

PARKS & RECREATION COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

A meeting of the Parks & Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on May 6, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Alicia Howard, Legislative Aide
Lance Reinheimer, Assistant Director of Budget Review Office
Jill Moss, Budget Review Office
John W. Pavacic, Commissioner of Parks
Tracey Bellone, Deputy Commissioner of Parks
Emily Lauri, Director of Community Affairs
Brendan Chamberlain, Aide to County Executive
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Thomas Ryan, Aide to Leg. Vilorio-Fisher
Greg Moran, Aide to Leg. Nowick
Deborah Harris, Aide to Leg. Stern
Debra Alloncius, AME Legislative Director
Dick White
Ginny Munger Kahn
Michael Kahn
Johan McConnell
William Shilling, Aide to Presiding Officer
Steve Tricaraco, Aide to County Executive
Lora Gellerstein, Aide to Leg. Cooper
Greg Dawson, Parks Trustee
Steve Gittelman, Vanderbilt Museum
Carol Ghiorso Hart, Vanderbilt Museum
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:20 PM

CHAIRPERSON VILORIA-FISHER:

Join us in the pledge.

SALUTATION

PUBLIC PORTION

Thank you. We have three cards, the first one being Dick white. Dick, come on up.

MR. WHITE:

Good afternoon. I'm here to ask that before anything substantial is done on IR 1273 that it be tabled so that we might meet with various members of the Legislature to discuss our role. And I have a -- kind of a question that's rhetorical.

CHAIRPERSON VILORIA-FISHER:

Actually, Dick, because that sounded like, almost like a question, the sponsor has agreed to table it for one cycle so there can be an opportunity to continue these discussions.

MR. WHITE:

Thank you. I'm glad I drove all the way from Montauk.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry, Dick.

MR. WHITE:

No, you're not. Thank you.

CHAIRPERSON VILORIA-FISHER:

Ginny Munger Kahn.

MS. KAHN:

I'm Ginny Munger Kahn, President of the Long Island Dog Owners Group, a non-profit New York Corporation whose mission is to increase access to public parkland for Long Island dog owners and their dogs. We are here to support IR 1273, which would re-assert the lead role of the Suffolk County Legislature in making policy regarding Suffolk County Parks and modify the role of the Parks Trustees to be advisory.

It's important to make a very clear point here and that is even though the Trustees spend a fair amount of time at the public hearing last week talking about our group, LIDOG, LIDOG is not the subject of this legislation. The subject of this legislation is the Board of Trustees and good government. It is about making sure that the decisions that are made about public use of public parkland are made by people who are accountable to the public. The Trustees are not accountable to us at all. In fact, the Chair's very public about the Trustees serving as a buffer between elected officials and unpopular decisions. What kind of representative government is that? It's not. It's bad government.

It's time to do away with this anarchistic exception to the Suffolk County Charter and re-assert the authority of the Legislature of the use of public parkland in Suffolk County. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Ginny. Our next speaker is Michael Kahn.

MR. KAHN:

Good afternoon. My name is Michael Kahn. I'm a resident of Huntington and a principal member of LIDOG. I'm here today to speak on behalf of Legislator Browning's bill IR 1273.

Over the past few years this Committee and this Legislature has collaboratively and constructively worked with LIDOG to pass new laws that are intended to benefit hundreds of thousands of county residents.

The County Executive has asked us to stand by -- side by side with him at a press conference where he has announced his own enthusiastic support for the creation of new dog parks. The Parks Commissioner has also worked constructively with us in creating dog parks and establishing mutually beneficial guidelines for designated dog parks.

And under Ray Corwin's prior leadership as Chairman of the Parks Trustees, we always had a healthy dialogue and the process focussed on a discussion of the issues rather than formal approval of decisions made by the Legislature. But with the new Chairman both the tone and the chosen role of the Trustees have notably changed. And this has significant implications for all of us.

The issue is not that responsible advocacy groups such as ours are now put through a hostile and sometimes dysfunctional process when presenting proposals to the Trustees, though we are. Nor am I here speaking to you today because the Trustees' Chair has recently made recklessly false and defamatory statements about our organization promoting civil disobedience. I know that those of you who have worked with us for several years know us as a responsible advocacy group that has worked collaboratively and responsibly with you to improve public policy.

No, I'm here today because quite honestly it's astonishing that we could work with the Legislature for several years to get new laws passed by votes of seventeen/nothing and seventeen/one only to have a small group of appointed individuals to decide which laws will prevail and which will not. To have the role of the Trustees suddenly shift to that of legislative overseer based on who chairs the Committee exposes a fundamental flaw with the current County Charter.

Plain and simple this is bad government, bad policy and devoid of the accountability that should otherwise exist in the legislative process. The will of the people and the will of this Legislature should not be at the whim of a body that should be advisory, not overriding. The Parks Trustees or at least its Chairman are now claiming an authority that exceeds that of the legislative, executive and judicial branches of county government. Should the Parks Trustees really have a constitutional role or authority to serve as a check and balance in determining which laws you pass should ultimately be enacted. This fails to appropriately protect the interest of our citizens or the constitutional authority of our elected representatives. The current situation undermines representative government in an intolerable way and should not stand.

I urge this Committee and your fellow Legislators to remedy this situation and restore the decisions about which laws are, in fact, adopted to those of you who are accountable to the voters and citizens of this County. Thank you for your attention today.

VICE CHAIR LEG. HORSLEY:

Thank you very much. I believe it's John McConnell? Oh, it's Johan.

MS. McCONNELL:

It's Johan.

VICE CHAIR LEG. HORSLEY:

I'm sorry.

MS. MC CONNELL:

Very tough act to follow. Good afternoon, Johan McConnell. I'm President of the South Yaphank

Civic Association. I do come today in support of IR 1273. I'm aware of the fact that it's going to be tabled.

My concern with the Park Trustees, I think they do a wonderful job. I've spent numerous years reading through the minutes and know the work that they do. My concern is that they appear to pick and choose which usage and which fees they wish to review. If they were reviewing all uses of the park, all fees that are paid into the park, I could understand and support their role. But in reading through the past four or five years of minutes, they don't review all issues concerning to the park. I could find no reference to them reviewing the approval for the Blydenburg dog park. I could find no reference for them approving whether or not there would be a dog park at West Hills.

So unless they are prepared to review everything and all fees that relate to the park whether they're a licensed agreement or they're just a fee that the parks themselves set, I think all fees should be reviewed and there should be decisions made on it.

I also agree with the fact that we get three minutes to speak before the Parks Trustees. It's not easy to come before them and meet with them. And what I would hope that if the legislative body is going to extend the opportunity to various Park Trustee members to come and meet with them and to present their case, that that same right or privilege would be granted to members of the community. I have been asking for a dog park in Southaven Park since when Ginny Fields was Chairman of the Park Committee. I worked with Peter O'Leary. I've worked with Kate Browning. This is not an issue that has just come about. We've talked about this for a long period of time. I have gone into my community. I've talked to the people in my community. We want to work with all the people who use Southaven Park.

There's 1300 acres in that park. And I cannot understand why we cannot find three acres for a dog park. And if the recommendation was going to be that there would be no dog park in Southaven, then I think that recommendation from the Park Trustees should have been made before the County Legislators voted on it. Again, we have elected officials who are accountable to their constituents who voted on this resolution and then opinion was asked. I think it should have been the other way. I think the opinion should have been asked first. Thank you.

CHAIRPERSON VILORIA-FISHER:

Johan, I'm sorry. I didn't have my mike on, I'm sorry. Actually that is the way it's supposed to be done. It's supposed to go to the Trustees first; then come to us. And probably we just -- our agendas might have been, you know, didn't mesh according to the calendar correctly, but that is how we were supposed to do it.

MS. McCONNELL:

Okay, because it just was confusing me because I have read through a number of the minutes. I know it's that way so now once a legislative body has passed a resolution, I don't think the Trustees should be able to come up and say we don't approve it. I think at this point they could say we're not happy with it, we're willing to work with you. You are the elected officials. And that's my point. You are the elected officials; they are appointed. And I think elected officials who respond to their constituents, Kate's worked very hard with us on this issue. And I think they should be the ones that are making the judgement on this certain issues. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you Johan. The next speaker is Steve Gittelman.

MR. GITTELMAN:

Good afternoon.

CHAIRPERSON VILORIA-FISHER:

Good afternoon, sir.

MR. GITTELMAN:

I have come before this Committee seems like a 1,000 times. I have served on the Board of Trustees of the Suffolk County Vanderbilt Museum since 1990 and I have never missed a meeting. I started to serve as President of the Board in 1994 so I will now be in my 15th term as President.

During those 15 years on the first day, I should say, I went back and I checked the minutes to see what I promised to do. And I promised to make it a safer place, to raise educational goals, to get it reaccredited. And I'm very proud that during the 15 years I served as President, we were accredited for the first time truly by the American Association of Museums. And so I feel that we achieved a standing that we had not achieved previously. And in my heart that was one of my greatest goals.

I also had the privilege of being John, the gardener. And for 20 years and two daughters I played out a role in living history on Sundays during the spring and summer as my daughter Emily and my daughter Sarah grew with their dad.

I have a lot of plans for what I want to do as a Trustee of the museum. I want to work on the educational programs. I want to take all of our digital -- and we have now digitized our imagery and bring them so that handicap people can see it so we can be accessed on line. I want to help with fundraising. I want to be there when the next reaccreditation comes I'm a re-accreditation Vanderbilt expert. And I love the place.

But this morning I received an invitation to speak in Switzerland. It's the dream of a market researcher, somebody who does market research for a living to speak at the World Conference as a key note speaker. I have invitations from the American Association. I just finished a return trip from Sweden. I have invitations to almost every major event. And the Market Research Associations of Canada and Sweden, Russia and Australia have asked me to come and help organize certain elements which I am expert at. So I have become a global speaker. And in these times you got to take the jobs when you can get them. And so life changes.

I checked my calendar this morning after I got that wonderful e-mail. And at four o'clock today I have another such discussion. And I realize that for the three weeks -- last three weeks of September and the last three weeks of October I will not be in the United States. And in between the minutes I get at airports, I will continue to write the wonderful papers that have made me a spokes person for my industry. But I will not be able to give the museum what the President of the museum needs to give.

So, therefore, with a great apology mid-term I am asking this Legislature to accept my humble apology, my gratitude for years for letting me serve. But my humble apology that I cannot continue as President of the museum at this point. I deeply want to be a Trustee. I truly feel that I have written -- after all, I wrote Willy's biography which I hope to soon publish. And so I just feel like I have so much I can do. I want to replace programs and focus on things that I wasn't able to do as President. I had to be the big picture. I'm an everyday president. Carol and I talk everyday. I can't talk everyday from Switzerland or Australia so I apologize.

I apologize for having to resign as President as of -- without notice. I shouldn't say without notice. I will be glad to sit as President at the next meeting but that will be my last, next meeting of the board. And so as much as this is a resignation speech, it is a deep hearted request to be renewed as a Trustee so that I can continue to be part of the museum that I love so much.

CHAIRPERSON VILORIA-FISHER:

Thank you for your time. And there's certainly no need to apologize. You said that you came here with great gratitude and it is we who owe you a debt of gratitude for all of your years of service and your love for the Vanderbilt which we also care so much about. You've done a great job. We appreciate your time and know that you have been ever present. Why can't you continue to be John, the gardener, though?

MR. GITTELMAN:

Well, I would like to be John, the gardener for life.

CHAIRPERSON VILORIA-FISHER:

Okay. John, the gardener for life. Because I have enjoyed seeing as John, the gardener. And certainly you have my support to continue to be a Trustee at the Vanderbilt. And certainly my deep gratitude for the work that you've done. Thank you. And as Chair of the Parks Committee I accept your resignation here but I think that it's before the Board of Trustees that you would need to do that. But thank you for giving us, you know, giving us the information directly. We appreciate that. I believe Legislator Stern would like to speak.

LEG. STERN:

Thank you, Madam Chair. One of my earliest memories of elementary school is taking a field trip to the Vanderbilt Planetarium. And just last week I was talking to my older boy. He's nine years old and in fourth grade who had just returned from a field trip to the Vanderbilt. So it is certainly important for this Legislature and Suffolk County government, but all of Suffolk County's residents of every generation to say a very special thank you for your years of dedicated service and your continued commitment and your passion, your passion which is infectious and certainly an important model for all of us to follow when it comes to carrying out a mission and being similarly dedicated to everything that we care so much about. So on behalf of the children of Suffolk County and certainly the children of the Stern family, we thank you and we'll continue to thank you for many years to come.

MR. GITTELMAN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:

Steve, I, too, would like to thank you. And don't apologize. Everybody has to do what you have to do. You have to do for your family or for a living or for whatever it is, but you can be proud of what you've put in, what you've done for the County. And I just want to tell you quickly a cute story. When I first started as a Legislator, my dear aide, Ed Hogan said *wait 'til you meet this guy. That's all he talks about is the Vanderbilt. He knows everything.* And sure enough I did meet you at some Vanderbilt gala and I couldn't shut you up. That's all you wanted to talk about. But your passion and your love was evident. And I, too, would like to thank you. And I wish you luck also.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you Steve.

MR. GITTELMAN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

I'd like to make a motion to take 1377 out of order, seconded by Legislator Nowick. All in favor? Opposed? 1377 is before us. **IR 1377, reappointing Steve H. Gittelman, Ph.D., as a member of the Suffolk County Vanderbilt Museum Commission, Trustee number 11. (Cooper)** I will make a motion to approve.

LEG. NOWICK:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by -- actually, Legislator Stern, would you like to make the motion?

LEG. STERN:

It'd be my pleasure to make a motion.

CHAIRPERSON VILORIA-FISHER:

Okay. Seconded by Legislator Nowick. All in favor? Opposed? **IR 1377 is approved. (Vote: 4-0-0-1. Leg. Alden not present)** And as you know, Steve, it'll come before the Legislature on Tuesday. I thank you again.

We go to the tabled resolutions.

TABLED RESOLUTIONS

1115, authorizing the transfer of property to Suffolk County Department of Parks, Recreation and Conservation and creating a new Suffolk County Park (SCTM No. 0200-538.00-05.00-001.005). (Beedenbender) And I believe at the request of the sponsor we will be tabling this. I make a motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **1115 is tabled. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1203, modifying the investment objective for the Vanderbilt Museum Endowment Trust Fund to preserve the \$8.2 million corpus while maximizing income to provide for the future revenue needs of the museum. (Lindsay) Is there a motion?

LEG. STERN:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Stern, seconded by Legislator Horsley. All in favor? Opposed? **IR 1203 is tabled. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1273, adopting Local Law No. -2009, A Charter Law to clarify powers and duties of Board of Trustees of Parks, Recreation and Conservation. (Browning) Again after conferring with the sponsor, I will make a motion to table.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. Did you want to say something?

LEG. STERN:

No.

CHAIRPERSON VILORIA-FISHER:

All in favor? Opposed? **IR 1273 stands tabled. (Vote: 4-0-0-1. Leg. Alden not present)**.

INTRODUCTORY RESOLUTIONS

Introductory resolutions. IR 1289, authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly. (Eddington) And Counsel has

informed me that this needs to be tabled for an amending resolution so I will make that motion.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **IR 1289 is tabled. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1299, authorizing the use of Southaven County Park property to hold a free concert for Child Abuse Awareness. (Browning) I will make a motion to table, seconded by -- not tabled -- approved, I'm sorry. I was on a role with the tablings, sorry. No, there's no need to table this one. This one does list the per diem cost, etcetera so it's in order. I will make the motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **IR 1299 is approved. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1309, authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Public-Safety Services Fund Drive. (Browning) I will make a motion to approve, seconded by Legislator Stern. All in favor? Opposed? **IR 1309 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1336, authorizing use of the Long Island Maritime Museum by the Sayville Rotary Club for the Annual Beefsteak Fundraiser. (Pres. Off.) PARKS & RECREATION. I just have to ask Counsel a question. Was the Presiding Officer going to amend this or is it okay to approve? There was something about directing the money to the Long Island Maritime Museum.

MR. NOLAN:

I have not heard anything about an amendment.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. NOLAN:

Nobody's spoken to me about that.

MR. PERILLIE:

I'll check into that.

CHAIRPERSON VILORIA-FISHER:

Thank you, Paul. We'll skip over 1336. I have a question to ask. I have the same question about 1337. So we'll skip that and go to 1353.

1353, authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program". (Browning) PARKS & RECREATION. I will make a motion to approve, seconded by Legislator Stern. All in favor? Opposed? Is there a problem? No. Okay. All in favor? Opposed? **1353 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1354, to clarify the recent increase in parks fees authorized under resolution number

33 - 2009. (Romaine) And I assume, Commissioner, and, Deputy Commissioner, you're up here because you want to make some comments about this.

COMMISSIONER PAVACIC:

Thank you very much, Chairman. Yes. We are -- the Parks Department has significant concerns about this resolution. We are opposed to this resolution for a number of reasons. I have present with me Deputy Commissioner Bellone and also Director of Community Affairs Emily Lauri here, who's also very, very familiar with the way our POS system and other systems work that relate to the fees to answer any questions.

But first and foremost is that if this resolution were to go into effect, it would result in a significant amount of the revenue that would have been realized this year not being realized because reservations -- when the fee increase went into effect in March, we already had reservations through Labor Day on our system because we go out six months in advance on a reservation system. So through the heart of the summer when the most significant amount of revenues are realized, those reservations had already been made.

In addition there are significant concerns because we would be forced to have to try to manipulate the POS system to accept two different fees and to give certain approval authority to seasonal cashiers who shouldn't have that authority to make judgements regarding who should get one fee versus another. What I'd also like to ask is perhaps if Tracey can also just add some of the other concerns that we have.

CHAIRPERSON VILORIA-FISHER:

Like the bottom line, for example.

MS. BELLONE:

Yes. Good afternoon. I think the biggest issue is the integrity of the system. The system doesn't allow you to charge two different fees. And we've talked to the vendor at length. So it won't let you charge one set of fees for those people, you know, prior to the date that the fee resolution went into effect and one for another portion of constituents. Therefore, you would have to allow every cashier in every park including golf courses to actually input whatever fee they felt was justified for that reservation. That goes against the whole integrity of the system.

We developed the system and implemented the system because we wanted to get away from that. We wanted to get away from people collecting money, you know, at whatever fee they wanted or letting people in for free. As of today if you go to a park, the person has to swipe their green key card, a fee comes up that's established through the reservation system. And the cashier can't manipulate that. They have to collect that fee or not collect that fee. And the only waiver of that fee has to come through the Commissioner's Office. This way, you know, that whole system would go out and somebody would manually put it in whatever fee they wanted.

And in all likelihood you wouldn't even realize the loss of revenue that's mentioned in the fiscal impact system. You would lose the revenue of cashiers now being able to let anybody in for free or to waive any fees that they chose. So we can't even realize what the loss of revenue will be if we put this into effect.

And once you allow it for, you know, campgrounds and show mobiles, it would be the same like golf courses. And at our golf courses the golf concessionaire collects the County revenue and then turns it over to the County. This way now you have -- this is one of the reasons why we implemented this system as well. We didn't want them to be able to manipulate that system either. This way all the cashiers and the golf pros, and I'm not saying anything against those golf pros, but they would have the opportunity to charge whatever they wanted to or not charge. So we just find, you know, this will take away the computer reservation system, point of sale system for us for this year.

CHAIRPERSON VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:

Actually it's more a question for George. Can you just up synopsise this for me a little bit, George?

MR. NOLAN:

Well, it's a relatively straight forward change. It basically states that if a person paid for a permit or for any activity prior to the effective date of the resolution that increased the fees, or made a reservation for those services prior to the effective date of the earlier resolution, that they would pay under the old fee schedule, and not under the higher fee schedule.

I will just state, by the way, that the reason -- this came to my attention actually six or eight weeks ago where a Legislator called and said they had a constituent who had paid for their dock space, marina space; had signed a contract and remitted a certain amount of money to the Parks Department. And the constituent complained, they got a letter subsequently saying *the fees have gone up, pay us more money*. That's how it originally came to my attention. It was my understanding that Parks was going to back away from that in terms of if people had paid already and had a signed agreement, they wouldn't have to pay more money. But then Legislator Romaine also brought this to my attention and asked me to draft this resolution.

LEG. HORSLEY:

They pay the discounted --

LEG. NOWICK:

Well, there is a good question. I don't believe -- I think they do pay the discount amount; correct, George?

MS. BELLONE:

Yeah, we can clarify. If somebody paid prior to the resolution being approved by this body, they pay the old fees. If they just made a reservation but they hadn't actually paid for their services, which is campgrounds reservations, you only pay when you get to the site that day, they would be charged the new rates.

LEG. NOWICK:

So -- and that's what I understood. And would this particular legislation change what Tracey just said?

MR. NOLAN:

Yes, it goes further. It states that even if you made a reservation prior to the effective date of the new fee schedule but haven't paid anything yet, you would be entitled to pay the old fee amount as opposed to the higher new fee amount.

LEG. NOWICK:

And if you paid already, then Parks is going to go back and collect more money? Is that what --

MR. NOLAN:

Well, I think that may have been -- I will just tell you that a --

LEG. NOWICK:

Am I to understand?

MR. NOLAN:

I was told that letters did go out to people who had gotten dock space and were being asked to pay more to bring it up to the new fee schedule, but my understanding was Parks was dialing that back, but I don't know what happened after that point.

MS. BELLONE:

Initially that was correct. That's what we thought we had to do. But then the County Attorney, and I don't want to speak for the County Attorney's Office, but they issued an opinion and said if we had already collected money, there was a binding contract. We already collected the money. We couldn't then go back and ask for increase money. For those reservations that were made that there was no payment made, we were then to apply the new fee increase to.

So people who paid for all their marina slips for seasonal slips, if they had already paid by the March 12th date -- by March 12th, they would pay the old rates. But if they had not fulfilled their commitment and paid the fees, they would be charged the new rates. This resolution then would make us -- anybody who made a reservation, which is the entire campground predominantly for the summer, we would have to then charge them the old rates.

LEG. NOWICK:

Then it sounds to me --

CHAIRPERSON VILORIA-FISHER:

Just to clarify it, if they've paid, then it doesn't have an impact on that computer system. Do you see what I'm saying? Then they'd have two different --

LEG. NOWICK:

I understand but is this legislation trying to change that? If they've paid -- that's still then a binding contract.

CHAIRPERSON VILORIA-FISHER:

Well, that doesn't have to be changed even though it's in the resolution. The part about having paid, the Parks Department is already doing that for people who already paid. This resolution's going further and talking about reservations where people haven't paid. And that's where -- in practical terms, that makes it very complicated because then you would have a computer system that has two different -- is collecting two different rates. But if people have paid in full for the marina slips, for example, that doesn't deal with the practical problem with the computer system; so that's honored. Does that help?

LEG. NOWICK:

I think I understand what it is. If you have a reservation and -- if this legislation is passed, if you have a reservation but you haven't paid, you get the higher rate. If this legislation is passed, you paid already, whether it's or for a docking space or whatever --

MS. BELLONE:

No.

LEG. NOWICK:

No? This is what I'm trying to get clear.

MS. BELLONE:

Right. If you made a reservation and you paid prior to March 12, which was the date that it was signed, if you made a reservation and you paid, you paid the 2008 rates.

LEG. NOWICK:

Right.

MS. BELLONE:

This resolution says if you made a reservation regardless whether you paid or not, you're going to pay the 2008 rates.

LEG. NOWICK:

That's the answer I was -- that does present a problem, I believe, because when we passed the original park fee schedule, we asked -- myself asked on the record if you paid already, if someone pays already, what happens then? And the answer was -- the answer on the record was once you paid, we can't go back and collect a 2009 higher fee.

MS. BELLONE:

And I think that was an error because we sent -- we sent out a letter to the marina slip holders and said, you know, the Legislature passed this, we have to charge you additional fees. County Attorney notified us and said no, you cannot and we corrected that. But I think people are still have been complaining, I guess, to Legislator Romaine that they had a campground reservation for August, when they made the reservation in December, you know, the fee said X; and then, you know, these new fees were instituted and an email notification went to everybody who made a reservation and said *as of this date the fees were increased. When you get there in August your fee will now be, you know, this amount.* And those people complained. And this is a result of that.

LEG. NOWICK:

I could understand if you haven't paid already. I mean it's like if I make a Tee time for a month from now and the fees are higher, I have to pay. But if you've already paid, it sounds like that's a contract of some sort. And that's what the County Attorney seemed to indicate.

MS. BELLONE:

That's exactly right.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern and Legislator Horsley.

LEG. STERN:

Thank you, Madam Chair. In the sense that this resolution seems to clarify what you had just said, I think that's part of it anyway in part, is not a bad thing because the first part of it seems to clarify that if you've already paid, then you're fine under the 2008 rates. That, I think, is a good clarification and it builds on what the County Attorney's Office has said, and as a practical matter, you know, that probably should have been implemented. So I think that's a good thing; that's a good element of this bill.

My question is whether it's camp sites or marinas or golf reservations, do you have any idea what the overall picture is, what the overall percentage is? How many have actually paid versus those who have merely reserved?

MS. BELLONE:

For campgrounds, the only people who would have paid would have been those people who camped prior to March 12th. We do not accept money in advance for campground reservations. So every single person camping from March 12th through Labor Day, if this resolution is passed, will then be subject to 2008 fees. As of today, as per the County Attorney's opinion, they will be charged 2009 fees because they have not paid.

The only people truly that -- that made reservations and paid prior to March 12 were seasonal boat slip holders and group camp or picnic-ing groups that come in and reserve their dates in advance and pay at the time of reservation. Those are the only people who pay in advance. And those are the only people who would have paid then the 2008 rates and possibly some show mobiles. But some show mobiles hadn't paid at the time of booking.

LEG. STERN:

And is that number of those groups that have reserved and paid prior to their usage, that hasn't happened yet, is that a significant number? What is that number?

MS. BELLONE:

Yeah, they pay as they come so I would say the majority -- I mean this is top of my head, I mean, but I would say 90 percent of the campground users through Labor Day haven't paid; only people who camped from January to March paid. But you only pay when you get to the campsite. So any reservations, you don't pay in advance.

LEG. STERN:

Well, as of today nobody's reserved and paid because they only pay when they come and utilize the campground.

MS. BELLONE:

Right, they've only paid and stayed.

LEG. STERN:

Okay. Now that's for the campsites. Is it different for marinas?

MS. BELLONE:

Seasonal slip holders get notification in December, you know, what their fee is. And most of those people had already paid, seasonal slip holders by March 12 so the majority of those aren't affected. There could have been somebody who hadn't come in yet to pay. And after March 12th they were charged the higher fee because they hadn't fulfilled their contract.

LEG. STERN:

I'm trying to figure out from a fiscal impact perspective what this -- what impact this resolution would have. From a campsite perspective it doesn't seem to have any.

MS. BELLONE:

Well, it does. It would be a loss of revenue to the County of almost \$200,000.

LEG. STERN:

Understood. I take that back. As far as going after the fact to those who have already paid because right now they have merely reserved but they haven't sent in payment because they only pay when they use.

MS. BELLONE:

Right, but this resolution says even if you reserved -- okay.

LEG. STERN:

Got it.

COMMISSIONER PAVACIC:

What we're also talking about is that if this resolution were to be passed and become effective we then have to go through a reimbursement process for all those people who have subsequently camped and then paid. And that's another night mare for our department to have to go back and do that. It's a logistical night mare, administrative night mare to have to go back and do that. Add on top of the fiscal impact of \$200,000.

LEG. STERN:

So I'm trying to figure out what the fiscal impact is, if we went back to those who have reserved and paid, we're holding their money at this point but they have not yet used the service that they've paid for, they paid in advance.

MS. BELLONE:

There is nobody who has paid that we would have -- there is nobody that has paid that didn't pay 2008 fees in advance. Do you understand?

LEG. STERN:

Very good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley.

LEG. HORSLEY:

I just wanted to just quickly state that congratulate you on this decision because it makes a whole lot of sense to me as a former guy that dealt with parks revenue collections for many, many years. The more variables you put in front of a collection point, the more theft and problems you're going to have in front of you. So I think it's -- it makes sense to me and congratulations on your decision.

CHAIRPERSON VILORIA-FISHER:

Thank you. I will make a motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? Motion stands tabled. I mean resolution stands tabled. **(Vote: 4-0-0-1. Leg. Alden not present)**

And we will go back to **1336**. And I tripled checked with the Presiding Officer because I had a different answer in my notes. **So IR 1336, authorizing use of the Long Island Maritime Museum by the Sayville Rotary Club for the Annual Beefsteak Fundraiser. (Pres. Off.) PARKS & RECREATION.** I will make a motion to approve, second by Legislator Stern. All in favor? Opposed? **IR 1336 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

IR 1337, authorizing use of Long Island Maritime Museum property by Friends of Bradstock for a Music and Arts Festival Fundraiser. (Pres. Off.) PARKS & RECREATION. I will make motion to approve, second by Legislator Stern. All in favor? Opposed? **IR 1337 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

1393, accepting the donation of one (1) "Land Rover" sport-utility vehicle for use in the Suffolk County Parks Department's Piping Plover Monitoring Program. (Co. Exec.) PARKS & RECREATION. I will make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? **1393 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

1394, increasing the amount of the petty cash fund for the Suffolk County Department of Parks, Recreation and Conservation. (Co. Exec.) PARKS & RECREATION. And just in case anyone hasn't seen the amount it's from 22 -- from 15,000 to 22,000. 22,500. Okay, Thank you, George. I will make a motion to approve.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. All in favor? Opposed? **IR 1394 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

1397, amending Resolution No. 33-2009, to amend the user fee schedule for Suffolk County Parks. (Co. Exec.) And this one, Commissioner, can you talk a little bit about this because this is about the marinas.

COMMISSIONER PAVACIC:

That's correct.

CHAIRPERSON VILORIA-FISHER:

And the Friday/weekend schedule.

COMMISSIONER PAVACIC:

Right. The newly approved fee schedule defines weekends as Saturdays and Sundays. However, in the case of marinas, the weekends are really Fridays and Saturdays. Sunday nights, Sunday evenings and afternoons transient boaters who are using the transient slips are going home. They're not staying overnight unless the following Monday is a holiday. So it's really Friday evening, Friday afternoon is when the marina weekend starts. Without this change, again, we would be losing revenue because of the fact that Saturdays -- Fridays would be treated as a weekday as opposed to a weekend.

CHAIRPERSON VILORIA-FISHER:

Okay. Are there any questions about that? It make sense to me. Okay. I'll make a motion to approve, seconded by Legislator Nowick. All in favor? Opposed? **IR 1397 stands approved. (Vote: 4-0-0-1. Leg. Alden not present)**

Now we have completed the agenda. Is there anyone who has any question or comment from the audience? Thank you. If not, we stand adjourned.

**THE MEETING CONCLUDED AT 2:04 PM
{ } DENOTES SPELLED PHONETICALLY**