

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 September 7, 2007.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Alicia Howard, Legislative Aide
Jill Moss, Budget Review Office
Tracey Bellone, Acting Commissioner of Parks
Brian Bielanski, County Executive's Office
Ben Zwirn, Assistant Deputy County Executive
Paul Perillie, Aide to Majority Leader
Greg Moran, Aide to Leg. Nowick
Debra Alloncius, Legislative Rep for AME
Dennis Brown, County Attorney's Office
Kara Hahn, Director of Communications
Fran Siems, Legislative Aide
Justin Littell, Aide to Leg. D'Amaro
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:06 PM)

CHAIRPERSON NOWICK:

Please stand for the Pledge led by Legislator D'Amaro.

SALUTATION

Good afternoon. Welcome to the Parks and Recreation Committee. Let me say for the record that Legislator Kate Browning has had a death in the family. Her brother of 41 years old past away. She, of course, has an excused absence.

I do not see any cards.

Commissioner, I see you sitting up there. We have your letter here that you sent to The Grind in Ronkonkoma in reference to the advertisements. Thank you. And I also have in front of me the list of parks police that was requested at the last meeting with the vacancies which are a total of 13. Do you -- Tracey, if you want to say something, you're on. Otherwise we'll --

ACTING COMMISSIONER BELLONE:

All 13 were going to go into the September class, but that's been postponed. So they'll go in during the January class.

CHAIRPERSON NOWICK:

Okay. Does everybody have a copy of this for our information. It seems quite complete. Thank you, Tracey. Yes, Legislator Romaine.

LEG. ROMAINE:

This is the list of park police officers? This class was cancelled?

CHAIRPERSON NOWICK:

Yes.

ACTING COMMISSIONER BELLONE:

Yes. You had asked for a list of all current police officers and vacancies.

LEG. ROMAINE:

Right. And we have how many vacancies in the park police now?

ACTING COMMISSIONER BELLONE:

Thirteen.

LEG. ROMAINE:

Thirteen vacancies in the park police. Was there -- and these are vacancies that are fully funded in the budget?

ACTING COMMISSIONER BELLONE:

That's correct.

LEG. ROMAINE:

And that our taxpayers pay taxes for?

ACTING COMMISSIONER BELLONE:

Yes.

LEG. ROMAINE:

Okay.

CHAIRPERSON NOWICK:

They have to go to class, too, before even going on the payroll so we got a wait.

LEG. ROMAINE:

Right. I understand that. And this was in our budget?

ACTING COMMISSIONER BELLONE:

Yes.

LEG. ROMAINE:

Okay. And a class was scheduled for these parks police officers?

ACTING COMMISSIONER BELLONE:

In the September, yes. But I believe the one percent -- the problem with the budget cut with Albany, the class has been postponed 'til January.

LEG. ROMAINE:

I don't want to be combative. And this is not directed at you, Commissioner, and nor do I expect the sponsor -- I see that Ben is here. But I do want to put on the record again the Legislature put these in the budget. The Executive approved this budget or was approved over his veto. This is a legitimate budget. Again, whether a class is held or not cannot be at the unilateral discretion of the Executive. If a class is to be canceled, that class should be done in consultation with the Legislature because it acts as a de facto amendment to the budget without the approval of the Legislature. I just want to put that on the record. I'm not looking for a debate on this, but I just wanted to state that clearly because I do know that we do have verbatim transcripts. And I do want to put that on the record.

CHAIRPERSON NOWICK:

Thank you, Legislator.

MR. ZWIRN:

Madam Chair Woman, if I might because it goes on the record and any comment that's made that's unanswered is only one side of the story. And I would just like to point out on behalf of the County Executive he is the Chief Financial Officer, the Chief Budget Officer of the County. No matter what you put in the budget whether it's the County Executive or Budget Review Office puts in monies for revenues and expenses, the budget is a living document. And things change over the course of a year. Sales tax revenue comes in, doesn't come in. There's surpluses, there are minuses. And that happens through the entire year. And that's why you have a Chief Financial Officer, a County Executive who is elected county-wide by representatives and voters in everybody's district on a county-wide basis. And it's his responsibility to put forth the budget. And then after the Legislature approves it, he has to manage it. He has not canceled the class. But because there is uncertainty on revenues that will be coming in even at the end of this year, because the sales tax will end before the end of the year, he's being very prudent and cautious on how he spends the taxpayers' money to make sure that we don't end the year with a deficit.

And I think that's his job. And I think everybody would agree that -- Legislator Romaine ran for that position. He understands what the role is of the County Executive and understands that's one of his main responsibilities. I think that's the prudent way to go. And the County Executive has not cancelled the class, but he has postponed it in anticipation that hopefully this revenue will come in. The Legislature has not gone back into session. We are in September. The budget has to be -- is

being worked on right now. And hopefully that revenue will be there for us to spend and to hire an additional class. If that revenue does not come in, if the sales tax is not extended, then draconian measures -- we won't be talking about a class. We'll be talking about, you know, cut backs of county-wide personnel. So I just want to put it in perspective.

CHAIRPERSON NOWICK:

Legislator Romaine.

LEG. ROMAINE:

Just a quick response. I don't disagree with the County Executive. In fact if the County Executive came here and asked the Legislature as a whole to concur with his agreement to cancel this class and explained his reasoning, I very well may be supporting that and probably would be supporting that.

What I disagree with is the fact that the Executive never approached the Legislature. Because my understanding of a budget or changes in the budget is that it usually requires two branches to tango. It usually requires the Legislature and the Executive to agree.

My only disagreement with the Executive was not his prudent approach which for he is to be applauded for or his approach to any of these things; it's that he did not involve the Legislature. And he cannot in my view in reading the Charter, maybe I've mis-read it, unilaterally make those decisions without seeking the approval or at least the consent of the Legislature. Particularly when you're changing -- and it's not only the park police, it's also Suffolk County Police class that was cancelled. It was also, I believe, a corrections officers class or possibly a deputy sheriff's class. Those are major changes to a budget that -- I think the Executive, by the way, on this particular issue for his particular reason, would enjoy almost unanimous support. My objection for the record was that he did not seek to consult with or advise the Legislature.

MR. ZWIRN:

Just a very quick response because it's a very civil discussion. But let's take this to its fullest extent. The County Executive goes back to the Legislature and says I don't have the money to hire the class and the Legislature votes unanimously to hire the class anyway. What does the County Executive do? I don't have the money to do it unless we're going to raise taxes. And is that what the Legislature is saying? So if you take this out to its normal, you know, rational conclusion, you'd have yourself a constitutional dilemma. So I work for the County Executive and the people of Suffolk County. I think on this position he's absolutely right. Is that a surprise?

CHAIRPERSON NOWICK:

Okay. Thank you both. Okay. Having said all that, we're now going to go into tabled resolutions unless the Commissioner has anything else that she'd like to address.

ACTING COMMISSIONER BELLONE:

No thank you.

CHAIRPERSON NOWICK:

Okay. Tabled resolution --

LEG. ROMAINE:

I do have one --

CHAIRPERSON NOWICK:

I didn't ask you. Sure, go ahead.

LEG. ROMAINE:

One of my concerns, having been Clerk of this County for sixteen years and having taught history and having a concern for local history, is some of the conditions of our historic structures, but I don't

want to get into that because that's a long, long debate. But I will ask you, maybe I should address this to Mr. Zwirn, who currently is the historian for Suffolk County, a position created by Charter?

MR. ZWIRN:

Offhand, I don't know.

LEG. ROMAINE:

Is this position vacant?

MR. ZWIRN:

I don't know who it is so I don't know if it's vacant or not. I know it's not me. Other than that, I can't tell you.

LEG. ROMAINE:

Okay. Could by the meeting of the 20th, giving you plenty of time to do the research, could you tell me who held the historian position, when it was vacated, how long it has been vacant, and if there's any intention to appoint a historian as required by Charter?

MR. ZWIRN:

I think there was some talk that they were going to combine the Poet Laureate spot and the County Historian. That's a rumor. I'm not sure.

LEG. ROMAINE:

Very good.

CHAIRPERSON NOWICK:

Okay. Now, I'm not going to ask the question any more if you have anything else to say.

TABLED RESOLUTIONS

Okay. **Tabled resolutions, 1596, this is appointing Effie Gicas as a member of the Suffolk County Vanderbilt Museum. (Horsley)** She was not able to attend. I understand she's a teacher. This has been on, I think, a few times. What the sponsor has asked -- Legislator Horsley has asked if we would discharge without recommendation. And then she assures us that she can come to the general meeting after four o'clock. I think -- I don't know if she knows the meeting, I think, is in Riverhead. She does. So do I have a motion?

LEG. D'AMARO:

So moved; motion to discharge without recommendation.

CHAIRPERSON NOWICK:

Motion by are Legislator -- right -- D'Amaro? Second by myself. All in favor? Opposed? **1596 (tabled) (Vote: 4-0-0-1. Leg. Browning not present)**

LEG. ROMAINE:

Can I ask a question?

CHAIRPERSON NOWICK:

Surely.

LEG. D'AMARO:

Too late.

LEG. ROMAINE:

This position is currently filled by whom on the Vanderbilt board?

CHAIRPERSON NOWICK:

I think it's a vacant position. I think we asked this the last time.

MR. NOLAN:

The term has expired.

LEG. ROMAINE:

Who was the position formerly held by?

MR. NOLAN:

Howard Kleinberg. His term expired. I don't know if he's serving as a hold over. I don't know.

LEG. ROMAINE:

I don't know that either. All right. Thank you.

CHAIRPERSON NOWICK:

You're welcome.

LEG. ROMAINE:

Did we take a vote on it?

CHAIRPERSON NOWICK:

Yes. Didn't we take a vote? Yes. Do you have anything else, Ed?

1817, requiring the screening of all applicants for seasonal employment in the Parks Department. (Losquadro)

MR. ZWIRN:

If I might on this one, if I might speak, this is a good idea. This is a good bill. Reading newspapers, New York State has found lifeguards now that are -- who have been on the Sex Offender's List. But we do some questions with respect to discretionary language in here; because if it's -- if there's a question of whether this could be a danger to the safety of the public, there shouldn't be any discretion with respect with the Commissioner -- with all due respect to the Commissioner. And there's a very small -- even if there's somebody who's a registered sex offender, that does not necessarily apparently mean that the County cannot hire them. It depends on the position that they're being hired for. Certainly if they'd be in a position where they're going to be around young people or vulnerable population, then the County has the right to do that legally. We would just like to see this language tightened up and maybe the class even broadened beyond seasonal county employees.

CHAIRPERSON NOWICK:

Did you speak to the sponsor?

MR. ZWIRN:

We haven't had a chance. We've been working on it. In fact the County Attorney's Office was weighing in on this legislation today on the language. We would like to maybe have an opportunity to talk to the sponsor.

CHAIRPERSON NOWICK:

There surely is not a rush for this because the season is over.

MR. ZWIRN:

For this particular bill. But this bill, it may be something that the Legislature would like to consider

broadening to tell you the truth because this just applies to a small class of individuals. But there might be a larger class. Where we have investigated is how difficult it would be to get the kind of background check that is asked for by the legislation. And we have found that it is not that -- it won't take us that long to do that. Right, Tracey?

ACTING COMMISSIONER BELLONE:

Right.

MR. ZWIRN:

It'll take us just a couple of days as opposed to what we thought would take a really long time. So it can be done in a relatively short period of time, but we'd like the opportunity just to talk to Dan Losquadro, the sponsor, to try to -- to try to just tighten up some of the language to make it even a better bill. But the concept is a good concept and something that the County Executive supports.

CHAIRPERSON NOWICK:

I'll make a motion to table.

LEG. VILORIA-FISHER:

Second.

CHAIRPERSON NOWICK:

Second by Legislator Viloría-Fisher. All in favor? Opposed? **1817, the motion to table is carried. (Vote: 4-0-0-1. Leg. Browning not present)** And, Ben, you'll reach out to Dan; right?

MR. ZWIRN:

Absolutely.

CHAIRPERSON NOWICK:

Okay. Thank you. Counsel?

MR. NOLAN:

Just going back to the previous resolution, the appointment to the Vanderbilt, according to the code that governs these appointments, the appointee does have to first appear before the Legislative committee before they may be appointed. Now in some cases I know we've been at a regular general meeting, we've convened the committee to interview the person who's going to be appointed. I just don't know if we're going to be able to do that after four o'clock at the next general meeting. So the person has to be interviewed by the committee.

CHAIRPERSON NOWICK:

Well, then I will -- okay. I will withdraw my motion to discharge without recommendation with a second from Legislator Fisher. If you have to do it that way.

LEG. D'AMARO:

Well, wait a minute. I think if I understand Counsel correctly, the motion can stand and discharge; however, we would have to as a pre-requisite on that day convene as a committee.

MR. NOLAN:

Right. If the committee doesn't have the opportunity to convene separately and interview and approve, then we'd have to table it on the floor. It can't be approved by the full Legislature until this committee interviews and approves her.

CHAIRPERSON NOWICK:

So what you're saying is when we go to the meeting, we have to wait for a time where the committee has to leave the room and go into another area, convene a Parks Department Committee meeting so we can interview this woman?

MR. NOLAN:

We typically do that during the lunch break when we've done it.

CHAIRPERSON NOWICK:

She's not going to be there at the lunch break.

MR. NOLAN:

That's why I'm saying it may be a problem that day.

CHAIRPERSON NOWICK:

That seems to be a problem right there. If she gets there at four, 4:30, how does the Parks Committee leave the meeting to convene?

MR. NOLAN:

It may be a problem.

LEG. D'AMARO:

We'd have to take a recess.

CHAIRPERSON NOWICK:

Yeah, right.

D.P.O. VILORIA-FISHER:

Take a recess.

CHAIRPERSON NOWICK:

You know, that seems like a difficult thing to do given these meetings.

D.P.O. VILORIA-FISHER:

The next meeting is a night meeting, isn't it? Not this one; the one after is a night meeting.

CHAIRPERSON NOWICK:

Why don't we table this? And then -- is it the next one that's a night meeting?

D.P.O. VILORIA-FISHER:

The next one after this is a night meeting, isn't it?

CHAIRPERSON NOWICK:

Yeah, but still, you know what? That doesn't matter. That's even worse. Hold on a second.

All right. So I'll make a motion to reconsider the discharge motion, second by Legislator Viloría-Fisher. All in favor? Opposed? That motion is now --

MR. NOLAN:

Now back before us.

CHAIRPERSON NOWICK:

Now back before us is 1596. I'll make a motion to table, second by Legislator Viloría-Fisher. All in favor? Opposed? **1596 is tabled. (Vote: 4-0-0-1. Leg. Browning not present)**

INTRODUCTORY RESOLUTIONS

Introductory resolution 1838, authorizing the use of Indian Island County Park by Birthright of Peconic, Inc for its Walkathon Fundraiser. (County Executive Levy) I'll take a motion from Legislator Viloría-Fisher, second by Legislator D'Amaro. All in favor? Opposed? **1838 is approved. (Vote: 4-0-0-1. Leg. Browning not present)**

1839, applying for a grant from New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor. (County Executive Levy)

D.P.O. VILORIA-FISHER:

Oh, go for the money.

CHAIRPERSON NOWICK:

Okay. We're going for the money. Legislator Viloría-Fisher makes the motion, I'll second it. All in favor? Opposed? **1839 is approved. (Vote: 4-0-0-1. Leg. Browning not present)** I'll take a motion to adjourn this meeting.

D.P.O. VILORIA-FISHER:

So moved.

LEG. ROMAINE:

Motion.

CHAIRPERSON NOWICK:

Motion to adjourn by Legislator Romaine, second by myself. All in favor? Opposed? Have a nice weekend.

**(THE MEETING CONCLUDED AT 1:23 PM)
{ } DENOTES SPELLED PHONETICALLY**