

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

FULL LEGISLATURE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

January 30, 2012
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REGAL REPORTING SERVICES
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A P P E A R A N C E S:

PETER J. SCHMITT
Chair

DIANE YATAURO
Minority Leader

KEVAN ABRAHAMS

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.

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

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3 CHAIRMAN SCHMITT: I ask everybody to
4 come to order. Mr. Muller, would you read the
5 roll, please?

6 CLERK MULLER: Deputy Presiding Officer
7 Gonsalves?

8 LEGISLATOR GONSALVES: Present.

9 CLERK MULLER: Alternate Deputy
10 Presiding Officer Kopel?

11 LEGISLATOR KOPEL: Here.

12 CLERK MULLER: Legislator Troiano?

13 LEGISLATOR TROIANO: Here.

14 CLERK MULLER: Legislator Solages? I
15 saw him.

16 CHAIRMAN SCHMITT: If he's not in his
17 seat and he doesn't answer, he's not here.

18 CLERK MULLER: Legislator Ford?

19 LEGISLATOR FORD: Here.

20 CLERK MULLER: Legislator Scannell?

21 LEGISLATOR SCANNELL: Here.

22 CLERK MULLER: Legislator Becker?

23 LEGISLATOR BECKER: Present.

24 CLERK MULLER: Legislator Muscarella?

25 LEGISLATOR MUSCARELLA: Here.

2 CLERK MULLER: Legislator Nicoletto?

3 LEGISLATOR NICOLELLO: Here.

4 CLERK MULLER: Legislator Bosworth?

5 LEGISLATOR BOSWORTH: Here.

6 CLERK MULLER: Legislator Wink?

7 LEGISLATOR WINK: Here.

8 CLERK MULLER: Legislator Belesi?

9 LEGISLATOR BELESI: Here.

10 CLERK MULLER: Legislator Dunne?

11 LEGISLATOR DUNNE: Here.

12 CLERK MULLER: Legislator Jacobs?

13 LEGISLATOR JACOBS: Here.

14 CLERK MULLER: Legislator Walker?

15 LEGISLATOR WALKER: Here.

16 CLERK MULLER: Legislator DeRiggi-

17 Whitton?

18 LEGISLATOR DeRIGGI-WHITTON: Here.

19 CLERK MULLER: Legislator Denenberg?

20 LEGISLATOR DENENBERG: Here.

21 CLERK MULLER: Minority Leader Abrahams?

22 LEGISLATOR ABRAHAMS: Here.

23 CLERK MULLER: Presiding Officer

24 Schmitt?

25 CHAIRMAN SCHMITT: Here.

2 CLERK MULLER: We have a quorum.

3 LEGISLATOR WINK: Please let the record
4 indicate that Legislator Solages is here.

5 CHAIRMAN SCHMITT: Would everybody
6 please -- would everybody please rise for the
7 Pledge of Allegiance, led by Legislator Dennis
8 Dunne?

9 (Whereupon, the Pledge of Allegiance was
10 recited.)

11 CHAIRMAN SCHMITT: We're going to have a
12 public comment period first. We'll call up
13 people who have filed slips, who want to talk
14 about whatever they want to talk about.

15 So, first slip I have is Marc Herbst from
16 the Long Island Contractors' Association.

17 MR. HERBST: Good afternoon, Presiding
18 Officer Schmitt, members of the Legislature. My
19 name is Marc Herbst. I am the executive director
20 of the Long Island Contractors' Association.
21 Joining with me today is Erica Close, from Thomas
22 Novelli & Son Contracting, one of our members.
23 Our Association represents over 150 heavy
24 construction firms, supporters, and industry
25 workers that do one thing; we build and maintain

2 the infrastructure that provides the safety and
3 well being of all the residents of Long Island.

4 Our number one customer happens to be,
5 among the others that we're concerned about
6 today, is the County of Nassau. The services we
7 provide is to protect the taxpayers of this
8 county, and how we do that is to make sure that
9 the system is working efficiently. You hire us
10 to do a job for you; to make sure the sewers
11 work, to make sure the sanitation systems work,
12 to make sure the buildings and the roads are
13 built properly and are maintained. We are very
14 proud to represent the firms that do just that,
15 and we hope to continue to do that.

16 Although regrettably at this point, many
17 of our firms are struggling. I've been before
18 you before to talk about the economic conditions.
19 In the last two years alone, we have lost 12,000
20 employees. We have firms that have closed their
21 doors. And we are still continuing to try to
22 work and do what we can on behalf of the
23 taxpayers. And what we find is a lot of the
24 municipal governments that we bid projects on,
25 there's fewer and fewer companies to bid. And

2 the ones who are now joining the ranks do not
3 belong or live or support the economic region
4 here on Long Island; they are coming from
5 outside.

6 How can you help us? Well, first of all,
7 I would ask you what is the formation of the
8 County of Nassau? What is the basis? And I
9 think your existence is geared and understood and
10 described in the County Charter. Now, the
11 lawyers that may be here, if you can help me
12 explain what the role of the County Charter is.
13 I've come to the conclusion the County Charter is
14 not worth the paper its' written on. You do not
15 follow it and you have no concern what's written
16 in there. And the attorneys who work for the
17 county should be looking at this and making sure
18 that it's adhered to and all the rules and
19 regulations are followed; otherwise, this County
20 is nothing more than a sham.

21 Let me explain to you what just took
22 place a few weeks ago.

23 At the invitation of the County
24 Controller, George Maragos, he held a meeting
25 with us on January 18. His invitation. Because

1 of his frustration and the shared frustration
2 that we have, we reached out and invited us in to
3 explain the problem. You see, our Association
4 members work for you. We perform a function. We
5 do a job. We complete it. As any other business
6 transaction, after you do the work, the simple
7 thing that concludes the deal is you pay us. You
8 don't pay us, Nassau County. Six, seven, eight
9 months, there's no payment coming for the work
10 that's already done.

11
12 Now, let me explain something. You bid
13 on a public works contract. You have to be
14 prequalified. You do the work. After the work,
15 if you're not paid, the county or any other
16 government can come along and say we want you to
17 do more, with no guarantee of being paid. And if
18 you don't do the work, even though you're not
19 paying, the county or any other government can
20 simply say, you know what? Too bad. Go default
21 on the contract. Go out of business. Go away.
22 We'll file a lawsuit. They've done the work
23 according to specs, signed off, everything's
24 fine. You don't have the money, you don't pay
25 us. Now the contract, who has put all the work

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2 in, paid the employees, if they can -- the
3 situation we have now is we use union workforce,
4 so we have to pay their benefits. So the union
5 worker, the men and women on the streets, not
6 getting their benefits paid because the contract,
7 themselves, are not being paid. Now they have to
8 float and go borrow money and the government just
9 says we're not going to pay you, that's your
10 problem. So we're your cash flow which, great,
11 we love doing that. But you know what? If we go
12 default on a contract, you can turn around to us
13 and say sorry, out of business. Fine. I lost
14 the job. I lost the deal. Take a loss. You
15 write it off on the books. No, sorry, folks.
16 You know what happens? The next person, the next
17 job you have, regardless of whether it's with
18 Nassau County or a village, or the state, you
19 have to fill out that prequalification form. One
20 of the questions is have you ever been default on
21 a public works deal? You now have to check that
22 box. You check that box because the county
23 didn't pay you for the work you did, as you were
24 asked to, and you are no longer eligible to work
25 in any other government and you're put out of

2 business. Close your doors. You're done,
3 because you can't pay a bill six to nine months.

4 So, the county comptroller meets with us
5 and shares his frustration. Wonderful meetings.
6 He tells us and talks about that wonderful
7 Charter that's not worth anything it's written
8 on, that he's got claims in his office for our
9 members totaling more than a million dollars
10 because, according to the quotes, there's no
11 capital funds to cover the claims. The work has
12 been put out. You never had the money to do it
13 in the first place.

14 The commissioner of public works. The
15 commissioner of public works is doing her job of
16 getting the work out. We are performing the job
17 we've been asked to do. The problem is we're
18 doing the work, and what the comptroller tells
19 us, the budget lines, there's no money encumbered
20 there. So, sitting outside the door of the
21 comptroller, because he won't accept it, because
22 he won't accept the claim unless the line's
23 encumbered -- is the money there before you do
24 the work? He's saying, no, I won't even accept
25 them. The bills are piled up outside his doors

2 for \$4.5 million for work that's already been
3 completed and the county will not pay, because it
4 was never encumbered. Now, how can that happen?
5 Explain to me how that can happen. The County
6 Charter -- the County Charter says you gotta pay
7 us.

8 And, you know, the capital program, I
9 come to you each and every year and say why's it
10 late? Why hasn't it happened? The County
11 Charter, where are these lawyers that are
12 supposed to be telling you what to do and the
13 process in moving it forward? The County Charter
14 says by the 15th day of October of each year the
15 capital program must be presented to the
16 legislature. Ladies and gentlemen, I know full
17 well that you have not received the proposal for
18 a capital program for 2012, and I guess that's
19 because you can't even pay from the previous one
20 so why bothering listening to the Charter and
21 doing what it tells you to do. I guess it's just
22 semantics.

23 The frustration has been that we also,
24 six months ago in June, because the payments were
25 delayed, no one is getting paid for work

2 completed, is out there. We invite the county
3 executive to come meet with us. The county
4 executive accepted our invitation, and on June 20
5 he appeared before the Public Works Alliance and,
6 "What frustrates me the most is the money is
7 there. We don't put out projects with having
8 secured the proper funding. There is no reason
9 that payments on these projects should be delayed
10 this long. My office and I will do whatever we
11 can to help streamline this process and make sure
12 that your members get paid." The county
13 executive.

14 The county executive, as all of you know,
15 I consider him a good personal friend. And I
16 don't think any one of you will disagree that
17 he's not honest and sincere. And when he said
18 those words to my organization and all the
19 representatives, the people and companies that
20 were not being paid, he wasn't just giving us
21 words and making it up.

22 I turned back to that wonderful piece of
23 paper, that's not worth the ink on it, the County
24 Charter. The county executive obviously was
25 reading from this, but nobody in the government

seems to listen or believe that he believes the County Charter is real, because this is what it says: "The approval by the County Legislature of the capital budget ordinance shall be deemed to be approved for the preconstruction phases of the capital program, projects or activities included in the first year of the capital program, and shall be deemed to approve the preparation of the bid specifications and the solicitation of bids related thereto, provided that nothing therein shall be deemed to approve the awarding of any purchase order or contract for a capital program project or activity without an approved bond ordinance or a duly authorized appropriation of necessary funds." So what the county executive told us was 100 percent true according to the Charter. But nobody cares what the Charter says. It's meaningless.

The bottom line is we have companies that are going out of business, workforce, 12,000 already lost their jobs because the county is putting out work and you've never had the funds to do it, according to what the specifications of your own Charter say.

2 To add insult to injury, it's not even
3 your money in some cases. The money in some of
4 the projects that were done, the ones that are
5 sitting outside the comptroller's office where he
6 won't accept the claims because there's no money
7 listed in the budget, they were federal programs.
8 The ARA projects, the program that was put in
9 place so we could put the men and women of this
10 country back to work. And you know what? So
11 what does that say to us? The federal government
12 paid 100 percent but the budget lines aren't
13 encumbered; that raises a red flag and says what
14 are you doing with the federal money? Are you
15 comingling funds? Is there something improper
16 going on? We're doing the work that the federal
17 government gave us to complete these projects and
18 the money's not there. And you expect us to come
19 back and bid on new projects?

20 My intention to come before you the first
21 meeting of the legislative year has always been
22 to talk about the capital program for that year.
23 We're wasting our time to look at that because
24 your Charter says it should be here. And then we
25 get excuses, it's all NIFA's fault. The control

2 board, NIFA, they're the bad people. Ladies and
3 gentlemen, these contracts were from 2009 and
4 2010, before NIFA took any control. That money
5 should've been allocated and spent, according to
6 the Charter and everything else.

7 In conclusion, there's nothing more I can
8 say, other than to ask for your help. I have
9 some suggestions.

10 We can have process where you, as
11 legislators, can put some laws on the books. You
12 can look at the contracts, the specifications and
13 have prompt payment specifications added to those
14 contracts. If work is done, it should be paid
15 within 90 days or whatever, 120 days, and there
16 be a penalty. Or, just do a blanket ordinance
17 for all vendors of Nassau County, similar to
18 Suffolk County, New York City and other
19 municipalities. And the response where we
20 suggest such things, we don't have the money. We
21 can't pay our bills now. Why would we add
22 interest to those payments? And I can appreciate
23 that.

24 So, the first thing that needs to be
25 done, look at your own house. Look at the

2 problems that are going on in the county. You're
3 not only in a financial, difficult situation,
4 which we can appreciate. You're putting other
5 men and women out of business.

6 Thank you very much.

7 If I can leave you one gift. I have 64
8 overdue invoices, notices from various companies.
9 This is over \$4 million; that's just a sample of
10 what's owed to our membership. Four million
11 dollars worth of invoices right here because
12 nobody wants to pay them. The work has been
13 done. It's been completed. Everything's fine,
14 but sending the check for the work that you got,
15 that you're getting our cash flow off of.

16 Thank you. And I would like to present
17 these to you.

18 CHAIRMAN SCHMITT: We're going to send
19 them up to the comptroller.

20 I understand that the deputy county
21 executive is here and wants to speak to this
22 issue, Mr. Herbst. But as you and I have spoken
23 about before, it's really quite a unique
24 situation that the county finds itself in. The
25 money is there, but it's not there. It's one of

2 those deals. They're waiting --

3 MR. HERBST: And you're going to put it
4 on the back of the contractor and the people that
5 are doing business for this county?

6 CHAIRMAN SCHMITT: I'm not sure exactly
7 --

8 MR. HERBST: That's appalling, sir.

9 CHAIRMAN SCHMITT: I don't know exactly
10 what the answer is or how we shake this loose.
11 We certainly stand ready to help in any way,
12 shape or matter that we can. But we have to
13 obviously get together with the county executive
14 and the county comptroller and track it down and
15 find out how we can shake it loose. This is
16 ridiculous. I agree with you. It's absolutely
17 ridiculous. I hear from people all the time,
18 some of our youth agencies and some of the other
19 vendors in the county, they haven't been paid.
20 Yet, we know that we have placed the money there
21 for them to be paid. It's something that we're
22 going to collectively have to address.

23 Let me bring Mr. Walker up and he can add
24 the administration's two cents.

25 DEPUTY COUNTY EXECUTIVE WALKER: Thank

2 you, Mr. Herbst, for those kind comments.

3 Obviously, it is a little disconnect as
4 to what has transpired. Let's go back to the
5 history of Nassau County prior to NIFA. And why
6 NIFA's involved, they play an instrumental role,
7 in terms of bonding, in terms of capital
8 projects.

9 MR. HERBST: That doesn't pay the bills
10 for my members.

11 DEPUTY COUNTY EXECUTIVE WALKER: I guess
12 I won't finish and I'll just continue to hear you
13 pontificate. If you want to have a solid
14 discussion, I'll be glad to have a solid
15 discussion.

16 Bottom line is NIFA is meeting on
17 Wednesday to approve the capital borrowing. In
18 the past the county would pay all of capital
19 projects out of cash. They would be being in
20 advance, what's called a cash advance, and then
21 the bonding would take place anywhere between
22 October to December every year and that cash were
23 -- basically, that cash advance, the funds were
24 put back into that account from the passage of
25 the bonding.

2 To the advent of NIFA, NIFA has to
3 approve the capital -- any borrowing, as you
4 know, as well as any contracts. All of the
5 contracts that you mentioned were approved, and
6 the money that is owed -- and we want to see
7 those contractors get paid. I had conversations
8 with many of them over the past -- some over the
9 weekend and last week.

10 All those contracts were approved by this
11 legislature. The bond ordinance were approved by
12 this legislature. And, as was going on in the
13 past, the county started to pay roughly \$45
14 million worth of contracts, were paid with cash
15 advance. Then again, NIFA had directed us to
16 evaluate that, because even though NIFA approved
17 the contract -- and I don't want to put the blame
18 on NIFA because they're doing their due diligence
19 and they're responsible, as they are and as their
20 statute requires them to be. Because they
21 approved a contract they basically said it does
22 not mean that they approved bonding for those
23 contracts. We stopped paying cash advances. And
24 we had conversations with NIFA, several
25 conversations with NIFA, several meetings with

2 NIFA, with the comptroller's office. And they
3 will be meeting on Wednesday, this Wednesday, to
4 approve a bulk of the borrowing, all of which
5 were the cash advances, and then we will be
6 moving forward to pay people either late next
7 week or early next week so everyone gets those
8 dollars.

9 Now, we all learned. Going forward we
10 will not take that same process. When a
11 contract's approved by this legislature it will
12 also accompany a bond ordinance, and we would
13 like NIFA to approve the use of capital funds for
14 those projects at the same time. Because we do
15 not want to see people working out of sewer --
16 sewer -- one of our storm water facilities either
17 have to stop work because we can't pay them. So,
18 yes, we learned a valuable lesson, as did
19 everybody.

20 The money is going to be paid. We have a
21 new process going forward. We followed all the
22 requirements that had to be followed by the
23 statute, of which I listened to the County
24 Charter. All those steps were followed except
25 for, again, in the past the county would pay

2 everything out of cash reserves and then refund
3 those cash reserves with a bond ordinance. We
4 could not do that any longer. NIFA's at the
5 table. They're a partner with us, with this
6 legislature. And going forward, again, it will
7 be the county executive, the legislature, and
8 NIFA approving the borrowing, approving the
9 contracts, we believe all at the same time so we
10 do not have this problem again. Because they do
11 deserve to get paid, Marc; that I will agree with
12 you with.

13 CHAIRMAN SCHMITT: Okay. Legislator
14 Ford.

15 LEGISLATOR FORD: Thank you very much.
16 Deputy County Executive Walker, my concern
17 though, and I think I share the concern of Mr.
18 Herbst, that some of these contracts are from
19 2009 and 2010. Why is it such a delay in getting
20 these things resolved, even if we had to go
21 through NIFA?

22 DEPUTY COUNTY EXECUTIVE WALKER: Again,
23 because they have to pass all the bond
24 ordinances. The county can't just bond. It's a
25 learning experience I think for myself and

possibly all the legislators before me.

When we pass a capital plan and this legislature passes a capital plan and passes the borrowing, you're not passing the plan and the borrowing all at the same time. In fact, when we have \$165 million capital plan, the borrowing that year may only be for \$75 million worth of that plan or \$80 million worth of that plan. So the bonding wasn't getting approved. So we are approving -- or last year this legislature approved borrowing in the 2011 capital plan for projects that were 2008 projects, 2009 projects, 2010 projects. It was never done that the plan and the borrowing mirrored each other. It was always a dollar amount and it funded certain projects. So even though you had a project started -- and that was one of our conversations we had with NIFA. The Environmental Bond Act is also -- there's some projects under the Environmental Bond Act -- a separate dedicated tax line, a separate dedicated tax stream. Almost every project, possibly every project, passed unanimously, 19 to zero, and NIFA's going to approve that bonding as well. And the

2 conversation we had with them was how much money
3 do you need to get through June? I said you
4 can't do it. We're going to be back in the same
5 boat as we are today. Here's the projects that
6 are going to be completed. Whatever that dollar
7 amount is, you have to get approval for that
8 project from when it starts to when it completes
9 because I don't want to have that problem again,
10 where a contractor is asking to walk off the job.

11 As I said, it is somewhat of a learning
12 experience by having another approval process.
13 We learned from that approval process and we go
14 forward. But we did not know that that was going
15 to be a problem. It was in last year's plan. It
16 was a 2011 borrowing, a 2010 borrowing. It was
17 approved. The contract was approved by NIFA. We
18 never foresaw a problem that all of a sudden they
19 weren't going to approve this. Now the
20 comptroller doesn't want to pay the dollars out
21 of cash advance because they don't know if the
22 bonding is going to be passed. We have to learn
23 too. We learned. We're going forward with a new
24 process. We want to get everybody paid. We
25 worked with NIFA. We crossed our Ts and dotted

1 our Is. Again, I'm comfortable. Wednesday they
2 are meeting and they're going to approve and
3 everybody gets paid. It has been a learning
4 process.
5

6 LEGISLATOR FORD: I'm going to be at
7 that meeting anyway. Also, only because I think
8 that we don't need to have this anymore because -
9 -

10 DEPUTY COUNTY EXECUTIVE WALKER: We
11 agree.

12 LEGISLATOR FORD: for economic
13 development, especially throughout the county,
14 there is a low level of confidence. If we are
15 hoping to bring more businesses into the county,
16 we need to make sure that we clean this up as
17 well.

18 Mr. Herbst, I hope that we are going to
19 get copies of those contracts; it's not just
20 going to go to the comptroller at all. We want
21 to follow through on them as well. I'd like you
22 to contact my office. I'd like to sit down and
23 discuss with you some of the recommendations that
24 perhaps moving forward that everybody gets paid
25 in a timely fashion and that we can continue,

2 hopefully, economic development and growth here
3 in the county.

4 Thank you.

5 CHAIRMAN SCHMITT: Legislator Dunne.

6 LEGISLATOR DUNNE: Yeah. Marc Herbst
7 had mentioned not bonding but federal pass-
8 through money, which means that money doesn't
9 have anything to do with us. Its federal money,
10 we're just passing it through to them. Why isn't
11 that being --

12 DEPUTY COUNTY EXECUTIVE WALKER: It's
13 actually -- the county gets reimbursed from the
14 federal government after our expenditures,
15 similar to Nassau Community College the same way.
16 The county lays out the dollars and then they
17 come back to us either from DASNY, either in ARA
18 money, federal dollars. The county still has to
19 lay those dollars out.

20 And again, I can only say this. Going
21 forward we're not going to have this problem
22 anymore. It was a learning experience to us. I
23 want people to get paid, obviously. I don't want
24 to have to listen to people all day saying
25 they're not getting paid. And we work with them.

2 Many of them have received payment. Those
3 contractors -- one, in particular, which maybe
4 everyone in this legislature received
5 correspondence from, with Nassau Community
6 College receiving DASNY money Friday or today and
7 we're going to pay that contractors before NIFA
8 approves because it is reimbursed. It makes no
9 sense to hold up dollars that are going to be
10 reimbursed when we know we're going to get the
11 funds back.

12 Let me tell you this. One of the worst
13 things that ever happened is the ARA funding.
14 Contractors did not comply with some of the ARA
15 funding, not because of them but because it would
16 be changed in standard midway through the
17 project. Some did not meet DBE, diversified
18 business enterprises, and minority and women
19 owned businesses. They did not meet the
20 requirements. The federal government started
21 evaluating that. So there's ARA projects that we
22 are never going to receive the full 100 percent
23 because the contractor either did not or could
24 not comply. In many cases we had staff that went
25 to Washington or went to the State DOT to see if

2 we can get changes made to the contract so we can
3 actually get those dollars approved. And we were
4 successful, thankfully.

5 The ARA -- as great as people say we're
6 putting people to work, it really does not do
7 that.

8 LEGISLATOR DUNNE: The problem I see,
9 and we've heard in the past, in the recent past,
10 is that there -- we can't get contractors on Long
11 Island to bid for these things, probably because
12 of what Marc Herbst just said. We end up going
13 off the Island and money goes to other people's
14 homes rather than ours. I'm glad you're going to
15 put some kind of apparatus in place that will
16 alleviate this problem because it's sorely
17 needed.

18 It was a passionate request by Marc. And
19 thank you for coming, Marc. It was well said and
20 you really brought to light a problem. Hopefully
21 we will be able to resolve this.

22 Thank you, Mr. Walker.

23 CHAIRMAN SCHMITT: Mr. Nicoletto.

24 LEGISLATOR NICOLELLO: Thank you. Rob -
25 - actually, Legislator Dunne just touched on

1 this. You mentioned that going forward there are
2 going to be changes in the process. I don't know
3 if you described them or whether you've settled
4 on what those changes will be; have you?

5
6 DEPUTY COUNTY EXECUTIVE WALKER: I
7 think, again, basically there's -- the whole
8 process is, first, you have a contract that's
9 approved. Well, let's start from the start.

10 You approve a capital program and you
11 approve borrowing for certain projects; that's
12 step one. As the contract goes forward and you
13 approve a contract for that work to be done, the
14 contract then gets approved by the legislature,
15 and it gets approved by NIFA. In that process we
16 also want to have the bonding get approved at the
17 same time. So NIFA is approving the use of
18 capital funds and it fits into our multi-year
19 plan or that year's budget. So they will be
20 approving the contract and approving the bonding
21 for that project. If they approve the bonding
22 for that project, we don't necessarily want to
23 get on the street for every five million or \$10
24 million for somebody to purchase -- for the sale
25 of a bond. You're not going to get good rates

2 and it will probably become costly for the
3 county. But if NIFA has approved the use of
4 capital funds and the bonding for that project
5 and it fits into the multi-year plan, we then
6 would -- the county would have no problem in
7 advancing those funds, knowing full well that
8 NIFA has approved the bonding for that project.
9 And then we could do the bonding in October,
10 November, December, at a time when you have the
11 best rates and you can look at the market and how
12 the market goes. We would then know NIFA already
13 approved the project. We can pay those
14 contractors with the cash advance knowing full
15 well that NIFA approved the use of bonding as we
16 go forward.

17 We can work out the logistics. It
18 probably sounds a little more complicated than it
19 really is. But it's just really having NIFA, the
20 day they approve the use of the contract or the
21 contract, they also will approve bonding for that
22 project. They know it's a capital expense that
23 they approved the use of us issuing bonds for
24 them. Right now they don't do that.

25 LEGISLATOR DUNNE: Obviously, we need

2 to deal with this problem right now, in terms of
3 getting the contractors paid.

4 My concern is that any new process that's
5 put into place doesn't slow up the process and
6 slow up the amount of projects that are going out
7 and the amount of jobs that are being created. I
8 guess -- and we have to get NIFA on board with
9 whatever you want to do as soon as possible. And
10 it should be a streamline process. Again, we
11 can't slow up the pace of these projects that the
12 community needs.

13 DEPUTY COUNTY EXECUTIVE WALKER: We
14 agree. We're actually streamlining the entire
15 contract process. We haven't had a chance to
16 update Mr. Herbst and his members and those that
17 aren't his members with the new contract process
18 that we're putting in place, with electronic
19 signatures. We're working through the county
20 attorney's office. The department that it's
21 going to start in is in DPW.

22 There's contract that went out to bid in
23 2009, then it takes a year to get approvals,
24 either through state, through the feds, and then
25 to us. First of all, it's not for the

2 contractor. We recognize that and we're going to
3 put into place new protocols.

4 We believe this streamlined process will
5 actually aid them because they're going to get
6 paid right away. There's not going to be a
7 concern about cash. There's not going to be a
8 concern about the cost of the project. I think
9 it will see through that it will actually work
10 and answer everybody's questions.

11 LEGISLATOR DeRIGGI-WHITTON: Can I just
12 ask one quick question? What percentage --

13 CHAIRMAN SCHMITT: Who's that?

14 LEGISLATOR DeRIGGI-WHITTON: It's Delia.
15 Hello.

16 CHAIRMAN SCHMITT: Through the Chair,
17 please.

18 LEGISLATOR DeRIGGI-WHITTON: Can I ask a
19 question?

20 CHAIRMAN SCHMITT: Yeah. Go ahead.

21 LEGISLATOR DeRIGGI-WHITTON: Thank you.
22 What percentage does this actually represent,
23 just as a frame of reference, of the work that
24 you've not been paid for yet? In other words, is
25 this the majority of the work that you've done

2 that you've not been paid for or is it --

3 MR. HERBST: Yes.

4 LEGISLATOR DeRIGGI-WHITTON: So you'd
5 say -- okay.

6 DEPUTY COUNTY EXECUTIVE WALKER: I would
7 say the county spent over about \$125 million this
8 past year. We've cash advanced over 45. There's
9 4.5 that haven't been paid, actually maybe a
10 little bit higher. So I would say it's a very
11 small percent. That being said, is these
12 contractors, it could be a big percent of their
13 work.

14 LEGISLATOR DeRIGGI-WHITTON: That's
15 true.

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 Overall, we've cash advanced 45 million out of
18 cash. This is another 4.5 million. So it's ten
19 percent, ten percent -- 100 percent of what we
20 cash advanced.

21 LEGISLATOR DeRIGGI-WHITTON: Okay.

22 CHAIRMAN SCHMITT: Mr. Becker.

23 LEGISLATOR BECKER: Mr. Walker, I just
24 thought -- I want to make sure I have it straight
25 in my mind. I just thought you said we couldn't

2 pay the money out of cash advance because the
3 bonding hadn't been approved. Now you just said
4 you would pay it out of cash advance. I'm
5 confused now.

6 DEPUTY COUNTY EXECUTIVE WALKER: No, I
7 didn't say that. As the normal practice was in
8 Nassau County, it was going on probably since the
9 advent. It was always paid out of cash advance.
10 We paid \$45 million out of cash advance.
11 However, when we were contacted and had
12 discussions with NIFA it was said to us, listen,
13 they may not approve some of these contracts.
14 Could we still theoretically pay it out of cash
15 advance? Yes, we possibly could. However, it
16 was not a good practice that we would be paying
17 things out of cash advance if NIFA was not going
18 to approve bonding for those specific projects.

19 LEGISLATOR BECKER: Now you're saying if
20 the bonding's approved you can pay it out of cash
21 advance knowing you're going to get paid. Is
22 that the case?

23 DEPUTY COUNTY EXECUTIVE WALKER:
24 Exactly. And knowing that NIFA approves the use
25 of bonding for those projects.

2 LEGISLATOR BECKER: So we're putting
3 forth the project and the bonding at the same
4 time for approval --

5 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

6 LEGISLATOR BECKER: But then you will
7 bond when you feel it's the appropriate time.

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 Correct.

10 LEGISLATOR BECKER: Is that correct?

11 DEPUTY COUNTY EXECUTIVE WALKER:
12 Correct.

13 LEGISLATOR BECKER: Okay. First of all,
14 Mr. Walker, I think this is a great solution. I
15 just hope what you're telling us is actually
16 true.

17 DEPUTY COUNTY EXECUTIVE WALKER: Believe
18 me. I don't want to get the phone calls, as much
19 as you do.

20 LEGISLATOR BECKER: I know that. I know
21 that. One thing I can tell you, Mr. Herbst is
22 probably, in his voice and in his heart,
23 resonating the frustrations and the anger of his
24 entire membership, which is how many people?

25 MR. HERBST: 155.

2 LEGISLATOR BECKER: 155. And we're
3 going through some really, really through
4 economic times. And this shouldn't be a speed
5 bump in anything, especially during these times,
6 for government to be delaying payments.

7 I would really appreciate a report back
8 from you in a month that, in fact, this money was
9 paid in the last four weeks, if you would, Mr.
10 Walker.

11 DEPUTY COUNTY EXECUTIVE WALKER: We'd be
12 glad to do that.

13 LEGISLATOR BECKER: I think if you could
14 come back or you shoot me an e-mail and say,
15 Fran, or the legislature, that this money was
16 paid, the \$4.5 million.

17 I just want to mention one other thing if
18 I can, very quickly.

19 The people -- Novelli is the name of the
20 company, I believe, that is present here. I just
21 want you to know that I called you. I didn't get
22 a call back.

23 FEMALE VOICE: I didn't get a message.

24 LEGISLATOR BECKER: Pardon me?

25 FEMALE VOICE: I didn't get a message.

2 LEGISLATOR BECKER: I left it on your
3 voicemail. I heard your voice. But that's okay.

4 FEMALE VOICE: I apologize.

5 LEGISLATOR BECKER: But I would tell you
6 the truth. When I got your letter and the amount
7 of contracts that weren't paid, to me, was really
8 disheartening. I just want you to understand
9 that this may seem like a big bureaucracy, but we
10 feed our families too. Many of us are in
11 business and have our own employees. We do feel
12 for you in that regard.

13 I want to thank Mr. Herbst for bringing
14 this to our attention. And for him to report
15 back to us with any other frustrations, as you
16 did today. But this is -- please accept our
17 apologies on this. I know this could put you out
18 of business. It's a terrible thing to think
19 another business who wants to stay on Long Island
20 and do work could possibly go out of business.
21 How horrible would that be? Just absolutely
22 horrible.

23 Thank you.

24 CHAIRMAN SCHMITT: Thank you, Mr.
25 Becker.

2 Anybody else over here? Legislator
3 Walker.

4 LEGISLATOR WALKER: It's really all been
5 said, Legislator Schmitt. Just as a quick wrap
6 up that I know I comprehend this.

7 In the future, hopefully if this all
8 works out well, if a job is completed, say, in
9 April, the contractor would be paid in April.
10 Then knowing that we had the votes for the
11 bonding, we would then just hold off on the
12 bonding and we definitely would be able to
13 reimburse our budget with that money.

14 DEPUTY COUNTY EXECUTIVE WALKER:
15 Correct. We would pay it ongoing as invoices are
16 put in.

17 LEGISLATOR WALKER: Okay.

18 DEPUTY COUNTY EXECUTIVE WALKER: Just to
19 get everyone know, too. What we've asked the
20 Department of Public Works to do, because 99
21 percent of them are public works projects, is to
22 make sure all the vouchers to the comptroller's
23 office, if they have any questions to get back to
24 the contractors, make sure the questions are
25 answered, so the minute we do have that approval

we could start payments running. We don't want to wait and delay the process any more than it was.

LEGISLATOR WALKER: And I certainly hope that in us doing this it would certainly mark all of your businesses that are under you and others that do work in the county would then see that we've gotten on a much better track here and want to bid on projects. Because I'm not happy sometimes when we see that there are two or three bidders in front of us and, again, none of them are from Nassau County, or even Long Island. And we always question that. Sometimes it's because there just isn't someone who could do that specific work. But we always feel, for the most part, there's got to be someone around here who can do that work. So hopefully this is going to bring us all back together and get work going in the county, get your employees out to work and receiving paychecks, and we'll all be better off for it.

Thank you.

CHAIRMAN SCHMITT: Mr. Walker, you said NIFA's going to meet this Wednesday.

2 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

3 CHAIRMAN SCHMITT: Now, NFIA approves
4 the bond this Wednesday. Then what happens?

5 DEPUTY COUNTY EXECUTIVE WALKER: We will
6 then go through the process and start paying
7 people with the cash advance. OMB is putting
8 together their bond offering. We would then go
9 to the public with the bond offering, and that
10 would reimburse all the cash advances that were
11 made.

12 CHAIRMAN SCHMITT: So assuming NIFA
13 approves the bond on Wednesday, when can these
14 people see checks?

15 DEPUTY COUNTY EXECUTIVE WALKER: I don't
16 want to speak on behalf of the comptroller's
17 office. But I would believe we were going to try
18 to have them -- I believe they run checks either
19 every Wednesday and Friday. But we could start
20 seeing people get paid hopefully this week but
21 definitely next week and in the foreseeable weeks
22 going forward.

23 CHAIRMAN SCHMITT: Can arrangements be
24 made for them to come pick up the checks rather
25 than wait on the mail?

2 DEPUTY COUNTY EXECUTIVE WALKER: We have
3 done that before. I'm sure the comptroller and
4 the treasurer definitely would do that.

5 CHAIRMAN SCHMITT: Is that something
6 you'd be interested in, Mr. Herbst?

7 MR. HERBST: The sooner the better.

8 CHAIRMAN SCHMITT: Okay. We'll be in
9 touch with you on Wednesday. Are you attending
10 that NIFA meeting?

11 DEPUTY COUNTY EXECUTIVE WALKER: No, but
12 somebody from staff is.

13 CHAIRMAN SCHMITT: Okay.
14 Legislator Denenberg.

15 LEGISLATOR DENENBERG: I have -- this is
16 first for Mr. Herbst and then Mr. Walker.

17 Marc, first of all, thank you for coming
18 down. And this, of course, is, by far, not the
19 first time you've been down. Usually you're
20 down, as you said, if we go back two years ago,
21 to make sure the capital plan is passed in a
22 timely manner.

23 Going back, you know, there's something
24 here I just want to clarify. Going back to
25 December 2009, you were here when the Legislature

2 passed the capital plan that had been recommended
3 in October for 2010, in October 2009. We passed
4 it December 2009. The new majority came in and
5 voted on the bonding for the 2010 capital plan in
6 May of that year. NIFA didn't come in until
7 January of the following year. But this is
8 important because none of the bonding and none of
9 the 2010 capital plan started to occur until the
10 beginning of 2011. And you complained, right
11 here, that payment was delayed and the response
12 was NIFA. NIFA got a request to approve bonding
13 for over \$100 million for the 2010 plan. In
14 March of 11, NIFA said we can't vote on it, we
15 have no backup. Then in May of 2011 NIFA
16 approved capital borrowing of over \$100 million,
17 in May of 2011 for the 2010 plan. So, it was
18 last year at the time that we were first
19 realizing that if we didn't encumber it before
20 NIFA's oversight that we now had to push NIFA.
21 And it was you, as I recall, who started pushing
22 that NIFA needed all of the backup. Am I wrong?

23 MR. HERBST: I don't believe so.

24 LEGISLATOR DENENBERG: So in May of last
25 year, ten months -- May of last year, the 2010

2 capital borrowing had to go to NIFA or finally
3 got approved because we hadn't moved on it in 10,
4 and by January 11 NIFA was in.

5 In August 2011 we approved the capital
6 borrowing, the capital plan for 2011. Nothing
7 from that plan have I seen gone to NIFA yet, have
8 you?

9 MR. HERBST: I have not seen the
10 documents, no.

11 LEGISLATOR DENENBERG: You might not
12 know. But if you look at the capital borrowing
13 that NIFA approved last year, May was 100,000 and
14 then later last year it was about -- not 100,000,
15 100 million -- and then later was about 60 or 70
16 million for the sewer and storm water projects
17 from 2010. So now we're back to NIFA. You
18 haven't been paid. Our cash balance hasn't been
19 replenished, and we're still figuring out how to
20 deal with NIFA, is what I'm hearing.

21 MR. HERBST: I'm concerned with making
22 sure that prompt payments occur. I could have
23 been here a year ago, two years ago; still a
24 similar issue.

25 LEGISLATOR DENENBERG: I wrote on

2 December 6, 2011, based on a conversation in part
3 with you, as to where the capital budget was for
4 2012, which we should have gotten. All
5 legislators should have gotten in October 2011,
6 and I cc'd the Public Works Committee on this.
7 To date, we don't have the capital budget for
8 2012.

9 We also -- and I've been requesting this,
10 to go back to, like, the 2007, 2009 year. We
11 would get project status updates and we would
12 call quarterly hearings on the status of the
13 budget, the capital budget, the capital plan. To
14 date, if you would look, we don't have those
15 status reports. We, as a body, can conduct
16 hearings to see where we are on the status and
17 where we are on payment of each of those
18 projects. Wouldn't that help you at least come
19 before us and say which projects have been paid,
20 which projects haven't been paid, which projects
21 haven't been bid, which projects haven't been
22 bid?

23 MR. HERBST: Any information that you
24 could provide, whatever the process, certainly
25 would help. It would be educational for all.

2 LEGISLATOR DENENBERG: I recall chairing
3 some public works committees where, just in a
4 regular committee, on a quarterly basis I asked
5 you to come. If there was a project that was
6 delayed, you were not shy. You would come and
7 say which projects were delayed, and that helped.

8 MR. HERBST: Yes.

9 LEGISLATOR DENENBERG: But I'm telling
10 you now, we don't have the capital budget for
11 2012. So all you're pushing to get the 10 plan
12 passed, the 11 plan passed and bonded, if we
13 don't go right to NIFA with the bond -- or if in
14 2010 we encumbered the bond right away, we
15 wouldn't even had to go to NIFA in 2011. Now, in
16 11, when we passed the budget in August,
17 apparently everyone said that was late, and it
18 was. But we haven't even gone to NIFA for any of
19 the capital borrowing in the 2011 plan and now
20 we're in 12. I'm thinking we don't have a 2012
21 plan because we'll spend all of 2012 implementing
22 10 and implementing 11. Do you have any reason
23 to think that we've implemented all of 10 and 11?

24 MR. HERBST: No, I do not believe it's
25 been implemented. There are still outstanding

2 projects.

3 LEGISLATOR DENENBERG: I think if I look
4 at a capital budgeting of 160 million -- first of
5 all, only 20 million's even been paid for 11.
6 There haven't been contracts for over 100 million
7 of it.

8 I would repeat my request; that something
9 that the legislature can do, through public works
10 on a quarterly basis, is see where you are on
11 projects, see which projects have gone out, which
12 projects haven't gone out, and push the
13 administration to get an explanation if a project
14 hasn't gone out, or if it's gone out and hasn't
15 been paid, or if the bonding hasn't been
16 encumbered yet.

17 With that, I'd like to ask Mr. Walker a
18 question.

19 I went back through it, and I was at a
20 March -- sorry, a March 2011 and May 2011 meeting
21 that NIFA held. In March 2011 NIFA explained
22 that any bonding for the capital plan would have
23 to go through NIFA, and they had a request. They
24 made a big deal in April of that year that they
25 got a request for approve \$100 million worth of

2 bonding without any backup.

3 John Ciampoli, our county attorney, said,
4 well, what kind of backup do you want? And that
5 was sort of a give and take. In May of that year
6 we had given whatever backup was necessary.
7 Because you could look back through the records.
8 In May 2011, NIFA approved \$100 million worth of
9 capital borrowing. So it seemed like we quickly
10 corrected whatever we needed to do for bonding
11 that was happening after NIFA had increased its
12 level of oversight. But now we're doing it again
13 and I don't understand why.

14 DEPUTY COUNTY EXECUTIVE WALKER: Well,
15 because we used to pay still cash advances then.
16 That \$100 million for projects that started --
17 some projects go back to 2003 and 2004 that the
18 county never bonded because either the project
19 didn't start, some of them are big projects.
20 Again, the county did not borrow the year of
21 which the capital plan was approved. That's the
22 most simplest answer.

23 You, this legislature, approves \$150
24 million capital --

25 LEGISLATOR DENENBERG: Let's say August

2 of 2011 we approved 160.

3 DEPUTY COUNTY EXECUTIVE WALKER: Say
4 whenever it is. It's \$160 million, right? You
5 don't approve at that same time the borrowing for
6 \$160 million. You may approve --

7 LEGISLATOR DENENBERG: I thought we
8 authorize it at that time.

9 DEPUTY COUNTY EXECUTIVE WALKER: Not all
10 the same projects. If you actually went through
11 -- and I didn't know this either, to be very
12 honest. I didn't know -- I literally thought
13 when this county put together the capital plan
14 you were approving borrowing for that entire
15 capital plan; you're not. Even if the dollar
16 amount is the same, and it could be -- we could
17 approve -- the same day this legislature approves
18 a capital plan, you can approve \$160 million in
19 capital borrowing, dollar for dollar the same.
20 However, when you look at the backup for the
21 bonding that you're approving, it's projects that
22 are started in 2004, 2005, 2006, 2007, 2008, 09,
23 10, some are saying 2011. So we never do it year
24 by year, project --

25 LEGISLATOR DENENBERG: Yeah, but you

2 don't have to --

3 DEPUTY COUNTY EXECUTIVE WALKER: by
4 project.

5 LEGISLATOR DENENBERG: I'm sorry.

6 DEPUTY COUNTY EXECUTIVE WALKER: It's
7 alright.

8 LEGISLATOR DENENBERG: You don't have to
9 come back to us. In August of this year when we
10 authorized the bonding, May of the year before we
11 authorized the bonding on a plan that we had
12 previously authorized. We get more than 13
13 votes. We do it in a bipartisan way. You don't
14 have to necessarily come back to us. That was
15 always -- that was also Legislator Mangano's
16 contention, that we should break it up and we
17 should only do it piecemeal, which actually would
18 have made this whole process go even longer.

19 DEPUTY COUNTY EXECUTIVE WALKER: No, but
20 we actually do. We do have to come back to you
21 because you are approving specific projects in
22 that bond ordinance. You're not approving a
23 cumbersome, just \$160 million in borrowing. You
24 actually are approving bonding, project specific.
25 So we do have to come back to you.

2 LEGISLATOR DENENBERG: But if we knew
3 last year -- and it was 100 million at a time --
4 and I remember seeing you at one of those
5 meetings where they were complaining - they,
6 meaning NIFA - that they didn't have the backup.
7 Then May of last year we got substantial
8 approval, \$100 million, all from money that was
9 either 09 or 10, majority I thought 10. So we're
10 doing the same thing this year where we haven't
11 asked NIFA for approval of most of the borrowing
12 for the 11 plan yet, but yet people are doing the
13 work. Why can't we just get it to NIFA sooner?

14 DEPUTY COUNTY EXECUTIVE WALKER: That's
15 what we are going to do. That's why I said we're
16 changing the process. Because even in 2010, we
17 were still paying with cash advance.

18 If you actually look at the --

19 LEGISLATOR DENENBERG: But last year was
20 11. Last year was 11.

21 DEPUTY COUNTY EXECUTIVE WALKER: If you
22 look --

23 LEGISLATOR DENENBERG: And we went to
24 NIFA in May --

25 DEPUTY COUNTY EXECUTIVE WALKER: I would

2 --

3 LEGISLATOR DENENBERG: Here it is
4 February --

5 DEPUTY COUNTY EXECUTIVE WALKER: I would
6 tell you to do this. I would go back and look at
7 the bonding that NIFA approved in 2011, in May or
8 June, whenever they approved it. I don't even
9 know what the date is. The months blend together
10 when you're here. They weren't approving the
11 2010 or 2011 money. A lot of that money was 2008
12 projects, 2009 projects. Very little in 2011.
13 Very little even in 2010. I'm just going to say
14 this.

15 You look at the sewer and storm water.
16 We have spent more money in both Cedar Creek and
17 Bay Park than has been done in the past ten
18 years. Maybe that's because design takes a long
19 period of time. But these projects are 20, 30,
20 15, 18 -- these aren't \$1 million contracts.
21 They are a very high, very high amount of
22 contract, that we're doing all that work now. So
23 we're approving the bonding.

24 Part of the bonding that NIFA's going to
25 approve is, I believe, 35 or \$45 million in sewer

2 and storm water money.

3 LEGISLATOR DENENBERG: Correct.

4 DEPUTY COUNTY EXECUTIVE WALKER: Those
5 projects have all -- those projects have started,
6 or at least are going to start. They are big
7 tickets items. Many of those projects were in
8 the 2009, 2010, some were in 2011. But most of
9 those projects, because it takes so long to
10 design, the money was sitting there, never
11 bonded. So you play --

12 LEGISLATOR DENENBERG: I understand that
13 there was --

14 DEPUTY COUNTY EXECUTIVE WALKER: a lot
15 of catch up.

16 LEGISLATOR DENENBERG: Particularly in
17 the sewer and storm water, there were plans for
18 these expenditures. But my question -- it just
19 doesn't seem that in the year that we've gone any
20 quicker. And Mr. Herbst has done his job, saying
21 if you don't get this to NIFA to get the
22 approval, we're authorizing contractors to do
23 work that they don't get the money back, which
24 raises two questions. What if NIFA doesn't
25 approve? What if NIFA doesn't approve? What do

2 we do then?

3 DEPUTY COUNTY EXECUTIVE WALKER: First,
4 I believe they will. Secondly, then the county
5 has to -- let me say this. First of all, the
6 contracts were approved by the legislature and
7 NIFA. On those contracts that were approved by
8 NIFA is the account number. The account number
9 are all capital account numbers. So NIFA's
10 approving the use. NIFA's approving the use of a
11 capital fund. I believe they are going to
12 approve it.

13 I also think NIFA's being fair and doing
14 their due diligence. We should not just take
15 NIFA for granted and say, yes, they approved the
16 contract, they approved the capital account
17 number, that they're going to approve bonding.
18 For whatever reason, maybe it doesn't fit into
19 the multi-year plan, although I know it does. We
20 actually -- we actually came in under budget
21 because debt service, we are going to the market
22 with better rates so we're actually saving money,
23 saving money on debt service. And going to the
24 market at the right time is very important.
25 We're getting work for a lot cheaper because

2 people aren't working. So all those factors play
3 a big role. So --

4 LEGISLATOR DENENBERG: Well --

5 DEPUTY COUNTY EXECUTIVE WALKER: Go
6 ahead.

7 LEGISLATOR DENENBERG: I'm sorry.

8 DEPUTY COUNTY EXECUTIVE WALKER: No, go
9 ahead.

10 LEGISLATOR DENENBERG: So you're
11 assuming that based on the history and the need
12 for these projects and the approval that NIFA
13 will give us the approval?

14 DEPUTY COUNTY EXECUTIVE WALKER: I do.

15 LEGISLATOR DENENBERG: So that just
16 belies what I was saying, that -- I mean, I hope
17 you're right. I believe you're right. But I do
18 believe we need to get the backup and the
19 material to NIFA quicker so what happened last
20 year, in my opinion, should not of repeated this
21 year.

22 But with respect to a capital budget for
23 2012 --

24 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

25 LEGISLATOR DENENBERG: We were supposed

2 to get -- we, the legislature, was supposed to
3 get from the county executive's office, a
4 proposed capital budget and four year plan in
5 October for us to vote on it by December. We
6 haven't gotten one yet. I did write a letter
7 requesting it. Am I to understand that we're not
8 going to get one for 12 because we're going to
9 catch up on 10 and 11 projects in 12?

10 DEPUTY COUNTY EXECUTIVE WALKER: Not at
11 all. In fact, I'm getting you the information
12 now, to the amount of dollars that were put out
13 by this administration. And really public works,
14 they deserve a tremendous amount of credit for
15 the amount of work that went out.

16 I have sat with both contractors and
17 consultants. They say if it wasn't for Nassau
18 County they wouldn't be employed at all; the
19 amount of work that is going out. So I take that
20 and, again, I applaud them because they're the
21 ones that are doing the work. We, in fact, get
22 the easy job. We get to stand up here and say
23 approve this contract. You get to approve this
24 contract.

25 We've had more work go out and more --

2 I'll just take road --

3 LEGISLATOR DENENBERG: When are we going
4 to get --

5 DEPUTY COUNTY EXECUTIVE WALKER: road
6 restoration.

7 LEGISLATOR DENENBERG: When are we going
8 to get the capital project for 2012?

9 DEPUTY COUNTY EXECUTIVE WALKER: I will
10 answer that in a second. I'm answering your
11 first question about playing catch up.

12 CHAIRMAN SCHMITT: Let's get back to the
13 item in front of us, please.

14 DEPUTY COUNTY EXECUTIVE WALKER: The
15 2012 capital plan will be forwarded. We are
16 working, again, through this process. Why have a
17 capital plan that will be approved by this
18 legislature that possibly could be rejected by
19 NIFA? It doesn't make any sense. So we are
20 meeting with them. As I said, many times, we're
21 meeting with NIFA. We are going to work on what
22 that capital account -- that those capital
23 dollars are going to be so we know we are going
24 to get approval for that plan. We know we are
25 going to get approval for that level of bonding.

2 And then we will have a plan, working with the
3 legislature.

4 Again, I think that one thing since 2010,
5 the capital plan has been voted upon unanimously.
6 The EBA money has been voted on unanimously. We
7 want to have a dollar amount. We want to hit
8 that target. We want to make sure that all the
9 critical infrastructure improvements are going to
10 go forward, are going to be approved, and then we
11 will have a capital plan go forward.

12 To put something on paper, to waste ink
13 and to waste paper on a plan that potentially
14 does not have approval with -- let's be honest;
15 the final arbiter is NIFA. It doesn't do us any
16 good to have a plan in place that we will not be
17 able to meet. So --

18 LEGISLATOR DENENBERG: Under the Charter
19 --

20 DEPUTY COUNTY EXECUTIVE WALKER: it will
21 be forwarded when we get that dollar amount.

22 LEGISLATOR DENENBERG: Under the Charter
23 and every year that I've been here a proposed
24 capital plan and budget, which then has to be
25 approved by this body, as well as now by NIFA, is

2 supposed to be proposed by October 15 of each
3 year. This is the first year that I've been up
4 here, Mr. Walker, where a capital budget has not
5 been approved. And I was just asking for a date.
6 I mean, it's supposed to be proposed by the
7 county executive. Whether it gets approved by
8 this body or by NIFA, you don't have that
9 approval before you propose something.

10 DEPUTY COUNTY EXECUTIVE WALKER: You
11 will have one proposed.

12 LEGISLATOR DENENBERG: Alright.
13 Finally, something that you had always said yes
14 the last two years to, and I think it would be
15 good for Mr. Herbst, for the County, for anyone
16 who's affected by projects, for the legislature
17 as well as for the administration, I really think
18 on a quarterly basis, through public works, we
19 should review the status of each project, to know
20 what we need to expedite, what we don't need to
21 expedite, what's being changed, what's not being
22 changed.

23 DEPUTY COUNTY EXECUTIVE WALKER: I'll
24 review that with the commissioner. She has been
25 doing it. I don't know what process, if it's

2 online or not, I'll find out.

3 LEGISLATOR DENENBERG: But you wouldn't
4 be opposed to coming here or having the
5 commissioner come here on a quarterly basis to
6 discuss the status of --

7 DEPUTY COUNTY EXECUTIVE WALKER: I love
8 coming here.

9 LEGISLATOR DENENBERG: I could tell.

10 CHAIRMAN SCHMITT: And we love having
11 you.

12 Legislator Bosworth.

13 LEGISLATOR BOSWORTH: Thank you. Good
14 afternoon, Deputy County Executive.

15 DEPUTY COUNTY EXECUTIVE WALKER: Good
16 afternoon.

17 LEGISLATOR BOSWORTH: If this has
18 already been explained, I apologize. There's
19 just been so much said.

20 Talking about a project where contractors
21 have not been paid; how does that effect us if
22 it's a project such as the Life Science Building
23 at Nassau Community College, where there is
24 matching funds by the state and the county if, in
25 fact, the contractors are not paid? How does

2 that work?

3 DEPUTY COUNTY EXECUTIVE WALKER: Sure.
4 That's a contract in which I've actually spoke to
5 the College, I think as recently as Thursday --
6 again, I don't remember what day it was. Here's
7 where we are with that specific contract.

8 First off, we get reimbursed 50 percent
9 from DASNY, as long as DASNY approves the
10 reimbursement, which in 99.9 percent of the cases
11 they have always approved our reimbursement. We
12 have said to the College, the College submits the
13 vouchers for reimbursement from DASNY. The
14 county, meaning us, have always been on the hook,
15 in terms of laying out all that cash. We don't
16 believe necessarily that we should have to lay
17 out all that cash even though we have in the
18 past. That being said.

19 Some of those payments were made. We are
20 receiving I think about a \$5.6 million
21 reimbursement from DASNY. As soon as we were
22 receiving that reimbursement we were going to pay
23 the contractor. I believe possibly he could have
24 even gotten paid today or tomorrow. But we're
25 waiting to receive the reimbursement and then we

2 were going to advance additional dollars once we
3 received that reimbursement. Here's what always
4 happens, if you look at the Aquatic Center as a
5 perfect example.

6 DASNY actually was the contractor who
7 approved all the contracts at the Aquatic Center.
8 I don't have to tell you the past practice and
9 the history of the Aquatic Center. We're risking
10 the light bulbs and fixtures because of the
11 condensation buildup.

12 Whenever you need reimbursement from
13 somebody, I am always fearful that somehow
14 they're not going to reimburse. I said it about
15 the ARA money. ARA money, because there were
16 specific requirements that the federal government
17 had, again, many with the protection of roadways,
18 with diversified business enterprises, women and
19 minority owned businesses, we had contractors
20 that did not comply to those requirements, out
21 and out did not comply to those requirements,
22 some because they couldn't find employees or they
23 couldn't find enough minority owned businesses by
24 which to do work. We lost money. The county
25 actually had to eat, eat dollars that we were

2 supposed to receive from the feds. We actually
3 had to pay that. Same with DASNY. DASNY says
4 they're going reimburse us for that building,
5 roughly a 36 or \$40 million building. We were
6 going to receive \$20 million back. What if DASNY
7 decides, for argument's sake, listen, you didn't
8 comply to this? You didn't comply. So now that
9 \$20 million you're getting, you're only getting
10 five. Who's on the hook? We are. It's coming
11 out of our capital plan. It's not right.

12 I used that road project -- I was on the
13 phone, not to say I have a great relationship
14 because I worked in the State Legislature, but I
15 know a lot of people. And we did our due
16 diligence. We went back and forth, back and
17 forth with the regional, with Region 10 of the
18 DOT. Subi Chakraborti, you couldn't ask for a
19 better regional director. And he bent over
20 backwards, in working with us, to make sure that
21 we were able to receive a lot of that money. We
22 still lost. We still lost hundreds of thousands
23 of dollars that we should never have lost, but
24 the contractor did not comply. And I don't want
25 to place that blame because it's not every

2 contractor that doesn't do it. Who knows the
3 reason why? I'm not in his or her shoes. But
4 they didn't comply and we lost money. We've got
5 to be careful that we just don't say let's throw
6 the money away. We're approving it. We're
7 getting reimbursed when, in fact, sometimes you
8 don't get reimbursed.

9 LEGISLATOR BOSWORTH: Can the assumption
10 be made, though, that for this Life Science
11 Building that they are, in fact, complying --

12 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

13 LEGISLATOR BOSWORTH: with what needs to
14 be done?

15 DEPUTY COUNTY EXECUTIVE WALKER: Yes.
16 If we receive that money Friday, we are going to
17 try to pay them today. If we get the money
18 today, we're going to try to pay them tomorrow.
19 All of the reimbursement, pretty much all of the
20 reimbursement projects that we were comfortable
21 getting reimbursed and we knew a check was
22 coming, we were still paying those cash advances.
23 It makes no sense. You're getting the money
24 back.

25 There were two projects that were

2 compliance issues, if we did not complete on a
3 certain time, we still paid those advances
4 because we didn't want to risk being out of
5 compliance with the state or federal government.

6 LEGISLATOR BOSWORTH: I thank you. I
7 bring this up because that building is so very
8 important. It had unanimous support from our
9 entire legislature. I know they are counting on
10 it to be open for the fall semester.

11 DEPUTY COUNTY EXECUTIVE WALKER: We
12 agree.

13 LEGISLATOR BOSWORTH: Thank you.

14 CHAIRMAN SCHMITT: Legislator Wink.

15 LEGISLATOR WINK: Thank you very much,
16 Mr. Chairman.

17 Mr. Walker, you've testified that there
18 was \$45 million that was advanced just recently?

19 DEPUTY COUNTY EXECUTIVE WALKER: Yeah,
20 45 or 46, somewhere around --

21 LEGISLATOR WINK: I think our numbers
22 indicate that it was actually as much as 55
23 million.

24 DEPUTY COUNTY EXECUTIVE WALKER: The
25 numbers vary. It could have been. Some of that

2 could have been reimbursed, so we don't
3 necessarily count it as a bond issue coming back.
4 But you may be 100 percent right.

5 LEGISLATOR WINK: What did that pay for?

6 DEPUTY COUNTY EXECUTIVE WALKER: Various
7 projects. There's probably a list of 80
8 different projects.

9 LEGISLATOR WINK: But we know none of it
10 went to the contractors --

11 DEPUTY COUNTY EXECUTIVE WALKER: It did.
12 It went to their contractors. Some of the
13 contractors that haven't been paid were getting
14 paid along the way, but we stopped at a point
15 where NIFA said potentially they will not approve
16 the bonding. We stopped cash advances at that
17 point.

18 LEGISLATOR WINK: Of the \$4.5 million
19 that Mr. Herbst brought with him today, worth of
20 invoices, none of those were part of the 45
21 million.

22 DEPUTY COUNTY EXECUTIVE WALKER: No,
23 that's why they didn't get paid.

24 LEGISLATOR WINK: Okay.

25 DEPUTY COUNTY EXECUTIVE WALKER: The

2 cash advances are literally payments that we made
3 to contractors.

4 LEGISLATOR WINK: Do we have any idea
5 what type of backlog we're looking at right now?

6 DEPUTY COUNTY EXECUTIVE WALKER: It's
7 roughly right around 4.5 million.

8 LEGISLATOR WINK: I'm not talking about
9 just from Mr. Herbst; I'm talking about in
10 general.

11 DEPUTY COUNTY EXECUTIVE WALKER: That's
12 it.

13 LEGISLATOR WINK: That's it? Everybody
14 else got paid except for Mr. Herbst's people?

15 DEPUTY COUNTY EXECUTIVE WALKER:
16 Everybody else is being paid. There's still
17 people getting paid because you did have NIFA
18 approve that, as Mr. Denenberg mentioned. You
19 did have \$100 million that was approved by NIFA.
20 Many of those projects -- many of those projects
21 were approved, so those people are still getting
22 paid. We're paying people on a daily basis.

23 LEGISLATOR WINK: But that \$45 million,
24 that was for things that NIFA hasn't yet
25 approved?

2 DEPUTY COUNTY EXECUTIVE WALKER:

3 Correct.

4 LEGISLATOR WINK: Okay. And yet one-
5 tenth of that or the last 44.5 million that Mr.
6 Herbst is looking for, that wasn't approved.

7 DEPUTY COUNTY EXECUTIVE WALKER:

8 Correct. That's why they haven't been paid.

9 LEGISLATOR WINK: So we've paid out all
10 of this money except the last \$4.5 million, all
11 of which is due to Mr. Herbst.

12 DEPUTY COUNTY EXECUTIVE WALKER:

13 Correct.

14 LEGISLATOR WINK: That makes no sense to
15 me.

16 DEPUTY COUNTY EXECUTIVE WALKER: You'll
17 have to speak to the comptroller. I can't tell
18 him to pay things, if I wanted to. As much as
19 we'd like to when we have contractors calling us.
20 That's why he's elected by the people separately.

21 LEGISLATOR WINK: And yet this past \$45
22 million was all okay as far as the comptroller
23 was concerned.

24 DEPUTY COUNTY EXECUTIVE WALKER: I don't
25 want to speak on his behalf.

2 LEGISLATOR WINK: Alright. Well, I'm
3 sure we'll have the opportunity to ask Mr.
4 Maragos and his people where that money went and
5 why it hasn't gone to the contractors.

6 DEPUTY COUNTY EXECUTIVE WALKER: We'll
7 be glad to give you a list of the 45 or 55
8 million. OMB can give you a list. NIFA has the
9 same list. We can tell you exactly what specific
10 projects there were.

11 LEGISLATOR WINK: I look forward to
12 seeing that. I look forward to seeing that.
13 Thank you.

14 CHAIRMAN SCHMITT: Legislator Troiano.

15 LEGISLATOR TROIANO: Thank you. I may
16 have missed understood what you said earlier,
17 based on Legislator Wink's questioning. I
18 thought you said that 45 million was paid out
19 already.

20 DEPUTY COUNTY EXECUTIVE WALKER: Yes, it
21 was. That's -- we consider a cash advance
22 actually payments that went to contractors.

23 LEGISLATOR TROIANO: And those payments
24 are supposed to be approved, at least the bonding
25 for those payments have to be approved by NIFA.

2 DEPUTY COUNTY EXECUTIVE WALKER:

3 Correct.

4 LEGISLATOR TROIANO: Just tell me with
5 the account here, if NIFA -- and I agree with you
6 that NIFA's more than likely to approve it. But
7 if they don't, does that money then have to be
8 added to the deficit for the --

9 DEPUTY COUNTY EXECUTIVE WALKER: No.
10 There is cash in hand. If the county decided not
11 to go forward either in this year's bonding or
12 something else of that nature, it comes out of
13 our fund balance. That's where it's paid for.

14 LEGISLATOR TROIANO: But that's really
15 kind of mentally assigned somewhere else anyway.

16 DEPUTY COUNTY EXECUTIVE WALKER: No.
17 No.

18 LEGISLATOR TROIANO: We have free cash?

19 DEPUTY COUNTY EXECUTIVE WALKER: We have
20 \$90 million in fund balance.

21 LEGISLATOR TROIANO: Despite the fact
22 that we are running a deficit?

23 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

24 LEGISLATOR TROIANO: That you feel --

25 DEPUTY COUNTY EXECUTIVE WALKER: We

2 don't believe we're going to finish in a deficit,
3 that 2011 -- 2010 finished with a \$28 million
4 surplus. 2010 we believe is going to finish with
5 a surplus. 2011 finished in a surplus.

6 LEGISLATOR TROIANO: So we have a \$90
7 million surplus? You're saying we have cash on
8 hand.

9 DEPUTY COUNTY EXECUTIVE WALKER: We have
10 a \$90 million fund balance as it sits today. We
11 went from a \$72 million fund balance in 2009 to a
12 \$90 million fund balance today.

13 LEGISLATOR TROIANO: I didn't anticipate
14 going here. But if that's the case, if that's
15 the case why are we laying off people now?

16 DEPUTY COUNTY EXECUTIVE WALKER: I'm
17 sorry?

18 LEGISLATOR TROIANO: If we're going to
19 close the year with a surplus -- and I didn't
20 intend to go here when I first started asking the
21 question. But if we're going to finish the year
22 with a surplus why are we laying people off?

23 DEPUTY COUNTY EXECUTIVE WALKER: Because
24 part of finishing with a surplus is to take those
25 actions so we can actually finish with a surplus.

2 Remember, we laid people off in the 2012 budget.
3 The 2012 budget was predicated on the \$150
4 million in labor savings that we get from a
5 variety of methods, some being layoffs,
6 unfortunately. And we found very -- we've been
7 working with all our department heads -- social
8 service is important -- where we brought back 48
9 or 43 employees, that we found a dedicated stream
10 of money, new grant money, through some
11 reimbursement. So we brought some of those staff
12 members back. But in order to make the --
13 remember, we're talking about the 2012 budget,
14 why that labor savings was put into place. We
15 had to make \$150 million in labor savings in
16 order to finish 2012 with a balanced budget.

17 Again, I think sales tax revenue, knock
18 on wood -- I don't know if this is wood or not --
19 seems to be moving in the right direction. We
20 hope we're going to finish 2011 in a -- maybe the
21 Giants are going to help out. People are buying
22 more shirts and jerseys. But these are the
23 things we're going to continue to look for.

24 Layoffs were really predicated for the
25 2012 budget.

2 LEGISLATOR TROIANO: I understand.

3 So if NIFA doesn't approve the 45 million
4 you have to find somewhere else to make cuts in
5 order to balance the 2012 budget.

6 DEPUTY COUNTY EXECUTIVE WALKER: Yes.
7 Or reduce our fund balance, which then you're
8 looking at a host of other things that could
9 possibly happen.

10 LEGISLATOR TROIANO: Thank you.

11 CHAIRMAN SCHMITT: Okay. Thank you, Mr.
12 Herbst. Wait. We're not done yet. Legislator
13 Jacobs.

14 LEGISLATOR JACOBS: Mr. Walker, so let
15 me just understand something. The way we're
16 finishing each year is by bonding as our
17 budgeting mechanism?

18 DEPUTY COUNTY EXECUTIVE WALKER: No.
19 That was our capital borrowing. We bonded
20 capital borrowing as long as probably you've been
21 here.

22 LEGISLATOR JACOBS: That I know. I'm
23 very concerned here, as to the amount of bonding
24 that you are -- and borrowing that we are
25 discussing going forward. It's, like, amazing to

2 me that we don't have this in place and we're on
3 such a cusp each time when people are not being
4 paid.

5 DEPUTY COUNTY EXECUTIVE WALKER: I don't
6 think it's always been people not getting paid.
7 The bonding is predicated in the budget. It's
8 our capital plan. If this legislature decides to
9 reduce it for 2012, that's your -- it's in the
10 capital plan this year for a bonding program. If
11 you decide to lessen it, it requires 13 votes.
12 So this legislature will decide how much bonding
13 that Nassau County will, in fact, have.

14 LEGISLATOR JACOBS: But when did the red
15 flag come up for all of you? Forgetting that Mr.
16 Herbst was here today. When did the red flag go
17 up in public works or in the administration that
18 we were really getting ourselves into a lot of
19 trouble here in not being able to meet the
20 demands?

21 DEPUTY COUNTY EXECUTIVE WALKER: Again,
22 it was a common practice that went on forever;
23 before I was here, probably before you were here,
24 that the county always paid --

25 LEGISLATOR JACOBS: I don't know about

2 that.

3 DEPUTY COUNTY EXECUTIVE WALKER: The
4 county always paid capital funds out of cash and
5 then bonded at the right time, the time it's good
6 to go to the market with, so the county borrowed
7 at that time.

8 We're not borrowing any more for capital
9 projects than was done last year. In fact, we
10 actually borrowed \$10 million less. We borrowed
11 \$10 million less in the 2011 plan, that the 2011
12 plan actually called for. We had \$100 million in
13 capital borrowing. We are actually only
14 borrowing 90 because jobs were coming in cheaper
15 and things of that nature, so we were able to
16 save money. You're actually bonding less than
17 what the multi-year plan actually called for, not
18 more, but less.

19 LEGISLATOR JACOBS: So let me ask you
20 this. Does the comptroller agree with you that
21 we have a \$90 million fund balance?

22 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

23 LEGISLATOR JACOBS: They agree. If so,
24 what contributed to that \$90 million fund
25 balance?

2 DEPUTY COUNTY EXECUTIVE WALKER: Great
3 budgeting and great management by the county
4 executive.

5 CHAIRMAN SCHMITT: Prudent management.

6 LEGISLATOR JACOBS: Okay. I will end it
7 at that.

8 DEPUTY COUNTY EXECUTIVE WALKER: Thank
9 you.

10 CHAIRMAN SCHMITT: Okay. Thank you, Mr.
11 Herbst. We will be watching that meeting on
12 Wednesday and hopefully things will be resolved.

13 Next speaker is Joseph Volker.

14 LEGISLATOR GONSALVES: Joseph, for one
15 minute, please.

16 We went beyond the 30 minutes of public
17 participation. But, nevertheless, there are so
18 many of you who are here today to speak on
19 different issues. All I ask is that if you can
20 keep it to three minutes, it would be
21 appreciated, so everyone would have an
22 opportunity to address the legislature.

23 Thank you, Joseph, for coming.

24 MR. VOLKER: Thank you. I will wait
25 until you reassemble. Thank you.

2 LEGISLATOR GONSALVES: What do you mean
3 reassemble? Wait a minute. Mr. Volker, Mr.
4 Volker, we're here. We are here. Mr. Abrahams
5 and Mr. Schmitt had to go to a meeting, but the
6 rest of us are all here. So, please feel free to
7 address us.

8 MR. VOLKER: Okay. Thank you so much.
9 I'm here on behalf of Samantha Frederickson of
10 the ACLU, Doug Mayers of the NAACP, and Haux
11 Cristi, the Catholic Peace and Justice Movement,
12 the Nassau Affirmative Action Project. We've
13 spoken to you in the past, before this body. I
14 hear the frustration of the contractors with
15 regard to their wanting to be paid. There's
16 obviously a lot of interest in that and a lot of
17 questioning. But the topic that I am speaking
18 about and going to speak about is also in the
19 Charter.

20 And it says in the Charter, there shall
21 be a visitor's board within the Nassau County
22 Correction Center. Again, the frustration of the
23 Charter being ignored. I'm calling upon this
24 body to address this nonpartisan issue. We
25 appealed to both sides of the chamber with regard

to restoring the visitor's board.

Of course, the fact is that there's one difference between the previous speaker and myself. And that this visitor's board cost the county exactly nothing. The people, the seven people who will be put on this board, named to this board, will serve free, without charge, to the county. The resources that are necessary to enable this board are already available at the county jail.

For one reason or another Mr. Mangano and his predecessors as well have either been reluctant, or negligent, or just not prodded enough, perhaps a lack of interest or whatever it may be, that they have not submitted the names of people who are to participate on this board. It calls for seven members. And at this time, we would like to present seven outstanding citizens who are willing to serve on this board at no expense to the county.

And we have a letter here. It says: We, the undersigned, would like to volunteer for a position of the Nassau County Correctional Center Board of Visitors, and ask that you put forth our

2 names to the county executive and request our
3 appointment.

4 Article 20, 2004, of the Nassau County
5 Charter requires that the county establish and
6 maintain a board of visitors to act as an
7 oversight committee at the Nassau County
8 Correctional Center. The county executive is
9 tasked with appointing individuals to this board
10 to serve three years terms. To be qualified an
11 individual must be a Nassau County resident, who
12 possesses a working knowledge of the correctional
13 system. We are all qualified to serve on the
14 board of visitors, and ask that you give our
15 names to Executive Mangano and ask for our
16 appointment. Our resumes are included here.
17 That's signed by Mr. John Brickman, Esquire, he
18 was a former board of visitors appointee;
19 Patricia Delatto; Kathleen Kearns, Douglas
20 Mayers; Robert Summerville, who was also formerly
21 appointed to the board; myself, and Lancett
22 Waldron.

23 CLERK MULLER: Your three minutes have
24 expired.

25 MR. VOKER: I don't think that -- I

2 think that, in terms of this, we would like to
3 present this to the board and present this to the
4 legislature for the action which these
5 signatories request.

6 Thank you so much.

7 LEGISLATOR GONSALVES: Mr. Volker,
8 please give it to the gentleman at the desk, and
9 we will submit it to the county executive.

10 MR. VOLKER: Also, I am submitting from
11 Pace Law Review, an article by Mr. Brickman on
12 the role of civilian organizations with prison
13 access and citizen members, *The New York*
14 *Experience*. It explains how these visitors'
15 boards, these types of civilian oversight, can be
16 helpful to the county and the correctional
17 center.

18 LEGISLATOR GONSALVES: Again, Mr.
19 Volker, submit it to the clerk and we will
20 distribute it to the rest of the legislature.

21 Thank you for coming.

22 Legislator Jacobs. Mr. Volker.

23 LEGISLATOR JACOBS: Judy. Hi.

24 MR. VOLKER: Yes.

25 LEGISLATOR JACOBS: We met for a while.

2 MR. VOLKER: Yes, we did. Thank you for
3 your interest.

4 LEGISLATOR JACOBS: I did write to the
5 county executive. I'm waiting at this point for
6 an answer. I also wrote to the prior two county
7 executives to try to find out why something was
8 created and never acted upon, and there might be
9 a legitimate reason. I don't know. I'm not
10 excusing that. I'm just saying to you I think it
11 behooves us to find out what the history was.

12 I know Mr. Gulotta very well. I
13 certainly know Mr. Suozzi very well. I know
14 under Mr. Gulotta this was formed and unanimously
15 passed by the Board of Supervisors. So you would
16 have to think there was some kind of a -- I don't
17 want to use the word urgency, but obviously
18 something in a bipartisan way everybody agreed
19 with. Somewhere along the line, right after
20 that, it never happened, of course, under Mr.
21 Suozzi. I believe it may have started in the
22 latter years of Mr. Gulotta. The federal
23 government had come in to do oversight at the
24 jail, which may have, in their minds, rendered
25 the visitors board not necessary. Now here we

2 are at another administration. Before we jump, I
3 want to make sure we walk, and get these answers.

4 Now, I just met with you I believe on
5 Thursday, maybe Friday -- Thursday or Friday of
6 last week. Today's Monday. So I have not gotten
7 any answers yet, and I think once we do, then we
8 should really see what the answers are and if
9 they make sense or not to us.

10 I know you gave a very good group of
11 people who are interested. But the actual
12 appointments are done by the county executive not
13 by us. Let's see what happens. I don't want you
14 to think it went unheeded when I met with you. I
15 did get it out to most of -- a lot of the
16 legislators, so that everyone would know.
17 Certainly it went out to the county executive,
18 and the sheriff, and different people that should
19 know that this was going out.

20 MR. VOLKER: Thank you so much. I
21 certainly didn't think that it went unheeded. I
22 do hope, though, that this will not delay the
23 process. Just as there is an urgency for these
24 contractors to be paid, there is an urgency that
25 the visitors at the county jail begin to be

2 treated with the respect and human dignity that
3 they deserve and that the law calls for, and not
4 to be discouraged. They stand out in the pouring
5 rain, in the freezing cold, thunder and
6 lightning; I've seen it with my own eyes. And
7 these people, when there's adequate, more than
8 adequate space for them to be sheltered. So the
9 visitors certainly need as much as urgent as this
10 contractor issue is, this is also urgent. I hope
11 that the legislators take as much interest in
12 this as in the payment of the contractors, which
13 is certainly worthy and just.

14 And there's other issues as well, and
15 you'll hear about them. There's medical issues;
16 whether the prisoners are receiving the medical
17 treatment or not.

18 So I just want to response to that, that
19 I do appreciate everything you're doing, Mr.
20 Jacobs, and I look forward to the responses you
21 receive. Thank you so much.

22 LEGISLATOR JACOBS: And I think no
23 matter whether it's the contractors or the
24 visitors to the jail, that due diligence is
25 probably one of the most important things. We

2 shouldn't circumvent in any case. And I think
3 that's what everyone -- at least that's what I'm
4 aiming for in this issue.

5 MR. VOLKER: I appreciate that. Thank
6 you so much.

7 LEGISLATOR GONSALVES: Thank you, Mr.
8 Volker.

9 MR. VOLKER: Thank you.

10 LEGISLATOR GONSALVES: Pamela Neely.
11 Pamela Neely? Is she here?

12 MS. NEELY: My name is Pamela Neely, and
13 I'm the co-director of Nassau Inmate Advocacy
14 Group. I too am speaking on the visitors
15 committee.

16 One of my positions is to correspond with
17 some of the inmates present and former inmates in
18 the county jail. And I constantly hear a lot of
19 complaints, and it's very, very discouraging
20 because they're talking about -- one of the
21 complaints is the visitors, family visits in
22 there, what they have to go through for visiting.
23 There's poor medical care over there, and there's
24 a lack of heat, without having proper clothing,
25 and the list can go on and on. And I'm not here

2 to talk to you about the complaints. I'm here to
3 ask you to help us to get this visitor's board in
4 place.

5 Thank you.

6 LEGISLATOR GONSALVES: Thank you,
7 Pamela, for coming.

8 Morris Glen Levine.

9 MR. LEVINE: Yes. My name is Morris
10 Glen Levine. I was a former inmate at the Nassau
11 County Jail. And I stayed there 47 days, from
12 August 8 through September 21 of this year.

13 I experienced a lot of difficulties when
14 I was in jail. As you know, I spoke before about
15 my difficulties. I have several medical issues
16 that I had to deal with when I was in jail, such
17 as I have a -- I need to be on a Gluten-free
18 diet; I was not given my Gluten-free diet. I was
19 not given my blood pressure medication, which I
20 have severe high blood pressure. And I was not
21 given my asthma medication, which I was -- I had
22 a lot of problems breathing and they wanted to
23 give me the wrong medication, which I'm highly
24 allergic to. They didn't even know the
25 difference between the rescue inhaler and a

2 maintenance inhaler. For anybody who has asthma,
3 it's not something to play with. Also, one day I
4 had chest pains and they wanted to give me
5 Tylenol, just for chest pains. No EKG. No other
6 medical tests to see why I was having chest
7 pains, which I do have E-Fib. And I was not
8 given my E-Fib medication.

9 Also, there was no services for somebody
10 like myself who is Jewish. There was no rabbi
11 there.

12 Just recently, as you know, about two and
13 a half, three weeks ago, on a Saturday there was
14 this death. Somebody got beat up. One of the
15 inmates got beat up at the Nassau County Jail and
16 died. Why does this have to happen when all
17 we're asking for is the board of visitors? The
18 board of visitors would actually protect and do
19 advocacy when there's problems in the jail. Why
20 does somebody have to die? This has been in the
21 Charter since, in your Charter for 22 years. Why
22 can't it be implemented the way it should be?
23 Why? Because nobody cares. Nobody cares about
24 us because we're a minority. And guess what?
25 We're not a minority. We're the majority.

2 As a matter of fact, I'm handing you
3 over, to all you legislators, I'm handing you
4 over copies of what we're asking for and the
5 project we're asking for. It's free. We're not
6 asking for money. It's in the Charter already.
7 There's no reason why it cannot be implemented
8 the way it should be. I don't understand. What
9 does it have to be? It has to be one of you
10 people or when of your family members has to be
11 in the jail to realize that there's problem?

12 CLERK MULLER: Your three minutes have
13 expired, sir.

14 MR. LEVINE: Please get on this. Wake
15 up and smell the coffee.

16 LEGISLATOR GONSALVES: Mr. Levine, just
17 give that to Michael here and he'll give it to
18 the clerk for distribution. Thank you very much.

19 Claudia Borecky.

20 MS. BORECKY: Claudia Borecky, President
21 of the North and Central Merrick Civic
22 Association, and a founding member of the Sludge
23 Stoppers. And I'm here to talk about the fact
24 that the republican majority voted to sell or
25 lease three of our sewage treatment plants as

2 part of the budget.

3 You're counting on this income as if it's
4 already part of the budget and as if it's already
5 a done deal, and yet we never heard about this.
6 How can you sell our assets from under us without
7 even asking us? Then again, after that, you
8 signed a contract with Morgan Stanley, paying
9 them \$100,000 a quarter, \$500,000 in total, for
10 making a deal with an investor to sell or lease
11 our three plants. So what we have here is Morgan
12 Stanley, who will make no less than \$5 million if
13 you broker a deal, whether it's a good deal or
14 bad deal, and you have the county executive who
15 is just looking to fill the gap, and there is
16 nobody in this conversation from the people that
17 are protecting the rights of the people, the
18 safety of our families and our environment.

19 Our sewage treatment plants are already
20 operating in the black. There's over \$74 million
21 in reserves. So we don't understand why you are
22 selling them. They are our assets and they
23 belong to us. We need to be part of the
24 conversation.

25 In my community we have a private water

2 company that we pay our water bills to, and we
3 are paying three times more than those who are
4 paying for public water. The same thing is going
5 to happen with the sewage treatment plants. No
6 one is going to invest \$1.3 billion without
7 expecting to reap huge profits off our tax
8 dollars. This is nothing more than a backdoor
9 tax. You and your republican colleagues voted
10 for this tax increase. We can't afford it.

11 I don't want to have to worry about
12 whether I can afford to flush the toilet; that's
13 what it's come down to. I don't want to read in
14 tomorrow's paper that a bidder is already awarded
15 and an agreement is signed, and we didn't hear
16 anything about this.

17 We are asking for a citizen advisory
18 committee to be chosen by we, the people. And
19 we, the people, do not want to be left in the
20 dark any longer, like you did with Veolia, the
21 transportation. We want a say in what you decide
22 to do with our assets. So we're asking for
23 public hearings now, not after the deal's already
24 made on the day of the vote, and we're asking for
25 public input now. We'd like to be included in

2 the conversation.

3 LEGISLATOR GONSALVES: Ms. Borecky, I
4 would like you to know that no action has been
5 taken by this body. Right now we're looking into
6 the findings that may come forth by Morgan
7 Stanley. Until then, no decision to private or
8 form a public/private partnership on the sewage
9 plants is being considered at this point.

10 MS. BORECKY: The --

11 LEGISLATOR GONSALVES: Go ahead, Ms.
12 Borecky.

13 MS. BORECKY: The RFPs went out. The
14 RFQs went out, and they've already chosen three
15 companies. Three companies are putting their
16 bids in. And, as I understand it, they will be
17 deciding -- the bids are up tomorrow. I don't
18 want to see a deal that we don't have to have a
19 say in. We would like to see what's going to be
20 happening. So to say that it's not happening,
21 that's not true. You voted to put that money in
22 the budget. You're counting on the \$1.3 billion
23 to fill the budget.

24 LEGISLATOR GONSALVES: Excuse me. Ms.
25 Borecky, listen to me. That may be true, but

2 those RFPs or RFQs are preliminary actions on the
3 part of the administration. Until anything is --
4 until this body considers the public/private
5 partnership on the part of the administration, no
6 action has been taken and will be taken until we
7 are fully versed on what's going on.

8 Right now I have Legislator Ford who
9 would like to speak to you.

10 LEGISLATOR FORD: As you are aware, we
11 have a Western Bays working group that has paid a
12 lot of attention to, of course, the Western Bays,
13 and watched the Cedar Creek and also the Bay Park
14 Sewage Treatment Plant. As a matter of fact, we
15 had a meeting last week with the group, and
16 Deputy County Executive Rob Walker did come in
17 and briefly address us on the issue of the sewage
18 treatment plants. Yes, RFPs did go out for an
19 operator, that they will be looking at that.
20 After they -- if they decide to choose an
21 operator, it has to come before us. And it won't
22 be until next year, if they do make any changes,
23 whether or not to have a private operator or to
24 have somebody then to lease property to somebody
25 else, to help in coordination with an operator to

2 run those sewage treatment plants. That has not
3 come before us.

4 Just to let you know, one of the
5 recommendations that had been made at that
6 Western Bays meeting was that perhaps somebody
7 from an environmental group, beyond on the board
8 of the people that are meeting in regard to these
9 sewage treatment plants, said that they can
10 express their concerns as to if it does go
11 private what needs to be done to protect our
12 waterways and to make sure that the sewage
13 treatment plants operate in accordance with state
14 law and federal law.

15 This is not something that we're, you
16 know, turning a deaf -- a blind eye to. That we
17 are looking at this and we're trying to follow it
18 up as much as we can.

19 But I also want to point out, you know,
20 that as you talked about under the republicans.
21 I just want to point out to you and everyone else
22 that, yes, it was under the republicans some
23 votes were taken. When one of the most important
24 things that we did was to allocate and make sure
25 that the work was done at the Bay Park Sewage

2 Treatment Plant, to finally repair a lot of the
3 damage that had gone on unfixed for many, many
4 years, prior to Ed Mangano taking over. And
5 also, even though there was a lot discussion
6 about having the Jones Beach Sewage Treatment
7 Plant brought over to the outflow pipe of the
8 Cedar Creek Park. It wasn't until Ed Mangano
9 took over, under the Republican Party, that
10 finally the work has been started and soon to be
11 completed, that the Jones Beach Sewage Treatment
12 Plant will not be pumping out into Zach's Bay
13 anymore, but will go to the outflow pipe, along
14 with Cedar Creek.

15 I think that I would also urge you to,
16 like, look at the records of everybody here. And
17 maybe you may not agree with all the votes that
18 we've taken, but I have to say that we've done a
19 lot of good also for this county and especially
20 with our sewage treatment plants.

21 MS. BORECKY: Thank you, Legislator
22 Ford. I know that you and also Legislator
23 Denenberg have been very active on the Western
24 Bays. I've been to many of those meetings. And
25 I think it's a wonderful thing, the way they're

2 studying, to see how we can improve our bays.
3 However, if this becomes a private sale, there is
4 no guarantee that this new company will take any
5 of those issues into consideration. Why would
6 they invest money in improving our bays if
7 they're not going to make profits out of it?
8 It's profit driven.

9 LEGISLATOR FORD: We're not selling.
10 It's not a -

11 LEGISLATOR GONSALVES: Let's be clear.

12 LEGISLATOR FORD: sale of the sewage
13 treatment plants.

14 LEGISLATOR GONSALVES: It's not a sale.

15 LEGISLATOR FORD: What it is is they're
16 -- what the RFP is is to find an operator. Once
17 they choose an operator, then the county will
18 determine whether or not they will lease the
19 property. The county will not give up the
20 property. They will continue ownership of the
21 Bay Park Sewage Treatment Plant, that is
22 basically what has been explained to us. It's
23 the same thing, regardless. And it's not a given
24 that it is going to go to a private operator.
25 This is something that we have to look at. And

2 we are going to have hearings on this. We want
3 to make sure that we follow our due diligence on
4 something like this because it does impact not
5 only all the residents in Nassau County but also
6 our environment, as well.

7 Regardless of whether or not somebody is
8 a public or private, they would have to adhere to
9 the same laws, whether or not you're a private
10 operator or a public operator. So, I mean, it's
11 not something that we're just going to give over
12 to somebody and then let them do whatever they
13 want, if they want to damage the Western Bays.

14 We've invested a lot of time, money, and
15 effort in cleaning up our sewage treatment plants
16 and trying to endeavor -- and even working with
17 New York State with this TMDL study, which we
18 need so desperately. We're looking for other
19 opportunities as well, to make sure that we
20 follow through. I think that the group in the
21 past two years, especially, has done a lot more
22 than they've done. We're really working
23 together. For us, the intent is that we don't go
24 backwards, we always go forward.

25 Regardless of who owns a sewage treatment

2 plant -- I mean, they have up in Glen Cove, they
3 have -- what is it? I can't think of the same.
4 Operating that. Do we have a lot of violations
5 from them? Are they operating it improperly?

6 MS. BORECKY: They are managing it.
7 They're not operating. There are still county
8 employees that are doing the work.

9 LEGISLATOR FORD: But still, but it is a
10 private company that's managing it, correct?

11 MS. BORECKY: A private company managing
12 is a whole different story. That's not what this
13 contract is for.

14 LEGISLATOR FORD: But, no --

15 LEGISLATOR GONSALVES: Hold on. Hold
16 on.

17 LEGISLATOR FORD: What I'm saying is,
18 regardless of who is it -- I know we're going to
19 have hearings. But we are going to make sure
20 that we follow this through because we're not
21 going to step backwards, we're going to keep
22 moving forwards.

23 MS. BORECKY: I'm just afraid with loss
24 of local control how much say we'll actually
25 have. That's why I think -- I hear you're saying

2 about hearings, but I want them now and not on
3 the day the deal is made.

4 LEGISLATOR FORD: We agree on that.

5 MS. BORECKY: Thank you.

6 LEGISLATOR GONSALVES: Mr. Denenberg,
7 let's go.

8 LEGISLATOR DENENBERG: First of all, I
9 wanted to thank you for being down here. I think
10 everything you said is extremely well taken. Why
11 we would spend public money on RFQs, just like we
12 did RFQs to come down to an operator for the bus.
13 Then what's going to happen starting tomorrow,
14 one operator out of three is going to be chosen
15 and a deal is going to be negotiated, just like
16 we did for Veolia for the bus. A deal is going
17 to be negotiated, and the 2012 to 15 multi-year
18 fiscal plan, our budget, relies on gap closing
19 actions of selling the sewage treatment plants.
20 They could say, well, it's a concession lease or
21 similar arrangement, but it's going to be 50 to
22 99 years, or, according to the budget document
23 that was voted on by the majority, it's the sale,
24 transfer, or other disposition involving all or
25 any portion of the system. Now's the time for

1 the hearings, before Morgan Stanley was hired for
2 half a million dollars to come up with a contract
3 that then we'll have a hearing only once on the
4 contract itself. You know what? We've spent too
5 much time. There's been too much money allocated
6 in capital plans. You saw how behind we are on
7 some of these. For all legislators to invest the
8 money to try to clean up the plants. But the
9 concept of a private operator is clearly going to
10 drive the price up; it does when it's water. And
11 if you're voting for Morgan Stanley and if you're
12 voting for a budget that has a billion dollars or
13 \$500 million worth of gap closing measures by one
14 shots, then you're showing that you want to
15 privatize the plant. Now's the time for
16 hearings. To say come back, go to sleep, come
17 back, we're not going to sell the plants next
18 year is to tell you to try to go away, keep it
19 quiet. Because Tim Sullivan, who is the deputy
20 county executive, and I have his testimony, he
21 said that the plan will come to the legislature
22 by the third quarter of 2012, period. And the
23 more you read that the budget shortfalls are
24 growing, the more they're going to need this gap

2 closing measure this year.

3 LEGISLATOR GONSALVES: Legislator Kopel.

4 LEGISLATOR KOPEL: Thank you. Ms.
5 Borecky, how are you?

6 MS. BORECKY: Okay.

7 LEGISLATOR KOPEL: I just want to echo
8 some of what Legislator Ford says and kind of
9 disagree with what my colleague, Dave, said, in
10 some ways.

11 I think that you've got to look back at
12 the history of what this legislature and the
13 current administration have actually done, and I
14 think you need to give us some, a little bit of
15 credit because, in fact, in fact the Bay Park
16 Plant, it's in my district, was a disaster. It
17 was a total disaster and I don't think anyone
18 says any differently. It was in danger of total
19 collapse. It's not any more. It's on the way to
20 recovery. We're not about to jeopardize that.
21 That is a wonderful record. It's a tremendous
22 accomplishment that we've made and we're not
23 going to jeopardize that. We want to move
24 forward with that.

25 The other thing that I'd like to point

2 out is people ought not to be afraid of looking
3 at something that's different. Something that's
4 different is unusual, you've got to be careful,
5 but you do need to look at it. If you go around
6 the country, this is just not an unusual thing.
7 In other words -- either way, don't misunderstand
8 and think that I'm prejudging it and saying that
9 we ought to sell it. I'm simply saying that some
10 sewage plants and other public utilities that are
11 operated by private operators, they work.
12 Sometimes they don't work. Sometimes they do
13 work. It depends who it is. It depends what the
14 contract says. Sometimes a private operator can
15 do things better, faster, and cheaper than a
16 public operator can. Sometimes they'll -- and,
17 by the way, what you do is you put performance
18 guarantees into a contract, and performance
19 guarantees have financial incentives and
20 financial penalties to make sure that it works
21 right. There's nothing that drives a private
22 operator better than financial incentives and
23 penalties.

24 So, all I'm suggesting to you is that
25 you're correct in being concerned. You're

2 correct in watching. You're correct in wanting
3 to make sure that this gets done right. But I am
4 further suggesting that give it a little time and
5 watch the process unfold, and trust that we're
6 going to make tremendous progress, that we're
7 going to make more progress and not let what
8 we've already done go to waste.

9 MS. BORECKY: Legislator Kopel, thank
10 you. But I'd like to let you know that I've done
11 a little bit of research. Sometimes people think
12 that the private enterprises can do it better,
13 but actual records show that they haven't.

14 In fact, the very claim that Morgan
15 Stanley makes of both doing a deal between
16 Indianapolis was a deal that Indianapolis, the
17 City of Indianapolis took back their water from
18 Veolia because it didn't work out. The very deal
19 that they're talking about is publicizing their
20 water from the private company that's one of the
21 bidders that failed them.

22 LEGISLATOR KOPEL: You're talking about
23 the bus contract now?

24 MS. BORECKY: No.

25 LEGISLATOR KOPEL: Veolia?

2 MS. BORECKY: I'm talking about sewage
3 treatment plants in Indianapolis. The very
4 example that Morgan Stanley uses as their success
5 story was taking back perfect water from a
6 private company, Veolia, one of the bidders. I
7 can give you stories about the other two bidders
8 as well.

9 LEGISLATOR KOPEL: You're completely
10 right, by the way, when you say that sometimes
11 private operators don't do a good job. I can
12 also tell you that public operators sometimes do
13 a bad job, and the proof is right over here in
14 our own plants. They did a terrible job. So,
15 you know, we've got to be careful; I think that's
16 the only lesson that we need to learn.

17 Public operators can do a terrible job.
18 Private operators can do a wonderful job, and
19 vice versa. We've just got to be careful, and we
20 will be careful.

21 MS. BORECKY: I think we just need public
22 oversight.

23 LEGISLATOR KOPEL: For sure.

24 MS. BORECKY: These sewage treatment
25 plants were blue ribbon plants at one time. Yes,

2 they were let go. And I thank you for fixing
3 that Bay Park area. Thanks to our Sludge
4 Stoppers for bringing it to your attention when
5 it was leaking for eight months without anybody
6 knowing about it, which is another issue about
7 the Right to Know Spill Bill.

8 The point is privatization isn't always
9 the answer. The public eye's on what's happening
10 is the way to go, that's what I believe.

11 Thank you.

12 CHAIRMAN SCHMITT: Thank you very much.
13 Just stay tuned. And as the process moves
14 forward and the item hits the legislature there
15 will be hearings. We look forward to your input.

16 MS. BORECKY: I'd like hearings before
17 it reaches the legislature. I'd like them now,
18 in the process.

19 CHAIRMAN SCHMITT: But we'll have them
20 when we have them.

21 Okay. John Webber.

22 MR. WEBBER: Thank you. My name's John
23 Webber. I work for the Surf Rider Foundation,
24 which is a coastal environmental group. And I,
25 too, am here because hundreds of our members in

2 Nassau County are concerned with the sewage
3 treatment plants. And of course, most of them
4 are working at this hour, so I am speaking on
5 their behalf.

6 This concerns our organization because it
7 was one of our members that videotaped, out of
8 his living room window, videotaped the horrible
9 failures of the Bay Park Sewage Treatment Plant
10 and put those illegal, criminal discharges of raw
11 sewage on You-Tube. So, while my organization
12 would say we would be the first to say yes, the
13 administration took action and fixed it, that
14 wouldn't have happened unless it was one of my
15 members with a video camera that took that action
16 and put that up on You Tube. Legislator Ford,
17 you mentioned it, and Legislator Kopel, you
18 mentioned it, and don't think that would've
19 happened unless one of my members put that up on
20 You Tube.

21 And the same person, as well as myself,
22 have been going to these meetings of the Western
23 Bays working group; attended by county officials,
24 representatives of the administration. No less
25 than half a dozen people that are sitting up

2 there have come to these meetings over the last
3 year. Never has this -- until the very last
4 meeting -- this plan to possibly lease the sewage
5 treatment plants has never been mentioned. We're
6 talking about the Western Bays. We're talking
7 about the health of the bays. We're talking
8 about Bay Park. We're talking about all that
9 stuff. We're talking about Spill Bill. It's
10 never mentioned. So my question is why all the
11 secrecy? Why do we have all the secrecy about
12 this potential lease?

13 It sounds like it was in a budget that
14 was approved. Sounds like you're counting on the
15 revenue. Sounds like it's almost a done deal.

16 CHAIRMAN SCHMITT: Excuse me. What do
17 you mean secrecy?

18 MR. WEBBER: What I just explained,
19 Legislator Schmitt. We've been going to these
20 Western Bay meetings, been having these meetings
21 for a year, talking about the Western Bays,
22 talking about --

23 CHAIRMAN SCHMITT: This has been listed
24 in the multi-year plan. It's been -- I mean,
25 we're talking about it now. It's been out there

2 and discussed. There's no secrets here that it's
3 being looked at. The Morgan Stanley contract
4 talks about it.

5 MR. WEBBER: Right. So my point is at
6 the Western Bay meetings that's attended by
7 county officials, that knew that this was in the
8 works, it was never mentioned until it was in
9 *Newsday*, and the documents that you just
10 referenced were in brought to the light of day.
11 That's all I'm saying. We're having these
12 meetings about the bays and nobody ever mentioned
13 this.

14 Since you brought up Morgan Stanley. My
15 question is why is Morgan Stanley getting paid
16 \$100,000 a quarter to facilitate a deal that
17 nobody's had the opportunity to comment on yet?
18 I just heard, you know, through the previous
19 speaker that we're going to have hearings when we
20 have hearings. But, in our opinion, there should
21 have been hearings before we're even discussing
22 the possibility of putting out these RFQs. It
23 seems like it's gone the other way around.

24 The first speaker from the construction
25 association, based on what he said I've got to

2 ask this question. Did Morgan Stanley get paid
3 this quarter? They got paid. Okay. So it
4 sounds a lot to me like the guys who wear hard
5 hats and construction boots, they're not getting
6 paid, but the Wall Street bankers are getting
7 paid.

8 CHAIRMAN SCHMITT: The financial
9 breakdown of the county that was explained at
10 great length when we were discussing the
11 situation with Mr. Herbst, the money for his
12 people is bonded money. They're waiting for it
13 to be approved by NIFA. It's bonded. The money
14 from Morgan Stanley comes out of operating funds.
15 That means you just write a check and give it to
16 them because it's sitting in the bank.

17 MR. WEBBER: I understand. My point is
18 people of the county should get a chance to talk
19 about this, this concept of leasing these plants
20 before these RFPs went out and before any of this
21 happened. That's all.

22 LEGISLATOR DENENBERG: To the Chair,
23 question to you. Mr. Schmitt.

24 CHAIRMAN SCHMITT: Mr. Denenberg.

25 LEGISLATOR DENENBERG: Before September

2 when we got a copy of the 2012-15 multi-year
3 financial, I, personally, and no one in my caucus
4 knew that the county had engaged Morgan Stanley
5 as a self-sided advisor to assist in evaluating a
6 public/private partnership. Are you saying you
7 knew for the last year?

8 CHAIRMAN SCHMITT: I'm not sure when I
9 knew.

10 LEGISLATOR DENENBERG: I can certainly
11 say that it came as a surprise --

12 CHAIRMAN SCHMITT: I'm sure it was
13 before you, but I'm --

14 LEGISLATOR DENENBERG: to every member
15 of my caucus.

16 CHAIRMAN SCHMITT: when I knew.

17 LEGISLATOR DENENBERG: If you knew
18 before me, it just goes to show that I would
19 agree then with Mr. Webber; that before such a
20 monumental decision's being made and someone's
21 engaged to conduct in a self-sided advising to
22 assist on a public/private partnership, the
23 public should know and we should have hearings.

24 CHAIRMAN SCHMITT: Anything else?

25 MR. WEBBER: No.

2 CHAIRMAN SCHMITT: Thank you.

3 John Jaronczyk.

4 MR. JARONCZYK: Good afternoon, Mr.

5 Schmitt and ladies and gentlemen of the
6 legislature. I don't know if all of you are
7 aware of this. On January 9 I attempted to
8 address the Public Safety Committee. I was not
9 allowed to do that at that time. So the reason
10 why I am here now is on January 12 they demoted
11 30 correction corporals at the correctional
12 center.

13 Now, this is not about salary. This is
14 not about the money those correction corporals
15 are out. This is about the safety at the jail.
16 Now, to you, I don't know if you understand what
17 demoting 30 frontline supervisors means in a
18 correctional type facility. In the meantime, I
19 wrote a letter to Legislator Dunne, who is the
20 chairman of the Public Safety Committee, and I
21 cc'd every legislator just to clearly show the
22 issues we have with these demotions.

23 Now, the next day after the demotions our
24 union was in court. We believe the demotions
25 were done illegally and unlawfully, and that's an

1 issue to be decided by a judge for a different
2 day. But what I'm here today to show you is the
3 problems that are at the jail right now, and
4 you've heard a lot of them before, but the
5 problems about security at the jail now.

6
7 Now, on any given day there's anywhere
8 from 17 to 19 housing areas that require corporal
9 supervision. Since January 12 we have had ten.
10 So, every day there's seven or eight housing in
11 the areas that have no frontline supervisor
12 working there. Now that's for one tour. For the
13 day it's 14 or 16 areas that are not supervised
14 by a corporal. When we're at maximum capacity,
15 there's 21 housing areas that we have at the
16 jail. Again, then we'll be short 11 corporals at
17 that point.

18 And I'm not here to beat up the sheriff.
19 I'm not here to beat up County Executive Mangano.
20 I understand everyone has a job to do. But they
21 also have a job to do to run the jail safely for
22 the officers, for the inmates, and for the
23 visitors that come there.

24 Now, since 2009 we've had over a ten
25 percent reduction in correction officers

2 staffing. Our headcount has gone down 10
3 percent. Since 2009, we've had a 40 percent
4 reduction in frontline supervisors in corporals.
5 It doesn't take a rocket scientist to figure out
6 that if it normally costs you \$100 to fill up
7 your gas tank and you can go 200 miles for the
8 week, if you only pay \$60 you're not going to get
9 that same 200 miles out of that \$60 worth of gas;
10 it's no different with supervision at the jail.
11 If you reduce the supervisors by 40 percent,
12 you've lessened security at the jail.

13 I know County Executive Mangano had his
14 spokeswoman say that we're just being silly and
15 childish and supervision has not been reduced.
16 But I'm not here to tell you it has. It
17 absolutely has.

18 All of this was for a total salary
19 savings of just over \$214,000. So right now this
20 legislature voted to approve these demotions to
21 save \$214,000 worth of money, for 30 corporals.
22 It's not a lot of money. One lawsuit and that's
23 gone exponentially. And it's happened before in
24 the past. In the early 1990's they tried to cut
25 corners at the jail. They had one officer patrol

2 two observation tiers and that saved money at the
3 time, until an inmate was assaulted by another
4 inmate. The officer was on the other tier, and
5 that inmate was awarded \$900,000. So the money
6 they were looking to save in 1992, they paid back
7 tenfold. This is no different.

8 I'm asking you to rethink your decision
9 about the corporals. Now I know what the
10 answer's going to be. I'm not holding my breath.
11 I'm just telling you you don't realize what's
12 happened at that jail.

13 So far, year to date, just this month
14 alone, today's January 30, we've already had an
15 inmate homicide at the facility. That was before
16 the demotions. They started off the week with an
17 inmate homicide and they ended the week by
18 demoting 30 frontline supervisors, to save
19 \$214,000. That doesn't make much sense to
20 anybody.

21 CLERK MULLER: Your three minutes have
22 expired.

23 MR. JARONCZYK: Thank you very much.

24 They've already had 20 uses of force by
25 staff to stop inmates' aggressive and lawful

actions. They've had at least 25 officers sustaining injuries in performance of their duties as correction officers. This past Friday alone an officer was assaulted at the gatehouse by an ex-inmate who was there to post bail. And he's posting bail for a currently incarcerated person. Now, the gatehouses are opened 24 hours, seven days a week, 365 days a year.

CHAIRMAN SCHMITT: Could you wrap up, please?

MR. JARONCZYK: No problem, Legislator Schmitt.

But, unfortunately, only during the 40 hours of the current visiting are the gatehouses doubled up, where there are two officers there. So for 76 percent of the time that gatehouse officer is by himself. They are allowing people to come in 24 hours a day, seven days a week to post bail or to put money on inmate's account, but the officer is there by himself. We had over 40,000 people come and visit the jail last year, and you add to that number the list of people posting bails and dropping off money and you have a lot more visitors at the jail. You've got one

2 officer alone, vulnerable to unlawful visitors
3 and you can see why there are problems at the
4 jail.

5 This is not about salary. It's about
6 safety. All these moves were done to save
7 \$214,000. It doesn't make sense.

8 Like I said, I cc'd everyone a copy of
9 the letter. I met with Legislator Dunne. I met
10 with Legislator Gonsalves. I met with a lot of
11 legislators up here. I'm always here to talk
12 about it. I'm not here to beat up Sheriff
13 Sposato. I'm not here to beat up County
14 Executive Mangano. But they have a duty and an
15 obligation to run that jail safely, and that's
16 not being done.

17 Thank you.

18 CHAIRMAN SCHMITT: Thank you.

19 You're asking us to reconsider our
20 decision to demote those corporals. That was not
21 our decision. That was not a decision made by
22 this legislature. That was a decision made on
23 the second floor in the administration, the
24 county executive and his people, and you should
25 be asking them to reconsider.

2 LEGISLATOR DUNNE: Through --

3 CHAIRMAN SCHMITT: Audrey Mames.

4 LEGISLATOR DUNNE: I just wanted to
5 straighten out one part of what John had
6 mentioned.

7 John, just to have it on record. When
8 that prisoner was killed on a Saturday, that
9 Monday you came in to speak, not knowing what you
10 were going to say -- and having to be in the
11 position where we have to protect Nassau County -
12 - not knowing what you were going to say. Two
13 reason that I wasn't able to hear what you had to
14 say at that meeting. Well, three reasons.

15 One. We go on what the agenda is and
16 that's it, unless there's something I want and I
17 bring you up to question you on. That's one.

18 Two. That young guy was murdered on
19 Saturday and here it was Monday. I didn't know
20 if you were going to say something on the record
21 that could put us in a bad light if we are sued.
22 That morning on News 12 the mother said she was
23 going to sue us. So I didn't want anything to go
24 on record that could hurt the county. Your not
25 knowing or my asking a question could have hurt

2 our chances if, in the event, there is
3 litigation.

4 Number three. I wanted the entire
5 legislature to be here to hear what you had to
6 say, and I'm glad we did. What you did say
7 interests all of us, not just the few that's on
8 that committee. So it's very important that you
9 speak to the entire legislature and give us your
10 feelings of what's going on in the jail in your
11 eyes. So that's the reason why I didn't have you
12 speak at that public committee, the public safety
13 committee.

14 MR. JARONCZYK: I appreciate that,
15 Legislator Dunne. And just for the record, I
16 told you that day and I told you since we met, I
17 was not there to talk about the inmate homicide
18 that happened at the jail because it was still
19 being investigated by the proper authorities and
20 I was not going to comment on something that was
21 still under investigation. But I was there to
22 talk about the impending demotions of the
23 corporals and the public safety issues we have at
24 that jail, and that's what I was talking about.

25 And they started off that week with an

2 inmate homicide, and they ended that same week by
3 demoting 13 corporals, which to me is asinine.

4 LEGISLATOR JACOBS: John, I just want to
5 say something.

6 CHAIRMAN SCHMITT: Legislator Jacobs.

7 LEGISLATOR JACOBS: I'm sorry.

8 First place, I can't believe what I've
9 just heard. Certainly, at every committee
10 meeting there shouldn't be -- we should not be
11 censoring the people that want to get up and
12 speak to us. If something is touched upon during
13 a comment that we don't have to exchange ideas on
14 it and we could say we'd like to say that that's
15 not the proper place to discuss this.

16 I feel badly for you. I feel badly for
17 anyone out there who gets up to speak. And we're
18 going to be the censors of whether we think you
19 should speak or not. Let me tell you, there
20 isn't a committee meeting that goes on here that
21 is not open to the public, and sometimes I think
22 we forget that. I apologize. I apologize.

23 CHAIRMAN SCHMITT: Legislator Ford.

24 LEGISLATOR FORD: John, thank you. I
25 just want clarification. I don't know if I heard

2 you properly. When you talk about the offices,
3 the guard shack --

4 MR. JARONCZYK: The gatehouse.

5 LEGISLATOR FORD: The gatehouse. I'm
6 sorry. In the past there had always been two
7 officers in that guardhouse and now there's just
8 one?

9 MR. JARONCZYK: There were additional
10 patrol vehicles and additional gatehouse officers
11 that were there. Now it's down to one officer.
12 And during the visiting hours there's two
13 officers there.

14 LEGISLATOR FORD: Just the two.

15 MR. JARONCZYK: It's been intermittently
16 one and two officers.

17 LEGISLATOR FORD: You said the visiting
18 hours is 24 hours a day --

19 MR. JARONCZYK: No, no. The visiting
20 hours are not 24 hours a day. The jail has to
21 accept anyone who is posting a bail 24 hours a
22 day.

23 LEGISLATOR FORD: Okay.

24 MR. JARONCZYK: So even when visiting is
25 closed and that officer is by himself, someone

2 could come and post bail to bail out another
3 incarcerated person. As a matter of fact, what
4 happened on Friday, even though it did happen
5 during visiting hours, it was not a visitor going
6 in. It was someone going to try to post bail,
7 and he assaulted the officer. So had that been
8 done when there was only one officer there, it
9 could lead to a more serious problem.

10 LEGISLATOR FORD: So then the officer
11 would be in the gatehouse.

12 MR. JARONCZYK: Correct.

13 LEGISLATOR FORD: And if there's only
14 one and somebody wants to come in to post bail,
15 does he have to leave his post to bring that
16 person there or he just lets them in?

17 MR. JARONCZYK: He doesn't have to leave
18 his post, but he's by himself out there. That's
19 really the issue.

20 LEGISLATOR FORD: Thank you very much.

21 CHAIRMAN SCHMITT: Legislator Bosworth.

22 LEGISLATOR BOSWORTH: Thank you,
23 Presiding Officer.

24 John, I think we all have to take very
25 seriously the concerns that you're bringing to

1 us. When we first heard about the demotions many
2 of us here expressed that concern. And I
3 understand that there are tremendous budget
4 challenges that we're facing that the county
5 executive is working very hard to address them.
6 But when it comes to public safety, when it comes
7 to the safety of our officers, I don't think
8 there's room to play with that.

9
10 I know that the minority caucus did vote
11 against that. So to say that we had nothing to
12 do with it I think is -- that's why we have a
13 system of checks and balances. The executive
14 makes one recommendation and it's up to us to
15 either support it or not support it. Clearly it
16 was supported by more people than wasn't and
17 that's why it was put into place.

18 I'm concerned about it. I think it's
19 something we do need to address. I'm so glad
20 that you're coming to us, so that no one can ever
21 say we didn't know. We know, you're telling us.

22 MR. JARONCZYK: Legislator Bosworth, my
23 point here, again, and I've said this three times
24 already. I'm not here to beat up Sheriff
25 Sposato, and I'm not here to beat up County

2 Executive Mangano, but they have a duty and an
3 obligation to run a safe jail. Now, if we don't
4 learn from the mistakes of our past, we're doomed
5 to repeat them. If we don't see the warning
6 caution lights and we ignore them, what's going
7 to happen? People didn't heed the warnings of
8 the crime lab and look at the problems there.
9 I'm just here trying to tell you that we have a
10 lot of problems at that jail and people should be
11 paying attention.

12 LEGISLATOR BOSWORTH: And I think you're
13 doing that admirably. Thank you.

14 MR. JARONCZYK: Thank you.

15 CHAIRMAN SCHMITT: Legislator Denenberg.

16 LEGISLATOR DENENBERG: Just a quick
17 comment.

18 You did say on the record when you were
19 here -- and I'm reading it on the record, that
20 you were not there to speak about the incident at
21 all, you made it very clear and I compliment you
22 for it. You made it clear that you weren't
23 speaking about the incident and you wanted to
24 speak about the demotions. I couldn't agree with
25 you more, in terms of making it clear what you

2 were speaking about.

3 Like Legislator Bosworth said, whether it
4 was our decision or not as a legislative body, we
5 got to vote on the demotions and that vote could
6 be reconsidered. Thank you.

7 MR. JARONCZYK: Thank you.

8 CHAIRMAN SCHMITT: Audrey Mames. Audrey
9 Mames? No.

10 Staisha Rath.

11 MS. RATH: Good afternoon Mr. Presiding
12 Officer and members of the Legislature. My name
13 is Staisha Rath. I'm a legal intern at the
14 Nassau County Chapter of the American Civil
15 Liberties Union. I'm here again to reiterate the
16 need for the Nassau County Visitors Board and
17 Civilian Oversight. As an intern, I've been
18 awoken to the horror stories coming out of Nassau
19 County Correctional Facility. On a weekly basis
20 we receive upwards to 40 form complaints from
21 inmates and individuals currently at the Nassau
22 County facilities.

23 The inadequate medical services should be
24 -- are alarming. Prescribing generic pain relief
25 for people diagnosed with broken bones, the

1 removal of prosthetic limbs and the denying of
2 insulin and blood pressure medication for people
3 with diabetes and hypertension; that's just a
4 sample of the atrocities that are going on in
5 Nassau County's facility right now.

6
7 Just on Friday I had the honor of meeting
8 an inmate at the Nassau County facilities. His
9 hesitation to take a seat while talking with me
10 wasn't an act of rebellion, but it was a means of
11 relief. He has a slipped disc and a doctor had
12 ordered him surgery on April 23, 2011. That's a
13 surgery he hasn't been privy to as of yet.
14 Unable to sleep and sit up properly because of
15 the pain, this man is one example of why the
16 current medical policy of molting is the best fix
17 for everything is a bad and wrong inhumane
18 policy.

19 Over the past three weeks, complaints
20 have almost doubled. With the changing
21 temperatures, it's become apparent that the
22 inmates are slated to experience no heat, no hot
23 water, and over the last two weeks, no warm
24 meals.

25 Mr. Presiding Officer and members of the

2 legislature, you must take accountability to the
3 most vulnerable and most often forgotten members
4 of our society. They accountability starts with
5 the formation of this county's law, which is a
6 civilian oversight committee.

7 Thank you so much.

8 LEGISLATOR GONSALVES: Thank you very
9 much.

10 Pat Dellato or Dellato.

11 MS. DELLATO: Thank you very much. This
12 is my second time speaking here. Again, I'm
13 going to speaking about the Nassau County
14 Oversight Board, called the visitors board.

15 We have met with some of you, and I do
16 very much appreciate that and your concern.

17 I am a nurse practitioner. I have worked
18 at the Nassau County Jail in the past. I now
19 have a private office in East Meadow. I do
20 primary care and I actually do HIV specialty.

21 The inmates in the Nassau County Jail
22 have multiple co-morbidities, some of them are
23 very sick. There's drug abuse in there that
24 should be dealt with. They're mentally ill
25 inmates in there. And there are other very ill

1 inmates, some very old, that don't get the care
2 that they are supposed to get.

3
4 I know that this topic is not very
5 popular with the general public. Who cares about
6 inmates? Let them rot in there. They're
7 criminals. They've done whatever, let them stay
8 there. I know that very well. I understand
9 that.

10 I've worked there. I've seen what goes
11 on in there. If you've been in there and you've
12 met some of these people, some of, as was said,
13 the most vulnerable of our population who also,
14 by the way, return to your communities, into
15 their families, hopefully to families that they
16 have on the outside. Many of them don't have
17 families. Many of them are homeless or
18 destitute. But some of them do return to the
19 communities and they will vote and be a part of
20 our larger group.

21 Please understand that they need your
22 help.

23 Since I've worked there, I've started the
24 Nassau Inmate Advocacy Group, and we try to
25 advocate for these people who can't advocate for

2 themselves. Some of them are young drug addicts.
3 They belong in alternative treatment facilities
4 not in the jail. Please understand them and take
5 an interest not just in the human side but on the
6 fiscal side.

7 I don't know who pays for these inmates.
8 Exactly where does the money come from? How much
9 federal funding comes to support the jail? That
10 all has to be taken into consideration. Is there
11 a monetary reward for having extra inmates in
12 there, especially at election time? I must pose
13 that to you. I don't have the answers to those
14 questions. I would like to find out.

15 And that's all I have to say. One more
16 thing, though.

17 Health care guidelines are the same for
18 the incarcerated as they are for the outside
19 community, but they are not being met; I can tell
20 you that firsthand.

21 Thank you for those who have supported
22 us. We really do appreciate your caring and your
23 interest. Thank you.

24 LEGISLATOR GONSALVES: Thank you, Pat.

25 Joanne Borden.

2 MS. BORDEN: I request that the address
3 and *In Justice at Every Turn* be entered into the
4 record.

5 My name is Joanne Borden, and I want to
6 wish good luck and success to the new legislators
7 and to the new minority leader.

8 We have an important morale issue for our
9 county to endorse: transgender civil rights.
10 Laws that provide equal protection reinforce the
11 moral imperative of equality that America stands
12 for. When beginning each meeting you pledge your
13 allegiance and incorrectly end with liberty and
14 justice for all. Nassau doesn't have liberty and
15 justice for all, you know that. You fully know
16 we have liberty and justice only for some. Say
17 it the way it is; liberty and justice for some.
18 Each time you say for all, I hope you hear the
19 ring of my voice, for some.

20 You are perpetuating liberty and justice
21 for some cast shame on our county. Shame because
22 it can be made for all in a matter of minutes.
23 Your inaction is immoral. Everyone around us has
24 such a law. Nassau stands alone as a beacon of
25 bigotry, and un-Americanism, which is shame for

2 its harm to our men, women, especially our
3 children and the county, itself. Your attitude
4 partly explains why our young people are leaving
5 the county in droves.

6 I sent each of you a major study which
7 found transgender discrimination in every aspect
8 of life, and it's twice as bad for people of
9 color, emphasizing another opportunity for
10 bigotry. Bigotry based simply because someone
11 found out we were transgender. We were born
12 transgender. The lack of a local law flies in
13 the face of morality, American principles of
14 equality and basic human rights of all humanity,
15 all mankind.

16 Last year I mailed each of you the
17 details of a serious Nassau County police abuse
18 of a transgender woman. Each of you is
19 personally responsible for that. It's not the
20 police officers, it's you. You say it's okay.
21 That makes each of you personally guilty of
22 perpetuating the following abuses. Your inaction
23 is responsible for bullying at schools. Your
24 inaction is taking jobs away from people without
25 cause, hardworking people who are trying to

2 support their families. Your inaction is causing
3 people to lose their apartment because a peeping
4 tom looked through a crack in a curtain. Your
5 inaction is responsible for the inability of
6 Nassau people to enjoy freedom and pursue
7 happiness. There's no question that your
8 inaction is perpetuating bigotry and is the same
9 as you, personally, harming people of our county.
10 I urge you to start eliminating bigotry and make
11 Nassau County a better place tomorrow by passing
12 transgender civil rights now.

13 Thank you.

14 CHAIRMAN SCHMITT: Thank you.

15 Gail Whaler.

16 MS. WALLER: No, it's just me.

17 CHAIRMAN SCHMITT: Who's just me?

18 MS. WALLER: Gail Waller. We've been
19 reading numerous articles in *Newsday* pertaining
20 to the privatization of the Nassau County sewer,
21 which is inclusive of the City of Glen Cove.
22 Because through resolution by the mayor and city
23 council on December 18, 2007, ownership was
24 transferred and sold to Nassau County. After
25 reading, I learned that County Legislator

2 Denenberg from Merrick was questioning the
3 privatization of the county sewer, inclusive of
4 the City of Glen Cove's, and the legalities of
5 privatization because state and federal
6 taxpayers' money was used for the funding.

7 Sewer. A sewer, a legally defined bounds
8 of real property from which waste water may be
9 discharged into the public owned treatment plant.
10 I emphasize the word public. Bounds shall be
11 established, altered, changed, modified, reduced,
12 enlarged, combined, or consolidated by the action
13 of the Glen Cove City Council. There is no
14 action for transferring ownership or selling the
15 sewer or privatization. State and federal money
16 was used on our sewer. If there's a question and
17 a call for an investigation on the privatization
18 of the sewer, why then was there no investigation
19 on the acquisition of the resolution of the City
20 of Glen Cove's sewer by the county on what
21 appears to be conflicting? It says: Inter-
22 municipal consolidation and transfer of
23 ownership, along with a sale. This is insulting.
24 This was not an inter-municipal consolidation.
25 It was a sale. And the sale was in consideration

2 of a 15 year abatement of a sewer fee on Glen
3 Cove city residents at a value of \$28 million and
4 the county would pick up the \$4 million note paid
5 for by the taxpayers of the City of Glen Cove.
6 This was a sale. It was not an inter-municipal
7 consolidation.

8 According to my FOIL request dated 3-29-
9 11, 2011, I received a response from Glen Cove
10 regarding bids for sewer sale and advertisement
11 for bids in newspaper. Glen Cove's response:
12 "Please be advised that we searched our records
13 and no said information was found on file in the
14 city." Over 150 people piled into the Glen Cove
15 chambers for a public hearing against this sale,
16 including the CSEA. We were told we were
17 operating at a \$4 million loss, yet our sewer
18 which was "state of the art because of the
19 taxpayers' money" was only operating at a 25
20 percent capacity.

21 What you also don't know is at the time
22 of the appraised value of the sewer it was
23 between 45 and \$50 million. The council had no
24 right, nor the mayor to relinquish ownership even
25 under the New York State Constitution 51. Our

2 sewer could have generated jobs and income for
3 our city. Since the sale of the sewer to the
4 county, we had to write off another \$1.9 million
5 and the cost incurred by a golf course hookup was
6 over \$50,000.

7 The POTW is a treatment plant, defined by
8 212 of the Act 33 USC 1292, which is owned by
9 Glen Cove and includes sewer in appurtenances but
10 not pipes. 225-14 states inter-municipal
11 agreements accept sewer and other waste,
12 including industrial waste outside the service
13 area of the POTW. If the person is a
14 municipality, a sewer use ordinance will be
15 enacted. If they are not, acceptance will be
16 made only upon issuance of a waste water permit.
17 We are a municipality. We are a county. We sold
18 our sewer. We did not consolidate.

19 CLERK MULLER: Your three minutes have
20 expired.

21 MS. WELLER: I'm sorry?

22 CLERK MULLER: Three minutes have
23 expired.

24 CHAIRMAN SCHMITT: Your three minutes
25 are up.

2 MS. WELLER: 225-16 states all
3 requirements, directives, or ordinances calling
4 for mandatory use within the service of the PTOW
5 may be established and issued only by the City of
6 Glen Cove, the New York State DEC, and the USEPA
7 or other federal agency, not the county. I'm not
8 even sure if a sewer can be sold or privatized,
9 according to the New York Constitution 51.

10 CHAIRMAN SCHMITT: Would you wrap up,
11 please?

12 MS. WELLER: Yes, I will. I believe you
13 can go out for a 30 year contract on a public
14 facility, but I'm not sure if you can sell it
15 without a public referendum, and that might not
16 even include a publicly owned sewer.

17 We're calling for an investigation into
18 the City of Glen Cove's relinquishing of the
19 sewer without any public referendum, without any
20 bids, and without any request or advertising for
21 bids for our sewer, and the acquisition by the
22 County of Nassau of transfer of ownership by sale
23 of our sewer.

24 Thank you.

25 CHAIRMAN SCHMITT: Thank you.

2 Charles McAllister.

3 MS. WELLER: Excuse me. May I ask you
4 one more question? I'm sitting here and I'm
5 listening to people speak. I'm not here as a
6 political tool. I hear people saying republican,
7 democrat. I'm here because I'm a resident of the
8 City of Glen Cove, and I hope I'm taken very
9 seriously. I'm not an idiot. I'm in real
10 estate. And when I see an inter-municipal sale
11 of consolidation and the acquisition by the
12 county, that is a sale. And I'm more concerned
13 not just about privatization and the legality,
14 how can this be basically insulting? This was
15 not an inter-municipal -- you're all bright up
16 there. An inter-municipal consolidation does not
17 involve a sale. That's a consolidation and
18 combining --

19 CHAIRMAN SCHMITT: But you've had --

20 MS. WELLER: of two municipalities.

21 CHAIRMAN SCHMITT: You've said that.

22 And you've had your three minutes. I don't
23 understand the point here.

24 MS. WELLER: My complaint is why nobody's
25 asking me anything, County Legislator Schmitt.

2 CHAIRMAN SCHMITT: Because what's to
3 ask? What's to ask?

4 MS. WELLER: I don't know.

5 CHAIRMAN SCHMITT: They did what --

6 MS. WELLER: You seem to be all flippant
7 on your end.

8 CHAIRMAN SCHMITT: They did what they
9 did. The county is stuck with the Glen Cove
10 Sewage Treatment Plant.

11 MS. WELLER: What do you mean stuck?

12 CHAIRMAN SCHMITT: We get to pay --

13 MS. WELLER: We had a state-of-the-art
14 facility.

15 CHAIRMAN SCHMITT: \$3 million a year to
16 the City of Glen Cove for the pleasure of
17 allowing them to run the plant. It's what we
18 deal with.

19 MS. WELLER: Show me where there was a
20 bid.

21 CHAIRMAN SCHMITT: It doesn't belong
22 here. I'm not arguing with you. I voted against
23 the stupid thing. The thing stunk from high
24 heaven to begin with.

25 MS. WELLER: Right. So let me ask you a

question. If you were my county legislator and you are representing us, I don't understand why you accepted this.

CHAIRMAN SCHMITT: Because Tom Suozzi had to bailout Ralph Suozzi.

MS. WELLER: You got that right.

CHAIRMAN SCHMITT: Well, there you go.

MS. WELLER: So, wait a minute.

CHAIRMAN SCHMITT: And when they were in charge down here, Diane, the former presiding officer, who was from Glen Cove, did what she was told. And that's the beginning and the end of it.

MS. WELLER: But this is a violation of the law.

CHAIRMAN SCHMITT: So by a ten to nine vote they squeezed it through, and here's Nassau County and we're stuck with it.

MS. WELLER: And do you know what an inter-municipal agreement is? Why are you stuck with it when somebody could have traded something not true?

CHAIRMAN SCHMITT: If you can stimulate an investigation or get something done that that

would void that transaction, I'm in your corner.

MS. WELLER: I think the statute of limitations is six years. How do we do it?

CHAIRMAN SCHMITT: Take it upstairs. Take it to the DA.

MS. WELLER: On the grounds that --

CHAIRMAN SCHMITT: Huh?

MS. WELLER: You know, county --

CHAIRMAN SCHMITT: On the grounds of all the things that you said when you were standing here.

MS. WELLER: And I'm going to tell you something. I'm hearing different things going on political. This is not political. This is my money.

CHAIRMAN SCHMITT: I don't know what you mean by political.

MS. WELLER: Well, I hear people saying this is a republican this and this is under democrat. It's about my money. I don't care about the politics of it.

CHAIRMAN SCHMITT: All I'm saying to you, ma'am, is I didn't hear that. I don't know where that came from. I don't know which side of

2 the aisle you heard that from.

3 MS. WELLER: My question to you is if
4 this is not a legal contract, how come your
5 county signed the resolution accepting it? Don't
6 you have lawyers?

7 CHAIRMAN SCHMITT: Oh, we have lawyers.
8 Oh sure. We have lots, and lots, and lots of
9 lawyer.

10 MS. WELLER: So how did you accept
11 something that's conflicting?

12 CHAIRMAN SCHMITT: The county executive
13 sent down an item. The county legislature
14 approved the item by a ten to nine vote. It goes
15 through the process and that's it.

16 MS. WELLER: How does one approve
17 something that's not legal?

18 CHAIRMAN SCHMITT: I don't know, but
19 it's not here.

20 MS. WELLER: Then you should all be
21 ashamed of yourself if you signed something
22 that's not legal.

23 CHAIRMAN SCHMITT: You might go to the
24 county attorney's office and ask those questions.

25 MS. WELLER: Just one question. What's

2 an inter-municipal consolidation? The
3 combination and the combining of two
4 municipalities.

5 CHAIRMAN SCHMITT: I --

6 MS. WELLER: How is that a transfer of
7 sale which would require a bid?

8 CHAIRMAN SCHMITT: I am not an attorney,
9 thank God. So --

10 MS. WELLER: Now the county is planning
11 on selling my sewer?

12 CHAIRMAN SCHMITT: I don't know.

13 MS. WELLER: If you don't know, I don't
14 know why you're sitting up there. Thank you.

15 CHAIRMAN SCHMITT: When the item to
16 lease the sewage treatment plants reaches us,
17 I'll know. I don't know if it contains Glen Cove
18 or not. I don't know if that's on the table or
19 not.

20 LEGISLATOR DENENBERG: According to the
21 budget it does.

22 CHAIRMAN SCHMITT: Charles McAllister.

23 MR. MCALLISTER: Good afternoon. I'm
24 speaking on behalf of the Nassau County Inmate
25 Advocacy Group regarding the request for the

implementation of the Board of Visitors at Nassau County Correctional Center.

I know there's been a lot of talk today about Nassau County Jail, the guards, the inmates, and a whole slew of healthcare problems and issues. The issue clearly doesn't just rest on the fact of implementing a board of visitors; it rests also on the fact of accountability.

Nassau County Jail detains people who are accused of crimes throughout the County of Nassau, and that particular jail is very big. If the jail is not managed appropriately or properly, then there's not accountability.

My individual issue right now that I would like to speak about is the suicide rate in Nassau County Jail, and what mechanism or procedures are being implemented to prevent suicide. I made a proposal for the county executive to review regarding prevention in suicidal murders in Nassau County, and I would like to present it to the appropriate legislature.

And I would also like to bring to the attention today that I wrote a letter back in

2 1993 -- I have it right here -- and I list seven
3 issues -- this is 1993. In between 1993 and 2012
4 there has been a lot of people injured and
5 murdered inside of Nassau County. So, we're
6 talking about a 20 year difference. Then we're
7 talking about another 20 year difference in the
8 passage of the bill or the Charter that granted a
9 board of visitors. Twenty years later, nothing
10 has been done, except one thing. DA Dillon,
11 previously, during a murder of an inmate in
12 Nassau County over medication, made a suggestion
13 that they put cameras in Nassau County; they did
14 it. That was good. But, nothing else was done.
15 So now, 20 years later, all these issues that's
16 been reported, written about, on local news and
17 held inside the federal courts under
18 investigation, continues to preexist. Where is
19 the accountability?

20 Now, I know New York State started
21 something called the public integrity. And I
22 would like to as the legislatures here, does
23 public integrity include Nassau County
24 correctional officers? That's just a question
25 I'd like to put out.

Thank you.

CHAIRMAN SCHMITT: Okay. That's it on public comment. That's the last slip that I have. So I'm going to move to the calendar for the full legislature. Would all legislators please take their seats?

Mr. Muller, would you call the first hearing, please?

CLERK MULLER: Sir, do you want to do the emergency resolutions or the hearings?

CHAIRMAN SCHMITT: I'm sorry. Do the emergency resolutions, yep.

CLERK MULLER: Presiding Officer Schmitt, we have an emergency that comes by way of a recommendation from the administration for the adoption of a resolution setting forth that two emergencies exist for consideration of immediate action upon the clerk. Items Number 36-12 and 37-12.

The first one is Emergency Resolution 1-2012 which is, as follows: A resolution declaring emergency for immediate action upon a resolution setting forth that an emergency exists for consideration of and immediate action upon

2 Resolution 14-A-2012.

3 The second emergency is an emergency
4 resolution 2-2012 which is, as follows: A
5 resolution declaring an emergency for immediate
6 action upon an ordinance setting forth that an
7 emergency exists for consideration of and
8 immediate action upon Ordinance 10-A-2012.

9 Please entertain a motion to place this
10 matter before the legislature and vote on the
11 emergency resolution.

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR DUNNE: Second.

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

16 Could we vote now?

17 CLERK MULLER: Yes, sir.

18 CHAIRMAN SCHMITT: All those in favor
19 please say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The items carry unanimously.

24 CLERK MULLER: Then we'll move on to the
25 underlying resolutions.

The first one is an underlying ordinance 14-A-2012, a resolution authorizing the county attorney to compromise and settle the action *Dorsett v. County of Nassau, Nassau County Police Department, Office of the Nassau County District Attorney, and Detective Robert Abriola*, pursuant to the County Law, the County Government Law of Nassau County, and the Nassau County Administration Code. Clerk Item 36-12.

The second one is an ordinance 10-A-2012, which is an ordinance to pay for the capital expenditure to finance the payment of certain settled claims against the County of Nassau, authorizing \$7,905,000 of bonds of the County of Nassau to fund and set expenditure, and to make certain determinations pursuant to the State Environmental Quality Review Act, and Local Finance Law of New York, and the County Government Law of Nassau County.

Please entertain a motion to place these two emergencies before the legislature.

LEGISLATOR GONSALVES: So moved.

LEGISLATOR DUNNE: Second.

CHAIRMAN SCHMITT: Moved by Legislator

2 Gonsalves, seconded by Legislator Dunne.

3 CLERK MULLER: Both items are before the
4 legislature, so if you have discussion or debate.

5 CHAIRMAN SCHMITT: Is there any debate
6 or discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 Before we vote, Minority Leader Abrahams
11 has something he wishes to say.

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

14 As we all know, this is a very horrific
15 situation, something that the county should move
16 past. I just want to mention, as our body is
17 getting ready to vote for the settlement and the
18 fact that we're going to be using bond proceeds
19 to do so, I just want to make sure that it is
20 still well known, as per the letter that I wrote,
21 our caucus had wrote on December 15 to the county
22 executive in regards to borrowing practice and
23 how this county will proceed. This particular
24 situation, this particular incident was covered
25 in our paragraph that we would vote on bond

1 settlements and ordinances to pay for prudent
2 legal settlements. So, from our standpoint we
3 are not reversing from our position. We still
4 feel that the borrowing practices in the county
5 are spiraling in the wrong direction. From that
6 standpoint, we still feel steadfast in regards to
7 the borrowing practices going forward and that we
8 will scrutinize every single one going forward.
9 But this particular deal, because it's been
10 recommended by the county attorney's office, we
11 feel that it is prudent that we pay for this
12 legal settlement.

13
14 Thank you.

15 CHAIRMAN SCHMITT: Thank you, Mr.
16 Abrahams. I, too, have a statement that I want
17 to put on the record regarding this whole sorted
18 matter.

19 I am voting for this settlement today as
20 the final step in a process which has frustrated,
21 hindered, and at times even blocked the role of a
22 legislative body to obtain all the facts relating
23 to a lawsuit settlement.

24 It is the job of each legislator to be
25 fully informed about the situation and facts

surrounding the unfortunate incident resulting in the murder of Joanne Bird.

At the time this case was forwarded to the legislature, I asked for information as to why the county was settling it for \$7.7 million. I was told that I had no legal right to any information and should vote to award the settlement or not. I further asked what had the police officers done or not done, and if they were disciplined for their actions. I was told I could not have that information.

Let me be clear here. I believed and do believe that each member of this legislative body is legally entitled to any and all facts when they have to vote, especially in a case of police malfeasance, resulting in a settlement of \$7.7 million.

In order to obtain all the information involved in this case, the county attorney and special counsel, which I hired, went to the federal judge for clarification as to my right and the legislators to review the police internal affairs report, which resulted in the county agreeing to settle this case. The right to be

2 viewed was granted in federal court and all data
3 was made available.

4 For confidentiality issues imposed by the
5 court and agreements made in order that each
6 member of the legislature could review this
7 information, I am not at liberty, unfortunately,
8 to discuss individual instances of police
9 inaction or the discipline directed at the
10 numerous officers involved. I will just say that
11 the Nassau County Police Department and the
12 officers involved were unforgivably very lax in
13 carrying out in their duties and following
14 required regulations.

15 I am asking the new police commissioner
16 to review all information regarding this
17 incident, and to make any and all changes to
18 department policy, to ensure an incident of this
19 kind never happens again.

20 The safety of residents has to be the
21 number one priority for the police department and
22 its officers. Unfortunately in this case it was
23 not a priority. And I urge the members of the
24 legislature to vote yes on the settlement.

25 CLERK MULLR: We voted on the emergency,

2 and now this is on the actual item.

3 CHAIRMAN SCHMITT: So I'm going to call
4 the vote.

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

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 The items pass 17 to 2.

11 CLERK MULLER: Presiding Officer
12 Schmitt, Item Number 1 on the calendar is
13 Procedural Resolution 1-2012, a resolution
14 ratifying the actions of the clerk of the
15 legislature to cause to be published a notice of
16 hearing on a proposed local law to amend Article
17 12 of the Nassau County Charter in relation to
18 the establishment of a Division of Real Estate
19 Services within the Department of Public Works.

20 Please entertain a motion to place this
21 matter before the legislature and vote on the
22 procedural resolution.

23 LEGISLATOR GONSALVES: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRMAN SCHMITT: Moved by Legislator

2 Gonsalves, seconded by Legislator Muscarella.

3 All those in favor please say -- we have
4 to have a vote to open the hearing, right?

5 CLERK MULLER: Also to adopt the
6 procedural resolution.

7 CHAIRMAN SCHMITT: All those in favor of
8 adopting the procedural resolution please say
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 CLERK MULLER: The hearing on the
14 proposed local law in relation to a proposed
15 local law to amend Article 12 of the Nassau
16 County Charter in relation to the establishment
17 of a Division of Real Estate Services in the
18 Department of Public Works, pursuant to
19 Procedural Resolution adopted today, January 30,
20 2012.

21 Please entertain a motion to place this
22 matter before the legislature and vote to open
23 the public hearing.

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR MUSCARELLA: Second.

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

4 All those in favor of placing this in
5 front of the legislature please say aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item is in front of the legislature.
10 The hearing is open.

11 Is somebody here to speak to us on the
12 hearing? Nobody's here?

13 (No verbal response.)

14 So there's nobody here to talk on the
15 hearing?

16 (No verbal response.)

17 We're just going to leave the hearing
18 open until next week, when hopefully somebody can
19 come down to tell us, to testify on it.

20 The next item is Item Number 3, which is
21 Ordinance Number 2. 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 Any debate or discussion?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor please say aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 It passes by a vote of 10 to 9.

11 Item Number 4 is Ordinance Number 3. May

12 I have a motion, please?

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR MUSCARELLA: Second.

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

17 We're now on Item Number 4. Let the
18 record show that Legislator Denenberg has recused
19 himself. He's leaving the chamber and he's not
20 taking part in any of the debate or discussion
21 regarding this item.

22 Is there any debate or discussion
23 regarding this item?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item carries unanimously.

8 Now we go to Item Number 8.

9 Invite Mr. Denenberg back.

10 Item Number 8 is a resolution authorizing

11 -- no. Item Number 8 is Resolution Number 1.

12 We're not calling Number 8 today.

13 Now we go to Number 16, which is
14 Resolution Number 9. May I have a motion,
15 please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR DUNNE: Second.

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

20 Any debate or discussion?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 All those in favor please say aye.

25 (Aye.)

2 Any opposed?

3 (Nay.)

4 That would be all of you. The item
5 carries by a vote of 10 to 9.

6 We now have a consent calendar, which are
7 items that both the majority and minority have
8 agreed have been debated and are ready for final
9 action.

10 Item Number 2, Ordinance Number 1; Item
11 Number 5, Ordinance Number 4; Item Number 6,
12 Ordinance Number 5; Item Number 7, Ordinance
13 Number 6; Item Number 11, Resolution Number 4;
14 Item 12, Resolution Number 5; Item 13, Resolution
15 Number 6; Item 14, Resolution Number 7; Item 15,
16 Resolution Number 8; Item 17, Resolution Number
17 10; Item 18, Resolution Number 11; Item 19,
18 Resolution Number 12; Item 21, Resolution Number
19 14; and Number 9, Resolution Number 2; Number 11
20 -- I did 11. We're not calling 10 today.

21 All of those items, may I have a motion,
22 please?

23 LEGISLATOR GONSALVES: So moved.

24 LEGISLATOR DUNNE: Second.

25 CHAIRMAN SCHMITT: Moved by Legislator

2 Gonsalves, seconded by Legislator Dunne.

3 Any debate or discussion?

4 Is anybody from the correctional center
5 here?

6 (No verbal response.)

7 On all of the items as they were called,
8 all those in favor please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Any abstentions?

13 (Aye.)

14 Let the record show that the items pass
15 by a vote of 17 yes votes and two abstentions.

16 Mr. Walker, are you here? I'm going to
17 return to Item Number 1, which is the open
18 hearing on real estate services. Chief Deputy
19 County Executive Rob Walker is here to explain
20 the item to us.

21 LEGISLATOR BECKER: I just want to put
22 on the record; my intent was to vote for Mr.
23 Valarti and to abstain on those other items.
24 It's what you get when you bulk things together.
25 It doesn't make any sense. They're unrelated to

2 each other. We've got to fix the house around
3 here.

4 LEGISLATOR ABRAHAMS: So, Fran, what you
5 told me about Jimmy earlier doesn't count
6 anymore?

7 CHAIRMAN SCHMITT: Mr. Walker.

8 DEPUTY COUNTY EXECUTIVE WALKER: I hope
9 Mr. Valarti doesn't sit and reside in Legislator
10 Becker's district. He just lost a vote today.
11 That's even worse.

12 CHAIRMAN SCHMITT: He lost it a lot
13 earlier.

14 DEPUTY COUNTY EXECUTIVE WALKER: As we
15 discussed in committees, I think a lot of people
16 had questions relative to the department or the
17 Office of Real Estate Services, Planning and Real
18 Estate Services. Real Estate Services handled a
19 variety of functions, some being the sale or the
20 purchase of properties, as both Mr. Schroeder and
21 Mr. Kelly handled those functions with the staff.
22 Some of the other staff members are now working
23 with the Department of Planning on the new Veolia
24 bus contract, also the HUB study and the master
25 plan for Nassau County. Another function of this

1 department, also handles, right now, handles a
2 lot of transportation needs and things of that
3 nature, and also the real estate and the holdings
4 of Nassau County, the facilities. They work with
5 DPW on a regular basis. Some of the personnel,
6 in terms of moving departments from one building
7 to the other, involved in capital projects, such
8 as One West Street that's going on right next
9 door that will soon, hopefully, with the
10 completion of the contract, house the treasurers
11 and purchasing, and create a shared services unit
12 downstairs. The first floor, which will allow
13 residents the ability -- to make it much easier
14 to pay their bills and things of that nature.
15 This will allow us, the administration, greater
16 flexibility, in terms of use of staff.

17
18 We have had personnel that left, via the
19 retirement incentive. A few of the employees now
20 will no longer have to be rehired. I'm sure you
21 received the report from Office of Legislative
22 Budget Review that discusses the fact that we
23 will have some savings associated with the lack
24 of need to hire additional staff. We have
25 utilized some of the people in planning to assist

2 with DPW projects already. That is undergone and
3 has worked very well.

4 The Veolia contract, as I mentioned
5 before, we have people in both the Department of
6 Public Works, which now has planning, also
7 working on that contract, as well as people in
8 real estate. We now will put them under one
9 umbrella, one roof. Both the gentlemen I
10 mentioned first, Mr. Schroeder and Mr. Kelly,
11 will still work with the county attorney's office
12 on all of the real estate transactions. They
13 will remain housed here in One West so they can
14 handle these cases. The remainder of the
15 employees will work with the Department of Public
16 Works. Again, it will allow us to not have to
17 replace individuals that have already left and
18 some that will be leaving at a cost savings, and,
19 again, put a lot of the functions together.

20 To us it made no sense to have public
21 works building, renovating, and moving people and
22 then have real estate, two or three staff members
23 in real estate, now working alongside DPW and not
24 be under the same roof. Now they will be. Now
25 they'll work together and have a clearer path, in

2 terms of completing projects in a more cost
3 conscience manner.

4 CHAIRMAN SCHMITT: Any questions?

5 (No verbal response.)

6 Thank you.

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

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR GONSALVES: Second.

10 CHAIRMAN SCHMITT: Moved by Legislator
11 Dunne, seconded by Legislator Gonsalves.

12 All those in favor of closing the hearing
13 please say aye.

14 (Aye.)

15 The hearing is closed.

16 That's it now.

17 I'll take a motion to adjourn.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator
21 Dunne, seconded by Legislator Kopel.

22 All those in favor please say aye.

23 (Aye.)

24 We are adjourned.

25 (Whereupon, the Full Legislature

1 Full Legislature - 1-30-12
2 adjourned at 4:03 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February, 2012.

FRANK GRAY