

**ECONOMIC DEVELOPMENT & ENERGY COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Economic Development & Energy Committee of the Suffolk County Legislature was held in Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **November 25, 2002.**

Members Present:

Legislator Jonathan Cooper - Chairman
Legislator Allan Binder
Legislator Vivian Fisher
Legislator George Guldi

Members Not Present:

Legislator Fred Towle - Excused

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Richard Lapsley - Aide to Legislator Cooper
BJ McCartan - Aide to Presiding Officer Tonna
Nanette Essel - Aide to Legislator Fisher
Kevin Duffy - Budget Review Office
Joe Schroeder - Budget Review Office
Nicole DeAngelo - County Executive's Office/IR
Judith McEvoy - Commissoiner/Department of Economic Development
Carolyn Fahey - Department of Economic Development
Valerie Burgher - Newsday
Todd Stebbins - Nominee/Energy Advisory Committee
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 10:48 A.M.*)

CHAIRMAN COOPER:

I'd like to welcome everyone to the November 25th meeting of the Economic Development & Energy Committee. Legislator Guldi, if you could lease us in the Pledge, please.

Salutation

Legislator Towle has asked for an excused absense at this committee meeting and Legislator Binder is on his way, but we're going to get started. All right, is there anyone who wishes to address the committee? There being no speakers, we'll move to the agenda.

Tabled Resolutions

Tabled Resolution 1999-02 --

LEG. GULDI:

Before we go to the Tabled Resolutions, Mr. Chairman. I note that Mr. Bartha was scheduled here to discuss implementing compliance with emission standards for the County vehicles. I have the November 25th letter signed on Mr. Bartha's behalf by LM which annexes a memorandum that merely states, in essence, that all of our vehicles passed inspection but is totally devoid of any data about what the hydrocarbons or emission standards for the 185 vehicles are. Since that data is generated by every vehicle inspection, I can see no reason to not provide it. Instead of -- we have a non appearance and a memorandum with no information.

CHAIRMAN COOPER:

This is true and I am going to put in another request for them to appear at the next meeting. But the sponsor of the bill in question, IR 2018, is not here today and he asked us to table the resolution in any case. So I will put in this request for someone from DPW to appear at the next committee meeting.

LEG. GULDI:

Yeah, but also could you please, Mr. Chairman, indicate that this memorandum and this total lack of data is not in compliance with our request, isn't the information we need to look at and that we not just have a warm body in the chair but we have a warm body with information and accurate and complete data.

CHAIRMAN COOPER:

I will put in the request; whether we get the information that you're looking for is another matter, but we will certainly request it.

Back to IR 1999-02 (P) - To study reduction of energy consumption at County Correctional Facility in Riverhead via new technology (Postal).

LEG. FISHER:

I'm going to make a motion to approve.

CHAIRMAN COOPER:

I will second that motion.

LEG. GULDI:

Why did we table it last meeting?

CHAIRMAN COOPER:

Do you recall, Paul?

MR. SABATINO:

It was tabled because I had to do a -- 1999 I believe was to do a corrected copy, but let me just be sure. Yeah, a corrected copy had to be filed.

LEG. GULDI:

Has it been filed?

MR. SABATINO:

Yes and then a corrected copy was filed. The key was to convert the pilot program from the correctional facility to the Board of Elections Building, that was suggested that that building would be more appropriate for the pilot program that Legislator Postal was suggesting.

LEG. GULDI:

Okay.

CHAIRMAN COOPER:

We have a motion and a second. All those in favor? Opposed?
IR 1999 is approved (VOTE: 4-0-0-1 Not Present: Legislator Towle).

IR 2018-02 (P) - Directing County Department of Public Works to implement compliance with emission standards for County vehicles (Towle). At the request of the sponsor, I'll make a motion to table.

LEG. FISHER:

Second.

LEG. GULDI:

On the motion. Counsel, with only one three members present, if one of the members opposes the tabling does the tabling still succeed as a majority of those present?

MR. SABATINO:

As long as it's a majority of those present you can still table it.

LEG. FISHER:

You said, Mr. Chair, that the sponsor wanted it tabled; do you know why?

CHAIRMAN COOPER:

He didn't explain, because perhaps it was in part because he knew he

wouldn't be here today.

LEG. FISHER:

Okay. Just so that we have the communications open between this committee and the Energy Advisory Panel, this is one of the issues, Mr. Schroeder can attest to that, that we discussed at the public hearing which was held last week, that we should be looking very

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carefully at our own emissions and should certainly lead by example in the County. And so have you had a chance to look at this bill, Mr. Schroeder, and do you see any reason why it needs to be tabled?

MR. SCHROEDER:

No, I haven't.

LEG. FISHER:

You haven't looked at it or you don't see a reason?

MR. SCHROEDER:

No, I haven't looked at the bill. I will take a look at it.

LEG. FISHER:

Okay. So I'll maintain my second on that since the sponsor is not here and you've indicated that he would like it tabled. But I do want to see it moved very quickly.

CHAIRMAN COOPER:

So noted. We have a motion and a second. All those in favor?
Opposed?

LEG. GULDI:

Opposed.

CHAIRMAN COOPER:

2018 is tabled (VOTE: 4-0-0-1 Not Present: Legislator Towle).

IR 2104-02 (P) - Adopting Local Law No. Year 2002, a Local Law authorizing the County Treasurer to collect and distribute excess budgeted revenues received pursuant to Chapter 327 of the Suffolk County Code (Hotel/Motel Tax) (County Executive). I will make a motion to approve.

LEG. GULDI:

Hold on one second.

LEG. FISHER:

Has this had the hearings, do we need a public hearing on this?

MR. SABATINO:

Yeah, the public hearing was closed.

LEG. FISHER:

It was; okay, thank you.

CHAIRMAN COOPER:

Is there a second?

LEG. FISHER:

I just have to look at it.

LEG. GULDI:

This resolution is the Hotel/Motel Tax Resolution.

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LEG. FISHER:

Yes.

LEG. GULDI:

It's a resolution that I never supported and will not be supporting today. I oppose the tax, I believe it's discriminatory and ill-advised and has a negative economic effect.

LEG. FISHER:

In that case, I'll second the motion.

LEG. GULDI:

To approve.

LEG. FISHER:

To approve, yes.

CHAIRMAN COOPER:

Now, with only three present can we approve a bill with one opposed?

MR. SABATINO:

No, to get a bill out of prime committee you would need --

LEG. FISHER:

Okay, before the vote then I'll make a motion to table.

CHAIRMAN COOPER:

I second that motion.

MR. SABATINO:

Also, you might just want to get the rationale behind it because I'm

not really sure what the -- I know what it says it does, I'm not really sure, though, what the point is. What it says is that if you -- it says that if the revenues come in above the amount that was appropriated in the adopted budget that the Treasurer is authorized to distribute them, but that seems almost {tortillogical} because --

LEG. FISHER:

Would that be going to the General Fund? That's what I thought it meant.

MR. SABATINO:

I don't know what the point is. I mean, I'm being honest with you, I don't know really what -- I don't really know what problem this is trying to solve, let me rephrase that.

CHAIRMAN COOPER:

All right, we'll try to clarify that point as well.

LEG. FISHER:

Okay. Would Budget Review have an explanation?

MR. DUFFY:

We had concerns with this bill, we felt that there was a blurring of the audit trail in that it was attempting to treat Hotel/Motel Tax as

an off-budget item. We had written about this in our Operating Budget Review Report.

LEG. FISHER:

I didn't remember that, okay. So you have a problem with this because of the -- it would structurally be an issue with the budget?

MR. DUFFY:

Well, we have a concern that the audit trail becomes blurred because you're treating this revenue as an off-budget item that would no longer appear in the budget and we had written about it, that was our concern.

LEG. FISHER:

Okay.

CHAIRMAN COOPER:

And do you have any idea as to why this resolution was proposed, what were they trying to accomplish by this?

MR. DUFFY:

Well, my understanding is that -- I believe Economic Development is

here and they might want to talk about it, but my understanding is that what had happened is that when appropriations were put in the budget when revenue came in above that, that they would run out of revenue -- I'm sorry, they would run out of appropriations and were unable to distribute the additional revenue that was received. And I believe that this had gone on for several years and that the Executive had discussions as a way of addressing this problem.

CHAIRMAN COOPER:

Judy, did you want to address this?

COMMISSIONER McEVOY:

Yeah.

LEG. FISHER:

Don't the monies from the Motel/Hotel Tax go to cultural arts and --

COMMISSIONER McEVOY:

Yes.

MR. DUFFY:

Yes, and they go into a separate fund.

LEG. FISHER:

So I understand -- my understanding was that this would go into that fund, you're saying that it wouldn't, that it would be redistributed?

MR. DUFFY:

Well, there had been -- no, it wouldn't be redistributed, the funds would go in but there was discussions during the Operating Budget about not including these funds as part of the Operating Budget for 2003.

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LEG. FISHER:

I thought it would go more towards Cultural Arts.

MR. SABATINO:

That's why it's confusing because --

LEG. FISHER:

Yeah, I thought it would be more money --

MR. SABATINO:

The statutory formula is the formula, the formula is two-thirds and the one-third. I don't know what problem -- I mean, if the problem that Kevin just described is the one --

MR. DUFFY:

It was the appropriations, that normally --

MR. SABATINO:

Yeah, but what you do is you do -- at the end of the year you do a budget amendment to --

MR. DUFFY:

Normally you can't create new appropriations in a fund unless all the revenue has been received.

MR. SABATINO:

Right, but you know that at the end of the year. At the end of the year you would know that and you would just do a resolution to appropriate it.

MS. FAHEY:

I could give you what --

LEG. CARACAPPA:

Can you identify yourself first?

MS. FAHEY:

Carolyn Fahey with Economic Development. The Hotel/Motel Tax has always been -- this is a County Executive resolution so I can't talk about the technicalities of it, I can explain to you the reasoning behind Economic Development seeing it this way.

The Hotel/Motel Tax was always estimated in the coming year's budget and it was appropriated based upon estimates. If revenues exceeded the estimates, the Local Law requires us to distribute that money within a certain amount of days. You can't do that if you run out of appropriations. So what the intent -- my understanding is the intent of this resolution was to appropriate above and beyond what was appropriated in the budget. The County Executive had recommend no appropriations in the 2003 Budget and then we were going to be -- the funding would be appropriated as collected.

In years past with the Hotel/Motel Tax, just for an example, if we had 300,000 appropriated and we collected more than what was appropriated, we ran out of money and we could not follow the law and pay them on time.

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LEG. FISHER:

And so what happened with the excess money?

MS. FAHEY:

It would then be rolled over to the following year but we weren't in compliance with the Local Law. It would stay in the fund, it's a

separate fund, it would then -- the fund balance would be appropriated the following year but it would not allow us to distribute the money according to the law. That was the initial problem. So if we collected revenues that were supposed to go to the tourism portion of 500,000, if they would do -- their portion was 500,000 and we only had 300,000 appropriated, we had no money to pay them in accordance with the law.

MR. SABATINO:

My only suggestion then would be instead of changing the law to have the Treasurer distribute the funds without an appropriation, change the deadline so --

MS. FAHEY:

Well, I can't speak for the intent.

MR. SABATINO:

It's not directed at you, it's just directed in the abstract which is --

MS. FAHEY:

I'm just here to tell you what the history was and why I think the resolution was prepared.

LEG. FISHER:

Mr. Chair, would it be helpful perhaps if Nicole could get somebody from the County Executive's Office to be here for the next meeting to explain really what the intent of this was and how it tried to rectify the problem which is being expressed by Economic Development, okay? And of course the additional problem that our Counsel and Budget Review see with the Local Law.

CHAIRMAN COOPER:

Okay, thank you. We have a -- I believe we have a motion to table and a second.

LEG. FISHER:

Yes.

CHAIRMAN COOPER:

All those in favor? Opposed?

LEG. GULDI:

Opposed.

CHAIRMAN COOPER:

IR 2104 is tabled (VOTE: 3-1-0-1 - Opposed: Legislator Guldi - Not Present: Legislator Towle).

Procedural Motion 9 - authorizing litigation against LIPA to recover County construction project utility costs (Towle).

LEG. FISHER:

I thought we passed this.

MR. SABATINO:

Well, at the last committee it was tabled because -- it was tabled I thought with the provisos that you wanted to get an update on the status of the litigation, that was my recollection.

LEG. GULDI:

Yeah.

CHAIRMAN COOPER:

Is there a motion?

LEG. GULDI:

Mr. Chair, did we request a status report from the County Attorney on the litigation against LIPA on recovering fees?

CHAIRMAN COOPER:

We have not received any response.

LEG. GULDI:

Well then, Mr. Chairman, why don't we send them a Davis Law letter for the next meeting. For them to ignore our request with respect to a major litigation like this is over the top.

CHAIRMAN COOPER:

What's a Davis Law Letter?

LEG. GULDI:

A Davis Law Letter? Five business days to respond to the committee and to be here with knowledge and information.

CHAIRMAN COOPER:

Well, I'll tell you what. I'll make one more attempt today to get a definite commitment from them to appear at the next committee, but failing that we'll -- who would draft that letter, Paul?

LEG. GULDI:

I think Paul has got it on the word processor, he's used it once or twice.

CHAIRMAN COOPER:

Okay. I make a motion to table Procedural Motion 9.

LEG. FISHER:
Second.

CHAIRMAN COOPER:
All those in favor? Opposed?

LEG. GULDI:
I'm opposed. What the heck, let's go for --

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LEG. FISHER:
Be consistent.

CHAIRMAN COOPER:
Procedural Motion 9 is tabled (VOTE: 3-1-0-1 Opposed: Legislator Guldi
- Not Present: Legislator Towle).

Introductory Resolutions

2111-02 (P) - Accepting a grant award from the United States Department of Transportation, Federal Aviation Administration (FAA) and appropriating funds in connection with the rehabilitation of the approach lighting systems at Gabreski Airport (SP 5726) (County Executive). Is there a motion?

LEG. FISHER:
Is that -- how much of an award is that, 100%?

LEG. GULDI:
If it's an FAA -- no, it's 90% Federal, 5% State, it's 95% aided. This is for a runway -- which runway is this?

LEG. FISHER:
Okay, I see.

LEG. GULDI:
This is Runway 33 approach lights?

MR. SABATINO:
It's a lighting system, it's \$815,069.

LEG. GULDI:
Anyone from Economic Development, is this Runway 33 or are we talking about a different project? I just want to make sure I get the project right.

MS. FAHEY:
It's Runway 33 and it's a Malzar's for 624 I believe.

LEG. GULDI:
Pardon me?

MS. FAHEY:
It's a resolution for Runway 33 and the Malzar.

LEG. GULDI:
Malzar, okay.

MS. FAHEY:
It's a Malzar project for that runway and 624.

LEG. GULDI:
And 624.

MS. FAHEY:
I believe, yes.

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LEG. GULDI:
Okay, motion to approve.

LEG. FISHER:
I'll second that.

CHAIRMAN COOPER:
All those in favor? Opposed? IR 2111 is approved
(VOTE: 4-0-0-1 Not Present: Legislator Towle).

IR 2134-02 (P) - Appointing a member to the County Energy Advisory
Committee (Todd Stebbins) (Fisher).

LEG. FISHER:
Todd Stebbins is here, Mr. Chair, if you would like him to come
forward.

CHAIRMAN COOPER:
Todd, would you like to come up?

MR. STEBBINS:
Sure.

LEG. FISHER:
I don't have is resume attached. Do you have it? Okay. Mr. Chairman,
I have --

CHAIRMAN COOPER:

Do you want to move to 2158 and then we can come back to this? Do you want to wait for the resume?

LEG. FISHER:

Okay, and we'll ask him to come back. I'm sorry, Todd. Nanette will get that and bring it out.

CHAIRMAN COOPER:

We will move on to IR 2158-02 (P) - Appointing Judith McEvoy as a member of the Suffolk County Industrial Development Agency (IDA) (Cooper).

LEG. FISHER:

Well, I believe we've seen her resume already.

CHAIRMAN COOPER:

No questions?

LEG. GULDI:

Did you bring a resume?

CHAIRMAN COOPER:

Well, I will make a motion to approve.

LEG. FISHER:

And I'll second that.

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CHAIRMAN COOPER:

All those in favor?

LEG. GULDI:

Question.

LEG. FISHER:

I have a question for her, too. Could you ask her to come forward on the motion?

CHAIRMAN COOPER:

Sure. Judy?

LEG. FISHER:

George, I believe you asked to be recognized first.

LEG. GULDI:

You go ahead.

LEG. FISHER:

Ms. McEvoy, when you were here for your initial confirmation interview, Mr. Quinn had raised a variety of questions, if you remember, regarding the IDA and your roll as Director of -- Commissioner or Director?

COMMISSIONER McEVOY:
Commissioner.

LEG. FISHER:
Commissioner, sorry, of Economic Development and sitting on the IDA Board. He raised a variety of questions vis-a-vis the oversight of the IDA board by you and being a member of that board, would there be a conflict. Can you please tell us how you would sort out those two roles.

COMMISSIONER McEVOY:
He had one major concern and he is opposed to tax credits.

LEG. FISHER:
Yes.

COMMISSIONER McEVOY:
And he was concerned about that. I don't see a conflict between being Commissioner and working on keeping companies here and economic development incentives and being on the IDA Board. The Commissioner of Economic Development is traditionally on the IDA Board and I believe I could even bring a more balanced view to the IDA. My background is in Economic Development, probably could ask more pertinent questions. But Mr. Quinn, he is opposed to tax incentives. And an Industrial Development Agency in working with Empire Zones, one of the things that they can do is issue tax incentives that are approved by New York State and by the County in terms of helping companies create jobs.

LEG. FISHER:
Now, one of the questions that Mr. Quinn had also raised was the

length of time and the success of the businesses that have been given these incentives.

COMMISSIONER McEVOY:
Uh-huh.

LEG. FISHER:
And whether or not the County did realize economic benefits based on the economic opportunities that were provided for the companies.

COMMISSIONER McEVOY:
Correct.

LEG. FISHER:

In the past, I don't believe that there has been enough information provided to this Legislature regarding that. I would like to see better communication, perhaps a chart that is maintained where we could see the progress of our investments because any time we give that break we are investing taxpayer money.

COMMISSIONER McEVOY:

I think one of the things that I can do for you, then, is there's a rule of thumb that for every \$35,000 in State investment or tax credits you're supposed to create a job; I think that that would be tractable and that I could do that for you.

LEG. FISHER:

Well, Mr. Chairman, if I could ask that that be part of an ongoing communication between the IDA and at least this committee; that if you could provide that, that would be a really good handle for us to have.

COMMISSIONER McEVOY:

Okay.

LEG. FISHER:

To see whether we are realizing the type of benefit that we -- that taxpayers should be getting.

COMMISSIONER McEVOY:

Uh-huh.

LEG. FISHER:

Thank you.

CHAIRMAN COOPER:

Judy, I had a question for you; I don't know whether you can answer this. But in return for a company receiving IDA funding, exactly what is their commitment in return to the County and how long does that commitment last?

COMMISSIONER McEVOY:

The tax -- it depends on the tax breaks and it's different for each. I'm answering you based on my prior knowledge to an IDA, never having sat on an IDA Board, so I'm answering you strictly from my working with businesses in my previous capacity at the Small Business Development Center. But each company is structured in a different way

and it depends on the abatements and how large they are and where they're located. You can combine an IDA with an Empire Zone and then your structure is completely different.

(*Legislator Binder entered the meeting at 11:09 A.M.*)

There are tax abatements that go anywhere from five to ten years, it's different percentages. Each particular project is structured differently. Again, I go back to the rule of thumb is usually 35,000 of investment, whether that be tax abatement or investments, should create one job and that's how they look at it. And keeping the company here, locating in Empire Zones in particular which have demographics that show lower income levels so you're helping companies locate in those areas so that they hire from those areas, that's one of the stipulations that they hire from those areas. I will be able to answer you much better once I sit on that board. I have never attended a meeting, I just work with them, as I said, in my former capacity.

CHAIRMAN COOPER:

Okay. Thank you, Judy.

LEG. GULDI:

May I, Mr. Chairman? I have a couple of questions. First of all, the \$35,000 job ratio that you're talking about, is that tax credit, tax deductibility or loan incentive or loan principal? I'm confused.

COMMISSIONER McEVOY:

It's a combination.

LEG. GULDI:

Well, they're very different, though.

COMMISSIONER McEVOY:

Yes, they are very different but they can be used in combination.

LEG. GULDI:

I understand that but I thought that -- IDA is from fundamentally a lending subsidy institution, is it not?

COMMISSIONER McEVOY:

Yes.

LEG. GULDI:

In order to spur economic development.

COMMISSIONER McEVOY:

Yes.

LEG. GULDI:

The tax credits, for example, from job creation in Empire State Zone are independent of IDA.

COMMISSIONER McEVOY:
Yes but can be combined with.

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LEG. GULDI:
Yes.

COMMISSIONER McEVOY:
Yes.

LEG. GULDI:
Can but need not necessarily be combined with.

COMMISSIONER McEVOY:
Correct.

LEG. GULDI:
I think, however, Mr. Quinn's criticism was not -- was broader than what you characterized it here as. I think what he was saying is that as Economic Development Commissioner working within the system that you do with the businesses you work with, that your perspective, if you will, preferences or history with those businesses you're otherwise working with creates an inherent conflict with an independent review of the worthiness of those enterprises as IDA loan recipients. And that I believe -- that was what I understood his concern to be; could you address that, the potential for conflict or even perspective, even perspective preference or counter preference as a result of the multiple roles.

COMMISSIONER McEVOY:
Okay. Are you saying that as the Commissioner of Economic Development that I would have preferences sitting on that IDA; is that the conflict of interest that you're concerned about?

LEG. GULDI:
Either preferences or even just a simple result of the familiarity and history you gain from working with particular businesses in one context versus the independent review of their eligibility in the other context.

COMMISSIONER McEVOY:
The only thing I can answer you right now is not having sat on the IDA board, that this is an appointment, I would have to look at the structure. I presume that there is a mechanism for abstaining if there is information I have about a company. I have not perceived any

information that the former Commissioner felt that there were any conflicts.

So to answer your question, Legislator Guldi, I would investigate for you if there is a mechanism or should be a mechanism for abstaining if there is something before the IDA that I would have personal knowledge.

LEG. GULDI:

Yeah, but do you foresee a potential possibility of conflict because of the multiple roles?

COMMISSIONER McEVOY:

I don't see it, no, because the IDA Board is comprised of a board. The companies that come before the IDA are looking for over a million

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dollars so those are companies that I don't think I would have personal knowledge of, I worked with companies that were smaller than that. But it would certainly be something I would be cognizant of if you were concerned about that, and I can't answer it any more than that because I've never sat on an IDA board.

LEG. GULDI:

Okay. One of the things you said in your response to Legislator Fisher's questions is that you thought you might provide the IDA with a more balanced view because of your background in Economic Development; what do you mean?

COMMISSIONER McEVOY:

Well, the fact that there's different companies all over Long Island, I think the IDA tends to go towards the industrial parks, you know, work with companies. There's a lot of things going on now in Calverton, different -- the biotech companies that are graduating out of Stony Brook; I think my view is a little more balanced in terms of working with some of those companies and I know what they need and what they're looking for. That doesn't mean that I would recommend a particular company, I just think that I have a view of the smaller businesses and their needs as opposed to the companies that come before the IDA now. And again, I'm saying that because I don't -- I've never sat on the board, I don't -- from my bringing companies to the IDA, they have been of a particular size, of a particular interest. I believe I could bring a different view to the IDA.

LEG. GULDI:

Okay, but you still have the constraint of the minimum threshold for IDA loans.

COMMISSIONER McEVOY:

It could be. You know, maybe a suggestion could be made to lower the threshold, I don't know 'til I get there.

LEG. GULDI:

Okay. Let me ask this question, how long do you think it would take you to come to speed to take on the additional duties as the IDA Commissioner given that your recent appointment as Economic Development Commissioner and the scope and nature of the duties in that new position?

COMMISSIONER McEVOY:

All I can tell you is I have hit the ground running with this position, hopefully I could do the same thing with the IDA, I could come up to speed very quickly. I do have more familiarity with it than the previous two Commissioners, hopefully I could read all the literature and come up to speed very quickly.

LEG. GULDI:

Okay. That remark was perhaps the most compelling you've made. Thank you very much.

LEG. FISHER:

There is a motion to approve, and a second I believe.

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CHAIRMAN COOPER:

All those in favor? Opposed? IR 2158 is approved (VOTE: 4-0-0-1 Not Present: Legislator Towle). Congratulations, Judy.

COMMISSIONER McEVOY:

Thank you.

LEG. FISHER:

Mr. Chairman, with your indulgence, I would like to ask Mr. Stebbins to come forward again. I apologize that my staff did not bring the resume that he did submit to my office about six weeks ago and we inadvertently did not attach it to the resolution. However, Mr. Stebbins did take time from work to be here today. Many of you may recognize him as someone who has worked in energy and conservation issues and I hope that you could question him, you know, in that capacity.

CHAIRMAN COOPER:

Good morning, Todd.

MR. STEBBINS:

Good morning, Jon.

CHAIRMAN COOPER:

Does anybody have any questions for Mr. Stebbins?

LEG. BINDER:

Why don't we get his background.

LEG. GULDI:

Whoa, look who's here.

MR. STEBBINS:

How are you?

LEG. BINDER:

Hi, how you doing?

MR. STEBBINS:

Good.

LEG. BINDER:

Maybe you could just tell us what was on the resume we don't have.

MR. STEBBINS:

Sure. I'm a lifelong resident of Suffolk County, I work for the New York Public Interest Research Group, otherwise known as NYPIRG, on a dailey basis, I have so for five years now. I have worked on environmental and energy issues for that entire time. And NYPIRG, if you don't know, is the State's largest environmental and consumer protection organization, they have been around for about 30 years, rather well-known working to bring together about 120 pieces of different legislation Statewide and quite a few locally.

I have been involved on energy issues probably since the State takeover of the Long Island Lighting Company which is now known as LIPA and since then I have been working steadily on energy issues since. I hold a degree in Political Science and History from Stony Brook University. I have worked on public policy since my graduation and I currently am attending all meetings on the Suffolk County Energy Advisory Committee. I'm also, as a representative of NYPIRG, one of the founding members of the Sustainable Energy Alliance which works in coalition with your court-appointed watchdog, the Citizens Advisory Panel as well as about 32 other member groups. And I'm very much involved in the inner workings of the energy plan that we proposed and put together as well as we're now actually in negotiations with the Long Island Power Authority to have joint hearings on their energy plan as well. So hopefully this will work well or coincide with my work as well that I'm doing now.

LEG. BINDER:

Here's a question. So you're -- would you be on the Energy Advisory Committee as a representative of NYPIRG; how would you be on?

MR. STEBBINS:

Yes.

LEG. BINDER:

So you would be representing NYPIRG's viewpoints on the committee itself rather than you as an individual member representing your own views.

MR. STEBBINS:

I believe those coincide. I believe that as an individual member, not only of the Sustainable Energy Alliance, as a resident of Suffolk County, and actually as an employee of the New York Public Interest Research Group. I don't believe that the public policy thoughts that we have put together and compiled are different in any way. I think it's a very good relationship that's going on right now.

LEG. FISHER:

Legislator Binder, if you would suffer an interruption for an explanation. The resolution reads that I have the ability to appoint someone who has worked with an environmental energy group, so --

LEG. BINDER:

It doesn't say --

LEG. FISHER:

I've appointed him as an individual who has worked with a group like this actually. So you would be representing your own beliefs, even though they coincide with NYPIRG, you're there as an individual.

MR. STEBBINS:

I haven't read the language in a while.

LEG. FISHER:

Yes.

LEG. BINDER:

But there's a difference, and I think it's more than just subtle, is someone who's worked with an energy environmental group and one that is currently employed by and in a sense would be representing that group.

LEG. FISHER:

Actually it's someone who's currently working in a group.

LEG. BINDER:

It doesn't say that.

LEG. FISHER:

It could be currently working, yes. Because the person that had previously held this position was someone who had a business actually, he was Mr. Wexweiler who had a business that was building energy efficient buses. So it's someone who is currently working in the field of energy conservation or in that field and Mr. Stebbins is working currently in that field.

LEG. BINDER:

When did you join NYPIRG, what year was that?

MR. STEBBINS:

1997.

LEG. BINDER:

So you have been doing energy policy for about five years.

MR. STEBBINS:

I would say about four, actually, in the beginning I was working mostly on civics and advocacy. I was working as an adjunct professor in other offices at Stony Brook University where I developed a course in civics and government as well as environmental issues which I was working on at that point was probably most paramountly the Neighbor Notification Bill or the Pesticide Notification Law which you folks opted in first in the State, actually first in the country. And I worked on that issue and when that pretty much -- when that issue was resolved in this area I began to work full-time on energy issues.

Previous to my employment with NYPIRG, though, I was working on the actual -- I guess as an advocate against the State takeover of LILCO and the fact that I believe that it was a bad economic decision at the time. Not to say that, you know, the State taking over LILCO wasn't a good idea, it was just the economic dealings and the floating of about \$7 billion in bonds.

LEG. BINDER:

It was a bad deal.

MR. STEBBINS:

Yes, and I think everybody agrees with that.

LEG. BINDER:

Well, not everybody agrees with it.

MR. STEBBINS:
Well, in this room.

LEG. GULDI:
Richard Kessel off the street.

MR. STEBBINS:
Took him out of the advocacy game, I guess; he's also an advocate as well. But since then, the last four years I would say I have been working on energy policy.

LEG. BINDER:
What got you interested from civic advocacy to energy?

MR. STEBBINS:
I think they coincide, I think it's your civic duty to plan the right way and plan responsibly.

LEG. BINDER:
I know, but one is a lot more specific than the other. In other words, civic advocacy kind of covers a gamut of whatever happens on a local level, the difference is this is a very specific and very technical area. So what would pique your interest in this particular area that would make you --

MR. STEBBINS:
I think it was more personal interest at first. You know, growing up on Long Island, you saw everybody's -- I myself grew up watching my parents cursing at night paying their bills and especially paying their LILCO bill at the time and understood what it meant to suffer paying, you know, some of the highest electric rates in the State. And you certainly see that when your parents are grieving at the table trying to pay their bills each month, and from there on it always stuck in my head. I think when the opportunity presented itself to work on that issue when I was in college writing papers about it, I think it just sort of stuck with me and when the opportunity presented itself I knew I wanted to work on energy issues. I think it's one of the most important issues we can work on in this region, especially at this crossroads that we're at right now where we're expanding so much in the proposal of power plants all over Long Island is currently at stake.

LEG. BINDER:
Thank you.

CHAIRMAN COOPER:
Any other questions? Legislator Fisher, would you like to make a motion?

LEG. FISHER:

Yes, I would like to make a motion. And I would -- before I make that motion, before we vote on it, I would just like to say that Mr. Stebbins is such a perfect fit to be on this committee. He did work with C on creating a master energy plan for the Long Island Region, he has worked with many civics on this. And one of the primary missions that through a resolution has been established for

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the Energy Advisory Committee is that they bring together a variety of master plans, energy master plans to try to set the direction for us in Suffolk County, vis-a-vis energy. So I would be very pleased to make a motion to approve --

LEG. GULDI:

Second.

LEG. FISHER:

-- Mr. Stebbins.

LEG. BINDER:

On the motion. Can I ask Counsel, just so I understand after 13 years. Thousands of bills I --

LEG. GULDI:

Even if he explains, will you understand?

LEG. BINDER:

That's why I need Counsel who actually remembers all of this stuff in its detail. When we created this, this is -- and I guess I just don't remember how Legislator Fisher has an appointment power rather than a Chairman of a committee or minority leader or the PO. I mean, usually we do it with positions that are -- have appointment power, not individual Legislators by name; we lose elections periodically, you know, we could be gone. I don't understand that.

MR. SABATINO:

This is not an individual Legislator's appointment. Once in a while that's done when we have the Chairman of a committee, for example, but not -- it's by virtue of the title of Chairman of a committee, but this is not one of those situations. This particular law has seven slots with background requirements, it's a Legislative appointment, but that means a Legislator can file a bill.

LEG. BINDER:

Any Legislator can file a bill.

MR. SABATINO:

Just like on the IDA --

LEG. BINDER:

The way Legislator Fisher said it, that confused me.

MR. SABATINO:

Yeah. Well, no, what she should have said --

LEG. FISHER:

Since I sponsored this I referred to myself.

MR. SABATINO:

Which is purely in the capacity as a County Legislator. Just like the IDA bill earlier on, any Legislator can file a bill to the IDA because those are Legislative appointments. In this case there are seven -- this happens to be the one -- there are categories and background and

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this particular one, as Legislator Fisher correctly stated, this was in the energy conservation background.

LEG. BINDER:

I hate to ask because you probably don't have it in front of you, but heck, you usually have this stuff on the top of your head but if you don't it's okay, too. Do you know the different slots that we have in there, the different backgrounds?

MR. SABATINO:

I can pull it, I don't know all seven but I can pull it.

LEG. BINDER:

Well, I'd like to know --

MR. SABATINO:

It will only take a minute, I know exactly where it is.

LEG. BINDER:

If you could.

MR. SABATINO:

I don't mind pulling it.

LEG. FISHER:

Someone from Labor because of --

LEG. BINDER:

If it would be possible, if I can ask Counsel --

LEG. FISHER:

Yeah, sure.

LEG. BINDER:

-- before we vote just so I can have that bill in front of me so I can see -- and if we have who is currently serving, Paul. If you have the people currently serving, if we know who's serving in that, that would be good; if you don't, that's fine too. Sorry. If you don't mind just postponing, we'll do --

LEG. FISHER:

There's nothing to postpone it to, we've finished the agenda.

LEG. BINDER:

Oh, this is it. Then I'm sorry to hold you all up.

Mr. Chairman, if I could ask that we make a motion that my -- or just ask that my votes be counted with the majority in each of the pieces of legislation that have been voted on.

CHAIRMAN COOPER:

That's okay with me.

LEG. GULDI:

During this interlude, could you hum something for us?

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MR. STEBBINS:

I don't think you want me to.

LEG. FISHER:

Actually, during this interlude I'll invite the members of the committee again to take a look at what's going on -- excuse me? It would be -- since we have a little time, I invite the members of this committee again to attend the Energy Advisory Committee meetings if you ever have the time. They're very informative, it's a very, very impressive group of individuals. We have a representative from BNL, someone who works with the Department of Public Works, we have someone from KeySpan, someone from LIPA, all of whom really bring a great deal of knowledge and expertise.

MR. STEBBINS:

The next meeting is December 18th, if you would like to go.

MR. SABATINO:

Okay, the statutory representation is as follows: One individual is to be selected by the Presiding Officer with a background in engineering, that particular person is somebody named Robert Teetz,

T-E-E-T-Z; the second category is someone with a background in business to be selected by the County Executive, that person that was chosen by the County Executive is Alice Amrhein; the third person --

LEG. FISHER:

Actually, Jim Hartnett is now there in that position.

LEG. GULDI:

Since Alice retired.

MR. SABATINO:

Well, she may have been replaced, our system doesn't show it yet but that's possible. The third category was a member with a background in labor to be selected by the County Executive, that person is the Commissioner of Labor; the fourth category was to be the Commissioner of Public Works or his or her designee, that's self-executing; the next category was someone with a background in the energy cogeneration business to be selected by the County Legislature, that someone is Edward Murphy; the next category was someone with a background in environmental, widely recognized or public acknowledged environmental organization to be selected by the County Legislature, that's Scott Cullen; and the last category which is vacant is someone with a background in energy conservation.

LEG. BINDER:

Read the last one before that one again.

MR. SABATINO:

The one prior to that was to be someone with a widely recognized or publicly acknowledged environmental organization.

LEG. BINDER:

So the environmental organization slot is filled, this is not that one.

MR. SABATINO:

This is the energy conservation.

LEG. BINDER:

This is general energy conservation. Let me tell you my concern. While I'm sure the candidate is well researched and well studied, this is not an expert in energy conservation, and I would think that he might fill the bill more for the prior slot. For this slot, it would seem to me that we would want someone who has technical expertise in energy conservation. What we would have here is someone with general policy overview understanding who's probably well read in the subject, understands the subject and because he's been doing it for four years,

he's been reading and he's been looking at it as a policy level and he represents -- and I think it's clear he'll represent the views of a particular group that has particular views and I don't know that that's what we would want in this particular slot. I think we would be selling short what we were trying to do here by not -- putting someone with technical expertise in this particular area that we're looking for. You probably want someone who has worked in energy conservation, has a technical background in some way, maybe worked with a company that has that kind of technical expertise.

I appreciate this person's, you know, Mr. Stebbins' background, but I think it more suits another slot. I don't think it's appropriate for this and I think it would not suit the group. And so it's not a slight to Mr. Stebbins, I just think it's the wrong placement for him. And I don't think it's proper that in this particular area of energy conservation that we should have NYPIRG representing -- be the representative of energy conservation and their views. They're a political group, they have political agendas and political aims and goals which is nothing bad, there's nothing wrong with that, it's part of what we do, but that's not technical in expertise, it's policy and that's separate. And I don't think that -- it seems to me not the intention.

So it would seem to me that what we should have is someone who can technically fill this bill and so I would say this candidate may be for the -- when the other slot opens up would probably be appropriate. So I'll be voting against this.

LEG. FISHER:

Todd, do you have any knowledge of conservation?

MR. STEBBINS:

Certainly, certainly. I don't think that -- I think Legislator Binder makes an excellent point, I do not currently -- am not currently employed with an organization or a business that specializes in conservation. Although I am extremely well studied in it in policy terms, I am not a technical expert on conservation. I think he has a good point, but at the same time I think it's going to be difficult to fill that spot in that sense but that's my opinion. And that still does not fill the criteria that he's looking for.

LEG. BINDER:

If I could --

LEG. FISHER:

Todd, you've attended a number of meetings --

MR. STEBBINS:

Sure.

LEG. FISHER:

-- and at those meetings when we have discussed conservation measures, have you had the opportunity to see experts brought in to the committee meetings?

MR. STEBBINS:

Absolutely, absolutely. And I have tons of information on conservation and efficiency and renewables that would dazzle the committee.

LEG. FISHER:

Okay. Most of the members of the committee, although many of them are engineers and physicists and people who work in the field, are very humble in their acknowledgment that there is so much in the field of conservation that even someone who has the background doesn't know all of the cutting edge technology that becomes available to us and this is why we invite experts; we just had wind experts at the last meeting, we have had solar panel experts. There are experts who come before this committee in order to keep the committee current on whatever is going on in the field, because no one person, even working within the field, has complete knowledge. And someone who is working the field of conservation, albeit from the policy standpoint, sometimes has an even broader view of what's out there or what's available. When we did have someone who worked in a conservation and a manufacturing company that worked on energy conservation, his view was very expert but it was also a narrow view because he knew it from one point of view.

MR. STEBBINS:

I can definitely say that I can be considered an expert in conservation policy, I definitely would say that I fit the bill for that. I have been studying that for more than three years.

LEG. BINDER:

Mr. Chairman? I think it actually makes my point, that the other position is suited for someone who can be a policy expert and overview if you want that kind of input, but it's not -- the committee shouldn't have -- rely on experts coming in that keeps them current, the idea is to have someone on who can give the group input and can help analyze the expert's input. So expert comes before them, they have input on conservation, then you have someone on the panel who can then talk to the rest of the group and say, "Look, this is my field. Yeah, he's right about that" or no, "he's pushing the envelope, that's not the technology that we can be looking at." The idea is to have someone not on a policy level -- and again, it's not a slight to the individual, I think he's probably well studied and very well suited for another slot that we have there -- to say, "Yeah, on a policy

level, on conservation this" -- and so he can look at the rest of the panel of experts of engineers and physicists and say, "Let me give you

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my policy input." And it may even come from NYPIRG which is fine, I don't mind that either, but that would be the policy input part.

But the way this seems to be set up, and that's why I asked for the specifics of each of them, is that each of them seems to have a job and their job is to be the expert, not in policy but in a particular field and they're supposed to evaluate the experts that come in and say -- because experts can give you something that might be cutting edge that's just not going to be good for Suffolk County and not be something we want to do. And I think it doesn't give the rest of the panel the expert advice that they need, and if they need their expert advice on the policy level then we have someone in another slot that's supposed to do that.

And so again, it's not that I don't want to denigrate the person. You know, Mr. Stebbins has come before us, I appreciate him doing that, I just think when the right slot opens up that might be the right place for him. So I'm going to have to vote against it because I think he's not right for the slot that we're currently trying to fill and it would take away from what the body is trying to do, the committee.

CHAIRMAN COOPER:

I believe we have a motion and a second. All those in favor? Opposed?

LEG. BINDER:

Opposed.

CHAIRMAN COOPER:

IR 2134 is approved (VOTE: 3-1-0-1 Opposed: Legislator Binder - Not Present: Legislator Towle). Congratulations, Todd.

MR. STEBBINS:

Thank you.

CHAIRMAN COOPER:

Now, just going back to Procedural Motion 9. Jeltje, would you like to come up, please? We have someone from the County Attorney's Office that would like to address the committee on this.

MS. DeJONG:

Good morning.

CHAIRMAN COOPER:

Good morning.

MS. DeJONG:

I understood that I was supposed to be here to give you an update on the LIPA litigation and I was advised it was at 11:30, so I apologize for the inconvenience that my late appearance has caused.

We -- I think the last time I told you we served a copy of the summons and complaint on LIPA and they have since our last meeting responded with an answer. I have contacted New York City, if you recall they also had this kind of a lawsuit pending. They had drafted their motion for summary judgment, which is the next step that I will be doing, but haven't completed it yet and therefore haven't acted upon

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it yet. So I think what we're going to do now is we're going to do a motion for summary judgment, this is -- the facts are pretty much agreed to, it's just based on the law so we're going to put together a motion for a summary judgment and let the court decide who is responsible for the cost of the facility, of the moving of the facilities.

CHAIRMAN COOPER:

Legislator Guldi?

LEG. GULDI:

Yeah, what -- in terms of you received their answer when?

MS. DeJONG:

We received their answer the end of September, September 27th.

LEG. GULDI:

Okay. And when do you anticipate being able to commence drafting this motion for summary judgement?

MS. DeJONG:

We've already commenced drafting the motion. When it will be filed or served, probably within the next two weeks. I mean, we had --

LEG. GULDI:

You had two strategy questions; we don't want to do strategy questions in public session. I don't have any strategy questions.

LEG. BINDER:

Do you have something, Counsel?

MR. SABATINO:

There were two questions that were raised last time, I thought that's where Legislator Guldi was going so I was just trying to --

LEG. GULDI:

Yeah, I wasn't going there.

MR. SABATINO:

He wasn't going there so -- if you want to bring those two back you have to go into executive session; if you don't --

LEG. BINDER:

I don't recall them, you have to tell me off the record.

I'll make a motion to go into executive session to discuss strategy on this question and not -- before approving the people, and not -- that the motion would also be that we adjourn at the close of this so we don't have to come back in at the close of the executive session, we'll just adjourn the meeting. And those who can be present would be County Attorney's Office, Budget Review Office, Legislators, Legislative staff.

MR. SABATINO:

And Counsel.

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LEG. BINDER:

And Counsel.

LEG. GULDI:

I'll second the motion with the amendment that we'll notify the stenographer what time we adjourn.

LEG. BINDER:

Right.

LEG. FISHER:

And are you going to revote on the Procedural Motion?

MR. SABATINO:

That was tabled.

LEG. GULDI:

It's already tabled.

LEG. FISHER:

We're not reconsidering it?

CHAIRMAN COOPER:

Okay. All those in favor? Opposed? We're in executive session.

(*The meeting was moved into executive session at 11:44 A.M.
and was adjourned at the close of that session.*)

Legislator Jon Cooper, Chairman
Economic Development & Energy Committee

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