

**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, February 25, 2009.

**MEMBERS PRESENT:**

Legislator Wayne Horsley - Chairman  
Legislator Steve Stern - Vice-Chair  
Legislator Cameron Alden  
Legislator Vilorio-Fisher  
Legislator John Kennedy

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Joe Schroeder - Budget Review Office  
Gail Vizzini - Director, Budget Review Office  
Joe Muncey - Budget Review Office  
Jill Moss - Budget Review office  
Barbara LoMoriello - Deputy Clerk of the Legislature  
Ben Zwirn - Deputy County Executive  
Christine Malafi - Suffolk County Attorney  
Gail Lolis - County Attorney's Office  
Joe Sawicki - Suffolk County Comptroller  
Brendan Stanton - Aide to Legislator Horsley  
Jack Caffey - Aide to Presiding Officer Lindsay  
Paul Perillie - Aide to Legislator Cooper  
Tom Fisher - Aide to Legislator Vilorio-Fisher  
Kara Hahn - Aide to Presiding Officer Lindsay  
Michael Pitcher - Aide to Presiding Officer Lindsay  
Moke McGowan - President/LICVB  
Carolyn Fahey - Economic Development  
Charles Stein - Suffolk County Community College  
George Gatta - Suffolk County Community College  
Amy Muelloer - Suffolk County Community College  
Mary Lou Varaneo - Suffolk County Community College  
Ilene Kreitzer - Suffolk County Community College  
Jim Whitten - Suffolk County Community College  
Tom Breeden - Suffolk County Community College  
Shaun McKay - Suffolk County Community College

Debra Alloncius - AME  
Gregory Schimizzi - Appointee  
Doug Aloise - Town of Huntington, Community Development Director  
Rick Brand - Newsday  
All other interested parties

**MINUTES TAKEN BY:**

Alison Mahoney - Court Stenographer

**MINUTES TRANSCRIBED BY:**

Kim Castiglione - Legislative Secretary

***(THE MEETING WAS CALLED TO ORDER AT 2:32 P.M.)***

**CHAIRMAN HORSLEY:**

Good afternoon, everybody, and my apologies for the delay of the public hearing today and the meeting of the EEE, Economic Development, Energy, and as of today, with an extra star, Higher Education. But let us first stand for the Pledge of Allegiance.

***(Pledge of Allegiance)***

And may we please stand for a moment of silence for all those who stand by us and protect us overseas and at home. That would also include the fallen officer that lost his life over this weekend.

***(Moment of Silence)***

Thank you very much. Please be seated. All right. Why don't we do this first since there's only one card. May I ask Doug Aloise to please come forward?

**MR. ALOISE:**

Aloise.

**CHAIRMAN HORSLEY:**

I'm sorry, Doug.

**MR. ALOISE:**

We know each other for so many years.

**CHAIRMAN HORSLEY:**

I know.

**MR. ALOISE:**

But I have problems with Horsley sometimes.

**CHAIRMAN HORSLEY:**

You can spell it wrong. That's what most people do. Sorry, Doug.

**MR. ALOISE:**

Thank you, Chairman Horsley. I'm Doug Aloise, Community Development Director for the Town of Huntington. I also have Joan Cergol in attendance. She's the Economic Development Director for Supervisor Petrone. She's also Vice Chair of the Economic Development Corporation. And thank you Vice Chair Stern and the members of the committee.

I'm here to speak on IR 1095 and it's a business incubator in the Town of Huntington in Huntington Station. We're requesting \$150,000 in funding for infrastructure. The goal of the incubator, which is located at 1268 New York Avenue, is basically to nurture and grow small minority businesses. It's one of the -- in one of the poorest census tracts in the County. It has a 26.3% poverty rate, and we get that from Suffolk County Planning.

The type of services we want to foster is shared office space, computer and MIS technology, administrative backup. We want to teach folks how to write business plans, tell them about accounting software, marketing, training. And we also will have a conference room and we intend on having day and evening conferences in there on different subjects that would help the smaller businesses.

The County piece is \$150,000, but I want to also mention that we received \$35,000 for the

Downtown Revitalization. We're leveraging State money, \$100,000 in New York State Main Street money, \$129,000 in Community Development Block Grant moneys, and also we have some Huntington Station local revitalization moneys and rental income that we receive for the two apartments that are above the incubator.

We feel that small businesses will lead us out of the recession with job creation, so I think this really makes sense in today's economy. We don't want to be the operator. We don't feel that's an appropriate role for the Town. We've spoken to the Nassau/Suffolk Hispanic Chamber as well as Urban League. They both have a lot of experience with running incubators. At the appropriate time we'll RFP it.

I would just like to thank Carolyn Fahey and Lisa Broughton as well as Commissioner Heaney helping us with this. We really feel it's going to be a model with literally all levels of government working synergistically. Joan and I will just entertain any questions if you have them.

**CHAIRMAN HORSLEY:**

Doug, just quickly, if I may.

**MR. ALOISE:**

Sure.

**CHAIRMAN HORSLEY:**

I congratulate you on this effort. I have been trying to put together an incubator with a group over in North Amityville for a number of years now.

**MR. ALOISE:**

Yeah, Rosemary {Deering}.

**CHAIRMAN HORSLEY:**

The fact that you have gotten this far is great.

**MR. ALOISE:**

I owe her a phone call so maybe we can link up and tell her about our experiences.

**CHAIRMAN HORSLEY:**

That would be great. What they often talk about with incubators is speciality. Have you ever heard the term before, where they talked about what -- you have to have like one focus, and I don't know if that's true or not. Are you going to be -- is your businesses going to be -- that are incubated, going to be of one type or one genre or whatever?

**MR. ALOISE:**

We just want to go with the community, you know, so with the shared office space, you know, it's not a high tech type of situation where some -- like Farmingdale, their business incubator focuses on that. So we're going to leave that open to the operator, but we do have a lot of home cleaning service type of businesses, landscaping, things of that nature, but we're going to be flexible. And then with the conference room we want to bring in other businesses that may not necessarily be tenants, but that could benefit by how do you market a business, what's the best accounting software, things of that nature.

**CHAIRMAN HORSLEY:**

Shared secretary?

**MR. ALOISE:**

Yeah. We'd have -- there would be a secretary, receptionist, computers, that type of thing. It would be a limited stay, maybe the -- it would be like six months and then we would bring in a new group. But, again, the idea of the conference room would be the help of the local businesses in the

area that wouldn't necessarily be a tenant. And the Hispanic Chamber, they have done a great job in Lake Ronkonkoma, they have one in Lynbrook. And then in Central Islip Urban League has a big one. So there is that base of knowledge out there so we feel rather than making a decision, we'll do a request for proposal.

**CHAIRMAN HORSLEY:**

Thank you. Doug, please keep me involved in your progress.

**MR. ALOISE:**

Yeah, and I will give Rosemary a call. I was on that board many years ago.

**CHAIRMAN HORSLEY:**

I really would -- I'm going to learn by your -- you can teach us. That would be great.

**MR. ALOISE:**

Thank you.

**CHAIRMAN HORSLEY:**

Legislator Stern.

**LEG. STERN:**

Yes, thank you, Mr. Chairman. Very exciting, very exciting.

**MR. ALOISE:**

Thank you. We are, too.

**LEG. STERN:**

And for so many reasons, not just the Town of Huntington, but for our entire region. I just wanted to be clear on the procedure that we're about to follow here. This is a project that -- I guess this is a question for Counsel. This is in our Capital Program and this would -- this resolution would approve an authorization of the expenditure, but that we would have to approve this on Tuesday and there would be an accompanying bond resolution on that same day? Is that how we are going to proceed?

**MR. NOLAN:**

Correct. There will be a bond resolution with it.

**LEG. STERN:**

All right. Very good. Thank you.

**MR. ALOISE:**

Okay. Thank you, Legislator Stern.

**CHAIRMAN HORSLEY:**

Thank you, Doug.

**MR. ALOISE:**

Bye now.

**CHAIRMAN HORSLEY:**

Thank you. Okay. That concludes the public portion. Would anyone else like to be heard during the public portion? Very good. Thank you very much.

I have a special request from the County Executive to forward resolution **1112, Approving the appointment of Gregory F. Schimizzi to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)** And take that out of order. I'll make a motion to do that.

**D.P.O. VILORIA-FISHER:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Vivian Viloría-Fisher. And I -- is Mr. Schimizzi --

**D.P.O. VILORIA-FISHER:**

That was 1112?

**CHAIRMAN HORSLEY:**

1112, right. Okay. Do we have -- did I vote on that?

**LEG. STERN:**

Call the vote.

**CHAIRMAN HORSLEY:**

Okay. All those in favor? Opposed? So moved. Welcome, Mr. Schimizzi.

**MR. SCHIMIZZI:**

Thank you for inviting me.

**CHAIRMAN HORSLEY:**

It is my pleasure. Tell us about yourself a little bit and why we should appoint you to the Suffolk County Motion Picture/Television Film Commission.

**MR. SCHIMIZZI:**

Okay. First of all, my name is Greg Schimizzi. For about the past 31 years my brother I have a film distribution company. In 1994 we actually got the last license in Suffolk County for a TV station, an FCC licensed TV station. And assuming that we were selling to TV stations and involved with them throughout the country, we figured how hard is it to build one and run one, so we ended up bringing it to light. And it was in those days Channel 23, and now it is Channel 50. It's in position for high definition. We're on the Cablevision system out on the east end and on FIOS system Channel 14 throughout the tri-state area.

And, basically, as a tiny, family run business, we can appreciate, and all the way out at the other end of Suffolk County, we kind of appreciate the -- first of all, the passion of television. And also what it means, both in an economic sense to the local merchants and to the viability of the community, and also as a vehicle of communication, as a thing beyond just the big stations that are owned by multinational companies, but a homegrown thing that's here.

So along the lines of that, I figured that it would be -- and I'm willing to roll up my sleeves and work my entrepreneurial magic in the public sector to sort of voice my help in sort of stimulating this wonderful business. It's probably one of the wonderful things about television, no matter what the public sometimes says, it's not a polluting business. It's a business that is -- doesn't require any huge sums of oil or other things that kind of are rare to move ahead.

So basically there's a lot of educational institutions here on the eastern end of Long Island in Suffolk County that are gearing young students for the purpose of this career path, so I feel that I am very excited about this and what I could do. Hopefully I can free up a significant amount of time to concentrate on this -- I've been doing it unofficially, but in an official capacity. And I think that the work that the Suffolk County Film Commission has done so far is really exemplary and I want to be part of it.

**CHAIRMAN HORSLEY:**

Well, thank you very much. It sounds like you are a good man for the job as far as I'm concerned. Are there any further -- are there any questions from my colleagues?

**D.P.O. VILORIA-FISHER:**

No, Mr. Chairman, but I would just like to thank you for stepping up to do your public service. Thank you very much.

**MR. SCHIMIZZI:**

Thank you. I appreciate that and I look forward to it. Thank you.

**CHAIRMAN HORSLEY:**

Now, it's Channel 50 at the other side of the County. Is that different than our -- my 50 on the western side of Suffolk, which is Comedy Central, and this is always our comedy.

**MR. SCHIMIZZI:**

Well, the over the air signal, which is the high definition signal, within the next couple of months is Channel 50. It's the old UHF, the rabbit ears. If you have FIOS, which I think in this area FIOS is sort of working its magic, it's Channel 14. And on Cablevision on the eastern end of Long Island, 78.

And what I failed to mention is in -- about 2004 my brother and I developed a system, which at the time we thought was quite unique and probably unique for about 10 minutes and then everybody else is going to do it. We actually could webcast the entire station with no other appliance outside of your computer on any computer. So you could see what we have in China or in England or in South America with no cable, no satellite or anything, which -- from 2004 onward it's been quite unique. And that brings us quite an interesting population, that those people from around the world can appreciate what we do here on Long Island. I think that -- so wherever you are, even if you are at a laptop or at a, whatever the place is, a TV, the appreciation of TV in the years to come won't be so limited to one appliance. It will be your telephone will bring television to you directly or your handheld devices would. So we're positioning ourselves in this County, as the rest of the world is, for that new technology and that appreciation of that product.

**CHAIRMAN HORSLEY:**

That's great stuff. Okay. We have a motion to --

**D.P.O. VILORIA-FISHER:**

Motion to approve.

**CHAIRMAN HORSLEY:**

Motion to approve by Legislator Vivian Vilorio-Fisher.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? **(Vote: 4-0-0-1 Not Present: Legislator Alden)**. You will be moving on to the full Legislature and their approval.

**MR. SCHIMIZZI:**

Great. Thank you.

**CHAIRMAN HORSLEY:**

You don't have to appear next Tuesday. The fact that you were here in our committee today, our humble committee, that will be enough.

**MR. SCHIMIZZI:**

I appreciate it. Thank you very much. I look forward to working with you all.

**CHAIRMAN HORSLEY:**

Thank you, Mr. Schimizzi, and thank you for bearing with us on our time.

**MR. SCHIMIZZI:**

Thank you.

**CHAIRMAN HORSLEY:**

All right. Ms. Malafi, would you -- are you ready? Okay, we're going to go into Executive Session. Ms. Malafi is requesting that she discuss Plan C with the board, the litigation issue.

**MR. NOLAN:**

You have to make a motion to go into Executive Session to discuss the litigation.

**CHAIRMAN HORSLEY:**

Okay. I will make a motion to --

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

There you go -- to go into Executive Session for purposes of discussing the Plan C litigation, and litigation only, because I know everyone else is here for Plan C as well. I'm not excluding you, I am not trying to exclude you, but would you please give us just a few moments and we'll be back to you and we'll do this with full transparency. I need a vote on this. All those in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

You know, hey, gang, maybe this might be easier. Why don't the Executive -- why doesn't the board leave and you guys stay. How's that? You can be comfortable, have a cup of coffee, there is a soda machine outside, and we'll be back in a few minutes. Okay, only Christine.

***(Executive Session was held from 3:02 P.M. to 3:28 P.M.)***

**CHAIRMAN HORSLEY:**

Hello again. Let me -- well, first of all, I would like to make a motion to -- okay, the Executive Session is closed. All right. Now I am going ask our committee to -- to lend me to the ten minute recess so we can talk to the Comptroller. Not an Execution Session, a recess. Just taking a recess. Okay. We're taking a ten minute recess. Bear with us, gang. We'll be back and we'll bring everybody up-to-date.

***(The meeting was recessed from 3:29 P.M. to 3:32 P.M.)***

**CHAIRMAN HORSLEY:**

All right, we're going to -- the recess has been concluded and we were -- we're going to move on with the rest of the agenda and we'll be back to the discussion relating to the Plan C issues shortly.

**Tabled Resolutions**

**1934, Establishing an Energy Conservation Policy for Suffolk County Electrical Agency.  
(Horsley)**

I will make a motion to table.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**Introductory Resolutions**

**1053, Terminating the Plan "C"** -- we're going to put that on hold. We'll get back to that in a few minutes.

**1055, Authorizing a lease amendment with Shelt Air Westhampton, LLC at Francis S. Gabreski Airport. (Co. Exec.)**

I will make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1063, to revise the selection process for Suffolk County's Poet Laureate. (Horsley)**

I will make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1068, To reappoint Gioacchino Balducci to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

Is that a reappointment?

**D.P.O. VILORIA-FISHER:**

Yes.

**LEG. STERN:**

It's a reappointment.

**CHAIRMAN HORSLEY:**

I'll make a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1069, To reappoint David Cohen to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

Do I have a motion?

**LEG. STERN:**

Motion.

**CHAIRMAN HORSLEY:**

Motion to approve by Legislator Stern. Second by Legislator Kennedy. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1070, To reappoint Mitchell Kriegman to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

**D.P.O. VILORIA-FISHER:**

Motion.

**CHAIRMAN HORSLEY:**

Legislator Viloría-Fisher makes the motion.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1071, To reappoint Campbell Dalglish to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec)**

**D.P.O. VILORIA-FISHER:**

Motion.

**CHAIRMAN HORSLEY:**

Motion made by Legislator Viloría-Fisher. Seconded by Legislator Kennedy. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1072, To reappoint Ron Rudaitis to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

**D.P.O. VILORIA-FISHER:**

Motion.

**CHAIRMAN HORSLEY:**

Legislator Viloría-Fisher makes the motion to approve.

**LEG. KENNEDY:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Kennedy. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1073, To reappoint Greg Pace to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

Same motion, same second. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not**

**Present: Legislator Alden).**

**1074, To reappoint Isabella Rupp to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

Same motion, same second. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1075, To reappoint Steven Taub to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.)**

Same motion, same second. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1080, Establishing a task force to study the feasibility of Suffolk County Community College assuming the operation of the Vanderbilt Museum. (Lindsay)**

**D.P.O. VILORIA-FISHER:**

Motion.

**CHAIRMAN HORSLEY:**

Motion made by Legislator Fisher. I'll second the motion. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1081, Authorizing the County Executive to enter into a Memorandum of Agreement (MOA) with the Federal Aviation Administration (NAVAIDS). (Co. Exec.)**

**LEG. STERN:**

Motion.

**CHAIRMAN HORSLEY:**

Motion by Legislator Stern. Second by Legislator Viloría-Fisher. All in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1084, Approving and authorizing a contract with the Long Island Convention and Visitors Bureau and Sports Commission to promote convention business and tourism in Suffolk County. (Co. Exec.)**

**LEG. STERN:**

Motion.

**D.P.O. FISHER:**

Motion.

**CHAIRMAN HORSLEY:**

Would -- Moke, would you like to speak on this?

**MR. McGOWAN:**

You know, I attended with Michelle Stark of Economic Development Department so if --

**CHAIRMAN HORSLEY:**

Ms. Stark, would you like to --

**MR. McGOWAN:**

I will be more than happy to answer any questions you may have.

**MS. STARK:**

Yeah, if you have questions.

**CHAIRMAN HORSLEY:**

Carolyn Fahey, would you like to -- oh, we've got material. You can't just run over that.

**MS. FAHEY:**

This resolution really just reauthorizes a multi-year agreement with the LICVB that the Legislature approved a few years ago.

**D.P.O. VILORIA-FISHER:**

Okay. That's what we figured.

**MS. FAHEY:**

That's what it is.

**CHAIRMAN HORSLEY:**

Okay. Are there any further questions? Anything else from the Legislature? Okay. I will make a motion to approve. Seconded by Legislator Fisher. All those in favor? Opposed? Motion is approved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1095, Authorizing funds for infrastructure improvements in connection with incubators for businesses in distressed areas (CP 6413). (Co. Exec.)**

**LEG. STERN:**

Motion to approve.

**CHAIRMAN HORSLEY:**

I'll second that motion. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1103, Amending Resolution No. 1133-2008, creating the Gaming Task Force. (Horsley).**

I'll make that a motion to approve.

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Stern. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1108, Accepting and appropriating a grant award from the New York State Education Department, the University of the State of New York, for a State Adult Literacy and Basic Adult Education Program entitled "College to Community Access Program" (CCAP), 100% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)**

**LEG. STERN:**

Motion to approve and this is to put on the consent calendar.

**CHAIRMAN HORSLEY:**

I second that motion. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden).**

**1109, Accepting and appropriating a grant award from the New York State Education Department, the University of the State of New York, for a General Educational**

**Development Test Administration Program 100% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)**

**LEG. STERN:**

I'll make the motion to approve and place on the consent calendar.

**CHAIRMAN HORSLEY:**

Second by Legislator Fisher. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**.

**1110, Accepting and appropriating an amendment to the college budget for a grant award from the U.S. Department of Education for a Federal Work-Study Program 100% reimbursed by Federal funds at Suffolk County Community College. (Co. Exec.)**

**LEG. STERN:**

Motion to approve and place on the consent calendar.

**D.P.O. VILORIA-FISHER:**

Second.

**CHAIRMAN HORSLEY:**

Second by Legislator Fisher. All those in favor? Opposed? So moved. **(Vote: 4-0-0-1 Not Present: Legislator Alden)**.

And we've already done 1112; is that correct?

**LEG. STERN:**

Yes.

**CHAIRMAN HORSLEY:**

Okay. We're going back to **1053, Terminating the Plan "C" Agreement between the County of Suffolk and Suffolk County Community College. (Viloria-Fisher)**

**D.P.O. VILORIA-FISHER:**

Mr. Chair, I'd like to make a motion to discharge without recommendation.

**LEG. KENNEDY:**

Second.

**D.P.O. VILORIA-FISHER:**

And then we'll have discussion on motion I assume.

**CHAIRMAN HORSLEY:**

That would be correct. Ms. Fisher makes the motion, second by Legislator Kennedy. Would --

**D.P.O. VILORIA-FISHER:**

Mr. Chair, while they're coming up may I just --

**CHAIRMAN HORSLEY:**

You guys are running away with me on this. Yes, please.

**D.P.O. VILORIA-FISHER:**

No, while we're waiting for them to come up. I just wanted to say as sponsor of the resolution that this issue with the Plan C agreement has been before us for quite a while. We've read a great deal about this in Middle States reports and we've had many, many discussions about it. At this point I

made the motion to discharge without recommendation.

**CHAIRMAN HORSLEY:**

Uh-huh.

**D.P.O. VILORIA-FISHER:**

So that during the period of time between today and the General Meeting there could be a meeting between the County and the college to arrive at a mutually agreed upon processes, procedures, and perhaps a memorandum of understanding and an agreement on how shared services would be handled. So, Mr. Chair, I hope that this will be just a template where we begin the discussion with the parties that are involved.

**CHAIRMAN HORSLEY:**

Thank you very much, Legislator Fisher. Would -- can I have up at the table, if we can make some room, the representatives from the college as well as from the County. Mr. Sawicki, did you want to join in on this?

**MR. SAWICKI:**

I'm here if you need me.

**CHAIRMAN HORSLEY:**

Thank you. I'm of the mindset maybe we can all raise our right hands to swear you in, but we won't go that far. Let's talk about this. We have, as we all have discussed over the last couple of days, that we met recently last week to -- to reach an agreement on where the County is going to go with this resolution, whether or not the litigation would be appealed and the whole gamut of questions that arrived from the issuance of Plan C.

So, where we are at at this point in time is that we were -- it was our intention to table the motion today, but after discussions amongst the Legislature -- the Legislators, members of the County Executive's Office, as well as the college, we thought it best that we bring it out to the full Legislature because we are under a timeframe that has been imposed by Middle States where they're having a meeting and we are -- that issue is pending in front of them.

So for us to vote on sending this to the full Legislature, even without recommendation, there are certain conditions that these Legislators want to impose on both parties. We wanted to assure that you are in agreement and with full faith of your offices that we -- that we will have this discussion over the next several days. And that discussion, as Legislator Fisher mentions, is that we would like to have before the full Legislature votes on this an agreement laying out in an MOU procedures in which the County is going to work with the college into the future and those procedures are varied and there are many.

We both understand -- we all understand that we are bound by educational law and that will be a non-starter that if it -- if it -- if our attorneys agree that this is part of the educational law we will -- those issues will not be in the procedures and in the topics in the MOU. But there are many. There are many. The labor negotiations, for instance, and laying out how we're going to cooperate with each other budget wise, because there are budget issues. You know, whether or not there is going to be a line item budget issued to the Legislature. Issues like that, that have to be resolved and we want to see those issues addressed prior to this vote on Tuesday.

And the second issue would be that we have an agreement on shared services. As you know, both parties know, that we have issues relating to who cuts the grass and who, you know, fixes the leaky roof and etcetera.

**D.P.O. VILORIA-FISHER:**

Who does payroll.

**CHAIRMAN HORSLEY:**

Who does payroll and a myriad of other questions. That has to be laid out in an agreement. So what we're asking is that between now and Tuesday when the Legislature votes on this that all parties, including the Legislature, meet together to iron out these issues, put them in writing. And what I'm requesting is that -- I hate to be legal, but I would like a little brief of what you guys are -- what the County would like to have in those agreements as well as the college so that we have something to work with when we sit down and discuss this. I would hope that that would be in before the close of business tomorrow because we're going to have to do this real quick and it may precipitate that we may have to meet over the weekend or whatever it takes. And I wanted you guys to agree to that. Let me go with the County first. Mr. Morgo, would you agree to that?

**DEPUTY COUNTY EXECUTIVE MORGO:**

That's a lot to hope for.

**CHAIRMAN HORSLEY:**

It's a lot to hope for.

**DEPUTY COUNTY EXECUTIVE MORGO:**

As you said, there are many, many items. When you are in effect getting rid of an existing operating agreement and coming up with now a shared services and an MOU, there are so many items. Mr. Sawicki is here. I would be curious to his reaction. What happens if we go from our operating agreement to nothing. I think we had a very good beginning on Monday. We -- the County knows what's -- what is important in the shared service agreement and knows what the procedure is, what the procedures under an MOU should be.

Now, what we believe should be in there is that necessarily what the college is going to agree to what's going to be in there? Of course not, that's why you have meetings, that's why you compromise, that's what happens with negotiations.

And, you know, I have to say something else because of this timeline. We in the County Executive's Office with the Legislators want to operate in good faith. I think we know that autonomy --

**CHAIRMAN HORSLEY:**

That's a good start.

**DEPUTY COUNTY EXECUTIVE MORGO:**

Yeah. Autonomy is important, but so is accountability, and if we're in a situation where we say oh, you know, the law is against you so you should jettison the operating agreement and what -- something I resent greatly is to say well, if you don't agree to this, you're going to be smitten by the Middle States evaluation and you better get this done. That is not discussion or operating in good faith.

At this meeting, the only meeting that I have been part of, there was an understanding that a shared services agreement is necessary. And I think at least for some of the people there, there was an understanding that if you go from an operating agreement and you toss it out but you don't have any procedures going forward, you just say this is gone, we're going to have to do everything, we have total autonomy and we don't have to cooperate with you at all, then you are going to be in a very bad situation. I know the County Executive's Office wanted to have a procedure in place, a shared services agreement in place. I know the Legislators do as well.

**CHAIRMAN HORSLEY:**

We do.

**DEPUTY COUNTY EXECUTIVE MORGO:**

Now, why would we like to see the resolution in question tabled? I think that's apparent. If we're

going to be discussing, negotiating, staking out opposition, hearing the college's position, hopefully that we're able to get to common ground and say yes, we can work it this way, and we did have some evidence of that on Monday I'm happy to say. But to say we're not going to have the existing operating agreement, we don't have to agree with anything, and besides if you don't do anything then you won't be accredited, the college won't be accredited and we'll all go to hell in a hand basket, that is not the best way to operate.

Will we try? We already know what our positions are, so yes, we'll try. But one of the things that you said, Mr. Chairman, is that if we don't have a shared services agreement and we don't have procedures going forward delineated in an MOU, then you will table it on Tuesday. I don't know and I'd like to hear --

**CHAIRMAN HORSLEY:**

And I speak only for myself when I make that comment. I will certainly try to enforce that with my fellow Legislators that if we don't have this agreement this is the way I will vote personally and this is the way I would recommend this committee members to vote, but I'll have to go -- there's 18 of us and you know how we are.

**DEPUTY COUNTY EXECUTIVE MORGO:**

Yes. In speaking to you and other Legislators, yesterday I said we would not ask for a tabling beyond, and I said obviously if we do get to common ground and if we have the time to get there, that's far better even for the Middle States Association than we get the rescinding of Plan C, it's off the table, then recriminations go back and forth. You know, one of the things that Mr. Gatta said to me is that we should have done this long ago. I agree; we should have, but we began on Monday. I think we made some progress, but this is not the best thing for negotiations when you have the situation get it done or else.

**CHAIRMAN HORSLEY:**

I agree. It is not the optimum situation and we won't argue that. But, Mr. Morgo, just to put this as succinct as I can, you would agree to participating in this marathon session? Hopefully it will be Friday. Maybe once we have both of our -- Christine, is that -- Ms. Malafi, is that -- do you also agree with Mr. Morgo on this issue and would fully participate?

**MS. MALAFI:**

Absolutely.

**CHAIRMAN HORSLEY:**

Good.

**DEPUTY COUNTY EXECUTIVE MORGO:**

Actually, she's going to be doing the work.

**CHAIRMAN HORSLEY:**

Absolutely. I like that attitude. Okay. Mr. Gatta, on behalf of the college, you've heard this conversation now with the County members, the County administration. Would you participate in this to the fullest of your abilities and in good faith?

**D.P.O. VILORIA-FISHER:**

So help you God?

**CHAIRMAN HORSLEY:**

I wasn't going to go there. I used to swear people in when I used to run a zoning board, but I will refrain. Mr. Gatta, would you agree to this, to participate in this matter?

**MR. GATTA:**

Before I answer, which --

**CHAIRMAN HORSLEY:**

Please.

**MR. GATTA:**

-- the answer will be in the affirmative, but first I want to thank Legislator Viloría-Fisher, the Presiding Officer, Legislator Horsley and all of the other cosponsors of the resolution. The college, the college community, are 23,000 students plus our 10,000 continuing ed students, thank you for your leadership on this issue. This is something that's been percolating for a long time and it is -- we're at the point where it is essential because of the multiplicity of entities that we are accountable to, that action be taken.

When we discuss the issue of Middle States our first accountability has to be to the accreditation of the institution. Without that, we are not a college, we are not a value to the citizens, the hundreds of thousands of citizens, who have attended the college over years. The 85,000 plus graduates, the value of their degrees and the value and the ability for them to use those degrees to transfer to other institutions are virtually worthless. We need to take every action we can to safeguard that accreditation. We've been through that in 2007. The Middle States reaffirmed our accreditation with the caveat and with the requirement that the relationship between the County and the college be one that gives the college and its Board of Trustees the autonomy to run the institution so that we're not in conflict and that we can comply with those Middle States regulations.

There was a monitoring visit early in January. The team from Middle States spent time, they spoke at length with the County Executive and his staff, with the County Comptroller and his staff, with the County Personnel Officer and also met directly and in person with Presiding Officer Lindsay. That visit culminated in a report which we have transmitted to you and it raises serious issues. And I'm not here to -- this is not a threat, but in order for us to safeguard the institution we need to make you aware that it is a very serious issue. I'm happy that we are here discussing this today, and yes, we will fully participate in those discussions with the County.

I will, as soon as we leave here, I will advise members of our Board of Trustees, because if we have policymaking members in the room going forward, including, you know, a number of you here from the Legislature, we need to have some College Trustees also be part of --

**CHAIRMAN HORSLEY:**

Absolutely.

**MR. GATTA:**

-- those discussions because we will be developing a framework for the future of the institution. The only caveats which you mentioned were that -- there are several, and they're not meant to be roadblocks, they're not meant to be anything that will hinder the process, but we need to understand that we must be in compliance with State Education Law and its implementing regulations as promulgated by SUNY. The courts have held numerous times that they are valid and we need to comply with them.

The second is we do nothing that hinders our accreditation with Middle States. We must address those issues. And the last is in terms of sponsor services. They need to make sense from a financial standpoint for the college and its students. So within that framework, yes, we will fully participate. We will participate in good faith and I thank the committee for its leadership on this.

**CHAIRMAN HORSLEY:**

Okay, Jim -- Mr. Morgo.

**DEPUTY COUNTY EXECUTIVE MORGO:**

The thing -- the point that I want to make abundantly clear, and maybe it's obvious already, is that

the County Executive, as I know the Legislators do, value the Suffolk County Community College incredibly. Having taught there I know the quality of the students and I want to keep it accredited as the County Executive obviously does.

The thing that I think is also apparent, though, as we try to work toward the shared services agreement and the MOU, we have to go forward without threats. Of course we have to comply with State Education Law. Of course we want the Middle States accreditation. It would be a disaster without it. But we also -- we talk about the issue being resolved in court. I think everyone thinks that's the worst outcome. But there's also the court of public opinion, and we know that the sponsor, at least approximately a third of the budget comes from Suffolk County taxpayers money, the other third from the State. So we have to be accountable to the taxpayers as well, which you all are and which you all understand. That's the balancing act we're under.

We want to see the college continue to grow, and it has been growing obviously and prospering, but we also need some transparency, accountability and fiscal responsibility, and that's why these negotiations -- I would wish they wouldn't be so compressed, but we already gave our word that we will work with the college and hopefully we will reach that common ground.

**CHAIRMAN HORSLEY:**

Okay. I appreciate those comments, Jim, I truly do. And, frankly, the only threat that we are going to be working with is that we get done by Tuesday and that if that -- if we are not done by Tuesday that this Legislature will -- we will move towards tabling that -- this legislation. And that is the threat that's on the table. We're taking all else out and we're going to work together working for the betterment of the young people and the students of Suffolk County. Ms. Fisher.

**D.P.O. VILORIA-FISHER:**

Thank you, Mr. Chair. Based on what both of you have said, and what we all know, it seems to me that we know the issues that are involved. And so when we look at the timeline between now and Tuesday we are all looking for transparency, accountability, a plan that would provide for both the County and the college to fulfill its fiscal, its fiduciary responsibilities. The college has to consider the burden, the financial burden on students, its mission, primary mission, which is to provide an education for the students. And so I don't believe that the very first step that we've mentioned, and actually I think we may have mentioned this before the meeting began, which is that it would be good for both entities to have their list or, yeah, basically a list --

**CHAIRMAN HORSLEY:**

We've said that.

**D.P.O. VILORIA-FISHER:**

-- of what is needed in negotiations. And I would bet that you both already have those lists prepared.

**CHAIRMAN HORSLEY:**

Those lists will be due.

**D.P.O. VILORIA-FISHER:**

That both sides know what you are looking for and so that should be ready tomorrow.

**CHAIRMAN HORSLEY:**

Close of business tomorrow is what we said.

**D.P.O. VILORIA-FISHER:**

And probably able to have it sooner so that you can start to flesh it out and see where you need to go with it. The input from the Legislature I think is important because we will be voting on your budget and so we want to be able to know what we're voting on and have something that's very clear and transparent from the college.

I disagree with you, Jim, that this is a threat. We've been dealing under -- George said it's been percolating. I think it's been festering for too long and has created a wedge between important parts of this County. I believe that tabling this for another month would just drag it out that much longer. I want to see the dialogue begun in earnest. And I don't think that the time between now and Tuesday is extraordinarily short when both sides have been thinking about this for so long.

And I would like to have our budget people, of course, involved at some point because there are discussions about -- when you talk about services, we want to know what the expenditures are, how that's determined, what charge backs. I know it's complex and, you know, we may need to reach, when we have the final agreements, reach out to our Budget Office and the Executive's Budget Office and of course the college.

I believe if we move forward in good faith we can get this done expeditiously and put this chapter, which has been so contentious, put this chapter behind us. Thank you.

And, Jim, I'm not at all advocating that we work in a vacuum. I know that if there's not a Plan C we have to have some kind of operational manual with which to go forward, but I think we can do that. We have some very smart people working on this and it can happen. I have faith in you guys.

**DEPUTY COUNTY EXECUTIVE MORGÓ:**

I hope so.

**MR. GATTA:**

Could I just follow-up briefly?

**CHAIRMAN HORSLEY:**

Surely.

**MR. GATTA:**

One thing I forgot to put on the record and mention, and this is not to be difficult, but the Legislature needs to know the facts, the Executive needs to know the facts, and the immediacy of this resolution is really -- it will have an impact. We believe it will have an impact based on discussions with the Middle States Commission yesterday between a number of parties. It could have an impact on the action that they take on -- at their meeting on March 5th where they will make some decision on the accreditation of the institution. So we are very committed to this process. Hopefully we can reach an agreement and hopefully on Tuesday the Legislature will be able to pass this resolution and we can put this behind us.

**CHAIRMAN HORSLEY:**

I think we're all in agreement. Kumbaya. Yes, Jim.

**DEPUTY COUNTY EXECUTIVE MORGÓ:**

I'm not going there yet, but to respond to Legislator Viloría-Fisher's comments, it has been percolating. When you mentioned the list, Vivian, I just started counting the items on the list and I was up -- we do have a list. I was up to about number 17, and then I started paying attention again. We really did put this together for the first time on Monday. The Monday meeting was productive. We got to one item on the list, and I think we got to agreement, as matter of fact, on that one item.

I called the Middle States representative that Mr. Gatta gave me her name and phone number and I spoke to her. When I asked her the question what would be better, would it be better if we had an operating agreement, a shared services agreement and an MOU rather than the legal action continue, and there is a stay, as you know, on the legal action. Worse than that, there would be recriminations. She said it would be far better if you did have an operating agreement, a shared services agreement and an MOU.

So, you know, I do know that the Middle States issued what I would characterize as a critical report. I read it for the first time yesterday, the recent one, I didn't read the past one. But as you said, Wayne, we are going to work together. We'll endeavor to go through the items, but there are a lot of items.

**CHAIRMAN HORSLEY:**

There's a lot of items. Yes, our work is in front of us. Legislator Stern.

**LEG. STERN:**

Yes, thanks, Mr. Chairman. I have a lengthy list of questions and issues that I wanted to discuss today, but I think based on where we've gone so far that they are premature.

Let me just say that, you know, we talk about the need for action on this particular resolution and what's going to happen when we come back here on Tuesday for the general session. Based on, I think, where we've gotten to this point, the fate of the resolution I think ultimately now lies not in our hands, but in yours. I think certainly what I'm going to do, I would expect what my colleagues are going to do come Tuesday, is really going to be based on what you guys do or don't do over the next couple of days. I think it becomes that much clearer for us based on how everybody else operates over the next couple of days. But I have every confidence that over the next couple of days you will be able to strike the right balance between necessary autonomy for the college and, you know, necessary accountability as well.

**CHAIRMAN HORSLEY:**

Thank you very much, Legislator Stern. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I would just say to the two of you that the meeting on Monday I thought was productive. I did have the opportunity to be there at that as well. And there were representations that were made at that meeting that I thought were positive because we are contemplating something unknown for us by moving away from this Plan C. And I think the County Executive is wise to reiterate the fact that as much as every one of us that sits around this horseshoe knows how good Suffolk Community College is and how so much now we need this college to help us with educating our young people and our adults, and all of the many things that you do, by the same token we all have to be able to account to our citizens and our taxpayers every day.

You know, I sat here and talk about things that we think about. We are all in election year again this year and one -- any one of us stands on a stoop and talks to a citizen, we have to go through some pretty rigorous questioning sometimes and they want to know what we're doing with every dime and every penny that we authorize and we appropriate. So that need to have a writing and a plan and an expectation of what it is that we're going to see coming from the college I think is very realistic. But I also heard the Board of Trustees Chairman say we'll get that line item budget so that we can continue to have that degree of review that we all need when we take a vote and that it's a reasoned and intelligent vote.

I also had that conversation as I had mentioned before with Middle States myself this morning. I think it's incumbent on us to make very certain that we foster this dialogue and agreement however we might and not presume that we know better than an approval or a licensing agency who's about doing just that. I feel comfortable that you two with your -- with Christine and Ms. Kreitzer, have the ability to cobble together writings that will substantially meet the needs of both sides so that on Tuesday we're going to be able to go forward. But it truly really is, I guess, all about how much meeting in the middle we're going to have over this, you know 96 or whatever, 108 hours. Good luck.

**CHAIRMAN HORSLEY:**

Okay. There we go. Good luck. I like that. It's a good ending. Let me just -- just a matter of where we're going. Who's going to be calling this meeting, where are we going to meet, all those types of things. Who's going to take the lead on this? Christine and Ms. Kreitzer, do you want --

**MS. MALAFI:**

Who would like to be at the initial meeting?

**D.P.O. VILORIA-FISHER:**

Yes.

**MS. MALAFI:**

Everybody? We're all here, so do you want to just pick a time now?

**CHAIRMAN HORSLEY:**

Start now?

**D.P.O. VILORIA-FISHER:**

Well, we have to start with a list tomorrow.

**CHAIRMAN HORSLEY:**

Yeah, you have to put together your list first.

**D.P.O. VILORIA-FISHER:**

And where will that be submitted is the question.

**CHAIRMAN HORSLEY:**

Do you want to coordinate it through me? Maybe that might be the easiest thing.

**MS. MALAFI:**

However you want it. If we know that on Friday we're all going to be sitting down, if we just pick a time and a place now for Friday.

**D.P.O. VILORIA-FISHER:**

Actually, Wayne, as the sponsor I would love to host it and work it through my office.

**CHAIRMAN HORSLEY:**

I don't know. I think this is a committee issue. I think that would be inappropriate.

**D.P.O. VILORIA-FISHER:**

Okay. Well, since I was left out of a meeting.

**CHAIRMAN HORSLEY:**

I'm not trying to exclude you from the meeting. I just -- Christine, do you want to set up the meeting, talk to Ms. Kreitzer?

**MS. MALAFI:**

And everybody here would like to be -- I don't want to leave anyone out of a meeting.

**DEPUTY COUNTY EXECUTIVE MORG:**

Yeah, let them know about it.

**CHAIRMAN HORSLEY:**

George says you can leave him out, but I don't know that we're going to let that go.

**D.P.O. VILORIA-FISHER:**

Not the Legislature, the committee. If you invite the whole Legislature we'd have to have it here. It

would have to be a public meeting.

**CHAIRMAN HORSLEY:**

Okay, we good? All right. We'll make sure that we'll talk around and make sure that everyone knows about when this will be and etcetera. Christine, you're going to take care of the initial work. Where we're going to have it and whatever, it doesn't make a difference. George, do you have a preference where you want to have this? Do you want to have it here at the Legislature? Do you want to have it over at the 20th floor?

**D.P.O. VILORIA-FISHER:**

The 20th floor?

**CHAIRMAN HORSLEY:**

The 12th floor. That's the Governor's office. We're thinking big here.

**MR. GATTA:**

We would love to have it at college, but if you would like to -- wherever the Chair determines it makes the most sense will be acceptable to us.

**DEPUTY COUNTY EXECUTIVE MORGIO:**

Why don't we look at schedules. What's going to have to happen before that is that Ilene and Christine are going to have to at least exchange their positions and so we we'll have it more productive in the sense then, you know, now this one, now this one. Maybe they can get to some degree of consensus before the meeting even on Friday.

**MS. MALAFI:**

Yeah, but I need everyone's positions and what they would like to see in the agreement from the Legislature. I need from --

**D.P.O. FISHER:**

Actually, my understanding is that the most important -- what you need tomorrow most importantly is the college and the County -- the County Executive's Office. That was my understanding.

**DEPUTY COUNTY EXECUTIVE MORGIO:**

Yes.

**D.P.O. VILORIA-FISHER:**

And we at the meeting will weigh in as, you know, Legislators, okay, if there's something --

**CHAIRMAN HORSLEY:**

That's frightening, isn't it?

**D.P.O. VILORIA-FISHER:**

-- that we're looking at that is missing. You know, if there's something you haven't asked for and we say oh, you know, is this possible. But I think it starts with you two -- with these two entities.

**MS. MALAFI:**

Okay.

**DEPUTY COUNTY EXECUTIVE MORGIO:**

Okay. Thank you.

**MR. GATTA:**

I respectfully disagree to some extent. I see this as a -- as really a three legged stool. The Legislature is the sponsor of the Community College so we encourage your full participation in this by the Legislature.

**CHAIRMAN HORSLEY:**

To have a full participation and what issues that we feel are -- certainly the budgetary issues in my mind are critical, the line item budgets and the like. That's something I would like to see as Chair of this committee. Okay.

**D.P.O. VILORIA-FISHER:**

But, Wayne, if I could just respond to that. We have not been intimately involved in the shared services issues. You know, that's something that's been going on between the college and the Executive. So that's something where I would not feel comfortable jumping in in the first instance. You know, I want to be there at the discussions, but I'm certainly not someone who has been involved in those operations in the past.

**CHAIRMAN HORSLEY:**

Our list may be smaller. We'll leave it at that.

**DEPUTY COUNTY EXECUTIVE MORG:**

We'll agree on the shape of the table and then we'll --

**CHAIRMAN HORSLEY:**

Exactly. I think Friday -- this room is not available on Friday.

**D.P.O. VILORIA-FISHER:**

It's not.

**CHAIRMAN HORSLEY:**

My understanding is the State Senate is going to be here.

**DEPUTY COUNTY EXECUTIVE MORG:**

What Legislator Viloría-Fisher was saying is the key point. The different lists between the County Executive and the college, and that will take place tomorrow, and then we can go and see where we are.

**CHAIRMAN HORSLEY:**

Right, and any input -- we'll talk over the next day or two.

**DEPUTY COUNTY EXECUTIVE MORG:**

We will. I'm going to miss all this.

**CHAIRMAN HORSLEY:**

I know you will, Jim. Very cute, very cute. Okay. Did we vote on that?

**MS. LOMORIELLO:**

No, you didn't call the vote.

**CHAIRMAN HORSLEY:**

Okay, the motion was to discharge without recommendation.

**MS. LOMORIELLO:**

You have a first and a second.

**CHAIRMAN HORSLEY:**

We have a first and a second on that, we do. Okay. All those in favor? Opposed? So moved.

**(4-0-0-1 Not Present: Legislator Alden).**

This meeting is adjourned.

*(THE MEETING WAS ADJOURNED AT 4:14 P.M.)*

{ } Denotes Spelled phonetically