

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 June 13, 2012.

MEMBERS PRESENT:

Leg. Lynne C. Nowick, Chairwoman
Leg. Ricardo Montano, Vice Chair (not present)
Leg. Kara Hahn
Leg. Wayne R. Horsley
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Jill Moss, Budget Review Office
Ben Zwirn, County Executive's Office
Gregory Dawson, Commissioner/Parks Department
Greg Moran, Aide to Leg. Nowick
Deborah Harris, Aide to Leg. Stern
Bob Martinez, Aide to Leg. Montano
Paul Perillie, Aide to Leg. Gregory
Dot Kerrigan, AME
Michael Seilback, American Lung Association
Jacqueline Stack, St. Joseph's College

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:03 PM

CHAIRWOMAN NOWICK:

Welcome to the Parks and Recreation Committee. Can we have all our Legislators? Okay, we'll start with the salute to the flag led by the lovely Hope.

SALUTATION

Great job. Thank you. Okay.

Good afternoon. Welcome to the Parks and Recreation Committee. I see we do have one card, Michael Seilback.

MR. SEILBACK:

Good afternoon. My name is Michael Seilback. I'm with the American Lung Association of the Northeast. I testified before at the Public Hearing so I'm not going to reiterate everything, but I did want you to know I'm here in case anyone has any questions. We strongly support the smoke-free parks and beaches' bill because it's going to remove a major lung irritant, secondhand smoke, which certainly has a public health interest and it'll make our Parks a healthier, more enjoyable place for Suffolk County residents. So, thank you.

CHAIRWOMAN NOWICK:

Thank you. Okay. We do not have any other cards. Commissioner, do you want to address the Committee at all?

COMMISSIONER DAWSON:

I think we're good today. Thank you.

CHAIRPERSON NOWICK:

What was that?

COMMISSIONER DAWSON:

I think I'm good today, unless you have any questions.

CHAIRWOMAN NOWICK:

Okay. We might.

COMMISSIONER DAWSON:

I'm sure.

TABLED RESOLUTIONS

CHAIRWOMAN NOWICK:

With that, we'll go onto Table Resolutions. **1001, Appropriating funds in connection with building for Wildlife Rescue and Education, Marine Science Center, Southold (CP 1766). (Romaine).** Do I have any motion on this? Do I have a motion?

LEG. HAHN:

Motion to table.

CHAIRWOMAN NOWICK:

Motion to table by Legislator Hahn.

LEG. STERN:

Second.

CHAIRPERSON NOWICK:

Second by Legislator Stern. All in favor? Opposed? **1001 is tabled. (VOTE: 4-0-0-1. Legislator Montano not present)**

1521, Adopting Local Law No. -2012, A Local Law to prohibit smoking in County parks. (Spencer) I'm going to make a motion to table.

LEG. HAHN:

I'll make a motion to approve.

CHAIRWOMAN NOWICK:

Do I have a second on either one? I do not have a second. Okay, no second.

D.P.O. HORSLEY:

I'll second to approve.

CHAIRWOMAN NOWICK:

Do I have a motion to approve the tabling?

LEG. HAHN:

Wayne seconded the motion to approve.

CHAIRPERSON NOWICK:

But I'm looking for a second on the tabling motion. Is there a second on the tabling?

LEG. STERN:

I'm going to second the motion on the tabling for purposes of discussion.

CHAIRPERSON NOWICK:

Okay. Well, then, let me just explain why I'm thinking of tabling the resolution. And it's not that I disagree with no smoking in parks or public areas or anywhere in the world, if I had my druthers; but having said that, my only concern was when I read the resolution and it did exclude golf courses and campgrounds, my feeling is if we're going to not have smoking in County Parks for reasons of health, why would it be any different smoking on a golf course or in a campground? If we're going to do it, I thought we'd do it all the way. I just don't understand why we're taking out those two particular areas. So, that's my concern.

If we were doing this legislation to prevent forest fires, well, then, campgrounds would be pretty important. So here's why -- that's why I'm thinking of tabling it. I just don't think it does enough, if this is what the intent of the legislation is, whether it's health-related or whether it's safety; parks fires, I think taking those two out really makes it, in my opinion, washed down.

Legislator Hahn?

LEG. HAHN:

How many campgrounds do we have that would be exempt? And golf courses? I mean, I agree -- I agree it would be washed down, but it doesn't mean we shouldn't prohibit it in the other areas. I don't know why -- why these were exempt. I think we should move forward with this and then get the other two passed as well, maybe another resolution. But how many locations would be exempt?

COMMISSIONER DAWSON:

We have over a thousand campsites and we have four golf courses. That's a -- we have a thousand campsites in probably -- spread out amongst five or six parks.

LEG. HAHN:

Okay.

COMMISSIONER DAWSON:

I think the reason that the resolution was modified was because of some discussions that I had with the Legislator. I mean, enforcement is going to be a big component of any legislation. It will be very difficult to enforce it at campsites. I mean there are -- there are --

LEG. HAHN:

I don't like the exemption. However, I don't think that's a fatal flaw for this. I think we should move forward with prohibiting the campgrounds that are in this and then working with Parks to find a way to enforce park grounds or, at least, have the prohibition. I would like to see this moved to the full Leg.

CHAIRWOMAN NOWICK:

Commissioner, let me ask you a question. Blydenburgh Park has campgrounds?

COMMISSIONER DAWSON:

Yes.

CHAIRPERSON NOWICK:

Is that a separation? Part of the Park is a campground; part of the Park is a park?

COMMISSIONER DAWSON:

Yeah, are there separate areas set aside for camping and other areas set aside for fishing and hiking.

CHAIRPERSON NOWICK:

So how do we tell people "you can smoke over here if you're a camper, but if you're a fisherman, you can't smoke over there"? I mean, I just think -- I think -- I think the resolution has some flaws. To me, it doesn't make sense. Either we're doing it or we're not doing it.

COMMISSIONER DAWSON:

Again, I think the enforcement of it is going to be very difficult. We're looking for -- I think any way you're looking for some voluntary compliance. And I think we might -- we might get it in areas other than golf courses and campsites.

CHAIRPERSON NOWICK:

I mean, I would like to see signs up that say "No Smoking", but that would be a voluntary thing. And then people that go to the beaches, so you tell the people at Smiths Point Park "you can't smoke, but they can because they golf. But you go to the beach so you can't." And I'm not a smoker. And I would do away with it but -- does anybody else want to go on the record about this piece of legislation? Yes, Legislator Horsley.

D.P.O. HORSLEY:

Yeah, Commissioner, the rationale behind the golf courses is because -- you know, I golf and whatever. And a lot of guys and gals smoke cigars and things like that. Is it because of the financial issues related to it being a concession? And what is the thinking behind excluding it from golf courses?

COMMISSIONER DAWSON:

Well, revenue is certainly a component. I wouldn't say it's the top. I wouldn't say -- it's a top factor, but it definitely is -- definitely is a concern. If you ban it on the golf courses, you're also banning it at Timber Point Country Club and West Sayville Country Club. I mean, it might have an impact on people planning on having their weddings at those facilities. People do smoke cigars while they golf, as you're aware.

CHAIRPERSON NOWICK:

Can they -- you can't smoke in County facilities, but you can smoke at the Timber Point -- where the catering is?

COMMISSIONER DAWSON:

You could smoke within --- you can't smoke in any public building within 50 feet of the front -- of the entrance of that building. So, if you were to have your wedding at the catering facility, you'd be able to go out to the parking lot and have a cigarette and --

CHAIRPERSON NOWICK:

You'd have to go out on the third hole to smoke. (Laughter)

COMMISSIONER DAWSON:

I'm sorry? Yeah, nobody's standing out there with a tape measure, but you need to be a good distance from the front door. The legislation says 50 feet. But under the current proposed legislation, you'd actually have to go out to Montauk Highway to have a cigarette.

CHAIRWOMAN NOWICK:

Does anybody else want to add to this? Legislator Stern.

LEG. STERN:

Yes, thank you. You know, I strongly support a smoking ban in our County facilities. I strongly support a ban on smoking indoors at our restaurants. And certainly we've been national leaders on many of the smoking bans that have literally gone on to set the precedence across the country. And I think we should be very proud of that legacy.

Here we're talking about smoking outdoors. You hope that our neighbors have just a common courtesy for, you know, our residents, their own neighbors that utilize our County facilities; and that if they're going to smoke, that they're not doing it too close to have an adverse impact on anybody else that -- you hope that that's the case. I understand that perhaps there are times when that is not the case. And that is unfortunate.

But I think that rather than an outright ban or carving out particular areas -- because I agree with the Commissioner, it's going to be very unlikely that this is going to be enforced in a meaningful way. I have to believe that it's going to be haphazard, if anything, that there's a balance to be struck here. I would hope that we would be able to look at our facilities and determine where it might be appropriate, when it might be appropriate and come up with some kind of reasonable space restrictions so that all of our residents will continue to be able to utilize our County parks, our beaches, our golf courses, etcetera.

I wouldn't want just to see a ban preclude or discourage our neighbors from using a facilities that they themselves pay taxes and who are willing to pay corresponding fees for, simply because they're no longer able to enjoy them the way they had been, I'm sure, for many years.

So, I think that there is a balance that can be struck here. I would hope that the sponsor would -- very, very good intention -- can take maybe another look to see what changes, if any, he might be willing to make to the legislation so that we can strike the right balance. But as it is

currently worded, it is not legislation that I can support. I think that it just goes too far.

CHAIRWOMAN NOWICK:

Legislator Hahn.

LEG. HAHN:

I would like to get this to the floor. Can I make a motion to discharge without recommendation? Would you be willing to support that?

CHAIRWOMAN NOWICK:

I would not. Me, I would not. I don't know about the rest, if there's a second to that. Again, doesn't make sense to me to say "it's healthy for a golfer to smoke but it's not healthy for somebody" -- I just think this legislation might need some tweaking. It just -- I think we're making a statement that as a County, we're allowing people on the golf course to smoke, we're allowing people that go camping to smoke -- how is that right? I think I'm going to stick with my motion to table. Anybody else want to say anything? All right, we have a motion to table and we have a motion to approve.

LEG. HAHN:

Counsel? I have a question for Counsel. When would this take effect? Sorry, I don't have it in front of me.

MR. NOLAN:

It goes into effect 90 days after its filing. The Office of the Secretary of State, which normally takes about a month to six weeks to get filed after we enact it, so, you're talking the Fall before it would go into effect. Take about four months after we pass it.

CHAIRWOMAN NOWICK:

So there is no rush.

D.P.O. HORSLEY:

Would you speak to the sponsor and tell him your concern?

CHAIRPERSON NOWICK:

Sure. I'll speak to him before Tuesday.

LEG. HAHN:

I'd like to see this get to the floor for discussion by everyone. I think there are some valid concerns, but I think it's worth being heard. I think there's some really good intention here. And prohibiting it in the places that this lists would be a step forward, so.

CHAIRWOMAN NOWICK:

Why don't you let me speak to the Sponsor. And since it's not going to be -- it's not an issue right now because it's not going to happen. It's not like it's going to happen for the July and August beach season or the camping season, right? So we'll speak to him and maybe it will save -- maybe we can come up with better legislation. He's very open.

COMMISSIONER DAWSON:

Good. And, Madam Chair, if I might, we'd be happy to sit down with Legislator Spencer to go over the regulations. But I actually have sat down with him. And this is -- I think if he had his druthers, he would ban it across the board. He amended it because of our concerns.

CHAIRWOMAN NOWICK:

Well, I think this sends a message that we don't mind if you smoke if we're making money.

D.P.O. HORSLEY:

That's part of it.

CHAIRPERSON NOWICK:

That's the message. And I think that -- that doesn't sit right, so.

D.P.O. HORSLEY:

If they're not going to go to County parks, then they're going to go to some other park.

COMMISSIONER DAWSON:

Again, that wasn't -- that wasn't the top reason for our concern. I think we have a bigger concern with the enforcement of the legislation.

CHAIRPERSON NOWICK:

Okay. We have a motion to table and a motion to approve. Tabling. We have a motion and a second to approve. Motion and a second to table, motion and a second to approve. So the tabling motion goes first. All in favor? We're calling the tabling motion. All in favor? I'm in favor of tabling, obviously. You seconded. Are you in favor?

D.P.O. HORSLEY:

Hang on, we're still debating this.

LEG. HAHN:

I'm opposed to tabling.

CHAIRWOMAN NOWICK:

Let's try this again. We have a motion to table and a second. All in favor? Yes? Opposed?

LEG. HAHN:

I'm opposed to tabling. I can try a discharge without recommendation again.

CHAIRPERSON NOWICK:

We have a motion to table. All in favor? Opposed? Who's in favor of tabling?

LEG. HAHN:

You can second my discharge without recommendation.

CHAIRPERSON NOWICK:

Okay, motion to table fails. Motion to discharge without recommendation.

LEG. HAHN:

I made the motion. Can somebody second it?

D.P.O. HORSLEY:

I'll second it.

CHAIRWOMAN NOWICK:

Motion to discharge without recommendation. All in favor? I'm opposed. **Discharged without recommendation. (VOTE: 3-1-0-1. Legislator Nowick opposed. Legislator Montano not present)**

INTRODUCTORY RESOLUTIONS

Introductory resolution 1531, Authorizing use of Southaven County Park property for the

Yaphank Day Camp Trail Run. (Browning) Motion? Is there a motion on this?

LEG. HAHN:
Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Hahn, second by Legislator Stern. All in favor? Opposed? **1531 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1535, Amending the 2012 Capital Budget and Program, accepting a Community Enhancement Facilities Assistance Program (CEFAP) grant in the amount of \$400,000 from the Dormitory Authority of the State of New York, and appropriating funds in connection to Historic Restoration and Preservation Fund - West Sayville Greenhouse at Charles R. Dominy County Park (CP 7510). (Co. Exec.)

LEG. HAHN:
Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Hahn, second by Legislator Stern. All in favor? Opposed? **1535 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1536, Amending the 2012 Capital Budget and Program, accepting a Community Enhancement Facilities Assistance Program (CEFAP) grant in the amount of \$300,000 from the Dormitory Authority of the State of New York, and appropriating funds in connection to improvements and lighting at County Parks - West Sayville Meadow Edge Clubhouse and Long Island Maritime Museum (CP 7079). (Co. Exec.) Same motion, same second. All in favor? Opposed? **1536 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1568, Authorizing use of Cedar Beach County Park by Event Power for its Mighty North Fork Triathlon Fundraiser. (Co. Exec.) Motion by Legislator Horsley, second by Legislator Stern. All in favor? Opposed? **1568 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1569, Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk & Barbeque" Fundraiser. (Co. Exec.) Same motion, same second. All in favor? Opposed? **1569 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1570, Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser. (Co. Exec.) Same motion, same second. All in favor? Opposed? **1570 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

1571, Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its "Ride Laps For L.A.P." Fundraiser. (Co. Exec.) Same motion, same second. **1571 is approved. (VOTE: 4-0-0-1. Legislator Montano not present)**

All right.

LEG. HAHN:
Did we do 1570?

CHAIRPERSON NOWICK:

Yes, yes, okay.

LEG. HAHN:

We did.

CHAIRPERSON NOWICK:

If there's anything else, anybody else wants to address the Committee, please tell us now; otherwise, we'll adjourn.

**THE MEETING CONCLUDED AT 1:25 PM
{ } DENOTES SPELLED PHONETICALLY**