent a weekend preparing essentially a brief, hand delivered it to Ms. Bellone, hand delivered it Commissioner Foley at the time. I had a conversation with Commissioner Foley approximately a week ago. And I asked him, I said is the Parks Department -- I said correct me if I'm wrong but I believe you're neutral in this. Why would the Parks Department care as long as it's okay with the County Executive's Office and the County Legislature that this property go to the Maritime Museum. And he said, yeah, basically the Parks Department is neutral.

So I was a little surprised to hear that the Parks Department apparently thinks that the Deputy Sheriff living there is more important than our needs.

In terms of our fundraising and other efforts, we are hamstrung by our lack of space. We have a gift shop less than half the size of this table. We are stuck with what we have. So I'm just surprised. We jumped in as soon as we heard that this about to be leased. We jumped in immediately. So, that's where we are right now.

CHAIRPERSON NOWICK:

Legislator Romaine. Legislator Romaine, I'm sorry. Legislator D'Amaro had asked first.

LEG. D'AMARO:

Okay. All right. Thank you. The museum, I know this was stated earlier but just did I hear correctly is a not for profit organization; is that correct?

MR. MORAN:

Yes, sir.

LEG. D'AMARO:

Okay. And I'm not sure that Parks is saying they're necessarily opposed. I think they're just doing their job in making us aware of certain factors that we should be considering when this particular piece of legislation. You can take it as opposition. I didn't necessarily take it as opposition to tell you the truth. I think it's more of Parks just, you know, doing what they're supposed to do and letting us know what the status of the property is.

MR. MORAN:

Well, if I may, Mr. D'Amaro, the reason of my telephone call to Commissioner Foley was to make clear that, look, we're not doing an Enron around you by approaching the Legislature or myself personally approaching the County Executive. That isn't our intention at all. We -- because the reason I had to make that point is because, yes, indeed Parks Department is doing their job. Right now they're under a mandate to lease their properties at full market value. So I agree completely.

LEG. D'AMARO:

Right. Again, you use a word like Enron, I don't -- you know, I don't think it's applicable to this

situation. I think we're here to talk about this.

MR. MORAN:

Right.

LEG. D'AMARO:

And to hear all points of view.

MR. MORAN:

And that's what I wanted to make clear to the Commissioner. That we have no intention of an Enron because we have nothing but a cordial and cooperative working relationship with the Parks Department.

LEG. D'AMARO:

Okay. Well, looking to the merits and without characterizing anyone's position, how did your organization become aware that this site might be available?

MR. MORAN:

Ron Foley's representative on our board, Tom Hroncich mentioned at a board meeting that there was going to be an open house and floated the idea that perhaps this building might be of use to the Maritime Museum. The jaws of every board member went slack and said, well, yes, it could be of enormous use to the Maritime Museum. And we stepped back. And we were very quiet after that because we kind of assumed that that is exactly what would have happened.

LEG. D'AMARO:

Now, if the Maritime Museum were the occupant of this building, who'd be paying the utilities at the site?

MR. MORAN:

In the proposal -- I'm not sure if you have a copy. I'd be glad to distribute it. But in our proposal, I thought it appropriate that the Maritime Museum take over this. So actually the impact on the county budget would be not just the loss of the gross rental revenues, but also I thought it appropriate that the museum take over the electricity, the utilities.

LEG. D'AMARO:

Okay. And the reason why I ask that question is I have a financial impact statement in front of me. And our Budget Review Office is stating in that statement that in the existing agreement with the museum, the County is responsible for utilities. So you're anticipating that changing?

MR. MORAN:

Yes. In my proposal. That's our existing agreement.

MR. FELDMAN:

For that one building only.

MR. MORAN:

For that one building only, yes; thank you.

LEG. D'AMARO:

Oh, come on, you're not going to pay the utilities for the whole site?

MR. FELDMAN:

Not until you come in and insulate it for us.

LEG. D'AMARO:

Okay. So coming in there as the occupant of the carriage house, you'd be willing to take on the

responsibility of all utilities; is that correct?

MR. MORAN:

Yes.

LEG. D'AMARO:

Okay. Now is it Deputy Commissioner Bellone or is Acting Commissioner Bellone?

ACTING COMMISSIONER BELLONE:

Acting commissioner.

LEG. D'AMARO:

Okay. Bellone. Mentioned ADA compliance. Do you have any response or any plans with respect to that?

MR. FELDMAN:

Currently we have a problem that the only bathroom facility in the museum itself right now is upstairs on the second floor; whereas this facility has a bathroom on the first floor and the second floor. And our administrative offices would be on the first floor.

LEG. D'AMARO:

Okay. So you would see some improvement?

MR. FELDMAN:

As far as ADA goes, yes.

LEG. D'AMARO:

Well, I mean either you're in compliance or you're not, though. Do you have a position whether or not you need to be in compliance at this site?

MR. FELDMAN:

We could make this site -- well this site would be ADA compliant.

LEG. D'AMARO:

Okay.

MR. FELDMAN:

In that there would be bathroom facilities on the lower level, the first level for any employees that would have to make use of it. Right now any employee at the Museum has to go up to the second floor. And as far as the public goes, they have to go outside because we don't have bathrooms available for the public.

MR. MORAN:

To a comfort facility.

MR. FELDMAN:

Politically correct. Comfort facility, correct.

LEG. D'AMARO:

In other words --

MR. FELDMAN:

Well, water closets.

MR. MORAN:

Using the word comfort broadly.

LEG. D'AMARO:

So the use -- you're anticipating coming into compliance with the ADA requirements?

MR. FELDMAN:

As much as we can.

LEG. D'AMARO:

Okay.

MR. FELDMAN:

As much as the building would allow.

LEG. D'AMARO:

Okay. So, well -- okay. But you haven't really investigated that? We don't really know what the building would allow or not allow or if you can actually come into full compliance?

MR. MORAN:

Bringing that into compliance, sir, I think, would be extremely easy. It's a first floor and building around -- I'm no carpenter. I could build a ramp. It would seem to me to be pretty easy to bring it into full ADA compliance for commercial.

LEG. D'AMARO:

Yeah, I don't know sitting here whether it's easy or not. But I appreciate that you would at least be looking at that.

CHAIRPERSON NOWICK:

Legislator, may I just interrupt one minute? ADA compliant from what I understood was that a wheelchair has to be able to make a complete turn in the bathroom; am I right?

ACTING COMMISSIONER BELLONE:

Yes.

CHAIRPERSON NOWICK:

Because I know we had to do that.

ACTING COMMISSIONER BELLONE:

Yeah. And we have yet to have DPW look at the building. I mean DPW is now working on, you know, a CO would be needed to change the use of this building. DPW has not looked at or given, you know, an assessment of what would be needed to make it ADA compliant and to make it code compliant for public assembly if they're going to have a gift shop -- but business use.

MR. MORAN:

Not a gift shop, no; a gift shop is not anticipated. We're talking about simply moving administrative staff and some storage.

ACTING COMMISSIONER BELLONE:

So it would have to be code compliant for business use. And DPW has not looked at the house yet.

LEG. D'AMARO:

Okay. And one other issue raised was renovation. Do we know today whether or not there's substantial renovation and what costs? Or we haven't made that evaluation?

MR. FELDMAN:

We haven't been in there yet.

MR. MORAN:

Yeah, we haven't been in there. But looking through the windows it looks like it's in great shape.

LEG. D'AMARO:

Well, I would think if you're here asking us to approve it today that you would have some sense of what you want to do with the building and the facility and how you might want to invest in it. Do you have any sense of that?

MR. FELDMAN:

We have a sense of what we want to do with the building. I believe that the Presiding Officer's resolution is really to put a halt as to what is happening right now with that building. You can always go back if it turns out that we can't use -- can't be adapted, it could always be put back on the market; correct? But once it's put on the market, and you have a renter in there, it's very difficult to go forward at that point.

MR. MORAN:

It would be so easily adapted. It's a building -- it's a residential building in quite good shape with a stairway going upstairs. Kitchen facility, bathroom facility. It's, you know, without getting into the specifics of looking at the ADA requirements, which I'm, first of all, a little confused right now. If it's being rented out to an individual, it would seem to me to have to be ADA compliant as well. Maybe I'm wrong there. But it's very easily renovated. Or even not renovated but just simply adapted to administrative use.

LEG. D'AMARO:

Yeah, there's no question that you find the site suitable. It's just the function of, you know, we're here to also think about the cost and effect of what we do. And we would be forgoing \$1900 a month in rent. And there's the trade-off obviously of helping your organization as well so.

MR. FELDMAN:

Well, the other thing to keep in mind is that we're always trying to build up Suffolk County as a destination point for tourist. And also at the same time to build it up for our own residents as a cultural institution. Well, we're trying to with the Maritime Museum.

The history of the Maritime Museum was originally, it was operated by the County. It was called the Suffolk Marine Museum.

MR. MORAN:

Right.

MR. FELDMAN:

And all of the employees, there were county employees up until about maybe 15, 16 years ago. Because quite frankly I remember that when I became Chairman we had one county employee that we were funding. At one time they had upwards of 12 county employees there. And the County decided that they didn't want to be part of funding or us funding the one employee.

So we have become totally self funded as far as the employees go. We even do a lot of the maintenance ourselves. The major maintenance -- in fact, part of the contract is the major maintenance is done by the County. And a lot of the stuff that's being done there is being done on grants that the Maritime Museum goes out and gets.

So, we're trying to make this to be part of the jewels of Suffolk County. This carriage house or this gatehouse is right at the entrance to the Maritime Museum. It would be so good that when people come in, they would see that, hey, this is part of the Maritime Museum as opposed to knocking on somebody's door and saying, gee, can I use the bathroom? They think it's part of the Maritime Museum. So, it's even inappropriate for that to be a residential building.

LEG. D'AMARO:

Okay. Thank you. Thank you.

CHAIRPERSON NOWICK:

Legislator Romaine.

LEG. ROMAINE:

Yes. How large is this -- let me address this one question to Tracey and then the rest to the board. How large is this structure?

ACTING COMMISSIONER BELLONE:

1700.

MR. MORAN:

1700.

LEG. ROMAINE:

It's a two-story structure, three bedrooms?

MR. MORAN:

It's two-story -- I'm sorry.

ACTING COMMISSIONER BELLONE:

It's three bedroom, two bath, 1702 square feet. It's a two-story house.

LEG. ROMAINE:

Okay. And it's on the grounds of the Maritime Museum.

ACTING COMMISSIONER BELLONE:

Right. It's at the entrance. There's also a garage on the property but the garage is currently used by Parks Department and not available to the any tenant.

LEG. ROMAINE:

Thank you. Now for the board and people here from the Museum. What would use this structure for?

MR. MORAN:

Primarily to move our administrative staff and their equipment to the gatehouse creating a large amount of additional space that could be used for retail, i.e. a gift shop. That's a critical part of any museum. Additional display space, additional storage space. Also it would enable us to take -- we have an extremely valuable library. Some of it is extremely valuable. Ancient charts, one of a kind books. They could be moved upstairs so in the event of a major hurricane, the possibility of there being damage would be significantly lessened. And that all gets to happen in the main building.

The main building has some serious electrical problems as my colleague right here Lynn Blaso can tell us. And we can by having it in this new facility, in the gatehouse in question, enable a wireless network, which we don't currently have because it's in the gatehouse, used to be a garage for the {Borne} estate and it's just a very old beautiful structure. But it really isn't designed for administrative offices. So that's a basic thing. We'd move administrative offices, perhaps some storage to create space that we need in the main building, which is getting very cluttered.

LEG. ROMAINE:

Let me ask you a couple of other questions. Years ago this museum was run by the County of Suffolk; is that correct?

MR. MORAN:

Yes.

LEG. ROMAINE:

My understanding is up to 12 employees of this County worked and were paid off the County payroll.

MR. FELDMAN:

Correct.

MR. MORAN:

Yes.

LEG. ROMAINE:

Now this Museum is run purely by volunteers; is that correct?

MR. MORAN:

Volunteers and a very small -- we have two full-time employees.

LEG. ROMAINE:

Right.

MR. MORAN:

A director and an associate.

LEG. ROMAINE:

Right. But they're not paid by the County.

MR. FELDMAN:

No.

MR. MORAN:

No, they're not.

LEG. ROMAINE:

This is all private.

MR. FELDMAN:

Correct.

MR. MORAN:

Yes.

LEG. ROMAINE:

Okay. How many people does the Museum get in any given year that visit this museum?

MR. MORAN:

Well, the total number is -- I should have that off the top of my head. The seafood festival, for example, brings in 20,000.

LEG. ROMAINE:

Would it be a fair number to say that around 75 thousand people visit this museum in a given year?

MR. MORAN:

That would definitely be a fair number.

LEG. ROMAINE:

Do these people spend any money at the museum?

MR. MORAN:

We'd like to give them the opportunity to spend money. They can spend money but we have a tiny gift shop. If you blink you walk right past it.

LEG. ROMAINE:

And if they do spend money, obviously they pay sales tax.

MR. MORAN:

Yeah. And we do charge admissions.

MR. FELDMAN:

Right.

MR. MORAN:

\$4 a head.

LEG. ROMAINE:

Right, but if you had a gift shop, you would be able to collect more sales tax?

MR. FELDMAN:

Absolutely.

MR. MORAN:

Yes.

LEG. ROMAINE:

And I don't have to ask this because I think most people around this horseshoe understand the valuable asset that that museum is to not only the history of Suffolk County and its maritime pass, but as an attraction as part of our effort of doing tourism. I've heard the County Executive say on enumerable occasions how important building the tourist industry would be. And, of course, you can't have tourism without sufficient attractions. The more attractions you have, certainly within a certain area or range of area, the more of a synergy you have to create even a greater tourism thing.

Your request seems very legitimate in light of the value that this museum has, in light of the fact that this County used to pay to run this museum, in light of the fact that it is now run through voluntary contributions. It seems like a tremendous asset to the County. And if we can enhance that, I certainly want to support that effort. Thank you.

CHAIRPERSON NOWICK:

Okay. Ben, would you want to jump in a little bit?

MR. ZWIRN:

Yes. The County Exec's Office has, you know, they're grateful and they're delighted with the work that the Maritime Museum does. But there's an issue here that the County has set a policy trying to use some of the houses, and we had a major debate on this before the Legislature; and they set policy of trying to get the homes that were rented on there to county employees. So, one there would security at the parks. And this is the grounds of the park. The Maritime Museum is also on the grounds of the park. It's not as if the maritime museum as I understand it has there own grounds. It's the county park that's there.

This would be for administrative offices. I know Legislator Romaine's talking about increased sales tax from a gift shop. I don't think the County's counting on that extra sales tax revenue as trying to

balance the budget. But nevertheless, I mean it's a nice thing to have for the Maritime Museum to have souvenirs for people to have as they leave the grounds. It's just that we've tried to set a policy and tried to be consistent with it. Here you have somebody who's a county employee, a Deputy Sheriff who's a peace officer. So there's an added measure of having security there.

And when we talk about the house being at the entrance of the museum, it's also at the entrance of the park. And, you know, a sign that says private residence on there, I think, will prevent people from going in there and bothering the people that are living there.

So you have competing interest, you know, that are both good interests. The County Executive is supportive of the Maritime. We're supportive of, for example, of IR 1544 which gives the park for a fundraiser for the Maritime Museum, which is the festival that they have. It's just, as I say, we have competing interest here. And the County Executive would rather see this property be used by some county employee who pays fair market value.

The other point, the County has been generous with the Maritime Museum. They pick up all the utilities of the facilities that they're using now. So we've had a good relationship. It's just that this house has come on the market. It's been renovated, ready to have somebody rent it. We're ready. We're there. And I think the County Executive would like to see that happen as opposed to, you know, expanding at this point.

MR. MORAN:

If I may, when this facility first became available to us when Tom Hroncich first discussed it with us, he discussed it in terms of a facility for use by a future director. Most parks and museums I would submit have as an attraction -- to get a Director. And certainly our Director is not paid very much money. They provide a facility -- a rental facility for that person. Doug Shaw, our two directors ago, he was offered an apartment on museum grounds. He owned a house in West Sayville so he declined. Betty {Arant} our current Director has a boat slip free of use as an incentive to her. We have a Director nominee who's going to be voted on tomorrow, a lady named Carol {Gaconya}. And she has not been offered anything.

So when it was first discussed, it was discussed in terms of it being a house to be offered to a director. Karen and her husband live in West Sayville so she isn't interested. And she's told me. But the idea of -- that it go to an employee of the County, that's fine.

Every policy that's set forth by any level of government usually is set forth for good reason. And obviously full rental value for properties that can be rented is a darn good idea. Like all good ideas, there are exceptions. And we submit to you that this is one thing that is absolutely worthy of an exception to what is generally a very good policy. Full market value rentals.

And as far as it being on parks property, well, clearly it is. We are on parks. The museum is on parks property. Visually when you enter the Long Island Maritime Museum, you enter those gates. To the person entering, you think you're on Maritime Museum property. And it is visually and geographically it's part of the quote unquote Long Island Maritime Museum, although, yes, technically it is Suffolk County Parks property. Thank you.

CHAIRPERSON NOWICK:

You know, that's why debate is good. Because we sit here and we learn a little from your side and a little from your side. And at first blush we think well, the rules are the rules are the rules. But this is quite an organization and quite a museum. And this is a museum that makes Long Island what it is. So I think this debate is very informative. I see the sponsor of the bill. Did you want to say anything or were you going to just listen?

P.O. LINDSAY:

Let me listen.

CHAIRPERSON NOWICK:

Well, we have been talking for quite a while. Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

I was listening in the conference room. And I just want to make a comment with regard to what you said, Ben, and the policy. And I agree with you that it's a policy of the County. But this use doesn't go to that policy. The reason we established the fair market value policy was because of abuses where there were properties that were being rented to individuals at below market value. And there was a perception of people with connections being given the availability. And I think that this wouldn't enter into that rationale with regards to the rental; that this is a not-for-profit. This is a -- this is an organization that's been working with the County on county property. We've always had a very positive partnership. So this -- you know, the argument about the reasons for setting the policy is not one that I think is germane to this particular discussion.

MR. ZWIRN:

If I may respond, Madam Chair?

D.P.O. VILORIA-FISHER:

Sure. I mean I don't want to have a debate with you.

MR. ZWIRN:

No, no, but the policy --

D.P.O. VILORIA-FISHER:

But I was here when we set the policy.

MR. ZWIRN:

Right. And the policy was also to try to get county employees into these homes that were on county land for security purposes and also to provide housing for people in the county. You know, as the debate moved forward, there was also talk about having a place for the Director of the museum. And I don't know if the long-term plan here is to move the administrative offices here and then to provide this house as an incentive for a director of the museum. I don't know. I'm just -- I don't know.

P.O. LINDSAY:

Okay. I'm ready to go.

D.P.O. VILORIA-FISHER:

But going back to my original comments, although Counsel has said that we don't have to go before CEQ before we move on this, I would feel more comfortable because part of CEQ is the historical advisory. Mr. Martin who sits on CEQ sits as -- I forget the title. It's the historical advisory. And because this is -- this has historical significance, I would like to see this go before CEQ before we move on it. Just as a double check. And I think it should go before Park Trustees tomorrow as well.

CHAIRPERSON NOWICK:

Mr. Presiding Officer.

P.O. LINDSAY:

Yeah. The reason for this bill, we have two county museums that I know of. The Vanderbilt and the Maritime Museum. And we spend an awful lot of money on one and the other one is the neglected stepchild. And the request from Maritime Museum is a very simple request. They just want to use one of our houses on the property because they're -- not to house anybody but for administrative staff. And I think even a library over there, but for all uses having to do with the Maritime Museum; not to give anybody a residence.

MR. FELDMAN:

That is correct.

P.O. LINDSAY:

All right. So it was kind of a -- you know I went down there and toured the main museum. And we got folks working in little cubby holes that you wouldn't believe. So I certainly think that the request is justified for some additional space that they can operate out of. And the Maritime Museum, I think, is -- I wouldn't say self-sufficient but they work very hard at trying to raise money. I know they have a festival every year. Their base is ten of thousands of dollars. And tries to provide a service to our citizens very frugally that it doesn't cost the county taxpayers a heck of a lot of money. But that was my rationale for presenting this resolution.

LEG. ROMAINE:

Now that our Chair Lady is back I'd like to make a motion to take 1571 out of order.

CHAIRPERSON NOWICK:

Okay. I'll second that motion. All in favor? Opposed? Okay. 1571 is before us. **(Authorizing additional space for the Long Island Maritime Museum) (Leg. Lindsay)** Do I have a motion?

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

I'll second.

D.P.O. VILORIA-FISHER:

I'd like to make a motion to table because I do believe it should go before CEO. It's on the county property. And there are going to be changes in use. And although I think it's a good idea, I just feel that we should at this point go in the right direction and address it in August -- at our August meeting.

CHAIRPERSON NOWICK:

Is there a second to that motion? Can I just ask a question before I second this motion. This lease that you have pending, is this supposed to be signed momentarily or can this wait until due process?

ACTING COMMISSIONER BELLONE:

The tenant's ready to sign the lease and ready to move in as of July 1st. I can't speak whether he'd be --

CHAIRPERSON NOWICK:

So then if we wait, we run the risk of --

ACTING COMMISSIONER BELLONE:

Losing him as a tenant.

CHAIRPERSON NOWICK:

But that's the only -- see, I do agree with Legislator Viloría-Fisher. But I don't want to lose -- July 1st is the next week and a half.

ACTING COMMISSIONER BELLONE:

Right. And you know --

CHAIRPERSON NOWICK:

It's nex week. It's next week, isn't it?

MR. MORAN:

There were also 14 people who were very interested in it; is that correct?

ACTING COMMISSIONER BELLONE:

Right. Which I haven't -- you know there's an advantage to having a peace officer in the house. There were three who were interested. Two were moving to a different place.

CHAIRPERSON NOWICK:

You know, I understand there's an advantage to that. But I think this museum is what Long Island is about but --

ACTING COMMISSIONER BELLONE:

Can I just say one thing?

CHAIRPERSON NOWICK:

Yes.

ACTING COMMISSIONER BELLONE:

You know, as I said before, you know, you have a tenant who's ready to move in, that's fine. But there's plenty of other steps that are going to have to take place if this resolution is approved. The contract's going to have to be amended. That's going to take some time. The DPW's going to have to look at the building. And we're going to have to make renovations to the building to make it code compliant. So, you know, the leases that we enter into are month to month. They not year leases. So, you know, if you're going to consider approving this -- I mean we could move the tenant in and get all that work down. And we'd probably be a year from now anyway to get the contract amendment and to get DPW to do the assessment and the renovations to be done to the building before any -- before the Maritime Museum could put their offices in there.

LEG. ROMAINE:

There's a motion before us.

CHAIRPERSON NOWICK:

Well, actually we have motion and a second to approve.

D.P.O. VILORIA-FISHER:

And I have no second.

CHAIRPERSON NOWICK:

Okay. So all in favor? All in favor? Opposed? Okay. This is approved and will go to the full legislature. **(Vote: 6-0-0-0. PO Lindsay was included in the vote)**

MR. MORAN:

Thank you very much for your consideration.

CHAIRPERSON NOWICK:

Okay. We have two more cards for the public portion. Ginny Mungerkahn.

MS. MUNGERKAHN:

My name is Ginny Mungerkahn. I'm President of the Long Island Dog Owner's Group. We are a 501 (c) three, not-for-profit organization dedicated to increasing recreational and social activities for Long Island dog owners and their dogs.

We are here today to urge your support for IR 1467 the natural boarders dog park bill. This bill will complete the work the Legislature started with its unanimous passage of the five new dog parks bill last month. With this bill, we will amend the unnecessarily restrictive language and park rules and regulations that limit dog parks to those that are fenced in.

Specifically IR 1467 will amend Chapter 378 to allow dog runs that are fenced in bordered by natural

boundaries or otherwise segregated from other park users. This change is important if we are to achieve our shared goal of increasing access to Suffolk County parkland by dog owners.

What are we talking about when we talk about natural boundaries? We're talking about the park where I've been going for 30 years which has landmark status and where no one wants to see a chain link fence. There's a historic landscape plan we can use to create an off-leash area there with natural borders such as hedges. This would be a simple solution to a long vexing problem there.

What about the language in the resolution that says or otherwise segregated from other park users? What this means is that some parkland may be separated by times of the day or seasons. For example, some open park fields are actively used during the summer months and then abandoned during cold weather. Why spend thousands of county dollars on fencing in such locations when nobody's around but dog owners? Moreover the County benefits by attracting responsible user groups to areas that might otherwise attract undesirable activities.

These types of off leash areas have been created in dozens of other communities around the country. Most significantly right at the other end of Long Island in New York City city where the Parks Department and Health Department just formalized the City's highly successful off-leash hours policy that has been in effect for 20 years. It's also been done right across the Long Island Sound in Westport, Connecticut for the last nine years. Westport's most prominent open space, Winslow Park, has allowed dogs off leash on 17 acres of the 29 acre park. The park's manager told us the department's experience with the park has been good. Clear signage alerts park goers that they are entering an off-leash area. And dog owners are required to keep their dogs under control. I have a photo of the sign and of the parks itself, which we will submit today.

We have provided you with a package of information that includes testimonials and other supporting material from New York City and other parks departments who have had successful experiences with their off-leash areas.

In addition LI Dogs showed that these kinds of off-leash areas can work with our informal Share the Park Program at Coindre Hall, which we ran from March through July 2006 on the weekends during the spring and summer. The dogs stayed in the designated area and other park goers had access to the vast majority of the park.

Two final keys points. The impact of this bill limited. It is limited in terms of the number of parks affected. The vast majority of dog parks to Suffolk County will be and should be fenced. It is limited in terms of the designated areas within the parks. And it is limited in terms of the times and seasons that off-leash activity would be allowed.

Moreover the decision on where and when to establish these natural boarder dog parks and off-leash areas will continue to rest with sponsoring Legislators working in conjunction with the Commissioner of Parks. The fact is by requiring fenced in dog runs current Suffolk County law is too restrictive and out of step with other forward thinking communities. This Legislature took a huge step last month by unanimously passing the five new dog parks bill. IR 1467 will complete the process of modernizing Suffolk County's policy towards its 600 thousand dog owning citizens and help us to achieve our shared goal of increasing access to Suffolk County parkland by dog owners.

CHAIRPERSON NOWICK:

Thank you.

MR. KAHN:

Hi. I'm Michael Kahn. I'm just going to make a couple of additional points here and then we would be happy to take any questions from the Committee.

As Ginny just noted this completes the process with the bill that you passed last month. And really the only reason a separate bill was required is because this is requiring change to a local law.

Otherwise this would have been combined into a single -- single resolution.

The fenced areas are terrific as we already know with the great experience we've had with the park that Legislator D'Amaro was able to secure in West Hills. But generally a fenced dog park only holds about 50 dogs at a time. And with several hundred thousand dogs and dog owners in the County, the demand far exceeds the County's ability to construct sufficient fenced facilities.

In addition, many of the parks in the County don't lend themselves to the construction of fenced off-leash areas without displacing other established park group users. So it's not just a geographic constraint that we're speaking to when we talk about limitations with fenced areas.

Even in Blydenburgh Park with over 650 acres it proved to be a real challenge for the Parks Department to find an area in that park that was an adequate area not already used by other park users that could be used to construct a fenced-in dog run. If it's difficult in Blydenburgh, you can imagine how difficult that's going to be in some of your own districts and the districts of your fellow legislators.

In then finally I think what would be my most important point of all is that these unfenced dog recreation and exercise areas already exist all over the County. Because dog owners have had too few legal places to go over the years. These areas are a fact of life in our county because they're needed. And in fact if this legislation was not passed, it would not mean that these unfenced areas would simply go away. So importantly this legislation will enable the County and the Parks Department to both regulate and control this unfenced off-leash activity across the County instead of having the current unregulated unstructured situation. We believe that would be in the best interest of dog owners of the County and of other parks users. Thank you.

CHAIRPERSON NOWICK:

Thank you.

MS. MUNGERKAHN:

Can I just introduce my colleague Barbara Boscarino who's the Vice President of our organization. So if you have any questions --

CHAIRPERSON NOWICK:

Actually I think that was it for the cards. And this was the first on the agenda so -- oh, okay. Do you want to go to the agenda first?

D.P.O. VILORIA-FISHER:

I'd like to ask a question because --

CHAIRPERSON NOWICK:

Okay.

D.P.O. VILORIA-FISHER:

We talked before. We've spoken at the Park Trustees' meetings. And I saw various diagrams at CEO at various parks. And I remember in the -- in some of the diagrams that there's a staging area when you first go into a segregated dog area. There's a place where you get your dog off the leash before you put him in with the other dogs. Now what happens when you have a non-fenced area? Where do people go to go into the area and unleash their dog and get them ready to meet the other dogs? I thought that was part of what was recommended by your organization in order to have a more controlled experience with the dogs.

MS. MUNGERKAHN:

Well, the reason why you have that kind of area in a fenced -- fenced-in dog run is because you don't want the dogs to all charge to one area. And if you have an open unfenced area or one with natural borders or whatever, the dogs won't all come to that area.

MR. KAHN:

When there's an opening in a fenced-in area, the dogs all know where that opening is. They know a newcomer will be coming through there. If you don't have a staging area, there's an intense congregation just at the gate where you want to let the new dog come in. So you avoid that by having this buffer area. It's just allows for easier entry. When you have an unfenced area, you just designate what the boundaries are either with signage or otherwise. But the dogs don't have the sense of there being one door. They don't congregate. It's more like you would see dogs in any park coming and going. And they may be coming in and out of that designated area in multiple locations.

D.P.O. VILORIA-FISHER:

But wouldn't everybody be going in in basically the same place because although there's not a fence, there we be a natural boundary for that dog area?

MR. KAHN:

It depends. And in fact if you did it with a natural boundary such as hedges which we would propose for a park like Coindre Hall, you would still -- we would recommend you still create a buffer zone. You would have some overlapping row of hedges where dogs --

D.P.O. VILORIA-FISHER:

So there would still be a kind of staging area?

MR. KAHN:

Right.

D.P.O. VILORIA-FISHER:

Even though it were, let's say, made of natural barriers.

MS. MUNGERKAHN:

Right. Like a hedge.

MR. KAHN:

Right. But as an example, another area you may say there's a field that is actively used in the summer months by other park users abandoned in the winter. We have fields in our parks across the County where that would be the case. If you have dog users who have seasonal access or hourly access, they're walking in maybe from many different paths, many different directions onto that designated area. The segregation in that case is by hours. It's still a space segregation but there's no natural boarder in a case like that.

MS. SCHMIDLIN:

Can I just say something? I think Legislator Nowick may be aware of this but Smithtown -- the Town of Smithtown has Short Beach and Long Beach. And those are available to dog owners off leash between, I believe, it's -- it's either October 1st or October 15th through, I think, April 30th. So that's a seasonal situation that's unfenced. And that's been going on for years and --

CHAIRPERSON NOWICK:

Yeah, I think there are certain areas not within the town beaches the dogs are not allowed -- I don't think, on the town beaches but they're allowed there?

MS. SCHMIDLIN:

It's a sign. It just says no dogs between -- I think it's either May 1st -- I don't remember exactly what the dates were but it's something like May 1st 'til the end of September, something like that. But I don't think that -- there may be some segregators. I haven't seen anything.

CHAIRPERSON NOWICK:

Yeah, I always thought they weren't allowed at the town beaches, but you might be right but --

MS. SCHMIDLIN:

Short Beach and Long Beach they are allowed.

CHAIRPERSON NOWICK:

Probably Head of the Harbor, too; right?

MS. SCHMIDLIN:

That I don't know. But it's been going on for a longtime so it is an example.

CHAIRPERSON NOWICK:

I remember years ago bringing my dogs down there. But -- it's just -- just to make myself understand this a little bit better, the barriers are natural and the dogs -- because of the natural barriers the dogs can't get through the hedges; is that correct?

MS. MUNGERKAHN:

Yes. I mean in some cases, it could be woods or whatever. If -- when we were at the -- at Blydenburgh for the County Executive's press conference where he announced his support for the five new dog parks bill, the whole -- this field that we were on is surrounded by woods. And the dogs just tend not to go into the woods. They tend to stay on the field. And we have -- when I've talked to dog trainers about why is it that the dogs tend to stay in the field and not, you know, go charging off into the woods or whatever, they say it's their natural tendency to stay where the action is; where their owners are and where the other dogs are. And so if all the other dogs are playing on the field, that's where they will stay.

CHAIRPERSON NOWICK:

Okay. And I'm just trying to understand because I do love dogs. And especially the bigger the better, you know, as you well know. I just -- I see a safety measure with a fence obviously. I don't know. Maybe it's not an insurance contributory negligence kind of thing if we don't have a fence. That would be up to Counsel. But if they can't get out anyway, is it -- tell me again why not to have a fence? I mean is the dog having -- is the dog feeling trapped? And what is the fence doing? Is this dog psyche? What is it? If the dog can't get out any way -- I'm just -- I'm trying to make the dog happy but while at the same time protect us as a county.

MS. MUNGERKAHN:

Right.

CHAIRPERSON NOWICK:

And make sure if the dog -- if one dog that was kind of a wondering kind of dog got out and did attack, well, either another dog or a human, are we negligent because we didn't take that step? And I don't know the answer. I could be wrong, but I'm going to put that to Counsel because I'm a little concerned about that; while I do want those dogs happy.

MS. MUNGERKAHN:

Thank you.

MR. NOLAN:

First of all just so I can explain something about the law, it only has application if the Parks Department designates a dog run area that is not fenced. Okay. In that situation, if it happens, this law states that it would be legal to have your dog off leash in that area. That's all it does. But first the Park Department is going to have to designate the area that is not fenced as a dog run area. Okay?

In terms of negligence, you know, my wife sometimes asks me would that be negligence? I always give the same answer. It depends on the facts and the circumstances. Most likely if somebody brings a dog to a park and the dog is a dangerous dog and does something, the owner is going to be responsible and not the County. I don't think -- I think the County's exposure is not great in a

situation if we have an open dog run area.

CHAIRPERSON NOWICK:

That was my question. I understand if you have a closed in dog area and the County is doing everything because I see these dog areas in other states. And they're huge and the dogs are having a good time. But would it -- and, yes, it would be on the owner of the dog if the County had done everything they had to do. But if we don't put that fence, then we haven't -- and I'm not against this. I'm just trying to figure out -- then we haven't done everything we had to do.

MR. NOLAN:

Well the County may not have --

CHAIRPERSON NOWICK:

So convince me otherwise.

MR. NOLAN:

Well, the County may not have a duty to put up a fence. Okay? That's the first thing that has to be determined. Did the County have a duty to do that? And then, you know, then there has to be -- then we have to have breached the duty and been negligent. And that always depends on the facts. I believe our exposure is minimal in that situation; that the person who's going to be on the hook if a dog does something and bites somebody, it's going to be on the owner of the dog, I think. The County may be in the case, but anybody can sue the County for anything. I think our exposure is not great in that situation.

MS. MUNGERKAHN:

The way that the municipalities that we have talked to have dealt with it is by clear signage saying that you must have control of your dog. And if you don't have control of your dog and it runs out of the area, then you are responsible for your dog's behavior. And the dog owner's always responsible for their dog's actions and their behavior. So if you have proper signage that says, you know, that you're entering an off-leash area, that you must have control of your dog, and that means voice control, that your dog cannot be 75, you know, 300 feet away from you, whatever, then the County has done -- taken the necessary step.

CHAIRPERSON NOWICK:

Somewhere along the line when I took my insurance brokers course, I do remember hearing doesn't matter what kind of signage it is. And I'm wondering do we have -- that might be something we want to look into. I'm a little concerned about but -- Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Although I'm not a member of this Committee, I appreciate the opportunity to speak on this resolution. I think it's important to keep in mind that this resolution does not change the requirement that any dog run be fenced. This does not do away with the requirement of fencing in any way. It merely states that the definition of what a fence is, is open and can be interpreted and implemented within the discretion of the Commissioner. So it states that a fence could be a chain link fence. It could be heavy brush. It could be a lake. It could be whatever the Commissioner determines to rise to the level of still being sufficient segregation and protection for the general population. And if the Commissioner, whoever he or she is, makes a determination that the natural boundary doesn't rise to the level of protection that a chain link fence otherwise would, then it wouldn't be an appropriate setting to have this type of a dog run.

So the same analysis is going to go into whether it's a chain link fence or any other natural boundary. There still has to be a quote fence. It may be chain link. It maybe an ocean. It may be anything else that's naturally occurring within the park. But as far as the County's duty, I mean all of that is going to go into the analysis done by the Parks Commissioner to determine whether or not this is an appropriate setting.

MR. KAHN:

If I could address a couple of the concerns you've raised. One, it's New York State laws. It is virtually in every state in the nation that a dog owner is fully responsible for the actions of their dog. Ginny and Barbara have researched literally hundreds of these unfenced off-leash dog areas across the country. They have exhibits. I know they're prepared to submit written by jurisdictions or parks departments elsewhere across the County -- across the country, including counties that are much like our own.

And in these cases they're saying they've never had suit brought against them; not only successfully brought against them, they've never had a suit even pressed against them for the action of a dog in one of these unfenced dog parks. And some of the jurisdictions, I think, Portland, Oregon, for example, has 27 unfenced dog parks and five or six fenced dog parks. Because they found that it was impractical in their parks because of the size of the parks to put up fencing. It was going to preclude the activities. They see them as shared use parks. They put signage up. So the state law, and I know Counsel would be able to confirm this, the state law is very clear: Dog owners are liable for the actions of their dogs.

If you are fencing or you're using natural boundaries or you're simply just saying in winter months this open field that's otherwise not used, we are in effect fencing or segregating the dog owners because they are at this time of year segregated from other park users. If other park users are a summer camp or a soccer clinic that happens in June, July and August; and you say November through March this otherwise unused field maybe hours nine AM to nine PM may be used by dog owners in an off-leash manner and you post the regulations. There are numerous examples of this across the country. The park departments and the municipalities that have done this overwhelmingly talk about the success of these programs.

I can't say there's never been an incident anywhere in a dog park. But in fact these things work out incredibly well. They're very popular. And so when we talk about fencing, we want fencing. This organization advocates fencing wherever that's the practical appropriate solution. All we're saying is we're simply as a county can't address the need for dog parks adequately if we can only restrict ourselves to those situations where fencing is in effect possible.

CHAIRPERSON NOWICK:

Legislator D'Amaro, did you have a question?

LEG. D'AMARO:

Yes, I did. Excuse me for one second. Okay. I think Legislator Stern who spoke just before me made exactly the point that I want to make. And I think we have to be careful when we talk about unfenced as opposed to naturally fenced. The way I read this proposed legislation, it does not permit an unfenced dog run area. The way I see it is that if someone is proposing to have an off-leash area, that the Parks Commissioner and department would have to determine that it is in effect a naturally fenced dog run area.

So it's not necessarily -- you need a finding, if you will, first by Parks that this would provide the same level of safety and other considerations that a fenced in dog run would provide. And my expectation of the implementation of this bill is that unless the Parks Department in the first instance first finds that there is that level of protection, that this is not going to be an off-leash area. So -- and I think that's the point that Legislator Stern was making. We're not -- you know, it's easy to get this vision in your mind of just taking areas of county parks and saying, okay, we're going to designate these three acres as an area where dogs can run off a leash. But there's something that happens before that. And what happens before that in the discretion of the Parks Department, they have to determine that all the safe guards are in place whether it's by fencing or by some kind of natural buffer. All right? It's not no buffer, though.

MR. KAHN:

The one thing that I would say -- we agree with that completely. The one thing I would say is the

language of this resolution does say where otherwise segregated from other parks users. It would still require finding from the Parks Commissioner that it's appropriately segregated. And again the notion of seasons is what many jurisdictions have done. They said to have dogs in the park by, say, Coindre Hall November through March when nobody else goes to that park is, in fact, an appropriate segregation. And so you've contained these off-leash dogs from other park users because there are no other park users who then will encounter the dogs at that time of year.

LEG. D'AMARO:

Well, you know, in my mind though -- and I read that language. And in my mind if you're going to segregate an area from another, there has to be something to accomplish that. And I'm not so sure that this would apply in the discretion of the Parks Department to open spaces.

MS. MUNGERKAHN:

Well, what about a designated space, Legislator D'Amaro? I mean a designated field that is surrounded by woods or --

LEG. D'AMARO:

Look, let me give you an example. Okay? Let me -- just think about this for a moment. Okay. I completely get your point that perhaps an off season there maybe an area in a park that is desolate and rarely if ever used. The problem is that if there's no fencing and no buffer, and someone does happen to go by there and is not protected, I wouldn't want it to be my kid that gets bit by a dog.

MS. MUNGERKAHN:

Well you have a rule that says -- that the dog owner has --

LEG. D'AMARO:

Let me just finish.

MS. MUNGERKAHN:

Okay.

LEG. D'AMARO:

So my point is that you need that finding in the first instance that that scenario will not occur. And, therefore, you need a designation as a dog run area. And I would highly doubt that an open area without any kind of buffer whatsoever where you can have 15 dogs running off leash and then one person decides to walk by without a dog or something happens, I think that's a safety issue.

MS. SCHMIDLIN:

What could work perhaps in a situation like that is any trails or pathways into this area, again, you would have to have proper signage. I mean you wouldn't -- fine, if you're saying a child, you know, who's so young that really should be with an adult anyway could wonder in. Any -- you know, there's possibilities and probabilities. I think there are other activities that county parks, you know, fly fishing -- I mean somebody could walk by and somebody gets hooked with a casting. There are -- there are other activities. Horseback riders go through Blydenburgh. I mean I used to ride. And I fell off a few times. I mean horses can take off. They can become a problem. So we're looking for a similar --

LEG. D'AMARO:

Right. But the parade of horrors, we can do that with any issue any where any time. There are always inherent risks. Our objective here is to balance how do we minimize the risk and yet give you the -- protect the use off-leash.

MS. SCHMIDLIN:

We also I did --

LEG. D'AMARO:

Okay. But what I'm saying is my reading of this bill says that the Parks Department would have to find some type of protective barrier whether artificially made, man made or natural before designating an area as a dog run.

MS. SCHMIDLIN:

Well I think we're looking for something like that. You know, we're looking -- I think one of the reasons that we felt this was an important addition to the -- to the code was because we're looking for whatever fields there are, or even woods, that are segregated out perhaps with natural boundaries, you know, with woods, with brush. Even the Blydenburgh field, I mean Ginny was saying when we had the press conference there, the dogs stayed in the field.

I mean I have to say when I first heard about Coindre Hall which has been kind of a de facto quasi dog park for years, it took me six months before I could go there because it sounded like a horrendous situation just as I'm sure you're feeling. I mean how could this possibly work? And I was amazed when I went there and all the dogs stayed together. I mean I was ready -- I had the leash and collar. And I wasn't letting my dog go because I figured I'd never see her again.

And somebody came up and told me, no, you can't use leashes because they get all tangled up. It doesn't work. The dogs become totally different on leash than off leash. And I let her go. She ran into the field of all these dogs she'd never met before and she had a great time. But I know unless you've seen it, unless you've been to an area like this, it's amazing.

I just want to say one other thing that I went to two vacations. One was down in Hilton Head to visit my mother. They let dogs on the beach seasonally all winter. And this is a tourist area. These are not dogs that are, you know, necessarily living there and familiar with that. And they let dogs on the beach all year long, but they do adjust the time seasonally. I went up to Kennebunkport a couple of weeks ago with my dogs. They also have unleashed privileges, on the beach privileges for the dogs early in the morning and late in the afternoon. So we're not reinventing the wheel.

MR. KAHN:

If I could just give you two examples. One that's in our county and one in a nearby county. In Fairfield, Connecticut, the prize park of the county, Winslow Park, has designated more than half of the park approximately 20 acres as an off-leash area. Because it's a beautiful historic park, they chose to just leave the post and rail fence. So a dog could easily go under a post. A dog could leap over it. There are openings in the fence for people to walk in and out. The signage they've posted there is "notice, you are about to enter an off-leash dog area" to make people aware of that so that if someone who would be uncomfortable around an off leash dog will avoid that. This has been going on for years now without incident.

Coindre Hall, we did a share-the-park campaign. Now Coindre Hall we would prefer to see the historic landscaping restored; that would, in fact, put a hedge border in this one field to isolate it from the rest of the park users. But all last spring and summer on the weekends when there are other people using the park, we did a share-the-park campaign. We had three or four orange cones. That was it. There was no fencing. We put up card board signs. We were doing this unofficially because we wanted to be good neighbors and to share the park with other park users who might have been uncomfortable with off-leash dogs.

All the dogs and all the owners segregated themselves in that area. Every now and then you would see a dog shoot out after a stray tennis ball a few feet and then come back to where their owners were, to where the other dogs were. We had a soccer clinic take place while we were there on the adjoining field. We had brides several times come, have wedding photos taken on the adjoining field.

CHAIRPERSON NOWICK:

I'm going to have to interrupt. We are 25 minutes past when the other meeting was supposed to start. Legislator Stern just wants the final twenty second word.

LEG. STERN:

Yes. Thank you, Madam Chair. And I just wanted to go back to the concern raised by Legislator D'Amaro and suggest that he is absolutely right on in his reading of the legislation and the underlying purpose behind the legislation. And he's absolutely right that regardless of the conversation on a particular park or a particular area of the park, ultimately this does come down to the discretion, really the sole discretion of the Parks Commissioner to do the analysis, to take in to account all of these various factors and make that ultimate determination as to whether or not this will be that type of designated area.

CHAIRPERSON NOWICK:

Okay. I am going to go to the agenda now. Thank you very much.

TABLED RESOLUTIONS

Tabled resolution 1015-07, dedicating certain properties to the Suffolk County Nature Preserve. (Kennedy) I did speak to the sponsor of this. And he is okay with a tabling motion. So I'll make a motion to table, seconded by Legislator Viloría-Fisher. All in favor? Opposed? **That motion is tabled. (Vote: 5-0)**

Okay. **1467-07, adopting a local law to amend park rules and regulations relating to dog run areas in county parks. (Stern)**

LEG. BROWNING:

Motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON NOWICK:

Motion to approve by Legislator Browning, seconded by Legislator D'Amaro. All in favor? Opposed? **1467 is carried. (Vote: 5-0)**

1494, approving the purchase of vehicles and appropriating funds in connection with the purchase of heavy duty equipment for county parks. (County Executive) Budget and Review, just please quickly, is that already in the -- is that capital?

MR. REINHEIMER:

Yes, this is the Capital Program.

CHAIRPERSON NOWICK:

All right. I'll make a motion, seconded by Legislator D'Amaro. All in favor? Opposed? **1494 is approved. (Vote: 5-0)**

INTRODUCTORY RESOLUTIONS

1544-07, authorizing the use of Long Island Maritime Museum property by Friends of Bradstock for a Music and Arts Festival Fundraiser. (Lindsay)

D.P.O. VILORIA-FISHER:

Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Viloría-Fisher, second by Legislator Romaine. All in favor? Opposed? **1544 is**

approved. (Vote: 5-0)

1565, appropriating funds in connection with restoration of West Neck Farm, Huntington. (County Executive) Motion by Legislator D'Amaro, second by Legislator Viloría-Fisher. All in favor? Opposed? **1565 is approved. (Vote: 5-0)**

1576, amending resolution number 50-2007 regarding park fees for veterans. (Cooper)
That's being amended, Counsel? What is that?

ACTING COMMISSIONER BELLONE:

I can speak on it if you want.

MR. NOLAN:

This is another --

ACTING COMMISSIONER BELLONE:

Go ahead, you got it. It's -- right now we have a discount for families of deployed active military. This is just to include those members in the armed forces.

CHAIRPERSON NOWICK:

So this is ready to go.

ACTING COMMISSIONER BELLONE:

Yep.

MR. NOLAN:

No, that's the later one. This is one that just -- in terms of veterans, the proof they can submit to get the discount is the new veterans ID card that's being issued by Veteran Service Agency. Adds that as an acceptable method of proof.

ACTING COMMISSIONER BELLONE:

I'm sorry. Yeah, we asked for this.

CHAIRPERSON NOWICK:

This is ready to go?

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

Motion.

CHAIRPERSON NOWICK:

Okay. Motion by Legislator Viloría-Fisher, second by myself. All in favor? Opposed? **1576 is approved. (Vote: 5-0)**

LEG. ROMAINE:

Mr. Clerk, please list me as a cosponsor on that bill.

CHAIRPERSON NOWICK:

1596-07, appointing Effie Gicas as a member of the Suffolk County Vanderbilt Museum. (Horsley) Is she here?

LEG. D'AMARO:

Motion to table.

CHAIRPERSON NOWICK:

I'll make a motion to table, second by Legislator Vilorio-Fisher. All in favor? Opposed? **1596 is tabled. (Vote: 5-0)**

1597-07, establishing a program for responsible outdoor recreation in Suffolk County. (Losquadro) Counsel, what does that mean?

MR. NOLAN:

It's a heck of a question. The idea is to, my understanding from Legislator Losquadro is there are entities out there that can educate the public as to responsible use of park facilities and outdoor facilities. And this directs and authorizes the Parks Department to reach out to a group or groups to further this purpose subject to the normal competitive bidding requirements. The law was amended yesterday. So that educational services can be required to park goers to use the parks responsibly.

CHAIRPERSON NOWICK:

That was clear.

MR. NOLAN:

I know. That's the best I can do, though.

D.P.O. VILORIA-FISHER:

How much money is being set aside for that? Is there money?

MR. NOLAN:

There's no money set aside in this. But it's my understanding that the cost of this, if any, would be di minimus to the County. At least that's my information from the sponsor.

CHAIRPERSON NOWICK:

Well, you know, I make a motion to approve.

MR. ZWIRN:

If I could --

LEG. ROMAINE:

Second.

CHAIRPERSON NOWICK:

I'm sorry. Yes, Ben.

MR. ZWIRN:

We had -- we looked at this bill. And I know that the Counsel has said that this is a competitive process, but that's not -- when we read the bill, we weren't sure that was the case; that this is competitive or it's going to be designed to go to this particular group. And I think the Commissioner -- the Acting Commissioner will tell you that I don't think Park knows anything what this group does in the first place.

ACTING COMMISSIONER BELLONE:

It's in the Fourth Whereas. It says the Leave No Trace Center for Outdoor.

MR. NOLAN:

It references a particular group that does this, but does not mandate that the Parks Department partner with that particular group. The Department of Law raised the problem or the issue of what about competitive bidding issues, RFP requirements. So the amendment -- the resolution was amended yesterday directing Parks to act subject to any applicable laws.

If, for example, the cost to the County of this is a couple hundred dollars to partner with a group, there may not be any requirement to do an RFP or competitive bidding or anything like that. So that's why that language was added. Like I mentioned a couple moments ago, it is very minimal

cost, we believe, involved in doing this.

CHAIRPERSON NOWICK:

I think the resolution, the First Whereas -- you said the Fourth demands. Because the Second Whereas says -- where was that? Organizations such as the Leave No Trace Center for Outdoor Ethics have the goal. Has partnered already with the Leave No Trace Center. So it doesn't say it's -- yeah, it's not a command performance. You know, we can, if the Committee wants, throw it out on the floor and then maybe wait. We can then wait for Legislator Losquadro to maybe explain it better. If we do table it, it is really a moot subject for the summer because we don't meet again until August. Legislator D'Amaro, I don't want to forget you so you're on.

LEG. D'AMARO:

Okay, just very quickly. The First Resolve Clause says that the Commissioner of Parks is going to establish a program to promote responsible outdoor recreation. And I just want to ask either Mr. Zwirn or Acting Commissioner Bellone if they've given any thought to that, how would you go about doing that? Would it be solely through going with an organization that delivers these types of services? If you look at the next resolve clause, it talks about responsible decisions while hiking, picnicking, camping, biking or while otherwise engaged in any outdoor activities at the Suffolk County Parks. So we're not only providing the parks, but we're also going to provide some of our thoughts on how you should use our parks.

So are you aware of any programs like this? Has this been done before? What is the cost of doing this? Are there organizations out there readily available that we can partner with to deliver this, you know?

ACTING COMMISSIONER BELLONE:

I'm not familiar -- you know, Legislator Losquadro didn't talk to the department about this piece of legislation; nor am I familiar with, you know, the purpose of it. We do partner with several not-for-profit groups. I mean we do partner with the Green Belt Trail for Hiking. And they have centers where they educate and they offer flyers. You know, if it's just to, you know, partner with any groups to have responsible educational service in parks, you know, that's already being done with groups that are readily available to us. So I'm not -- you know, I'm a little confused about the legislation.

LEG. D'AMARO:

I'm sorry. I was reading the financial impact statement. Did you say that your department is already doing this?

ACTING COMMISSIONER BELLONE:

We partner with not-for-profit groups on Long Island. We partner with, you know, CLIM, about mountain biking education. We partner with the Green Belt Trail about hiking. You know, we partner with the groups that come to us and are interested in doing so. I, you know, I don't know what the other, you know, what the purpose was of the legislation.

LEG. D'AMARO:

I would assume the purpose is that you, as an informed user of the park, is at less risk and, therefore, it's good for liability purposes. The fiscal or financial impact statement that I'm looking at here from our Budget Review Office says that if we were to partner with an organization like Leave No Trace Center for Outdoor Ethics, it would cost the County an estimated \$300 annually.

ACTING COMMISSIONER BELLONE:

The groups that we partner with are at no cost to the County.

LEG. D'AMARO:

Okay. So it's a de minimus cost.

MR. REINHEIMER:

The purpose of that was just to illustrate that there's a potential that possibly some of these groups are -- charge a fee to partnership with them. Many groups don't, but there's a possibility that some do.
So it's illustrative.

LEG. D'AMARO:

I just want to ask a question then. So let's -- it's not a bad idea. You know, education is always a good thing. You tell people, you know, safety measures, things like that. If we find a not-for-profit that does that type of delivery of service, do we provide -- do we rely on the provider, the not-for-profit to do the whole program? Or do we put resources into that? Or it depends?

ACTING COMMISSIONER BELLONE:

It depends.

LEG. D'AMARO:

Okay.

ACTING COMMISSIONER BELLONE:

I mean in some cases we work with the not-for-profit and we do some of the education with them. On some cases they present flyers that we approved and they present in our parks.

LEG. D'AMARO:

All right. Thank you.

LEG. ROMAINE:

Call the question.

CHAIRPERSON NOWICK:

Okay. I have a motion. Do I have a second?

D.P.O. VILORIA-FISHER:

What's the motion?

CHAIRPERSON NOWICK:

Motion to approve. Do I have a second? Hearing no --

LEG. ROMAINE:

I second.

CHAIRPERSON NOWICK:

Okay. There's a second by Legislator Romaine. All in favor? Opposed? **1597 is approved. (Vote: 5-0)**

1619-07, amending the 2007 Capital Program and Budget and appropriating funds for the reconstruction of the Bulkhead at Timber Point Marina Police Marine Bureau. (Alden) I'll make a motion, second by Legislator Browning. All in favor? Opposed? 1619 is approved. (Vote: 5-0)

LEG. D'AMARO:

Just on that.

CHAIRPERSON NOWICK:

Yes. Legislator D'Amaro.

LEG. D'AMARO:

Just before you announce that, just to BRO quickly, what's the estimated cost of this project?

MR. REINHEIMER:

\$200,000 is in addition to 630,000 that's been previously appropriated. \$200,000 was a request by the Police Department in the Capital Program that was not included in the Capital Program. So I assume it was either through the Police Department or DPW.

LEG. D'AMARO:

Okay. Very good. I apologize for the delay. Go ahead.

CHAIRPERSON NOWICK:

1619 has been approved.

1624-07, to exempt deployed or mobilized (for other than required two week duty) active duty military personnel from pays county park fees. (Horsley) Do I have a motion?

LEG. ROMAINE:

Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Romaine, second by Legislator Viloría-Fisher. All in favor? Opposed? **(Vote: 5-0)** Could you put me down as a co-sponsor please.

LEG. ROMAINE:

Add me also as a cosponsor to that legislation.

CHAIRPERSON NOWICK:

I have a motion to adjourn by Legislator Viloría-Fisher, second by Legislator D'Amario. All in favor? Opposed? We're adjourned.

(THE MEETING CONCLUDED AT 2:38 PM)

{ } DENOTES SPELLED PHONETICALLY