

**Economic Development, Planning, Education, Employment,
Arts and Agriculture Committee
Special Meeting Minutes**

DATE & TIME: April 7, 2022 – 4:00 PM
LOCATION: Powered by Zoom Meeting, Meeting ID: 87040942317,
By phone Dialing (646) 558-8656
PRESIDING OFFICER: Chair Brian Cahill
LEGISLATIVE STAFF: Fawn Tantillo
PRESENT: Legislators Herbert Litts, III, Thomas Corcoran, Peter Criswell, Chris Hewitt,
Joseph Maloney (off camera at 4:58), and Megan Sperry (joined 4:30), Chair
Tracey Bartels
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislator Eric Stewart; Lynn Archer, Steven Kelley, IDA Board Candidates

Chair Cahill called the meeting to order at 4:02 and asked Legislator Litts to lead the Pledge of Allegiance.

Motion No. 1: Moved to go into Executive Session to conduct interviews for IDA Board
Moved to go into Executive Session to conduct interviews for IDA Board allowing all legislators,
committee clerk Tantillo and IDA Board candidates one at a time into Executive Session for scheduled
interviews.

Motion Made By: Legislator Corcoran
Motion Seconded By: Legislator Hewitt

Discussion: See Transcript

Voting In Favor: Legislators Cahill, Litts, Corcoran, Criswell, Hewitt, Sperry and Bartels
Voting Against: Legislator Maloney
Votes in Favor: 7
Votes Against: 1

Disposition: Motion APPROVED

Legislator Maloney clarified that his vote reflected his opposition to entering executive session and had no problem allowing the committee clerk or other legislators into executive session.

Committee entered Executive Session at approximately 4:14 and interviewed

- Lynn Archer
 - Steven Kelley
-

Motion No. 1: Moved to come out of Executive Session at approximately 4:58 PM

Motion Made By: Legislator Litts
Motion Seconded By: Legislator Corcoran

Discussion: None

Voting In Favor: Legislators Cahill, Litts, Corcoran, Criswell, Hewitt, Sperry and Bartels

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: Motion APPROVED

Chairman Cahill asked if there was any other business, and hearing none;

Adjournment

Motion Made By: Legislator Litts

Motion Seconded By: Legislator Hewitt

No. of Votes in Favor: 7

No. of Votes Against: 0

Time: 5:00 PM

Respectfully submitted by: Fawn Tantillo

Minutes Approved: May 3, 2022

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Chair Brian Cahill

Okay, I'm gonna call this meeting of the long-named committee, too many letters to remember (laughter) Economic Development, and all the others to order. And today we're meeting for the purpose of interviewing candidates for the next term on the Industrial Development Agency board. And with that said, gotta get the agenda in front of me. I thought I had it, but I don't sorry. I thought I had it here. Sorry. I closed the window. I have two computers coming here. I had one open one closed.

Fawn Tantillo

Okay, first thing I have is the pledge.

Chair Brian Cahill

So, let's just do that. And then we'll move on. And we have Herb, please...

Legislator Herbert Litts, III

I Pledge Allegiance to the flag of the United States of America, America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Chair Brian Cahill

Thank you. So and then now. So I guess now the next thing we do is I'll accept the motion to go into executive session to begin the interview process.

Legislator Thomas Corcoran

Moved.

Legislator Peter Criswell

Second

Fawn Tantillo

Second, you guys. Sorry, who? I, everybody. So

Chair Brian Cahill

We had Tom and Chris. And, Peter. Great. We'll give Pete a chance to get on board here. All right.

Fawn Tantillo

So, you have a motion to go into Executive Session.

Chair Brian Cahill

Yep. So now that Peter is on screen? Yeah. Go ahead. Tracey, you have a question before we go into Executive Session?

Chair Bartels

No, I just wanted to clarify two things; that the stated purpose for going into Executive Session, right, which is to discuss appointment personnel.

Chair Brian Cahill

I said that,

Chair Tracey Bartels

And also that we're, we'd be inviting Lynn Archer into that executive session?

Chair Brian Cahill

Well, so are we going to do that for each interview? I think we're gonna do that the beginning, we're going to exit executive session, and then stay in executive session until we're done interviewing all the candidates on the schedule, right?

Chair Bartels

Yes. Yeah. She's, she's here. I think you'd want to say it.

Chair Brian Cahill

Ok, you know, we're going into Executive Session for the purpose of interviewing candidates for the IDA. And we will ask Lynn Archer to join us in that executive session, Legislator Maloney.

Legislator Joseph Maloney

Yeah, we it's not mandatory that we go into Executive Session, is it?

Chair Brian Cahill

Yeah, I spoke to the attorney yesterday. And his belief is that and he cited a couple of different sections, a law, which I'm not aware of. So I

Legislator Joseph Maloney

I think the words... I spoke to him as well, and some other lawyers, and the word I'm getting is it's appropriate, which means we can. What we are going to be discussing.

Chair Brian Cahill

Well, I'm gonna make

Legislator Joseph Maloney

Brian just, if I could, no, I think it'd be a vote if we if there were two people that wanted to vote. I don't know if there is, but if, if, if we're

Chair Brian Cahill

Actually, I don't know if that's true. Chris told me that as chairman of the committee, I can decide whether or not we want to go into executive...

Legislator Joseph Maloney

He says you can call the vote, or if you want and somebody else could, somebody else could call the vote. If I could make my point. This is for the IDA, which is, in Lynn's case here, if we appoint her to the IDA, she's going to be at public meetings in front of the public talking about exactly what we're going to be talking about. If your argument is somebody may not be comfortable to talk about things that you might get them to talk about, unless you're an executive session that I would make that argument that well, we're going to be putting them in public meetings to be doing the same thing on the people's behalf.

Chair Brian Cahill

That's not...

Legislator Joseph Maloney

So I think it's completely appropriate. The public deserves to know there's nothing that the public is more upset about than the behavior of our IDA and some of these pilots.

Chair Brian Cahill

I got, I got it

Legislator Joseph Maloney

No excuse me, Brian, I think, if I could finish my point. And to put your hand up and sush me I don't think he's very chairman-ly.

Chair Brian Cahill

Let me I'm just letting you know that I want to have something to say too about it, which I started to say when you jumped in. But anyway, I'm just saying to you that I conferred with the legislative attorney... As did I. ...Chris Ragucci, and he told me, right, yesterday afternoon, that executive session is absolutely appropriate. And he would advise that we go into executive session. And because this is considered personal and confidential, because it's virtually a job interview, and we're talking about

personnel issues. Right. And so that, for that reason alone, we should be in an executive session. And so you know, I'm just going to make the call as chairman of the committee.

Legislator Joseph Maloney

All right. Well, I'll make I'll make one more point. And that is that on

Chair Brian Cahill

Legislator Bartels

Legislator Joseph Maloney

I'm answering to what you just said.

Chair Brian Cahill

Legislator Bartels.

Chair Tracey Bartels

Thank you. Um, so I just on on the merits, since I do think it's going to require a vote to go into Executive Session. But I also conferred with counsel, I mean, I want to say since we also have a new member sitting here that although not new to government, but new to ours, that it's our long standing, and it has been our long standing policy to conduct these interviews. in Executive Session. It's certainly like the language of appropriate was used to me, it's definitely permissible to go into Executive Session, we're not in violation of the open meetings law. And I would respectfully, I hear Legislator Maloney's point, but I would respectfully disagree. One concern of mine, if we were to entertain the concept of conducting these meetings in open session, I think that the people at the beginning of the process would have a distinct disadvantage, as compared to the people at the end of the process, because people could listen to or watch not only the, the, the interviews of the previous candidates, they could learn from those interviews, and adjust their what otherwise would be candid responses accordingly. I also think it could have an effect on, you know, certain, to the extent that there might be, you know, private or personal information revealed. That's, that that could have a negative effect. So I'm supportive of going into executive session to conduct these interviews. Again, it's what we've, what we've always done. Any, any vote we have will have to happen in the in the public, not in an executive session, and I also support that.

Chair Brian Cahill

Okay, any other comments? Mr. Maloney?

Legislator Joseph Maloney

Yep. I'll just remind the chair of something I heard a couple of months ago about how important transparency was to you, that you, you went on a long field, using county emails you were so you were so up on transparency and allowing the people in and to the point, what very fair point about letting other people listen in and maybe prepare for the questions I would be up for, for that risk, because it would be so proper and transparent for the people in this county that are so upset about how this IDA has performed. And as far as the argument, this is the way we've always done it, we'll look at the result we've gotten from this idea from the majority of its existence, so I'll be the only no vote and I'm okay

with that. And I look forward to telling anybody I talked to that's upset with their idea that I attempted to get this open to the public.

Chair Brian Cahill

Okay, so I'll accept the motion to go into Executive Session.

Fawn Tantillo

Mr. Chairman and for the record is Executive Session, and we are going to let the interviewees in any other if I recognize any other legislators in the waiting room, I can let them in, and then I can stay in the meeting. Yes, that's correct.

Chair Brian Cahill

Right. So we're gonna have the clerk to the committee, and the interviewees and any other legislators that sign on in the next Well, while we're in Executive Session. Yes. So I'll accept the motion

Fawn Tantillo

It was moved by Corcoran and seconded by Hewitt,

Chair Brian Cahill

Yes

Legislator Herbert Litts, III

Brian

Chair Brian Cahill

Yes.

Legislator Herbert Litts, III

Before we go on executive session, can you give a short dissertation on how this process will work?

Chair Brian Cahill

Yep. I sent out an email today kind of outlining it a little bit her but I will go over that. So what we'll do here is we'll interview the candidates, with some questions live today and tomorrow and any other subsequent interviews? We'll review the submitted questions. And if anyone has a question about the submitted questions, they obviously can ask them now, where if they have any other questions that arise that can ask them during the interviews. At that point, during the interview, we have these questions that they're asking, we ask that you put a score next to them just to kind of help you along the way because there's 20 candidates or more, and it'd be a little bit difficult to try and remember everything. So one of the things we came up last time was just a little scoring thing for yourself, this is not going to be made public. You know, you're going to give your submission for who you think should be on the board at the end. But these are to help you along. And you know, just to keep score, then what we'll do next

Legislator Herbert Litts, III

And that score is f zero to 10?

Chair Brian Cahill

And well it's on the sheet that we have here, the verbiage actually low scores one high scores five we did. And then what we'll do with, with that, at the end is you know, after all the legislators on the committee have gone through the interviews gone through the submitted responses. We will then make a list of the seven candidates that we believe are best and then we'll pick out that until we get seven to recommend to the legislature and then we'll recommend seven to the Legislature and then the Legislature will either vote them in or vote them out, alter it, amend it, whatever they want to do. You know, last time we made a suggestion, and it was amended on the floor. So, we could potentially do the same thing here. Anybody have any questions about that process before we go into Executive Session? Okay, so we have a motion in a second. All those in favor of going into Executive Session.

Committee Members

Aye

Chair Brian Cahill

All those opposed?

Legislator Joseph Maloney

Aye - But I am for... I don't know if it needed to be a separate vote. I am for allowing Fawn and any. and any legislators that get here. I don't know if we're supposed to vote on that separately each time somebody comes in. Okay, so I voted no but. I'm not a no to that. But apparently, I have

Chair Brian Cahill

Your no to what? Having someone come in?

Legislator Joseph Maloney

If it was all lumped into one vote. And I'm a not to doing it, to not do it publicly. I am not a no to not letting in legislators or...

Chair Brian Cahill

I don't think we did it in one vote.

Legislator Joseph Maloney

That's all I'm saying.

Chair Brian Cahill

Well, we didn't actually vote on that. We just made the outline and the ground rules for who will be allowed in Executive Session. Once we go in. We didn't really vote on who was going to be allowed or not.

Legislator Joseph Maloney

So, I thought we were voting on executive session.

Fawn Tantillo

Just for the record, you need to vote that's part of your executive session vote, but it's that's fine. I understand Joe's point. Okay.

Chair Brian Cahill

Okay. Anything else before we go into Executive Session? Okay,

Executive Session

Legislator Herbert Litts, III

I'll make a motion to come out of Executive Session.

Legislator Thomas Corcoran

Second.

Legislator Brian Cahill

All those in favor?

Committee Members

Aye.

Legislator Brian Cahill

And Legislator Maloney is not on camera. So I don't know if you can vote on the coming out. Right. He has to be on camera. Okay. So you got the vote there. All right. So we are now out of Executive Session. Just to conclude, we interviewed two candidates for the IDA Board this afternoon. And we will be meeting tomorrow afternoon to interview three more and then Saturday. We haven't gotten to schedule yet. But it's going to be a big one. There's going to be a lot of people there. So with that, I'll accept a motion to adjourn this meeting today.

Legislator Herbert Litts, III

So moved.

Legislator Chris Hewitt

Second.

Legislator Brian Cahill

All those in favor?

Committee Members

Aye.

Legislator Brian Cahill

Okay, thanks, folks. I appreciate your time here tonight.