

**ECONOMIC DEVELOPMENT
HIGHER EDUCATION
and
ENERGY COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Economic Development, Higher Education & Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **June 16, 2004**.

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MEMBERS PRESENT:

Legislator Lynne Nowick • Chairperson

Legislator Angie Carpenter • Vice•Chair

Legislator Brian Foley

Legislator Jon Cooper

Legislator Jay Schneiderman

Legislator Viloría•Fisher

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MEMBER NOT PRESENT:

Legislator Peter O'Leary • Excused Absence

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ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature

Joe Schroeder • Budget Review Office

Joe Muncey • Budget Review Office

Ilona Julius • Deputy Clerk of the Legislature

Roger Podd • County Executive's Office

Ben Zwirn • County Executive's Office

Carolyn Fahey • Economic Development
Anthony Ceglio • Gabreski Airport Manager
Scott Shuller • Festo Corporation
Fred Breithut • President SBPLI
All other interested parties

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MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:45 A.M. *)

CHAIRPERSON NOWICK:

I'd like to start the meeting with the Pledge Allegiance led by Legislative Aide, Ed Hogan.

SALUTATION

CHAIRPERSON NOWICK:

Good morning, and welcome to the Economic Development, Higher Education and Energy Committee. Okay. Would anybody like to address the committee today? Dr. Pippins, how nice to see you.

DR. PIPPINS:

I'd like to •• good morning. I'd like to just take a moment to thank you for your support in general and to thank you for your support of our capital projects. Thank you in advance as we move forward to our Operating Budget. It's been about •• I was just counting •• about seven months since I became President here at Suffolk County Community College. And it has been a wonderful experience, full of very pleasant surprises about the quality of the programs that we operate. And I look forward to working with you as we move forward. Thank you.

CHAIRPERSON NOWICK:

Dr. Pippins, I just wanted to say that I was fortunate to have been invited to the graduation. I would like to say that it was absolutely beautiful. The day was lovely. The ceremony and the courtyard just looked like a major campus. I think that you can be very proud of that. You had

Senator Schumer there, it was a very nice ceremony. And I thank you for inviting me.

DR. PIPPINS:

Thank you. Thank you for coming.

CHAIRPERSON NOWICK:

Anybody else want to address the committee. Hi. How are you this morning?

MS. FAHEY:

Hi. Good morning. Carolyn Fahey with Economic Development. I just wanted to reiterate our support for IRs 1534 and 1535, both of them are for the appropriation of planning and design money for two projects at Gabreski Airport. 1534 is for the planning and design money to replace our maintenance facility. Our current maintenance facility sits right in the middle of the proposed industrial park. And in order to move forward with the redevelopment of the roadway and the infrastructure in the industrial park, we need to relocate our maintenance staff. We can't relocate them until we have a building for them. And we also need to demolish the building that they're in now. So 1534 appropriates budgeted approved money for planning and design of the maintenance facility.

1535 appropriates planning and design money for the infrastructure, utility infrastructure, for the aviation portion of the airport. Through the Department of Planning and the Department of Economic Development, we have decided to plan out the airport in a phase development for aviation construction, allowing the County to put in the infrastructure around the northern, eastern and western side of the airport. 1535 just appropriates again, adopted and approved monies for the planning and design of that infrastructure; the electric and the water that will surround the airport. Again, just our support, and we hope that we can move these along so we can have the planning and design done by September, maybe October, November and then begin construction on both of these next year.

CHAIRPERSON NOWICK:

Questions?

LEG. FOLEY:

Thank you.

CHAIRPERSON NOWICK:

Are there any questions? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just want to express my condolences on the loss of your father.

CHAIRPERSON NOWICK:

Is there anybody else that would like to address the committee? I would like to mention that Legislator O'Leary has an excused absence today. Legislator Carpenter is on her way. And while we're waiting for her, Chuck, would you like to sing or dance or do something like that to entertain us?

LEG. SCHNEIDERMAN:

There's a resolution I would like to have a discussion on.

CHAIRPERSON NOWICK:

Okay. That's a good idea. Okay. Now we're going to go to the agenda, IR 1520.

LEG. SCHNEIDERMAN:

Motion to take it out of order.

CHAIRPERSON NOWICK:

Well, actually, no, because IR 1356 was already •• was a CN. So that is not even on today.

IR 1520•04. Adopting Local Law No •• 2004, a Local Law to amend the voting policy of the Airport Lease Screening Committee. (SCHNEIDERMAN)

LEG. SCHNEIDERMAN:

I'll make a motion for the purpose of discussion.

CHAIRPERSON NOWICK:

Motion by Legislator Schneiderman, and I'll second for the purposes of discussion.

LEG. SCHNEIDERMAN:

We actually had a Lease Screening Committee the other day, which went very well. But we did not have a full committee there. Carolyn, obviously was not there for personal matters, and one of the other members also was not present, because we had a vacancy that had not filled yet. So we were able to have a meeting, but we were not able to approve anything. There were two things that the committee very much wanted to approve having to do with the Air National Guard. And so the discussion came up again, and we •• the committee, I think, feels strongly that we need to revise the way the approval process goes, because if one person is absent, nothing can happen, and it goes on for three or four months before the next meeting.

The discussion really has been not so much about the need to amend it, but how to amend it, whether it should be by unanimous vote of everybody present or •• provided at least six people are present, which would be a supermajority or should it be unanimous of those present. So if six are there, they must all vote the same. If seven, they must all concur. If eight, again, they'd all have to vote yes. What I'd like to do is amend this bill, because there has been some disagreement as to how •• the requirement of this bill basically says that a supermajority must be present. But as long as supermajority agreed, it could move forward. So if you had seven people there, six could say yes, one could say no, it would still move forward. That's how this bill is written.

I think what the committee is looking for would be that if let's say seven members are there, you could move forward as long as all seven agreed, so that one person would be able to force it before the Legislature. Although that's not my preferred way, I'd like to hear some input from my colleagues, but I'm certainly willing to table it for now, amend in that regard and then we'll be able to hopefully move this in August, then by the September meeting of the Lease Screening Committee, we could have that in place so if one member was absent, we could continue with our business.

CHAIRPERSON NOWICK:

Just so we understand, there are seven members in total on the screening committee?

LEG. SCHNEIDERMAN:

It's an eight member committee.

CHAIRPERSON NOWICK:

Eight member.

LEG. SCHNEIDERMAN:

The way this bill is written, you would need six of those eight to say yes. The change would mean that if eight were present, you'd need all eight. But as long as six were present, you could conduct business and approve leases. Does that make sense?

CHAIRPERSON NOWICK:

Yeah.

LEG. SCHNEIDERMAN:

It requires unanimity. The change of this would require unanimity, but not require all eight members to be present, just at least six.

CHAIRPERSON NOWICK:

So if six members were present, business could be conducted?

LEG. SCHNEIDERMAN:

Yes.

LEG. NOWICK:

But all six would have to agree?

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

What is the rationale for requiring unanimity as opposed to a supermajority?

LEG. SCHNEIDERMAN:

Well, this was a legislative delegation of lease approvals. It used to be that the Legislature approved all leases right here. It was •• this board was created, I guess, so that the Legislature would be free from some of the minutia of managing the airport. But they wanted to ensure that if somebody had a concern, any of the delegates had a concern, it would come back here so we could see that. It was, you know, a very protective measure. I had a problem

with it, because I felt that •• not that it was overly protective, but it was prone to abuse that if one individual wanted to hold up something for whatever reason, personal or otherwise, that veto power gave them that ability. So the way I wrote it, you would really need two people to vote no to stop something from going through.

LEG. COOPER:

Okay.

LEG. FOLEY:

Can we hear from Ms. Fahey.

LEG. SCHNEIDERMAN:

Carolyn.

MS. FAHEY:

Thank you. There seems to be a misunderstanding or the impression that if one member is not there, nothing moves. That's not the case. If one member is not there, it comes to the Legislature. The committee can vote on it anyhow. But since it doesn't have an entire unanimous vote of the membership, it then comes here. And the point of that was to allow a Legislative designee or a Legislative representative who either had an issue with the lease •• or any member who had a concern about the lease, a question, if it wasn't this clear cut beautiful proposal, it allowed them to bring the lease to the Legislature for full review. And it has worked. I mean, now I think underneath the proposal, what will end up happening is somebody not showing takes that authority from the Legislature.

So Legislator Schneiderman said on Friday there was not a full contingent of the membership. Economic Development through my designation had somebody there. So we were •• we were represented. One of the Legislators, the Chair of the Health Committee, Legislator Tonna's representative didn't show. It really is incumbent upon those people to show at these meetings so that we have a full contingent and a full review of the leases. But in the future, if the process changes, one no•show wouldn't throw it back •• won't throw it here to the Legislature. And I think I'm more comfortable from a department's standpoint that if not everybody loves this proposal, that it come to you and that you have the opportunity to review it and look at it. So I would •• I understand that the committee feels that they might be inhibited by not having a full contingency, that's not correct. If one member is not there, you have •• you have non

unanimous vote of the entire committee, and the lease comes here to the full Legislature, which was the intent. There are five Legislators represented on this committee. If one of those designee or Legislators have any issue or concern with this lease, it comes here. That was the intent of that resolution.

LEG. SCHNEIDERMAN:

Carolyn, I thought you said last time you were comfortable with the unanimous vote of those present.

MS. FAHEY:

The committee. What I came and spoke about last time was that your proposal did not reflect that of what the committee had agreed to at its last meeting. That's what I discussed at the last meeting. If you have six members there, I think •• I don't think it gives you a full feeling of the committee if two members don't show up and the lease still gets approved. That wasn't the intent of creating a committee with five Legislative representatives on it. The intent was to delegate the lease authority to the Screening Committee with five members of the Legislature represented. And as long as everyone was in full unanimity, then it was fine. I just wanted to make it clear that one no•show, one nay or one abstention doesn't prohibit the committee from doing business. All it does is bring that lease directly to you guys. That was the intent of the legislation.

LEG. SCHNEIDERMAN:

It almost raises an absence to the level of a descending vote. And I don't think an absence should be construed as a no vote.

MS. FAHEY:

It could be both ways. If I want to vote against a resolution •• a lease, I just won't show up, and it doesn't bring it here to the Legislature. I think the constitution of the committee involves everybody with different issues, different backgrounds, different experiences, different education, and it brings it altogether. And one no vote or one nay or one absence should bring it here. That's just the way I feel.

LEG. SCHNEIDERMAN:

I'd like to hear from my colleagues on this if I could.

LEG. VILORIA • FISHER:

Madam Chair.

CHAIRPERSON NOWICK:

Yes. Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

Hi. I also would like to express my condolences. I didn't know until this morning that you had suffered the loss of your father. Carolyn, I'm in agreement that if there's someone at a committee and that person, that individual, expresses a concern and votes against a particular lease that it come to the Legislature. But I think it might be burdensome that if that person were absent that the same thing would happen.

MS. FAHEY:

The same thing would happen.

LEG. VILORIA • FISHER:

I find that burdensome. I mean, if you have a committee where people are absent, it's incumbent upon the members of the committee to be at the committee meetings. And if they're not there, they lose their voice.

MS. FAHEY:

Well, they have the opportunity •• the committee members have the opportunity to delegate, to designate a representative to the committee. The Presiding Officer, the Chair of the Health Committee, the Chair of the Environment Committee all have designees. If that individual can't make it, they have the right to designate somebody else for that particular meeting.

LEG. VILORIA • FISHER:

Well, that's what I'm saying. They have the right to designate someone else. And so in that case, then all the more reason why their absence should not give them the weight of having the issue brought to the Legislature. You know, designate someone, have someone there to vote against something if you think it has to come to the Legislature. I don't believe it should all be held up because people are absent.

MS. FAHEY:

It's not held up. It comes to the Legislature.

LEG. VILORIA • FISHER:

It comes to the Legislature. But in effect, that's holding it up a couple of months.

LEG. SCHNEIDERMAN:

We don't have to go back and forth.

LEG. VILORIA • FISHER:

I don't want to debate with you. I'm saying that I understand what you are saying. See, I don't think it has to be •• I agree with you with the unanimity, but I believe it should be the unanimity of those present. Part of the responsibility of being on a committee is to attend the meetings. If a person who is on a committee does not attend the meetings, then he or she is not fulfilling, you know, the responsibility. And certainly if they have the ability to designate someone to represent them at a committee, then it's an even greater responsibility, because they have the opportunity to do that. So it's difficult for me to give that voice to someone who doesn't attend the meeting. I just have a difficult time with that.

LEG. SCHNEIDERMAN:

Vivian, if I could just add, it's not just the unanimity of those present, it's also as long as •• there would have to be a supermajority, beyond a quorum present. You have had to •• it's a little bit more than just unanimity. Any other Legislators who want to give me some input as the sponsor on how to rewrite this? What I'll do is I'll move to table this, and I will make those changes.

CHAIRPERSON NOWICK:

Motion to table by Legislator Schneiderman and a second by Legislator Carpenter. **TABLED.**
(VOTE:6•0•0•1) (Not present; Legis. O'Leary)

1534•04. Appropriating funds in connection for the replacement of the maintenance facility at Francis S. Gabreski Airport.
(COUNTY EXEC).

LEG. FOLEY:

Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Foley, seconded by Legislator Vilorio•Fisher. All in favor? Opposed?

Motion **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. O'Leary) .**

1535•04. Appropriating funds for aviation utility infrastructure at Francis S. Gabreski Airport. (COUNTY EXEC)

LEG. FOLEY:

Motion.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Motion by Legislator Schneiderman, seconded by Legislator Cooper. All in favor? Opposed?

APPROVED. (VOTE:6•0•0•1) (Not present; Legis. O'Leary).

INTRODUCTORY RESOLUTIONS

1572•04. Repealing Resolution No. 159•2000, to permit Suffolk County Community College to seek a naming rights sponsor for the multi•purpose Health Technology Building at Western Campus of Suffolk County Community College. (CARACAPPA)

LEG. COOPER:

Explanation.

CHAIRPERSON NOWICK:

Explanation from our Counsel.

MS. KNAPP:

This resolution repeals a prior resolution of the Legislature done in, I believe it was 2002 •• 2000, sorry. And the reason for that is the Community College was directed to issue an RFP for

naming rights for the building at the Brentwood Campus, and they tried to do that on two occasions. And on neither occasion did they have any response. So now the college has come back to the Legislature and asked if they can use their college foundation in order to try to solicit donations.

LEG. FOLEY:

There's no backup as to •• whether we need to hear from the President, is there any backup? Is there a formal request from the Board of Trustees for this or is it more through a conversation? I would think something of this import, there would be some kind of, I think, formal finding by the trustees if not from the administration about this.

MS. KNAPP:

I believe there might have been a letter to the Presiding Officer, and the letter ••

LEG. FOLEY:

Can we here from perhaps the President or Mr. Stein, whoever may have the information? Thank you, Madam Chair.

Chuck, where does the College stand on this? What triggered •• was there a request made by the college for this?

MR. STEIN:

Yes. The College had requested the Presiding Officer take a look at the existing resolution. What we did was we tried to carry out, as explained by Mea Knapp, the attempt to get a sponsor for that building. On two occasions, the RFPs went out. There was no interest. What we did was we contacted other colleges and said, how do you do this. And as it turned out, other colleges have provided us with information that the only way they were able to raise funds was through their existing college foundations, and it would come in as a form of a donation to the foundation. And as is pointed out in the resolution, I think there are some examples of where there was success in doing this. So we felt that this would be a good approach to try and fulfill everyone's desires, and that is to raise funds in the form of donation by going through the foundation. And hopefully, this will work as it has in other schools.

LEG. FOLEY:

This is a follow up, Madam Chair. I know part of the RFP and part of the naming rights is usually there's an annualized •• annual revenue stream from the naming of a building. In this particular case, it would be •• the thought is as it's been applied to other colleges, it was a one time donation to the college and in return the building would be named after the person?

CHAIRPERSON NOWICK:

That's what it looks like with the other colleges.

LEG. FOLEY:

It's a one time donation as opposed to a recurring revenue?

MR. STEIN:

I think the examples that were given is a one time donation. You know, there could be other approaches, and that's something that's worked out between the existing foundation and the donor.

LEG. FOLEY:

Have you developed a different protocol to try to •• or let's say system in place to, let's say, attract other people to donate to the college? I mean, is that in place or are you waiting for this to be approved before you try ••

DR. PIPPINS:

We're trying to move the college towards a more philanthropic orientation for raising funds, and that's being done through our foundation. So we're moving to our Board of Trustees with a naming rights policy, and that's •• at that point we determined this particular resolution, which was in conflict with the way that the college wishes to raise in funds and in conflict with the way that most institutions of higher education raise funds. So we'll be moving through the foundation to secure funding. Sometimes, as Vice President Stein mentioned, you get a one time donation. Sometimes a donor will give \$200,000 over the next five years to give you a million dollars or whatever. So we would pursue those avenues to secure funding.

LEG. FOLEY:

So there's an overall strategy of raising philanthropic dollars for the funding for the college. So this is •• this is in conflict with that, why you would like to see this approved, the resolution approved. Okay. Thank you.

LEG. VILORIA • FISHER:

Just a quick question. I'm sorry, I was distracted for a moment. So what you are saying, Dr. Pippins, is that your advancement will all be done through the foundation?

DR. PIPPINS:

Yes. The foundation will be our source for fund raising for the institution. And they will have a strategic plan for fund raising. You will probably see us moving forward in a few years with a major gift campaign. It will be built on this particular philosophy.

LEG. VILORIA • FISHER:

Okay. All right. Thank you.

CHAIRPERSON NOWICK:

The only think I'm thinking about, Legislator Foley, where I agree with you about having money coming in every year, and that would be great. As opposed to no money at all, maybe this is •• you know, do the math. Legislator Carpenter.

LEG. CARPENTER:

Thank you. I also think it's important to note that the third resolve clause in this resolution states that any proposal for renaming would come back to the Legislature for approval. So I think that should give everyone a comfort level. So I'd like to make a motion to approve.

LEG. VILORIA • FISHER:

I'll second that.

CHAIRPERSON NOWICK:

Motion by to approve by Legislator Carpenter and a second by Legislator Viloria•Fisher. All in favor? Opposed? Motion APPROVED. **(VOTE:6•0•0•1) (Not present; Legis. O'Leary)**

MR. STEIN:

Thank you very much.

1590•04. Accepting and appropriating a grant proposal to the New York State

Department of Education for a Collegiate Science and Technology Entry Program (CSTEP) 100% reimbursed by state funds at Suffolk County Community College. (COUNTY EXEC)

LEG. COOPER:

Motion.

CHAIRPERSON NOWICK:

Motion to approve and put on the **Consent Calender** by Legislator Cooper, seconded by Legislator Carpenter. All in favor? Opposed? **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. O'Leary)**

1644•04. Reappointing David Ochoa to the Suffolk County Community College Board of Trustees. (FOLEY)

LEG. FOLEY:

Motion.

LEG. VILORIA•FISHER:

Second.

LEG. CARPENTER:

Madam Chair.

CHAIRPERSON NOWICK:

Motion by Legislator Foley, seconded by Legislator Viloría•Fisher.

LEG. CARPENTER:

I don't see Mr. Ochoa here. Was he invited to be here?

LEG. FOLEY:

Actually, no, since he was here just a month ago and gave a very lengthy and informative and what many of us had considered an excellent presentation of his qualifications for the position. If it was a year ago, I could understand it, but since it was only a month ago, I had mentioned to him that we didn't see the need for him to be here. Not much could he add to what has

transpired from out last committee meeting other than the fact that even before he was sworn in, he was attending • and you were there, Legislator Carpenter as I was •• he was attending the Trustees meetings even before he was sworn. So he has already made a positive impact at the •• at the college. And frankly because of the •• less then a month's time has transpired since he was appointed last, I didn't see the need that he needed to attend today.

LEG. CARPENTER:

Okay. Well that's certainly a very detailed answer to my question.

LEG. FOLEY:

If you'd like, we can have him here next Tuesday.

LEG CARPENTER:

I'm going to make a motion to table.

LEG. FOLEY:

I going to oppose the motion to table. In the past when we have had appointments in the past to a variety of boards, we have not required a reappointment to appear, especially if it's a reappointment where there's only been a month's difference between the time of the appointment and the time of the reappointment.

CHAIRPERSON NOWICK:

Legislator Foley, if you could just give Legislator Carpenter the opportunity to finish what she was saying.

LEG. CARPENTER:

Especially because it's only been a month •• it's actually a little bit more than that since he was appointed and he would be a hold•over, I don't see real tragedy in tabling this resolution right now. I had some questions about some of his business involvements that might be in conflict with fund raising at the college and the foundation, and I want to make sure that those in fact have been resolved. So I'm going to make a motion to table. Certainly it's no reflection •• and I'm sorry to interrupt. It certainly is no reflection on, you know, his very extensive resume, and he certainly, you know, will be able to continue to function, you know, as trustee, but I don't feel that tabling is going to be really catastrophic.

LEG. VILORIA • FISHER:

Excuse me, may I ask for the floor?

LEG. FOLEY:

I still have the floor.

LEG. VILORIA • FISHER:

No. I'm sorry, I don't think you still have the floor. Can I be recognized, please?

LEG. FOLEY:

Is there a second?

LEG. NOWICK:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

If I recall as our last month's meeting, Legislator Carpenter, you did indeed ask those questions regarding those •• what you saw might be potential conflicts, and my recollection is that Dr. Ochoa answered all of those questions satisfactorily, even went so far as resign from certain boards and had made that clear on the record. So I'm hoping there will be no second to the tabling motion. He certainly has made every effort to be forthcoming.

CHAIRPERSON NOWICK:

We have a motion to table by Legislator Carpenter, I will second that motion for the purposes of Legislator Carpenter's questions to Mr. Ochoa.

LEG. FOLEY:

On the motion to table, Madam Chair.

CHAIRPERSON NOWICK:

On the motion, Legislator Foley.

LEG. FOLEY:

Again, it's a reappointment. There were questions that were raised by Legislator Carpenter.

She was told at the time that the prospective appointee would address those issues, would take care of it. And as I had mentioned at the last meeting, there was a line of questioning of this particular candidate that was never asked of any other candidate for any position within County government. But number two, what we can do, notwithstanding the hold-over status of this, is we can •• I can even make a motion to approve with the expectation that he will be attending next Tuesday's Trustees meeting to answer the questions that Legislator Carpenter has, or we can make a discharge motion without recommendation, which I would rather not do that, because I believe he is an excellent trustee already and would rather have an affirmative vote here, and then the promise I can make is that he will certainly be in attendance at next Tuesday's meeting. He should not be penalized for the decision I made where I saw there wasn't a need for him to be here. What's happened in the past •• what I have done in the past when I have grilled some candidates for different positions, I haven't waited for a particular committee meeting to see whether or not he's going to •• he or she would attend the meeting. I would have called beforehand to give them the courtesy of •• of asking them whether or not they would attend. And I would like them to attend so I can ask questions of them, not wait until the committee meeting to see whether or not they're here in order to make a motion to table. So I'm going to make a motion to approve. I hope we can approve it. And I can say with all due assurance, that we will have Mr. Ochoa here on Tuesday •• rather in Riverhead on Tuesday, and he will answer any of the questions •• well, he will answer the questions raised here today, some of which I don't think there are conflicts, but certainly the questions that were raised by one of the members will be, I think, satisfactorily answered by next Tuesday. I don't want to hold this up, I want to move forward with it. The committee with the exception of Legislator Carpenter was very, very supportive and very, very impressed with his qualifications. And I think it would be doing a disservice to his particular appointment as well as to the college if we have this on a hold-over basis. And I would not want to use his •• his absence here today as a reason to table when, in fact, we will •• I will make sure he is here next Tuesday. So we can then have a certain level of assurance that he will be able then to •• to serve the college for the next seven years as opposed to waiting until August to see whether or not that •• that would be the case.

CHAIRPERSON NOWICK:

Legislator Carpenter.

LEG. CARPENTER:

I just want to clarify for the record, Legislator Foley. You said that the entire committee with the exception of Legislator Carpenter was very impressed with his credentials, thereby indicating that I was not impressed or not supportive, and that certainly was not the case.

LEG. FOLEY:

Well, you had abstained.

LEG. CARPENTER:

Excuse me.

LEG. FOLEY:

It was close to hostility, Legislator Carpenter, to be quite honest with you. And I have never seen that in any other appointment that you have ever been involved in.

LEG. CARPENTER:

Are you done interrupting? May I reclaim my time.

LEG. FOLEY:

You can certainly reclaim your time.

LEG. CARPENTER:

Thank you so much.

LEG. FOLEY:

You're welcome.

LEG. CARPENTER:

And I really resent you characterizing my abstention and my questioning of Mr. Ochoa, whom I have known for many years as hostility, because it was anything but that, and I ••

LEG. FOLEY:

I said it was borderline hostility.

LEG. CARPENTER:

Madam Chair, I would ask that you ask the Legislators to please allow each person to speak in

their own time and not interrupt.

CHAIRPERSON NOWICK:

Legislator Foley, can we just give Legislator Carpenter an opportunity to speak.

LEG. FOLEY:

Absolutely.

LEG. CARPENTER:

That goes for you too, Legislator Viloría•Fisher. You just interrupted.

LEG. VILORIA • FISHER:

No, I didn't.

CHAIRPERSON NOWICK:

Legislator Carpenter has the floor. Legislator Carpenter.

LEG. CARPENTER:

Thank you. As I was saying, I have known Mr. Ochoa for a very long time, and I would bet, if I were a betting person, that if you asked Mr. Ochoa if I was hostile or borderline hostile in my questioning, he would vehemently disagree with you, because as a matter of fact, after the meeting he thanked me, and we had a conversation afterwards. And at the full meeting of the Legislature, I supported him. So how you can characterize that as borderline hostility is disingenuous at best. He is a trustee as we sit here today. If we table this resolution, it doesn't change the fact that he remains a trustee. I have questions that •• and things that have come up that I would prefer not to embarrass him and put on the record. And I'm going to ask that the committee table this resolution and give me a chance to speak to him privately. And I don't feel •• I feel we'd be doing him an injustice to discharge it without recommendation. And I am certainly not prepared to approve it. And as fact as •• as a matter of fact, your comment about you would have called the person, because of the short time frame, this thing was just laid on the table last Tuesday. I did not know it was going to be before us that quickly. So to your suggestion of calling, it certainly isn't my point to call, I'm not the Chairman of this committee. If you had decided to tell him not to appear, did you notify the Chairman and other members of the committee that you had made that decision to tell him not to come and appear?

LEG. FOLEY:

It wasn't so much to tell him not to appear, it was the fact that there's been a standard practice over the last several years that with reappointments, there was not necessarily the need for the reappointment of a board member to appear before a committee. It's been a common practice •• it's been a common practice in a number of boards to do it that way, especially if only a month •• all right, let's say two months have transpired, that's the reason given. Madam Chair, I would •• as much as I would •• I have a motion to approve, given the fact that questions are raised, I'll make a motion to discharge without recommendation, subject to questions that will be raised and answers that will be given on Tuesday. But I'd like to make a motion to discharge without recommendation.

LEG. CARPENTER:

On the motion to discharge.

CHAIRPERSON NOWICK:

Legislator Carpenter.

LEG. CARPENTER:

Again, as I just stated, I think a motion to discharge without recommendation would be unfair to him, because he is highly credentialed and qualified. And I think a tabling would be more appropriate, and I stand with my motion to table.

CHAIRPERSON NOWICK:

Yes. The tabling motion does take precedence. There's a motion by Legislator Carpenter, seconded by myself. All in favor?

LEG. SCHNEIDERMAN:

On the motion.

CHAIRPERSON NOWICK:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll hold my comment.

CHAIRPERSON NOWICK:

Here's a first. On the tabling motion, all in favor?

LEG. VILORIA • FISHER:

Opposed.

LEG. FOLEY:

Opposed.

LEG. COOPER:

Opposed.

CHAIRPERSON NOWICK:

Okay. So we have opposed, Legislator Viloría•Fisher, Legislator Foley, Legislator Cooper. In favor, we have Legislator Schneiderman, Legislator Nowick, Legislator Carpenter. So the motion fails. Legislative Counsel, does this stay on the agenda?

LEG. FOLEY:

There's a motion to discharge now.

LEG. NOWICK:

Okay. There's a motion to discharge by Legislator Foley, seconded by Legislator Viloría•Fisher. All in favor?

LEG. SCHNEIDERMAN:

On the motion.

CHAIRPERSON NOWICK:

On the, motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Clearly, Mr. Ochoa is very qualified. And at the same time we have a Legislator, Legislator Carpenter, who has raised some concerns, though not in detail. With respect to the Legislator,

I think it's important that she be comfortable with this appointment. My fear is that if a motion to discharge without recommendation does not pass, then we're stuck with having to vote today on this or it dies, and there may not be sufficient votes in light of these questions to pass this. I'm going to support in that regard the motion to discharge without recommendation, because it would give Mr. Ochoa the opportunity to come before us and have his concerns addressed. I happen to think the first method was better. If we would have tabled this, we could have avoided that situation without interrupting the duties that this trustee is performing for the college. So I might ask for a reconsideration of that tabling vote in light of that, just as a different approach.

CHAIRPERSON NOWICK:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I agree with Legislator Schneiderman that if there are questions, those questions should be aired. And I had hoped that we could approve this, move it to the full Legislature, because Mr. Ochoa has been •• is such a stellar candidate and stellar trustee. And we had certainly •• he certainly had been put through quite a lengthy line of questioning only a month ago. If there are questions, they can be asked at the full Legislature. Mr. Foley has indicated that he would ask •• actually perhaps the Chair should reach out. As Chair of the Committee, it really it your prerogative to reach out to the candidates to come to the full Legislature. Those questions, if they are that important, should be asked before the full Legislature. And •• so the discharge should move forward. We will have Mr. Ochoa come to the full Legislature. I would rather not see him sit as a hold•over. He was given •• I believe there was a suggestion that although there was only a month left that all of the Legislative members were so impressed with him that he really would be moved into reappointment when the time came in June. I don't want to see him insulted by having a kind of probationary period extended until the end of August. I don't really think it's fair. I think it's insulting. I don't expect everyone to agree with my perception of it, but that is my perception. I don't think he merits that kind of treatment.

CHAIRPERSON NOWICK:

Thank you, Legislator Viloría•Fisher. Just to set the record straight, I would certainly agree that Mr. Ochoa is an excellent candidate, certainly has the credentials, and I'm very happy that he is at the college. I did expect that maybe he might be here today, but I do understand why Legislator Foley did say not to come, because we did go through an extensive •• I only support

the tabling motion with due respect to Legislator Carpenter who does have a few questions. It is not because I would doubt his credentials. He certainly is credentialed. Legislator Carpenter, did you want to say anything?

LEG. CARPENTER:

No.

CHAIRPERSON NOWICK:

Motion to discharge without recommendation by Legislator Foley, seconded by Legislator Viloría •Fisher. All in favor?

LEG. SCHNEIDERMAN:

Just on the motion. If we don't support •• we've already had a motion to table, which failed. And if we don't support this motion to discharge without recommendation, then we're forced to vote on discharging it with recommendation. We could reconsider the tabling.

LEG. FOLEY:

If you're on the prevailing side.

CHAIRPERSON NOWICK:

So let's vote on the discharge motion. All those in favor? Opposed?

LEG. CARPENTER:

Opposed.

CHAIRPERSON NOWICK:

Discharge motion carries. **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:4•2•0•1) (Opposed; Legis. Nowick and Carpenter).**
(Not present; Legis. O'Leary)

SENSE RESOLUTIONS

S•51•04. Memorializing resolution requesting the State of New York continue the "Power for Jobs" Program. (VILORIA•FISHER)

CHAIRPERSON NOWICK:

Explanation.

MS. KNAPP:

This is a memorializing resolution on an important economic development program, least it was in the past. It allows businesses to apply for what used to be considered NYPA Power, New York Power Authority, I'm not sure if it still be administered through NYPA. It is a low cost program that's designed to either attract or retain jobs to a particular area. And there was an example I believe in the Sense Resolution of one company who has benefited and benefited Suffolk County from receiving the power.

CHAIRPERSON NOWICK:

Motion by Legislator Vloria•Fisher, seconded by Legislator Cooper. All in favor? Opposed? Sense Resolution 051 is **APPROVED. (VOTE:6•0•0•1) (Not present; Legis. O'Leary).**

S•22•04. Memorializing Resolution requesting the Long Island Power Authority (LIPA) to approve the Kings Park Energy Project. (LINDSAY)

CHAIRPERSON NOWICK:

Motion to table by Legislator Carpenter, seconded by Legislator Cooper. All in favor? Opposed? Motion to table is carried. **TABLED. (VOTE:6•0•0•1) (Not present; Legis. O'Leary)**

CHAIRPERSON NOWICK:

And that is the end of the meeting. Motion to adjourn.

LEG. COOPER:

Second.

CHAIRPERSON NOWICK:

Second by •• motion to adjourn by myself, seconded by Legislator Cooper. All in favor? Opposed? Meeting is adjourned.

(* THE MEETING WAS ADJOURNED AT 10:25 A.M. *)

_ _ DENOTES BEING SPELLED PHONETICALLY