

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

**MINUTES**

A meeting of the Parks & Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislature Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on August 15, 2012.

**MEMBERS PRESENT:**

Leg. Lynne C. Nowick, Chairwoman  
Leg. Ricardo Montano, Vice Chair (excused absence)  
Leg. Kara Hahn  
Leg. Wayne R. Horsley (excused absence)  
Leg. Steven H. Stern

**ALSO IN ATTENDANCE:**

George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel  
Renee Ortiz, Chief Deputy Clerk  
Robert Doering, Budget Review Office  
Ben Zwirn, County Executive's Office  
Marie Berkowski, Aide to County Executive  
Jim Barr, Superintendent/Parks  
Tom Malanga, Contracts Unit/Parks  
Greg Moran, Aide to Leg. Nowick  
Paul Perillie, Aide to Leg. Gregory  
Rick Brand, Newsday  
Thomas Ryan, Aide to Leg. Hahn  
Mike Pitcher, Aide to PO Lindsay

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 1:13 PM**

**CHAIRWOMAN NOWICK:**

Okay. I will start the Parks and Recreation Committee with a salute to the flag led by our Counsel, George Nolan.

**SALUTATION**

Okay. Good afternoon and welcome to the Parks and Recreation Committee. And before I forget, we have two excused absences today, one for Legislator Horsley, who just lost his mom; and the other is for Legislator Montano, who couldn't be here today.

Okay. There is nobody here from the public that wants to address the Committee. We have representatives from the Parks Department. If you want to come up, that would be great.

Okay. Good afternoon.

**MR. BARR:**

Good afternoon, Madam Chairperson.

**CHAIRPERSON NOWICK:**

You're here today to just bring us up to date on the problems we were having with the errant golf balls. And I know you've been working on how to help the situation. So, do you want to address the Committee and let us know?

**MR. BARR:**

Certainly.

**CHAIRWOMAN NOWICK:**

And just as you speak, just identify yourself.

**MR. BARR:**

Jim Barr, Superintendent of Parks.

**MR. MALANGA:**

Tom Malanga from the Contracts Unit in Parks.

**MR. BARR:**

Would you like us -- pictures of this?

**CHAIRPERSON NOWICK:**

Well, I've seen the aerial view. Those are the aerial views, right?

**MR. BARR:**

Yes.

**CHAIRPERSON NOWICK:**

Okay.

**MR. BARR:**

It designates the current netting.

**CHAIRWOMAN NOWICK:**

Right, I've seen the aerial views.

**MR. BARR:**

Okay.

**CHAIRPERSON NOWICK:**

And I actually went down to Bergen Point and took a tour of what was going on there and took a -- I took a look at the netting. And my Aide also went down to West Sayville and took a look, although I've seen West Sayville many times. But I just wanted your input as well because we talked about this with the Commissioner, who I know was on vacation. So, just for your -- tell me what's been discussed during the last week, two weeks.

**MR. BARR:**

Okay. The Commissioner and myself met with County Attorney with two of the residents over by Bergen Point Golf Course. We listened to the concerns that they had about the errant golf balls.

One of the main complaints they had was that a lot of golf balls allegedly were coming over the fence while school busses were also parked in the parking lot, which indicated that the high schools, when using that particular -- driving from that particular hole was sending golf balls over the net.

So then the Commissioner and I met with the Golf Pro, Bob Miller, to discuss that situation. And he said that that does make sense. He wasn't aware that it was occurring, but he said it does -- makes some sense.

So he has agreed to forbade any drivers being used by any high school teams in the future. There are currently no high schools using the course, but in the fall they are going to return. And it will be a policy of the golf course that the students will not be able to use the drivers. So we hope that will alleviate the balls that might be going over from them.

**CHAIRPERSON NOWICK:**

Was Mr. Romano and Mr. Brady -- I think it was the Bradys and the Romanos, were they complaining about the errant balls just in the Fall and the Spring?

**MR. BARR:**

Mr. Romano said he didn't notice that it was when the school buses were there. Mr. Brady said it was evidently clear to him that the majority of the occurrences were when the school buses were in the parking lot. He said that he could tell the school buses were there without seeing the buses based on balls coming over the net.

**CHAIRPERSON NOWICK:**

Well, okay. But just two questions. Brady's house is all the way down at the end. That's not -- I don't think anybody could drive that far. Well, Legislator Stern can.

**LEG. STERN:**

What's that?

**CHAIRPERSON NOWICK:**

Drive 303 yards.

**LEG. STERN:**

I hit a pretty big ball. I don't slice, but I hook.

## LAUGHTER

### CHAIRPERSON NOWICK:

I'm not sure how that -- the other house is affected by the driver, but -- so how will they monitor that, though? How will they monitor that hole, that somebody just doesn't take the driver out of the bag and use it? It's just a sign -- they put a sign up that this is --

### MR. BARR:

Yeah, for all other golfers -- well, for the ones I just referred to, it's going to be a policy that the coaches are going to be told that none of their students are permitted to use the driver.

### CHAIRPERSON NOWICK:

Oh. Does the Coach go out with the team? Is that what happens?

### MR. BARR:

Yes, they do.

### CHAIRPERSON NOWICK:

Oh. Okay.

### MR. BARR:

Yes. And it would be imposed upon all teams that go. So, therefore, there will not be a problem with the teams. Because everybody's going to have the same advantage or disadvantage.

### CHAIRPERSON NOWICK:

So, the feeling is that -- do you think that the feeling is that the kids are perhaps -- do they hit so far that they would hit the house or is it maybe that they're being a little wise and whacking the ball?

### MR. BARR:

To speak for the Pro, I'm guessing, the impression I got from him was more like the teenagers were more inclined to try to show off or try to impress to try to hit the ball further, perhaps, with not -- without the accuracy, that a more experienced golfer would have. So it was more inclined that the ball might reach that height and slice and then go over the net. So, there was no belief that it was being done intentionally. Also by Mr. Brady. He didn't indicate that he thought it was an intentional act. He thought it was more of them just trying to muscle the ball. So if Mr. Brady is correct, we're confident then it's going to reduce any balls going over the net considerably.

In addition to that, we -- the residents -- also Mr. Romano -- had requested could we put up a sign on that hole for all other golfers asking them to please be considerate of the neighborhood and not use drivers.

So in the meeting -- subsequent meeting that we had Mr. Miller, we brought that up and he was fine with that. He asked us to propose the language. We did propose language and we did erect a sign on it. It says "warning, this hole runs parallel to a residential neighborhood which has requested that drivers not be used on this hole in order to protect their person and property."

While it's not binding, it's a request of the golfer to please be considerate. And this is in response to the request that the residents made to us asking -- it's the only solution that they had readily available that something might take action now that might help them.

### CHAIRPERSON NOWICK:

And I suppose you're telling them they can take -- deduct one point from their score, right?

**MR. BARR:**

I don't play golf. I don't know that.

**CHAIRPERSON NOWICK:**

It's a par four, it's the ninth hole and -- what's the yardage? 400? It's kind of a long par four, right?

**MR. BARR:**

I believe 360.

**CHAIRPERSON NOWICK:**

And what about -- and thank you. I appreciate the -- that you're holding proactive. And what about West Sayville, what conclusion -- I'm sorry -- West Sayville, tell me about that.

**MR. BARR:**

Okay. West Sayville, we did meet with the Pro Fred Gipp. We had read in Newsday that there was a homeowner indicating a large amount of balls coming over the net into his property. That is news to everybody involved. The Pro never heard of it. We never heard of it. We never received a complaint from that individual. The fact that individual plays the golf course three times a week every week and never indicated anything to the Pro -- so this is new to us. We don't know how it's occurring, why it's occurring. And we are looking at it and we're going to -- the Pro was going to reach out to the resident and ask him if he knows in what situations the ball might be coming over the net. But we will be addressing this, you know, as quickly as possible.

**CHAIRPERSON NOWICK:**

So the Pro -- nobody ever received any complaints except for Newsday?

**MR. BARR:**

Well, that's how we learned about it; in Newsday, yes.

**CHAIRPERSON NOWICK:**

And -- okay. That's interesting.

**MR. BARR:**

We have nothing on file, no claims from the individual. Even the Pro who knows him well never heard anything from him.

**CHAIRPERSON NOWICK:**

Well, you'll keep us abreast of that and let us know what's going on with that.

**MR. BARR:**

Yes, we will, ma'am.

**CHAIRPERSON NOWICK:**

Is there anything else that the Parks representatives wanted to address?

**MR. BARR:**

I don't believe so.

**CHAIRPERSON NOWICK:**

Okay. I think we lost somebody. We have to wait to vote. Does anybody else have any questions? There you go. Legislator Gregory.

**LEG. GREGORY:**

Hi, good afternoon.

**MR. BARR:**

Good afternoon.

**LEG. GREGORY:**

So, I thought we were talking about West Sayville before. What course were we talking about just previously?

**CHAIRPERSON NOWICK:**

Bergen Point; then we talked about West Sayville.

**LEG. GREGORY:**

Okay. So there are, I guess, similar issues with balls going over to residential homes?

**MR. BARR:**

Yes, there is.

**LEG. GREGORY:**

Okay. And you're -- what's your role? You're a resident?

**MR. BARR:**

No. I'm -- my name is Jim Barr. I'm Superintendent of Parks.

**LEG. GREGORY:**

Oh, okay. I knew you looked familiar. Slow day, slow, light day. So have we made efforts to reach out to the local residents in those communities? And how -- when we design the courses or, I guess, for lack of a better term, are you retrofitting and change some of the holes and put up fencing? I know Bergen Point has done some things recently in recent years. I know Bergen Point --

**MR. BARR:**

That is a very involved question.

**LEG. GREGORY:**

What?

**MR. BARR:**

That was a very involved question. Which piece?

**LEG. GREGORY:**

Yeah, I know Bergen Point is a little different. It's not as much residential. Because you have the -- more done on the South Shore. It's -- I guess on the north side, yeah, there's residences, right?

**MR. BARR:**

Yes, newly built residence. There -- when the golf course was established, and it was there, there was one house north of the golf course. And it was a brick house with a large piece of property. Evidently, I'm guessing, in the Year 2007, somewhere around there, the property was purchased, subdivided. And I'm not speaking officially on this -- this is my understanding -- is that the property was purchased, subdivided and some spec houses were built; I believe three of them in a row. And those residential houses -- two of those three are saying that they are being hit by golf balls. In all fairness to the third one, there's nobody living in it so that's why there might not be a

third complaint.

**LEG. GREGORY:**

Okay. And generally what do we do in those instances? Do we review, you know, how people are playing, do we kind of monitor it?

**MR. BARR:**

Yes.

**LEG. GREGORY:**

Kind of moderate what clubs can you be used on that hole?

**MR. BARR:**

Not necessarily what clubs, although we did today. I'll go to that. But previously back in 2010 the then Golf Course Superintendent, Tom DeAngelo, working with the Golf Pro Bob Miller, studied how and why these houses might be being struck by golf balls. So it was determined to install a 50-foot net running alongside -- parallel to the road to try to protect the houses. According to the homeowners, that has helped. But they claim that balls still are coming over the fence.

**LEG. GREGORY:**

Is that -- that's the first hole, right? Because I think you're parallel to whatever road that is.

**CHAIRPERSON NOWICK:**

No. That was ninth hole.

**MR. BARR:**

Ninth hole.

**LEG. GREGORY:**

Oh, okay. Okay.

**MR. BARR:**

I do have a diagram for you if you'd like one.

**LEG. GREGORY:**

I think I remember. Because you parallel the road at one point. You kind of dogleg right, if I remember the hole.

**MR. BARR:**

Yes.

**LEG. GREGORY:**

I think it's a par five, I think, or a four.

**MR. BARR:**

I think it's a par four.

**LEG. GREGORY:**

Okay.

**MR. BARR:**

260 yards.

**LEG. GREGORY:**

Well, for me it seems like, you know, a par ten, if there was such a thing (laughter).

**CHAIRPERSON NOWICK:**

Yes, to me, too.

**LEG. GREGORY:**

Okay.

**CHAIRPERSON NOWICK:**

Legislator Gregory, I went down there to look. I have to say the fence is quite high.

**MR. BARR:**

Fifty feet.

**CHAIRPERSON NOWICK:**

It's really high. My confusion comes when -- let me --

**MR. BARR:**

If I may just correct myself, the netting is 43 feet high. It's a 40-foot net three feet off the ground.

**CHAIRPERSON NOWICK:**

Okay.

**MR. BARR:**

Which -- if I may say, that's the maximum height we were able to go due to the groundwater and the height of the poles.

**CHAIRPERSON NOWICK:**

And I also understand that in the winter, if it snows and it collects with ice, the ice might not -- the weight of the ice might knock the net down if it was any taller.

**MR. BARR:**

Correct.

**CHAIRPERSON NOWICK:**

If you look at those houses, you would have to hit a ball straight up in the air, then it would go over the net, across the street and possibly hit someone's house. However, what I was looking at was a hole in the fence. But I'm glad you're taking a proactive stance on this. Does anybody have any other questions?

**LEG. GREGORY:**

I will -- if I can, Madam Chair, just, I will give my compliments. You guys have really done an excellent job with Bergen Point. I was there last year. And the last time I was there a few years ago I hit a ball in the fairway and it must have bounced, like, 15 feet in the air. That's how hard the fairway is. Last year everything was great. It was really excellent. I got the longest drives, so I'm a little more -- better, but, you know -- but there was -- it was excellent, excellent, excellent upkeep.

**MR. BARR:**

Legislator Gregory, if I may just follow up, you had asked what have we been doing? The netting that I referred to was what had been done 2010. I don't believe you heard about the sign this morning. This afternoon.

**LEG. GREGORY:**

I heard you read it.

**MR. BARR:**

Okay. This sign has also been put up on that Tee for that to try to ask the golfers to not use drivers to try prevent it from going over.

**CHAIRPERSON NOWICK:**

And did we talk about West Sayville yet?

**MR. BARR:**

Yes, we did.

**CHAIRPERSON NOWICK:**

Did you make any decisions about that or --

**MR. BARR:**

No. That just come to our attention now and we're trying to evaluate how those balls might be going over there.

**CHAIRPERSON NOWICK:**

Also, and what Legislator Gregory just said also just for the record, I see that the new caterer over at Bergen Point is {Gimelli's} which is a -- lovely restaurants and catering facility in Babylon. So that should bring in -- they're working on fixing up the building and making it more attractive. And I think that would be good -- that's good for us in the County.

**MR. BARR:**

Yes, I do have some nice plans to renovate the facility to make it more --

**CHAIRPERSON NOWICK:**

They've already started. I mean the bathrooms have been cleaned up.

**MR. BARR:**

Yes.

**CHAIRPERSON NOWICK:**

And they're starting to work on that, and thinking about what to do with the outside of the building to make it more attractive.

**MR. BARR:**

Right. Correct.

**CHAIRPERSON NOWICK:**

Okay. So that we took care of. Does anybody else have any questions for the Parks Committee?

## **INTRODUCTORY RESOLUTIONS**

All right. So we're going to go to Introductory Resolutions. **1700, Repealing twilight fee at County beaches. (Browning).** I'm going to make a motion to table. Is there a second? No second. Are there any other motions?

**LEG. HAHN:**

Make a motion to discharge without recommendation.

**CHAIRPERSON NOWICK:**

Second?

**LEG. STERN:**

I have some questions so --

**CHAIRPERSON NOWICK:**

How about for purposes --

**LEG. STERN:**

I'm going to second the motion to discharge without recommendation for purposes of discussion. How about that?

**CHAIRPERSON NOWICK:**

Please do.

**LEG. STERN:**

On the motion, is there anybody that can speak to the concession contract? I just had a couple of questions there. I just ask about the -- you know, what's going on with the concession. Because during the course of the conversation when we were originally contemplating the fee, we were focussing on those areas that had after-hour events. These were -- they had music playing and -- you know, what were the resulting costs? I have here -- it's titled the first amendment of license agreement. This is for Cupsogue. That's the one that I'm looking at now. Is anybody familiar with it?

**MR. BARR:**

Not intimately.

**LEG. STERN:**

All right. It seems to be -- there was an amendment, I suppose, an extension of time. This was to run through the end of 2015 and then there was a five-year option that could theoretically take us out to 2020 and there was a fee schedule. There was a flat fee for the license and then there was a fixed percentage based on sale. So my question is either to Parks or to BRO, have we done an analysis to determine what the revenue is to the County based on the hours of operation, the extended time period that we're talking about here, that this fee was to have covered? I guess what I'm looking to find out is what our costs are and to do a cost benefit analysis to determine, you know, what impact -- if this fee were to remain, what that might mean in terms of covering our cost. Because that seemed to be an important part of the discussion. I understand that that fee is not being collected now. But that's the question that I had. Do we have -- has that analysis been done ultimately?

**MR. DOERING:**

I'm not aware of any analysis of that nature at this point in time, but I can look and get back to you.

**LEG. STERN:**

Could you, please? I'm going to support the discharge without recommendation. I know of colleagues who are not with us today but -- and I guess, Legislator Nowick -- get to that. I guess my point here is that this is something that I know is important to Legislator Schneiderman, Legislator Browning. So without opining either way, you know, as a courtesy, I would send it to them for them to be able to make the case for this legislation as is it bears their name.

**CHAIRPERSON NOWICK:**

Okay. The reason I made a motion to table is because Legislator Montano can't be here and Legislator Horsley is not here. And there were some questions at the last meeting. To be perfectly

clear, and those of who were at the last meeting know that I'm not in favor of this because I feel as though when I voted on the Certificate of Necessity, I did so because I was asked, because it was a necessary piece of legislation. We passed it at the Legislature. We made a law. It was signed. It went into effect.

And then I read in Newsday that the law that we made was repealed. I didn't realize that our laws could be repealed. I don't agree with that. I don't think it was right. However, having said that, I know that Counsel said the only way -- the law is not in effect. Somehow this body and the piece of legislation that we made somehow is not in effect. I don't know how that happens. I've been here 11 years and that's never happened before. So I do -- I just have to make a statement about that. I disagree with that.

So I want to table it in all fairness to Legislator Montano, who had some strong feelings, Legislator Horsley who was a little surprised at what I was saying. And that's the only reason I want to table it. Legislator Hahn, you had a question?

**LEG. HAHN:**

Just remind me, how long have the concerts been going on at the beach?

**MR. BARR:**

Several years. Is that a good enough answer? Or more specific?

**LEG. HAHN:**

I guess what I'm trying to get at is when was the contract made? Did the concerts -- were they included as part -- just remind me. Were they included as part of the contract? Or did they -- was it, you know, a good idea that came about after the contract had been signed? Does anyone know the answer to that?

**MR. BARR:**

Yes. The contract -- the concerts were not a part of the contract. It was -- the concerts were a way of the vendor bringing more people to his establishment.

**LEG. HAHN:**

And so does he charge per person for tickets to the concert?

**MR. BARR:**

No. The concerts are free to the public.

**LEG. HAHN:**

And when does -- when is his contract up?

**MR. BARR:**

I don't know.

**LEG. STERN:**

If I may, Madam Chair?

**CHAIRPERSON NOWICK:**

Yes.

**LEG. STERN:**

This is only for Cupsogue I'm talking about here. But if I look at the first amendment of the License Agreement that was assigned the beginning of 2012, it says that this contract was going to go through the end of the year 2015. And then there is a five-year option thereafter. So it could

theoretically go through the end of 2020.

**LEG. HAHN:**

I just -- I know there was a very good case to be made that -- I mean it's an extraordinary idea. It's a great thing for community to have concerts that they can, you know, come to the beach and enjoy music and enjoy the community and enjoy what Long Island has to offer. However, when large number of people come to the beach for a concert, there's excess maintenance that's needed. And so there was really great points that were made by the end of the Administration arguing for this -- charging this fee.

And so I just kind of want to understand if it's -- is there something we can get into the next contract, if need be. I understand there was, you know, an awful reaction by the public to charging this fee. However, there really is additional maintenance that's required for these concerts. So, you know, if we get this off the -- out of Committee today, I'd like to know just a little bit more when it's on the full floor of the Leg next week.

**CHAIRPERSON NOWICK:**

Just so you know, Legislator Hahn, I took a ride to Cupsogue and I also took a ride to Smith Point. And those concessions at night, you're right, I mean they have signs up all over every night, they're -- hold on -- but they have those every night. Here's the thing. There is an extra charge for maintenance. But also all those cars that come in for free, it does increase the amount of people there. When there are so many people there, you have another issue with Park Police. Because there are -- we don't have a lot of Park Police. Just so you know that. Okay.

What I'm saying is that's another issue, Park Police being available. Don't forget those concessions are selling alcohol. So there's an insurance issue, there's all sorts of issues that I felt -- exactly -- that I felt the \$4 could help defray the cost. Anyway, my point was we made a law. Somehow the law disappeared. That I don't understand. Legislator Horsley -- excuse me -- Gregory, you had something that you wanted to add.

**LEG. GREGORY:**

Thank you. I appreciate the compliment being called Legislator Horsley.

You know, I was at an event in my community. And I ran into a woman who, you know, she works with New York State Department of Health. We got into a conversation and she started talking about these fees. And she happened to be one of the organizers against the fees and she was asking my opinion of it. And she wasn't too happy, but she said, *oh, you know, we were able to fight back the fee, blah, blah, blah*; and was very much against it obviously. And she says, *oh, by the way, but you should come out. We have great concerts. We have hundreds of people. And I was, well, you know, someone has to pay for that.*

You know, I have mixed reservations about this. Of course we want to increase our attendance to our parks and our facilities. Any time we have a vendor that can help promote activities there, that's a great thing, but there is a cost to the County. And we should appreciate that. I think now at this point, I don't necessarily agree with the way that this -- you know, we stopped collecting the fee, but I think it's clear that they've stopped collecting the fee. This legislation kind of cleans up that. But I think, you know, we can re-visit it maybe in the budget. And at that point the residents will be put on notice, if you will, of any fee increases for attending our parks, if that should be in the case in the budget.

But I think at this point, you know, it's kind of like a moot issue. We should just clean up the language and, you know, discharge it if we can. Or maybe have the Administration do a CN at the next meeting. But I think we should -- this matter, in my mind, it's just kind of almost administrative in cleaning up, you know --

**CHAIRPERSON NOWICK:**

This did come to us through CN. And I know it was signed. It went into effect. And I think in those three weeks we made about 23,000. And, frankly, my feeling was if we can continue that and we could save one job and we can save one person maybe making a payment on their house, maybe it would have been worth concert goes to pay the \$4. And that's probably why I voted for it in the first place. Did you have something to say? First Legislator Stern; then, Legislator Hahn.

**LEG. STERN:**

Yes. Let me just simply say my support for the motion to discharge was simply to allow Legislator Schneiderman and Browning to speak on their bill. Procedurally it appears as though we're not going to be able to discharge without recommendation because of our vote requirements on our quorum requirements. So I am going to withdraw my second to the motion to discharge without recommendation and second the motion to table so that it will remain in Committee. And hopefully we can invite Legislators Schneiderman and Browning to come to Committee to speak in support of their legislation if they choose to do so. But, again, because of the numbers that we have here today, I think, procedurally I'm told and confirmed by Counsel that -- that without the requisite number of votes for discharging without recommendation in order to keep the bill alive so that Legislator Schneiderman and Browning can have the opportunity to speak on it, that we'll need to table it here in Committee.

**CHAIRPERSON NOWICK:**

Legislator Hahn?

**LEG. HAHN:**

Was there any thought given to a twilight pass, you know, like a different type of sticker that maybe would let people in after a certain time, but multiple times so that they're not charged every time?

**MR. BARR:**

Not specifically a twilight pass, but there is a pass that can be purchased for the whole season, which would enable them to also come in in the twilight as well.

**LEG. HAHN:**

A Green Key thing?

**MR. BARR:**

No, excuse me, Madam Foreman. Not the Green Key. A specific pass -- parking pass that is good for the entire season. You don't pay each time you go. It's a onetime payment.

**LEG. HAHN:**

Do you know what that costs?

**MR. BARR:**

I believe it might be \$65 for unlimited use including outer beaches. And I believe it's \$40 for a limited pass, which would be all Parks except outer beaches. Annual payment.

**LEG. HAHN:**

And how many concerts are there?

**CHAIRPERSON NOWICK:**

Every night.

**MR. BARR:**

Six or seven nights a week at Smith Point. Four nights a week at Meschutt and four or five at Cupsogue.

**LEG. HAHN:**

Right. And we were saying \$4 was the twilight -- remind me what's the twilight charges. Four dollars. So, you know, it would take them -- to get to \$65, you'd have to -- you know, go 12 or 15, whatever, can't do the math at the moment, but somewhere around there, that many times.

**MR. BARR:**

Sixteen visits.

**LEG. HAHN:**

Sixteen. Thank you. Thank you. Okay.

**LEG. STERN:**

Madam Chair.

**CHAIRPERSON NOWICK:**

Yes, Legislator Stern.

**LEG. STERN:**

Thank you, Madam Chair. So, again, going forward, maybe BRO, maybe the Parks Department can get together and maybe do that analysis on what the revenue is that we receive during that time period that would otherwise be covered by this fee. We can do that, that cost benefit analysis. I think that would be helpful for everybody.

**CHAIRPERSON NOWICK:**

And just to reiterate, we have an Introductory Resolution repealing the Twilight Fee at County Beaches, which has already been repealed even though we passed it. It sets a great precedent, I think.

**MR. MALANGA:**

Legislator Nowick, can I reply to that? I actually drafted the CN. It's funny because I actually see it as a fee reduction. I know very few people see it that way. The Parks Commissioner is actually allowed to charge the full fee at the Beach, which would have been \$15 for non-residents and \$8 for residents. There's nothing in the law that prohibits him from charging the parking fee -- the vehicle use fee when the Park is open. It's just through custom and our operations that we don't have people -- and, of course, benefit analysis, as Legislator Stern would say, that usually it doesn't make sense to keep somebody at a -- you know, paying a part-time person to collect a fee.

This legislation has not been repealed. That's what the resolution that's before you would do. The resolution is just not -- the CN that you approved is just not being -- there's no one there to collect the fee. The Parks Commissioner has decided, the County Executive agreed, to stop charging, just like they were before. So the CN that you passed was a fee reduction, which Parks had thought that given the heavy use in the Park, that had been more fair to people, and because of the direct impact, as Legislator Browning has, I think, championed successfully in the media, that there was a direct impact on her -- on her local residents. And that wasn't something that we had foreseen when we decided to try this. But it is still in effect. And if you wanted the Park Commissioner to start charging it again, and if the County Executive directed him to, we will. But it's not -- it has not been rescinded until you -- you pass the law.

**MR. ZWIRN:**

Madam Chair, may I just step in here? The County Executive, he signed the bill. He took a hard vote. And I think every member on this Committee took a vote at a CN to raise the fees. Raising the fees in these tough economic times is not an easy thing. We've had a lot of tough votes at the last couple of months. And this was one that came through CN. And I agree with pretty much everything that, Legislator Nowick, you've said. And I understand that there is an unhappiness that

when you take a hard vote and the Administration doesn't fulfill a bill that they brought to you, and then signed, it's something that leaves you a little bit with a bad taste. And I understand that.

Tabling the bill today really is of no immediate consequence because they are not enforcing the fees. But the arguments that Tom just made are the reasons why presumably you all supported it at a time and -- you knew it was going to be an unpopular decision along with some other unpopular decisions that you made.

I don't have a good explanation as to, you know, the legality of it, whether we -- how the County Executive's Office and the Parks Department is not following through on a duly authorized piece of legislation with respect to fees that, in fact, were signed by the County Executive as well. That, I'll have to get back to you on. But in the interim, there were enough people who raised other issues that were not at the -- one of the problems with a CN is that it didn't go through the Committee process where people would have had an opportunity to add their two cents at the time.

It was done by CN, and, therefore, it sort of circumvented the Committee process, which is one of the reasons why we try not to use CNs on a regular basis and why the Administration's gotten much better at putting them forward.

I will get back, if I can, to get an answer. I don't know if it's going to be a good answer, but I will. But I take all the comments that were made by the members of this Committee to heart. We respect Legislator Gregory's position in trying to clean up this matter while it still sits out there. And I certainly understand everything that you've said and we've talked about it privately. And I understand it. And I think the Administration understands it. And it was just -- I don't think they ever anticipated the kind of, you know, public outcry that they -- during these tough economic times, that people really -- this meant so much to them to be able to have at least access to our Parks after hours at no charge for their families. And I think that was just something that wasn't -- wasn't taken into full account. And once people did come out and make their position known, the County Executive, you know, directed Parks not to collect the fee.

Had we should have mentioned that to the Legislators who voted for it in advance as a courtesy, at least a courtesy, you know, what can I say? Except that I apologize that that was not done. But this was an issue that -- the County Executive, you know, apologizes to the -- you know, to the Committee and to the members of the Legislature who supported this and can say it will not happen again in the future without a proper vetting. But the intention was good. As Legislator Nowick said, it was to save jobs and to bring revenue where the Parks were being opened, people were going to be working at the Parks to do the cleanup for the extra people that were there. So there was a justification for doing it. It just, you know, people -- we just didn't realize that -- how many people would find it objectionable.

**CHAIRPERSON NOWICK:**

Thank you, Ben. So, Ben, it wasn't -- so it wasn't the Commissioner who decided. It was -- the County Executive decided and told the Commissioner not to collect the fee. I understand all that. I remember what Legislator Hahn said two weeks ago. Her mother called and said, "I thought you were the Legislator. I thought the passed the law."

You know what? It is what it is. I think we voiced our opinions. I'm going to stick with my motion to table in deference to Legislator Horsley and Legislator Montano. I'm sure this will eventually get out of Committee, but they'll be back when we meet again. So, anybody else have anything to say? Otherwise you withdrew your second to the motion to discharge.

**LEG. STERN:**

Yes. And I second your tabling.

**CHAIRPERSON NOWICK:**

And there's a second to the tabling. All in favor of the tabling? Opposed? The motion is tabled.  
**(VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1706, Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program". (Browning)** Motion by Legislator Hahn, second by myself. All in favor? Opposed? **1706 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1707, Authorizing the use of Smith Point County Park, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for Breast Cancer Walk in 2013. (Browning).**

**LEG. HAHN:**

Motion.

**CHAIRPERSON NOWICK:**

And, Counsel, there's a fee charge for all of these, right?

**MR. NOLAN:**

With the prior one, no, because it's an Ambulance Company who provides a lot of services to that particular park. But I believe in all the rest of them there are the requisite fees.

**CHAIRPERSON NOWICK:**

Okay. Same motion, same second. Is that okay? All in favor? Opposed? **1707 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1753, Authorizing use of Southaven County Park for the Craig Elberth Cross Country 5K Run. (Browning)** Again, there's a fee, right? Same motion, same second. All in favor? Opposed? **1753 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1754, Authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly. (Browning)** Same motion, same second. All in favor? Opposed? **1754 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1782, Authorizing use of Southaven County Park, showmobile and pavilion by Contractors for Kids for their Family Fun Day and Picnic Fundraiser. (Co. Exec.)** Same motion, same second. All in favor? Opposed? **1782 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1783, Authorizing use of Cupsogue Beach County Park by Barrier Beach Preservation Association for its 5k Race Fundraiser. (Co. Exec.)** Same motion, same second. All in favor? Opposed? **1783 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1816, Authorizing use of Farmingville Hills County Park property by the Farmingville Residents Association, Inc. Tails and Trails. (Calarco)** Same motion, same second. All in favor? Opposed? **1816 is approved. (VOTE: 3-0-0-2 LEGISLATORS HORSLEY AND MONTANO ABSENT)**

**1819, Amending the 2012 Capital Budget and Program; accepting FEMA and SEMO Aid and appropriating funds in connection with beach replenishment at Meschutt County Park (CP**

**7163) (Co. Exec.)** I'll make a motion, second by Legislator Stern. All in favor? Opposed?  
**1819 is approved. (VOTE: 3-0-0-2. LEGISLATORS HORSLEY AND MONTANO ABSENT)**

If there is nobody else that wishes to address the Committee, we will adjourn.

**THE MEETING CONCLUDED AT 1:58 PM  
{ } DENOTES SPELLED PHONETICALLY**