

**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 **March 26, 2003**.

Members Present:

Legislator Jonathan Cooper - Chairman
Legislator Angie Carpenter - Vice-Chair
Legislator Brian Foley
Legislator Lynn Nowick

Members Not Present:

Legislator Allan Binder - Excused

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Rich Lapsley - Aide to Legislator Cooper
Roger Podd - Aide to Presiding Officer Postal
Ray Zaccara - Aide to Legislator Bishop
Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature
Joe Muncy - Budget Analyst/Budget Review Office
Joe Schroeder - Budget Review Office
Nicole DeAngelo - County Executive's Office/IR
George Gatta - Deputy County Executive
Robert F. Kozakicwicz - Supervisor/Town of Riverhead
Dawn Thomas - Riverhead Town Attorney's Office
Andrea Lohneiss - Community Development Office/Town of Riverhead
Tracy Stark - Community Development Office/Town of Riverhead
All Other Interested Parties

MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 12:18 P.M. *)

CHAIRMAN COOPER:

We will begin the March 26th meeting of the Economic Development & Energy Committee. Legislator Nowick, if you could lead us in the Pledge, please.

Salutation

Thank you. Before we get to the agenda, we have a couple of people that have filled out speaker cards. First I would like to invite up Supervisor Kozakicwicz from the Town of Riverhead. Good morning

SUPERVISOR KOZAKICWICZ:

Thank you. Good morning or good afternoon. I'm here because I felt it necessary to appear before this committee and perhaps make sure the record is set straight on where the town is with respect to this particular issue, the zone, the Empire Zone that presently was set forth for the former Grumman property Epcow.

I don't know how much this committee has been apprised of efforts that were under way between the County, the State and the township with respect to working out a Memorandum of Understanding. And I'm going to leave the issue of the inconsistencies between the Memorandum of Understanding and what it would result in as far as a zone reconfiguration to my attorney to address you separately on some legal questions.

A few months ago I was here and I appeared before the entire Legislative body with respect to what was an embarrassing situation. And I took it very seriously and I said to you without any reservation that when that situation had occurred, I was held responsible. It was my ultimate obligation to stand up before, you take responsibility and tell you it would be corrected. It was corrected this year and I think we're probably one of the first to file our reports for 2003.

I'm here this time, however, not to take blame, if blame should be pointed on this Memorandum of Understanding failing. The Town of Riverhead has worked very vigorously to make this Memorandum of Understanding work. I have taken tremendous efforts to work with my entire Town Board to reach an agreement. Now, I have a problem with trying to negotiate when you have a gun to your head, when you are being told you have to act now or else. I don't think that's the way you would negotiate a collective bargaining agreement with a union, you wouldn't throw an agreement across the table and say, "This is the agreement, sign it or else." But that's what the town of Riverhead has been told by the likes of Mr. Gatta representing the County Executive's Office; "This is the agreement that we've reached with you, town. The State is fine with it. Either sign it or else". That is a problem for me. That is a problem I think with any effort to try and negotiate.

And it goes contrary, it runs against the grain of attempting to reach a partnership. And I'm here to tell you that I want to reach a partnership and put this issue to rest once and for all, because it's gone on too long. It started in 1999 under a prior administration.

There was this summit meeting, if you will, that was arranged with Senator LaValle and the parties walked away thinking they had resolved the issue. Well, lo and behold it came back full circle under my administration and it's been somewhat frustrating. It's been embarrassing. It's been a topic that I would like to put to rest once and for all.

I have some questions and I think these are questions that I would ask this committee to maybe put to Mr. Gatta. If we're trying to work out a Memorandum of Understanding, why is it that Mr. Gatta has not asked that those resolutions which are going forth which run contrary to the Memorandum of Understanding get pulled and taken off the table so that the parties can reach an agreement in good faith and after both sides agree to an agreement. I think you're going to -- in my mind there's two suggestions; one, either there's not truly a desire to reach a full agreement with all the parties here or, two, keeping these resolutions hanging over the Town of Riverhead's head is like making us negotiate at gun point.

Again, I want to emphasize that we want to resolve this. I would like to try and work out the differences. I would like to try and reach an accord because this issue needs to be put to rest once and for all. Thank you.

CHAIRMAN COOPER:

Supervisor, before we hear from the Town Attorney, could you just briefly explain what concerns you may have with the resolution as currently drafted?

SUPERVISOR KOZAKICWICZ:

Well, the resolution as currently drafted that's pending before this body involves a zone change which would shift zone to the two municipalities of Babylon and to Southampton, and those are the only municipalities that would receive the zone benefits under the resolutions that are pending before you; 25 acres specifically going to the Wyandanch community and seven acres being envisioned to go to Riverside. If the Memorandum of Understanding was reached, it would include 48 acres going to Gabreski as well as 62 acres -- or 61 acres I should say, being shifted to downtown Riverhead. I would submit, and I think this is the question the Town Attorney would ask of Counsel; is this a substantial enough change or does this constitute a substantial enough change such that new public hearings would be required? That was the question.

CHAIRMAN COOPER:

Thank you.

SUPERVISOR KOZAKICWICZ:

Thank you.

CHAIRMAN COOPER:

I would like to now invite up Dawn Thomas, the Riverhead Town Attorney.

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MS. THOMAS:

Good afternoon. I think the fundamental objection that our Town Board has to the adoption of these resolutions at this next meeting of the Legislature has to do with the fact that it would be premature. And I think our Supervisor did fill you in a little about the current status of the negotiations between the County and the town on what will ultimately happen with the Empire Zone. There's been a lot of discord between the County and the town; we have been trying, with the help of Senator LaValle, to really work that through. We have gotten from ground zero to almost the point where we're done. In fact, we've submitted to the County an MOU which we believe is completely consistent with what they have asked us to do and what Senator LaValle has asked us to do; that's ready for Bob to sign. Our Town Board adopted a resolution on Tuesday authorizing the Supervisor to sign it, we're ready to go.

If you adopt these resolutions at your next meeting, A -- and I think the Supervisor touched on the point that they are -- it does put undue pressure on our Town Board to do things that they're not ready to do and not willing to do. But two, it's completely inconsistent. The first resolution deals with the composition of the zone, the second resolution deals with the composition of the board. And if the two parties are to agree on the MOU shortly, and I think that they will, this resolution would be meaningless. It changes the entire composition of the zone board from what is being suggested and negotiated between the parties. So our real objection is that it's premature.

I think secondly, and an issue that we've gotten stuck on a little bit, is the public hearing requirement. You had a public hearing on the current resolutions that are pending before you. We are suggesting that an MOU be signed that substantially changes the parameters of those boards and zones that will be designated in the resolution should you adopt them. It's our understanding and my belief as the Town Attorney that should you adopt resolutions that are substantially different that you would require a second public hearing and we have suggested that to Mr. Gatta and also to the County Attorney. There is some resistance on that part, we're not sure why specifically because it's -- since the resolutions are substantially different, I don't know what the complaint would be. Have a second public hearing, make it perfectly clear, make it perfectly legal, then the town and the County won't be in a position two, three years down the road where someone suggests that the resolutions were improperly

adopted, there wasn't a proper public hearing and we're all back at square one again. So for safety sake, I think the town is insisting that a second public hearing be held in the event that the MOU is adopted and you do go forward with different resolutions that you have on the table today.

So basically the town's objection is that it's premature and we're asking that you table the resolutions or you withdraw them. And I think it would be a gesture of good faith to the Town Board if the resolutions were withdrawn since it is imminent that we will be entering into an MOU. And that's essentially it.

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CHAIRMAN COOPER:

Any questions? Okay, thank you.

MS. THOMAS:

Thank you.

CHAIRMAN COOPER:

George, did you want to address the committee?

DEPUTY COUNTY EXECUTIVE GATTA:

Yes, thank you. Good afternoon. I'm sorry I wasn't able to be here the past few minutes to hear the Supervisor's comments about the zone, but let me precede my presentation by saying that we would very much like to work with the town to have an agreement where both the County and the town recognize their responsibilities as partners in this Economic Development Zone.

To date, we have made numerous attempts over the past three to four years working with various administrations in the town to make that partnership work. When we started this process back in 1997, we had total cooperation from Supervisor Stark and his administration. We then had a new administration come in and Supervisor {Valoa} and the County had some differences of opinion and we moved forward after a period of acrimony. But in the past year-and-a-half we have been attempting to make the benefits of the zone available to a larger part of the County, and I don't want to get into all of that right now, but what I do want to say is we do want to work with the town.

As far as these resolutions being premature, we were advised by the State on January 13th from the Counsel of the Empire Zone Program that our current -- that the current administrative Board of Zone is not in compliance with State regulation, State Law, State policy. We then introduced the two resolutions that you have in front of you. One, to readopt, to adopt for the first time on the County level since the County is the applicant, the prime applicant for this zone, that that be constituted and enacted by the Suffolk County Legislature, that is

one of the resolutions that you have in front of you, that is 1081. So that was precipitated by the State's action and that came about when Riverhead was applying for zone administrative funding during this past cycle and on the contract, where the contract with the State said County of Suffolk as the zone designee, which we are, someone in the town had crossed that out and written in Town of Riverhead. So the State, upon further review and discussion I guess with their own internal staff, found out that the board was not adopted through local law at the County level but was rather adopted by the town. So they advised us in writing that we were not in compliance and we needed to become into compliance, that's why you have that resolutions in front of you.

The second is designation of zone acreage. And again, this goes back a year-and-a-half or more where we have had numerous discussions with the Supervisor, with the Town Board, with the State to utilize, number one, undesignated acreage, acreage that is currently going to waste, is not being utilized at all; and secondly, to reallocate acreage within Calverton that is also unutilized and, in my opinion, is going to waste. So we have had those ongoing discussions.

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The Zone Administration Board that was created by the town reviewed the discussions that we had had with the town more than a year ago, year and a half ago, and last June adopted a resolution approving the transfer of certain acreage to Riverside which is right across the river from downtown Riverhead in the Town of Southampton, 48 acres to Gabreski Airport also within the Town of Southampton but owned by the County, and plan to be and soon to be a receiving zone for Pine Barrens credits in that area within the Town of Southampton as an industrial and commercial park. Also, they approved 32 acres to downtown Riverhead. So many of the actions that we had been talking about with the town had been approved by the Zone Administrative Board. That was in June, we had discussions that went on through June, July, August September, October. Finally, in October or November, I don't have the date in front of me, the Town Board decided not to go ahead with those transfers and adopted a resolution which eliminated Riverside and also eliminated Gabreski Airport.

During that same period of time, we had a request from town officials from the Town of Babylon, from Supervisor Balone, and also from Legislator Postal that we consider designating an area within the Town of Babylon, specifically Wyandanch. And if you are familiar with that, it is one of if not the most distressed communities in the County, the intersection of Long Island Avenue and Straight Path, that is the epicenter of the redevelopment area that we are trying to bring these benefits to. We have also had a request from the State, a repeated request from the State Regional Office of Economic Develop that we continue to push forward for the Riverside parcel in the Town

of Southampton.

Superimposed on all of this, we have had a change in State Law allowing changes in moving designation in zone designation to different parts of the County. With this all coming to a head and with not having any agreement with the Town of Riverhead, we were in a position of, one, not being in compliance with our Zone Administrative Board thus jeopardizing the future operation of the zone; and secondly, we had another state -- change in State Law where we had only a certain window to make application under prior regulations for transfer of zone acreage. So with that, on January 14th we sent a preliminary application to the State to transfer 25 acres of undesignated acreage to Wyandanch and seven to Riverside. Those resolutions are -- do not need the concurrence from the Town of Riverhead. That acreage as undesignated is controlled basically by the County Legislature and by the State Zone's Program, their Director and their administration they have been consistently supportive of that.

With that, with those events transpiring, Senator LaValle called together a meeting to try to broker a piece, if that's how you want to look at it. We were -- I attended that meeting, Senator LaValle, Assemblywoman Acampora, many representatives from the Town of Riverhead, Fred DiMaggio, the Director of the State Zones Program, his Counsel from his office and we discussed all the issues that were outstanding, that was on February 7th. By February 14th we had a Draft Memorandum of Understanding from the Town of Riverhead from their outside Counsel and most of the components within the MOU were

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acceptable to us; some were not, some were minor changes and some were not acceptable, some of the language is not acceptable to the State.

Over the next two to three weeks to a month, we attempted to negotiate that language and I think we're very close but we have several sticking points. One item which was in that draft MOU that came from the town to us, the first draft, they have since changed and that is probably the biggest stumbling block and that is the funding that the Town of Southampton has committed to to support the zone. The Town of Southampton by resolution at our request and in -- with full knowledge of all parties agreed to pay their pro rata share for the Riverside project, that consists of seven acres. The entire zone consists of 1,280 acres. They agreed that they would pay their fair share for seven acres; that was never contested and that is the exact language that was in that original MOU.

Since then, the Riverhead Town Board at their meeting last Tuesday, unilaterally, without discussion with us or the State or the Town of Southampton or any other party, included language which would require

\$2,000 an acre or \$14,000 for that project. Southampton, at this point, is not authorized and since there will only be one development on that parcel, it would be a resort conference center, operation since we know what the project is, since it would be only one certification involved, there would be very little administrative oversight, support, marketing, any other thing that goes into it. River -- excuse me, Southampton feels that their paying a pro rata share of the expenses is fair and adequate.

When we look at the actual costs of the zone, currently the State is providing \$47,000 a year for administrative support, the County is providing \$23,500. Babylon has pledged by resolution to provide \$25,000 and Southampton, based on their pro rata, share will pay somewhere around a thousand dollars. When you total that up, it comes to 97, \$98,000, whatever the number is, somewhere in that range, \$96,000. The budget that was submitted to the State by the town for their zone administration for the past year totaled 94,000. So the argument that additional money is needed from the Town of Southampton for the administration I think has not been demonstrated nor has it been approved.

The reason for the timeliness of these resolutions is, one, again, to bring the Zone Board into compliance. But two, to enable the County to make a decision on transferring zone acreage to Wyandanch and Riverside within a time frame where we can operate under the old regulations, the regulations that had been in effect and the preliminary application that we had submitted on January 14th.

I had hoped to come here today and explain this in full detail to the members of the committee. I had explained it to the Presiding Officer at meetings, I also had explained it to Legislator Guldi representing Southampton and Legislator Caracciolo representing the Calverton site. So -- but unfortunately -- I was going to come here and advise you that we had reached a Memorandum of Understanding and that we would be submitting a corrected copy for these two bills. Unfortunately we have not reached an agreement. Not only haven't the County and the town reached an agreement, but I was on the phone at noon with the

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Director of the State's Zone Program wherein he expressed his dissatisfaction with certain language in that MOU and would be faxing information to the town. We have been -- I tried to reach the Supervisor since we got a copy of the town's resolution last Wednesday morning, the first time we had a chance to speak was yesterday afternoon, we had several conversations involving myself and the Supervisor as well as the Supervisor of the Town of Southampton.

So we are certainly amenable to amending this legislation but according to the rules of Legislature, the last minute that we have to

do that is I believe Monday at 12 noon.

UNKNOWN AUDIENCE MEMBER:
Five o'clock.

DEPUTY COUNTY EXECUTIVE GATTA:
Is it five? Okay, if it's five, well, that's even better. So if the Riverhead Town Board can come to agreement with us and the State regarding language that we require that is consistent with all of the discussions that have gone on for the past year-and-a-half with all of these parties, then we are certainly willing to do that. And if you have any questions about anything, I would be glad to respond.

CHAIRMAN COOPER:
Legislator Nowick.

LEG. NOWICK:
I just have one question in trying to understand this. This bill calls for a creation of an additional -- two additional Empire Zones.

DEPUTY COUNTY EXECUTIVE GATTA:
Well, it --

LEG. NOWICK:
Wyandanch -- well, I know acreage.

DEPUTY COUNTY EXECUTIVE GATTA:
Subzones.

LEG. NOWICK:
Subzones in Wyandanch and in Riverside.

DEPUTY COUNTY EXECUTIVE GATTA:
That's correct.

LEG. NOWICK:
Currently Riverhead enjoys an Empire Zone right now, is that correct?

DEPUTY COUNTY EXECUTIVE GATTA:
Well, currently we have a joint County/Town zone. Under State law when this was put in place, only the County could make the application for a closed military facility under that provision of State law.

LEG. NOWICK:
Right, I read that.

DEPUTY COUNTY EXECUTIVE GATTA:
In fairness to the town, they did come to us, they said they wanted to

apply, they knew they couldn't apply without us. We came to the Legislature, I sat here with Supervisor Stark and probably some of the same staff people that are here from the Town of Riverhead and asked the County Legislature to support this. And since then, yes, this zone has been strictly within the fence at Calverton, strictly been in Riverhead, but it is a County/Town zone. It is a partnership and it is something that we need to use for other distressed areas of the County as well, in light of the fact that all the acreage of Calverton is not in productive use.

LEG. NOWICK:

My question is the Supervisor from Riverhead expressed concern about this new Empire Zone. How does this resolution, if passed, affect the Town of Riverhead? I mean, these -- I don't understand how these two, Wyandanch and Riverside, how does that affect Riverhead, adversely or not?

DEPUTY COUNTY EXECUTIVE GATTA:

Well, in my opinion, since the 32 acres that would be designated, 25 in Wyandanch and seven in Riverside, have been undesignated since 1998, 1997, it's my opinion that this would have no impact on the Town of Riverhead. That if anything, it is addressing two of the most severely blighted areas of the County and in doing that, if it helps the County it helps the Town of Riverhead. These are precious State tax credits, incentives, etcetera, that have a finite life. If the current legislation is not amended in Albany, and we hope it is, then any business that is not certified by July of next year will never receive the benefits, so the clock is ticking and it's incumbent upon us to act to help these other communities.

LEG. NOWICK:

So you see no ramifications to Riverhead but Riverhead is not happy because?

DEPUTY COUNTY EXECUTIVE GATTA:

Well, Riverhead is not happy, in my opinion, because in this case they don't have any input into those 32 acres. Going forward, any change that Riverhead would want to make, and there are changes that Riverhead would want to make, part of the MOU entails two items for the Town of Riverhead, one is 61 acres or 62 acres in downtown Riverhead and 139 acres within the fence at Calverton that is not currently designated as zone eligible. Riverhead would like those two areas designated and we would like to see them, too. However, going forward, they will need to come back to the County Legislature and to the State Empire Zone's Program and request approval for that.

LEG. NOWICK:

So if we did not pass a resolution for an additional two subzones and they wanted this acreage, it wouldn't make a difference either way are you telling in? The additional acreage they might be interested in --

DEPUTY COUNTY EXECUTIVE GATTA:

Well, there is sufficient acreage at Calverton that is unused. I will give you an example, there are parcels that are still owned by the

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Department of the Navy; the Navy is not in the business of leasing that to private enterprises, it's owned by the Department of Navy because it's polluted and it needs to be remediated. There are 15 acres that are sewage treatment plant, I would suggest that the sewage treatment plant does not need zone designation. So there are ample opportunities within the fence at Calverton to move acreage not just within Calverton or within the Town of Riverhead but elsewhere in the County. And that's a dialogue that needs to happen with two partners -- or actually three partners, us, the town and the State -- where all partners recognize that there has to be some give and take here, that this is not my way or the highway. This is -- these are -- this is a serious program providing the most important economic benefits that the State has in place and we have one partner that up until this point doesn't want to have some give and take. We are certainly willing to -- and I've asked the town, over a year ago asked the town to identify other areas in the town outside the downtown -- excuse me, outside their downtown and outside the fence at Calverton that could benefit from these acreage and those discussions just have not been fruitful. But I'm hopeful that going forward we can take the undesignated acreage and put it to productive use.

LEG. NOWICK:

Thank you.

CHAIRMAN COOPER:

George, in your estimation, is there any legitimate reason why the County's inability to work out some of these peripheral issues with the Town of Riverhead should preclude us from moving forward on these resolutions? And what would the possible risks be if we did not approve these resolutions today?

DEPUTY COUNTY EXECUTIVE GATTA:

Well, if we don't approve -- if the Legislature at its next meeting, whether you approve it out today or at the next meeting, if that doesn't happen, we lose the ability to transfer the 32 acres that we can currently do unilaterally, that the County Legislature has the ability to do because new regulations will be put in place, have been put in place that require us to go through a whole new process where -- it's pretty complicated stuff with -- we need to undesignate acreage and then you can only put 25% of that acreage in more than three non-contiguous areas. There's a formula that -- believe me, I was a great student, a math student and you look at this formula and, you know, you'd need a mainframe computer to figure it out. What I'm

saying is we will be hamstrung if we don't do this now unless the Town of Riverhead and us can come to this MOU, then I think we can accomplish more of what we want. But short of that, it would be my recommendation that we move ahead and pass these at the next meeting of the Legislature.

But let me just further comment that if we can come to an agreement with the Town of Riverhead in the next couple of days, the County Executive has committed that he will correct, make amendments to the two bills that are in front of you so that we can do Gabreski Airport, we can do downtown Riverhead, we can do Wyandanch, we can do Riverside and we can have an agreement with the town to move forward.

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CHAIRMAN COOPER:
Legislator Carpenter.

LEG. CARPENTER:
What is the total amount of acreage?

DEPUTY COUNTY EXECUTIVE GATTA:
In the zone?

LEG. CARPENTER:
Uh-huh.

DEPUTY COUNTY EXECUTIVE GATTA:
Twelve hundred and eighty acres.

LEG. CARPENTER:
And of that 1,280 acres, if 32 are coming out, that leaves them 1,250, 48; and all of that acreage, is it developable or not?

DEPUTY COUNTY EXECUTIVE GATTA:
All of the 1,200?

LEG. CARPENTER:
Right .

DEPUTY COUNTY EXECUTIVE GATTA:
Well, if we took -- of the 1,248 that's left, to put it in perspective, we have had a zone at Calverton for five years, four years, whatever it is, there's about a million square feet of buildings at Calverton. We currently have the abuilding (sic) to designate zone by footprint of building, to convert that footprint of a million square feet to acreage; there's about 25 acres currently in active use at Calverton out of the 1,280. There are --

LEG. CARPENTER:

Every --

DEPUTY COUNTY EXECUTIVE GATTA:

There are 1,250 acres that at this point in time are not being maximized for their development potential.

LEG. CARPENTER:

Uh-huh. Going in the future, this zone can be amended again?

DEPUTY COUNTY EXECUTIVE GATTA:

Yes, it can.

LEG. CARPENTER:

Okay. My suggestion would be, since we've been looking at this resolution since the beginning of the year, that we discharge it today; not approve it but discharge it. It then is live on the floor so that it can be acted on on Tuesday and hopefully that would be the impetus to bring all the parties to the table to come up with the resolution that you're trying to do between the County and the Town of Riverhead. And I would venture to guess that the presentation that we saw on the Riverside project, even though it's technically in the Town

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of Southampton, will probably have tremendous economic impact and benefits for downtown Riverhead and the outlet mall for the town in general. Because I think the kind of people that would be generated or the kind of buying power that would be generated coming to that kind of a facility would certainly be an economic impetus to the Town of Riverhead.

CHAIRMAN COOPER:

Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, George, for your presentation. The 1,248 acres, that still is a potential acreage that could be utilized within the zone; is that correct?

DEPUTY COUNTY EXECUTIVE GATTA:

That's correct, 1,248 are currently designated and that is all designated within the fence at Calverton.

LEG. FOLEY:

Okay. So all that acreage is still there, the potential is still there for future use, if you will, and all we're doing today is looking at 32 acres; correct?

DEPUTY COUNTY EXECUTIVE GATTA:

That's correct.

LEG. FOLEY:

So the other acreage is not -- by passing these two resolutions, we're not hamstringing Riverhead Township from utilizing creatively the other 1,200 acres; is that correct?

DEPUTY COUNTY EXECUTIVE GATTA:

That's correct. Well, the 1,200 acres as it exists going forward, if they wanted to -- and as they currently want, they want to move 139 acres within the fence from one footprint to another, and they also would like to do downtown Riverhead.

LEG. FOLEY:

Uh-huh.

DEPUTY COUNTY EXECUTIVE GATTA:

They would need to come back to the County Legislature and to the State for approval to make those moves. But yes, there's nothing else that would hamstring them from --

LEG. FOLEY:

And I would imagine that we would be supportive of that, as would the administration.

DEPUTY COUNTY EXECUTIVE GATTA:

Yes, we would be.

LEG. FOLEY:

Thank you. I will second the -- is that a motion, Legislator Carpenter?

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LEG. CARPENTER:

Yes, I will make that motion then --

LEG. FOLEY:

I will second the motion.

LEG. CARPENTER:

-- to discharge without recommendation with the hope that an agreement will be reached by Tuesday so that we can move forward.

LEG. FOLEY:

Right, five o'clock on Monday is the deadline.

LEG. CARPENTER:

But absent that, you would really have up until Tuesday because we would just need a CN.

LEG. FOLEY:

Which would be 12 votes.

LEG. CARPENTER:

Right.

CHAIRMAN COOPER:

All right, we have a motion and a second to discharge IR 1081 without recommendation. 1081-03 (P) - A Local Law authorizing the designation of an Empire Zone (County Executive). All those in favor? Opposed? IR 1081 is discharged (VOTE: 4-0-0-1 Not Present: Legislator Binder).

LEG. CARPENTER:

Same motion.

CHAIRMAN COOPER:

Same motion and second for IR 1082-03 (P) - A Local Law amending the designation of an Empire Zone (County Executive). All those in favor? Opposed? IR 1082 is discharged (VOTE: 4-0-0-1 Not Present: Legislator Binder).

Moving on to Procedural Motion No. 9-2003 - Authorizing litigation against LIPA to recover County construction project utility costs (Towle). I make a motion to table.

LEG. FOLEY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? Procedural motion 9 is tabled. (Vote: 4-0-0-1 Not Present: Legislator Binder).

Thank you very much.

LEG. FOLEY:

Motion to adjourn.

CHAIRMAN COOPER:

Second. All those in favor? Opposed? This meeting is adjourned.

(*The meeting was adjourned at 12:53 P.M.*)

Jon Cooper, Chairman
Economic Development & Energy Committee

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