

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, **November 16, 2005**.

MEMBERS PRESENT:

Legislator Lynne Nowick • Chairperson

Legislator Angie Carpenter • Vice•Chair

Legislator Brian Foley

Legislator Jon Cooper

Legislator Jay Schneiderman

Legislator Cameron Alden

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

Ben Zwirn • County Executive's Office

Carolyn Fahey • Economic Development

Charles Stein • Suffolk Community College

Jim Morgo • Commissioner of Economic Development

Andy Freleng • Suffolk County Planning Department

Richard LaValle • Chief Dep. Commissioner • Department of Public Works

Anthony Ceglio • Airport Manager • Gabreski Airport

Bill Feldman

Kevin Mac Leod

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:40 A.M. *)

CHAIRPERSON NOWICK:

Good morning, everybody. I'd like to start with the Pledge led by Legislator Cooper.

SALUTATION

CHAIRPERSON NOWICK:

Okay. We're going to start with our cards here, and the first one up is Carolyn Fahey. Good morning.

MS. FAHEY:

Good morning. Carolyn Fahey, Suffolk County Economic Development Workforce Housing. I'm here to talk on two resolutions, 2098 and 2099, both dealing with operations and Gabreski

Airport. IR 2098 imposes a moratorium on aviation related construction pending the completion of the airport master plan adoption. The department has a few issues with this resolution. As you all know, there are several documents that override the operation and maintenance of Gabreski Airport; the quick claim deed and the grant assurances. Noncompliance with either one of these documents jeopardizes any federal funding which represents 95% of funding of AIP projects at the airport.

Our major concern is that the FAA has not has an opportunity to review these resolution to see if any way, shape or form they jeopardize our future funding and our compliance with these two documents. We're asking that they be tabled so that we can request FAA to comment on them to see if we are jeopardizing anything down the line.

In addition, the moratorium doesn't allow for the construction of the Medevac hangar that the Legislature is proposing to develop at Gabreski Airport for the East End of Suffolk County. It also doesn't allow for any construction that might be required by the Air National Guard. As you well know, the BRAC process spared the 106 Rescue Wing at Gabreski. They are in the process of contemplating and extension to their lease hold of 70 acres with additional construction on that acreage. This moratorium also has no time frame. You know, there should be some sort of ending date on there so that we have something that we can work towards.

On resolution 2099, again, I refer back to the two documents that override the operations and maintenance of Gabreski Airport; the quick claim deed and the grant assurances. Both require that we operate and maintain the airport for the use of the general aviation community. Without •• the landing fee imposed on this resolution discriminates towards one category of aviation user, and that's commercial business. It's not applied across the board. Again, I would like to make sure that the FAA has no issue with these resolutions. I've asked the airport manager yesterday to fax the other to the FAA to request their comment on them in order to ensure that we're not jeopardizing any of our funding down the line, and that we're not going to be out of compliance with our grant assurances and our quick claim deed. Thank you.

CHAIRPERSON NOWICK:

Thank you, Carolyn.

LEG. ALDEN:

Hi. Now, we do have a master plan, but it's old, right, for the airport.

MS. FAHEY:

We have a master plan that the Legislature adopted, I believe, in 1993.

LEG. ALDEN:

Okay. And there hasn't been any updates to it every since.

MS. FAHEY:

We're in the process of updating it now. Anything that the airport has done since then has been in compliance with that master plan.

LEG. ALDEN:

Okay. Would that be adopted by the Legislature, a master plan or is it just ••

MS. FAHEY:

No. It comes to the Legislature for adoption, correct.

LEG. ALDEN:

Okay. And as far as the committee, what was put together to study?

MS. FAHEY:

I'm sorry?

LEG. ALDEN:

What was put together, was there a committee appointed, was there •• is there a joint venture between the County Executive and the Legislature to look at what should be done there and what can be done?

MS. FAHEY:

The airport master plan update is being done by a consultant with input from various departments in the County and the County Executive's Office.

LEG. ALDEN:

Okay. Because I remember, and it's a couple of months ago now, Legislator Schneiderman has a couple of bills in, and it was for an advisory committee made up of, I think, users of the airport, people that, you know, were around, lived around the airport. So a lot of people that really fit in the puzzle would have been, you know, part of the process. And usually we find that if you bring the community in, even if everybody's not happy when you're done with it, at least we have explained what's going on and they've had the input and they feel a lot more comfortable with whatever the final product is.

MS. FAHEY:

I do know the County Executive created the Gabreski Airport Community Advisory Board over the summer, which is in the process of reviewing the master plan for their input, and that •• that board includes four or five members from local communities, civic groups, some airport users, the Planning Department. So they are in the process of reviewing that document for input. So their input will be part of the final update.

LEG. ALDEN:

What was the difference in those two committees, because you have the County Executives and then you had Legislator Schneidermans?

MS. FAHEY:

Honestly, I don't recall the exact constitution of Legislator Schneidermans. I know that it was very heavy on airport users and not as heavy on community groups as the County Executive's is. That's the one distinction I remember. I think •• I don't know if Legislator Schneiderman •• there were five or six pilots or airport users on where this committee has five •• I believe it's or six community group members on.

LEG. ALDEN:

And even if we have to take, you know, like, a nonstructural approach, sort of like a soft approach to it, and include more people than maybe was formally recommended, that's something I would highly recommend, because the end product is something that if it's going to come back to us for a vote, you know, I'd feel more comfortable looking at something that, you

know, has more peoples input into it. And even if some of them are not going to be happy, like I said before, I's rather have, you know, all that stuff come out, you know, earlier rather than later.

MS. FAHEY:

I think that's the intent of the County Executive's Community Advisory Board, that is, again, heavy with community members to review the master plan and how it affects their •• you know, the quality of life of the surrounding communities. So they are in the process of reviewing.

The last two meetings that we've had have been strictly on the airport master plan, getting them educated on terminology, educated on the issues of the grant assurances, what we're required to do, where our flexibility is. Our next meeting on December 1st actually has the FAA coming out to explain to the advisory board and to the community where our flexibility lies and what we're required to do so that they can take that information, create their concerns and have them reflected in the master plan.

LEG. ALDEN:

Not to use up any more committee time, but I'll talk to you and probably Ben and Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just wanted to clarify on the distinctions. First of all, you know, I think one important distinction is that the elected representative of the district is not represented, that would be myself, on the County Executive's Committee. I was, of course, represented on the advisory committee that I had proposed to the Legislature, and there was actually two different committees proposed. The first one, which was vetoed and then there was •• I also had a second resolution, which is similar in composition to what the County Executive put together; heavily weighted in terms of community input, which I had a resolution that would have replaced the Airport Lease Screening Committee with an advisory committee, which could have gotten into issues like the master plan and the ALP as well as some of the uses at the airport. However, the County Executive chose to go a different route.

MS. FAHEY:

Thank you.

CHAIRPERSON NOWICK:

Thank you, Carolyn. Anthony Ceglio.

MR. CEGLIO:

Good morning. Anthony Ceglio, Airport Manager at Gabreski Airport. I'm up here to speak also about Introductory Resolution 2098 and 2098, The proposed moratorium on aviation related construction and also the imposing of a fee for late night landings at Gabreski Airport.

Just to go through a little background, maybe a lot of you have heard this already, but the airport, as many of you know, was built in 1940, transferred to County in 1970 through the Surplus Property Act of 1944, which stated among other things that the facility must be operated as an airport for the use of the general public on fair and equitable terms. To impose a moratorium, I think, would be going against that one requirement of the Surplus Property Act.

As Carolyn mentioned before, we also are under the rules and regulations of the Airport Grant Assurances. The County has accepted millions of dollars in funding since 1970, which requires us to adhere to certain assurances that the Federal Government put out there. The FAA's responsibility for an airport, and I'm getting to what they are going to do, but one of their functions at our airport specifically is to assure that the airport is operated in accordance with rules and regulations, the grant assurances that I just mentioned, and also the Quit Claim Deed.

The FAA publishes their guidelines, actually internally, but it's available on the website, in a document called the Airport Compliance Handbook, and I just want to read something from that

which could affect your decision on this. This is towards the moratorium. "Availability of leased space, the prime obligation of the owner of a federal assisted airport is to operate it for the use and benefit of the public. The public benefit is not assured merely by keeping the runways open to all classes of users. While the owner is not required to construct hangars or terminal facilities, it has the obligation to make available suitable areas or space on reasonable terms to those who are willing and otherwise qualified to offer flight services to the public."

So it is our requirement in accordance with these obligations that run along with the property to be able to lease property out to people that are willing to build hangars or offer aviation facilities. Regarding Introductory Resolution 2099, to impose a fee for late night landings at Frances S. Gabreski Airport, this is something that has been tried at certain other airports throughout the United States. Let's face it. We have an airport, there are airplanes landing there, it's going to be noisy.

In 1990, the Federal Government enacted the Airport Noise Capacity Act, which states that you cannot impose arbitrary fees for late night flights or increased fees for aircraft that are landing or taking off at the airport. It has been tried. Several airports have late night landing fees, which I think ••

CHAIRPERSON NOWICK:

Excuse me. You just need to try to wrap it up a little bit, but we do have a question for you, so you'll have more time.

MR. CEGLIO:

There are other airports out there that have late night landing fees. They were enacted before the Federal Act of 1990, and that's why they were allowed to continue.

CHAIRPERSON NOWICK:

Legislator Alden, you had a question?

LEG. ALDEN:

Yes. The two resolutions have been sent over to the FAA for their review?

MR. CEGLIO:

Correct.

LEG. ALDEN:

And we've asked them for, I guess, their opinion whether we'd be violating any of our terms and conditions?

MR. CEGLIO:

Correct.

LEG. ALDEN:

Who would actually move against us if they felt that we were violating the original terms and conveyance, would it be the Attorney General or would it be the FAA?

MR. CEGLIO:

It would start out with the FAA. And they've issued opinions in the past, a few years ago, I

believe it was in 2003, the County instituted a landing fee of \$100. There were a lot of complaints, and the FAA issued an opinion stating that the landing fee was not issued on reasonable terms, which the airport must be available on reasonable and fair terms. The County then reduced the landing fee to \$35, at which time, the FAA said that is still unreasonable compared to other airports in the region. We're compared to airports like East Hampton, Farmingdale, even Mac Arthur.

LEG. ALDEN:

Well, your landing fee can reflect whether it's a commercial flight or whether it's a private flight also.

MR. CEGLIO:

Correct. And our fees do reflect that currently.

LEG. ALDEN:

Okay. How long is the turnaround for getting an answer back from FAA?

MR. CEGLIO:

I would hesitate to guess, but I don't think it'd going to be before three to six months. I would imagine they're probably going to submit it to their legal people so that they can provide an appropriate answer.

LEG. ALDEN:

Now, if we do a new master plan, obviously we're going to have to submit it to them, right, for review and comment?

MR. CEGLIO:

Correct.

LEG. ALDEN:

Okay. And that would be another thing, three to six months to get back their comments on it?

MR. CEGLIO:

Yeah, I would say. The master plan was submitted, a draft of it, was submitted several years ago to the FAA when it was considered a final draft, I think, in 2000. The FAA took, I think it was a year to submit their comments. And it not only gets submitted to the FAA, it gets submitted to state, and they submit comments. The draft that we're working on right now takes into consideration all the comments from the FAA and state. There have been additional comments, though, made from the County Planning Department, the airport and other similar •• Department of Public Works and some other departments.

LEG. ALDEN:

So our new master plan wouldn't go through and get approval until late next year, is that the time frame you're looking at?

MR. CEGLIO:

Well, right now, based on the Community Advisory Board meetings we have had, there have been some comments, some clarifications are needed, but the plan is about 90% finished. I have set up a meeting with a consultant to go over the last set of comments that were made by the Community Advisory Board. We're hoping to get something back to the FAA by the end of the year, if not early next year.

LEG. ALDEN:

Okay. Then with that time frame you mentioned before, six month turnaround, six, nine months, you're looking at late next year then, right?

MR. CEGLIO:

Correct.

LEG. ALDEN:

Okay. Thank you.

CHAIRPERSON NOWICK:

Legislature Schneiderman.

LEG. SCHNEIDERMAN:

First a suggestion that the master plan be vetted through this committee, as the Economic Development Committee. It's fine to go to the advisory committee, but we ultimately are the committee that it will go through before going through the Legislature. For those of you who aren't familiar with that master plan, it does call for significant growth at that airport, or at least predict a 50% growth in the airport to a point of •• right now there's about 80,000 operations per year according to that document. We're disputing what they actually are counting as an operation, but typically that would be takeoff or landing. And they're anticipating that going up to about 130, almost 140,000 within the next 15 to 20 years, a significant •• about a 50% growth in the airport. And that's got a lot of the community around the airport a little bit •• a little bit frightened by •• a lot of people are already being affected by the noise.

On terms of a moratorium, and moratoriums are a pretty standard land use planning tool, when you are doing a master plan and you don't know what the ultimate recommendations are going to be and you're kind of on the eve of that master plan, you suspend some of your approvals to make sure that they're in conformance with that master plan. So that's all it does.

I realize there's a fault in it. It says until the adoption of the master plan, which may take quite a long time. A moratorium maybe should have a specific date and be able to be extended. And I certainly didn't mean the resolution to prohibit things like the Medevac Helicopter. So there might have to be some changes to that moratorium resolution anyway. But in terms of the FAA, and I've dealt with the FAA before, what you do at your airport is a matter of local determination. So a moratorium doesn't stop all development, it just suspends development for a certain period of time. But the types of development that you have at your airport is up to •• up to the local community, it's up to, in this case, Suffolk County that owns the airport. So I can't imagine anything in the grant assurances that wouldn't allow for proper planning at that airport.

The setting of the landing fees typically should be vetted with the FAA, and I can understand that on the terms of the nighttime landing fees to get some comment from the FAA. But we may end up having a disagreement with the FAA that may need to be ironed out. But the idea is to not •• to be a good neighbor as a County, to not having people taking off at two o'clock in the morning with commercial jets that are very noisy, waking everybody up. There's no reason for that. And you can discourage that through having a higher fee, and that's what that resolution is intended to do, to create kind of a discouragement for taking off and landing between 11 o'clock at night and six or seven o'clock in the morning.

CHAIRPERSON NOWICK:

May I just ask a question? I don't know if anybody knows the answer. At this airport, everybody is allowed to come and go all hours of the night, correct?

LEG. SCHNEIDERMAN:

Currently, yes.

CHAIRPERSON NOWICK:

Now, would I be correct •• are there still rules and regulations over at Islip Airport where they can't land at certain times, planes can't go in there? And that's a •• that's a big airport now, and those planes can't go in there; is that correct?

MR. CEGLIO:

If you're asking me ••

CHAIRPERSON NOWICK:

Would you know the answer?

MR. CEGLIO:

Yes, I do.

LEG. SCHNEIDERMAN:

Well, I should say that Tony Ceglio was the operations manager for 16 years at Mac Arthur and probably is well qualified to answer this question.

MR. CEGLIO:

Yes. There is a nighttime restriction on certain flights; 11 o'clock until seven o'clock in the morning.

CHAIRPERSON NOWICK:

That's what I thought.

MR. CEGLIO:

But that is a restriction, noise based restriction. So basically, the larger airplanes, maybe a 727, couldn't come in. But any other aircraft that meets certain noise criteria can come in; 737s.

CHAIRPERSON NOWICK:

Well, I don't know what those numbers mean in airplanes, but the Southwest planes that go back and forth to Florida, can they land? Some of them, some of them can't?

LEG. SCHNEIDERMAN:

Would that affect the Gulf Stream or no?

MR. CEGLIO:

No, it would not. And that is one of the requirements of the grant assurances that the airport must remain open and available to the general public at all times, which means 24 hours a day, seven days a week. And it's not just at Gabreski or Islip Airport, it's every airport in the country unless those restrictions were in place before this act of 1990.

CHAIRPERSON NOWICK:

Those restrictions are there. And so •• just quickly, and I'll let Legislator Alden go, these resolutions that we're looking at today do •• imposing them, would that be •• would that be based on what •• is that a definite •• would we be basing that on what the FAA tells us we can do or we can't do or do we supercede their authority in any way?

MR. CEGLIO:

My guess is would not supercede their authority. We are obligated by these federal grant assurances and Quick Claim Deeds ••

LEG. SCHNEIDERMAN:

The FAA typically •• you know, they understand •• the Federal Government understands how difficult it is to maintain an airport, and it's part of the interstate commerce system.

CHAIRPERSON NOWICK:

Well, I ask because you said we may not agree and I thought maybe they know something I don't know.

LEG. SCHNEIDERMAN:

Right. What happens is when you take money from the FAA, which typically is 95% of the cost of the capital project, they make you sign a grant assurance that runs for typically about 20 years. There are certain conditions to that grant assurance, that I think what the administration is saying is that these may violate those provisions. I don't know that they do, I don't believe that they do, but that's •• they're asking for some input from the FAA.

CHAIRPERSON NOWICK:

Okay. Thank you. Legislator Alden.

LEG. ALDEN:

I can fully understand the concern over a 10 or a 15 year growth period that it might get to the point where it could interfere with quality of life, but do we at the present time have a whole bunch of applications pending to, you know, like, increase significantly that amount of air traffic at the airport?

MR. CEGLIO:

Well, it's •• we have applications pending through the Airport Lease Screening Committee to build hangars. As Legislator Schneiderman mentioned, the airport master plan took that into account and projected, it doesn't call for it, it projects that if these hangars are built, a certain number of airplanes will come to the airport. A lot of the airplanes that will inhabit these hangars are actually at the airport now. But with that in mind, there will be some increase. And it's a forecast of what can happen.

I just want to clarify that the previous master plan, which you asked about, calls for a •• didn't call for it, it predicted a number of operations of about 277,000 by 1995. As Legislator Schneiderman mentioned, as of last year, we only had 83,900. So what this master plan attempts to do is take the old forecast, and it's an update of the last master plan, takes the old forecast and says, well, okay, something wasn't right there, we need to update it based on the forecast and see what the airport needs over the long term planning period. And the needs of the airport are very minor consisting of maintenance items, extension of a taxiway and upgrade of a 1940s terminal building. So the master plan, and I think it's a misunderstanding, doesn't call for 139,000 operations, it takes all the existing conditions, trends in the local population, FAA forecasts and says here we are now at 83,900, this is where we think we're going to be in 20 years.

LEG. ALDEN:

A second part of my question would be then are we going to •• or are you going to wait to grant these applications until after the master plan is adopted or are you going to be granting things, you know, between now and the end of next year that would significantly change, like, the future of the airport?

MR. CEGLIO:

I think that's up to the Legislature and the Airport Lease Screening Committee. As I read before to you in the Airport Compliance Handbook, the Federal Government requires us to negotiate on fair and equitable terms leases for property at this airport.

LEG. ALDEN:

So right now every lease has to come before us for approval, right? No?

LEG. SCHNEIDERMAN:

No.

MS. FAHEY:

With regards to your question on the hangars that are pending, there are seven applications in front of the Lease Screening Committee at the moment, which were tabled at the September meeting and sent to CEQ for SEQRA recommendation. That recommendation will come back to the Lease Screening Committee. Some of those applications, if they are approved unanimously, will not come back to Legislature. Those applications if they're approved with one no or one abstention, will come to the Legislature. But if the Lease Screening Committee approves them unanimously, they will be enacted.

LEG. SCHNEIDERMAN:

I expect them all to be coming here at some point. Let me just give a little bit ••

LEG. ALDEN:

Okay. Then that makes me feel a little bit more comfortable. Then we can debate the bill in a little while.

LEG. SCHNEIDERMAN:

Yeah. I think they're too large to have the lease •• to not have Legislative review on these. Let me just give you a little bit of detail in terms of what some of these applications are, because some of them are hangars, they're called T•Hangars, that are really for the smaller planes, not for the jets. And then there is one for a hangar for a cooperate•type of jet and then there are two for fix•based operators that are looking to build sizeable facilities, 25,000 square feet each; one, potentially up to 50,000 square feet. These are two companies that right now have operations at Mac Arthur Airport, one called East Way Air and another called XL Air. And those are some of the ones that are causing some of the controversy, I think, within the community because of the increased number of jets, which are fairly noisy.

LEG. ALDEN:

Through the Chair, are you going to stay around? Because we are going to debate the bill in a little while, and we might have •• it looks like there might be another question or two, if that's all right, Lynne.

CHAIRPERSON NOWICK:

I'm sorry?

LEG. ALDEN:

Just to ask them to wait around until after we debate the bill in case there's another question?

CHAIRPERSON NOWICK:

I would appreciate that, yes.

LEG. ALDEN:

Thanks.

CHAIRPERSON NOWICK:

David _Yafey_.

MR. _YAFEY_:

Yes, hi. My name is David _Yafey_ . I'm a local attorney from Melville, and I'm here to speak

in opposition to Introductory Resolution 2014. I represent PJ Venture II LLC, which owns and is developing the property, which is the subject of this proposed legislation. The legislation speaks for itself, and I won't try to characterize it, except to say that it threatens to prohibit any County employee from doing anything further in connection with this project.

This project is well under way. The property has long ago been cleared, grading work has already been completed, utilities have been are in the process of being brought into the property, building pads have already been delivered to one of the tenants at the property. Next week, another building pad is being delivered, and the third building pad is expected to be delivered in mid•December.

This development already been the subject of two litigations in which I represented PJ Venture. There was a civic association litigation and a Town of Huntington litigation. Both lawsuits were brought after the completion of extensive environmental review of the project by the Town of Smithtown, after issuance of local building permits by the Town of Smithtown and other approvals, after work had already been commenced, after Suffolk County had issued work permits and after those road work permits were fully bonded by PJ Venture. Both lawsuits have been dismissed by Suffolk County Supreme Court Justice Burke.

With all due respect, the proposed legislation threatens to undermined Suffolk County established review processes for the granting of permits, which my client has fully complied with and, again, has already bonded its work permits. And it threatens to usurp and override the review and approval powers of the professionals of the Departments of Public Works and Planning. And I'm advised that at this committee's last meeting, there was a similar resolution, Introductory Resolution 2000, at which members of these departments came and spoke out against that resolution for similar reasons. That resolution affects, I think, the Tanger Mall development, which is nearby.

And in addition, because we have contracts with these tenants, this resolution if passed would interfere with our contract obligations to our tenants and threatens us with serious readily identifiable financial harm.

CHAIRPERSON NOWICK:

Excuse me, we're going to have to interrupt you. You've reached the limit of three minutes, but we do have a question so stay right there. Legislator Alden, you have a question?

LEG. ALDEN:

The corporation you represent, is that a publically traded corporation or privately held?

MR. _YAFEY_:

It's private.

LEG. ALDEN:

And who are the principals?

MR. _YAFEY_:

I know some of •• there are •• it's a partnership composed of other partnerships, and I don't know who all of the members of all of these various partnerships are.

LEG. ALDEN:

The principals that you are dealing with are?

MR. _YAFEY_:

Are Greg _Reclar_ and Mitchel _Reclar_, and I'm trying to •• Edward _Gelart_.

LEG. ALDEN:

Thanks.

CHAIRPERSON NOWICK:

Thank you.

MR. _YAFEY_:

Thank you.

CHAIRPERSON NOWICK:

Richard LaValle.

CHIEF DEPUTY COMMISSIONER LAVALLE:

Good morning, everyone. I'm here on behalf of the Department of Public Works to speak in opposition of resolutions 2000 and 1014. Both of these are purported to be sustainable growth initiatives involving development along Commack Road and Crooked Hill Road. Although we support sustainable growth initiatives, we don't believe that these two resolutions are in the best interest of the County. Both resolutions deny the department from the ability to analyze traffic operational problems and make recommendations to mitigate these problems as they may be impacted by the proposed developments along those roads.

Highway and traffic engineers are professionals with extensive experience whose responsibility it is to assure the safety of the traveling public. We provide an independent analysis and make recommendations for necessary mitigations associated with development, as it would be the case in these two developments. If we are prevented from performing this independent review, there's no guarantee as to who will be there to protect the County's interest, certainly not the towns. In both of these cases, the towns are the lead agencies, and basically they are looking after their own interest. They are, though, responsible for making the final determination with

regard to environmental, traffic, social, economic and other impacts that may be associated with both of these developments.

The County's lack of participation in the process as these resolutions purport to do will probably not prevent these from moving ahead. So ultimately, it's our responsibility to ensure that the County has a voice in the process. We shouldn't really be predetermining the merits of these developments until there has been a thorough review. Contrary to these resolutions, we should be utilizing all our resources to ensure that every aspect of the proposed developments are studied and measures taken to provide for the appropriate mitigation to traffic operations. It is therefore, essential to the County's best interest that we involved in every phase of the planning and approval process of both of these projects. We are, therefore, requesting that this committee disapprove both resolutions. Thank you.

CHAIRPERSON NOWICK:

Thank you.

CHAIRPERSON NOWICK:

Andy Freleng.

MR. FRELENG:

Good morning, members of the committee. My name is Andy Freleng, I'm Chief Planner at the Suffolk County Department of Planning. I'm here representing Tom Isles who, unfortunately, couldn't make it this morning. I'm here representing the department's position that we are in opposition to IR 2000. The proposed resolution will have serious negative consequences for the Suffolk County Planning Commission. The resolution would prohibit the Department of Planning

from allocating any resources to work on proposed projects. The end result of this component of the legislation is that the Planning Department will not be able to prepare reports and information it currently provides to the Planning Commission.

Without such reports and information, the commission will not be able to make a proper decision, and it will result in a default approval. You may recall that state law requires that towns and villages refer certain applications to the Suffolk County Planning Commission for review, approval or comment. We have 45 days to do that. And without such a referral, the commission cannot act in a timely manner. This resolution will take away the Planning Commission's access to the very information that it needs to make a timely decision, and it would remove the Department of Planning's participation. And this would be very harmful to the County of Suffolk in our opinion. We believe the bill would set a danger precedence. Thank you.

CHAIRPERSON NOWICK:

Thank you. Christopher Castro.

MR. CASTRO:

Good morning. My name is Christopher Castro, I represent a company called _SoliMar_ which is a LIPA registered solar installer. I also represent Solar Community Corp., which is a non profit environmental group. I am here to speak about what you are going to hear a little while later on your agenda regarding net metering. Net metering is the process by which commercial accounts can sell electricity back to LIPA. Any excess electricity produced for renewable energy sources such as solar panels or wind, a commercial account can now sell that excess electricity back to LIPA.

As it stands today, they cannot because net metering only applies to residential customers, not commercial customers. But in light of Long Island's energy needs and requirements, commercial customers use a lot more electricity obviously than residential customers, yet they are not afforded the same benefit to sell back their excess electricity. This in turn then really limits what a commercial customer can do if they want to do the right thing, the ethical thing in promoting renewable energy, but saving money on their electric bills as well.

As an installer, I can tell you that oftentimes I go to a commercial customer that wants to install solar energy or wind energy, whatever it may be, and they are really disappointed to find out that the excess electricity that they produce, LIPA just takes from them at no cost. They don't have to pay for it, whereas residential customers do have the luxury of selling back their electricity. I think if we change some of these regulations and Suffolk County took a stand on that and promoted some of this at the state level, obviously, we can go a long way in promoting renewable energy for commercial establishments, businesses of all types.

I also have _SoliMar_ , I have my business and I have my office, and I've put solar panels on my establishment. I can tell you that for sure many of the benefits that I'd like to get from solar energy, I cannot not, because I cannot sell my excess electricity back to LIPA. This hurts the renewable energy movement in a big way here because commercial businesses once again use a much larger share, the lion's share, of electricity here on Long Island, but they're not really getting any benefits for it.

So I'm here in support of that. You will here more about this later from the gentlemen that are here to give the presentation, but I'd like to show support for that and get the Legislature to really look on this in a very serious way and maybe adopted some of the recommendations that these two gentlemen will recommend for you. Thank you.

CHAIRPERSON NOWICK:

Can I ask a question, because I don't understand this fully? Commercial buildings, you are saying that there is excess energy that they don't use, they cannot sell back to LIPA?

MR. CASTRO:

Certainly. Most businesses ••

LEG. NOWICK:

What happens to that now, that excess energy, where does that go?

MR. CASTRO:

That goes back into LIPA's grid. That's basically free electricity for them that they don't have to account for, they don't have pay ••

CHAIRPERSON NOWICK:

Okay. So it's free to them, but the business owner doesn't really •• it doesn't help the business owner in any way.

MR. CASTRO:

They don't get any benefit from it at all. Certainly LIPA would not give you free excess electricity, but it doesn't work the other way with the commercial accounts.

CHAIRPERSON NOWICK:

So that goes back to LIPA free, the business owner does not •• even if the business owner saves money because of solar panels, they don't get any benefit from it? Okay. I just wanted to understand that. Thank you very much.

CHAIRPERSON NOWICK:

Okay. We have •• in that regard, that's the end of our cards. Oh, wait a second. Did we •• Gail Lolis, did you want to speak?

MS. LOLIS:

I can say something now, or I can wait to the time you consider the bill.

CHAIRPERSON NOWICK:

Okay. If you could just wait, we're going to have a presentation. We have Kevin Mac Leod and Bill Feldman waiting very patiently at this table to give us a presentation. Thank you.

MR. MAC LEOD:

The longer I wait, the less I shake. Bill is going to come up after me and talk about green credits. Most of you know me by now. Kevin Mac Leod.

CHAIRPERSON NOWICK:

You can sit down and relax and give us your presentation, unless you prefer standing at the podium.

MR. MAC LEOD:

I figure after about four or five times, I'll be great. Good practice. Kevin Mac Leod, KPS Contracting. Most of you know me by know. I'm also affiliated with Empire Electric and Solar Community, Chris Castro just talked. I guess everybody has the handout. The first thing I really want to talk about real quick ••

CHAIRPERSON NOWICK:

Okay. We have the handout. And if you could just give us more or less a quick overview so we get the good good points.

MR. MAC LEOD:

I'm just going to shot through it real quick. First of all, most of you may not know this by now, but it's effective as of Thursday the 18th, the LIPA rebate for the Solar Energy Program, Clean Energy will be lowering to \$3.75 a watt, that's official. That's November the 18th.

I'm just going to briefly •• I know this is a confusing subject, but we're talk a little bit about net metering, and I'll try to give you a real•time idea of how it works. I have an 11 kilowatt system on my house at home, and this system generates all my electrical needs for the whole year.

What happens is during the day, I overproduce on my system, and the part I use for my electrical needs, any excess, I sell back to LIPA. What happens is that it goes through the meter and up into the grid, and meter spins backwards, and I get a credit. If there's an excess credit at the end of the year, LIPA pays me in the form of a check for the excess at the wholesale rate. What I sell back during the day to offset my needs is paid to me at the retail rate. Okay. Everybody understands where we are standing as far as net metering is concerned?

Commercial net metering is essentially the same as residential except it involves all the LIPA accounts that aren't coded as 180 to ten to 20. This involves schools, religious institutions, not-for-profit organizations, all businesses, and most importantly, which I'm going to lead into, government. Right now, you don't have a commercial net metering law. Understand one thing, and me •• you are going to sort out, I think you've heard it already, there is a slight difference between LIPA and the Down-state utilities when it comes to the New York State Law and the tariff. So if we are going to do any sort of legislation towards this, we have address both areas, because LIPA may at some point •• doesn't come under the New York State Law, but has to go under their tariff law, which is two different sections in the code.

I have a couple of copies of two pieces of legislation and the Clean Energy Action Plan, that was basically worked with Jon Cooper back in April and May. It particularly says that Suffolk County must purchase 25% of their energy supply from renewable sources by 2010. And it also addresses investments that's Suffolk County is making in solar and renewable energy, particularly the 40 kilowatt system that I believe is being installed at present on the police headquarters in Yaphank and also the minor league park on Carleton Avenue. So that copy of this letter, and I've highlighted some of the areas, talks about the investments and the commitment that's Suffolk County has made to these areas.

I'm leading up to a couple of things, that's what I'm trying to do. Green power, and this is important point, one of the legislation addresses the purchase of green power from LIPA from their Green Energy Program. I'm just curious. Are we aware that •• or are we paying a

premium price for this energy that we're going to be purchasing from LIPA? I can't answer that, but I can tell you from my experience, the excess power that I generate and sell back to LIPA at the rebate •• retail rate is then turned around and resold back to a consumer who is under the Green Program and purchasing green power at a premium rate. That's like saying, I'm buying premium gas at the pump instead of regular, and you're paying an additional amount for it.

Now if my understanding is correctly, this is what Suffolk County going to be doing with LIPA. And LIPA is the only guy on the block at this point. And Bill is going to talk a little bit more about that. But the important part here is that what are we going to do here as far as this commitment? Are we going to want to buy our clean energy green power from LIPA at the premium rate and at an additional cost to the taxpayers, or may we opt to build our own systems and generate our own power and reap from the benefits of that? That's kind of a part that we might want to seriously look at down the road.

I think the important part here is that we are looking for, like, a sense legislation here to help us get the start with the commercial net metering legislation. The thing is that Suffolk County in the position its in now with the commitment will as •• just as we talked about commercial net metering, not be able to sell their excess power back and be paid for it as other commercial customers, because there is no commercial legislation on the books at this point. I as a taxpayer would like to see if we're going to build a 40 kilowatt system on police headquarters in Yaphank, take that excess and be able to sell it back to LIPA and recover some of our investment and taxpayer money that's going towards electric rates.

It's like saying, okay, if we were to take a 10 kilowatt system and put it on the roof here and generate own power, most likely •• are we open on Saturday and Sundays? We're not really, so most of our power usage is Monday through Friday, so most likely our system on the roof will overproduce our costs and would be pumping it back into the grid and LIPA will be taking it for free at this point. Wouldn't it be good to have LIPA pay us for that excess power that they're taking for free? That's the whole point behind it commercial net metering that I'm trying to

stress. It affects Suffolk County in a big way in relation to our Clean Energy Plan.

The other thing I wanted to talk about real quick, I'm not going to stay on it too long, is a program that NYSERDA has downstate. It's called smart •• Energy Smart Loans. Again, we don't have that down here in Suffolk County because LIPA is in a different type of program and not under NYSERDA in a way. The important thing here is that we need to make solar energy and renewable energy more affordable to more people in Suffolk County. These people who can't afford system because it still high, it's an out-of-pocket expense, it's very expensive at this point, senior citizens can't afford it, single-parent families, first-time homebuyers and HEAP income families all are eliminated from the group of people that would be eligible to purchase a system because they can't afford it. So the whole idea is to have some sort of subsidized loan or state supported loan similar to one that I have made a copy of the back brochure that would help these people to become eligible to purchase solar energy or wind energy. I mean, right now we're only talking about a small group of people, maybe mid income or upper middle income are afford to afford these systems at this point, even with the incentives and the tax benefits that we have in place now.

So I included a copy of that incentive program for downstate so you can look at and try to come up with something that would help with that. Now the last page that I printed out is as of Thursday with the new lowered rebate from LIPA. It shows an average cost of what the system •• a full sized system would cost an average customer today as we stand with all the rebates; the federal tax credit, which takes place January 1st and the New York State tax credit that's already in place and increases next year. So if you have any questions, I'm ready.

CHAIRPERSON NOWICK:

Everybody has the presentation? Thank you. I think we're fine. Okay. Now we're going to go on to the agenda unless there's •• • oh, I'm sorry. I'm sorry, I didn't realize there was a part two. I just thought you were there for support.

MR. FELDMAN:

My name is Bill Feldman. I'm a concerned citizen of Suffolk County. You have a handout there that speaks about renewable energy certificates or what we in the industry call them, RECS. What they are is to make an easy understandable correlation, is they're sort of like a stock. Renewable energy certificate is the green attributes a renewable energy generating system, and they are tradable like a stock is.

Right now, New York's market is not in place, but they're expecting it go in place the beginning of the year. Now, if you build renewable energy generating plants, you can sell the renewable energy at the regular retail rates and you can also sell the certificates or the green energy attributes. And that is the reason why you're going to pay a premium to purchase green energy, to pay for those certificates and trade those certificates. It gives the builder an incentive to build a green energy •• or a clean generating power plant.

Right now, on the second page you will notice •• the thing that I wanted to bring you attention to is as a homeowner if you wanted to apply to put a solar energy system on your home, in order to receive the rebate that LIPA offers, the highlight portion of this green form here, if you read that, you'll understand that LIPA wants you to sign away your rights to the green energy or the renewable energy certificates of that system. And they want to take 100% of the value of those certificates even though the rebate is only going to cover half of the cost, which is, I believe, unequitable and unfair.

Something needs to be done. We've tried to talk to them and tried to get them to rescind this requirement, but they're reluctant to do it. So a little help, I think, is in order.

The second page of it shows the New York State portion of the same type of rebate. And you

can see there in the highlighted portion, New York State does not require a person to sign away those rights. The big essence of the difference is if you are not a LIPA customer, if you are customer of different utilities in New York State that pay and they collect and they pay into the systems benefits charge, that is what funds NYSERDA, which is the New York State Energy Research and Development Authority. That money funds NYSERDA. LIPA does not pay or collect that systems benefit charge. So they are not •• LIPA customers are not eligible for those programs.

So I just wanted to bring that out to your attention. There's a lot of programs that NYSERDA offers that are not eligible to us as Suffolk County residents because we •• LIPA does not pay into the systems benefit charge.

MR. MAC LEOD:

I think one thing I wanted to mention is, like, as myself being a producer, and I was telling you about selling my excess power back to LIPA, LIPA is the only guy on the block, and they're the only ones that are taking and purchasing that power. What we're talking about is a point where there could be several other companies like we have in natural gas now _Escos_ that compete against LIPA to get your business to purchase natural gas. We could have the same thing in renewable energy with solar, which would be a further incentive to the homeowner. Instead of me being forced to sell or give power back to LIPA at whatever they decide to pay me, I can compete or have •• have competing companies that might say, okay, I'll •• we will buy it from you for 21 cents a kilowatt rather than LIPA's 16 or 17 cents. So it becomes a tradable market and more incentives for the homeowners to want to get into it, build one of these systems and further recover some of their initial investment.

CHAIRPERSON NOWICK:

I have a question for you. And I see on the one side energy savings, renewable energy, but if

LIPA starts to pay the commercial businesses for the unused energy, is LIPA then going to raise the rates of the customers because they are paying?

MR. MAC LEOD:

That would be a good question, but I would say no, because the electricity that they are ••

CHAIRPERSON NOWICK:

I mean, if they're not paying now and they have to pay later, will they then, in fact, punish everybody else?

MR. MAC LEOD:

Hard to say. It really is hard to say. Obviously, as more and more people put systems on their houses and LIPA is selling less and less electricity, yes, there's going to be a loss there. But at the same time, our usage is increasing ten times over ever year.

CHAIRPERSON NOWICK:

I hate to say it, but I don't really think we have to worry too much about solar •• too many solar panels going on too many houses, because I'm watching houses go up where I live. There are houses going up on ever postage stamp, and I haven't seen one solar panel on one of these homes. And if you don't do it when you are building the home, then you're not going to do it later on. So that I don't think is much of an issue, unfortunately.

MR. MAC LEOD:

Most of our customer are existing homeowners, very few are new home builders.

CHAIRPERSON NOWICK:

Well, existing homeowners, it costs so much money at that point to put it in. I wish I could put it in, but I can't afford it.

LEG. SCHNEIDERMAN:

I think that it ••

CHAIRPERSON NOWICK:

Excuse me.

LEG. SCHNEIDERMAN:

I'm sorry.

LEG. NOWICK:

Did you want ••

LEG. SCHNEIDERMAN:

Yes, I did.

LEG. NOWICK:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

No. I just think that it potentially could have the opposite effect in lowering rates, in that, you know, LIPA is buying the power from you wholesale and then they're selling it retail, so you're basically putting more power into the supply. And usually, you know, typical supply and demand economics would say that if you have ••

CHAIRPERSON NOWICK:

I want to hear that. That's great if that's the case.

LEG. SCHNEIDERMAN:

•• more energy in the system, then it's •• you know, obviously more competition should drive down rates. LIPA doesn't produce energy, LIPA buys energy and owns the distribution lines.

MR. FELDMAN:

There's a grey area between LIPA and KeySpan. KeySpan is the energy generating and LIPA is the distribution, but they kind of ••

CHAIRPERSON NOWICK:

That's who we get the bill from, the distribution. That keeps going up and up and up.

MR. FELDMAN:

So the generating facility is separate from the distribution. But the big picture is to step back and look at renewable energy certificate rebates for solar energy installations. The whole purpose of all that action is to development industry that will allow us to produce our own energy directly from the sun and get out off of our dependence on foreign sources of energy.

CHAIRPERSON NOWICK:

You are absolutely right, and that would be a wonderful thing if we could get that message across. And it would even be better if we could get these panels, these solar panels, out to homes at a price that people like myself can afford. You know, that's part of the answer there •

MR. FELDMAN:

Right.

CHAIRPERSON NOWICK:

•• if we could get the solar panels up and running at an affordable price. And right now they are just •• they're not.

MR. FELDMAN:

Right.

CHAIRPERSON NOWICK:

Legislator Cooper, you had a question?

LEG. COOPER:

I actually wanted to ask Joe Schroeder whether •• Joe, did you want to weigh in on any of this?

MR. SCHROEDER:

Yes. Supporting net metering would help to support the industry because it will help to improve the economics of the development of new panels. There would be a premium to all ratepayers in the near term for the purchase of power, because LIPA's not purchasing the power at the wholesale rate at all times, they're paying retail for that at certain times during the year.

However, the more of these distributed generating systems that develop, there will be longer term savings to the grid as a whole because you're reducing the capacity requirements of the grid. So there are short term benefits in terms of promoting revenues to the industry and

improving the economy to scales that they will develop, but there are longer term benefits to us all with some near term costs as well.

MR. FELDMAN:

Basically, it's an investment in the future. It's an up-front investment. And what I would like to correlate it to is, you know, let's •• you know, we've got to stop putting Band-Aids on bullet wounds. We really need to invest in our future. And a prime example of that is what just took place in New Orleans. If a few million dollars were invested in levies, it would not have cost us the billions that it's costing us now. The same thing with renewable energy.

CHAIRPERSON NOWICK:

You are right.

MR. SCHROEDER:

Legislator Nowick, I would also like to add that not all systems that are installed on homes have to be built to the maximum allowable capacity that currently is the trend. We could be building more modest systems on residential and commercial structures that serve need without feeding back into the grid. It's not that you have to build a system that's going to do that. But for those who choose to invest on a grander scale, it does improve the economy of that proposed project.

CHAIRPERSON NOWICK:

Well, a grander scale is about what, 33,000, 35,000 a home, something like that?

MR. SCHROEDER:

Well, in terms of the cost. I'm talking about in terms of the electric generating capacity. They're overdeveloped for the need of the particular home. Now, not everyone has to do that. You can blend renewable technologies to benefit homeowners, that reduces pressure on central power distribution. By not •• you don't have to develop it to the 10 KW level that LIPA allows for.

CHAIRPERSON NOWICK:

Thank you.

MR. MAC LEOD:

I have an 11 kilowatt system that I choose to invest the maximum sized system in my backyard, and all I pay is \$5 a month for electric. So I made the initial investment, and I sell the electric back ••

CHAIRPERSON NOWICK:

Would you mind sharing with us what that cost?

MR. MAC LEOD:

Excuse me?

CHAIRPERSON NOWICK:

Would you mind sharing with us what that cost?

MR. MAC LEOD:

Well, I can tell you the retail cost of the system was about \$28,000. I came under the \$4.50 rebate with LIPA, so my out of pocket expense was \$28,000.

LEG. SCHNEIDERMAN:

So it was a 56 •• how much would it have been without the rebate?

MR. MAC LEOD:

A full retail cost system, 10 kilowatts, is about between 75,000 and \$80,000 before the rebates and incentives. So you are getting 37,500 right smack back from LIPA right up front.

LEG. SCHNEIDERMAN:

Chair, I think this is an important point, because you mentioned before how difficult it is still for the average person to do that, whether it's 28,000 or 10,000. Yet you are saving on you energy bill each month, and there's a certain point where you recoup money. So if there were a local program that were in place that could give you the money and then you could take your savings that you would instead of paying LIPA ••

CHAIRPERSON NOWICK:

Legislator Schneiderman, I agree with you. If I could do it, I would. But you know what?

(* A COMMENT WAS SAID OFF THE RECORD*)

LEG. SCHNEIDERMAN:

Again, what I was saying is if there were a low interest loan program available that could front you the money and then you would pay it from your savings to LIPA, that could be that critical component that makes it happen for people. So, yes, you might not have that 28,000, but if you could borrow the 28,000, pay it back at low interest and have that •• your savings go to pay that loan, then you have it all put together.

CHAIRPERSON NOWICK:

I would love to do this.

MR. MAC LEOD:

I think Mr. Kessel has suggested at one of the energy summits that •• the possibility of having a loan program that's repayable through your LIPA bill each month. So instead of paying \$150 for energy, you would be paying \$150 a month towards the balance of the loan. It's like owning versus renting.

MR. FELDMAN:

And that loan payment will never go up, that's the key. That loan payment will never go up. No matter how high oil and gas prices become, that loan payment will not go up. You are fixing energy costs.

CHAIRPERSON NOWICK:

Legislator Cooper, did you have a question?

LEG. COOPER:

Yes. I have a question for either Kevin or maybe it's Joe. Do you have any idea what the rationale was for New York State when they decided to not allow commercial net metering, because it seems to make so much sense?

MR. MAC LEOD:

I can only guess, I don't have an official reason for it, but I think it was assumed that a lot of the commercial customers have a large enough base load that would offset their production costs rather than having any excess to sell back to the grid, but that's not true. We have a lot of small businesses, strip malls, even this building itself may be able to produce power and send it back to the grid. I can assume that was the reason. The other possibility is that maybe LIPA just did not want to have this program into the commercial market.

MR. FELDMAN:

There's only a limited amount of resources, funds, available.

LEG. COOPER:

I vote for the later.

MR. FELDMAN:

There's only a limited amount of funds for rebating these systems, and the feeling was that allowing to open it up to commercial market •• a large commercial facility could use up what 20 houses would use. So that would benefit only one entity rather than benefitting 20 individuals. So you would use up those resources, and it would be of value to less people. I think that was the fear.

MR. MAC LEOD:

If I may. We shouldn't lose sight of the fact that, you know, getting something for nothing is not ethical. I mean, if LIPA charges us money for the electricity, why should they have the benefit of getting free electricity from a commercial account? It's sort of penalizing a business for wanting to do the right thing and put renewable energy on their building. So, you know, we can't lose sight of that, that they're getting something for nothing, which is not ethical.

CHAIRPERSON NOWICK:

And also we can't lose sight of the fact that renewable energy is very important in this day and age. Thank you very much. We appreciate your presentation. Thank you.

MR. MAC LEOD:

Good luck to all in January.

LEG. ALDEN:

It was November that we needed the luck.

CHAIRPERSON NOWICK:

Okay. We're going to go on to the agenda.

TABLED RESOLUTIONS

1360, A Local Law, a Charter Law to streamline County Government by abolishing the Airport Lease Screening Committee.

MS. JULIUS:

Madam Chair, that IR was stricken as of 10/5. 1417 also, Madam Chair.

1444, adopting Local Law, Labor Law Compliance Policy for the Suffolk County Industrial Development Agency (COUNTY EXEC).

Motion to table by myself, seconded by Legislator Carpenter. All in favor? Opposed?

LEG. FOLEY:

Opposed.

LEG. NOWICK:

1444 is **TABLED. (VOTE:5•1•0•0) (Opposed; Legis. Foley)**

2000, to preserve County resources for sustainable growth initiative in Babylon (BINDER). Do we have a motion?

LEG. ALDEN:

Motion to approve.

LEG. CARPENTER:

Motion to table.

LEG. SCHNEIDERMAN:

I'll second for the purpose of defeating.

CHAIRPERSON NOWICK:

We have a motion to table by Legislator Alden with a second by Legislator Schneiderman. All in favor? Opposed? Everybody is opposed. 2000 **FAILS. (VOTE:0•6•0•0)**

INTRODUCTORY RESOLUTIONS

2007, appropriating funds in connection with the planning for dormitory housing for Suffolk County Community College (CARPENTER).

LEG. CARPENTER:

Motion.

LEG. NOWICK:

Motion by Legislator Carpenter, seconded by Legislator Foley. All those in favor? Opposed?

MR. ZWIRN:

Madam Chair, may I just put the County Executive's position on the record?

CHAIRPERSON NOWICK:

No. I'm only kidding.

LEG. CARPENTER:

We know the position.

MR. ZWIRN:

I'm just going to put it on the record. We have had the discussion before, and philosophically he believes in the Community College as a commuter school. He wants to keep costs down at the college, and he thinks that this just not appropriate for the type of school that it has been and its mission.

LEG. CARPENTER:

If I could respond.

CHAIRPERSON NOWICK:

Legislator Carpenter.

LEG. CARPENTER:

Well, you know, I do know that he philosophically is opposed, but I just would like to put it on the record that this is not a resolution directing the college to institute dorms, but rather to do a feasibility study. And there's an awful lot of support out there, not only from the college, but the business community, the LIA, a lot of people are working on this issue tying it into not only dorms, but faculty housing programs that could take place possibly at the Eastern Campus or either of the two campuses with hotel•motel management. The possibilities are endless.

And particularly relevant is the fact that we have the culinary promogram that going to be starting in downtown Riverhead. It just makes perfect sense to tie it all together. But again, this is only a study. The money had been put in the Operating Budget for this year. The County Executive because of his philosophically being opposed to it refused to appropriate the money. So the resolution really is another step. And quite frankly, I find it unfortunate that we should have to be going this route, because the budget document is a document that is supposed to be followed. And the direction was in there, and it wasn't followed, so therefore the resolution •• I would hope this passes with enough support that the County Executive will finally move forward with allowing the study, the study, to go forward. Thank you.

CHAIRPERSON NOWICK:

Okay. We have a motion by Legislator Carpenter, seconded by Legislator Foley. All in favor?
Opposed? 2007 is **approved. (VOTE:6•0•0•0)**

2014, to preserve County resources for sustainable growth initiatives.

LEG. ALDEN:

Motion to approve.

CHAIRPERSON NOWICK:

We do have •• Gail, did you want to speak on ••

LEG. SCHNEIDERMAN:

I'll second for the purpose of defeating. I'll second it for the purpose of defeating.

LEG. FOLEY:

Move the question.

LEG. NOWICK:

Motion by Legislator Alden, seconded by Legislator Schneiderman. All in favor? Opposed? All opposed. 2014 **fails. (VOTE:0•6•0•0)**

2098, to impose a moratorium on aviation related construction at Frances S. Gabreski Airport pending Master Plan adoption.

LEG. SCHNEIDERMAN:

I'll make a motion to table. I do want to amend it ••

LEG. ALDEN:

Second.

LEG. SCHNEIDERMAN:

•• to include County purposes like the Medevac Helicopter and exempt the Air National Guard and put a time frame on it.

CHAIRPERSON NOWICK:

All right. Motion to table by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? 2098 has been **tabled. (VOTE:6•0•0•0)**

2099, amending resolution No. 673•2004, to impose a fee for late night landings at Frances S. Gabreski Airport. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll make, again, a motion to table ••

LEG. NOWICK:

Motion to table by Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I do want to pass out to all the Legislators on the committee some of letters I've been receiving in regards to both of these.

CHAIRPERSON NOWICK:

Seconded by Legislator Carpenter. All in favor? Opposed? 2099 is **tabled. (VOTE:6•0•0•0)**. Thank you, Legislator Schneiderman.

2107, amending prior Capital authorized appropriations for the renovation of Central Plaza • design to the renovation of Central Plaza • construction.

LEG. CARPENTER:

Motion.

CHAIRPERSON NOWICK:

Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed? 2107 has been **approved. (VOTE:6•0•0•0)**

2139, approving the appointment of Michael A. Johnston as a member of the Suffolk County Motion Picture/Television Film Commission. Is he here today?

MR. ZWIRN:

I would ask that this be tabled.

LEG. CARPENTER:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Carpenter, seconded by Legislator Foley. All in favor? Opposed? 2139 is **tabled. (VOTE:6•0•0•0)**

Sense Resolutions

S•65, Sense of the Legislature Resolution in support of repowering the Port Jefferson

Power Plant.

LEG. COOPER:

Motion to approve.

LEG. SCHNEIDERMAN:

I'll second.

LEG. NOWICK:

Motion to approve by Legislator Cooper, seconded by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

LEG. NOWICK:

On the motion, Legislator Alden.

LEG. ALDEN:

Jon, is this similar to one you did? It's the same thing, right?

LEG. COOPER:

It's identical basically.

LEG. ALDEN:

Good. Okay. We're in favor of clean efficient repowering.

LEG. COOPER:

Yes.

CHAIRPERSON NOWICK:

All those in favor? Opposed? Sense 65 is **approved. (VOTE:6•0•0•0)**

TABLED SENSE RESOLUTIONS

S•43, Sense of the Legislature resolution in support of the LIPA offshore wind energy park.

LEG. COOPER:

Motion to table.

CHAIRPERSON NOWICK:

Motion to table by Legislator Cooper, seconded by Legislator Carpenter. All in favor? Opposed?

Sense 43 is **tabled. (VOTE:6•0•0•0).**

Thank you, all. See you in a few weeks.

(* THE MEETING WAS ADJOURNED AT 10:52 A.M. *)

_ _ DENOTES BEING SPELLED PHONETICALLY.