

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
Verbatim 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, 725 Veterans Memorial Highway, Smithtown, New York on September 9, 2009.

MEMBERS PRESENT:

Leg. Wayne R. Horsley, Chairperson
Leg. Steven H. Stern, Vice Chair
Leg. Cameron Alden
Leg. John M. Kennedy, Jr.
Leg. Vivian Vilorio-Fisher (excused absence)

ALSO IN ATTENDANCE:

Leg. Edward P. Romaine, First District
Leg. Jay Schneiderman, Second District
Leg. Kate M. Browning, Third District
Leg. Lynne C. Nowick, Thirteenth District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
Director Tom Isles, Suffolk County Planning Department
Commissioner Skip Heaney, Economic Development and Workforce Housing
Barbara LoMoriello, Deputy Clerk
Gail Vizzini, Director of Budget Review Office
Robert Lipp, Deputy Director of Budget Review Office
Brendan Stanton, Aide to Leg. Horsley
Deborah Harris, Aide to Leg. Stern
Thomas Ryan, Aide to Leg. Vilorio-Fisher
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Catherine Stark, Aide to Leg. Schneiderman
Debra Alloncius, AME Legislative Director
Dennis Brown, County Attorney's Office
Audrey Kessler
Gail Underwood
Thomas Talbot
Chad Tousnovec
Carolyn Fahey, Suffolk County Economic Development
Carol Ghiorso Hart, Vanderbilt Museum

ALSO IN ATTENDANCE: (Continued)

Dr. Jack Coulehan, Walt Whitman Birthplace

William T. Walter, Walt Whitman Birthplace

Tom Casey, Walt Whitman Birthplace

Jim Zaborski

Jim Castellane

Ken Walles

Ron Beattie

Johan McConnell

John McConnell

John Palaoek

Michael Watt

Cynthia Shor

Darrel Ford

Tom Wysmuller

Caryn DeVivo

Joanne Steigerwald

Daniel Tomaszewski

Frank P. Romano

Jim Zaborski

Ken Walles

John Palasek

Michael E. White

Maryann Johnston

Mario Mattera

Eric Alexander

Kerry Navaras

Noel Gish, Vanderbilt Museum

Tom Casey

Nolan Herkera

Frank Nitto

Tawaun Weber

Valerie S. Manzo

Monica Mahaffey

Karol Gray

And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:50 PM

CHAIRMAN HORSLEY:

Good afternoon everybody and welcome to the Economic Development, Higher Education and Energy Committee meeting of September 9th. May we all please stand for the Pledge of Allegiance.

SALUTATION

May we also stand for a moment of silence for those men and women who protect our freedoms both here and abroad as well as former Legislator John Foley who recently passed away, who had been with this Legislature, I believe, he was one of the longest standing Legislators in the history of this County. May we please stand for a moment of silence.

MOMENT OF SILENCE

All right. Good afternoon, again, everybody and welcome to Economic Development, Energy and Education Committee, EEE. I have a long list of cards in which people would like to speak, but I understand -- is Tom Isles here? Tom, are you going to be doing the presentation? And your schedule, I understand, is pressed.

DIRECTOR ISLES:

Yes.

CHAIRMAN HORSLEY:

It is.

DIRECTOR ISLES:

Yes.

CHAIRMAN HORSLEY:

Why don't we do this? Since we do have a large number of cards to go in the Public Portion, we will do the presentation first. And this way some of the questions may even be answered before we get the public up here. So, Tom, why don't you come on up and give the presentation to the Committee. What this is, is the Yaphank Project briefing by Tom Isles, Planning -- Suffolk County Planning Department, as well as Commissioner Heaney, who is going to join Tom in his comments.

PRESENTATION

COMMISSIONER HEANEY:

Good afternoon, Mr. Chairman. I've been asked to attend this Committee meeting by the Chairman to assist our Director of Planning Tom Isles in providing a project summary update thus far on the Legacy Village Project in Yaphank.

I think that Tom for the benefit of the members of the Committee is going to spend a lot of time talking about the process that has been used to vet this concept thus far and bring it to this point. And I want to personally acknowledge the thoroughly professional and complete documentation of the vetting thus far that's been produced by Tom and his staff. I think that it will be, you know, sufficiently comprehensive for the members of the Committee to understand just how thorough, how open the process has been and how inclusive thus far it has been to bring us to this date. I just wanted to acknowledge that.

CHAIRMAN HORSLEY:

Thank you very much, Commissioner and I appreciate that acknowledgement. But I do want to add awhile we're mentioning the process itself, that there have been a number of Legislators that came to me and said, *hey, what are we Swiss cheese? You know, why are we -- why haven't we been included in this process? And why until this Committee invited you, this is the first time we're really addressing it as a body?* And so I don't want to -- I'm not sitting here in judgment or to admonish you but certainly there seems to be something wrong with the process if we haven't been included.

DIRECTOR ISLES:

Okay, I appreciate that comment. And we'll seek to -- I'll seek to address that today as much as I can. But let this also serve as a reconnection on this project. What I'd like to explain is, this is a project that's been five years in the works at this point. If you would permit me, I'd like to just commence my presentation and directly address your point, Mr. Chairman, which, here again, is a valid point. This is ultimately a decision of the Legislature. We respect that fully. And I think once we go through this explanation, it'll perhaps explain in terms of why has there been a gap? How come we haven't heard anything? You, the Legislators, in a couple of years on this. And I think I can address that for you.

Let me begin by making reference to the binder book that we handed out. And this just provides some of the documents just for some background for you today. And I will try to do this as quickly as possible, given the number of speakers today and the time limitations.

Let me begin by going to tab number one, which indicates the time line of the project. This began in January of 2005 in terms of the announcement of the idea. It went through a legislatively created committee at that time known as the Yaphank Center of Development Review Committee, which put forth goals and a vision for consideration in the RFEI/RFP process. That resulted in the end of 2005 with the issuance of a RFEI, which is a Request for Expressions of Interest.

So even before going for an RFP, the County said let's have a discussion with the public, let's go out and see what the development community thinks of this idea and solicited that through an RFEI process. There was a lot of media discussion at that point or coverage of the RFEI process.

Year two then brought the receipt of the RFEI's at the end April of 2006. At that time the Legislature chose to create a committee known as the Yaphank Center Development RFEI Outreach Committee. That committee ended up meeting 11 times. The first committee I mentioned met 9 times, had three public hearings that were attended by over 2000 people. So there was a robust participation at that point. Subsequently the 2006 committee moved along and, here again, held 11 meetings -- pardon me -- 8 meetings and had one public open house in terms of presenting all of the RFEI ideas.

What that committee ultimately did, and I'd like to go to tab number two, tab number two has the composition of the first committee and the public meeting dates that they held. Tab number three has the composition of the second committee, the 2006 committee. So the first committee was *give us the basic direction and goals in terms of shaping this idea*, and that's what it was at that point. The second committee was *we've received development ideas that are all across the board, all over place, what is the reaction of that, how should the County craft the RFP?* So that committee met extensively and put forward recommendations, which then leads to the main part of my presentation today, which is under the section of tab number four.

What you have before you there is a copy of the cover of the report that was issued in September in 2006. I do have extra copies of that available today. What this is, this reflects, then, are the specific recommendations of that committee. What I've done is excerpted out the recommendations of the committee for your purposes today.

We begin, then, with the committee recommendations at the top of the page. And if I can just have your indulgence for a few moments, I'd like to go through the recommendations so you can understand more completely how the committee approached this, and also talk about the RFP

response. Here again, I'm cognizant of time and we'll move this as quickly as possible, but I think it's very important just to recap where we are.

The committee recommended, number one, that the County should retain the County farm. The RFP specifically excluded the farm from the RFP proposal. And the County farm, thus, will remain unchanged. That certainly is in compliance, I believe.

The next thing is the County -- the committee said we should not do anything with the John Foley Nursing Home as related to the RFP or the County Jail. The RFP require that that stay out of the picture. And so the RFP response is in compliance. Similarly with the Fire Rescue and Emergency Services as well as Probation and the Fire Academy, the committee recommended leave that alone. The RFP is compliant with that.

There is some vacant land south of the skilled nursing facility and the jail. The committee said avoid that land. The RFP was compliant with that completely. There was also vacant land west of the sewage treatment plant that the County owns. The recommendation was that it should be retained for future county use. There was full compliance with that.

The next one was a recommendation in the vicinity of the Board of Elections and DPW on the east side of Yaphank Avenue. And the recommendation of the committee was that most of those county facilities should be relocated out of there into another part of the site. The RFP response is that most of those facilities will stay there. The current proposal only includes the relocation of the highway yard and one ancillary building. Everything else would remain in place.

The next item was the idea of planning for Economic Development along Horseblock Road. The County owns acreage fronting on Horseblock Road. Also the recommendation was to consider a pilot arrangement to split the tax revenues between two school districts. The RFP response is in compliance. The area is proposed for economic development/ industrial development. The pilot arrangement is dependent on state approval and it's outside of the control of the County on that.

And the last part of the section was to maintain the natural landscape buffers along Yaphank Avenue. The RFP response is in compliance. There is no development in this proposal along Yaphank Avenue.

The next category deals with the sports and entertainment aspects. And number one was that the County should plan for a sports arena and entertainment. We should investigate the market feasibility including indoor ice rink, include ancillary facilities such as a health club and sports medicine facility and do not include video lottery terminal gaming facilities. There was a proposal in the RFEI for such a facility. The RFP response is completely compliant with that recommendation of the committee.

Next one was to plan for a linkage of the sports and entertainment area with the railroad station. That is in complete compliance. Also associated with that was including mixed use development in that sports and entertainment area. That is in complete compliance.

Next item was to encourage the development of motor sports in other areas of Suffolk County other than this site. This was heavily discussed at the time of the RFEI. The RFP did not include that as an option of use, and, therefore, it's not a response in the RFP, so certainly it's in compliance in that regard.

The next category is Community Parks and Recreation; here, again, these are recommendations of the outreach committee. In this regard the recommendation was provide for significantly enhanced community recreational opportunities. There will be an additional 30 acres of community parkland added as a result of this. That would be determined to be in compliance.

The next one would be to relocate the existing athletic fields west of police headquarters. These are

leased by the County to the Mastic Youth Sports Association. That is not proposed to occur. So those fields are proposed to stay exactly where they are.

The other item was to consider the development of a multi purpose community center. At this point in time there is not a community proposed specifically. There is a community center as part of the -- as part of the residential development. There were in some of the proposals very extensive community facilities, but they were densities of development in excess of 2000 units. In the review of the RFP that was determined to be excessive.

In terms of the next item was to consider a transfer of development rights from the farm that's located on the east side of Yaphank Avenue. The answer to that is that that would really be subject to the Town of Brookhaven zoning process.

We then moved to the next page and it said to -- the recommendation of the committee on residential use was to limit new residential use and this is to the portions of the site west of police headquarters. And the reason for that is that we had in some of the RFEI's residential down along Horseblock Road or in that area. The committee -- the outreach committee determined that that would incompatible and not appropriate and felt it should be limited to the areas described herein. The RFP response is completely compliant with that recommendation of the committee.

The next item was to provide for high quality residential site design. And it talks about pedestrian friendly, town center and squares and so forth. My belief is that this proposal is compliant with that but I think that's something that also needs further study in the zoning and site plan process but certainly the pieces are there once the details are further examined.

Similarly for the architectural style they have submitted architectural renderings. Here again, I think they're generally compliant in terms of reflecting a residential character and in particular as much as possible to Yaphank, but I think it's too early in the process to make a final determination on that.

The next recommendation was dealing with energy efficiency, considerations in the building design and layout. Based on the responses we've received, they are compliant with that as well.

Next comes separation and buffers from potentially incompatible land uses. I think they are compliant with that in large part at least 90%. As we get into the site plan, there are a couple locations I think we would want to ensure that they meet the requirements. The most significant one here is a 1500 setback from L 2 zoning, which is protective of the residential uses that are proposed and they are in complete compliance with that one.

The next one would be to encourage a mix of income and age groups including affordable workforce housing, both market rate and affordable units. Here again, the RFP is responsive and compliant to that.

Next is to provide two-family owner occupied attached units for a portion of the development. The RFP is compliant and responsive to that. Consider opportunities for employer-assisted housing, that's been discussed in general but, here again, I think as this project moves forward, that has to be nailed down in a little bit more detail specifically on that particular item.

It next talks about recommendations for onsite amenities including recreation and cultural activities, plan for these uses and possible limited commercial uses as well. My belief is that the RFP did respond to that and is proposing those uses. It also talks about providing for child care facility. That is definitely a part of this proposal and is compliant with the RFP and the outreach committee recommendations.

The last one in this category is to minimize use of fertilizer and water dependent vegetation. That was specifically put into the RFP. The proposal appears to be compliant with that as well.

And I'm almost done here. The committee recommended that the County explore the electrification of the Yaphank line including the rail station. That is subject to Long Island Railroad. It is in their capital plan. We don't know if it's going to occur or not.

The next one was to provide an internal road system as a bypass to Yaphank Avenue so it would be a direct connection down to Horseblock Road. That is in the RFP response and is compliant.

And then lastly in this section was that all usage should connect to a sewage treatment plant. And that is also compliant.

I'm wrapping it up here at this point and appreciate your patience. As far as infrastructure, all infrastructure recommended by the committee should be paid for by the developer. Here again, that's compliant with the RFP response.

Next was to improve bus service and consider on-site stop and bus shelters, bus stops. That was in the RFP. It is compliant in the sense that it's subject to ridership and county approval to modify the bus routes.

And then lastly in this section discourage large paved parking surfaces. It appears to be compliant but it's subject to site plan review.

There are two miscellaneous recommendations from the outreach committee: Encouraging local trade workers to be used in the development as well as prevailing wage rates and a project labor agreement for the affordable housing. The RFP response is compliant with that.

And the last one was a statement that the responders to the RFEI should be able to mix and match their teams for the best possible proposal. And that was also included in the RFP.

What I've gone through rather quickly, and I apologize for this speed, but just to give you a highlight, that this committee that, I think, did a very good job back in 2006 in terms of filtering the RFEI responses and providing direction for the County to shape the RFP, that was done. And as I look through the specific recommendations, there are 34 major recommendations that that committee came up with. I think there's a vast preponderance and indeed it's in remarkable compliance with that.

Now I'm not saying that this is the end-all, that it's compliant and everything's fine and we can go home. I wanted to just simply report to you that this is something we did take very seriously. It's something we did design into the RFP. And indeed it is reflected in the responses that were received where although there's not word for word identical compliance, I think, it is substantial and significant.

In terms of the process, and that's really what we're talking about today, resolution 1771 is proposing the formation of a committee to look at the -- this proposal right now in terms of the preferred developer that's been selected by the executive branch. Couple of comments on that, is that the first goal in the resolve clause of 1771 was to find out if the recommendations of the outreach committee, were they considered. It's my belief in going through the recommendations of the committee that they were. I respect that that's ultimately your decision to make. And certainly we're at a point in the process where, as you see in the time line, there are a couple of years where this was through a public process, through your two committees that were created where there were 21 public meetings, 3 public hearings, an open house. We then put out the RFP. And then it was in the process of review and negotiation of the RFP.

As I indicated one of the earlier proposals had something in the order of 2000 housing units. That was part the negotiation. That was something that we knew was not going to be appropriate. And there was a lot of effort put into reviewing the recommendations of the committee in trying to be as compliant with that as possible. That part of the process is now done. There's been a selected

developer put forward. The contract process is in the works now. We now, we feel, can resume the process with you, with the Legislature, the primary body obviously on this, the decision making body and also the public process going forward.

So, I think, in terms of, this is not a case where this was not considered. It's not a case where we totally missed the mark from what the committee recommended. Granted the public, the Legislature deserves indeed, has the mandate to look at that closer and make that determination, but I think we're certainly in the ballpark very closely.

The second purpose of the committee proposed to be created is to consider the project impacts to the surrounding community. This is certainly valid. I have no quarrel with this. It is an important aspects of this. What we're dealing with was something that at this point in time has not even been in the form of a zoning application to the Town of Brookhaven, which this will be subject to. So my concern here is that I agree completely that the impacts of this must be considered.

We've done part of that in this process, but I think the -- this is moving forward, I think, that what really needs to happen is that this project is subject to obviously your approval, and then the Town of Brookhaven approval. It is subject to all permits and -- both local, state permits and regulations. As part of that, it is our expectation that this will be subject to a -- it'll be a Type I action, we believe, we're not the lead agency, and it'll be subject to a full Environmental Impact Statement.

I've received one estimate to do that document of about \$2 million. It's a least a seven figure cost, but that's needed. And when this project gets into the land use review process, that kind of analysis in terms of specific tangible hard numbers on traffic impact, ground water impact, noise, community impacts, visual impacts, all of that will need to be done.

I think in a certain way we need to, here again, if the decision is made to move forward to at least let's see what the Town of Brookhaven will approve, let's see specifically what the impacts are, I think that process is certainly designed into this. It is something that we think is beneficial and will absolutely occur as part of this.

The third purpose of the committee in the resolution was to solicit input from residents. Here again, that is something that is certainly a positive thing to occur. It has occurred to some extent up until now. But it certainly has to continue to occur and certainly by law must occur with the zoning and environmental review process.

One part of the problem we've had, I think, is that up until now we don't have a developer. We have some ideas. We had RFEI's and so forth. With this process, if it moves forward, would be the selection of a developer. And then it would be the continuation of a public input, the reengagement of a public input process by the developer. Certainly he or she would be -- he in this case would be a a key entity to that. By the County, here again, we are now outside of the RFP process in terms of the selection of a preferred developer. There is a known developer proposed that we can then talk about and a specific proposal. And then certainly by the Town since the Town has a role as well.

So I think the -- where we are, then, is five years into this, it's been double process of two public committees to help shape this. It is not to say it is a finished product or a finished piece of art by any means, but I think it's to the point where we can now move to a more specific degree of project review. I believe that that can best be accomplished by looking at the recommendations, which, here again, my belief are remarkably compliant with the recommendations of the outreach committee of moving towards this Legislature.

At this point to my knowledge the County Executive has not submitted a proposed bill or legislation. I believe that is moving forward. And I believe the process for the administration to come forward, the developer to come forward and introduce himself to you, to then vet that process in terms of the decisions that you will be asked to make at that point. And then to move forward, if you see fit, with the Town of Brookhaven, which is at least a couple of years. It's a multiyear process to go

through a major zoning application.

So in answer to your question, Mr. Chairman, your words, your message certainly is significant. We hear that. We certainly had a public process going back a couple of years. I know we've been kind of out of the limelight with the RFP process in terms of the sanctity and the confidentiality of that part of the process. We are preparing to come back to you, and I think further presentations as we go along as this emerges out of that and gets into contract and so forth for your consideration. We take heed -- I take heed of your comments and I think it's appropriate that we've now come to this stage in the process where, yes, what's going on with the County, what's new with this, what's happening, how is this going to affect our communities, our County and so forth? We are prepared to address those, here again, soon with the appropriate time. I think that I tried to begin that today. And we stand prepared to obviously provide whatever other questions or answers we can provide to you as much as possible.

And then lastly we have provided in tab five a summary of the project as is currently proposed. And at tab six a sketch plan of the Master Plan for the project as it currently exists. This will still go through an evolution and shaping process; certainly in the town process it would be subject to that. We'd like to be able to continue to move it forward. This not being -- something that's being done in a, you know, railroaded fashion in my opinion. We spent five years getting here. We may spend several years getting to wherever this may end up. But we stand prepared to provide whatever service we can to assist in this and are available and respectfully request your consideration of these comments. Thank you.

CHAIRMAN HORSLEY:

Tom, as always you are eloquent and you are insightful. So the bottom line to my question, and the initial question was *it wasn't your turn. And we were getting to you, the Legislature, and we didn't forget about you.* Is that what that all boils down to?

DIRECTOR ISLES:

That's what it boils down to. I wouldn't characterize it in anyway whatsoever disrespectful.

CHAIRMAN HORSLEY:

This was part of the plan.

DIRECTOR ISLES:

To go into the middle of the RFP process and say, hey, this is where this guy is, this is where that guy is, I don't think would be appropriate. We're now passed a stage that we think now is the time once the legal end is ready to come forward to you and to go through that thorough process that you would demand and we would expect.

CHAIRMAN HORSLEY:

Okay. So, we've gotten to this point. Now we come together and we walk forward together.

DIRECTOR ISLES:

Exactly.

CHAIRMAN HORSLEY:

There you go. I have a couple quick questions. And I know that some of my colleagues would like to ask several as well. You mention the lead agency. Who was the lead agency?

DIRECTOR ISLES:

The application is subject to zoning approval, subdivision approval from the Town of Brookhaven; therefore, the agency that we anticipate would be the Town of Brookhaven.

CHAIRMAN HORSLEY:

And where are they with -- any comments from them as yet, an overall review? They obviously

must have saw the RFP, did they?

DIRECTOR ISLES:

Yeah, they were part of the outreach committee actually and helped us in forming these recommendations. But where are they? At this point there's been no application filed. There have been conversations with the Planning Director of Brookhaven, for example, I have had some conversations, but I certainly can't say that Brookhaven has started anything because they haven't.

CHAIRMAN HORSLEY:

Yeah. I kind of got the same comments from them as well. They're second hand but we haven't heard much at all. *Where is this stuff*, you know.

DIRECTOR ISLES:

Yeah. And I understand that. And, here again, I think it's the nature of the beast to some extent.

CHAIRMAN HORSLEY:

Okay. Fair enough.

DIRECTOR ISLES:

And, you know, we certainly don't mean to offend anyone. Brookhaven is obviously key to this. The County right from the beginning has said the County has authorities to bypass local zoning, for example, in county projects. We certainly are not doing that.

CHAIRMAN HORSLEY:

Right. And I think that's advisable, too.

DIRECTOR ISLES:

And so part of the problem here is the chicken and egg, is that the developer can't go to Brookhaven unless he has a contract. We can't expect Brookhaven to do anything such as declaring lead agency and scoping out the project until they have an application.

CHAIRMAN HORSLEY:

Now let me ask you, and I guess this goes to the technical question, if Brookhaven thinks you should make this project smaller, larger, whatever they decide, you now, in their SEQRA review, if we are to surplus -- if the next step is us surplussing the land, how much do we surplus? Do we surplus all of it with the anticipation that they're going to agree to the full project or how does that work?

DIRECTOR ISLES:

Well, I would defer to the Department of Law. And I'm not sure how much they can say at this point. Your point is well taken. There is a proposal put forward. It has a certain description of lands and it has a description of use. That would then be submitted to the Town of Brookhaven. What they approve may be something. Probably likely it'll be something different. The contract in terms of what that's going to say, dealing with conditions and contingencies of what-if's and so forth, I would expect that it would have language to that effect. I don't know exactly what it's going to say. And, here again, I'll defer to the Department of Law. But in terms of --I would expect that it would some contingencies. And, you know, if the Town of Brookhaven doesn't approve anything, you know, perhaps the developer doesn't want to move forward, those kind of things. So those are necessary aspects that would have to be considered subject to your approval.

CHAIRMAN HORSLEY:

Okay, so subject to our approval, we decide, well, we're going to give them the lands, it's all going to be in contractual language that there -- there's a give back here. If they're not going to be used or it's not going to be part of the project, it reverts back to our domain; is how it works?

DIRECTOR ISLES:

Here again, I can't comment on specifics of that. I don't know them. And I'll defer to the

Department of Law if they care to chime in, but I think it may be -- in term of the details, I don't know. In terms it the general, yes, I would believe the contract would have to have that kind of -- those kind of contingencies and conditions.

CHAIRMAN HORSLEY:

I see the Department of Law is going to chime in. Dennis, always a pleasure.

MR. BROWN:

Thank you. As to some of the specifics of the contract, a draft has been done and it's with the counsel for the vendor so -- and since the deal's not finalized as of yet, we prefer not to address your questions specifically. But in general I can tell you that it's contemplated that the land that's in question would be divided into different parcels. And they would be conveyed at different times and consideration would be paid. And as the deal -- as the transaction progressed, particularly at the town level, decisions would then be made, we're talking about years into the future, decisions would be made by the developer as well as by the County about the commercial feasibility of proceeding as well as the types of approvals that are received by the developer in accordance with the RFP. So, for example, if the County required X percentage of affordable housing be part of the project but that percentage was not approved by the Town, decisions would have to be made at that point relating to other -- to proceed would be consistent with what the County's visions were and what the RFP was.

CHAIRMAN HORSLEY:

Okay. So I understand what you're saying, you're saying basically there are going to be separate resolutions for relief that turn over the property to public domain. So each area, depending which approvals we get from Brookhaven, that's the areas in which we will be releasing?

MR. BROWN:

Actually, no, because this would be a contract for the the sale of land as well as development. We're talking about the sale of a large tract of land, but that the conveyance of the title would be to different parcels. So the overall declaration of surplus would be for X amount of acreage, approximately 250 acres. But that the sale of the 250 acres would be divided into various -- would be divided into at least two parcels.

CHAIRMAN HORSLEY:

Okay. All right. I think I got a better idea of how you're going to be planning this.

MR. BROWN:

Right. So we're actually -- we're actually contemplating stage closing where at one closing where -- where the zoning approvals would seem -- would seem easier as the land is currently zoning, but that would be part of a first closing; and that the balance of the closing would take place at a later date depending upon the approvals that were received by the Town and the other agencies with jurisdiction over the project.

CHAIRMAN HORSLEY:

Okay, thanks. Just maybe back into your court, Tom, if I may, a topic I'm always thinking about sewers. What are we -- what is the plan, the overall plan? Is this going to be an STP? Are we looking for the bigger picture sewer problem or where -- what is the County envisioning for the sewer issue?

DIRECTOR ISLES:

The property does contain a county-owned sewage treatment plant presently. In terms of the development, the development would have to tie into a plant. That would be ultimately subject to the Suffolk County's sewer agency in terms of whether they tie into the County plant and upgrade or expand that to accommodate their flow or whether they build a separate plant, you know, if the sewer agency calls for that. Obviously it would make most sense to tie it into the existing plant. The fundamental point, however, is that all development will be handled. Waste water disposal will

be handled through a sewage treatment process. There are existing facilities on-site and distribution systems. They would have to tie into that. And the sewer agency would make the final determination on the actual configuration of that.

CHAIRMAN HORSLEY:

So in your planning on the -- using the old system and tying into the old system, are we looking at the bigger picture down the line of future growth that could become the major facility for the area? What can we envision here for the future because this seems to be the growth of an area that is almost rural to an area that will no longer be. So it certainly seems advisable that we should talking about sewers for the long run. Should we discuss this? I mean should it be part of the RFP? Should it be, you know, when does that come in, when do we actually do the long range planning like we all love to do as a planner. Tom?

DIRECTOR ISLES:

Absolutely. We don't see in this case that this is going to be -- Yaphank has a nature in character. It has a -- it's one of the lowest density hamlets in Suffolk County. So in terms of a radical change to the community, we don't see that happening. So we see -- excuse me -- we see the -- the County property is currently -- 75 percent of the land in question, 75 percent of that is zoned industrial. Going to the east of this site is all industrial zoning -- pardon me -- to the west is all industrial zoning. To the east is predominantly developed residential lots and farmland. So in terms of areas of growth, the industrial portion of Yaphank has considerable potential for growth, Sills Road/Horseblock Road corridor.

In terms of residential growth, obviously this is significant. And I would never characterize it as not being significant. It is significant to Yaphank. There is no question of that. We believe that the project can be compatible to Yaphank. We believe that this is a location -- we've got over a million square feet of County office and County facilities here and over a hundred buildings and an employment center. The County employment center, private sector employment in the Sills Road industrial area.

So in terms of a radical change going beyond what we're contemplating here, that we're going to be -- the Town of Brookhaven would rezone areas along Gerard Street and so forth for higher density development, we don't see that as being too likely. We think in terms of the advanced planning that you're suggesting, we do agree with that. And we feel that we're dealing with an existing asset in terms of this facility does exist, the sewage treatment distribution facilities, that some expansion would be necessary but that could be accommodated within the land area we have. So we think that that could work.

We don't, however, see it as being a lead in to a large -- a larger idea of massively increasing other areas of Yaphank. Here again, this is discreet. It's in the cluster of the County buildings. It's adjoining the employment center to the west. So we feel it's been scaled here; could work as far as as the STP, the sewage treatment plant. And obviously, here again, we're respectful of the public comment in terms of ultimately fine tuning that to ensure it's a proper fit.

CHAIRMAN HORSLEY:

Okay. And lastly, the industrial park, and I know my colleagues want to talk, the industrial park, you talk of it as a high tech, maybe this is for you, Skip, high tech/solar/geothermo and all of that good stuff that we want to bring in, is this going to be -- is this your envision that this is going to be centric to only this type of industrial growth? Or what -- what are you planning on this -- this concept or is this just for paper?

COMMISSIONER HEANEY:

I think that this is the County Executive's vision. And what he wants to tap into is the move towards green technologies and high technology that relies on the greening of industry. And I think that's the focus of this industrial park. I know that what is intended here will be a large scale solar farm that will be used to produce electricity to power much of the development that is envisioned. I think

that it is a very bold undertaking.

CHAIRMAN HORSLEY:

So all the buildings are going to be LEED certified, etcetera?

COMMISSIONER HEANEY:

Yes.

CHAIRMAN HORSLEY:

All that stuff including the housing?

COMMISSIONER HEANEY:

Yes.

CHAIRMAN HORSLEY:

Energy Star. Yeah, okay.

COMMISSIONER HEANEY:

I think that you can rely on the Brookhaven Town code and special conditions that would be factored into any change of zone request that would require Energy Star efficiency.

CHAIRMAN HORSLEY:

Right. And if not us, who then? It sounds like something we should be doing and we should be leading in so I think that --

COMMISSIONER HEANEY:

We do.

CHAIRMAN HORSLEY:

-- we should be aggressive on that.

COMMISSIONER HEANEY:

We do, yeah.

CHAIRMAN HORSLEY:

Okay. Thank you. Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. First of all, Mr. Chairman, let me echo your remarks regarding the infrastructure. And I've had this conversation with Director Isles for a few years now about the absolute necessity that a project not only be in accordance with its surrounding community, but that there be appropriate infrastructure to serve it. And how many times do we have this conversation after the fact unfortunately about how a big project is coming along, only then after the horse has already left the barn do we then have a meaningful conversation about the infrastructure? And so it would be my hope, Director, that as we continue to go through the process together, that number one on the list would have to be this ongoing conversation about meaningful infrastructure improvements to serve not just this project but the surrounding community.

Let me also say, Mr. Chairman, and although it's good to hear that the Director points out that we will now go forward together, if I've had a question over the past many years now about this project, I've asked -- the Director has always been available, made himself accessible to answer any questions that I might have had; the Commissioner as well. So although I understand going forward there's a lot of work to be done and a lot of coordination between levels of government and branches of government, let me say that if I've ever had a question, I haven't waited until a public hearing. I've approached the Director, I've approached the Commissioner and their staffs, who to the extent possible have always been forthcoming with the information that I've requested about

this particular project. I understand that not all information can be given out all at once because of the sensitive nature of the RFP process, but because of the particular interest that I have in this project and hopeful that it make serve as a model as we go forward with Smart Growth in Suffolk County. They have always been available to answer any questions that I've had so I appreciate that.

I also appreciate, Tom, the report that you prepared. It is extremely helpful in having this conversation particularly today about what has gone on in the past and the kind of vision we all have for the future particularly when it comes to giving every opportunity to area residents to participate in the process. That is extremely important to myself and I think should be very important to all of us who reside in Suffolk County. And, again, it's my hope that this process serves as a model for all of these larger scale game changing type projects in the future.

So my question to you, Director, would be how many years do you envision this process taking going forward? What is going to be the particular process? Although I understand it might be impossible to know for sure at this point, but what I'd like to know is the type of opportunity you see for area residents to continue to have a meaningful part in this process, whether it be with this Legislature or with the Town going forward, certainly we've not heard the last from area residents nor should we have. But I'm interested to know, you know, how many other meaningful opportunities will area residents have to voice their opinion on this project going forward?

DIRECTOR ISLES:

I believe there will be extensive opportunities in the sense that, you know, in a certain sense we haven't even started the process at a local level. And usually that's when people first hear about a development is when an application is filed. And we're still a ways off from that. So the first step is to -- a contract for your consideration. And that will obviously take some time, certainly for that to occur naturally. Once that occurs, and if a decision is made to move forward, then the developer will be a contract vendee and then have the ability then to make an application to the Town of Brookhaven. An application of this type is not something you put together in an afternoon. So once a contract is approved, and if it is, there would be some time for them to prepare that and then file it with the Town of Brookhaven.

It then starts a massive process with the Town of Brookhaven in terms of both the land use review as well as the environmental review. And in terms of your specific question in terms of public participation, there are formal requirements, legal requirements for public participation at a minimum that would have to be met. You know, most likely scoping of the Draft Generic Environmental Statement, scoping on that -- pardon me -- a public hearing on that Impact Statement, public hearings on the zoning, on the subdivision of the property, the creation of a new zoning district most likely a special planned development district, and then certainly on the final subdivision as well. So all those things would have to be done by law.

But I think beyond that, we would expect, and actually it's in the RFP, that the developer take a role, that, here again, we've been dealing with possibilities up until now, different development companies that wanted to come in in the RFEI, a couple that wanted to come in the RFP phase. So once a developer is identified, we would expect that they would get out and talk to the community. So in terms of -- I believe that the formal process is the barebones minimum, that is a process, but it has to be heavily supported and supplemented with efforts by the County, by the developer. And also I would expect that the Town of Brookhaven would select their own method of ensuring that the community is involved throughout the process and ensuring that their comments are given maximum consideration.

The time frame for that is, as you've indicated, it's hard for me to guess and it certainly is impossible, it's, here again, my experience and working on a couple of big projects in Central Islip, for one, which is a redevelopment of a state hospital, they're multiyear projects, so they're, you know, could be, two, three years, maybe even longer in some cases. So we are prepared as far as this side of county government to do our part in terms of public meetings. And not just that. There

are other methods of whatever public outreach that would be useful. And we're open to other ideas that you may have, that the community may have, that the town may have for making this the best process possible and as productive as possible. So we stand ready and we understand your message that we're hearing today.

VICE CHAIR STERN:

Legislator Kennedy.

LEG. KENNEDY:

Okay, thank you, Legislator Stern. Like my colleagues, I'm please to receive the summary and synopsis that you presented here today, Tom. And I also thank Chief Deputy Chris Kent because actually this morning I got a copy of the RFP and have been attempting to digest it.

My questions go generally for you and then specifically for Mr. Brown. How do we come upon 255 acres in the Yaphank area that's available for development? What process preceded that where, I guess, we collectively, we meaning this policy making body, decided that of the hundreds and sometimes thousands of acres that we attempt to acquire and preserve every year, we decided that 255 acres we were going to go in the exact opposite direction with. How did we do that?

DIRECTOR ISLES:

What I can answer on that, Mr. Kennedy, is the process that was followed is that once the County Executive announced this idea, this vision as State of the County message in 2005, he issued an executive order to the County Planning Department directing that an analysis of the lands in Yaphank be conducted. Accordingly we did so. And we call that our site evaluation plan. And what we did is we examined the properties that the County owns at that location, at the Yaphank County Center, we identified every building by use. And I said there's over a hundred of them, 115, I think at last count; many small but a few large ones.

We also examined the Capital Program and mapped every approved capital project, for example, there are some building additions. The Board of Elections just did an addition. We mapped that. We also took the County farm property. And that was by legislative resolution in 2003, dedicated to County's Farmland Trust. So we looked at the total building, total land area, all the existing uses including the County farm, all the planned uses based on the County Capital Program, and then took those off the table as existing county uses and proposed county uses.

We then identified how much was left over. So of the total acreage of 880 to 900 acres of land, I don't recall the exact number, we identified that somewhere in the vicinity of 440 acres were potentially surplus that were not in county use either existing or planned at that point. As part of the directive of the County Executive, we were directed to set aside at least a third of that for future county uses that we may not know, that the County has not anticipated yet but could be needed in the future perhaps as a margin of error. So from that we derived a number in terms of 293 acres as being potentially surplus.

So that's the process that we followed in identifying what could potentially be considered surplus. I believe as part of the consideration that would have to occur going forward would be a consideration by the Legislature of that question in terms of a designation of surplus would have to be part of what you would be considering. But in terms of how we got to what got to, it was through that examination.

As part of that we also did research in terms of how do we get the Yaphank County Center, what was the thinking behind it. And it just -- not to get too far off your question, sir, but, you know, it appears that it went back to when it was anticipated that we would have a population of three million people, the Pine Barrens was going to be developed, not preserved and that this would be a major county center midpoint between Riverhead and Hauppauge. You know, we're obviously not going to get three million people; we might get 1.7 or 1.8 million people. We're at 80 percent of our growth potential as it is right now. So those are some of the background we looked as well. In the

'60's and '70's there was a lot of acquisitions; for that purpose the world has somewhat changed. So those are the considerations. I can provide you with a copy of that report if you would like.

LEG. KENNEDY:

Actually, I do want to go over to Dennis, but before that, yes, I would like a copy of that selection. But then just so that I can make sure that I understand the process, and, again, I appreciate you laying that out; but at no time to this point in these almost four some years that have transpired with all the work that has been done on this has this body been polled to see if, in fact, from a policy directive we, in fact, actually do believe that those acres, any of them, whether it's one or 250 or any in between is, in fact, surplus; is that correct?

MR. BROWN:

I just wanted to add -- I can answer your question plus I just wanted to add onto what Tom had said. With respect to your question directly, I would say implicitly there's at least a consideration that land would be declared surplus in the Yaphank area by virtue of the two resolutions and the outreach committee.

And, secondly with respect to the Legislature's input on what should be declared surplus or not, we prepared -- in connection with the contract, with the approval of the contract and the potential sale of the land, it was the intent to come forward with proposed legislation asking that the Legislature declare approximately 249 acres as surplus. And that in connection -- in connection with that decision making process, that Planning through Tom and his staff would give you a more detailed accounting of what he just summarized for you briefly.

LEG. KENNEDY:

Dennis, let's stay with you for a second because as a matter of fact I've had an opportunity to have a conversation with a number of people about this in the past couple of days, certainly far more so than what I've heard in the last four years. And I guess I'd respectfully disagree with those resolutions regarding possible oversight or development of input or proposed use of that area just as we've looked at many, many different areas. Smithtown, Rocky Point, the west end. We look at various uses. As a matter of fact, the Ronkonkoma Hub Studies have been ongoing now for the better part of four years. And that has changed in many different ways, shape or form. I don't know that we have anything in there that's definitive yet. I think it's part and parcel in evaluation in use and planning. That doesn't necessarily get us to the point where we implicitly decide anything.

What I'd also say is, I think, that you're actively negotiating with these developers at this point. Katter, is it? Katter and Beechwood? Those are the two principals?

MR. BROWN:

Yes. Well, actually a Letter of Intent was signed on July 21st.

LEG. KENNEDY:

So, in other words, the County of Suffolk is already bound to these two principals; is that correct?

MR. BROWN:

The Letter of Intent was signed on July 21st. I think that there might have even been something in the newspaper about that but --

LEG. KENNEDY:

I'm not talking about the newspaper. Because the last time I checked, that doesn't bind me. But, in other words, the County Executive did go ahead out and he did represent that, in fact, the County would actually enter into some kind of contractual relationship with anybody.

MR. BROWN:

To answer your question, Legislator Kennedy, there's -- nobody has been selected until, in fact, you approve the contract; until, in fact, the Legislature approves the contract. There are two --

LEG. KENNEDY:

Well, you're actively negotiating and developing the contract, aren't you, Dennis?

MR. BROWN:

There are two respondents to the RFP. One was Legacy Village and Katter is one of the principals in Legacy Village and Avalon Bay. The negotiations did not prove fruitful with respect to have Avalon Bay, but we were able to come to a meeting of the minds generally with respect to Legacy Village, the principals being Katter and Beechwood. And, so, yes, at this point in time the idea is to craft that meetings of -- the meeting of mind generally into a specific contract that covers everything, as you know, from being a practicing lawyer from title searches to environmental review and due diligence right through the closing and post closing obligations, to bring all those terms and conditions together in a final contract to present for you for final vetting and approval.

LEG. KENNEDY:

My concern goes to this, Dennis. And you're right; I have done real estate practice for almost two decades. Generally any time any property is ever put out there, it's put on there and the seller makes the representation that it's free, unencumbered from title and it's able to be conveyed or committed without reservation. How can we do that when we don't even have a declaration on this property? How does one precede the other?

MR. BROWN:

It hasn't.

LEG. KENNEDY:

Well, then I guess I'm --

MR. BROWN:

In fact it doesn't take place until --

LEG. KENNEDY:

-- clarified but more confused. And perhaps I really do need to be able to read on this more to understand where we're getting to. Because I've heard that we're actively negotiating an attempt to come to an executed contract. But at the same time I'm hearing that we may not even be asked to do a surplus declaration until sometime in 2010. How do we reconcile?

MR. BROWN:

No, that's really not correct. And without getting into the details I'll try and explain some of the process that has occurred over the past six months. So, for example, like in any transaction, one of the things that are involved, and I don't mean to be over simplistic, but is what price is being paid for the cost of the land being sold? So that has been an element of negotiation over the past six months. And certainly if we weren't able to come to what is at least reasonable consideration for the land being sold, I don't even think we'd be having this discussion right now. But that and other terms and conditions such as -- such as doing title searches, such as accommodating for a sewage treatment plant and waste water treatment, such as doing environmental reviews, that all of those -- all of the parameters that would go into a contract have been discussed.

And that occurs at the county level whether it's a land sale deal or whether it's for land services to be provided for the health clinics. But that being the case is -- that being the case that's what has transpired through July 21st. And as of July 21st, and the only thing that's transpired to July 21st was just a Memorandum of Understanding of what the terms and conditions should be in a specific contract. We come up with a draft. There was a specific contract. And before -- and when -- and when we've -- we think that we have a deal that's acceptable and beneficial to the County and to the residents of the County, that that is then presented to you for your consideration and approval. So right now we're only in discussion stages.

LEG. KENNEDY:

Has this property been appraised yet, Dennis?

DIRECTOR ISLES:

What was the last part of your --

LEG. KENNEDY:

Has the footprint, whatever it is, 247, 248 acres, has that been appraised?

DIRECTOR ISLES:

I believe there was an appraisal years ago. There has not been a recent appraisal that I'm aware of.

LEG. KENNEDY:

Yet we've kind to some kind of terms that are favorable and there's consideration that's acceptable to the County? How did we arrive at that?

MR. BROWN:

That was actually done pursuant to the terms of the RFP, that we requested that the -- that any potential proposer they that -- that they indicate what, in fact, they're willing to pay to the County for the sale of the land and the development of the type of housing and the various uses.

LEG. KENNEDY:

But we have no independent appraisal of this property to which we compared that?

MR. BROWN:

I can tell you what that -- I can tell you that what we've done, is that we've asked that the respondents reply with what they feel is a fair market bid with respect to the development of different types of uses, industrial, commercial and residential as well as for the sale of land. And I can also tell you that as far as some of the land is concerned, that there is a consensus of opinion at the county level as to what the value is per acre for development as of right.

LEG. KENNEDY:

I'm going to leave that for the time being. I'm going to yield but I'm also going to ask that you forward me a copy of that surplus analysis that was done in the Yaphank area. And I would be most interested in this Memorandum of Agreement that's been inked with these particular entities at this point, Dennis. I want to see what it is.

MR. BROWN:

Sure, we can talk about that. Sure.

LEG. KENNEDY:

Good. Okay. Thank you.

CHAIRMAN HORSLEY:

Thank you very much. Legislator Alden.

LEG. ALDEN:

Tom, you're specifically here on IR 1771.

DIRECTOR ISLES:

Yes.

LEG. ALDEN:

Okay. And you were on both the committees? The prior committees?

DIRECTOR ISLES:

Yes.

LEG. ALDEN:

Who is coming forward now that would warrant us going in and voting to establish a Yaphank Development Oversight Committee? Are there groups that didn't present to you their fears or their visions of the neighborhood? Other than the minority caucus from this legislative body, but was there any other groups that didn't get a chance to state their case so to speak?

DIRECTOR ISLES:

I don't really know. I don't know if I would know if -- you know, if somebody was silent that didn't come forward so I can't answer that.

LEG. ALDEN:

Okay, but you can say who's coming forward now. And is that some information that should have come out at one of these prior committees? Would it have been relevant at that point in time? Is it relevant now?

DIRECTOR ISLES:

Here again, in terms of new information, I'm not aware of anything specifically. I'm certainly aware that there has been some controversy on this idea and I'm not -- you know, that's a fact. There are points of view on both sides of the question and a lot in between probably. So in terms of someone perhaps not being heard, certainly this is not the end of the process. I don't think a committee -- another committee at this time is necessity quite honestly. And I feel that the process going forward is an evolving process and will continue to allow public participation, other points of view and ideas to be considered.

LEG. ALDEN:

Is this a duplication of what had already happened, the two committees that were kind of approved by the legislative body back in -- and one of them is '05, right? One of them would have been '06.

DIRECTOR ISLES:

(Shaking head yes)

LEG. ALDEN:

Is this the same type of charge that they would have; that was already given that charge back then?

DIRECTOR ISLES:

No, I can't speak for the sponsor. But the -- in terms of what the intent of it is, just in terms of what I'm reading and respecting what's written here is that in terms of the review whether the RFP and the response is, you know, considered the recommendations of the last committee, that's a good question. And I did that review. And in my opinion as one person, one department, I think it does. I respect that you will have to make that judgement ultimately.

In terms of analyzing the impact to surrounding communities, of course that has to be done on a much more detailed level as this gets further along. Now that there is a specific proposal that perhaps is going to go forward, it's my opinion that that needs to be done in a very detailed way, meaning a complete environmental review. You know, I think a committee can do that a little bit, but in terms of -- it's going to cursory to some extent. We've looked at a process, here again, as part of -- with the Town where that would occur. And I think that would be helpful in terms of getting hard information, detailed information. So I think that has been taken into consideration.

And then, here again, the last comment in terms of public participation, here again, we don't quarrel with that at all. There certainly should be. We intend to make ourselves available. And as I mentioned before with the developer, with the Town, to continue a dialogue on shaping this project to the best form as it goes through the town process.

LEG. ALDEN:

You mentioned before that this comes from the vision of the County Executive. And not to get into that right now, but did you look at all county property that would be suitable for or appropriate for -- and this is kind of an affordable housing project; is that not right? So did you look throughout the whole County at our holdings and identify any other portions that might be appropriate for affordable housing?

DIRECTOR ISLES:

We were directed to proceed with this location. It certainly does have an affordable component to it. I know that Economic Development and Workforce Housing, I think through a bill that the Legislature approved and I believe you were the sponsor, was directed to look at surplus county properties. And I think that's something similar in terms of looking at sites that could be used for affordable housing. So I know there are a couple of efforts. This one was targeted in terms of available surplus land potentially at this location. So I think it was just limited in scope to that.

As part of the site evaluation review, we did look at other County facilities in a -- to a certain extent. So we did look at, for example, the Dennison Building, the yield on that and so forth. So we did some comparisons of density of development of different county facilities and doing the analysis of how much land is being used in Yaphank and how much is potentially surplus.

LEG. ALDEN:

Tom, and I apologize in advance, but were you the Director when there was a proposal put forward for the golf courses?

DIRECTOR ISLES:

No, I wasn't.

LEG. ALDEN:

Do you know if this is the same property?

DIRECTOR ISLES:

I believe it's part of the same property. The exact boundaries, I don't know. But I remember hearing about that. And I believe it takes in part of that property, but I'm not sure of the exact description.

LEG. ALDEN:

Okay. And you mention my piece of legislation. But I had asked to identify, number one, the ownership of county on parcels of land throughout Suffolk County, but I'd also ask for an analysis. Whose department is that in now? Because I didn't really get any final resolution on it or a report.

DIRECTOR ISLES:

I know we were working with Economic Development on that. So I know we had generated with them some information. I'm not sure of the current status but --

LEG. ALDEN:

Because that might go back to --

DIRECTOR ISLES:

-- that was something that was more complete in terms of the larger area.

LEG. ALDEN:

It was more comprehensive because it looked at all of Suffolk County, I thought. But I think it goes back to 2003/2004. And I think that that would be important for all of us to look at.

DIRECTOR ISLES:

Well, here again, I think that had a specific purpose. And I'm not going to speak for you at the Legislature. But I think that had its purpose. And I think this is looking at, you know, here again, lands that -- the County certainly has vacant land in Yaphank, no question about it, predominantly zoned for industrial use. It certainly can be used for county facilities. The County had sold some land in Yaphank along Horseblock Road, about 40 acres a number of years ago. And I think what the intent was is that rather than a haphazard kind of thing of selling off 50 acres here and there and so forth, is to look at the entire property, to look at what possibilities might exist there. So I think it was trying to do it in a comprehensive way.

LEG. ALDEN:

Thanks, Tom.

DIRECTOR ISLES:

You're welcome.

LEG. ALDEN:

There's still want more information I'd like to get, but in deference to you and the rest of the Committee I'll sit back.

CHAIRMAN HORSLEY:

Thank you very much, Legislator, and I appreciate your comments. What I was telling him we have many cards. Legislator Browning, and, please, I'm sorry to put a time limit on you. Just give it a --

LEG. BROWNING:

I will make it quick because I think I have many of the local residents here who would like to speak. And I know I'm not on the Committee so I appreciate you giving me the opportunity. You know, I'm reading a press relief that I'm getting a history lesson.

Going back, yes, I created that outreach committee for the RFEI, never for an RFP. The last time we met was, I believe, September of three years ago, '06. And I remember that we had a meeting at the Yaphank Firehouse. And I don't how long it is since Marion Zucker's been gone, but it was when she was still here. And there was a meeting at the firehouse. And I know that many of the questions of the local residents at that time was about outreach and making sure the community was continually informed as to what was going on. Has there been any meetings since that meeting when Marion and yourself were there at the Firehouse?

DIRECTOR ISLES:

I don't know if that was the last meeting. I do recall the meeting. Jim Morgo was there as well. I do recall the meeting. I know we also had a meeting in the property behind the church, I think, it was by Main Street in Yaphank. I think that was the South Yaphank Civic. There's no question that there's been a quiet period on this project as the RFP was finalized following the September 2006 recommendations of the Committee, as the RFP was then put out there and as the responses came back.

The review of the RFP occurred over approximately a two year period so it was a period of time where that was the process that was happening. And that's kind of an internal process because it's a confidential process at that point. We're now -- we've now turned the corner. And, you know, as the comments were expressed earlier by the Chair, that there's interest in being brought up to speed with this. We certainly understand that. We certainly understand that with the community. And I think now that we're at this point where there has been a selection of a preferred developer, now would be the time to say well, *what is the developer? Who's the developer? What are they proposing? What is their capability? What are the impacts of this and so forth?* Those are all good questions. And, here again, it's now time to resume that. So that's my recollection of it.

LEG. BROWNING:

And, you know, not too long ago there was --

MR. BROWN:

Could I just -- I just want to add something to what Tom said, that in the midst of the responses to the RFP being received and July 21st, 2009 this Letter of Intent being executed, there was a major market melt down approximately a year ago, as you're all aware. And it was really very questionable about whether we would even proceed over the past -- over the past year because it was -- getting the financing was severally challenged. Without going into all the details of the negotiations, it really looked like the deal might not proceed. And I'm sure you know just from -- just from the news that there were many, many delayed or stalled or cancelled real estate projects throughout the Island and the country in general because of the recession.

LEG. BROWNING:

Okay. Because one of my concerns is, you know, I'm hearing that these developers, it's not confirmed that these are the developers for this project; correct? I believe that's what you said.

MR. BROWN:

Yes. We now -- there were only two responders, so. And one was really not in the best interest of the County in our view. And we hope that you concur with that when the resolution comes before you, the legislation comes before you, to approve the contract and the terms and conditions, yes.

LEG. BROWNING:

You know, the declaration of the land as being surplus has not been done yet.

MR. BROWN:

No.

LEG. BROWNING:

However, a little over a month ago, and I know that my constituents read in the paper one Tuesday morning, maybe it was a Wednesday morning, that the County Executive announces a developer, announces the project. I can tell you the Thursday before that, that Thursday evening, and, Tom, you were there at Town Hall, we sat down and we were shown this is the developer, this is the project and you're invited to a press conference. And over the three-year period since September of '06, I have asked on numerous occasions what's gone on with Yaphank Development? I have never been clued in over that three-year period as to what's going on. I kept hearing, you know, *we'll clue you in, we'll keep you informed.*

I have never, never seen anything or heard anything since September of '06. And as far as -- and I know you're going to say, you know, the RFP process, and we're not clued in, I see that; but at the same time, you know, we were given notice that this was it. I've spoken to the building trades who are telling me there's already a project labor agreement. How could there be a project labor agreement? That's what I'm hearing. If there's a project labor agreement, there obviously was some kind of a deal.

MR. BROWN:

No, there is not. Let me put it to you this way. If there's a project labor agreement, it didn't emanate out of the contract for the Yaphank project. And that's because the contract is -- it's in the hands of the attorneys for the developer. And we certainly have not heard back from them. And in any event it would be not -- it's subject to approval. So anything, I think, that you've heard about a project labor agreement as being in existence is probably premature.

LEG. BROWNING:

So there is no project labor agreement, okay.

MR. BROWN:

Not to our knowledge.

LEG. BROWNING:

And, you know, I believe, Tom, you remember during that RFEI process, the concern about, you know, they had those meetings at the Longwood High School. I believe it's Suffolk Community College about -- and it was overwhelm -- number of people in support of the motor sports that were there. The local residents were basically railroaded over in this process. They really didn't get an opportunity to give their two cents worth. And during the RFEI process, there was talk of about 1,000 units of housing. And I remember distinctly talking about the thousand units of housing. And that's way too much in one community and in the Town of Brookhaven.

And it was intended there would be 500 units in the South Country School District, 500 units in the Longwood School District. And that has since changed. And now it's all in Longwood School District, which has a -- it's a serious concern of mind, especially to the taxpayers in the Longwood School District. You know, so that was -- I really remember very clearly that that was an issue that there's no way you could put a 1,000 units in one school district. And that was to be taken into consideration. And clearly at this time it hasn't. I know that I have many people here from the school board also who will speak. But as far as the press release I'm reading, I take offense that I was clued in and I knew anything about this because since 2006, September 2006, I have not been informed and not kept in the loop.

CHAIRMAN HORSLEY:

I'm sorry, Tom.

DIRECTOR ISLES:

Just a couple of comments.

CHAIRMAN HORSLEY:

Wrap it up.

DIRECTOR ISLES:

Here again, okay, we never expected the RFP would take over two years to analyze and review as Dennis Brown's indicated. We went through this cataclysmic financial change. I don't see how we could go out and say, *well, we're in the middle of negotiations and this where we are when it's not something that's firm*. I couldn't really represent that this is what it is because it was still in negotiation.

As far as the units, here again, the recommendation of the outreach committee was to keep the units behind the police headquarters. There was certainly discussion of the number of units but that was, here again, we didn't actually come up with the number. I know that's an issue. And, here again, in terms of what should be approved ultimately by the Town of Brookhaven, that is subject to further review.

And just to maybe make a final point, the committee included -- the committees that were put into place included residents, it included business people, it included town people and so forth. And, here again, the 21 meetings. Does it say that it's everything and that was enough? No, we're saying it's part of the beginning of the process. And so we know going forward it has to continue. There was a dark or black out period there as the RFP was proceeding. We're now back and we want to talk about it and continue the dialogue. And we're prepared to do that.

CHAIRMAN HORSLEY:

Thank you very much, Legislator. Thank you very much, Tom. I appreciate the time you've given to this. Hopefully you guys are going to be hanging out because there's going to be others speaking and we'll move from here. Okay, public portion.

LEG. ROMAINE:

I'll keep it very short.

CHAIRMAN HORSLEY:

Please. I'm trying -- I got 30 cards here, guys.

LEG. ROMAINE:

Right, thank you, Mr. Chairman. I'll be very short. I'm not a member of this Committee but since I'm here I thought I'd ask a few questions and I'll save the rest of the questions for later. First of all, let me ask you, when will the first construction jobs be created in this project, rough estimate? Could you give me that? Would it be within a year, two years, three years, four years, five years? When will the first construction jobs be created?

MR. BROWN:

Not likely before 2011.

LEG. ROMAINE:

And that would be dependent on what?

MR. BROWN:

Approvals by the Town.

LEG. ROMAINE:

And could that process take longer?

MR. BROWN:

It will take longer.

LEG. ROMAINE:

It will take longer than 2011.

MR. BROWN:

Yeah, because as I mentioned to Legislator Horsley before, one of the things that's contemplated in the transaction is closing in stages, closing on those parcels that could be developed as of right and those that are more sensitive to approval by the town.

LEG. ROMAINE:

Is anything zoned appropriately in that area now for any of the proposed units?

MR. BROWN:

Yes, because there's residential zoning and there's also industrial zoning currently.

LEG. ROMAINE:

Does the residential have -- is it A 1, is it one acre zoning? What is the current zoning? Maybe Tom could speak to that.

DIRECTOR ISLES:

There are two zoning categories that affect the property.

LEG. ROMAINE:

Yes.

DIRECTOR ISLES:

The first is L 1 industrial.

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

That covers about 75 percent of the properties in question. The balance of the property 25% is A 1 zoning according to the information we have from the Town.

LEG. ROMAINE:

And you're not looking to build A 1 zoning.

DIRECTOR ISLES:

No. In terms of your question is there anything that's consistent with the zoning, it would apply to the industrial portion only.

LEG. ROMAINE:

Only. All the residential would not be subject.

DIRECTOR ISLES:

That would have to be a PDD.

LEG. ROMAINE:

Okay. And you would need -- you would need obviously a change of zone which requires a vote by the Town Board.

DIRECTOR ISLES:

Yes.

LEG. ROMAINE:

All right, let me go beyond this.

MR. BROWN:

Legislator Romaine, can I go back to answer your question, please?

LEG. ROMAINE:

Yes.

MR. BROWN:

With respect to construction jobs, of course, most of the construction jobs would be after 2011; but prior to the closing there would be -- there would probably be incidental work that may generate some jobs, such as environmental review and title work. So it probably would generate some jobs, but the bulk would be after the closings.

LEG. ROMAINE:

Will the County insist on whoever is selected as the developer be using a union labor force?

MR. BROWN:

A project labor agreement, yes.

LEG. ROMAINE:

They'll have project labor agreements. But none have been entered into now. When do you anticipate that that project labor agreement would be brought forward since construction jobs may not happen for two or three years as a minimum?

MR. BROWN:

I really can't speak to that because that would be an agreement negotiated between the developer and the unions. But, of course, it would be subsequent to the approval of the contract by the Legislature if the Legislature chose to approve the contract.

LEG. ROMAINE:

Has these developers used unionized labor in their large construction projects in the past? And I specifically refer to the Beechwood Corporation.

MR. BROWN:

I don't know the answer to that question.

LEG. ROMAINE:

They have, okay.

MR. BROWN:

But in connection with the presentation of legislation to approve the contract and to declare the land surplus, we'd anticipate that the developer would be prepared to do a presentation for you and be able to answer some of those questions.

LEG. ROMAINE:

Here is my problem from the very beginning. And I think you'll appreciate this as an attorney. This County Executive should not have done anything, anything with this project until this Legislature -- it was brought before this Legislature and it declared surplus. He has put the cart so far ahead of the horse in this effort. And now we're finally getting to where we're at and it's like the horse is out of the barn. I mean, he's come forward with things that -- I'm sure in our testimony this Legislature will hear from several planners as to the validity of the planning concepts behind here. While I respect Tom Isles, I understand other planners disagree in terms of how this should be developed.

I'm going to ask because the Chairman was very kind to me and I know we have cards so I'll just end right there but I will say this: One, all the reports that Mr. Kennedy and Mr. Alden are getting, I'd like to get copies of those reports as well. Two: Above and beyond that, I'd like to get a report from the Planning Department as to the impact of this project because they've been announced in the press; I just don't see the data behind it on Longwood School District. I obviously represent a section of Longwood School District. And like Legislator Browning and Legislator Losquadro, we are concerned about the impact on the school district and the residents of the school district from a tax point of view. Some numbers were given to the press. I've read what I know of this project at this point, I regret to say, I read in Newsday, all the local newspapers. I think every one of my colleagues would say similar.

It's not incumbent on us to seek out information. It's incumbent on the Executive who's looking for our approval for surplus properties to have provided that information well ahead of this. He has failed to do that. And that is a problem. And now we will begin to deal with that. But we will need a great deal of information before making decisions about surplus property, about selecting a vendor because the County Executive may have already announced a vendor, but I can tell you it takes two to tango. And I don't believe this Legislature has had any such announcement about who we've selected as our vendor, if there is to be a vendor. So with that in mind, thank you, Mr. Chairman.

CHAIRMAN HORSLEY:

Thank you very much, Legislator.

And what going we're going to do now is we're going to move to the public portion.

PUBLIC PORTION

If you don't all scream at me, I have a public employee who is my number one card, Carolyn Fahey, talking about economic development. Carolyn, are you still here? No, she's not; so you're not going to scream at me. Okay. Michael Watt, Long Island Builders Institute. And of course we're going to keep you to three minutes because we've been so long, but that's the policy. But, Michael, I know

you can be quick.

MR. WATT:

I'm going to multitask, is that what you're telling me? Oh, boy.

CHAIRMAN HORSLEY:

No.

MR. WATT:

And keep it under three minutes. Okay. Fortunately I didn't use too many big words. Thank you, Chairman Horsley, for this opportunity to address this group. My name is Michael Watt. I'm the Executive Vice President of Long Island Builders Institute. And LIBI represents 500 plus member firms concerned with building communities throughout Suffolk County, many of whom are here today.

LIBI opposes Legislator's Browning proposed resolution 1771. The economic down turn has devastated our industry in Suffolk reducing or eliminating employment for thousands in the building trades and construction supply networks. Building for the sake of building is in nobody's long-term best interest. The fact is the economy will rebound in a near future, however. The real issue is will the regulatory pipeline have enough housing activity planned to meet the County's need for workforce homes and improved site for the technology driven enterprises needed for job sustain/economic growth in coming years.

The answer right now is a resounding no, unless we use these months of recession to advance consideration of the kind of development opportunities we need for renewed economic sustainability.

The Legacy Village Development is one such opportunity, an opportunity that should not be squandered by delay so that a bias panel can catalog the reasons it should not happen. The nine member panel's heavily weighted against an outcome favorable for the county as whole. Five of its nine members are focused on narrow local concerns. The site is county-owned. Its use must be valuable to the County as a whole. Significant local impacts, both economic and environmental, should be considered, of course; modified, mitigated and enhanced as necessary. But we should not lose sight of the county wide benefits just to placate those whose parochial interest is *not in my backyard*.

Legacy Village can go a long way towards alleviating the unmet demand for reasonably priced homes for young workers throughout the County. Young people who now must leave Long Island for decent homes in modern neighborhoods around the Country. These new well-planned, mixed-use communities attract the young worker because of their variety, affordability and proximity to employment.

In addition to this proposed 1,000 attractively priced homes, the development's recreational and commercial aspects will create a destination that will enhance the area's quality of life. And the project's high tech economic development potential taking place so close to these homes will create the kinds of numbers of jobs Suffolk so desperately needs.

The charge for the Task Force outlined by Legislator Browning includes a study of why the County acquired these lands, whether other future uses of lands may be used for and whether the recommendation of an earlier study were adhered to. These could be reasonably be determined by the Legislature itself surely in far less than six months.

The proposed Task Force is also charged with soliciting input from the community determining environmental impact and deciding whether the proposed development is in the best interest of Suffolk County. Let's be real. The Legacy Village proposal must go through the entire Town of Brookhaven review process with ample opportunity for public input. Also, a full environmental impact analysis will be required with extensive opportunity for input as well. In addition a review by

County Planning on county-wide impacts will also be necessary.

The Long Island Builders Institute urges the Legislature to see this resolution for what it is, an unnecessary delaying tactic, and reject it accordingly.

Instead we urge the Legislature to determine whether to authorize the County Executive to negotiate a contract and to determine whether the property is surplus with all deliberate speed.

Closing statements, almost done. In making these determinations the Legislature should look at the original use contemplated for the property as it relates to current needs and alternatives. The Legislature should compare the recommendations of the outreach committee with the present proposal to see if those were considered. Legislator Browning wants the proposed Task Force to determine whether these were adhered to. But the question begs to be asked should there be such a delegation of the Legislature's power to that committee?

In conclusion, there is no need to delay the legislative action by six months to replace the thorough approval process of the Town of Brookhaven and SEQRA. Suffolk County needs development ready to go when the recession ends. That's why we urge the defeat of this resolution. I thank you for the opportunity to address the committee this afternoon. Michael Watt, Executive Vice President.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Watt. All right, the next speaker is Tom Casey from the Whitman Birth Place. Tom Casey. Topic the hotel/motel tax.

MR. CASEY:

Good afternoon. I'll introduce myself. I'm President of the Walt Whitman Birthplace Association. Among other things I'm also Vice President of the Long Island Greenbelt Trail Conference, a member of the Pine Barrens Advisory Committee, a member of the Pine Barrens Protected Lands Council and the Suffolk County Sporting Advisory Committee. And in past several years I once served on a LICVB committee for tourism on the North Fork.

So as you can imagine from that brief resume I'm very much in favor of the hotel/motel tax bill. I think it does wonderful things for Whitman Birth Place, the Vanderbilt Museum, Suffolk County Parklands. Whitman Birth Place, although it's a state historic site and maintained by the State of New York, it is operated by the Whitman Birth Place Association, which is a non-profit organization. I should add very non-profit at this point. And we conduct extensive educational programs, tours for the general public, variety of programs and exhibits. And it's an internationally significant site. We get school kids from all over Suffolk, all over Long Island. We get visitors from around the world. And this bill would put us on, for the first time, some semblance of sound financial footing and solve our perennial cash flow problems.

You know, fundraising these days, despite our best efforts, it gets harder and harder. Our grants are drying up. Donations are fewer and fewer. And this, although it wouldn't let us sit back and relax, it's something that could at least establish a base for us to continue.

County Parks, the committees I'm on, I frequently run into Nick Gibbons and Commissioner Pavacic at meetings. County Parks people work extremely hard and perennially are understaffed and they do wonderful things; but the stewardship features of this bill both for historic structures and for open space, our natural heritage, but it's money that would be well used. What this bill funds are things that will attract tourists to Long Island. So I think the money is directed very well in the bill.

Finally, since our time is limited here, I would ask you when you choose a vacation venue, is one of the first questions you ask what's the room rate -- the room tax rate? I think not. And would it cause you to not visit a place that you'll enjoy? The hotel and motel tax in Suffolk County is low now. When my wife and I travel to other places, I can think of Annapolis, Maryland where we go frequently, we pay 14 percent down there for our motel room. Doesn't keep us from going. It's --

and the Budget Review Office stated that although the demand for hotel motel stays -- tends to be elastic, we believe the negative economic impact will be small. I would think very, very small and at best temporary if there is any impact.

Lastly, I would urge the Committee to get this bill out of committee into the full Legislature. I know that no one ever wants to vote for something that's a tax increase; but face it, you know, day in, day out you produce revenue bills that keep the County functioning, that's part of your job. And every year just to pass those bills that keep everything moving, it gives whoever's opposing it at the next election the time to turn around and say *see, he raised taxes 47 times*, even though what you're doing is your job. Go for it. Make it 48 on this one. Thank you.

CHAIRMAN HORSLEY:

Thank you, Mr. Casey. Cynthia Shor on the hotel/motel tax.

MS. SHOR:

Thank you for letting me and my Board of Trustees appear before you today. I am Cynthia Shor, the Executive Director of the Walt Whitman Birth Place Association, a state historic site in Huntington. I would like to address Chairman Wayne Horsley, Vice Chairman Steve Stern and committee members Cameron Alden, John Kennedy and Vivian Vilorio-Fisher. And thank you for having us here today.

I want to first of all thank you for the past support that Suffolk County has given to the Walt Whitman Birthplace and to many state historic sites and museums and cultural institutions. Your support has been vital to our operation and to the continued operation of other organizations of which I am in touch and which I am conveying their thoughts here today with me, also.

Tom Casey, our President, mentioned briefly the educational programs. And one thing I just want to bring to your attention is the impact of the hotel/motel tax bill will have on the children of Huntington. As Tom said we have 7,000 students from Long Island come through our programs every year. We hire published poets who teach the children how to write poetry. And we have certified teachers who give the tours to those students. We are working with the New York State Regents and their requirements of the Fourth Grade Social Studies. So our tours combine learning about the history of Long Island.

We know that the schools today are over-taxed. The school hours are short. And what museums and historic places do now is makeup the excitement and the fun of learning for the children. Parents bring them and school classes bring them to these historic sites and museums and they provide a vital function for the learning of the children.

So, I just want to say that the hotel/motel tax, looks like it's an adult thing, but one of the hidden beneficiaries are the children of Long Island, to keep these museums funded and running properly. So I thank you very much for your support. I urge you to support it and I thank you for time today.

CHAIRMAN HORSLEY:

Thank you very much, Ms. Shore. Mr. William Walter from also the Walt Whitman Birthplace Association. You guys must have gotten here and together.

MR. WALTER:

We did, Mr. Chairman, because this bill is of vital concern to us. At our last board meeting we had to borrow \$15,000 to keep our birthplace open during the fall. And without the bill being passed by the Suffolk County Legislature, we're going to find it necessary to close or to severely constrict the hours of operation that we will be under for the rest of this year and in 2010. For you see not -- our association which began in 1949, and its mission was to acquire the birthplace of America's most famous poet, we turned it over to New York State in 1957. But then the State -- and we sort of retired thinking the State would handle things. The State put in a caretaker to take care of the home, but Ernie and his black Labrador dog, when people came to the site, invented stories

about Walt and the dog. And we realized we had to come back and give the true tale of why Walt is important and what his heritage is.

Walt Whitman is Suffolk County's most famous personage. You can see it in the New York Times, the editorial on Monday, talked about the change of seasons, who did they quote? Walt Whitman. Ken Burns, when he ran the Civic War Program, Walt Whitman was prominently featured. Walt, though, is more than a poet. He was a newspaper man and he was commented on the 19th century. When we look at that century, we study Walt. Walt also was a promoter for West Hills, for Suffolk County, for Long Island, which he called Paumonok after the Indians. And it's important, as Cynthia has said, that the school children recognize this.

Now, when -- we've been through this trouble before. I've been Vice President, I was president of the association in the '80's; been on the board now for 25 years. I've seen the effort when we had troubles 15 years ago when they wanted to move the birth place to a collection of houses in Bethpage and we had to rise up to prevent that from happening. It's important now that we keep the house open, that we -- now that we have a visitors' center and we have an exhibit in there that has been put together by probably the foremost exhibit designer, Ralph Applebaum, who lives in the Hamptons, he's done the Holocaust Museum in Washington, he's done the dinosaur and other museums in the Museum of Natural History. And the new Capitol Museum or -- and the new capitol exhibit in Washington DC is Ralph's current one. So we have a world class visitor center, the birthplace to show. And it would be a mistake for the hotel industry to say we don't need you to promote visitors for we get visitors from all over the world. Please see that this bill is reported to the Legislature and passed. Thank you.

CHAIRMAN HORSLEY:

Thank you, Mr. Walter. And I remember some of your history with Barbara Barton, others. Darrel Ford. Darrel, I think you'll recognize that he may be talking about Walt Whitman. You have to push the button on the mike so we can hear you.

MR. FORD:

You have to understand that I'm a 19th Century man and so these things are something of a puzzlement. Actually I'm going to have to make an admission here. I'm not Walt Whitman. My name is Darrel Ford and my association with the various site organizations that would be benefited by this bill go back 70 years. When I was nine-years-old I embarked on a bicycle trip from my home in Amityville and my destination was the Long Island Sound. I had been up in an airplane, a two-winged open cockpit plane and the pilot had shown me every inch of Long Island from the air and the two inland seas that surround it and the ocean beyond. And so I was imbued with the idea that I would ride my bicycle from the Great South Bay to the Long Island Sound. I was nine-years-old. I didn't do the math. It was a forty mile round trip so I didn't succeed.

But along the way I reached the roll of hills that's the backbone of Long Island. The Marino Hills in West Hills, Huntington and near exhaustion I saw this old farmhouse. And so I sat down under this spreading tree to rest. And I spot a small plaque that said *This is the home of the great American poet Walt Whitman.*

So I knocked on the door and the lady who lived there then and owned the house had me in; we talked. She talked about Walt. I knew something about him because my mother had read poetry to my siblings and I. She did a very spirited rendition of *Oh, Captain, My Captain.* And so she showed me the room where Walt was born. She gave me a peanut butter sandwich and a glass of milk. And before I left she gave me a beat up old copy of *Leaves of Grass.* So I've been a Whit maniac now for 70 years.

And during my lifetime, I have used those facilities, I have introduced my students at Southampton College and other schools where I've taught. And for 25 years I was Director of the Babylon Village Youth Project. And there's at least one parent here of children that I took to these many facilities including Walt's home, who I think benefitted from that experience. And so I urge you, please, help

keep the birthplace going and available to the children of this generation and for future generations. Thank you.

APPLAUSE

CHAIRMAN HORSLEY:

Darrel, I love your lobbying. It's great stuff. Yes, they're my children. Tom Wysmuller, also from the Walt Whitman birthplace.

MR. WYSMULLER:

Thank you. I'm Tom Wysmuller. I'm on the Board of Directors of the Walt Whitman Birthplace. I live in Ogunquit, Maine. So you're probably saying to yourself, well, what is a guy from Maine doing here on Long Island? Well, the fact is I'm on the board of directors of a world class institution, a destination for people all over the world.

I want to give you a little perspective of where I live in Maine. I live in a Town called Ogunquit. We have about 1500 people in town. In summer we have 35,000 people in the town. Well, how does a town like Ogunquit support the infrastructure for 35,000 people when we only have 1500 residents? And the fact is Maine and New Hampshire impose a double digit motel tax for the simple reason that the tourists pay the tax. And in so doing they end up supporting the town.

Well, Walt Whitman has visitors from all over the world. I'm there quite frequently. I've greeted people from Australia, from Japan. They don't support the birthplace. Local residents do. Local residents join. They become members. They get on newsletters, they're involved in some of our programs. But the structure, the history, the docents that we train to let these foreign visitors and visitors from all over the country know about what we do, they don't pay.

Now, I don't want to take a lot of time here. I want to summarize in four steps. Number one, this is not a local tax that we're trying to see through to support the birthplace. It is actually a fee imposed on visitors to support the very attraction that draws them here. We are listed in the state website. We're one of the magnets, beautiful, cultural magnets that draw people to Long Island and fill the hotels and motels. They need to contribute something. And the fact is most of the jurisdictions who are in double digits on motel tax, we're bringing this rate up to three percent. And that three percent as you heard from my colleagues is crucial to our survival.

The other thing is that we're finally here on Long Island a chief parity on the tax with the surrounding jurisdictions. We're not going to be more. It'll just be at the same level as the other jurisdictions. And the last thing is that we're asking have you help us ameliorate the subsidy that local tax payers now grant to visitors who aren't paying their fair share. So keep us alive. We do great things for the community. We do great things for the world and the nation. And I think that the tourists and foreign visitors ought to contribute a share of that. And this tax is the vehicle through which it can happen. It really should not be deferred. We can use the ability to survive and we do need it now. Thank you.

CHAIRMAN HORSLEY:

Thank you very much. Mr. Thomas Talbot concerning the Yaphank Development Task Force.

MR. TALBOT:

Got the button pushed. Good afternoon. Again, my name is Tom Talbot. I'm a resident of Middle Island, which is in the Longwood School District. And I'm here today to support the creation of the Task Force as proposed by resolution 1771 proposed by Legislator Browning.

And by all observations this is a huge project and it has many aspects that make it unique. In its present form it will have significant impact on the surrounding communities including environmental and school infrastructure. As an end, as I understand it, the purpose of the Task Force is merely to gather facts about the proposed development. And whether you are currently in favor of the project

or whether you oppose it or have not reached a position, it would seem very beneficial to have information that would help you make a reliable and informed decision.

I would hope that the Legislature would want to maximize the availability of this kind of information as a means of substantiating and reaching their ultimate decision. And this Task Force has the potential to gain knowledge of -- knowledge based at the Legislature to allow them to make a viable decision that will be, you know, beneficial to their constituents. And I certainly urge, again, the creation of this Task Force. Thank you very much.

CHAIRMAN HORSLEY:

Thank you very much, Mr. Talbot. Caryn Devivo? Caryn Devivo? I believe she was with the Inn and Spa of the East Wind. I guess she's from the East End and do you recognize her, Ed?

LEG. ROMAINE:

She's not here.

CHAIRMAN HORSLEY:

Okay. Chad Tousnovec from Legacy Village, concerning Legacy Village.

MR. TOUSNOVEC:

Good afternoon and thank you for allowing me on speak. My name is Chad Tousnovec. I'm a life long resident of the historic hamlet of Yaphank. And I'm here to express my support for Legislator Browning's motion to create an oversight task force in regards to Legacy Village.

I recently sent a letter to all members of the Legislature in the form of an e-mail. And I hope that all had a chance to read it as it expresses the concerns of myself and, of course, so many residents of Yaphank and the surrounding area.

As a lifelong resident and member of the civics, I feel that we've been virtually left out of the process, a process after we found out has gone on for almost five years at this point. This project will have large consequences to our town. The housing complex alone will add thousands of extra cars to our already overcrowded area. And it ignores the vast infrastructure that lays vacant throughout our area. I understand that the land needs to be declared surplus. And I ask respectfully that you think of the impact on this small town when you -- when you make that decision to vote on this.

Thank you. I also request permission, the President of the Yaphank Taxpayers unfortunately had to leave for a meeting. He actually had a doctor's appointment, I'm sorry. And I would ask permission to read his statement.

CHAIRMAN HORSLEY:

Can you do it in about a minute and a half?

MR. TOUSNOVEC:

It's relatively short. It's very short. "We are here today to take united action against Suffolk County Executive Steve Levy's development plan on county-owned land in the community of Yaphank. To take the property that's already owned by the County and strip it down for development is going to be a huge disservice to this area. The development project will have an enormous effect on the Longwood School District and also to the surrounding emergency services. Again, we the people of the Yaphank community are against this development. Thank you. Frank Romano, President of the Yaphank Taxpayers and Civics."

CHAIRMAN HORSLEY:

Thank you very much, again. Joanne Steigerwald.

MS. STEIGERWALD:

Hi, my name is Joanne Steigerwald and I fully support Legislator Browning's resolution IR 1771 to create a Yaphank Development Task Force. County Executive Levy has had several years of closed door meetings to position himself for the project's approval. And as you can see, he has attempted to organize the labor unions in an effort to sway your vote. Mr. Levy held a press conference to announce his vision, his dream, his legacy, his Legacy Village all before there were any public meetings with effected communities or various groups. It appears Mr. Levy is dictating what he wants, and that the rights should be -- and that right should be -- right there should be an issue for all of us.

The residents of Yaphank have had firsthand experience with Mr. Levy's closed door meetings. When the Suffolk County Trap and Skeet was scheduled to open, private meetings were held with Steve Levy, his staff, Ron Foley and representatives of various sportsmens groups. I feel like I'm rushing. The excessive noise was an issue, yet the legislation was railroaded through this Legislator knowing that the Town of Brookhaven would not exempt the range from their noise ordinance.

So where are we today? Thousands of our tax dollars have been spent in legal fees to fight the Town of Brookhaven's noise ordinance. The courts have ruled that the Town of Brookhaven's noise ordinance has precedence, but Mr. Levy is not happy with that answer, and he, the County, has filed an appeal at taxpayers' expense for his special interest groups. These are the special interest groups that he says he will not kowtow to.

The special interest group project of his has devalued our homes, our community by over \$4 million, has cost the South Country School District 150,000 annually in tax revenues, plus the negative effect on the environment and our equality of life. Mr. Levy has never answered a phone call, an e-mail or accepted an invitation to speak at our civic meetings. He has been quoted saying "a few angry neighbors versus thousands of votes and donations, the decision is easy. " And now with this new project, you want us to trust that our voices will be heard. They'll about heard, but unfortunately no one is listening.

I respectfully ask that you all support Kate Browning's resolution IR 1771 to create a Yaphank Development Task Force and allow Suffolk County to continue to be governed as a democracy government by the people. No one elected official should be able to dictate and build his legacy. That is why we have layers of government, various committees and groups. Support IR 1771 with a yes vote, allow the system we voted for to work and put the brakes on an individual who's dictating what he wants. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Mrs. Steigerwald. Daniel Tomaszewski.

MR. TOMASZEWSKI:

Good afternoon and thank you for the opportunity to address the legislative committee. My name is Dan Tomaszewski. I am currently the Vice President of the Longwood School District. And I'm here today to represent not only the unanimous will of the Board of Education; however, the entire Longwood community. And I can prove that by many people in the room that have seen me attend and my fellow board members, we've attended meetings for the last two years, every meeting that we could get to. I correct myself. I only found one person who was in support of Mr. Levy's current proposal and that was Mr. Levy because he was at that meeting. So we haven't found anyone yet.

And I welcome the Legislature to the dark side, because you've been there all along. I didn't know you've been as uninformed as we have. And if I were a representative today of the Suffolk County Executive, and I witnessed some of your comments, I would be embarrassed. He should be embarrassed because it's inexcusable. To spend a great deal of taxpayers' dollars on a proposal without at least looking into whether or not you can surplus the land or it's going to happen, here we are in bad economic times and we're dismantling our various county agencies because we can't afford it, but we have money to waste on this. Things like this should be taken a look at, but they need to be done in a proper order. You know, the wheels of democracy turn very, very slowly. And

I think we're getting an education with that today.

Let me just take you very quickly to the role of the Longwood School Board. You know, we've had meetings. We met with Mr. Morgo and Mr. Isles. We had representatives at the Task Force. The first question we asked and Mr. Morgo answered, when we asked the question about the impact of the kids on Longwood School District. Mr. Morgo said, I quote, I'm quoting him, he said "don't worry, Dr. Lonnigan" -- that was our representative -- "Don't worry, Dr. Lonnigan, all the kids, all the houses are going to be in the South Country School District so it's not any of your concern. You won't have a problem with that." That was the first answer we got.

Then after that when we had meetings with the Board Officers, which I attended and Mr. Morgo and Mr. Isles, they gave us their ideas but it was always *wait, wait, we're not far enough along in the process. You will have plenty of time for input.* And we got that for a while. And then finally when we wanted to go to the developers, they very quickly reached out to us, Morgo and Isles, and said *don't go to the developers and speak to them because we're not far enough along in the process.* Well we went. And they didn't like it but we went.

And we got very different stories from the developers as far as our impact -- the impact on our school district; numbers of kids and whatnot. And it was quite disturbing. And now -- at that point, we start reading Newsday and we get accused of NIMBY-ism. And we resent that. You know, this is America. This is a democracy. We have a right to have input. We have never, ever come out opposed to workforce housing or affordable housing. That's not the issue here. But there are many other issues with this project that need to be addressed. And they have not been.

I'll give you an example. I was at a Coram Civic meeting one night and Mr. Lesko was there. And I asked him a question about this project, our Brookhaven Supervisor. And I asked him if he would be attending the press conference by the County Executive the next day about naming the developer. He didn't know about it; he was embarrassed. How can Brookhaven Town be such an important partner in this and they're kept in the dark for five years and the Supervisor's not even told that they're going to announce the developer? And I find out also that you weren't told either. I got a call from Mr. Isles at 9:30 that morning he wanted to talk to me. It was too late.

CHAIRMAN HORSLEY:

Mr. Tomaszewski, please wrap it up.

MR. TOMASZEWSKI:

Yes. Well, anyhow we are in full support of County Legislator Browning's proposal. There's one thing in a democracy that you got to be sure of. Don't leave the people out; because when you leave the people out, that's when the wheels really, really come off. And we can do things according to the American tradition and we need to take a look at that. Thank you.

CHAIRMAN HORSLEY:

Thank you very much. Mr. Frank Romano.

LEG. BROWNING:

That was his statement.

CHAIRMAN HORSLEY:

That was his statement? Okay. Carol Ghiorso Hart. This is the other issue.

MS. GHIORSI HART:

Yes, good afternoon. I'm not here to -- I'm the Director of the Vanderbilt Museum. I'm not here to argue the intrinsic value of our museum and planetarium. You know; you already committed the funds we desperately needed this year to get us through. And I want to thank you all. But I want to remind you about the economic impact that a museum such as the Vanderbilt has on our

community.

We employ a great number of people in our community. We spend a lot of money mostly in our community and Suffolk County. We serve over 110,000 people, many from out of town, and we serve over 50,000 school children.

As stated in the American Association of Museums' study done recently, museums rank among the top three family vacation destinations. Trips including cultural and heritage activities comprise one of the most popular and significant segments of the travel industry accounting for over 23% of all domestic trips. Visitors to historic sites and cultural attractions including museums stay 53% longer and spent 36% more money than other kinds of tourists. Quality of life issues contribute significantly to decisions businesses make in choosing to relocate, including access to cultural resources that includes a dynamic museum community. And just to keep all this in mind that museums are economic engines as well as educational and entertainment venues. Thank you.

CHAIRMAN HORSLEY:

Thank you very much, Ms. Hart. Jim Zaborski.

MR. ZABORSKI :

Thank you for letting me -- giving me the opportunity to speak to you today about the proposed increase in the Suffolk County hotel tax. My name is Jim Zaborski. I'm the President of Dune Management Company. My company manages ten resort cooperatives on the east end of Long Island.

I'm here today to tell you that this legislation will have a dramatic negative impact on my business and the businesses -- and the business of the people that I represent. Resort co-ops operate similarly to other resorts and motels and hotels except that the ownership is held by -- in a co-op -- in a co-op fashion, meaning that individuals own only individual units. My company manages them and rents them on behalf of these individuals.

Of the 593 units in the ten resorts we manage, 516 of them choose to rent at least some part of the time. Based on last year's income, the proposed increase in the hotel tax will cost each of these owners somewhere in the neighborhood of \$560. Because of the faltering economy, we like many other businesses have found the need to reduce our room rates this year to attract customers both old and new. Despite these rate reductions, our occupancy is off. We're off somewhere in the neighborhood of 15%. And despite -- despite what many people think that a hotel tax is -- comes out of the pocket of the tourists, it really comes out of the pockets of the owners and -- of the facilities. Now these are the same owners that have to maintain their facilities, that plow the money back into them, that hire persons to take care of the -- take care of the operation.

The owners of our facilities use the income from their rental for a variety of purposes. Most of the income, however, is poured back into their respective properties to pay for the cost of operating and improving their property. This tax will reduce this income and will mean fewer carpenters, plumbers, electricians, painters, landscapers all hired to perform improvements to the property; fewer carpets installed, fewer furnishings and appliances purchased, fewer people needed to provide these products and services, fewer jobs. Fewer jobs means reduced economic activity.

Multiply this same scenario throughout all the County's resorts, hotels and motels, and you can imagine a significant reduction in economic activity and a possible reduction in the general sales tax revenue. It is possible that the unintended consequence of the sales tax increase will be a tax shortfall. Whether this occurs or not, the increase will cause disruption to a viable industry to support underfunded or failing County supported facilities and services. If these services and facilities are deemed important enough to support with tax dollars, they should be supported by an increase in the general sales tax requiring a much smaller increase and be less disruptive than an onerous tax on a single industry. I ask that the -- this Committee defer any judgment on and turn down the proposed sales tax increase in the legislation contemplated. Thank you again for allowing

me to speak.

CHAIRMAN HORSLEY:

Thank you, Mr. Zaborski. We appreciate you coming down. Jim Castellane from the Building Construction Trades.

MR. CASTELLANE:

I got the button pressed. I'd like to thank you. My name is Jim Castellane, I'm President of the Building and Construction Trades on Long Island. And I'd like to thank you for this opportunity to speak before you. I just -- I just want to explain something. I've got to articulate this to you. I'm in the middle of three projects. The lighthouse, which was in Nassau County, same things going on. Mr. {Walcrof} out east, that one's going a little bit better because we haven't talked. And now we have this one.

I'd like to say to all of the Legislators on this Committee are good friends to us. We appreciate what you's do. But I'd also like to say I want to see the project built. That's my job; that's my job to help put people to work. But this project there's something else about it that I really -- pretty soon our veterans are going to be coming home. And I listened all day today and I've talked to a lot of people over the last few days about the project. Never once was it mentioned. I did mention it to our County Executive. I am not going to get in the middle of the County Exec versus the Legislator. Miss Browning versus -- I'm not going to get in the middle of that.

What I'm going to tell you is that I have 35% unemployment. What I'm going to tell the residents from Yaphank is that we will support them because I have many of my members that live in Yaphank that are out of work. It's a good project. Is it going the right way right now? Hell, no. Something's got to be done. More communication has to take place. I will be willing any time you need me, any time our County Exec needs me to be there. But when these veterans come home, what a better place to go. What if they said no to Levittown? What if they said no to Legion Park in Babylon? Everybody loves the community that we live in. And I understand the not-in-my-backyard syndrome. I really do. But we're at a time on Long Island where people are flying out of here, they're flying out.

I just want to relate to Tom Suossi in Nassau County, he calls it cool downtowns. He's trying to make affordable places to live where people can stay. And that's what this project is about. So I hope that we can move forward together with our County Executive, with our brothers and sisters in the Legislature and get it done. And I do understand the residents. I do understand, but let's give it a chance. Let's have our public hearings. Let's have our people go out and look. Let's get a little bit more together. And nobody should be left in the dark, nobody. But I need to put my people to work with 35% unemployment. And this is an opportunity.

I know the project labor agreement came up up there. Believe me I ran right out of here to find out what I was doing and what was going on. There is a project labor agreement in the paperwork. And I can assure you there will be a project labor agreement as this project goes forward or there won't be a project or I will not support it. As much as I can support a project, that's as much as I can come out against a project. But I'm being assured that that this will be a union project labor agreement job. So I want to clear that up. Okay? So any questions?

CHAIRMAN HORSLEY:

Thank you, Jim. We appreciate you coming down here today.

MR. CASTELLANE:

I can let go of the button.

CHAIRMAN HORSLEY:

You can let go of the button.

CHAIRMAN HORSLEY:

You're good.

MR. CASTELLANE:

Thank you. Okay. Take care.

APPLAUSE

CHAIRMAN HORSLEY:

Ken Walles on the hotel tax. Ken?

MR. WALLEES:

Somebody said this was going to be a small meeting, I would have brought my speech. But I was at the hearing last time. And, first of all, thank, you know, for letting us speak on the hotel tax. I'm a small property owner out in Montauk. I've owned that property now for ten years. Previous to that about another 25 years in the hotel industry so 35 years altogether.

And, you know, I adamantly oppose this tax. I speak for myself. I speak for the Chamber of Commerce in Montauk. I'm a board member 300 plus members. I'm also a board member for the Long Island Visitors and Convention Bureau where a vote was taken 15 opposed the tax and two were in favor of the tax, one of which was from the Queens area.

You know, during the worst economic times, it's not the time to increase taxes. I'm sure as you heard before Jim Zaborski speaking about labor. I mean what do you do when our economy is down? You know, you look to cut expenses. You don't look for bailouts. I myself I've been -- I was down 26 percent for probably the -- should have been the strongest season, June, July and August; 26 percent down in revenue which for me, for one property represents about 130,000 some odd thousand dollars. I don't know if you've put that into your calculations for the upcoming years, but it is a tremendous drop. And and hopefully not, you know, shortsightedness, you know, on your budget process to expect a higher number when you're crunch your numbers.

Suffolk County, you know, you say you're not hurting your local customers. 35% of my customers are from Suffolk County. The other balance, you know, European travel, Nassau, Brooklyn, Queens, those other parts of the northeast area. And I'm just curious last year there was a golf fee tax that Levy had put on for the purpose of the Vanderbilt and other Parks and Recreation facilities. I know that's sunsetting at this point, but -- I don't know, back to my situation, in bad economic times, you look to cut expenses.

And just if I can share a quick -- this was the scariest season I've gone into. And I sold everything I had when I bought this motel. I tapped all my credit lines. You know, I wanted the property. That was the American dream. I had it with Manhattan. I worked in various cities, Houston, New Orleans. And, believe me, when there's a double digit tax which people may say is not a big deal, once we're into that double digit, it's less marketable.

Right now, you know, the advantage of us over Nassau County, they have the 3%; we have three quarters of one percent. I don't think you have -- you have to look at the percentage which does sound small. Look at the volume of dollars that that's worth. Going into the season, the only reason I survived, you know, I'm a cancer survivor of seven years. I had to drop my health insurance five months ago to save the 20 some odd thousand dollars just so I'll be able to make my -- two of those mortgage payments on my property.

So, I'm just asking you don't hurt the hoteliers. You know, when there's an additional tax, we have to adjust our rates down, a lot of bargaining, a lot of, you know, people looking for deals out there. But, again, you're hurting 35% of my business; if your Suffolk County customers that are going to be hit with this tax, also. So, again, don't hurt us. Let us wait a few years. Thank you.

CHAIRMAN HORSLEY:

Thank you, Mr. Walles. John Palaske from Legacy Village.

MR. PALASEK:

The button. Very good. Good afternoon. My name is John Palasek, Yaphank resident. From what I'm hearing, it sounds like Steve Levy got up one morning and decided that he needed a project built in his name. Because the thing that hasn't been done yet with any of this is to explain to everybody exactly why we need Legacy Village.

As far as I'm concerned, as was alluded to before by Ms. Steigerwald regarding the Trap and Skeet Range that was built, which is the only other Suffolk County project that was shoved into Yaphank by Steve Levy, there was no public input on that project. That project, as it stands right now in our opinion, is illegal and in the opinion of many people in the legal community is illegal and should never have been opened.

The problem we have is with secret deals. We don't like the idea of things happening behind the scenes. As I'm listening to what's being said today, a lot of things are coming out about who knew what, what should have been known, what should have been done as Legislator Kennedy pointed out before about land not being available to make a deal with. And yet a deal, not only a deal, but an entire architectural rendering and proposals and monies and everything else have been drafted for this project now, the cart before the horse seems inadequate to describe that.

As far as Steve Levy himself is concerned, I don't trust the man, I'm sorry. He deals in secret. He deals behind closed doors. This entire shooting range fiasco that he shoved into our community after it was closed for five years was the result of backroom deals. It was the result of quiet deals that were handfuls of people that he picked, people that could help him for his political future. And nothing was asked of us as far as what we wanted as a community, as to how we would be impacted by it.

Even the people chosen for this, there was discussion about choosing the vendor. He chose his vendor for the shooting range based on family relationships. The guy he chose, the one and only person who responded to the RFP sent out for this happens to be the son-in-law of a guy named Bill Marshall who happened to be a former employee of the Deputy County Executive Ben Zwirn, when Ben Zwirn was the North Hempstead Supervisor. I mean, you can call that a coincidence if you want, but I don't regard something like that as a coincidence.

As far as I'm concerned what we need more than anything is public scrutiny on a project of this size. And this legislation Kate Browning's proposing is, I think, a good step in the right -- I don't know if it's the absolute thing that we need, but it's something that we absolutely need. The community needs to be spoken to. The community needs to be able to say what we actually want, not what studies tell us, not what traffic plans tell us, not what everybody's rosy opinion of what's going to be tells us. We want to be heard. And we want to be heard for how we actually feel it's going to impact, it's not for how you feel it's going to impact us. Thank you.

CHAIRMAN HORSLEY:

Thank you, Mr. Palosek. Mr. John McConnell? John.

MR. McCONNELL:

Hi, good afternoon. My name is John McConnell. I live in Yaphank and I'm here to speak about Legacy Village. But just a couple comments on here. The attorney up there said they didn't know about a labor contact agreement. Now we just heard that there is. This is another example of, again, I'm going to reiterate what John Palasek just said, that Steve Levy operates behind closed doors. He did with Trap and Skeet. He did it with here. That's a disgrace that you people didn't know -- you're only getting the facts today. There's absolutely no reason for that. But this is how he does it.

And Kate introduces this resolution. What does Steve Levy do? He attacks her, okay, in the press release. Speaking of housing, that's one of the main focuses. You can pick up any paper, you know, any day, any week. There's plenty of houses that they could, you know, rebuild, affordable houses. We don't need this big project.

And as far as people said they have 35% unemployment, if I was in that union, my father used to be president of a union, I would find another job, I think. And these people who live next door, NIMBY-ism, hey, I live there. This is a major impact. Okay? And we have a right to be outspoken. We have a right to decide things, I think. Not Steve Levy doing these secret deals on it.

So with that said, another example of secrecy, the day before the scheduled press conference to announce this Legacy Village thing, it was supposed to be on a Monday. Then he changed it to Tuesday. Well, we e-mailed Tom Isles, who I think has left, we e-mailed him if he new thing about this press conference on a Monday. He knew nothing. So he was kept out of the dark, in the dark, whatever. And it was the following day that the press conference was on.

But I'm up here to fully support Kate Browning's -- Legislator Kate Browning's resolution. I think we need that. We need to analysis this here. This will be a major, major impact on Yaphank and the surrounding communities. There's plenty of homes that could be, you know, fixed up and for sale in the paper, people could buy.

Another thing that has not been brought up, I don't know how much time I have left here, is the fact that there could be a very serious problem in providing enough clear, safe drinking water for this project. Why? Because Suffolk County doesn't test all its wells. There's plenty of toxic plumes in the Yaphank area from various contaminants that Suffolk County did and others. And they have to test the water. And what they've done with some of these wells is that they blended it. Instead of mitigating the -- you know, remediating the problem, blended some of these wells with contaminated water with the good water. They have to tap into the Lloyd Aquifer because this other aquifer has become contaminated. Thank you very much.

CHAIRMAN HORSLEY:

Thank you very much, Mr. McConnell. Okay, the other half of the McConnell's, Johan.

MS. McCONNELL:

My name is Johann McConnell. I'm President of the South Yaphank Civic Association. As one of the two resident members that sat on both committees that reviewed the Yaphank County Development, I strongly support Legislator Kate Browning's resolution 1771, establishing a Yaphank Development Oversight Task Force. At the present time I'm the only one in the room other than when Tom Isles was here that has been involved in this project since the very beginning. And, Legislator Kennedy, any of those reports you would like to have, I have them and would be happy to share with you. I have the site evaluation. It was given to us at the committee, the very first committee. So to hear now that the Legislators have never seen the site evaluation is amazing to me when I've had that report for over three years.

The membership of the South Yaphank Civic Association does not support this project. Last night we had the developer come to meet with my executive board. This is a pamphlet that is given out. All of my executive board members received it. It explains the project in detail. It talks about the two developers. So, again, that the County Legislators have not received this report when my civic association -- executive board has is an amazing feat.

As I said, the membership after we met with the executive committee, there was a general membership meeting. It was very clear from the comments made at the general membership meeting last night that the residents believe that the rural nature of the Yaphank community will be destroyed if this project is allowed to go forward. They believe it is too large. The traffic will be an issue on the two lane Yaphank Avenue which County Executive Levy thinks is a four lane. And the

surrounding residential streets.

It will have a negative impact on the Longwood School District. It will also have a negative impact on the Brookhaven Fire Department, which will be the fire department responsible for all the residential units. It'll also have a negative impact on the South Country Ambulance District, which, again, will have responsibility for all of the thousand residential units.

It will have a negative impact on the Carmen's River and the Carmen's River watershed, the sole source right now for the great majority of our drinking water. This development will sit over it entirely. The federal government is vehemently concerned and has done studies about the cementing over of this land.

We do not need a 5,000 seat arena plus a 90 room hotel. All of a sudden Yaphank has become the destination center. There are three other hotels planned. One at exit 66, one at 67 and two at 68. So I think we have an abundance of hotels.

The County has spent millions of dollars to preserve open space. So why is it now selling 250 acres it has owned since the 1960's? The Town of Brookhaven should be making the decision about land use; not the Suffolk County Executive.

I would like to respond to some of the comments made by the attorney and by Tom Isles. I sat at that very first meeting at the Longwood High School. There were 800 people in that auditorium. 700 of them were in favor of having a NASCAR track. 100 were not. Those were the residents. The residents were threatened. They were intimidated. And that continued for the next two meetings. As a member of the committee, I sat up on the stage at the Bellport High School. I was verbally attacked by members of the audience who supported a NASCAR track. So that's the reason you haven't heard from the residents. Because during those public hearings, they were intimidated and they were abused. There were comments made about blowing up your homes, blowing up your cars.

The other thing, just one last thing to finish, the attorney made the statement *in the best interest of the County*, that that is the reason that Legacy Village was taken. Possibly does it have anything to do with the fact that Legacy Village is proposing 80 percent workforce affordable housing and Avalon was only proposing 20? And according to the Urban Land Institute, who studies this throughout the United States, workforce housing should never go above 20 percent. Thank you.

CHAIRMAN HORSLEY:

Thank you, Ms. McConnell. Michael White? I don't see Michael. Is he here? All right. Our planner couldn't hang in there, all right. MaryAnn Johnson.

MS. JOHNSTON:

Good afternoon. Push and hold, I assume. Okay. I rarely come before this board and have changed my mind but -- I have changed my mind. I support Legislator Browning's initiative because someone must stop this County Executive from exceeding his authority. This is not a thing that you bounce the ball to Brookhaven and we get to make the decision. If that's the case, you can roll up the tank right now and end this process because it will not happen if Brookhaven has anything to do with it. This is outrageous. This land was taken by eminent domain. And for you to declare it surplus, you must declare that that purpose no longer exists. I don't want to see a contract between the County in the dark that the Legislature has not been part of and Brookhaven Town and the developer, who is or is not been chosen, depending on which day it is. This is an outrageous assault on democracy in Suffolk County. The people in Suffolk County have a right to be heard.

The Carmen's River is in everyone's backyard. Everyone. Everyone benefits from a healthy Carmen's River, a healthy Southaven Park and school taxes that are affordable. Choosing to build this project simply because that's where he's got the land, is outrageous. This is not how we are going to move forward.

I represent ABCO, the affiliated Brookhaven Civic Organization. The only request I have of my own Legislator, Ms. Browning, is that this be expanded to reflect the impact this Task Force and the membership and the composition to reflect the impact that this project is regional. This project is not a local in your backyard project. This will change the very character of Brookhaven Town and Suffolk County moving forward. This is something that we need all of you to step up and take the responsibility. This is your job. The County Executive is not the only one running this train. We have 18 members in this County who we elected to do what we ask them to do. And if this land is to be declared surplus, you will do that before Brookhaven Town considers ever looking at this plan ever again. And I have so advised the Commissioner and the Supervisor that that is how we expect to move forward.

If you declare it surplus, then, we will have to deal with that. But if you do not, we are not going to consider applications for land that is not owned or is not declared surplus. And, frankly, I don't want anybody building on land I own. Thank you very much.

APPLAUSE

CHAIRMAN HORSLEY:

Thank you, Ms. Johnson. Jack Coulehan? Jack Coulehan?

THE AUDIENCE:

He left.

CHAIRMAN HORSLEY:

Mario Mattera.

MR. MATTERA:

Good afternoon, Mr. Chairman and Committee and members. Thank you very much for letting me speak today. I hope everybody had a great summer. I know this is a big issue right now. My name is Mario Mattera. I'm the business agent with Plumbers Local Union 200. I represent approximately 1200 members and 80 percent of the members live in Suffolk County and a lot live in the Yaphank area. And I'm very proud of it, that we -- that I'm here today to speak on this. I oppose this 1771 Kate Browning's bill.

One of the reasons why, you know, Jimmy Castellane got up and said something about the veterans that are coming back home. And that's a big reason because Steve Levy in his press conference actually got up and spoke and said that that's the first -- our people coming home are going to be the first people that are going to be looked at. We have Helmets to Hardhat Program with the plumbers union. Very proud of it. It already took in this year around six apprentices. Actually one with -- that was actually with a severe problem that he came back with and we still put him to work.

And, you know what? I did a survey quick with my apprentices. And it wasn't something I fell upon. I had a problem with a job site. And out of my apprentices, have approximately 150 of them. Out of the 150, I said guys, we have a situation, you're the backbone of guys and women, because we do have women in our program, we have a situation ahead of us. I said how many -- you know, we want to stay here, you want to stay on Long Island, *how many of you actually rent a home?* And ten of them actually said they rent a home. Okay. *How many of you own a home?* Five of them own a home. So I'm looking at them and go what about the rest of you's? *We live home with mom and dad.* I'm going to tell you, that's just my local. That's just what's out there. And 80% of my local lives in Suffolk County.

So, you know, to say that this isn't a good project, these are 1200 square foot homes. These are perfect size homes. Just like with Levittown, what happened with Levittown. My uncle lives in Levittown when he started with his family, when people finally came home. I want my

membership -- even people in Suffolk County, get an opportunity to live in these homes. You know, everyone says, okay, there's foreclosures. There's a lot of the foreclosures. These homes aren't even close to being affordable. You know, they built these monsters, also, yes. 3,000 square foot homes and everything like that. These are affordable nice homes. This is a great project. I commence Steve Levy for this project. I love it. I love the whole concept of it. I love where it is, close to the Expressway. I think it's a great piece of property.

I was actually at those three town board meetings that this lovely lady over here was speaking about. I was there. What do you think those drag races -- listen to me, I'm a car guy. Those races, where were all the other people that were out? Those, yeah, you had 90% people that were in favor of a drag track. Steve Levy did not want a drag track. I talk to Steve Levy all the time about it. I feel it should go out to Calverton. He says, *Mario, absolutely not in Yaphank*. This is a great, great project. Beechwood, Katter, great, great contractor. I'm going to tell you something, Beechwood, we do all their work. I can't believe it? That was three minutes already?

CHAIRMAN HORSLEY:

You're a good --

MR. MATTERA:

I know, God, please, I got another ten. But, all right, this is quick, I'm just saying he's a great contractor. And, you know, I just wanted to get back with this bill, you know, we have a great board of Legislators. We don't need another committee, come on, that's an insult to this horseshoe. That's how I feel about it. This could be done here. We do not need another committee. Please kill this bill today. We don't need it tabled. Thank you.

Applause

CHAIRMAN HORSLEY:

Thank you, Mario.

Eric Alexander.

MR. ALEXANDER:

All right. Yeah, Eric Alexander, Executive Director of Vision Long Island. Thank you, Legislator Horsley, for letting us speak before you today. We support Legislator Browning's task force. We think it's actually from a public process perspective, it's logical. And as far as analyzing the project, moving forward it's logical.

And of the four projects of regional significance that have come across -- that are moving forward on Long Island whether it be from the Nassau Coliseum revitalization, the Glen Cove Waterfront, Jerry Wolkoff's project, and actually the fourth one, really being Brookhaven National Lab expansion and then this is being -- is really the most problematic and has the least amount of public support and has the most questions, as far as its viability both economic and as far as how it's going to get down and how it's going to get to the finish line if it should.

Being that, there should be a committee to review these things so that you don't just have the typical fight, which everybody wants -- seems to be used to; the civics, environmentalists, the developers and the unions. And that's unfortunate; we want to move past that. Asking questions about this project has nothing to do with NIMBY-ism. Questions about whether sewers should be on this project or whether they should be in the downtown of Mastic and Shirley, Gordon Heights, Middle Island, Coram, North Bellport or other areas of Yaphank where there are development plans moving forward, that is a substantive question.

Questions about the public subsidy of this project versus other projects are good questions to ask. Questions of the economic viability of a stadium, which is difficult for the developers, and they are

good developers, they've done good work in other parts of Long Island, the question is, are those deadweights around their ankles for a perceived public benefit that may not be there? Asking questions about is it the best use to get workforce housing out of -- 800 units of workforce housing out of a thousand proposed versus the 10,800 foreclosures that are in Suffolk County right now, I've just heard, and ways to pick up the pace on foreclosure assistance and get people into homes now?

Questions about open space and viability of the County purchasing -- spending million of dollars of purchasing open space in other areas while they would be building upon their own open space here in the Carmen's River Watershed. Those are all legitimate public policy substantive questions that any Suffolk County resident would want to ask; it's not just a NIMBY question.

Moving on. For folks who say this task force will delay things, my understanding is that the surplus documents won't be ready until January 2010. This legislation says March 2010. We're two months, folks. There's ways to resolve this. Can the committee have quicker meetings and be done by January 2010? Or will the documents be delayed, you know, however that is, we're two months away. So that needs to be -- the public portions can work on a parallel track, we're on point.

Fifth point. Why the Nassau Coliseum revitalization has worked and has widespread public support is because there's been transparency every step of the way. The Legislature was involved. The town is now involved and there's conflicts, no doubt, but the public has been involved, the developer did over 200 meetings, the County has had meetings, there have been hearings. Our organization had 32 different meetings with communities, just ourself. The chambers of commerce, the village officials, everybody's involved. That points to success and that's why there's a 1,300 people in a room saying, *yes*, as opposed to people saying, *no, we don't want this* and all kinds of acrimony and negativity that we see. Transparency is good. The County developer and the town need to be in sync on this.

Last two points. From a Legislative perspective, I hear it, you don't have reports, you don't have information. You need -- a task force would lift that up. You would be armed with information to make the best possible decision and you can say in front of any attorneys, in front of any citizens; you could hold your head up high and say *we made the best possible decision on this project, good, bad or indifferent*. And for every member of the Legislature, that's critical. So it benefits you. We're going to have the information. Our organization and other folks are going to have information. We go through the town process. But from your perspective it behooves you to have a task force to advance your cause here.

And lastly, I just want to say I've been reading press releases, I hear things in the paper and I hear the typical back and forth and the negativity and the acrimony and we got to get past that. The finger-pointing, the politicking, the negative, nasty, vindictive, almost demonic approach to dealing with each other has to stop on all levels. And this is from the civic perspective, the environmental perspective, from the labor perspective, the developer's perspective, County Executive, the town supervisor, I can't care; it's enough already. These projects are too important and making the best possible public policy decisions on these projects is too important.

And we've -- many of us have been at this for too long to not have the proper information and come forward with the best possible decision. And if we appeal to our best instincts here, we can get to that best possible decision. It may not be exactly -- and the developers were speaking last night before the civics -- let me tell you, the developers are flexible. They have ideas. And they may be different than what one Legislator wants or County Executive wants or, you know, but the point is there was some flexibilities, there's some thought there.

Here we need to -- we need to at least bring our best instincts forward and work together on a solution. A task force can do that. I applaud County Legislator Browning for advancing that cause. I would hope others will join her and it will go to the full Leg for it to advance. Thank you.

CHAIRMAN HORSLEY:

Thank you. Kerry Navarra.

MR. NAVARRA:

Yeah, I'd like to thank the remaining people that are hear to listen to the taxpayers. I'm against that increase in the Suffolk County sales tax. It's going to definitely have a negative effect on the rental business out there. There are quite a few alternatives to increasing our sales tax. The money is there already. I think you can start going after all these alternative rentals like rental houses, people that are renting bedrooms, single family houses, they're doing it for one, two, three days. They're not collecting taxes. The state law is rentals under 30 days are subject to a sales tax. There's no enforcement against real estate agents, Craig's List, local papers and businesses that specialize in this type of thing.

I feel the sales tax is going to hurt the families that stay at my business. Most of them stay a week or two. And what I found is that a lot of them to avoid the taxes and the expense are looking at these alternative rentals. So I think if you capture that, there'd be plenty of money for the -- the museums and stuff that seem to be complaining they don't have enough money.

You also have another tremendous opportunity at least on the North Fork. If you realize that you have ten to 30,000 people that visit the North Fork, they're day trippers that go to the North Fork vineyards, each day over a weekend, not to mention the thousands that visit the vineyards every week, I think you should put some type of tax on these people that visit the area. They're basically bar hopping. You can, you know, rent them -- give them a tag for the day, put them on their wrists, that allows them to drink in all the different bars or vineyards, as they call them, and at ten or \$20 I think per day for this tax, I think that'll raise a lot more money than putting on a 3% increase on the room sales. These people do not stay in the rooms. They do not use the restaurants or any of the local businesses out there.

In answer to that person that was speaking about double-digit taxes in Maine and New Hampshire, those people in Maine and New Hampshire don't have the school taxes, property taxes, or energy costs that we have; so yes, they can raise their rates by having a higher tax. We can't do it. We're at the limit right now in Suffolk County.

I know also you may consider this; you should consider actually eliminating maybe the Long Island Convention and Tourism and give the monies directly to each town and let them distribute amongst their chambers and promotion councils. And I think you'll, you know, have a lot less expense. That's basically it.

CHAIRMAN HORSLEY:

Thank you very much. We appreciate your comments, Mr. Navarra.

Noel Gish.

MR. GISH:

Good afternoon and thank you for letting me speak today. Noel Gish from Smittown, President of the Board of Trustees for the Vanderbilt Museum. I urge this committee in the adoption of the hotel/motel tax. No one likes taxes. And this Legislature has unnecessarily or does not unnecessarily raise taxes willy-nilly. But taxes are necessary when it comes down to paving roads and it comes down necessary when you have to hire lifeguards at County beaches or just to enhance the public good.

This tax is labeled to help fund cultural resources in Suffolk including the Walt Whitman Birthplace and the Vanderbilt Museum and Planetarium. The Vanderbilt Museum entertains visitors from all over the world. Trustees are now proposing four different brochures to deal with four different languages of visitors who are coming. We have busloads of tourists who come from other states. We also have individuals who come from Suffolk County on a regular basis.

Our County's cultural attractions will be aided by this tax and will promote tourism. People will come to Suffolk if there are things to do and things to see. No one is coming here to drive the Long Island Distressway for fun.

I respectfully ask this Committee to vote in favor of the hotel/motel resolution to benefit the people who visit Suffolk, also our Suffolk County residents and our school children who visit this site each and every day. It is a cultural benefit to everyone.

I would also ask your deference to be able to comment on resolution 1773, which is coming up very, very shortly, just as a point of information. The trustees for the Vanderbilt have already designated two individuals who will work on that committee with the Suffolk Community College. Those names were forwarded to Bill Lindsay's office in July. Thank you very much for your time.

CHAIRMAN HORSLEY:

Thank you very much.

Tom Casey.

AUDIENCE:

He already spoke.

CHAIRMAN HORSLEY:

So I thought. Did we get William Walter?

AUDIENCE:

He all ready spoke.

CHAIRMAN HORSLEY:

All ready spoke. Right. Making progress here. Tom Wysmuller. He spoke, right?

CHAIRMAN HORSLEY:

Cynthia Shor, spoke. Jack Coulehan spoke. And Nolan Herrera.

MR. HERRERA:

Herrera.

CHAIRMAN HORSLEY:

Herrera, ah. I'm sorry, Mr. Herrera.

MR. HERRERA:

Hi, good afternoon. My name is Nolan Herrera. I represent Iron Workers Local 361. We work basically Nassau, Suffolk, Brooklyn. We're the ironworkers that do most of their projects out here whenever they go union. Right now members are really hurting. We need the work.

You guys had a pretty good outreach committee it seems to me that already presented the facts. The problem is, is that maybe you guys didn't receive the facts, but my understanding is that it was requested and you will get it. So now to get another committee going, to delay that again, I believe that's only taking time. I think when you guys get the paperwork, we need to move forward.

Like Mario said, we also have a lot of apprentices that are just coming in that in no way they can afford to buy what's out there now. We need affordable housing. We need work. We need the work to stimulate the economy. If we could get some work going, we could get some money into our economy to move other jobs, other projects, etcetera. Thank you.

Applause

CHAIRMAN HORSLEY:

Thank you very much Mr. Herrera. Would anyone else like to be heard?

MS. WEBER:

Tawaun Weber. I'm with the Gordon Heights Visioning Civic Association. I have a really low voice, I'm sorry. I'll speak up. My name is Tawaun Weber. I'm with the Gordon Heights Civic Association. I'm also the Chairperson for the Gordon Heights Visioning Steering Committee. I'm also the Director of Special Projects for Vision Long Island.

And I just wanted to let everyone know we have been involved in this process as a community leader as part of Vision Long Island. We've seen the pretty pictures, we've seen the slideshows, we've seen everything that they've come to present. And we don't want to take away anything from that, you know, we know that the developers are here, that they're trying to do the best they can with the plan in an area that they're unfamiliar with, with an RFP that really gives them a blind side of what to do. And so we don't want to take away from them with that; but at the same token the comment was made towards this project being smart growth.

And for anyone who understands smart growth, one of the main things that you want to do is have community involvement from a grassroots level. Okay. We need to identify who the stakeholders are that are involved in this. And the stakeholders aren't those who live at a distance, they're not the people who draw the pretty pictures, they're not the people who just want to see something done. They're not the people who don't have any roles in this community after the paint dries. The stakeholders are your community leaders, they're your school districts, they're your residents that live in this area and they're your environmentalists, the people who are involved in the quality of life issues and your safety in these areas. And we don't want to put anybody out of work.

We understand the economic times; that's not what we're here to say. What we're here to say is, how is this really viable? The way you find out if this is really going to work in a community is to understand how the community feels about it. And this process, public hearings are great. We can make comments. We can send in dittos and forms. You need to have someone that's on the floor with you, planning this with you that can give you that perspective that a developer cannot. And that's the purpose of this committee. And we really just want to commend Legislator Browning for her efforts in putting something like this together because it really needs to work that way.

One of the main things we want to say is that the developer, the representatives that are here, they're giving us simplistic answers to the questions that the community has. They're giving us answers that are just basically unacceptable or ignoring questions all together. And as elected officials you understand that. Our civic leaders, we're accountable to the residents just as you are. We have to have an understanding of what's going on in our neighborhoods and be able to bring that back. We don't -- whether you like the project or not is irrelevant. You have to be able to understand it and make educated decisions and we're not getting answers to do that.

So we think that we want you to support this. We think that this committee should focus on the impacts on the school districts, on the traffic, post-construction and during construction. We want to focus on real issues and real aspects on smart growth. We want to focus on the environmental concerns. Transportation; you talk about your guys coming in to work here. Do you guys -- are you familiar with Yaphank, that there's really no transportation for your guys to get to and from? Because in economic times when you have to make that decision to give up the car, how are you getting to and from work? These are things that need to be focused on. And people who live in this area understand that. And that's why we want to put this advisory board together to focus on.

We also just want to focus on just quickly and I'll end with this, sustainability. For a community leader who lives near a neighboring area to the Yaphank project, our County Executive, I'm not going to sit here and point fingers, has told us for more than one reason that our funding and our redevelopment projects has been cut. How is this project going to be sustainable when you have existing communities that are striving and struggling to do redevelopment and to be the real

downtowns, to be real communities in the same area and are going through economic hard times and not getting the funding and support that they need from the County? What difference is that going to be in the Yaphank project. And we haven't heard those answers. But real community people involved in an advisory board would know to ask these questions. And they'd know how to deliver these answers to the community.

So the answer is -- basically is very simple as this: We don't want to stall the process. We want to understand the the process. We want to be involved in the process. We've lived here; we're going to live here; we want to be good neighbors to your guys coming in. We don't want to deter this in an anyway. But we do have a right to understand what's happening in our backyards. Not to be a NIMBY, whether it be good, bad, whether you like the project or not, we need to be able to understand and be educated on decisions that are being made and we need to be involved.

And we just want to just end with that. We want again commend Legislator Browning for her efforts in doing this. And again, this needs to not be a one man's vision. This needs to not be represented by over-talking mouthpieces that are unprepared and ill advised. This needs to come from your community leaders who are involved in this project for it to be successful. If you want to stop the animosity, the issues that are growing, the concerns, I mean, misinformation, you need to involve the community. And we just want to basically encourage the formation of this advisory board and we want to thank you for your time of having us here.

CHAIRMAN HORSLEY:

Thank you very much. We appreciate you speaking today. Frank Nitto.

MR. NITTO:

Yeah, how are you doing? My name is Frank Nitto. I'm a member of Local 28. I'm a business rep for Suffolk County. I also live in the Town of Brookhaven. And we have over 3500 people that are members of my local and about 800 of them live in Suffolk County and about 300 of them live in the Town of Brookhaven.

This -- I understand what you're saying because I'm a union rep and I understand you don't want to make any kind of decisions. We have the same problems, you don't know all the answers to. The only situations -- sometimes if make -- if you don't make the decision and it prolongs this process and this thing's pushed off a year or longer than that, it means my members are going to be defaulting on their homes. It's going to have some major economic impact on my membership and the people that live in the Town of Brookhaven.

You guys are paid to make decisions. I don't think we have to have another committee to draw this out. This -- you guys can make the decision if it's going to vetted out in the Town of Brookhaven. Everything -- it's going to be a long process. We don't need to postpone the process. We need to get this thing passed. If you want to table it maybe or something like that might be the answer. But to set up another committee I think is crazy. Thank you very much.

CHAIRMAN HORSLEY:

Thank you very much, Frank.

LEG. ALDEN:

We don't get paid for our decisions. We're elected to make decisions; not paid.

MR. NITTO:

You get a salary.

CHAIRMAN HORSLEY:

All right. Let's move this process along before we get paid again. Mr. Zwirn, do you have something to add to this?

MR. ZWIRN:

If I might, Mr. Chairman, I'd like to just weigh in.

CHAIRMAN HORSLEY:

Quickly, I hope.

MR. ZWIRN:

Yeah, quickly, but let me just set the record straight. And I'm sorry that the people from Yaphank Civic Association are gone because I've seen a number of anonymous letters that have gone into local newspapers in the Yaphank area that have given me credit for creating the Yaphank Trap and Skeet Shooting Range; that Bill Marshall, his son-in-law runs the range and that he worked for me in the Town of North Hempstead. Let me say on the record once and for all that Bill Marshall never worked for me. Bill Marshall was the Budget Director for Tom Gulotta, the guy I ran against and tried to replace. When I, you know, uncovered all the faults that were in the County Budget, I tried to get Bill Marshall fired. So Bill Marshall was never the Receiver of Taxes of the Town of North Hempstead. He never worked for me. Never had a personal relationship with him. I've never been to the Trap and Skeet range. I haven't shot a rifle since I was in summer camp almost 50 years ago. So I just want to get that -- as a personal privilege to get that on the record so maybe we can somehow stop some of these rumors that are going around.

CHAIRMAN HORSLEY:

And he's not related to you then?

MR. ZWIRN:

No, no he's not related. Not as far as I know. Now let me just say --

CHAIRMAN HORSLEY:

That's what the accusation was.

MR. ZWIRN:

-- I understand there are a lot of people who take issue with the project who live in the community. That's understandable. There are going to be people who support it, there are going to be people against it, but the process has been open. And the process has included a lot of individuals. We talked about 2005 when Legislator O'Leary, who sat in that district, put together a task force. And the task force considered Jim Morgo, Michael Deering, Brenda Prusinowski, the Deputy Commissioner of Brookhaven Planning, Nanette Essel, a Yaphank resident, Johan McConnell, a Yaphank resident, John Kennedy, Sr., Legislator Kennedy's late father who was a terrific labor leader and a terrific man, Jim Maggio from the Budget Review Office, Chris Damianos a developer, Kevin Rouse a Center Moriches resident and Tom Isles.

And then Kate Browning put together another oversight task force in 2006. And Connie Keper from the Town of Brookhaven was on it. Jack Kennedy, Sr. was on that one. David Woods the Commissioner of Brookhaven Town Planning Department, Johan McConnell from the Yaphank area, Mike Cananagh from the Presiding Officer's Office, Richard Margulis from Brookhaven Memorial Hospital and again, Tom Isles.

They had numerous public meetings. I mean, there have been a lot of people who have been able to be involved in this process. Public meeting after public meeting, hundreds of people. I mean, Miss McConnell's here today said the developer met her civic group yesterday and gave her some information and a plan. Nobody is trying to keep this a secret because it can't be a secret. There are numerous public hearings yet to come.

This has to go before SEQRA. It has to go for public hearings here to declare land surplus. It has to go to the Town of Brookhaven for approvals. This process is a long way from over and it will be very public along the way. But the process has taken a course and we are here today at the beginning with the Legislative input but -- Legislator Losquadro spoke in Longwood. It's not as if the

Legislature has been shut out or the community's been shut out. They've been brought in. As Tom Isles said earlier, most of the recommendations that had been made by these oversight committees have been incorporated into the RFP process.

So that's what we're looking to accomplish to do those things. Nobody can deny that we need affordable for our young people here. And the most -- the thing that holds it up the most is the cost of land. And here the County has property that could be declared surplus if the Legislature so sees fit where we can build homes for our young people and get them out of the basements of their parents' homes; give them a start and give them a stake in Suffolk County where they can live on their own and raise their families.

There are issues that have to be resolved. But this is an area that has had a landfill, has had a jail. Here you have something that we think is jewel. Would be a destination for people in Suffolk County, something that everybody can point to with pride. The process should be open, there should be debates, that's all part of what's coming and has happened before. So while people can disagree as to the process, I mean I take umbrage with the rumors, interferes with the process; if they have disagreements over the program or the plan itself, they think it's too big, they think it's going to have too hard an impact, those are things that will be addressed publicly going forward. But we have taken a lot of what has already been given in the public record and turned it into where we are today.

CHAIRMAN HORSLEY:

Thank you, Ben, I don't mean to cut you off. But I'm going to lose a quorum very shortly, so. Is there anybody else? I presume everyone else has been heard? Praise the Lord.

We're going to be moving to the tabled prime votes.

TABLED RESOLUTIONS

1614, Adopting Local Law No. -2009, A Local Law to reauthorize the hotel and motel tax. (Lindsay) I'll make a motion to table. Do I have a second on the motion?

LEG. ALDEN:

Second.

CHAIRMAN HORSLEY:

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

LEG. STERN:

One of the questions that I have other than the merits is procedure and timing. I'm hoping that maybe Gail or Robert could speak to us briefly about some of the ramifications of the timing in taking the vote and implementing this and how it plays out with our upcoming budget.

MR. LIPP:

Yes, we were asked by Legislator Vilorina-Fisher to figure out typically, you know, if there would be any loss of revenue if the vote was delayed. And in particular in December based upon previous four years of data, 20 -- a little over 23% on average of the revenue is received in December. So it would be, you know, a significant loss if you decided to do it at a different date just in terms of the revenue.

LEG. STERN:

So --

CHAIRMAN HORSLEY:

So, one more time on that? How much would --

MR. LIPP:

Okay, 23% of the annual revenue --

CHAIRMAN HORSLEY:

Twenty-three percent we'd lose if we don't have this in place by December?

MR. LIPP:

That's right. In December it's 23% of the revenue, correct. So you need -- and you need lead time so unless you passed it at the next general meeting, you wouldn't get that December revenue. Just so you have the information.

CHAIRMAN HORSLEY:

Got it.

LEG. STERN:

Rob, I'm sorry, when you say the next general meeting, you mean the upcoming general meeting in September?

MR. LIPP:

Correct.

LEG. STERN:

Or the following one in -- you're saying by the October that it's too --

MR. LIPP:

September.

LEG. STERN:

It must be done by September; otherwise we'll experience a 23% reduction.

MR. LIPP:

Well, in terms of the annual revenue, okay, very simply, if you're going to pass it at any point in time in the future, okay, if you decide that you want to pass it, if you delay it, then you will -- you won't have for this year, that December revenue, which is a significant dollar amount. It's your decision whether you want to vote for or against the tax. We did provide you with a memo as well as a fiscal impact on it.

LEG. KENNEDY:

Mr. Chair, let me follow up on the discussion here. Robert, there are some questions that I have regarding what the impact is going to be with this. Although I do think that you do have to go forward and it certainly is something that's prudent and, I think, a good example has been made here of contrasting regions where there are higher rates of tax; but when you talk about a need to have a lead time to impose it, if we tabled it and then considered it and moved it in our next cycle, I believe, our next general meeting is sometime in the middle part of October, I believe, isn't it?

CHAIRMAN HORSLEY:

Right.

LEG. KENNEDY:

October 13th. Explain to me why that's not ample enough time to then go ahead and capture that additional revenue in the December or the holiday hotel season? I don't understand.

MR. LIPP:

I would have to defer to Counsel, but you would have to have, I guess, a special request of the

state to pass it on time.

MR. BROWN:

I'm not sure what Robert means by special request of the state, but the County Executive has to hold his public hearing. And the law, I think, goes into effect immediately. But then we have to get it to Secretary of State also. So it's passed in October; you're talking about maybe sometime towards the end of November. It has to be signed by the County Executive, the Clerk has to do their processing as well. So October, we might miss December.

LEG. ALDEN:

Just from a historical perspective, what we're trying to do with the money is very, very good. Unfortunately this is not the time to raise taxes. And I'll give you a little bit of history. Go back to 2001, 9/11, terrorists knocked down two buildings. They murdered Americans. And this Legislative body actually increased the tax on home energy. So we took it upon ourselves to take it up from 1% to 2 or 3%. That hurt people. And guess what it does? It hurts people going forward because after that action when we raised the taxes, the energy costs went through the roof because of things like 9/11. So people were hurt doubly.

Number one, their taxes increased; but number two, more importantly, they were paying way more tax because home oil, heating oil, went from a dollar something to 3 and \$4. Ends up a windfall for us; ends up hurting them. All the other things that they used in their home, electricity, even cord wood, all those things that they use to heat their homes or to produce energy went way up in costs.

If this is going to be instituted, I think, we really have to wait until you see a recovery in the economy, a recovery in the industry especially out on the east end. And you've heard ample testimony that this slight dollar difference can mean the difference between having a room filled and not having a room filled. That's not a risk that I want to take at this point in time.

Are we going to face some real tough choices in another couple of months or the next two months coming up? Absolutely; because I believe that the Vanderbilt should have been in our general budget a longtime ago. We should have not put that kind of pressure on that trust fund. And year after year there was warning sounded. Budget Review did a great job in sounding the warnings, *don't invade that trust*. Let it build up. And if we had let it build up, we would have had years and years that we could have actually taken the money out of it and not hurt our general fund. But right now this is the time when we're going to have to make the true tough decisions. So this is not a good time to raise any tax. Thank you.

CHAIRMAN HORSLEY:

Mr. Kennedy.

LEG. KENNEDY:

Let me go back to BRO one more time. Robert, when -- I recall talking about this increase when we did our -- some of our other actions in anticipation of the budgetary down turn in the spring of this year. Did we project receipt of any revenue from this increase for 2009? Or is it solely for 2010 that we expected we would begin to receive revenue? Additional revenue?

MR. LIPP:

Our memo speaks to 2010 because that would be the full annualized amount. There is no money in the current 2009 budget for this obviously since it was never -- it wasn't on the radar screen when we passed the '09 budget. So, I mean, we could do an estimate of what the December amount is and you can see what the dollars look like.

LEG. KENNEDY:

I have to say, Mr. Chair, I still feel strongly that while there's going to ultimately be a need to raise this, I have some underlying concerns about how this money is actually being pledged and in particular what role our Long Island Visitor and Convention Bureau is playing in administering it.

And I personally would like to go ahead and take another look at this before I move on it. I think --

CHAIRMAN HORSLEY:

Would you be ready by next meeting? Move it out of Committee?

LEG. KENNEDY:

I'm going to pick up the phone to Mr. McGowan because I want to see whether or not there's been a current commitment reduction in some of the expenditure over there. I'm seeing that, you know, we have a real need to raise revenue; but I'm concerned that if we're raising revenue, we're also expanding some expenditure. And I just don't know the specifics yet at this point and so I'm concerned.

CHAIRMAN HORSLEY:

Gail, let me ask you something. When we start to receive this money, would it be after the first quarter?

MS. VIZZINI:

It's going to depend on the effective date and when it's remitted to us. Our memo indicates that this would be new revenue in the amount of \$5.1 million for fiscal year 2010.

CHAIRMAN HORSLEY:

And we'd receive it when?

MR. LIPP:

We're not -- it depends on when you pass it obviously. The timing, the bottom line is you would get -- in theory if you passed it expeditiously, you'd start getting it perhaps at the beginning of December, it would take effect, so you would wind up getting 23% of the annual amount.

CHAIRMAN HORSLEY:

But when would you actually receive it? After the first quarter or is it at the half? When do they actually -- we'd receive sales tax monies?

MR. LIPP:

This is not sales tax; it's a hotel/motel room tax. So we get it on a monthly basis.

CHAIRMAN HORSLEY:

Oh, it's a monthly basis.

MR. LIPP:

Yes, that's correct.

CHAIRMAN HORSLEY:

I didn't realize that. Okay. Mr. Stern.

LEG. STERN:

Yeah, thank you, Mr. Chairman. These are extremely difficult decisions that have to be made now. I don't agree that these are decisions that we have months to wait on. We've had this resolution before us now for quite sometime. We've heard from the industry. We've heard from those that would benefit from this type of revenue; but most importantly Suffolk County, Suffolk County residents and Suffolk government would most benefit.

Whether you agree with the resolution or not, there is, in fact, a time element here. And so I will make a motion to discharge without recommendation. I feel as though what we're talking about is a significant issue that the rest of our colleagues should have every opportunity to join the debate on and then ultimately determine how we go forward. But it wouldn't be my inclination to allow them to join in the debate.

CHAIRMAN HORSLEY:

I'll second the motion.

MS. LOMORIELLO:

You need to reconsider. It's been tabled already. You called the vote and you tabled the resolution.

CHAIRMAN HORSLEY:

Okay. I'll make a motion to reconsider the vote that was taken earlier. Second on the motion.

LEG. STERN:

Second.

CHAIRMAN HORSLEY:

All those in favor to reconsider?

LEG. ALDEN:

On your motion to reconsider, I really -- I'm at a loss for words almost. No, Wayne, and I'll tell you why. I'll tell you why. We've gone through process after process and we've got sacred cows in this County. For instance, our acquisition program. Millions, tens of millions, hundreds of millions of dollars are going to go through that program. And that can't be touched. That can't be touched to stabilize taxes, to keep people's land taxes down, to even stabilize and keep open the Vanderbilt Museum. So we got sacred cows. We won't touch them. And then we're going to go and stick the public with a new tax at exactly the time when they can't afford it.

And we heard the testimony that this actually, this new tax could put some of our business owners, people that invested sweat, equity, their life savings, we heard it from a couple people, they liquidated everything that had in life to run the risk to realize the American dream. And now we're going to tax with the possibility of putting them out of business or hurt them even more than they are? Some of these people have had the worst time that they've ever had in business. This is not -- this is a once in a lifetime type of occurrence. And for us -- it's unconscionable for us to raise the tax at this point in time even though it's for the greatest good or whatever you want to call it, a really great cause, this is unconscionable.

CHAIRMAN HORSLEY:

Thank you.

LEG. ALDEN:

I'm opposed to reconsider.

CHAIRMAN HORSLEY:

Okay. That's fine. Thank you very much, Legislator.

LEG. KENNEDY:

On the motion, Mr. Chair, I mean -- in the spirit of comity, I mean, I'll entertain the motion to reconsider; however, I'm not going to vote for the motion to discharge. So if we want to be able to go through the process, fine, I'll support the motion to reconsider.

CHAIRMAN HORSLEY:

There's a second on the floor to reconsider. All those in favor? Oppose? Aye.

LEG. ALDEN:

Opposed.

CHAIRMAN HORSLEY:

Noted Legislator Alden. It is now up for reconsideration. And we now have -- we have to make a motion to --

LEG. STERN:

For the reasons previously stated, I will make a motion to discharge without recommendation.

CHAIRMAN HORSLEY:

Second on the motion. Okay. We now have a motion on the floor and tabling motion takes precedence. All those favor?

LEG. KENNEDY:

As a matter of fact procedurally I just wanted to make sure I'll make the motion to table.

CHAIRMAN HORSLEY:

There's a motion on the floor to table, seconded by Legislator Alden?

LEG. ALDEN:

No.

CHAIRMAN HORSLEY:

To table?

LEG. ALDEN:

Let's vote it up or down, then. If you guys want to push it to the limit, let's go.

LEG. KENNEDY:

I made a motion to table, yes.

CHAIRMAN HORSLEY:

I'll make the motion to second the table. The tabling motion takes precedence. All those in favor of tabling?

LEG. ALDEN:

I'll vote the same way again.

LEG. STERN:

Discharge without recommendation, does that come first?

CHAIRMAN HORSLEY:

No, I think tabling comes first. Am I correct? Tabling first, right? All right.

LEG. ALDEN:

That fails, right?

CHAIRMAN HORSLEY:

No, no. Hang on. We haven't all voted.

LEG. STERN:

On the motion. On the motion, Mr. Chairman.

CHAIRMAN HORSLEY:

On the motion.

LEG. STERN:

Yeah, I have to tell you I am inclined to oppose the tabling motion as I had previously stated. This

is a big decision in extremely difficult times. We don't have, I think, the luxury of continuing to wait. We have to make pretty critical decisions pretty quickly. And so it would be my hope here, whether you support the motion or not, whether you support this resolution or not, I would like to see all of our colleagues have the opportunity to engage in the debate. However, I also see and recognize that the motion to discharge without recommendation won't have the support today. And I refuse to sit by and allow the resolution to simply fail and die.

CHAIRMAN HORSLEY:

Correct.

LEG. STERN:

So from a procedural aspect, I'll need to support the tabling motion.

CHAIRMAN HORSLEY:

And I will also support the tabling motion. That is a vote of 4. **(VOTE: 4-0-0-1 Not present: Leg. Viloría-Fisher)**

All right, **1683, adopting Local Law No. -2009, A Local Law amending the Suffolk County Empire Zone Boundaries to include Merchant Services, Inc. (SCTM No. 0400-268.00-01.00-019.000). (Co. Exec.)** I'll make the motion to approve. Legislator Kennedy seconds the motion. All those in favor? Opposed? So moved. **(VOTE: 4-0-0-1 Not Present: Leg. Viloría-Fisher)**

1764, allocating and appropriating funds in connection with Downtown Beautification and Renewal (CP 6418). (Co. Exec.) I'll make the motion to approve.

LEG. STERN:

Second.

CHAIRMAN HORSLEY:

Second by Legislator Stern.

LEG. ALDEN:

On the motion.

CHAIRMAN HORSLEY:

On the motion.

LEG. ALDEN:

Quickly. Is this money committed? It's for \$500,000.

CHAIRMAN HORSLEY:

Carolyn, you can join us.

LEG. ALDEN:

Right? And --

CHAIRMAN HORSLEY:

Thank you for coming up.

LEG. ALDEN:

Yes. So, the first question is how much is this for?

MS. FAHEY:

500,000.

LEG. ALDEN:

Okay. And is the money committed to projects?

MS. FAHEY:

That's what this resolution does. It awards that 500,000 to the projects attached as the exhibit.

LEG. ALDEN:

Which project is that?

MS. FAHEY:

There's a listing attached to the resolution.

LEG. ALDEN:

I don't have it with me. I don't have it so --

MS. FAHEY:

There are ten various projects that are being funded by this 500,000. You want me to read them into the record or do you want a copy?

LEG. ALDEN:

This goes in the record. I just got to see it.

MS. FAHEY:

Okay.

LEG. ALDEN:

Thank you.

CHAIRMAN HORSLEY:

Okay? We have a motion to approve and it's been seconded. Are there any other conversations, any other -- then all those in favor? Opposed?

LEG. ALDEN:

Opposed.

CHAIRMAN HORSLEY:

It is 3-1. **(VOTE: 3-1-0-1. Leg. Alden opposed. Leg. Viloría-Fisher not present)**

1765, allocating and appropriating funds (Phase IX) in connection with the Downtown Revitalization Program (CP 6412). (Co. Exec.) I'll make a motion to approve, second by Legislator Stern. Anything on the motion? All those in favor? Opposed? So moved.

LEG. ALDEN:

Opposed.

CHAIRMAN HORSLEY:

Alden opposed. **(VOTE: 3-1-0-1 Leg. Alden opposed. Leg. Viloría-Fisher not present)**

1766, authorizing a lease agreement with Northside Hangars, for use of property at Francis S. Gabreski Airport. (Co. Exec.) I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN HORSLEY:

Seconded by Legislator Stern. All those in favor? Opposed? So moved. **(VOTE: 4-0-0-1 Leg.**

Viloria-Fisher not present)

1771, establishing a Yaphank Development Oversight Task Force. (Browning) I'll make a motion to table.

LEG. KENNEDY:

I'll second it for discussion purposes, Mr. Chair. We had a tremendous amount of conversation today and testimony on this matter. I think that there's a lot of additional information that needs to be brought before us. Whether or not ultimately there's another oversight committee that's created or in the alternative we have an opportunity to see some of what some of the answers are to some of the items that have been raised today, one way or the other, I look forward to some of the additional information.

As I said, despite some of the representations, I got a copy of the RFP itself at 9 o'clock this morning. So I want the ability to at least read this through and see the recommendations and be able to at least have some independent opportunity to evaluate it.

CHAIRMAN HORSLEY:

And, Counsel, would you please -- you apparently had conversations with the sponsor?

MS. SIMPSON:

Yes, the sponsor is looking to make some amendments to the resolution so we're going to have to table it.

LEG. STERN:

On the motion.

CHAIRMAN HORSLEY:

On the motion.

LEG. STERN:

Yeah, thank you, Mr. Chair. Let me first say that when it comes to big bold game changing projects proposed on the way to visioning, on the way to completion, when we're talking about affordable housing and we're talking about job creation and economic development, any time Eric Alexander and Vision Long Island speaks, I'm certainly going to listen and will continue to do so in the future; because like Mr. Alexander, I believe strongly that area residents must play an important role in developing any big vision.

But I see here that over the course of a few years now that that has actually been the case. And Director Isles, I thought, took us through an excellent presentation of what's going on over the past five years over the many meetings that were had, over the many different groups that were represented and area residents that were a part of these previous task forces. I thought he did an excellent job of taking us through the RFEI process and how those recommendations from that -- those two prior task forces were incorporated, in fact, into the RFP. And among other things really what I see this resolution is attempting to accomplish is putting together a group to determine whether or not those recommendations were, in fact, incorporated into the RFP. Well, I think that his analysis clearly shows that that has been the case. And so I think to me that is pretty clear.

There will be many, many opportunities, years of opportunities for area residents to play an important role in the development of this project, whether you support it, whether you oppose it, whether you think it would need more information on the specifics, that all -- you know, those are all questions that remain to be seen. I mean there is no proposal at this point; simply a developer that has been selected to now develop a plan for everybody including all of us to comment on. It still needs to go through environmental impact studies. And we all know the long drawn out process that takes for right or for wrong.

But to me this is a resolution about bringing area residents into the process. And clearly to date, anyway, that has certainly been the case and we received assurances that that will continue to be the case going forward. And you still have to go before the town. That could take forever as we know. And so area residents will have the opportunity to weigh in there as well.

Legislator Browning continues to work hard for her residents and wants to ensure that those that she represents continue to play a role in the process. And I certainly commend that. And she will continue to do that I know very well. But the process has to continue. It is going to be a long drawn out process and everyone will continue to have the opportunity to play an important role.

So I also know that Legislator Browning is looking to making some changes to her legislation. So, of course, I would always defer to my colleague, you know, who's going to look at changes. So I'll support a tabling resolution, but I would just want to say for the record that in my opinion, the purpose, the underlying intent of this legislation, as admirable as it is, to me pretty clearly has already been met.

CHAIRMAN HORSLEY:

Legislator Alden.

LEG. ALDEN:

I want to state for the record that I agree 100 percent with what Legislator Stern has said. And I'll go a little step further. I also want to see transparency. And when people are shut out of a process, then the process is no good. Even today people participated; they had the opportunity to come down. They can influence our vote on whether we declare this property surplus or declare it non-surplus. They can really influence our vote on the whole project. There's still plenty of time for them to come down. This -- whether it's this committee that they come and address or whether it's one of the other appropriate committees or whether they come down to the Legislature when we sit as a whole and address us and make their views known.

The one thing I would ask for, though, is specifics, you know. If you come down and you tell me, *I don't like a project*, you know, give me something specific that I can, you know wrap my hands around and then actually make a decision before I vote. So if you don't like the fact that it's a thousand houses, all right, maybe if it's 500, that's okay with you. But you believe that a thousand's just too much for the neighborhood. And that's just a rough example of what I'd like to see and that's what I'm calling for.

We are going to have transparency with this. We've had it all along, I believe. We've had numerous -- at least two committees that were set up and I voted for, I think, both of them. This I don't see -- you know, I really don't see a need for this. But I do see a need for people coming down and addressing us in the future so that we can make an intelligent informed decision going forward. Thanks.

CHAIRMAN HORSLEY:

You're welcome, Mr. Legislator. And I concur with both of your conversations there. So we have a motion on the floor to table. All those in favor? Opposed? So moved. **(VOTE: 4-0-0-1 Leg. Viloría-Fisher not present)** 1771 has been tabled.

1773, to extend the deadline for Task Force to Study the Feasibility of Suffolk County Community College Assuming the Operation of the Vanderbilt Museum. (Horsley) I'll make a motion to approve.

LEG. KENNEDY:

Second.

CHAIRMAN HORSLEY:

Second by Legislator Kennedy. All those in favor? Opposed? So moved. It has been approved.
(VOTE: 4-0-0-1 Leg. Viloría-Fisher not present)

By the way, for the record, Legislator Fisher was excused today due to a medical issue. And I wanted to put that on the record.

Is there anything else that has to come before this Committee? All good? I'll make a motion to close.

LEG. ALDEN:

Second.

**THE MEETING CONCLUDED AT 6:17 PM
{ } DENOTES SPELLED PHONETICALLY**