

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 7, 2012
4:03 p.m.

REGAL REPORTING SERVICES
516-747-7353

A P P E A R A N C E S :

RICHARD NICOLELLO
Chairman

NORMA GONSALVES
Vice-Chair

VINCENT MUSCARELLA

ROSE MARIE WALKER

DAVID DENENBERG
Ranking

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

INSERTS TO TRANSCRIPT

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LIST OF SPEAKERS

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GREG STEPHANOFF 102
MARTIN VOLK 109
LISA LOCURTO. 110

2 CHAIRMAN NICOLELLO: I call the Finance
3 Committee to order. And I ask the clerk to call
4 the roll, please.

5 CLERK MULLER: Legislator DeRiggi-
6 Whitton?

7 LEGISLATOR DeRIGGI-WHITTON: Here.

8 CLERK MULLER: Legislator Bosworth?

9 LEGISLATOR BOSWORTH: Here.

10 CLERK MULLER: Ranking Member,
11 Legislator Denenberg?

12 LEGISLATOR DENENBERG: Here.

13 CLERK MULLER: Legislator Walker?

14 LEGISLATOR WALKER: Here.

15 CLERK MULLER: Legislator Muscarella?

16 LEGISLATOR MUSCARELLA: Here.

17 CLERK MULLER: Vice Chairwoman
18 Gonsalves?

19 LEGISLATOR GONSALVES: Present.

20 CLERK MULLER: Chairman Nicolello?

21 CHAIRMAN NICOLELLO: Here.

22 CLERK MULLER: We have a quorum.

23 CHAIRMAN NICOLELLO: Okay. Item 155-
24 2012 is a resolution to authorize the transfer of
25 appropriations heretofore made within the budget

2 for the year 2011.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Walker, seconded by Legislator
7 Muscarella.

8 Any discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor signify by saying aye.

13 (Aye.)

14 Carries unanimously.

15 Items 157, 158, 159, 160-2012, are all
16 resolutions to authorize the county assessor
17 and/or the county treasurer and/or the receiver
18 of taxes of the Town of Oyster Bay, Town of
19 Hempstead, Town of North Hempstead, and City of
20 Long Beach to correct erroneous assessments in
21 taxes.

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN NICOLELLO: Moved by Legislator
25 Gonsalves, seconded by Legislator Walker.

2 Any discussion?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor signify by saying aye.

7 (Aye.)

8 Carries unanimously.

9 Item 164-2012 is a local law to amend
10 Title 72 of the Miscellaneous Laws of Nassau
11 County entitled "Vehicle Owner Liability for
12 Failure of an Operator to Comply with Traffic
13 Control Indications."

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRMAN NICOLELLO: Moved by
17 Legislator Gonsalves, seconded by Legislator
18 Walker.

19 Any discussion on Item 164?

20 LEGISLATOR GONSALVES: Just that the
21 testimony in Public Safety be part of the record.

22 CHAIRMAN NICOLELLO: Alright. The
23 testimony of Public Safety should be incorporated
24 into the record.

25 (Whereupon, the following is the minutes

1 Finance Committee - 5-7-12

8

2 of the May 7, 2012, Public Safety Committee
3 pertaining to Clerk Item 164-12.)

4 The first item on the calendar is 164-12,
5 a local law to amend Title 72 of the
6 Miscellaneous Laws of Nassau County entitled
7 "Vehicle Owner Liability for Failure of an
8 Operator to Comply with Traffic Control
9 Indications."

10 Please entertain a motion to place this
11 matter before the Nassau County Legislature.

12 LEGISLATOR GONSALVES: So moved.

13 CLERK MULLER: Moved by Legislator
14 Gonsalves. Seconded?

15 LEGISLATOR MUSCARELLA: Second.

16 CLERK MULLER: Seconded by Legislator
17 Muscarella.

18 I think there's been, also, an amendment
19 in the nature of a substitution filed with this
20 item. Could we have a motion to accept the
21 amendment?

22 LEGISLATOR BELESI: So moved.

23 CLERK MULLER: Motion made by Legislator
24 Belesi. Is there a second?

25 LEGISLATOR MUSCARELLA: Second.

2 CLERK MULLER: Seconded by Legislator
3 Muscarella.

4 We have to have a vote on the amendment.
5 All in favor of the amendment in nature of the
6 substitution for Item 164-12.

7 LEGISLATOR BELESI: All in favor?

8 (Aye.)

9 Opposed?

10 (No verbal response.)

11 CLERK MULLER: By a vote of five to one,
12 the amendment in the nature of a substitution is
13 adopted.

14 LEGISLATOR WINK: Wait a minute.

15 CLERK MULLER: Just the amendment.

16 LEGISLATOR WINK: Just the amendment.

17 I'm going to oppose the underlying matter for
18 moving the items into the general fund. But for
19 the amendment purposes, that's fine.

20 LEGISLATOR BELESI: Mr. Ciampoli.

21 COUNTY ATTORNEY CIAMPOLI: This item
22 conforms to the County Code to accommodate
23 additional red light cameras that were authorized
24 in the state budget. It also changes the
25 dedication of the money to the general fund

2 instead of targeting the money.

3 LEGISLATOR BELESI: Mr. Denenberg.

4 LEGISLATOR WINK: I have a question.

5 LEGISLATOR DENENBERG: Thank you, Mr.
6 Belesi, Chairman.

7 All funds collected pursuant to this
8 local law with this amendment, instead of going
9 to Youth Board, Department of Senior Citizen
10 Affairs, Department of Veteran Services,
11 Department of Mental Health, Chemical Dependency,
12 and Developmental Disabilities, and contract
13 agencies, would be deposited into the county
14 general fund if we vote for this amendment?

15 COUNTY ATTORNEY CIAMPOLI: The amended
16 item would do that.

17 LEGISLATOR DENENBERG: The answer to my
18 question is yes then?

19 COUNTY ATTORNEY CIAMPOLI: Yes.

20 LEGISLATOR DENENBERG: It would go into
21 the general fund instead of to those agencies.

22 COUNTY ATTORNEY CIAMPOLI: If I
23 understand procedurally, the item's been amended.
24 The amended item does that.

25 LEGISLATOR DENENBERG: And that is not

2 just for these second stage or second 50 red
3 lights --

4 COUNTY ATTORNEY CIAMPOLI: That's
5 correct.

6 LEGISLATOR DENENBERG: It would be for
7 the first 50.

8 COUNTY ATTORNEY CIAMPOLI: For all.

9 LEGISLATOR DENENBERG: What about all
10 money collected to date from the first 50 red
11 lights?

12 COUNTY ATTORNEY CIAMPOLI: Any money
13 collected under the old law would be allocated
14 under the old law.

15 LEGISLATOR DENENBERG: And I have the
16 record before me, when this was first proposed
17 under the previous administration, this
18 Legislature, and the majority at that time,
19 together with the minority, in a dialogue that
20 involved the currently presiding officer as well
21 as the current county executive, who was then-
22 Legislator Mangano. The idea was to ensure that
23 during that period of time, 2009, when there was
24 economic hardship and county budget gaps we were
25 trying to close, we wanted to make sure to

2 provide funding for contracts that the
3 legislature approved for Youth Board, Department
4 of Senior Citizens, Department of Veteran
5 Services, Department of Mental Health, Chemical
6 Dependency, and Developmental Disability, and
7 those contract agencies were kept whole and had a
8 funding source, which was a new funding source.
9 This would undo that.

10 COUNTY ATTORNEY CIAMPOLI: This measure
11 would provide the county with greater flexibility
12 in the event that we face more difficult economic
13 times, greater budget holes, or greater budget
14 holes are created by other persons, which would
15 require us to marshal our resources as best we
16 can so that we address what is necessary and
17 mandated of county government, as opposed to
18 services that are not mandated.

19 LEGISLATOR DENENBERG: Okay. So, I
20 guess in a direct answer, these funds from the
21 red light cameras would no longer go where the
22 legislature directed them to go in 2009.

23 COUNTY ATTORNEY CIAMPOLI: Assuming the
24 legislature direct that they go somewhere
25 different through this.

2 LEGISLATOR DENENBERG: Is somewhere
3 different is instead of to the agencies I just
4 talked about, it would go to the county's general
5 fund.

6 COUNTY ATTORNEY CIAMPOLI: It would go
7 to the general fund. It would not be a dedicated
8 channeling of the money. It would not preclude
9 the money from going there. But if there were
10 mandatory priorities that needed to be met by the
11 county government, obviously the county needs
12 flexibility to address that, and the county
13 cannot be left without funds to address the
14 services and functions that it must provide to
15 the citizens.

16 LEGISLATOR DENENBERG: So trying to
17 stick with an answer to the question then. If it
18 is deposited into the county's general fund, all
19 those concepts you just described as to where the
20 money could ultimately go, if we pass this
21 amendment, the money going to the general fund
22 would then leave it up to the county executive as
23 to where the funding should go.

24 COUNTY ATTORNEY CIAMPOLI: According to
25 the budget, which was proposed by the county

2 executive and adopted by this body.

3 LEGISLATOR DENENBERG: So what
4 Legislator Mangano wanted in terms of ensuring
5 the red light camera revenue went to the agencies
6 that I just described, three years later, now the
7 county executive wants it to go to the general
8 fund so he could decide how to allocate it.

9 COUNTY ATTORNEY CIAMPOLI: Again, I'm
10 not going to speak for what was present before
11 the legislature before I was county attorney.
12 What I am telling you is that this is designed to
13 give the county and the county executive a
14 greater flexibility in the use of these funds so
15 that it is not caught short. As you said,
16 Legislator Denenberg, back then there were
17 priorities that were addressed and there were
18 fiscal problems and holes in the budget that
19 needed to be addressed. We need to make sure
20 that the county is not faced with a fiscal hole
21 that swallows the county.

22 LEGISLATOR DENENBERG: Let me just read
23 something to the record, to you. When, as you
24 know -- the additional 50 red light cameras was
25 approved by this body in 2010, correct?

2 COUNTY ATTORNEY CIAMPOLI: I believe so.
3 2009. 09.

4 LEGISLATOR DENENBERG: No. The
5 additional. The second phase.

6 COUNTY ATTORNEY CIAMPOLI: Right. The
7 second phase I believe came in 10.

8 LEGISLATOR DENENBERG: Correct. It was
9 under the current administration that we proposed
10 a second phase, meaning an additional 50 red
11 light cameras, correct?

12 COUNTY ATTORNEY CIAMPOLI: That occurred
13 in 2010.

14 LEGISLATOR DENENBERG: At the time --
15 and I'm looking at a vote -- I was the only
16 legislator to vote against the implementation of
17 the additional 50. And here's the dialogue at
18 the time.

19 I asked whether -- where the -- where the
20 revenue from the next phase of the red light
21 cameras would go. I also questioned the
22 locations at the time, and I found out the
23 locations were -- the lion's share was going on
24 Sunrise Highway and in certain south shore
25 communities, including Freeport. I was

2 questioning that at the time. You know, I still
3 will question where these additional 50 will go.
4 But this is not the time, and this is not what's
5 in this amendment. But what's in this amendment
6 was, I stated, that this money would be used to
7 go to the general fund and not as directed by the
8 original legislation. Then Legislator Ciotti
9 said -- funding would go for the general fund and
10 not to the agencies that the legislation
11 originally provided for -- Youth Board, Senior
12 Citizens, Veteran Services, Mental Health,
13 Chemical Dependency. I would say to everyone
14 here, this makes it very clear that what I was
15 afraid of is exactly what's happening.

16 We're no longer using the red light
17 cameras as a way, a way to help those agencies
18 that needed the most help. We're having it go
19 straight to the general fund for the county
20 executive to decide what to do, which makes it
21 pretty clear that this is a revenue enhancer,
22 although we all intended that it would be
23 enhancing public safety.

24 If this comes to the general fund, the
25 Legislature can't ensure that this money goes to

2 Youth Board, Senior Citizens, Veteran Services,
3 Mental Health, Chemical Dependency, or other
4 contract agencies. Isn't that true?

5 COUNTY ATTORNEY CIAMPOLI: Well, I would
6 suggest that the legislature still has its
7 budgetary powers to direct where monies go.
8 However, again, the purpose of this bill, as
9 amended, is to create a flexibility for the
10 county to address holes in the budget, some holes
11 which some people may be creating as we speak.

12 LEGISLATOR DENENBERG: Well we had holes
13 in 2009 and we have holes in 2012. This body
14 thought in 2009 that it was important that any
15 revenue goes -- went from the red light cameras,
16 went directly to these agencies. I don't know
17 what changed, aside from who has control of the
18 majority. The need, the need in those agencies
19 not only remain the same but are even worse now
20 than ever before.

21 I'm going to be voting against this
22 amendment.

23 LEGISLATOR BELESI: Legislator
24 Muscarella.

25 LEGISLATOR MUSCARELLA: I have a couple

2 of questions.

3 Mr. Ciampoli, the county is facing some
4 fiscal problems. Is that correct?

5 COUNTY ATTORNEY CIAMPOLI: That's a fair
6 statement.

7 LEGISLATOR MUSCARELLA: And as we go
8 forward, there may or may not be certain actions
9 that the county takes or tries to take to address
10 those fiscal problems. Is that correct?

11 COUNTY ATTORNEY CIAMPOLI: That's
12 correct as well.

13 LEGISLATOR MUSCARELLA: And what we're
14 doing here is taking money and allowing it to go
15 into the general fund so that the county has the
16 ability to address the fiscal problems in the
17 event certain actions or other actions are not
18 taken.

19 COUNTY ATTORNEY CIAMPOLI: That's
20 correct.

21 LEGISLATOR MUSCARELLA: So let's just
22 assume that the county has some judgments against
23 it and a certain entity decides to try and attach
24 bank accounts or to force the county to pay those
25 judgments. This would allow certain monies to be

2 freed up to be used to meet those obligations.

3 Is that correct?

4 COUNTY ATTORNEY CIAMPOLI: That's
5 absolutely correct.

6 LEGISLATOR MUSCARELLA: And although
7 this may be a different action than was taken in
8 2009, as Mr. Denenberg says, and although in 2009
9 this body did not address the problems in this
10 way, this would allow us to address it in this
11 way.

12 COUNTY ATTORNEY CIAMPOLI: That's
13 correct. It gives us an insurance on providing
14 the essential services that the county must
15 provide for its citizens, mandated under state
16 law, federal law, and to use the resources
17 according to those priorities.

18 LEGISLATOR MUSCARELLA: A body may have
19 addressed certain problems in 2009 by, let's say,
20 providing 13 votes for bonding.

21 COUNTY ATTORNEY CIAMPOLI: Perhaps.

22 LEGISLATOR MUSCARELLA: And this would
23 allow, perhaps, there to be additional monies in
24 the general fund in the event this body decided,
25 in 2012, not to provide 13 votes for bonding.

2 COUNTY ATTORNEY CIAMPOLI: Perhaps.

3 LEGISLATOR MUSCARELLA: Okay. Thank
4 you.

5 LEGISLATOR WINK: Mr. Chairman.

6 LEGISLATOR BELESI: Legislator Wink.

7 LEGISLATOR WINK: With all due respect
8 to my esteemed colleague, those same questions
9 could have been asked in 2009 and yet,
10 nevertheless, then-Legislator Mangano sponsored
11 legislation to tie this money directly to the
12 not-for-profit agencies, which not only did we
13 agree with but we actually helped to expand to
14 include many of the other not-for-profits that
15 had been left out of the initial amendment. But
16 having said that.

17 The county executive, when he was a
18 legislator, saw no problem with tying this money
19 directly to the not-for-profit agencies that were
20 under tremendous stress, both in terms of county
21 funding, state funding, and other private funding
22 in 2009. None of those matters have changed, as
23 far as we can tell, for those not-for-profits,
24 and yet we're going to untie our own hands, for
25 our own benefit, at the expense of these not-for-

2 profits. That's what I'm hearing out of all of
3 this today.

4 COUNTY ATTORNEY CIAMPOLI: Well, I don't
5 think that is what you are hearing at all. I
6 think what you are hearing --

7 LEGISLATOR WINK: I have a pretty good
8 idea, Mr. Ciampoli, of what I'm hearing.

9 COUNTY ATTORNEY CIAMPOLI: I understand.
10 But I think that what you are hearing is that the
11 factual basis that existed in 2009 does not exist
12 today; in fact, it is a quite different one. In
13 fact, to argue that the dedication of these funds
14 would stand in the way of the judgments that Mr.
15 Muscarella suggested, those funds could be
16 attached as well.

17 What could happen, though, is that a
18 judgment/creditor levying against county bank
19 accounts could attach any account. So it could
20 be those funds that get attached, it could be
21 others. It could serve --

22 LEGISLATOR WINK: And that may be. But
23 that's --

24 COUNTY ATTORNEY CIAMPOLI: to create
25 chaos in the county government.

LEGISLATOR WINK: Mr. Ciampoli, with all due respect, that may be the case, but that does not alter the fact that we can still segregate these monies for the purposes of payments. If they get attached, they get attached. But whether they're part of the general fund or a dedicated fund may not be relevant to whether or not we should, in fact, disencumber that money from these not-for-profits. That's the first thing.

The second thing is, you know, you're pointing out specific instances or potential instances here where we may, in fact, on the minority side be limiting the ability of the administration to maneuver financially in some of these things. The fact of the matter is, it would be mistake for you to assume that that wasn't the exact same case in 2009 on the part of my colleagues to the right here. That is exactly the case. We were very limited in our options then, as well. So let's not pretend like this is a brand new thing where a minority is standing up against the majority on something, when in 2009 that's all we saw. You weren't here to witness

2 it; I was. So let's be clear about that.

3 Let me ask you a question, if I can,
4 about the monies that we received to date from
5 these red light cameras.

6 These monies have all been brought in
7 and, to the best of my knowledge, they've all
8 gone to not-for-profits. What I'd like to see is
9 an accounting of all that revenue that's come in
10 to date, from -- I believe August 2009 was when
11 the program was first implemented, until now, to
12 see where that money has gone -- where it has
13 come in, how much has come in, and where it has
14 gone, in terms of the not-for-profits they're
15 supposed to be funding. So I'm going to ask that
16 of you on behalf of the administration.

17 COUNTY ATTORNEY CIAMPOLI: I will get
18 that request to OMB --

19 LEGISLATOR WINK: I appreciate that.

20 COUNTY ATTORNEY CIAMPOLI: on your
21 behalf.

22 LEGISLATOR WINK: I appreciate that.
23 Thank you.

24 LEGISLATOR BELESI: Legislator Ford.

25 LEGISLATOR FORD: Go ahead.

2 LEGISLATOR GONSALVES: Mr. Ciampoli,
3 none of us on this board would like to see these
4 services cut or not funded. However, isn't it
5 true that we would not be going down this track
6 if we had the cooperation of the minority in
7 helping us to avoid those judgments that could
8 take place on May 21?

9 COUNTY ATTORNEY CIAMPOLI: That would
10 seem to obviate the need for the flexibility that
11 is sought here. But again, remember, that is
12 only a one-shot. It is a continuing need for
13 cooperation and bipartisanship that we need here.

14 LEGISLATOR GONSALVES: This is what we
15 would hoping, that this would be the case, and
16 that the minority would join with the majority in
17 trying to make it possible for us to raise that
18 \$40 million that is due on May 21, so that we can
19 avoid these judgments. I would like to see us go
20 forward with the rest of the monies that will be
21 needed to settle those cases.

22 So I believe --

23 LEGISLATOR DENENBERG: Norma. Norma --

24 LEGISLATOR GONSALVES: I'm not talking
25 to you.

2 LEGISLATOR DENENBERG: Then the money --

3 LEGISLATOR GONSALVES: Excuse me.

4 LEGISLATOR DENENBERG: should have been
5 going into that fund.

6 LEGISLATOR GONSALVES: I did not
7 interrupt you.

8 LEGISLATOR BELESI: Dave, you are out of
9 order.

10 LEGISLATOR GONSALVES: You're out of
11 order and that's it.

12 LEGISLATOR BELESI: David, you had your
13 shot.

14 LEGISLATOR GONSALVES: I am talking to
15 Mr. Ciampoli. We need the spirit of cooperation
16 to avoid these Draconian cuts to these services,
17 non-profit organizations. But it's not going to
18 happen. It's not going to happen unless we get
19 the cooperation of the minority, as well.

20 LEGISLATOR BELESI: Any other debate or
21 discussion?

22 LEGISLATOR WINK: Yeah. I have one
23 quick question.

24 LEGISLATOR BELESI: Legislator Wink,
25 then Legislator Denenberg.

2 LEGISLATOR WINK: Mr. Ciampoli, is it
3 your position then the administration will
4 withdraw this matter if we somehow voted for
5 bonding?

6 COUNTY ATTORNEY CIAMPOLI: I have not
7 discussed that with the county executive.

8 LEGISLATOR WINK: Okay. So then let's
9 not make representations on the record that
10 somehow allowing all this bonding is going to
11 change the way these red light camera monies are
12 going to be allocated going forward.

13 COUNTY ATTORNEY CIAMPOLI: I would tell
14 you that part of my education, and something that
15 does come to mind that does stands full square
16 behind this measure. I had the opportunity as a
17 young man to be a Boy Scout, and their motto is
18 be prepared. This certainly would at least allow
19 the county to be prepared to face budget holes,
20 which it may not face at this instance.

21 LEGISLATOR WINK: Mr. Ciampoli, with all
22 due respect, being prepared would have been
23 continuing the practice of pay-go on tax
24 certiorari matters of \$50 million a year or more.
25 Being prepared doesn't indicate that you take

2 that money out and pretend like somehow those
3 refunds are not going to have to be paid somehow.
4 So let's be clear about that. Preparation could
5 have started a long time ago with this
6 administration. It didn't have to come down to
7 bonding. It didn't have to do this. The fact of
8 the matter is this administration was not
9 prepared because they took \$50 million away from
10 something they knew was an ongoing, recurring
11 expense to this County, and they allocated
12 wherever else they felt it was important, but
13 they took the money out of something they knew
14 they needed.

15 COUNTY ATTORNEY CIAMPOLI: I must differ
16 with you on that because there is a multi-year
17 plan that was approved by this legislature and by
18 NIFA. The holes that potentially we face are
19 there because of deviation from the plan, not
20 compliance with the plan.

21 LEGISLATOR WINK: And let's be clear
22 about that. NIFA, as I understood it, agreed
23 that the only way they would consider the \$450
24 million worth of borrowing this administration
25 has asked for in the multi-year plan, was if the

2 administration put forward \$150 million worth of
3 recurring savings, which, by any account, they
4 have not done yet. They are nowhere near that
5 \$150 million mark. So let's be clear about that.
6 NIFA never approved that 450 million. They
7 agreed to have a dialogue about it if this county
8 met the 150 million worth of savings; they have
9 not done that. So let's be clear about this.
10 This is not NIFA having signed off on everything
11 and it's just in our court. NIFA has not signed
12 off on this.

13 COUNTY ATTORNEY CIAMPOLI: Well, they
14 have signed off on the multi-year plan. It is a
15 fair statement, as you heard from the other side
16 of the aisle, that these monies could go for
17 things that effect public safety if we have the
18 money to do it. Obviously, there is a tie in to
19 the bonding and whether or not someone is going
20 to shoot a hole into the bottom of the multi-year
21 plan.

22 LEGISLATOR BELESI: Mr. Denenberg.

23 LEGISLATOR DENENBERG: Yeah. Mr.
24 Ciampoli, the whole argument you just said
25 presupposes then that the money from the second

2 phase of red light cameras wasn't proposed as
3 part of the multi-year plan and revenue of the
4 multi-year plan.

5 Going back to when I voted against the
6 expansion in 2010, the multi-year plan said then
7 that the revenue from the red light cameras would
8 go to plug the deficit, would go as general fund
9 revenue in the future. So you're acting like all
10 of a sudden not voting for bonding is why this
11 has to go to the general fund when, in fact, the
12 very four year plan that you're talking about
13 presupposed that there was going to be a second
14 phase of red light cameras to balance the budget.
15 It was even part of the budget for 2011 as
16 something that didn't happen. So the
17 administration was always planning for this
18 revenue to go to the general fund.

19 COUNTY ATTORNEY CIAMPOLI: Well, to
20 address that succinctly, if it was part of the
21 2011 budget that didn't happen, that sort of
22 moots that question. But, more importantly, the
23 goal here is to achieve flexibility so that the
24 county can meet its required obligations to
25 provide services to protect public safety and

2 provide the federally and state mandated services
3 that the county has to provide.

4 LEGISLATOR DENENBERG: I don't think
5 you've talked of a quit pro quo, a vote for this
6 or we won't do this if you vote for that, and I
7 don't think that's what you're saying right now.

8 COUNTY ATTORNEY CIAMPOLI: Nor would I.

9 LEGISLATOR DENENBERG: Apparently some
10 people on the other side want to say that's what
11 it is. I don't think it is at all. But I will
12 say something that Legislator Wink called for
13 would be interesting, because the information I
14 have is quite different.

15 Until now, the revenue -- and the first
16 accounting of red light camera revenue happened
17 at the beginning of 2010. But the revenue from
18 the red light cameras until now haven't gone to
19 the contract agencies. They just haven't. I
20 think here we're codifying what should happen
21 from here on in. But it would be an interesting
22 accounting, as Legislator Wink mentioned, to see
23 where the revenue has gone to date from the red
24 light cameras. But I would say again, that in
25 2011 this was a gap closing measure, so it was

2 always intended to go to the general fund, and
3 that's why I voted against the implementation and
4 that's why I'm voting against these amendments.

5 Thank you.

6 LEGISLATOR BELESI: Thank you, Mr.
7 Ciampoli.

8 Last speaker will be Deputy Majority
9 Leader Gonsalves.

10 LEGISLATOR GONSALVES: Just to clarify.
11 We would not be in this position had we not
12 inherited a \$310 million deficit. And it's my
13 opinion and the opinion of the majority that if
14 we were not in this position we would continue to
15 fund those services that are very needed in this
16 county. However, there are mandated services
17 that we need to continue to serve and they take
18 priority. And this is not going to be an easy
19 time on the part of the administration or the
20 majority. We need to see cooperation on both
21 sides of the aisle. And if we don't want to see
22 these services cut, then let's get to the table
23 and talk about what needs to be done.

24 You created this \$310 million deficit,
25 not the majority and not the county executive.

2 And so we're the ones that had to clean up the
3 mess. Let me tell you something --

4 LEGISLATOR DENENBERG: You have to be
5 kidding. You just have to be kidding.

6 LEGISLATOR GONSALVES: And so is the
7 President of the United States in his third year.

8 LEGISLATOR DENENBERG: We're not talking
9 about Congress. We're talking about the
10 legislature.

11 LEGISLATOR BELESI: Wayne, please. Mr.
12 Denenberg. Some decorum.

13 Ms. Gonsalves?

14 LEGISLATOR GONSALVES: I'm finished.

15 LEGISLATOR BELESI: Any public comment?

16 (No verbal response.)

17 All those in favor -- on the amendment.

18 We passed the amendment.

19 All those in favor of the item, as
20 amended, signify by saying aye.

21 (Aye.)

22 Opposed?

23 (Nay.)

24 Four to two.

25 Thank you.

2 (Whereupon, the following is the
3 continuation of the minutes of the May 7, 2012,
4 Finance Committee meeting.)

5 LEGISLATOR DENENBERG: This is on which
6 item?

7 CHAIRMAN NICOLELLO: 164.

8 LEGISLATOR DENENBERG: Okay. Thanks.

9 CHAIRMAN NICOLELLO: The red light
10 camera issue.

11 Any discussion?

12 LEGISLATOR DENENBERG: To the Chair.

13 CHAIRMAN NICOLELLO: Sure.

14 LEGISLATOR DENENBERG: I spoke on the
15 item in Public Safety, and as Legislator
16 Gonsalves said, that record's incorporated. But
17 I note that Legislators Bosworth and DeRiggi were
18 not on there. I know Legislator Bosworth wanted
19 to either ask something or make a statement.

20 CHAIRMAN NICOLELLO: Legislator
21 Bosworth.

22 LEGISLATOR BOSWORTH: I sat in and heard
23 the discussion. I heard the comments that you
24 made. I just agree with many of the things that
25 Legislator Denenberg said.

2 I was somewhat surprised, considering the
3 fact that when red light cameras were originally
4 proposed, there was such a desire for these funds
5 to be dedicated for the purposes of various
6 social agencies -- Veterans, Seniors. So, just
7 as I don't feel differently now as I didn't feel
8 different then, when the proposal came to us
9 about approving more red light cameras, I voted
10 for that because my feeling was I thought it was
11 a good idea then and I think it's a good idea
12 now. Just the concern that we're not dedicating
13 the funds to what we had originally agreed to do.

14 CHAIRMAN NICOLELLO: Thank you. I
15 would note that this is the first of what will be
16 many painful measures that will hurt a lot of
17 people. This is one of the things that we are
18 going to have to do to fill what will be a \$40
19 million hole, within a couple of weeks, in just
20 judgments alone from tax refunds. Beyond that,
21 there are settlements and tens of millions of
22 more that will come due. But that's just the
23 first level.

24 Again, this is not something anyone wants
25 to do. We have both been in the minority, both

2 the Democrats and Republicans. We have always
3 given the other side the votes necessary to bond
4 to keep the county operating. Some on this
5 legislature don't want to do that now, and there
6 are consequences and this is going to be one of
7 them. Because we have to fill that hole.

8 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.
9 Can I also just ask a question, if that's okay?

10 CHAIRMAN NICOLELLO: Sure.

11 LEGISLATOR DeRIGGI-WHITTON: Thank you.

12 I just wanted to also reiterate what
13 Legislator Wink stated.

14 I was at a meeting recently with all the
15 youth boards. They are concerned that the money
16 that was supposed to be given to them up to this
17 date has not all been accounted for. I really
18 hope once we get that information and some type
19 of audit is made, we can at least see what's
20 happened to this point. Again, I'm going just
21 reiterate that they are going to be devastated
22 when they get this news.

23 CHAIRMAN NICOLELLO: They will. The
24 first issue that you mentioned is a different
25 issue, in terms of not being paid up to date, and

2 it's certainly something that we're all concerned
3 about. We're due for an update from the
4 administration as to where that money is. We're
5 certainly working on both sides of the aisle to
6 do that. But they certainly will be devastated,
7 as will the senior programs as well as the
8 various contract agencies if this continues.

9 There is just no way around it. There's
10 \$40 million in judgments that are coming due, and
11 we have to avoid having our bank accounts frozen.

12 LEGISLATOR DENENBERG: Legislator
13 Nicoletto, I'd remind you that the red light
14 camera money from the second 50 was first
15 budgeted in 2011. It didn't come to fruition,
16 but it was budgeted then as a gap closing measure
17 for the general fund. The second 50 was never
18 budgeted, ever, to go to the contract agencies.
19 Clearly, you can say it's because of the bonding.
20 All along it was budgeted as a gap filling
21 measure, period. Those are the budgets you voted
22 for, and that's exactly how it's being used.
23 This amendment would just be to codify it.

24 CHAIRMAN NICOLELLO: Mr. Walker.

25 DEPUTY COUNTY EXECUTIVE WALKER: If I

2 could just correct that.

3 The second 50 intersections of cameras,
4 the legislation was filed I believe last month
5 and that money was to be put into public safety.
6 That's where that money was being directed.
7 Unfortunately, in light of what everybody's been
8 talking about, with the potential \$41 million
9 that the county could have any of their bank
10 assets frozen, the county executive made that
11 determination to, in fact, move the money or
12 request the legislature to move the money to the
13 general fund to make sure that we would not have
14 that problem. So the first 50 -- and you could
15 continue to read, that's where it was going. The
16 second 50 was going, actually, to public safety.

17 CHAIRMAN NICOLELLO: I could also add
18 that if this issue is resolved before this comes
19 before the Full Legislature, we can make
20 appropriate changes to the legislation, to take
21 out the provision in which puts this money into
22 the general fund. So this is not final, but this
23 is certainly the direction we're going in, and
24 this is also just the first step. Am I wrong or
25 am I right?

2 DEPUTY COUNTY EXECUTIVE WALKER: You are
3 100 percent right, unfortunately.

4 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.
5 Can I just ask one more question?

6 CHAIRMAN NICOLELLO: Sure.

7 LEGISLATOR DeRIGGI-WHITTON: So what
8 you're saying is this is a very temporary
9 situation, you will be putting the funds back to
10 where they were originally appropriated?

11 DEPUTY COUNTY EXECUTIVE WALKER: No.
12 This is a very fluid situation. Unfortunately,
13 again, I'm not speaking in hypotheticals or
14 unknowns. The bottom line is we are going to
15 protect ourselves. To have any one of our banks,
16 to have an account frozen or to have any type of
17 funds, again, frozen, 40 million or \$80 million,
18 that doesn't behoove anybody.

19 LEGISLATOR DeRIGGI-WHITTON: But this
20 was also mentioned prior. This could be frozen
21 as well, correct?

22 DEPUTY COUNTY EXECUTIVE WALKER: Sure.
23 Anything could be frozen.

24 LEGISLATOR DeRIGGI-WHITTON: So this
25 would not alleviate that situation whatsoever,

2 correct?

3 DEPUTY COUNTY EXECUTIVE WALKER: It
4 would if they are paid.

5 LEGISLATOR DeRIGGI-WHITTON: Not if
6 they're all frozen.

7 DEPUTY COUNTY EXECUTIVE WALKER: If a
8 judge decides to implement any type of -- to, in
9 fact, impound funds, the judge is doing it on the
10 accounts that they impound. If there is not
11 anything to, in fact, impound, we know that there
12 is roughly \$41 million that's actually due. If
13 they are paid, then obviously there are no more
14 court proceedings because those people would have
15 received their payments and you would not be in
16 court.

17 LEGISLATOR DeRIGGI-WHITTON: But these
18 funds, still, they could be froze as well. There
19 is nothing stopping that.

20 DEPUTY COUNTY EXECUTIVE WALKER: We can
21 never stop a judge from doing anything.

22 LEGISLATOR DeRIGGI-WHITTON: So there's
23 really nothing that would change by moving these
24 funds at this point.

25 CHAIRMAN NICOLELLO: What changes,

2 though, is that these funds are currently
3 dedicated to certain purposes.

4 DEPUTY COUNTY EXECUTIVE WALKER:

5 Correct.

6 CHAIRMAN NICOLELLO: If they are put
7 back in the general fund, then the funds could be
8 spent to pay some of the judgments. Correct?

9 DEPUTY COUNTY EXECUTIVE WALKER: 100
10 percent.

11 CHAIRMAN NICOLELLO: And that's the
12 reason why this is coming up at this point. No
13 other reasons. Give us a flexibility that when
14 the judgments come due that we will be able to
15 reach these funds to use them to pay off
16 judgments. Whereas, now they are dedicated to a
17 certain purpose and we couldn't use them to pay
18 off the judgments. Correct?

19 DEPUTY COUNTY EXECUTIVE WALKER:

20 Correct.

21 LEGISLATOR DENENBERG: I have a
22 question. Legislator Nicolello.

23 Deputy County Executive Walker, I'm
24 reading from 2012-2015 gap closing plan. Red
25 light camera Phase II was always a gap closing

2 measure, period. To say that this is something
3 new because of judgments or bonding is simply not
4 true.

5 DEPUTY COUNTY EXECUTIVE WALKER: I'm not
6 saying that. Obviously you're not listening.

7 LEGISLATOR DENENBERG: Legislator
8 Nicoletto keeps saying it.

9 DEPUTY COUNTY EXECUTIVE WALKER: No, no.
10 The second phase of red light camera -- I know
11 what you're reading from. The second phase of
12 red light cameras, which is the 50 new cameras,
13 that was not passed in 2011 because the State
14 Legislature did not authorize the county to, in
15 fact, increase it to 50, was approved in this
16 year's budget, and what we did was dedicate those
17 funds to the police district. I believe it was
18 the police district or the police headquarters.
19 And if you look at the legislation that was
20 filed, that's where that money was going.
21 Because we do have a situation that can arise in
22 the police district and in police headquarters
23 that could result in dollars, not having
24 necessary dollars to meet the budget. So we
25 moved the money -- we actually recommended to

2 this legislature that those cameras be moved into
3 that fund. That was the legislation that was
4 filed --

5 LEGISLATOR DENENBERG: As you know, I'm
6 just looking at the gap closing measures. This
7 was always foreseen as a gap closing measure.

8 In terms of Phase I money, to me, you
9 know, and until we get an accounting maybe you
10 know the answer. I don't think that funding ever
11 went to the contract agencies.

12 DEPUTY COUNTY EXECUTIVE WALKER: Yes, it
13 did. It's embarrassing that you would even say
14 that.

15 In 2009 --

16 LEGISLATOR DENENBERG: It's not
17 embarrassing that I would say that --

18 DEPUTY COUNTY EXECUTIVE WALKER: Yes, it
19 was.

20 LEGISLATOR DENENBERG: because the truth
21 --

22 DEPUTY COUNTY EXECUTIVE WALKER: In
23 2009, when the legislation was, in fact, adopted,
24 the cameras didn't even go up. So no money was
25 basically put into those programs, which they

2 said there were and the program still ran.

3 LEGISLATOR DENENBERG: They couldn't go
4 in until the program --

5 DEPUTY COUNTY EXECUTIVE WALKER: In 2010
6 --

7 LEGISLATOR DENENBERG: was implemented.

8 DEPUTY COUNTY EXECUTIVE WALKER: in
9 2010, in 2010, the fund still did not receive the
10 dollars necessary to fund all the programs by
11 which they were asked to actually fund. So you
12 actually had a shortage.

13 LEGISLATOR DENENBERG: That's not what
14 the legislation said. The legislation says
15 revenue would go to those agencies.

16 DEPUTY COUNTY EXECUTIVE WALKER: And it
17 did. The dollars that the county spent, county
18 dollars, was more than what the red light camera
19 money even received.

20 LEGISLATOR DENENBERG: Oh, come on.
21 That's not what the legislature, including then-
22 Legislator Mangano, intended.

23 DEPUTY COUNTY EXECUTIVE WALKER: Could I
24 ask you a question?

25 LEGISLATOR DENENBERG: That is not what

2 was intended.

3 DEPUTY COUNTY EXECUTIVE WALKER: Let me
4 ask you a question, since you're a mathematician
5 now.

6 If you deposit \$12 million into a fund,
7 \$12 million into a fund for red light cameras,
8 and the actual cost of those contracts were \$14
9 million to the county. Would you say that all
10 the red light camera money went there or would
11 you say it went somewhere else?

12 LEGISLATOR DENENBERG: Oh, I would say
13 that you, since you are apparently a
14 mathematician, are using fuzzy math. Because
15 what was clear at the time, what was clear at the
16 time is we were protecting the agencies that were
17 facing cuts. We said that any revenue would go
18 to those agencies, not to go from their zero
19 dollar but from the point that they were there.
20 So you're trying to say that because they got --

21 DEPUTY COUNTY EXECUTIVE WALKER: That's
22 what the legislation says.

23 LEGISLATOR DENENBERG: of course it was.
24 And that's exactly what it was there for. It
25 wasn't to say you're only funding. You're saying

2 that the only source of funding for those
3 agencies was red light camera Phase I, and that
4 clearly wasn't what anyone up here intended, that
5 their only source of funding would be red light
6 camera Phase I. It was being put in to protect
7 them from cuts so that revenue, new revenue --

8 DEPUTY COUNTY EXECUTIVE WALKER: That's
9 why they did not receive --

10 CHAIRMAN NICOLELLO: Mr. Walker. Mr.
11 Walker, I understand what the two of you are
12 debating and discussing; they are different
13 views. But the bottom line here is this money is
14 no longer going to go to contract agencies. It's
15 going back into the general fund for Phase I, and
16 the reason is because the minority will not vote
17 for bonding, something that minorities have done
18 since this legislature was created 16 years ago.
19 Both Republicans and Democrats have always given
20 the vote for bonding; none of us have liked it.

21 LEGISLATOR DENENBERG: That's not true.

22 CHAIRMAN NICOLELLO: That includes tax
23 refunds. Have always given the votes for bonding
24 so this county can operate.

25 LEGISLATOR DENENBERG: Put 50 million as

2 pay-as-you-go -

3 CHAIRMAN NICOLELLO: You are making the
4 decision to do something different now.

5 LEGISLATOR DENENBERG: back in the
6 budget, then come to us, after we pay 50 million
7 pay-as-you go.

8 CHAIRMAN NICOLELLO: We know -- wait,
9 wait.

10 LEGISLATOR DENENBERG: Residential
11 refunds were never held up, not under County
12 Executive --

13 CHAIRMAN NICOLELLO: This is not about
14 pay-as-you-go.

15 LEGISLATOR DENENBERG: Gulotta or under
16 County Executive Suozzi.

17 CHAIRMAN NICOLELLO: This is about --

18 LEGISLATOR DENENBERG: This is the first
19 time zero dollars --

20 CHAIRMAN NICOLELLO: This is about your
21 politics.

22 LEGISLATOR DENENBERG: are budgeted for
23 pay-as-you go.

24 CHAIRMAN NICOLELLO: It's not about
25 pay-go.

2 LEGISLATOR DENENBERG: It's about your
3 politics. You want to borrow for everything.

4 CHAIRMAN NICOLELLO: It's about your
5 selfish political interests --

6 LEGISLATOR DENENBERG: Our selfish
7 political interests?

8 CHAIRMAN NICOLELLO: Selfish political
9 interest.

10 LEGISLATOR DENENBERG: Oh, you've got to
11 be kidding. Our selfish political interests.

12 CHAIRMAN NICOLELLO: That's exactly
13 right. It's on record. Your minority leader has
14 written it.

15 LEGISLATOR DENENBERG: Come on. You
16 ramrod legislation through. You want to tell the
17 contract agencies we're taking away the money
18 from you. But it's not our fault. We just can't
19 borrow against our children's future --

20 CHAIRMAN NICOLELLO: Why don't you
21 borrow?

22 LEGISLATOR DENENBERG: so we're going to
23 punish you.

24 CHAIRMAN NICOLELLO: All of a sudden
25 you've found religion, huh?

2 LEGISLATOR DENENBERG: Because every
3 budget the majority ever voted for was pay-as-
4 you-go. This is the first time the majority
5 doesn't budget pay-as-you-go. We didn't bond
6 \$100 million every year. In 2008, there was \$28
7 million borrowed. In 2009, it was 30.

8 CHAIRMAN NICOLELLO: It's irrelevant.

9 LEGISLATOR DENENBERG: Pay-as-you-go was
10 50 million each year. We didn't bond more --

11 CHAIRMAN NICOLELLO: Your side has
12 announced the reason why -

13 LEGISLATOR DENENBERG: It's not
14 irrelevant. Put in some money to pay-as-you-go.
15 You're supposed to be fiscally conservative;
16 you're not even fiscally responsible.

17 CHAIRMAN NICOLELLO: Your side has
18 announced, in writing --

19 LEGISLATOR DENENBERG: And you want to
20 tell the people let's borrow, let's borrow, let's
21 borrow. The problem with borrowing is there
22 comes a day --

23 CHAIRMAN NICOLELLO: It's in writing.

24 LEGISLATOR DENENBERG: you have to pay
25 it back.

2 CHAIRMAN NICOLELLO: You can put
3 whatever spin you want on it. It's in writing
4 from your side saying you will not bond --

5 LEGISLATOR DENENBERG: I didn't put a
6 spin on. You're taking money away from contract
7 agencies that you budgeted to do, and now you're
8 acting --

9 CHAIRMAN NICOLELLO: Because of your
10 irresponsible --

11 LEGISLATOR DENENBERG: like it's
12 something else.

13 CHAIRMAN NICOLELLO: selfish political
14 behavior.

15 DEPUTY COUNTY EXECUTIVE WALKER: I would
16 welcome you to introduce the \$50 million in cuts
17 you're going to introduce into the budget so you
18 can move this \$50 million. We cut \$200 million
19 with every one of the minority voting against
20 those cuts. I would love to see the next 50
21 you're going to implement.

22 LEGISLATOR DENENBERG: I'll give you 22
23 right now. Stop the outside legal contracts.
24 Twenty-two right now.

25 DEPUTY COUNTY EXECUTIVE WALKER: Twenty-

2 two million for outside legal contracts?

3 LEGISLATOR DENENBERG: We just approved
4 contracts today because of failed redistricting.

5 DEPUTY COUNTY EXECUTIVE WALKER: I
6 believe it's funded. I think it's six or \$7
7 million. But I guess we're going to multiple
8 that by three.

9 LEGISLATOR DENENBERG: That's just not
10 true.

11 CHAIRMAN NICOLELLO: Any other
12 discussion?

13 (No verbal response.)

14 Thank you, Mr. Walker.

15 LEGISLATOR DeRIGGI-WHITTON: Can I just
16 ask one more thing?

17 CHAIRMAN NICOLELLO: Certainly.

18 LEGISLATOR DeRIGGI-WHITTON: Can we just
19 try to get that audit as soon as possible? Do
20 you have any type of idea what date we could have
21 those records from what's already owed to these
22 agencies?

23 CHAIRMAN NICOLELLO: With respect to
24 Deputy County Executive Walker --

25 DEPUTY COUNTY EXECUTIVE WALKER: Office

2 of Management and Budget will have it by the end
3 of the week. They have it done already.

4 LEGISLATOR DeRIGGI-WHITTON: Can I ask
5 you another question? I understand there is
6 still approximately, like, \$12 million that's
7 still outstanding, money that we bonded for
8 prior, for tax certs. Is there any way -- I,
9 personally, see other ways that money is being
10 spent today. For these agencies, many of them
11 which support children and things that we really
12 rely on as a society, to be the first ones hit in
13 this situation. It's disturbing to me. To say
14 that it's only because of the bonding does not
15 ring true to me nor anyone else, I don't think.

16 I think it's just something -- these
17 cameras were put in for this purpose. They were
18 voted on. It really disturbs me to see now that
19 we're pulling that.

20 DEPUTY COUNTY EXECUTIVE WALKER: There's
21 roughly \$20 million in SCAR payments alone that
22 we only had 14. They will all be completely
23 exhausted. They are actually being paid as we
24 currently speak, so. I think a payment, roughly
25 about \$2 million, as you mentioned, went out last

2 week or \$1.-something million, and those
3 additional payments will be made as well to those
4 residents that are owed those payments.

5 LEGISLATOR DeRIGGI-WHITTON: Could you
6 do me a favor? Could you also give us a list of
7 exactly what you're talking about in writing? I
8 would just really appreciate seeing that.

9 DEPUTY COUNTY EXECUTIVE WALKER: We'll
10 be glad to get you that. The treasurer will
11 update you on every dollar or the county attorney
12 as well.

13 LEGISLATOR DeRIGGI-WHITTON: I just find
14 it very difficult to, you know, being on the
15 Finance Committee to have all these numbers just
16 rambled off. We really, really need to see not
17 only the accounting for how much was taken in so
18 far with the red lights - I'd really like to see
19 that, how they were distributed, when they were
20 distributed, to what groups, and what you just
21 mentioned now. I just would like to see that all
22 in writing.

23 DEPUTY COUNTY EXECUTIVE WALKER: Be glad
24 to have it.

25 CHAIRMAN NICOLELLO: Mr. Walker, in

2 addition to the judgments of \$40 million, there's
3 more at stake here. Is that correct?

4 DEPUTY COUNTY EXECUTIVE WALKER: Yes. I
5 said about \$20 million in SCAR small claims.

6 CHAIRMAN NICOLELLO: And those are
7 residential challenges and those are individual
8 taxpayers out there waiting for their refunds.

9 DEPUTY COUNTY EXECUTIVE WALKER:
10 Correct. Roughly 17,000, I think, or so.

11 CHAIRMAN NICOLELLO: So that's
12 approximately \$20 million more. And there are
13 millions of dollars in settlements.

14 DEPUTY COUNTY EXECUTIVE WALKER:
15 Correct.

16 CHAIRMAN NICOLELLO: All of that is
17 sitting out there that we would like to bond, as
18 we have done in the past --

19 DEPUTY COUNTY EXECUTIVE WALKER:
20 Correct.

21 CHAIRMAN NICOLELLO: on a transition
22 basis --

23 LEGISLATOR DENENBERG: Mr. Nicolello,
24 when did we ever bond for residential?

25 CHAIRMAN NICOLELLO: Would you let me

2 finish?

3 LEGISLATOR DENENBERG: Because you're
4 making a statement; I want an answer. When did
5 we ever bond for residential?

6 CHAIRMAN NICOLELLO: Where do you have
7 the power to interrupt me and demand an answer?

8 LEGISLATOR DENENBERG: You cut me off.

9 CHAIRMAN NICOLELLO: You just
10 interrupted me. What are you, out of your mind?

11 LEGISLATOR DENENBERG: You're telling
12 the audience something that's just untrue.

13 CHAIRMAN NICOLELLO: I'm not telling
14 the audience anything.

15 LEGISLATOR DENENBERG: We've never
16 bonded for residential. Ever. Ever.

17 CHAIRMAN NICOLELLO: I'm not telling
18 the audience anything. I'm questioning the
19 witnesses here.

20 LEGISLATOR DENENBERG: Not under
21 Gulotta. Not under Suozzi. Residents always got
22 paid out of operating.

23 DEPUTY COUNTY EXECUTIVE WALKER: Just so
24 you do know, over the past ten years roughly, on
25 average, \$101 million was bonded to pay tax

2 certioraris.

3 LEGISLATOR DENENBERG: Not residential.

4 CHAIRMAN NICOLELLO: I'm sorry. What
5 was that?

6 DEPUTY COUNTY EXECUTIVE WALKER: Over
7 the last ten years, on average, \$101 million per
8 year was spent on bonding for tax --

9 LEGISLATOR DENENBERG: Not residential.

10 CHAIRMAN NICOLELLO: And that was
11 bonded by 13 votes, right?

12 DEPUTY COUNTY EXECUTIVE WALKER:
13 Correct.

14 CHAIRMAN NICOLELLO: Bonding that
15 requires 13 votes?

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 Correct.

18 CHAIRMAN NICOLELLO: And to do that
19 bonding it required the votes of the minority at
20 that time.

21 DEPUTY COUNTY EXECUTIVE WALKER:
22 Correct.

23 CHAIRMAN NICOLELLO: Many of those were
24 republicans, right?

25 DEPUTY COUNTY EXECUTIVE WALKER:

2 Correct.

3 CHAIRMAN NICOLELLO: So we took those
4 votes to keep the county operating?

5 DEPUTY COUNTY EXECUTIVE WALKER:
6 Correct.

7 LEGISLATOR DENENBERG: How much was paid
8 out of operating expenses during that time?

9 DEPUTY COUNTY EXECUTIVE WALKER: I don't
10 have that in front of me.

11 LEGISLATOR DENENBERG: Okay. At least
12 equal. At least equal.

13 CHAIRMAN NICOLELLO: Well, the bottom
14 line is this --

15 LEGISLATOR DENENBERG: I'd like that
16 figure as well.

17 CHAIRMAN NICOLELLO: The bottom line is
18 this. Let me ask you this about these judgments
19 and settlements.

20 LEGISLATOR DENENBERG: We just don't --

21 CHAIRMAN NICOLELLO: How far back do
22 they go, the commercial?

23 CHAIRMAN NICOLELLO: Some go back to
24 1993. Some are back to 2002, 03, 04, 05, 06, 07.

25 CHAIRMAN NICOLELLO: So these refunds

2 that are due were due to the assessment mess that
3 existed, in large part, for the last ten years.

4 DEPUTY COUNTY EXECUTIVE WALKER:

5 Correct.

6 CHAIRMAN NICOLELLO: And --

7 LEGISLATOR DENENBERG: He just said
8 1993; that would be the assessment --

9 CHAIRMAN NICOLELLO: And before that.

10 LEGISLATOR DENENBERG: mess for 20
11 years.

12 CHAIRMAN NICOLELLO: It's not as if
13 these refunds came due because of incorrect
14 assessment after Ed Mangano became county
15 executive.

16 DEPUTY COUNTY EXECUTIVE WALKER: The
17 last two years on residential, on residential
18 cases, I think we had 2,433 cases went to SCAR
19 last year, and this year we're in line to have
20 under 2,000 cases. You can look back at the
21 previous years with 45, 38, 56, various numbers.
22 Thousands of cases were going to SCAR.

23 CHAIRMAN NICOLELLO: Any other
24 discussion? Legislator Bosworth.

25 LEGISLATOR BOSWORTH: Thank you. I

2 think I'm not the only one -- that Delia's not
3 the only one that's confused.

4 We're hearing so many different numbers,
5 that there's \$40 million. At one point we heard
6 \$102 million. What I'd like to know is what is
7 the total outstanding tax cert liability, taking
8 into account the commercial, residential,
9 judgments, any settlements. Because the numbers
10 just are not concrete for me.

11 DEPUTY COUNTY EXECUTIVE WALKER:

12 Unfortunately, the numbers continue every day,
13 continue to rise because of just paying interest
14 and everything of that nature. I will stay with
15 that, roughly, \$102 million number, which
16 includes judgments, SCAR, and also commercial
17 settlements of which I think there's, I don't
18 know, close to 100 items that you will have
19 before you. I don't know if it's scheduled to be
20 voted on today. Roughly about 100 items that we
21 broke the commercial certioraris into each
22 parcel. So you'll have separate items for each.
23 I think they equate to what's filed, about \$33
24 million. You roughly, again, have roughly, again
25 between 55 and \$60 million of the judgments and

2 SCAR cases. SCAR is roughly 20 million, which
3 are about 17,000 cases. Give or take a couple of
4 dollars, obviously. The number does move because
5 of interest. What the plan is in assessment is
6 to settle as many back years as you can, as we go
7 forward at the same time.

8 We've entered into settlement
9 conferences. As you enter into settlement
10 conferences, the whole idea is to deal with this
11 year's and also the backlog so we do not continue
12 to increase the amount of dollars that, really,
13 all it's doing is pushing the can down the road.
14 Eventually they're going to be paid. And all its
15 doing is accumulation of interest, which doesn't
16 do anybody any good.

17 Again, some of these cases do go back to
18 the 90's. Some of them go back late 90's to
19 2000. It's just been a problem forever.

20 The more you talk about this issue -- you
21 could blame it on everybody, I believe, this
22 issue. When you start talking about paying and
23 you start talking about what the actual backlog
24 is, and you start looking at it, yeah, the
25 backlog is \$165 million. What are you basing

2 that backlog on? Oh, you're looking at all these
3 logarithms, and this is what we're paid out.
4 They're guestimates. So the next year the \$165
5 million backlog, you settle \$100 million and the
6 backlog is only 135. How are you paying 100 and
7 you're only reducing it by 35? It's because you
8 don't know which case you are actually settling.
9 It's because you don't know which case you are
10 actually settling. It's because the backlog
11 doesn't -- you're not just dealing with the
12 backlog, you continually add to the backlog every
13 year.

14 Why I mentioned residential SCAR cases;
15 the last two years under the county executive's
16 plan, we had 2,433 cases in residential SCAR
17 cases that will actually result in any potential
18 liability, less than \$2 million, from where we
19 were paying out, every year, 28 to \$30 million
20 for residence. You can say 20, for argument's
21 sake and you're still saving 18. Again, this
22 year we have it under 2,000. So we're not adding
23 extensively to that backlog.

24 We all know that most of the money is in
25 commercial cases. The commercial cases still are

2 a considerable amount of money. This year alone
3 we've settled, I believe, roughly 15 or 20
4 percent more than we did last year. But there's
5 still more work to go.

6 To just narrow down a number, to say this
7 is what the backlog is, or this is what's being
8 presented, I think it's always unfair to say.
9 It's done every year in June with DECAFA, when
10 you get your analysis and they determine what the
11 number is, again, based on all these different
12 criteria. At the end of the day it's a crap
13 shoot. They're really just saying this is what
14 the number is. I don't believe it until you
15 actually have no backlog will you actually really
16 know what the backlog was. I think that's
17 unfortunate, but it's a system that's been put in
18 place for a long time.

19 LEGISLATOR BOSWORTH: You put out a lot
20 of information. It just seems to me when we're
21 approached to bond it should be on -- I'm using
22 your words so I don't want you to take offense --
23 on more than a crap shoot.

24 I know that we got documents yeah high,
25 I would image that the majority got them as well,

2 at 12 o'clock this afternoon about things that I
3 believe are going to be on Rules for later on.
4 It's difficult to do the diligent work that you
5 need to do to vet any this when it's given to you
6 an hour before we're going into session to start
7 committees.

8 DEPUTY COUNTY EXECUTIVE WALKER: I
9 believe they were filed roughly two weeks ago,
10 and amendments were filed on Friday.

11 LEGISLATOR BOSWORTH: That's just what
12 it is.

13 DEPUTY COUNTY EXECUTIVE WALKER: I
14 understand.

15 LEGISLATOR BOSWORTH: These are some of
16 the challenges.

17 DEPUTY COUNTY EXECUTIVE WALKER: It's
18 not the final vote. Again, I think this is
19 committees. That's why it goes through a
20 process, so you do have your due diligence to, in
21 fact, receive them. Some were concerned --
22 because we heard everyone's concerns, asking for
23 important information. People want to recuse
24 themselves if there are issues to recuse
25 themselves. We understand that. Again, the

1 county attorney's office worked and made those
2 amendments. They were filed on Friday. I know
3 there are volumes of work to do, don't get me
4 wrong. This is not the final vote of the
5 legislature. That action has to take place. If
6 there is information that's missing, we want to
7 make sure the information is out there. This is
8 not something we should be hiding from. This is
9 something we should all be working together on.
10 This should not be an issue.

11
12 People deserve their money. I think we
13 can all attest and agree to that, that the people
14 deserve their money. For commercial businesses,
15 it's a lot of money. Some cases the interest is
16 more than the actual principal is, in some of
17 these cases, because they've been going on for so
18 long.

19 This is something that we all should work
20 together. Really, I think it's for everyone's
21 best interests. The public is demanding their
22 money. The commercial establishments want their
23 money. They put more money back into their
24 businesses. They do remodeling, refurnishing, or
25 expand, or hire more people. It should be

2 something that we all work together to see -- you
3 know what? If we're missing something, say we're
4 missing this. This is an item that we should
5 adjust or change or you don't have all the
6 information.

7 LEGISLATOR DeRIGGI-WHITTON: Just to
8 finish up quick. I think what you said is really
9 how we felt; that what you're asking us to vote
10 for is like a crap shoot. I don't think any of
11 us feel comfortable with that. I know with the
12 background I have in finance and everything else.

13 You know what? Let me tell you. First,
14 we did not know what the conflicts were, whoever
15 had to recuse themselves. Now, to be handed, we
16 really weren't going to bring this out, maybe
17 we'll bring it out later. To be handed what we
18 were handed this morning, I consider it would
19 have been irresponsible for us to approve
20 anything in that manner. And this is money that
21 we are borrowing that our children will be paying
22 back.

23 I know you try to handle things in a
24 professional way. I'm asking you to handle them,
25 give us the information we need.

2 CHAIRMAN NICOLELLO: Mr. Walker, I just
3 want to clarify. When you used the term crap
4 shoot, you are referring to the backlog.

5 DEPUTY COUNTY EXECUTIVE WALKER: I was
6 just going to say that.

7 CHAIRMAN NICOLELLO: Not the
8 settlements, not the judgments, not the package
9 that's before the legislature.

10 DEPUTY COUNTY EXECUTIVE WALKER: 100
11 percent. I was just going to address it, anyway.

12 What I was referring to, again, as that
13 crap shoot was the entire backlog. To figure out
14 that number -- and since you have a degree in
15 finance, I invite you to go sit in assessment
16 every day --

17 LEGISLATOR DeRIGGI-WHITTON: No.

18 DEPUTY COUNTY EXECUTIVE WALKER: No?

19 LEGISLATOR DeRIGGI-WHITTON: I don't
20 have a degree in finance. I've worked there.

21 What I'm telling you is whatever you're
22 saying, if it's the backlog or if it's now, this
23 information was presented to us in a way that was
24 very difficult to decipher, not showing us what
25 law firms were involved in the beginning. There

2 were -- it was done in such an irresponsible -- I
3 wish that that portion of this story would be out
4 there.

5 DEPUTY COUNTY EXECUTIVE WALKER: That's
6 why you have a phone. You pick up the phone and
7 ask for information, which we're not afraid to
8 do.

9 LEGISLATOR DeRIGGI-WHITTON: And we did.
10 And we were handed it this morning. We were
11 handed it this morning at 12 o'clock, some of it.
12 It has not been a due process, in my opinion.

13 DEPUTY COUNTY EXECUTIVE WALKER: I don't
14 know what time it was filed on Friday. But, you
15 know, people are here.

16 LEGISLATOR DeRIGGI-WHITTON: It was well
17 after five. I think it was seven-something.

18 CHAIRMAN NICOLELLO: Legislator
19 Denenberg.

20 LEGISLATOR DENENBERG: Thank you.
21 Deputy County Executive Walker, I'm not going to
22 ask any more questions on that. But what
23 Legislator DeRiggi was talking about was 80-plus
24 amendments late in the day on a Friday.

25 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

2 LEGISLATOR DENENBERG: To me, this is a
3 question. Often, in the prior administration and
4 the administration before that, I've always asked
5 for something that, on the new amendments, we
6 still don't have, and that's the confidential
7 memo that would allow us to -- that was just e-
8 mailed?

9 DEPUTY COUNTY EXECUTIVE WALKER: You
10 should have it, yes.

11 LEGISLATOR DENENBERG: Just -emailed
12 today.

13 DEPUTY COUNTY EXECUTIVE WALKER: Okay.

14 LEGISLATOR DENENBERG: So I certainly
15 couldn't vote on something that I will tell you,
16 and I think Legislator Becker has seen me do it
17 many times with him, where I carefully looked at
18 those estimates, which is whether it's
19 confidential or not, I'm looking at it to make
20 sure that we're not giving more in a settlement
21 than our appraiser would say. That's one. The
22 second question -- that's not even a question.
23 That's information I look for.

24 And something that I never approved under
25 the prior administration, and it had nothing to

2 do with bonding. I just wouldn't vote for a
3 settlement that doesn't -- it's not just how many
4 years back the settlement goes - 93, 03, even 08.
5 If the settlement -- and every single one I've
6 seen only goes through 10/11 or even 11/12.
7 10/11 would be a year -- what I would want to
8 show is that a commercial griever is settling
9 right through this year's challenge, because this
10 year would be the challenge for 13/14 and last
11 year's the challenge for 12/13. So if we're only
12 settling through -- if we're only settling
13 through 10/11, there are three years worth of
14 cases that this commercial griever might still
15 have against us. So it's a carousel that we
16 could never catch up to, in that sense.

17 CHAIRMAN NICOLELLO: That item is not
18 before the committee. If you want to make a
19 brief response. I want to focus this back on
20 what's actually before us, Mr. Walker.

21 LEGISLATOR DENENBERG: To the Chair,
22 then. This is the first time that tax
23 assessments -- I'm sorry, tax grievances haven't
24 been before our committee. The first half of
25 these, to which the amendments relate to, did go

2 before this committee. Now the amendments don't?
3 That's pretty strange.

4 DEPUTY COUNTY EXECUTIVE WALKER: Could I
5 just say this. If you have specific incidences,
6 could you just please forward them to myself and
7 we'll have the county attorney look at them.

8 LEGISLATOR DENENBERG: Unless I'm
9 misreading it, it's virtually each one, Deputy
10 County Executive, where it's only through 10/11
11 or 11/12, which would be two and three years ago.
12 Someone we're settling with might have two or
13 three years of challenges on file that aren't
14 being settled.

15 DEPUTY COUNTY EXECUTIVE WALKER: We will
16 go back and look.

17 CHAIRMAN NICOLELLO: Any further
18 questions on the item before us, Item 164-12?

19 (No verbal response.)

20 Seeing no questions, any public comment?

21 (No verbal response.)

22 All those in favor of this item please
23 signify by saying aye.

24 (Aye.)

25 Those opposed?

2 (Nay.)

3 Four-three.

4 Items 170 to 177-2012 are ordinances
5 supplemental to the annual appropriation
6 ordinance in connection with the Nassau County
7 Fire Commission, Department of Social Services,
8 Office of Housing and Community Development,
9 Police Department, Health, and Public Works.
10 They have been through committees earlier.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR GONSALVES: Second.

13 CHAIRMAN NICOLELLO: I have a motion
14 from Rose Walker, seconded by Legislator
15 Gonsalves.

16 Any discussion?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 Carries unanimously.

25 Items 178 to 186-2012 are all resolutions

2 to authorize the transfer of appropriations
3 heretofore made within the budget for the year
4 2012.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Muscarella, seconded by Legislator
9 Walker.

10 Any discussion?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Carries unanimously.

19 I'm going to call the next block. 310,
20 311, 313, 314, 316, and 317-2012.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR GONSALVES: Second.

23 CHAIRMAN NICOLELLO: Moved by
24 Legislator Walker, seconded by Legislator
25 Gonsalves.

2 These items were before the Planning
3 Committee earlier, and I move to incorporate the
4 minutes of that meeting into this one.

5 (Whereupon, the following are the minutes
6 of the May 7, 2012 Planning, Development and
7 Environment Committee pertaining to Clerk Items
8 310, 311, 313, 314, 316, and 317-12.)

9 CHAIRWOMAN GONSALVES: The first item is
10 Item 310, an ordinance making certain
11 determinations pursuant to the State
12 Environmental Quality Review Act and authorizing
13 the county executive on behalf of the County of
14 Nassau to release an easement encumbering a
15 parcel of real property located in Woodmere, Town
16 of Hempstead, County of Nassau, State of New
17 York, and designated as Section 39, Block 485,
18 Lots 37 and 38 on the Nassau County land and tax
19 map and to execute an agreement between the
20 County of Nassau and Aron Rosenberg and Carolyn
21 Rosenberg concerning the release of such easement
22 and to execute any and all ancillary documents
23 necessary to carry out the purposes of this
24 agreement.

25 Motion please?

2 LEGISLATOR NICOLELLO: So moved.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Nicoletto. Seconded by?

5 LEGISLATOR WALKER: Second.

6 CHAIRWOMAN GONSALVES: Rose Walker.
7 Mike Kelly.

8 MR. KELLY: Good afternoon. Michael
9 Kelly, Acting Director, Nassau County Office of
10 Real Estate Services.

11 Item 310 is to authorize the county
12 executive to release an easement which encumbers
13 Section 39, Block 485, Lots 37 and 38, which is
14 owned by Aron Rosenberg and Carolyn Rosenberg.
15 This is a drainage easement that runs down the
16 dividing line between 37 and 38. It's being
17 replaced by an easement on to one side of the
18 property, which will be maintained by the Town of
19 Hempstead heretofore. So we are relieving
20 ourselves of an easement and the liability
21 therewith.

22 CHAIRWOMAN GONSALVES: Just one
23 question. Will the easement on the eastern
24 portion of this property be as effective?

25 MR. KELLY: Yes. DPW has determined

2 that the easement and the pipe that will run
3 through it, taking drainage water from the run to
4 the county-owned body of water, pond, behind it,
5 will be sufficient.

6 CHAIRWOMAN GONSALVES: Any discussion or
7 debate on the part of the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none. All those in favor
12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The motion carries 7 to 0.

17 Thank you, Mike.

18 Item 311, an ordinance making certain
19 determinations pursuant to the State
20 Environmental Quality Review Act and authorizing
21 the county executive of the County of Nassau to
22 accept, on behalf of the County of Nassau, an
23 offer of purchase from Northeastern Building and
24 Development Co., Inc., of certain premises
25 located in Roosevelt, Town of Hempstead, County

2 of Nassau, State of New York, said property known
3 as Section 55, Block 559, Lot 50 on the land and
4 tax map of the County of Nassau, and authorizing
5 the county executive to execute a deed, contract
6 of sale, and all pertinent documents in
7 connection therewith to consummate the sale.

8 Michael.

9 MR. KELLY: Thank you.

10 CHAIRWOMAN GONSALVES: Motion? Sorry.

11 LEGISLATOR WALKER: So moved.

12 CHAIRWOMAN GONSALVES: Motion by
13 Legislator Walker. Second?

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Seconded by
16 Legislator Nicolello.

17 Michael.

18 MR. KELLY: Thank you. Item 311-12 is a
19 direct sale to Northeastern Building and
20 Development Company, of Section 55, Block 559,
21 Lot 50, located on Rose Avenue in Roosevelt.
22 Purchase price is \$4,125, which is \$325 over the
23 appraised value of the property.

24 A public hearing was held on the sale of
25 this property on March 31, 2011. OSPAC

2 recommended the release of the property with
3 conditions on April 13, 2011, and the Planning
4 Commission further recommended the sale without
5 such conditions on April 14, 2011. And the sale
6 of this property to an adjacent property owner
7 would not result in a single lot that could be
8 subdivided for residential development as of
9 right.

10 CHAIRWOMAN GONSALVES: Any discussion or
11 debate on this item? Legislator Denenberg.

12 LEGISLATOR DENENBERG: At OSPAC or at
13 the Planning Commission, was there any
14 opposition?

15 MR. KELLY: There was no opposition.
16 OSPAC recommended a condition that the property
17 could not be built on. It really doesn't matter
18 because the property cannot be subdivided as of
19 right anyway. There's no need for that
20 condition.

21 LEGISLATOR DENENBERG: Thank you.

22 CHAIRWOMAN GONSALVES: Any other
23 legislator?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Motion carries unanimously. This item
8 passes on to Finance.

9 Item 313-12, an ordinance making certain
10 determinations pursuant to the State
11 Environmental Quality Review Act and authorizing
12 the county executive of the County of Nassau to
13 accept, on behalf of the County of Nassau, an
14 offer of purchase from Tracy Barilla and Pasquale
15 Barilla of certain premises located in
16 Farmingdale, Town of Oyster Bay, County of
17 Nassau, State of New York, said property known as
18 Section 49, Block 233, Lot 260 on the land and
19 tax map of the County of Nassau, and authorizing
20 the county executive to execute a deed, contract
21 of sale and all pertinent documents in connection
22 therewith to consummate the sale.

23 Michael.

24 MR. KELLY: Thank you. 313-12 would
25 authorize the county executive to sell property

2 known as Section 49, Block 233, Lot 260, to Tracy
3 Barilla and Pasquale Barilla. The purchase price
4 is \$2,825, which is \$325 over the appraised value
5 of \$2,500. The property would be sold subject to
6 an easement on the western 10 feet of the
7 property for drainage purposes.

8 A public hearing was held on June 23,
9 2011. OSPAC recommended the sale on July 13,
10 2011. The Planning Commission recommended the
11 sale on July 14, 2011.

12 CHAIRWOMAN GONSALVES: Motion, please?

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Motion by
16 Legislator Walker, seconded by Legislator
17 Nicolello.

18 Any discussion or debate on the part of
19 the legislators? Legislator Denenberg.

20 LEGISLATOR DENENBERG: Just the same
21 question. At the hearings, was there any
22 opposition?

23 MR. KELLY: No.

24 LEGISLATOR DENENBERG: Any conditions?

25 MR. KELLY: No. No conditions on this

2 one.

3 LEGISLATOR DENENBERG: Thank you.

4 CHAIRWOMAN GONSALVES: Any other

5 comments?

6 (No verbal response.)

7 Public comment?

8 (No verbal response.)

9 There being none. All those in favor
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The motion carries unanimously, and the
15 item passes on to Finance.

16 I believe we are on Item 314, an
17 ordinance making certain determinations pursuant
18 to the State Environmental Quality Review Act and
19 authorizing the county executive of the County of
20 Nassau to accept, on behalf of the County of
21 Nassau, an offer of purchase from Henry Medollo
22 and Susan Medollo of certain premises located in
23 Seaford, Town of Hempstead, County of Nassau,
24 State of New York, said property known as Section
25 52, Block 491, Part of Lot 34 on the land and tax

2 map of the County of Nassau, and authorizing the
3 county executive to execute a deed, contract of
4 sale and all pertinent documents in connection
5 therewith to consummate the sale.

6 Motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Walker, seconded by Legislator
11 Nicolello.

12 MR. KELLY: Item 314-12 would authorize
13 the sale of Section 52, Block 491, Part of Lot
14 34, located on Bayberry Road in Seaford. This is
15 a portion of a Nassau County storm water basin
16 that's being sold to an adjacent homeowner. This
17 portion is being sold because the adjacent
18 homeowner has been encroaching onto the property.
19 The reason for that being, the county's fence on
20 the property was a few feet into the property and
21 I believe that that's where the property line
22 was. The purchase price is \$1,175, which is \$325
23 over the appraisal of the property.

24 OSPAC and the Planning Commission
25 recommended selling the property on July 13, 2011

2 and July 14, 2011, without -- I do not believe
3 there was any opposition on that. OSPAC
4 recommended a condition that the additional
5 property could not be used in the calculation in
6 square footage needed for the adjacent home.
7 However, since this is a very small piece of
8 property and the value is as low as it is, there
9 is no condition of that in the sale.

10 CHAIRWOMAN GONSALVES: Any comment on
11 the part of the legislators? Legislator
12 Denenberg.

13 LEGISLATOR DENENBERG: The purchaser was
14 encroaching on a catch basin, storm basin?

15 MR. KELLY: Storm water basin, yes.

16 LEGISLATOR DENENBERG: And in return, it
17 seems weird that they get to buy the property
18 after they were encroaching. I would assume the
19 storm water basin is not a perpetual preserve,
20 right?

21 MR. KELLY: No. It's not a perpetual
22 preserve. This is one of those strange cases
23 where the county put a fence three feet or ten
24 feet into the basin itself. So if you looked at
25 the property, that portion of the basin that

2 we're selling looks like their property. So
3 they've been maintaining the property - flower
4 beds, they put a grill on it. So they assumed
5 that that was the property line because that's
6 where the county put their fence.

7 In other cases where we do have fences in
8 the right place and people have been encroaching
9 on that, we haven't been offering to sell them
10 the property.

11 LEGISLATOR DENENBERG: So you're saying
12 here part of it was we put the fence in the wrong
13 place.

14 MR. KELLY: Right.

15 LEGISLATOR DENENBERG: Again, it's not a
16 perpetual preserve of any sort?

17 MR. KELLY: No.

18 LEGISLATOR DENENBERG: Okay. Thank you.

19 CHAIRWOMAN GONSALVES: Any other comment
20 on the part of the legislators?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 There being none. All those in favor
25 indicate by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The motion carries unanimously, and this
6 item passes on to Finance.

7 Item 316-12, an ordinance making certain
8 determinations pursuant to the State
9 Environmental Quality Review Act and authorizing
10 the county executive of the County of Nassau to
11 accept, on behalf of the County of Nassau, an
12 offer of purchase from Neil Curtis Inc. of
13 certain premises located in Freeport, Town of
14 Hempstead, County of Nassau, State of New York,
15 said property known as Section 55, Block 264, Lot
16 5 on the land and tax map of the County of
17 Nassau, and authorizing the county executive to
18 execute a deed, contract of sale, amendment to
19 the contract of sale, and all pertinent documents
20 in connection therewith to consummate the sale.

21 Motion, please?

22 MR. KELLY: Madam Chair, could we also
23 call Item 318 at the same time as they are
24 related?

25 CHAIRWOMAN GONSALVES: Sure. No

2 problem.

3 Item 318-12 is resolution authorizing the
4 county executive of the County of Nassau to
5 execute a municipal tax collection agreement and
6 all pertinent documents in connection with
7 county-owned real property located in the
8 Incorporated Village of Freeport and designated
9 as Section 55, Block 264, Lot 5 of the Nassau
10 County Land and Tax Map, and vacating and
11 cancelling all county held tax liens and any and
12 all tax obligations not yet ripe for lien status
13 related to such property.

14 Motion, please?

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Walker, seconded by Legislator
19 Nicolello.

20 Okay. You're on.

21 MR. KELLY: Okay. These two items relate
22 to the same of Section 55, Part 264, Lot 5
23 located on Brooklyn Avenue in the Village of
24 Freeport. The purchaser of the property is Neil
25 Curtis, Inc. The price is \$12,500, which is

2 \$5,500 over the appraised value of \$7,000.

3 The property was reviewed at two public
4 hearings, on December 16, 2010 and January 6,
5 2011. OSPAC voted to recommend the sale on
6 January 19, 2011. The Planning Commission
7 followed suit the next day. The property is
8 going to be sold with the restriction that it may
9 only be used for structures ancillary to the
10 business conducted on the purchaser's adjacent
11 property or for parking and can't be used for
12 subdivision purposes. This was negotiated by the
13 county and the purchaser after this item was
14 tabled in, I believe, November of last year. So
15 this was added to the contract.

16 Also, the county is entering into a
17 municipal tax collection agreement with the
18 Village of Freeport, where the county and the
19 village will split the proceeds of the parcel,
20 the sale of the property, 50/50, to result in a
21 revenue to the county of \$6,250.

22 CHAIRWOMAN GONSALVES: Any discussion or
23 debate on the part of the legislators? Go ahead.

24 LEGISLATOR DENENBERG: How is the
25 property going to be used after this sale?

2 MR. KELLY: It's going to be used only
3 for structures that are ancillary to the
4 purchaser's business or for parking. It cannot
5 be used to be joined with the purchaser's current
6 property for the purposes of subdivision. So he
7 can't --

8 LEGISLATOR DENENBERG: From -- I'm
9 sorry.

10 MR. KELLY: So he can't take the two
11 properties together and split them in half and --

12 LEGISLATOR DENENBERG: From the section,
13 block, and lot, I wasn't able, even though I
14 looked at the backup, to tell where in Freeport
15 this was.

16 MR. KELLY: This is by --

17 LEGISLATOR DENENBERG: Can I have the
18 address?

19 MR. KELLY: It's 10 Brooklyn Avenue.
20 It's next to 10 Brooklyn Avenue. It's a vacant
21 lot. It is by the Freeport train station, right
22 along the railroad tracks.

23 LEGISLATOR DENENBERG: That's what I
24 thought. There was no opposition?

25 MR. KELLY: Not at OSPAC and Planning.

2 Not that I remember.

3 LEGISLATOR DENENBERG: Thank you.

4 MR. KELLY: You are very welcome.

5 CHAIRWOMAN GONSALVES: Any other
6 legislator?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none, all those in favor
11 indicate by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Motion carries unanimously, and these two
16 items pass on to Finance.

17 317-12, an ordinance making certain
18 determinations pursuant to the State
19 Environmental Quality Review Act and authorizing
20 the county executive of the County of Nassau on
21 behalf of the County of Nassau an offer of
22 purchase from Roosevelt Field Peripheral, LLC.,
23 of certain premises located in the Incorporated
24 Village of Garden City, Town of Hempstead, County
25 of Nassau, State of New York, said property known

2 as Section 44, Block 77, Lots 6A and 6B on the
3 land and tax map of the County of Nassau and
4 authorizing the county executive to execute a
5 deed, contract of sale, and all pertinent
6 documents in connection therewith to consummate
7 the sale.

8 Motion, please?

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Motion by
12 Legislator Walker, seconded by Legislator
13 Nicolello.

14 MR. KELLY: Item 317-12 is an ordinance
15 authorizing the county executive to execute a
16 contract of sale and sell Section 44, Block 77,
17 Lots 6A and 6B to Roosevelt Field Peripheral,
18 LLC. The purchase price is \$7,210,000. This
19 property was -- the purchaser of the property was
20 procured by the release of the request for
21 proposals. The purchase price was arrived at by
22 negotiation.

23 The public hearing on this property was
24 held on January 20, 2011 and February 3, 2011.
25 OSPAC voted to not recommend the sale of the

2 property on February 9, 2011, and the Planning
3 Commission to recommend the sale of the property
4 on February 17, 2011.

5 The property is going to be sold with
6 various easements, one for the maintenance of a
7 monitoring well on the property, one for drainage
8 in and out of a nearby storm water basin - it's
9 actually a storm water basin that's located in
10 the center of this property which is privately
11 owned, one for maintaining existing utility lines
12 on Lot 6B, and one for maintaining a possible
13 easement for the Long Island Motor Parkway
14 Heritage Trail, to run along the southern
15 boundary of the property in the event that the
16 county does go forward with the Heritage Trail.
17 There will also be an easement for the
18 installation of a water treatment facility and
19 pumping station by the Environmental Protection
20 Agency that will clean water which is pumped
21 southward to this pumping station from a plume
22 north of this property.

23 That's pretty much it.

24 CHAIRWOMAN GONSALVES: Legislator
25 Nicoletto.

2 LEGISLATOR NICOLELLO: Has Roosevelt
3 Field given an indication as to what they're
4 going to use the property for?

5 MR. KELLY: It's been a complex
6 negotiation since we started offering this
7 property for sale. They have indicated that the
8 front approximately five acres of the property
9 along Ring Road would be used for the development
10 of a hotel, a luxury hotel. The back five acres,
11 approximately, would be held by Roosevelt Field,
12 and an option for the purchase of the property
13 given to Tree Line, who are the owners of 100,
14 200, 300, and 400 Ring Road, for them to purchase
15 in the future should they want to build a fifth
16 building back there, a fifth commercial property
17 back there. Also, there's a portion of this
18 property that right now covers a portion of Tree
19 Line's parking lot; that would be subdivided off
20 and given over to Tree Line. Really, we're
21 giving the entire property to Roosevelt Field
22 Peripheral and they're doing their own deal with
23 Tree Line.

24 LEGISLATOR NICOLELLO: Who controls the
25 zoning for the property?

2 MR. KELLY: That would be the Village of
3 Garden City.

4 LEGISLATOR NICOLELLO: Okay. So any
5 building that goes on there would be subject to
6 the Village of Garden City's --

7 MR. KELLY: It would be subject to the
8 Village of Garden City's zoning. What has been
9 indicated to us is those uses of the property are
10 already allowed by the current zoning on the
11 property. So there wouldn't need to be a
12 variance, and no variance is a condition of this
13 sale.

14 LEGISLATOR NICOLELLO: You indicated
15 that there was an RFP.

16 MR. KELLY: Yes.

17 LEGISLATOR NICOLELLO: How many bids
18 were there?

19 MR. KELLY: This was the only bid for
20 the property. It was actually a joint bid
21 between Tree Line and Roosevelt Field Peripheral.

22 LEGISLATOR NICOLELLO: And the actual
23 amount that is to be paid is less than the
24 appraisal, correct?

25 MR. KELLY: It is less than the

2 appraisal, yes.

3 LEGISLATOR NICOLELLO: I'm gathering
4 that was because there was only bidder and there
5 were negotiations for the property.

6 MR. KELLY: The one bid, which was put
7 forth, was \$7,200,000. Ten thousand dollars was
8 added to the purchase of the property by the
9 addition of Lot 6B, which is a tiny sliver along
10 the side of the property.

11 LEGISLATOR NICOLELLO: For how long has
12 the county been seeking to sell this?

13 MR. KELLY: The property, itself, the
14 county has been trying to sell this property or
15 trying to otherwise use this property other than
16 for its current use, for -- I can't remember back
17 -- but into the prior administration. There was
18 an RFP put out there for housing at one point on
19 this property. I don't know why that didn't
20 yield a result or what happened since then. But
21 this administration's desire was to sell this
22 property for the generation of revenue, which we
23 believe \$7,200,000 is a good price for this
24 property.

25 LEGISLATOR NICOLELLO: Is this an

2 outright sale or is it subject to zoning?

3 MR. KELLY: This is outright. No zoning
4 restrictions. No subdivision restrictions. All
5 they have is right to due diligence.

6 LEGISLATOR NICOLELLO: And a portion of
7 the proceeds go into the open space fund?

8 MR. KELLY: Five percent. Correct.

9 LEGISLATOR NICOLELLO: Thank you.

10 CHAIRWOMAN GONSALVES: Legislator
11 Jacobs.

12 LEGISLATOR JACOBS: Mr. Kelly, just a
13 question. I know we've all been working
14 diligently on our open space fund for years.

15 In your estimation, how is this really --
16 how is this consistent with holding on to the
17 open space we have, especially in an area like
18 that which has been so built up and we have this
19 wooded area?

20 MR. KELLY: Well, this property -- you
21 are correct in that it is a very wooded area.
22 Unfortunately, to us, this property doesn't have
23 a lot of open space value, number one, because
24 it's inaccessible other than parking your car on
25 the side of Ring Road or going through a private

1 parking lot in order to access the property.

2
3 There is also a private storm water basin located
4 right in the middle of it. There is already a
5 county monitoring well on the property. There is
6 LIPA easements which run through the property.

7 As I mentioned before, the Environmental
8 Protection Agency is going to be putting a
9 pumping station and I believe it's a joint
10 pumping station treatment facility on a portion
11 of the property. So, while, yes, it is a wooded
12 piece of property, it actually lends itself more
13 to development than it does for keeping it as
14 open space property.

15 LEGISLATOR JACOBS: But it seems, just
16 in my estimation, a luxury hotel plus possibly a
17 fifth building for the 100, 200, 300 buildings,
18 is a pretty intensive use. Listen. I bow to Mr.
19 Nicoletto; it's in his district. You know, I
20 question. I put my civic hat on sometimes with
21 these things.

22 Do the surrounding neighbors know what's
23 planned?

24 MR. KELLY: I don't know specifically if
25 they know about the specific development plan for

2 the property. However, this property, just like
3 with any other property that the county sells,
4 did go out to OSAPC, did go to Planning. Notices
5 were sent at that time. The Village is aware of
6 what's going on. I've been on several calls with
7 the Village. The developers have been on a lot
8 of calls with the Village.

9 The fact of the matter is the back
10 portion of the property where there could be an
11 office structure, that's actually not even being
12 proposed right now, that office structure.
13 Because that's something that may be some time in
14 the future if Tree Line decides that maybe they
15 want to put an office structures back there, they
16 would buy the property from Simon. Simon's not
17 even going to be developing that, at least they
18 have indicated to us that they would be
19 developing that portion of the property.

20 LEGISLATOR JACOBS: Okay. I thank you.

21 MR. KELLY: You are very welcome.

22 CHAIRWOMAN GONSALVES: Any other
23 legislators?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 There being none. All those in favor
4 indicate by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Motion carries unanimously, and this item
9 passes on to Finance.

10 (Whereupon, the following is the
11 continuation of the May 7, 2012 Finance Committee
12 meeting.)

13 CHAIRMAN NICOLELLO: Does anyone have
14 any comments or discussion on Items 310, 311,
15 313, 314, 316, and 317?

16 (No verbal response.)

17 Hearing none. All those in favor please
18 signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Carries unanimously.

23 Items 318 and 319-2012 are resolutions
24 authorizing the county executive of the County of
25 Nassau to execute a municipal tax collection

2 agreement and all pertinent documents in
3 connection with county owned real property
4 located in the Incorporated Village of Freeport.
5 319 is an ordinance making certain determinations
6 pursuant to SEQRA and authorizing the county
7 executive of the County of Nassau to accept on
8 behalf of the County of Nassau an offer of
9 purchase on behalf of Angela Laos.

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Gonsalves, seconded by Legislator
14 Muscarella.

15 Any discussion?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor signify by saying aye.

20 (Aye.)

21 Carries unanimously.

22 320, 323, 324-2012. 320 is an ordinance
23 supplemental to the annual appropriation
24 ordinance in connection with the Department of
25 Human Services.

2 323 and 324 are resolutions to authorize
3 the transfer of appropriations heretofore made
4 within the budget for the year 2012.

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Gonsalves, seconded by Legislator
9 Walker.

10 Any discussion?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor signify by saying aye.

15 (Aye.)

16 Those opposed?

17 (No verbal response.)

18 Carries unanimously.

19 Item 325-2012 is a resolution providing
20 for the issuance of a warrant directing the
21 treasurer of the County of Nassau to pay to the
22 supervisors of the several towns and the
23 treasurers of the several villages and cities
24 within the County of Nassau the sums as
25 apportioned by the County Legislature based on a

2 report filed by the county treasurer.

3 LEGISLATOR GONSALVES: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Gonsalves, seconded by Legislator
7 Walker.

8 Any discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 Items 326 and 327. 326 is a resolution
18 making certain determinations pursuant to SEQRA
19 and authorizing the county executive of the
20 County of Nassau to execute a contract of sale
21 between the County of Nassau and Water Works
22 Realty Corp.

23 327 is a bond ordinance providing for a
24 capital expenditure to finance a project under
25 the environmental program established pursuant to

2 Title 59 of the Miscellaneous Laws of Nassau
3 County, authorizing \$4,832,000 of bonds of the
4 County to finance said expenditure.

5 LEGISLATOR DENENBERG: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Denenberg, seconded by Legislator
9 Muscarella.

10 Any discussion?

11 LEGISLATOR DENENBERG: Can I just state
12 on the record? I want to compliment the Real
13 Estate Department, Mr. Kelly, Deputy County
14 Executive Walker, for really completing the
15 county executive for something that's really been
16 essential and something we've needed to do for a
17 long time. This is really going to enhance
18 Brookside Preserve, and it preserves a piece of
19 Nassau County history and open space on the south
20 shore. So thank you very much.

21 CHAIRMAN NICOLELLO: Any public
22 comment?

23 (No verbal response.)

24 Those in favor signify by saying aye.

25 (Aye.)

2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 328-2012 is an ordinance amending
6 Articles XVIII and XXII of Ordinance 56-1962, as
7 amended, constituting the Nassau County Fire
8 Prevention Ordinance.

9 LEGISLATOR MUSCARELLA: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Muscarella, seconded by Legislator
13 Walker.

14 This came before the Public Safety
15 Committee before. We had Mr. Welt up, and he
16 gave a presentation on this. There was ample
17 questioning.

18 Does anyone else have any questions at
19 this time about this item?

20 (No verbal response.)

21 Seeing no questions, any public comment?

22 (No verbal response.)

23 Those in favor signify by saying aye.

24 (Aye.)

25 Those opposed?

2 (No verbal response.)

3 Carries unanimously.

4 Item 336-2012, a resolution authorizing
5 the county executive to execute a grant agreement
6 with the Federal Emergency Management Agency and
7 the Department of Homeland Security in relation
8 to the assistance to firefighters grant program.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR GONSALVES: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Walker, seconded by Legislator
13 Gonsalves.

14 Any questions? Legislator Bosworth.

15 LEGISLATOR BOSWORTH: I see we're
16 getting a new radio system. It will be 500
17 megahertz. Is this compatible with the villages'
18 800 megahertz system or is this going to require
19 the villages to get new systems as well?

20 SERGEANT STEPHANOFF: Sergeant Greg
21 Stephanoff from the police.

22 The police are the ones, we're the ones
23 who built this new system. Eventually, it's
24 interoperable. Eventually we're going to bring
25 everyone on board. I don't have the timetable.

2 I'd have to reach out to my chief of support for
3 that. But that's the ultimate goal.

4 LEGISLATOR BOSWORTH: Just bear with me.
5 I understand that you may not have all the
6 answers. But at some point then, the village
7 mayors, I know they're very intent upon testing
8 the system and doing all the things that are
9 necessary. So once the 500 megahertz system is
10 ready to go, does that make their systems
11 inoperable?

12 SERGEANT STEPHANOFF: The County and the
13 villages were never able to speak to each other.
14 What the goal of the new system is, is to have
15 interoperability with everyone.

16 LEGISLATOR BOSWORTH: So it would
17 require them getting the 500 megahertz system as
18 well?

19 SERGEANT STEPHANOFF: Yes.

20 LEGISLATOR BOSWORTH: Okay. Is that
21 something that they're helped with funding or
22 does that become an expense for each of the
23 villages?

24 SERGEANT STEPHANOFF: I think we're
25 going to be looking to help fund them, also.

2 Like I said, I can reach out to -- I don't have
3 all the specifics on it. I can reach out to my
4 chief. You've had him here. Now he's a chief.
5 Chief Ed Horace.

6 LEGISLATOR BOSWORTH: Yes.

7 SERGEANT STEPAHNOFF: He oversees the
8 radio project.

9 LEGISLATOR BOSWORTH: Not wanting to
10 belabor the point. Are village mayors aware of
11 the fact that this is happening? In other words,
12 has there been that kind of communication where
13 they understand the county is in the process of
14 developing --

15 SERGEANT STEPANOFF: With the new radio
16 project?

17 LEGISLATOR BOSWORTH: Yes.

18 SERGEANT STEPHANOFF: Yes.

19 LEGISLATOR BOSWORTH: Thank you.

20 SERGEANT STEPHANOFF: You're welcome.

21 LEGISLATOR BOSWORTH: Do you think that
22 that might be accomplished with integrating the
23 villages with this grant?

24 SERGEANT STEPHANOFF: This grant
25 specifically, this is aid to firefighters. This

2 grant is to have them communicate with our
3 medical control. That's just one part of it.
4 It's a big system. There's a lot of parts to it,
5 to finish it.

6 CHAIRMAN NICOLELLO: You're saying
7 we're working on the integration with the
8 villages' radio systems, though.

9 SERGEANT STEPHANOFF: As far as I know,
10 yes.

11 CHAIRMAN NICOLELLO: Legislator
12 Bosworth.

13 LEGISLATOR BOSWORTH: Could you just
14 give us some follow-up information about that
15 when it comes to Full Leg so that we'll know what
16 the plan is.

17 SERGEANT STEPHANOFF: Yes. I will.

18 LEGISLATOR BOSWORTH: Thank you.

19 CHAIRMAN NICOLELLO: Thank you. Thank
20 you, Sergeant.

21 SERGEANT STEPHANOFF: Thank you.

22 CHAIRMAN NICOLELLO: Any other
23 questions?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 Those in favor signify by saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Carries unanimously.

8 Items 337 and 338-2012. 337 is a
9 resolution to authorize the transfer of
10 appropriations heretofore made within the budget
11 for the year 2012.

12 338 is an ordinance supplemental to the
13 annual appropriation ordinance in connection with
14 the medical examiner's office.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR GONSALVES: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Walker, seconded by Legislator
19 Gonsalves.

20 Any discussion?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 All those in favor signify by saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 Carries unanimously.

5 Do I have a motion to suspend the rules?

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR MUSCARELLA: Second.

8 CHAIRMAN NICOLELLO: Moved by

9 Legislator Gonsalves, seconded by Legislator
10 Muscarella.

11 All those in favor of suspending the
12 rules signify by saying aye.

13 (Aye.)

14 Carries unanimously. The rules are
15 suspended.

16 Item 411-2012 is an ordinance providing
17 for a capital expenditure to finance the payment
18 of certain judgments, compromised or settled
19 claims, awards of sums against the County of
20 Nassau, authorizing \$2,040,000 of bonds of the
21 County of Nassau to finance said expenditure.

22 Need a motion.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR GONSALVES: Second.

25 CHAIRMAN NICOLELLO: Moved by

2 Legislator Walker, seconded by Legislator
3 Gonsalves.

4 Anybody here to discuss this item?

5 The narrative from the staff summary says
6 this ordinance authorizes borrowing by the County
7 of up to \$2,040,000 to finance payment of
8 miscellaneous judgments, claims, awards, or sums
9 against the county. Also included in such amount
10 are preliminary incidental and financing costs in
11 accordance with New York State Finance Law, Local
12 Finance Law. This funding supplements
13 appropriations from the general fund, police
14 district fund, and police headquarters fund that
15 enable the county attorney's office to pay for
16 miscellaneous small judgments and claims,
17 property damage cases, etcetera.

18 LEGISLATOR DENENBERG: To the Chair.

19 CHAIRMAN NICOLELLO: Yes.

20 LEGISLATOR DENENBERG: Being that we
21 don't have any information on the nature of the
22 judgments involved or the nature of the claims
23 that led to the judgments, I would move to table
24 this item.

25 I move to table.

2 CHAIRMAN NICOLELLO: We have a motion
3 to table.

4 LEGISLATOR DeRIGGI-WHITTON: I'll
5 second.

6 CHAIRMAN NICOLELLO: A second by
7 Legislator DeRiggi-Whitton.

8 MR. VOLK: Good afternoon. Martin Volk,
9 Deputy County Attorney.

10 We are trying to find out the information
11 for you. I don't believe it's a tax cert matter.

12 LEGISLATOR DENENBERG: I have a motion
13 to table. Shouldn't we rule on that?

14 MR. VOLK: Legislator, if you can give
15 us two minutes, we'll have the appropriate person
16 down here.

17 LEGISLATOR DENENBERG: On my motion, to
18 the chair. We've never not had a confidential
19 memo regarding judgments in the nature of a
20 judgment involved or nature of the claims that
21 lead to the judgment. That's the nature of my
22 motion.

23 CHAIRMAN NICOLELLO: I understand. But
24 I don't think that's accurate. We've always
25 handled small claims in bulk. So I don't know

2 that that's --

3 LEGISLATOR DENENBERG: I don't think
4 we've ever borrowed for small claims like this.

5 CHAIRMAN NICOLELLO: Be that as it may.
6 We have a motion to table that's on the floor and
7 takes precedence.

8 There's no debate or discussion on a
9 motion to table.

10 All in favor of the motion to table
11 signify by saying aye.

12 (Aye.)

13 Three votes to table.

14 Those opposed to tabling vote no.

15 (Nay.)

16 Motion to table fails by a vote of four
17 to three.

18 We're going to take a recess of a minute
19 or two to give the administration time to come up
20 here and respond.

21 Lisa LoCurto.

22 MS. LOCURTO: I apologize. I'm out of
23 breath. Lisa LoCurto, County Attorney's Office.

24 The item that's before you is for the
25 payment of small claim settlements for property

2 damage to vehicles or to buildings. The claims
3 are also related to other county agencies or
4 departments that have had minor claims or
5 settlements. I'm trying to think. And the total
6 amount of the bond is only for two million. The
7 \$2,040,000 is two percent for the bond cost. So
8 the total amount is two million that we're
9 seeking.

10 CHAIRMAN NICOLELLO: Two million
11 dollars in property damage claims?

12 MS. LOCURTO: It's an accumulation over
13 a period of time. It includes damage to parks,
14 fences, vehicles, a myriad of claims. Some also
15 would include minor personal injury.

16 CHAIRMAN NICOLELLO: Minor personal
17 injury. Residents suing the county because of
18 damage caused by a county plow, for example.

19 MS. LOCURTO: Correct. Or tripping. A
20 trip and fall. Minor cases of that kind.

21 CHAIRMAN NICOLELLO: Any other
22 questions?

23 LEGISLATOR DENENBERG: I do. Am I
24 recognized?

25 CHAIRMAN NICOLELLO: Yes.

LEGISLATOR DENENBERG: Thank you.

Ms. LoCurto, I'm looking through -- I believe this item, either as this item or a previous rendition of it came before us and you responded to questions as to whether this money -- this was some time last year -- whether this was claims and judgments that had ever been bonded for in the past, and you said no. Do you recall that?

MS. LOCURTO: I recall that there were two bonds, both for two million-plus. I don't recall if that statement was with regard to this or with the other bond that was also before the LEGISLATOR.

LEGISLATOR DENENBERG: Have we ever bonded for these miscellaneous judgments, claims that you say are in the nature of property or personal injuries that may happen in a park or with plows?

MS. LOCURTO: Correct. That's what this bond is doing.

LEGISLATOR DENENBERG: Have we ever bonded for this before?

MS. LOCURTO: I can't speak off the top

2 of my head.

3 LEGISLATOR DENENBERG: I'm looking at a
4 record where it seemed to indicate that you said
5 no. But, okay. If you can't answer, you can't
6 answer.

7 Thank you.

8 CHAIRMAN NICOLELLO: Okay. Any other
9 questions for Ms. LoCurto?

10 (No verbal response.)

11 Any other discussion?

12 (No verbal response.)

13 Thank you, Ms. LoCurto.

14 Any public comment?

15 (No verbal response.)

16 All those in favor of this item signify
17 by saying aye.

18 (Aye.)

19 Those opposed?

20 (Nay.)

21 The item moves along by a vote of four to
22 three.

23 I'll take a motion to adjourn the Finance
24 Committee.

25 LEGISLATOR WALKER: So moved.

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Legislator Walker, seconded by Legislator
5 Muscarella.

6 All those in favor of adjourning signify
7 by saying aye.

8 (Aye.)

9 The Committee is adjourned.

10 (Whereupon, the Finance Committee
11 adjourned at 4:50 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2012.

FRANK GRAY