

2393

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sens. SERRANO, PARKER -- read twice and ordered printed,
and when printed to be committed to the Committee on Cultural Affairs,
Tourism, Parks and Recreation

AN ACT to amend the parks, recreation and historic preservation law, in
relation to the maintenance and preservation of state historic sites

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. Legislative finding. The legislature hereby finds that the
2 state has long acted on the recognition that the historical, archeologi-
3 cal, architectural and cultural heritage of the state as represented in
4 state historic sites are amongst the most important environmental assets
5 of the state and that they should be carefully maintained and preserved
6 for future generations.

7 S 2. The parks, recreation and historic preservation law is amended by
8 adding a new section 14.11 to read as follows:

9 S 14.11 MAINTENANCE AND PRESERVATION OF STATE HISTORIC SITES. 1.
10 STATE HISTORIC SITES SHALL BE SUBJECT TO THE HIGHEST STANDARDS OF CARE,
11 CUSTODY AND CONTROL TO ASSURE THEIR PRESERVATION FOR FUTURE GENERATIONS.
12 FOR THE PURPOSES OF THIS SECTION, "MOTHBALLING" SHALL MEAN THE PROCESS
13 OF TEMPORARILY CLOSING A HISTORIC STRUCTURE THAT INVOLVES CONTROLLING
14 THE LONG-TERM DETERIORATION OF THE BUILDING WHILE IT IS UNOCCUPIED AS
15 WELL AS FINDING METHODS TO PROTECT IT FROM SUDDEN LOSS BY FIRE OR
16 VANDALISM; AND "SEASONAL" SHALL MEAN A PERIOD OF TIME NOT TO EXCEED SIX
17 MONTHS IN ANY GIVEN YEAR.

18 2. DURING THE PROCESS OF DETERMINING THE VIABILITY OF THE OFFICE MAIN-
19 TAINING A HISTORIC SITE OPEN TO THE PUBLIC, THE COMMISSIONER SHALL
20 PRODUCE A WRITTEN OUTLINE OF ALTERNATIVE ACTIONS THAT INCLUDE, BUT ARE
21 NOT LIMITED TO THE PREPARATION OF A REQUEST FOR PROPOSALS FOR THE ESTAB-
22 LISHMENT OF A NON-PROFIT GROUP THAT WOULD CONTRACT WITH THE OFFICE TO
23 MAINTAIN THE HISTORIC SITE FOLLOWING THE AGENCY'S ESTABLISHED CRITERIA
24 AND BEST PRACTICES AND AN ECONOMIC IMPACT STATEMENT ON THE PROPOSED

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 CLOSING OF THE SITE. THIS OUTLINE AND ECONOMIC IMPACT STATEMENT WILL BE
2 MADE AVAILABLE TO THE PUBLIC AND A COPY SHALL BE DELIVERED TO THE GOVER-
3 NOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE
4 SENATE, AND THE CHAIRS OF THE ASSEMBLY COMMITTEE ON TOURISM, PARKS, ARTS
5 AND SPORTS DEVELOPMENT AND THE SENATE COMMITTEE ON CULTURAL AFFAIRS,
6 TOURISM, PARKS AND RECREATION. FOLLOWING THE PUBLICATION OF THE OUTLINE
7 OF ALTERNATIVE ACTIONS, A PUBLIC COMMENT PERIOD OF NO LESS THAN THIRTY
8 DAYS SHALL BE IMPLEMENTED FOLLOWED BY AT LEAST ONE PUBLIC HEARING ON THE
9 PROPOSED ACTIONS BY THE AGENCY.

10 3. IF IT HAS BEEN DETERMINED BOTH BY THE COMMISSIONER AND THE BOARD
11 THAT A STATE HISTORIC SITE SHALL BE CLOSED TO THE PUBLIC AND NOT FULLY
12 MAINTAINED FOR A PERIOD TO EXCEED THE NORMAL SEASONAL LIMIT PREVIOUSLY
13 IN PLACE, THE COMMISSIONER SHALL ADHERE TO THE STANDARDS OF THE UNITED
14 STATES SECRETARY OF THE INTERIOR FOR THE MOTHBALLING OF HISTORIC BUILD-
15 INGS. SUCH SECRETARY'S STANDARDS FOR HISTORIC PRESERVATION ARE THE
16 ESTABLISHED AND ACKNOWLEDGED STANDARDS FOR HISTORIC SITE AND BUILDING
17 PRESERVATION THROUGHOUT THE NATION. SUCH STANDARDS FOR THE MOTHBALLING
18 OF HISTORIC BUILDINGS FOCUS ON THE STEPS NEEDED TO PROPERLY DEACTIVATE A
19 HISTORIC PROPERTY FOR AN EXTENDED PERIOD OF TIME NOT TO EXCEED TEN YEARS
20 AND REQUIRE CONTINUED LIMITED MONITORING AND MAINTENANCE BY PROFESSIONAL
21 STAFF. THE STANDARDS FOR THE MOTHBALLING OF HISTORIC BUILDINGS REQUIRE
22 THE APPOINTMENT OF A PRESERVATION SPECIALIST TO ASSESS THE SPECIFIC
23 NEEDS OF THE STRUCTURE AND TO DEVELOP AN EFFECTIVE MOTHBALLING PROGRAM.

24 4. ACTIONS TAKEN IN THE EVENT OF THE CLOSING OF A SPECIFIC STATE
25 HISTORIC SITE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

26 (A) THE PREPARATION OF A CONDITION ASSESSMENT REPORT OF THE BUILDING
27 OR SITE BY A PRESERVATION SPECIALIST, A COPY OF WHICH SHALL BE DELIVERED
28 TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT
29 OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY COMMITTEE ON TOURISM,
30 PARKS, ARTS AND SPORTS DEVELOPMENT AND THE SENATE COMMITTEE ON CULTURAL
31 AFFAIRS, TOURISM, PARKS AND RECREATION;

32 (B) STRUCTURAL STABILIZATION OF THE BUILDING, BASED ON THE RECOMMENDA-
33 TIONS OF THE CONDITION ASSESSMENT;

34 (C) EXTERMINATION OR CONTROL OF PESTS, INCLUDING RODENTS AND INSECTS.
35 THIS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE INSTALLATION OF PEST
36 SCREENS AND THE INSPECTION OF THE BUILDING BY A LICENSED PEST CONTROL
37 EXPERT;

38 (D) PROTECTION OF THE EXTERIOR FROM MOISTURE PENETRATION. THIS SHALL
39 INCLUDE AN INSPECTION OF THE BUILDING OR STRUCTURE'S ROOF, GUTTERS,
40 DRAINS, WINDOW AND DOOR FRAMES, MASONRY, SIDING, AND PROPER DRAINAGE;

41 (E) SECURING THE BUILDING AND ITS COMPONENT FEATURES TO REDUCE VANDAL-
42 ISM OR BREAK-INS. THIS SHALL INCLUDE THE NOTIFICATION OF LOCAL FIRE AND
43 POLICE DEPARTMENTS THAT THE BUILDING IS BEING MOTHBALLED, ENSURING THE
44 PROPER INSTALLATION AND MAINTENANCE OF FIRE AND INTRUSION DETECTION
45 SYSTEMS ARE IN PLACE THROUGHOUT THE STRUCTURE, ALONG WITH ANY EXISTING
46 INSPECTED FIRE SUPPRESSION SYSTEMS, THE FASTENING OF ALL EXTERIOR DOORS
47 AND WINDOWS, THE PREVENTION OF THE OVERGROWTH OF THE GROUNDS, AND THE
48 CREATION AND IMPLEMENTATION OF A SECURITY MONITORING PLAN;

49 (F) PROVISION OF ADEQUATE VENTILATION TO THE INTERIOR THAT IS, AT
50 MINIMUM, TWO AIR EXCHANGES EVERY HOUR TO PREVENT MILDEW DAMAGE;

51 (G) SECURING OR MODIFYING UTILITIES AND MECHANICAL SYSTEMS TO ENSURE
52 NO DAMAGE TAKES PLACE DUE TO NONUSE;

53 (H) DEVELOPMENT AND IMPLEMENTATION OF A MAINTENANCE AND MONITORING
54 PLAN FOR PROTECTION OF THE STRUCTURE TO BE MADE AVAILABLE TO THE PUBLIC
55 WITH A COPY SENT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE
56 TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY

1 COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT AND THE SENATE
2 COMMITTEE ON CULTURAL AFFAIRS, TOURISM, PARKS AND RECREATION;

3 (I) REMOVAL, CATALOGUING OF, AND PROPER STORAGE OF ANY AND ALL HISTOR-
4 ICAL COLLECTIONS HELD WITHIN THE STRUCTURE INCLUDING FURNITURE, ARTI-
5 FACTS, ART WORK, TEXTILE MATERIAL, AND LIBRARY AND ARCHIVAL MATERIAL,
6 CONSISTENT WITH ESTABLISHED BEST PRACTICES FOR THE HANDLING AND CATA-
7 LOGUING OF SUCH HISTORICAL COLLECTIONS AND OBJECTS; AND

8 (J) NOT LESS THAN ONCE EVERY SIX MONTHS AT A MINIMUM AN INSPECTION OF
9 THE BUILDING SHALL BE MADE, MAINTENANCE ACTION SHALL BE TAKEN ON ANY
10 DETERIORATION THAT IS FOUND IN SUCH INSPECTION AND A REPORT, INCLUDING
11 PHOTOGRAPHIC DOCUMENTATION ON THE INSPECTION SHALL BE MADE AND PRESENTED
12 TO THE GOVERNOR AND LEGISLATURE.

13 S 3. This act shall take effect immediately.