

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,  
PRESIDING OFFICER

FULL LEGISLATURE

PETER J. SCHMITT,  
CHAIRMAN

1550 Franklin Avenue  
Mineola, New York

August 6, 2012  
3:10 p.m.

REGAL REPORTING SERVICES  
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A P P E A R A N C E S:

PETER J. SCHMITT  
Chair

KEVAN ABRAHAMS  
Minority Leader

ROBERT TROIANO

CARRIÉ SOLAGES

DELIA DERIGGI-WHITTON

JOSEPH SCANNELL

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA

RICHARD J. NICOLELLO

JUDI BOSWORTH

WAYNE WINK

NORMA GONSALVES

JOSEPH BELESI

DENNIS DUNNE, SR. (Arrived at 3:50 p.m.)

DENISE FORD

JUDITH JACOBS (Arrived at 4:00 p.m.)

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER  
Clerk of the Legislature

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2 CHAIRMAN SCHMITT: Mr. Clerk, would you  
3 please call the roll for the Full Legislature,  
4 please?

5 CLERK MULLER: Yes, sir.

6 Deputy Presiding Officer Gonsalves?

7 LEGISLATOR GONSALVES: Present.

8 CLERK MULLER: Alternate Deputy  
9 Presiding Officer Kopel?

10 LEGISLATOR KOPEL: Here.

11 CLERK MULLER: Legislator Troiano?

12 (No verbal response.)

13 CLERK MULLER: Legislator Solages?

14 LEGISLATOR SOLAGES: Here.

15 CLERK MULLER: Legislator Ford?

16 LEGISLATOR FORD: Here.

17 CLERK MULLER: Legislator Scannell?

18 LEGISLATOR SCANNELL: Here.

19 CLERK MULLER: Legislator Becker?

20 LEGISLATOR BECKER: Present.

21 CLERK MULLER: Legislator Muscarella?

2 LEGISLATOR MUSCARELLA: Here.

3 CLERK MULLER: Legislator Nicoletto?

4 LEGISLATOR NICOLELLO: Here.

5 CLERK MULLER: Legislator Bosworth?

6 LEGISLATOR BOSWORTH: Here.

7 CLERK MULLER: Legislator Wink?

8 LEGISLATOR WINK: Here.

9 CLERK MULLER: Legislator Belesi?

10 LEGISLATOR BELESI: Here.

11 CLERK MULLER: Legislator Dunne?

12 (No verbal response.)

13 CLERK MULLER: Legislator Jacobs?

14 (No verbal response.)

15 CLERK MULLER: Legislator Walker?

16 LEGISLATOR WALKER: Here.

17 CLERK MULLER: Legislator DeRiggi-

18 Whitton?

19 LEGISLATOR DeRIGGI-WHITTON: Here.

20 CLERK MULLER: Legislator Denenberg?

21 LEGISLATOR DENENBERG: Here.

22 CLERK MULLER: Minority Leader Abrahams?

23 LEGISLATOR ABRAHAMS: Here.

24 CLERK MULLER: Presiding Officer

25 Schmitt?

2 CHAIRMAN SCHMITT: Here.

3 CLERK MULLER: We have a quorum.

4 CHAIRMAN SCHMITT: Okay. Thank you very  
5 much. We have a quorum. We're in session.

6 LEGISLATOR TROIANO: Mr. Muller, I just  
7 entered the chamber.

8 CHAIRMAN SCHMITT: Mr. Troiano just  
9 entered the room.

10 Before we have our half hour of public  
11 comment, Legislator Abrahams has a point of  
12 personal privilege.

13 LEGISLATOR ABRAHAMS: Thank you,  
14 Presiding Officer Schmitt.

15 I want to take this opportunity to  
16 recognize a young lady who, sometimes in a very  
17 ugly place that we have here, is a very beautiful  
18 young lady who just won the New York Miss  
19 Intercontinental 2011. So, Stephanie, please  
20 come up to the podium. I know she doesn't feel  
21 comfortable speaking. But please come up to the  
22 podium because we're going to recognize her.

23 As she makes her way up to the podium, I  
24 just want to read a couple of brief things about  
25 herself.

2 Stephanie is 20 years old. She attends  
3 Pace University where she is pursuing her  
4 bachelor's degree in communication sciences and  
5 disorders with a concentration in speech and  
6 language pathology, and a dual minor in child  
7 education and mass media communications. While  
8 Stephanie has been involved with numerous  
9 community service projects that provides  
10 attention to a variety of issues, such as  
11 homelessness, domestic violence, environmental  
12 sustainability, a considerable amount of her  
13 community service efforts have been focused on  
14 Autism awareness. She current serves on the  
15 Planning Committee for the upcoming Autism Speaks  
16 walk in New York City, and she is a tremendous  
17 asset to our community. And I think she speaks  
18 volumes, not just by winning this achievement of  
19 Miss Intercontinental, but I think just the fact  
20 that she's so well rounded and a perfect role  
21 model for our younger people, as well as for some  
22 of our older people.

23 So I want to thank you for being here as  
24 part of today. And I know you're here with mom,  
25 dad, grand mom, and Dr. Cameron is here. I also

2 ask them to join you at the podium.

3 Did you change your mind on possibly  
4 saying anything? Please. Tell us what you have  
5 to do and the rigors to achieve where you are.  
6 Are there future plans? Should we be looking to  
7 see you as part of Miss America?

8 MS. MILES: No. Miss Continental is  
9 where it ends. I just completed Nationals at  
10 Texas, where I brought New York to the top 10,  
11 which that was awesome, out of 51 states. And  
12 from here on out, I'm just going to make sure  
13 that I continue to promote the pageant. Our  
14 motto is be your own kind of beautiful, which is  
15 making sure that young girls everywhere  
16 understand how important it is to know who you  
17 are as a person and to let that beautiful person  
18 shine through. And that's what I'm going to make  
19 sure I'm going to let them know.

20 LEGISLATOR ABRAHAMS: I don't know if  
21 your parents are going to join you. No? Well,  
22 I'll come down and present to you this Citation  
23 as well. And I just want to obviously  
24 congratulate you because of all the things that  
25 you've accomplished here, I think this speaks

2 volumes. I could tell you I'm a parent of young  
3 children, and I think what you've done in terms  
4 of autism awareness I think is tremendous, and we  
5 thank you for your efforts. Thank you and  
6 congratulations for your recognition, and  
7 obviously a citation on behalf of the Legislature  
8 today.

9 Thank you.

10 CHAIRMAN SCHMITT: As is our custom,  
11 we're going to have a half an hour of public  
12 comment before we do the business of the  
13 Legislature. We ask, if possible, speakers hold  
14 themselves to three minutes. There are a lot of  
15 slips and a lot of people want to speak, so a  
16 little cooperation will help us to get this done.

17 The first slip that I have is Debbie  
18 McGowan.

19 LEGISLATOR WALKER: Legislator Schmitt,  
20 can I have a point of personal privilege, please.

21 CHAIRMAN SCHMITT: Legislator Walker,  
22 you have a point of personal privilege?

23 LEGISLATOR WALKER: Yes, please.

24 CHAIRMAN SCHMITT: The Chair recognizes  
25 Legislator Walker.

2 LEGISLATOR WALKER: I'd just like to  
3 know whose idea within the youth services  
4 agencies it was to have children from any ethnic  
5 background bound and gagged, whose idea from any  
6 supervisory youth agency would condone anyone  
7 binding children's hands with rope and sealing  
8 their mouths with duct tape. Is there not one  
9 adult, not one adult in the youth agencies that  
10 would have stood up or should have stood up and  
11 said no, binding and gagging children goes too  
12 far.

13 I'm appalled at the youth of this imagery  
14 as a means to an end. As a mother, as a  
15 grandmother, I am just appalled. This is just  
16 outright wrong.

17 UNIDENTIFIED FEMALE SPEAKER: Check out  
18 the Children's Defense Funds new national  
19 posters.

20 CHAIRMAN SCHMITT: What the heck does  
21 that mean?

22 UNIDENTIFIED FEMALE SPEAKER: It means  
23 it's more graphic than what you're seeing back  
24 there. This is a national campaign.

25 CHAIRMAN SCHMITT: And that, in your

2 opinion, makes it right?

3 UNIDENTIFIED FEMALE SPEAKER: It's an  
4 important message that needs to be heard.

5 CHAIRMAN SCHMITT: I see. And what  
6 agency are you from?

7 UNIDENTIFIED FEMALE SPEAKER: Long  
8 Island Advocacy Center.

9 CHAIRMAN SCHMITT: Long Island Advocacy  
10 Center. I think whoever did that ought to be  
11 ashamed of themselves. To be quite candid with  
12 you, I did not see it from up here and if I had I  
13 would have called child protective services. You  
14 should be ashamed.

15 Debbie McGowan. I called one person, I  
16 don't know why there's two there. Which one is  
17 Debbie McGowan?

18 MS. MCGOWAN: I am.

19 CHAIRMAN SCHMITT: Go ahead, ma'am.

20 MS. MCGOWAN: Good afternoon. On August  
21 20 I gave birth to a beautiful baby boy. My  
22 husband and I were thrilled with our baby and  
23 surprised when nurses and doctors started  
24 approaching us with sadness because Sean was born  
25 with Down Syndrome.

2 Sean is our boy. And our plan was then  
3 and is now to give him all the love and support  
4 he needs to become an independent person leading  
5 a high quality of life.

6 We hit a roadblock to this plan at age 12  
7 when the school he was attending did not share  
8 our vision. They saw Sean as a non-reader, a  
9 non-learner and a child with severe behavior  
10 problems so intense that no other school would  
11 want him. He was suspended from school on a  
12 regular basis. This did not make sense to me.  
13 This was not the Sean that I saw at home and knew  
14 to be.

15 Fortunately for me and for Sean, we were  
16 able to get the support of the education  
17 advocates at Long Island Advocacy Center. They  
18 helped me advocate for Sean through the Committee  
19 of Special Education and get the help of  
20 professional consultants.

21 When I realized that this school was not  
22 ever going to see Sean as a learner, LIAC helped  
23 me advocate for a change of placement. Today,  
24 Sean is a reader, a learner, and recently  
25 received an award from SEPTA. The award, I am so

2 proud to tell you, is for being an advocate for  
3 others with special needs. The award represents  
4 his contribution to our community because he's  
5 devoted to the campaign, Spread the Word to End  
6 the Word. And for those of you who may not know,  
7 the word is the R word, the word is retarded.

8 I know without the support that I  
9 received from Long Island Advocacy Center he most  
10 probably would not be where he is today. He  
11 truly is thriving. Families need the support of  
12 agencies like LIAC who share the same vision for  
13 our youth that we have and help children fulfill  
14 their dreams.

15 Thank you.

16 CHAIRMAN SCHMITT: Thank you.

17 Scott Aaron Blumenfeld. Scott  
18 Blumenfeld.

19 MR. BLUMENFELD: Good afternoon. My  
20 name is Scott Blumenfeld, and I'm from Lido  
21 Beach, New York.

22 I'm a rising senior at Long Beach High  
23 School and a member of what was formerly known as  
24 the Nassau County Executive's Youth Council.  
25 Legislators, agencies, ladies and gentlemen, as

2 you see, I stand before you today wearing a  
3 purple shirt accompanied with a purple tie.  
4 Purple, as we learned at this year's first ever  
5 Nassau County wide Relay for Life event on June  
6 29 is the color of hope. And at that relay, our  
7 youth of Nassau County were placed right where  
8 they need to be -- front and center -- and given  
9 all the hope they needed to show them that they  
10 can make a difference in today's world. We had  
11 choirs, color guards, participants, team  
12 captains, even survivors and caregivers that all  
13 showed up that night to help raise money for a  
14 very worthy cause. That night our youth learned  
15 that although we are young in age, we are mighty  
16 in ability.

17 I believe that it is the responsibility  
18 of the government to ensure that the legislation  
19 they pass opens the door for our youth to exert  
20 their abilities. And because of what has been  
21 going on in these meetings these past couple of  
22 weeks, I've seen that door slammed shut.

23 Our youth are the past, present, and  
24 future of our county, of our country, and of our  
25 entire world. Our well being is not

2 discretionary, it is mandatory.

3           We need the Department of Health and  
4 Human Services Office of Youth Services to help  
5 get out of the holes that we dig ourselves into  
6 and climb the mountains of accomplishment and  
7 reach the heights that we know we can achieve.  
8 And the fact that this department has been  
9 stripped just buries our hopes in a tombstone  
10 like fashion. And the fact that we have become  
11 the pawns and politics is absolutely appalling.

12           I do not have the education of experience  
13 to advise you on how to balance the budget and it  
14 is not my place to do so. But I do have the  
15 education, experience, heart, and morality to  
16 know that our youth need to continue to be the  
17 front and center of Nassau County, and that we  
18 need to have legislators who are going to  
19 advocate for our success, not terminate our  
20 chances to succeed.

21           Our agenda to promote community service  
22 learning that we spent months creating at the  
23 youth council this year was based off the ideal  
24 that when a community provides opportunity for  
25 their youth in the future, the youth will give

2 back to the community. I challenge all of you to  
3 provide us with that opportunity and watch as we  
4 amaze all of you with what we can in the present  
5 and the future.

6 Thank you.

7 CHAIRMAN SCHMITT: Thank you.

8 Legislator Ford.

9 LEGISLATOR FORD: Scott, Scott. Hi.  
10 I'm Legislator Ford. I represent you. And I  
11 just want you to know -- first, I want to thank  
12 you personally for coming down here. I'm  
13 thankful that you are wearing the color of hope  
14 because I believe that we are trying to. And I  
15 know when you look at the past decisions and  
16 votes and everything that you see up here, I  
17 think I'm free to say that there are some of us  
18 that are still working, basically at this point,  
19 behind the scenes trying to come up with an  
20 agreement to work everything out, to hash  
21 everything out, not to bring it out before the  
22 public right now but in a very diplomatic and  
23 thoughtful way of trying to reach a consensus so  
24 that we could put all of this behind us.

25 Just give us some time. I know that it's

2 very frustrating. When you say with your youth  
3 council, that some of the programs and the  
4 projects you'd like to see come to fruition, we  
5 share that as well. I know that our actions  
6 right now do not appear that way, but we are  
7 trying to come up with some sort of an agreement  
8 and hopefully we will be able to get this,  
9 resolve it and put this behind us and we can move  
10 on to the next project.

11 But I thank you for coming down.

12 CHAIRMAN SCHMITT: Daniel Rutledge.

13 MS. RUTLEDGE: Hi. My name is Danielle,  
14 and I'm from Inwood.

15 When I first moved to Five Towns I never  
16 thought I'd be part of something so inspirational  
17 that would have such a positive impact on my  
18 life. I was introduced to the Five Towns  
19 Community Center by a friend who was born and  
20 raised in Inwood. The moment she introduced me,  
21 a few weeks went by, she then became my role  
22 model, someone I looked up to. Seeing her close  
23 to everyone and making changes made me want to do  
24 the same. As soon as you know it, I became a  
25 leader at Five Towns Community Center.

2 Youth Services has done a lot for me. I  
3 also participated in many activities. There were  
4 talent shows, to let the talent be shown; evening  
5 program, a time for fun and relaxation for the  
6 youth and it also kept a lot of us off the  
7 streets and out of trouble; opportunities to  
8 volunteer. I was always told by my famous  
9 counselor, Ms. Veronica Ortiz, it looks good on a  
10 resume and it's always good to give back to your  
11 community. Fundraisers brought together the  
12 community and two local schools. Most of all,  
13 MRT, morale recreation therapy; it helped us as  
14 young teens and gave us a lot of opportunities to  
15 change all the negative things that's going on in  
16 our lives. It was such a great experience.  
17 Without MRT, I don't know where my life would be  
18 heading right now.

19 When I heard about the budget cuts I was  
20 actually terrified. I never thought I'd see the  
21 day when our youth programs would come to an end.  
22 These budget cuts that are being done will not  
23 only affect me, but it will also affect all of  
24 the other youths.

25 Five Towns Community Center isn't just a

2 place for the community, it is a home for all the  
3 people in the community. Without it, it just  
4 gives the youths more opportunities to freely  
5 hang in the streets and put their life in danger.

6 I'm fortunate that I had this opportunity  
7 to speak to you and appeal to you to find a  
8 solution to restore the funds so that the Center  
9 can continue the work that they have done for so  
10 many years.

11 Thank you.

12 CHAIRMAN SCHMITT: Thank you.

13 Danielle LaRose.

14 MS. LAROSE: Thank you for hearing us  
15 speak.

16 I am standing here on behalf of the  
17 Massapequa Interface Clergy Council and also as  
18 the director of an outreach program of a church  
19 that serves many, many people that come to our  
20 doors every single day.

21 As you all know, it's no surprise that  
22 the face of neediness has changed dramatically  
23 within our county within the past two years. We  
24 are seeing families that we've never seen before  
25 and we are seeing issues that we've never had to

2 handle and tackle on our own before and we have  
3 been.

4 Without the resources of these 58  
5 agencies and without their support and without  
6 their enthusiasm for serving our families and  
7 serving these children, we are all left in a very  
8 difficult position, we are all left in a very  
9 dangerous position with everything that we are  
10 facing.

11 These agencies have been unbelievable in  
12 their support in meeting the needs of our  
13 communities head on. They've been creative in  
14 their thinking and they've been generous with  
15 their time and above and beyond their time. All  
16 of them seek to seek resolution. It matters not  
17 what their paycheck has, it matters the time that  
18 they put in to see the difference in the lives of  
19 these families.

20 If we do not have the funding to have  
21 sufficient people within these positions, we are  
22 all looking at a dangerous future for all of us,  
23 for all of our children, and all of our families.

24 I'm simply here to kindly implore you all  
25 to kind of get behind us and support us in the

2 works that we wish to do with our whole heart and  
3 to serve all the people of Nassau County. And I  
4 thank you so much for your time. And I just ask  
5 you to greatly consider that when making  
6 decisions.

7 Thank you so much.

8 CHAIRMAN SCHMITT: Thank you.

9 Joanne Borden.

10 MS. BORDEN: On Sunday, May 27 past,  
11 Senator Alan Simpson retired, respected by both  
12 sides, and co-chairman of the Simpson Bowls  
13 Committee, was interviewed on television. He  
14 criticized his party for wasting America's energy  
15 by being involved in and fighting social issues.  
16 He said, "For God sakes, we're all God's  
17 children. What is this?"

18 Not too long ago, State Senator Dean  
19 Skellos told his republican caucus, "The time for  
20 politics has passed. Now, more than at any time  
21 in recent years, republicans must step forward to  
22 uphold their party's grandest traditions by  
23 supporting human rights."

24 These republican leaders know which end  
25 is up. And fighting the future by clinging to

2 outdates beliefs is like trying to hold back the  
3 tide. You can delay justice and humanity, but  
4 you cannot win with discrimination. History is  
5 always the firm that such bias is a loser. You  
6 know you're only delaying what is inevitable  
7 because it is the American way, the right way.

8           When I first came before you I stupidly  
9 thought every American was a patriot first. I  
10 had no idea there are people who would object to  
11 extending civil rights to anyone. I believed  
12 Americans, and especially legislators, have no  
13 greater calling than equality for all. I had no  
14 idea there are people who would take an American  
15 principle and make a left-right issue of it. For  
16 God sakes, what is this?

17           When we extended civil rights to women,  
18 America became greater. When we extended civil  
19 rights to African Americans, we became greater  
20 still. The past has taught us that denying  
21 rights hurts the denier more than the denied.  
22 Stop tarnishing your legacy and muddying your  
23 party's name. Allow gender civil rights; pass  
24 the Gender Clarification Amendments.

25           Civil rights has always made this a

2 better place and country, for the simple fact  
3 that the principles of human rights underline the  
4 importance of respecting the dignity and rights  
5 of all people, including people that already have  
6 those rights.

7 Thank you.

8 CHAIRMAN SCHMITT: Thank you.

9 Andrew Malekoff.

10 MR. MALEKOFF: Good afternoon. My name  
11 is Andrew Malekoff. I'm the executive director  
12 of North Shore Child and Family Guidance Center.  
13 I'm going to flip the script. I had something  
14 that I wanted to present, but I found it  
15 compelling, the question that Assemblywoman  
16 Walker asked about the young people in the back  
17 of the room, and so I wanted to respond to that.

18 I think the young people in the back of  
19 the room, I don't think, I know, have decided to  
20 do what they did today out of freewill. I think  
21 what they are expressing and demonstrating to us  
22 is their participation in democracy. They are  
23 engaging in peaceful protest. They are showing  
24 us how creative they are in having a voice about  
25 something that is deeply disturbing to them, what

2 we all know, which is almost \$8 million on annual  
3 basis of funding cuts to youth services, chemical  
4 dependency services, and mental health services.  
5 I think that what they express are the best of  
6 Nassau County. No one has held their hands and  
7 have tied them down to make this demonstration  
8 today. But I can only tell you that I'm  
9 privileged to be in a place where we have young  
10 people who live in this county who are able to do  
11 what they've done today, and we should all  
12 applaud them.

13 CHAIRMAN SCHMITT: If these young people  
14 wanted to set themselves on fire, would you  
15 condone that? They're young people.

16 MR. MALEKOFF: No. I know that I would  
17 not condone that. What they are presenting today  
18 is a metaphor.

19 CHAIRMAN SCHMITT: A metaphor, my foot.  
20 These are minor children.

21 MR. MALEKOFF: Do you know how old they  
22 are?

23 CHAIRMAN SCHMITT: Did they tie  
24 themselves up?

25 MR. MALEKOFF: Do you know what their

2 ages are? I happen to know a couple of the  
3 people back there; one of them is a young woman  
4 in a wheelchair who was the innocent victim of a  
5 drive-by shooting. Does she have the right to  
6 peacefully protest before you? She is certainly  
7 not a minor. She is someone who, of her own free  
8 will, is up here to demonstrate the damage that  
9 she's --

10 You know, Assemblyman Schmitt --

11 CHAIRMAN SCHMITT: Legislator.

12 MR. MALEKOFF: I'm sorry. Legislator  
13 Schmitt, she has tape across her mouth so she  
14 can't speak right now. But what does she say to  
15 you? Looking at her, what does she say to you?

16 CHAIRMAN SCHMITT: Looking at her or  
17 looking at the sign?

18 MR. MALEKOFF: Looking at her, what does  
19 she say to you?

20 CHAIRMAN SCHMITT: I don't understand  
21 your question.

22 MR. MALEKOFF: I want to know what is  
23 she saying as you look at her?

24 CHAIRMAN SCHMITT: Obviously, she's  
25 saying nothing. It's a problem to me because for

2 minor children it's dangerous.

3 MR. MALEKOFF: She's not a minor, sir.

4 CHAIRMAN SCHMITT: I'm not talking about  
5 her. I'm talking about the other young people  
6 standing behind you.

7 MR. ARGUETTA SPEAKER: Which one, the  
8 one whose life was being threatened and she  
9 called police officers in our community, called  
10 strong youth to provide services because she was  
11 being threatened. And the police department  
12 reached out -- and how about this young lady who  
13 services 300 kids in Hempstead, Roosevelt,  
14 Uniondale, where kids are killed on a constant  
15 basis. How about this man right here who has  
16 grown up in our agency? Better yet, this one  
17 whose older brother was sentenced to 20 years.  
18 Twenty years. And his life was being threatened  
19 at his house and Strong Youth helped him get out  
20 of that situation. How about this young lady  
21 right here, 34 years old, two master's degrees,  
22 being able to get jobs elsewhere but she uses it  
23 to help kids in our community? That County  
24 Executive, Ed Mangano, told us last year we were  
25 (inaudible).

2 I've sat here for four years -- and I  
3 heard you, Legislator Schmitt. You kept telling  
4 everyone in here, I promise you, when we get the  
5 majority back we'll find you your money. We have  
6 come here to plead with you - please release the  
7 hostages. Please work with us. We want to work  
8 with you. We love our community. We don't want  
9 this. Don't you think we'd rather be serving our  
10 communities? I'm coming here and I'm begging  
11 you, sir. I am humbling begging you in front of  
12 all of these people. I'm begging you to do what  
13 is right.

14 When you talk about the moral ground,  
15 sir, the Legislature voted 19 to zero -- do you  
16 know what you said in that transcript? These  
17 were your words, verbatim -- you said this  
18 amendment that the republicans were pushing is so  
19 that no county legislature, no county executive  
20 could just grab these monies and use them for  
21 whatever he wants. Sir, I am begging you, I am  
22 begging each and every last one of you,  
23 Legislator Becker, you stood with us where kids  
24 have been killed. You came to my community and  
25 stood next to me.

2 LEGISLATOR BECKER: Do me a favor.  
3 Don't look to me, look over there please. I did  
4 what I needed to do. I voted for the bonding. I  
5 voted for the bonding.

6 MR. ARGUETTA: Last time I was here,  
7 sir, you walked off the dais and you told me that  
8 you didn't agree with what your party was doing.

9 LEGISLATOR BECKER: What are you talking  
10 about? You're mistaken. You're mistaken. I  
11 told you what needs to be done, we need the  
12 bonding to pass, as simple as that. Do you want  
13 me to speak for just a moment?

14 MR. ARGUETTA: Sure.

15 LEGISLATOR BECKER: Let me speak for  
16 just a moment.

17 MR. ARGUETTA: Go ahead.

18 LEGISLATOR BECKER: If they agreed to  
19 the bonding -- you're talking to the wrong  
20 people.

21 MR. ARGUETTA: Sir -

22 LEGISLATOR BECKER: You see, you're not  
23 letting me finish.

24 MR. ARGUETTA: You want to make this  
25 about bonding.

2 LEGISLATOR BECKER: No. You see, you  
3 won't let me finish. You want to talk and you  
4 want to talk. I'm telling you if they agreed to  
5 the bonding, the money for the youth programs is  
6 restored. There you go. You're not letting me  
7 finish.

8 MR. ARGUETTA: If you get us more  
9 cameras, if you --

10 LEGISLATOR BECKER: You're not letting  
11 me speak, are you? You're not letting me speak.

12 MR. ARGUETTA: Because I heard you.

13 LEGISLATOR BECKER: You're looking in  
14 the wrong direction.

15 MR. ARGUETTA: My colleagues have been  
16 very respectful. We're done with the talking  
17 points.

18 LEGISLATOR BECKER: What are you looking  
19 at me for? I did what I needed to do.

20 MR. ARGUETTA: You weren't for this.

21 LEGISLATOR BECKER: I voted for the  
22 bonding. I voted for the bonding.

23 MR. ARGUETTA: You come into my  
24 community one more time -- you want to run for  
25 Congress?

2 LEGISLATOR BECKER: Absolutely.

3 MR. ARGUETTA: You better remember to  
4 say these services are not offered in your  
5 district. Is that what you want to do?

6 LEGISLATOR BECKER: Are you going to let  
7 me speak? Are you going to let me speak?

8 MR. ARGUETTA: Sir, you talk all the  
9 time. Sir, you talk all the time. The community  
10 is speaking today. The community is speaking  
11 today.

12 The same thing I told the county  
13 executive, the same thing I told Rob Walker, we  
14 will work with you. We will work with you. Let  
15 go of the hostages.

16 LEGISLATOR BECKER: What are you looking  
17 at me for?

18 MR. ARGUETTA: Because you're holding us  
19 hostage.

20 LEGISLATOR BECKER: If you'd let me --

21 MR. ARGUETTA: He knows what he told me,  
22 Legislator Ford. He came down here and told me  
23 that he didn't agree with you. That's what he  
24 did, I swear to you. On my daughter's life, I'm  
25 telling you the truth. That man came down here

2 and told me he didn't agree with what the  
3 legislature was doing and the rest of his party.

4 CHAIRMAN SCHMITT: So you want to work  
5 with us?

6 MR. ARGUETTA: Yes.

7 CHAIRMAN SCHMITT: You want to work with  
8 us?

9 MR. ARGUETTA: Yes.

10 CHAIRMAN SCHMITT: We want to work with  
11 you. I need three votes for bonding and you have  
12 your money. Talk to them.

13 MR. ARGUETTA: I swear to you, if you  
14 get these services restored, we'll be at the  
15 forefront of your other issues. We will work  
16 with you. Let go of the hostages now. Let go of  
17 the hostages now.

18 CHAIRMAN SCHMITT: We need three votes  
19 for bonding, it's that simple.

20 We, too, have the tape over our mouths.  
21 We can't move forward without the three votes for  
22 bonding.

23 LEGISLATOR DENENBERG: I want to see  
24 that.

25 UNIDENTIFIED FEMALE: Every time you

2 mention that word bonding, you're trying to  
3 belittle the intelligence of the people in my  
4 community. It is not about the bonding, and we  
5 know this. It is not about the bonding. It is  
6 about the taking away of money from a law that  
7 was there to protect us.

8 CHAIRMAN SCHMITT: Okay. We're going to  
9 --

10 UNIDENTIFIED FEMALE: What kind of  
11 society or civilization -- we claim to be  
12 civilized. What kind of society do we live in  
13 that we can rescind a law in the middle of  
14 minutes and destroy lives? Those laws obviously  
15 mean nothing. We're living in a lawless nation,  
16 obviously.

17 CHAIRMAN SCHMITT: Okay.

18 MR. MALEKOFF: You asked me what I  
19 thought about the minors who were demonstrating  
20 peacefully --

21 CHAIRMAN SCHMITT: You have made -- you  
22 have made your feelings very clear. I understand  
23 exactly what you're about.

24 MR. MALEKOFF: What is that? What does  
25 that mean?

2 CHAIRMAN SCHMITT: Okay. Jamie  
3 Bogenschutz.

4 MR. MALEKOFF: Excuse me. What does that  
5 mean? What does that mean, that you know exactly  
6 --

7 CHAIRMAN SCHMITT: Jamie Bogenschutz is  
8 the next speaker.

9 MR. MALEKOFF: Can you tell me what that  
10 means?

11 CHAIRMAN SCHMITT: No. Our conversation  
12 is done.

13 Is Jamie Bogenschutz here?

14 UNIDENTIFIED MALE: Jamie deferred to  
15 me. She had to leave. She deferred to me, if  
16 that's okay.

17 CHAIRMAN SCHMITT: No. It's not okay.  
18 We have a list of speakers here. If she's not  
19 here, she's not here.

20 Christine Nolan.

21 MS. NOLAN: My name is Christine Nolan,  
22 and I am one of your registered voters and  
23 taxpayers. My son is a student at the Harriet  
24 Eisman Community School in Long Beach. Phil's  
25 always had a difficult time in school, and it got

2 to the point where he was ready to give up and  
3 drop out. His high school guidance counselor was  
4 the one who pointed us in the direction of the  
5 Harriet Eisman School. We met with Julie, the  
6 director, and Phil realized that this was a place  
7 where he could have a fresh start.

8           Since attending the school, he's become a  
9 new person. He is a mature, responsible kid with  
10 a positive attitude towards his education. Phil  
11 will graduate in August. Phil's graduation and  
12 the graduation of thousands of students over the  
13 past 40 years -- that's 40 years, that's success.

14           Ed Mangano should be ashamed of himself  
15 to the cuts to the youth, mental health, and  
16 addiction treatment programs. Both parties  
17 should be ashamed by the way they point the  
18 fingers at each other. I have never seen  
19 anything so shameful.

20           Your decisions affect many lives - adults  
21 and kids. And these kids are the future. By  
22 closing this school you are reducing and possibly  
23 eliminating their chances of success. The  
24 funding was put in place to help those that truly  
25 need it. Give it back because you can.

2 CHAIRMAN SCHMITT: Thank you.

3 Our 30 minutes is up. Our last speaker  
4 before we do the business of the legislature, and  
5 then we'll come back to the rest of the public  
6 comment, is Sean Fessler.

7 MR. FESSLER: Hi. I'm Sean Fessler, and  
8 I attend the Harriet Eisman Community School. My  
9 entire life I had school anxiety, my doctor even  
10 prescribed me medication. But in tenth grade my  
11 anxiety got so bad that I couldn't attend school  
12 anymore because I had panic attacks every  
13 morning. I was at the point of dropping out and  
14 maybe getting my GED when I heard about Harriet  
15 Eisman. I heard about it from a friend and  
16 thought I'd try it. From the first day at  
17 Harriet Eisman I knew this school was for me  
18 because of the smaller classes, personalized  
19 learning, and you even get a high school diploma.  
20 By the second week of school, my school anxiety  
21 stopped 100 percent and they even stopped my  
22 medication.

23 In public school I had no interest in  
24 pursuing my education after high school. But  
25 now, at Harriet Eisman, I already know what

2 college I want to go to. Harriet Eisman saved my  
3 future.

4 In conclusion, I'm here for one thing --  
5 to tell you please don't close down my school,  
6 second home, and my future.

7 CHAIRMAN SCHMITT: Thank you. The rest  
8 of the speakers will be called immediately  
9 following the legislative meeting, and we will go  
10 into that right now.

11 I'm going to call the appointments,  
12 because these people have been waiting an  
13 inordinate amount of time. I'm going to call  
14 Items Number 28, which is the resolution to  
15 appoint Daniel McCloy as director of the Nassau  
16 County Tobacco Settlement Corporation.

17 May I have a motion, please?

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator  
21 Gonsalves, seconded by Legislator Muscarella.

22 Any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Any abstentions?

7 (Abstain.)

8 Let the record show that Legislator Dunne  
9 has entered the chamber and is sitting at his  
10 place.

11 Legislator Dunne, we're taking a vote on  
12 Resolution Number 119, which is a resolution to  
13 appoint Dan McCloy as director of the Nassau  
14 County Tobacco Settlement.

15 All in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Abstentions?

20 (Abstain.)

21 By a vote of ten to nothing, with nine  
22 abstentions, the item carries unanimously.

23 Scannell and Jacobs is not here. Very  
24 good.

25 LEGISLATOR ABRAHAMS: Joe is here.

2 Item Number 29 is a resolution appointing  
3 Beaumont Jefferson as a member of the Nassau  
4 County Deferred Compensation Board.

5 May I have a motion, please?

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRMAN SCHMITT: Moved by Legislator  
9 Gonsalves, seconded by Legislator Nicolello.

10 Any debate or discussion?

11 (No verbal response.)

12 These people are all here, by the way.

13 Any debate or discussion?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Any abstentions?

22 (No verbal response.)

23 Are you voting yes, no, maybe?

24 LEGISLATOR ABRAHAMS: We voted all yes.

25 CHAIRMAN SCHMITT: Let the record show

2 that the item carries unanimously.

3 Item Number 30 is a resolution appointing  
4 Sergio Blanco, a non-voting member of the Nassau  
5 County Deferred Compensation Board.

6 May I have a motion, please?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN SCHMITT: Moved by Legislator  
10 Gonsalves, seconded by Legislator Muscarella.

11 Any debate or discussion?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor please signify by  
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Let the record show that that item  
21 carries unanimously.

22 Next is a resolution Item Number 122 to  
23 confirm the county executive's appointment of  
24 Paul L. Melli as a member of the Advisory Council  
25 for Senior Citizen Affairs.

2 May I have a motion, please?

3 LEGISLATOR GONSALVES: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator  
6 Gonsalves, seconded by Legislator Muscarella.

7 Any debate or discussion?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please signify by  
12 saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 By a vote of ten to eight, the  
17 appointment carries.

18 Resolution Number 123 is a resolution to  
19 confirm the county executive's appointment of  
20 Owen Smith to the Nassau County Board of Ethics.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR BECKER: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator  
24 Dunne, seconded by Legislator Becker.

25 Any debate or discussion?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor please say aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The item carries by a vote of ten to  
10 eight. By a vote of ten to eight, Owen Smith is  
11 appointed to the Board of Ethics.

12 Congratulations to all the appointees.

13 We are now going to do the consent  
14 calendar.

15 The consent calendar is those items that  
16 have been agreed to by the minority and, believe  
17 it or not, there are actually some things we  
18 agree on, the minority and the majority and  
19 doesn't require any further debate or discussion.

20 The consent calendar is Number 14,  
21 Ordinance Number 196; Number 15, Ordinance Number  
22 197; Number 16, Ordinance 198; 17, Ordinance 199;  
23 18, Ordinance 200; 19, Ordinance 201; 20,  
24 Ordinance 202; 21, Ordinance 203; 22, Resolution  
25 113; 23, Resolution 114; 24, Resolution 115; 26,

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2 Resolution 117; 34, Resolution 125; 35,  
3 Resolution 126; 36, Resolution 127; Item 37,  
4 Resolution 128; Item 38, Resolution 129; Item 39,  
5 Resolution 130; Item 40, Resolution Number 131;  
6 Item 41, Resolution Number 132; Item 42,  
7 Resolution 133; Item 43, Resolution 134; Item 44,  
8 Resolution 135; Item 45, Resolution 136; Item 46,  
9 Resolution 137; Item 47, Resolution 138; Item 48,  
10 Resolution 139; Item 49, Resolution 140; Item 50,  
11 Resolution 141; Item 51, Number 142; Item 52,  
12 Number 143; Item 53, Number 144.

13 Now, may I have a motion, please?

14 May I have a motion, please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR DUNNE: Second.

17 CHAIRMAN SCHMITT: Moved by Legislator  
18 Gonsalves, seconded by Legislator Dunne.

19 Any public comment?

20 (No verbal response.)

21 All those in favor please signify by  
22 saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The items carry unanimously.

3 I should say for the benefit of those in  
4 the audience that all of these items were  
5 thoroughly vetted at committee, which is why the  
6 minority and the majority agreed to just push  
7 through their passage.

8 Now we go to the hearings.

9 Item Number 1 is a hearing on a proposed  
10 local law to amend the Nassau County  
11 Administrative Code in relation to false  
12 transmissions from automatic alarm systems.

13 May I have a motion, please?

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR WALKER: Second.

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

18 Can I have a vote to open up the hearing?

19 All those in favor please say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The hearing is open.

24 Identify yourself for the record.

25 MS. FOX: Good afternoon. Tatum Fox,

2 Nassau County Police Department, Legal Bureau,  
3 along with Sergeant Stephanoff and Detective  
4 Sergeant Israel Santiago.

5 CHAIRMAN SCHMITT: Go ahead.

6 MS. FOX: This item is to amend the  
7 current local law. And there are two material  
8 changes to this amendment, the first being to the  
9 application fees for commercial permit holders,  
10 which will be raised by \$50 for both new and  
11 renewal. The renewal applications are every two  
12 years. And the second material change is to both  
13 residential permit holders and commercial permit  
14 holders, that they will incur two warnings before  
15 being subject to a fine. It used to be that you  
16 would incur four warnings before being subject to  
17 a fine. And the purpose is to act as a  
18 deterrent, since 99 percent of our alarms are  
19 deemed false and each call is approximately an  
20 hour, at least, of an officer off patrol to  
21 investigate. So that is the purpose of this  
22 amendment.

23 CHAIRMAN SCHMITT: Any questions?

24 Legislator Ford.

25 LEGISLATOR FORD: I commend you for

2 following through, because with these false  
3 alarms, and I know the dangers it can pose to the  
4 emergency responders. But how did you come up  
5 with, like, such a, you know, \$100 for the, like,  
6 the fine.

7 MS. FOX: For that I will defer to  
8 accounting, Sergeant Stephanoff. But it's really  
9 the cost of an hour of the salary of the officer  
10 that is off patrol to investigate and secure the  
11 premises that the alarm sounded.

12 LEGISLATOR FORD: That's all I wanted to  
13 know, how you came up with the \$100 fee rather  
14 than, like, if it was arbitrary or there was --

15 MS. FOX: Oh, no. It definitely doesn't  
16 begin to offset the cost. Again, it's more a  
17 deterrent factor.

18 LEGISLATOR FORD: But it's based on  
19 basically, when you consider it would be an hour,  
20 hour and a half that an officer would be taken  
21 off duty to respond to a false alarm so that  
22 basically an average amount that the cost to  
23 basically the county and the police department --

24 MS. FOX: Sure. Because then you have  
25 to dispatch someone else to another scene, they

2 could be incurring overtime for that. It runs  
3 the gamut. But it definitely is to offset costs.

4 LEGISLATOR FORD: Thank you very much.

5 MS. FOX: Sure.

6 CHAIRMAN SCHMITT: Okay. Anybody else?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 I'll take a motion to close the hearing.

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator

14 Gonsalves, seconded by Legislator Muscarella.

15 All those in favor of closing the hearing  
16 please say aye.

17 (Aye.)

18 The hearing is closed.

19 Next is a hearing on a local law to amend

20 Section 21-22.4 of the Nassau County

21 Administrative Code in relation to the fees

22 charged for the registration of automated teller  
23 machines.

24 May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN SCHMITT: Moved by Legislator  
4 Gonsalves, seconded by Legislator Muscarella.

5 All those in favor of opening the hearing  
6 please say aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The hearing is open.

11 Good afternoon.

12 MS. FARLEY: Good afternoon, Presiding  
13 Officer, Legislators. Madelyn Farley from the  
14 Office of Consumer Affairs, Ken Haino also from  
15 the Officer of Consumer Affairs.

16 This is to amend the ATM law to raise the  
17 fees for a new ATM machine to \$150 from 100 and  
18 for renewals from 50 to 100.

19 CHAIRMAN SCHMITT: Now, somebody putting  
20 in a new machine, what do they get?

21 MS. FARLEY: I'm sorry?

22 CHAIRMAN SCHMITT: Do they get  
23 inspected? Is that what the fee is for?

24 MR. HAINO: They have to register the  
25 machine with us, providing us, the servicing

2 agent, as well as the owner/operator to make sure  
3 that everybody's in contact of who has access to  
4 that person's information, God forbid there is a  
5 case of identity theft from that ATM machine.

6 CHAIRMAN SCHMITT: Okay. Any questions?  
7 Legislator Ford.

8 LEGISLATOR FORD: Thank you. I want to  
9 commend you on doing a wonderful job.

10 In regard to the ATM machines, and I know  
11 that when we originally passed this legislation,  
12 you know, a lot of the concern was people who are  
13 not going to banks to utilize ATMs, they may go  
14 to delis, they may go to different type of  
15 stores, other locations, and the intent was, as  
16 Mr. Haino had expressed, first of all, to make  
17 sure that they were legitimate ATMs, that they  
18 were not stealing a person's identity, but also  
19 to provide them with a lighted area so that  
20 they're not in a dark corner trying to withdraw  
21 their money and that they would be subjected to  
22 possibly being robbed.

23 When somebody applies, you know, when  
24 they're going to put a new ATM machine, do we  
25 still do this? Do we still go out to see the

2 location to make sure that it is in a public area  
3 and, if so, especially if it's on a street, that  
4 there is a light and there is a possibility so  
5 that the person can feel safe utilizing that  
6 machine?

7 MR. HAINO: What we do is when they apply  
8 for the sticker, a sticker is issued and  
9 generated to that store. We have our  
10 investigators, through regular routine  
11 enforcement, as well as our weights and measures  
12 team, they do look at these ATM machines  
13 throughout the stores and various locations  
14 throughout the county. They do report back if  
15 there is no sticker on that machine, as well as  
16 inadequate lighting and/or reflective mirror.

17 LEGISLATOR FORD: And what do we do  
18 then? Because my concern is that I have a lot of  
19 establishments in the area that I live and I  
20 noticed that a lot of the machines, they may not  
21 have the Nassau County sticker on them. Can I  
22 safely assume that that person did not register  
23 that machine or is it that they just didn't  
24 bother putting the sticker on?

25 MR. HAINO: It's actually probably a

2 mixture of both. One of the main companies that  
3 owns over 600 ATM machines is a company called  
4 Cartronics based out of Houston, Texas. They are  
5 issued the stickers, and they are mailed. I know  
6 there was a couple months there when they had one  
7 person, due to financial cutbacks, putting all  
8 the stickers on those machines. So sometimes it  
9 is because the sticker is issued. But when we do  
10 get a complaint, our weights and measures team,  
11 we do go out there and we inspect. A fine for a  
12 store that has an unregistered ATM machine is  
13 \$250 and a fine for the owner/operator of that  
14 ATM machine is \$1,000. So we do follow up with  
15 the law. We do take it serious. And if somebody  
16 does let us know about an ATM machine, we are out  
17 there aggressively enforcing the law.

18           LEGISLATOR FORD: My request then would  
19 be because we want to give a level of security to  
20 the residents and people who do come to Nassau  
21 County -- and I know that we look at the  
22 restraints of how many people we have working in  
23 our departments and that you're probably  
24 stretched as thin as every other department. But  
25 if at some point perhaps if you would consider

2 maybe doing like, just basically sending people  
3 out to do a quick inspection on various locations  
4 because if people are not registering machines,  
5 then it would be a \$1,000 fine for the store  
6 owner, but it would also let people realize that  
7 we are closely monitoring to make sure that  
8 whenever they deal with an ATM other than a bank  
9 that they can feel secure in that sense.

10 MS. HAINO: Absolutely. We'll get on  
11 it.

12 LEGISLATOR FORD: I thank you very much.

13 CHAIRMAN SCHMITT: Okay. Anybody else?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 I'll take a motion to close the hearing.

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator  
21 Gonsalves, seconded by Legislator Muscarella.

22 All those in favor of closing the  
23 hearing?

24 LEGISLATOR ABRAHAMS: Before we take the  
25 vote, Presiding Officer Schmitt, just for the

2 record reflect that Legislator Jacobs is now in  
3 the building.

4 CHAIRMAN SCHMITT: Legislator Jacobs is  
5 now in the chamber.

6 We have a motion to close the hearing by  
7 Legislator Gonsalves, a second by Legislator  
8 Muscarella.

9 All those in favor of closing the hearing  
10 please say aye.

11 (Aye.)

12 The hearing is closed.

13 Any opposed?

14 (No verbal response.)

15 The hearing is closed.

16 Now we have a hearing on a local law to  
17 amend Section 22-11 of the Nassau County  
18 Administrative Code in relation to the fees  
19 charged in connection with licenses to operate  
20 home improvement businesses.

21 May I have a motion, please?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRMAN SCHMITT: Moved by Legislator  
25 Gonsalves, seconded by Legislator Muscarella.

2 All those in favor of opening the hearing  
3 please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The hearing is open.

8 Nice to see you again.

9 MS. FARLEY: Hello. The fee for home  
10 improvement licenses is currently \$400 for a two-  
11 year fee. We'd like to raise it to \$500 for a  
12 two-year fee.

13 CHAIRMAN SCHMITT: From 400 to 500?

14 MS. FARLEY: Yes.

15 CHAIRMAN SCHMITT: Okay. Does anybody  
16 have any questions?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 I'll take a vote to close the hearing.

21 LEGISLATOR GONSALVES: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator  
24 Gonsalves, seconded by Legislator Muscarella.

25 All those in favor of closing the hearing

2 please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The hearing is closed.

7 MS. FARLEY: Thank you.

8 CHAIRMAN SCHMITT: Thank you.

9 Item Number 4 is a vote on a proposed  
10 local law to amend the Nassau County  
11 Administrative Code in relation to the false  
12 transmissions from automatic alarm systems.

13 Can I have a motion, please?

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRMAN SCHMITT: Moved by Legislator  
17 Gonsalves, seconded by Legislator Muscarella.

18 Any debate or discussion?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor please say aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

2 Let the record show that by a vote of ten  
3 to nine the item is adopted.

4 Item Number 5 is a vote on the proposed  
5 local law in relation to the automated teller  
6 machines. May I have a motion, please?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN SCHMITT: Moved by Legislator  
10 Gonsalves, seconded by Legislator Muscarella.

11 Any debate or discussion?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item, by a vote of ten to nine, is  
20 carried.

21 Item Number 6 is a vote on the proposed  
22 local law in relation to the fees charged to  
23 license home improvement businesses.

24 May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN SCHMITT: Moved by Legislator  
4 Gonsalves, seconded by Legislator Muscarella.

5 Any debate or discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor please signify by  
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 By a vote of ten to nine, the item  
15 carries.

16 Item Number 7 is an ordinance repealing  
17 Ordinance Number 185-2010 and establishing a new  
18 fee schedule for ambulance services provided by  
19 the Nassau County Police Department.

20 May I have a motion, please?

21 LEGISLATOR GONSALVES: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator  
24 Gonsalves, seconded by Legislator Muscarella.

25 Good afternoon.

2 SERGEANT STEPHANOFF: Good afternoon.  
3 Sergeant Greg Stephanoff and Tatum Fox from the  
4 Nassau County Police Department.

5 It has been the policy of the police  
6 department to bill for ambulance services that  
7 are provided by the Nassau County Police  
8 Department Ambulance Bureau.

9 This requested legislation would provide  
10 the department with the ability to bill when a  
11 trauma patient is transported by helicopter. The  
12 police department incurs a substantial cost in  
13 staffing and maintaining the department's three  
14 helicopters. Collecting fees for the helicopter  
15 Medivac would partially offset this cost.

16 CHAIRMAN SCHMITT: Okay. Any questions?

17 LEGISLATOR DENENBERG: I have a  
18 question.

19 CHAIRMAN SCHMITT: Legislator Denenberg.

20 LEGISLATOR DENENBERG: This fee is  
21 different than the ambulance response fee that  
22 went up either last year or the year before?

23 SERGEANT STEPHANOFF: Yes.

24 LEGISLATOR DENENBERG: This is purely  
25 for the helicopter?

2 SERGEANT STEPHANOFF: For the helicopter  
3 portion, yes.

4 LEGISLATOR DENENBERG: What are we  
5 charging now?

6 SERGEANT STEPHANOFF: We don't charge  
7 anything.

8 LEGISLATOR DENENBERG: So this would be  
9 the first time that we're charging for it?

10 SERGEANT STEPHANOFF: Yes.

11 LEGISLATOR DENENBERG: Do people get  
12 insurance coverage for this?

13 SERGEANT STEPHANOFF: Yeah. Insurance,  
14 I think we've looked into it. Insurance, it's  
15 allowable expense, added to the transport.

16 LEGISLATOR DENENBERG: Up to how much?

17 MS. FOX: The amount really varies.  
18 It's claim by claim because there are unique  
19 situations for each transport. However, the  
20 majority of Medivacs are a result of automobile  
21 accidents, so no fault would kick in, so to  
22 speak, and any amount difference for the  
23 individual, we do have financial hardship. It's  
24 really a third-party claim. It's not necessarily  
25 to go after the person who was transported, but

2 more the insurance companies who cover them.

3 And, yes, we did ask our Med 3000, our billing  
4 agency these questions, and we were informed that  
5 no fault would cover Medivac.

6 LEGISLATOR DENENBERG: I looked into  
7 insurance coverage on this and I haven't been  
8 able to find a carrier that would cover it.

9 MS. FOX: I was also informed, aside  
10 from no fault, that Medicare, Medicaid do cover.  
11 Again, the amounts vary.

12 LEGISLATOR DENENBERG: That's great. We  
13 pay 50 percent of that.

14 MS. FOX: Let's see what else.

15 LEGISLATOR DENENBERG: So we're going to  
16 pay ourselves, I guess.

17 MS. FOX: Aetna and UHC. Again, that  
18 would be only if the no fault didn't apply.

19 There was another question, if I may,  
20 unless you have something else, that was raised  
21 during rules, is what Suffolk County does. Just  
22 for your information, in April 2012 Suffolk  
23 County passed an omnibus legislation,  
24 specifically it was Resolution 374-2012, which,  
25 amongst other things, gave the county exec the

2 authority to implement a program to see costs  
3 from third-party insurance companies for  
4 emergency airlift as well. Just that was an open  
5 question.

6 CHAIRMAN SCHMITT: How many Medivacs are  
7 there in a year, average?

8 MS. FOX: Approximately 75.

9 CHAIRMAN SCHMITT: And of that 75 how  
10 many of them are from automobile accidents?

11 MS. FOX: From that, I can't answer  
12 specifically because it's an approximate.  
13 However, not all of could we claim on, based on  
14 different reasons - what their trauma level was,  
15 there's basic life support, advance life support,  
16 and that would all be taken into account by the  
17 insurance companies and our biller. So not every  
18 Medivac will be billed for. And there is one  
19 other component which has not been brought up,  
20 but I would like to bring to the legislator's  
21 attention.

22 Under the FAA you need a certain  
23 certification to bill, and it's called Part 135.  
24 Forgive me because I'm not very well versed in  
25 FAA regulations. However, currently, we are

2 seeking that certification and it should take  
3 about six months to a year. There's a tremendous  
4 amount of paperwork that goes into that, with the  
5 FAA, and they have to certify us as Part 135;  
6 reason being, we have to have permission from the  
7 legislature to charge and then once we have your  
8 permission we can seek permission from the FAA to  
9 be certified to charge. So this won't take  
10 effect for a year, six months to a year. It  
11 wouldn't make sense to seek the certification  
12 first, if the legislative body did not grant us  
13 the authority to charge because then it would be  
14 for naught. So this really had to come first in  
15 that series of events.

16 CHAIRMAN SCHMITT: Determined by whom?

17 MS. FOX: The FAA - Federal Aviation  
18 Agency.

19 CHAIRMAN SCHMITT: Anybody else?  
20 Legislator Jacobs.

21 LEGISLATOR JACOBS: I just have one  
22 thing to say. I, too, checked with Suffolk, and  
23 they do not have a charge. They may have the  
24 permission --

25 MS. FOX: Correct. They're not

2 certified yet either. Exactly the same  
3 situation. They have passed the local resolution  
4 to charge, but they are not charging it because  
5 they are not Part 135 certified. That's why they  
6 can't, under the FAA, charge yet.

7 LEGISLATOR JACOBS: Would it be more  
8 advisable to -- let me ask two questions. Are  
9 they proceeding -- to the best of your knowledge  
10 -- are they looking to charge?

11 MS. FOX: Again, this just passed in  
12 April 2012 for them. I was advised by Suffolk  
13 that there is a tremendous -- which we were aware  
14 of -- that there is a tremendous amount of  
15 paperwork and you have to wait until the FAA  
16 permits you to charge. You're still doing  
17 Medivacs all the while, you just cannot charge  
18 for them until you receive that Part 135  
19 certification.

20 They are no now and they probably won't  
21 for a good six months to a year, just as we  
22 won't, can't until we have that appropriate  
23 certification.

24 LEGISLATOR JACOBS: Let me just ask you  
25 one more question. Would it be advisable to wait

2 then with us until we're in concert with Suffolk  
3 so that all of Long Island is the same?

4 MS. FOX: The reason why they also asked  
5 for permission to charge first is respectfully if  
6 it's so much work to be certified that in the end  
7 if you're not going to charge, if you don't have  
8 the legislation to do so that was all for naught.  
9 Again, it's just a lot of time and paperwork.  
10 Literally, the FAA come and they have a pre-  
11 meeting with you. So you kind of need the  
12 ability to charge, otherwise you would never seek  
13 the certification. Again, under Part 91, which  
14 we are now, we can do the Medivacs; it's the  
15 charging that triggers the Part 135.

16 LEGISLATOR JACOBS: Okay. Thank you.

17 CHAIRMAN SCHMITT: Anybody else?

18 Legislator DeRiggi-Whitton.

19 LEGISLATOR DeRIGGI-WHITTON: Thank you,  
20 Mr. Schmitt.

21 Is it my understanding that you will not  
22 begin billing until you get the certification?

23 MS. FOX: We won't and we can't,  
24 correct.

25 LEGISLATOR DeRIGGI-WHITTON: And you

2 expect that to take over a year?

3 MS. FOX: Well, no. I was told six  
4 months to a year, six months being what is  
5 expected but we all know how quickly six months  
6 can ripen into a year. That's why I would  
7 guesstimate six months to a year.

8 LEGISLATOR DeRIGGI-WHITTON: So, at best  
9 estimates, you don't expect to see any revenue  
10 until probably the beginning of next year?

11 MS. FOX: Right. Correct.

12 LEGISLATOR DeRIGGI-WHITTON: Thank you.

13 CHAIRMAN SCHMITT: Any public comment?  
14 I'm sorry. Legislator Walker.

15 LEGISLATOR WALKER: Just kind of to  
16 piggyback on Legislator Jacob's comments, too.  
17 We really are in concert with Suffolk? Maybe  
18 we'd get lucky and say that we'd both be given  
19 the permission at the same time. But if they  
20 started kind of two months ahead of us, they  
21 probably will be able to charge two months, maybe  
22 two months before us, if it takes the same amount  
23 of time.

24 MS. FOX: Actually, our aviation bureau,  
25 I'm told from the people I spoke with in the

2 Suffolk County Police Legal Bureau, that they've  
3 been speaking together, to help each other walk  
4 through the process of Part 135 certification.  
5 Maybe them being two months ahead will actually  
6 help us jumpstart in.

7 LEGISLATOR WALKER: Thank you.

8 MS. FOX: No problem.

9 CHAIRMAN SCHMITT: Any public comment?

10 (No verbal response.)

11 I'll take a motion to close the hearing.

12 I'm sorry. This is an ordinance. We've got to  
13 wait.

14 Okay. I'll take a vote on the ordinance.

15 All those in favor signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 By a vote of ten to nine, the ordinance  
20 is adopted. Thank you.

21 Ordinance Number 8 -- I'm sorry. Item  
22 Number 8, Ordinance Number 190 is an ordinance  
23 amending Ordinance 16-2011 is relation to  
24 increasing the fee charged by the Traffic and  
25 Parking Violations Agency for a final disposition

2 other than not guilty.

3 May I have a motion, please?

4 LEGISLATOR GONSALVES: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN SCHMITT: Moved by Legislator  
7 Gonsalves, seconded by Legislator Muscarella.

8 MR. MARKS: John Marks, Executive  
9 Director of TPVA.

10 MR. RICH: David Rich, Deputy Director  
11 of TPVA.

12 CHAIRMAN SCHMITT: Tell us about this.

13 MR. MARKS: We're seeking to increase  
14 the current fee, administrative fee charged for a  
15 ticket, disposition of a ticket done by TPVA,  
16 which is currently \$15, based upon figures from  
17 2008, when the \$15 fee just went into effect,  
18 where the approximate cost per ticket was \$14.76.  
19 A recent study by our group came in with two  
20 figures, one figure being \$29.50 and the other  
21 \$27.38 or 28 cents, to process a ticket. It  
22 would be charged to any ticket process other than  
23 a finding of not guilty.

24 CHAIRMAN SCHMITT: So a ticket now,  
25 going through a red light, for example, is how

2 much?

3 MR. MARKS: The ticket is \$50. There is  
4 a surcharge of \$10. I'm sorry. There's no  
5 surcharge. There's a \$15 administrative fee.

6 CHAIRMAN SCHMITT: So 65?

7 MR. MARKS: That's correct.

8 CHAIRMAN SCHMITT: Where is it going to  
9 go to?

10 MR. MARKS: If it's passed it will go to  
11 80. I would prefer instead of administrative  
12 fee, when I asked that this be written, that it  
13 be called a driver responsibility fee. This is,  
14 in my eyes, a self generated fee by people who  
15 are not following the law. It's a safe, if you -  
16 - if you get hit possibly a little harder in the  
17 pocket, there may be a little more clearing,  
18 careful.

19 CHAIRMAN SCHMITT: Anybody else?  
20 Legislator Ford.

21 LEGISLATOR FORD: Thank you. I think my  
22 recollection of this fee, when we decided to pass  
23 it, I guess it was 2008 or 2009, was that this  
24 fee was supposedly money because we were sending  
25 it up to New York State or something because we

2 had to process something and send information up  
3 to New York State. This is not that fee?

4 MR. MARKS: Dave can talk about 2008.  
5 But 2010 legislation was to change it from a one  
6 incident or one stop to per ticket. The cost of  
7 the people handling the ticket, the cost involved  
8 with each person who handles the ticket to get it  
9 through TPVA.

10 LEGISLATOR FORD: So then if in 2010 we  
11 felt that it was only \$14.76 a ticket and we've  
12 frozen salaries and we've reduced costs  
13 everywhere how it now that we're going to double  
14 this?

15 MR. MARKS: Actually, in those days you  
16 could have tripled it -- six times it because if  
17 you got a ticket for an unlicensed operator it  
18 was \$15. If you got a ticket for unlicensed  
19 operator, and registration, and insurance, and  
20 equipment -- and the fifth one I'll get in a  
21 minute -- it would be five times. That's what  
22 happened in 2010.

23 LEGISLATOR FORD: I'm not on this  
24 committee so I wasn't here during the committees.  
25 So now what we're saying is that if somebody gets

2 stopped by a police officer for going through a  
3 red light, they're going to pay -- well, under  
4 the old way they'd pay \$15. If an officer found  
5 out that they had an unlicensed or unregistered  
6 vehicle, uninspected and had no license, then  
7 they'll pay \$60 in administrative fees, correct,  
8 based on the four tickets?

9 MR. MARKS: I'd just make one small  
10 correction. If you're stopped by a police  
11 officer it's a different ballgame; it's three  
12 points, \$150 fee, \$80 state surcharge. What I  
13 believe Presiding Officer asked was the red light  
14 camera, which is different than being stopped by  
15 a police officer. But, yes, your basic premise  
16 is yes.

17 LEGISLATOR FORD: So this fee is just  
18 for red light cameras?

19 MR. MARKS: No. This is any ticket or  
20 NOL, notice of liability, which is red light  
21 camera, processed by the Nassau County Traffic  
22 and Parking Violations Agency, other than a  
23 finding of not guilty.

24 LEGISLATOR FORD: So you're saying then  
25 if an officer stops you that this fee doesn't

2 come into play at all then?

3 MR. MARKS: If you're found not guilty  
4 there is no fee attached. If you go through a  
5 red light and pay the state mandated fees, which  
6 is the fine and the surcharge and it is currently  
7 the \$15 administrative fee. We're asking that  
8 that fee be increased to \$30 to cover our cost  
9 for processing the ticket through the agency.

10 LEGISLATOR FORD: So then if somebody --  
11 alright. If an officer is going around he finds  
12 a car that is parked in a handicapped spot  
13 without a handicapped sticker, that's one  
14 occurrence, then the officer notices that the  
15 car, the registration has expired and that the  
16 car was not inspected, so that's three separate  
17 occurrences. Currently, without this law, that  
18 person then would pay \$45 in additional fee,  
19 correct, because it's \$15 per occurrence?

20 MR. MARKS: Yes.

21 LEGISLATOR FORD: So then we're going to  
22 then raise it so that instead of paying \$45  
23 they're going to be paying \$90?

24 MR. MARKS: That's correct.

25 CHAIRMAN SCHMITT: Legislator Walker.

2 LEGISLATOR WALKER: Just a quick  
3 question. In that case that Legislator Ford just  
4 described, if the person still showed their --  
5 say they didn't have their car inspected or  
6 whatever, is there still the timeframe that you  
7 have that you could -- you wouldn't maybe have  
8 the whole ticket. You would still have the  
9 administrative expense, but then if you showed  
10 that you got your car inspected or your car  
11 registered or whatever, does that still take  
12 place?

13 MR. MARKS: Often time as a courtesy if  
14 somebody has an uninspected vehicle and to get it  
15 done within a week or so, we would dismiss the --

16 LEGISLATOR WALKER: And now you'd still  
17 pay the \$30?

18 MR. MARKS: Yes.

19 LEGISLATOR WALKER: You wouldn't pay the  
20 ticket but you'd pay the \$30.

21 MR. MARKS: Yes.

22 LEGISLATOR WALKER: Okay. Thank you.

23 LEGISLATOR TROIANO: I have a question.

24 CHAIRMAN SCHMITT: Who said that?

25 Legislator Troiano.

2 LEGISLATOR TROIANO: Thank you. Did you  
3 say earlier that you don't think of this as being  
4 an administrative fee but more of a driver  
5 responsibility assessment?

6 MR. MARKS: I think when it first was  
7 passed it was administrative fee.

8 LEGISLATOR TROIANO: And by that it was  
9 meant to cover your administrative costs.

10 MR. MARKS: Yes. This is actually the  
11 same thing. I believe the person that caused the  
12 ticket to be written should be the person  
13 responsible for paying the costs associated with  
14 it.

15 LEGISLATOR TROIANO: I'm just not sure I  
16 understand. Initially, I think the \$15 was  
17 thought to be what it cost to process a ticket.

18 MR. MARKS: That's correct.

19 LEGISLATOR TROIANO: Have those costs  
20 gone up?

21 MR. MARKS: Yes, since 2008.

22 LEGISLATOR TROIANO: Have they doubled?

23 MR. MARKS: Yes. \$14.76 and it went to  
24 \$27.18 or \$29.50.

25 LEGISLATOR TROIANO: So it really is an

2 administrative fee.

3 MR. MARKS: That's what it is.

4 LEGISLATOR TROIANO: And you just prefer  
5 the name driver responsibility fee because you  
6 think it may deter drivers.

7 MR. MARKS: Yes. I think it's just more  
8 meaningful, as far as I'm concerned. The fee is  
9 the fee.

10 LEGISLATOR TROIANO: Thank you.

11 CHAIRMAN SCHMITT: Anybody else?

12 (No verbal response.)

13 Okay. Any public comment?

14 (No verbal response.)

15 I'm going to call --

16 LEGISLATOR DENENBERG: I have --  
17 Legislator Schmitt, I want to offer an amendment.

18 CHAIRMAN SCHMITT: You can't offer an  
19 amendment.

20 LEGISLATOR DENENBERG: I'm offering an  
21 amendment --

22 CHAIRMAN SCHMITT: No, you're not. You  
23 can't offer an amendment --

24 LEGISLATOR DENENBERG: Why not?

25 CHAIRMAN SCHMITT: it's got to be on

2 file for seven days. Read the Charter.

3           LEGISLATOR DENENBERG: You just had a  
4 hearing, and based on the hearing my amendment is  
5 that the revenue from this increase goes to the  
6 social service agencies based on the fact that  
7 the Office of Legislative Budget Review says we  
8 could get \$9 million next year from this. I  
9 think we're cutting eight million. So I'm going  
10 to move to amend that the revenue from this  
11 increase goes to the social service agencies as a  
12 dedicated fund. That's my amendment.

13           CHAIRMAN SCHMITT: Your amendment is out  
14 of order.

15           LEGISLATOR DENENBERG: It's not out of  
16 order. We're having a hearing and we're going to  
17 vote the same day as the hearing.

18           CHAIRMAN SCHMITT: This is not --

19           LEGISLATOR DENENBERG: Based on the  
20 hearing, I got information --

21           CHAIRMAN SCHMITT: This is not a  
22 hearing.

23           LEGISLATOR DENENBERG: I have an  
24 amendment.

25           CHAIRMAN SCHMITT: The hearing is over.

2 The rules of the legislature, the Charter of the  
3 Legislature are clear. Amendments -- which, as a  
4 matter of fact, I would point out again, is a  
5 regulation that the minority brought up and  
6 insisted it be followed because we hadn't been  
7 following it for about 15 years --

8 LEGISLATOR DENENBERG: You don't follow  
9 it when you don't want to follow it, I understand  
10 that.

11 CHAIRMAN SCHMITT: because it is  
12 cumbersome. An amendment must be in file in the  
13 clerk's office for seven days. That's not my  
14 rule. That's the rule.

15 LEGISLATOR DENENBERG: Then what's the  
16 purpose of having a hearing? If you have a  
17 hearing, the idea of a hearing is to perhaps  
18 amend it.

19 CHAIRMAN SCHMITT: The idea is you get  
20 your --

21 LEGISLATOR DENENBERG: Based on this  
22 hearing, I want to amend it.

23 CHAIRMAN SCHMITT: You can't. It's not  
24 a hearing.

25 LEGISLATOR DENENBERG: I have a second.

2 CHAIRMAN SCHMITT: Okay. You're out of  
3 order.

4 LEGISLATOR DENENBERG: I move to amend,  
5 and it's seconded.

6 CHAIRMAN SCHMITT: You're out of order.

7 LEGISLATOR DENENBERG: You have to call  
8 the amendment. It's been seconded.

9 CHAIRMAN SCHMITT: No, you don't.  
10 You're out of order. You've been ruled -- don't  
11 you read anything. You have been ruled out of  
12 order.

13 LEGISLATOR DENENBERG: You seem to have  
14 a problem with everyone in this room, but that's  
15 --

16 CHAIRMAN SCHMITT: The only option you  
17 have when the chair rules you out of order is you  
18 can appeal the ruling of the chair. That's the  
19 only thing you can do. Otherwise, we move on.

20 LEGISLATOR DENENBERG: Presiding  
21 Officer, you just destroyed the purpose of a  
22 hearing. Why would we have a hearing --

23 CHAIRMAN SCHMITT: It's not a hearing.

24 LEGISLATOR DENENBERG: It makes no  
25 sense. We shouldn't call anything for a week

2 after the hearing, like Presiding Officer Jacobs  
3 would do. That's why Legislator Jacobs, when she  
4 was the presiding officer, wouldn't call the item  
5 until a week after the hearing, so someone such  
6 as myself or yourself, could then make an  
7 amendment. Why don't you consider the amendment?

8 CHAIRMAN SCHMITT: Come forward. You  
9 may have to speak over the droning, but we'll do  
10 our best.

11 LEGISLATOR DENENBERG: That's class.

12 LEGISLATOR JACOBS: That's so  
13 unnecessary.

14 CHAIRMAN SCHMITT: Yeah, unnecessary.  
15 You've been ruled out of order. It's over.  
16 Forget it. Next.

17 MR. GALLAGHER: Mr. Schmitt and  
18 legislators, I didn't really find out --

19 CHAIRMAN SCHMITT: I'm sorry. You have  
20 to put your name on the record.

21 MR. GALLAGHER: Tom Gallagher, Wantagh.  
22 I didn't find out the answer to where his money  
23 would be going.

24 CHAIRMAN SCHMITT: Where whose money  
25 would be going?

2 MR. GALLAGHER: once he collects these  
3 fees, where does that money go?

4 CHAIRMAN SCHMITT: That money goes to  
5 the Traffic Violations Bureau. At the end of the  
6 year if you have surplus, it's turned over to the  
7 county, correct?

8 MR. GALLAGHER: I don't know. He didn't  
9 say that.

10 CHAIRMAN SCHMITT: Or is it done  
11 monthly? I don't even know myself.

12 MR. RICH: All the monies collected by  
13 TPVA goes into the general fund.

14 CHAIRMAN SCHMITT: Does it go in weekly,  
15 monthly?

16 MR. RICH: It goes in on a daily basis.

17 CHAIRMAN SCHMITT: Daily.

18 MR. GALLAGHER: So we got a different  
19 answer other than what you were saying, sir.

20 CHAIRMAN SCHMITT: No, sir.

21 MR. GALLAGHER: Thank you very much.

22 CHAIRMAN SCHMITT: There's no different  
23 answer. I don't understand. Unbelievable.  
24 Okay.

25 I'm going to take a five minute recess.

2 LEGISLATOR TROIANO: Peter? Could I ask  
3 a follow-up question to my previous question to  
4 the judge?

5 CHAIRMAN SCHMITT: We're in recess right  
6 now, but as soon as we come back, yes.

7 (Whereupon, the Full Legislature recessed  
8 at 4:32 p.m.)

9 (Whereupon, the Full Legislature  
10 reconvened at 4:42 p.m.)

11 CHAIRMAN SCHMITT: We're going to resume  
12 the meeting. We're on Number 8, Ordinance Number  
13 190. We have a motion by Legislator Gonsalves  
14 and a second by Legislator Muscarella -

15 LEGISLATOR DENENBERG: To the Presiding  
16 Officer, I'm going to make a motion to table so  
17 that we can offer an amendment that the revenue  
18 from this item -- it's a motion to table. I'm  
19 moving so that we can make an amendment that the  
20 revenue from this item, which we've heard is  
21 recurring and goes to the general fund every day  
22 so that the new money can be earmarked for the  
23 social service agencies. That's my motion to  
24 table.

25 CHAIRMAN SCHMITT: Legislator Denenberg,

2 motion to table is fine. It stops there.

3 Do we have a second? Who said that?

4 LEGISLATOR DENENBERG: Legislator  
5 Troiano.

6 CHAIRMAN SCHMITT: We have a motion to  
7 table that's been seconded.

8 All those in favor of tabling please say  
9 aye.

10 (Aye.)

11 All those opposed to tabling please say  
12 nay.

13 (Nay.)

14 The motion to table fails by a motion of  
15 ten to nine.

16 Now, on the ordinance itself, I'll take a  
17 motion.

18 All those --

19 LEGISLATOR TROIANO: Legislator Schmitt.

20 CHAIRMAN SCHMITT: All those in favor --

21 LEGISLATOR TROIANO: You said you'd  
22 allow me a follow-up question.

23 CHAIRMAN SCHMITT: I'm sorry. Yes, I  
24 did. But we're still in the middle of a vote.

25 Go ahead. What's your question?

2 LEGISLATOR TROIANO: Thank you. Judge  
3 Marks, can you come back to the podium? Thank  
4 you.

5 I should have asked this question  
6 earlier.

7 You said that the administrative fee had  
8 been \$14 and some change.

9 MR. MARKS: No. I thought I said the  
10 figures that were presented in 2008 that led to  
11 the generation of the first administrative fee  
12 was based upon approximately \$14.76 to process  
13 the ticket.

14 LEGISLATOR TROIANO: That was your  
15 administrative cost. I was asking, what year was  
16 it, 2008?

17 MR. MARKS: 2008.

18 LEGISLATOR TROIANO: And you said that  
19 now, 2012, the cost is \$28 and some pennies.

20 MR. RICH: \$27.18.

21 LEGISLATOR TROIANO: 27.18. So in four  
22 years your costs have nearly doubled?

23 MR. RICH: During the four year period  
24 we've also added the staffing for the red light  
25 camera program, as well as the program itself

2 with the contract costs.

3 LEGISLATOR TROIANO: So the increase in  
4 cost is the result of additional staffing?

5 MR. RICH: Part of it, yes.

6 LEGISLATOR TROIANO: So what was the  
7 staffing in 2008 and what is the staffing now?

8 MR. RICH: I would have to get back to  
9 you with that number.

10 LEGISLATOR TROIANO: Has your staffing  
11 doubled?

12 MR. RICH: It has not doubled.

13 LEGISLATOR TROIANO: So then what  
14 accounts for a doubling in your cost?

15 MR. RICH: The addition of the contract  
16 cost as well for the red light camera.

17 LEGISLATOR TROIANO: Let's go back. If  
18 your staffing --

19 CHAIRMAN SCHMITT: One question?

20 LEGISLATOR TROIANO: hasn't doubled, how  
21 much higher is it now than it was in 2008?

22 MR. RICH: As a guestimate, again, I'll  
23 get back to you the actual number. But at least  
24 15 percent, 20 percent more.

25 LEGISLATOR TROIANO: So you have a 20

2 percent increase in staffing and an increase in  
3 the contract, you said?

4 MR. RICH: We didn't have red light  
5 camera contract back in 08.

6 LEGISLATOR TROIANO: A red light camera  
7 contract means what?

8 MR. RICH: The program for red light  
9 camera in Nassau County, roughly it's an annual  
10 cost of about \$8 million.

11 LEGISLATOR TROIANO: So it's a contract  
12 with an outside company to run the camera system?

13 MR. RICH: To install the equipment, to  
14 provide the printing, to provide the services --

15 LEGISLATOR TROIANO: So in 2008 we did  
16 that on our own without benefit of an outside  
17 provider?

18 MR. RICH: The program started in 2009.

19 LEGISLATOR TROIANO: So now we have an  
20 outside provider and it's costing us that much  
21 more for the outside provider?

22 MR. MARKS: The 2008 figure was before  
23 the contract for the 2009 red light cameras. So  
24 the 2008 figure did not include the 2009 expenses  
25 since they didn't exist.

2 LEGISLATOR TROIANO: So I'm not sure why  
3 we have a third-party provider if apparently it's  
4 costing us double --

5 CHAIRMAN SCHMITT: Because County  
6 Executive Suozzi set it up that way.

7 MR. MARKS: I was just going to say  
8 you'd have to ask the prior legislature that was  
9 in control in 2009. I don't know. I have my own  
10 thoughts about that contract, but that's for  
11 another time.

12 LEGISLATOR TROIANO: How long does that  
13 contract last?

14 MR. MARKS: It's currently 2014 was the  
15 original sunset. However, through the efforts of  
16 the current administration, we've negotiated a  
17 new contract with APS that should be coming --  
18 there will be a new contract. The cost for the  
19 red light camera program will be decreased.

20 LEGISLATOR TROIANO: There's a note in  
21 the monthly county budget report that indicates  
22 that there's been some negotiation of the  
23 contract already. Is that correct?

24 MR. MARKS: I don't know if already is  
25 the word. The original contract was to expire in

2 2014. We have the authorization to add 50  
3 intersections. Frankly, with the contract that  
4 we've negotiated, the prior contract --

5 CHAIRMAN SCHMITT: Judge, that contract  
6 negotiation has already come to the legislature,  
7 was approved by the Rules Committee in the last  
8 couple of meetings. I remember the testimony on  
9 how the costs were coming down compared to what  
10 they were. So that's already been passed by the  
11 legislature. I don't remember when it takes  
12 effect. But it's done. There's really no need  
13 to go into the whole thing again. It was a  
14 hearing. It was done. The contract was  
15 approved. The change was approved. It's done.  
16 I don't have the details. You can dig it out of  
17 the file. It was passed by the Full Legislature.

18 MS. D'ALLEVA: Roseanne D'Alleva from  
19 the Office of Management and Budget. I just want  
20 to clarify, Legislator Troiano, that we did not  
21 have a red light camera program in 2008. It was  
22 no performed in-house. It's not the excessive  
23 amount of the contract or however you want to say  
24 it. It just was never done in-house. The  
25 contract is performing the function, and it's an

2 additive to the 2008 budget.

3 CHAIRMAN SCHMITT: For those of us who  
4 were here in 2008, the approval was for 50 red  
5 light cameras. The administration then, Suozzi,  
6 came down to the legislature then, Democrat and  
7 the majority, and recommended this contract to  
8 service the red light cameras. It was approved.  
9 The red light cameras went up, contract's in  
10 place, and off to the races we go. That was in  
11 2009. So of course a new contract with a new  
12 program generated additional costs to the  
13 department. Now we have the new contract that  
14 you have negotiated that lowers the cost of the  
15 red light cameras, but still your costs are  
16 greater than they were. That's why we're here.  
17 Is that correct?

18 MS. D'ALLEVA: That's correct.

19 CHAIRMAN SCHMITT: Alright. I'm going  
20 to call the question.

21 LEGISLATOR TROIANO: I'm sorry. I'm  
22 sorry. Can I ask --

23 CHAIRMAN SCHMITT: No. You asked for  
24 one question, and we've indulged you way beyond  
25 that. This is not a hearing. This is not a

2 hearing. I'm sorry, Legislator Troiano. The  
3 hearing is done. It's time for a vote. I'm  
4 calling the question.

5 LEGISLATOR TROIANO: Mr. Schmitt, don't  
6 you want to know yourself why costs have risen,  
7 doubled?

8 CHAIRMAN SCHMITT: I'm calling the  
9 question.

10 LEGISLATOR TROIANO: And a question I  
11 still have is does the \$28 -- Judge Marks, does  
12 the \$28 reflect the old contract costs or the new  
13 contract cost?

14 MS. D'ALLEVA: There is also, as you  
15 know, the new -- we just passed legislation to  
16 another 50 intersections.

17 CHAIRMAN SCHMITT: Another 50  
18 intersections, absolutely correct.

19 MS. D'ALLEVA: So, therefore, the  
20 performance of the contract will be actually  
21 greater. That's why it's going to cost us more.

22 LEGISLATOR TROIANO: That's fine. But  
23 we just heard testimony that the cost, the  
24 administrative cost per violation is \$28 and some  
25 cents, \$27.18. And then we've also heard from

2 the Presiding Officer that costs are now coming  
3 down. So my question is does the \$27.18 --  
4 excuse me. Let me get it out right. Does the  
5 \$27.18 cost that Judge Marks just cited to us  
6 reflect the cost prior to this renegotiation or  
7 after the renegotiation?

8 MS. D'ALLEVA: I believe the cost is  
9 prior to the renegotiations, but includes the new  
10 program for the 50 intersections.

11 LEGISLATOR TROIANO: Fine. But then  
12 what is the cost post -- after the renegotiation?

13 MR. RICH: We're confident with the \$28.  
14 What it is, it's based off a percentage so we  
15 can't give you an exact figure yet until the end  
16 of the year. And with the additional cameras  
17 coming online, our costs are going to be  
18 increased.

19 LEGISLATOR TROIANO: But you're  
20 confident that it's going to be between 27 and  
21 \$28?

22 MR. RICH: As it stands now, yes.

23 LEGISLATOR TROIANO: I'm sorry. What  
24 does as it stands now mean? That's scary to a  
25 legislator.

2 MS. D'ALLEVA: Yes. The way we're  
3 projecting, in terms of the new contract  
4 structure, is that it's 38 percent of the revenue  
5 generated, correct? So, therefore, depending on  
6 when the new cameras are implemented in the cost  
7 structure, once we experience a year worth of  
8 flow out in terms of cost structure with the new  
9 contract, that's when we'll be able to really  
10 grapple and ascertain how much the contract will  
11 cost us. But we feel that, you know, within our  
12 projections and our experience that the \$28 is  
13 more than sufficient to cover it.

14 LEGISLATOR TROIANO: Thank you for your  
15 help. Do you know what the costs were in 2009,  
16 after we had this contract in place?

17 MR. RICH: No. Not on a per-ticket  
18 basis.

19 LEGISLATOR TROIANO: Thank you.

20 CHAIRMAN SCHMITT: Alright. On the  
21 question. All those in favor signify by saying  
22 aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

2 Let the record reflect that the item  
3 carries by a vote of 10 to nine.

4 Number 9, Ordinance Number 191, an  
5 ordinance repealing Ordinance Number 188  
6 establishing fees to be charged by the Department  
7 of Parks, Recreation and Museums.

8 May I have a motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR WALKER: Second.

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

13 Good afternoon.

14 MS. KRIEB: Good afternoon. Eileen  
15 Krieb from the Department of Parks.

16 This is a revision to the ordinance for  
17 swimming only. It increases the swimming  
18 lessons, a dollar per lesson, from \$55 for 10 ten  
19 lessons to \$65 for ten lessons, and also includes  
20 a registration fee for processing the application  
21 of \$5 each time.

22 CHAIRMAN SCHMITT: Any questions?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 I'm going to call the question.

3 All those in favor of Ordinance Number  
4 192 -- I'm sorry -- Ordinance 191 please signify  
5 by voting aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 Ten to nine. Let the record show that  
10 the item carries by a vote of ten to nine.

11 Item Number 10, Ordinance Number 192 is  
12 an ordinance establishing fees for the  
13 registration of vendors for the county's  
14 procurement system.

15 May I have a motion, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator  
19 Gonsalves, seconded by Legislator Muscarella.

20 Please identify yourself for the record.

21 MR. SCHLERNOFF: Michael Schlernoff,  
22 Director of Purchasing.

23 CHAIRMAN SCHMITT: Welcome. Can you  
24 tell us what this is, please?

25 MR. SCHLERNOFF: We are changing the fee

2 structure of the online registration fee from \$50  
3 for the premium service to \$100 a year for all  
4 registrants.

5 CHAIRMAN SCHMITT: Why is that?

6 MR. SCHLERNOFF: To increase revenue,  
7 sir.

8 CHAIRMAN SCHMITT: To increase what?

9 MR. SCHLERNOFF: Revenue.

10 CHAIRMAN SCHMITT: Say that again.

11 MR. SCHLERNOFF: Money. Money.

12 CHAIRMAN SCHMITT: Could I have a motion  
13 to table, please?

14 LEGISLATOR GONSALVES: So moved.

15 CHAIRMAN SCHMITT: Moved by Legislator  
16 Gonsalves.

17 All those in favor of tabling please say  
18 aye.

19 (Aye.)

20 The item is tabled.

21 LEGISLATOR WINK: We're tabling this  
22 because we got an answer we didn't want to hear,  
23 apparently.

24 CHAIRMAN SCHMITT: We're tabling this  
25 until the purchasing department can come up with

2 a cogent explanation as to what is the advantage  
3 for us to do this. And revenue is not it.

4 LEGISLATOR WINK: Clarity is your defect  
5 here. Clarity is your defect, just so we're  
6 clear.

7 CHAIRMAN SCHMITT: It's tabled.

8 Item Number 11, Ordinance 193 is an  
9 ordinance amending Article 22 of Ordinance Number  
10 156 as amended, constituting the Nassau County  
11 Fire Prevention Ordinance. And I'll take a  
12 motion.

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR DUNNE: Second.

15 CHAIRMAN SCHMITT: Moved by Legislator  
16 Gonsalves, seconded by Legislator Dunne.

17 Yes, sir.

18 MR. WELT: Carey Welt, Nassau County  
19 Office of Fire Marshal.

20 The changes are to certain sections of  
21 Article 22 dealing with fees. These were last  
22 raised in 2007. The amendment will more  
23 accurately cover the cost of performing these  
24 tests and the administrative work that's also  
25 involved with the fire alarm permits and the

2 emergency light tests.

3 CHAIRMAN SCHMITT: Any questions?

4 LEGISLATOR WINK: Yeah. I have a quick  
5 question.

6 CHAIRMAN SCHMITT: Legislator Wink.

7 LEGISLATOR WINK: Mr. Welt, will this  
8 increase revenue?

9 MR. WELT: It will increase funds coming  
10 into the office to cover the cost.

11 LEGISLATOR WINK: Thank you, Mr. Welt.  
12 Good luck in getting this passed.

13 CHAIRMAN SCHMITT: It's to cover the  
14 cost.

15 LEGISLATOR FORD: Peter, I have a  
16 question.

17 CHAIRMAN SCHMITT: Legislator Ford.

18 LEGISLATOR FORD: Good afternoon.

19 MR. WELT: Good afternoon.

20 LEGISLATOR FORD: For these fees that  
21 you're talking about, is this just on commercial  
22 property or is this also for private homes?

23 MR. WELT: It has nothing to do with  
24 private homes, with the emergency light tests.

25 The fire alarm permit fee is commercial and

2 residential. It is the same fee for both.

3 LEGISLATOR FORD: And what is that? I  
4 know I'm looking at the lights. I don't see the  
5 one --

6 MR. WELT: The section is 22.5.1.

7 LEGISLATOR FORD: Okay. I see it.

8 MR. WELT: And 22.5.1.1.

9 LEGISLATOR FORD: Right. So it's going  
10 from -- the current fee will go from \$65 to \$90,  
11 right?

12 MR. WELT: That's a three year fee.

13 LEGISLATOR FORD: A three year fee,  
14 right. And that's the only impact on a  
15 homeowner, correct?

16 MR. WELT: That's correct.

17 LEGISLATOR FORD: Okay. Thank you very  
18 much.

19 MR. WELT: You're welcome.

20 CHAIRMAN SCHMITT: Any other questions?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 All those in favor of Ordinance Number  
25 194 -- I'm sorry -- 193, please signify by saying

2 aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 Ten to nine. Let the record show the  
7 item carries ten to nine.

8 MR. WELT: Thank you.

9 CHAIRMAN SCHMITT: Thank you.

10 Item Number 12 is Ordinance Number 194, a  
11 bond ordinance providing for a capital  
12 expenditure to finance a project under the  
13 environmental program established pursuant to  
14 Title 59, authorizing \$531,250 of bonds of the  
15 County of Nassau.

16 May I have a motion, please?

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN SCHMITT: Legislator Gonsalves,  
20 seconded by Legislator Muscarella.

21 MR. SCHNEIDER: Hi.

22 CHAIRMAN SCHMITT: Hi. Good afternoon.

23 MR. SCHNEIDER: Good afternoon. Brian  
24 Schneider from Public Works. This is a bond  
25 ordinance in relation to an inter-municipal

2 agreement with the Village of Valley Stream for a  
3 2004 Environmental Bond Act project. I appeared  
4 before the Rules Committee a couple of weeks ago  
5 explaining the project in the Village, and this  
6 is for bonding specific for that project.

7 CHAIRMAN SCHMITT: Any questions?

8 (No verbal response.)

9 Any public comment?

10 Legislator Denenberg.

11 LEGISLATOR DENENBERG: Was this a change  
12 in the environmental -- because I looked back  
13 through the Environmental Bond Act in 06 and  
14 something for Mill Pond Park was there.

15 MR. SCHNEIDER: Correct.

16 LEGISLATOR DENENBERG: So what's the  
17 change and why are you coming to us?

18 MR. SCHNEIDER: Well, right now I'm  
19 coming for bonding for the 2004 Environmental  
20 Bond Act project. The Village of Valley Stream  
21 had a project both in 2004 and in 2006. The  
22 Village came to us and asked for revising the  
23 scope of both projects, which we agreed in  
24 concept it was really doing the same thing. They  
25 had a project at Mill Pond Park, at the Village

2 Green, and also at Hendrickson Park. Those are  
3 both the 2004 and the 2006 projects. So we  
4 needed to amend both inter-municipal agreements.  
5 The 2006 Environmental Bond Act project was  
6 already bonded; the 2004 was not because we  
7 needed to amend the IMA, which was just done on  
8 June 23. So now I'm here asking for bonding for  
9 that specific project that was not done before.

10 LEGISLATOR DENENBERG: Okay.

11 CHAIRMAN SCHMITT: Any other questions?

12 LEGISLATOR DeRIGGI-WHITTON: I have a  
13 quick question.

14 CHAIRMAN SCHMITT: Legislator DeRiggi-  
15 Whitton.

16 LEGISLATOR DeRIGGI-WHITTON: I  
17 understand that this is for dredging and I  
18 appreciate that. And I know you may say this  
19 irrelevant. However, I am also asking for my  
20 project on West Shore Road to be approved as soon  
21 as possible. And I just want to go on record  
22 saying that I've tried to contact the county  
23 attorney's office three times and I have not  
24 received a response. And it's a similar  
25 situation, because I know we're going out for

2 bonding in that. In my situation, I'm truly  
3 concerned of the safety as well.

4 Officer Schmitt, if there's anything you  
5 can do. I appreciate your correspondence I got  
6 today. But if you could just do anything to push  
7 for a response from that, I would truly, truly  
8 appreciate it.

9 CHAIRMAN SCHMITT: Okay.

10 Anybody else?

11 LEGISLATOR BOSWORTH: Yes.

12 CHAIRMAN SCHMITT: Legislator Bosworth.

13 LEGISLATOR BOSWORTH: I just wanted to  
14 comment. I know this is dredging, and we're at  
15 the end of the dredging of Udall's Pond. And I  
16 wanted to compliment Mr. Schneider and DPW for  
17 the outstanding job that has been done with this  
18 pond, and with your great responsiveness to the  
19 many questions that have arisen from people who  
20 live near the bond and also with your help in  
21 just making sure it's all going through.

22 MR. SCHNEIDER: Thank you.

23 CHAIRMAN SCHMITT: Okay. Any public  
24 comment?

25 (No verbal response.)

2 All those in favor please signify by  
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item carries unanimously.

8 I have -- we've got to call the ordinance  
9 first.

10 Ordinance Number 195 is authorizing the  
11 county executive to execute an amendment to a  
12 contract with Veolia Transportation Services for  
13 the management, operation, and maintenance of a  
14 Nassau County bus system.

15 May I have a motion, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator  
19 Gonsalves, seconded by Legislator Muscarella.

20 I have an amendment in the nature of a  
21 substitution. This amendment, which was  
22 distributed on July 30, is being made to replace  
23 the amendments, ordinance, and staff summary  
24 contained in the original clerk item with this  
25 one. The new amendment contains additional

2 provisions relating to the payment and  
3 reimbursement for the purchase of capital assets  
4 for the county's bus system.

5 I'll offer the amendment. May I have a  
6 second on the amendment?

7 LEGISLATOR GONSALVES: Second.

8 CHAIRMAN SCHMITT: Second by Legislator  
9 Gonsalves.

10 All those in favor of the amendment  
11 please signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The amendment carries unanimously.

16 Now, on the item, as amended. Is there  
17 any debate or discussion?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item carries unanimously.

2 Item Number 25 is Resolution Number 116,  
3 a resolution authorizing the county executive to  
4 execute and submit a grant application with the  
5 New York State Department of State Division of  
6 Local Government Services for funding under the  
7 Local Government Informants and Efficiency  
8 program.

9 May I have a motion, please?

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR MUSCARELLA: Second.

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

14 Hello. Good afternoon or good evening.

15 MR. FINER: Hi. I'm Steve Finer. I'm  
16 the Director of Grants Management in the Office  
17 of Management and Budget.

18 The first of the two that are before us -  
19 -

20 CHAIRMAN SCHMITT: I'm sorry. I'm going  
21 to call the other one too. They're both the  
22 same.

23 Item Number 27, Resolution 118 is the  
24 same thing, a grant for Government Informants and  
25 Efficiency Program.

2 Start with the first one and then go into  
3 the second one.

4 Wait a minute. Motion, please?

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR GONSALVES: Second.

7 CHAIRMAN SCHMITT: Moved by Legislator  
8 Dunne, seconded by Legislator Gonsalves.

9 Okay. Start with the first and then go  
10 into the second.

11 MR. FINER: Again, I'm Steve Finer,  
12 Director of Grants Management in the Budget  
13 Office. I just want to give a general overview  
14 of this program which covers both grants and then  
15 the departments will speak specifically about  
16 their projects.

17 The State of New York for a number of  
18 years has been trying to make government more  
19 efficient. For probably about ten years, it's  
20 had a program, which is basically a government  
21 efficiency program which makes awards for  
22 projects that will decrease the cost to  
23 government.

24 Almost every year, the actual grant  
25 programs differ. Sometimes they'll come for one

2 year and then they'll disappear. This year, this  
3 particular grant program is the first year it's  
4 been offered, and it's more of a reward program  
5 than a grant program.

6 The goal here is the recognition that  
7 property taxes are too high and it gives New York  
8 State a competitive disadvantage. So the goal is  
9 to decrease the cost to government. And what the  
10 state has decided to do is give awards or rewards  
11 to municipalities that have started projects  
12 after January 1, 2010 and completed them by the  
13 time of application to the state, which was July  
14 25 of this year, and for those projects that are  
15 measurable, the savings are measurable, the state  
16 will give awards based on the formula that  
17 they've developed, in terms of the amount of  
18 savings realized by the project related to the  
19 number of property tax, property owners in the  
20 county. And so Nassau County applied for three  
21 of these, and two of them are before you now.

22 SERGEANT STEPHANOFF: Good afternoon.  
23 Sergeant Greg Stephanoff.

24 The police department is seeking the  
25 award from the grant program for recognition of

2 the money saved as a result of its headcount  
3 reduction and precinct consolidation plan with  
4 the incentive.

5 On our bi-weekly payroll, we are  
6 currently saving approximately \$18.4 million,  
7 that's annualized savings. And if awarded, we'd  
8 also use the money for precinct infrastructure  
9 repair and repair and maintenance of the  
10 precincts, which will save taxpayers even more  
11 money.

12 CHAIRMAN SCHMITT: And the other one?

13 CAPTAIN SATHER: Good afternoon.

14 Captain Keith Sather.

15 The department would submit an  
16 application citing savings through the  
17 privatization of inmate healthcare services at  
18 the correctional center. Based on 2010 costs  
19 through NUMC and based on our contract  
20 projections, conservatively, we're looking at a  
21 \$7.2 million savings.

22 CHAIRMAN SCHMITT: Okay. Legislator  
23 Ford.

24 LEGISLATOR FORD: Good afternoon. My  
25 question is in regard to Item 530-12 on the cost

2 of the privatization of the inmate care.

3 I understand and I appreciate the fact  
4 that we're looking to save our money and perhaps  
5 get some additional funding from whether or not  
6 New York State or the federal government through  
7 these grant resolutions or grant agreements --  
8 but my concern is when we look at, even with the  
9 privatization of the inmate care, that there has  
10 been some questions and some concerns raised in  
11 regards to the care of these inmates. We've seen  
12 an increase in suicides. I know New York State  
13 has deemed it we're falling within whatever we're  
14 supposed to be falling in. But I'm afraid that  
15 even with something like this, with the reduction  
16 of the cost, are we sacrificing something else by  
17 just looking at the reduction of cost for inmate  
18 care?

19 CAPTAIN SATHER: Again, I'm not here  
20 today to testify on specific medical comparisons.  
21 All I can say is the actual savings resulting  
22 from privatization of these healthcare services,  
23 and that the county has an opportunity to reap an  
24 award from this savings.

25 LEGISLATOR FORD: And that's my point.

CHAIRMAN SCHMITT: He's telling you that he can't answer that question.

LEGISLATOR FORD: Oh, he can't?

CHAIRMAN SCHMITT: That's not his purview. The idea of privatizing the healthcare at the jail or the idea of precinct consolidations was fought out and vetted and approved by the legislature, and as a result of those actions --

LEGISLATOR FORD: We did not -- it was only the Rules Committee that passed --

CHAIRMAN SCHMITT: Right.

LEGISLATOR FORD: the privatization.

CHAIRMAN SCHMITT: As a result of those actions, they're saving money. The saving of money is what they are demonstrating to seek a grant award, not the merit of the pro or con of whether it should have been done in the first place. It's saving money.

LEGISLATOR FORD: Okay. Then if you get the -- if you are the recipient of this grant, how much money are you looking to get from this grant and what are you going to do with the money then?

2 CAPTAIN SATHER: Well, the actual award  
3 would be based on the number of applicants within  
4 the state and the cost savings that we show in  
5 relationship to our overall budget, so I couldn't  
6 say that. As far as the actual use of the money,  
7 the money would simply be put back into the  
8 budget, reducing overall costs.

9 LEGISLATOR FORD: But would the money go  
10 back because with the precincts, what they're  
11 saying is the police department is saying that if  
12 they are awarded this grant they're going to  
13 actually, because they're getting the grant based  
14 on the savings by closing the precincts, that  
15 they will then utilize that money to refurbish, I  
16 guess, the precincts and maybe the community  
17 centers, correct? Is it the intent of the  
18 sheriff's office -- and I think that you can  
19 answer this -- that if you are -- if you do  
20 receive this money for this grant, are you going  
21 to then reinvest because you're getting the  
22 grant, because you privatized the healthcare  
23 system, and that's being what it is. Are you  
24 looking then -- is the money then supposed to go  
25 back then to take a look at the healthcare of the

2 inmates to see whether or not there are any  
3 improvements that can be made so that it could be  
4 easier for them? I mean, make it nicer,  
5 whatever.

6 CAPTAIN SATHER: The savings realized  
7 from the award of this grant would be used to  
8 further lower departmental costs. I'm sorry. I  
9 can't answer medical questions. I'm here for the  
10 grant.

11 DEPUTY COUNTY EXECUTIVE WALKER: If I  
12 can --

13 LEGISLATOR FORD: What I'm saying is if  
14 they're taking -- I'm sorry, Deputy County  
15 Executive Walker, if you want to answer.

16 DEPUTY COUNTY EXECUTIVE WALKER: Yeah,  
17 if I can.

18 When this application process came about,  
19 that we learned about it, we sat with all the  
20 departments that we believed were the best  
21 departments by the actions that were taken to  
22 apply for the grant; one, in this case, with the  
23 police department, as you mentioned we sat with  
24 the commissioner and said it would be the best to  
25 utilize that money to better upgrade our

2 facilities with technological advancements and  
3 things of that nature. Same with the sheriff.  
4 We met with the sheriff. He is still looking at  
5 other ways to save dollars and improve  
6 efficiencies at the correctional facility. So  
7 should we win this grant, that money will be put  
8 into other upgrades and efficiencies that we can  
9 save additional dollars. Same way with the -- as  
10 you mentioned with the police department. We  
11 would spend those monies. Some of them will be  
12 repairs to existing facilities, where, again,  
13 we're saving money because we already have  
14 outlaid some county dollars that will be used for  
15 that. If we do not need to use those county  
16 dollars, we, in fact, save money and with other  
17 operational efficiencies. So we'll definitely go  
18 back to the jail, the facility, and save  
19 additional dollars.

20           LEGISLATOR FORD: I appreciate that.  
21 But I guess my concern is this. If you're  
22 actually basing this grant, alright, on --  
23 because we saved money by privatizing the  
24 healthcare for the inmates, then, you know, based  
25 on that -- truly, I understand that if you can,

2 you know, bring in more money and help reduce the  
3 cost over at the jail, that would be great. But  
4 I'm also looking at the fact that in the past two  
5 years there were five suicides at that jail, that  
6 there have been other concerns that have been  
7 brought to my attention in regard to the quality  
8 of the healthcare of the inmates. And I  
9 appreciate the fact that if it is privatized, can  
10 we use that type of money. But what effort are  
11 we going to make then to take a look at this and  
12 then to say maybe we need to reinvest -- if we're  
13 going to get some of this money, this founded  
14 money, so to speak, what are we going to do to  
15 maybe reinvest back into that to make sure, like,  
16 you know, maybe we need to put some more money,  
17 maybe we need better beds, or better equipment  
18 and stuff like that.

19 DEPUTY COUNTY EXECUTIVE WALKER: I agree  
20 with you. The one thing that we have looked at,  
21 and obviously one suicide's too many and we don't  
22 want to see them anywhere happen, never mind in a  
23 correctional facility or somewhere else, is that  
24 we have already started looking and the sheriff  
25 and his staff already looked with suicide

2 prevention blankets. It's a very cost  
3 prohibitive expense. However, we're moving down  
4 that road, so some of these dollars can be used  
5 to garnered to actually use to purchase those  
6 type things. There may be some additional  
7 software or equipment and other things that we  
8 can do. So that money will be reinvested back  
9 into the correctional facility. Until we're  
10 awarded those dollars, obviously we don't want to  
11 just tell you the money is going to here or there  
12 until we see where the award is. But all of the  
13 money that we do hopefully win, we believe - -  
14 it's a very competitive grant. We believe that  
15 actions have been taken, exactly what the grant  
16 calls for -- consolidation, realigning and  
17 reshaping government, that's what it in fact  
18 does. Take those dollars and put it back into  
19 the system and have it better serve those we need  
20 to serve.

21 LEGISLATOR FORD: Alright.

22 DEPUTY COUNTY EXECUTIVE WALKER: So it  
23 will definitely be looked at, as we are doing  
24 currently without winning the grant.

25 LEGISLATOR FORD: Okay. And I

2 appreciate your response. But I'll let you know  
3 that I will vote for this, but I will watch,  
4 especially on this one, to make sure that if you  
5 do get this grant that this money, part of it is  
6 definitely put back in for the welfare of the  
7 inmates because in the end, because even by  
8 taking care of the inmates, we will also be  
9 taking care of the sheriffs that work there as  
10 well.

11 DEPUTY COUNTY EXECUTIVE WALKER: We  
12 agree.

13 LEGISLATOR FORD: So I will be watching  
14 this. Thank you.

15 DEPUTY COUNTY EXECUTIVE WALKER: Sounds  
16 good.

17 CHAIRMAN SCHMITT: Anybody else?

18 LEGISLATOR WINK: Yeah. I have some  
19 questions.

20 CHAIRMAN SCHMITT: Legislator Wink.

21 LEGISLATOR WINK: Good afternoon,  
22 gentlemen.

23 In committee, I raised a number of  
24 questions with respect to the issue of fiscal  
25 efficiencies, whether or not savings have really

2 been achieved. And I know, for example, that as  
3 part of that discussion we discussed the fact  
4 that the budget seems to be about \$30 million  
5 over budget for overtime this year. At the time  
6 I know I asked, I believe it was Mr. Naughton, he  
7 averred that none of those additional costs in  
8 overtime were actually attributable to the  
9 precinct closure plan. I'm having a hard time  
10 believing that based upon the report of the  
11 Office of Legislative Budget Review dated August  
12 3, which seems to indicate that even year over  
13 year that there's about a \$4.5 million increase  
14 in police overtime. And when you go through it,  
15 it appears as though most of the precincts that  
16 are to be consolidated and those that are having  
17 precincts folded into them, almost routinely seem  
18 to be over budget in overtime already this year.  
19 So that's sort of my first question before we go  
20 forward. Sergeant, if you can address that.

21 SERGEANT STEPHANOFF: As of last week's  
22 overtime report, we're slightly over last year's  
23 overtime.

24 LEGISLATOR WINK: I'm sorry. Slightly  
25 being \$4.5 million year-to-year.

2 SERGEANT STEPHANOFF: I don't think it's  
3 that high, from the report that I saw. The  
4 problem --

5 LEGISLATOR WINK: Okay. Well --

6 SERGEANT STEPHANOFF: The problem with  
7 that is also there is --

8 CHAIRMAN SCHMITT: Mr. Wink, when you  
9 ask him a question, let him answer it.

10 SERGEANT STEPHANOFF: The problem is  
11 there's grants also that have to be accounted  
12 for. We journalize grant expenses back in which  
13 lowers the overtime number.

14 LEGISLATOR WINK: Okay.

15 SERGEANT STEPHANOFF: But being that  
16 we're slightly over last year, we're also half  
17 way through with the consolidation, that's why we  
18 don't believe it's attributable to the incentive.

19 LEGISLATOR WINK: To the consolidation  
20 you mean.

21 SERGEANT STEPHANOFF: The incentive and  
22 the consolidation. The incentive being the  
23 people that left.

24 LEGISLATOR WINK: Understood.

25 SERGEANT STEPHANOFF: Also, we're

2 realizing the savings on the biweekly payroll  
3 also.

4           LEGISLATOR WINK:     But we're losing it  
5 right now.  And in one of Mr. Chalmer's recent  
6 reports he indicated as of now we have not seen  
7 any savings in overtime.

8           I know budget to budget this Legislature,  
9 particularly my colleagues to the right, slashed  
10 the amount of overtime that was to be budgeted  
11 for.  Year to year, we're only about \$4.5 million  
12 over, with an estimate this year projected \$75  
13 million worth of overtime, but we're still \$30  
14 million project over budget in overtime.  So it  
15 seems to me as though this is a growing problem.  
16 In fact, year to year it still seems to be over.

17           SERGEANT STEPHANOFF:    To kind of keep it  
18 consistent, my report was comparing overtime from  
19 last year before the consolidation.  There's many  
20 factors that drive overtime - time off, crime,  
21 officers that get hurt.  There are a lot of  
22 driving factors.  Just to kind of -- to get a  
23 handle on it, we've compared last year's numbers  
24 before the consolidation and we're only -- over  
25 last year, we're only slightly over.  Between

2 consolidation and saving money on a biweekly  
3 payroll which, after consolidation we'll realize  
4 in the ongoing years.

5 LEGISLATOR WINK: Okay. We'll certainly  
6 be monitoring that as we go forward, there's no  
7 question.

8 Sergeant, since I have you here. In  
9 addition to the concerns that I think Legislator  
10 Ford voiced, which I think are completely  
11 legitimate, this is not just a dollars and cents  
12 analysis of efficiency and fiscal bottom line,  
13 it's also dealing with - and I would imagine that  
14 the state will consider whether or not these  
15 "efficiencies" have in fact achieved the same  
16 goals and provided and maintained the same level  
17 of services. In fact, under the New York State  
18 website with respect to the Department of State,  
19 when it talks about the local government  
20 efficiency program, it indicates that New York  
21 State is committed to working with local  
22 governments to control costs while maintaining  
23 the quality service delivery provided by New York  
24 local governments. Clearly, whether it's inmate  
25 healthcare or police consolidation or things of

2 that nature, clearly there is still great weight  
3 put on the fact that we are still supposed to be  
4 providing the quality services that New York  
5 State has seen from us in the past.

6 In that regard, I'm also concerned about  
7 the fact that the money that we're getting for  
8 this should be put back in place to maintain  
9 these services that are provided.

10 Since I brought up the issues last time  
11 about the veracity of some of the efficiencies in  
12 savings that were alleged in these various  
13 applications, particularly with respect to the  
14 police consolidation we have obviously had a  
15 major discovery of fraudulent and falsified  
16 numbers for crime statistics, having been put out  
17 by one or perhaps more individuals with the  
18 effect of, quite frankly, I think misleading this  
19 legislature in some way, shape, and form with  
20 respect not only to the consolidation but to the  
21 general operations of the police force. It seems  
22 to me that we need to revisit that issue in the  
23 form of this efficiency application and this  
24 grant application because if we are in fact  
25 moving ahead with an application with falsified

2 numbers incorporated in it, then I think we have  
3 a serious issue and I think that the state is  
4 going to take a very dim view of our application,  
5 if that's the case.

6 With respect to the application to the  
7 police, in particular, can you tell me who was  
8 involved in the preparation of this application?

9 SERGEANT STEPHANOFF: Our grants office.  
10 It was Cindy Fredericks, Police Officer Arthur  
11 Brickmeyer, and with help from Julie Hennial, who  
12 is an accountant in our office.

13 LEGISLATOR WINK: Okay. This  
14 application was prepared based on what documents?

15 SERGEANT STEPHANOFF: Excuse me?

16 LEGISLATOR WINK: What documents were  
17 used by these individuals you referred to in  
18 preparation of this application?

19 SERGEANT STEPHANOFF: What did you mean,  
20 what documents?

21 LEGISLATOR WINK: Did they look at crime  
22 statistics?

23 SERGEANT STEPHANOFF: Julie Hennial  
24 prepared the fiscal numbers, as far as the  
25 savings from the consolidation, what we're

2 realizing now. The precinct consolidation, you  
3 know, is ongoing and it was approved, so we  
4 didn't -- I don't think they looked at the crime  
5 stats.

6 LEGISLATOR WINK: So they didn't look at  
7 the crime stats. Did you have an opportunity to  
8 review the application prior to its submission to  
9 this legislature? Because we're being asked  
10 today to sign off on this application, to  
11 authorize the county executive to file it with  
12 the state. Is that your understanding?

13 On page 23, about midway down, beginning  
14 with the paragraph, the state is made, after a  
15 thorough analysis of the current structure, which  
16 included an evaluation of crime data, emergency  
17 calls for service, current staffing levels,  
18 fiscal constraints, and a plethora of related  
19 statistics, completed with public safety being of  
20 utmost concern, it was determined that a precinct  
21 realignment from eight precincts into four  
22 precincts would allow the department to most  
23 effectively and efficiency administer public  
24 safety services while maximizing tax dollar  
25 contributions. I'm quoting from the application.

2 SERGEANT STEPHANOFF: Yes.

3 LEGISLATOR WINK: Is it your  
4 understanding that all of those things were  
5 utilized for the purposes of preparing this  
6 application, all those statistics and  
7 information?

8 SERGEANT STEPHANOFF: That was put forth  
9 in the plan for the consolidation and the  
10 incentive.

11 LEGISLATOR WINK: And crime statistics  
12 were among the criteria used for that, for the  
13 precinct closure plan?

14 SERGEANT STEPHANOFF: Part of it, yes.

15 LEGISLATOR WINK: Okay. And those crime  
16 statistics were, in fact, falsified.

17 SERGEANT STEPHANOFF: Some of them were.

18 LEGISLATOR WINK: Some. Particularly  
19 the Sixth Precinct, is that correct?

20 SERGEANT STEPHANOFF: I'm not part of  
21 the investigation, but from what I'm being told  
22 yes.

23 LEGISLATOR WINK: From my understanding  
24 of this, it wasn't just the Sixth Precinct it  
25 was, in fact, also the Fifth Precinct's numbers

2 that seemed to show discrepancies.

3 SERGEANT STEPHANOFF: I believe it was  
4 the Sixth, and he was transferred to the Fifth  
5 and then it was discovered.

6 CHAIRMAN SCHMITT: Those statistics, I  
7 don't believe those were the statistics that were  
8 used in your grant. Those statistics were from  
9 the last couple of months, were they not?

10 SERGEANT STEPHANOFF: Yes.

11 CHAIRMAN SCHMITT: When were the  
12 statistics for the grant?

13 SERGEANT STEPHANOFF: Probably from the  
14 Sixth.

15 CHAIRMAN SCHMITT: No, when? What time  
16 period?

17 SERGEANT STEPHANOFF: It would have been  
18 from prior years, last year.

19 LEGISLATOR WINK: It would have been  
20 from the period of time in which the numbers were  
21 falsified.

22 CHAIRMAN SCHMITT: No. He just said  
23 last couple of months.

24 LEGISLATOR WINK: He just indicated from  
25 last year.

2 CHAIRMAN SCHMITT: He said the  
3 falsification of the numbers in the Sixth were in  
4 the last couple of months; is that not what you  
5 said?

6 LEGISLATOR DENENBERG: It's from the  
7 beginning of 2011, Peter.

8 LEGISLATOR WINK: Wait. Let him answer,  
9 please.

10 SERGEANT STEPHANOFF: I'm not part of  
11 the investigation so I couldn't speak on the  
12 falsification.

13 LEGISLATOR WINK: My recollection of the  
14 information I've gotten in the *Newsday* story was  
15 that it was over a period of about 18 months, 20  
16 months, excuse me, most of which preceded the  
17 precinct closure plan, which was voted on in this  
18 legislature in February, I believe of this year.

19 SERGEANT STEPHANOFF: I'm not going to  
20 cite things from *Newsday*. If I was part of the  
21 investigation --

22 LEGISLATOR WINK: I'm asking you to  
23 confirm or deny what's out there.

24 CHAIRMAN SCHMITT: Very good point.

25 SERGEANT STEPAHNOFF: I am not part of

2 the investigation, I couldn't speak on the  
3 falsification.

4 LEGISLATOR WINK: My concern, quite  
5 frankly, is, you know, it wasn't of great comfort  
6 to people who voted to authorize sending troops  
7 into Iraq, that even though the weapons of mass  
8 destruction didn't exist, we probably would have  
9 sent troops in there anyway.

10 What I read in the paper from Deputy  
11 Inspector Krumpter was that we were going to move  
12 forward with the plan anyway, in spite of those  
13 numbers. It just seems to me when falsified and  
14 fraudulent numbers are being used for the basis  
15 of a major realignment of the police department  
16 here in this county, then we've got serious  
17 problems, and it's not enough to say we would  
18 have done it anyway even if the numbers were  
19 right. Now we're actually putting those numbers  
20 into an application to the state asking for grant  
21 monies. And my real concern is are we putting  
22 the right numbers in? If we're not, then, quite  
23 frankly, I have to think that this grant  
24 application is going to be dead on arrival.

25 SERGEANT STEPHANOFF: I've spoken to

2 chiefs of the division that's overseeing the  
3 consolidation. This problem won't affect the  
4 consolidation because the numbers as a whole from  
5 all the eight precincts, it won't affect the  
6 consolidation going forward.

7 LEGISLATOR WINK: If you extrapolate it  
8 out over the entire county and you claim that  
9 it's only one or two precincts that were affected  
10 by this that's one thing. But when it just so  
11 happens that the two precincts where the numbers  
12 were falsified became half of the precincts that  
13 were closed down in Nassau County, it seems to me  
14 they may carry a little bit more weight than they  
15 did before.

16 CHAIRMAN SCHMITT: Hold on a second now.  
17 You've gone far afield of the grant application.

18 LEGISLATOR WINK: No. In point of fact  
19 --

20 CHAIRMAN SCHMITT: Point of fact --

21 LEGISLATOR WINK: the grant application  
22 is predicated upon crime statistics. It's right  
23 here in the middle of the application.

24 CHAIRMAN SCHMITT: But you're talking  
25 about precinct consolidations. I'm telling you

2 that the issue of the police precincts  
3 consolidations was brought up and has been  
4 battled out and is decided.

5 LEGISLATOR WINK: Again, like weapons of  
6 mass destruction, we did it on faulty  
7 information.

8 CHAIRMAN SCHMITT: No.

9 LEGISLATOR WINK: It's absolutely true.  
10 Come on, Congressman. You should know. You  
11 should know. If you get bad facts --

12 CHAIRMAN SCHMITT: There's no faulty  
13 information.

14 LEGISLATOR WINK: you're going to get  
15 bad decisions.

16 CHAIRMAN SCHMITT: There's no faulty  
17 information there.

18 LEGISLATOR WINK: There is most  
19 certainly faulty information. When you tell me  
20 the Sixth Precinct crime statistics --

21 CHAIRMAN SCHMITT: Excuse me.

22 LEGISLATOR WINK: are part of the  
23 consolidation --

24 CHAIRMAN SCHMITT: Excuse me. The  
25 consolidation of the police precincts was

2 predicated on the fact that over \$200 million has  
3 been invested in police infrastructure and that  
4 there was a duplication of police resources here  
5 and a considerable savings could be achieved by  
6 eliminating the number of precincts and cutting  
7 them down, because of the public safety center,  
8 the computers and the cars, and all the rest of  
9 it that went on during the hearing that you're  
10 well aware of. It had nothing to do, pro or con,  
11 with crime statistics.

12 LEGISLATOR WINK: You're absolutely  
13 incorrect about that. In point of fact, it was  
14 made abundantly clear by the administration time  
15 and again that this would have no affect on  
16 crime, except that it would maintain the level of  
17 law enforcement that's out there and what not.

18 CHAIRMAN SCHMITT: And it has.

19 LEGISLATOR WINK: And in point of fact,  
20 we were basing that on faulty numbers, numbers  
21 that were artificially low. Artificially low.  
22 And it's fine to say you would have done it even  
23 if you knew the numbers were false. But the fact  
24 remains that you did it on false pretenses. And  
25 I'm not blaming you for that because you could

2 not have controlled that, Mr. Chairman.

3 CHAIRMAN SCHMITT: You're blaming Bush -  
4 -

5 LEGISLATOR WINK: I wasn't blaming Bush.

6 CHAIRMAN SCHMITT: with Iraq and the  
7 weapons of mass destruction.

8 LEGISLATOR WINK: Bush had plenty to be  
9 blamed for. Police consolidation was not one of  
10 the things that President Bush was responsible  
11 for. County Executive Mangano, on the other  
12 hand, is a different animal.

13 CHAIRMAN SCHMITT: I'll relay that to  
14 him. I'm sure he'll be thrilled.

15 LEGISLATOR WINK: Mr. Schmitt, you know  
16 what? I have a number of additional questions  
17 here. But we can short circuit this whole thing,  
18 in point of fact, because I made a request of you  
19 last week, Mr. Schmitt -- excuse me, and Mr.  
20 Dunne, as Chairman of Public Safety, and I'm glad  
21 to see you here. Thank you for being here,  
22 Legislator Dunne. I made that request that we  
23 hold a public hearing on this to address  
24 systematically and thoroughly how this could have  
25 happened, when it was caught, how it was caught,

2 who raised the issues. There are a number of  
3 questions here that go far afield of this grant  
4 application.

5 CHAIRMAN SCHMITT: And I answered --

6 LEGISLATOR WINK: And if we have that  
7 hearing, I will gladly defer my questions to that  
8 hearing.

9 CHAIRMAN SCHMITT: I have answered your  
10 request, that was a letter sent by you,  
11 Legislator Scannell, and Legislator Denenberg.  
12 There's an answer to your request. If you don't  
13 have it yet, you should have it today. It's been  
14 sent out.

15 LEGISLATOR WINK: I know what I read in  
16 the paper. According to you, we can't rely on  
17 what's in the paper. So why don't you tell me  
18 what the response is?

19 CHAIRMAN SCHMITT: I know that you would  
20 like to jump right in and circumvent what the  
21 police commissioner is doing in a very effective  
22 manner; we're not going to do that.

23 LEGISLATOR WINK: You know what? That's  
24 interesting, Mr. Chairman. Because while we were  
25 in the midst of trying to figure out what the

2 issues were with the crime lab, you saw  
3 completely fit not only to hold a public hearing  
4 by the public safety committee, but you,  
5 yourself, came out and personally participated in  
6 it and threw a great deal of allegations at a  
7 number of people, including a former commissioner  
8 of police.

9 CHAIRMAN SCHMITT: It wasn't a number of  
10 people. It was --

11 LEGISLATOR WINK: And that was an  
12 ongoing investigation.

13 CHAIRMAN SCHMITT: Mr. Wink, it was  
14 Police Commissioner Mulvey. And if I knew today  
15 -- if I knew at that hearing what I know today, I  
16 would have thrown a lot more. He ran that  
17 department into the ground.

18 LEGISLATOR WINK: But it seems to me  
19 that you didn't feel the need to hold off on a  
20 hearing until every final detail was determined  
21 then. And it seems to me that we need to get to  
22 the bottom of this now because --

23 CHAIRMAN SCHMITT: Excuse me.

24 LEGISLATOR WINK: we based our public  
25 safety decision for this county --

CHAIRMAN SCHMITT: There was a --

LEGISLATOR WINK: We based our public safety issues in this county based upon the information that we received from the police department. If that information is falsified, faulty, or otherwise fraudulent, that seems to me that we are -- it's incumbent upon us as a legislature to verify, oversee, and monitor. That is our responsibility. It seems to me the public safety committee --

CHAIRMAN SCHMITT: Take a breath.

LEGISLATOR WINK: should be out in front

--

CHAIRMAN SCHMITT: Take a breath. Take a breath.

LEGISLATOR WINK: on this hearing. I have plenty of breath, don't you worry, Mr. Chairman.

CHAIRMAN SCHMITT: I know. I know. It's quite alright.

The question's been called.

LEGISLATOR WINK: Wait. Mr. Chairman, I have additional questions. I said I would defer them if we're going to have a hearing.

2 CHAIRMAN SCHMITT: We're not going to  
3 have a hearing.

4 LEGISLATOR WINK: Okay. Then I still  
5 have more questions.

6 CHAIRMAN SCHMITT: Well, I guess you're  
7 showing you guys what they think, the youth who  
8 are waiting.

9 Go ahead. Continue until you go far  
10 afield again.

11 LEGISLATOR WINK: For the purposes of  
12 this efficiency grant application, what timeframe  
13 was used --

14 CHAIRMAN SCHMITT: This is a filibuster  
15 now.

16 LEGISLATOR WINK: No. Actually it's the  
17 only way, apparently, I'm going to get answers,  
18 Mr. Chairman. So I'm going to --

19 CHAIRMAN SCHMITT: You're asking the  
20 wrong people, Mr. Wink, as usual. These people -  
21 -

22 LEGISLATOR WINK: I'm asking a  
23 representative of the police department --

24 CHAIRMAN SCHMITT: are here about a  
25 grant and you're asking them --

2 LEGISLATOR WINK: who is here to discuss  
3 this efficiency grant.

4 CHAIRMAN SCHMITT: about the policies of  
5 the police department and who is in charge of  
6 this, and who is in charge of that.

7 LEGISLATOR WINK: No. I haven't asked  
8 any of those questions yet.

9 CHAIRMAN SCHMITT: Yet?

10 LEGISLATOR WINK: In point of fact, I'm  
11 asking how this application was prepared, by whom  
12 it was prepared, and on what basis was it  
13 prepared.

14 CHAIRMAN SCHMITT: Asked and answered.  
15 He told you the grant people who worked on the  
16 application. You can ask it 16 times but it's  
17 not going to change what his answer is going to  
18 be.

19 LEGISLATOR WINK: I apologize to you.  
20 I'm not trying to castigate you. I'm simply  
21 trying to get answers here, and I've been told  
22 now that this is the only way it's going to  
23 happen. So, to the extent that you can give me  
24 answers, that's great. To the extent that you  
25 can take my questions back and get answers for

2 us, I'd appreciate that as well.

3 CHAIRMAN SCHMITT: Sergeant, would you  
4 take all of his questions back and get him  
5 answers, please?

6 LEGISLATOR WINK: Then let me ask them.

7 Sergeant, to the extent that you know --

8 CHAIRMAN SCHMITT: Somebody who is  
9 serious about information would just provide you  
10 with the questions. But this is a show. So go  
11 ahead, give him the questions.

12 LEGISLATOR WINK: It's the only show  
13 there is, quite frankly, because apparently Mr.  
14 Chairman is not going to allow a real hearing on  
15 this where we can actually properly vet this, so  
16 this is the one-shot. I apologize, Sergeant.

17 CHAIRMAN SCHMITT: Should we send out  
18 for dinner?

19 LEGISLATOR WINK: Sergeant, for the  
20 purposes of this application, for the purposes of  
21 this application, what time period did the crime  
22 statistics use in this application cover? To the  
23 best of your knowledge.

24 SERGEANT STEPHANOFF: This application  
25 covered the precinct consolidation. I wasn't

2 part of that precinct consolidation, so. It  
3 covered the precinct consolidation, the  
4 incentive, and the savings from that.

5 LEGISLATOR WINK: Did any of the crime  
6 statistics that were used for this application go  
7 back a period of time?

8 SERGEANT STEPHANOFF: I'm not sure.

9 LEGISLATOR WINK: Okay. If you can find  
10 that out for me, I would appreciate it.

11 Were the statistics used in this  
12 application for all the precincts in the county?

13 SERGEANT STEPHANOFF: Excuse me?

14 LEGISLATOR WINK: Was it an aggregate  
15 used statistics for all eight precincts or was it  
16 focused primarily on --

17 SERGEANT STEPHANOFF: The application is  
18 predicated on the consolidation of eight  
19 precincts.

20 LEGISLATOR WINK: So the crime  
21 statistics used were for all of the crime issues  
22 in the county, all the crime statistics for the  
23 county, irrespective of which precincts were  
24 closing and which ones were remaining open. I'm  
25 not trying to trick you. I'm just trying to get

2 an --

3 SERGEANT STEPHANOFF: Which ones are  
4 remaining open.

5 LEGISLATOR WINK: What's that?

6 SERGEANT STEPHANOFF: Like I said, this  
7 application was predicated on the consolidation  
8 that was approved with the incentive back in  
9 March.

10 LEGISLATOR WINK: Which would have  
11 involved crime statistics throughout the county.

12 SERGEANT STEPHANOFF: I would have to  
13 find out. I wasn't involved in the  
14 consolidation.

15 LEGISLATOR WINK: Were you involved in  
16 this efficiency application?

17 SERGEANT STEPHANOFF: My office was.

18 LEGISLATOR WINK: The grant application?

19 SERGEANT STEPHANOFF: Yes.

20 LEGISLATOR WINK: Okay. What I'm trying  
21 to understand is did they just focus in on the  
22 precincts that were closing or did they use crime  
23 statistics throughout the entire county for the  
24 purposes of filing this application?

25 SERGEANT STEPHANOFF: It was predicated

2 on the consolidation, the consolidation plan that  
3 we did.

4 LEGISLATOR WINK: Okay. Which involved  
5 all eight precincts?

6 SERGEANT STEPHANOFF: Yes.

7 LEGISLATOR WINK: Including the Fifth  
8 and the Sixth Precincts?

9 SERGEANT STEPHANOFF: Yes.

10 LEGISLATOR WINK: Okay. Would these  
11 statistics have included figures for grand  
12 larceny?

13 SERGEANT STEPHANOFF: I'd have to find  
14 out. I imagine that they'd included everything,  
15 but I'd have to find out.

16 LEGISLATOR WINK: Okay.

17 SERGEANT STEPHANOFF: Like I said, I'm  
18 not -- I just wasn't involved with the precinct  
19 consolidation.

20 LEGISLATOR WINK: I understand. And  
21 again, Sergeant, I apologize because you may not  
22 be the ideal person to be asking these questions  
23 of. But in point of fact, you may be the only  
24 person I'm going to have the opportunity to ask  
25 these questions of, and that's why I have to

2 persist, so.

3           Sergeant, to the extent that you know,  
4 was Inspector Dipaolo, who is obviously in the  
5 middle of this investigation right now with  
6 respect to crime statistics, was Inspector  
7 Dipaolo the commander of the Fifth Precinct  
8 during any time period over which the application  
9 -- over which statistics were referred to in the  
10 application?

11           SERGEANT STEPHANOFF: I don't know. I'd  
12 have to look at his -- I don't know when he was  
13 there. I'd have to look.

14           LEGISLATOR WINK: I'm going to ask you  
15 to check on that then.

16           SERGEANT STEPHANOFF: Because I don't  
17 oversee him.

18           LEGISLATOR WINK: To the extent that you  
19 know, was he the commander of the Sixth Precinct  
20 during any part of the time period covered by the  
21 statistics covered in this application?

22           SERGEANT STEPHANOFF: I could find out.

23           LEGISLATOR WINK: Okay.

24           Were there any statistics referred to in  
25 the report statistics which were found to be

2 falsified by Inspector Dipaolo?

3 SERGEANT STEPHANOFF: Excuse me? Say  
4 that again.

5 LEGISLATOR WINK: Any of the statistics  
6 used in this report, in this application -

7 SERGEANT STEPHANOFF: You mean in this  
8 application?

9 LEGISLATOR WINK: In this application,  
10 yes.

11 SERGEANT STEPHANOFF: I read through the  
12 application, I didn't prepare it. But I read  
13 through it and we didn't use statistics, we  
14 described the plan - the incentive and the  
15 consolidation.

16 LEGISLATOR WINK: Okay. Could you give  
17 us --

18 SERGEANT STEPHANOFF: Steve Finer may --

19 MR. FINER: Can I just make a comment?

20 I can say for a fact that we did not have to  
21 justify the consolidation as part of the  
22 application. There was nothing in it that  
23 required us to demonstrate why this consolidation  
24 was necessary or made sense. Rather, this was  
25 supposed to be seen as a completed project and we

2 were to provide measurable financial results or  
3 savings that came from it. I doubt whether  
4 there's any crime statistics in the application,  
5 although I'd have to check. But I don't  
6 understand why they would be there.

7           LEGISLATOR WINK: Mr. Finer, I'm going  
8 to remind you of what I just read from the Local  
9 Government Efficiency Program from the New York  
10 State Department of State website in which they  
11 indicate that New York State is committed to  
12 working with local governments to control costs  
13 while maintaining the quality service delivery  
14 provided by New York's local governments. It  
15 seems to me that it's a combination of the two;  
16 you have to show efficiencies and cost savings  
17 while at the same time maintaining quality  
18 services. Quality services in the case of law  
19 enforcement are generally measured by crime  
20 statics, are they not?

21           MR. FINER: They are measured by crime  
22 statistics, yes.

23           LEGISLATOR WINK: They are indeed.  
24 Thank you.

25           MR. FINER: But I don't know if they had

2 to put them in the application to demonstrate  
3 that. They have maybe five or six different  
4 grant programs related to government -- this  
5 actually isn't an efficiency grant, this is a  
6 government performance and efficiency grant.  
7 This is the first time they've issued this grant  
8 with the word performance in it. It basically  
9 was related to the ability to save money,  
10 taxpayer money. Whether you had to demonstrate  
11 whether you've maintained services or not, I  
12 don't know.

13           LEGISLATOR WINK: It sounds like  
14 performance is just underscoring the fact that  
15 you have to be able to maintain the performance  
16 of services.

17           MR. FINER: I think the position of the  
18 administration has been that we have maintained  
19 the safety, the public safety. Whether the  
20 statistics are accurate or not, I don't  
21 understand that. I don't know that.

22           LEGISLATOR WINK: Mr. Finer, you just  
23 said that you measure law enforcement's provision  
24 of services by crime statistics. If the crime  
25 statistics either aren't part of the application

2 or they're an insignificant part of it, then that  
3 belies the whole premises, that crime statistics  
4 are the basis by which you measure providing  
5 services under law enforcement.

6 MR. FINER: I don't believe they had to  
7 demonstrate that in this grant. There are many  
8 efficiency grants. If you look at the Department  
9 of State's site, you'll see that there are a  
10 whole variety of grants that they have there.

11 Also, I point out that I think the vast  
12 majority of the savings here was related to  
13 personnel.

14 LEGISLATOR WINK: Related to personnel.

15 MR. FINER: Yes.

16 LEGISLATOR WINK: Not the consolidation?

17 MR. FINER: Part of the consolidation  
18 was the reduction in personnel. The application  
19 was not simply related to the consolidation. It  
20 was the headcount reduction and consolidation  
21 plan.

22 LEGISLATOR WINK: Okay. And as I  
23 recall, at the time we were being told by the  
24 administration that the headcount reduction was  
25 only a temporary savings if we didn't get the

2 precinct closure plan. So the two aren't so  
3 dissimilar; in fact, they're tied together. I'm  
4 not disputing that, Mr. Chairman. My point is  
5 simply you can't say it's really not about the  
6 precinct closures, it's about the headcount  
7 reduction when the sales job was that the  
8 headcount reduction was only a savings if we got  
9 the precinct closures.

10 MR. FINER: I just point out that the  
11 way this project was put together was to  
12 recognize that the consolidation was not  
13 complete. The project that was put together was  
14 a headcount reduction and consolidation of the  
15 precincts that had been consolidated up to that  
16 point.

17 LEGISLATOR WINK: Okay. I don't think  
18 we're necessarily disagreeing. I'm just saying  
19 you can't separate the two. The two, in fact,  
20 are intertwined by what was presented to us as  
21 part of the precinct closure plan.

22 Can either Sergeant or Mr. Finer, can you  
23 describe -- the information and statistics that  
24 are provided in this application, what steps were  
25 taken to ensure that the information in this

2 application was in fact accurate and verifiable  
3 or verified, I should say.

4 SERGEANT STEPHANOFF: I believe the crux  
5 of the application was the financial savings from  
6 the initiative. We had the financial -- from the  
7 payroll system we verified the financial  
8 information and that was gone over. We garnered  
9 savings from the plan, and that's where we  
10 applied for the grant.

11 LEGISLATOR WINK: And in terms of the  
12 crime data --

13 SERGEANT STEPHANOFF: And I think the  
14 savings, they can't be one-shots. It has to be  
15 recurring savings, which they are, and that's  
16 what we verified.

17 MR. FINER: I'd also add that the  
18 administration required that the application be  
19 submitted to the Office of Management and Budget  
20 and all of the numbers would be reviewed by our  
21 office, and they did so before it was submitted.

22 LEGISLATOR WINK: That makes sense. Was  
23 it also submitted to the police department for  
24 its review?

25 MR. FINER: The police department

2 submitted it to us.

3 LEGISLATOR WINK: Okay. So the police  
4 department was responsible for preparing it, and  
5 then OMB reviewed it for accuracy.

6 MR. FINER: Yes.

7 LEGISLATOR WINK: But only with respect  
8 to the financial numbers, is that what you're  
9 saying?

10 MR. FINER: I don't think the Office of  
11 Management and Budget had anything to do with the  
12 crime statistics. Again, I doubt there are crime  
13 statistics in the application, although I didn't  
14 read it so I can't say that for sure.

15 CHAIRMAN SCHMITT: Okay. Questions have  
16 all been asked and answered. I'm going to call  
17 the question.

18 LEGISLATOR WINK: It's amazing. I've  
19 got two more pages worth of questions that have  
20 not been asked for answered --

21 CHAIRMAN SCHMITT: I'm sure you do.

22 LEGISLATOR WINK: But, you know --

23 CHAIRMAN SCHMITT: All those in favor --

24 LEGISLATOR WINK: what, Mr. Chairman?

25 That's fine. We're not going to find out any

2 information until the administration's figured  
3 out a way to sweep it under the carpet. I'm sure  
4 we'll get a blue ribbon panel that comes down  
5 with high priced lawyers in order to clam up this  
6 entire investigation --

7 CHAIRMAN SCHMITT: All that we --

8 LEGISLATOR WINK: and it will end with  
9 what we've --

10 CHAIRMAN SCHMITT: Follow the votes.

11 LEGISLATOR WINK: got so far and nothing  
12 more. So let's just move on, Mr. Chairman, how  
13 about that?

14 CHAIRMAN SCHMITT: All they have to do  
15 is follow the blueprint laid down by yourself and  
16 County Executive Suozzi if they wanted to do  
17 that.

18 All those in favor --

19 LEGISLATOR DENENBERG: May I have a  
20 question?

21 CHAIRMAN SCHMITT: of Item Number --

22 LEGISLATOR DENENBERG: I have a  
23 question.

24 CHAIRMAN SCHMITT: 116 and Item Number  
25 118 --

2 LEGISLATOR DENENBERG: Legislator  
3 Schmitt, may I have a question?

4 CHAIRMAN SCHMITT: All those in favor  
5 please say aye.

6 (Aye.)

7 Any opposed?

8 LEGISLATOR DENENBERG: May I have a  
9 question?

10 CHAIRMAN SCHMITT: Any opposed?

11 LEGISLATOR DENENBERG: Why can't I get a  
12 question here?

13 LEGISLATOR WINK: I'm going to abstain  
14 because I still have a lot more questions that  
15 haven't been answered.

16 LEGISLATOR DENENBERG: Legislator  
17 Schmitt, I would like a question.

18 CHAIRMAN SCHMITT: We have 18 ayes, no  
19 nays --

20 LEGISLATOR DENENBERG: Since when does a  
21 legislator not get a question?

22 CHAIRMAN SCHMITT: and one abstention.

23 LEGISLATOR DENENBERG: You never said  
24 does anyone else have any other questions.

25 LEGISLATOR WINK: Mr. Chairman decided

2 it's not an appropriate question, whatever it may  
3 be, because he doesn't know yet.

4 LEGISLATOR DENENBERG: What did you  
5 reflect as the vote?

6 CHAIRMAN SCHMITT: 18-0-1.

7 LEGISLATOR DENENBERG: Wait a second.  
8 We didn't even get a question yet, sir.

9 CHAIRMAN SCHMITT: Item Number 33,  
10 Resolution Number 124 --

11 LEGISLATOR BOSWORTH: Excuse me.  
12 Presiding Officer Schmitt, there was a question  
13 on the floor. I have not voted.

14 LEGISLATOR DENENBERG: No one voted  
15 here.

16 CHAIRMAN SCHMITT: You're out of order.

17 LEGISLATOR DENENBERG: Excuse me.

18 CHAIRMAN SCHMITT: The question's done.

19 LEGISLATOR DENENBERG: No one on this  
20 side voted.

21 CHAIRMAN SCHMITT: Not my responsibility  
22 if you're derelict in your duties, Legislator.  
23 The vote was called.

24 LEGISLATOR DENENBERG: What derelict in  
25 the duties? For the record, I'm asking for a

2 question and you're refusing to allow a  
3 legislator to ask a question because you didn't  
4 like Legislator Wink's questions.

5 CHAIRMAN SCHMITT: It is six o'clock.  
6 Plenty of time has been devoted to this. I gave  
7 wide latitude. You asked and answered a lot of  
8 questions that have nothing to do with the  
9 application in front of us. We're moving  
10 forward.

11 LEGISLATOR DENENBERG: You just  
12 falsified the vote too.

13 CHAIRMAN SCHMITT: Item Number 33 --

14 LEGISLATOR DENENBERG: You're getting  
15 good at falsifying numbers here.

16 LEGISLATOR BOSWORTH: The vote was not  
17 18.

18 CHAIRMAN SCHMITT: Resolution Number  
19 124 --

20 LEGISLATOR DENENBERG: I'm moving to  
21 reconsider. You didn't allow legislators to  
22 vote.

23 CHAIRMAN SCHMITT: Why is there no clerk  
24 in the seat? How was the vote recorded? 18-0-1.

25 CLERK MULLER: There were no no votes.

2 If you don't say a no vote, then it counts as a  
3 aye vote.

4 CHAIRMAN SCHMITT: Let's get this  
5 straight over here, guys. This stops. You guys  
6 sitting here with your --

7 LEGISLATOR DENENBERG: Wait a second.  
8 To the Chair.

9 CHAIRMAN SCHMITT: not saying yes,  
10 you're not saying no --

11 LEGISLATOR DENENBERG: To the Chair.

12 CHAIRMAN SCHMITT: and not saying  
13 abstention.

14 LEGISLATOR DENENBERG: Peter, there are  
15 a lot of questions regarding crime stats.

16 CHAIRMAN SCHMITT: Look. I'm going to  
17 reconsider the item just for a vote. That's it.

18 LEGISLATOR DENENBERG: I just want to  
19 know. This is based on numbers --

20 CHAIRMAN SCHMITT: Oh, Mr. Denenberg,  
21 he's been over it 16 ways to Sunday.

22 LEGISLATOR DENENBERG: Who's been over  
23 it 16 ways?

24 CHAIRMAN SCHMITT: Mr. Wink.

25 LEGISLATOR DENENBERG: We have the

2 person from OMB --

3 CHAIRMAN SCHMITT: You know what? I'm  
4 not going back.

5 LEGISLATOR DENENBERG: I want to ask --  
6 I just want to ask the person from OMB --

7 CHAIRMAN SCHMITT: Then go off on the  
8 side and ask him.

9 LEGISLATOR DENENBERG: if overtime  
10 numbers were considered in this.

11 CHAIRMAN SCHMITT: Resolution Number 124  
12 --

13 LEGISLATOR DENENBERG: Were overtime  
14 numbers considered or not?

15 CHAIRMAN SCHMITT: is a resolution  
16 approving the Office of Community Development  
17 annual action plan for submission to the United  
18 States Department of Housing and Urban  
19 Development.

20 May I have a motion, please?

21 LEGISLATOR KOPEL: So moved.

22 LEGISLATOR BECKER: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator  
24 Kopel, seconded by Legislator Becker.

25 LEGISLATOR DENENBERG: I have one

question. These -- Mr. Schmitt --

CHAIRMAN SCHMITT: You are out of order.

LEGISLATOR DENENBERG: Before we vote on something, and I'd be inclined to vote for it, I want to make sure --

CHAIRMAN SCHMITT: You are out of order. Do you understand?

LEGISLATOR DENENBERG: because it is a grant application, I want to make sure --

CHAIRMAN SCHMITT: You're going to have to do your best to talk over this droning.

LEGISLATOR DENENBERG: that this was premised on numbers that included overtime. Why wouldn't you want to know that?

CHAIRMAN SCHMITT: What do we got here?

MR. MARIN: Robert Marin, Jr., Chief Counsel for the Office of Community Development, Office of Housing and Lending Services.

CHAIRMAN SCHMITT: We're going to have order here. We are going to have order here. Whether it's down there or up here, we're going to have order.

Now, we're going to finish this. You can tell us about this, and then, then we will -- go

2 ahead.

3 MR. MARIN: Robert Marin, Jr., Chief  
4 Counsel of Office of Community Development,  
5 Office of Housing and Lending Services.

6 The item before you is the annual funding  
7 award for the community development office. Our  
8 community development block grant program for \$12  
9 million --

10 LEGISLATOR DENENBERG: Whoa, whoa, whoa.  
11 Peter, I thought you were recalling someone on  
12 the other item.

13 CHAIRMAN SCHMITT: It has already been  
14 called.

15 LEGISLATOR ABRAHAMS: No, it hasn't.

16 CHAIRMAN SCHMITT: Yes, it has. And  
17 Legislator Kopel made a motion and Legislator  
18 Becker --

19 LEGISLATOR DENENBERG: That's  
20 unbelievable.

21 CHAIRMAN SCHMITT: We're going to finish  
22 this and then we'll go back and reconsider the  
23 other question. The question can be reconsidered  
24 at any time during the legislative meeting that  
25 it was taken. At any time.

2 LEGISLATOR DENENBERG: But you ended  
3 questions and then you decided people voted a  
4 certain way. It's ridiculous.

5 CHAIRMAN SCHMITT: Tell me about this  
6 community development.

7 MR. MARIN: The annual CDBG block grant,  
8 approximately \$12 million, to home investment  
9 partnership program \$1.7 million, in the  
10 emergency solutions grant \$1.2 million. This is  
11 our annual funding award administered by our  
12 office through HUD.

13 CHAIRMAN SCHMITT: And it's passed  
14 through to the towns and the members of the  
15 consortium?

16 MR. MARIN: Yes.

17 CHAIRMAN SCHMITT: Tell me again what  
18 the categories are.

19 MR. MARIN: These are three of our  
20 grants that we administer. It's the community  
21 development block grant, which is our largest  
22 allocation, CDBG, that is administered through  
23 the Nassau County consortium, which consists of  
24 34 municipalities. The second one is the HOME  
25 program, and that is administered generally

2 through direct contract from our office to either  
3 for-profit or not-for-profit developers. And  
4 then the emergency, which is now the emergency  
5 solutions grant, which was the emergency shelter  
6 grant, is an ever evolving program in HUD's  
7 definition.

8           Again, all of these programs service the  
9 low to moderate income residents of Nassau County  
10 and help with building or subsidizing affordable  
11 housing.

12           CHAIRMAN SCHMITT:     So none of these  
13 various grants -- I should rephrase that. Do any  
14 of these various grants have anything to do with  
15 employment and training programs in the towns and  
16 the villages?

17           MR. MARIN:     It could. We have what we  
18 refer to as the big eight, the largest  
19 municipalities who receive the largest funding  
20 award. They receive a stipend, an admin stipend  
21 to administer staff because of the large amount  
22 of money that they have to oversee. The smaller  
23 municipalities with the smaller awards do not  
24 receive an admin fee. And our, when I say our,  
25 our department's admin fee is paid out of this

2 grant.

3           The admin fees are capped. The community  
4 development block grant is capped at 20 percent.  
5 The HOME investment is ten percent. So it limits  
6 the amount of administrative dollars available.  
7 And as these funds continue to get cut by the  
8 federal government, the amount, obviously,  
9 available of admin from a percentage wise basis  
10 goes down as well.

11           This year's budget represents a 14  
12 percent cut from last year's budget, which  
13 represented an 18 percent cut from the year  
14 before. So these budgets and the monies  
15 available continue to get smaller and smaller.

16           CHAIRMAN SCHMITT: I'm not sure if I  
17 followed you. There is community development --  
18 I'm sorry -- employment and training money  
19 involved there or it's just the -- in the big  
20 eight.

21           MR. MARIN: The big eight, yes, and our  
22 office. Our office as well.

23           CHAIRMAN SCHMITT: So does your office  
24 administer the employment and training grants?

25           MR. MARIN: Our office is paid by it.

2 We would go to HUD training.

3 CHAIRMAN SCHMITT: No. Now we pass this  
4 money down to the towns and the villages.

5 MR. MARIN: Correct.

6 CHAIRMAN SCHMITT: The big eight.

7 MR. MARIN: Yes.

8 CHAIRMAN SCHMITT: So out of the big  
9 eight, they use the money for employment and  
10 training.

11 MR. MARIN: Yes, a percentage of that,  
12 they do.

13 CHAIRMAN SCHMITT: Do you have any  
14 oversight ability involved in that?

15 MR. MARIN: Yes. We have oversight  
16 ability in the entire award allocation. It's  
17 based on applications submitted by the consortium  
18 members. The consortium members, we asked them  
19 because they have their own -- for lack of a  
20 better term, for analogy purposes -- mini us  
21 departments, especially the big eight. The  
22 smaller villages, usually the clerk, the county  
23 clerk --

24 CHAIRMAN SCHMITT: I'm not interested in  
25 the smaller villages. I'm interested in the big

2 eight.

3 MR. MARIN: The big eight, yes. They  
4 have a mini us and they submit annually through  
5 the application, as do all the municipalities  
6 submit annually, a request and application for  
7 funding award. We evaluate it and then award the  
8 funds based on the application.

9 CHAIRMAN SCHMITT: So the federal funds  
10 are used -- I just want to make sure I got this  
11 straight in my own mind. The federal funds that  
12 are used for the employment and training program  
13 come from this money from your office.

14 MR. MARIN: Yes, but with a -- with a  
15 HUD imposed cap of 20 percent, at most.

16 CHAIRMAN SCHMITT: Okay.

17 MR. MARIN: It could be less. Our  
18 office, as stated, our office is also paid out of  
19 these funds. And with the continued decrease in  
20 funding, our office has anticipated this and we  
21 have decreased our staff in connection --

22 CHAIRMAN SCHMITT: I understand.

23 MR. MARIN: We're vacating the floors.

24 CHAIRMAN SCHMITT: You mentioned the  
25 various places. You didn't mention employment

2 and training.

3 MR. MARIN: Maybe Kevin Creen can answer  
4 that.

5 MR. CREEN: Kevin Creen, Deputy Director  
6 of Office of Community Development.

7 Legislator Schmitt, are you referring to  
8 public service funding for training programs,  
9 say, for youth or people who are unemployed?

10 CHAIRMAN SCHMITT: No, I'm talking  
11 specifically about employment and training  
12 programs that are offered by the various towns.  
13 For example, in my town, in Oyster Bay, where I  
14 represent Massapequa, there's an employment and  
15 training office. I'm given to understand it's  
16 federally funded.

17 MR. CREEN: The workforce board you're  
18 referring to, the WICS center.

19 CHAIRMAN SCHMITT: Does that come from  
20 you?

21 MR. CREEN: No, that's separate line of  
22 funding.

23 CHAIRMAN SCHMITT: Where does that come  
24 from?

25 MR. CREEN: I couldn't say. We don't

2 work directly with those offices. I know the  
3 office in Oyster Bay is co-located with the  
4 Office of Community Development, but the funding  
5 line is a separate stream of funding.

6 CHAIRMAN SCHMITT: So the money goes  
7 directly from the federal government to the town?

8 MR. CREEN: For the WICS program, yes,  
9 it does.

10 CHAIRMAN SCHMITT: Okay. Thank you.  
11 Does anybody else have any --

12 MR. CREEN: Roseanne D'Alleva is telling  
13 me it's from Social Services Department.

14 CHAIRMAN SCHMITT: What?

15 MS. D'ALLEVA: The WICS program is  
16 funded through the social service budget.

17 CHAIRMAN SCHMITT: Our social service  
18 budget?

19 MS. D'ALLEVA: Well, federally through  
20 the social service budget.

21 CHAIRMAN SCHMITT: How does the money  
22 get to the town for the employment and training  
23 program? Is it passed through us in any way,  
24 shape or form?

25 MR. MARIN: Are you talking about

2 specifically the WICs program or?

3 CHAIRMAN SCHMITT: I'm talking about  
4 employment and training. I got brochures all  
5 over the place - come, you need, a job, come  
6 here, we'll train you, resume writing.

7 MR. MARIN: That's not our department.

8 CHAIRMAN SCHMITT: That's what I want to  
9 know.

10 MR. MARIN: That's not our department,  
11 no.

12 CHAIRMAN SCHMITT: That's not in your  
13 department?

14 MR. MARIN: No.

15 CHAIRMAN SCHMITT: So I would assume  
16 it's a direct federal program from --

17 MR. MARIN: I cannot comment on that. I  
18 don't know.

19 MS. D'ALLEVA: Through social services.  
20 It's funded through social services.

21 CHAIRMAN SCHMITT: I've never voted to  
22 give money to the towns through social services.

23 MR. FINER: I can explain this. I think  
24 there is a confusion between the WIC program and  
25 the WIBs program. One is for women, infant, and

2 children, which comes from --

3 CHAIRMAN SCHMITT: No, no, no, no.

4 MR. FINER: I think there's a  
5 misunderstanding. The WIBs is a workforce  
6 investment board, and that's the Department of  
7 Labor. They're two different programs.

8 MR. MARIN: Either way, neither is our  
9 department.

10 CHAIRMAN SCHMITT: Okay. Legislator  
11 Ford.

12 LEGISLATOR FORD: We'll segway right  
13 into then. Perhaps even with the youth  
14 employment, it is an item that each of, I guess,  
15 the super eights can allocate a certain money.  
16 What is that capped at?

17 MR. MARIN: Any public service program,  
18 which would include the youth programs, is capped  
19 at 15 percent, and the municipalities administer  
20 those dollars as needed with the HUD cap of 15  
21 percent.

22 LEGISLATOR FORD: So if somebody was  
23 getting, just for argument's sake, 500,000 and  
24 it's capped at 15 percent, it would be like  
25 50,000, maybe 65,000, right, that you could use -

2 -

3 MR. MARIN: Correct.

4 LEGISLATOR FORD: for your employment.

5 MR. MARIN: For any public services,  
6 which would include youth employment. It's not  
7 just specifically -- it's public services as a  
8 whole, and that cap is by HUD and it's across the  
9 board and we have no discretion over that.

10 LEGISLATOR FORD: My concern -- and I  
11 know we didn't get a chance to go down and take a  
12 look at the allocation. Sometimes I just feel  
13 that even with the City of Long Beach, you know,  
14 we have at times, I believe, missed our mark with  
15 some of the community development block grant  
16 money and utilizing it for things. But I mean,  
17 even once again, in this application that they  
18 have they put down I think about 190,000 to  
19 repair a boardwalk when there is no commercial  
20 establishment on the boardwalk, so to speak. And  
21 I know that they use it because the beach and  
22 everything is attractive, but we have a lot of  
23 other areas in the city that could use this type  
24 of money to maybe fix up storefronts or to fix up  
25 a street or something to sort of stimulate some

2 sort of economic growth.

3           How is it that we get the smaller  
4 municipalities to try to work in better  
5 conjunction with your office so that they -- I  
6 know they could fall under the guidelines of what  
7 the government is saying. But, really, where is  
8 there responsibility to make sure that they're  
9 answering what I think they should -- doing what  
10 they should be doing?

11           MR. MARIN: Well, with the smaller  
12 municipalities, their funding award then does  
13 become a bit more competitive because it's a  
14 smaller pie. We do our best to police, if you  
15 will.

16           LEGISLATOR FORD: And it's hard for you.

17           MR. MARIN: Right. The intention of the  
18 program and of the consortium is for the local  
19 municipalities to identify their areas of need  
20 and then to spend the federal dollars in  
21 accordance with regulations to address those  
22 needs. So someone in Long Beach thinks that that  
23 boardwalk is more important -- this is just pure  
24 conjecture and speculation -- would think that  
25 that boardwalk's more important than the examples

2 you gave because that's what they put on their  
3 application. So we then don't want to be in a  
4 position to say no, no, no, no and tell them how  
5 to spend their dollars, so long as it's in  
6 conjunction with federal climates. However, we  
7 do try to sit with them and discuss with them a  
8 plan and see if they have a vision, and if it's  
9 part of a larger program. And what we do do --  
10 rather, a larger project. And what we have done  
11 in the past is separate funds over several years  
12 for a vision project. Again, the dollars are  
13 getting so much smaller and so much more  
14 competitive, so we can't give you the whole pie  
15 today but over the next three years we'll give  
16 you the whole pie and you do this this year and  
17 that next year and this the third year, and then  
18 you have the project that you wanted. It's a  
19 balancing act. We try to work with the  
20 municipalities just to create a vision for them,  
21 if they have difficulty. Some of them know  
22 exactly what they want.

23           LEGISLATOR FORD: I think what I'll do  
24 is maybe we could, in September, go down and meet  
25 with the people in the City of Long Beach and

2 discuss this.

3 MR. MARIN: I'd be happy to.

4 LEGISLATOR FORD: I want to make sure  
5 that all of the neighborhoods within the City of  
6 Long Beach are, you know, being, you know, taken  
7 care of with this type of funding.

8 MR. MARIN: Absolutely. We would be  
9 happy to.

10 LEGISLATOR FORD: I thank you once again  
11 for doing a great job.

12 MR. MARIN: Thank you.

13 CHAIRMAN SCHMITT: Okay. Anybody else  
14 with this item?

15 (No verbal response.)

16 I'm going to call the question.

17 All those in favor signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item carries unanimously.

22 MR. MARIN: Thank you.

23 CHAIRMAN SCHMITT: Now, last thing.

24 We're going to take a motion -- now, a motion to  
25 reconsider can only come from the voting side

2 that prevailed, which means it has to come from  
3 this side.

4 LEGISLATOR DENENBERG: No. You said it  
5 was 18-nothing. You said --

6 CHAIRMAN SCHMITT: I'm sorry. I'm  
7 sorry. You're absolutely right.

8 LEGISLATOR DENENBERG: So I'm moving to  
9 reconsider.

10 CHAIRMAN SCHMITT: We're going to take a  
11 motion to reconsider for the purposes of  
12 clarifying the vote only. We're going to take a  
13 motion to reconsider and we're going to call the  
14 question.

15 LEGISLATOR DENENBERG: So you're still  
16 not letting me ask my questions.

17 CHAIRMAN SCHMITT: No.

18 LEGISLATOR DENENBERG: In that case we  
19 have to abstain since we can't ask our questions.

20 CHAIRMAN SCHMITT: When you're the  
21 minority leader you can tell everybody to  
22 abstain. Maybe you are, I don't know.

23 We'll take a motion to reconsider Item  
24 Number 25, Resolution 116 and Item Number 27,  
25 Resolution 118.

2 I'll make the motion. May I have a  
3 second, please?

4 LEGISLATOR GONSALVES: Second.

5 CHAIRMAN SCHMITT: Seconded by  
6 Legislator Gonsalves.

7 All those in favor of reconsidering  
8 please say aye.

9 (Aye.)

10 Items are in front of us.

11 I'm going to call the question.

12 All those in favor please signify by  
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Abstentions?

18 (Abstain.)

19 All nine abstain.

20 LEGISLATOR DENENBERG: We don't want to  
21 be opposed to it, but you can't let us favor  
22 something that might have faulty numbers. I can  
23 explain my vote. Since when can someone not  
24 explain their vote? Okay.

25 CHAIRMAN SCHMITT: That's it. Any other

2 business to come before the Legislature? No.

3 I'll take a motion to adjourn.

4 CHAIRMAN SCHMITT: Moved by Legislator  
5 Dunne.

6 All those in favor signify by saying aye.

7 (Aye.)

8 We stand adjourned.

9 (Whereupon, the Full Legislature  
10 adjourned at 6:04 p.m.)

11 CHAIRMAN SCHMITT: We still have public  
12 comment.

13 Jonathan Rios.

14 MR. RIOS: Good afternoon, ladies and  
15 gentlemen.

16 CHAIRMAN SCHMITT: Good evening.

17 MR. RIOS: Good evening. Yes, it has  
18 been a while.

19 My name is Jonathan Rios. I was raised  
20 in Hicksville, and some of my fondest memories  
21 are of the Hicksville Youth Council, now known as  
22 the Hicksville Boys and Girls Club.

23 I joined when I was in middle school, in  
24 high school I became a volunteer. Before I went  
25 on to study at Columbia University, I was awarded

2 the Hicksville Youth Council scholarship. I have  
3 recently moved back to Hicksville and have begun  
4 volunteering there again. It has been a  
5 significant part of my life. I can say proudly  
6 that the Youth Council has been an important  
7 factor in shaping the personality I am today. It  
8 provided me with mentorship, companionship and  
9 support during a very impressionable part of my  
10 life and instilled a deep appreciation for the  
11 value of community and mutual aids. I know I am  
12 not alone in my experience. Thousands of  
13 children and adolescents have gone through this  
14 and similar youth programs throughout Nassau  
15 County.

16 I was distressed to learn that the county  
17 government has terminated contracts and cut  
18 funding to youth and family services and has made  
19 reductions to drug treatment programs. We are  
20 extremely fortunate to live in a county that has  
21 the resources to provide these services. I  
22 appreciate that this must have been a difficult  
23 decision for you, a decision driven by financial  
24 concerns in these trying economic times. But I  
25 urge you to reconsider your decision.

1 I have had the mixed blessing of meeting  
2 some brilliant people in unpleasant places. I  
3 can say with all honesty that I have learned more  
4 from these people than I did from my professors  
5 and classmates at Columbia. These are really  
6 brilliant people, people who could have gone on  
7 to be architects and engineers if they had found  
8 the support they needed during their formative  
9 years.  
10

11 I have also had the unfortunate  
12 experience of seeing some of my peers crippled by  
13 substance abuse. These were good people, people  
14 with education, people who were starting their  
15 careers. It's important for us to remember that  
16 substance abuse can be a problem for people in  
17 all walks of life. Most of these friends were  
18 lucky enough to make it through that difficult  
19 stage of their lives with the support of publicly  
20 funded programs. Without these resources, they  
21 might not have made it.

22 Of course you can tell I believe in  
23 public service, in people helping people. But I  
24 don't want you to think that I'm asking you to do  
25 a favor with your vote. I urge you not to think

2 of these services as a cost. I want you to think  
3 of them as an investment in our community. Youth  
4 services provide a strong foundation for our  
5 youth to go on to be productive members of our  
6 society with a strong moral foundation.  
7 Substance abuse programs help those who stumbled  
8 along the way get back on their feet. These  
9 services are integral to nurturing and  
10 maintaining a healthy and prosperous community.

11 Thank you for your time and attention.

12 CHAIRMAN SCHMITT: Legislator Walker.

13 LEGISLATOR WALKER: Jonathan, I just  
14 want to thank you so much for, first of all,  
15 spending a long time here and for your comments.  
16 I couldn't be prouder of you and the young  
17 gentleman you have become. And I know you owe a  
18 lot to the Hicksville Boys and Girls Club and to  
19 the Youth Council.

20 MR. RIOS: I really appreciate that.  
21 And I remember meeting you many years ago when I  
22 was still in high school. You were campaigning.  
23 And I certainly hope that I can count on your  
24 support for youth and substance abuse programs  
25 throughout the county.

2 CHAIRMAN SCHMITT: Victor Santiago.

3 MR. SANTIAGO: Okay. So you guys are  
4 letting me speak now. I want to thank you all  
5 for your patience. Yeah.

6 I don't know if you remember me, but I  
7 spoke at the last hearing. I'm the one who  
8 turned down a full-time life supporting career in  
9 a trade school to move back to Nassau and  
10 dedicate my life to helping the youth -- my  
11 youth, your youth -- with the same services that  
12 saved my life and allows me to be here today.

13 To be honest, my brain is really frying  
14 right now. I'm just appalled by the fact that  
15 I've had to come here four weeks in a row in June  
16 with all my peers, and I'm still here today on  
17 August 6 asking you today to save some 13,000  
18 children's lives and dreams. There are kids  
19 accompanying their dreams and careers with the  
20 assistance that we provide for them by sticking  
21 by their side and leading them in the right  
22 direction, which takes them towards having a fun  
23 childhood and a successful future.

24 If you don't agree with -- if you can't  
25 agree with what we are doing is worth a couple

2 million dollars in order to keep kids off the  
3 street and help our future, then I'm really  
4 curious as to what you guys are going to be  
5 spending all that money on.

6 Notice how I said our future; it's my  
7 future, your future, and it's everybody else's  
8 here. These children are the ones who are our  
9 future, is that not valid? Someone else said  
10 that too.

11 You guys are affecting everybody here in  
12 a negative way, some of which are your neighbors  
13 and others are close friends from your county. I  
14 also say your county because you, together you  
15 have the power over the final decision and you  
16 guys can be the ones to set it right.

17 When you do eventually come to term with  
18 our request and help save the Hicksville Boys and  
19 Girls Club, along with every other service that  
20 needed to be helped, then we can -- we will be  
21 able to stand here with you and run this county  
22 together and not have to clean up the massive  
23 mess that you would have made of it in not  
24 restoring my club, these programs, and giving us  
25 the funding that we need and we deserve as

2 taxpayers.

3 I just want to say one more thing. Is  
4 the only reason that we're on this property every  
5 day is because you're taking ours away. So you  
6 give us our property, and we'll leave you guys  
7 alone and get off yours.

8 Thank you.

9 CHAIRMAN SCHMITT: Amanda Schultzman.

10 (No verbal response.)

11 Tom Bruno.

12 MR. BRUNO: Good evening. My name is  
13 Tom Bruno. I'm the executive director of the  
14 Hicksville Boys and Girls Club. After hearing  
15 two or our products speak, I plead with you once  
16 again to do all that you can to restore funding  
17 back to our programs.

18 Jonathan is a person who I've known for  
19 probably ten years now. We provided Jonathan  
20 with a scholarship to help him to begin his  
21 education at Columbia University.

22 Victor is another one of our young people  
23 who came through the program who was a kid who  
24 was bullied in the streets and came to us for  
25 help. We were able to help him to sort his way

2 through the colors and life that he was having at  
3 that point in time. He was being bullied. He  
4 was being abused. He was on the verge of joining  
5 a gang. This is a person who we helped -- not  
6 just me, our agency, the youth service system in  
7 this county gave this kid the direction that he  
8 needed to get through, to start school. Now he's  
9 working at our club and he's trying to direct  
10 kids to make the right decision.

11 All I ask of you today is to please make  
12 the right decision, to help these kids continue  
13 to live prosperous lives and become products of  
14 their community and support their communities.

15 Thank you very much.

16 CHAIRMAN SCHMITT: Thank you.

17 Helene Manus.

18 (No verbal response.)

19 Joan Franklin.

20 (No verbal response.)

21 Thomas Gallagher.

22 MR. GALLAGHER: I'm Thomas Gallagher,  
23 Wantagh, New York. I've been living there for  
24 over 47 years, right across the street from the  
25 Cedar Creek Sewage Treatment Plant, even before

2 it was built. For the life of me, I cannot  
3 figure out what are we doing.

4 We know it needs a lot of money. In the  
5 meantime, we want to borrow money and pay back  
6 interest to an investor. It would be beautiful  
7 if we could borrow the money today, make out a  
8 check for the interest money, pay them back, we  
9 got that money.

10 But then again, I am a retiree for the  
11 Wantagh School District CSEA. From what I  
12 understand, August 31 is the deadline, they're  
13 pushing the plant operators to make a decision on  
14 what their positions want to be. If they're  
15 there many years, they might take the retirement,  
16 life insurance -- health insurance, rather, and  
17 bail out. Those who are there may take incentive  
18 money, and I don't know what will take place with  
19 them. And if the ones who remain, they may be  
20 downsized, which that's what the new company  
21 plans to do. Naturally, the administrative staff  
22 that runs the plant now, well, they will have to  
23 be relocated somewhere else. As we relocate  
24 those people somewhere else, we still have them  
25 on our county tax roll payroll. We're still

1 paying taxes for those people. And if we move  
2 the employees out of there and move them out to  
3 building and grounds or parks departments, we're  
4 still paying county taxes for those people. We  
5 are not getting ahead. All we are doing is  
6 employing a new company employees to take over  
7 the plant. And we're going to be paying our  
8 taxes to their pockets, their salaries, and  
9 they're going to look for a little more and  
10 they'll be taking fees to increase their pockets.

11  
12 If things do break down, the county will  
13 be paying to repair this stuff. They'll be just  
14 riding free and high just telling you, oh, yeah,  
15 our electrical system went down in Bay Park.  
16 You, the county, better get some generators here.

17 We do not need anybody to come in here  
18 and ride over what we've been doing for many  
19 years. I've been going to many meetings and so  
20 have others, been going to the county meetings at  
21 the sewage treatment plant. And we, the general  
22 public, was telling them let's get irrigation  
23 tank covers. We've made demonstrations. We've  
24 seen that got done. Pellitization of these  
25 plants, we stopped that program. We, the general

2 public, stopped it. We kind of made a little  
3 control over when we would have problems there,  
4 not enough manpower, we got manpower. Mr.  
5 Mangano put a lot money back into the plant and  
6 got it up and running. Thank God he did.  
7 Whether it got it running just to put it up for  
8 sale, I don't know.

9           The plant is getting old and it is going  
10 to break down. Naturally, this new company  
11 that's coming in, they're not going to be the  
12 fall guy. The stuff going into Reynold's  
13 Channel, they're not going to be the fall guy.  
14 They said you did that for years and can't  
15 control it. They cannot control what we could  
16 not control. That's where we should not have  
17 been in the business to start with, so to say.  
18 But we've been in the business and we have people  
19 dedicating their lives to these plants going home  
20 with smells on them and maybe who knows what kind  
21 of diseases they're carrying, cancer or whatever.

22           We have to protect the employees we have  
23 here now. We do not want people coming in from  
24 New Jersey, Rhode Island or some other state to  
25 take over our plants and run them and run them

2 all out of our jobs, our homes, our families.  
3 You don't know how much you'd be destroying  
4 Nassau County by letting this thing to ever go  
5 through. We can still do it. There are many,  
6 many ways of doing it.

7 CLERK MULLER: Your three minutes have  
8 expired, sir.

9 MR. GALLAGHER: Some of the ways are,  
10 like we're doing now out in Suffolk County with  
11 the police department, is pay back 15 percent in  
12 your health insurance. We can have the county  
13 employees do that; there's money savings there.  
14 We can have different ways of cutting costs at  
15 these plants to bring us up a little more --

16 CHAIRMAN SCHMITT: You have to conclude,  
17 the three minutes are up.

18 MR. GALLAGHER: Yes, sir.

19 CHAIRMAN SCHMITT: You have conclude.  
20 If you could wrap it up.

21 MR. GALLAGHER: I'm just hoping that we  
22 leave things be as is. We don't need to bring in  
23 people to bail out on. What we do here is every  
24 time we need money we go into a bond. Next year,  
25 let's pay out the bond and pay off the loan.

2 Next year let's pay off that loan. Now we're  
3 going to be taking in people and then when they  
4 fail, we'll be taking in another company.

5 Thank you very much for your time, Mr.  
6 Schmitt.

7 CHAIRMAN SCHMITT: Thank you.

8 Jerry Laricchiuta.

9 (No verbal response.)

10 I apologize on the name. Razmira Satar.

11 VOICE: Left.

12 CHAIRMAN SCHMITT: Left.

13 Pearla Gonsales.

14 (No verbal response.)

15 Patricia Kearney.

16 Beverly Visconte.

17 Whoops. I'm sorry. You are?

18 MS. KEARNEY: Patricia Kearney.

19 CHAIRMAN SCHMITT: Hi. Okay. Go ahead.

20 MS. KEARNEY: I have a letter from Greg  
21 Naham (phonetic) from the Nassau County Coalition  
22 of Civic Associations that I'd like to read into  
23 the record.

24 CHAIRMAN SCHMITT: Certainly.

25 MS. KEARNEY: Dear County Legislators.

2 I am writing on behalf of the Nassau County  
3 Coalition of Civic Associations, a coalition  
4 representing the interests of over 400 civic  
5 associations in Nassau County, regarding the  
6 county's sewage treatment plants.

7 The people of Nassau County are concerned  
8 about the county's plan to enter into  
9 private/public partnerships with an operator and  
10 an investor for the Bay Park, Cedar Creek, and  
11 Glen Cove sewage treatment plants. We feel that  
12 we have been kept in the dark about a plan that  
13 may turn out to be the biggest financial  
14 transaction in Nassau County's history.

15 The plan to privatize our sewage  
16 treatment plants began in February 2010, when the  
17 county executive put out bids to find a financial  
18 advisory to help procure an agreement among the  
19 investor/operator and the county to lease our  
20 sewage treatment plants, and yet we heard nothing  
21 about the county executive's intent until he had  
22 already hired Morgan Stanley and had asked you to  
23 approve this plan to privatize the plants as a  
24 meaning of filling the gap in the 2012 and 2013  
25 budget. Yet, there were not hearings to inform

2 the public of the county executive's intent or of  
3 the contracts that the legislative majority  
4 approved.

5 Our sewage treatment plants provide a  
6 necessary function that Nassau County cannot do  
7 without. As stewards of our public assets, it's  
8 your responsibility to assure that our sewage  
9 treatment plants are operated properly and are  
10 upgraded with the safest, cleanest, and most  
11 efficient equipment available. As our  
12 representatives, it's your duty to protect the  
13 health and safety of your constituents.

14 It would seem that the best way to assure  
15 that the conditions of the plant are up to par  
16 would be to call for hearings for the responsible  
17 parties so that you may learn of the conditions  
18 of our sewage treatment plants, make sure that  
19 the capital improvements that you already  
20 approved in 2007 are made to the plans, and  
21 determine what further improvements or staffing  
22 needs to be added to bring our plants up to date.  
23 Yet, there hasn't been a hearing on the  
24 conditions of our plants in over two years.

25 The people of Nassau County have a right

2 to know if their sewage treatment plants are  
3 operating properly. We have many questions and  
4 concerns regarding the county executive's plan to  
5 privatize our sewage treatment plants. We need  
6 the opportunity to voice our concerns.  
7 Therefore, we respectfully request that hearings  
8 be held as soon as possible.

9 We need to hear from the Department of  
10 Public Works, the Sewer and Storm Water  
11 Authority, Cameron Engineer, Dvirka &  
12 Bartellucci, Serve and Trent, United Water, and  
13 the county executive regarding the condition of  
14 our plants and plan to privatize the sewage  
15 treatment plants. Further, the people of Nassau  
16 County should have the opportunity to cast a vote  
17 on whether they want to lease or sell our public  
18 assets.

19 Our county was built on the perception  
20 that the people have the right to participate in  
21 government. We are government of the people, by  
22 the people, and for the people. There is  
23 something profane about prevention individuals  
24 from exercising their right. We therefore ask on  
25 behalf of the people of Nassau County that the

2 Nassau County Legislature put a referendum on the  
3 ballot for the November 6, 2012 election that  
4 would require the sale or lease of our sewage  
5 treatment plants to be brought to the people of  
6 Nassau County for a vote.

7 Thank you for your attention to this  
8 matter. Please keep us advised of the status of  
9 our request.

10 Sincerely, Greg Naham, President.

11 Thank you very much.

12 CHAIRMAN SCHMITT: Thank you.

13 Beverly Visconte.

14 MS. VISCONTE: I'm Beverly Visconte. I  
15 just wanted to say first that I, too, am very  
16 much in favor of restoring money to the youth  
17 services. But I'm actually here on the other  
18 topic of the sewage treatment plants. I'm here  
19 to speak on the topic of the proposal to  
20 privatize Bay Park, Cedar Creek, and the Glen  
21 Cove sewage treatment plants.

22 As I understand, the private operator,  
23 United Water, has already been chosen. And  
24 despite the ruling of NIFA to disallow borrowing  
25 and, therefore, to prevent the county from

1 privatizing, but by choosing a financier the  
2 county is still moving ahead seeking financiers  
3 to lease these plants. County residents are now  
4 very worried and want to have a say in this  
5 procedure. To that end, I ask that you now  
6 consider will you each vote in favor of holding  
7 hearings on these privatization plans well before  
8 any vote takes place to approve an upcoming  
9 contract?  
10

11           When we were last here -- well, when we  
12 were here in February, we were promised by  
13 Legislator Denise Ford to hold a hearing sometime  
14 in the spring. Miss Ford, we depend on you. We  
15 very much appreciate your support. But those  
16 hearings didn't happen and we want to know that  
17 you will all agree to have hearings well before  
18 September 24 when you might be voting on this.

19           I have letters for each of you to sign  
20 and to submit to Presiding Officer Schmitt to  
21 schedule hearings. I have letter for each of you  
22 to Mr. Schmitt asking him to schedule hearings.  
23 I also have a letter from Mr. Schmitt to the  
24 clerk asking him to put it on the calendar. May  
25 I give you these letters?

2 While you're deciding what to do with  
3 those letters, I would ask that you give them to  
4 them, please. Give them out.

5 CHAIRMAN SCHMITT: No. Submit it to  
6 the clerk. It will be distributed like every  
7 other thing that's distributed to the clerk. It  
8 will work its way out. Everybody will get their  
9 letter.

10 MS. VISCONTE: We were hoping we would  
11 leave today --

12 CHAIRMAN SCHMITT: Hold on.

13 MS. VISCONTE: with the signature on  
14 those letters.

15 CHAIRMAN SCHMITT: You're not leaving  
16 today with signatures on the letter. This is not  
17 -- you think you're going to come in here and get  
18 a decision from everybody in 36 seconds, no.

19 MS. VISCONTE: Do you think that we  
20 ought to have a right to have legislative  
21 hearings on these? We certainly --

22 CHAIRMAN SCHMITT: I think that --

23 MS. VISCONTE: don't want to have the  
24 same thing happened as happened with the Veolia  
25 Bus contract.

2 CHAIRMAN SCHMITT: Why?

3 MS. VISCONTE: We don't want to have two  
4 days' notice.

5 CHAIRMAN SCHMITT: It's a big success.

6 MS. VISCONTE: If this is going to go  
7 through in September, we need to be having  
8 hearings in August and early September.

9 CHAIRMAN SCHMITT: Veolia Bus, in spite  
10 of all the nay sayers out there, all of the  
11 people that said terrible thing, don't do it,  
12 don't do it, it's going to affect our bus, big  
13 success. I know that sticks in some craws, but a  
14 big --

15 MS. VISCONTE: You may consider it a  
16 success --

17 CHAIRMAN SCHMITT: success.

18 MS. VISCONTE: but you did not give the  
19 people a chance to talk about it, to have their  
20 say.

21 LEGISLATOR DENENBERG: The lack of a  
22 hearing, Peter, was not a success.

23 MS. VISCONTE: We don't want that to  
24 happen again.

25 LEGISLATOR DENENBERG: To the Chair. A

2 lack of a hearing was not a success. A hearing  
3 only a few days before the contract is not a  
4 success.

5 CHAIRMAN SCHMITT: I understand you're -  
6 -

7 LEGISLATOR DENENBERG: She's asking for  
8 a hearing on the entire concept.

9 CHAIRMAN SCHMITT: Mr. Denenberg, I  
10 understand your need to grandstand and to pander.  
11 That being said --

12 LEGISLATOR DENENBERG: Mr. Class here.

13 MS. VISCONTE: I really don't want to be  
14 in the middle of this conversation.

15 CHAIRMAN SCHMITT: There will be a  
16 hearing --

17 MS. VISCONTE: When?

18 CHAIRMAN SCHMITT: When we have  
19 something in front of us to have a hearing on.

20 MS. VISCONTE: We were promised hearings  
21 in the spring.

22 CHAIRMAN SCHMITT: I know you like to  
23 have --

24 MS. VISCONTE: If you're going to be  
25 voting on this in September, September 24, you

2 already have --

3 CHAIRMAN SCHMITT: Ma'am.

4 MS. VISCONTE: You already have 13  
5 financiers responding to your requests.

6 CHAIRMAN SCHMITT: So that you tell you  
7 that there's some interest. So now we've got to  
8 wade through it. The administration has to wade  
9 through it and come up with their best opinion as  
10 to what's best for this county and send it to us.  
11 At that point, not the rumors, not what some  
12 people say it's going to be, not what some other  
13 people think it's going to be, when it's here and  
14 we have it --

15 MS. VISCONTE: You mean two days before  
16 you vote on it?

17 CHAIRMAN SCHMITT: As soon as we get it  
18 there will be a hearing. You cannot privatize  
19 without a hearing. And under our rules an item  
20 must sit for 17 days.

21 MS. VISCONTE: Okay. I have another  
22 question for you.

23 CHAIRMAN SCHMITT: Sure.

24 CLERK MULLER: Just so you know, by the  
25 way, we're at five minutes.

2 CHAIRMAN SCHMITT: Okay. Then you've  
3 got to wrap up because we're at five minutes.

4 MS. VISCONTE: Will you vote to put a  
5 referendum on the ballot as you did with the  
6 Coliseum --

7 CHAIRMAN SCHMITT: No.

8 MS. VISCONTE: to require the approval  
9 of Nassau County residents for the privatization  
10 sale or lease of our sewage treatment plants or  
11 any and all other county assets and properties?

12 CHAIRMAN SCHMITT: I got the question.  
13 The answer is no.

14 MS. VISCONTE: You don't believe the  
15 people have a voice in this, should have the  
16 voice in this?

17 CHAIRMAN SCHMITT: Ma'am, I was the one  
18 who put the Coliseum referendum, who insisted on  
19 the Coliseum referendum, but there was a  
20 proposal. It was facts in front of us. Spend  
21 \$400 million to renovate or build a new Coliseum.  
22 It wasn't rumor. It wasn't speculation. It was  
23 somebody's idea. Then we put a referendum on the  
24 ballot.

25 MS. VISCONTE: Having a referendum for a

2 situation like this is nothing new. It's done  
3 all over the place.

4 CHAIRMAN SCHMITT: So groups --

5 MS. VISCONTE: Only in Nassau County you  
6 should be able to do this without people's say?

7 CHAIRMAN SCHMITT: with no information  
8 and no facts can run around and tell people in  
9 the most irresponsible manner -- and, yes, I'm  
10 pointing to Mr. Denenberg --

11 LEGISLATOR DENENBERG: That's why you  
12 should have a hearing.

13 CHAIRMAN SCHMITT: that there is -- oh,  
14 this is going to ruin the water, this is going to  
15 ruin the sewers. There's no facts to talk about.

16 MS. VISCONTE: Well, we don't depend on  
17 you to make that decision. We want to have a  
18 voice in it.

19 CHAIRMAN SCHMITT: Yeah, unfortunately  
20 you do.

21 MS. VISCONTE: Why should we?

22 CHAIRMAN SCHMITT: It's the system.

23 MS. VISCONTE: We vote for you.

24 CHAIRMAN SCHMITT: Good. Good.

25 MS. VISCONTE: Then what is your

2 responsibility --

3 CHAIRMAN SCHMITT: I'll be running for  
4 re-election. You can vote for me --

5 MS. VISCONTE: as a representative of  
6 your constituents, you just do whatever you want?

7 CHAIRMAN SCHMITT: or against me.

8 Wait. You live in Baldwin. You can't  
9 vote for me or against me. Okay.

10 LEGISLATOR DENENBERG: Mr. Schmitt.

11 CHAIRMAN SCHMITT: Mr. Denenberg.

12 LEGISLATOR DENENBERG: Thank you.

13 First, I've sent a letter to Mr. Schmitt  
14 to do the hearings now. And I'm quoting from  
15 January 2010 when Mr. Schmitt came in he said  
16 that there would be hearings and consistent  
17 hearing, open government and transparency when it  
18 comes to the sewage treatment plants. We had one  
19 two-hour committee meeting back in February 2010.  
20 In two and a half years there's been no hearing -  
21 -

22 CHAIRMAN SCHMITT: Mr. --

23 LEGISLATOR DENENBERG: Let me finish.

24 The conditions of the --

25 CHAIRMAN SCHMITT: You waited five years

2 to have a hearing when you were in charge.

3 LEGISLATOR DENENBERG: We had a hearing

4 --

5 CHAIRMAN SCHMITT: Five years.

6 LEGISLATOR DENENBERG: every quarter.

7 Every quarter --

8 CHAIRMAN SCHMITT: And then when you had  
9 a hearing and it showed that there was something  
10 that had to be done --

11 LEGISLATOR DENENBERG: on the capital  
12 plans and on the sewage treatment plants.

13 CHAIRMAN SCHMITT: you didn't do a  
14 thing.

15 LEGISLATOR DENENBERG: You chose not to  
16 do use them and to grandstand. You have to be  
17 kidding.

18 We have a request for expression of  
19 interest that's out in the streets for a \$700  
20 million financier to be paid back by sewage  
21 taxpayers becoming rate payers. All of them.

22 CHAIRMAN SCHMITT: And that does not  
23 mean -- and that's exactly the crux --

24 LEGISLATOR DENENBERG: So you don't want  
25 rumors?

2 CHAIRMAN SCHMITT: That's exactly the --

3 LEGISLATOR DENENBERG: We should have a  
4 hearing right now before a contract for you --

5 CHAIRMAN SCHMITT: crux of the issue.

6 LEGISLATOR DENENBERG: to rubber stamp  
7 hits the floor.

8 CHAIRMAN SCHMITT: There are 13  
9 different proposals out there.

10 LEGISLATOR DENENBERG: How do you know  
11 there are 13 different proposals?

12 CHAIRMAN SCHMITT: You just said so.

13 LEGISLATOR DENENBERG: Supposedly,  
14 supposedly there are 13 companies that are  
15 willing to lend \$700 million on the backs of  
16 sewage taxpayers, shouldn't that concern you?

17 CHAIRMAN SCHMITT: So we have no  
18 information. We have no idea --

19 LEGISLATOR DENENBERG: We have plenty of  
20 information.

21 CHAIRMAN SCHMITT: what company --

22 LEGISLATOR DENENBERG: We have United  
23 Water sitting in the sewage treatment plants  
24 considering things like pellitization and getting  
25 information every day, and you don't want to have

2 a hearing on it. We have capital projects that  
3 are two and a half years delayed and you don't  
4 want to have hearing on it. Why wouldn't you?  
5 We did a hearing every quarter --

6 CHAIRMAN SCHMITT: No you didn't.

7 LEGISLATOR DENENBERG: where anyone who  
8 wanted to talk about the capital projects could.

9 CHAIRMAN SCHMITT: And when you found  
10 out what needed to be done you did nothing.

11 LEGISLATOR DENENBERG: We put in a \$700  
12 million improvement plan.

13 CHAIRMAN SCHMITT: Which was never  
14 spent.

15 LEGISLATOR DENENBERG: Because in 2010  
16 you came in and we haven't seen anything.

17 CHAIRMAN SCHMITT: No, no.

18 MS. VISCONTE: Excuse me. NIFA has  
19 already said no and you're still moving ahead. I  
20 think we should have hearings on this.

21 CHAIRMAN SCHMITT: Well, that's  
22 wonderful.

23 MS. VISCONTE: If you're still moving  
24 ahead and NIFA already said no, you're ignoring  
25 them.

2 CHAIRMAN SCHMITT: You've got to wrap  
3 up.

4 MS. VISCONTE: We need hearings.

5 CHAIRMAN SCHMITT: You've got to wrap  
6 up. The time is expired. The point of the  
7 matter is --

8 MS. VISCONTE: Well, you spoke right  
9 through it.

10 CHAIRMAN SCHMITT: you have asked me a  
11 question, I have answered it.

12 MS. VISCONTE: I also want to make a  
13 point. You have raised no new taxes. I keep  
14 getting things in the mail seeing signs on the  
15 street, thank Mr. Mangano because there have been  
16 no new taxes. Tell me how much money in fees was  
17 raised today, just today, and how much more in  
18 fees will be raised through the sewer rate  
19 increases. We don't have any more new taxes, but  
20 we're going to be paying through the nose for  
21 everything else, plus cutting jobs. Saying you  
22 got jobs on one hand and cutting them out on the  
23 other. What about all these other youth services  
24 jobs? They're down the drain. But we have -- I  
25 know, theaters now and actors.

1 CHAIRMAN SCHMITT: Theaters and actors?

2 MS. VISCONTE: Yeah.

3 CHAIRMAN SCHMITT: I'm done.

4 MS. VISCONTE: Thank you for your time.

5 Take a look at those letters. I wish you would  
6 send them off --

7 CHAIRMAN SCHMITT: You're very welcome.

8 MS. VISCONTE: to him. Thank you.

9 CHAIRMAN SCHMITT: Ann Marie Seplovita.

10 VOICES: She's gone.

11 CHAIRMAN SCHMITT: Sergio -- do you want  
12 to yell at us again? Is Sergio still here?

13 VOICE: He's gone.

14 CHAIRMAN SCHMITT: He's gone too. Okay.  
15 Rubin Santiago.

16 VOICE: Gone.

17 CHAIRMAN SCHMITT: He's gone.

18 Maureen Quintonilla.

19 VOICE: Gone.

20 CHAIRMAN SCHMITT: Pastor Eli Raise.

21 VOICE: Gone.

22 CHAIRMAN SCHMITT: Mary-Ellen Kreye.

23 MS. KREYE: Good evening. I'm here as  
24 one of the grandparents and great grandparents  
25

2 and senior citizens who support county refunding  
3 of the youth service agencies.

4 We had lobbied the New York State  
5 Assembly and Senate for the red light camera  
6 legislation with the promise the proceeds would  
7 be sequestered for human service agencies. No  
8 question, there has been a betrayal of that  
9 trust.

10 Recently, my husband received a letter  
11 from County Executive Ed Mangano to a party to  
12 celebrate my husband's birthday. We were  
13 outraged at this frivolity in these serious times  
14 for youth and other human services.

15 This is a cost effective system. In the  
16 35 years of service, Uniondale Community Council  
17 and its youth project has served over 17,000  
18 youth and also their families at a cost of \$118  
19 per youth, per year. Of that, \$46 was county  
20 funding. This is a cost effective system.

21 You are like a pair of gangs, truthfully,  
22 shooting out over turf, shooting it out over  
23 turf. We have no gun in this battle. We're not  
24 part of this thing. You pulled us into it.  
25 Youth services are the collateral damage in a

2 Call of Duty game. But for our youth, this is no  
3 game. This is not about bonding. That's only  
4 your issue. It is time for you to make peace and  
5 do the right thing.

6 CHAIRMAN SCHMITT: Thank you.

7 Claudia Borecky.

8 MS. BORECKY: Hi. I'm Claudia Borecky.  
9 I'm on the Board of the Nassau County Coalition  
10 of Civic Associations, an association of civics  
11 throughout Nassau County, which was actually  
12 formed to address this very issue.

13 The people have a right to know what's  
14 going on in the plans. It's been almost three  
15 years since you've held your last legislative  
16 hearings on the current conditions of the plants.  
17 Forget about the privatization, just talk about  
18 the current conditions of the plants.

19 We want to hear from Severn Trent from  
20 Glen Cove. We want to hear from Dvirka and  
21 Bartelucci in Bay Park. We want to hear from  
22 Cameron Engineering in Cedar Creek. And we want  
23 to hear from DPW on the current status of capital  
24 improvements that have been done in the past five  
25 years and what improvements are scheduled to be

2 done in the future. And, of course, we want a  
3 chance to learn more about the privatization of  
4 our sewage treatment plants.

5 This country was built on the notion that  
6 people have a right to participate in government.  
7 It is just un-American to deny individuals their  
8 right to know about this historic decision that  
9 will affect us for the rest of our lives.  
10 Refusing to hold hearings now means to us that  
11 you don't trust for us to know about what is  
12 being done in this county and it makes us feel  
13 that you are hiding things. Why wouldn't you  
14 want to let us know how the plans are being run?  
15 People don't trust Nassau County Government,  
16 especially when they won't give any hearings.

17 Democracy cannot function without the  
18 trust of the people. We have a right to voice  
19 our concerns about a decision that will affect  
20 the way we pay for our sewage for the rest of our  
21 lives. The county chose the operator. The  
22 county is looking at investors. And it could  
23 very well happen that at the next legislative  
24 session you will be voting on this issue. One  
25 hearing on the date of the vote is not enough.

2 We need hearings now.

3 Now, Beverly has passed out some letters.  
4 I understand the process for asking for a hearing  
5 is for the legislator to write a letter to the  
6 presiding officer and request one. Is that  
7 correct, Legislator Schmitt?

8 CHAIRMAN SCHMITT: No. I never heard  
9 that before.

10 MS. BORRECKY: How does a legislator ask  
11 for a hearing? What's the process?

12 CHAIRMAN SCHMITT: How does a legislator  
13 ask for a hearing?

14 MS. BORRECKY: Yes.

15 LEGISLATOR WINK: First, you enroll as a  
16 republican and then you get to ask.

17 CHAIRMAN SCHMITT: I'm not going to  
18 engage. I'm not going to engage in nonsense.

19 LEGISLATOR WINK: Mr. Schmitt. Mr.  
20 Schmitt, honest to God, you have not called any  
21 items the democrats have proposed to be put on  
22 the calendar, so let's be clear about this, okay.  
23 Let's be clear.

24 CHAIRMAN SCHMITT: Wait a minute. I  
25 have dimness recesses of my mind, I have memory

2 of ten years of democrats refusing to put  
3 anything that republicans put into the hopper.

4 LEGISLATOR DENENBERG: That's simply not  
5 true.

6 MS. BORRECKY: I recall a different time.  
7 I recall four legislative hearings every year on  
8 the conditions of the plant, that's my  
9 recollection. How many have you held?

10 Legislator Ford --

11 CLERK MULLER: Excuse me. We're at four  
12 minutes, and that also discounts for the diatribe  
13 with the legislators.

14 MS. BORRECKY: Well, Legislator Ford,  
15 you had promised us on the record, in public,  
16 that you would hold hearings in the spring; there  
17 aren't any. I really believe that you must  
18 believe that people have the right to know what's  
19 happening in our plans. I can't believe that the  
20 --

21 CHAIRMAN SCHMITT: Claudia, nobody is  
22 disputing that the public has a right to know  
23 what's going on in the plants. Nobody's talking  
24 about that at all.

25 MS. BORRECKY: Then why not have

2 hearings?

3 CHAIRMAN SCHMITT: What we're talking  
4 about is there is negotiations between the county  
5 executive and various entities out there to try  
6 to come up with a proposal -- they may not even  
7 get that far, they may fail. To try and come up  
8 with a proposal to send to the legislature and  
9 the public on how to deal with the crisis in the  
10 sewage treatment plants. Then that proposal will  
11 have hearings, will be aired, and will be vetted.  
12 But I'm not going to engage in mud throwing and  
13 rumors. It's going to ruin Reynold's Channel.  
14 We don't have any idea what it is until we get  
15 the proposal.

16 I understand the agitation that's going  
17 on --

18 MS. BORRECKY: Obviously, you haven't  
19 been to any of our presentations because we never  
20 make those claims.

21 LEGISLATOR DENENBERG: You know what?  
22 Mr. Schmitt, for the second time I put in a  
23 letter to have a hearing on the current  
24 conditions and the operations of the plant and  
25 the capital projects because they are woefully

2 behind.

3 LEGISLATOR KOPEL: The arsonist is  
4 actually blaming the fireman? You're the one who  
5 was in charge for how long?

6 LEGISLATOR DENENBERG: You haven't  
7 learned the process so far?

8 LEGISLATOR KOPEL: How long did you head  
9 up the committee, public works?

10 LEGISLATOR DENENBERG: Legislators don't  
11 run the plants, okay. Legislators never run the  
12 plants. When the --

13 LEGISLATOR KOPEL: How long were you  
14 head of public works?

15 LEGISLATOR DENENBERG: democrats were in  
16 the majority, in the last two years we came on a  
17 capital improvement plan for \$700 million worth  
18 of improvements in the plants. Under your watch,  
19 less than 70 million has taken place.

20 LEGISLATOR KOPEL: Why are the plants in  
21 a total state of collapse?

22 LEGISLATOR DENENBERG: Don't call me an  
23 arsonist. The last time that --

24 LEGISLATOR KOPEL: The plan that you  
25 left --

2 LEGISLATOR DENENBERG: we had regular  
3 meetings about the plant is when I chaired public  
4 works.

5 LEGISLATOR KOPEL: the plant ended up in  
6 a total state of collapse under your watch.

7 LEGISLATOR DENENBERG: You want to be  
8 offensive, Legislator Kopel? It's in your  
9 district. You were elected to fix the plants,  
10 not to sell them.

11 LEGISLATOR KOPEL: We're fixing the mess  
12 that you made.

13 LEGISLATOR DENENBERG: To fix them. I  
14 didn't make any mess, Legislator Kopel.

15 LEGISLATOR KOPEL: The mess that you  
16 made under your watch.

17 LEGISLATOR DENENBERG: We had a plan and  
18 the plants --

19 CHAIRMAN SCHMITT: Hold on. Hold on.

20 LEGISLATOR DENENBERG: were operated ten  
21 times better. You want to hide it by not having  
22 a hearing, that's what you're doing.

23 LEGISLATOR KOPEL: The reason I was  
24 elected was because the plant was falling apart  
25 because you neglected it.

2 LEGISLATOR DENENBERG: Now you're  
3 selling it, right? Now you're giving it away. A  
4 county bailout on sewer ratepayers.

5 LEGISLATOR KOPEL: Again, you have no  
6 credibility at all. You ruined it.

7 CHAIRMAN SCHMITT: Mr. Denenberg, you  
8 demonstrate exactly what I was talking about to  
9 Ms. Borrecky.

10 LEGISLATOR DENENBERG: Don't fix it;  
11 give it away.

12 MS. BORRECKY: This epitomizes the need  
13 for hearings.

14 CHAIRMAN SCHMITT: You make unfounded  
15 accusations --

16 MS. BORRECKY: If nothing else, this  
17 epitomizes the need for hearings.

18 CHAIRMAN SCHMITT: Excuse me. Excuse  
19 me, down there. You make unfounded allegations;  
20 you're giving it away. Where is your proof?  
21 Where is the item? Where is the contract? Where  
22 does it say that? It's just your opinion.

23 LEGISLATOR DENENBERG: Where's the  
24 hearing --

25 MS. BORRECKY: Excuse me. You voted to

2 do this.

3 LEGISLATOR DENENBERG: on the current  
4 conditions of the plant. Legislator Kopel wants  
5 to tell everyone that they're fixed.

6 CHAIRMAN SCHMITT: I knew Legislator  
7 Denenberg could not get through -- could not --

8 LEGISLATOR DENENBERG: And then the  
9 county executive says they're broken beyond  
10 fixing so give them away.

11 CHAIRMAN SCHMITT: get through a  
12 statement without the word I in it. I knew it.

13 LEGISLATOR DENENBERG: Let's do a  
14 hearing on the current conditions.

15 MS. BORRECKY: The fact is that the  
16 legislative majority has included the  
17 privatization --

18 CHAIRMAN SCHMITT: There are too many  
19 people speaking here, ma'am.

20 MS. BORRECKY: of our sewer treatment  
21 plant and they voted on it already as a means of  
22 fixing the budget.

23 CHAIRMAN SCHMITT: Your time us up.

24 MS. BORRECKY: That is more than any  
25 other administration has ever gone that far --

2 CHAIRMAN SCHMITT: We're going to end  
3 right now unless she steps away.

4 MS. BORRECKY: and we have not a hearing  
5 yet.

6 CHAIRMAN SCHMITT: She's got to finish.  
7 Her time is up.

8 MS. BORRECKY: I'm asking for you to  
9 take those letters, each of you, sign them, give  
10 it to Peter Schmitt and --

11 CHAIRMAN SCHMITT: That's not the way it  
12 works.

13 MS. BORRECKY: Why? I haven't it seen  
14 it written that that is the way it has to work.  
15 Where is it written that that is the way it has  
16 to work? Why not make an exception? The people  
17 want hearings.

18 CHAIRMAN SCHMITT: Why don't you just  
19 make it up as you go along? What the heck? Why  
20 don't you come up here and --

21 MS. BORRECKY: You seem to be doing  
22 that.

23 CHAIRMAN SCHMITT: just take a seat and  
24 we can have 20 of us up here yelling at each  
25 other. This is ridiculous. What are you kidding

2 me? You stand there and tell us --

3 MS. BORRECKY: Why not have a hearing  
4 and have the experts here so we can question them  
5 instead of arguing back and forth.

6 CHAIRMAN SCHMITT: All things in the  
7 fullness of time. Okay.

8 MS. BORRECKY: We want them now and not  
9 on the day of the hearing.

10 CHAIRMAN SCHMITT: I would like some  
11 things now too that don't happen.

12 MS. BORRECKY: Oh. By the way, I saw  
13 another Morgan Stanley contract in this document.  
14 How many Morgan Stanley contracts are there for  
15 \$24,900?

16 CHAIRMAN SCHMITT: We wouldn't know.

17 MS. BORRECKY: Isn't there something  
18 strange about that? Every time I come to the  
19 legislature there's a Morgan Stanley contract in  
20 this form.

21 CHAIRMAN SCHMITT: So you're costing us  
22 money by coming to the legislature every week.

23 MS. BORRECKY: No. I'm saying how many  
24 Morgan Stanley contracts are there? Maybe ten?  
25 Maybe that's how they're getting their money.

2 What is this?

3 CHAIRMAN SCHMITT: Please.

4 Sandra D. Arcangi (phonetic)

5 VOICES: Left.

6 CHAIRMAN SCHMITT: Patrick Nicolosi;  
7 he's running for something.

8 LEGISLATOR DENENBERG: That's offensive.  
9 Why do you say that?

10 CHAIRMAN SCHMITT: David, you're  
11 offensive. Let's move on.

12 LEGISLATOR DENENBERG: That's great.  
13 That's great.

14 MR. NICOLOSI: Good evening. I've been  
15 here since one o'clock. And thank you.

16 This is a sad show of government. Now I  
17 understand why Mr. Becker wants to run for  
18 Congress, because he fits right in with the same  
19 garbage that's in Washington.

20 Don't you think it's better that we work  
21 together, for crying out loud. Our youth are  
22 leaving Nassau County. I just got back from a  
23 trip where I left Nassau County with my family.  
24 We traveled through the City and found all the  
25 cranes and work that's going on in the City, and

2 then we left other counties in Pennsylvania and  
3 amazingly saw the transformation of Lancaster  
4 County and how many jobs were created. And as my  
5 children come back, my grown children -- a  
6 doctor, attorney, and a woman with a doctorate  
7 came back with their husbands, they said, you  
8 know what Dad? It's time to sell the houses.  
9 Nassau County is a disaster. We're not doing  
10 anything.

11 I argued with my son for years, who was  
12 living out in California, to come back to Nassau  
13 County, and he left during the worst snowstorm to  
14 come back here. He set up practice here. He  
15 says, you know what Dad? I don't know why I came  
16 back here because where I lived in Walnut Creek,  
17 California, we had everything there. Even though  
18 California's in bad shape, he says my property  
19 taxes were capped and I was making a great  
20 living. I know you wanted me back home with my  
21 wife. There's no future here in Nassau County.  
22 I'm amazed.

23 And I'm here to talk about the police  
24 department for a moment. When those crime  
25 statistics came out and I fought against

consolidation, even though I'm for consolidation, I said that Giuliani did the best consolidation of the police department in New York State -- because I worked in the City in the 70's, 80's, and 90's, and his consolidation plan made the police department in New York City stronger and bigger. That's what consolidation does, great efficiencies but you also don't hurt services and he didn't do that in the City. In fact, he made the place safer, and then Blumberg came on and continued, and the City is thriving. I feel sorry for what's going to happen after the next election to the City. But they've had two great mayors. We have no leadership in this County. We need a consolidation plan and we need a growth plan.

Now, I'm amazed at this body of legislators. When you saw those numbers come out -- and especially you, Mr. Schmitt, who was critical of the police department -- that you didn't raise, let's have a questioning of those crime statistics in Elmont, the Fifth Precinct and the Sixth Precinct, and you just let it slide under the table.

2 Now, I did the police academy with Norma  
3 Gonsalves --

4 CHAIRMAN SCHMITT: That's not going to  
5 stand unanswered because it's not true, let it  
6 slide under the table.

7 MR. NICOLOSI: I didn't see any  
8 questionings. I didn't see --

9 CHAIRMAN SCHMITT: Not all the time do  
10 you have to have a show and a grandstanding  
11 operation --

12 MR. NICOLOSI: I'm not grandstanding.

13 CHAIRMAN SCHMITT: I'm not talking about  
14 you. And run to the press. It doesn't have to  
15 work that way all the time. When that came out  
16 about those statistics, Commissioner Dale took  
17 matters in hand and went in and did exactly what  
18 a commissioner is supposed to do; he started an  
19 investigation. You think I'm going to plop  
20 myself down in the middle of an investigation?  
21 Not me. I want them to find out the extent of  
22 it.

23 MR. NICOLOSI: You were very critical of  
24 the police department and in *Newsday* reports you  
25 were very critical about the police department.

2 You said I would do this, I would do that.

3 CHAIRMAN SCHMITT: As uncomfortable as I  
4 am being in agreement with a *Newsday* editorial,  
5 they said it today, the efforts by the minority  
6 to politicize this issue is grandstanding.

7 MR. NICOLOSI: I don't want to  
8 politicize it. These issues concern my community  
9 and crime statistics.

10 Now, back in 2007, when Police  
11 Commissioner Lawrence was there, he had  
12 instituted a civilian police academy that myself  
13 and Norma Gonsalves was sitting on. In that  
14 class we had raised questions of underreporting  
15 when Mulvey came on, of underreporting crime  
16 statistics. In fact, I had brought that up to  
17 Commissioner Mulvey, right after Lawrence, who  
18 did a phenomenal job, I asked Mulvey is your  
19 police department underreporting and he said to  
20 me, absolutely not. Then all of a sudden, just  
21 recently, my allegations come forward.

22 I find this amazing that no one wants to  
23 question these crime statistics at all. I don't  
24 think it's just there. I think it was all  
25 throughout Nassau County that these crime statics

2 -- and I'll tell you why. I've lived here since  
3 1967. My family moved out here in the 60's. And  
4 let me tell you something. This isn't the safest  
5 county in the United States. Crime has gone up  
6 in every community. In West Hempstead, where Mr.  
7 Muscarella now lives because he left Elmont  
8 because crime was increasing --

9 CLERK MULLER: Your three minutes have  
10 expired, sir.

11 MR. NICOLOSI: Okay. Now crime is  
12 happening in West Hempstead. Crime is happening  
13 all over this county. So we are not the safety  
14 county.

15 CHAIRMAN SCHMITT: So you're saying Mr.  
16 Muscarella brings crime to West Hempstead.

17 MR. NICOLOSI: I didn't say he brought.  
18 I said he left Elmont. His family lived in  
19 Elmont many years.

20 CHAIRMAN SCHMITT: You said he went to  
21 West Hempstead and now crime is increasing.

22 MR. NICOLOSI: Most people move to other  
23 areas because they want safer conditions for  
24 their family, just like my family moved out to  
25 Nassau County.

2 What I'm asking for is we need an  
3 investigation on these crime statics.

4 You know, Mrs. Ford, you ask a lot of  
5 questions. You should have asked before we did  
6 the consolidation. Because what we did was not a  
7 consolidation, it was a desecration of the police  
8 department.

9 9-1-1 calls are not being answered.  
10 We're being put on hold now. Where do I get  
11 that? Call 9-1-1 up and see if you get an  
12 operator when they're busy. I've called several  
13 times. So find this out. Where am I getting  
14 this? Crime is up. And what we did was not  
15 consolidation, it was desecration.

16 CHAIRMAN SCHMITT: Mr. Nicolosi, thank  
17 you. Legislator Solages has a question for you.

18 LEGISLATOR SOLAGES: Mr. Nicolosi, thank  
19 you very much for coming here today. I truly  
20 enjoy hearing your comments and I've learned a  
21 lot from you.

22 As a legislator, I have also called for a  
23 hearing into this matter. Obviously, they have  
24 denied that request. What can we do besides that  
25 to help keep the public attention on this issue?

2 MR. NICOLOSI: I don't have a clue. I'm  
3 not elected to this -- I am very frightened is  
4 that what we are doing here is that we did  
5 desecrate the police department, obviously.  
6 Crime has gone up. 9-1-1 calls, we're being put  
7 on hold right now. I can tell you that right  
8 now. Call 9-1-1 when there's high crime or high  
9 things going on, you will be put on hold. I've  
10 been put on hold. This is a fact. I don't know  
11 how we fix this situation.

12 I believe in consolidation. I think we  
13 should consolidate government. We don't need a  
14 town government and county government. But what  
15 we're doing here, we just keep continuing -- now  
16 we're raising questions about the jail.

17 CHAIRMAN SCHMITT: Mr. Nicolosi --

18 MR. NICOLOSI: people are committing  
19 suicide. I don't know.

20 CHAIRMAN SCHMITT: Mr. Nicolosi, you're  
21 just rattling off things.

22 MR. NICOLOSI: These are all facts.

23 CHAIRMAN SCHMITT: You don't consolidate  
24 county and town. We can't do that.

25 MR. NICOLOSI: What's that? What's

that? I didn't hear.

CHAIRMAN SCHMITT: You don't consolidate county and town, we can't do that.

MR. NICOLOSI: Other counties have done that in other states.

CHAIRMAN SCHMITT: That's other states.

MR. NICOLOSI: You consolidated the police department and that was no problem, right?

CHAIRMAN SCHMITT: They operate under a different set of systems than we do.

MR. NICOLOSI: No. In Maine and Virginia they operate in the same system.

CHAIRMAN SCHMITT: You're running around calling 9-1-1.

MR. NICOLOSI: They were collapsing.

CHAIRMAN SCHMITT: What were you reporting when you were calling 9-1-1?

MR. NICOLOSI: Call 9-1-1 when crime is high in my community, okay. You will be put on hold.

CHAIRMAN SCHMITT: What were you reporting?

MR. NICOLOSI: Crime. The last two Sundays in a row, so you understand, I've called

2 for noise problems, okay.

3 CHAIRMAN SCHMITT: Do you call 9-1-1 if  
4 you have a problem at McDonald's?

5 MR. NICOLOSI: Mr. Muscarella, who do  
6 you call on a Sunday when people are blasting  
7 music? Who do you call, the Town of Hempstead?  
8 You answer me, Mr. Muscarella. Who do you call  
9 when people are blasting music so loud that they  
10 are blowing you out of your home?

11 CHAIRMAN SCHMITT: Call your councilman.

12 MR. NICOLOSI: Excuse me?

13 LEGISLATOR MUSCARELLA: I wouldn't call  
14 9-1-1. I would call the precinct.

15 MR. NICOLOSI: Hold on. That's where  
16 you don't understand. For years the police  
17 department has told us do not call the police  
18 department, you call 9-1-1 for everything and it  
19 gets categorized. So, Mr. Muscarella, you're out  
20 of touch. You've been in politics too long. Ask  
21 your police department, your sergeants, your  
22 leaders, they'll tell you you call 9-1-1 so  
23 everything gets documented, that's a fact. A  
24 fact, Mr. Muscarella. This is not 1960 no more  
25 when you call the police house. You call 9-1-1.

2 Every legislator up there knows that. You're out  
3 of touch, Mr. Muscarella. You call for a cat up  
4 a tree, 9-1-1; a fire, 9-1-1; a disturbance, 9-1-  
5 1. Everything goes through 9-1-1. That's what's  
6 been done in Nassau County.

7 LEGISLATOR SOLAGES: Mr. Nicolosi, in  
8 addition to noise ordinances what other crimes  
9 have you witnessed or have knowledge of?

10 MR. NICOLOSI: Drug crimes, there's  
11 another one I've called 9-1-1. I had to call the  
12 sergeant that follow Monday to report drug  
13 transactions at a gas station -- as a matter of  
14 fact, two gas stations right near my home. I  
15 walk every night with my dog and witness drug  
16 transactions. There are no police around. You  
17 can't catch the guy on the street so you have to  
18 call 9-1-1. As you're calling 9-1-1, the  
19 operator puts you on hold and says I'll get right  
20 back to you. By the time they get back to me,  
21 when I'm holding online, the deals are done.

22 No, it wasn't Mr. Muscarella. I called  
23 on the noise. The noise wasn't gone. A police  
24 officer showed up eleven o'clock that night from  
25 three o'clock in the afternoon. Okay. Every

2 Sunday. I was away this Sunday. My neighbor  
3 called me on my cell phone to report to me that  
4 the noise is going on again. Call 9-1-1. It's a  
5 disturbance that didn't happen in the past in  
6 Nassau County, it's happening now.

7 LEGISLATOR SOLAGES: Mr. Nicolosi, thank  
8 you very much for sharing that with us. My  
9 office will be calling you to follow up and  
10 investigate on these claims.

11 MR. NICOLOSI: So you know, I did speak  
12 to Sergeant Graham. He did start investigations  
13 on one Te-Amo Store. That had to be turned over  
14 to ATF, I guess. The drugs, he's investigating.  
15 In the past we used to have sting operations, and  
16 we no longer have them because we no longer have  
17 POP officers. But he's well aware of these.  
18 He's also well aware of the 9-1-1 calls. I've  
19 also been documenting -- but you can check the 9-  
20 1-1 calls, I've also been documenting. It's all  
21 there. Thank you.

22 MR. SOLAGES: Thank you very much, Mr.  
23 Nicolosi.

24 CHAIRMAN SCHMITT: Brian Raplea.

25 (No verbal response.)

2 Ted Levy.

3 (No verbal response.)

4 Aida Berry.

5 (No verbal response.)

6 Louis Whidel from Teaneck, New Jersey,  
7 LaRoche PAC.

8 MR. WHIDEL: How you doing? Good. It's  
9 good to be here. I've waited quite a while. But  
10 I wanted to put something on the table. I've  
11 watched this whole meeting and I've been pretty  
12 amazed and shocked, as a whole. I wanted to  
13 basically put something very real on the table  
14 here. How could I put it?

15 This county is completely and totally  
16 bankrupt, like a lot of other counties and cities  
17 all over the country. But really what you're  
18 looking at is a criminal banking system that is  
19 destroying cities, states, and counties. A lot  
20 of this comes in with this labor manipulation of  
21 the rates. And I know you guys are familiar with  
22 this because I understand that Nassau County was  
23 built by the investment bankers, what was it, \$13  
24 million, give or take. They really -- they've  
25 been doing this all over the country. So that 13

2 million, I sit and I reflect, you could fund all  
3 of those youth programs that you're cutting, you  
4 could fund everything that people were talking  
5 about here today. And so it's absolutely  
6 criminal activity.

7 I wanted to read something from this,  
8 because there is a solution overall to this  
9 crisis. This is an article which I'm going to  
10 give -- there is a packet that will be  
11 circulating to you that I gave to the city  
12 attorney. But this is an article that I'm going  
13 to make sure that you guys and photocopy it.  
14 This is talking about the investment bankers and  
15 what they've done to counties. I'm just going to  
16 read a paragraph.

17 Well before the handcuffs go on, the  
18 United States can stop the crime which is still  
19 being committed by reenacting and reinforcing  
20 Franklin Roosevelt's Glass Steagal Act, with  
21 other nations taking the same action. In the  
22 past three weeks, the severity of the LIBOR  
23 scandal has catalyzed important British figures  
24 and publications to propose a revival of Glass  
25 Steagal to the United States.

2 Glass Steagal bank reorganization will  
3 get the large commercial banks off the crime  
4 ridden streets of casino securities dealing and  
5 will remove those investment banks and securities  
6 broker dealers who operate on those streets from  
7 all forms of government protection, unless it be  
8 protective incarceration.

9 Now, I've been working hard on this  
10 issue. Because of our organizing, LaRouche PAC's  
11 organizing, we have a bill in Congress, HR-1489,  
12 it will restore the Glass Steagal Standard. It's  
13 introduced by Marcie Kaptor and it's got 78 co-  
14 sponsors.

15 I've been working in New Jersey to get  
16 resolutions through through county governments  
17 and city governments in support of this bill  
18 because I think that the only way that we're  
19 going to get the Congress to move -- and, believe  
20 me, Congress is much worse than you guys -- we've  
21 got to actually get local elected officials to  
22 put the necessary pressure on and the citizens  
23 have to do it too. Glass Steagal is the first  
24 step.

25 What I also have here that I want you

2 guys to get in photocopied form is a full  
3 platform for a total and complete economic  
4 recovery for the United States. What does it  
5 involve? Going back to the principles of  
6 Franklin Roosevelt and John F. Kennedy.

7 CLERK MULLER: Your three minutes have  
8 expired, sir.

9 MR. WHIDEL: I'll wrap up by just saying  
10 this.

11 Public credit system, national banking,  
12 we have to invest in the future, in terms of the  
13 building of infrastructure. We've got a Kennedy  
14 era project that we outline in this called NOWAPA  
15 (phonetic), which remove will move water from  
16 Alaska to the southern parts of the country, and  
17 will employ six million people in high skilled,  
18 highly productive jobs. The solution is here.

19 In your packet you have resolutions that  
20 push for this Glass Steagal, including Hudson  
21 County Board of Freeholders. I have three more  
22 Freeholder resolutions -- this is Jersey -- as  
23 well as Jersey City and a complete run down of  
24 the legislative support that this thing has.

25 I come offering a broader solution.

2 We've got to fight because you're not going to  
3 solve this at the local level.

4 Thank you.

5 And I'd like to, if possible, talk to  
6 people here. I've waited for a long time. I'd  
7 love to talk to legislators to get something like  
8 this on the agenda in Nassau County.

9 CHAIRMAN SCHMITT: You can't get  
10 something like that on the agenda in Nassau  
11 County. The rules of the legislature do not  
12 permit sense of the legislature resolutions, and  
13 that's what it is.

14 MR. WHIDEL: I understand that. Those  
15 rules ought to change in a crisis like this.

16 CHAIRMAN SCHMITT: The what?

17 MR. WHIDEL: In a crisis like the one  
18 we're in, the rules ought to change along those  
19 lines. And if you guys can't do that, then you  
20 sure definitely could call your legislators  
21 directly, write letters. Fight on this thing.  
22 You're going to lose this county. We're going to  
23 lose this country and it's going to be hell  
24 coming up. So that's my message.

25 Thank you.

2 CHAIRMAN SCHMITT: Thank you.

3 That concludes public comment.

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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 23rd day of August, 2012.

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FRANK GRAY