

**PARKS & RECREATION COMMITTEE  
OF THE  
SUFFOLK COUNTY LEGISLATURE  
MINUTES**

**A regular meeting of the Parks & 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 August 12, 2009.**

**MEMBERS PRESENT:**

Leg. Vivian Vilorio-Fisher, Chairperson  
Leg. Wayne R. Horsley, Vice Chair  
Leg. Cameron Alden  
Leg. Lynne C. Nowick  
Leg. Steven H. Stern

**ALSO IN ATTENDANCE:**

Legislator John M. Kennedy, Jr., Twelfth District  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel  
Barbara LoMoriello, Deputy Clerk  
Lance Reinheimer, Assistant Director of Budget Review Office  
Jill Moss, Budget Review Office  
John W. Pavacic, Commissioner of Parks Department  
Tracey Bellone, Deputy Commissioner of Parks Department  
Brendan Chamberlain, Aide to County Executive  
Paul Perillie, Aide to Majority Leader  
Linda Bay, Aide to Minority Leader  
Steve Tricaraco, Aide to County Executive  
Thomas Ryan, Aide to Leg. Vilorio-Fisher  
Brendan Stanton, Aide to Leg. Horsley  
Deborah Harris, Aide to Leg. Stern  
Debra Alloncius, AME Legislative Director  
Dennis Brown, County Attorney's Office  
Rick Brand, Newsday  
Noel Gish, Vanderbilt Museum  
Patricia A. Colombraro  
John Giovanniello  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 1:08 PM**

**CHAIRPERSON VILORIA-FISHER:**

Please stand for the Pledge of Allegiance led by Paul Perillie.

**SALUTATION**

Thank you. Okay. My aide is handing out to the members of the Committee some information from the Parks Commissioner regarding one of the pieces of legislation we'll be looking at today on energy conservation in the parks. Okay? So I just want you to know you have that piece of backup information.

**PUBLIC PORTION**

We do have two cards. The first one is from Patricia Colombraro. Ms. Colombraro? Come on up.

**MS. COLOMBRARO:**

This is actually with regards to the Joshua Heinlein benefit fund for the showmobile.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MS. COLOMBRARO:**

Okay. Hi there, Legislators, ladies and gentlemen. My name is Patricia Colombraro. I am a member of the Nesconset Volunteer Fire Department as a firefighter and EMT who has 27 years. Today I'm representing both Nesconset Fire Department as well as the Heinlein family.

Just to give you a little bit of background, the concert that we are holding on August 22 Saturday is going to be a small concert in the rear premises of Nesconset Fire Department at 25 Gibbs Pond Road. And we're just requesting the showmobile. And we're respectfully requesting that fees be waived for the showmobile.

Just a little background on the young man that we're having the benefit concert for: His father is a member of the Nesconset Fire Department for the past 20 years. Also is a transfer from Bohemia so he's got 27 years in the fire department. One of the most active firefighters in our department. In the year 2008 last year he just received Fire Fighter of the Year for responding to the most ambulance calls and fires.

His son was critically injured in a car accident back on April 24th and has since been in a comma. He's just starting to slowly come out of the comma. His prognosis is basically unknown at this point. It could be as simple as him slowly recovering, never to a 100 percent recovery or it can stay as is. And we won't really know anything more about how serious his brain injuries are which have sustained -- he's sustained quite serious brainsharing -- until he fully comes out.

The parents both apologize for not being here but the mother is literally -- this is the third facility he's been in. And she stays there 24/7 so she has -- actually an air mattress, sleeps on the floor with him everyday so that when he has a lucid moment that he comes to a little bit, he won't be frightened. The father who is a member of the fire department works two jobs so that they can survive. He works at both Dowling College as well as Smithtown school district so he puts in some pretty heavy hours.

Again, the concert is the 22nd. The showmobile would be used to house the actual bands. And 100 percent of all of the proceeds are going to Joshua Heinlein for all of his medical care. And all of -- everything that we've received so far for the concert, we haven't laid out really one dime, everything has completely been on donations.

So I thank you very much for your time and consideration.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. I'm sorry. There's a question from Legislator Alden.

**MS. COLOMBRARO:**

Yes, sir.

**LEG. ALDEN:**

The fire department's going to establish a special account?

**MS. COLOMBRARO:**

Yes, that's correct. We actually have a temporary account made out to the Joshua Heinlein Benefit Fund. And this is housed for the concert.

**LEG. ALDEN:**

Now, will that be audited with your normal audits done by New York --

**MS. COLOMBRARO:**

Absolutely, yes, sir.

**LEG. ALDEN:**

Okay. Good. Thank you.

**MS. COLOMBRARO:**

You're welcome. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Any other questions? Okay. Come on up, please, to the mike.

**MR. GIOVANNIELLO:**

Good afternoon. My name is John Giovanniello. I was going to speak out regarding IR 1273; but the conversation I had with the Commissioner I understand a compromise has been made so I don't think there's really any reason to comment on it right now.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Well, thank you for coming down, sir.

**MR. GIOVANNIELLO:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

1273, that's the one about the Parks Trustees. Okay, so we will go to the agenda. Commissioner, if you could come up and join us.

**TABLED RESOLUTIONS**

**1273, Adopting Local Law No. -2009, A Charter Law to clarify powers and duties of Board of Trustees of Parks, Recreation and Conservation.**

**(Browning)** We had tabled it last time because when we voted we weren't aware there that there had been a change made; that there was an amended copy. And that amended copy allows the Trustees to vote on certain issues, but the Legislature can override their vote but not with -- by a simple majority of the Legislature, not by a two thirds majority like when we override a veto. Is that correct, Counsel?

**MR. NOLAN:**

That's correct.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So although the Trustees still have the power to vote on issues, we at the Legislature have the last vote and the final word. So that's the amendment. Did you have a question, Legislator Alden?

**LEG. ALDEN:**

George, through the Chair, could you just outline how the duties are exercised right now? And now I understand what the change was that was made, but how their duties are exercised and what type of a vote it would have taken prior to this legislation to override an act of the Trustees?

**MR. NOLAN:**

Well, currently the Park Trustees really in terms of matters having to do with the parks and the use of the parks and policies have the final word. In terms of fees, Parks Trustees pass on the fees and we have to pass on the fees as well. So the original version of this bill made the Park Trustees' role in all of these matters simply advisory.

The amendment restores their authority to make determinations regarding policies in terms of use of the parks and also the fees. But the County Legislature by resolution can supersede a determination made by the Park Trustees in specific matters. If we don't do that, then the Park Trustees generally will make the determinations regarding how the parks are used and what the policies are at the parks. And we would supersede them only in specific instances where we pass a resolution to do so.

**LEG. ALDEN:**

Thanks, George. And through the Chair --

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. ALDEN:**

Do we have any comments from the Parks Trustees as far as are they happy, are they unhappy?

**CHAIRPERSON VILORIA-FISHER:**

Well, I don't see any of the trustees, but I do know that the Vice Chair of the Parks Trustees had recommended this compromise. He and I had spoken about this compromise. And he subsequent to a meeting with me met with the Presiding Officer and with the sponsor, Kate Browning. And that's when she amended her bill to reflect the compromise that he presented.

**LEG. ALDEN:**

Okay. Because the majority of the Parks Trustees that I talked with after this was introduced were very, very discouraged as far as, you know, what their role was and the appearance that we really don't value their -- not even authority but their role or even their experience that they brought to the table and have done such a great job. And I think some of us mentioned that when a few of the Park Trustees did show up. So I'm glad that you could straighten that out a little bit because I really would have suggested tabling this until we had the Park Trustees here to give us their opinion on it.

**CHAIRPERSON VILORIA-FISHER:**

And that's why we had been tabling it, Legislator Alden, because I didn't want to undermine the dedication of the Parks Trustees. And I felt that they really are dedicated, spend a lot of time and their vote should be worth something.

**LEG. ALDEN:**

Well, actually I think it was you that made that statement on the record. Is there a possibility of having someone from the Park Trustees show up next Tuesday or even issue a letter?

**CHAIRPERSON VILORIA-FISHER:**

We can ask if a member of the Board of Trustees will come to the General Meeting. But as I said, we've spoken about this with the -- well, I've spoken about this with the Park Trustees. Commissioner, do you have any sense that there is a problem with the Park Trustees with this compromise?

**COMMISSIONER PAVACIC:**

I know that a number of the Park Trustees as you said, Deputy Presiding Officer, had spoken to a number of the Legislators about this. And this was a suggested compromise position. I and they just only found out about the amended resolution this week. We have made them aware of it, but I don't know if that was sufficient time for them to come to the meeting if they had wanted to. I have not heard from any of them since we first advised them of the amendment earlier this week.

**CHAIRPERSON VILORIA-FISHER:**

Well, then my office will be happy to make the calls to them to invite them to come to Tuesday's meeting.

**LEG. ALDEN:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. ALDEN:**

Or, I mean, if they -- and it is short notice and they all do have lives. If they can't come down, maybe just an official, like a letter that states something along those lines that we can put into the record that officially shows that they're, you know, they're okay with this compromise. Thank you.

**COMMISSIONER PAVACIC:**

I can also convey that to the Trustees if that's desired as well.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Commissioner.

**COMMISSIONER PAVACIC:**

You're welcome.

**CHAIRPERSON VILORIA-FISHER:**

Yes. I believe Legislator Stern was waiting to speak. And you'll be next.

**LEG. STERN:**

Yeah, question for Counsel. So I understand that now ultimately there are votes or issues that could come before the Legislature for a final vote after the Trustees have acted on it. My question for Counsel would be under what circumstances would we get involved in that type of a decision procedurally? Would a particular Legislator have to introduce a resolution to make that happen to bring it up for a vote? How does a particular vote that is taken by the Trustees come before us procedurally?

**MR. NOLAN:**

Well, in terms of the fees and charges, that's always going to come to us. With all the other issues, the individual Legislator would have to introduce a resolution to establish a policy that is different than what the Park Trustees have established.

**LEG. STERN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

And, Counsel, if I may, I think there might be another way that it would come back to us. Sometimes when we have certain acquisitions that require a vote by the Park Trustees, since we know that they require a vote by the Park Trustees, we do not act on it. We usually table it in Committee until such time that we know whether or not it has been approved by the Park Trustees. If, in fact, it's not approved by the Park Trustees, then we as a Legislature could act on it. Isn't that correct?

**MR. NOLAN:**

That's correct. I think there's only very limited circumstances --

**CHAIRPERSON VILORIA-FISHER:**

Right.

**MR. NOLAN:**

-- where the Park Trustees vote on acquisitions. I think it's under the old, old Drinking Water Program. And there's still some money in that program. So it is possible that they could recommend against a purchase and that we could override that by a resolution.

**LEG. HORSLEY:**

Having done that.

**CHAIRPERSON VILORIA-FISHER:**

Having done that, yeah. Okay. So I will make a motion to approve.

**LEG. HORSLEY:**

I just had a question.

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry. Legislator Horsley.

**LEG. HORSLEY:**

Yeah, the question I had wasn't this taken up in the Charter Review Committee? Where are we with that?

**CHAIRPERSON VILORIA-FISHER:**

Yes, actually it was taken up by the Charter Review Committee. And that's why Legislator Browning was willing to table it until the recommendation of the Charter Review Committee came up. And the recommendation of the Charter Review Committee was that the Legislature should have the final word. I mean I'm paraphrasing, but basically it's that a non-elected body can't overrule what an elected body has decided on. And so this is reflecting the spirit of what the Charter Review Committee came up with.

**LEG. HORSLEY:**

Okay, so this is a compromise on the Charter Review Committee's recommendation?

**CHAIRPERSON VILORIA-FISHER:**

Well, we were calling for the compromise on what Legislator Browning's original bill was. Her original bill was that the Trustees would only have the ability to recommend rather than to vote aye or nay.

**LEG. HORSLEY:**

Oh, I see.

**CHAIRPERSON VILORIA-FISHER:**

And this goes beyond that where they still have the vote, but their vote is not the final say. The final word is the Legislature.

**LEG. HORSLEY:**

Okay, thanks.

**LEG. ALDEN:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Alden.

**LEG. ALDEN:**

The Charter Review Committee has issued a final draft or a final --

**CHAIRPERSON VILORIA-FISHER:**

Yes, we all received that a few weeks ago. Counsel, how long ago?

**MR. NOLAN:**

I believe it was at least a couple of weeks ago that they issued a report. I believe they're planning to come to a General Meeting of the Legislature to present their findings, but the report is out.

**LEG. ALDEN:**

Do you think it's in my mailbox?

**MR. NOLAN:**

When was the last time you checked the mailbox?

**LEG. ALDEN:**

The last time I checked was last year.

## **LAUGHTER**

I'll go look, all right.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Stern. All in favor? Opposed? Motion is approved. **(Vote: 5-0)**

**IR 1354, to clarify the recent increase in parks fees authorized under Resolution No. 33-2009. (Romaine)** I'll make a motion to table.

**LEG. HORSLEY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Second by Legislator Horsley. All in favor? Opposed? **1354 stands tabled. (Vote: 5-0)**

## **INTRODUCTORY RESOLUTIONS**

**1632, to amend Resolution No. 569-2009, "Authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly". (Eddington)** The reason this is being amended is because the event date was changed from August 22nd to September 20th. So I will make a motion to approve, second by Legislator Horsley. All in favor? Opposed? **1632 stands approved. (Vote: 5-0)**

**1635, 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 in 2010. (Browning)** I'll make a motion to approve, seconded by Legislator Alden.

**LEG. ALDEN:**

Cosponsor.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll cosponsor that as well, Barbara. All in favor? Opposed? **1635 stands approved. (Vote: 5-0)**

**LEG. ALDEN:**

Do you want to cosponsor?

**LEG. KENNEDY:**

Absolutely. As a matter of fact I was going to e-mail although I'm not on the Committee I was going to let Barbara know. I'd like to co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

Is there anyone else? Would the Committee like to cosponsor this?

**ALL COMMITTEE MEMBERS AFFIRMED**

Okay. **1681, appropriating funds in connection with equipment for revenue collection at park facilities (CP 7186). (Co. Exec.)** I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Stern. Any questions on the motion? Okay, **IR 1681 stands approved. (Vote: 5-0)**

**1692, amending the 2009 Capital Budget and Program and appropriating funds in connection with Energy Savings and Parks Compliance Plan (CP 7188). (Co. Exec.)** I will make a motion to approve, seconded by Legislator Horsley. And this is the resolution for which I distributed that backup information. In case anybody had a question about what the energy savings details were on this, it certainly looks like a very good idea. And it's something that is certainly very timely. Any questions? Okay. All in favor? Opposed? Abstentions? **IR 1692 is approved. (Vote: 5-0)**

**IR 1693, appropriating funds in connection with meter installation and utility accountability (CP 7081). (Co. Exec.)** I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Stern. Any questions on the motion? All in favor? Opposed? **IR 1693 is approved. (Vote: 5-0)**

**IR 1716, to waive fee for use of the County showmobile for a benefit concert. (Kennedy)**

**LEG. NOWICK:**

I'll make a motion.

**CHAIRPERSON VILORIA-FISHER:**

A motion by Legislator Nowick. Do we have a second?

**LEG. ALDEN:**

I'll second.

**CHAIRPERSON VILORIA-FISHER:**

Okay, seconded by Legislator Alden.

**LEG. NOWICK:**

On the motion.

**CHAIRPERSON VILORIA-FISHER:**

Okay, on the motion Legislator Nowick.

**LEG. NOWICK:**

I just wanted to talk about this for a minute. While I don't, of course, want to set a precedent, I know that there have been times where we have waived fees. I do remember some type of a blues concert in Riverhead. I feel strongly about this particular legislation. Excuse me?

**CHAIRPERSON VILORIA-FISHER:**

I was just asking Counsel about when we waived the fee. I recall two years ago we waived a fee. I voted against it actually.

**LEG. NOWICK:**

Well, here's what I believe.

**LEG. STERN:**

If I may, it was in 2007 for the County Volunteer Firemens Association Parade; my understanding the last time we waived fees.

**LEG. NOWICK:**

Where was that, out in Riverhead?

**CHAIRPERSON VILORIA-FISHER:**

Ed Romaine's district, yeah.

**LEG. NOWICK:**

Oh, yeah, I think a long time ago before Ed Romaine sat there. You remember. Anyway, here's my feeling on this. I don't like to set a precedent. However, this is certainly extenuating circumstances. And the testimony that we received today, every once in a while I think government has to lend a helping hand. Volunteer firemen work for us day in and day out 24/7. The dad in this case has worked for his community for 28 years. And again I always like to say, while we're having Thanksgiving dinner, his beeper goes off and he works for his community.

I am looking at this on a case by case. I think this is worthy of the County waiving the fee in this particular instance. Let's give back to this volunteer fireman who has worked for his community 28 years. He and his wife and his family are up against the worst possible of circumstances. I put myself in that position and I think it would be horrifying. It's not the largest amount of money, but it is a way of helping a family that is so desperately in need. And I am going to support this. And I would ask that my fellow Legislators, my colleagues, support it as well.

**LEG. ALDEN:**

On the motion.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Alden.

**LEG. ALDEN:**

Normally I don't support even if it's a fire department and they do an additional fundraiser, I really don't support that type of use of our equipment because, you know, part of the fees that are generated at their fundraiser could be used to pay, you know, for the County equipment. But in this instance since it looks like and sounds like from the testimony we heard before, 100 percent of the funds that are raised here are going to the family, and where you do have a child that's, I believe, in a comma suffering --

**LEG. NOWICK:**

Yes.

**LEG. ALDEN:**

And the family, even if they've got insurance, is going to go through untold type of horrors financial and emotional. So in this instance I have to believe that, you know, in my mind it's a good use of the County's equipment and a good use of the taxpayers' dollars. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Any other comments? Legislator Stern.

**LEG. STERN:**

Yeah, thank you, Madam Chair. You know, I agree with my colleague, Legislator Nowick, that when we look at these types of requests that we should not be setting any type of precedent. At the same time I think that these types of pleas do need to be considered as a distinct case by case analysis as we're doing with this.

So I would, again, for the record state that this should not be viewed as setting any type of a precedent, that these kind of cases should be handled by us on a case by case basis. But in this situation I find that the facts and the circumstances are overwhelmingly compelling. And Legislator Kennedy and Legislator Nowick and Legislator Alden you continue to make a strong case in support and I will support the resolution.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Legislator Stern. And I would just like Ms. Colombraro to know that Legislator Kennedy has been working very hard on this.

You called my office. Unfortunately I wasn't at my office after five yesterday. And we know Legislator Kennedy doesn't go home. So he called me at that time. But I did indicate to Legislator Kennedy that I wouldn't be supporting it because I believe that as compelling as this is and as much as I appreciate our firefighters, I just don't feel that we should waive the fees; that we have so many compelling situations that come before us that look for the fee waiver, that I'm concerned that at some point there will be times when we're trying to make a decision, and this will be used as a precedent and it will be used as an argument. And sometimes it can become politicized as far as what we waive and whose district it's been done in, etcetera, etcetera. And so, of course, each Legislator has his or her own vote.

But as Chair of the Parks Committee, as I think everybody knows that I have a very soft heart and I'm very moved by the story and concern for the family. I just feel that waiving the fee in any case, although we'd like to look at a case by case, we're

not always as objective as we should be as we go forward when looking for waivers. So I won't be supporting it, but I do hope that it's a very successful fundraiser and, of course, our thoughts are with the family. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. And it occurs to me as we sit here and we discuss this, first of all I thank the Committee for entertaining this and for giving its deliberation. Every one of us as Legislators knows of hardship cases; nevertheless we collectively face as County Executive's representative talked about a budget deficient of biblical portions.

It is probably reflective of what's going on right now with the national debate regarding health care, though. Any one of us knows that in a moment with some type of a tragedy we could be wiped out financially by the cost that in this family's case is approaching three quarters of a million dollars. They work; they have health insurance. They've exhausted the coverage. Nevertheless, there's still a need to care for your child. Which one of us would not do for our child?

Perhaps it's something that we need collectively to look at from a policy perspective. I can say that this is the first time that I've ever sought to put a request like this before my colleagues. And nobody is a more fierce defender of our park system, Madam Chair, than you. And you are right when you talk about the fact that you have a deep heart and you have many times moved to support matters.

Nevertheless, I respect your role as Chair and a desire to have a level playing field.

I also thank my colleagues for their statements of support on this. I hope we don't have more cases like this before us; yet I know there are many out there. And perhaps we will be able to find a methodology for us to be able to go ahead and move through this in a particular fashion. I take no comfort in this being a precedent nor will I ever use it as such, but I thank the Committee for the consideration of this today. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Legislator Kennedy. Thanks for coming down and joining us. Okay. We have a motion and a second?

**MS. LOMORIELLO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All in favor? To approve. Opposed? Just myself. Abstentions? Okay. Motion carries. **(Vote: 5-0)**

**IR1726, appropriating funds in connection with improvements to historic sites and buildings Timber Point Golf Course Clubhouse (CP 7510). (Co. Exec.)** I'll make a motion to approve, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? **IR 1726 stands approved. (Vote: 5-0)**

That concludes the agenda. Is there anyone else who would like to speak before the Committee? If not, I'll make a motion to adjourn.

**THE MEETING CONCLUDED AT 1:37 PM  
{ } DENOTES SPELLED PHONETICALLY**