

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 September 9, 2009.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson (not present)
Leg. Wayne R. Horsley, Vice Chair
Leg. Cameron Alden
Leg. Lynne C. Nowick
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

Leg. Edward P. Romaine, First District
Leg. Jay H. Schneiderman, Second District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Barbara LoMoriello, Deputy Clerk
Lance Reinheimer, Assistant Director of Budget Review Office
Jill Moss, Budget Review Office
John W. Pavacic, Commissioner of Parks Department
Steve Tricaraco, Aide to County Executive
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Thomas Ryan, Aide to Leg. Vilorio-Fisher
Brendan Stanton, Aide to Leg. Horsley
Greg Moran, Aide to Leg. Nowick
Deborah Harris, Aide to Leg. Stern
Debra Alloncius, AME Legislative Director
Dennis Brown, County Attorney's Office
Catherine Stark, Aide to Leg. Schneiderman
Joseph Sicinski
William Grauer
John Hoge
Nick Worontzoff
Daniel R. Haughie

ALSO IN ATTENDANCE: (Continued)

Tom Casey
William Walter
Tom Wysmuller
Cynthia Shor
Dr. Jack Coulehan
Stephen J. Schmidt
Robert S. Gassman
Harvey Holland
Raymond DeJohn
Louisa DeJohn
Regina Gilberti
Thomas Gilberti
George Hoerning
Richard LaBella
Arthur Huebnor
Dave Weisberg
Irene Novak
Barbara Bertone
Robert Murray
Charles LaCarrubba
Ronald Cole
Lawrence Novak
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 1:15 PM

VICE CHAIR HORSLEY:

Welcome to the Parks and Recreation Committee meeting of September 9th, 2009. May we all stand for the Pledge of Allegiance.

SALUTATION

And may we also stand for a moment of silence for all those men and women who are protecting our freedoms both home and abroad.

MOMENT OF SILENCE

Thank you very much. Please be seated.

LEG. ALDEN:

Mr. Chairman, I think you might have put it on the record at another meeting, but also keep in your prayers the family of John Foley who was a long serving Suffolk County Legislator who recently passed away.

VICE CHAIR HORSLEY:

Thank you very much, Legislator Alden. We do appreciate those thoughts and we do express those sympathies. All right.

PUBLIC PORTION

We'll go to the public portion, which we apparently have a long list of people that would like to be heard today. So we will be holding to the three minute time scope on this. Okay. We'll call up our first person to the public portion. And my understanding a lot of the issues here are involving the County marinas and we're going to ask before they come up, and maybe this will help answer some of the questions and keep us under a timeframe, this is Commissioner Pavacic. He's going to address this issue and then we're going to go and make sure that everyone is heard that has questions and/or comments concerning this issue.

Commissioner, you're going to be speaking about this -- the marina issue.

COMMISSIONER PAVACIC:

That is correct.

VICE CHAIR HORSLEY:

Thank you. Please.

COMMISSIONER PAVACIC:

At the request of the County Executive the Parks Department prepared and circulated a request for Expressions Of Interest to explore the potential for improvements and operational improvements to various County marinas. The County has several marinas, which include Timber Point east and west, Shinnecock out next to Meschutt Beach and the Shinnecock Canal, Smith Point and also Tadsen's, which is a former and now defunct fishing station located in East Moriches.

This document was circulated with a response date of September 17th, which is next week. And it's very, very different than an RFP. This is not a -- the County Parks Department has not formulated a proposal, has not put together a plan to change any of the marinas, has not proposed changing the operation of any of the marinas, changing the configuration, changing the fee schedule. All this is, is just seeing if there's an interest from various operators and entrepreneurs out there in looking to

make improvements to and potentially operate County marinas.

However, the responses to the RFEI do not result in the awarding of a contract. And I know that's been a common misconception that's out there; that later this month there will be a committee meeting to award a contract. That is not the case. It's just to explore right now to see if there's -- it's an information gathering exercise to hear from those who are in the field of operating marinas, whether or not they have some ideas and interest in making improvements to the way we operate our marinas.

Could this end up becoming a request for a proposal? There is the potential that following this exercise and the review and deliberation over the responses we receive, this could result in the creation and preparation and circulation of a formal request for proposals and going into a bid process.

However, there's also the potential that the County may go no further than just receiving this information. What may happen is that we may take some of the information we received and make some changes to the way we operate marinas, but with the marinas remaining under County Park's control and operation and management.

We've also received quite a few comments from folks who have made some very, very helpful suggestions, folks who are veteran boaters, many of whom currently use some of our marinas. And they have made some very, very interesting suggestions, which we would also consider.

Our Contracts, our staff has been fielding and receiving a slew of e-mails, phone calls and letters and has been very diligently responding to those and trying to address the concerns that are expressed by folks.

But at this point this is just an exploratory information gathering phase. There is no formal proposal to change anything in any of the marinas at this time.

VICE CHAIR HORSLEY:

Thank you very much, Commissioner. Commissioner, when will these be open now or what is the timeline?

COMMISSIONER PAVACIC:

September 17th is the deadline for receipt of responses to this.

VICE CHAIR HORSLEY:

And it'll take you how long after that to process that?

COMMISSIONER PAVACIC:

We would actually similar to what we do for an RFP, we would establish a committee and, therefore, there would be -- the Legislature would have representation on that. We would follow the similar form that we would do for an RFP to look at all those responses that we receive.

VICE CHAIR HORSLEY:

Thank you very much. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. Welcome, Commissioner. A couple of questions. First of all, who prepared the RFEI? Was there an oversight committee in the preparation of the RFEI?

COMMISSIONER PAVACIC:

The RFEI was prepared by the Parks Department. Our Contracts Division headed up the preparation of that. That is one of the tasks that they routinely do particularly when it comes to selecting a new concessionaire such as for our restaurants. Lessing's, for example, which operates some of the

restaurants at some of our facilities, our Contracts Unit is involved in preparing the request for proposals for those. Similar to what we do for golf courses as well. They also obtain input, though, from other Park staff; those folks who directly operate our marinas and others within the County such as the Department of Public Works.

LEG. STERN:

And during the course of this preparation of the RFEI, and I guess going forward also, are you familiar with local organizations that would represent, you know, those among others that are here today? You know, boaters those who enjoy our marinas, would they or could they be a part of the process if there was to be an RFP issued going forward?

COMMISSIONER PAVACIC:

Normally in the process of an RFP you have a small group of about -- and that's prescribed in County law in standard operating procedures as to what would comprise the selection committee. However, I would imagine that certainly such a committee could receive testimony from interested parties regarding what type of input should go into a marina operation.

LEG. STERN:

And maybe this question and answer is premature, but as you go through this process, do you foresee this resulting in an all or nothing type of a proposition or could there be some marinas that it might be more suitable than others to pursue it further through an RFP process?

COMMISSIONER PAVACIC:

That's a -- there's certainly the potential for that. There's -- as I said, Parks Department has not come out with a grand plan for how it foresees a change to the operation of marinas. A person could select one of the existing marinas. They could select a combination of them. They could decide that, well, they'd be interested in operating all of them. And there's significant differences among them as well. Even at Timber Point we're straddling both sides of the Timber Point County Golf Course; the east and west marinas are vastly different. The west marina is much smaller. It's sized for much smaller boats. It has fewer amenities, it has -- it doesn't have -- is not fully electrified as opposed to the eastern marina, which provides much more amenities including electrification.

Smith Point, for example, we have boat launching ramps there only. We do not have any slips there at this point and no vast degree of electrification there either.

Tadsen's, which is also known as Tuttle's in East Moriches, as I mentioned before, it's a defunct former fishing station. Many of us when we were kids might have remembered -- might have actually had our parents rent a boat there for a day. You could go, get your bait and your fishing tackle there and rent one of their boats and go out there. That site is in pretty delapidated shape. We've already had discussions with the New York DEC about the condition of the bulkhead.

It's our feeling that that would not be conducive to redevelopment of a full blown marina there, but actually be conducive to more of a kayak, canoe launch type facility. The bulkheading has deteriorated to the point where native vegetation, wetland vegetation started to grow back and the state would be unlikely to grant permits allowing for the replacement of the bulkhead as it previously existed there.

LEG. STERN:

Thank you.

VICE CHAIR HORSLEY:

Thank you very much Legislator. Legislator Nowick.

LEG. NOWICK:

Hi, Commissioner. Just to set my mind straight and to understand this, it sounded to me -- let me

ask you, did you find that there was a need for a change like or was this -- did this go out strictly because the Executive Office had suggested that do you this? Or did you find there was some type of a need to change things?

COMMISSIONER PAVACIC:

As I said before the -- we were requested to do this. And we have received comments from folks over the years, I will say, about either the way we handle or manage seasonal slips, how transient slips are managed. You know, so I would say that every year we do receive comments from folks asking for refinements and tweaks to the way that the marinas are operated. And so certainly those are things that we do take into consideration.

LEG. NOWICK:

Commissioner, how does it work right now? Does somebody that owns a boat, do they buy a slip or rent a slip for a season? Or is it in and out on a daily basis? How does that work right now?

COMMISSIONER PAVACIC:

There's two types of categories. We have seasonal slips where you get on a waiting list. That's similar to a lot of the townships where they have a town owned and operated marina. It may take quite a few years before your name comes up for a slip in that marina.

LEG. NOWICK:

And not to interrupt, but once your name is on, you have it until you don't need it anymore, or is there a time span?

COMMISSIONER PAVACIC:

Yes. You have it -- you basically, as long as you pay the annual fee that's required, that you would have it as long as you desire. And then that is opposed to transient slips for folks who are day visitors, say, from either out of town, from another part of the County who decide to spend, let's say, a long weekend at Shinnecock and they pilot their boat over there and they spend a weekend or longer at that site, but they're not planning on staying there for months on end as a seasonal slip holder would.

LEG. NOWICK:

So -- and just so I understand, if the remote chance that this would happen and it was privatized, the people that now have the slips, would they lose the slips or would that go -- would the slips go with the contract? How would that work? Or maybe you haven't gotten that far, I don't know.

COMMISSIONER PAVACIC:

I'm not going to hazard a guess on that. And that's not something that we are proposing to do to displace folks from seasonal slips. I know that folks wait quite a few years to get onto -- into a seasonal slip. So that's not something that we are proposing at this point. And we have not looked at any of the responses we've received yet so I cannot hazard as to what somebody's proposing in that regard.

LEG. NOWICK:

Thank you, Commissioner.

VICE CHAIR HORSLEY:

Thank you very much, Legislator. Legislator Alden.

LEG. ALDEN:

Commissioner, thanks for coming down. I'm going to start by saying thank you because within five minutes of my call to your office, I had received a copy of the request for interest, which I thought that was great. But I was a little bit disappointed. And now I understand it's not with your office but with the process that actually led to that request being sent out.

I think that this Parks Committee would have been the proper forum if the County Executive had thought that he might need extra money or something like that because of the budget. This is the proper forum to actually start that process. And so it's not a disappointment with you; it's more with the process before you even got the request. Having said that, do you believe that you can go forward and develop the RFP without involvement from this Legislature or this Committee?

COMMISSIONER PAVACIC:

Well, I think development of an RFP would certainly require Legislative input. And certainly if there were to be a contract awarded, the Legislature has to approve of that award as it would with any other contracts.

LEG. ALDEN:

Okay. Because there's quite a few people here that want to speak on this today and we should let them speak. We have to hear -- because they've got some good ideas, too. But I'd like to be able to assure them that Suffolk County is not going to take action without listening to their input and without this Legislative body taking action on any type of proposal, whether it be an RFP or whether it be privatizing the marinas or even scaling down operations. Is that an assurance that we can give the people today?

COMMISSIONER PAVACIC:

Yes. I can tell you first of all that in the RFEI itself, it talks about the creation of a committee, which includes Legislative representation. And that is parallel to what is done for an RFP. So the Legislature would have direct representation in deliberations both on the RFEI and the RFP if there were to be an RFP.

LEG. ALDEN:

Good. And I feel a little bad, though, that this Committee wasn't involved even with the preparation of the request for our interest because we've dealt with all the issues. We're the ones that actually authorized the money that went into all those marinas; the creation of the marinas, the repair of the marinas, the rebuilding. So it just -- it made me feel like, you know, just something either underhanded or that didn't want the light of day to shine on it and that's -- we're looking for transparency here. And certainly the users are the first group that we as Legislators when we think of any type of action, those are the people we reach out to see, number one, if there's anything wrong. And if there is some things wrong, if we want to correct them and can correct them or if we want to make it a better process or a better experience for everybody. But that's the way we are chartered to operate. And I just felt that in this instance that's not the way we got off to a start.

However, having said that, with this hearing and if there's going to be transparency in this whole process, I think that it can lead to some suggestions that we might want to actually incorporate and institute. And is it your impression that you want to get this done before the budget process for next year?

COMMISSIONER PAVACIC:

Well, I think that's -- and just in response, I don't think there was any intention here to be underhanded, but I think it was also as a matter of expediency just to get this Request For Expressions Of Interest out on the streets early enough so that we'd have time this fall to see if there's anything out there, any suggestions that have merit before we get too far into the new year.

LEG. ALDEN:

Good. I'm glad it wasn't like an underhanded thing. But as far as the transparency, like I said, and I'll repeat it because it bears repeating, the user groups are the first people that we reach out to when we're looking to change something. So, you know, in this instance the user groups found out, like by accident, and they're the ones that brought it to my attention. So it wasn't that, you know, somebody from the County Executive's Office reached out to this Legislative body and even the Chairwoman of this Committee didn't know about it when it was happening.

So having said that, I think there can be a positive outcome. But I do want to reassure the people that are here, and I hope you can reassure them, that we're not going to take actions without hearing their opinions, without their voices being heard.

COMMISSIONER PAVACIC:

I could also give you additional assurances, Legislator Alden. Through this process I became aware that there are some organized boat advocacy groups including representation of those folks who use our marinas. Normally the only organized advocacy groups that we deal with are those associated with the camping community. We meet on a regular basis with the camping organizations, Suffolk Community for Camping, for example; and then some of their member organizations, we meet with independently as well. But heretofore I was not aware that there were organized marina advocates. And, in fact, my contracts division has already made arrangements to establish a meeting with some of these folks so we can meet one on one and discuss with them some of the issues that they have.

LEG. ALDEN:

Good. So you're saying some positive already has come out of this. And I have a lot of trust and I have a lot of confidence in you. It's just the first part of this, the way it got started, I really don't have much trust and I don't have much confidence in where this came from. But thanks and thanks for coming down.

COMMISSIONER PAVACIC:

You're welcome.

VICE CHAIR HORSLEY:

All right. Thank you, Legislator.

Okay. We have -- I'm going to move right into the public portion because we have quite a number of cards. The one thing that I wanted to note in looking through the cards is that some of the cards that I have received is for the issue of the -- either Walt Whitman or the hotel/motel tax support or against. That is for the public hearing that'll be held at two o'clock.

So what I'm going to do is I'm going to ask when their names do pop up whether or not you would actually like me to hold this over to the following hearing at two o'clock. And that's the Economic Development, Energy and Higher Education Committee. Okay? So keep that in mind when I get to your cards.

All right. But the first one I have is for the issue of County marinas, that's a Joseph Sicinski of Timber Point Boat Owners Association.

Public Portion

MR. SICINSKI:

Thank you very much for allowing me to be here. Is that better? Okay. Thank you.

Again, my name is Joe Sicinski. And I'm here representing the Timber Point Boat Owners Association. We have a membership presently of over 120 boaters out of Timber Point and another 28 boaters out of the Shinnecock Marina. And, by the way, we have quite a representation here today in our audience and I'm very happy that they came here because they do have a concern.

What brings us here is the meeting -- before this meeting of the Legislature is the request for Expression Of Interest, RFEI, revision 721-09 -- 09-pk011. By the way, if I may, this Request For Expression Of Interest, when you read it, has a language of a request for a proposal and actually requires in a response detailed information from interested parties down to a proposal plan, certified financial statements, references, resumes of their employees and so on. If you read section one, paragraph four and paragraph nine, it also states that a contract can be awarded from the responses

received. That's far from an Expression Of Interest, believe me. It does take the body of an RFP.

Our concerns are that the County may elect to go out with privatizing the operations of these facilities. And these are facilities that have been paid for by taxpayers over many, many, many years. And it's the property of the County. And we're concerned about what would happen and knowing some of the people that have an interest here in trying to operate a facility like this, we're going to get strung out with high fees, we're going to get strung out with other costs that we're going to end up paying. And the only winners in the process are going to be whoever it is that will end up with a contract to operate the facilities and that's certainly not the County.

Needless to say, we have a lot of senior citizens who worked for many years and hope that they would have a place that they can enjoy their elder years here with their boating and whatever. And that could disappear as a result and we're very concerned about that.

This is not a marina that can be operated as a commercial marina. I don't think either one of those two that I mentioned; Timber point or Shinnecock. We're surrounded by wetlands. There's no room for expansion as so requested in the County's RFEI. There's just nowhere to go with that.

By the way, I recently came across an advertised notice to bidders from Suffolk County Department of Public Works with responses required by the 3rd of September 2009 to bid on reconstruction of bulkheading at Timber Point under capital project 5377. Now to the best of my knowledge and by my presence and the presence of other boaters that we have in these facilities at Timber Point, we don't see any need for reconstruction. And why that particular issue is out there, unless there's something in motion that we don't know about, you know, again, there's no reason to do any reconstruction. If there were, I would then question and challenge why the County would even consider privatizing the facilities after rebuilding it. What would be the purpose of doing that and spending the money out of Capital Budget in order to make that happen? That doesn't make any sense to me and there's no logic to it.

VICE CHAIR HORSLEY:

Mr. Sicinski, please wrap it up.

MR. SICINSKI:

Yes, I will. Okay. All right. Again, if I may, what we're -- I want to respectfully request, and it appears that we have accomplished this already, that the County officials and perhaps members of the Legislature meet with us to disclose and explore the various alternatives that will satisfy the County's needs without licensing to private profit making business operators. Keep this in mind -- keep in mind what happened at Bergen Point, if I may say that as well.

In closing, again, senior citizens who currently use these facilities after many years paying for taxes to support parks and recreation, they look forward to enjoying these facilities in their golden years, if there is such a thing. Don't take away that enjoyment by making a wrongful move. Thank you very much for hearing me.

VICE CHAIR HORSLEY:

Thank you, Mr. Sicinski. And there are golden years. Mr. Stern, did you want --

Applause

Okay. Mr. William Grauer of the Timber Point Boaters Association. Welcome, Mr. Grauer.

MR. GRAUER:

Good morning. Good afternoon, I'm sorry. My name is William Grauer. I want to thank you for this opportunity to speak before you today.

What brings me before this meeting is the same one that we've just been discussing, the marina situation. Like all others that you see here out before you, we're all concerned about the intention

to lease the Suffolk park resources. Suffolk County has some of the best parks in the state and probably in this tri-state area. We are known for our campsites, golf courses, beaches and marine facilities. These parks are some of the reasons that makes Suffolk County such a desirable place to live. And the Parks Department itself can take great pride in the work that they do in providing Suffolk residents with these fine facilities. And we encourage the Parks Department to not reverse their sterling efforts by now privatizing the parks.

I hope that the Legislators will take the time to involve themselves in an open discussion about this issue and not let this be decided without the benefit of Legislative oversight. As the Legislators involve themselves, I'm sure they're going to come up with some of the same sorts of questions that all of us here have, to list just a few concerns. If the Parks Department finds it beneficial to long term lease the marinas, will they do the same with the golf courses, the beaches, the campsites and the hiking trails?

The RFEI expressly states that the award can be made without going through the normal process of issuing an RFP and without Legislative approval. And that would be contained on page seven of the RFEI. I feel that our elected officials should be able to vote on this momentous change to park management.

Also, why is it that this leasing plan of the marinas will for the first time be open to anyone, not just Suffolk County residents for the seasonal slip rentals? And will the fees charged continue to be set by the Legislature and the Parks Department or will they be left to the private operator to set? What fundamental problem is trying to be solved? What end goal is in mind? Have other solutions been investigated? Has the Parks Department involved the community leaders in addressing this issue? And I'm happy to see that now, that they have set up a meeting with some of the leaders. Thank you.

Currently, what is the net cash flow and the profit and loss from the two operational marinas? And what can be done to improve the efficiency, increase the revenue and reduce the cost at the marinas? And is it really desirable to develop the existing marinas into full-service marinas, especially since some of them are in environmentally fragile settings. These questions and more require the closest type of open discussion with all relevant parties. The Legislators, the Parks Department, the communities impacted, responsible interested groups and all those who use Suffolk County Park facilities.

Again, ladies, gentlemen, I thank you for your time.

VICE CHAIR HORSLEY:

Thank you very much, Mr. Grauer.

Applause

Mr. John Hage -- Haden, Hoge. Is it Hoge? Park regulations.

MR. HOGE:

Hi. My name is John Hoge. I'm with Sea Eagle Inflatable Boats. We are a local company that's been selling inflatable boats and kayaks for 20 years in Port Jeff and 20 years before that in St. James.

I'd like to ask the Committee to define exactly what the rules are regarding the use of inflatable boats and kayaks in County Parks. Some of -- one of my customers was told recently that they can't use my product in the park. And there seems to be no rule against that in section 378 subsection six of County Code. And I hear various things from various different parks as to what the law actually is. And I'd like to find out, you know, where it's written down exactly what the laws are so I can inform my customers of what the status of that is. And if there is any such restriction, I'd also like to ask the committee to consider changing that to make it in harmony with what the US

Parks Service does for national parks and what New York State does; and that is allow only craft that are certified by the National Marine Manufacturers Association, which would allow County residents to use these wonderful facilities. Thank you very much.

VICE CHAIR HORSLEY:

Thank you very much, Mr. Hoge. Let me do this. Commissioner, would you like to a -- will you be around for a little bit. And what we'll do maybe after the meeting have the Commissioner meet with you and discuss the issue and regulations. Would that be fine with you?

COMMISSIONER PAVACIC:

Sure. I'd be happy to do that.

VICE CHAIR HORSLEY:

Okay.

LEG. STERN:

Maybe --

VICE CHAIR HORSLEY:

Legislator.

LEG. STERN:

Yeah, maybe we can also have our Counsel's Office pull the relevant section so that she can take a look at it and we can get you an answer.

VICE CHAIR HORSLEY:

Okay. Then, Counsel, will you join the twosome and make it a threesome and chat on this all important issue; okay? Thank you very much. Thanks for bringing that down, Mr. Hoge.

All right. Mr. Nick Worontzuff, Timber Point Marina.

MR. WORONTZUFF:

My name is Nick Worontzuff, longtime resident of Suffolk County, live in East Islip, use the Timber Point Marina for a good many years.

The folks that came before me kind of expressed most of our concerns on a regular, regular basis and a very thorough presentation. What was concerned -- what concerned me in particular, and I want to make a point of is that -- just repeat, that this -- what looked like an innocent request for information was done very expeditiously leaving out an awful lot of important folks such as the boater users and the community.

And that there is a question, I guess, in back of our minds, what was the purpose of this whole exploration? How did this all of a sudden just explode? I mean, there's general questions on, I guess, on a regular basis as to upgrades and maybe you want to alter things and certainly budgetary crunches and crisis come along periodically and there's going to be a need for a little cash flow or something like that. And we hate to think that we're going to be the folks that are going to provide this little impetus for cash flow.

And the future impact on boaters is not defined in any of the documentation we've seen. And there's folks who have made long-term commitments, they're on waiting lists, they're paying, I think, \$15 a year just to be on that waiting list and it's typically five to ten years.

And then there's us folks who've had a long-term relationship with Suffolk County, ten years or more, and we've been responsible. And I guess what we'd like to see is a reciprocal level of responsibility. As Joe said, we'd love to meet with you folks, the appropriate folks and have our input.

I thank you for this opportunity. And hopefully we can come to a good agreement for everybody's benefit. Thank you.

VICE CHAIR HORSLEY:

Thank you very much, Mr. Worontzuff.

Applause

Mr. Daniel Haughie, Marina Leasing Plan.

MR. HAUGHIE:

Good afternoon. My name is Dan Haughie and I'm a long-time resident and long-time taxpayer here in the County.

And I have just a few questions for the Commissioner. Why, why was this proposal put forth? What benefit is it? Joe stated that this is a County property. In reality, it's actually our property, the County taxpayers. We want to know what the benefit, what the endgame is? How does the taxpayer benefit from this? We're going to decrease tax revenues because we're going to cut out the small independent providers that now come down fix out boats, do other things for us; they'll be cut out if it becomes privatized. You're now cutting out tax revenue.

This is a short-term proposal to infuse a short-term one time cash infusion into the County Executive Budget. This is not a long-term proposal for the residents and the taxpayers of this County. We've seen what that's done at Bergen Point; it hasn't worked. The current system works. It's fair. It's balanced. It works for the County residents. We want to know with proper management in place, this could be a long-term cash flow positive for the County.

Currently at Timber Point the County -- the gas docks have been closed for six weeks because of a gas pump. How much money has that cost the County due to poor management and oversight? Nobody's overseeing these facilities. There's no expansion at the new facility of this apparent defunct fishing facility. You're not going to expand that. As we've stated before, there is no expansion available at Timber Point or at Shinnecock. You're surrounded by wetlands.

So I don't understand what the endgame is here. And that's our biggest concern; what is the endgame? There is no benefit. What's the benefit to the taxpayer of the County? I see no benefit in this proposal. Thank you.

Applause

VICE CHAIR HORSLEY:

Thank you very much, Mr. Haughie. The Commissioner, I would hope, would be able to answer those questions for you. If you have specific questions of any Legislator, feel free to, you know, get a hold of us in our offices or after the meeting or the like. But certainly no, we don't want them to be unanswered. All right.

The next card I have is from a Mr. Tom Casey. Tom, it looks like you're interested in the hotel tax -- hotel/motel tax and the Walt Whitman issue. That'll be in the next meeting. Is that okay, Tom? We'll put you over to the next meeting. Tom, you're here? And I'm speaking to myself. All right. Okay.

Again, this says from a William Walter, Walt Whitman Birthplace Association. And I think that's the same issue. Mr. Walter? All right. Holdover till two o'clock.

Mr. Tom Wysmuller, the same thing. Tom, are you here?

LEG. ALDEN:

They may be out in the hallway.

VICE CHAIR HORSLEY:

They might be out in the -- oh, okay. Cynthia Shor. Same thing. Dr. Jack Coulehan, same thing. You guys are doing pretty good. Mr. Stephen Schmidt. This is concerning Shinnecock and Timber Point Marinas. Mr. Schmidt.

MR. SCHMIDT:

I'd like to pass my minutes onto Mr. Gassman, if you don't mind.

VICE CHAIR HORSLEY:

Okay. Well, then, Mr. Schmidt, I presume because some of the issues that you wanted to --

MR. SCHMIDT:

-- going to be speaking next, if I could defer my minutes to him, because he is more long-winded.

VICE CHAIR HORSLEY:

Oh, well. I can't transfer minutes. We deal with that with land preservation. All right. We'll see what we can do. Okay. Mr. Robert Gassman, apparently has a lot to say -- Shinnecock Marinas. Mr. Gassman.

MR. GASSMAN:

The alleged long-winded person. All right. I am a retired CPA and was rather curious about what was going on particularly at Shinnecock Marina. In doing so I contacted the Suffolk County Contracts Manager, a Colleen Logan Hofmeister, who indeed responded very affirmatively to me and I want to commend the Commissioner for indeed allowing her to do so.

Now, having said that, I just want to share with you as I have with other Legislators that are in this room from Mr. Schneiderman from local district number two, I just want to share the letter that I had written. And as a result of this letter we are scheduled to meet with the Commissioner next week.

So having said that, let me say that it said, Dear Colleen, thank you for the information contained in your your e-mail of August 27th, which was most useful in understanding why Suffolk County Department of Parks has been motivated to consider the notion of privatization of the parks marina. Having said that, it is our desire that all the seasonal slip holders and many transient users of these facilities request that the County withdraw its RFEI, specifically for Shinnecock County and Timber Point Marinas.

Alternatively, these are our suggestions, secure some of the problems of apparent operating deficiencies; one, reasonably increase the leasing rate for the seasonal slip holders. We understand that this increase from 43 to \$50 a foot is already planned for 2010.

Increase the rates for transient slip rentals principally at Shinnecock Marina.

Consider an equitable arrangement for the allocation of electric power usage by the seasonal slip holders and a flat additional daily charge for the transient users.

Operate the marinas more efficiently so that the revenue is not lost because of lack of manpower. And I want to say that the seasonal slip holders could conceivably play a part in assisting the staff personnel. The Marinas will be more efficiently run and indeed more revenue will be generated.

We should encourage the seasonal slip holders to notify the dockmaster when each slip holder will be away for overnight and just for how long. This would effectively release the space for transient

use. Again, a committee of seasonal slip holders could assist in this effort.

Embark on a program of marketing the facilities. Again, principally at Shinnecock, which is truly a paradise. And we would say that the -- by marketing it, we could certainly enhance the slip usage, which I have determined to be approximately 45%.

Reservation for transient slip space should be based upon payments in advance for the entire stay. By the way, this is not my idea, this is most communities all over this New England area.

Charges should be imposed for temporary tie-ups for the beach, etcetera.

I want to say, all of us are aware of the commercial rates charged by neighboring full service marinas. We are all of a view, however, that as a County Park Marina there should not be a product -- profit motivation. And it should not be compared in any way with a commercial facility.

On the other hand, we understand that our marinas should be reasonably self-sustaining and should not be a major operating financial burden for Suffolk County. The transient slips should be increased for 2000 -- the rates should be increased for 2010 season -- the 2010 season, which affects 28 slips in Shinnecock and eight slips in Timber Point Marina.

Now we all have a great many more ideas. I have been at this Shinnecock for about ten years now so I have seen all the good and the bad.

VICE CHAIR HORSLEY:

Can you please wrap it up, Mr Gassman.

MR. GASSMAN:

Sorry?

VICE CHAIR HORSLEY:

Please wrap it up.

MR. GASSMAN:

We have many other ideas to share with the Commissioner and we will do so next week, and we thank you for that. It is our desire to reach an agreement that is mutually beneficial to Suffolk County and our group.

VICE CHAIR HORSLEY:

Thanks very much, Mr. Gassman.

Applause

Yes, we have -- Mr. Gassman, we have a quick question. Legislator Stern.

LEG. STERN:

Mr. Gassman, thank you for being here today. I was just having a discussion a little while ago with our Budget Review Office and, you know, looking forward to getting additional information. But since you said so, that you are familiar with fair market value to privately run facilities that are similarly situated, I thought I would ask you the question: I see here for 2009 at the Shinnecock Marina it's \$50 a foot. Would you have any idea what the going rate per foot would be at a commercially run, privately run facility in the approximate area to Shinnecock?

MR. GASSMAN:

I do. And the commercial facilities I have seen vary from all over. And it also varies depending upon what services those marinas offer. So you have to understand we have a barebones marina.

And you were talking about full service, I want to differentiate that. I have seen it from anywhere from \$100 to \$150 per foot. I have inquired; I understand that that's what it is. But, again, we're talking about a different point of view here. And I just want to stress that point in a great, great deal of strength I want to stress that point.

LEG. STERN:

Thank you.

VICE CHAIR HORSLEY:

Okay. Thank you very much, Mr. Gassman. And, Commissioner, maybe you might want to let us know how this meeting works out between yourself and the marina users.

COMMISSIONER PAVACIC:

Will do. Legislator Alden, do you have a comment?

LEG. ALDEN:

And if it's appropriate invite the Chairwoman and any of the members that you might think would be contributing to the meeting or could contribute to the meeting.

VICE CHAIR HORSLEY:

We'll leave it at that.

LEG. ALDEN:

Thank you.

VICE CHAIR HORSLEY:

All right. Ms. Irene Novak about the marina issue. Ms. Novak? Irene?

MS. NOVAK:

Yes. I'm not going to address the issue right now. I think most of it has been said by the Timber Point Association regarding that RFEI situation.

VICE CHAIR HORSLEY:

Okay. But ditto on the comments. Thank you. Okay. Well, come on up then.

MS. NOVAK:

Actually I do have a few questions though.

VICE CHAIR HORSLEY:

You couldn't help yourself. I see.

MS. NOVAK:

I couldn't help it. My question was who in Parks Department was it requested by, the RFEI, in the first place? It was mentioned that, you know, it was requested but it specifically say by whom. And why was this RFEI put out in the first place, if it was going through a bidding process was not their final objective, but gathering the information then, what was it?

VICE CHAIR HORSLEY:

Yeah, we're not going to be in the position to answer those questions today unless the Commissioner would like to, you know, follow-up with you; maybe that's the best way to handle that.

MS. NOVAK:

Right.

VICE CHAIR HORSLEY:

Yeah, are you going to be at this meeting next week?

MS. NOVAK:

I hope so.

VICE CHAIR HORSLEY:

Well, then you get on him and find out.

MS. NOVAK:

Okay. Thank you.

And one last statement, if the marina has merit why have a private party reap the benefits instead of the County and its -- the County residents? I've been a resident for 39 years of Suffolk County paying taxes.

VICE CHAIR HORSLEY:

It sounds like the Commissioner is going to be well prepared for you then.

MS. NOVAK:

Okay. Thank you very much.

VICE CHAIR HORSLEY:

Good luck with your questions. All right.

Barbara Bertone, Barbara Bertone.

MS. BERTONE:

Hi. My name is Barbara Bertone, I'm at the Timber Point Marina. I just have to say it took me seven years to get into the marina; paying my fee yearly or maybe five years because it had switched over. At one point you didn't have a fee, then you had a fee.

Now you're all excited, you get your slip and you know, okay, I'm pretty much set, things are, you know, the prices are what they are, they're going to increase, everything increases at one point. You go out, you say, *okay, now I have this mortgage on my boat because I got my slip*. And you have -- it's a mortgage like a house, when you have a large boat. It's a big -- it's a -- pretty big size boats that go there. Now it's almost like being totally evicted if you're going to raise it because you know what you're paying for your mortgage on your boat and now you have to entail that you're going to be paying possibly \$150 extra or a hundred dollars extra per foot on your boat. So, you know, it really gets to you at that point.

And according to the information that's requested saying that people from Nassau County or the City or anywhere else would be able to use this marina, I just think that's going to be a little, you know, it's not that large, but I haven't been out to Shinnecock. I only know Timber Point. But if it took me seven years to get there and then incur a mortgage on your boat and then find out you can't leave your boat where you're going to be and then you have to go to a private marina and pay tremendous amounts of money. And not -- again, someone had mentioned about not being able to do your own work on your boat if it's privatized, they only want their people waxing your boat or doing maintenance, engine work. You have no say in it anymore. You're kind of like tied to them.

And if it's along the -- if it's along the river in Connetquot River, you don't want the sample people. There's our people that own many marinas along there under different names; you don't want to have a monopoly of one person regulating the cost of every marina along the river there. And that's what my thought is.

And what happens to the fees? I was lucky enough seven years I paid them; I'm in. What happened to the other people that had been on the list for ten years? What happens to those fees? They're just wash now? And they're hopes and dreams might be gone because there won't be a

marina for them to go to that's affordable?

VICE CHAIR HORSLEY:

That's a good question.

MS. BERTONE:

Okay. Thank you.

VICE CHAIR HORSLEY:

Thank you very much, Ms. Bertone.

MS. BERTONE:

Thank you.

Applause

VICE CHAIR HORSLEY:

Are there any other issues to be brought forth before this Committee? Would anyone else like to be heard? Sir.

MR. MURRAY:

All right. Thank you for this time and opportunity to express our thoughts as far as the marina issue.

One concern I do have as a -- being a disabled vet, we do have the privilege of getting a reduced rate. And is there any process when this is going to be privatized for the disabled vets?

If it's a revenue issue, would the County consider using a non-for-profit association to help to put a P and L together or a cost center? Is each marina a cost center under a P and L?

Can anybody submit a RFP on this? I didn't know that that was out to the public. And I would like to see if I could get a copy of that and also maybe look at it and see what opportunities are there for disabled vets.

Are there any plans or is there any revenue lost on the marinas where that is shown to the public that losing money and what can we do to increase revenues?

I'm at Shinnecock. And I do see 50% of the time the slips being vacant. Two years prior to that, I've never seen any slip vacant. As today with the rules being changed, more people are not using the slips when they can be used.

Is there a budget for the marinas? To increase the revenue, if you have a full marina, your revenues are going to go up. Are the existing contracts going to be honored for the seasonal boaters? Is there an existing DAV benefits for the transfer if it goes privatized?

Is there a timeline that the County is looking for, like, next year the budget comes out, does this have to be done before 2010's budget for Suffolk County marinas? When is the budget due for the marinas?

As you noticed throughout the whole east coast, marinas had been sold. A year or two later it's a condominium. Are we going to lose this privilege of having our marinas taken away by condominiums? I would say probably 65% of that is happening all over the east coast. It's very difficult to find a marina today to boat.

Isn't this the responsibility of the Parks and Recreation to give us this opportunity to have a boat? I mean, isn't this their job? I know I got a job to do. I got to fulfill it. Isn't this part of their job as

Parks and Recreation to fill their commitment to the public?

And I'm just curious to see what they're going to do with the disabled vets. Thank you for your time.

VICE CHAIR HORSLEY:

Thank you. Thank you very much, Mr. Murray.

Applause

And if I may add if I -- I wasn't quite counting, but I think there must have been about 25 questions in there, at least. So that's for you, Commissioner. Would anyone else like to be heard on this issue?

MR. La CARRUBBA:

Yes.

VICE CHAIR HORSLEY:

Sir, come on up. We'll make you fill out one later. This is the government now. Tell us first who you are and push the button.

MR. LA CARRUBBA:

Okay. My name is Charles La Carrubba. I'm a Timber Point -- at Timber Point Marina. And I have one concern. I think Timber Point has a cash cow. And that is you buy gas based on the County's usage, yet the pump is never working. Why? Who is responsible? Who's accountable for it? This thing was down now, you heard it's been down six weeks. Why? It was replaced the beginning of the year. Who's responsible? Who's accountable for it? There's a lot of management to be done in the park. The same thing with slips. There are people that pull in the transient slips, no one collects the money. Why? That's my gripe that hasn't been mentioned.

VICE CHAIR HORSLEY:

Those are two very good questions. And, Commissioner, I think those should be towards the top of the list of those being answered. All right. Would anyone else like to be heard? Sir, come on down.

MR. COLE:

My name is Ron Cole. I have a slip at the Timber Point Marina. I've been there for 20 years. I will tell you a short story. My son-in-law is in the military. He's a Lieutenant Colonel in the Air Force, recently returned from Afghanistan and now my daughter and her family is located in Maryland. My wife wanted to move there like anybody else. I am retired. I'm on a fixed income and have to weigh the merits and benefits of moving, particularly when it comes to finances.

One of the deciding factors to stay on Long Island was the benefit of the marina and the cost to keep my boat there. Believe it or not that was the swing decision to stay on Long Island. If that privilege is taken away from seniors, they might relocate and that would be terrible.

So I am hoping that the Legislative body here today will reconsider privatizing this marina to help senior citizens out, people who grew up and labored on Long Island and paid taxes and want to remain on Long Island if it's affordable. And I hope that the Legislative body here today will take that into consideration.

And I thank you for the opportunity to speak.

Applause

VICE CHAIR HORSLEY:

Thank you very, Mr. Cole. Would anyone else like to be heard?

MR. NOVAK:

My name is Lawrence Novak. I'm in the Timber Point Marina. And I have one simple question: If the slips have a certain value, why does the County want to share this with a private operator? Why doesn't the County just increase our fees enough to make it reasonable?

VICE CHAIR HORSLEY:

On the list, Commissioner. Would anyone else like to be heard? Sir.

MR. MILANO:

I am not part of Timber Point or -- excuse me?

MS. FLESHER:

State your name, please.

MR. MILANO:

I'm sorry. My name is Joe Milano and I live in West Islip. I do not belong to Timber Point nor Shinnecock, but they are two beautiful marinas. And I frequent them both as a transient boater. And I would not like to see that privilege taken away from me as a Suffolk County resident.

I'm in a private marina. I have a 28 foot boat. It costs me almost \$3000 a year for my boat and I can't do anything on my boat at all. I can't fix it. I have to have them fix it or pull the boat out and go someplace else.

So that's the things I don't want to see happen to my friends at Timber Point. Whatever they're paying, they're paying it. They can afford a boat, they can afford the money for your boat. But I don't want to see that abused. That's it. Thank you.

VICE CHAIR HORSLEY:

Thank you very much.

Applause

Anyone?

MR. HOERNING:

Hi. My name's George Hoerning. I have a boat at Timber Point East Marina. Joe Sicinski just reminded me that the County has a couple of thousand gallons of gas in the ground; it's not being able to be used because of the broken pump. Well, I mentioned that to him.

My concern is I have a boat. I'm not as wealthy as some boaters in private marinas. Private marinas are expensive. The County, you know, is affordable for me. I work hard. I save my pennies. I'm able to afford a boat. I'm at the County. I'm not in a private marina just like I don't play golf at Southward Ho Country Club or some private club. I play at Timber Point or West Sayville because that's affordable for me. This is an affordable benefit for people that wait on the list a longtime and, you know, I hope it's not taken away from us because this rate will make it prohibitively expensive for me. And me and, I'm assuming, a portion of other people will have to leave the activities or whatever you want to call it. Thank you.

Applause

VICE CHAIR HORSLEY:

Thank you very much. I appreciate those comments. I think there's a lot of people in the same boat.

MR. LaBELLA:

Hi. My name is Richard LaBella. I've been a resident of the Timber Point Marina for over 30 years.

And one of the things that I heard brought up by Legislator Stern was that he was comparing the costs in the full-service marinas, which would be, let's say, along the Connetquot River to our marina when, in fact, as it has been pointed out already, the business model, the entire model of the environment is different because it's a full-service marina versus just a group of slips. A more valid comparison would be to compare the rates that we pay at Timber Point to the Town of Islip marinas, which are also not full-service marinas and are municipally oriented marinas. Those rates there are lower than what we pay.

And if you had been down to the Bay Shore Marina in the last year, you'll see that they have infused a significant amount of money and basically totally replaced the bulkheading, the parking lots, the dockage. They put in all new floating docks, all new gantry ways onto the floating docks. They basically replaced the entire marina. They did raise the rates. And as far as I understand it, this is lower than we are. Now that's the comparison that should be made. Thank you.

VICE CHAIR HORSLEY:

Thank you very much. Would anyone else like to be heard? Oh boy, I see that this goes on. Sir, on the right.

MR. HUEBNOR:

Arthur Huebnor, resident of the Timber Point Marina. Also a past Commander of the Great South Bay Power Squadron of 2005.

My concern is management. And that's what it gets down to is management. This weekend the Power Squadron came over and had seven boats in that marina and we all paid for them. The issue is, is that when you do have transients, us as residents in the marina have to notify the dockmaster or should be notifying the dockmaster when we leave for any length of time so that our slips are available to other people who are in transient. Now we've taken 80 plus boats this year out to Greenport coming from Nassau County as well. And that went through the Shinnecock Canal at the Shinnecock Marina. Transients bring in a lot of revenue. And the fuel pump at our marina brings in a lot of revenue. It's imperative that the County keep this in mind as they're re-managing the problem that they have on hand. Thank you.

Applause

VICE CHAIR HORSLEY:

Thank you very much. There's a gentlemen in the center, yup, come on up. I saw you.

MR. WEISBERG:

Good afternoon. My name is Dave Weisberg. I'm a retired electrician and also a lessee or resident of Suffolk -- of Timber Point. Now I've been a lessee there for probably 12 to maybe 13 years at different number slips. As my capability of getting a larger boat grew, I moved around the marina.

One of the things that I've noticed we used to have a dockmaster who would work and take an interest in what we would have. We no longer have that. We have probably students that are there on a part-time basis who don't take an interest, who don't maintain the facility. We're paying a reasonable rate; even if we had an increased rate, we would like some of the security that they have in, say, other town marinas such as Brookhaven, such as Bay Shore. The other thing is the facilities like the bathrooms and things like that.

So we feel that this year and like last year we've had mismanagement there, we have people that don't care. And we as a group -- and we became like a family. We take an interest in the marina even the maintenance and the care of it. We've done things on our own to take care of it. We're paying the rate to Suffolk County. We want this facility to operate at -- even at a profit for them, a small profit if need be. And if we have to do it ourselves, we are concerned that we are interested in

doing that rather than seeing it go to privatization and letting somebody else make a profit.

We don't mind, we pay taxes, we paid for the lease. We've been taking care of the marina, but we don't want a private company taking care of it. And this way like the bathrooms are not clean anymore. They're left open at night because the people that they have at the facility don't care.

The pumpout station, which is a necessary thing, do they want people dumping their waste in the Bay, no? Maintain the pumpout facility. People come and it's closed. There's nobody there. There used to be. They used to be able to take care of it. People were proud to come into Timber Point. Now it's running downhill because of the management. We don't mind doing that. We don't mind taking care of it as lessees and as owners, boat owners, because we take pride in what we do. We want to see that it stays with the County and the County maintains a decent quality for us as taxpayers and paying lessees because even our insurance has to guarantee them as secondary insured. Okay. We're a bunch of people that take pride in what we do. We want the County to give us the respect of that and keep it within the County. And let us enjoy what pleasure we get out of boating. Not have to deal with the hardship of worrying that somebody's going to come along and take that away from us.

I thank you for your time in letting me speak.

Applause

VICE CHAIR HORSLEY:

Thank you very much. Would anyone else like to be heard on this issue or on any other issue in front of this Committee today? All right.

With that being the case, we're going to move onto the rest of the agenda, which is the tabled resolutions.

TABLED RESOLUTIONS

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

LEG. STERN:

Second.

VICE CHAIR HORSLEY:

Seconded by Legislator Stern.

LEG. ALDEN:

On the motion.

VICE CHAIR HORSLEY:

Sure.

LEG. ALDEN:

Are we going to do anything on this? In other words, I believe that there were some mistakes made last year when we put through that resolution to increase some of those fees. And I don't think we took a full look at the ramifications and who it was going to affect. Are we ever going to take a look at this? Because this resolution actually does.

VICE CHAIR HORSLEY:

Yeah, what I'll do is I'll refer that question to the Chairwoman when she returns. But I don't have an answer for that at the moment.

LEG. ALDEN:

And at the very least this resolution deserves, you know, some kind of debate or some kind of explanation why we're not willing to go forward and take a look at it. I wasn't really in favor of any of those park fee increases because they didn't come from the Commissioner. And I thought they were very, very rushed through and not really well thought out, especially the, you know, the ramifications. And now we're seeing that some people were impacted a lot more than other people.

Some of the boaters actually got -- and George helped me out with this, but they got fee increases after they signed contracts. And that's illegal because they already had a contract, an enforceable contract so the County had to go a different way with that. And I think that some of this -- it's contained in this 1354, actually would look to set straight the record on some of the other fees that were put in motion that really didn't deserve to be put in motion.

VICE CHAIR HORSLEY:

Why don't we do this, Legislator, why don't we -- could you give us a list of those issues that you feel are unfair or --

LEG. ALDEN:

Good. And you know what -- all right.

VICE CHAIR HORSLEY:

-- were mis-designed and then we'll discuss them at a --

LEG. ALDEN:

I'll go along with one -- because I usually vote against tabling this, but I'll go along with this next cycle tabling. This doesn't expire, right, under the six month rule? Good. And I'll talk to the sponsor and we'll do -- whether it's a short presentation or whether it's a long presentation, we'll do a little presentation at the next meeting.

VICE CHAIR HORSLEY:

Okay. If there's an unfair -- if there's any unfairness, you know, certainly we'd all like to hear about it. Yeah, but it was something deliberated by the entire body. And just to pick it out now and to start working on individual tabled motions -- so what we'll do is the motion is on the floor to table. Legislator Romaine, did you have something you'd like to add?

LEG. ROMAINE:

Yes. As the sponsor of this resolution, just let me clarify what the resolution's about. We raised the fees. Prior to us raising the fees, people paid for 2009 and the Parks Department accepted those fees.

VICE CHAIR HORSLEY:

Yeah, I think that's what Legislator Alden is talking about.

LEG. ROMAINE:

Right.

LEG. ALDEN:

His was a different circumstance.

LEG. ROMAINE:

Right.

LEG. ALDEN:

His wasn't on contract.

LEG. ROMAINE:

Right. And these people paid legitimately. And then after the fact, ex post facto, the Parks Department said, *well, they raised the fees*. They paid the fees under the old schedule in time, accepted by the Parks Department. And then the new fee schedule went in and they said, *no, we want more money*. It's like you going to the grocery store and you buying a carton of milk and it's listed for a \$1.50 and you pay it at the cashier, you walk out the door; and then a clerk follows you, *oh wait a second, we just raised the fee to \$1.80, where's your 30 cents?*

LEG. ALDEN:

What's the expiration date on that carton, though?

LEG. ROMAINE:

We had that debate yesterday.

VICE CHAIR HORSLEY:

Okay.

LEG. ROMAINE:

So, I mean this is a fairness issue. Are we going to tax people or make them pay fees after the fact, after they've paid? I mean, this is ridiculous. This is a fairness issue. And it doesn't apply to a great number of people, but it does apply to those people who sent their fees in early under the fee schedule that was in effect and then after the fact they're told *sorry we want more*. That's ridiculous.

VICE CHAIR HORSLEY:

Thank you for your -- very much for your concern, Legislator. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. If I recall the conversation, Legislator Romaine made that point eloquently last time. I think we heard from the Commissioner. The Commissioner is here, maybe we can hear from the Commissioner, but I believe that there was an issue as to how that refund would be administered and whether seasonal cashiers would be the most appropriate employees to be able to determine who qualified under particular fees and how that would be implemented.

So although I understand and appreciate the issue, I think there was a procedural issue that came afterwards that was still at issue.

VICE CHAIR HORSLEY:

Counsel.

MR. NOLAN:

Yeah, just a little background because Cameron alluded to the fact other people in slips who had sent in their money signed contracts and the Parks Department had sought more money from these people when the fees were increased. My understanding is the Parks Department -- they dropped that idea of trying to get more money from people who had already sent in their money or signed a contract. I think the issue with this resolution is it further states that if somebody made reservations that they would be entitled -- before the fees went higher, they would be entitled to pay the lower amount. And I think that was really the key issue when we debated -- this resolution was debated earlier.

LEG. ROMAINE:

Right. That is the issue at here. So if I call up the hotel, I mean, *how much is it for me, I'd like stay there next week? It's \$180 a night*. Great. I go there, I go to check -- I stay one night I check out and I'm told it's 225. What happened? *Oh, in meantime we raised our rates*. But I had a reservation under the old system. When the old rights were in effect, that's when I made my

reservation.

VICE CHAIR HORSLEY:

Okay. That's an interesting point you brought out there.

LEG. ROMAINE:

It's a fairness issue. It's not an interesting point. It's whether government acts with fairness and with justice. When government acts unfair and unjust, you know, people lose faith in government.

VICE CHAIR HORSLEY:

Commissioner, do you have anything to say about this?

COMMISSIONER PAVACIC:

Yes, we did discuss it and it had to do with the reservations. The marina contracts we did address and we did rectify that if folks had a bona fide contract the price that was in the contract was the one that was honored.

In regard to other situations, the reservation system comes online at the beginning of the year so folks can make reservations up to six months in advance. However, the system does not allow for prepayment. You can just make a reservation, but you pay at the time that you actually use a service, for example, a campground. And the problem with going back and reimbursing those folks is that we've set up a two tier payment system. First of all the software and the hardware is not set up for that. And secondly we'd be putting the determination in the hands of particularly season cashiers to determine whether or not what fee to charge somebody at the point of service. And that's something we could not burden them with. We've tried to move away from that. There have been a number of audits to that effect. And that's one of the reasons why we have the computerized POS and reservation system now to ensure that we have proper cash handling and there were -- we're being very, very aware of how cash is being handled and making sure it's being handled properly.

VICE CHAIR HORSLEY:

Legislator Nowick.

LEG. NOWICK:

Commissioner, on the site, I know on many sites you can make a reservation, but it does have a -- I'll call it a disclaimer, that rates are subject to change until the actual credit card or however it's being paid is used. Do we have anything like that on our site?

COMMISSIONER PAVACIC:

Yes. We did post notices on our website. I think we may have posted notices on the reservation system website as well because this is before the fees -- new fee schedule was implemented because it was floating out there that that potential for that occurring and we want to make people aware that they may be charged a higher fee at the time that they actually incur the service.

LEG. NOWICK:

So when they made their reservation, there was some type of a clause that said *rates may be subject to change*.

COMMISSIONER PAVACIC:

I think there was. I can check on that for you and bring it back to the Committee in a future meeting.

LEG. NOWICK:

Good. Even in the future that might be a good thing. The airlines do it. And unless you put your card down, there is no contract.

COMMISSIONER PAVACIC:

Right.

LEG. NOWICK:

So that might be an interesting thing to do.

VICE CHAIR HORSLEY:

Any further discussion? Yes, Legislator Alden.

LEG. ALDEN:

If we charge a fee when they go online and that's what I think the problem might have been, people that went online and made reservations using their green card, is there an explanation to them what the fee would be for X number of days at camping? Or is it just a reservation fee; is a said amount?

COMMISSIONER PAVACIC:

No. It's the entire fee. There's a reservation fee and then there's a daily use fee for campgrounds.

LEG. ALDEN:

Yeah, so when they went online they were presented with the reservation fee and the daily user fee.

COMMISSIONER PAVACIC:

However, they're not paying. They're just really making a reservation. They're advised at that time what the cost will be. But they're not charged that until they actually, let's say they made a reservation in January for say Indian Island in June, they would not actually have to pay for that campsite until they showed up there at Indian Island in June.

LEG. ALDEN:

But if they don't show up, they're going to be billed if they made a reservation. Right?

COMMISSIONER PAVACIC:

Yes. They'd be charged a reservation fee for that, for not --

LEG. ALDEN:

I'm just -- I'm pointing out something that --

COMMISSIONER PAVACIC:

We'll, they're not charged -- they're not charged the use for it, just charged the, you know, there's the penalty fee but they're not charged the full amount for not showing up.

LEG. ALDEN:

Okay. And Legislator Nowick already pointed this out but we're going to have the same facts for next year and the same problem for next year as we had this year. I'm just guessing at this, but I think we're going to adjust some of our user fees in the Parks Department. So if we do that -- if you -- and I don't camp so I don't know if you could make it six months in advance, but if somebody could make it four, five, six months in advance, they might be making it in '09 a 2010 reservation. So we're going to have more of that same problem for next year.

COMMISSIONER PAVACIC:

Well actually you can't -- you cannot make reservations in 2009 for 2010. It only -- you can only start to make reservations for some time in 2010 come January 2nd of 2010.

LEG. ALDEN:

Oh, okay. So then it won't because our fee -- user fees will kick in as of January 1st usually.

COMMISSIONER PAVACIC:

Well, they actually under the current fee schedule the fees run through March, I believe, the beginning of March.

LEG. ALDEN:

Of next year?

COMMISSIONER PAVACIC:

Of next year; then they're supposed to sunset.

LEG. ALDEN:

All right. Then it actually could be a problem because somebody could make a January or February reservation for two or three months in advance and get hit with a change in fee. So we will see the same problem next year.

COMMISSIONER PAVACIC:

There is potential for that, yes.

VICE CHAIR HORSLEY:

Okay. Thank you very much. We have a motion to table. All right. All in favor of the motion to table? All right. Opposed? So moved.

Tabled (VOTE: 4-0-0-1 Not Present: Legislator Vilorina-Fisher) Okay.

INTRODUCTORY RESOLUTIONS

1742, Authorizing use of Cedar Beach and Peconic Dunes County Parks by Suffolk County Historical Society for its Half-Century Bicycle Ride Fundraiser. (Co. Exec. Levy)

LEG. STERN:

Motion.

VICE CHAIR HORSLEY:

Legislator Stern makes a motion to approve. Seconded by Legislator Nowick. All those in favor? Opposed? So moved. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Vilorina-Fisher)**

1743, Authorizing use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its Dog Walkathon and Costume Fundraiser. (Co. Exec. Levy) Motion to approve by Legislator Stern. I'll second the motion. All those in favor? Opposed? So moved. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Vilorina-Fisher)**

1744, Authorizing use of Meschutt Beach County Park by Special Olympics New York for its Hampton Bays Solar Plunge Fundraiser. (Co. Exec. Levy)

LEG. STERN:

Motion.

VICE CHAIR HORSLEY:

Motion by Legislator Stern, second -- I'll second the motion. All those in favor? Opposed? So moved. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Vilorina-Fisher)**

1745, Authorizing use of Blydenburgh County Park by the Carol M. Baldwin Breast Cancer Research Fund for its Walk Fundraiser. (Co. Exec. Levy) Motion to approve by Legislator Alden, second by Legislator Nowick. All those in favor? Opposed? So moved. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Vilorina-Fisher)**

1753, Approving a license agreement for Paul Wilson to reside at Hertlin House, Holbrook Road, Ronkonkoma. (Co. Exec. Levy) Motion to approve, Legislator Stern, I'll second the

motion. All those in favor? Opposed? So moved. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Viloría-Fisher)**

Lance, your time is real short to talk about the Vanderbilt Oversight Committee and I'm sorry for giving you such a short notice.

MR. REINHEIMER:

No, that's fine. I just want to go over a couple of things and give a report of the Vanderbilt Museum Board of Trustees meeting, which was held on August 19th. A couple of things we discussed at the meeting: They developed a new educational brochure that they will be sending out in September and October for all of the schools in Nassau and Suffolk County for educational trips. And once that is done and that brochure is sent out, they're going to update their general museum brochure.

Also the Museum board discussed updating their website and keeping that up to date. A point was made at the meeting that their admissions during summer were higher and they were doing very well with admissions; however, they anticipate September is traditionally a slow month and that they expect revenue from admissions to drop off in September, which is traditionally a slow month for the Museum.

The Museum will develop an RFP for their cell tower; that's going forward. The Cell Tower Committee is there as a resource to help them set the technical requirements for the RFP and that's going to go forward.

In addition the Museum sent out and received -- sent out an RFP for catering and they received two -- no -- they received several responses and they selected a committee to review the RFP responses that they received.

In addition to that the Museum had sent out an RFP for a development consultant to help with corporate and private donations to the Museum. They received two responses to that RFP and they selected a committee to review that RFP and make recommendations.

And that's a brief summary of the August Board of Trustee meetings for the Vanderbilt.

VICE CHAIR HORSLEY:

Thank you very much, Lance, we appreciate your comments today on the Vanderbilt.

Just as an addition, the Vanderbilt we're going to be meeting fairly shortly on the -- the look-see on whether or not the Suffolk Community College makes -- has any -- is there any sense to the two joining together to oversee the Vanderbilt. Okay.

Is there anything else that would like to be brought up at this point in time? If that being the case, I'll make a motion adjourn, seconded by Legislator Alden. All those in favor? Opposed? So moved.

THE MEETING CONCLUDED AT 2:38 PM

{ } DENOTES SPELLED PHONETICALLY