

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

A regular meeting of the Economic Development, Higher Education & Energy Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, October 5, 2011.

**MEMBERS PRESENT:**

Legislator Wayne Horsley - Chairman  
Legislator Steve Stern - Vice-Chair  
Legislator Thomas Cilmi  
Legislator Lynne Nowick

**MEMBER NOT PRESENT:**

Legislator Ricardo Montano

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Joe Schroeder - Budget Review Office  
Joe Muncey - Budget Review Office  
Renee Ortiz - Chief Deputy Clerk of the Legislature  
Eric Kopp - County Executive's Office  
Yves Michel - Commissioner - Economic Development  
Carolyn Fahey - Economic Development  
Linda Bay - Aide to Minority Caucus  
Paul Perillie - Aide to Majority Caucus  
Bob Martinez - Aide to Legislator Montano  
JP DiMartino - Aide to Chairman Horsley  
Dot Kerrigan - AME  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano - Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 2:11 P.M.\*)

**CHAIRMAN HORSLEY:**

All righty. Good afternoon, everybody. Welcome to the Economic Development, Higher Education and Energy Committee Meeting of October 5th. All stand for the Pledge of Allegiance.

**SALUTATION**

May we all stand for a moment of silence for the men and women who protect our freedoms both home and abroad.

**MOMENT OF SILENCE**

Thank you. Again, good afternoon, everyone. Everybody, welcome. We don't have a presentation today, though I'd like to make a comment, because I did invite Mr. Hervey of LIPA to join us today to talk about the hurricane and a number of other items, including the -- the agreements that LIPA has with -- with their energy providers in Long Island. And he declined to come here, so I'm going to reinvite him again. He has turned us down twice, and he's got my ire up. And I am going to invite him until the cows come home to our meetings so he can tell us about issues that relate to Long Island and our energy needs in Suffolk County. I wanted to let you guys know that, that I did do that. Right now, we don't have a presentation, but not for lack of trying. Okay. We will move to the agenda.

**INTRODUCTORY RESOLUTIONS**

***1703, Adopting Local Law No. 2011, A Local law to establish the Gabreski Airport Conservation and Assessment Committee. (Schneiderman)***

It looks like it's been tabled. Carolyn, do you know what the status of this is?

**MR. PERILLIE:**

This was refiled. We didn't pass it previously.

**CHAIRMAN HORSLEY:**

Has it timed-out now?

**MR. NOLAN:**

No. Just for the committee's information --

**CHAIRMAN HORSLEY:**

Yeah, please tell me about -- what is this?

**MR. NOLAN:**

This is basically -- there is a committee to review the leases at Gabreski now. That was a citizens committee that was established by Executive Order. And what Legislator Schneiderman's intention has been is to codify it in law so that it will continue and be in our law books. There was the intention. As I think the committee; its purpose, what it does and it's make up is very similar to what there is now.

**CHAIRMAN HORSLEY:**

So we could vote on this?

**MR. NOLAN:**

You could.

**CHAIRMAN HORSLEY:**

Carolyn, do you have anything to say about this? Tell us about this.

**MS. FAHEY:**

Actually, the County Executive did, five years ago, create, through Executive Order, the Airport Conservation and Assessment Panel. And Counsel is correct, Legislator Schneiderman wants to codify it. Honestly, we don't have major issues with it. I do have two quick questions though, maybe for Counsel. One of them is Section 2(i) notes that the County Legislature may not act on a resolution to approve a lease, lease review, lease extension, lease modification, license, license renewal, license extension or license modification at Gabreski Airport unless the committee has issued its findings and recommendations. Just on the face of it, it looks like it ties your hands that you can't act on anything even on an emergency basis or an as-needed basis without this panel making a recommendation. So I pose that to your Counsel to basically help you guys out.

**MR. NOLAN:**

Well, that's what it says, Carolyn. It does say that, that we would have to wait for recommendation from this committee before taking action on the lease.

**MS. FAHEY:**

So if there's an emergency --

**CHAIRMAN HORSLEY:**

So if they disagree with a particular action or question that's before this Legislature, because they did not act on it, they could stall it forever.

**MR. NOLAN:**

That can't happen. It says they have to make their recommendation within in a certain time limit. Then if they don't, then we can act, if they fail to --

**CHAIRMAN HORSLEY:**

And what's that time period?

**MR. NOLAN:**

I believe it 45 days of receiving the application from the Department of Economic Development and Workforce Housing. So I guess Carolyn's department would send it to them, they have 45 days to the act. And if they don't act, then the application will be deemed to have been recommended for approval. So it's not a lengthy review process, and it could not be delayed.

**MS. FAHEY:**

But if there were a need on an emergency basis for this Legislature to approve something, my concern would be that we would have to go through that whole process. If the panel were not in favor or it, they would have only the 45 days, but it still ties your hands in making that judgement.

**CHAIRMAN HORSLEY:**

I like that attitude.

**MR. NOLAN:**

I would just say, I mean, it's not an uncommon provision in our laws that we have these groups, committees that look at something, and we have to wait -- you know, the Naming Committee is a perfect example where we have to wait for them to give us a recommendation. I don't know of

these emergencies come out at the airport, I have no idea. But it's not something that is really unusual or unprecedented to have in a Local Law.

**CHAIRMAN HORSLEY:**

Legislator Cilmi.

**LEG. CILMI:**

So understanding that we have these sorts of committees in other areas, do we have any similar committees that exist in realm of lease approvals and, you know, things like -- specifically like this, George or Carolyn, for that matter?

**MR. NOLAN:**

Well, we have a Space Management Committee that I believe has to look at all the times where we're going to lease space or have a space issue has to go to them.

**LEG. CILMI:**

Included in this case?

**MR. NOLAN:**

I don't think it applies to this particular case, I think it's separate, but I'm just giving you an example of a similar group.

**LEG. CILMI:**

Anything to add, Carolyn?

**MS. FAHEY:**

No. I would just be concerned that if there's an immediate need at the airport to do something, either through a lease -- you know, we have had requests before us for FEMA, use of property, there are times when we get community requests last minute that we've come to you, you know, through the County Executive with a CN. You know, I would just be concerned that it's a little constraining on your end, that's all.

**LEG. CILMI:**

Maybe I'm not making myself clear. With this particular -- with the airport, for example, where we own the property, buildings, what have you, and we're leasing them for commercial purposes in some cases, right? Is there a parallel with any other property that we own in Suffolk County where we are leasing buildings and/or property for commercial purposes?

**MS. FAHEY:**

Not is that I'm aware of. I would defer to George.

**MR. NOLAN:**

I think this maybe special in that case, that we -- this was set up a number of years ago because the residents out there were very concerned about how that property was being used. And the County Executive saw fit to, by Executive Order, to set up a committee to screen applications and give the community input. I'm not sure we do that anywhere else.

**LEG. CILMI:**

Why would we not just simply allow the Space Management Committee to deal with this rather than setting up a whole separate committee?

**MR. NOLAN:**

Well, I think Space Management is when the County is looking for space. So this is kind of different

where we're leasing space to somebody else. So I don't think would necessarily go -- be the type of thing that would go before Space Management.

**CHAIRMAN HORSLEY:**

I think this was borne out of the County Executive's efforts to revitalize Gabreski Airport. And there was a lot of blow-back from the local community in fear of what was going to be placed out there and the like. And this gave them input as to, you know, what was going to be at the airport so it doesn't become JFK or something like that.

**MS. FAHEY:**

If I could add to that. It also comes out of the fact that back in the '80s, '90s and early 2000s, there was a committee called the Airport Lease Screening Committee, which had authority to approve leases on a -- if it was voted on a unanimous basis, the lease was approved, it didn't come before this Legislature at all.

This changed back in 2004. This Legislature and the County Executive agreed to disband the Airport Lease Screening Committee and bring the authority to approve leases back to the Legislature. And in do so, what it did, when you abolished the Lease Screening Committee, you abolished the local community's input into the future development of the airport. So the County Executive created the community group to just advise. This group now just advises the County Executive, the Legislature and CEQ on their concerns with regards to this proposed lease.

**LEG. CILMI:**

So let me ask you -- and I'm sorry to belabor this -- but if leases are approved by the Legislature now specific to this property, what committee are those resolutions presented to prior to us voting?

**MS. FAHEY:**

This committee.

**LEG. CILMI:**

This committee. So I mean, couldn't we, as a committee, then just address any questions or community concerns that might arise as opposed to having a separate committee to do? If it has to come to this committee anyway, again, why have another committee?

**MS. FAHEY:**

The current Airport Conservation Assessment Panel really just makes recommendations to the Legislature on how they feel the future of the airport is to be developed. It's really just an advisory -- just to give them input and have them part of the dialog. You know, we have had tenants in front of us where they've had questions and concerns, and it kind of brings them into the conversation beforehand so that you don't have 15, 20 people hear with misunderstandings and miscommunications as to what the lease and the tenants are proposing to do. And actually, it's worked out very well.

This panel has -- this board has actually approved probably 25 different leases that have come through that panel already over the last six or seven years. Every time you have a lease from our department, from the County Executive attached to it, like the two that you have in front of you today, have ACAP's recommendation attached to it.

**LEG. CILMI:**

So you would approve of this outright if there was a way to get passed that 45 day allotment of time, right? If there was a way -- in an emergency situation, if there was a way to sort of override the committee or require a quicker response or recommendation from the committee, then that would be what you were looking for.

**MS. FAHEY:**

I think there's a legal concern as to what it ties your hands in doing. The current ACAP composition works very well. I'm not sure why we need to codify it, why we need to make it a Local Law, I'm kind of lost on that. It works well. It's comprised of local community people. This Legislature has taken those comments into consideration.

I believe at the public hearing, Legislator Vilorio-Fisher noted how often those community members who are on the panel have come before CEO and before this committee and the full Legislature. They've very involved. And from a department perspective, it's important for us to make sure the community is involved in some of the decisions that we're making. I don't think -- the only difference between the current structure and the one that the Legislator is proposing is that it's codified. And I'm not sure what the legal reasons for that are.

**LEG. CILMI:**

I guess it's conceivable that you'll have a new County Executive in a couple of months and maybe that County Executive won't feel as strongly about having a similar committee in place. I mean, you know, it's possible. Okay. Thank you.

**CHAIRMAN HORSLEY:**

Though it sounds like good politics, local politics out there. Do you have any thoughts on this one way or the other? Anyone like to make a motion? I'll make a motion to approve. I'll throw that on the table. Do I have a second on that?

**LEG. NOWICK:**

Second.

**CHAIRMAN HORSLEY:**

Seconded by Ms. Nowick.

**LEG. NOWICK:**

Since we don't seem to be sure about this, why don't we wait for the sponsor to come.

**CHAIRMAN HORSLEY:**

You take away your --

**LEG. NOWICK:**

Motion to table.

**CHAIRMAN HORSLEY:**

Al right. Would anyone like to second the motion to table?

**LEG. CILMI:**

I'll second.

**CHAIRMAN HORSLEY:**

Seconded by Legislator Cilmi. Okay. The motion to table has preference.

**LEG. STERN:**

Is there a time issue here?

**CHAIRMAN HORSLEY:**

No, I don't think so.

**LEG. STERN:**

There's no time element here.

**LEG. CILMI:**

There's a committee in place.

**MS. FAHEY:**

There is currently a committee in place. There's a current panel --

**LEG. STERN:**

There's currently a committee in place, the resolution doesn't fall off until the end of the year, there's no need for speed here, there's no time element.

**CHAIRMAN HORSLEY:**

We have a motion to table.

**LEG. NOWICK:**

Just on the motion.

**CHAIRMAN HORSLEY:**

Yes, Ms. Nowick.

**LEG. NOWICK:**

If I may, the committee that's in place now, does it work the same way, that the Legislature can't make a decision without the committee's recommendation?

**MS. FAHEY:**

No, that's not a condition.

**CHAIRMAN HORSLEY:**

On the motion to table, all in favor? Opposed? So moved. It has been **TABLED**. **(Vote: 4-0-0-1 Not Present: Legislator Montano)**

*1774, Establishing a new policy for FIT reimbursement. (Cilmi)*

**LEG. CILMI:**

Motion to approve.

**CHAIRMAN HORSLEY:**

Motion to approve by Legislator Cilmi, seconded by Legislator Stern. Anything on the motion? We are good? All in favor? Opposed? So moved. **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Montano)**.

*1808, Authorizing a Lease Agreement with Sheahan Communications Inc., for use of property at Francis S. Gabreski Airport. (Co. Exec.)*

**CHAIRMAN HORSLEY:**

Carolyn, tell us a little bit about this one maybe before we get started?

**MS. FAHEY:**

Sure. Sheahan Communications is a publisher of several magazines. You might be familiar with Networking Magazine and with House Magazine. They've actually been a tenant at the airport since

1984. The lease in front of you is for three years for approximately 2500 square feet, and the annual rent is 24,388 for the first year with a two and a half percent increase in the two following years.

You have before you the resolution, the signed lease by Sheahan Communications. And just a point of reference, the Airport Conservation and Assessment Panel's recommendation is attached to this as it is with every lease that comes before you.

**CHAIRMAN HORSLEY:**

Okay. Thank you very much for that update. I'll make a motion to approve. Is there a second on the motion?

**LEG. CILMI:**

Second.

**CHAIRMAN HORSLEY:**

Seconded by Legislator Cilmi since he just had his passed. We'll give him that one. Any comments on this? All in favor? Opposed? So moved. It has been **APPROVED (Vote: 4-0-0-1 Not Present: Legislator Montano)**.

***1821, Authorizing a Lease Agreement with Rechler at Gabreski LLC for the use of property at Francis S. Gabreski Airport. (Co. Exec.)***

Carolyn.

**MS. FAHEY:**

As you recall, this committee and the full Legislature approved a lease with Rechler Equities for the entire industrial park out at Gabreski Airport. There are some due-diligence issues on the County's part with regards to the remediation of the Brownfields site that we're still finishing up.

And in order to start their marketing efforts, Rechler has requested the use of the one building that's remaining in the facility to establish their marketing office for the industrial park. So the County will move forward with our remediation efforts and filing with the DEC all of the covenants and the surveys and title that we need to do for the Brownfields site. And Rechler Equities will move forward with their site plan preparation.

**CHAIRMAN HORSLEY:**

Sounds great. I'll make a motion to approve. Is there a second on the motion?

**LEG. STERN:**

Second.

**CHAIRMAN HORSLEY:**

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

**CHAIRMAN HORSLEY:**

I think that's it. If there's no other further business to move to, we are adjourned. So moved.

(\*THE MEETING WAS ADJOURNED AT 2:29 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY