

**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, November 21, 2014 at 12:30 p.m.

**Members Present:**

Deputy Presiding Officer Jay Schneiderman - Chairman  
Legislator Tom Cilmi  
Legislator Bill Lindsay III - Excused  
Legislator Kevin McCaffrey  
Legislator Kara Hahn

**Also In Attendance:**

Jason Richberg - 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  
Gil Anderson – Commissioner/Suffolk County Department of Public Works  
Bob Doering - Budget Review Office  
Benny Pernice - Budget Review Office  
Tom Vaughn - County Executive Assistant  
All Other Interested Parties

**Minutes Taken By:**

Gabrielle Severs - Court Stenographer

*(The meeting was called to order at 12:35 p.m.)*

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I'd to call this meeting of the Parks and Recreation Committee to order this 21 of November 2014. All rise and join us in the Pledge of Allegiance led by Legislator McCaffrey.

(Salutation)

Please be seated. Let me state for the record that Legislator Lindsay has an excused absence from today's meeting, and I think we are anticipating Legislator Hahn, but we will proceed with those who are in attendance. Are there any yellow cards?

**MR. RICHBERG:**

No cards.

**CHAIRMAN SCHNEIDERMAN:**

Seeing none, we'll move right to the agenda.

**MR. SCHILLER:**

Excuse me, Legislator.

**CHAIRMAN SCHNEIDERMAN:**

Bob Schiller, if you'd like to heard that's fine. If you'll step up to the podium.

**MR. SCHILLER:**

Legislator Lindsay asked me to come to speak to the board in reference to the Parks Department green card.

**CHAIRMAN SCHNEIDERMAN:**

Oh, sure. Okay. So if you'll identify yourself for us, we'll give you three minutes to make comments.

**MR. SCHILLER:**

Okay. Great. Bob Schiller, S-C-H-I-L-L-E-R. I'm a Vietnam Veteran and a recipient of the Purple Heart. I applied for a green card -- green pass, rather, for the Parks Department, and I was told after submitting my identification, which clearly states from the V.A. "Purple Heart," but it does not state "service connected." I then called the Parks Department to inquire what the difference was, if anybody there knew what a Purple Heart meant, and in order to receive a Purple Heart, you had to be in the service.

**CHAIRMAN SCHNEIDERMAN:**

Sure.

**MR. SCHILLER:**

I checked with the V.A., and their definition of "service connected" is any soldier, anybody serving the country receives an injury or a sickness while in the military. It doesn't state "combat related," so any service member who happens to fall down, break an arm, can't use that arm is now service connected.

I was denied my green pass because of my Purple Heart. I was told that the legislature has it worded that it has to be service connected and that there is no differentiation between service connection and Purple Heart. I just want to know, maybe you could change the wording to include

"Purple Heart."

**CHAIRMAN SCHNEIDERMAN:**

That's a really interesting point. So you never got the green card?

**MR. SCHILLER:**

I got the green card, but it was later rejected because the identification I showed was my V.A. card but said "Purple Heart," not "service connected."

**CHAIRMAN SCHNEIDERMAN:**

All right. So according to the Parks Department, then, to get the green card as a vet, it has to say "service connected" and your Purple Heart was --

**MR. SCHILLER:**

Service connected.

**CHAIRMAN SCHNEIDERMAN:**

It was, but it doesn't say that.

**MR. SCHILLER:**

No, it only says "Purple Heart."

**CHAIRMAN SCHNEIDERMAN:**

It was during battle?

**MR. SCHILLER:**

That's the only way you receive a Purple Heart, yeah.

**CHAIRMAN SCHNEIDERMAN:**

All right. I'm not sure why this is happening, but it certainly sounds like a real problem.

**LEG. CILMI:**

So is the difference the injury? So you received a Purple Heart but you weren't --

**MR. SCHILLER:**

I received a Purple Heart in combat.

**LEG. CILMI:**

Right, but you weren't defined the way the V.A. defines service connected.

**MR. SCHILLER:**

The service connection would be an illness or an injury not necessarily during combat.

**CHAIRMAN SCHNEIDERMAN:**

So if you're injured during combat, you can't get a green card as a vet?

**MR. SCHILLER:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Something is wrong there, clearly. All right. So we'll have our legal counsel look at it. Commissioner, do you know anything about this? Obviously when we intended to discount the rates for veterans, we didn't want certain veterans to not get that discount, so we have a problem.

**COMMISSIONER DAWSON:**

I'm a little confused as to what he was denied. Was he denied veteran status?

**MR. SCHILLER:**

I was denied the veteran status for the card, the green pass, because my V.A. card did not say "service connected" and I was told by somebody in your office that it has to say "service connected."

**COMMISSIONER DAWSON:**

Okay. And you gave your DD214? Because that's all you really need to have for veterans -- were you looking for a --

**MR. SCHILLER:**

All I did -- I submitted my --

**COMMISSIONER DAWSON:**

-- disabled veterans green key or just a green key? I'm a little confused.

**MR. SCHILLER:**

I submitted my V.A. card.

**COMMISSIONER DAWSON:**

Okay.

**MR. SCHILLER:**

It says "Purple Heart" but not service connected.

**CHAIRMAN SCHNEIDERMAN:**

Greg, is there two different levels? There's a disabled veterans?

**COMMISSIONER DAWSON:**

Yes, disabled veterans get free admission to all county parks and veterans get a separate --

**CHAIRMAN SCHNEIDERMAN:**

Oh. So you must have been looking for the disabled veterans one, right?

**MR. SCHILLER:**

Well, I am 70 percent disabled.

**CHAIRMAN SCHNEIDERMAN:**

No, I'm not questioning that. I'm just asking whether you were asking for the pass that would have entitled you to free admission.

**MR. SCHILLER:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And so now the rules on the disabled veterans, it says it has to be service-connected disability, right?

**COMMISSIONER DAWSON:**

I believe so.

**CHAIRMAN SCHNEIDERMAN:**

And you have a Purple Heart, which doesn't necessarily make you disabled but could.

**MR. SCHILLER:**

Correct. It just seems to me that the service connection is trumped -- trumps a Purple Heart. My disability doesn't say the percentage on my card, but I do have it. The new card I did get after all this now says "service connection," though.

**CHAIRMAN SCHNEIDERMAN:**

All right. So the new card says "service connection." Now you can get the green card.

**MR. SCHILLER:**

I can get it now; however, there are, I'm sure, other veterans out there.

**CHAIRMAN SCHNEIDERMAN:**

Right. So you're here not for yourself today but for the other Purple Heart veterans --

**MR. SCHILLER:**

I've already gotten my service-connected card.

**CHAIRMAN SCHNEIDERMAN:**

-- who could get into this situation.

Greg, what do you think? It seems to me, somebody who had a Purple Heart ought to qualify for that higher threshold. They're obviously injured in battle.

**COMMISSIONER DAWSON:**

Well, it doesn't necessarily mean that you're disabled, so they need a criteria that delineates you as a disabled veteran, so and there are criteria set for that. If that needs to be adjusted again, we could certainly look at. Again, it's case by case. I'm not really sure what you were denied.

**LEG. CILMI:**

Could I ask a question, Mr. Chairman?

**CHAIRMAN SCHNEIDERMAN:**

Yeah, sure, help us out, Tom.

**LEG. CILMI:**

So what is the -- do you know, sir, what the criteria for Purple Heart is?

**MR. SCHILLER:**

Yeah, the criteria for a Purple Heart is injury --

**LEG. CILMI:**

Any injury in combat?

**MR. SCHILLER:**

Injury, wound received during combat. "Service connection" is any injury or illness received while in the military. So you could fall down, break an arm; that is service-connected, not necessarily received during combat.

**LEG. CILMI:**

Okay. So it sounds to me like, then, whoever issues your card is the person who made the error, right?

**MR. SCHILLER:**

Not necessarily. The V.A., I'm sure, has had problems with this, with other agencies as well, so they are now reissuing cards.

**LEG. CILMI:**

Right. Well, that's what I mean.

**MR. SCHILLER:**

The latest card I have, the newest --

**LEG. CILMI:**

Does say "service connected."

**MR. SCHILLER:**

-- now says service connected.

**LEG. CILMI:**

Because if the criteria for Purple Heart is that you're injured or injured while in combat and the criteria for service connected is that your injured or sick while in the military, then necessarily if you've gotten a Purple Heart, you are service-connected based on that definition. So the fact that it wasn't on your card initially was a mistake on the part of the V.A., it sounds like.

**MR. SCHILLER:**

It won't necessarily say "service connected." It says "Purple Heart." That's the only option I have.

**LEG. CILMI:**

I see. So it's a matter of us recognizing Purple Heart as service connected.

**CHAIRMAN SCHNEIDERMAN:**

It's a little more than that. George has the language within the fees, the lowering fees for disabled veterans. Well, first under "B" of that section, it basically says that rules will be promulgated by the commissioner, but it's eligibility -- it says, "Under this program for exemption from such fees by disabled veterans shall be conditioned upon submission of a veteran's administration identification card verifying the disability of the veteran incurred while on active duty holding such card and submission of proof that the veteran is a Suffolk County resident." So the disability has to be, I guess, current, but it's also something that was incurred during active duty.

**LEG. CILMI:**

So the law doesn't say the words "service connected"?

**MR. NOLAN:**

"Incurred while on active duty."

**LEG. CILMI:**

So that's a general description, though; that's not service connected?

**LEG. HAHN:**

Isn't that what "service connected" means?

**LEG. CILMI:**

But so does "Purple Heart."

**LEG. HAHN:**

"Purple Heart" is wounded in combat.

**LEG. CILMI:**

Much more restrictive.

**LEG. HAHN:**

Much more restricted.

**LEG. CILMI:**

But if we're allowing for service connected, then obviously we should be allowing for Purple Heart.

**CHAIRMAN SCHNEIDERMAN:**

So what the law did is basically said veterans that were injured during active duty won't have to pay anything. But let's say you're a veteran and now you've come back from the field and you get hurt or you age and now you're disabled, you don't get free admission to the parks; only those that were injured during active duty.

**LEG. CILMI:**

That's what the law says now.

**CHAIRMAN SCHNEIDERMAN:**

That's apparently what it's saying, yeah.

**LEG. CILMI:**

But that's exactly what happened with this gentleman.

**CHAIRMAN SCHNEIDERMAN:**

Well, no, you could have a Purple Heart. Let's say you got shot in battle and you got shot in the arm, you get a Purple Heart, it's healed. You have no disability necessarily on going. The Parks Department, they're just trying to carry out the law here. They're trying to follow the rules.

**LEG. CILMI:**

So the law says "disabled" as a result of --

**CHAIRMAN SCHNEIDERMAN:**

Basically I guess currently disabled and that disability had to originate while you were on active duty.

**LEG. CILMI:**

Okay. So the distinction, then, is the word "disability" from the word "injured." "Purple Heart" means that you were injured in combat while in active military service but not necessarily disabled.

**CHAIRMAN SCHNEIDERMAN:**

If there's no way for the department to follow this, I don't think, what's adopt into law unless they show that V.A. card that had that specific language that said -- what was it, active or?

**MR. SCHILLER:**

Service --

**CHAIRMAN SCHNEIDERMAN:**

Service-connected injury, disabled, service connected. Now maybe we want to amend the law to extend discounts to a different category. I don't know.

**LEG. CILMI:**

Well, that's something we can talk about. Now we understand the issue at least. Thank you.

**MR. SCHILLER:**

That's all I wanted to bring to your attention.

**LEG. HAHN:**

Thank you for your service.

**LEG. CILMI:**

Thank you.

**COMMISSIONER DAWSON:**

Thank you for your service. And I will say when we do have discrepancies and questions like this, we reach out to Tom Ronayne in Veteran Affairs. I don't necessarily think that's going to happen in this instance, but when we don't have the exact answer, we reach out to him and he kind of guides us on it.

**CHAIRMAN SCHNEIDERMAN:**

I thank the gentleman who brought this to our attention because it seems we clearly meant to offer our parks for free to those who were disabled during combat or, you know, during their service, and so there is going to be a certain amount of work that your department's going to have to do to figure that out if someone falls through the cracks like that.

**COMMISSIONER DAWSON:**

We do.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER DAWSON:**

And it's not just entrance into the parks. It's also camping, transient boat slips, and everything it all comes with.

**CHAIRMAN SCHNEIDERMAN:**

All vets are entitled to discounts.

**COMMISSIONER DAWSON:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

But free admission --

**COMMISSIONER DAWSON:**

Disabled veterans have more of a benefit.

**CHAIRMAN SCHNEIDERMAN:**

And does that include golf too?

**COMMISSIONER DAWSON:**

No, not for golf.

**CHAIRMAN SCHNEIDERMAN:**

Anybody else have any questions on that? Well, thank you, Commissioner, for that. Is there anyone else who didn't fill out a yellow card who wanted to be heard by the committee? Okay. So let's jump right into the agenda.

**IR 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'll make a motion to approve. Tom, do you want -- because I don't think I'm going to get a second unless we update the committee on what's going on here.

**MR. VAUGHN:**

Sure. So we have Commissioner Anderson here. The reason that we have been is at the request of Legislator Kennedy who asked for time to have a meeting with New York State DEC -- DOT; pardon me. That meeting has now taken place. We would like to have this bill moved forward and collect our \$50,047,000 which we are owed.

**LEG. CILMI:**

To the best of your knowledge, Tom, is Legislator Kennedy okay with this proceeding?

**MR. VAUGHN:**

That, I don't know, Legislator Cilmi; however, I would say that our deal was to give him time to have the meeting.

**LEG. CILMI:**

Can we just pass over this, then, Mr. Chairman, until we can reach out to Legislator Kennedy?

**CHAIRMAN SCHNEIDERMAN:**

You want to discharge it without recommendation?

**LEG. CILMI:**

I'd rather just, if we can just -- I mean, there's three other resolutions on our agenda.

**CHAIRMAN SCHNEIDERMAN:**

If you think you can get him that fast, sure.

**MR. NOLAN:**

What happened at the meeting?

**COMMISSIONER ANDERSON:**

Well, at the meeting, we met with the State, and the State explained the issue revolves around drainage going into the northeast branch of the Nissequogue River off of their project on 347. We met with them. The State explained that because they are doing a design build, they have certain limitations in what they could with the design. They committed to try to do what they could to facilitate the improvements impact on the creek and thereby the adjacent homeowners, but their hands are tied because of the process itself. What we agreed to was that his engineer, who is Steve Hyman with H2M, would give me information that I could then turn over to the consultant for the state to kind of get them to work together to try and move along the lines that the legislator's engineer would like to see, and that's pretty much the way the meeting was left.

So, you know, it wasn't the response he was looking for, but legally there is nothing that can be done to direct the contractor who is doing the work. Again this resolution is to accept funding for

property that the state is in the process of acquiring, so they are still going to move forward.

**LEG. CILMI:**

I understand. Our understanding is that Legislator Kennedy, and this is in his district, is still unhappy with the outcome of the meeting. He's not here to express the nature of his discontent, but he's done so before. I don't know how the chairman wants to proceed here. I know there's a motion, but there's no second.

**CHAIRMAN SCHNEIDERMAN:**

Let's get it to the floor. Maybe a discharge without recommendation would be a better motion that would -- you know, it could always be recommitted. There is, what, half a million dollars in money that will come to the county.

**COMMISSIONER ANDERSON:**

Yeah, 500 --

**CHAIRMAN SCHNEIDERMAN:**

You know, I hate to hold it up. We've held it up several months now.

**COMMISSIONER ANDERSON:**

These were funds that were budgeted, I believe, so it's -- you know, you're biting your nose to spite your face. I mean, they're going to do the work. We are -- they have made a commitment, DOT, to work with us as best as they can within the parameters of their process. The water that's going in there is of a better quality because of what they're doing, and I can go into the whole detail if you want but --

**LEG. CILMI:**

No, I don't think that's necessary, but the question is, though, this project moves forward regardless of whether or not we approve this resolution, correct?

**COMMISSIONER ANDERSON:**

Absolutely.

**LEG. CILMI:**

Okay. I would support a discharge motion, in that case, without recommendation.

**CHAIRMAN SCHNEIDERMAN:**

All right. So I'll amend my motion to approve to a motion to discharge without recommendation.

**LEG. CILMI:**

I'll second it. That's fine.

**CHAIRMAN SCHNEIDERMAN:**

All right. Second by Legislator Cilmi. All in favor? Opposed? Abstentions? **Discharged without recommendation. (VOTE: 5-0-0-1, Excused: Lindsay)**

**IR 2013, Authorizing a License Agreement for the use, improvements and upkeep of Long House at Montauk County Park with Cornell Cooperative Extension of Suffolk County (Schneiderman).** I had a meeting yesterday with Parks. They think a better fit for Cornell exists very close by for this location. I'm going to table it for a cycle to look at that possibility, I'll make a motion to table 2013. Second by Legislator McCaffrey. All in favor? Opposed? Abstentions? **2013 is tabled. (VOTE: 5-0-0-1. Excused: Lindsay)**

Moving on to *Introductory Prime*.

**2077, Reappointing member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (William B. Sickles)(Gregory).** I'll make that motion to approve.

**LEG. MCCAFFREY:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator McCaffrey. I know Mr. Sickles. He's served -- he's in good standing, brings tremendous institutional knowledge, having been a --

**COMMISSIONER DAWSON:**

Former superintendent.

**CHAIRMAN SCHNEIDERMAN:**

Former superintendent of county parks. All in favor? Opposed? Abstentions? **Approved (VOTE: 5-0-0-1, Excused Lindsay)**

**2081, Reappointing Ronald A. Beattie as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5)(Lindsay).** This is a reappointment.

**LEG. CILMI:**

Motion.

**LEG. MCCAFFREY:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cilmi. Second by Legislator McCaffrey. Commissioner, he's in good standing as well, comes to meetings?

**COMMISSIONER DAWSON:**

Actually, he's on the Vanderbilt board, not on --

**CHAIRMAN SCHNEIDERMAN:**

Oh, so you wouldn't be familiar with that. He's a reappointment. Motion and second. All in favor? Opposed? Abstentions? **Approved. (VOTE: 5-0-0-1, Excused:Lindsay).**

That is all I have on the agenda. Is there anything else? Any other business? If not, we are adjourned.

*(The meeting was adjourned at 12:54 p.m.)*