

**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, December 14, 2011.

**MEMBERS PRESENT:**

Legislator Wayne Horsley - Chairman  
Legislator Steve Stern - Vice-Chair  
Legislator Thomas Cilmi  
Legislator Ricardo Montano

**MEMBER NOT PRESENT:**

Legislator Lynne Nowick - Excused Absence

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Joe Schroeder - Budget Review Office  
Joe Muncey - Budget Review Office  
Barbara LoMoriello - Deputy Clerk of the Legislature  
Eric Kopp - County Executive's Office  
Carolyn Fahey - Economic Development  
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 2:00 P.M.\*)

**CHAIRMAN HORSLEY:**

May we all stand for the Pledge.

### **SALUTATION**

And may we stand for a moment of silence for the men and women who protect our freedoms across the sea and at home. And thank God for the return of our troops coming home from Iraq.

### **MOMENT OF SILENCE**

All righty. I think it's time for a holiday. All right. Welcome to Economic Development, Higher Education and Energy Committee of December 14th. Do we have any cards?

**MS. LOMORIELLO:**

No.

**CHAIRMAN HORSLEY:**

We do not.

**LEG. MONTANO:**

You sound disappointed.

**CHAIRMAN HORSLEY:**

I am so disappointed, yes, I am. And we also had a presentation, but apparently, it was cancelled out as quickly as it came from my friends at LIPA. They were worried about the Oversight Committee reporting to us, so they wanted to -- they wanted to have a point-counter-point. They went to Public Safety, yes, exactly, that was it. All right. We have two Tabled Resolutions.

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

And anyone have any thoughts on this? I will make a motion to table. Do we have a second on that? Seconded by Legislator Stern. Anyone want to be heard on this? You guys are good? Okay. All in favor of tabling it? Opposed? So moved. **TABLED (VOTE: 4-0-0-1; Not present - Legis. Nowick)**

### **1898, Authorizing a lease agreement with Village Marine of Westhampton LTD. d/b/a South Shore Boats for use of property at Francis S. Gabreski Airport. (Co. Exec.)**

My recollection last time was that we wanted to hold this off until the new County Executive comes in, is that Mr. Montano's --

**LEG. MONTANO:**

I had made the motion. And unless there's anything new in the status, there was no urgency on this, and I thought it best to hold off on all lease agreements until the new administration has an opportunity to review this. I think this is one that will probably go through without a problem. If I recall correctly, the tenant has been there for, what, 27 years? Twenty-eight years. And there's no -- nothing has changed in the status, so there's no harm in terms of tabling this. It's just really a professional courtesy to the new administration. I'll make a motion to table.

**CHAIRMAN HORSLEY:**

Is there a second on the motion? I'll make the second to table. On the motion, Legislator Cilmi.

**LEG. CILMI:**

Just very quickly. Last meeting, as I recall, Carolyn told us that she didn't think this would be an issue with the -- present a problem with the proposed leasee.

**MS. FAHEY:**

No, there's no issue in holding it off.

**LEG. CILMI:**

Okay. Thank you.

**CHAIRMAN HORSLEY:**

All in favor? Opposed? So moved. The motion has been **TABLED (VOTE: 4-0-0-1; Not present - Legis. Nowick)**

The next one is our Introductory Resolutions, **2064, Authorizing an Intermunicipal Agreement with the Town of Southampton for the purpose of administration and enforcement of New York State Fire Prevention and Building Codes within the Airport Planned Development District. (Co. Exec.)**

May I have a motion on this?

**LEG. STERN:**

Motion to approve.

**CHAIRMAN HORSLEY:**

Motion to approve by Legislator Stern, seconded by?

**LEG. CILMI:**

Sure.

**CHAIRMAN HORSLEY:**

Legislator Cilmi.

**LEG. MONTANO:**

Explanation.

**CHAIRMAN HORSLEY:**

On the motion, Carolyn.

**MS. FAHEY:**

Actually, this resolution was prepared in cooperation with the Department of Public Works. Marty McMorrow is here from DPW if there are any specific questions. But what it does is it kind of closes the loop on the oversight of the industrial park at Gabreski Airport.

You might recall we have a 58 acre industrial park, which the County had agreed with the Town of Southampton to allow them to do the zoning of the park. They did the SEQRA and all the environmental on the zoning and the overlay district that they created. This Legislature accepted a finding statement based upon that SEQRA. What this resolution does is it allows the Town of Southampton to handle the building code enforcement and the fire code enforcement and inspection on those properties within the industrial park boundaries, only those private buildings. It allows

there to be a closer relationship between the inspection and the code enforcement and the assessment by the town on those particular buildings.

**CHAIRMAN HORSLEY:**

Question by Legislator Montano.

**LEG. MONTANO:**

That sounds real good, but how does this differ in terms of its -- in terms of the issues with respect to the prior resolution? I mean, is there -- this sounds very good, of course. But I haven't read any of the details. Is there urgency on this?

**MS. FAHEY:**

Which prior resolution are you referring to?

**LEG. MONTANO:**

The one that was before it, 1898.

**MS. FAHEY:**

1898? No.

**LEG. MONTANO:**

In other words, we extended that one, and this is another agreement. But my question is, is there an urgency in this that I'm not aware of?

**MS. FAHEY:**

No. There's no urgency on this.

**LEG. MONTANO:**

So this is something that conceivably if it were held over to next year really wouldn't affect anything?

**MS. FAHEY:**

Correct.

**LEG. MONTANO:**

Okay. I'll make the motion to table.

**CHAIRMAN HORSLEY:**

Carolyn, let me ask you then a general question, and it goes to -- it goes to the point of the building codes and fire prevention issue. Is this part of our working with the town? Is that why this agreement comes to play, because usually -- this is a precedent issue, isn't it? Do we have other towns -- do we have towns in any other locations overseeing our building codes and fire codes and the like? Usually we are an entity amongst ourselves, aren't we, on these issues? I'll let Marty answer to the point of it being a precedent, but it is part and parcel of our cooperative relationship with the Town of Southampton in moving this parcel forward for the private investment. Do they want that? Is that something that they were asking for?

**MS. FAHEY:**

It was something, yes, that they had asked for initially, because we don't do assessments, the town does the assessments on all of the buildings at Gabreski. All of the non-aviation buildings are assessed by the Town of Southampton, whether they are in the industrial park or outside the industrial park. They're assessed by the town and they're taxed by the town as any other private entity would be taxed.

**CHAIRMAN HORSLEY:**

Right. Let me ask you then, there would be no pilot then? This would be an actual assessment by the town. I harken back to the Town of Babylon and our relationship to Republic Airport where they paid pilots, oftentimes, those non-air-type businesses, airplane businesses. But they don't -- but that's as an agreement, that is not oversight by the town. I'm curious of the relationship between the two levels of government. It's just different maybe.

**MS. FAHEY:**

There's no direct connection between the pilot and the town being the authority that does the building inspections, the fire codes and the assessment. There's no direct relationship. If a company or the entity had an agreed upon pilot with the IDA or through an economic development program, that would be reflected on the assessment rolls, but there's no direct connection, if I'm being clear. The property is leased through the IDA, the County IDA, so the tenant, the main tenant, Rechler, at Gabreski has the availability to access itself and its subtenants for IDA benefits, which would then be built into that, a pilot. But the actual assessment would be done by the town whether or not there's a pilot or not.

**CHAIRMAN HORSLEY:**

Okay. I think it must go to law then, the relationship between the State and the towns and the County and the towns must be different in Municipal Law. Do you know what I'm talking about, George?

**MR. NOLAN:**

(Shaking head no).

**CHAIRMAN HORSLEY:**

Maybe I'm just going way too far. I sound like you, Montano.

**LEG. MONTANO:**

I know what I'm talking about.

**CHAIRMAN HORSLEY:**

In the relationship between the State and the town -- I don't want to go there, it doesn't matter. I know what I'm talking about, even if nobody else understands it. Legislator Cilmi.

**LEG. CILMI:**

So, Carolyn, it appears that this just absolves us of the responsibility of enforcing the variety of codes that need to be enforced, correct?

**MS. FAHEY:**

Correct. Well, we delegate our authority to the towns with the IMA.

**LEG. CILMI:**

Right. So, I mean, why wouldn't we want to do that, I guess is -- the towns, you know, typically deal with this stuff anyway. And if it enables us to be relieved of certain responsibilities that Lord knows we have plenty of other responsibilities to deal with, you know, why not? I don't see it as a problem. I understand Legislator Montano's apprehension about doing certain things in advance of an incoming County Executive, but I don't see this as one of those things where we should hold up for that purpose, so.

**CHAIRMAN HORSLEY:**

Are you making a motion?

**LEG. MONTANO:**

I have a motion to table, and there's been no second yet. But with respect to the point that Legislator Cilmi said. This is something that strikes me as needing a full explanation. And my point very clearly is that when we have outgoing administrations, we're cleaning up a lot of detail, sometimes it's better, because you, yourself, said there was no urgency on this, I would like to see -- I would like the Law Department that's coming in to have an opportunity to review it with respect to any new perspectives or issues that are out there. That's why I think it would be prudent to table it. But, of course, it's up to the committee, so I'm not going to belabor the point. We have one motion out there and one half of a motion out there, and we can move.

**CHAIRMAN HORSLEY:**

Legislator Stern, do you have any thoughts on this matter? Weigh the issue here.

**LEG. STERN:**

This is merely a step, it looks like, that we would need in order to facilitate this drive, redevelop the airport for our economic development. This is an agreement that's going to allow the town to enforce its already existing rules essentially. My assumption here is that it's going to allow the project to go forward faster than if we don't do this. Is that just about right?

**MS. FAHEY:**

Yeah, correct.

**CHAIRMAN HORSLEY:**

So you're not seconding the motion?

**LEG. STERN:**

I am going to call the vote. Let's call the vote.

**CHAIRMAN HORSLEY:**

We can do that. Okay. We have a motion to approve, and we do not have a motion to table. All in favor? Opposed? So moved. It has been approved.

**LEG. MONTANO:**

Abstention.

**CHAIRMAN HORSLEY:**

And one abstention. **APPROVED (VOTE: 3-0-1-1; Abstention - Legis. Montano; Not present - Legis. Nowick)**

**2128, Appropriating funds in connection with renovation and construction of facilities at Gabreski Airport (CP 5702). (Pres. Off.)**

**LEG. CILMI:**

Motion to table.

**CHAIRMAN HORSLEY:**

There's a motion to table. Is there a second on the motion?

**LEG. MONTANO:**

Motion to approve.

**CHAIRMAN HORSLEY:**  
Let's keep this consistent.

**LEG. STERN:**  
On the motion.

**CHAIRMAN HORSLEY:**  
On the motion. We never got a second. I will second the motion to approve.

**LEG. STERN:**  
These are previously budget monies, this is an existing capital project?

**MS. FAHEY:**  
Correct.

**LEG. STERN:**  
Thank you.

**CHAIRMAN HORSLEY:**  
Okay. We have a motion to approve. There's no second on the motion to table; is that correct?

**MS. LOMORIELLO:**  
Who made the motion to table?

**LEG. MONTANO:**  
I did.

**CHAIRMAN HORSLEY:**  
All in favor? Opposed?

**LEG. CILMI:**  
Mark me as an abstention, please.

**CHAIRMAN HORSLEY:**  
So moved. **APPROVED (VOTE: 3-0-1-1; Abstention - Legis. Cilmi; Not present - Legis. Nowick)**

**2129, Amending the 2011 Adopted Capital Budget and Program and appropriating funds in connection with aviation utility infrastructure at Gabreski Airport (CP 5734). (Pres. Off.)**

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

**LEG. CILMI:**  
Motion to table.

**CHAIRMAN HORSLEY:**  
There's a motion to table. Is there a second on the motion to table?

**LEG. MONTANO:**  
Second on the motion to table.

**CHAIRMAN HORSLEY:**  
Second on the motion to table.

**LEG. STERN:**

Second on the motion to approve.

**CHAIRMAN HORSLEY:**

We have now two motions on the floor; both a tabling and approval. Tabling goes first.

**LEG. MONTANO:**

May I speak on this?

**CHAIRMAN HORSLEY:**

Absolutely, you may speak on this.

**LEG. MONTANO:**

The reason that I seconded the motion was really for the purposes of discussion at this point. I may vote to table. There's a difference between amending and appropriating. So while I believe that all programs that are in the Capital Budget we should appropriate prior to the end of the year, I'm not fond of amending the Capital Budget unless there is a particular reason. Can you explain the particular reason and how expensive this issue is going to be?

**CHAIRMAN HORSLEY:**

Carolyn.

**MS. FAHEY:**

We're amending the budget to move 150,000 out of the construction line into the planning line to help facilitate the rest of the planning of the project. It's 90% done, but as we go along, there's additional things that need to be done. This capital project is going to install the utilities -- utility infrastructure along the west side and the south side of the airport, which will facilitate, you know, additional development on the aviation and non-aviation side. We do not have the money --

**LEG. MONTANO:**

Let me ask you a question --

**MS. FAHEY:**

-- for the rest of the planning.

**LEG. MONTANO:**

-- so we can maybe cut to the chase. We are amending within the Capital Program?

**MS. FAHEY:**

Correct.

**LEG. MONTANO:**

And are we amending within the same years? We're just moving from one category to another?

**MS. FAHEY:**

Correct.

**LEG. MONTANO:**

Okay. I withdraw my second on the motion to table.

**LEG. CILMI:**

I will withdraw my tabling motion. I understand there may have been a typo in the bill, which indicated that this was a one and a half million dollar issue, not as Carolyn said, a much smaller

issue.

**CHAIRMAN HORSLEY:**

We are ending on a Kumbaya vote, you guys.

**LEG. CILMI:**

And it may have been fixed since we saw it initially, Carolyn.

**CHAIRMAN HORSLEY:**

Right now, we have just a motion to approve; am I correct on that? All in favor? Opposed? So moved. **APPROVED (VOTE: 4-0-0-1; Not present - Legis. Nowick)**

Motion to adjourn.

(\*THE MEETING WAS ADJOURNED AT 2:16 P.M.\*)