

PARKS AND RECREATION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks and Recreation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, July 23, 2014 at 12:30 p.m.

Members Present:

Deputy Presiding Officer Jay Schneiderman - Chairman
Legislator Kara Hahn - Vice-Chair
Legislator Tom Cilmi
Legislator Bill Lindsay III

Also In Attendance:

Presiding Officer DuWayne Gregory - District No. 15
Lora Gellerstein - Chief Deputy Clerk/Suffolk County Legislature
George Nolan - Counsel to the Suffolk County Legislature
Sarah Simpson - Assistant Counsel to the Suffolk County Legislature
Greg Dawson - Commissioner/Suffolk County Department of Parks
Terry Maccarone - Deputy Commissioner/Suffolk County Department of Parks
Tom Vaughn - County Executive Assistant
Lance Reinheimer - Director/Vanderbilt Museum
Jason Hann - Aide to Legislator Schneiderman
Ali Nazir - Aide to Legislator Kennedy
All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

*(*The meeting was called to order at 12:37 p.m. *)*

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Parks and Recreation committee to order on this 23 day of July 2014. Please rise and join us for the Pledge of Allegiance led by Legislator Bill Lindsay.

(*Salutation*)

Please be seated. I'd like to begin with Public Portion. Do we have any yellow cards? Seeing none, we have also no presentations. Let me state on the record that Legislator McCaffrey has an excused absence from today's meeting.

Why don't we go right to the agenda. We'll go to tabled resolutions, beginning with **IR 1094, To waive fee for use of the County showmobile for the Amagansett Fire Department's Parade (Schneiderman)**. They had a wonderful parade. It's happened already. Can we withdraw this bill, Madam Clerk? I'd like to withdraw 1094.

1378, Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439). This is the one, George, we had a technical problem with, with the five years.

MR. NOLAN:

No problem.

CHAIRMAN SCHNEIDERMAN:

There's no problem on this? Is the one with the building across the street that I was concerned with?

LEG. LINDSAY:

I went and looked at it. I would make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion by Legislator Lindsay to approve. Any other motions?

LEG. CILMI:

This is on the waterproofing of the roof?

CHAIRMAN SCHNEIDERMAN:

My concern was at Normandy Manor that we need to decide whether we're going to keep it or not, that I felt that the cost of keeping it and then renting it, it cost us an awful lot of money. I think my numbers were, like, \$200,000 so that it could generate the 60,000 in rent.

LEG. HAHN:

Second.

LEG. LINDSAY:

If I could speak on the motion, Mr. Chairman.

LEG. HAHN:

Second by Legislator Hahn.

CHAIRMAN SCHNEIDERMAN:

On the motion, I went out and I toured the property. You know, Lance was very gracious, took me around, showed me the house. It's a beautiful property. The house is, you could clearly see that the roof leaking. It's a slate roof. It's going to be a bigger problem somewhere down the road, and I think at this point, you know, whether you agree or disagree with the fact that we own it, we do, and unfortunately we own the liabilities that go along with it, whether we change that arrangement and sell it off sometime in the future, that's another issue I think I'm willing to talk about; but at this point, I think we have no option other than to repair the roof.

CHAIRMAN SCHNEIDERMAN:

I think if we fix it and then sell it, then I think we just have to pay the bond back. Was there somebody else who wanted to comment on this?

LEG. CILMI:

I do.

CHAIRMAN SCHNEIDERMAN:

Legislator Cilmi.

LEG. CILMI:

I could comment. I was very hesitant at first to support this, but my staff had the opportunity to go take a look and learn quite a bit about that particular structure, saw what the problems are, and I understand that we are making a significant income from this property with very little expenses. The folks who are apparently in there are paying a lot of the expenses associated with the upkeep of the structure. This is a capital improvement. Being a roof that's leaking, that, you know, is probably something that we should take care of given the situation, so I'm prepared to support it today.

CHAIRMAN SCHNEIDERMAN:

Legislator Cilmi, do you know how much the -- I know they are paying like 60,000 in rent. I guess there's no land taxes being paid because it's county owned. Do you know how much additional they are paying?

LEG. CILMI:

Well, even if you -- I don't. I understood that the rent was significant, though; 60,000, to me, annually is significant. If we were to decide to sell the property, if that was something that we could do, thereby putting it back on the tax rolls, I would think that we would want to sell it if not need to sell it in a condition where the roof isn't leaking, so it's probably something that we need to take care of, anyway.

CHAIRMAN SCHNEIDERMAN:

Legislator Lindsay.

LEG. LINDSAY:

Going through the property, too, when you look at it, you can see there's water damage that's already starting to form. It's more than just the roof. It's the soffits are all rotted out. This is going to be a much, much bigger problem down the road, so again if when you see the property itself -- the current tenant, as explained to me, is a Russian national family. They're hardly ever there. They pay in full. They pay upfront. I mean, they're like a perfect tenant.

LEG. CILMI:

I'm told by my aide Chris here that they have an umbrella over their television to prevent it from getting damaged from the leakage.

LEG. LINDSAY:

The way I see it, we have no choice. We've got to maintain the property. We've got to figure out what we have to do.

CHAIRMAN SCHNEIDERMAN:

We got to take a look at what to do with this building.

LEG. LINDSAY:

I have no problem visiting, discussing what our options are. My understanding is, and maybe the commissioner can add to the conversation, that as parkland it's very difficult to unwrap it from within our park system and then turn around and sell it.

COMMISSIONER DAWSON:

Additionally, I think it's part -- the whole property is on the historic register. I think the building is very recognizable.

CHAIRMAN SCHNEIDERMAN:

It's not in park usage. It's in private usage.

LEG. LINDSAY:

They actually have access to the property itself. The building people don't go in through the building, but the property itself, they have a community garden in there, and I think they utilize it for parking sometimes for events.

COMMISSIONER DAWSON:

For events, yeah.

CHAIRMAN SCHNEIDERMAN:

Is that a fair market rent, Commissioner? Do we know? It looks, from the pictures, it looks like a mansion.

COMMISSIONER DAWSON:

Yeah, I couldn't tell you. I know in our own housing programs, we go out. We work through real estate planning. We get fair market value. I would assume you would have to ask Lance.

CHAIRMAN SCHNEIDERMAN:

I would think in that area just on the tax rolls, the taxes alone would be 20,000 or more, then you have, you know, whatever your mortgage payments are. It seems like a pretty good deal.

LEG. CILMI:

For who?

CHAIRMAN SCHNEIDERMAN:

Well, particularly for the people who are in there. They don't have to pay to maintain it. We're going to pay the half a million, \$450,000 to do the roof.

LEG. CILMI:

Well, if they are paying us --

CHAIRMAN SCHNEIDERMAN:

Or more because there's already money appropriated. This is adding to the money that's appropriated. So I guess it's, what, anybody know? 600,000, a total rush job on there?

COMMISSIONER DAWSON:

I don't have those figures, Legislator.

CHAIRMAN SCHNEIDERMAN:

Does anybody know? BRO, do you know?

MR. DOERING:

I believe there was another capital project, which did have some roofing money. I'll take a look and see, but I know it's in excess of this 200,000 certainly.

LEG. LINDSAY:

I think those were for other buildings on the property.

LEG. CILMI:

If they are paying us \$60,000 a year in rent and they don't own the property, that's a pretty hefty price to pay.

CHAIRMAN SCHNEIDERMAN:

5,000 a month, right?

COMMISSIONER DAWSON:

Yeah. I mean, absent of a landlord, we still own a building, we still --

CHAIRMAN SCHNEIDERMAN:

They pay their own utilities? Do they pay to mow the lawn, or are we mowing the lawn?

COMMISSIONER DAWSON:

Again, it's managed by the --

CHAIRMAN SCHNEIDERMAN:

Are we collecting the garbage? We are, I think. We're mowing the lawn. We're collecting the garbage.

LEG. LINDSAY:

Yeah, but they're using their facilities guys to maintain the property, but the property has public access. The building doesn't, the house, but the property itself does.

LEG. CILMI:

I'm told they also pay for the utilities, the quote unquote, tenants, the renters, I'm told, they also pay for utilities.

CHAIRMAN SCHNEIDERMAN:

Right, but not the --

LEG. CILMI:

It may end up being another \$10- to \$12,000 annually.

CHAIRMAN SCHNEIDERMAN:

Right, but are they paying for water? I don't think -- I think they are paying for electric.

COMMISSIONER DAWSON:

I haven't looked at the contract.

CHAIRMAN SCHNEIDERMAN:

But I think that the Vanderbilt is mowing the lawn now. Well, that's expensive.

LEG. HAHN:

But Bill answered that. The grounds are open to the public, not the inside of the house, but the grounds are open to the public, so we should be maintaining the grounds as if we were the landlord. I'm pretty sure landlords cut the grass. It depends.

CHAIRMAN SCHNEIDERMAN:

Does the public know that they can walk around there?

COMMISSIONER DAWSON:

An awful lot of people walk around the grounds of the Vanderbilt, I would imagine.

CHAIRMAN SCHNEIDERMAN:

Look, I certainly understand the argument that we don't want to see the building fall apart. We own it. We have to maintain it. If the roof is broken, we should fix it. But for the most part, this is not being used as a public part of the museum. It's being used as a private residency. It's costing us easily \$200,000 a year to generate 60,000 for the Vanderbilt. I think that's just bad financial planning. It just doesn't make any sense. I'd rather just give the Vanderbilt a straight 60,000 a year rather than spending 200,000 to net them 60. I think we've got to look at this, and I understand if the committee wants to move forward and spend the money on the roof but I think we need to have a conversation whether or not we should even own this property. It doesn't make any sense to me that we own it.

Tom, do you want to the weigh in on this?

MR. VAUGHN:

I just think that, unfortunately, we're debating two separate issues. I think that the ownership of this property is separate and apart from whether or not we need to maintain it. Right now, we do own it. That's the reality that we're faced with. We have a roof that -- it appears to be in not great condition. I think we have to approve it. I think we should approve the capital project to take care of that problem, and if you want to have further discussion about the future and the future ownership of the building or what to do with the building or whether or not this is a good fiscal deal or a bad fiscal deal for us, I certainly understand that. I think that that's something that we should continue to debate. I just don't think it's tied to the issue of the roof.

LEG. CILMI:

I agree, and how many other historic properties do we have that we're collecting 60 grand plus utilities, you know?

CHAIRMAN SCHNEIDERMAN:

But unable to use; that's that thing.

LEG. CILMI:

What's that?

CHAIRMAN SCHNEIDERMAN:

Most of our grounds are open to the public. They are not rented out privately.

LEG. CILMI:

Well, the grounds here are open to the public.

CHAIRMAN SCHNEIDERMAN:

Right, but the building is not. Legislator Hahn.

LEG. HAHN:

This is Parks property?

COMMISSIONER DAWSON:

Technically, yes, it's Parks property, but it's under the jurisdiction of the Vanderbilt board.

LEG. HAHN:

Yes, but it falls into like we would be -- we can't sell this.

COMMISSIONER DAWSON:

Absolutely. It's considered parkland, and I think above and beyond that --

LEG. HAHN:

Are there any other historic homes that are not open to the public because they're rundown? Don't we have, like, \$75 million worth of renovations that we have to do on our historic homes and that they're probably quite -- I would guess there are several if not dozens that people can't enter into because they are in such state of disrepair that, like, we're keeping them out.

COMMISSIONER DAWSON:

That's a very fair statement, yes; there are a number of facilities --

LEG. HAHN:

So we are actually taking in money here on this one. We don't have the ability to keep all of our historic homes open to the public so people can just wander through when they feel like it. There are some that we can; maybe it's the third house, the first house, whatever the one is in Montauk. Maybe there are some that are actually museums and people can enter into, but this is not the only and once example of a house that's not accessible that's within our Park properties. In fact, we're renting a whole slew of Parks properties to folks to get income off of homes that happen to sit on Parks lands and may have historic value.

CHAIRMAN SCHNEIDERMAN:

Are you talking about employees, the park employees?

LEG. HAHN:

Some of them are park employees, some of them are not. Some of them are not. Some of them are just rented out to individuals because we were able to find individuals willing to rent and old

house on our property so we have lots of tenants. I remember this discussion years ago.

COMMISSIONER DAWSON:

If I can add, we own the property. I don't know what the building's worth. Say it's worth a million dollars. If we don't make an investment into the roof, in two years it's going to be worth 700,000; in three years, it's going to be -- if the roof is deteriorating, the building is going to fall down. We've got a number of facilities that fell to disrepair, so it's an investment.

CHAIRMAN SCHNEIDERMAN:

Let's just vote. So we have a motion and second to approve. All in favor? Opposed? Abstain? Abstain. I'll abstain from the vote. **Approved (VOTE: 3-0-1-1, Abstained: Schneiderman, Excused: McCaffrey)**

IR 1561, Establishing new sun protection protocols for lifeguards at County Parks
Legislator Hahn (Hahn), what's your pleasure.

LEG. HAHN:

I have amendments to make, so I would like to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table. I will second. All in favor? Opposed? Abstentions?
1561 is tabled. **(VOTE: 4-0-0-1, Excused: McCaffrey)**

1562, Establishing the North Fork Preserve County Park Advisory Committee (Krupski).
I'll make a motion to approve. Second by legislator Lindsay. Any discussion?

LEG. CILMI:

This is -- I'm sorry.

CHAIRMAN SCHNEIDERMAN:

This is the advisory committee for the North Fork Preserve. This is Krupski's bill. It's been amended. Changed the membership slightly. Commissioner, you're fine? All right. No further questions or comments. All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1, Excused: McCaffrey)**

Introductory Prime

1587, Authorizing the determination of just compensation and securing payment thereof in connection with the acquisition of properties by the State of New York to be acquired for public highway purposes, Town of Smithtown, Suffolk County, New York (SCTM No. 0800-133.00-02.00-006.001 p/o) (County Executive). I know DPW is here. I'll make a motion to approve.

LEG. CILMI:

Motion to table in deference to my colleague Legislator Kennedy. I probably should have said that on the mike.

LEG. HAHN:

I'll second for the purpose of discussion.

CHAIRMAN SCHNEIDERMAN:

Which one?

LEG. HAHN:

Tabling.

CHAIRMAN SCHNEIDERMAN:

All right. So we have a motion and a second to table. On the motion.

LEG. KENNEDY:

Thank you, Mr. Chair, and whenever it's appropriate I would like to be able to weigh in on this because it's got great significance to my strict.

CHAIRMAN SCHNEIDERMAN:

Well, if I can hear from our chief engineer who is present today; Mr. Hillman, if you'll come forward. Legislator Kennedy has some concerns about this project proposal. Bill, can you describe what's going on here, why that's necessary?

MR. HILLMAN:

New York State DOT is widening Route 347, and they are a design build where they come up with 30 percent sets of plans and then put it out to be in construction. I believe they already let the project, and I believe it is in design/construction, and they are basically taking 1.5 acres of Parks property adjacent to the roadway, constructing a recharged detention pond to handle the stormwater runoff. In addition, they are compensating us with roughly \$550,000, I believe. Additionally, they are trying to acquire -- I'm not sure of the size of the property but additional property adjacent to the park to adjoin it to the park and also building some bike lanes and things like that outside of the park that would connect to the park. So on face value, it seems to be all positives.

CHAIRMAN SCHNEIDERMAN:

So then we'll build -- I'm somewhat familiar with this alienation issue because I've been through this with other projects. Has this gone through the state legislature? Is this something that the governor has signed?

MR. HILLMAN:

I can't answer that. I don't know.

CHAIRMAN SCHNEIDERMAN:

But that is part of the process, right, or no, maybe, because it's state? It would still be part of the process.

MR. HILLMAN:

The state has much broader powers when it comes to condemnation and acquisitions. I'm not sure that they do need to do that. They may or may not. I don't know.

CHAIRMAN SCHNEIDERMAN:

George, is there something in the resolution on the issue of state approval?

MR. NOLAN:

Well, just as a "whereas" clause saying the parcel can't be alienated without the expressed approval of the state legislature. But, you know, again I don't know if anything like that's happened.

CHAIRMAN SCHNEIDERMAN:

So again in the designing this expansion and the drainage for it, they determined, obviously, that they need a recharge area, the area they've identified as our parkland. Have we looked at the value of that parkland, not monetary value but public access or wildlife? I mean, this is the piece we want to -- I don't know if we can even protest it. It's imminent domain. They have that power to take it, I believe.

COMMISSIONER DAWSON:

Yes, our department will take care of it with the DOT and field what would they are doing in and the fair market value is appraised by DPW.

CHAIRMAN SCHNEIDERMAN:

So the Parks Department has no objections to this?

COMMISSIONER DAWSON:

No, we --

CHAIRMAN SCHNEIDERMAN:

And the piece we're getting, is this going to be better than that piece we're giving out?

COMMISSIONER DAWSON:

CHAIRMAN SCHNEIDERMAN:

It's going to be fenced in as a recharge basin, or is it going to be gently sloping down or kind of useable as a pond within the park?

MR. HILLMAN:

Unfortunately, with the design build, they only promote the 30 percent set design plan and then the contractor and the designer take it from there, so those are all things that I would believe are still open and can be discussed with DOT.

CHAIRMAN SCHNEIDERMAN:

Because that may sweeten the pot, so to speak, if it feels like it's park of the park and it provides some wildlife habitat as a pond, plus we're getting additional acres and we're getting money. Tom, do you have a position on this?

MR. VAUGHN:

Yeah, we're cool with tabling it for a cycle.

CHAIRMAN SCHNEIDERMAN:

You're cool?

MR. VAUGHN:

With tabling for a cycle. I've just been informed that we're good with tabling for a cycle in deference to the legislature.

CHAIRMAN SCHNEIDERMAN:

So the question then becomes, A, what do we gain by tabling, but, B, the tabling -- because we don't meet again until September.

MR. VAUGHN:

No, I understand.

CHAIRMAN SCHNEIDERMAN:

Are we going to hurt this -- it's a state project, but are we going -- you know how these things progress and the critical nature of the timing here. Is this a problem? Because I'm more inclined to discharge without recommendation. If there's a simple question that needs to be answered, I would say let's try to get those answers and table it on the floor if we need to unless I'm told there are no pressing time concerns.

MR. HILLMAN:

It's not our project, so I don't know the time constraints. What I was going to offer is that directly after this meeting, I'll go across the street with DOT and see if we can set up a meeting with DPW, the legislator. I know the legislator wants to bring the town involved and we can set that up ASAP. It is summertime, so we'll do that so vacations I would imagine planned, but we'll set it up as quickly as we can.

CHAIRMAN SCHNEIDERMAN:

So, then, again, I guess there's two avenues we could take. We could table it. If you meet with the DOT and they say, You guys just have to move now, it could be moved by CN, right, Tom? You could bring it to the floor that way if it's time-sensitive.

MR. VAUGHN:

Right. So my understanding is that the county executive has spoken to the commissioner of public works, and that in deference to the community and where it is, if the request is to table for a cycle, we will abide by that or abide by that request. We had -- in the meantime, you're absolutely right; if there's a time-sensitive nature on it, we could certainly bring it forward with a CN or discharge petition by Friday if that becomes apparent. Bill has made reference to the fact that he will go talk to DOT, but we can live with a tabling cycle for one cycle.

LEG. KENNEDY:

Can I add just a couple of items, please. Let's talk about the timeframe first. Let's go to that item first, Mr. Chair. I believe it was January 5 that the RFP documents were let for this next section. 347, as a matter of fact, is probably about a 10 or 12 segment improvement project that's going on. Right now, we're in the midst of, I think, the second phase, which is 111 to Mount Pleasant Road. This next phase, Grace Construction is the entity that's been selected, but as Mr. Hillman pointed out, the nature of the project has changed dramatically from where it was back in 2005, 2006. It is now not a 100-percent state design, but actually they only do broad parameters, and the selected contractor not only builds but also does the finishing aspects of the design, and we have a map. As a matter of fact, I think I'm going to try and point out for everybody, some of you who are new to the legislature don't remember what was the infamous water wars, if you will, back in '07 and '08, but you, Mr. Chairman, remember it vividly. This area, and I'll show you, was impacted with dramatic increases in groundwater level to the point where property owners' basements, septic systems, and for that matter, yards and streets were turned into virtual streams and rivers. People were driven out of their homes. They spent tens if not hundreds of thousands of dollars having to rebuild septic systems, couldn't wash, couldn't use the washing machine, couldn't do anything with it. It was rendered useless. It was a function of the topography. It is the precipitation that percolates at a slow rate over what's called the "Smithtown Clay Lens," and this is work that's been done that goes all the way back to 1980 with capital project 5013, which was a million dollars worth of investments in work done by H2M.

More recently, back in 2009, 2010, we partnered with the Town of Smithtown and spent approximately 6- to 700,000 of 477 funding between design, application, and implementation to pull out about 200 cubic yards of silt. We did improvements with a street drain recharge and it is right in the area that the state is now proposing to construct this one-acre retention pond. Granted, the retention pond is only about two feet in depth; however, when we had our highest groundwater levels, groundwater was essentially the level of the dirt, so we would be creating an area where we would literally strand hundreds of thousands of gallons of surface water right in proximity to the area that we worked tirelessly to go ahead and remove.

Now to the law. Imminent domain, absolutely. The State of New York, being the crown, exempts itself from a lot of the provisions that local municipalities have to go through; however, the state still has to demonstrate that they have exhausted all alternative remedies and that what they propose will not negatively impact the environment, and up to this point they have not done that. I sent a three-page letter to Regional Director Richard Brown, probably about three weeks ago. I believe I cc'd everybody on that letter to raise the large range of concerns and to maybe refresh the state's recollection.

There are some environmental remedies that they are putting forward. An improved expanded culvert over the stream is a plus, an improvement, but there really is nothing that the state has done so far to address introducing hundreds of thousands if not millions of gallons of surface water immediately preceding to underdeveloped culverts in the Village of the Branch.

So the purpose for the request here is, to your point, we have about four to five weeks. I did an initial letter to the state asking for a meeting; I have yet to hear back. And this resolution does nothing to address a critical partner here, the Town of Smithtown, because that stream is bifurcated right down the middle as far as ownership goes.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, I certainly hear what you are saying, and you have a lot of concerns, potentially, about the design here. This legislation doesn't approve a particular design. It only accepts just compensation in the taking of the property. They are going to proceed with or without this. This only allows us to settle the imminent domain piece of it without, I guess, going to court. It directs the county attorney to appear -- I think he could do that with or without this resolution -- in those proceedings.

LEG. KENNEDY:

But I will tell you I took the extraordinary step of reaching out to the county executive and expressing my concerns. He seemed to understand what I had talked about. There are a couple of other elements that I would like to share with the committee maybe behind the scenes, and he felt comfortable. I don't want to speak for him; as a matter of fact, I think Mr. Vaughn articulated the point of the administration, but I believe the administration at this point feels that a tabling for one cycle will not compromise the project, harm what the position is, nor put us in any worse-off position than where we are right now.

CHAIRMAN SCHNEIDERMAN:

I think that's fine. They might be able to use this for leverage, but it may not actually slow down the process. What ultimately we are approving here is a number. What is it, five --

LEG. KENNEDY:

Forty seven.

CHAIRMAN SCHNEIDERMAN:

547,000 as compensation, and that's the one thing we haven't even discussed, whether that's fair compensation, but that's what we're really being asked to do in this legislation. And the other piece of the trade, the giving of another piece, that's not described in this, so if that's the part of the arrangement of compensation, we need to know that; so the bill might not be complete. Tom?

MR. VAUGHN:

Just a couple things real quick. One, I would say that I don't disagree with what Legislator Kennedy says when he says what is and what is not in the bill. I agree with you, Legislator Schneiderman; this bill is to accept money for a piece of land. That is the sole function of the bill. In terms of our agreeing to go along with the tabling motion, that is done in deference to a colleague who is making a request to something that is in the interest of or what they feel is in the interest of their community. I don't want to speak for that colleague, but I think that's simply what the tabling motion is about. I don't think it means anything more or less than that.

LEG. KENNEDY:

And I appreciate the administration recognizing that, Tom, because this is, like it or not, an issue that -- well, Legislator Hahn knows it very well, as a matter of fact, much of what went on here because you lived through it with the prior legislator from your district who was a great supporter of this.

CHAIRMAN SCHNEIDERMAN:

Legislator Hahn, before you go, maybe this is a technical question for Bill, that 547, how is that determined? Is that based on what we paid for the parkland? Is it based on the current market value as a residential home or a commercial business? How do we come up with that?

MR. HILLMAN:

I'm not an appraiser, so I'm not really qualified to comment on that, but I would say that the DOT did do an appraisal. They have a one-offer system. They do an appraisal and make us an offer. If we don't like it, we go through the imminent domain procedure. We would take that -- we could accept that as a down payment, and I guess we could sue the state. I'm not sure if that's exactly how it works. I know that's how it works on the private side with us, but they submitted an appraisal to us. Teri Allar, DPW's appraiser, did review it and concurred with that, and she is a licensed appraiser.

CHAIRMAN SCHNEIDERMAN:

Is she here?

MR. HILLMAN:

She is not, no. I don't know how she came up -- comps for parkland, it's so -- probably difficult to come up with but she figured it out somehow and agreed.

MR. BERDOLT:

Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

Phil?

MR. BERDOLT:

We did, like Bill mentioned, we did have our people look into this, and it was considered to be on the high end due to the fact that there is some partial wetlands on this property, which could never be

developed if it was bought privately and you were looking to put homes on it. They gave it at \$300,567 per acre is their valuation for this property; and, as I said, they do consider it to be on the high end.

CHAIRMAN SCHNEIDERMAN:

Legislator Hahn, do you have a comment or question?

LEG. HAHN:

There are several things here. I recognize and respect my colleague from Smithtown needing to work out some things going on in his district; however, you know, I really don't want to do anything that holds up the project. You know, we need that project completed as quickly as possible. There are a hundred thousand or so folks who ride that road every day. It's a critical highway and backbone of the north shore. We don't want to hold it up.

LEG. KENNEDY:

Nope.

LEG. HAHN:

I mean, are we really, truly introducing thousands of new gallons of water, or are we just trying a new way of collecting it? And do we have a way to determine that their plans to collect the water that already exists on this roadway and comes off onto our local system anyway is adequate? You know, I can see how that could be a concern since water has been a problem here in the past.

MR. VAUGHN:

So, Legislator, I'll let Bill jump in as to the technical stuff, but I would just reiterate, once again, this piece of legislation is for us to collect a fee; and if symbolically we don't want to collect that fee because the legislator wants some time to talk to DOT, that's fine. I'm under no impression that this is going to hold this up. I mean, if we will not get paid for another month, I think that's on us but --

LEG. HAHN:

On that point, and then I'll let you respond to what I asked before, but I just want to go back to you about the appraisal. We do have appraisers inhouse in our planning department, Tom Ford, and some others. Do we -- I mean, this is not a sliver. This is an acre and a half. How much did we say it was, an acre and a half?

MR. BERDOLT:

One point four.

LEG. HAHN:

So I mean, it may make sense that our planning department appraisers do a little bit of like -- because it does -- if this property sits on 347, it's got to have significantly more value. You know, 350,000 for the acre that sits -- one acre. If half of the one and a half acres is wetland; fine. But 350,000 for an acre that sits on 347 actually sounds low to me.

CHAIRMAN SCHNEIDERMAN:

Fred Ford.

LEG. HAHN:

Fred Ford. Sorry. Right. So I think that in cases like this where someone's taking land from us, our internal appraisers should advise us as to whether or not they think it's a good price. If we

actually have to vote whether it's a good price, then we should have some sort of system after a certain size threshold whereby we have an internal review, sort of similar to what we buy ETRB, but anyways, maybe not that extensive.

MR. BERDOLT:

I think licensed appraisers would take all that into consideration; I mean, that is what they do.

LEG. HAHN:

Yeah, but when we buy land, you know, there's reasons. We don't want to give land away, either. So when we buy land, we go through a whole system of two appraisals, then they come before a committee that has to review to make sure we're not getting, you know, a short shift. We don't want to -- or we're not paying too much because there have been scandals in the past. Well, for the same sense, we don't want to be giving it away, either. If it's extremely valuable land, and it's in our inventory, and it's being taken from us, we should get justly compensated. So maybe we need an ETRB-type review for when land is taken from us, et cetera. I don't know. I just have the question of have we -- I guess my question was have we asked our appraisers that are inhouse and planning to review this value.

MR. HILLMAN:

We did not. Fred Ford and Teri Allar have the same title, same qualifications.

LEG. HAHN:

I'm sorry. I thought you meant there was an outside appraiser that we paid for?

MR. BERDOLT:

No.

LEG. HAHN:

This is an internal DPW appraiser?

MR. BERDOLT:

Correct.

LEG. HAHN:

Okay. I was completely -- sorry. I didn't mean to offend anyone. Thank you.

MR. BERDOLT:

No problem.

CHAIRMAN SCHNEIDERMAN:

So on the record, DPW felt that the price was in line their estimates, right, of value? So we're not -- I mean, we could -- I suppose there's a legal way to challenge the amount of money the state is offering, probably have a judge sign assign the value ultimately, but there's a cost to doing that too. There's a lot of staff time or private counsel, et cetera. But, DPW, you guys -- your internal appraisal was inline with what the state is offering?

MR. BERDOLT:

Correct.

CHAIRMAN SCHNEIDERMAN:

And maybe this is a question for BRO or Greg, but does the money, assuming we get to the point

where we accept the 550,000, whatever it is, \$547,000, does it go directly to Parks Department, or does it go to the general fund? Because shouldn't it be used to acquire additional parkland? It was a park piece.

MR. DOERING:

I'm not sure exactly where that revenue would be realized in the budget. I would have to get back to you on that.

CHAIRMAN SCHNEIDERMAN:

It would be nice to see it go to parks.

LEG. KENNEDY:

Mr. Chair, if I can just respond to Legislator Hahn's question about the water and to her broader point. Absolutely, 347 is a critical north shore transportation keyway, but let me go back to where we're at in the actual construction process for this next phase. So the RFP documents, probably about 3- or 400 pages of documents, were put out and published by state DOT in January. I believe Grace Construction was ultimately awarded as the contractor in April. The present phase, as you drove past it today to get here, you see they are hanging: the sound walls. They are by their own estimate --

LEG. HAHN:

(Inaudible).

LEG. KENNEDY:

Well, that's a whole 'nother question we'll go to. I'm not hip on sound walls myself, but nevertheless, there'll be no actual construction work for this next phase undertaken, according to DOT, for at best another year and a half to two years, and part of that is because -- and this is something, Bill, you could speak to -- the tip actually demonstrates the federal highway funding allocated by each state calendar year, and the funding for that next phase is not until '16, I think, '16 or '17. So lest anybody around the horseshoe here be concerned that we're stopping a DC9 from coming in tomorrow, that's not the case.

LEG. HAHN:

Is that because they are going to build an overpass over Nicolls in the time being?

LEG. KENNEDY:

(Laughter) No. So one cycle shouldn't -- you know, it will give us some time to get some more dialogue.

CHAIRMAN SCHNEIDERMAN:

All right. So we have a motion and second to be table. We have a motion but no second to approve.

LEG. HAHN:

Tom, did you want to talk?

CHAIRMAN SCHNEIDERMAN:

Mr. Vaughn.

MR. VAUGHN:

Sorry. I just wanted to add one last comment. I'm looking at a memo from the Department Of

New York State Transportation, and just to read this into the record.

"The above value has been developed in accordance with the accepted appraisal standard by qualified personnel. This is the offer that New York State made to us. We work under a one-offer system, and by law we must provide you with the amount of our highest approved appraisal at the time." So to be clear, in a month from now, we will be coming back probably advocating that this be adopted so that way we can accept the 547,000 at that time.

LEG. KENNEDY:

My purpose is not to dispute value, to be candid with you. As a matter of fact, it's the predicate to where we're at as far as accepting this as the method or remedy that DOT is putting forward. I'm not here to challenge value at all, quite frankly.

I will give one other point, though, that I think is pertinent to the discussion here. This became county parkland through an imminent domain proceeding back in 1973, so we went to court because it was so critical at that time and was so integral to the wellbeing of a tributary of the Nissequogue River that hosts the only native trout population here on Long Island; and yet here we are some 30 or 40 years later looking at another level of government talking about what they want to do in order to facilitate transportation. I really do think it's the predicate that's at issue, not so much the money.

CHAIRMAN SCHNEIDERMAN:

I think these are all good points. I'm sure those environmental considerations ought to be carefully looked at. But ultimately I think if the state wants to take it, they're going to take it, and they're going to design it the way they want to design, and it's not going to be up to this body. But I think what you're saying is you would like some time to have a little leverage to try to convey some community concerns and --

LEG. KENNEDY:

And Mr. Brown may talk to Mr. Hillman. He didn't answer me for three weeks, but he might talk to Bill.

CHAIRMAN SCHNEIDERMAN:

I'm okay with that. There's a motion and a second to table. I'll withdraw my motion to approve. We'll just have a vote on the tabling. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1, Excused: McCaffrey)**

LEG. KENNEDY:

Thank you very much. Thanks.

So we are at **1594, Authorizing use of the Long Island Maritime Museum by the Rotary Club of Sayville for Annual Beefsteak Fundraiser (County Executive)**. Who wants to make the motion.

LEG. LINDSAY:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Lindsay. Second by Legislator Cilmi. Any discussion? All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1, Excused: McCaffrey)**

IR 1597, Requesting legislative approval of a contract award for renovation, operation, maintenance and management of a restaurant, bar and catering concession at Timber Point County Park, Great River (County Executive). This is the current concessionaire.

COMMISSIONER DAWSON:

That is correct. It's a new RFP, but it's the current.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to approve. Is there a second?

LEG. LINDSAY:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Lindsay. Commissioner, are the terms basically the same?

COMMISSIONER DAWSON:

Pretty much the same. I think we're getting more money this time around than we were last. It's a 10-year agreement with the option of renewal for two fives. It was based on the proposal they put in for the RFP. The reason we're coming here is because we only had one response.

CHAIRMAN SCHNEIDERMAN:

This group did invest quite a bit into that building.

COMMISSIONER DAWSON:

They have already, correct, and they're looking at Timber Point in excess of another million or so over the next 10 years.

CHAIRMAN SCHNEIDERMAN:

And what's our history with them; they have been good?

COMMISSIONER DAWSON:

As far as I'm concerned, they're very responsive concessionaires. We get our checks on time.

CHAIRMAN SCHNEIDERMAN:

Doing a good job running those facilities?

COMMISSIONER DAWSON:

I believe so, yes.

CHAIRMAN SCHNEIDERMAN:

So your recommendation is to approve?

COMMISSIONER DAWSON:

100 percent, yes.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Hahn stepped out of the room for a moment. Do we have any information on, while we wait for Legislator Hahn, the Discover County Parks day? Did it work, fail?

COMMISSIONER DAWSON:

I will send you a detailed report before our next committee meeting.

CHAIRMAN SCHNEIDERMAN:

It was a nice sunny day. I'm not sure it got enough press coverage to make it so that the public knew it was a half-price day.

COMMISSIONER DAWSON:

We did our best, we certainly did. We did do a press conference with the county executive. And I will say this: Word did get out because I got two calls from two golf courses that morning thinking that it applied to them as well, so obviously it didn't. So I know at least some of the people at least read the newspaper. But just look at first blush, the number of residents for the day decreased and the number of non-residents, green key, stayed pretty stagnant with last year.

CHAIRMAN SCHNEIDERMAN:

So we did get a few more people.

COMMISSIONER DAWSON:

It could be interpreted if the number dropped for the green key -- proportionately for the non-green key. I'll send you all the numbers.

CHAIRMAN SCHNEIDERMAN:

Maybe some of those people will continue to be park users. We don't know. We're going to have to analyze it to figure out whether it's something we should continue in the future. I'm just going to vote. So we have a motion and a second to approve. All in favor? Opposed? Abstentions.

Approved. (VOTE: 3-0-0-2, Not Present: Hahn, Excused: McCaffrey)

1598, Requesting legislative approval of a contract award for renovation, operation, maintenance and management of a restaurant, bar and catering concession at Charles R. Dominy County Park, West Sayville (County Executive). I'll make a motion. Second by Legislator Lindsay. Is this the same vendor.

COMMISSIONER DAWSON:

Same vendor, pretty similar terms, 10-year with two fives.

CHAIRMAN SCHNEIDERMAN:

They're currently there?

COMMISSIONER DAWSON:

They're currently there now, doing a very good job.

CHAIRMAN SCHNEIDERMAN:

Okay, and they are also investing in this facility?

COMMISSIONER DAWSON:

Yes, they are. I think their capital commitment is almost a half million dollars over the next 10 years.

CHAIRMAN SCHNEIDERMAN:

All right. I'll call the vote. All in favor? Opposed? Abstentions?

Approved. (VOTE: 3-0-0-2, Not Present: Hahn, Excused: McCaffrey)

IR 1609, Amending Resolution No. 536-2008; 100% grant funds for improvements to Hubbard County Park (CP 7128)(County Executive). I'll make a motion to approve and place on the consent calendar. Second by Legislator Lindsay. There was a question somebody brought up. Are we shifting around where this is -- this is going for planning now instead of construction.

MR. MACCARONE:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Can you give me a little more detail on it, Terry?

MR. MACCARONE:

Yeah. This grant was in review for quite a while. It took a long time to get it settled between the county and the state, and at the time -- let's say probably five or six years ago, we had to, just in theory for the state's purposes, divvy up how we were going to spend the money, and we did our best guess at the time.

CHAIRMAN SCHNEIDERMAN:

How much is it?

MR. MACCARONE:

That's \$550,00 strictly grant money. There's no county match. We broke it up amongst three phases: a planning phase, trails and signage, and some various construction elements. We did some of those construction elements already on the Smithers property there, some roofing and some porch and exterior constructions and whatnot; and when we developed the budget at the time, we guessed our best guesses how much we would spend on planning. That was, I said, five or six years ago. Last year, when we developed the scope for the master plan with DPW, buildings that were under construction, the environmental division and DPW decided that it was very important, because this is a large and very significant property, to develop a very comprehensive master plan as to what uses could be done there, how to best preserve it, that sort of thing. So when we did that, because the scope was much bigger now in practice than we assumed five or six years ago, it's much more expensive, so we're shifting that construction money in order to accommodate that.

CHAIRMAN SCHNEIDERMAN:

So we're using the money to develop a plan, a master plan. Is it going to be a capital piece that later comes that's not paid for with these grant funds?

MR. MACCARONE:

Well, yeah, we do have construction moneys as part of the grant which are still significant. I wouldn't necessarily say that we'll take this and go to another capital project per se, but we will be doing other things on the property with the current grant funds as per the master plan that we're going to develop. Whether that should morph into a new capital project, I'm not prepared to say that at the moment. I wouldn't say that that's a definite possibility.

CHAIRMAN SCHNEIDERMAN:

All right. Any other questions? Legislator Lindsay.

LEG. LINDSAY:

Yeah, just one small question. By us accepting the funds from the state, are there any strings attached? Will they have any purview on what we ultimately end up doing?

MR. MACCARONE:

I've already spoken to the state about the shifting of the funds. There's no problem from their end. You know, we developed in concept what we're going to do there. They approved it. Ultimately, it's grant funds. As long as we spend it in accordance with our normal procedures, they don't have any problems.

CHAIRMAN SCHNEIDERMAN:

So there's a motion and a second to approve and place on the consent calendar. I'll call the vote. All in favor? Opposed? Abstentions? **Approved/Consent Calendar (VOTE: 3-0-0-2, Not Present: Hahn, Excused: McCaffrey)**

1633, Repealing Resolution No. 362-2014, authorizing an agreement with Long Island Abate for the use and maintenance of the former Long Island Beagle Club property (Krupski). I'll make the motion. Second by Legislator Lindsay. Commissioner.

COMMISSIONER DAWSON:

No objections.

CHAIRMAN SCHNEIDERMAN:

Abate has said they are no longer interested, correct?

COMMISSIONER DAWSON:

Yeah, actually wrote a letter to the sponsor withdrawing their request for consideration.

CHAIRMAN SCHNEIDERMAN:

We're going to do a full RFP?

COMMISSIONER DAWSON:

No, RFEI --

CHAIRMAN SCHNEIDERMAN:

RFEI, okay, for compressions of interest?

COMMISSIONER DAWSON:

-- which may lead to an RFP depending on what comes back.

CHAIRMAN SCHNEIDERMAN:

To see whose out there, not for profits basically --

COMMISSIONER DAWSON:

Correct.

CHAIRMAN SCHNEIDERMAN:

-- who might want to use it and how they would want to use it?

COMMISSIONER DAWSON:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Okay. There was some questions about some work that was being done on the property, I think in the downstairs area, a bathroom that was being constructed. What's the status of that?

COMMISSIONER DAWSON:

It's on hold right now until we see who is going to take over the building. The original intent for abate was to have multipurpose use, so you could use the upstairs while another group, theoretically, uses downstairs and having a bathroom down there would improve --

CHAIRMAN SCHNEIDERMAN:

So we're not doing any work on the property, right? We're just waiting to see --

COMMISSIONER DAWSON:

Actually, we're doing a little bit of work on the perimeter. We're opening it up for deer hunting in October, so we're putting a number of small parking spots along Edwards Avenue to open it up in October.

MR. MACCARONE:

Also because the property is not going to be anybody in there right now, we're going to proceed with an intrusion alarm for protection on the property as well.

CHAIRMAN SCHNEIDERMAN:

That makes sense. There's three buildings there, I think.

COMMISSIONER DAWSON:

There's one main building and there's two out buildings. They are bigger than sheds. They are garages.

CHAIRMAN SCHNEIDERMAN:

One main building?

COMMISSIONER DAWSON:

One main building.

CHAIRMAN SCHNEIDERMAN:

Is that handicapped-accessible?

MR. MACCARONE:

Yes, it is. The two out buildings are. I mean, they're pretty good-sized barns. They are not small.

CHAIRMAN SCHNEIDERMAN:

Okay. I made a motion and a second. Any other questions or comments? All in favor? Opposed? Abstentions? IR 1633 is approved. **(VOTE: 3-0-0-2, Not Present: Hahn, Excused: McCaffrey)**

I don't have anything else on the agenda. Commissioner, do you have any other business for us?

COMMISSIONER DAWSON:

No, we're good. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. We are adjourned. Thank you.

*(*The meeting was adjourned at 1:29 p.m. *)*