

PARKS & RECREATION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Parks & 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, February 25, 2015 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

Legislator Kevin McCaffrey

Also in Attendance:

Legislator DuWayne Gregory – Presiding Officer

George Nolan - Counsel to the Legislature

Jason Richberg - Chief Deputy Clerk/Suffolk County Legislature

Jason Hann - Aide to Deputy Presiding Officer Schneiderman

Christina DeLisi - Aide to Deputy Presiding Officer Schneiderman

Benny Pernice - Budget Review Office

Greg Dawson - Commissioner/Suffolk County Department of Parks

Gil Anderson – Commission/ Suffolk County Public Works

Tom Vaughn - County Executive Assistant

Michael Pitcher - Aide to Presiding Officer Gregory

Mike Cavanagh - Aide to Legislator Lindsay

Alyssa Turano - Aide to Legislator Hahn

Jenn Hann - Aide to Legislator Lindsay

William Shilling - Aide to Legislator Calarco

Phyllis Seidman - County Attorney's Office

Lisa Santeramo - County Executive's Office

All Other Interested Parties

Minutes Taken By:

Gabrielle Severs - Court Stenographer

Minutes Transcribed By:

Denise Weaver - Legislative Aide

*(*The meeting was called to order at 12:38 p.m. *)*

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Parks and Recreation Committee to order this 25th day of February 2015. If you all will rise, if you are able, and join us for the Pledge of Allegiance led by Legislator Cilmi.

(*Salutation*)

CHAIRMAN SCHNEIDERMAN:

Okay. We'll begin with public portion. Mr. Clerk, do we have any yellow cards?

MR. RICHBERG:

No cards.

CHAIRMAN SCHNEIDERMAN:

Okay. We have no yellow cards. Is there anyone here who wishes to be heard by the Committee before we go to the regular agenda? Seeing none, we have no presentations, we'll move right to tabled resolutions.

Tabled Resolutions

IR 2177-14 - Adopting Local Law No. -2015, A Local Law to provide further protection for County parkland. (Hahn)

LEG. HAHN:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Hahn.

LEG. McCAFFREY:

Do we have to table this for public hearing?

MR. NOLAN:

No, it's closed.

CHAIRMAN SCHNEIDERMAN:

I will second, I'll second for discussion. So there's a motion and a second. Commissioner, do you have anything or Lisa from the County Executive's Office.

MS. SANTERAMO:

Yes, good afternoon. The administration has two concerns with this bill. One is more of a policy bill -- more of a policy concern, the other's a legal concern. So I'm going to go through the policy concern and then Phyllis Seidman will address the legal concern.

While this instance is rare and this particular example, you know, this bill will pass and this issue may or may not come up in future, the concern is that we're hitting a bit of a slippery slope and more of a precedent concern in terms of taking money and diverting it from the General Fund. You know, this money -- I think this is based off the resolution that passed last year, you know, that

money we'll go into the General Fund and we, you know, we all had a conversation a couple days ago about concerns about the General Fund. So, for example, if you start taking departments and, you know, for instance the auctions, we got about 15 million last year from the auctions that went to the General Fund, if we started putting -- started doing this department by department, we have concerns we're going to be taking money out of the General Fund. So that's our policy concern, we were worried about the precedent that this would set.

CHAIRMAN SCHNEIDERMAN:

Lisa, what if land were purchased with, let's say Quarter Penny money, you know, money that was dedicated for a particular purpose the taxpayers supported and tax themselves, you know, to buy open space and then the State takes that open space away and gives money back to the County for it. You would think that you'd legally have to take that money and put it back into that Quarter Penny program. I mean, this is kind of getting into that slippery slope that, you know, the Pines Barrens Society, you know, sued is over, you know, this money came from a dedicated source and, you know, otherwise you could basically end up with lots of money that was set aside for one purpose being used for another purpose.

MS. SANTERAMO:

Does it get that specific in this bill? Cause my understanding it was not. Is it that specific --

CHAIRMAN SCHNEIDERMAN:

Well, let me let the sponsor --

MS. SANTERAMO:

-- the Quarter Penny?

LEG. HAHN:

That certainly was the intent but any, you know, in my mind any parkland should be replaced but clearly the intent was when we buy land with a dedicated source that comes from the Quarter Penny -- you know, tax money that we tax the public for this purpose, we ask them what we could do with it. They told us this is one of the things, we do it, we buy it and then it's taken from us and we're reimbursed for it, it should get put back in that fund to buy more land and that's the whole intent and purpose of this bill.

CHAIRMAN SCHNEIDERMAN:

Going back in -- pretty much everything we do now in terms of land preservation is coming out of one of these dedicated funds, I mean, we have kind of set aside things like the Multifaceted Program or Legacy Program, some of these things were coming from the General Fund and now we're using these dedicated funds but if you go back in time most of it was general borrowing that we were using for open space. So, I guess the first question maybe, this is to the sponsor, if this bill were limited to the acquisitions that occurred with these dedicated funds, is that -- it seems like that's something that you -- certainly was the intention here, maybe we could take this in pieces and say, okay, yes that's kind of a, you know, sacred cow, we want to make sure that funds -- those -- any monies there go right back to buying open space.

MR. NOLAN:

Can I just interject that, you know, in terms of the language that was chosen, I conferred with the Budget Review Office, I asked them what is the best way to accomplish what Legislator Hahn is looking to do, which is basically if the State comes in, using its eminent domain power to take parkland, what is the best way to, you know, ensure that those proceeds go back to the same general purpose, parkland, and this is what they suggested was, you know, the language is, the

money will go into new or an existing capital program that's dedicated to the acquisition of parkland. So that's the way it was drafted and it was done, like I said, with the advice of our Budget Review Office as the best and most practical way to accomplish what Legislator Hahn is seeking to accomplish.

CHAIRMAN SCHNEIDERMAN:

And honestly, personally that makes sense to me, if we use lose parkland for eminent domain, we should replace it with -- isn't there a procedure though in effect with the State that, you know, with in terms of alienating parkland, if you're going to take some parkland off that they have to provide you with an equal or greater piece.

MR. NOLAN:

That's if we -- if we alienate something, you know, if we choose to alienate they normally require that we replace it something of equal value or equal size but this is a different case. This is the State exercising its eminent domain power and there is no requirement that we take the money and dedicate it to any particular purpose.

CHAIRMAN SCHNEIDERMAN:

You know, we're always telling the public once it's in park status it's forever protected. I guess, apparently once the State steps in and says, *we want to build a road through your park, sorry we're, you know, condemning a strip.*

LEG. HAHN:

And that can -- clearly there's -- there's reasons for that to happen and it can happen, hopefully it will never happen here but there are places where that's necessary. But, yes, in my mind there's this kind of sacrosanct, right, our parkland is -- it's lockbox, you know, whatever -- however you want to say it, it has the highest degree of protection, we protect it in that manner and it was a question I asked when we were passing the other bill and I didn't get the answer I wanted, which was, you know, even though it was a small amount of money it wasn't going to go back into the fund, which we -- and we do need more money in the fund for land preservation and that really bothered me, you know, what if it had been purchased with Quarter Penny money, what if it, you know, I didn't do the research on this particular parcel but I just wanted to make sure that we had this in place for the future if it should ever happen again that it's crystal clear that parkland is important to us and we will make sure that we replace it with more parkland if this should ever happen again.

CHAIRMAN SCHNEIDERMAN:

Bill.

LEG. LINDSAY:

My question would be to Lisa and then maybe the sponsor. For arguments sake, Lisa, couldn't you just make the argument that this would be two pockets in the same pair of pants, so to speak, that if you had a million dollars allocated to go to Parks and a -- and that was going to come from the General Fund, but you had a sale that brought in a million dollars in revenue, you shift that money, the fund is a million dollars more flush at the end of the day.

MS. SANTERAMO:

I would think, and I would refer to our Budget Office for that question, I understand what you're saying, I think, and like I said, this legislation, I mean, the odds of this situation happening again, I think everyone agrees are, you know, may or may not happen again. I think the bigger concern that we just want to make sure we got on the record is we do have a concern with taking any money

and diverting it from the General Fund cause in our eyes and in our policy point of view we have a, you know, everyone has concerns about the General Fund, you were just talking about it the other day, any money that is coming into the County our goal is to that, you know, that's not pre-designated legally, we believe should be going to the General fund. That is our, you know, that is our policy point of view from that.

But we do understand that this bill, you know, obviously this may or may not happen, but we just -- we want it on the record that from a policy point of view we want -- we don't want this to start happening from, you know, what's to say that next week someone doesn't introduce a bill saying, *okay, I need money from, you know, fees that Parks gets goes into Parks*, you know, if you start doing it you could wind up with a General Fund problem. Sorry.

CHAIRMAN SCHNEIDERMAN:

(Inaudible) I'll start working on that. Good idea.

LEG. LINDSAY:

Right, with that in mind, I mean, Parks isn't self -- isn't self-sufficient. It doesn't self-fund itself in terms of bringing the proper fees to maintain it and so forth, so it's subsidized from the General Fund.

MS. SANTERAMO:

Correct, but I think you have more control when it's coming out of the General Fund, it's the Budget Office looking at the big picture as opposed to each department bringing in their own revenue and operating and their own independent silo, I guess, you would say.

LEG. LINDSAY:

Okay. And, you know, I would pose the same question then to the sponsor, Kara, if it ends being a zero-sum game anyway, what are you really accomplishing then from the Legislature?

LEG. HAHN:

Well, again, we're talking future hypotheticals, right, so the zero-sum may exist in -- in the case where we only got reimbursed for 5000, 500, whatever it was, it was a small amount of money, but should something similar happen where we're reimbursed on a larger scale in the future, who knows what, it could be, it may not be a zero-sum game and this is -- we are -- we have this agreement with the people about our parks and this is meant to protect that agreement and it's not meant to set a precedent. I'm arguing that this parkland and money spent on parkland is completely different from every other departmental revenue source that comes in because of, you know, park alienation and the law, you know, the law that we have to protect our parkland, I think that this is very different from other revenue streams that, you know, you're worried some may argue for later. This is -- this doesn't set a precedent for that. We already have this promise to the people to protect this land and when -- when there's these extreme cases where we have to do something like this, I believe it is our responsibility to make sure that we replenish the acreage. So that's, you know, that's the intent here.

CHAIRMAN SCHNEIDERMAN:

Legislator Cilmi.

LEG. CILMI:

Yeah, I'd like to hear the legal arguments. But before Lisa goes away, Lisa, can you illustrate for us a scenario under which this might be a bad thing. I mean --

MS. SANTERAMO:

The specific parks piece or just in general departments taking in money?

LEG. CILMI:

No, I mean, we would have to -- in order for us to, you know, sort of take this down the road to other departments and whatnot, we'd have to pass other bills.

MS. SANTERAMO:

Correct.

LEG. CILMI:

So let's just look at the parks piece specifically here. Do you foresee any scenario under which this would be problematic?

MS. SANTERAMO:

No, not the -- not this bill specific, and that's why I wanted to clarify is this bill itself, in terms of the money going in there, it's such a small amount, you know, we don't have a concern with this particular piece. It's the policy -- it's the concern about the precedent, we don't, you know, we just -- we're worried about future revenue streams of, you know, departments generating their own revenue and, you know, if this passes we're worried about the next piece of legislation, you know, where there is a, you know, a revenue stream being diverted again from the General Fund.

So from a policy point of view just as a general policy we don't support money not going into the General Fund but this specific piece of legislation, no.

LEG. CILMI:

Okay. Could I ask, through the Chair, for the -- for our County Attorney's Office to join us.

MS. SEIDMAN:

Good afternoon. Phyllis Seidman. I think I have more of a technical consideration than a legal consideration. And I -- I think that, first of all, this type of bill is subject to permissive referendum because it does usurp the County Exec's powers and also the Legislature's powers to otherwise use this money that would be in the General Fund at budget time. So, you know, here you are, you know, it's dictated to you, you know, what's going to happen with this money that's going to be put into the General Fund so there is some curtailment of power.

And secondly, I guess, there is a concern if there is some outstanding debt, some bonded indebtedness on the property, you would want to use presumably the money that you would be getting to pay off the {on-service} on the debt, this makes no, you know, it doesn't take into account that you may want to consider that. So it, you know, it's really the technical considerations may be just, you know, if you were to do something of this nature in the future --

CHAIRMAN SCHNEIDERMAN:

I'm sorry, Phyllis --

MS. SEIDMAN:

I'm sorry.

CHAIRMAN SCHNEIDERMAN:

(Inaudible)-- the follow is still with Tom.

LEG. CILMI:

So, Phyllis, the -- thank you, Mr. Chair. So the -- but this bill is fairly narrowly defined, right?

MS. SEIDMAN:

Well, I actually think it's kind of broadly defined.

LEG. CILMI:

Is it. How so?

MS. SEIDMAN:

Any parkland acquired under the eminent domain procedure presumably by the State --

LEG. CILMI:

Well, but is that -- so let's just stop there for a second. To me that's very -- that's pretty narrow, I mean, how often does the State exercise eminent domain over parkland in Suffolk County?

MS. SEIDMAN:

So I think the -- the express language of the bill is broad, but the situations in which it may occur may be very few.

LEG. CILMI:

Okay. Can you envision a circumstance where the State may take by eminent domain a larger piece of land that we may have some debt on or that may be of significant value that, you know, that the administration, you know, would want to have some discretion as to what is done with the money?

MS. SEIDMAN:

You know, you can, you know, can I foresee that, certainly, we would probably be in litigation at that point because if it weren't a de minimus taking, there would be an action filed.

LEG. CILMI:

Right.

MS. SEIDMAN:

In the case that this IR mentions, that was de minimis, so there really wasn't any proceeding. But I would imagine that it could certainly happen in the future, I don't know.

LEG. CILMI:

I mean, I tend to agree with the sponsor that the State prescribes, and the County prescribes, a variety of mechanisms by which we protect parkland in general so that, you know, as Legislator Hahn mentioned or maybe Chairman Schneiderman mentioned that when we alienate parkland part of that process involves getting another piece of land of a similar -- similar size. So if we just sort of, you know, go to the natural extension of that argument and say that, okay, if we're -- if parkland is being taken from us that's of some value, that whatever the -- whatever revenue we receive as a result of that value should be used for parkland. It just seems to make sense to me. I understand your point and I certainly get the slippery slope argument that Ms. Santeramo made.

MS. SEIDMAN:

And -- I'm sorry.

LEG. CILMI:

But I think we can -- I think we can, I think this body can exercise discretion on that slippery slope and I think this is narrowly enough defined where it seems to me almost inconsequential but it seems to make sense; my opinion.

CHAIRMAN SCHNEIDERMAN:

Let's go back to Legislator Hahn.

LEG. HAHN:

So I just want to make sure, Laura, Budget Review Office, the debt service is paid by the fund. Correct? Because right now, I mean, Quarter Cent, when we borrowed against future revenue for Quarter Cent, we are now paying the debt service out of that fund so if the money goes back into that fund it takes care of debt service.

MS. HALLORAN:

That's correct, 477 is -- doesn't affect the General Fund. Use of the 477 Program doesn't affect the General Fund.

LEG. CILMI:

Right. So the debt, forgive me for interrupting, but the debt service argument really doesn't hold here because we're paying for debt service out of the 477 Fund anyway.

LEG. HAHN:

Right.

LEG. CILMI:

And that's where the money would go from this sort of transaction.

MS. SEIDMAN:

(Inaudible) I'm not certain.

LEG. HAHN:

Unless there were other capital, like if it was paid for out of Greenways or, you know, originally paid for out of -- are we still paying?

MS. HALLORAN:

Well, there were land acquisitions that were not paid out of Fund 477.

LEG. HAHN:

Right. So the bond did -- is it Greenways that we bonded against or, yeah --

MS. HALLORAN:

I think there were several.

LEG. HAHN:

SOS. There were several, there's several different ones and we're paying the indebtedness on those out of the General Fund.

MS. HALLORAN:

Multifaceted and Legacy.

LEG. HAHN:

Are we paying them out of that?

MS. HALLORAN:

That's all --

LEG. HAHN:

Right so --

MS. HALLORAN:

-- borrowed.

LEG. HAHN:

Do we know if they're -- if we're finished paying those off? The debt on that.

MS. HALLORAN:

That I would have to check for you.

LEG. HAHN:

Okay. Can you by Tuesday can you know that?

MS. HALLORAN:

I will try.

LEG. HAHN:

Thank you.

LEG. CILMI:

Legislator Hahn, I will support it either way but maybe you might consider even more narrowly defining this to -- to parcels that were purchased using the 477 Fund. There might be less concern on the part of the Exec's Office and some of --

CHAIRMAN SCHNEIDERMAN:

Phyllis, you wanted to --

MS. SEIDMAN:

If I could also add that those local laws, which adopted state enabling laws for the quarter percent tax, also I'm almost positive are passed by permissive referendum, so in the same vein I would think that this one would need to be as well.

LEG. CILMI:

That's an interesting question, I mean, does this -- we passed a law recently that said any changes to the 477 Program would have to come from a referendum, right?

LEG. HAHN:

I'm not changing the 477 Program.

LEG. CILMI:

No, this doesn't really do that? Okay.

CHAIRMAN SCHNEIDERMAN:

You know, first of all, the permissive referendum thing to me is not a deal breaker. I mean, it's hard for me to imagine somebody's going to go and collect all the signatures that would force this onto the ballot. I think the public, in general, would agree with this policy that if you have parkland and you lose it for whatever reason that the money that you get for that parkland ought to go to replace that parkland somewhere. That seems to make sense and particularly when you have a dedicated fund.

I wanted to, A, first, you know, first look at that the precedential value and this is really something that Lisa brought up. We passed a bill recently, and you didn't tell us we needed a permissive referendum on it, that said -- and it was my bill so I'm fairly familiar with it, that reimbursements of salaries that are paid for with 477 funds would go back to the 477 Fund. And that went through, I think, unanimously by this body.

MS. SEIDMAN:

Right.

CHAIRMAN SCHNEIDERMAN:

So it seems this is along the same lines to say that lands purchased with those funds, if they're taken away and reimbursed, ought to go back to the fund that first created it.

MS. SEIDMAN:

Right. I'm not entirely familiar with all the parameters of that bill that I think the distinction was that was dealing with grant funding --

CHAIRMAN SCHNEIDERMAN:

Okay, but the --

MS. SEIDMAN:

-- reimbursing under whatever grant program.

CHAIRMAN SCHNEIDERMAN:

-- argument was made -- was made that it restricted the County Executive's power to spend money according to, you know, his own wishes or her own wishes. Whereas that -- that bill did the same thing. I mean, those reimbursements were flowing to the General Fund and then the County Executive then had the power to disperse that money whereas by -- the law would require that money to be spent in a particular way, the 477 Fund. So I would say it's very similar to this and that argument wasn't made then, I thank you for not making it then, but I'm not, you know, not sure that it applies here or maybe it's at -- I don't know that it triggers a permissive referendum, it's really, it's a legal question but even if it did; so be it. If it ends up on the ballot it ends up on the ballot. I think the public would support it overwhelmingly.

LEG. HAHN:

George, can you just explain what you think about the permissive referendum and if -- what that would mean. Does it have to be in the bill?

MR. NOLAN:

If you accept it, the argument that it was subject to permissive referendum, you would have to put a permissive referendum clause in the law. I don't necessarily agree that this is -- it rises to a (inaudible) of authority that requires permissive referendum, I really don't agree with that. Off the top, nobody's made that argument until now. So nobody, you know, brought to us to look at that

concern until now. But off the top I'd say no, I don't agree with that.

CHAIRMAN SCHNEIDERMAN:

I just wanted to say one thing too kind of broadly on this precedential, you know, more on the lines of -- this eminent domain thing happens so rarely, do we really need to do this. And, it's true, there was only one experience, since I've been here, that this happened but this could happen in the future. Now, this was to create --

LEG. HAHN:

Live on an Island.

CHAIRMAN SCHNEIDERMAN:

Right. We own a lot of land and it's not just the State actually, your bill is limited to the State, the federal government might say for homeland security reasons we need to construct a radio tower, communication tower, in County parkland.

LEG. HAHN:

Or one chooses to build a bridge to Connecticut 50 years from now.

CHAIRMAN SCHNEIDERMAN:

Right, you know, we are significant, there's a lot of land in parks and I think as a matter of policy if we're going to lose land in parks and we're going to get paid for that, it ought to go back into parks for a similar purpose. So I think it makes sense, I would actually expand it not to just to State but to Federal because they have powers of eminent domain as well.

I just, you know, maybe would, you know, ask the sponsor if they would, just to think about whether it should be the dedicated fund issue, if the park was created with not General funds but dedicated funds, I think that's not -- that's an easier lift but I would support it either way.

LEG. HAHN:

Thank you. I mean -- I'd like to move forward maybe we do another one with federal funds, you know, if -- I agree that that could be -- that could be a possibility one day, you know, you've got to remember we're looking into the future. So this hasn't happened much, you know it was a small parcel but it enlightened us to the issue and, I think, it's an important one that I'd like to -- to protect -- this, you know the dedicated nature and the protected nature of parkland to the extreme and we always believed it was protected in this manner and the funds that come in to reimburse us for it should be as well. So I'd like to move forward.

CHAIRMAN SCHNEIDERMAN:

I think our Presiding Officer wanted to comment.

P.O. GREGORY:

Great, thank you, Mr. Chair. And I think, you know, your message is that, you know, we tax our residents of Suffolk County and those who come into Suffolk County and we set a priority for preserving open space and parkland and that this will send a message that we will do everything within our powers to keep our parkland parkland and, if not, then we'll use those funds to preserve further parkland in the future at some point, right, I mean that's a simplistic approach but I think certainly appropriate.

CHAIRMAN SCHNEIDERMAN:

You know, I would -- I'm going support this and I think we should discharge it, I think we should

discharge it with a positive recommendation but I do think maybe the sponsor between now and Tuesday just to sit down with the administration and just, you know, listen to what these concerns are and if there is any changes to the bill then, you know, that can always be -- always be done the next cycle. So, okay.

LEG. HAHN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

So we have a motion and a second. Any other discussion? Okay, I'll call the vote. All in favor? Any opposed? Abstentions? Okay. **It's approved. (VOTE: 6-0 - P.O. Gregory included in the vote)** That was IR 2177-14.

Okay, moving onto introductory resolutions.

Introductory Resolutions

IR 1029 - Authorizing use of Smith Point Park property by Getco Company, between the Ports and Event Power, Long Island, for a triathlon. (Browning) Commissioner, welcome. I'll make a motion to approve, second by Legislator Lindsay. Commissioner?

COMMISSIONER DAWSON:

If I might jump in. If we just ask that this be tabled for one cycle. We're -- there's a little bit of an issue with the -- the fee structure.

CHAIRMAN SCHNEIDERMAN:

Okay. Can you explain what that is. Cause I know Legislator Browning was asking me about the fee structure.

COMMISSIONER DAWSON:

Yeah, actually we're going to ask for one a little bit later on in the agenda to be tabled as well. This one, the group is actually paying a little bit more than they should be based on a number of people that they put in on their application.

CHAIRMAN SCHNEIDERMAN:

Will it -- all right, so you basically want to lower the fee. Will that -- is there enough time?

COMMISSIONER DAWSON:

Oh, yeah. This event's not until summertime.

CHAIRMAN SCHNEIDERMAN:

Okay. So I will amend my motion to approve to a motion to table.

LEG. CILMI:

And the sponsor is -- is aware that you're asking for this to be tabled?

COMMISSIONER DAWSON:

The sponsor's aware.

LEG. CILMI:

Okay.

CHAIRMAN SCHNEIDERMAN:

And we have a second on the tabling?

LEG. CILMI:

And supportive?

COMMISSIONER DAWSON:

Yes.

LEG. CILMI:

Yes? Okay.

MS. HORST:

We spoke with her office right before and they support tabling for one cycle.

CHAIRMAN SCHNEIDERMAN:

Okay. So right now just a motion to table. Is there a second? Oh, okay. So we're amending Legislator Lindsay's motion to now second the tabling motion. Okay. So that's all that's in front of us. Any other motions, any other discussion? Okay. So I'll call the vote on the tabling. All in favor? Opposed? Abstentions? All right. **1029 is tabled. (VOTE: 6-0 - P.O. Gregory included in the vote)** Thank you, Commissioner. All right.

1035 - Authorizing use of Makamah Preserve in Northport by Northport Running Club. (Spencer)

COMMISSIONER DAWSON:

We're good. This is fine.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cilmi. Who wants to second?

LEG. McCAFFREY:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator McCaffrey. Any discussion? All in favor? Opposed? Abstentions? **1035 is approved. (VOTE: 6-0 - P.O. Gregory included in the vote)**

1037 - Authorizing a License Agreement for the use of buildings at Montauk County Park with Camp SoulGrow. (Schneiderman) I just had a meeting with the Commissioner on this. Some of the DPW guys need to take a look at the buildings to see if -- they don't apparently have a CO for this use yet. Is that correct, Commissioner?

COMMISSIONER DAWSON:

That's correct. So we request --

CHAIRMAN SCHNEIDERMAN:

There may be some minor work that has to be done.

COMMISSIONER DAWSON:

Their plans changed.

CHAIRMAN SCHNEIDERMAN:

There's two pieces of this. There's two motel units that would be used for arts and crafts type of use and there's a cabin that will be used for residential.

COMMISSIONER DAWSON:

That's correct.

CHAIRMAN SCHNEIDERMAN:

And we don't know about the cabins yet so that we might -- I might have to take that out of this.

COMMISSIONER DAWSON:

That's fine.

CHAIRMAN SCHNEIDERMAN:

And then the motel units for art and crafts, we don't know that that's allowable yet either so we're going to have to table long and short.

COMMISSIONER DAWSON:

That sums it up.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion to table.

LEG. CILMI:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cilmi. All in favor? Opposed? Abstentions? **Tabled (VOTE: (VOTE: 6-0 - P.O. Gregory included in the vote)**

But I do, Commissioner, I do appreciate you and the folks from DPW getting together to talk about the facility, you know, that Third House facility is a great County asset and it's been sitting there for 20 years now without public use and that has got to change. We have groups that would like to use it and we need to work together to make that happen.

IR 1043 - Authorizing use of Smith Point County Park property in 2015 by the Mastics-Moriches-Shirley Community Library's Family Literacy Project. (Browning)

COMMISSIONER DAWSON:

We're going to respectfully request that this be tabled as well.

CHAIRMAN SCHNEIDERMAN:

Okay. Can you -- Commissioner, why?

COMMISSIONER DAWSON:

Yeah, it's again, it's an issue with the fee structure whether we're going to be charging for parking on that particular day or not. So it's after the season, but we generally have lifeguards on duty so the fee structure was set up for --

CHAIRMAN SCHNEIDERMAN:

Legislator Browning is aware of this?

COMMISSIONER DAWSON:

She's aware.

CHAIRMAN SCHNEIDERMAN:

And supportive?

COMMISSIONER DAWSON:

And supportive. Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Is there a motion? Motion to table, does somebody want to make it?

LEG. CILMI:

I'll make a motion to table.

CHAIRMAN SCHNEIDERMAN:

All right. Legislator Cilmi makes the motion to table. Legislator McCaffrey, are you in on a second?

LEG. McCAFFREY:

I'm in on the second.

CHAIRMAN SCHNEIDERMAN:

All right. So we got a motion and a second. All in favor? Opposed? Abstentions? All right.

1043 is tabled. (VOTE: 6-0 - P.O. Gregory in included in the vote)

LEG. McCAFFREY:

We were just discussing the possibility, as my district doesn't -- all these runs we don't have any County parks in my district so we were thinking about organizing one around the Bergen Point Sewer Plant and we're just trying to come up with the appropriate name for it. So we're still working on it, I may come back with it.

CHAIRMAN SCHNEIDERMAN:

Sewer run. They'll run extra fast just to get away from there.

LEG. HAHN:

The runs.

CHAIRMAN SCHNEIDERMAN:

All right, IR -- run, yeah, the runs, boy, all right. Let's move on said the Legislator from Legislative District number two. I tried that joke before.

IR 1061-15 - Authorizing use of Sears Bellows County Park and the County-owned portion of the Paumanok Trail by Jayasports for its Paumanok pursuit fundraiser. (Co. Exec.)

Commissioner, we're good on this?

COMMISSIONER DAWSON:

This is fine.

CHAIRMAN SCHNEIDERMAN:

It's fine.

LEG. CILMI:

Motion by Cilmi.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Cilmi, a second by Legislator Lindsay. Any discussion? All in favor? Opposed? Abstentions? **1061 is approved. (VOTE: 6-0 - P.O. Gregory is included in the vote)** Bringing us to our last resolution.

1084 - Amending the 2015 Capital Program and appropriating funds in connection with the improvements to Cupsogue County Park (CP 7080). (Co. Exec.) I will make a motion.

Is there a second? I want to say this is in my district but I think technically this is Rob Calarco's or maybe Kate Browning's.

LEG. HAHN:

Kate's.

CHAIRMAN SCHNEIDERMAN:

Kate's district. But you can't get to it from her district except for by boat without going through my district.

COMMISSIONER DAWSON:

That's okay. Smith Point is actually in Legislator Calarco's district.

CHAIRMAN SCHNEIDERMAN:

Yeah. So we had this -- who was the second? Legislator Lindsay's seconding. All right, Commissioner, go ahead, tell us what we're asking for here.

COMMISSIONER DAWSON:

This we're -- we're modifying the Capital Budget to include \$300,000 for repairs to Cupsogue and we're also looking to appropriate the entire amount of \$750,000.

CHAIRMAN SCHNEIDERMAN:

And where we taking the money from?

COMMISSIONER DAWSON:

We are taking it from project 8220, Underground Injection Control Management Program, from the Department of Public Works.

CHAIRMAN SCHNEIDERMAN:

Okay. And --

LEG. CILMI:

I have a question, Mr. Chairman.

COMMISSIONER DAWSON:

And they have sufficient funds in 2015 to --

CHAIRMAN SCHNEIDERMAN:

Tell me what we get for the money.

LEG. HAHN:

Yeah, what are we doing here?

COMMISSIONER DAWSON:

I'm sorry.

LEG. HAHN:

What exactly are we doing here?

CHAIRMAN SCHNEIDERMAN:

This is the park that had the fire so we lost about -- we lost the concession.

LEG. HAHN:

Do we have plans?

CHAIRMAN SCHNEIDERMAN:

We do, but I'm going to let the Commissioner tell us where we are.

COMMISSIONER DAWSON:

We working on two tracks. We have plans for temporary structure, temporary restroom facilities and temporary -- temporary kitchen so we can operate for Memorial Day. We'll probably be doing that for the next two seasons and but we also need to plan the -- the main structure again in two years so we're looking to appropriate money for planning for that so Department of Public Works can work on a parallel track.

LEG. HAHN:

So this is for temporary.

CHAIRMAN SCHNEIDERMAN:

Will there be enough capacity for this temporary facility to manage the concession, you know, is it scaled to the crowd that we get this?

COMMISSIONER DAWSON:

The restrooms will be equal to or exceed the capacity that we have now. The dining facility, it's not going to be -- it probably won't be --

CHAIRMAN SCHNEIDERMAN:

But they'll be able to serve enough burgers and french fries or whatever --

COMMISSIONER DAWSON:

Oh, absolutely.

CHAIRMAN SCHNEIDERMAN:

-- to be able to keep up with the demand.

COMMISSIONER DAWSON:

-- fries, salads.

CHAIRMAN SCHNEIDERMAN:

Oh, yeah, sorry. No transfats and --

COMMISSIONER DAWSON:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- be clearly labeled.

LEG. McCAFFREY:

Whoa, whoa, whoa. Easy on the --

LEG. HAHN:

You're allowed to have transfats. No, no, maybe not transfats.

CHAIRMAN SCHNEIDERMAN:

Not transfats.

LEG. HAHN:

You're allowed to have french fries. We just need also have the healthy option --

CHAIRMAN SCHNEIDERMAN:

And fruit.

LEG. HAHN:

-- after the next contract.

CHAIRMAN SCHNEIDERMAN:

Right. It'll be whole wheat french fries, so. Legislator Cilmi.

LEG. CILMI:

So, Commissioner, this is \$300,000 in planning and 450 in construction.

COMMISSIONER DAWSON:

That's correct.

LEG. CILMI:

And reiterate what the planning was actually for.

COMMISSIONER DAWSON:

The planning is -- the planning is to plan for the future structure, the main pavilion with the permitted bathrooms, the permitted restrooms, the permitted showers and the permitted cooking facilities, boardwalk. All the stuff that got damaged.

LEG. CILMI:

So what are you actually, with \$300,000, what are you actually paying for?

COMMISSIONER DAWSON:

We're paying for plans for design construction. Nah, it's actually -- it's actually planning money.

LEG. CILMI:

So how big is this structure roughly? How many square feet?

COMMISSIONER DAWSON:

I don't know off the top of my head how big it was?

LEG. CILMI:

But it's as concession.

COMMISSIONER DAWSON:

It's concession, it's restrooms, it's showers.

LEG. CILMI:

Right.

COMMISSIONER DAWSON:

The deck.

LEG. CILMI:

Right.

COMMISSIONER DAWSON:

We got ramps through the deck. It's quite a substantial facility.

LEG. CILMI:

Three hundred thousand dollars seems like a lot of money to me. I mean, in the grand -- compared to other -- other things we spend money on maybe it doesn't but to me \$300,000 seems like a lot of money to do planning on this type of structure.

COMMISSIONER DAWSON:

It's the -- it's what the cost.

LEG. CILMI:

How do we know that that's the cost or we don't know at this point. Have we issued RFP's yet? Have we not issued RFP's?

COMMISSIONER DAWSON:

No, not RFP's for planning, Department of Public Works will do that, but this is based on their best estimates.

LEG. CILMI:

So how are the -- how is the planner selected?

COMMISSIONER DAWSON:

I think it's through an RFP process but I'm going to really defer that to Commissioner Anderson.

CHAIRMAN SCHNEIDERMAN:

Can we just find out a quick question related to this, is this covered? Well, I know we're self-insured, is there insurance money that we can apply for?

COMMISSIONER DAWSON:

Yeah, I think Risk Management is still working with -- is still working with --

CHAIRMAN SCHNEIDERMAN:

So we may be reimbursed for this funds -- these funds?

COMMISSIONER DAWSON:

We may be reimbursed for, well, we'll be reimbursed to the facility, how we spend those funds is how we spend those funds, but I don't know what that number is.

CHAIRMAN SCHNEIDERMAN:

And, you know, if you're asking for 300,000 in planning it makes me think we have a \$3 million building we're building cause it usually comes in around 10% for planning. Is that what you're thinking?

COMMISSIONER DAWSON:

That's probably a good estimate, yes.

CHAIRMAN SCHNEIDERMAN:

All right, I'll go back to Legislator Cilmi. Were you done?

LEG. CILMI:

I'm still trying to contemplate the \$300,000. But if we're expecting to build a three million dollar building and 10% is a general rule of thumb in terms of planning money, I'm uneasy about the \$300,000. That's my problem. And without a -- without a more specific description of exactly what we're getting for that \$300,000.

COMMISSIONER DAWSON:

They're going to plan a facility.

LEG. CILMI:

Yes, I understand plans. So and the -- when we talk about plans we're talking about the construction, we're talking about the plumbing, we're talking about the electricity, the architectural; pretty much everything.

COMMISSIONER DAWSON:

The plans for that.

LEG. CILMI:

Right. Is there -- can you draw a parallel to another facility that we've spent planning money on that I might say, *okay, well that -- I understand that made sense.*

COMMISSIONER DAWSON:

I can't, again, I would defer that to Department of Public Works on how much they spend on -- on large-scale projects.

LEG. CILMI:

I see Lisa Santeramo.

MS. SANTERAMO:

Yeah, we will have Commissioner Anderson there on Tuesday to help address your questions and we also can, if there are questions that fall within DPW we can get, you know, hopefully those questions answered before Tuesday this way you have a comfort level with the answers and that information.

LEG. CILMI:

Okay.

CHAIRMAN SCHNEIDERMAN:

Everybody, I think, had -- I want to say something, but I think, Bill, you're next and then Kara and then I'll go.

LEG. LINDSAY:

Commissioner, this might be a better question to Phyllis from the legal department, but, you know, my understanding is reviewing with insurance policies there a fire policy that what in place and there's, I'm sure you guys have an anticipated loss of revenue from not having a facility and that policy should cover part of that as well, so maybe, Phyllis, if you wouldn't mind coming back up if you know anything about it.

COMMISSIONER DAWSON:

I mean, I could address the loss of revenue if that's what you --

MS. SEIDMAN:

Yeah, I just -- I really don't have any specific information on it. I'm sorry.

LEG. LINDSAY:

If maybe we could get that by Tuesday that might help.

MS. SEIDMAN

Sure.

COMMISSIONER DAWSON:

Well, there was no loss of revenue because the fire took place after the season.

LEG. LINDSAY:

Right, but won't there -- will there be though when this happens in --

COMMISSIONER DAWSON:

We anticipate opening up the facility Memorial Day, as we always have, so we generate about \$500,000 in revenue from parking, concession fees, camping and whatnot, so.

LEG. LINDSAY:

But do you expect there to be any drop-off in that?

COMMISSIONER DAWSON:

We certainly hope not. That's the point of getting the facility --

LEG. LINDSAY:

I just want to make sure we're protecting our rights under the policy conditions that we're reserving the right to file a claim if there is one.

COMMISSIONER DAWSON:

Okay, yeah, that'd be a Risk Management question whether we're covered for loss of service. Yeah, but he didn't experience any. Just if that answers your question.

LEG. LINDSAY:

But part of that, as well, could be the extra expense associated with building a new location so that's part of the claim also.

COMMISSIONER DAWSON:

Okay.

MS. SEIDMAN:

Well, we'll look into it and have answers.

LEG. LINDSAY:

Okay.

CHAIRMAN SCHNEIDERMAN:

Kara and then Kevin.

LEG. HAHN:

How many people use the park every year?

COMMISSIONER DAWSON:

What was the question? How many people -- how many people utilize the facility?

LEG. HAHN:

Yeah, yeah, use the beach, this particular beach?

COMMISSIONER DAWSON:

Roughly 100,000 patrons and about 10,000 campers a season. And that's -- that's paid admission obviously, there's times where we're not taking money -- we're not taking money in the parking lot.

LEG. HAHN:

Sure.

COMMISSIONER DAWSON:

You know, evenings and whatnot.

LEG. HAHN:

Sure. No, no, this is a highly used, you know, it's --

COMMISSIONER DAWSON:

Yeah, I'd say --

LEG. HAHN:

Yeah.

COMMISSIONER DAWSON:

-- it's the second most highly utilized facility that we have second to Smith's Point.

LEG. HAHN:

Right. We want it ready for -- do you have a layout of the temporary facilities and hopefully, to Legislator Lindsay's point, hopefully, you know, they will take into consideration, obviously it sounds like it's almost a wash, the \$500,000 in revenue we generate each year will basically cover the cost,

you know, that'll get wiped out because we're paying \$450,000 for these temporary structures and hopefully when we do get reimbursed by some sort of insurance coverage that that is taken into account but we need to get something operating so that these people can use this wonderful resource that we have by the season.

COMMISSIONER DAWSON:

We agree. We've been working very closely with Department of Public Works. We have conceptual plans in place.

LEG. HAHN:

Good, so can we have those for the meeting? Like can they be on the screens so that we know what's going to happen? Or --

COMMISSIONER DAWSON:

That's not what this planning money is for. If you're looking for something, what the temporary structure's going to look like.

LEG. HAHN:

Yeah, no, I just kind of want to get a sense that you're covering what you've had before and, you know, the number of bathrooms you had before, the number of bathrooms the temporary structure will house, you know, the amount of room for the kitchen and all that like that we're, you know, we're -- we're covering -- we're making sure we have at least what we had previously but in a temporary manner.

COMMISSIONER DAWSON:

I don't think we're quite there yet but -- defer to Gil.

LEG. HAHN:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator McCaffrey:

LEG. McCAFFREY:

Commissioner, just some background on this. So the building that we had there previously, do you know how big that was?

COMMISSIONER DAWSON:

No, I don't know many square footage off the top of my head.

LEG. McCAFFREY:

And so -- and, I guess, then you wouldn't know how big we're going to build it then. Right?

COMMISSIONER DAWSON:

Off the top of my head I do not. I didn't think you were going to ask the question.

LEG. McCAFFREY:

I know, it'd just be helpful to have some answers --

COMMISSIONER DAWSON:

-- realize you would be asking me the square footage on the size of the building.

LEG. McCAFFREY:

-- you know, cause we're -- you know, so we're looking at -- at 350,000 to planning, which generally is, as the Chairman said, would lead to \$3.5 million in the construction, so it would just be helpful, we're voting on something we had any idea how big the building is, if this is appropriate amount of money for planning and construction and the size going to be bigger, better, brighter or -- we'd just like to know so you could -- you know, I'd like to support these projects but it'd be difficult to vote on them not knowing what the specifics are.

COMMISSIONER DAWSON:

Again, I rely on the Department of Public Works, they base their estimates on prior projects. I don't know what they, you know, I don't know what they anticipate for, you know, dollars per square foot but, you know, this was their estimate so this is what we put in.

CHAIRMAN SCHNEIDERMAN:

Commissioner -- is that it?

LEG. McCAFFREY:

Yeah.

CHAIRMAN SCHNEIDERMAN:

Okay. So this -- for this summer we're going to do a temporary structure of some kind. Is it a mobile -- like a -- facilities, like a trailer type facility?

COMMISSIONER DAWSON:

We're looking at two -- two mobile, portable restroom areas, one men's room, one ladies room and a portable kitchen area, for lack of a better word, where --

CHAIRMAN SCHNEIDERMAN:

Like a food truck or more?

COMMISSIONER DAWSON:

No, more of a trailer that has the -- that has the amenities built in.

CHAIRMAN SCHNEIDERMAN:

And this really doesn't -- cause this bill is -- we've already appropriated the money for that so this is a bill for planning for the reconstruction of the --

COMMISSIONER DAWSON:

And -- and there's construction in there as well.

CHAIRMAN SCHNEIDERMAN:

There is? Okay. What happens when we have the building built, what happens to these -- these other structures, these temporary bathrooms? We got to use them at other places?

COMMISSIONER DAWSON:

Actually we're looking for the temporary kitchen area to be able to take that and move that to a place like Indian Island where we do not currently have a concessionaire caterer. We can use that and possibly offer food and beverages at a place like a campground, Indian Island, we don't have one there now.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. That makes sense. All right. Any other questions? Okay, so I'll call the vote. This is on IR 1084-15. We had a motion and a second. Correct? Yes, I made the motion. All right. All in favor? Opposed? Abstentions?

LEG. McCAFFREY:

Abstain.

LEG. CILMI:

Abstain.

CHAIRMAN SCHNEIDERMAN:

Okay. Two abstentions, Legislator McCaffrey and Legislator Cilmi and four yeses. DuWayne, are you voting on this?

LEG. GREGORY:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Or affirmatives. The bill is passed.

LEG. CILMI:

Could ask the Chair, to -- to ensure that we have some of those answers for Tuesday that would be helpful.

COMMISSIONER DAWSON:

Yes.

LEG. CILMI:

All right. Thank you.

LEG. McCAFFREY:

That's our concern.

COMMISSIONER DAWSON:

Thank you.

CHAIRMAN SCHNEIDERMAN:

1084 is approved. (VOTE: 4-0-2-0 Abstain: Legislator Cilmi and Legislator McCaffrey - P.O. Gregory included in the vote)

That brings us to the end of our agenda. Is there any other business, anything else? Any other questions for this Commissioner? Seeing none, we are adjourned. Thank you.

THE MEETING CONCLUDED AT 1:24 PM

{ } DENOTES SPELLED PHONETICALLY