

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, August 1, 2007.

MEMBERS PRESENT:

Legislator Wayne Horsley - Chairman
Legislator Steve Stern - Vice-Chair
Legislator Tom Barraga
Legislator Ed Romaine

MEMBER NOT PRESENT:

Legislator Vivian Vilorio-Fisher

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Joe Schroeder - Budget Review Office
Joe Muncey - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - County Executive's Office
Allen Kovesdy - CE's Budget Office
Carolyn Fahey - Economic Development
Charles Stein - Suffolk Community College
George Gatta - Suffolk Community College
James Morgo - Commissioner - Economic Development
Chris Kayser - MGP Task Force
Adrienne Esposito - MGP Task Force
Dr. Shirley Pippins - President SCCC
Angela Arena - SCCC Compass

Terri O'Keeffe - SCCC
Henry Kleitsch - H&H Technologies
David Bottomley - ADDAPT
Matthew Jennings - SCCC
Margaret Raustiala - Alliance of LI Agencies
Kevin Peterman - SCCC
Tom Breeden - SCCC
Debra Alloncious - AME Legislative Director
Kenneth White - Brookhaven National Lab
Ellen Schuler Mauk - SCCC
Tony Levens - General Motors
Peter Quinn
Carmine Vasile
Daniel Moran
Virginia Walker
Stanley Barkan
Barbara Donovan
Graham Everett
Anthony Dolan
Clare White
All other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:07 P.M.*)

CHAIRMAN HORSLEY:

Good afternoon, everybody. Welcome to Economic Development, Higher Education and Energy Committee Meeting of August 1st, 2007. May we all stand for the Pledge.

SALUTATION

CHAIRMAN HORSLEY:

And may we all stand for a moment of silence for those young men and women who are protecting our freedoms across the seas and throughout the world.

MOMENT OF SILENCE

CHAIRMAN HORSLEY:

Thank you very much. Please be seated. All right. The first course of business is to hear the public hearing on the Suffolk County Community College Budget. And let me ask the Clerk if the affidavits for the public hearing were properly posted and in accordance of law.

MS. ORTIZ:

Yes, they were.

CHAIRMAN HORSLEY:

Thank you very much. All right. I have a number of cards on the college hearing. And I believe that's what we'll do first, and then we'll hear from Dr. Pippins. Is that appropriate, Dr. Pippins? Where are you.

DR. PIPPINS:

That's fine.

CHAIRMAN HORSLEY:

There you are. I couldn't see you. All righty. The first person we'd like to hear from is Angela Arena, Suffolk County Compass, Editor-in-Chief. What Suffolk means to me. Come on up, Angela.

MS. ARENA:

Hi. I was asked to come speak on behalf of the college about what Suffolk means to me as a student. I am the co-editor of the Compass, the paper. I do love Suffolk. And it has given me a lot of opportunities. I have saved a lot instead of going to a four-year school. But I do have a few qualms about the school itself.

My first issue is this semester tuition went up again. Because it did, I lost money in financial aid and a thousand dollar was cut. So this is the first year I've had to pay out of pocket for books and some tuition. So my question is why is this aid being cut so much that I am now suffering and perhaps not being able to buy my textbooks this semester.

CHAIRMAN HORSLEY:

Angela, just so you understand, this is a public hearing for you talk to us about your concerns. We may not be answering your questions.

MS. ARENA:

Okay. I do like Suffolk a lot. It has given me these great opportunities, but I feel like on some points the school does -- we do suffer a little bit. Some of my classes in the summer, we have hot air blowing out of the vents. In the winter we have air conditioning blowing out. Textbooks continue to cost me a hundred dollars a piece when I'm at school. And while that does happen, I do have other good opportunities that I do like about the college.

The newspaper brings in a tremendous amount of money each year for student activities, but when the budget comes around, we still don't always have the money to purchase the things we need and to do the things we need to do. We're going on a trip to Baltimore this week to meet with the Society of Professional Journalists, and we didn't really even have the cost to get everyone there and do transportation.

I don't -- I was only asked to come here yesterday, so I'm really not that prepared to speak, which is why I may be babbling. I don't know what else to say except that while Suffolk does give a lot of opportunities and scholarships, I think that we can do more for the students to help us prepare ourselves to give better money for people like me who are independent and can't afford to pay the tuition as it increases and pay for textbooks.

CHAIRMAN HORSLEY:

Thank you. Thank you very much, Angela. We appreciate your comments. And I just want to let you know that we, at the Legislature, read your publication, and we always feel you do a pretty good job.

MS. ARENA:

Thank you.

CHAIRMAN HORSLEY:

Congratulations. Terri O'Keeffe, Suffolk County Community College Budget. Terri O'Keeffe.

MS. O'KEEFFE:

Good afternoon. I'm standing here today as a very proud graduate of the 2006 Class of Suffolk County Community College. I eagerly accepted the opportunity when I was offered to come here to speak on behalf of the college. It was the least that I could do give back to a school that gave so much to me.

I started my education at Suffolk as a 33 year old working wife and mother of three children whose daughter was about to embark on her own college career. And although I was not a young person just out of school, I still had no idea what I wanted to be. And it was through the strong academic support and also the extra curricular support that I -- although it took me five years and two changes of a major, I left Suffolk prepared to move on to a four year institution, which I am at right now. And in I'll receive my BSW in May and my MSW the following year.

I entered the school a high school drop out with a GED, and I graduated the top of my class, a very successful student. I won many, many of the student -- the college's top awards. My success at Suffolk also gave me the opportunity to earn scholarship opportunities at the four year school that I'm at now, which makes -- made it even more affordable. I have a son, he's a junior in high school this coming year, and it's hands down, the college talk is already Suffolk for two years.

I do have to say though, as we know all, it's getting harder and harder to live on Long Island, especially in Suffolk County. My husband and I are not young people. We're both approaching middle age. We own our own home. My husband makes a decent salary, however, month to month, we worry as to whether or not we're going to be able to make it, and especially if we're going to be able to make it until I graduate from my four -- you know, with my masters degree.

In order to live on Long Island, you need to have an education. And as a taxpayer of Long Island, I feel that the County has a responsibility to its residents to provide a quality education. And quality education is affordable education. So, you know, I'm in support for the County supporting the college's budget so it can, you know, help others the way it helped me. That's it. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Terri. Henry Kleitsch, H&H Technologies.

MR. KLEITSCH:

Good afternoon. My name is Henry Kleitsch. I grew up on Long Island and graduated from Hofstra University with an MBA several years ago. I'm the owner of three manufacturing companies on Long Island, and we employ about 60 people. I started the first business 27 years.

Long Island is a very high cost area, and we've had a real challenge getting skilled people for a number of years now. I've been involved in some manufacturing committees on Long Island. And I've been one of the biggest advocates of trying to get skilled people on Long Island. The businesses that we are in is really the hard core of manufacturing, it's machining and sheet metal. And we're trying to get people. A lot of companies in this industry put ads in the paper, they hardly get any response at all, and the response they get, the people are not really that skilled.

One good thing about Suffolk Community is they're stepping up to the plate, and they're starting to offer programs that are going to help small manufacturing companies on Long Island. Long Island, I feel, can be very competitive in the low to middle volume high-tech sectors. So even though a lot of parts are going off Long Island or out of the United States to China or whatever, there's still a big demand for manufacturing in the US. And a lot of areas in the United States are not really stepping up to plate to train their people, they're just kind of resigned to the fact that jobs are going to be lost, which is not really true, because we have customers all around the United States, and I've even heard that there's a shortage of manufacturing companies currently out west where a lot of manufacturing companies are doing work for let's say Boeing or whatever. Now they can't get at adequate shops. So there's really a bigger demand.

And also, one of the ways that we can compete is to invest in high tech equipment. And the high tech equipment requires skilled people. And that's what Suffolk Community is now looking to do, to train people from the bottom up to get people to be able to work this equipment. And they have a whole plan in place. I'm involved in the curriculum to help John Lombardo with this program. So I feel it's very, very important to continue and even expand this program to support local manufacturing, because manufacturing offers a lot of jobs to this industry. That's about it. Please continue to support this program. And thank you for your support so far with this program.

CHAIRMAN HORSLEY:

Mr. Kleitsch, let me just add as Chair of Economic Development as well as my fellow colleagues here on this board, we are supportive of that mission as well. We recognize that you're the base and the bottom line of Long Island economics. So keep up the good work. Thank you for being a part of this.

MR. KLEITSCH:

Thank you very much. We appreciate the support.

CHAIRMAN HORSLEY:

Mr. David M. Bottomley.

MR. BOTTOMLEY:

Good afternoon, Ladies and Gentlemen. David M. Bottomley. I'm the Executive Director of ADDAPT, a not-for-profit organizations that's been representing the aerospace industry on Long Island for 18 years. The recent alliance of ADDAPT and the HIA high tech engineering and manufacturing firms representing 200 Long Island firms, employing 24,000 workers, manufacturing components and systems for the aerospace, electronics, computer, communications, medical electronics industries was completed about a year ago in April.

This alliance allows us to more effectively address the major issues facing our manufacturers. Economic and workforce development -- and, of course, what we're talking about here today is workforce development, high taxes and high energy costs. Recent studies indicates there's

approximately 54,000 people employed in high technology aerospace, avionics, commercial, electronics industries and manufacturing industries on Long Island. That's sort of a well guarded secret. Everybody believes Long Island doesn't manufacture anything any more. The key is high tech.

These industries contribute \$5.6 billion to the local economic, that's just in Nassau and Suffolk. The employees in these industry clusters average \$60,000 a year, average. That means there's people making 150, two hundred grand. And the entry level jobs are 25 to \$30,000 which are much better entry level jobs than most other adventures of Long Island. It also -- that reflects a factor of 2.4 relatively high level of productivity, because these industry clusters contain a high proportion of professional and technical workers.

The continued viabilities of these Long Island industry clusters is driven by the requirements to contain -- continue to train the existing workers in the latest design and manufacturing technologies in order to improve productivity for employee and attract younger entry level students, high school and college, who have the skills necessary to work for these industry clusters.

The Metropolitan New York area, as we all know, has the highest cost of living in the United States, including state and local taxes, making it difficult to hire employees with the required skills from out-of-state. The only obvious solution to this challenge is to continue to develop new cutting edge technology on Long Island coupled with continuous improvement of the development of the skills of the existing workforce and the entry level high school students.

Existing Suffolk County Community College Megatronics Workforce Training Project is an example of what can be accomplished when government, you folks, academia, Suffolk Community College and the business leaders of the these industries cooperatively create projects that support critical workforce and economic development.

CHAIRMAN HORSLEY:

Mr. Bottomley, please wrap it up.

MR. BOTTOMLEY:

Okay.

CHAIRMAN HORSLEY:

Thank you.

MR. BOTTOMLEY:

I want to thank you all of in the Legislature, New York State, Federal Government for funding the Suffolk County Community College Megatronics Training Program and ask on behalf the Long Island industries I represent to continue that support. This isn't going to be over with in a year. This is a long term project that's very important to the economy of this County and the state. Thank you.

CHAIRMAN HORSLEY:

Mr. Bottomley, thank you very much for your assistance in working with our educational process. It's heartwarming, and your message is right -- right on the message.

MR. BOTTOMLEY:

Thank you.

CHAIRMAN HORSLEY:

Okay. Mr. Matthew C. Jennings, Suffolk County Community College Student Government Association.

MR. JENNINGS:

Good afternoon. I'd like to thank the Legislature for affording me the opportunity to speak to you

today, and I like to afford the college the same thank you as well. I would like to share with you my experience at Suffolk County Community College. Among the educational benefits that I've received from attending Suffolk County Community College, I've also learned leadership skills and I've learned to value my education. I've learned to value my education because of understand -- I've come to understand that you have to work for it. I among many others at Suffolk are a non traditional working student.

I've been at Suffolk County Community College since 2002. Largely at the result of car accident in 2003, they kept me out of school. But I've been a full-time student, I've been a part-time student, I've attended day, evening, and night classes. And I have had to shoulder the burden myself by paying tuition out of pocket. Since 2002, I've seen tuition increase steadily. In 2002-2003, the tuition rate was \$2500 per school year. And now we are looking at a possibly \$3360 tuition rate.

But I would like to urge the Legislature to aid the school and continue aiding the school because of the benefits that it will see in return. The value of education is very important, and students will come out of Suffolk County Community College as leaders. The school cultivates leadership in its students and it encourages them to reach within themselves and strive for excellence. When I graduated high school in 2002, I was at about the 50 percentile in my class. Now, when I'm leaving Suffolk this semester, I expect the results to be much higher. I've received a 3.9 or better grade point average in every semester consistently since the fall of 2003. And I cannot -- I cannot say enough how well of a job that the people at Suffolk County Community College do to help cultivate each student individually and help them attain goals.

I hope to use this opportunity given to me by the college to continue my education. And I will apply for grants and continue in the SUNY system. But again, students at Suffolk County Community College work, they have jobs, they have families. And on behalf of those students who can't afford to only going to go to school, I do urge the Legislature to help those students in any way possibly.

Further, as stated earlier, the Middle States Committee recommended replacement of equipment and infrastructure, and for that, I ask, again, the Legislature to help us. Finally, Suffolk County Community College, again, as stated earlier, helps out the community when we're asked to. We provide training and services to help better students and help them to become better citizens. When asked we have -- when asked to fulfill task, we do. I can say the Auto Technician Program or the Nursing Program, just to name two programs in which the college has helped the growing need for nurses and auto techs. But we give back to the community. And just to wrap up, I'd like to thank the Legislature again for allowing me to speak here today.

CHAIRMAN HORSLEY:

Nice job. Margaret Raustiala, Alliance of Long Island Agencies.

MS. RAUSTIALA:

Hi. Thank you for this opportunity to address you today. The Alliance of Long Island Agencies is an association of some 23 provider association that provide service to people with mental retardation and developmental disabilities on Long Island. They employ some 10,000 employees. The relationship that the Alliance has the college is a unique one, I believe. We've been talking about -- you've been hearing a lot about the Undergraduate Program, this is a Continuing Education Program that was started in 2001.

The provider association had a problem with recruiting and retaining staff. And in order to improve the recruitment and retention of direct care staff to serve people with mental retardation, we started a program, a five-course program, that Suffolk Community helped to create. And to this point, some 700 individuals have passed through that program. Approximately 200 -- I'm sorry. Approximately 230 have completed the program. And in 2005, we started an AA Program. Why is this important? Because the recruitment and retention problem is really being improved because of this program.

Across the United States, the turnover rate is some 50%. The turnover rate for people in this program is 80%. And why is that? Because the students are often non traditional students who never had an opportunity to go school and the teachers at Suffolk are so incredibly dedicated. I can't tell you how dedicated they are to these students. And the students feel so committed to the program and to the fact that the agencies are supporting them in this program, that they continue to work. Additionally, a benefit is that the people with mental retardation have a better qualified workforce. I urge you to continue to fund Suffolk Community College. I and wanted you to know that there are other programs besides the Undergraduate Program that truly assist the community at large. Thank you.

CHAIRMAN HORSLEY:

Thank you Ms. Raustiala. Kevin Peterman of Suffolk County Community College.

MR. PETERMAN:

Good afternoon. If you remember, I think I testified on June 26th out in Riverhead. I think I gave a lengthy speech, so I'd rather not go any further.

CHAIRMAN HORSLEY:

Let me just put this timer on then.

MR. PETERMAN:

I actually wanted to win the award for the shortest. I just wanted to say thank you for your past support. And we're hoping that you can continue supporting us in the future. And I just want to thank you.

CHAIRMAN HORSLEY:

Not bad. I think I've managed this thing. Tom Breeden, annual budget, Suffolk County Community College.

MR. BREEDEN:

My name is Tom Breeden, I'm the President of Middle Management at Suffolk Community College. And you can tell it's early August, because here I am again testifying before the Legislature. It is always my pleasure to thank the sponsors of Suffolk Community College personally. You have done a good job in the past. I am hoping that you'll do yeoman's work and do perhaps a little better this year. Let me explain why.

As you know, the Community College enrollment roughly anti correlates with the economy. So that when times are bad, more students take courses, because they're looking to get education to get a jobs perhaps that they don't have, but the County has no money because it's bad times. Then when the times are good, then our enrollment tends to go down. And perhaps you have the money to give us a little bit of extra to repair those broken concrete sidewalks, those leaky roofs, but then we don't really need the money, because the enrollment is down.

Well, at this point in time, our enrollment continues to climb. I believe the County has a reasonable budget surplus. We all know the rate of inflation is roughly 3%, so that 3% increase from the County effectively buys -- maintains the buying power of the Community College and does not provide even a dime to remediate broken concrete and those things that we all see and complain about.

I'm asking you to do hero's work and approve the 4% increase of the County share as requested by the Community College. I assure you the money will not be wasted. I assure you the number one reason why students drop out of our college is paying the tuition. As modest as it sounds to you and me, believe me. I know it sounds very modest, but a minimum wage a Federal minimum wage job is \$12,000 a year, measured against that, the 3300 is non negligible. So I appeal to you, give us the 4% increase. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Tom. All right. Debra Alloncius.

MS. ALLONCIUS:

We're going to do a little bit of a tag team with Josephine {Passentino} from AME.

MS. {PASSENTINO}:

I'm Josephine {Passentino}. I'm the Second Vice-President of AME. I am also a Suffolk Community College employee. I'm very proud of the partnership between Suffolk Community College and AME. Suffolk Community College has been very supportive of AME and vice versa. They have supplied us with excellent educators. We have utilized their educators this past year for notary training for AME officials. The Executive Board and Cheryl Felice are in support of a 4% increase for the budget for Suffolk Community College.

MS. ALLONCIUS:

Good afternoon, Mr. Horsley, Members of the Committee. My name is Debra Alloncius. I am the AME Legislative Director. I'd like to start off by commending the County Exec for the addition of the six new positions, but we need the vacancies filled also. There's 15 vacancies over there. That's tough. We know what it's like for each division to function. But for the college to be down that many vacancies, perhaps we can fill some of them.

And they should heed BRO's advice regarding the animal care taker position. We have to pay attention to the accreditation. That's most important. And the Assistant Director of Public Safety, that's kind no a no-brainer. In today's age of all the violence and things that are happening on campus, if you hear some of the stories about problems that they have, public safety is very important. And that position should definitely be filled.

Tuition should only be increased in direct proportion to the bottom line figure necessary to run the college in a fiscally prudent manner until such time as enrollment is at a minimum 2% higher than the prior year. And it's extremely important that Suffolk Community College receive the funds necessary to retain its high standards so it may become a part of the legacy of thousands of future Suffolk County residents. I would venture to say probably 30 people or more in this room could raise their hand right now having spent time in Suffolk Community College. I know I can. I'm back there now, because I've yet to get that language to fulfill my deck over at Stony Brook. So why not take it at Suffolk? It's a wonderful place. My associates is from there. It's a great institution. But I know you gentlemen are all behind it. Thank you. Have a great day.

CHAIRMAN HORSLEY:

Thank you very much, Ms. Alloncius. Kenneth White from Brookhaven National Labs.

MR. WHITE:

Hi. Good afternoon. Thank you for allowing me this opportunity. My name is Ken white. I manage the educational programs at Brookhaven National Laboratory. I'm sure you are familiar with the laboratory. It's a high-tech facility with a scientific staff and a larger administrative and support technical staff that rely heavily on well trained applicants in those positions. Similar to what David Bottomley said about ADDAPT, we at the laboratory have a very challenging problem in terms of recruiting high-tech people to come out here and live. And so Suffolk Community College, what they offer is they offer students who have family ties here, who have housing capabilities here, who are quite talented and they provide access to the diversity that we need as well in terms of our workforce.

Those students, many of whom come to the laboratory and serve as co-op students to augment our work for us also work with our scientific staff, build their skills and go on into Stony Brook University, which is a strong feeder into our programs at the laboratory, whether they're physics programs or engineering programs, chemistry, medicine, they all end up with an opportunity to come to Brookhaven because of the relationship between the two institutions. So I strongly support

and hope you will as well the Suffolk Community College programs and the activities they provide for our workforce.

Also beyond that, our own workforce uses those facilities and those classes as an opportunity. I myself completed some of my undergraduate work there which enabled me then to go on to my graduate programs. And so our own employees are using those facilities in addition to other people who are not within the laboratory. We also work closely with some programs there, and I think the relationships that get built between an institution like Suffolk Community College and Brookhaven become very important. We have two programs that are funded with support from the State; the Science Technology Entry Program and the College Science Technology Entry Program, which bring many, many students most of whom are underrepresented or do not have access to programs that they might otherwise come out, work with the Community College and oftentimes interact with Brookhaven National Laboratory and research certification and other licensing programs.

So the relationships we've built with the college and those programs supporting those administrators and that type of program in addition to the normal academics become very important things, I think, in terms of a local workforce who has the opportunity to come here and work. I highly encourage the Legislature to support the Community College at the 4% range and to sustain those programs that they're offering and relationships they bring in terms of qualifying our people for the workforce demands which are getting increasingly technical and require a high level degree of education. And the access to those programs comes through places like Suffolk County College. They're affordable, allow some of these people who are underprivileged to access them and boot strap themselves up into working in places like Brookhaven. So I hope you will support it, and thank you for this opportunity.

CHAIRMAN HORSLEY:

Thank you, Mr. White. We appreciate your comments. We appreciate the Brookhaven National Labs. And it's good to see that your budgetary woes seem to be -- at least by paper, it sounds like they're getting better. So that's good -- good news for Long Island. Stable sometimes is good. That's not a comment. Ellen Schuler Mauk.

MS. SCHULER MAUK:

Good afternoon. Ellen Schuler Mauk, President of the Faculty Association. And I'm glad to be here again this year talking about the College budget. I want to thank the Legislature for your past support of the Community College. And we at the college know that the Legislature has been highly supportive of the college for several reasons, one of which is the fact that you truly believe that there needs to be a quality institution that's affordable for all the citizens of Suffolk County. And by your support, you are underscoring that very point.

The other part is also I think that you're very supportive, you're very committed to the students at Suffolk Community College. And your support in the past has gone a long way to ensuring that the County contribution is reaching the one-third point that is so necessary, because every dollar to you put in means that that's money that does not have to go toward student tuition to make sure that there are quality programs and that the college budget can be managed.

So again, I thank you for your past support. And I'm hopeful that this year you will also provide the appropriate contributions so that any increases in tuition can be minimized, because the County will be carrying its fair share for the Operating Budget of the College. Thank you.

CHAIRMAN HORSLEY:

Thank you very much. All right. I believe that's all the cards I have on the Suffolk County budget. Are there anyone else -- does anyone else like to speak? Okay. There are a few that -- why don't we take one at a time. Sir, why don't you -- in the yellow, why don't you come on up? Your name, sir.

MR. ROMAS:

Mike Romas. Thank you for this opportunity. I coordinate training in professional development for Developmental Disabilities Institute. Many of you may be familiar with DDI. We support adult and children with autism and other developmental disabilities, probably one of the largest providers on Long Island. And I'm delighted to be here in support of legislation for Suffolk Community College. We have partnered with Suffolk Community College on many occasions to implement some new trainings.

I should tell you -- not that I need to tell you -- that there's an enormous crisis in the field of developmental disability with respect to keeping direct-care staff. You know, I've been with the agency for quite some time, and I can tell you it has just not gotten any better with the exception of the support that comes through training. In addition to my role as coordinator of professional development, I receive a lot of the exit interview information. And in addition to the obvious issue of poor pay, one of the things that staff repeatedly talk about is lack of recognition. So training operates on several levels that seems to really recognize staff.

And one of the things that I'd like to kind of make a real point about with respect to SCC specifically is the lengths they have gone to meet our training needs. I mean, not just, you know, standard trainings, but both clinical and managerial and supervisory trainings, and also at all sorts of times, at our program sites. So that combination of accessibility and diversity of training has been absolutely indispensable toward keeping our staff. And we're beginning to see that in terms of increased marketability of our staff and just in terms of a soft consequence, a greater morale. So thank you.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Romas. Appreciate your comments. Gentleman in the back.

MR. LEVENS:

Good afternoon. My name is Tony Levens. I'm representing General Motors Corporation and Raytheon. In 1986, Suffolk County Community College and General Motors forged a partnership. Since that time, this partnership has included General Motors service training for our GM dealerships and a two-year degree program to prepare our future technicians for work in GM dealerships, this particular program called the GMASEP Program. Only last week I asked the college if they would be willing to work with me on behalf of ACDelco, a division of General Motors, to conduct a pilot training program to access is there is enough demand to support yet another program at Suffolk County Community College.

In the near future, GM plans to roll out training for your 2010 model fully hydrogen-powered vehicle, and we hope Suffolk will be able to assist us as part of our ongoing partnership. By keeping the programs I just mentioned at Suffolk County, it has given the GM dealers in Suffolk County the ability to substantially reduce their travel costs and sustain their ability to provide highly trained college educated service technicians to assist the needs of their customers. GM's investment in Suffolk County is a sign of GM's belief that the local economy is strong, and hence, their investment solid. It also attracts individuals from other counties, hence supporting the local economy with respect to hotels, restaurants and area shopping.

In my role as a Raytheon Corporate Northeast Regional Manager, I not only manage the GM training contracts but am responsible for several other training related programs, both automotive and non automotive. The most recent training contract awarded to Raytheon is the DTE win, which is a \$26 million contract to train power and utility companies with respect to everything from pole climbing to hydro electric power plant operations.

Clearly, as Raytheon continues to follow its solid track record of performance, we will need resources such as Suffolk County Community College to execute the various training contracts for the delivery of this training. I would sincerely like to believe that the support, the resources and the relationships which have begun this partnership over 20 years ago will continue to be in place as we grow as a company, and through our partnership, Suffolk County Community College and the Suffolk County economy grow with us in this mutually symbiotic relationship. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Levens. And I must -- as we've said with some of the other speakers, we do appreciate your inclusion in working with Suffolk Community College. We've come a long way since your involvement. Thank you.

CHAIRMAN HORSLEY:

All righty. Would anyone else like to be heard on the Suffolk County Community College's budget? Dr. Pippins, would you like to join us? And Mr. Stein and Mr. Gatta.

DR. PIPPINS:

Good afternoon.

CHAIRMAN HORSLEY:

Good afternoon.

DR. PIPPINS:

Let me begin by thanking you for this opportunity to address the committee. With your support we continue to meet our mission and provide high quality affordable education while at the same time supporting economic development. I want to also take this opportunity to thank the Budget Review Office for their usual thorough analysis and also thank them for giving us a seat here today at the table.

Four years ago -- and it's hard to believe that it's actually been four years -- but together at that point we established the goal of having Suffolk County Community College recognized as College of Excellence on the regional, national and international level. We now have more students being successfully prepared for careers than at any other time in the college's history. And we're also the largest community college in the SUNY system.

During that four year time, we've opened the satellite center in Sayville. We have, in fact, graduated our first partnership nurses. We've moved forward with a satellite center in Riverhead. The ground breaking for that center in Riverhead not only signaled increased access, it also supported economic development. Our Honors Program has grown tremendously in those four years. Our Automotive Program, which you just heard about, was already recognized nationally. But we recently became one of 17 schools nationally and the only school in the Tri-State area to be part of the Honda Program. Our College Success Programs are producing impressive results. Our foundation is moving forward, completing their second annual fund and reinvesting about \$305,000 into the college this year primarily scholarships.

Our Dual Enrollment Program is moving forward. Thanks to the support and encouragement of Legislator Horsley, we now have juniors and seniors taking college-level courses during their normal schedules in high schools. Our Megatronics Program is funded and is the recipient of the largest grant in the history of the institution and the only program of its type in New York State. And we doing all of this, and at the same time, having the lowest administrative cost of any community college in SUNY system.

Our performance was recently validated by Middle States. When visited us, they said that we made significant progress recently, that we're a strong and successful institution and that they left inspired by our work and confident that we will continue this important transformation. We need your support to continue our pursuit of excellence and to continue the transformation of this institution. We're proud to say all that we serve of our citizens, whether they come to us as honor students or those involved with special initiatives. We have 613 honor students, the largest class ever. And just recently, we had five honor students transferred to the University of North Carolina, Chapel Hill, no small accomplishment.

We also provide assistance for students moving from public assistance to self-sufficiency. And

again, we're doing all of this with the lowest tuition on Long Island providing savings for Suffolk County families. As we look forward, we realize that 90% of all the high-wage jobs will require a college degree or post secondary training. Suffolk County Community College is vital to the County in this effort. In these challenging times, Suffolk County Community College is a strategic investment. We support the County's desire to establish a high-tech workforce that will continue to expand our economy.

As an institution of Higher Education, we understand the impact of the rising cost of higher education. And as an institution, we are doing our part to maintain affordability and access. We're holding down the cost of higher education through several strategies; first, we're working to diversify our funding base; we're implementing internal efficiencies; implementing cost avoidance and saving strategies, and we're enhancing our use of technologies through banner and other strategies.

Our foundation, as I moved -- mentioned earlier, is moving forward, but they've also done the ground work for a major gifts campaign in the Year 2009 to coincide with the 50th Anniversary of our institution. Our nursing partnerships are generating about \$4.4 million. And we're also looking for partnerships to support our LPN Program. We're very proud of the progress in grant -- grants that we've received over the years. And recently, we received the largest National Science Foundation Grant in the history of the institution. And that project will fund 30 scholars annually.

Internally, we're renovating our facilities using Suffolk County Community College teams producing impressive results at greatly reduced costs; renovating Kreiling Hall, renovating the annex, the Riverhead Building, the Southampton Building, renovating Human Resources. And we thank you very much for your support to the Huntington Library, a new face with the furniture that you supplied. And just on a lighter note, we've actually been involved in cleaning up the campus ourselves. I think you see our lawyer and the vice president for finance there.

CHAIRMAN HORSLEY:

I love that.

DR. PIPPINS:

It's a fund day. Internally, we're monitoring programs, looking at enrollment, conducting assessment and comparing ourselves to our peers and making adjustments as appropriate. You know about our earlier savings through LIPA and NYPA, but we're implementing similar actions in other parts of the campus. We're looking at academic affairs making adjustments, using grant funds to avoid costs in computer replacement, again, with the lowest administrative cost in New York State. These are not Suffolk County Community College figures, these are SUNY figures. The average is \$806, we're at the very bottom with \$392.

We believe that we are meeting our mission, we're providing educational opportunities for our citizens, we're expanding partnerships, we're supporting Legislative priorities, and we're working hard to hold down the cost of higher education. With everyone's support to date, we've been able to maintain affordability. We believe we move forward in that same spirit with 2007-2008 budget requests. In terms of students needs and organizational needs, we're looking at counseling, teaching, resource development, distance education, safety and security. In terms of financial challenges, no surprises to you, health premiums, energy costs, salary adjustments, that at the same time we want to implement a five-year plan to begin addressing critical equipment needs and to implement our commitments to Middle States for future reaccreditation.

Our budget requests includes 12 positions generally in response to accreditation requirements; three counselors, Middle States; four faculty members for partnership efforts; an Associate Dean for sponsored programs to generate additional resources and support Middle States Requirements; Assistant Director of Public Safety to address issues in that area; a PA for distance education to support and address dramatic increases in this area; an animal care taker in response to accreditation requirements; and a PA for institutional advancement, again, to support our work in

preparation for a major gifts campaign; more specifically, in nursing, two assistant professors to support our program on the East End and to expand nursing partnerships; in the culinary arts, two assistant professors to expand the programs at Riverhead and to address increased enrollment; in distance education, a PA to address the growth, but also to provide options in terms of quality assurance, which are real issues when you talk about distance education.

In terms of counselors, Middle States cited the fact that we were well below national norms in terms of the number of counselors that we had at our institution. We made a commitment in the Middle States response to request three counselors every year until we've met national norms. We're looking for one counselor in central admissions to support international students and two for our very successful College Success Program, which looks at the needs of students facing real challenges.

An Assistant Director for Public Safety, again, to address issues in this area. An animal care taker to address accreditation issues. An institutional advancement of professional assistant to do research on potential donors and maintain records in that area. In the grants area, someone to not only bring in grants, but to assure compliance and management of our resources in this area. As you reflect on the presentation that we've made this morning, I ask you that you just step back for a moment and listen to the voices of your constituents.

(*A VIDEO PRESENTATION WAS GIVEN*)

DR. PIPPINS:

We believe that we've taken what you entrusted to us and advanced this institution significantly. We request that you continue to support the college so that we can continue to produce impressive results, results that will benefit individual citizens and Suffolk County in total. Thank you very much.

CHAIRMAN HORSLEY:

Thank you very much, Dr. Pippins. Nice use of technology, I like that. That was a good segue, it blended right in. I loved it. Good work. Gentlemen, did you have anything you would like to add along with.

Dr. Pippins' statement?

MR. STEIN:

Well, I think you have the Budget Review Office analysis.

CHAIRMAN HORSLEY:

We'll be having them come up in a second.

MR. STEIN:

You might want to go, you know, with that presentation.

LEG. HORSLEY:

Okay. Good. Dr. Pippins.

DR. PIPPINS:

We're available to answer any questions that you might have now or at some later point in the proceedings.

CHAIRMAN HORSLEY:

Are there any questions from any of our Legislators?

DR. PIPPINS:

Thank you.

CHAIRMAN HORSLEY:

Thank you very much. We will call you up if something comes up.

CHAIRMAN HORSLEY:

May I ask Mr. Allen Kovesdy -- allen.

MR. KOVESDY:

Thank you very much. Allen Kovesdy from the County Exec's Budget Office. This is a tough act to follow. We have just have a few very general comments about the budget. First, the County Executive received the budget from the college which had a \$260 tuition increase, which the County Executive in his presentation reduced to \$120 increase. We reduced that by \$140 in the budget. Number two, the budget that the County Executive presented to you had no tax increase for the general public, and there were no tax increases moving from the college budget into the General Fund budget, which you will deal with in a few months.

What we had done is we had reviewed Budget Review's Report, excellent report, which we had gotten on Friday. And we found that there was very little difference between the numbers in the Budget Review Report and in the County Executive's presentation. We found that in the personnel line, which is the single biggest line in the budget, there was no disagreement between the County Executive and the BRO Office. We found in equipment for 2006-7, there was no difference. There was a slight difference in equipment for 2007-8. The basic comment was that some of the equipment was five years old and needed a replacement. I just wanted to pointed out that the County does not have a general policy of replacing equipment every five years. The only policy the County currently has is computer equipment gets replaced between the fifth and the sixth year.

Supplies, there was a minimal disagreement of change, \$135,000 over a two-year period, which is neither here nor there. The biggest single difference that we found was on the energy line. The Budget Review Office, with later information, has about \$1.3 million in additional energy cost between '06 and '07 and '07 and '08. What we would like to do is we'd like to work with the Budget Review Office and the college and try to get a consensus number for '06 and '07 and '07 and '08 before you vote on the budget. We're willing to work with Gail and her staff, Chuck Stein and his staff to give you a number that we all agree on. The energy costs are the energy costs. There shouldn't be a disagreement on that. You have 11 months worth of actuals. We can nail this number to everyone's satisfaction.

So we ask that before you codify the budget, you give the Executive Office along with Budget Review a chance to review those numbers so everybody is happy with it. The other numbers, there's a slight disagreement on fringe benefits. But all in all, there's only \$1.2 million on this whole budget between the Budget Review Report and the Executive presentation that's a difference. That equates to 3.2% increase in the County share. The County Executive who I'm representing is very happy with the budget he presented. We will review and would like to review with Budget Review area where better information may have changed things. And we'd ask that you give us that opportunity in the next two or three days before next Tuesday's vote to do this. And we will get back -- I'll get back with Gail and she can present it or I can present what those actual numbers are in those categories.

I have my staff with me to answer any particular questions. But I just wanted to point out again that any tax increase rolls over from the college into the General Fund and it gives less flexibility for the County and ourselves when you're voting on the General Fund Budget. But we would like to work with the Budget Review Office and I and any of the minor differences that we did. I also want to point out that when college presented the budget, along with their \$260 increase, they had no increase in the County contribution at all. So thank you very much for your time.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Kovesdy. It's so nice to here two budget offices coming together on numbers. It's very good. Allen, Legislator Romaine.

LEG. ROMAINE:

Hello.

MR. KOVESDY:

Professor Romaine.

LEG. ROMAINE:

Just a few questions. Tell me about the energy cost differences. How much did the County Executive budget for energy for the college?

MR. KOVESDY:

We took the numbers that the college had presented. As of now according to the system, there's \$4.6 million that has been spent. There's approximately one month left to go. We'd like to do some history as to what was spent in the month of August. We took the college's estimates.

LEG. ROMAINE:

Do you believe -- well, that's unusual, because you usually don't take every department's estimates, you usually bring your best-faith effort to this. Do you believe energy costs are rising or declining? Or if have to make a projection and you have to be careful about projections so that at the end of the day there's some money left in the till, would you expect that energy costs would rise or fall or what?

MR. KOVESDY:

I'd like to have the opportunity to redo the number based on the information we have to date. We did it with nine month actuals. BRO did it with ten and a half month actuals. We'd just like to use the best information possible.

LEG. ROMAINE:

Let me talk about the reserve fund for a second. Tell me how that worked. My understanding is that the County Executive -- I'm talking in very round numbers -- took one and a half million dollars out of the reserve fund, gave the college back about a half a million dollars and then applied a million of it to this year's -- his proposed budget; is that more or less correct?

MR. KOVESDY:

That's very accurate, yes.

LEG. ROMAINE:

Okay. Explain the philosophy behind raiding the reserve fund.

MR. KOVESDY:

There is a question and a disagreement -- and if you read the Budget Review Report, they even noted it -- as to what is actual the reserve in the -- that the college has.

LEG. ROMAINE:

I'll leave that to the auditors, although the auditors at this time, from best understanding, have a huge question mark over what's in the reserve account. But I'm trying to figure out why the County Executive would raid the reserve account and then try to hide that raid by giving a third of what he raided back. I'm just trying to figure out what the financial underpinnings of that were.

MR. KOVESDY:

I wouldn't use the word raid, I would say that the County Exec presented a budget which lowered tuition and did not raise taxes, and this was one of the many vehicles available for him to do so.

LEG. ROMAINE:

Allen, I know why you are Deputy Budget Director.

MR. KOVESDY:

Thanks, Ed.

LEG. ROMAINE:

Okay. Thank you, Allen.

MR. KOVESDY:

You're welcome.

CHAIRMAN HORSLEY:

Thank you very much, Legislator. Legislator Barraga.

LEG. BARRAGA:

I just want to go back to the reserve fund. As Mr. Romaine pointed out, currently the reserve fund was reduced by \$1,460,000. And it's a policy decision to use the reserve funds to balance the budget. Then \$500,000, according to this, is then transferred back with a net reduction in the reserve fund \$960,000. Does that still hold true?

MR. KOVESDY:

Yes, sir.

LEG. BARRAGA:

All right. So we're talking about a Budget Review Office recommendation that still has the \$960,000 reduction in the reserve fund as well as the County Executive's proposal?

MS. VIZZINI:

The Budget Review Office described the situation, we didn't make any one specific recommendation in terms of restoring the reserve fund. But I am sure you remember from last year's working group conversations related to the use of the reserve fund and the significance of it. It is a one-shot, but it would be a policy decision as to whether to use --

LEG. BARRAGA:

If my memory serves me right, because I happened to be on that group, there was discussion with reference to reducing the reserve fund, but it was rejected by the group and rejected by the Legislature in the end, right?

MS. VIZZINI:

That was last year, yes.

LEG. BARRAGA:

Okay. On Page Two of the Budget Review Report, under positions it's pointed out the college currently has 66.5 vacant positions and is in the process of fulfilling positions in the fall and spring commitments. And there's a statement here, there are sufficient appropriations in the recommended budget to fulfill 15 existing vacancies as well as the six new positions created in the recommended budget. They also recommend the one position for animal care taker and the Assistant Director of Public Safety. How does that pretty much -- how does that line up with what the original request is from the college in terms of the positions that they want? Is that in sync, because I was trying to follow this format here? There seems to be quite a few positions they're requesting that are not here.

MS. VIZZINI:

Since it's the Budget Review Report, I'll be happy to answer your question. If you look at the college's request, they asked for 16 new positions. They got six of those. So now we're talking ten. But Middle States alerted them to the concern regarding the animal care taker, so now ten becomes 11. So there are 11 positions they're still asking for that they have not gotten.

LEG. BARRAGA:

Okay. And my final question, this budget is within the 4% cap, right?

MR. KOVESDY:

Yes, sir.

LEG. BARRAGA:

It doesn't exceed the cap, will not exceed the cap?

MR. KOVESDY:

No, sir.

LEG. BARRAGA:

Okay. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Legislator. Are there any other further questions from the Legislature.

MR. KOVESDY:

Thank you.

CHAIRMAN HORSLEY:

Thank you. Would anyone else like to be heard on the Suffolk Community College budget? Would anyone else like to be heard on the Suffolk County Community College budget? All righty. We will close the hearing, in which I see we have an Introductory Resolution, which we'll take up in due time concerning that issue. But thank you very much for all the participants. And it's good to hear from the constituency of Suffolk Community College. All righty. Let's move along to the Economic Development, Higher Education, Energy Committee Meeting of August 1st.

P.O. LINDSAY:

We have to make motion to close the public hearing.

CHAIRMAN HORSLEY:

I'm sorry. I'd like to make a motion to close the budget hearing, seconded by Mr. Romaine. All those in favor? Opposed? So moved. The meeting has been **CLOSED**. Now I'll move on to the Economic Development, Higher Education and Energy Committee Meeting, which I'm going to open the public portion. I'd like to have Mr. Daniel Moran, Dr. Daniel Moran.

MR. MORAN:

My mother will thank you for that, Mr. Horsley.

CHAIRMAN HORSLEY:

I'm Dr. Horsley, if you'd like.

MR. MORAN:

Can I request the Clerk hand out these copies to the members and this one for Mr. Lindsay as well? I also would like to say that I anticipate my statement may take six to seven minutes, and I respectfully request from the Chair that I be allowed the necessary time to make that statement --

CHAIRMAN HORSLEY:

No.

MR. MORAN:

-- or possibly to have somebody else come up and finish for me.

CHAIRMAN HORSLEY:

If somebody is going to afford their time, but at this moment it will be three minutes.

MR. MORAN:

Okay. There are people who will cede me their time, is that acceptable for me to finish this?

LEG. HORSLEY:

Three minutes. From Counsel?

MR. NOLAN:

The person who filled out the card can take his statement and keep reading it, but, no, he gets three minutes.

LEG. HORSLEY:

He gets three minutes?

MR. NOLAN:

Right.

MR. MORAN:

So I need to stop after three minutes and have someone finish for me?

P.O. LINDSAY:

That's protocol.

MR. MORAN:

Okay. I just wanted to make sure that I understand, that's all. Ladies and Gentlemen, two years ago I stood in this room before the Suffolk County Legislature as proud as a man could be having been singled out for my accomplishments as a poet and as a citizen of Suffolk County. In acceptance of the title of Suffolk County Poet Laureate, I accepted that for a term of two years I would be asked to be voice of poetry in this County, the voice of the poets of this County and a representative of this Legislature to the people of this County.

I worried if I were up to such a challenge, if I could actually do all that was called for by the bestowal of such an honor. I can tell you today that I did, and I did so with pride and purpose and dignity and especially with integrity. What I accomplished in those two years with my own funds and my own time were a matter of public record, and I am proud of all of it. But today I'm not proud, and this is not a happy occasion in any way. The situation I've been compelled to come here and address has been a misery and continues to be so.

Last fall, we came to know that the selection of my successor of Suffolk County Poet Laureate would be under the oversight of Legislator Wayne Horsley, Chairman of this committee. This is a matter of statute and follows Resolution 697, which created the position of Suffolk County Poet Laureate. In that resolution were very specific requirements for the process and how it was to be carried out. What Mr. Horsley apparently thought was that this process did not matter, that it should not be protected and respected. But his initial error was in thinking that no one would be paying attentions to his disregard, that no one really cared about the process or the result.

So Mr. Horsley did not stand up when the resolution was not being followed and concerns were expressed by members of the selection panel. He did not see to it that the process was above reproach and that out of the reach of people who might try to manipulate and massage the process. Rather, his actions enabled them. When it was brought to his attention that the person was being -- that the process was being carried out in a manner that was clearly illegal and unethical, that the person who had been selected by the panel has been selected under very suspicious circumstances, that the person selected in what could only be described as having the scent of conspiracy was a

person of very questionable motives and one with potentially serious ethical problems, Mr. Horsley's Office admitted to me that they were aware of those things.

When letters of protest expressing grave concerns were written not only by myself, but by members of the selection panel and initially three of the other five candidates for poet laureate this year, Mr. Horsley's Office said that they would make this right, that it seemed that the process had been possibly compromised and that measures would be taken to remedy the specific problem and ensure that future deliberations would be fair and beyond reproach.

As a point of interest, that very day, the 11th of April this year, I received a very kind note from Brendan Stanton in Mr. Horsley's Office that said, "Dr. Moran, I wish you to know this. Despite some disagreements, your conduct with me has been commendable and honorable. I cannot say the same for all parties." I am not sure to whom he was referring, but I then made a fatal mistake in believing that Mr. Horsley was a man who could be taken at his word. In fact, much to the contrary, two weeks later a letter arrived which rather than explaining to his fellow Legislators that a problem had arisen which needed remedy, instead maligned and defamed me in the most cowardly way by criticizing my letter with no mention of any of the other letters and without including a copy of my letter, the letter which he castigated so carefully in an attempt to divert attentions from his own deficiencies. I did not respond.

I was less concerned with Mr. Horsley's opinion personally than I was that he fixed the mess he had created either by negligent or design. Both Barbara Donovan of the selection committee and I had been assured by Mr. Horsley's Aide, Brendan Stanton, by phone that this would take time, that the process would be repeated in a fair and honest manner and in the manner prescribed by law. So we waited and waited for some word. We waited close to ten weeks. The third week of June, Mr. Horsley's office was contacted and we were informed by Brendan Stanton that it was still being worked on, but that no other information was known. Less than a week later on June 26th, we learned that a resolution had been introduced by Legislator Vivian Vilorio-Fisher, who I note by her absence today. The candidate in question had simply been approved by this committee without discussion, and that the rest of the committee had never been made aware of the fact that there was an enormous controversy.

In doing so, Mr. Horsley seemed strangely to be determined to confirm all of our suspicions that there was, in fact, a possible conspiracy to name this person poet laureate in defiance of the law and with complete disregard for everyone else involved.

CHAIRMAN HORSLEY:

Dr. Moran, please start to wrap it up.

MR. MORAN:

Graham, would you finish this for me?

CHAIRMAN HORSLEY:

The next speaker is Ms. Virginia Walker. Counsel, you want to speak to this matter?

MR. NOLAN:

We have cards -- people have filled out cards. We're going to go in order. If you have somebody later who has a card, they can pick up there. But we have to go to the next speaker who signed in first, okay?

MR. MORAN:

Is Virginia walker the next speaker?

CHAIRMAN HORSLEY:

Yes, she is.

MS. WALKER:

Without discussion of the rest of the committee had never been aware of the fact that there was an enormous controversy. In doing so, Mr. Horsley seems -- oh, I guess he went through that, right? I should also digress to add that no other time -- at no time did Mr. Horsley ever speak to me or to Barbara Donovan or any of the other concerned parties despite repeated attempts on our part. We were only allowed contact with Brendan Stanton. But Mr. Horsley then made another miscalculation. He thought that we all were not paying attention and we would just go away, that for some reason we stopped caring. He could not have been more wrong.

What he also did not imagine was that I, Daniel, have saved everything, documented everything that had happened and compiled all of it. Those are the packets that you just got. Further investigation has turned up much more evidence of the ethical problems of this candidate now appointee, and it surely seems that no effort was ever made to assure the appropriateness of this person to be poet laureate.

I, Daniel, would be happy to share all of that information with this committee and will do so because I, Daniel, believe that ethics matters and that integrity matters and that truth, yes, that matters as well. I, Daniel, have given a great deal to the position of poet laureate and to this County and its citizens. And I, Daniel, will not stand by and watch this thing I, Daniel, love be defiled in this manner. And I, Daniel, told Mr. Horsley that in the clearest possible term three months ago. He did not believe me. That was a serious misjudgment.

So I, Daniel, come before you today with three requests. The first is that this committee based on information provided today, the same information provided in early April, which Mr. Horsley chose to ignore and not share with you, his colleagues, on this committee be carefully considered, and that this committee rescind the appointment of this person who we believe our testimony will prove is entirely inappropriate and was appointed illegally. The second demand is that this process be redone from the beginning with a proper selection panel functioning as is required by Suffolk County Law. The third is that Mr. Horsley resign his position as overseer of this process and make a public statement of apology for the insults he has made to me, Daniel, and to these people who have chosen to stand with me in the manner of what is right.

He has acted with disregard toward me, disregard to these people here with me today and disregard towards his associates on this committee. Worse, he has failed the people of Suffolk County he has taken an oath to serve. He should not continue in this position. I, Daniel, respectfully submit this to the remainder of the committee for whom I bear no ill feeling and who I hope will bear none toward me for having stood up for what I believe is right. Submitted by Dr. Daniel Thomas Moran.

CHAIRMAN HORSLEY:

You leave me speechless.

P.O. LINDSAY:

I'd like to be recognized.

CHAIRMAN HORSLEY:

Legislator Lindsay.

P.O. LINDSAY:

I read with interest this morning this newspaper article really taking umbrage with my colleague, Legislator Horsley, over the appointment of a poet laureate. When the legislation was originally introduced by Legislator Fisher in 2004, I voted for the legislation never envisioning this type of controversy that this process would be -- would be used to make claims of irregularities and all this other stuff.

Just to set the record straight -- and I have the legislation in front of me -- the appointment of a poet laureate is by this Legislature, not by the screening committee. The screening committee is to

make recommendations and the Legislature makes the appointment. And it seems that -- I don't know what's -- what's going on with this whole process, because there seemed to be a problem recently in Nassau with appointing a poet laureate as well. And I will be introducing legislation to correct this, because I'm going to introduce legislation to repeal this legislation, that we won't have a poet laureate, period.

CHAIRMAN HORSLEY:

Mr. Allen Planz.

MR. PLANZ:

Hi. I'm Allen Planz. I'm a native Long Islander and author of six books and two books of pros. And I taught at Suffolk Community College for many years. My grandson attends there too, so your support of it is worthy. And your support of the poet laureate is worthy, despite the trouble it gives you. It gives a voice to the County that you cannot otherwise hear. And it speaks of its soul and its spirit in a way you could never hear.

Dr. Moran was an outstanding laureate for the County. He did more for it and for its poets, and there are many of them. I'm proud to be one of them and anybody else, including the first one, George Wallace. I was before the selection committee three times. It was fun. I'm just sorry about all the politicking going on. Anyway, thank you very much. And short poems are miracles. Here's one. "The reeds give way to the wind and give the wind away." That's it. Here's another one. "Sandpipers, a round of castanets playing Bach." Thank you.

CHAIRMAN HORSLEY:

Mr. Stanley Barkan.

MR. BARKAN:

Good afternoon, Honorable Legislators. My name, as indicated, is Stanley Barkan. I'm the poet editor, publisher of Cross Cultural Communications, a small noncommercial literary arts publisher that has been publishing for 36 years and had produced some 350 titles in 50 different languages. I was also poet -- Poetry Teacher of the Year in 1991 for all of New York City and winner of the 1996 Best the Small Presses, from the Small Press Center, the Ben Franklin Award.

I'm here today to speak about the character of the poet laureate under consideration, rather should I say, the lack of character. He is not an immoral person and neither is he a morale person. Rather, I would say, he is an A-morale person. He recognizes no secular or spiritual authority over him. He believes that anything is permitted. I can give a long list of examples, but I'll just give two as metaphors for this person's character.

I sent him, as his publisher, to Sicily and then later to Macedonia to distribute poetry readings. And I cautioned him particularly in Eastern Europe not to mislead some of the poets there who would do anything to come to America, not to promise them the world, when, in fact, they would be totally disappointed. He did not take my advice, one of several examples. {Yozo Boshkovski} who was kind of the Zorba of Macedonia, he asked him to come with him to America to make him famous and to work with him. Inside of a week, he threw {Yozo} out in the street. I had to get another poet friend to pick him up and take him to the Macedonia community in New Jersey. When I called him up, I said, "{Yozo}, what are you doing?" He said, "I do nothing, I look out the window." He had destroyed this man. One of many examples.

For my press, on a certain point, after he bounced a \$500 check on me and then repaid it, but offered to buy some 500 mixed books -- dollars worth of mixed books, I couldn't figure out why he did that until several years later when an order was placed for a book at Hofstra by a Greek poet. I got a complaint, "Why is it taken out of print?" It wasn't. I couldn't find out why. Five years later, I did find out why through the secretary of {Donald Lebert Accend} who complained why I hadn't shipped books to the {Budlove} conference.

I managed to find the person who placed that order. She said, "I go to books in print, it says Cross Cultural Communication, but it says see Writers Unlimited, Writers Inc." That's Axelrod's companies. What? It took me another year to get that out of books in print. And when they removed my address too, that was gone. So when all my publicity and all my production was going up and my sales were going down, this was the result, it harmed everybody in my press.

CHAIRMAN HORSLEY:

Wrap it up.

MR. BARKAN:

All right. To conclude, I agree with William Lindsay that there should not be a poet laureate. For the person who becomes poet laureate wears that tinsel tiara that glitters, but is not gold, lifts his head up into the clouds of his own ego and is no longer a man speaking to men. I disagree with you, Allen. I'm sorry. I agree with you in every other way. Thank you very much.

CHAIRMAN HORSLEY:

Barbara Donovan.

MS. DONOVAN:

Good afternoon, everyone. My name is Barbara Donovan, and I'm the founder and director of a popular successful non-profit organization called the Live Poet's Society for 19 years. It will be 20 years next year. I can't wait to have a big bash. Live Poets, let me tell you something, what we do is dedicated to promote and educate new and published poets through our peer and professional workshops held at Dowling College for years Mills Pond House and the UU Church in Bay Shore, Unitarian Universalist Church in Bay Shore.

We have done great things, and I'm so proud of what we have accomplished for the poetry community. And people say that I help bring poets together. That's very important to me, very important to me. And we've also published six books, have poetry contests, poetry readings and so forth. Now, let me get to this. When Legislator Vivian Vilorio-Fisher's resolution passed to have a Suffolk County Poet Laureate, I was thrilled. I was pleased and felt honored to be chosen as a member of the committee, Poet Laureate Committee, to choose a poet laureate. I have been on the Poet Laureate Committee three times, and George Wallace and Dan Moran served proudly in their duties. They did an amazing job for Suffolk County and its community.

Unfortunately, things happened this time. The third committee went awry as things can. Now, may I just interject something? I have it written down. What happened in Nassau for the Legislature there was a crime for this brilliant man, Maxwell {Wheat}, who's the most loved poet anywhere. I mean, they should have been proud to have him. Anyway, I digress, but I can't help it. I just don't want you folks to not have a poet laureate. I mean that would be a mistake. I think it's so important.

I called her office, Vivian's office, in late August, 2006, and several weeks later, I was referred to Mr. Horsley's office. I don't know why, you know, that happened, but I guess I don't have to know. I would like to know, but at any rate. Several previous members of the committee left, four of them. And only Walter {Walljack}, Lenny Grecco and I were those willing to remain. I desperately wanted to continue this position. I believe it is important to maintain it for the poetry community at large.

Of course, we needed four more people. As pursuant to the resolution, we needed seven people. We did have seven people for the committee twice before, and now we only had three. So I contacted Mr. Horsley's office and was directed to his legislative aide. I never spoke to Mr. Horsley. How are you, Mr. Horsley? I'm sorry about this. I really am. I feel bad. And I'm a Democrat too, a staunch one. I urged Brendan to start immediately to find more members. Well, three months later, in December, Brendan gave me the name of one new member, Anthony Dolan, who works, as I understand it, in the Sheriff's Office. Now, that category, the fourth category, was one that was

about -- it had to be an active member of the poetry community. I never heard of him before, but I checked around and no one -- so anyway. Brendan assured me that a quorum of four was okay. Now, nothing in the resolution says that doesn't -- it doesn't mention that, that you can have a quorum.

Now, first meeting was held on January 27th at the Unitarian Church in Bay Shore, and we chose six candidates; Virginia Walker, Charles Fishman, David Axelrod, Graham Everett, Allen Planz and Claire Nicola White. At the third meeting, Lenny Grecco recused himself because he had -- one of the things that was very important was to not -- that I said to the members of the first two meeting, I said, "We cannot go forward with this if we have an agenda before we go in."

CHAIRMAN HORSLEY:

Ms. Donovan, please wrap it up.

MS. DONOVAN:

Oh, I will. I'm sorry. Okay. Okay. But this is very important. I will be done in two minutes, otherwise you can throw a tomato at me or something. Anyway. All right. But this is the important part, because this is where it turned bad. Okay. All right. He recused himself, which left only three candidates. All six candidates subsequently were interviewed by -- with three committee members. After several weeks, Adam Penna, a teacher at Suffolk Community College, was added to the committee. Carolyn Emerson, a librarian was added to the committee at the last meeting.

Now, here's my points of contention. Anthony Dolan was chosen as an active member of the poetry community, questionable. I do not believe it. Adam Penna should have recused himself because of a conflict of interest regarding one of the candidates. Several candidates were upset since they did not -- were not interviewed by five committee members, thereby, making the entire process floored, I believe.

Mr. Horsley agreed that Adam Penna should have recused himself making the whole process moot. Because of these issues, Mr. Horsley agreed to reconvene the committee and review and make changes in the resolution. He did not keep his word. I don't know why. Did not call me, did not write or e-mail me. Now, Mr. Horsley, you had the opportunity to make this right. I know that you could. I don't really know where it went all wrong, but the communication was awful and these other things I mentioned. It was not fair. It was not fair to the candidates. It was not fair. That is unconscionable to me. I cannot accept -- one more sentence. I know you want me to end. But okay. The process should never have gone forward. The end. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Ms. Donovan. Mr. Adam fisher. Rabbi Adam Fisher.

RABBI FISHER:

Good afternoon, everyone. My name is Adam Fisher, I'm the Rabbi Emeritus of Temple Isaiah in Stony Brook. I want to express my thanks to Legislator Horsley and all of those who have shepherded this effort under adverse conditions through the process. What we have heard here today is an example of back biting within the poetry community. I have no idea where it comes from. Someone might speculate that it comes from people who were not chosen and, therefore, were in some way complaining about the process. But I have no idea why they're complaining, because after some initial complaints about the process, the Legislature took very, very careful pains to see that the laureate was properly chosen. And what a wonderful choice they have made.

No one has done more for poetry including the people who have spoken here today for poets and poetry in Suffolk County. Few have done anywhere near as much as Dr. David Axelrod. He's a three time Full Bright professor, winner of many awards, longtime mentor of dozens and dozens of Suffolk poets, including several of the people who are here and spoke today. He is the publisher of many books, poetry books by others. He is the author 17 books of his own, some of which have been translated to other languages. He has just returned from legislating and teaching poetry at a

major conference in Ireland.

In addition, I have known him for 25 years, and I have always known him as a good and decent and generous person, a man with whom one may disagree about what he does or what happens, but he is a man of integrity. I can think of no one more deserving of this honor. I have written some eight or nine books, some of which are internationally known. And I can tell you that none of them would have been written without the original guidance and the mentoring of Dr. David Axelrod. And I am not the only one. There are dozens and dozens of us who can thank him for helping us learn the process of writing poetry.

Let's face it. What we have here is an unpaid and an unfunded position. Dr. Axelrod has already attracted grants, set up a program to mentor young poets, has prepared to spend a substantial amount of his own limited time on this project. Let the nay sayers be quiet and instead support what promises to be a very productive tenure of Dr. Axelrod. I am proud to him -- of him as our poet laureate. And virtually every poet that I know, other than the people who have spoken before me, feel the same way. I strongly urge you to continue the position of poet laureate. Don't let the nay sayers destroy a position which can do so much for all of the citizens in Suffolk County. Thank you very much for this opportunity.

CHAIRMAN HORSLEY:

Thank you very much, Rabbi. Mr. Graham Everett.

MR. EVERETT:

Yes. I'm Graham Everett, a poet, a professor and publisher of Street Press and Magazine, which I founded in 1973. While as a poet, I was interviewed last March by a remnant of the screening committee, three people. And the aim of my participation was primarily to witness the process. And in my experience, I saw that a structure for that screening committee, which was instituted, was then distinctly ignored, and I'm not sure why. Yet I feel that not following the instituted structure does lead one to question the results. In light of this, the process needs to start again or be changed, that it seems basic to me that a body which makes the rules needs to follow those rules or else suffer the experience that its decisions remain suspect. Thank you.

CHAIRMAN HORSLEY:

Mr. Anthony Dolan.

MR. DOLAN:

Hi. Anthony Dolan.

CHAIRMAN HORSLEY:

Mr. Dolan, could you just hold off one second? I'd just like to make a quick note. Mr. Dolan was my appointee. You know, I can take the slings and the arrows on this process, though I hope none of the poets here write love poems. But I appointed Mr. Dolan to this committee. He was my only choice, one of -- one of seven positions that are open on this process. And I put him on to say, "Could you put a little clarity to this -- to this issue? We need criteria." There were none or have few. It was poorly organized. The original legislation, with all the wonderful intent, was poorly organized exactly how you get to the choice of having a poet laureate.

So Mr. Dolan, who I have received many letters of people saying that we don't know him, he's not a poet. I just want to let you know that Mr. Dolan is one of our Correction Officers who also holds a masters in English, he's completing his doctorate at St. John's in English poetry, I believe, and he can speak to this. He has been a professor, and he's got along list of credentials that I thought he was just a wonderful addition to this body. And I want to tell you, I have the criteria that this process followed in front of me, and it was professionally done. And I applaud you for your efforts, and you did it as a volunteer. And thank you on behalf of myself that you would put yourself out and make sense out of this, as you can see, sad, sad situation. Mr. Dolan, with that.

MR. DOLAN:

Thank you. I read today's newspaper, which is why I'm here today. I enjoyed being on the committee, and I met great people on the committee. When I became part of the selection committee, I asked for criteria, what criteria should be followed. I asked Barbara Donovan, the senior member of the committee, founding member on that committee. I suspect there should be written guidelines, there was none. There was none established as the legislation in 2004 indicated. So I drafted the legislation -- the guidelines.

All committee members -- again, there were three, there were four, there were five, there were six, from Adam Penna, Barbara Donovan, so on and so forth, and they all agreed to abide by this written criteria, which was submitted to your office, and it was unanimous. We followed this criteria, as far as I could tell, to the letter. I'm the person that drafted David Axelrod's nomination with committee members to your office, and that's the last I heard up until this morning when I read this in the newspaper.

Apparently people don't want to talk behind closed doors, they want to air everything in public. We had enough time, we had enough professional and qualified people to make a good selection, which I think we did make a good selection. We stuck with the letter, the writing, and we didn't talk about background of individuals. We stuck with the work. That's the selection criteria as established by this committee.

CHAIRMAN HORSLEY:

Mr. Dolan, again, thank you for spending so many hours, time volunteering.

MR. DOLAN:

I have one quick thing. I have published poetry, I have edited textbooks. For anybody that wants to get in touch with me, you can call the Sheriff's Office.

CHAIRMAN HORSLEY:

Legislator Barraga, did you have a question?

LEG. BARRAGA:

I have been sitting here, and I have no vested interest in this, but I have been sitting here listening to this testimony. And, you know, it sort of reminds me of the old saying, "no good deed goes unpunished." You know, several years ago, this Legislature made a decision to have a poet laureate. I take it it's kind of an honorary prestigious type of position. I'm sure the Legislature had the best of intentions. But what I'm hearing today, the problem isn't here, it's there. It's with you poets. I never heard anything like this. You got some problems. If you wind up without a poet laureate in Suffolk County, you have yourself to blame.

I pick up the paper and I see these comments accusing one of my colleagues, whom I know personally, a man of high integrity, honesty, commitment of being involved in some sort of conspiracy. What do you think? You people think we sit around all day thinking about the poet laureate and the legislation? Each of us -- I'm a full time Legislator, I have 70 or 80 different things that come up every single day much more important than the poet laureate.

There is no intent to hurt any of you. It's an honorable position. That's all we're trying to do. But what have we heard? Descension within your ranks. You didn't shoot yourself in the foot, you shot yourself in the brain. You ought to be ashamed of yourselves. The best thing you can do today is pick yourself up and walk quietly into the night and let this thing rest, because right now, if there was a resolution that came across this desk from Mr. Lindsay doing away with poet laureate, it would probably pass unanimously. Do you get the message? Do you get the message?

Never do I want to pick up a paper and see any of you accusing anybody of conspiracy. That's almost like a violation of law. You've got to be very careful in terms of what you use as far as verbiage with the media, especially a man of high integrity and honesty like Wayne Horsley. And

I'm a Republican. This has gone too far. And we're telling you respectfully, "Back off," or Mr. Lindsay will do exactly what he tells you he will do.

CHAIRMAN HORSLEY:

On that note, I'll invite Mr. Peter Quinn.

P.O. LINDSAY:

Well, said, Tom.

CHAIRMAN HORSLEY:

Thank you, Tom.

MR. QUINN:

Good afternoon. My name is Peter Quinn, heavily involved in energy issues over the years.

P.O. LINDSAY:

You don't want to be the poet laureate?

MR. QUINN:

After that discourse, no. I decline. I have two written letters, the first of which deals with LIPA's deception and the other of which summarizes the amount of money Long Islanders are spending for fossil fuels, and that doesn't even include what is in LIPA's budget. And the first I'd like to read simply because it contains information that is better read than spoken extemporaneously. It says, "Are costly energy games being played or what?" LIPA has various hidden messages, 19 of them -- I'm having difficulty with my cataracts reading what I have here -- according to the State Comptroller in December, 2005, LIPA report, under the label fuel surcharges in our bills. So LIPA managed to change the label to power supply costs without explaining in detail what those charges mean.

Over the years, ratepayers have complained in court about being overcharged. LIPA using high priced law firms and using our ratepayer dollars has challenged plaintiffs by claiming they had no standing under rate making law to pursue reimbursement. Only municipalities, not individuals, can do that under Article 78 and the filed rate doctrine have that right. Newsday reminded us in a recent editorial on the 24th of July that both LIPA CEO Richard Kessel and Chairman Kevin Law have requested oversight of the books by the PSC. That's strange, because in a recent court suit, LIPA applied a double whammy on a ratepayer. Not only does LIPA argue ratepayers have no standing, but the utility presented a three-step administrative remedy, which they therefore -- heretofore never disclosed. And I've been dealing with LIPA for many years, so I know.

LIPA alleges ratepayers should have used the administrative procedure before they ever sought financial relief in court. This makes LIPA a self-regulating State agency. There was no point, therefore, for LIPA to appeal to the PSC. LIPA's request appears to be a ruse to deceive the public. Who knew that a first step that a ratepayer seeking relief from over charges by LIPA had to write to tell the manager -- the manager, they don't state who it is, but it appears to be KeySpan or {Kedly} its subsidiary -- which sends LIPA's customers their electric bills. Evidently that's the manager.

Second, LIPA's staff must respond. Third, if a ratepayer finds the response unacceptable, the customer must file objections to the LIPA Chairman, Kevin Law. Had that information been made public through a billing insert placed periodically, plaintiffs against LIPA could have saved time, not clogged the courts where most judges don't know the vagaries of rate making law and LIPA could have been transparent while not using our ratepayer dollars to pay expensive fees to outside attorneys.

I'm urging the Chair to send a letter on behalf of the Committee to LIPA to have them to provide those billing inserts. And hopefully the consumer -- and by the way, if they refuse, then I'm calling upon you and the County Executive and the full Legislature to file a class action lawsuit on behalf of

the ratepayers of Suffolk County so that they can get a remedy which they haven't been able to obtain through the courts. I thank you very much.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Quinn. Dr. Carmine Vasile.

MR. VASILE:

Good afternoon and thank you for having me. One point that Mr. Quinn neglected to mention is that during a rate dispute, under the LIPA Act, under the tariff, they cannot terminate electric service if you do not pay disputed amounts. Now, last year I filed a written complaint, and I went through the process. I filed it to the manager. I didn't know what I was doing, I didn't know the process, because they didn't tell me the whole process. I did not get a response from the manager, therefore, {Kedly} breached their management service agreement.

I got a letter from LIPA. They never informed me of my right to appeal to the Chairman. A few months into this process, a KeySpan person showed up threatening to shut off my electric, never informing me that they couldn't terminate my electric until I got a written decision from the Chairman. Once you get that written decision, then you can file an article 78 if your dissatisfied with the Chairman's process. Now, I worked in electronic warfare for 40 years. I have never seen secrets kept so well as this secretive complaint process.

Now, the way I found out about it is I sued them. I was here a few weeks ago about the illegal tariff where LIPA changed the tariff without having public hearings. I talked to {Dennenberg}, he said, there were no public hearing in Nassau. You guys know there were public hearings in Suffolk. So I filed a new lawsuit, and I got hit with two big motions by LIPA and {Kedly}. Suddenly now, Exhibit F had caselaw after caselaw of people suing LIPA and the judges setting aside the decisions. The one case, Bruno v. LIPA, it spells out the whole thing.

Now, when I sued last year in Nassau -- in Suffolk County District Court, LIPA hijacked my case. Even though Judge {Bookeria} did not have jurisdiction, because only LIPA has primary jurisdiction over rate disputes according to caselaw, he took my case, they buried it. He should not have even litigated the class actions. They were supposed to go through the administrative process. So that's to amplify what, you know, Mr. Quinn said.

And also, I would like to file a complaint here under the False Claims Act. We filed FOILs for the bills. We got electric bills from the Dennison Building and from the DPW Building. Now, this is in my handout. But for example, in February '05, the bill -- the total bill for the Dennison Building 56,000, 28% of that was -- 28% of that was a fuel surcharge. In July, the bill showed over \$100,00 bill, 23% was the excess fuel surcharge. The following winter in February, 79,000, 43%. Now, the maximum without -- the maximum that was allowed was 2 1/2%. LIPA itself agreed to abide by the PACB Resolution. The following summer, they changed the name. They called it power supply charges. That was 57%. Then on that bill, suddenly pilot taxes appear. Now before that, no pilot taxes are on these bills.

CHAIRMAN HORSLEY:

Wrap it up, Dr. Vasile.

MR. VASILE:

So the following year, pilot taxes appear. Now, there's a lawsuit against the Brookhaven Town Board where they use the phrase {ultraviries} pilot taxes, which is -- the lawyers know what that means. Okay. And then the following -- the last bill I have is January 2007, which is a 68% chunk of the bill. Now, both Kevin Law and LIPA -- Kevin Law and LIPA have said that the bills have gone down. Now, here's my handout, and it includes a notice of appeal to Kevin Law.

CHAIRMAN HORSLEY:

Dr. Vasile, just one quick question. Did you present a FOIL request? Did I gather that in your

testimony?

MR. VASILE:

We presented a FOIL request --

CHAIRMAN HORSLEY:

And was it unanswered?

MR. VASILE:

-- for the electric bills. Oh, yes. We got them from the Dennison Building --

CHAIRMAN HORSLEY:

It was answered?

MR. VASILE:

And DPW.

CHAIRMAN HORSLEY:

All right. So it was answered. You weren't clear on that with me.

MR. VASILE:

And I have a bar chart summarizing what we found.

CHAIRMAN HORSLEY:

Okay. Thank you.

MR. VASILE:

There's one point, if I may. When I met with you in November, Peter Quinn asked for the County to intervene on the class actions. Did you know that LIPA had an appeal process, internal appeal process? Because knob in the room mentioned it.

CHAIRMAN HORSLEY:

I'm not sure.

MR. VASILE:

Because Kevin Law didn't mention it. Apparently he didn't read his job description.

CHAIRMAN HORSLEY:

All right. In risk of bringing up a conspiracy, Claire Nicolas White, is she here? I didn't call her up before. I think she want to speak about the poets.

All right. We have another piece of business. Unfortunately, he has been waiting since two o'clock. And my humblest apologies, because he's done such wonderful work in Bay Shore. I would like to introduce Chris Kayser of the Bay Shore-Brightwaters MGP Task Force who is also -- anyone else besides yourself? So, Chris, what do you think of the Legislature.

MS. ESPOSITO:

I won't tell you what he's been telling me.

CHAIRMAN HORSLEY:

Adrienne, I didn't realize you guys were together. And, of course, Adrienne Esposito, the esteemed.

MR. KAYSER:

Hi. Thank you, Legislator Horsley and the rest of the Legislature here today. My name is Chris Kayser, and today I'm -- was asked to speak and there's -- I know this is a matter that the

Legislature is pretty well aware of. But we wanted to take the opportunity to bring you up to speed on a couple of things that we've done. I've got a brief presentation to bring you up to speed on what's happening in the Bay Shore MGP, but I've also -- my other hat is as Co-chair of the Bay Shore Summit Council.

And I'd like to present to you -- and it's in writing, I have offered up a copy of what I'm going to read from -- but this is a presentation from January 10th to the PSC Hearings on the KeySpan and National Grid merger. There's elements in here that, I think, parenthetically we can assert to and request that the County Legislature could assist in, too. So if you will bear with me, it's about two pages, it's pretty quick.

But again, my name is Chris Kayser. I'm Vice-Chairperson of the Bay Shore-Brightwaters Summit Council. For folks who don't know what that is, the Summit Council was founded 12 years ago. It is a non-profit organization representing more than 20 different service organizations and community committees in Bay Shore and Brightwaters. The volunteers work collaboratively with government officials, school personnel, private businesses, to improve the quality of life for all our residents. Bay Shore is a vibrant and resurgent community as a result of the combined activities of the Summit Council and its affiliated organizations and committees.

Over the past four years, the Summit Council has actively followed and participated in the remediation planning and clean-up process of the Bay Shore former manufacturer gas plant and related chemical plumes. In fact, I kind of took point for the Summit Council. And due to continuing delays in the remediation efforts and the lack of key credible data from KeySpan and a lack of coordination between the New York DEC and the New York Department of Health, we have become profoundly concerned.

On KeySpan's watch, the site source material continues to contaminate our community with toxic and carcinogenic substances. There are three plumes which extend under residential properties. The largest of these plumes extends over one mile and passes under many homes and businesses. These substances now flow freely into a major tributary of the Great South Bay as well as at least one other body of water accessible to children, adults and wildlife.

Because of these facts, we remain concerned for the health and safety of our residents, community and environment. Until the clean-up is completed, the community remains at risk for possible associated short and long-term health affects due to potential exposure to these substances. There's the additional potential for diminished property values and town reputation.

As part of the PSC approval of the KeySpan and National Grid merger, Bay Shore-Brightwaters Summit Council urges the PSC to review the Bay Shore MGP remediation plans. The Bay Shore MGP is a major MGP site -- I believe it's the worst in New York State -- with an unremediated source plume of coal tar resulting in the subsequent and continuing chemical plume which flows below our community daily. We also urge the PSC to require New York State DEC to demand an expedited clean-up of the contamination at the Bay Shore former MGP site by a prescribed deadline to the satisfaction of Suffolk County Department of Health Services, State Department of Health, Regional DEC and independent engineers and environmental consultants appointed by Suffolk County.

This can be accomplished by the PSC urging the DEC to require expedited construction of the DEC approved containment wall. This wall will confine the source site contaminants, principally coal tar, and stop the leaching of hazardous substances into the surrounding community. This wall has been started, the construction isn't completed, and there are actually some issues about the how the wall is being constructed, because we believe they're not actually capturing the entire contaminated site. We might go into that a little later.

Regardless of the outcome of the hearings, we also urge the PSC to ensure that there will be sufficient funds set aside to perform the remediation of the Bay Shore -- Bay Shore site. KeySpan's own late assessments for remediating the Bay Shore MGP site and related plumes is \$208 million.

In addition, we urge the PSC in coordination with New York State DEC to carefully review all of the KeySpan former MGP remediation plans across New York State. On Long Island, Bay Shore is not alone. There are former MGP sites in Babylon, Patchogue, Halesite, and I know the committee knows the others ones. Obviously, there are dozens more on Long Island and there's hundreds across New York State.

We look to the PSC to exert the appropriate measures and set a historic precedent. Owners of New York former MGP's must be held accountable to remediate and render harmless these sites in all communities where they exist. Business is usual with the liability passing hands from one company to the next with no significant clean-up occurring is wrong. Please serve the interest of the people of Bay Shore and the public across New York State, reject the KeySpan and National Grid merger until all prescribed and enforceable deadlines are in place in Bay Shore and other former MGP sites across New York State. And that's the end of that statement.

I just wanted to add to that that we do appreciate the work that the committee has been doing under Legislator Horsley and Barraga. And, you know, we know that we're being served well by the Legislature right now. We know it's a big issue. What I would like to do now is go to -- are there any questions about that? Comments?

CHAIRMAN HORSLEY:

Chris, I might have one quickly on what was categorized as the snafu. I think that was the language that KeySpan used concerning the wall, and that they may have to go to some sort of -- another remediation technique. Do you have a handle on that? What have they told the Summit Council? Because I'm not sure -- I want to make sure that we're all hearing the same -- same issues and same responses. What is the reason for the stoppage of the work in project?

MR. KAYSER:

Engineering issues with driving some of the piling that was perforated which lost column strength. So you drive, and they wouldn't drive straight. I believe they overcame that. I think one of the main concerns now is the trajectory of the wall will take it around a certain business on the corner, which actually has some source material, which would then exclude that from the barrier area that will be created by the wall. And we want to get more detail on that. Tonight we do have a meeting with DEC and KeySpan. But we're at the point where the wall is being constructed after many delays, but now it appears that there's still concerns about whether it's capturing the entire barrier area. So hopefully we will get some more detail on that tonight.

CHAIRMAN HORSLEY:

You are also going to make further inquiry as to the plume and their status, what their timetables are?

MR. KAYSER:

Oh, yes.

CHAIRMAN HORSLEY:

I knew you would. I mean, I'm just trying to bring this forth, because there's so much yet to be addressed with this, though I got to tell you, Tom was just mentioning that, you know, we have made some progress. And that's the good news.

MR. KAYSER:

Yeah.

CHAIRMAN HORSLEY:

But we want to make sure that we're working cooperatively and talking to go each other and knowing, you know, where -- where we're at at all times, because we're talking independently and you're talking to them independently, and we want to make sure that works well. Tom.

MR. KAYSER:

Yeah, thanks.

LEG. BARRAGA:

Just let me express one concern that I do have, is that, you know, these MGP sites are all over the Island. And Mr. Horsley and I, as well as you folks, have been following it very, very closely in terms of where the emphasis is. Right now there seems to be a great deal of dialog, a great deal being written about Hempstead and the problems they have. To my knowledge, other than Bay Shore, nobody has put a spade in the ground at any of these sites.

My concern is I want to make sure that this process continues to be aggressively pursued in Bay Shore. I don't need a corporate level decision made because of pressure coming from the media and other groups that all of a sudden work subsides or is halted in Bay Shore so we can go to another site, you know. I think at this point they've probably spent between 40 and \$50 million at the Bay Shore site, all right. So I just -- you know.

MR. KAYSER:

The only way to -- excuse me. The only way to do that is to have prescribed deadlines and to meet them for remediation. And that's really what we're trying to drive for.

LEG. BARRAGA:

My sense is there's always been some sort of disagreement between, you know, the Suffolk County Department of Health and New York State DEC, and the New York State Department of Health and KeySpan. And the last time I toured that site, which was about three-and-a-half weeks ago, I was told they were going to shut the remediation process down for a week, take some testing, and then what I had asked, almost demanded, that we all get together and take a look at the results, because I think it's very important that everybody be moving in the same direction at the same time. Having one particular agency disputing facts with another agency, that doesn't really help us long term to solve this problem, all right?

MR. KAYSER:

Right, agreed. She needs to be collaborative, I agree.

LEG. BARRAGA:

All right. So maybe tonight at your meeting -- and I will have a representative there -- we can get an update from KeySpan as to -- I know they shut the site down. Now, have the results come back? Are we willing to sit down, different groups, and taking a look at the results so that we can, you know, move everybody in the same direction at the same time?

MR. KAYSER:

You know, the unfortunate part about what's going on is the Task Force really has taken full responsibility of actually moving forward a communication protocol with KeySpan, DEC. And as a result, we don't get the frequent updates that we need. We would like to get weekly summaries, because someone's got some somewhere, and they don't change that much. But, you know, to be kind of in a dark period for, you know, three months isn't really acceptable. We would really like to have a monthly conference call. And those are a couple of things we'd like to propose that occur. We don't really want to burden the process, we want to assist the process, but we need the review the plans and understand it. I have a bit more I want to go through before we wrap.

MS. ESPOSITO:

I just want to chime in answer -- I want to say we couldn't agree more.

MR. KAYSER:

Thanks.

MS. ESPOSITO:

And the purpose and the focus of creating the Task Force was to bring these parties together; the Health Department and the State and the County and the State DEC and KeySpan and the community. And frankly, before the Task Force was formed, even the County and the two State agencies weren't having regular dialogue about the site. So we are pushing the dialogue to occur, but we have to tell you, the dialogue isn't translating quick enough into a comprehensive or any kind of a clean-up plan, particularly for the plume that's referred to as OU2, which is the very long one under people's homes. And that's where there's a lot of frustration is that, you know, communication has to be established first, and that's happening, but now we want to see it translate into something substantive for remediation purposes.

And you hit one of the nails on the head about they were supposed to stop it and then we're supposed to look at data. We've been doing this. There's data since 2005, and it's yet to be interpreted on whether or not this pilot is working or not. So there's some level of frustration with that, and we'd like to get that addressed at some point.

LEG. BARRAGA:

And the other issue very quickly, which is disturbing to me, even as we speak apparently there is a lack of cooperation between these different agencies. I was told by one group that they requested information from another and that group said no, and then the other group had a FOIL. And then the group that was supposed to give the information gave it to this group who didn't give it to this group. That's unacceptable.

MS. ESPOSITO:

It's inappropriate.

LEG. BARRAGA:

It's unacceptable because we're talking about the health and safety of thousands of people here.

CHAIRMAN HORSLEY:

Another piece of information as we're sharing. As you know, Suffolk County is an intervener in the process of National Grid acquisition of KeySpan. And one of the things that we are pushing for heavily is that they increase the dollar amount in what's called the SIR Account, meaning the remediation piece of their budget, which we're bickering about who's going to be contributing to that, whether it's the people or the company, but that's another issue. But we're looking at figures -- we're hearing numbers in the range of -- that we're trying to push forward -- is \$200 million and upwards.

MR. KAYSER:

Is that for Bay Shore alone?

CHAIRMAN HORSLEY:

No. That would be system-wide. But that will be over five years and it's a drop in the bucket. As you know, I put a number on it of over a billion. We're doing the best and that's why we've got to work as a team.

MR. KAYSER:

You know, and the dollars really come with, you know, the level of effort you're going to put in. And, you know, if we have 20 sites, you know, on Long Island and maybe 12 in Suffolk County -- I'm not sure of the exact numbers, but on the order of those numbers -- if they don't do any remediation, you don't have to really earmark that much money for it. And if that's what's going to happen, then these sites will be around for a long time.

CHAIRMAN HORSLEY:

That used to be ten million what they set aside.

MR. KAYSER:

Yeah, right. So we're being really practical, and we're looking at Bay Shore site. And we're looking at the fact that the soil gases and the vapors that may intrude residences, school, we do have proof that there are exposure -- complete exposure pathways. That being the case, this needs to be put on the fast track. If the plume was 60 feet down and people were not able to be affected, I don't think I would be here today. But my concern is that there are people that live above this plume, and that it looks like it's going to -- there's no end to this.

You know, the more we delay getting started, we're never going to finish this. And I'm kind of jumping to the conclusion here, but basically we would like to see a timeline placed where this thing actually happens within three to five years, not 20 years. When they put a pilot in place for over two years and suddenly believe that this may not work, then where does that lead us, to start another two year pilot to ever get started? This isn't acceptable. But the paradigm is it is acceptable, because the utility doesn't want to spend the money, the DEC is underfunded and not motivated to get this cleaned up. I don't know how we'd do this.

But this is -- this is fundamentally an issue with MGP sites. I don't think any have been very successful. I'm posing to you that we need to make this an historic event where we say, "We're setting a timeline, you will meet those dates, you will earmark the number -- the dollars to do it, and it will get done, because it affects human health." And that's really the bottom line. And it's a very large community, and it's a resurging community. And this could be a very bad situation for Bay Shore. You know, I grew up in Bay Shore, served the community, and it's just not right. And we can't let business as usual go along here. It's just not right.

MS. ESPOSITO:

One role we would ask the committee to play is to help us get the State -- the new State DEC Commissioner, Commissioner Grannis, to focus on this particular issue. I know he has a lot -- he's new -- that he's going to be focusing on, but we have waited a very long time. So we need the DEC to play the role that they are entrusted to play, which is the enforcing agency. And we feel that that would help us greatly to accomplish the goal of an expedited and a comprehensive clean-up. And that's a role that this Legislature can help us play and bring attention to this by getting DEC to play the role that they're supposed to play.

CHAIRMAN HORSLEY:

Fair enough.

MR. KAYSER:

And agree to a three to five year clean-up. You know, so if there are pilots tried and the probability is not that high that it will be successful, then you have to concurrently run two or three pilots at one time. There's no contingency plans in any of the work that they do. It's okay if we work serially and things get pushed down the road, because the belief is that 20 years is acceptable. It shouldn't be acceptable in this instance. We really need to set the bar.

And I don't mean to take it toward you guys, but this is the way I feel about it. I really thank the level of effort the Legislature has put behind this. But I think it's time we need to start to talk in new terms and change the paradigm and say -- it's time to say, "It's three to five, guys, let's do it now," okay? And then let them figure that out.

LEG. BARRAGA:

Just one quick comment. With reference to Grannis, get Englebright and Sweeney to speak to them, because I know Grannis very well and --

MS. ESPOSITO:

We have met with Assemblyman Sweeney.

LEG. BARRAGA:

Yeah, and he's even more liberal on the environment than you.

MS. ESPOSITO:

I don't know, Legislator Barraga.

LEG. BARRAGA:

I'm sure, you know, if he's made aware of this, he'll be very aggressive. He'll come down here.

MS. ESPOSITO:

Okay.

MR. KAYSER:

We would appreciate that, absolutely. I'm going to switch hats now, even though that was a little bit of my Task Force. But I'm also the Co-Chair of MGP Task Force. I'm going to take you through a position statement that we formed, because we thought it was important, there was so much going on around what's happening with KeySpan and the merger and the rates and who's paying and who's not paying that we had to make it very clear as to what our objective was. So from the standpoint of the Bay Shore-Brightwaters MGP Task Force, you know, we created a mission statement. We're really just about the prompt, safe and effective remediation of the Bay Shore plant and the related off-site plumes, which are really what the problem is about.

Again, our goals are, and in order, the prompt and safe remediation and effective remediation of the Bay Shore site and related plumes to protect the community, the health image, property value and also look to interagency accountability. As --

MS. ESPOSITO:

Adrienne.

MR. KAYSER:

Adrienne had suggested before --

MS. ESPOSITO:

We've only known each other for two years.

MR. KAYSER:

-- that we actually as a result of some of our quarterly meetings heard that the DEC, the State Department of Health and the Suffolk County Department of Health were actually having weekly conference calls. And that was actually effective for about maybe a couple of months. But if these guys aren't talking weekly, nothing will ever happen within a few years. And just to Legislator Barraga's point, there can't be dissension, these guys have to be working together as a team if this will ever get done.

The initiatives are to initiate and sustain over the remediation period -- which we weren't hoping to be 20 years -- strategic and tactical actions with expressed goal of achieving the Task Force mission and promote the mission through collaborative grassroots effort of communication with KeySpan, government agencies and elected officials. The task force is myself, Barney Reilly, Janine DiNatale is also Co-Chair of the Task Force. She lives on the plume. She has three young daughters, she worries every day living in her own house. It's a terrible situation. Adrienne has been so valuable advising us going forward and actually putting the concept of the Task Force together and moving forward and allowing us to make the appropriate contacts. Bill Sullivan and Tom Slattery also live on the plume. I actually don't live on the plume.

One way we thought we could maintain some accountability is to have quarterly update meetings, so we've done this. Tonight will be our fourth quarterly meeting. So we started in November. I don't know how that makes tonight our fourth quarterly meeting.

MS. ESPOSITO:

We got a little off track.

MR. KAYSER:

Anyway, we've held true to -- we meet each quarter. These meetings have been probably the most effective means of us getting information, driving some citizen participation into the planning process and testing whether the plans that are put forth are actually viable. And oftentimes we find that it's pretty -- it's pretty evident that the plans that are proposed or suggested don't work. We had a meeting once where it was suggested that the oxygenation systems that have to go through one of the major plumes could be installed within 90 days, yet they still had not gotten access rights to the houses and homes that they would. So they really didn't even start. So, you know, the plans fall apart rather quickly if you just sort of peel back the onion a little bit.

Then we have also established and held monthly communication meetings within our community. One of the things is, you know, we're kind of knowledgeable about what's going on. There's a lot of concern. There's a group of people who have children who have Autism in Bay Shore, they thought it was related to the plume. They were misinformed. They came, they understood a little more. So they would come to these meetings. There's a large contingency that go to St. Patrick's School very concerned about their children, and rightfully so. I'm an engineer, I'm not an environmental engineer. I look at the data, it's just too close to call. I'm not going to say it's a tremendous situation that I would yank my kid out, but I will tell you something, it's too close for us as people who can make a difference to let it go on without an enforceable deadline.

This is the site. I know you know a lot of this. You know the three -- four sites. OU1 is the main site in purple. The main off-site plume is OU2, that's in yellow. That site -- that plume actually terminates in the Lawrence Creek. And in the words of Ron Paulsen, that is a steady-state plume. That's kind of like a chemical pipeline from the source to the Lawrence Creek, which is a major tributary to the Great South Bay.

MS. ESPOSITO:

Let me just interject a little comment. What makes this plume different -- I know you've -- being on Long Island, you have seen plumes before. This plume is so anaerobic that natural breakdown of the materials inside doesn't occur. So that's what Chris means when he says it's like a pipeline. The amount of contamination in that plume is not breaking down, it's staying at extremely high levels. And when I say -- I mean for the last 80 years. And that's what makes this so challenging to clean up, but also so important that we clean it up.

MR. KAYSER:

Thanks. OU3 is the Brightwaters yard with an off-site groundwater plume, which is in the dark blue. And then the light green on the right is the OU4 Watchogue Creek. It used to be a cesspool area. They actually had a permit to pump some of the waste materials over that site.

Now these are -- these slides are actually from the DEC from the 2003 presentation that they made to us, so these are not my slides, these are not my comments or our comments. The nature and extent was defined, the significance of the site contamination was determined; environmental media, soil, groundwater surface and water, and there was a potential human health exposure.

Again, I think you know about coal tar and its related biproducts. Again, you know, we can kind of just go pass this slide. But the Bay Shore site did operate for decades. And again, these break down into volatile compounds; BTEX and PAH compounds. These BTEX compounds are Benzene, Toluene, Ethylbenzene, Xylenes. And the reality is they actually break down into all kinds of zenes. It's just -- you know, there's probably a thousand different constituencies. So when they go in and test and they pick up Benzene levels, there could be a variant of Benzene in there that, you know, that it may not be picked up because it has a different chemical constituency. So it's a very -- it's a

crazy brew of stuff is what's happening. And I think that's important to understand. And especially when they find high levels in the six to eight foot depths in and around homes, and there's some issues with lack of data there, because that -- and the variation of how soil vapor changes with the geology, with the groundwater levels, with the temperature, whether it's winter or summer. It's just too close to call. And these levels vary based on those elements also.

Again, these are lighter than water. These are the DEC slides. They tend to biodegrade if they don't become anaerobic, and then -- again, we know these as things that are used in a lot of also household things.

The PAH compounds, these are not easily dissolved in water, not really broken down. And again, to note in both instances, all these compounds are toxic and carcinogenic -- not all of them are carcinogenic, most of them are. The extent of the MGP constituents were defined as the source areas, the plant structures and the groundwater with transport.

This was their plan. Again, per the DEC 2003, remedial construction on the main site, which is where the plant operated, early summer, third quarter -- third quarter of '04 they were supposed to start the wall. It's still not done. Off-site groundwater plume, IRM for groundwater treatment, third quarter, 2003. That's the pilot that's still underway that they still don't know may work. Suffolk County Department of Health has concerns. We'll talk about the technology in a few minutes, because we have a couple of things we've actually looked into. And as an engineer I think these things warrant further exploration. And we'll be talking about that tonight also with the DEC.

Again, this is their schedule of events. Essentially a lot of these things -- the IRM for groundwater treatment are the Brightwaters yard and groundwater plume. There was a million gallon fuel tank, it held what was called H-Fuel, it was on the Brightwaters yard. It leaked. It's not an MGP constituent, it's really -- it's basically a diesel spill. It was lumped in with this. It is still not cleaned up. People in the neighborhood smell in the storm drains -- the kids stand by the bus stop, they can smell these vapors. So it is not insignificant.

And actually in the -- as of about four or five -- no, six months ago, I guess, DEC, Gardiner Cross said they don't even know how to get this out of the ground. And he asked the people in the meeting if they knew, anybody who knew, which was kind of ridiculous after this much time. It's trapped below the railroad tracks. It's in a pete bog. And they believe they'll be coming tonight with some potential remedial techniques to get that out of there, extract it.

But the issue here is, again, you know, the groundwater treatment in progress is not in progress. They're still thinking about how to do it. And, I mean, remember this is '03, we're in '07. So, you know, it just points to how late these things are moving forward -- how slowly.

Watchogue Creek, again, they removed the sediment in the creek, and they still have some problems cleaning this up. And the amazing part about this is we don't really watch this one, this is kind of a small plume. But for the ability -- the only reason this isn't being cleaned up is they can't get access to one property. So it's held them up for -- I don't know -- four or five years now. So if that's the case for this very small plume, which affects one -- maybe several properties, but they need access to one, how are they ever going to do UO2 if they don't even have an access plan to date? So it really poses a lot of concerns about how they will ever remediate under OU2.

MS. ESPOSITO:

It also begs the question, why can't they get access to that one property.

CHAIRMAN HORSLEY:

We just decided to ask the same question, you know, what is it?

MS. ESPOSITO:

It's a little mystifying to us, and maybe the County could help with that, too. I don't know, maybe

the person would be more amenable to the County having a discussion with them then perhaps KeySpan. I don't know. But it seems to me that a plume going into this creek could have been cleaned up had it been either a higher priority or just some creativity in getting access to that property been implemented.

MR. KAYSER:

Yeah. I mean, essentially --

CHAIRMAN HORSLEY:

Chris, do you have the information on that property?

MR. KAYSER:

No, I don't. I don't have any of that information. Like I said, this is something that we're really concerned about OU2, but it's frustrating to see that they haven't even made progress.

OU1, main site, these are the Task Force concerns now. It's the worst MGP site in New York State. DEC told us that. The remediation is behind schedule, clearly. Wet excavation presents clean removal challenges. They can't excavate down to 80 feet. The coal tar goes down to 80 feet, it sits on top of a clay layer, and there's no parallel efforts that remediation considered. It's either this works or it doesn't, and it really doesn't matter, we'll just, you know, we'll pick it up next year and we'll make a career out of it.

OU2. There's no plan for remediation beyond the barrier wall except for the pilot that is underway. But as far as we see, there's -- no one has been affected -- contacting the air for access and they're still not sure if this oxygen injection method works. I'll talk a little bit more about that before we are finished. But air testing does demonstrate that exposure pathways do exist in residences and other structures. So it's something that has to be done.

The use of oxygenation, as they're using it now, if you could imagine they are trying to reinvigorate the microbes that will actually naturally destroy the plume. If they use the oxygenation method that they are using, it's really used as -- it's typically a polishing and not used to drop into the middle of the steady stay plum, which is -- they are attempting to do here.

What's happening is you can only inject so much oxygen, so they have to meter the injection. So the reaction rate will be equal to how much oxygen you can inject and invigorate how many microbes. The process indicates that it will take a very, very long time because you can only inject so much oxygen without (a), either moving the plume, creating a wall in the plume because of precipitate of materials that will -- which, again, will change the trajectory of the plume. Many people in OU2 are concerned that if they put in oxygenation and they change the trajectory or they actually create -- cause the plume to move into higher levels of the soil vapor, it could intrude their homes even more. People are very concerned about that, and that is one of the main concerns about this.

Suffolk County Department of Health have installed their own wells and they have indicated that they have concerns that (a), the plume is moving, they've changed the trajectory, and that they are actually making the plume move up higher into the ground -- into the soil. This is in contrast to another technology or other more active technologists which we -- or Jeanine DiNatale was very resourceful. Met with a company called E-Tech, but E-Tech aren't the only people doing this, in that it is sort of a pump and treat situation where they would pump water from the downgrading into the plume, pump it up into -- pump the groundwater out, treat the water with oxygenation, just like they are doing with this process, enhance it with nutrients, which are like nitrogen and phosphorus, okay, send it back down up plume. Now you've delivered a lot more oxygen than you can deliver with direct oxygen injection because you have treated the groundwater.

You are not just pumping oxygen into the soil saying I hope it works and it will migrate wherever it wants. You've controlled it because it's a closed loop process. When you finally see that you're

getting good results, you know you can close that loop. And the hydrology of this allows you to you set up a series of these types of pumps and systems and circuits so that you can actually tune them and see what's kept -- getting clean, see where it's going.

We really think that this is probably the most effective way to deal with the offsite plume. DEC has asked KeySpan to get an RFP or issued an RFP to this company and I think some others. We do think that it's time to look at a more active process. This can lead to the clean-up of this plume in a much shorter timeframe. Going with the existing oxygenation method may be a problem. We're not saying it is a problem, it may be a problem and it may take too long. I think one of the goals we should have is whatever system we use we need to apply the rule of three to five years.

MS. ESPOSITO:

So let me just -- I know Chris got a little technical there, but let me -- excuse me?

CHAIRMAN HORSLEY:

That was good.

MS. ESPOSITO:

Yes. Well, he's an engineer. But to us the bottom line is, and for some of you who think okay, maybe this is just Bay Shore, but we just want to reiterate it's not because there's one in Babylon, there's one in Huntington, and there is probably one in every legislative district. And the key here is to use the technology that works for that plume, but we don't see that being -- that principle being applied to Bay Shore. We're concerned that if that principle is not applied to Bay Shore how will it get applied to the myriad of other sites, not only across Suffolk, but across Long Island.

This is important to us because our concerns were collaborated by Suffolk County Health Department that the plume could be diverted and then go under other homes where it isn't currently or that a revolutization of the VOC's could be lifted up through the ground and then enter homes and businesses and schools. So we don't want to use the wrong methodology because then we will be creating another problem.

We have asked for the data, we don't get the data. We know that they put in the pilot program in December 2005. It's a year and a half, almost two years of data that we haven't seen, isn't conclusive, they say isn't usable, and yet there's no, as Chris said, parallel pathway to find another answer that may also work while we're still waiting for the data from the first pilot. That's just -- I wanted to confirm with you that's part of the concern, too, because as Bay Shore proceeds and all the other ones linger, we want Bay Shore to be used as something that we learn from so the other ones can be expedited as well.

MR. KAYSER:

Thank you very much. Exactly. We would like to set a precedent, if we could. OU3, again, is the second area. This is the result of the kerosene-like spill. Again, the DEC admitted they didn't have any known remedy. They're now looking at a couple of ideas. Again, very late, things just kind of dragging on. We hope to have an update on this tonight. Again, testing demonstrates exposure pathways exist. And that's a tough one. No one wants to say complete exposure pathways, but when I look at the data it says it to me. So -- but the State Department of Health is very careful about stating that, but I believe because they apply certain minimum levels and what those levels could be, but even if it's a very low level, I still believe that should be considered a complete exposure pathway. And especially based on the constituency, because if you are measuring benzene but you know there may be a hundred other variants of benzene that you are not measuring, I think that that's a cause for concern.

CHAIRMAN HORSLEY:

Adrienne, let me ask you. Does being a voluntary clean up organization rather than a full scale -- does that make a difference here as far as the DEC's approach?

MS. ESPOSITO:

Well, yes and no. In the beginning if this had been under a regular superfund program --

CHAIRMAN HORSLEY:

Superfund.

MS. ESPOSITO:

I think it would have been a better program, just the way Sag Harbor is. There is a very serious site also in Sag Harbor. That's moving along in its clean up because it's not a voluntary program. But I think at this stage of the game we're too far along to go back now and reclassify it. I think that we should, you know, not do that because we don't want to take steps backwards.

LEG. BARRAGA:

The community has a real problem with that.

MS. ESPOSITO:

And there is that as well.

MR. KAYSER:

We know that. I've heard that, too.

CHAIRMAN HORSLEY:

Just checking. I wanted to see if it made a difference as far as the clean up.

MR. KAYSER:

Yeah, we experiment with that, too. Just one or two more slides here. Again, talked about OU4 delayed due to access problems. That's the one where they can't get under one property.

So in conclusion, the general task force concerns are all activities are generally planned in a serial manner. Parallel efforts could expedite the clean up from 10 to 15 years to possibly three to five years. And from my standpoint I think 10 to 15 years at today's rate is totally optimistic. I'm probably not wrong if I estimate that if you say there's a hundred percent of contaminant that was created by this whole scenario, there's probably more than 90 something percent of the contaminant still necessary to either recapture or to remediate. So we're nowhere. And I was at the meeting in Hempstead where people pointed to Bay Shore as the model. The model doesn't look so good if you're really up close. So, just as an FYI. The fact that there is equipment on site, etcetera, etcetera, we're really not very close to actually accomplishing all that much at this point.

Continuing start delays make completion dates an ever moving target. We know that. Remediation techniques such as oxygenation may not be effective. We talked about that. Alternative techniques should be considered and tried and we should do these things in parallel. Expedited timelines need to be developed and implemented as soon as possible, and we want a commitment for substantive community participation. And we're going to ask for weekly updates in writing because, you know, the wall construction stops for three weeks and people come and ask me and I go I didn't know the wall stopped. We really should know. I mean, we've taken the steps to try and be aware of this, but we're doing this as a volunteer effort. So that's pretty much the end of those concerns.

There were a couple of other points I did want to mention. One was we became aware that, and I heard this secondhand, but there is regional control now over the other Long Island MGP sites? Is that true?

MS. ESPOSITO:

I don't think that's true.

MR. KAYSER:

That's not true?

CHAIRMAN HORSLEY:

Joe, do you have anything to say, bring this out for the record?

MS. ESPOSITO:

Joe, do you have something on this?

MR. SCHROEDER:

According to a conversation with Ron Paulsen, Department of Health, earlier this week, they were notified by local DEC officials that they had received control of some of the local sites, not including Bay Shore, not including Sag Harbor, and not including Hempstead. I'm not sure of the total sites that they do have under their control, but the large sites are not.

CHAIRMAN HORSLEY:

That would be the regional DEC, Mr. Scully and crew?

MR. SCHROEDER:

That's what I was told, yes.

MS. ESPOSITO:

Okay. Well, why did they skip the most challenging ones?

CHAIRMAN HORSLEY:

We have been calling for this for months so this is not a new -- the fact that we didn't know that there was an answer.

MR. SCHROEDER:

It was noted that the newer sites that we just became aware of recently under the new consent order.

CHAIRMAN HORSLEY:

The spheres and all those things.

MR. SCHROEDER:

Right. Those were more the sites that were under local control.

MS. ESPOSITO:

But we have -- the Regional DEC will be sending a representative this evening and we can, you know, talk to him about that.

MR. KAYSER:

Yeah. Maybe the nature of this site, it's a real MGP site with MGP constituencies and I do know the DEC maintains their MGP staff up in Albany.

CHAIRMAN HORSLEY:

We know.

MR. KAYSER:

Okay. Continued concern of location of monitoring wells and continuity of data. There seems to be some missing data we noted and a lot of suspicious or concerned areas, let's put it that way. Exposure pathways we talked about, discussing the use of a higher speed process we discussed.

You know, I guess I want to wrap up with a couple of things. One is we'd like to really make Bay Shore the model if we can do this right. We really think if we apply a timeline and say this is it guys,

you've got three to five to do it, then we'll see the motivation that occurs. Right now there doesn't appear to be any motivation on anyone's part other than to get by maybe the next quarterly meeting that we have. And so I think somehow we have to apply a time limit to what's happening and then meet it that way and look at timelines that way. Right now we even see the start of these things just moving out to the right for years now.

MS. ESPOSITO:

And when we say we, it's got to be the State DEC.

MR. KAYSER:

Yes, much agreed. I would also suggest that perhaps the -- this committee would like to speak to Gardiner Cross and maybe invite him to speak at one point. He does run the MGP remediation for the State of New York. He's the man to talk to.

And again, I want to thank you guys for the continued support. I mean, this is a tremendous issue. We do appreciate the support that we've gotten. There are so many agencies involved. These MGP sites are -- there's no real great model for cleaning them up, but I think we need to start -- when it affects human health, and in this instance we're very concerned that it does, then we need to expedite these efforts and put timelines in place. MGP sites that may have 80 foot deep plumes and there's no effect or possible effect or very low risk of contaminant -- exposure to human beings, maybe there is a different story, but not this one. And thanks again for your help.

MS. ESPOSITO:

Thank you very much.

CHAIRMAN HORSLEY:

Thank you Chris, Adrienne. We appreciate your -- we're in this together. Thank you.

MR. KAYSER:

Thank you.

MS. ESPOSITO:

We like to hear that.

CHAIRMAN HORSLEY:

Any other questions?

LEG. BARRAGA:

Quick comment. The only other comment I would like to make is that I think in past with reference to the New York State DEC a major problem there was the individual who was representing the DEC in terms of his communication skills with the group. And the last several meetings Mr. Cross has actually taken the time to come down. I think he has been attending every meeting. So before I'd be a strong advocate of regional control, as long as I've got the key guy in the State coming down to every meeting you have, maybe that's a better approach at this point.

MR. KAYSER:

I think I'm okay with that. I really think the regional control I don't know if it really adds anything to Bay Shore. It's a good question. They may have thought of it that way, too. If Gardiner is going to be on this personally I think that's about the best we can do. But thank you. I appreciate that.

MS. ESPOSITO:

We like regional involvement, though, because they know the communities and I feel more committed to the communities, but you are absolutely right.

CHAIRMAN HORSLEY:

Very good. Thank you very much.

MR. KAYSER:

Thank you very much.

CHAIRMAN HORSLEY:

Any further pieces of business? Motion to adjourn.

P.O. LINDSAY:

The agenda. Did we do the agenda?

CHAIRMAN HORSLEY:

Oh my God. I lost my mind. It must have been those poets. We'll move to the agenda. Tabled Prime.

1171. Adopting a Local Law to establish the Gabreski Airport Conservation and Assessment Committee (SCHNEIDERMAN).

I will make a motion to table.

P.O. LINDSAY:

Second.

CHAIRMAN HORSLEY:

Second on the motion by Legislator Lindsay. All in favor? Opposed? So moved. **TABLED (VOTE: 5-0-0-1 - Not present - Legis. Viloría-Fisher).**

1501, Adopting a Local Law enhancing the ability of the Wireless Suffolk County Local Development Corporation to develop a WI-FI Network in Suffolk County and Nassau County (COUNTY EXEC).

I will make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN HORSLEY:

Seconded by Legislator Stern. All those in favor? Opposed?

LEG. ROMAINE:

Can I?

CHAIRMAN HORSLEY:

I'm sorry. Ed.

LEG. ROMAINE:

I'm opposed to this, because I am not sure that we need to create another corporation outside. I don't like governments creating authorities, agencies or corporations outside of where we have jurisdiction now. I'm not going to get into debate, but I'm just going to register my opposition.

CHAIRMAN HORSLEY:

Okay. And the vote on that is all those in favor, raise your hand.

LEG. ROMAINE:

I will abstain. I'm going to review this more, I'm going to ask some more questions. Maybe on Tuesday you will have me on your side.

CHAIRMAN HORSLEY:

With one abstention. **APPROVED (VOTE: 4-0-1-1 - Abstention - Legis. Romaine - Not present - Legis. Vilorina-Fisher)**

1654. Accepting and appropriating a grant proposal to the Met Life Foundation/Civic Ventures Community College Encore Career Project for an encore Career Program 100% reimbursed by private funds at Suffolk County Community College (COUNTY EXEC).

Motion to --

LEG. STERN:

Approve.

CHAIRMAN HORSLEY:

-- approve by Legislator Stern, I will second. All those in favor? Opposed? So moved.

APPROVED (VOTE: 5-0-0-1 - Not present - Legis. Vilorina-Fisher).

1658. Adopting no tax increase, fiscally responsible, Suffolk County Community College Affordable Education Operating Budget for 2007-2008 (COUNTY EXEC).

LEG. ROMAINE:

Motion to table.

CHAIRMAN HORSLEY:

Motion to table. Is there a second on the motion? I will second the motion. All those in favor? Opposed? So moved. It's been **TABLED (VOTE: 5-0-0-1 - Not present - Legis. Vilorina-Fisher).**

1686. Accepting and appropriating an amendment to the College Budget for a grant award from the National science Foundation for Scholarships for Information Technology, engineering Technology, and Mathematics Student Project 100% reimbursed by Federal funds at Suffolk County Community College (COUNTY EXEC).

I will make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN HORSLEY:

Seconded by Legislator Stern. All those in favor? Opposed? So moved. **APPROVED (VOTE: 5-0-0-1 - Not present - Legis. Vilorina-Fisher).**

And I believe that is everything, right?

LEG. ROMAINE:

Motion to adjourn.

CHAIRMAN HORSLEY:

Motion to adjourn.

(*THE MEETING WAS ADJOURNED AT 4:45 P.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY