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I N A S S E M B L Y

March 9, 2010

Introduced by M. of A. ENGLEBRIGHT, McENENY, MILLMAN, SWEENEY, REILLY, FIELDS, HOYT, ROSENTHAL, BRODSKY, THIELE, DENDEKKER, JAFFEE -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

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
25 CLOSING OF THE SITE. THIS OUTLINE AND ECONOMIC IMPACT STATEMENT WILL BE
26 MADE AVAILABLE TO THE PUBLIC AND A COPY SHALL BE DELIVERED TO THE GOVER-

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

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1 NOR, THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE
2 SENATE, AND THE CHAIRS OF THE ASSEMBLY COMMITTEE ON TOURISM, PARKS, ARTS
3 AND SPORTS DEVELOPMENT AND THE SENATE COMMITTEE ON TOURISM, RECREATION
4 AND SPORTS DEVELOPMENT. FOLLOWING THE PUBLICATION OF THE OUTLINE OF
5 ALTERNATIVE ACTIONS, A PUBLIC COMMENT PERIOD OF NO LESS THAN THIRTY DAYS
6 SHALL BE IMPLEMENTED FOLLOWED BY AT LEAST ONE PUBLIC HEARING ON THE
7 PROPOSED ACTIONS BY THE AGENCY.

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

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

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

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

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

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

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

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

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

51 (H) DEVELOPMENT AND IMPLEMENTATION OF A MAINTENANCE AND MONITORING
52 PLAN FOR PROTECTION OF THE STRUCTURE TO BE MADE AVAILABLE TO THE PUBLIC
53 WITH A COPY SENT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY AND THE
54 TEMPORARY PRESIDENT OF THE SENATE, AND THE CHAIRS OF THE ASSEMBLY
55 COMMITTEE ON TOURISM, PARKS, ARTS AND SPORTS DEVELOPMENT AND THE SENATE
56 COMMITTEE ON TOURISM, RECREATION AND SPORTS DEVELOPMENT;

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

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

11 S 3. This act shall take effect immediately.