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NASSAU COUNTY LEGISLATURE
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Inter-Departmental Memo

To: Hon. Richard Nicoletto, Presiding Officer
Hon. Kevan Abrahams, Minority Leader
All Members of the Nassau County Legislature

From: Maurice Chalmers, Director
Office of Legislative Budget Review

Date: September 26, 2018

Re: Clerk Items 464-18

Attached is a copy of the Fiscal Impact Statement for Clerk Item 464-18, which is on the Legislative Calendar for the September 26 hearing.

464-18: A Local Law to amend the County Government Law of Nassau County to require public access to all parkland and open space in Nassau County.



CLERK ITEM #464-18

**THE NASSAU COUNTY LEGISLATURE
OFFICE OF LEGISLATIVE BUDGET REVIEW
MAURICE CHALMERS, DIRECTOR
FISCAL IMPACT STATEMENT**

TITLE:

A Local Law to amend the County Government Law of Nassau County to require public access to all active parkland and open space in Nassau County.

SUMMARY OF LEGISLATION:

This proposed local law aims to provide to the residents, to the extent possible, full access to all open space and active parkland owned by Nassau County for appropriate, non-destructive recreation purposes and for the enjoyment of the natural beauty of these lands. The law specifies that these areas shall have sufficient parking facilities, except where the location abuts a right-of-way and street parking is authorized. The Commissioner of the Department of Public Works (DPW) shall place and maintain signage identifying all active parkland and open space. The legislation shall not limit the powers and responsibilities of the Commissioner of the Department of Public Works or the Commissioner of Parks, Recreation and Museums or any other County officer to enforce the rules and regulations of active parkland and open space.

In addition, the County Executive will report to the Legislature in writing the details of the expenditures of funds raised through the clean water, open space and parks bond issue, the balance of funds remaining, and the balance of authorized expenditures during the prior year and recommendations for future years. This annual report, filed no later than the first day of September of each year, shall include at the minimum the following information: 1) identification of all Nassau County active parkland and open space, 2) a description of each property, including details as to acreage, geography, and topography, 3) the locations of all points of access and parking facilities for each property, including a reference as to whether appropriate signage has been erected identifying the locations as a Nassau County property, 4) the existence of nature trails, fishing locations and other recreational opportunities at such properties, 5) a description of wildlife and plant life that may be found at such properties, 6) the hours these properties are open to the public, and 7) an evaluation by the Commissioner of the DPW of the sufficiency of signage and public access, including parking facilities, to all of Nassau County active parkland and open space and the suitability for the installation of nature trails at such properties where nature trails do not exist.

The proposed local law states that within 30 days of the filing of the annual report, the official website of Nassau County shall be updated to include the information identified in the report. Also, it should include maps identifying the locations of all points of access and parking. The proposed local law also requires written materials to be kept in all buildings for the public, identifying and providing directions for all Nassau County owned and operated active parkland and open space.

EFFECTIVE DATE:

This law shall take effect immediately.

ECONOMIC IMPACT:

This local law is not expected to have a significant economic impact.

FISCAL IMPACT:

There are still many specific details that will need to be evaluated in order to accurately estimate a cost impact of this local law. The 2004 Environmental Bond Act has resulted in program wide spending of \$50.0 million on open space acquisitions, County and Non-County Brownfield projects, park improvements, and storm water quality improvements. The 2006 Environmental Bond Act provided an additional \$100.0 million for program wide spending. The 2004 and 2006 Environmental Bond Act resulted in the creation of approximately 151 projects of which 23 are open space purchases and 74 are park improvements. Of the 23 transactions, 18 are open space sites, most of which are operated by private organizations or by a municipality. Appendix A from the Administration, which is attached to this Fiscal Impact Statement, provides a list of these opens space properties. The Parks Department maintenance team consists of 26 full-time workers that oversee 62 properties and over 6,000 acres of parkland. Improvements to some properties may include, but are not limited to, signage, parking, fencing, trail demarcation, inspections, environmental permits, maintenance, and trail construction. The use of site specific groups to limit the stress on County resources has been recommended where achievable.

The County does not currently have a full inventory of the needed improvements that will be required under this law. The Administration believes the County budget and workforce will be stressed to provide additional park and open space improvements. They estimate that the construction of physical improvements to these locations could require \$1.0 million to \$2.0 million. Also, these physical improvements could require a State Environmental Quality Review Act (SEQRA) review, as well as, local, state, and federal permits. Although a more accurate estimate could not be provided at this time without the thorough evaluation of the properties, the Administration stressed that the above cost does not include the maintenance, upkeep, public safety, police patrols, or vegetation management for the locations. However, it should be noted that the majority of the open space sites are currently open and being operated.

According to the Police Department, none of the eighteen open space and parkland properties that were provided by DPW currently have a dedicated patrol. When staffing allows, various County parks, such as Eisenhower Park, Old Bethpage Village Restoration, Wantagh Park, etc. are patrolled by public safety and the corresponding precinct. If called to that park, the department responds. The Police Department has stated that it cannot calculate the public safety costs without knowing the level of coverage that would be envisioned. For example, the cost of dedicated Public Safety Officer at all 18 properties, 24 hours per day, seven days per week would vary compared to roving patrols.

The Parks Department has also indicated that to comply with this law, they could require additional Park Managers, Park Supervisors, Laborers, Arborists, and Equipment Operators. However, the fiscal staffing costs has not been yet quantified by the department. In addition, each property is unique and opening some sites should be done after careful examination, which includes evaluating possible liabilities. It is the Administration's position that improvements should be made through the capital plan.

According to the County financial system, the **Open Space Fund** currently has a balance of \$1.8 million. These revenues originate from 5.0% of the proceeds from the sale of county real estate property. The Administrative Code requires 95.0% of revenues from the sale of land to be allocated in the General Fund and the remaining 5.0% into the Open Space Fund for the acquisition, rehabilitation and maintenance of property for open space purposes.

An expected amendment to this local law may not require improvements to be made to every piece of active parkland or open space property. Both, the Commissioner of Public Works and the Commissioner of Parks, will have the power to determine which pieces of property are ineligible for public access. They will have 60 days after this legislation goes into effect, to evaluate each piece of property and file a report detailing the properties they determined to be excluded from this legislation. Given that some pieces of property will be determined ineligible, the fiscal impact could be significantly reduced.

PREPARED BY:

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SOURCES:

Department of Public Works
Parks, Recreation, and Museums
Police Department

APPENDIX A

Multiple purchases were made with the 2004 and 2006 Environmental Bond Proceeds to enlarge general open space. There were 23 individual transactions for 18 open space sites. The list below, from the Administration, includes a description of the 18 locations.

- 1) East Meadow Farms (Fruggies Farm) – is an active farm, which is open to the public and operated by the Cornell Cooperative Extension. This agreement was executed by an open RFP competitive process.
- 2) Grossman’s Farm – is an active farm that is open to the public and operated by the Nassau Land Trust. This agreement was executed by an open RFP competitive process.
- 3) Meyer’s Farm – is an active farm, which is open to the public and operated by the Meyer’s family. The Meyers sold their development rights, which means they still own the land and only gave up the right to develop it.
- 4) Banfi Vintners – is an active farm that is open to the public and operated by the North Shore Land Alliance, along with local farmers, it is an active agricultural farm. Nassau County leased the land to two local farm families who grow the vast majority of the food produced in the County. The North Shore Land Alliance holds a conservation easement on 25 acres of the 60 acres and helps to maintain the roadside vista.
- 5) Old Mill Horse Farm – is an equestrian center, which is open to the public, and is operated by the Nassau Equestrian Center at Old Mill. This agreement was executed by an open RFP competitive process.
- 6) Brooklyn Water Works – is a parcel of land open to the public adjacent to the Brookside Preserve, and is managed by the South Shore Audubon Society.
- 7) Trout Lake – is a dried lake but is still accepting stormwater runoff. This property is dangerous to make accessible to the public due to potential flooding.
- 8) Gold Property – is a parcel of sensitive wetland vegetation. It would need significant vegetation removal in order to prepare it for open space or trail access. A NYSDEC permit would need to be applied for and may not be granted for any vegetative removal.
- 9) Parkway Drive – is a parcel of sensitive wetland vegetation that may experience destruction or degradation if access is provided. The removal of vegetation would be required to install a parking lot and would require DEC permits.
- 10) 490 N Central Avenue – is a small parcel of land deeded to the Town of Hempstead with the intention the Town would construct a park. Nassau County is not involved with the property.
- 11) Boegner Farm/Boegner Estates – is a transaction consisted of the sale of development rights. The land is owned by Old Westbury Gardens and is open to the public as part of the Old Westbury Gardens.
- 12) Humes Estate – is a parcel contiguous to the Humes Japanese Stroll Garden (owned and operated by the North Shore Land Alliance) and Shu Swamp Preserve (owned and operated by the North Shore Wildlife Sanctuary), both of which are open to the public and have agreed to welcome County visitors.
- 13) Northwood Estate – although purchased with EBA funds, the property was deeded back to the owner in exchange for other open space property, which included 35 acres of Banfi Fields. A conservation easement was subsequently placed on the Northwood Property resulting in 71 acres of overall conservation.

- 14) Hall/Wood Wentworth Estate – this parcel expanded the size of the Muttontown Preserve and is open and accessible to the public.
- 15) Red Spring Woods – is open to the public.
- 16) Pulling/Cutting/Schwab – form the Red Cote Preserve which is open to the public, with a small parking lot and trails and is managed by North Shore Land Alliance.

- 17) Smithers Estate - known as Upper Francis Pond Preserve, is open to the public and managed in partnership with North Shore Land Alliance.
- 18) Held Pond – part of the County’s Tiffany Creek Preserve is open to the public through a series of trails.