PARKS & 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 10, 2008.

MEMBERS PRESENT:
Leg. Vivian Viloria-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chair
Leg. Cameron Alden
Leg. Lynne C. Nowick
Leg. Steven H. Stern

ALSO IN ATTENDANCE:
George Nolan, Counsel to the Legislature
Barbara LoMoriello, Deputy Clerk
Robert Lipp, Deputy Director of Budget Review Office
Jill Moss, Budget Review Office
John W. Pavacic, Commissioner of Parks
John Fritz, Parks Trustee
Dennis Brown, County Attorney's Office
Bill Shilling, Aide to Presiding Officer Lindsay
Paul Perillie, Aide to Majority Leader
Greg Moran, Aide to Legislator Nowick
Tom Ryan, Aide to Legislator Viloria-Fisher
Debbie Harris, Aide to Legislator Stern
Debra Alloncius, AME Legislative Director
Johan McConnell, SYCA
John McConnell, SYCA
John Fritz, Parks Trustee
Patrick Boyles, Park Police Unit
And all other interested parties

MINUTES TAKEN BY:
Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:
Kim Castiglione, Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 1:11 PM)

CHAIRPERSON VILORIA-FISHER:
Good afternoon. Welcome to today's meeting of the Parks & Cultural Arts Committee. Please join us in the Pledge led by Legislator D'Amaro.

SALUTATION

Thank you. Good morning. We have two cards, the first one being Johan McConnell.

MS. MC CONNELL:
Good afternoon. Johan McConnell, South Yaphank Civic Association. And actually, I looked in minutes. It's been a whole year since I've come to speak before the committee. I am going to be speaking, I do have two concerns about the Suffolk County Trap and Skeet Range. One of them is why is there no difference in the fees between residents and non-residents? I understand in looking through my minutes and notes that Local Law 378, which was adopted in May of 1979, states specifically that parks and parks property of Suffolk County are for the exclusive use of residents of Suffolk, except as otherwise may be duly prescribed from time to time by the Suffolk County Legislature.

And also in reading through the Parks Trustees minutes, at a recent meeting Commissioner Pavacic suggested that fees be used for the Suffolk County Dog Parks, and that there be a distinction made between residents and non-residents. So if you're going to charge fees for a dog park and you're going to make a distinction between residents and non-residents, why is there no distinction at the Suffolk County Trap and Skeet Range?

As many of you know, when they come to speak about the Trap and Skeet Range they are very proud of the fact that they get to use the facility and they are not residents of Suffolk County. They will plainly state I'm from New York State -- New York City. I am from Nassau. And so my question is why are non-residents being able to use a Suffolk County Park, for which the Suffolk County taxpayers are paying off the principle and interest on $800,000 of bonds that were issued?

My second issue or concern was for the past three years at various meetings I have listened to the residents when they have come up to speak before this committee and various committees be asked why they did not do due diligence before buying their home across from the Trap and Skeet Range. They have been asked who did you speak to and why did you buy when you weren't really sure that the range was going to be closed.

Well, I was recently given files from a member who passed away two years ago who was very active in his objection to the range, and in that file there was a letter from the then County Executive Robert Gaffney which very clearly stated, it was written to the residents.

"Upon researching this situation, I was advised that the Department of Parks, Recreation and Conservation has been looking for a new location for the range. As you may be aware, at the request of Parks Commissioner Edward Wankel, the Department of Planning has been conducting a feasibility study to identify alternative sites for relocation of the Trap and Skeet Range. The current vendors agreement has been extended for one year to allow time for the County to select another site, if one is available".

I think if this was given to me and I was looking at purchasing a home, I would think receiving a letter from the County Executive explaining about the process for the Trap and Skeet would sort of fulfill my obligation as due diligence. I just wanted this on record because all the minutes I have read for over four or five years, this has always been a question that has been asked of the

residents.

Didn't you have one res -- didn't you have an Introductory Resolution 1787, appropriating the funds in connection with the removal of toxic and hazardous material in County parks? Is that going to include the 250 plus tons of lead that are sitting in the Trap and Skeet Range? Because we do know from County reports that some of that has been tested with a TCLP, which is toxic testing, and it would have been classified as hazardous waste. So I would be very curious if that's going to include the clean-up of the Trap and Skeet Range. Thank you.

CHAIRPERSON VILORIA-FISHER:
Thank you, Ms. McConnell. I will be addressing your questions to the Commissioner. Our second speaker is Mr. McConnell.

MR. MC CONNELL:
Hi. Good afternoon. John McConnell, South Yaphank Civic. Just a couple of quick comments here, issues. First of all, we know that it's a budget crisis in Suffolk. It seems to be every year that the Executive says we have got to cut, cut, cut. This year is really serious, I guess, because it's a crisis all over.

My concern is in looking at the Bergen Point Golf Course. I used to play golf, I haven't played lately. It has been discovered that the Bergen Point Golf Course has, I guess, to put it another way, hasn't been paying their fair share or whatever. There is no oversight. There hasn't been any oversight on it. I think it was Legislator Cameron Alden who brought that because he plays there. So, in other words, the rent or the leasing agreement that the Bergen Point vendor has, there was no oversight, so who knows how much he was paying or not paying, which leads me into the Trap and Skeet.

Obviously, we can see on the weekends there is plenty of cars, so where is the oversight there? How much is that being looked at as to the fair share? What's paying, what's, you know, what should be paid on that. I think if you are going to look at Bergen Point to see that the vendor is correctly paying the correct amount, you have to look at the Trap and Skeet to see that he is paying the correct amount.

Okay. Next topic is park use. We live pretty close to the park, Southaven Park. We used to live for a long time right next to Heckscher State Park in East Islip. That was always crowded, except in the winter -- even in winter you had people in there. This park here is empty. Monday and Tuesday I think there's more people there because of Trap and Skeet. How can you enjoy that park, you know, with the noise. So I think that cuts down on the park use, having that Trap and Skeet there.

Okay. Last and not least, going back to the vendor in the shooting range. Last year, I believe, the vendor paid 43,000 to the County, a flat rate plus a percentage of his profits or whatever. And that's one of the things they keep bringing up. We're bringing money into the County, we're shopping -- I don't believe that, but they are bringing money into the County. We paid $43,000. What they neglect to do, to say, is the fact that the bond issues, the County is paying like 66,000 on the two bond issues that were passed to get this ready. So, really, what are we doing -- talking about here? This is a free lunch. We're subsidizing this Trap and Skeet. Okay? And I think that's wrong. The guy wrote a whole book, not about the Trap and Skeet, but David K. Johnson, Investigative Reporter, he used to be -- now he writes books, and that's the title of his book, Free Lunch. And this is an example of it here where the government subsidizes whatever. Thank you very much.

CHAIRPERSON VILORIA-FISHER:
Thank you, Mr. McConnell. Okay. Before we go to the agenda, is there anyone else who wishes to speak? Okay. I would like to welcome Trustee John Fritz to our meeting. Thank you, Mr. Fritz.

Commissioner Pavacic, would you like to come up and let me just address one of the questions to you that was presented? Well, a couple of the questions presented by Mr. and Mrs. McConnell. The

first one being the issue of residents and non-resident fees, because there are fees at various parks and park facilities that have resident and non-resident fees. Can you please address that issue regarding the Trap and Skeet facility?

COMMISSIONER PAVACIC:
As you know, the fee schedule is established by the County Legislature and the Parks Department merely acts as the collector of those fees. We are not empowered or authorized to establish or alter the fee schedule from that which has been established by the Legislature. To my knowledge there is no distinguishing in the current fee structure between Suffolk County residents and non-residents for specifically for the use of Trap and Skeet. There are also certain contractual requirements. As you know, the County has a long-term agreement with the operator of Trap and Skeet and I don't believe that there is any provision in there for the charging of alternative fees for non-County residents.

CHAIRPERSON VILORIA-FISHER:
Is there such a provision on our golf courses?

COMMISSIONER PAVACIC:
When it come to golf courses, you need to have a green key to play. If you are a non-resident you can get a non-resident green key, either a tourist green key or a seasonal green key. You need that green key in order to make a reservation at our golf course in order to play there.

CHAIRPERSON VILORIA-FISHER:
And what is the fee for the tourist or non-resident green key? Is that the same as the resident green key?

COMMISSIONER PAVACIC:
No, it's a higher amount.

CHAIRPERSON VILORIA-FISHER:
Okay. And at our beaches is there a difference in the cost to a resident or non-resident?

COMMISSIONER PAVACIC:
Yes. In order to enter a lot of our life guarded beaches we do --

CHAIRPERSON VILORIA-FISHER:
Smith Point, for example.

COMMISSIONER PAVACIC:
Smith Point for example. You need either to have a green key, in which case then you are charged a lower parking fee based on a green key. If you do not have that then you are charged a tourist or non-resident rate.

CHAIRPERSON VILORIA-FISHER:
Okay. So what I was looking for was a verification of what Mrs. McConnell had asserted, that the norm in the County is that to use the park facilities there is a difference in the fee structure for resident and non-resident.

COMMISSIONER PAVACIC:
That's correct.

CHAIRPERSON VILORIA-FISHER:
Okay. Legislator Nowick.

LEG. NOWICK:
Hi, John. Just a quick question. You said a non-resident has to have a green key to play on the

course or can they play on the course but just pay more money, a non-resident.

COMMISSIONER PAVACIC:
A non-resident has to have a green key. In order to us our reservation system and our --

LEG. NOWICK:
Just to go on the course without a reservation system, just to go. They can still play, a non-resident can play on the course but they pay a higher fee. Is that how it works?

COMMISSIONER PAVACIC:
That's correct. But regardless whether you're from Suffolk County or not, you have to have a green key in order to --

LEG. NOWICK:
For the reservation.

COMMISSIONER PAVACIC:
Right.

LEG. NOWICK:
Yes. I thought you meant a non-resident couldn't play at all without a green key.

COMMISSIONER PAVACIC:
No, no.

CHAIRPERSON VILORIA-FISHER:
Okay. Legislator Alden.

LEG. ALDEN:
Mr. Commissioner, I just wanted to thank you and recognize your efforts in cooperating with Joe Sawicki, our Comptroller, and with our District Attorney, Tom Spota, in rooting out corruption and illegal activity in Suffolk County. That activity was going on at Bergen Point. It led to the arrest and subsequent guilty plea coming forward of the operator of Bergen Point. So your due diligence and the Comptroller and the District Attorney working together did exactly what they're supposed to do, and that's to root out the corruption. So I want to compliment you on that.

COMMISSIONER PAVACIC:
Thank you very much. I would also like to point out that the former operator to which Mr. McConnell referred is no longer operating Bergen Point. Their contract ceased at the end of 2007. We now have a new operator in there and we have gone out and sought new operators and a new contract. And, in fact, what we're doing is splitting the catering operation from the golf operation in order to get further away from that problematic prior contractual arrangement.

CHAIRPERSON VILORIA-FISHER:
Thank you for putting that on the record, Commissioner. And, Legislator Alden, you did jump to another topic that we were going to get into, which was oversight. That's very important and I think it was very clear that there had been a look back and audit and rectifying of mistakes that had been made.

COMMISSIONER PAVACIC:
If I may, what I will also point out, that one of the things that has occurred, there has been an evolution just within Parks. Parks now has it's own separate auditing team and we do audits, especially during the busy season of the year. Plus, our contracts department has a dedicated auditor who also audits our contracts with the various -- particularly those that are concessions. So we have that as a first series of protections built into the system just within our own department and they have been very, very good at ferreting out any problems.

CHAIRPERSON VILORIA-FISHER:
Okay. Legislator Stern has a question.

LEG. STERN:
Yes, thank you. Commissioner, just going back to the fee structure for a moment. You had used Smith Point as the example. Am I correct when I heard you say that there is a set fee for those Suffolk County residents who hold a green key and then there is another fee for seasonal or out of County non-residents. Is that correct?

COMMISSIONER PAVACIC:
That's correct. For a resident green key the current fee is $20, and that green key is good for three years. For a seasonal green key, which would be for folks, let's say, who are renting a house here in Suffolk County, say at Fire Island or someplace out east, that is $20 but that's just for the term that they are here. I believe there's a term of certain number of months for that.

Then there is also a tourist green key which is $35 for one year. So that's someone -- so it's not a calendar year, it's from the year they purchased that green key. But it gets them into the system to be able to -- if they want to reserve something or if they wanted to go to one of our beaches they can present that green key.

LEG. STERN:
And so what would be the fee to a Suffolk County resident, say at Smith Point, who does not hold a green key.

COMMISSIONER PAVACIC:
I believe the daily parking fee is $10 a day.

LEG. STERN:
And that would be the same as for a non-resident.

COMMISSIONER PAVACIC:
That's right.

LEG. STERN:
Okay. Got it. Thanks.

CHAIRPERSON VILORIA-FISHER:
And how much with the green key to park?

COMMISSIONER PAVACIC:
Five dollars.

CHAIRPERSON VILORIA-FISHER:
Sorry, I was just jotting that down.

MR. BROWN:
With respect to Trap and Skeet, we can take a closer look at it if you like. You may recall that the Trap and Skeet contract was done pursuant to an RFP and the reactivation of the Trap and Skeet Range that was pursuant to I believe one or more resolutions that were enacted going back over several years, so there may be exceptions that distinguish the Trap and Skeet from use such as a golf course or the beach. And also, a distinguishing factor may be the fact that Trap and Skeet may, in fact, be used as the Trap and Skeet Range pursuant to contract as opposed to entering -- as opposed to using the park per se. But we can take a closer look at the resolution and see if there is anything that distinguishes the fee in that circumstance as opposed to other park sponsored

activities.

CHAIRPERSON VILORIA-FISHER:
Dennis, I just have a question about -- to follow-up on that. Isn't the licence and the structure of the license where the fees are established or how the fee structure would work rather than the RFP?

MR. BROWN:
Well, the -- when an RFP in general is done we would ask for a cost proposal and that would be one factor in the determining, speaking just in general terms, that would be just -- that would be one factor in determining on how a contract is to be awarded. I would have to go back and take a look at the specific RFP and the proposals that were offered. And, in fact, my recollection is that there may have been more than one RFP process and there may have been -- and not many responders. But in any event, the answer to your question is the cost proposal and the respond to the RFP would, in fact, be incorporated in the contract or the license agreement, yes.

CHAIRPERSON VILORIA-FISHER:
Okay. But -- so you'll be checking in the license agreement to see if we have the flexibility to have a resident and non-resident structure?

MR. BROWN:
That and the resolutions and the history that led to the reissuing of the RFP to reopen the Trap and Skeet. We'll take a look at the history of how it evolved.

CHAIRPERSON VILORIA-FISHER:
Okay.

MR. BROWN:
From the time it was closed until --

CHAIRPERSON VILORIA-FISHER:
And when is that license -- or renewable.

MR. BROWN:
That I don't know off the top of my head.

CHAIRPERSON VILORIA-FISHER:
Aren't they usually five years?

MR. BROWN:
It could be five years, but I don't know that off the top of my head.

CHAIRPERSON VILORIA-FISHER:
Okay. Any other questions? And I just want to say, Commissioner, I recently went to Cupsogue Park -- Beach. And I have to say they have done a terrific job there. The concessionaire, the activities there, the music. When I mention to people that we just want to Cupsogue, every comment has been positive.

COMMISSIONER PAVACIC:
Thank you very much. We're very happy to hear that.

CHAIRPERSON VILORIA-FISHER:
Congratulations on that. They are doing a good job.

COMMISSIONER PAVACIC:
I'll pass that on to our folks. Thank you.

CHAIRPERSON VILORIA-FISHER:
Okay. Oh, I did have one more question before we go on to the agenda. I see that Budget Review is here. There was -- there is a resolution laid on the table that is certainly very praise worthy to help those people in our County who are having difficulty paying for their heating costs. It was introduced by Legislator Horsley, but I noticed that one of the offsets was I believe $135,000 from the Parks budget. I was wondering where that came from in the Parks budget in specific terms and, Commissioner, if you could just comment on that when we get the information from Budget Review.

COMMISSIONER PAVACIC:
I will do that.

MR. LIPP:
There was a memo on March 12th to all Legislators from Gail Vizzini, Director, which referred to monies in the budget that were allocated in the omnibus resolution for legislative initiatives and that money is part of that, so it's at the legislative discretion.

CHAIRPERSON VILORIA-FISHER:
Okay. There was money parked in Parks?

MR. LIPP:
Nice play on words there. Yes, there was money --

CHAIRPERSON VILORIA-FISHER:
I plagiarized it from Legislator Alden.

MR. LIPP:
Great minds think alike. There is 210,000 in Parks anticipated -- in anticipation that increasing gas prices might mean that individuals may vacation closer to home and that money may be needed. Of course that money could be, you know, moved around if the Legislature decided otherwise based upon this memo. Of course there are different interpretations whether or not the monies should be used and what ways, but, you know, the bottom line is the March 12th memo specified three areas from the omnibus resolution where monies were added for Legislative purposes.

CHAIRPERSON VILORIA-FISHER:
So it wasn't specific programs in Parks or specific projects.

MR. LIPP:
Correct.

CHAIRPERSON VILORIA-FISHER:
It was contingency funds if there was an overflow of stay vacationing?

MR. LIPP:
Yes, or if it was desired to use it for some other purpose that would be your discretion and this resolution would be an example that that is your discretion whether or not you think it's appropriate.

CHAIRPERSON VILORIA-FISHER:
Okay. Thank you, Robert. Commissioner, I don't think we need you to expound on that, but there is a question from Legislator Nowick.

LEG. NOWICK:
Commissioner, just before you leave. I just wanted to know is there a way on our Parks home page for someone to go on to the home page and find out the fee schedule to go to a beach or -- because I'm having trouble navigating this system. I don't see anything that says fee schedule and I keep

putting in key word, Parks fee schedule, and I'm still not coming up with anything. I got Legislator Eddington's office when I did that. So, is there a way?

COMMISSIONER PAVACIC:
I will check with our staff and get back to you on that. I know that recently there was a migration from an old website to -- I think that happened with all the County agencies -- and so there have been some refinements that have been necessary to make that work. But I will check into that and then get back to you.

LEG. NOWICK:
Yes, I don't see it on the bar here on the home page where somebody can see before getting in the car how much it is going to cost.

COMMISSIONER PAVACIC:
Okay. I will check into that with staff.

CHAIRPERSON VILORIA-FISHER:
I've actually asked my Aide to go on my computer and get that because we were able to access it in my office, the fee schedule. Well, actually, you know what, Tom has to do the out report so I can't have him run and do that. I think we are going to go to the agenda now.
He'll check after we go through the agenda. Okay. We're moving to the resolutions, to the agenda.

TABLED RESOLUTIONS

IR 1346, Amending the 2008 Capital Budget and Program and appropriating funds in connection with improvements to historic Chandler Estate (CP 7511). (Losquadro)

LEG. D'AMARO:
Motion to table.

LEG. STERN:
Second.

CHAIRPERSON VILORIA-FISHER:
Motion to table by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? IR 1346 stands tabled. **(Vote: 5-0-0-0)**

IR 1730, Appointing Elizabeth Kahn Kaplan as member of the Suffolk County Vanderbilt Museum Commissioner (Trustee No. 15). (Pres. Off)

Ms. Kaplan is still out of the state and so she has asked if we could table this, so I will make that motion.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. **(Vote: 5-0-0-0)**

IR 1732, To waive fee for use of Smith Point County Park by the Mastic Beach Ambulance Company for an EMS Field Day. (Browning)

Is there a motion?

LEG. STERN:

Motion to approve.

LEG. NOWICK:
I know we had a discussion on this. You want to take that first?

LEG. D'AMARO:
Well, for discussion purposes I will second the motion.

LEG. NOWICK:
I know we had discussions on this before.

CHAIRPERSON VILORIA-FISHER:
We did have discussions.

LEG. NOWICK:
Had we decided a criteria, whether we're waiving fees or not waiving fees or why we are?

CHAIRPERSON VILORIA-FISHER:
Well, that was what our discussion was, that we didn't have a set criteria on waiving or not waiving. We also discussed whether or not this should go to the Parks Trustees, but the Parks Trustee at large was here at that meeting and he said generally they discussed fee schedules, that the waiving of fees is something that is within our purview and our discretion whether or not we are going to do that.

I would prefer to table it until we have some kind of criteria or at least more discussion. I don't know if we had had any kind of consensus on that. Do you recall that, Legislator Stern? I thought that our -- that we had said until we have a set of criteria and I haven't spoken with Legislator Browning about this either.

LEG. NOWICK:
When is the Field Day, Legislator?

CHAIRPERSON VILORIA-FISHER:
It's September 27th, I believe.

LEG. NOWICK:
We don't have a lot of time.

CHAIRPERSON VILORIA-FISHER:
We do have one more meeting before that. Oh, no, we don't.

LEG. NOWICK:
Does anybody recall? Have we waived for ambulance companies before?

LEG. D'AMARO:
Well, I do recall. I think we had this discussion. I do recall waiving a fee one other time when it was an umbrella group of -- I think it was firefighters looking to use a County park and we did go ahead and waive the fee on the theory that it was a small token way to give back to the first responders.

CHAIRPERSON VILORIA-FISHER:
And this is, again, an association of EMS and I think they are from 30 ambulances companies. So this is a broader -- yes, Legislator Alden.

LEG. ALDEN:
I'm just going to go back like over the course of 11 years and just give you quick thing. We used to

waive the fee all the time for everybody, and that's going back ten years ago. Then we decided that some of these organizations were going in and they were having fundraisers and that we had to -- we had to make a distinction between people using the park and we came to the, I guess the realization that if they wanted to use the park, you end up in big arguments. So like if my group got the fee waived and Legislator D'Amaro's group didn't, you know, that's not a real good message for us to send to the public. So we have people for Muscular Dystrophy, for breast cancer, they use it for fundraisers and we charge them a fee.

So you can make the argument that this one should be waived, and it is our discretion to do that, but you are going to end opening up, you know, like a much bigger and broader discussion because, you know, we have a ton of what you want to call, they are not-for-profits and they do public service and we charge them a fee when they want to use our parks for certain things.

LEG. D'AMARO:
Through the Chair. I think that's an excellent point and my concern on the bill is just that. You know, how do you say no to another when you've said yes to this one. But, you know, one distinction I'll just throw out there is I don't know if this ambulance company is a not-for-profit or if it's a separate taxing jurisdiction. So one distinction that I make in my mind or I question is whether or not -- let's say it's a fire department where they have a -- it's a taxing jurisdiction. It's really just taxpayers are paying the bill either way. And so I think in that sense it would justify in my mind waiving the fee because ultimately it's not the fire company that's paying it, it's really just the taxpayers that are paying it.

CHAIRPERSON VILORIA-FISHER:
Legislator Alden.

LEG. D'AMARO:
As opposed to fundraising. I'm agreeing with you in effect.

LEG. ALDEN:
But we've actually had other groups, not-for-profit groups, that we've charged the fee and, even going further, where they wanted to use our bandstand or whatever the thing is called.

CHAIRPERSON VILORIA-FISHER:
The show mobile.

LEG. ALDEN:
But we've actually charged them a fee to use the show mobile.

LEG. D'AMARO:
Right. I think we waived that one recently.

LEG. ALDEN:
We've had some instances where we've waived it, but there's other organizations where we charged them the fee to use it, including American Legions and things of that nature. So this is a very broad argument, you know. And I would argue for the breast cancer groups that pay the fee, that that should be waived in the future because ultimately we all pay when someone has the need and they've got breast cancer and they can't afford it, then our tax dollars are going to go to that also.

CHAIRPERSON VILORIA-FISHER:
So then the issue of precedent comes in to play here. Budget Review?

MR. LIPP:
Yes, point of information. There was a resolution passed earlier this year, IR 1731, Resolution 701, that actually charges $125 for this same function, so there appears to be a conflict with this.

LEG. NOLAN:
There was a resolution to authorize this group to use the facility on this date. The Legislator wanted to put in a separate resolution to waive the fee. And so if this was rejected the group would still get to use the facility but would pay the fee.

CHAIRPERSON VILORIA-FISHER:
But in that Resolution 1731, there was a fee stated?

MR. LIPP:
Correct.

CHAIRPERSON VILORIA-FISHER:
Okay. Because I don't want to see a precedent, I am making a motion to table. Do I have a second?

LEG. ALDEN:
I'll second it.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Alden.

LEG. ALDEN:
But I also have a question. What's a field day? In my mind, you know, I have a concept of field day, but do they charge people to go to it? Is it a picnic? Does anybody know what's going to go on?

CHAIRPERSON VILORIA-FISHER:
Paul?

MR. PERILLIE:
It's supposed to be an event where they actually invite ambulance companies and EMS companies outside of the area to come and they do like all kinds of demonstrations and things --

CHAIRPERSON VILORIA-FISHER:
So it is a broad based throughout Suffolk County EMS people.

LEG. ALDEN:
But do they charge the other companies an entry fee or an events fee or anything like that?

MR. PERILLIE:
I don't know. That I don't know.

CHAIRPERSON VILORIA-FISHER:
Do you know if they charge a fee? Legislator D'Amaro, do you have any idea if they are charging the other companies a fee?

LEG. D'AMARO:
I don't know. I do not know the answer to that.

CHAIRPERSON VILORIA-FISHER:
And, Counsel, you don't know that, do you?

MR. NOLAN:
No.

CHAIRPERSON VILORIA-FISHER:
Let's pass over this until we can see if we can reach Legislator Browning and get an answer to that, because that would be a different point of view. We'll skip over 1732 for now.

INTRODUCTORY RESOLUTIONS

IR 1757, Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for breast cancer walk. (Browning)

LEG. STERN:
Motion to approve.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
There is a motion and a second to approve. All in favor? Opposed? IR 1757 stands approved. **(Vote: 5-0-0-0)**

LEG. ALDEN:
Cosponsor.

CHAIRPERSON VILORIA-FISHER:
Did you get that? **IR 1781, Appropriating funds in connection with improvements and lighting at County parks (CP 7079). (Co. Exec.)**

Commissioner, can you tell us specifically the County parks?

COMMISSIONER PAVACIC:
We have a number of parks that are, I believe about ten, that are in need of paving work, either replacement of paving or new paving. One of the ones that is proposed is for Lake Ronkonkoma. Another one among these is Gardiners. There's a portion of Blydenburgh County Park that has also proposed for paving. This also covers lighting in some of these parks as well, areas where we have identified a need for lighting, so to extend the utility service and then actually install the lighting fixtures, that would cover that as well.

CHAIRPERSON VILORIA-FISHER:
With regards to lighting, Commissioner, are they lighting that are friendly to dark skies, downward facing?

COMMISSIONER PAVACIC:
Yes. With new lighting we are ensuring that these are dark sky compliant. The fixtures either have the hoods that only direct the light downward, or they are already manufacturing them that way, to be dark sky compliant.

CHAIRPERSON VILORIA-FISHER:
Okay. Thank you, Commissioner. Any other questions about this?

LEG. STERN:
Quick question.

CHAIRPERSON VILORIA-FISHER:
Yes. Legislator Stern.

LEG. STERN:

What's the distance? When we're talking about Lake Ronkonkoma Park, this is on Lake Ronkonkoma, on the water?

COMMISSIONER PAVACIC:
Yes.

LEG. STERN:
Approximately what is the distance between the shore of Lake Ronkonkoma and the area that we're going to be doing this improvement work on?

COMMISSIONER PAVACIC:
I wouldn't hazard a guess at this point, but it's probably over 500 feet. It's not something -- if you are concerned about environmental impacts, this is well away from the surface waters of Lake Ronkonkoma. It is an area adjacent to County Road 16 in an area that already has existing pavement.

LEG. STERN:
I'm concerned about both. I'm concerned about the environmental impact of the work towards the water. I'm also concerned about the water coming up and ultimately washing away the work that we are going to be doing around Lake Ronkonkoma, as it is something that we have experienced in so many locations around the Lake.

COMMISSIONER PAVACIC:
This area where we have existing parking where additional paving is proposed is at a much higher elevation. It has never been flooded out through the course of all the high groundwater years that we have had.

LEG. STERN:
Very good. Thank you.

COMMISSIONER PAVACIC:
You're welcome.

LEG. STERN:
Motion to approve.

CHAIRPERSON VILORIA-FISHER:
I think we had a motion to motion and a second.

MS. LoMORIELLO:
No.

CHAIRPERSON VILORIA-FISHER:
No? Steno is saying yes, Clerk is saying no. Okay. Well, Legislator Stern made a motion and it was seconded by Legislator D'Amaro. Okay? All in favor? Opposed?

LEG. D'AMARO:
I was just going --

CHAIRPERSON VILORIA-FISHER:
No, you didn't want to --

LEG. D'AMARO:
Well, I wasn't, you know -- I'm just looking at the debt service schedule. It looks like a 15 year proposed bond. Is that correct, Rob?

MR. LIPP:
Actually, from a technical point of view mostly just about everything now the way we do bonding is 20 years. Even though this might technically, like State Law be a 15 year bond, effectively it would be 20 years, which is about -- add 50% say, another 75 grand, in terms of interest expense over 20 years.

LEG. D'AMARO:
So you're looking at -- it's still the principle is 150 is proposed?

MR. LIPP:
Yes. Well, assuming that that's what they need, yes.

LEG. D'AMARO:
So the total debt service may be more like 125,000.

MR. LIPP:
Well, 75 for the debt -- yes. Two-hundred and twenty-five total debt service, principle 150, 75 for the interest over 20 years.

LEG. D'AMARO:
Well, you know, the only issue I -- I don't really have an issue with it. I'm sure the Commissioner will tell me how this relates to park safety and what have you, but I'm starting to be very concerned about the debt service and piling on more and more debt and making sure we are setting our priorities. Commissioner, anything you want to add to that?

COMMISSIONER PAVACIC:
Well, just that by making -- Lake Ronkonkoma for example. We've had problems with lack of parking there and we do charge admission on the weekends. In order to accommodate more people and actually collect the revenue, the daily parking fee, this will actually allow us to bring in more revenue because we can get more people through the door and get them into a parking slot. That's what -- in some of these other areas we've had other issues in terms of, you know, significant washouts of certain areas because of flooding, storm water washouts that have washed up existing dirt and gravel roads there. By putting in pavement with the appropriate drainage systems in those areas it will reduce the need to constantly go back there and expend money on having to repair those areas and maintain those.

LEG. D'AMARO:
What is the -- this is Capital Project 7079. Dr. Lipp, if you know, how much is left in this particular capital project?

MR. LIPP:
We'll get back to you. I have to call up the file.

LEG. D'AMARO:
Okay. I appreciate that. So we're appropriating here 150,000 for the improvements. We're paying about 75,000 over 20 years in interest, and of course this is something that was approved in the Capital Budget as well. But I'm just curious to know what we have left.

CHAIRPERSON VILORIA-FISHER:
I thought it was 54 in interest.

LEG. D'AMARO:
Well, no. They are going to a 20 year bond, so he said he was about 75.

MR. LIPP:
The fiscal impact does 54. I'm saying that technically all debt service schedules really should be

listed for 20 years because effectively that is what they are in general. There are some cases where they are 17 or 18, but in general if you look at our serial bond issues that's what we have been doing. We probably should have dialogued at a different date about why.

CHAIRPERSON VILORIA-FISHER:
Okay. Did you want me to get another second to that?

LEG. D'AMARO:
Well, I was just -- I just want to see where we're at. And while you are looking at that, Commissioner, are you aware that it's coming out of this particular capital project? I'm sure you are with the Capital Budget for Parks. This is project 7079. Do you anticipate any further expenditures out of that capital project this year?

COMMISSIONER PAVACIC:
Yes. Basically what the cost of paving material, you know, you're talking about asphalt which is petroleum based, so the cost of that has gone up. We will -- I expect to utilize all that we have in that budget line.

LEG. D'AMARO:
Spend it all?

COMMISSIONER PAVACIC:
Yes.

LEG. D'AMARO:
Bond it all out?

COMMISSIONER PAVACIC:
Yes.

LEG. D'AMARO:
All right. I just want to know the dollar amount.

LEG. ALDEN:
Lou, would you suffer an interruption?

LEG. D'AMARO:
Go right ahead.

LEG. ALDEN:
Just to pick up a point that Lou just made. You anticipate that we can get this done before the end of the year?

COMMISSIONER PAVACIC:
I'm not certain that we'll be able to get all of this done by the end of year but --

LEG. ALDEN:
Asphalt plants close in --

COMMISSIONER PAVACIC:
Right. They usually shut down in December, mid-December. But we would, as soon as the plants start up again, what we didn't finish this year we would use to, as soon as the plants are up, and I would believe usually it's around April, middle of April, beginning of April, when most of them reopen we would then start up again and complete the work.

LEG. D'AMARO:

Do any of the improvements on this appropriation relate to public safety or is more about generating revenue? What's the thrust of what we're doing?

COMMISSIONER PAVACIC:
It's also public safety. We have certain situations where because we have an overflow of parking folks are parking in areas that are not intended for parking. It does cause traffic hazards that are sometimes difficult to control when we don't have ample parking for them. And so there is a public safety component tied to that.

CHAIRPERSON VILORIA-FISHER:
And with the lighting?

COMMISSIONER PAVACIC:
And the lighting as well. It's both for -- we've had requests from a number of folks and from our Park Police where they have certified the areas where we do need to provide additional lighting because it's an existing hazardous situation for folks. In some of our campground areas, for example, where we do have people who are staying overnight, and in certain areas near bathrooms and so forth, at some of our boating facilities as well where we don't have ample lighting, and folks are able to use that 24-7, we do need to have that. It's also for security reasons as well, to minimize vandalism, break-ins and so forth.

MR. LIPP:
There was 150,000 in the adopted 2008 Capital Program, and this resolution would appropriate that money.

LEG. D'AMARO:
So it's the entire capital project being fully appropriated.

MR. LIPP:
Correct.

LEG. D'AMARO:
Do you just have the description of the project in front of you, quickly? If you don't, we'll move on.

MR. LIPP:
No.

LEG. D'AMARO:
You don't have it there?

MR. LIPP:
We didn't bring a copy of the Capital Budget with us, the document. We can go get it if you'd like and get back to you.

LEG. D'AMARO:
No, no, no. That's okay.

CHAIRPERSON VILORIA-FISHER:
Okay, I'll second it. Okay, Madam Clerk?

MS. LoMORIELLO:
There was a motion and a second.

CHAIRPERSON VILORIA-FISHER:
I'm seconding it.

MS. LoMORIELLO:
Okay.

LEG. D'AMARO:
I'll withdraw my second for the record.

CHAIRPERSON VILORIA-FISHER:
All in favor? Opposed?

LEG. D'AMARO:
I'm opposed.

LEG. ALDEN:
Abstain.

CHAIRPERSON VILORIA-FISHER:
Okay. So there are three in favor, one opposed, and one abstention. The motion carries. **(Vote: 3-1-1-0 Opposed: Legislator D'Amaro; Abstention: Leg. Alden).**

IR 1787, Appropriating funds in connection with the removal of toxic and hazardous materials in County parks (CP 7185). (Co. Exec.)

I notice here that you do -- it is for the amount of $200,000. Gasoline tax at the Gallo Duck Farm in East Patchogue, oil tanks at the St. James General Store, and waste at the Davis House in Robert Cushman Park. There is a motion by Legislator Nowick.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. I believe that answers Ms. McConnell's question which was -- she was asking whether or not any of that money would be removing the waste at the Trap and Skeet. Correct, Commissioner? Does it use any of that money for the Trap and Skeet?

COMMISSIONER PAVACIC:
Actually, the concessionaire there is under contractual requirement to do a lead removal out there and he is currently in the process of preparing a plan to do that.

CHAIRPERSON VILORIA-FISHER:
Okay. Let us know when you -- when that plan is in place so that we can put it on the record here.

COMMISSIONER PAVACIC:
All right.

CHAIRPERSON VILORIA-FISHER:
Thank you, sir.

LEG. ALDEN:
Madam Chair.

CHAIRPERSON VILORIA-FISHER:
Yes, Legislator Alden.

LEG. ALDEN:
This does point out that, you know, we dropped the ball. When we bought the Gallo Duck Farm that

should have been part of either the purchase price or part of the requirement in the contact that they remove any toxic, you know, or hazardous waste storage facilities, things of that nature.

CHAIRPERSON VILORIA-FISHER:
The Commissioner is going to respond to that.

COMMISSIONER PAVACIC:
Actually, the Gallo Duck Farm I believe the County acquired it through tax default and it was ultimately transferred to Parks. So this has been in the Park system for quite same time, since before --

LEG. ALDEN:
Well, good. We didn't buy it. That's good.

COMMISSIONER PAVACIC:
Right, right.

CHAIRPERSON VILORIA-FISHER:
Okay.

LEG. ALDEN:
That makes me feel better.

CHAIRPERSON VILORIA-FISHER:
All right. So we have a motion and a second. All in favor? Opposed? IR 1787 is approved. **(Vote: 5-0-0-0).**

IR 1788, Authorizing license agreement with Babylon Town Historical Society for Van Bourgondien property, West Babylon. (Co. Exec.)

LEG. D'AMARO:
Motion to approve.

CHAIRPERSON VILORIA-FISHER:
Motion to approve by Legislator D'Amaro.

LEG. STERN:
Stern.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Stern. Question? Legislator Alden.

LEG. ALDEN:
Do we have the license agreement or we are in the process of drawing it up?

COMMISSIONER PAVACIC:
We have a draft. We have a draft done up.

LEG. ALDEN:
Just an outline. They are going to require the normal insurance and things of that nature?

COMMISSIONER PAVACIC:
Right. It's similar to our other agreements with other historical societies where they're actually maintaining the structure for us and maintaining a presence on-site where here we a currently vacant structure that could be subject to vandalism and burglaries and forth.

LEG. ALDEN:
It makes sense. We covered us also. Good.

COMMISSIONER PAVACIC:
Right.

CHAIRPERSON VILORIA-FISHER:
Okay. There's a motion and a second. All in favor? Opposed? IR 1788 is approved. **(Vote: 5-0-0-0).**

LEG. D'AMARO:
The agreement is in the backup, by the way, Legislator Alden, I believe.

CHAIRPERSON VILORIA-FISHER:
I'm sorry. I should have mentioned that to him. I'll give you mine. I have mine.

MR. BROWN:
If I may. There are one or two changes. I was looking over the agreement before the vote. There were one and two changes that we'll probably make just so that it's clear with respect to the use of the funds that are raised on the property and how they are applied towards maintenance and restoration and where the primary responsibility lies.

LEG. ALDEN:
Good.

CHAIRPERSON VILORIA-FISHER:
So what you're changing is use of the funds you are saying?

MR. BROWN:
No. We'll look at Exhibit D and probably paragraphs four and five, reconcile those.

CHAIRPERSON VILORIA-FISHER:
Okay. And you'll have that Tuesday?

MR. BROWN:
We'll try, because we'd also have to run any proposals that we make past the contractor as well. The resolution as it was drafted, it didn't say that the agreement -- that the agreement would be in the form. With the execution of the agreement it would be in substantially similar form to the one that's attached to the resolution. The resolution only says to authorize entering into a custodial agreement. But we'll try and get Exhibit 5 -- D. We'll try and get Exhibit D completed for you by Tuesday.

CHAIRPERSON VILORIA-FISHER:
Okay. Thank you, Dennis. Did I call the vote on that?

MS. LoMORIELLO:
Yes.

CHAIRPERSON VILORIA-FISHER:
Thank you.

IR 1799, Appropriating funds in connection with Energy Savings and Parks Compliance Plan (CP 7188). (Co. Exec.)

It would be great if we had that in this auditorium. I'll make a motion. Is there a second?

LEG. STERN:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Nowick.

LEG. D'AMARO:
On the motion.

CHAIRPERSON VILORIA-FISHER:
Question, Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Commissioner, the energy savings project at Southaven County Park, can you just be a little more descriptive as to how we're going to make it more energy efficient over there?

COMMISSIONER PAVACIC:
It has an antiquated HVAC system, one that has been subject to breakdowns as well as dramatic differences in temperature across the building. This will actually -- it will be a state of the art, much more energy efficient system than what is there now. It will actually reduce utility costs from what is there now. So it is a vast improvement and is one that has been sorely needed needed for a long, long time.

LEG. D'AMARO:
So the entire project consists of replacing the HVAC system at the park building?

COMMISSIONER PAVACIC:
Yes.

LEG. D'AMARO:
What's the $10,000 compliance plan planning? You have 10,000 for planning and 90,000 for construction.

COMMISSIONER PAVACIC:
That's for additional design work that DPW is engaged in. There's a specialist PE there who has been handling these energy projects and that will allow us to be in compliance with State and federal codes regarding energy compliance. It might make us eligible for additional grant funding in the future.

LEG. D'AMARO:
Do you know what the projected energy savings will be?

COMMISSIONER PAVACIC:
I don't have that figure offhand.

LEG. D'AMARO:
As a number or percentage or?

COMMISSIONER PAVACIC:
I don't have that information with me.

LEG. D'AMARO:
Proposed ten year bonding here incurring an interest expense of about $25,000. I'd just be curious to know if you would expect -- what's the life expectancy of the HVAC and are we going to save more than $25,000 over ten years.

COMMISSIONER PAVACIC:
I think we're talking about a system that's going to be in place for at least 20 years in that building. And it's a sizeable structure. It's the headquarters for our Park Police. It's also a public meeting space. It's a two story structure and I would imagine that we should engage in that process, be able to engage in those savings.

LEG. D'AMARO:
Well, how do I justify it in my mind if I don't know the savings. I mean, I would assume that was calculated somewhere. You just don't have that information?

COMMISSIONER PAVACIC:
I don't have that information in front of me. I would ask, though, we are in the process right now if we can get this, if you can take it on faith that it is going to result in substantial savings for us. We are in the process right now of commencing the work so we need the funding from this to get the project done in time.

LEG. D'AMARO:
I guess the unit that's there is old, inefficient.

COMMISSIONER PAVACIC:
The building goes back to the 1930's and the structure that has -- the system that's been there is quite old and antiquated and as I said, subject to breakdowns. As you know, after a period of time I believe even you'll have leaks in systems and the amount of maintenance required, parts that go bad and after a while those systems become obsolete and it is very difficult to get replacement parts for systems that are too old.

CHAIRPERSON VILORIA-FISHER:
Were you finished?

LEG. D'AMARO:
Just my final comment is, you know, again, over ten years it's costing us $124,000 to replace the HVAC system. I would just -- I would be interested to know what the projected savings were. There are other reasons, of course, to upgrade systems, reliability, you know, breakdown and all of that. But, you know, given the tight economic times that we are in if we have a functional system in there that operates and we're not going to save the 124,000 anyway over ten years, this would not be as high a priority for me as perhaps it would be for others. But that's it.

CHAIRPERSON VILORIA-FISHER:
But there are the fiscal as well as environmental impacts in having an antiquated system that's not energy efficient. By the way, has there been an energy audit done in an older building like this so that when we are putting in a new HVAC system we know that we're putting it into a building where we will have optimal benefits of a more modern, energy efficient HVAC system.

COMMISSIONER PAVACIC:
The building is in the Suffolk County Historic Trust. It is an historic building. So there are only certain kinds of upgrades that we can do such as windows and insulation. There's a limited amount that we can do in that end without affecting the historic integrity of the structure. This is one way of addressing, you know, weatherization and energy costs that are still compliant with the historic nature of the building.

CHAIRPERSON VILORIA-FISHER:
Legislator Stern has a question.

LEG. STERN:
Commissioner, the resolution here points out Southaven County Park, that's where we have been

discussing. It also states that work is to be done on other buildings within the park system. Do you know what work is being done on what other buildings?

COMMISSIONER PAVACIC:
It's really being done at Southaven. It's -- these monies are really intended for Southaven.

LEG. STERN:
The other buildings in the County park system language in the bill is no applicability?

COMMISSIONER PAVACIC:
No, not in this particular case.

LEG. STERN:
George?

MR. NOLAN:
Yes.

LEG. STERN:
Do you have a comment?

CHAIRPERSON VILORIA-FISHER:
The question was are there other buildings that are going to be using this money and the Commissioner said although it is mentioned, the money really is for Southaven Park.

MR. NOLAN:
I don't -- if the question is is that a legal problem, no. I think you can approve it and the Parks Department can use the money exclusively for that building.

LEG. STERN:
Thank you.

CHAIRPERSON VILORIA-FISHER:
Okay. There is a motion and a second.

LEG. ALDEN:
I just had one question.

CHAIRPERSON VILORIA-FISHER:
Oh, I'm sorry, Legislator Alden. Certainly. Go ahead.

LEG. ALDEN:
Actually, it's s request. I don't know if you're going personally to the Tuesday meeting, but if you could get a little bit of information I think it would clear some things up here. The energy consumption on average per year over the past couple of years, and also the amount of money that we spend on repairs, and then the proposed replacement. It should have an energy coefficient that would say we can compare to the savings. So if we're using, for instance, $2,000 worth of energy on this per year and the other one is going to be 50% more efficient, you know, that type of thing.

COMMISSIONER PAVACIC:
Okay.

LEG. ALDEN:
Good.

LEG. D'AMARO:

Through the Chair. I appreciate that question. I would be looking for the same information. You know, if you do this in your home, you know, you look at cost savings, is it worth doing. And there are, as the Chair mentioned, other considerations, environmental considerations as well, and whether or not it needs to be repaired frequently. These are all questions that I would have and I think those are the questions that we should be asking when we're, you know, going to incur this kind of expense. So if you could get me that information as well I would appreciate it. Thank you.

COMMISSIONER PAVACIC:
All right. Will do.

LEG. ALDEN:
I asked for all of us.

LEG. D'AMARO:
Did you?

LEG. ALDEN:
Yeah, absolutely.

CHAIRPERSON VILORIA-FISHER:
He was following up on your line of questioning. Okay. There is a motion and a second? All in favor? Opposed? IR 1799 stands approved. **(Vote: 5-0-0-0).**

And we had passed over one previous resolution, and that is **IR 1732, To waive the fee for use of Smith Point County Park by the Mastic Beach Ambulance Company for an EMS Field Day.** There was a motion to approve and a second, and I had made a motion to table and there is a second to that motion.

MS. LoMORIELLO:
Yes.

CHAIRPERSON VILORIA-FISHER:
Okay. The motion to table takes precedence. All in favor? Opposed? Please note the opposition. **(Vote: 3-2-0-0 Opposed: Legislators Stern and D'Amaro)**

We do attempt to reach some kind of level of consistency and so we want to look at criteria for this.

Motion to adjourn. We stand adjourned. Thank you.

(THE MEETING WAS ADJOURNED AT 2:10 PM)