

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 7, 2012
1:05 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

PETER J. SCHMITT
Chair

HOWARD KOPEL

DENNIS DUNNE (Not Present)

RICHARD NICOLELLO (Sitting in for Dennis Dunne)

ROSE MARIE WALKER

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III
Clerk of the Legislature

LIST OF SPEAKERS

PATRICK FRANK. 7
MARTIN VOLK. 11
PAUL BRODERICK 17
SCOTT SKRYNECKI. 17
ED EISENSTEIN. 20
GREG STPHANOFF 26
JOHN CIAMPOLI. 61
LISA LoCURTO 128

INSERTS TO TRANSCRIPT

2 CHAIRMAN SCHMITT: Please rise for the
3 Pledge of Allegiance, led by Legislator Howard
4 Kopel.

5 (Whereupon, the Pledge of Allegiance was
6 recited.)

7 CHAIRMAN SCHMITT: This first meeting of
8 the Rules Committee is to go over and to do the
9 contracts that are on the calendar.

10 CLERK MULLER: Do we need a roll call,
11 sir?

12 CHAIRMAN SCHMITT: Yes, I do.

13 We will then recess and then come back to
14 finish up after all the other committees have
15 met.

16 Mr. Clerk would you please call the roll?

17 CLERK MULLER: Legislator Wink?

18 (No verbal response.)

19 CLERK MULLER: Legislator Jacobs?

20 (No verbal response.)

21 Minority Leader Abrahams? I'm sorry,
22 Ranking Member Abrahams?

23 (No verbal response.)

24 CLERK MULLER: Legislator Walker?

25 LEGISLATOR WALKER: Here.

2 CLERK MULLER: Legislator Nicoletto,
3 substituting for Legislator Dunne?

4 LEGISLATOR NICOLELLO: Here.

5 CLERK MULLER: Vice Chairman Kopel?

6 LEGISLATOR KOPEL: Here.

7 CLERK MULLER: Chairman Schmitt?

8 CHAIRMAN SCHMITT: Here.

9 CLERK MULLER: We have a quorum.

10 CHAIRMAN SCHMITT: Thank you.

11 The first item is A-15, which is a
12 contract with Parks and Andrew S. Coccari, Inc.,
13 for a new sound system.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR NICOLELLO: Second.

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

18 Okay. Anybody here from Parks to talk
19 about this?

20 CLERK MULLER: Ranking Member Abrahams
21 is here, as are Legislators Wink and Jacobs.

22 LEGISLATOR JACOBS: We're here.

23 CHAIRMAN SCHMITT: Nobody from Parks
24 here? There you go. Okay.

25 MR. FRANK: Good afternoon. My name is

2 Patrick Frank. I work in the electronics shop.
3 The request for that new sound system, it's of
4 utmost importance. The system we have at that
5 stadium is to the point it cannot be repaired.
6 Time and time again, the bigger the events are,
7 the quality of the sound is of great importance,
8 considering the amount of people we have at the
9 stadium.

10 As far as progress with anything else in
11 the county, I think it would be a good idea to
12 improve this and put it through.

13 CHAIRMAN SCHMITT: When you say stadium,
14 what is that?

15 MR. FRANK: Mitchel Park Athletic
16 Complex.

17 CHAIRMAN SCHMITT: Okay. Anybody have
18 any questions?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor please say aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The item carries unanimously.

3 Thank you.

4 I'm going to call B-12, B-13, and B-14
5 all together. B-12 is a contract between DPW and
6 Irwin Contracting of Long Island. That's for the
7 Fire Service Academy burn buildings.

8 B-13 is with DPW and ASR Electrical
9 Contracting for the same site.

10 B-14 is a contract with DPW and Maccarone
11 Plumbing for the same site.

12 May I have a motion, please?

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRMAN SCHMITT: Moved by Legislator
16 Walker, seconded by Legislator Nicoletto.

17 Any debate or discussion?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor please say aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The ayes have it unanimously.

2 Next is B-18 and B-19.

3 B-18 is a contract with DPW and Commander
4 Electric.

5 B-19 is a contract between DPW and Hinck
6 Electrical Contractor.

7 May I have a motion, please?

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRMAN SCHMITT: Moved by Legislator
11 Walker, seconded by Legislator Nicoletto.

12 Any debate or discussion?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All those in favor please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 These items carry unanimously.

21 I'm going to call E-92 and E-93 together.

22 E-92 is a contract between the county
23 attorney and Jaspan Schlesinger.

24 E-93 is a contract between the county
25 attorney and Bee Ready Fishbein.

2 May I have a motion, please?

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Walker, seconded by Legislator Nicoletto.

7 Any debate or discussion?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item carries unanimously.

16 E-94 is a contract between DPW and VHB,
17 P.C., an on-call engineering contract.

18 May I have a motion?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRMAN SCHMITT: Moved by Legislator
22 Walker, seconded by Legislator Nicoletto.

23 Any debate or discussion?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor please say aye.

4 (Aye.)

5 The item carries unanimously.

6 E-95 is a contract between the county
7 attorney and Lewis & Fiore.

8 May I have a motion, please?

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR NICOLELLO: Second.

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

13 Any debate or discussion?

14 LEGISLATOR ABRAHAMS: What's the
15 amendment for?

16 CHAIRMAN SCHMITT: The amendment is for
17 \$100,000.

18 LEGISLATOR ABRAHAMS: For what? Can
19 somebody from the county attorney's office
20 explain that?

21 CHAIRMAN SCHMITT: Somebody here from
22 the county attorney's office? That's a good
23 point.

24 MR. VOLK: Good afternoon. Martin Volk,
25 Deputy County Attorney, County Attorney's Office.

2 Mr. Presiding Officer, can we second call
3 this, please?

4 CHAIRMAN SCHMITT: Can we what?

5 MR. VOLK: Second call this, please.

6 CHAIRMAN SCHMITT: What does that mean?

7 MR. VOLK: Call it a little bit later,
8 please.

9 CHAIRMAN SCHMITT: Call it a little bit
10 later. Okay.

11 MR. VOLK: Thank you.

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

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR ABRAHAMS: Second.

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

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item is tabled.

24 MR. VOLK: Thank you.

25 CHAIRMAN SCHMITT: E-99 -- we're not

2 calling E-96 today. E-99 is a contract between
3 Probation and Leadership Training Institute.

4 May I have a motion, please?

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRMAN SCHMITT: Moved by Legislator
8 Walker, seconded by Legislator Nicoletto.

9 Any debate or discussion?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 I'm going to call E-100 and E-101
19 together.

20 E-100 is a contract between the county
21 attorney and Long Island Auto Appraisers, and the
22 other is between the county attorney and Excel
23 Claims Service.

24 May I have a motion, please?

25 May I have a motion, please?

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator
5 Walker, seconded by Legislator Nicoletto.

6 Any debate or discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The items carry unanimously.

15 E-102 is between Probation and Diocese of
16 Rockville Centre.

17 May I have a motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator
21 Walker, seconded by Legislator Nicoletto.

22 Any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 E-103 is between the Health Department
8 and Cost Management Services, Inc.

9 May I have a motion, please?

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRMAN SCHMITT: Moved by Legislator
13 Walker, seconded by Legislator Nicolello.

14 Any debate or discussion?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All those in favor please say aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item carries unanimously.

23 E-104, between the district attorney and
24 Fund for the City of New York, Center for Court
25 Innovation.

2 May I have a motion, please?

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Walker, seconded by Legislator Nicoletto.

7 Any debate or discussion?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item carries unanimously.

16 Item 105, between Social Services and
17 Salient Corporation.

18 May I have a motion, please?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRMAN SCHMITT: Moved by Legislator
22 Walker, seconded by Legislator Nicoletto.

23 Any debate or discussion? Mrs. Jacobs.

24 LEGISLATOR JACOBS: Just a question.

25 I'm just wondering about the term of this

2 contract.

3 MR. BRODERICK: Good afternoon. Paul
4 Broderick, Deputy Commissioner, Department of
5 Social Services.

6 MR. SKRYNECKI: Scott Skrynecki,
7 Director of Investigations, Social Services.

8 CHAIRMAN SCHMITT: Welcome, gentlemen.
9 You heard the question. Do you have an answer?

10 MR. SKRYNECKI: The term has passed us.
11 We've been in contract negotiations with the
12 corporation for approximately 18 months in order
13 to settle that up. So this will cover the
14 contract term for 2010. Most importantly, we
15 need that in order to complete an agreement with
16 the Department of Health, State Department of
17 Health, so that the corporation has access to
18 Medicaid data. We use the software to mind that
19 data for fraud protection.

20 LEGISLATOR JACOBS: So this contract is
21 going forward or?

22 MR. SKRYNECKI: It will go forward. But
23 the current term will be for 2010. As we
24 continue with the program, we will contract with
25 them going forward, also.

2 LEGISLATOR JACOBS: So we'll see
3 probably an amendment to this.

4 MR. SKRYNECKI: Yes, ma'am.

5 MR. BRODERICK: Exactly. What had
6 happened was the contractor, they do data mining
7 for the department for investigations, and they
8 were changing around a paradigm of how they did
9 business. It took approximately 18 months to get
10 them to the table to do business with us.

11 LEGISLATOR JACOBS: Okay. Thank you.

12 CHAIRMAN SCHMITT: Anybody else?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All those in favor please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item carries unanimously.

21 E-106 is between the Health Department
22 and Proact Drug Discount Card Program. It's a
23 program at no cost to the county.

24 May I have a motion, please?

25 LEGISLATOR WALKER: So moved.

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRMAN SCHMITT: Moved by Legislator
4 Walker, seconded by Legislator Nicoletto.

5 Any debate or discussion?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor please say aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item carries unanimously.

14 I'm going to call Items 107, 118, 119,
15 121, and 123 together.

16 107 is between IT and Contemporary
17 Computer Services.

18 118 is between IT and SVAM International.

19 119 is between IT and RCG Information
20 Technology.

21 121 is between IT and INFOSYS
22 International, Inc.

23 123 is between IT and Bicitis Group, Inc.

24 May I have a motion, please?

25 LEGISLATOR WALKER: So moved.

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRMAN SCHMITT: Moved by Legislator
4 Walker, seconded by Legislator Nicoletto.

5 Is there any debate or discussion? Yes.
6 Mr. Eisenstein.

7 MR. EISENSTEIN: Hello members of the
8 legislature. How are you?

9 These are supplemental staffing
10 contracts, as you have well been aware of for
11 many years, that allow me to bring in specialists
12 for emergencies and upgrades.

13 CHAIRMAN SCHMITT: So how many people
14 are we talking about that you bring in?

15 MR. EISENSTEIN: Currently, there's only
16 two supplemental staffers that we're working
17 with.

18 CHAIRMAN SCHMITT: We have five --

19 MR. EISENSTEIN: We have five vendors;
20 currently, only two physical engineers from those
21 vendors are present in our staff.

22 CHAIRMAN SCHMITT: Where is the money
23 coming from?

24 MR. EISENSTEIN: Supplemental staffing
25 contract. Would you like the contract ID

2 numbers?

3 CHAIRMAN SCHMITT: No. Where is the
4 money coming from? Is it coming out of the money
5 that's in IT's budget?

6 MR. EISENSTEIN: Yes, it is.

7 CHAIRMAN SCHMITT: So, if you only have
8 two --

9 MR. EISENSTEIN: Yes.

10 CHAIRMAN SCHMITT: There should be
11 plenty of money leftover at the end of the year.

12 MR. EISENSTEIN: Yes. In September 2011,
13 over \$800,000 was pulled out of that -- out of
14 that area. We're looking to replenish some of
15 that. We were pretty much stripped of our funds.
16 And we need to bring in some specialists on
17 occasion, and that's what we're asking for.

18 CHAIRMAN SCHMITT: So where's the money
19 coming from?

20 MR. EISENSTEIN: Where is the money
21 coming from?

22 CHAIRMAN SCHMITT: If they took away --
23 if all the money was taken out --

24 MR. EISENSTEIN: Yes.

25 CHAIRMAN SCHMITT: Where is this money

2 coming from that you're looking to put back in?

3 MR. EISENSTEIN: I'll have to find out.
4 I'm not sure what you're asking, where's the
5 money coming from.

6 CHAIRMAN SCHMITT: You don't know. You
7 just said you had no money.

8 MR. EISENSTEIN: Right. The money was
9 taken out of our budget during the last cuts.

10 CHAIRMAN SCHMITT: So where is this
11 money coming from?

12 MR. EISENSTEIN: I'll find out. I do
13 not know.

14 LEGISLATOR JACOBS: How could it be here
15 before us? Excuse me, Mr. Chairman.

16 CHAIRMAN SCHMITT: Go right ahead.

17 LEGISLATOR JACOBS: I don't understand,
18 Mr. Eisenstein. How could it be here before us
19 if you're not even aware where the money is
20 coming from?

21 MR. EISENSTEIN: Well, the money was put
22 in previous from the contract, from years before.
23 The money was taken out during the last cuts, so
24 we're asking for that to come back out of the
25 budget, to put that back in the budget.

2 CHAIRMAN SCHMITT: No, no, no, no. All
3 due respect, no, no, no.

4 LEGISLATOR JACOBS: I don't think that's
5 going to work.

6 CHAIRMAN SCHMITT: If we approve a
7 contract between IT and this Bicitis Corporation,
8 it says \$100,000. Where is that money coming
9 from?

10 MR. EISENSTEIN: Some of that money is
11 in our operational fund; the rest is coming out
12 of capital funds.

13 CHAIRMAN SCHMITT: The rest is coming
14 out of capital funds.

15 MR. EISENSTEIN: Yes.

16 CHAIRMAN SCHMITT: Those capital funds -
17 - has that expenditure been approved by NIFA?

18 MR. EISENSTEIN: That expense has been
19 approved.

20 CHAIRMAN SCHMITT: Anybody else have any
21 questions? Legislator Abrahams.

22 LEGISLATOR ABRAHAMS: Just a quick
23 question. If we were not to provide a yes vote
24 to this contract or it passed today, what would
25 happen with the services that these supplemental

2 employees are coming on to do?

3 MR. EISENSTEIN: Thank you for asking
4 me, because that's kind of critical. We use
5 these employees only when we have big upgrades
6 and emergencies we're dealing with. We may hit a
7 wall and we need a specialist to come in. I
8 wanted to say that because these contracts are
9 being used properly, only in those cases. They
10 are really meant for short-term emergencies and
11 upgrades, and that's exactly how we're using
12 them.

13 LEGISLATOR ABRAHAMS: I see. Thank you.

14 MR. EISENSTEIN: Thank you.

15 CHAIRMAN SCHMITT: What does it cost to
16 bring somebody in?

17 MR. EISENSTEIN: It ranges. Some
18 between 50 and 150,000, depending on the service
19 we may need. Again, that's short term, under a
20 year.

21 CHAIRMAN SCHMITT: So you bring somebody
22 in and they're here for almost a year.

23 MR. EISENSTEIN: Yeah. In the past, I
24 think that they've been here longer. We've made
25 a concert effort to make it a short-term thing,

2 and always bring in people that they teach, so we
3 can pick up where they left off.

4 CHAIRMAN SCHMITT: Anybody else?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The items carry unanimously.

13 Thank you.

14 MR. EISENSTEIN: Thank you.

15 CHAIRMAN SCHMITT: E-109, a contract
16 between OMB and Nassau Health Care Corporation.

17 May I have a motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator
21 Walker, seconded by Legislator Nicoletto.

22 Any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 E-110 is between the police department
8 and Elizabeth Spratt, blood alcohol concentration
9 testing.

10 May I have a motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator
14 Walker, seconded by Legislator Nicolello.

15 Any debate or discussion? Hi.

16 SERGEANT STEPHANOFF: Good afternoon.
17 Sergeant Greg Stephanoff from the police
18 department.

19 CHAIRMAN SCHMITT: How are you,
20 Sergeant?

21 SERGEANT STEPHANOFF: Good. How are
22 you?

23 CHAIRMAN SCHMITT: Why isn't this
24 testing being done in the health department?

25 SERGEANT STEPHANOFF: This was done in

2 accordance with the IG's report, that an
3 independent consultant be chosen to review the
4 toxicology from 2007 to the closure of the lab.

5 CHAIRMAN SCHMITT: Oh, this is a review.

6 SERGEANT STEPHANOFF: Yes.

7 CHAIRMAN SCHMITT: Okay. Anybody else?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item carries unanimously.

16 E-112 is a contract between IT and Icon
17 Enterprises, doing business as CivicPlus. It's
18 new software for county website.

19 May I have a motion, please?

20 LEGISLATOR NICOLELLO: So moved.

21 CHAIRMAN SCHMITT: Moved by Legislator
22 Nicolello. May I have a second?

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN SCHMITT: Seconded by
25 Legislator Walker.

Would you tell us what this is?

MR. EISENSTEIN: Thank you, Legislature.

This is the database driven website. The existing website is many years old, and each of the 16,000 pages have to be individually coded. This allows us to bring that forward. This is an idea that's been in motion from even before Ed Mangano was here. And this will make a revamp of the website that is unfortunately quite necessary now based on the old technology that the existing site is in.

CHAIRMAN SCHMITT: Why is it necessary now?

MR. EISENSTEIN: There are so much data in that site that requires an update. It's really at a lost sometimes, the amount of data that's there.

CHAIRMAN SCHMITT: Why does it require an update?

MR. EISENSTEIN: It will allow us to have all the data put into -- easier to reach. People will be able to use the site better. It will help the residents of Nassau County navigate through our services in a significantly improved

manner.

CHAIRMAN SCHMITT: I understand that it might be a nice thing to have, and it might make the site better than it is. But the site, the way it is, as far as I can see, is doing its job. And this is \$100,000.

MR. EISENSTEIN: I will say that on the service it looks like it's all working nicely. Under the hood that engine needs a revamp. There's quite a bit of data that --

CHAIRMAN SCHMITT: So why don't you bring in one of these supplemental staff and let them do it?

MR. EISENSTEIN: This particular vendor is a specialist in our industry. We felt that that was significantly better, more cost effective than having a contractor do it on a supplemental staff basis.

CHAIRMAN SCHMITT: Explain that to me.

MR. EISENSTEIN: This particular vendor has experience in the county industry. They've worked with a lot of government agencies and have that expertise. We have to do less thinking. It's the easiest way to approach a database

2 driven website, to organize the data.

3 CHAIRMAN SCHMITT: But, you're dancing
4 around the issue of -- I understand and I'll
5 concede to you that it is a very nice thing and
6 it is probably something that eventually has to
7 be done.

8 MR. EISENSTEIN: Yes.

9 CHAIRMAN SCHMITT: I'm trying to decide
10 or trying to get you to give us information
11 necessary to decide if it's worth spending
12 \$100,000 now. We're laying people off. We have
13 a terrible deficit to fill. We're not raising
14 taxes. So, \$100,000 is \$100,000. So if we don't
15 do this now, can we do it next year?

16 MR. EISENSTEIN: I just please want to
17 urge or consider the fact that organizing that
18 data now will be a big help to the county people,
19 as well as us, as we present this data to the
20 people of the county, especially now when there's
21 so much data being asked to be moved around.
22 It's become somewhat of a critical point, to
23 present that data in a database way so we can
24 organize it for ourselves as well as the people
25 of the county. I think that it will make a

2 significant difference in the next few months to
3 have that data organized in a fashion where that
4 could be controlled.

5 There are some issues that come up --

6 CHAIRMAN SCHMITT: I've got to be honest
7 with you, Commissioner. It's not convincing me,
8 in a sense that the next month is going to be
9 critical in this county. You read the
10 newspapers. You know what's going on. There's a
11 dispute going on between the Minority and the
12 Majority relative to the passing of tax
13 certiorari settlements.

14 LEGISLATOR ABRAHAMS: There is?

15 CHAIRMAN SCHMITT: Yes, there is. You
16 don't read our beloved newspaper every day.

17 The point being, if that bonding is not
18 approved, we're going to go into almost a spasm,
19 a very severe budget cuts and stopping if
20 contracts, stopping of programs, possibly
21 furloughs, and you name it. It's bad. This is
22 \$100,000.

23 MR. EISENSTEIN: Consider your message
24 will be received that much stronger, having that
25 site present that data better. Consider that our

2 message to the people will be stronger.

3 CHAIRMAN SCHMITT: I'm sorry? Would you
4 say that again?

5 MR. EISENSTEIN: Consider that your very
6 message that you just said to me is the very
7 message that will be received better by those
8 very people jumping on the site daily. The
9 amount of people that have jumped on Nassau now
10 and are using the online services is staggering.
11 People want to receive our news in that way.
12 Consider that your very message will be better
13 received through this newer technology.

14 CHAIRMAN SCHMITT: But its \$100,000.
15 Why can't you get a group in from the College and
16 make it a project? I just don't -- I just don't
17 believe it.

18 Legislator Kopel.

19 LEGISLATOR KOPEL: Will it save any
20 money now?

21 MR. EISENSTEIN: I believe its saving
22 quite a bit of money.

23 LEGISLATOR KOPEL: How?

24 MR. EISENSTEIN: Because it won't take
25 the staff members to make the updates to the site

2 the way it's working now.

3 LEGISLATOR KOPEL: In other words, what
4 you're using is current staff members.

5 MR. EISENSTEIN: I'm using current staff
6 members --

7 LEGISLATOR KOPEL: They are getting it
8 done, though.

9 MR. EISENSTEIN: They are getting it
10 done. It takes quite a bit of work. Because
11 each site --

12 LEGISLATOR KOPEL: So how would it save
13 money now?

14 MR. EISENSTEIN: By requiring half of
15 the staff to do the updates and the changes that
16 are manually made now.

17 LEGISLATOR KOPEL: So you mean you can
18 get along with less staff if you did this
19 contract?

20 MR. EISENSTEIN: I would use that staff
21 on other projects. So, yes, there would be less
22 staff used for this --

23 LEGISLATOR KOPEL: Less staff for this -
24 -

25 MR. EISENSTEIN: and I would use them

2 for other projects.

3 LEGISLATOR KOPEL: Got it. Okay.

4 CHAIRMAN SCHMITT: Legislator Nicoletto.

5 LEGISLATOR NICOLELLO: You've been using
6 a little bit of IT speak when you've been
7 describing this.

8 MR. EISENSTEIN: I apologize.

9 LEGISLATOR NICOLELLO: No, that's quite
10 all right. That's your chosen field.

11 In terms of your average resident that
12 goes on to the website. What benefit is that
13 average resident going to get from this?

14 MR. EISENSTEIN: Sure. Just to speak
15 about Nassau now, residents are taking pictures
16 of road situations, uploading them to the Nassau
17 Now site, and they're getting some reaction out
18 of it. People are already engaged in the county.
19 And we have seen live interaction with
20 constituent affairs and those residents.

21 LEGISLATOR NICOLELLO: What I'm asking,
22 though, is with respect to this contract and then
23 whatever upgrades are going to take place as a
24 part of this contract, what improvements are the
25 residents going to see?

2 MR. EISENSTEIN: The residents are going
3 to see an improved communication in a faster
4 manner.

5 LEGISLATOR NICOLELLO: Okay. I
6 understand faster. So, what are you trying to
7 tell me? Does that mean the county is going to
8 get back to our residents faster? Does that mean
9 they're going to see pages pop up quicker on
10 their screen?

11 MR. EISENSTEIN: Clearly, part of this
12 website upgrade is the payment sites and all of
13 the items that go along with that site. So,
14 currently people are paying for traffic tickets
15 on the site. They have other business they do
16 with the site. All of that traffic, all of those
17 services will be significantly improved with
18 this. That is the point of improving the site,
19 of adding these services, to have them pay
20 tickets, to have them have more interactions with
21 the county --

22 LEGISLATOR NICOLELLO: You're still
23 speaking in generalities. How are they going to
24 be improved? What is the improvement?

25 MR. EISENSTEIN: So, for example, the

2 Nassaunow site, where they can send pictures in -
3 -

4 LEGISLATOR NICOLELLO: Right.

5 MR. EISENSTEIN: where they can pay their
6 parking tickets, maybe their traffic tickets
7 later on. Things like that.

8 LEGISLATOR NICOLELLO: Can they do that
9 now?

10 MR. EISENSTEIN: Partially. They can
11 pay parking tickets but can't pay traffic. So
12 this database-driven website brings this
13 technology forward.

14 LEGISLATOR NICOLELLO: Thank you.

15 CHAIRMAN SCHMITT: Legislator Jacobs.

16 LEGISLATOR JACOBS: Some of my questions
17 have been answered, but I'm still a little
18 confused.

19 MR. EISENSTEIN: Yes.

20 LEGISLATOR JACOBS: Is this to help with
21 mailing? Is this something that would be helpful
22 when you're doing a mailing, getting a mailing
23 out?

24 MR. EISENSTEIN: Absolutely. Compared
25 to mailing, something that goes alongside. When

2 you send out that mailer, people can then
3 register with their e-mail and get ongoing
4 messages back and forth. So it helps with that
5 mailer because it interacts with an e-mail
6 address now. We have a live communication to
7 residents on a regular basis, which was one of
8 the initial things with Nassau Now, as well, was
9 to have a continuous conversation, with what the
10 county is doing, with that resident.

11 LEGISLATOR JACOBS: I guess we're all
12 stuck on the same thing; we're in a fiscal crisis
13 right now. We have a lot of things up in the air
14 around here. And, all of a sudden, we're
15 improving IT, which I, believe it or not, have
16 come to respect and understand somewhat. But I
17 do know it is important to give out information
18 and to bring in information. I just want it to
19 be -- I want it to be said here, what
20 information.

21 I know you're saying paying tickets.
22 You're also saying it helps with mailings.

23 MR. EISENSTEIN: The entire website
24 describes all of our departments. It describes
25 all the business we do. How people can come to

2 certain departments, with phone numbers given
3 out. Certain payment systems are on there. It's
4 a large pot of services that are all in one piece
5 here.

6 Unfortunately, the website, the way it
7 is, is just a big mush of data. We're looking to
8 organize it so we can serve those people better,
9 deliver your message better, have those online
10 payment systems react quicker; that is the whole
11 basis of this upgrade.

12 I couldn't do it in-house with the people
13 we've hired or plan to hire, because this
14 particular vendor -- we went out, found a vendor
15 who has specific industry knowledge of how it
16 works in government. Those internet channels are
17 a little different in private business than they
18 are in government. And this particular vendor
19 has nailed it. They do a good job on that.

20 We've also looked at doing this with
21 programmers in-house or supplemental staff. We
22 found that it was significantly more cost
23 effective to work with a vendor who has a
24 finished product.

25 I just want to also say that we've made a

2 concerted effort to hire people in-house. I have
3 hired eight ITs. We're about to hire eight more
4 programmers. The IT department is doing a very
5 good job in replenishing the existing staff. And
6 I think that we're using the supplemental
7 staffing contract and all vendors in the
8 appropriate way, where I absolutely need to. And
9 I think I've shown that by hiring those people,
10 removing some of those contractors, and doing it
11 again in the next couple of weeks.

12 LEGISLATOR JACOBS: It's just difficult
13 for me to absorb that we're laying people off in
14 other departments, and maybe here. I don't know.
15 You said you were cutback also.

16 MR. EISENSTEIN: We were cut back.

17 LEGISLATOR JACOBS: Okay.

18 MR. EISENSTEIN: But we were able to add
19 staff behind it. So we had three layoffs, but
20 they did allow me to hire eight IT aides to
21 remove certain vendors.

22 CHAIRMAN SCHMITT: I'd like to make a
23 suggestion.

24 MR. EISENSTEIN: Yes.

25 CHAIRMAN SCHMITT: I think we should

2 table this. And I would ask you, Commissioner,
3 if you could develop a memo that would answer, as
4 best you can, all of our questions on this. To
5 focus in on the fact, as Mrs. Jacobs just said,
6 that we're in a fiscal crisis and we're cutting
7 and heaving things over the side, and make the
8 justification to spend \$100,000, which I don't
9 think as of right now has been made, and we can
10 take it up at our next meeting.

11 MR. EISENSTEIN: Okay. Thank you very
12 much.

13 CHAIRMAN SCHMITT: I'll make a motion to
14 table.

15 LEGISLATOR JACOBS: I'll second it.

16 CHAIRMAN SCHMITT: Seconded by
17 Legislator Jacobs.

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

20 (Aye.)

21 The item is tabled.

22 Thank you.

23 MR. EISENSTEIN: Thank you very much.

24 CHAIRMAN SCHMITT: E-113 is a contract
25 between the police department and AON Hewitt.

2 May I have a motion, please?

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRMAN SCHMITT: Moved by Legislator
6 Walker, seconded by Legislator Nicoletto.

7 Any debate or discussion?

8 (No verbal response.)

9 Any public comment?

10 I'm sorry. Legislator Kopel.

11 LEGISLATOR KOPEL: This is a contract
12 for new examination for police officers and
13 promotions. Are we planning on having any of
14 those in the very near future? Are we planning
15 of having any new police officers and promotions?

16 SERGEANT STEPHANOFF: Well, the list,
17 the current list that we can hire off of expires
18 April 2013. If we give a test this year, we're
19 still under the consent decree with the Justice
20 Department. So we have to get the list
21 established through them as well. If we give a
22 test the end of this year, we'll be able to get
23 it out so that we have a test when this current
24 one expires.

25 LEGISLATOR KOPEL: What I'm asking is

2 are we hiring -- are we, in fact, hiring new
3 people?

4 SERGEANT STEPHANOFF: The way -- with
5 our consolidations and the past incentive, our
6 numbers have gone down. We're probably at the
7 point where if we lose more people, we probably
8 will have to hire.

9 CHAIRMAN SCHMITT: Mr. Kopel, I think
10 the point is that without the list they cannot
11 hire.

12 LEGISLATOR KOPEL: Understood. And
13 what's wrong with the old test?

14 SERGEANT STEPHANOFF: The old test will
15 expire in April. It is coming up to its
16 expiration, April 2013.

17 LEGISLATOR KOPEL: And it's the kind of
18 test that you can't keep on using? What do you
19 mean by expired?

20 SERGEANT STEPHANOFF: The list -- when
21 the list gets established --

22 LEGISLATOR KOPEL: No, no. The test.

23 SERGEANT STEPHANOFF: I'm sorry? What?

24 LEGISLATOR KOPEL: Oh, okay. Fine.

25 This is development of a new test.

2 SERGEANT STEPHANOFF: Correct.

3 LEGISLATOR KOPEL: What's wrong with the
4 old test?

5 SERGEANT STEPHANOFF: We're using -- AON
6 Consulting was the company that established --
7 put together the former test, and we're using
8 them again because they also have a good
9 reputation with the Justice Department. So we're
10 going to use --

11 LEGISLATOR KOPEL: Is this a written
12 test?

13 SERGEANT STEPHANOFF: Yes.

14 LEGISLATOR KOPEL: So you've got to have
15 new questions and so forth. Okay. Got it.
16 Thank you.

17 CHAIRMAN SCHMITT: Anybody else?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor please say aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item carries unanimously.

2 E-114 is a contract between IT and Quest
3 Computer Products, for maintenance services for
4 software at the Traffic Violations Bureau.

5 May I have a motion, please?

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRMAN SCHMITT: Moved by Legislator
9 Walker, seconded by Legislator Nicoletto.

10 Any debate or discussion?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor please say aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 I'm going to call E-115 and E-116
19 together. They are between the Parks Department
20 and Antha M. Flood and Joseph M. Vinarski, use
21 and occupancy permit for Chelsea Lodge Gatehouse,
22 and between Parks and David Kowalenko, Ashley
23 Bender, and Isys Johnson, for use and occupancy
24 permit for the Nassau Hall Gatehouse.

25 May I have a motion, please?

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator
5 Walker, seconded by Legislator Nicoletto.

6 Any debate or discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 LEGISLATOR WINK: Wait. I apologize. I
15 have a quick question.

16 CHAIRMAN SCHMITT: Legislator Wink.

17 LEGISLATOR WINK: Thank you.

18 With respect to these two items. These
19 are certainly ritzy addresses, if nothing else.
20 Now, I've never been to either one of these
21 locations that I know of, so I don't know what
22 the conditions are there. But the rents seem to
23 be fairly competitive, notwithstanding the fact
24 that they're in Muttowntown Park and Preserve and
25 want not.

2 My question is, are there other
3 responsibilities, besides paying rent, that these
4 tenants will have? Are they doing maintenance
5 work? Are they doing upkeep? Are they doing
6 anything of that nature?

7 MR. EISENSTEIN: These two particular
8 tenants don't have any caretaking
9 responsibilities. These rents were established
10 by Smith and DeGroat, as our management company,
11 using comparable rents. So these are market
12 rents. We feel that the county is getting a good
13 deal with these license fees.

14 LEGISLATOR WINK: Again, I don't know
15 what the conditions are at the site so I can't
16 begin to tell you whether or not -- it sounds to
17 me like a typical, you know, two bedroom
18 apartment. In parts of Nassau County,
19 particularly on the north shore where this --
20 might be far in excess of this number. I'm just
21 trying to get an understanding. Is it because of
22 the existing conditions there or something else?

23 MR. EISENSTEIN: No. These are the
24 rents that for these kinds of units, for these
25 particular kinds of units that would be typically

2 paid. They are in Parks, so the amount of
3 traffic that goes through from the public are
4 also there. These aren't leases. These are
5 license agreements. They are terminable on 30
6 days' notice. So the rights you have are less
7 than you would have under a typical apartment.
8 So taking all that into consideration, these are
9 the license fees that would be reasonable in that
10 situation.

11 LEGISLATOR WINK: Thank you very much.

12 CHAIRMAN SCHMITT: Legislator Jacobs.

13 LEGISLATOR JACOBS: Yes. I just wanted
14 to say one thing to you, correct me if I'm going
15 wrong here.

16 MR. EISENSTEIN: Sure.

17 LEGISLATOR JACOBS: I think when we
18 started to do this a few years ago, this is a
19 good thing, especially when land is sitting there
20 empty. What's good about this is we now have
21 control over who is in these places. Certainly,
22 like you said, a 30 day termination if they're
23 not doing the right thing. But just logically --
24 I know the area very well, obviously. I think
25 it's good that someone is on grounds.

2 MR. EISENSTEIN: It's good in that the
3 units, because somebody is living in them -- if
4 you don't live in your house for a year, certain
5 things are not going to get done in your house --

6 LEGISLATOR JACOBS: Exactly.

7 MR. EISENSTEIN: and things are going to
8 fall into disrepair. With people living in the
9 units, we're making money off of it and we're
10 actually making a lot more money off of this now
11 when we used to, when the property was being
12 managed by Friends of Nassau Heritage. It all
13 contributes to having a better park system,
14 better facilities. It takes a lot of
15 responsibility off of the county. It works out
16 financially for us. It's a great deal for us.

17 LEGISLATOR JACOBS: Have we ever tried
18 to go higher or are we forced to stay with what
19 the appraiser -- I'm not saying particularly on
20 these two that I want to stop it. But I'm just
21 saying.

22 MR. EISENSTEIN: Whenever a unit becomes
23 available, our managing agent, particularly, does
24 the comps, figures out what we could charge, and
25 then, depending on how many people are interested

2 in that particular unit, it is negotiated to a
3 certain extent. These rents are reviewed
4 periodically. If we see that something should be
5 higher, we do raise them.

6 LEGISLATOR JACOBS: Does our management
7 company get a brokerage fee on it?

8 MR. EISENSTEIN: They take 20 percent of
9 the management fees -- excuse me, of the license
10 fees that come in, and they do make their own --
11 the contract does allow them to make their own
12 side deal with the licensees that come in for a
13 brokerage fee, which is usually one month, which
14 is standard.

15 LEGISLATOR JACOBS: So they pay one
16 month upfront in addition to the rental for the
17 property.

18 MR. EISENSTEIN: Right.

19 LEGISLATOR JACOBS: Okay. Thank you.

20 CHAIRMAN SCHMITT: Legislator Nicoletto.

21 LEGISLATOR NICOLELLO: You mentioned the
22 Friends of Nassau. This is relatively new
23 program, correct, in which we have Smith &
24 DeGroat.

25 MR. EISENSTEIN: It started in 2006.

2 LEGISLATOR NICOLELLO: Okay. Before
3 that time we were getting back a fraction of what
4 we're getting back now.

5 MR. EISENSTEIN: Right now we bring in
6 about \$96,000 a month; we used to be getting
7 about 30,000 a month.

8 LEGISLATOR NICOLELLO: It's a
9 substantial improvement.

10 MR. EISENSTEIN: Yes.

11 LEGISLATOR NICOLELLO: It's a success
12 that we should really be trumpeting it a little
13 bit more.

14 MR. EISENSTEIN: Absolutely.

15 LEGISLATOR NICOLELLO: Thanks.

16 CHAIRMAN SCHMITT: We already voted on
17 those two items, so I'm going to call E-117,
18 which is a contract between Social Services and
19 Family Focus Adoption Service.

20 May I have a motion, please?

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRMAN SCHMITT: Moved by Legislator
24 Walker, seconded by Legislator Nicoletto.

25 Any debate or discussion?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor please say aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item carries unanimously.

10 E-122 is a contract between Social

11 Services and Long Beach Reach, Inc.

12 May I have a motion, please?

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRMAN SCHMITT: Moved by Legislator

16 Walker, seconded by Legislator Nicolello.

17 Any debate or discussion?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor please say aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The ayes have it, unanimous.

2 E-124 is a contract between Parks and
3 Smith & Drake Realty Company, doing business as
4 Smith & DeGroat Real Estate.

5 May I have a motion, please?

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR NICOLELLO: Second.

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

10 Any debate or discussion?

11 LEGISLATOR WINK: If I could.

12 CHAIRMAN SCHMITT: Legislator Wink.

13 LEGISLATOR WINK: Thank you.

14 Is this subject to the same conversation
15 that we just had?

16 MR. EISENSTEIN: Same management
17 company. Same situation.

18 LEGISLATOR WINK: Okay. Okay. Right.
19 This is just a -- this is an amendment to it.

20 MR. EISENSTEIN: Correct.

21 LEGISLATOR WINK: Okay. Okay. Thank
22 you.

23 CHAIRMAN SCHMITT: Anybody else?

24 (No verbal response.)

25 Any public comment?

1 (No verbal response.)
2
3 All those in favor please say aye.
4 (Aye.)
5 Any opposed?
6 (No verbal response.)
7 I'll take a motion to suspend the rules.
8 LEGISLATOR NICOLELLO: So moved.
9 LEGISLATOR WALKER: Second.
10 CHAIRMAN SCHMITT: Moved by Legislator
11 Nicolello, seconded by Legislator Walker.
12 All those in favor of suspending the
13 rules please say aye.
14 (Aye.)
15 Any opposed?
16 (No verbal response.)
17 The rules are suspended.
18 I'm going to call A-11, is a contract
19 between DPW and 3D Industrial Sales & Service.
20 May I have a motion, please?
21 LEGISLATOR WALKER: So moved.
22 LEGISLATOR NICOLELLO: Second.
23 CHAIRMAN SCHMITT: Moved by Legislator
24 Walker, seconded by Legislator Nicolello.
25 Any debate or discussion?

1 (No verbal response.)
2
3 Any public comment?
4 (No verbal response.)
5 All those in favor please say aye.
6 (Aye.)
7 Any opposed?
8 (No verbal response.)
9 The ayes have it, unanimously.
10 A-12, A-13, and A-14 -- a contract
11 between Parks and All Pro Horticulture, between
12 Parks and Nassau Suffolk Turf Services, and
13 between Parks and Maxwell Turf & Supply.
14 May I have a motion, please?
15 LEGISLATOR WALKER: So moved.
16 LEGISLATOR NICOLELLO: Second.
17 CHAIRMAN SCHMITT: Moved by Legislator
18 Walker, seconded by Legislator Nicoletto.
19 Any debate or discussion?
20 (No verbal response.)
21 Any public comment?
22 (No verbal response.)
23 All those in favor please say aye.
24 (Aye.)
25 Any opposed?

2 (No verbal response.)

3 The items carry unanimously.

4 B-3 is between DPW and Bancker

5 Construction Corporation.

6 May I have a motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRMAN SCHMITT: Moved by Legislator
10 Walker, seconded by Legislator Nicoletto.

11 Any debate or discussion?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 B-4, between DPW and Thomas Novelli

21 Contracting Corporation.

22 May I have a motion, please?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRMAN SCHMITT: Moved by Legislator

2 Walker, seconded by Legislator Nicoletto.

3 Any debate or discussion?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All those in favor please say aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 E-72 is between the County Attorney and
12 Jaspan Schlesinger.

13 May I have a motion, please?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR NICOLELLO: Second.

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

18 Any debate or discussion?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor please say aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The item carries unanimously.

3 I'm going to call E-73, E-78, and E-120
4 together - between the Office of Community
5 Development and VHB Engineering, Surveying and
6 Landscape, between the Office of Community
7 Development and J.C. Broderick & Associates, and
8 between the Office of Community Development and
9 VHB.

10 May I have a motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator
14 Walker, seconded by Legislator Nicoletto.

15 Any debate or discussion?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor please say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The items carry unanimously.

24 E-79 is between DPW and the RBA Group.

25 May I have a motion, please?

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator
5 Walker, seconded by Legislator Nicoletto.

6 Any debate or discussion?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously.

15 E-108 is with Bowne Management Systems,
16 Inc.

17 May I have a motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator
21 Walker, seconded by Legislator Nicoletto.

22 Any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

All those in favor please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The item carries unanimously.

That's all the contracts. The Rules Committee will stand in recess. Next committee up is Public Safety.

(Whereupon, the Rules Committee recessed at 1:51 p.m.)

(Whereupon, the Rules Committee reconvened at 4:55 p.m.)

CHAIRMAN SCHMITT: Members of the Rules Committee please take your seats.

Apparently there is a contract that was on the calendar that was not called, so we're going to call that now.

E-74 is a resolution authorizing the county executive to amend a personal services agreement between the County, the Office of Human Resources, and Fox Lawson and Associates, a Division of Gallagher Benefit Services.

Could I have a motion, please?

LEGISLATOR WALKER: So moved.

2 LEGISLATOR NICOLELLO: Second.

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

5 LEGISLATOR NICOLELLO: Nicolello.

6 CHAIRMAN SCHMITT: Legislator
7 Muscarella.

8 Any debate or discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor please say aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item carries unanimously.

17 I'll take a motion to un-table E-95,

18 which is a contract between the county attorney

19 and Lewis & Fiore.

20 Any debate or discussion?

21 LEGISLATOR ABRAHAMS: Yeah.

22 CHAIRMAN SCHMITT: Legislator Abrahams.

23 LEGISLATOR ABRAHAMS: Thank you,

24 Presiding Officer Schmitt. We just wanted to

25 know the nature of the amendment.

2 COUNTY ATTORNEY CIAMPOLI: The
3 amendment, I believe, adds money to the contract.
4 This contract was to defend primarily in Federal
5 District Court, the reapportionment plan in 2011.

6 LEGISLATOR ABRAHAMS: We're still
7 defending that plan, Mr. Ciampoli?

8 COUNTY ATTORNEY CIAMPOLI: That plan is
9 still live. The case in Federal District Court
10 was administratively closed. In the event the
11 plan becomes active at the conclusion of the
12 reapportionment process before this Legislature
13 for 2013, that case can be reopened and restored
14 to the calendar.

15 LEGISLATOR ABRAHAMS: So you're saying
16 to this body that that plan is still alive and
17 well today, even though there is a redistricting
18 reapportionment committee that's been assembled?
19 Are they just going to adopt that plan?

20 COUNTY ATTORNEY CIAMPOLI: That's
21 correct. My understanding of the New York State
22 Court of Appeals decision on the plan was that
23 the plan was required by the Chart. It is in
24 place now. Should the commission come up with
25 nothing else or decide to adopt that plan, it

2 will become the plan.

3 LEGISLATOR ABRAHAMS: So you mean to
4 tell me that the commission needs to do no work.
5 Doesn't need to do anything?

6 COUNTY ATTORNEY CIAMPOLI: That's their
7 decision, not mine. What the Court of Appeals
8 found was that the Charter called for a plan to
9 be adopted in 2011; it was adopted, it is in
10 place. That plan -- this contract, as it relates
11 to this contract, that plan was challenged in
12 Federal District Court. The case was
13 administratively closed and can be reopened by
14 counsel for the plaintiffs if, in fact, that is
15 the plan that is ultimately put in place by this
16 legislature.

17 LEGISLATOR ABRAHAMS: Mr. Ciampoli,
18 correct me if I'm wrong, but this sounds like
19 just in case money. It doesn't sound like he's
20 doing any work.

21 COUNTY ATTORNEY CIAMPOLI: There's
22 continuing work to be done. There's going to be
23 a new reapportionment plan.

24 LEGISLATOR ABRAHAMS: But the commission
25 may come up with their own plan.

2 COUNTY ATTORNEY CIAMPOLI: Excuse me?

3 LEGISLATOR ABRAHAMS: The commission may
4 come up with their own plan, their own map.

5 COUNTY ATTORNEY CIAMPOLI: That's
6 correct. And it may -- and this legislature may
7 come up with a different plan.

8 LEGISLATOR ABRAHAMS: Wouldn't it be
9 more prudent, let's use the word fiscally
10 prudent, to wait to see what the commission comes
11 up with before we start to give Lewis & Fiore
12 some more money?

13 COUNTY ATTORNEY CIAMPOLI: No, because
14 it is still necessary to advise the commission.
15 There are --

16 LEGISLATOR ABRAHAMS: Advise the
17 commission how?

18 COUNTY ATTORNEY CIAMPOLI: There is
19 still a live case out there, number one.

20 LEGISLATOR ABRAHAMS: Please be
21 specific.

22 COUNTY ATTORNEY CIAMPOLI: Number two --

23 LEGISLATOR ABRAHAMS: Mr. Ciampoli,
24 please be specific. Advise the commission how?

25 COUNTY ATTORNEY CIAMPOLI: On the

2 sufficiency of the plan.

3 LEGISLATOR ABRAHAMS: But they may pick
4 their own plan.

5 COUNTY ATTORNEY CIAMPOLI: They may.

6 LEGISLATOR ABRAHAMS: Is it my
7 understanding that they are meeting tomorrow?

8 COUNTY ATTORNEY CIAMPOLI: I believe
9 that's correct.

10 LEGISLATOR ABRAHAMS: And they may
11 decide to develop their own maps, their own
12 lines. They may not go anywhere close to what
13 was developed by yourself and a few other people.

14 COUNTY ATTORNEY CIAMPOLI: That's
15 correct.

16 LEGISLATOR ABRAHAMS: In their judgment,
17 they may come up with something that may not be
18 challenged in the federal court. Why would we be
19 giving money to Lewis & Fiore for a just in case?

20 COUNTY ATTORNEY CIAMPOLI: We're not
21 giving them money.

22 LEGISLATOR ABRAHAMS: So what are we
23 doing today?

24 COUNTY ATTORNEY CIAMPOLI: We are
25 putting money in a contract so that it is there

2 and it is available for --

3 LEGISLATOR ABRAHAMS: Same thing.

4 COUNTY ATTORNEY CIAMPOLI: defense, if
5 needed.

6 LEGISLATOR ABRAHAMS: Same thing.

7 Semantics, Mr. Ciampoli. There is no reason to
8 give them money if the commission doesn't decide
9 to go along with those lines. They can totally
10 do something different. They can turn everything
11 upside down. Put District 1 in Great Neck. Put
12 District 16 in Roosevelt. They can do anything
13 they'd like. Why would we be amending a contract
14 and putting money aside for a service that may
15 not even be necessary? I'm just curious.

16 COUNTY ATTORNEY CIAMPOLI: Again, one
17 wants to be prepared for any challenge that may
18 come.

19 LEGISLATOR ABRAHAMS: Mr. Ciampoli, I'm
20 all for being prepared. But I think we can be
21 prepared once we know the commission actually
22 wants to go forward with the map that was created
23 by yourself and a few other people.

24 COUNTY ATTORNEY CIAMPOLI: And we don't
25 know whether the plaintiffs are going to

2 reactivate that case. And we should not leave
3 the county without counsel to attend to the --

4 LEGISLATOR ABRAHAMS: Mr. Ciampoli, the
5 plaintiffs, I would think, would wait to see what
6 comes out of this reapportionment commission
7 before they go forward.

8 COUNTY ATTORNEY CIAMPOLI: That's not my
9 decision, that's theirs.

10 LEGISLATOR ABRAHAMS: You're right. And
11 that's why we should wait to see what the
12 redistricting apportionment committee -- they've
13 been charged with an assignment. Based on our
14 knowledge, once they complete their assignment,
15 if their maps look similar to what you had put
16 together, then from our standpoint then we'd have
17 no problem. We would agree with you, to some
18 degree, that Lewis & Fiore should be defending
19 the county. But at this point we think it's
20 unnecessary. It sounds like just in case money.
21 And I would incline my side, as well as the body,
22 to vote no.

23 CHAIRMAN SCHMITT: Mr. Ciampoli, based
24 on the experience -- you weren't here ten years
25 ago when the commission -- when the bipartisan

2 redistricting commission did its work. But based
3 on what happened last year and based upon what's
4 happening so far this year, it is my conclusion -
5 - and I asked you if you would agree with this or
6 not. It is my conclusion that whatever this
7 legislature does in adopting a map for
8 redistricting, unless it's the map proposed by
9 the minority, we will be sued. Would you agree
10 with that?

11 COUNTY ATTORNEY CIAMPOLI: That is
12 absolutely correct, Presiding Officer.

13 CHAIRMAN SCHMITT: To have Lewis & Fiore
14 on hand ready to mount a defense of the actions
15 of this Legislature, would be a prudent course of
16 action.

17 COUNTY ATTORNEY CIAMPOLI: It is,
18 particularly give the fact that what we have been
19 told by NIFA is that if there is no money left in
20 the contract, attorneys should not be working.
21 Attorneys, to my experience, don't work for
22 nothing. So it is prudent to put this money
23 there so we are ready to go when a challenger
24 says go and brings a challenge.

25 LEGISLATOR ABRAHAMS: If I may finish,

2 Presiding Officer Schmitt. There is nothing to
3 work on. There is nothing there. The commission
4 hasn't done anything yet. You want to do this a
5 year in advance, from when the commission has any
6 opportunity to propose a map. To me, it just
7 seems ridiculous that we would be amending and
8 doing this with a contract, an agreement, when
9 there is nothing there. What exactly is the
10 commission -- what exactly are they going to be
11 doing between now and the time the commission
12 develops a map for them to warrant additional
13 money to their agreement? Explain.

14 COUNTY ATTORNEY CIAMPOLI: Well, the
15 commission obviously is going to be producing a
16 product.

17 LEGISLATOR ABRAHAMS: When?

18 COUNTY ATTORNEY CIAMPOLI: That product
19 should be reviewed in real time to see if it has
20 any vulnerabilities of weaknesses that would be
21 manifest in court --

22 LEGISLATOR ABRAHAMS: No, no, no. The
23 only weaknesses could be the ones that were
24 identified with the map that you put together in
25 the basement with a couple of other people;

2 that's the only weakness. They could come up
3 with 1,000 different maps and --

4 COUNTY ATTORNEY CIAMPOLI: My contention
5 is there really are no weaknesses in that map,
6 but that's neither here nor there.

7 LEGISLATOR ABRAHAMS: I'm sorry. Are
8 you going to tell him not to cut me off?

9 CHAIRMAN SCHMITT: As soon as you stop
10 cutting him off.

11 LEGISLATOR ABRAHAMS: Yeah, okay. So,
12 let me just make sure I understand this
13 correctly. You want them to basically sit there
14 just in case the 999 other possibilities that can
15 happen, where a map would not be challenged in
16 court, we would want to have them just to hang
17 around.

18 COUNTY ATTORNEY CIAMPOLI: There's a
19 legal theory known as *res ipsa loquitur*. In
20 other words, if a man walks by a building and
21 then a barrel falls and hits him in the head,
22 somebody must have dropped the barrel. Somebody
23 must have created the civil wrong. That theory
24 is very applicable to reapportionment. If there
25 is a reapportionment, someone is going to

2 challenge it, someone is going to go to court,
3 and we need to be ready for that.

4 LEGISLATOR ABRAHAMS: No, Mr. Ciampoli.
5 It seems like we need to be ready to hand over a
6 contract to someone that you feel very strongly
7 should deserve a contract when this legislative
8 body is not in a position to hand over any money,
9 especially to highlight the fact that you have
10 been very poignant in pointing out, as well as
11 the majority leader, that we are in a fiscal
12 crisis. I can't see why would be handing out
13 just-in-case money to some of your friends.

14 From our standpoint, unless you can
15 provide us justification for why the commission
16 would be engaging into a process where they would
17 adopt the very same map that was put together by
18 you and a couple of your friends, I don't see why
19 this legislature should approve it.

20 CHAIRMAN SCHMITT: That's twice that you
21 referred to the law firm as his friends.

22 LEGISLATOR ABRAHAMS: No, no. I said he
23 put together a redistricting map last year with
24 him and a couple of his friends, or colleague.
25 Sorry.

2 CHAIRMAN SCHMITT: Colleagues would be a
3 much better word.

4 LEGISLATOR ABRAHAMS: Of course. There
5 were two people in the basement with him.

6 CHAIRMAN SCHMITT: No, I was never in
7 the basement with him.

8 LEGISLATOR ABRAHAMS: But I'm sure you
9 instructed it. And I'm sure you saw the map
10 before we did.

11 CHAIRMAN SCHMITT: Mrs. Jacobs.

12 LEGISLATOR JACOBS: Not being an
13 attorney, which sometimes is a great thing on
14 this legislature, because I'm going to talk to
15 you as a layperson.

16 I would call this stacking the deck, if
17 there was a simple way to put it. Stacking the
18 deck to get a law firm that we have no idea if
19 the commission has agreed, even your half of the
20 commission has agreed to use, we are going to
21 have them standing there for this amount of
22 money, waiting to take action on a map that
23 you've already decided is the way we should go.

24 Let me ask you. You have absolutely no
25 confidence in all in this commission we're

2 putting together. Let me put it in a question.
3 Do you have any confidence at all?

4 COUNTY ATTORNEY CIAMPOLI: To answer a
5 question with a statement of fact, I have not
6 seen anyone on this side of the horseshoe say
7 we're willing to stipulate that we will abide by
8 any plan the commission adopts and there will be
9 no litigation. So on the one hand you're saying
10 I'm looking to stack the deck, looked at from a
11 more proper perspective, I'm getting ready. I am
12 putting the resources at hand, engaging the firm
13 that has specific experience in this area, and
14 making sure they're available to defend the plan
15 that the County Legislature ultimately adopts.

16 LEGISLATOR JACOBS: You are more than
17 getting ready. There's \$500,000 that the
18 legislature wisely put aside to deal with
19 anything that might come about due to
20 redistricting. What you're doing is ensuring
21 that half of this legislature has a little bit
22 more than \$250,000 and the other half doesn't.
23 That's what you're doing. You're asking a full
24 legislative body or a full legislative rules
25 committee to agree to what you're saying when we

2 know it's specifically to help only one side. I
3 am totally amazed at this.

4 I was here ten years ago. I was here
5 when we redistricted ten years ago. I know what
6 happened. I realize there's five and there's
7 five, and then there's the chair that's appointed
8 by the county exec. We all can add up and we
9 could all see where more weight would be given,
10 although the votes on the committee, itself, on
11 the commission, are equal. And then the
12 legislature decides which map they're going to
13 adopt. I know all that. And I know that
14 necessarily the side that doesn't get their map
15 adopted will obviously fight something in court.
16 We all know that. There's no secrets about that.
17 What amazes me is the way the map was drawn up
18 last year, to begin with. Number two, the very
19 fact that you're saying to us this is not
20 stacking the deck. If there's anything that ever
21 stacked the deck, this is it.

22 You are ensuring an extra pot of money
23 for your side of the aisle. And I really have to
24 remind you, like we have before. You represent
25 all of us. I'm not naïve. I know you have the

2 majority over there, and that's fine. But you
3 know. I'd like to think that maybe good minds
4 might be able to give you a very good map. We're
5 not in the dark some place. But give us a chance
6 to have a fair map, which is what happened with
7 the Republicans drew it before the legislature
8 was formed, and what happened ten years ago when
9 it was drawn under our leadership.

10 CHAIRMAN SCHMITT: Please. Ten years
11 ago, where you introduced a third map in the dead
12 of night and had a vote on it without even a
13 public hearing? That's the example of how you'd
14 like to see this commission work? So noted.

15 LEGISLATOR JACOBS: Well, let me tell
16 you something. There was nobody who was
17 literally destroyed in either time there was
18 redistricting here. This will set a new avenue.
19 You tried to do it last year and it didn't work.

20 CHAIRMAN SCHMITT: If at first you don't
21 succeed --

22 LEGISLATOR JACOBS: Now we're going to -
23 - You know what? I'll tell you truthfully. It's
24 really a total joke to all of you. I see you're
25 smiling. I see Mr. Schmitt smiling. And I think

2 that's great. Let it be reported that this is a
3 joke. The bottom line is it's pretty serious
4 when you're dealing with people that depend on us
5 to do the right thing.

6 CHAIRMAN SCHMITT: And we have a Charter
7 and we have a very clear map of what the
8 commission is supposed to do. We have a very
9 clear map of what the legislature has to do. We
10 know it will be done according to the book, right
11 down the line of what the Charter calls for. We
12 know that at the end of the day there's going to
13 be a map adopted by a vote of ten to nine, and we
14 know that we're going to end up in court.
15 Therefore, we see --

16 LEGISLATOR JACOBS: And I'm telling you
17 --

18 CHAIRMAN SCHMITT: no reason not to have
19 the ducks in a row.

20 LEGISLATOR WINK: I guess all the talk
21 of compromise we heard today meant nothing to
22 that side of the aisle.

23 LEGISLATOR JACOBS: Mr. Schmitt, the
24 bottom line here is we're all grown people. We
25 all know that when you have the majority, it's

2 obviously weighted more in your favor.

3 The last map that you tried to put
4 forward was not only weighted in your favor, it
5 was destroying what is. There's a difference.
6 There's a difference between a fair fight
7 district map and something that is literally put
8 in blood, literally blood, on the paper.

9 I'm telling you I think a vote for this
10 is a vote for unfair redistricting a vote that
11 will be under scrutiny now for months to come.
12 Quite honestly, I think it's a real slap in the
13 face to the people you put on the commission, the
14 people we put on the commission. I don't know
15 what you're trying to accomplish here, but it's
16 an embarrassment to every side, and should be to
17 your side too.

18 CHAIRMAN SCHMITT: Okay. Anybody else?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

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

24 (Aye.)

25 Any opposed?

2 (Nay.)

3 The item carries by a vote of four to
4 three.

5 Now we're going to call the items that
6 can be called in bulk that both sides have agreed
7 have been sufficiently debated in other
8 committees.

9 Items Number 154, 155, 157, 158, 159,
10 160, 170, 171, 172, 173, 174, 175, 176, 177, 178,
11 179, 180, 181, 182, 183, 184, 185, 186, 310, 311,
12 313, 314, 316, 317, 318, 319, 320, 323, 324, 325,
13 326, 327, 328, 332, 334, 336, 337, 338, and, on
14 the addendum, 312 and 124.

15 May I have a motion, please?

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Walker, seconded by Legislator Nicolello.

20 Any public comment on any of these items
21 that have been called?

22 (No verbal response.)

23 All those in favor please signify by
24 saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The item carries unanimously.

5 Legislator Abrahams.

6 LEGISLATOR ABRAHAMS: Just for the sake
7 of the record. The items that passed in the
8 committee a little bit earlier regarding the
9 Lewis & Fiore contract, I had mentioned that I
10 had some knowledge that there was a meeting for
11 the redistricting commission; I think Mr.
12 Ciampoli responded in the affirmative. But, to
13 our knowledge, we have not seen any
14 correspondence substantiating a meeting for
15 tomorrow, public notice for a meeting tomorrow.
16 I just wanted to make sure that was clear on the
17 record. I was responding to more rumor, I guess,
18 than anything else. I just wanted to make sure
19 it's clear on the record that we are still
20 awaiting an actual notification if there is going
21 to be any meetings coming up.

22 Thank you.

23 CHAIRMAN SCHMITT: Thank you.

24 Where's the clerk? Mr. Muller, would you
25 contact Frank Maroni, please, who is the chairman

2 of this commission and find out from him a list
3 of when they are planning on meeting, if they've
4 gotten that far yet. And if we can get a list of
5 dates, would we make it available to all the
6 legislators, please?

7 CLERK MULLER: Do you want me to do that
8 now?

9 CHAIRMAN SCHMITT: No. Tomorrow. I'm
10 sure he's not even here now.

11 Okay. Item Number 161 is a resolution to
12 confirm the county executive's appointment of
13 Joseph Bentivegna to the Vocational Education
14 Extension Board.

15 May I have a motion, please?

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Walker, seconded by Legislator Nicoletto.

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 (No verbal response.)

4 The item carries unanimously.

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

10 May I have a motion, please?

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator
14 Walker, seconded by Legislator Nicolello.

15 I would ask that the testimony at the
16 previous committees regarding this item be made
17 part of the record.

18 (Whereupon, the following are the minutes
19 from the May 7, 2012 Public Safety meeting
20 concerning Clerk Item 164-12.)

21 The first item on the calendar is 164-12,
22 a local law to amend Title 72 of the
23 Miscellaneous Laws of Nassau County entitled
24 "Vehicle Owner Liability for Failure of an
25 Operator to Comply with Traffic Control

2 Indications."

3 Please entertain a motion to place this
4 matter before the Nassau County Legislature.

5 LEGISLATOR GONSALVES: So moved.

6 CLERK MULLER: Moved by Legislator
7 Gonsalves. Seconded?

8 LEGISLATOR MUSCARELLA: Second.

9 CLERK MULLER: Seconded by Legislator
10 Muscarella.

11 I think there's been, also, an amendment
12 in the nature of a substitution filed with this
13 item. Could we have a motion to accept the
14 amendment?

15 LEGISLATOR BELESI: So moved.

16 CLERK MULLER: Motion made by Legislator
17 Belesi. Is there a second?

18 LEGISLATOR MUSCARELLA: Second.

19 CLERK MULLER: Seconded by Legislator
20 Muscarella.

21 We have to have a vote on the amendment.
22 All in favor of the amendment in nature of the
23 substitution for Item 164-12.

24 LEGISLATOR BELESI: All in favor?

25 (Aye.)

Opposed?

(No verbal response.)

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

LEGISLATOR WINK: Wait a minute.

CLERK MULLER: Just the amendment.

LEGISLATOR WINK: Just the amendment.

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

LEGISLATOR BELESI: Mr. Ciampoli.

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

LEGISLATOR BELESI: Mr. Denenberg.

LEGISLATOR WINK: I have a question.

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

All funds collected pursuant to this local law with this amendment, instead of going

2 to Youth Board, Department of Senior Citizen
3 Affairs, Department of Veteran Services,
4 Department of Mental Health, Chemical Dependency,
5 and Developmental Disabilities, and contract
6 agencies, would be deposited into the county
7 general fund if we vote for this amendment?

8 COUNTY ATTORNEY CIAMPOLI: The amended
9 item would do that.

10 LEGISLATOR DENENBERG: The answer to my
11 question is yes then?

12 COUNTY ATTORNEY CIAMPOLI: Yes.

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

15 COUNTY ATTORNEY CIAMPOLI: If I
16 understand procedurally, the item's been amended.
17 The amended item does that.

18 LEGISLATOR DENENBERG: And that is not
19 just for these second stage or second 50 red
20 lights --

21 COUNTY ATTORNEY CIAMPOLI: That's
22 correct.

23 LEGISLATOR DENENBERG: It would be for
24 the first 50.

25 COUNTY ATTORNEY CIAMPOLI: For all.

2 LEGISLATOR DENENBERG: What about all
3 money collected to date from the first 50 red
4 lights?

5 COUNTY ATTORNEY CIAMPOLI: Any money
6 collected under the old law would be allocated
7 under the old law.

8 LEGISLATOR DENENBERG: And I have the
9 record before me, when this was first proposed
10 under the previous administration, this
11 Legislature, and the majority at that time,
12 together with the minority, in a dialogue that
13 involved the currently presiding officer as well
14 as the current county executive, who was then-
15 Legislator Mangano. The idea was to ensure that
16 during that period of time, 2009, when there was
17 economic hardship and county budget gaps we were
18 trying to close, we wanted to make sure to
19 provide funding for contracts that the
20 legislature approved for Youth Board, Department
21 of Senior Citizens, Department of Veteran
22 Services, Department of Mental Health, Chemical
23 Dependency, and Developmental Disability, and
24 those contract agencies were kept whole and had a
25 funding source, which was a new funding source.

2 This would undo that.

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

12 LEGISLATOR DENENBERG: Okay. So, I
13 guess in a direct answer, these funds from the
14 red light cameras would no longer go where the
15 legislature directed them to go in 2009.

16 COUNTY ATTORNEY CIAMPOLI: Assuming the
17 legislature direct that they go somewhere
18 different through this.

19 LEGISLATOR DENENBERG: Is somewhere
20 different is instead of to the agencies I just
21 talked about, it would go to the county's general
22 fund.

23 COUNTY ATTORNEY CIAMPOLI: It would go
24 to the general fund. It would not be a dedicated
25 channeling of the money. It would not preclude

2 the money from going there. But if there were
3 mandatory priorities that needed to be met by the
4 county government, obviously the county needs
5 flexibility to address that, and the county
6 cannot be left without funds to address the
7 services and functions that it must provide to
8 the citizens.

9 LEGISLATOR DENENBERG: So trying to
10 stick with an answer to the question then. If it
11 is deposited into the county's general fund, all
12 those concepts you just described as to where the
13 money could ultimately go, if we pass this
14 amendment, the money going to the general fund
15 would then leave it up to the county executive as
16 to where the funding should go.

17 COUNTY ATTORNEY CIAMPOLI: According to
18 the budget, which was proposed by the county
19 executive and adopted by this body.

20 LEGISLATOR DENENBERG: So what
21 Legislator Mangano wanted in terms of ensuring
22 the red light camera revenue went to the agencies
23 that I just described, three years later, now the
24 county executive wants it to go to the general
25 fund so he could decide how to allocate it.

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

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

19 COUNTY ATTORNEY CIAMPOLI: I believe so.
20 2009. 09.

21 LEGISLATOR DENENBERG: No. The
22 additional. The second phase.

23 COUNTY ATTORNEY CIAMPOLI: Right. The
24 second phase I believe came in 10.

25 LEGISLATOR DENENBERG: Correct. It was

2 under the current administration that we proposed
3 a second phase, meaning an additional 50 red
4 light cameras, correct?

5 COUNTY ATTORNEY CIAMPOLI: That occurred
6 in 2010.

7 LEGISLATOR DENENBERG: At the time --
8 and I'm looking at a vote -- I was the only
9 legislator to vote against the implementation of
10 the additional 50. And here's the dialogue at
11 the time.

12 I asked whether -- where the -- where the
13 revenue from the next phase of the red light
14 cameras would go. I also questioned the
15 locations at the time, and I found out the
16 locations were -- the lion's share was going on
17 Sunrise Highway and in certain south shore
18 communities, including Freeport. I was
19 questioning that at the time. You know, I still
20 will question where these additional 50 will go.
21 But this is not the time, and this is not what's
22 in this amendment. But what's in this amendment
23 was, I stated, that this money would be used to
24 go to the general fund and not as directed by the
25 original legislation. Then Legislator Ciotti

2 said -- funding would go for the general fund and
3 not to the agencies that the legislation
4 originally provided for -- Youth Board, Senior
5 Citizens, Veteran Services, Mental Health,
6 Chemical Dependency. I would say to everyone
7 here, this makes it very clear that what I was
8 afraid of is exactly what's happening.

9 We're no longer using the red light
10 cameras as a way, a way to help those agencies
11 that needed the most help. We're having it go
12 straight to the general fund for the county
13 executive to decide what to do, which makes it
14 pretty clear that this is a revenue enhancer,
15 although we all intended that it would be
16 enhancing public safety.

17 If this comes to the general fund, the
18 Legislature can't ensure that this money goes to
19 Youth Board, Senior Citizens, Veteran Services,
20 Mental Health, Chemical Dependency, or other
21 contract agencies. Isn't that true?

22 COUNTY ATTORNEY CIAMPOLI: Well, I would
23 suggest that the legislature still has its
24 budgetary powers to direct where monies go.
25 However, again, the purpose of this bill, as

2 amended, is to create a flexibility for the
3 county to address holes in the budget, some holes
4 which some people may be creating as we speak.

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

14 I'm going to be voting against this
15 amendment.

16 LEGISLATOR BELESI: Legislator
17 Muscarella.

18 LEGISLATOR MUSCARELLA: I have a couple
19 of questions.

20 Mr. Ciampoli, the county is facing some
21 fiscal problems. Is that correct?

22 COUNTY ATTORNEY CIAMPOLI: That's a fair
23 statement.

24 LEGISLATOR MUSCARELLA: And as we go
25 forward, there may or may not be certain actions

2 that the county takes or tries to take to address
3 those fiscal problems. Is that correct?

4 COUNTY ATTORNEY CIAMPOLI: That's
5 correct as well.

6 LEGISLATOR MUSCARELLA: And what we're
7 doing here is taking money and allowing it to go
8 into the general fund so that the county has the
9 ability to address the fiscal problems in the
10 event certain actions or other actions are not
11 taken.

12 COUNTY ATTORNEY CIAMPOLI: That's
13 correct.

14 LEGISLATOR MUSCARELLA: So let's just
15 assume that the county has some judgments against
16 it and a certain entity decides to try and attach
17 bank accounts or to force the county to pay those
18 judgments. This would allow certain monies to be
19 freed up to be used to meet those obligations.
20 Is that correct?

21 COUNTY ATTORNEY CIAMPOLI: That's
22 absolutely correct.

23 LEGISLATOR MUSCARELLA: And although
24 this may be a different action than was taken in
25 2009, as Mr. Denenberg says, and although in 2009

2 this body did not address the problems in this
3 way, this would allow us to address it in this
4 way.

5 COUNTY ATTORNEY CIAMPOLI: That's
6 correct. It gives us an insurance on providing
7 the essential services that the county must
8 provide for its citizens, mandated under state
9 law, federal law, and to use the resources
10 according to those priorities.

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

14 COUNTY ATTORNEY CIAMPOLI: Perhaps.

15 LEGISLATOR MUSCARELLA: And this would
16 allow, perhaps, there to be additional monies in
17 the general fund in the event this body decided,
18 in 2012, not to provide 13 votes for bonding.

19 COUNTY ATTORNEY CIAMPOLI: Perhaps.

20 LEGISLATOR MUSCARELLA: Okay. Thank
21 you.

22 LEGISLATOR WINK: Mr. Chairman.

23 LEGISLATOR BELESI: Legislator Wink.

24 LEGISLATOR WINK: With all due respect
25 to my esteemed colleague, those same questions

2 could have been asked in 2009 and yet,
3 nevertheless, then-Legislator Mangano sponsored
4 legislation to tie this money directly to the
5 not-for-profit agencies, which not only did we
6 agree with but we actually helped to expand to
7 include many of the other not-for-profits that
8 had been left out of the initial amendment. But
9 having said that.

10 The county executive, when he was a
11 legislator, saw no problem with tying this money
12 directly to the not-for-profit agencies that were
13 under tremendous stress, both in terms of county
14 funding, state funding, and other private funding
15 in 2009. None of those matters have changed, as
16 far as we can tell, for those not-for-profits,
17 and yet we're going to untie our own hands, for
18 our own benefit, at the expense of these not-for-
19 profits. That's what I'm hearing out of all of
20 this today.

21 COUNTY ATTORNEY CIAMPOLI: Well, I don't
22 think that is what you are hearing at all. I
23 think what you are hearing --

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

2 COUNTY ATTORNEY CIAMPOLI: I understand.
3 But I think that what you are hearing is that the
4 factual basis that existed in 2009 does not exist
5 today; in fact, it is a quite different one. In
6 fact, to argue that the dedication of these funds
7 would stand in the way of the judgments that Mr.
8 Muscarella suggested, those funds could be
9 attached as well.

10 What could happen, though, is that a
11 judgment/creditor levying against county bank
12 accounts could attach any account. So it could
13 be those funds that get attached, it could be
14 others. It could serve --

15 LEGISLATOR WINK: And that may be. But
16 that's --

17 COUNTY ATTORNEY CIAMPOLI: to create
18 chaos in the county government.

19 LEGISLATOR WINK: Mr. Ciampoli, with all
20 due respect, that may be the case, but that does
21 not alter the fact that we can still segregate
22 these monies for the purposes of payments. If
23 they get attached, they get attached. But
24 whether they're part of the general fund or a
25 dedicated fund may not be relevant to whether or

2 not we should, in fact, disencumber that money
3 from these not-for-profits. That's the first
4 thing.

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

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

23 These monies have all been brought in
24 and, to the best of my knowledge, they've all
25 gone to not-for-profits. What I'd like to see is

2 an accounting of all that revenue that's come in
3 to date, from -- I believe August 2009 was when
4 the program was first implemented, until now, to
5 see where that money has gone -- where it has
6 come in, how much has come in, and where it has
7 gone, in terms of the not-for-profits they're
8 supposed to be funding. So I'm going to ask that
9 of you on behalf of the administration.

10 COUNTY ATTORNEY CIAMPOLI: I will get
11 that request to OMB --

12 LEGISLATOR WINK: I appreciate that.

13 COUNTY ATTORNEY CIAMPOLI: on your
14 behalf.

15 LEGISLATOR WINK: I appreciate that.
16 Thank you.

17 LEGISLATOR BELESI: Legislator Ford.

18 LEGISLATOR FORD: Go ahead.

19 LEGISLATOR GONSALVES: Mr. Ciampoli,
20 none of us on this board would like to see these
21 services cut or not funded. However, isn't it
22 true that we would not be going down this track
23 if we had the cooperation of the minority in
24 helping us to avoid those judgments that could
25 take place on May 21?

2 COUNTY ATTORNEY CIAMPOLI: That would
3 seem to obviate the need for the flexibility that
4 is sought here. But again, remember, that is
5 only a one-shot. It is a continuing need for
6 cooperation and bipartisanship that we need here.

7 LEGISLATOR GONSALVES: This is what we
8 would hoping, that this would be the case, and
9 that the minority would join with the majority in
10 trying to make it possible for us to raise that
11 \$40 million that is due on May 21, so that we can
12 avoid these judgments. I would like to see us go
13 forward with the rest of the monies that will be
14 needed to settle those cases.

15 So I believe --

16 LEGISLATOR DENENBERG: Norma. Norma --

17 LEGISLATOR GONSALVES: I'm not talking
18 to you.

19 LEGISLATOR DENENBERG: Then the money --

20 LEGISLATOR GONSALVES: Excuse me.

21 LEGISLATOR DENENBERG: should have been
22 going into that fund.

23 LEGISLATOR GONSALVES: I did not
24 interrupt you.

25 LEGISLATOR BELESI: Dave, you are out of

2 order.

3 LEGISLATOR GONSALVES: You're out of
4 order and that's it.

5 LEGISLATOR BELESI: David, you had your
6 shot.

7 LEGISLATOR GONSALVES: I am talking to
8 Mr. Ciampoli. We need the spirit of cooperation
9 to avoid these Draconian cuts to these services,
10 non-profit organizations. But it's not going to
11 happen. It's not going to happen unless we get
12 the cooperation of the minority, as well.

13 LEGISLATOR BELESI: Any other debate or
14 discussion?

15 LEGISLATOR WINK: Yeah. I have one
16 quick question.

17 LEGISLATOR BELESI: Legislator Wink,
18 then Legislator Denenberg.

19 LEGISLATOR WINK: Mr. Ciampoli, is it
20 your position then the administration will
21 withdraw this matter if we somehow voted for
22 bonding?

23 COUNTY ATTORNEY CIAMPOLI: I have not
24 discussed that with the county executive.

25 LEGISLATOR WINK: Okay. So then let's

2 not make representations on the record that
3 somehow allowing all this bonding is going to
4 change the way these red light camera monies are
5 going to be allocated going forward.

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

14 LEGISLATOR WINK: Mr. Ciampoli, with all
15 due respect, being prepared would have been
16 continuing the practice of pay-go on tax
17 certiorari matters of \$50 million a year or more.
18 Being prepared doesn't indicate that you take
19 that money out and pretend like somehow those
20 refunds are not going to have to be paid somehow.
21 So let's be clear about that. Preparation could
22 have started a long time ago with this
23 administration. It didn't have to come down to
24 bonding. It didn't have to do this. The fact of
25 the matter is this administration was not

2 prepared because they took \$50 million away from
3 something they knew was an ongoing, recurring
4 expense to this County, and they allocated
5 wherever else they felt it was important, but
6 they took the money out of something they knew
7 they needed.

8 COUNTY ATTORNEY CIAMPOLI: I must differ
9 with you on that because there is a multi-year
10 plan that was approved by this legislature and by
11 NIFA. The holes that potentially we face are
12 there because of deviation from the plan, not
13 compliance with the plan.

14 LEGISLATOR WINK: And let's be clear
15 about that. NIFA, as I understood it, agreed
16 that the only way they would consider the \$450
17 million worth of borrowing this administration
18 has asked for in the multi-year plan, was if the
19 administration put forward \$150 million worth of
20 recurring savings, which, by any account, they
21 have not done yet. They are nowhere near that
22 \$150 million mark. So let's be clear about that.
23 NIFA never approved that 450 million. They
24 agreed to have a dialogue about it if this county
25 met the 150 million worth of savings; they have

2 not done that. So let's be clear about this.
3 This is not NIFA having signed off on everything
4 and it's just in our court. NIFA has not signed
5 off on this.

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

15 LEGISLATOR BELESI: Mr. Denenberg.

16 LEGISLATOR DENENBERG: Yeah. Mr.
17 Ciampoli, the whole argument you just said
18 presupposes then that the money from the second
19 phase of red light cameras wasn't proposed as
20 part of the multi-year plan and revenue of the
21 multi-year plan.

22 Going back to when I voted against the
23 expansion in 2010, the multi-year plan said then
24 that the revenue from the red light cameras would
25 go to plug the deficit, would go as general fund

2 revenue in the future. So you're acting like all
3 of a sudden not voting for bonding is why this
4 has to go to the general fund when, in fact, the
5 very four year plan that you're talking about
6 presupposed that there was going to be a second
7 phase of red light cameras to balance the budget.
8 It was even part of the budget for 2011 as
9 something that didn't happen. So the
10 administration was always planning for this
11 revenue to go to the general fund.

12 COUNTY ATTORNEY CIAMPOLI: Well, to
13 address that succinctly, if it was part of the
14 2011 budget that didn't happen, that sort of
15 moots that question. But, more importantly, the
16 goal here is to achieve flexibility so that the
17 county can meet its required obligations to
18 provide services to protect public safety and
19 provide the federally and state mandated services
20 that the county has to provide.

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

25 COUNTY ATTORNEY CIAMPOLI: Nor would I.

2 LEGISLATOR DENENBERG: Apparently some
3 people on the other side want to say that's what
4 it is. I don't think it is at all. But I will
5 say something that Legislator Wink called for
6 would be interesting, because the information I
7 have is quite different.

8 Until now, the revenue -- and the first
9 accounting of red light camera revenue happened
10 at the beginning of 2010. But the revenue from
11 the red light cameras until now haven't gone to
12 the contract agencies. They just haven't. I
13 think here we're codifying what should happen
14 from here on in. But it would be an interesting
15 accounting, as Legislator Wink mentioned, to see
16 where the revenue has gone to date from the red
17 light cameras. But I would say again, that in
18 2011 this was a gap closing measure, so it was
19 always intended to go to the general fund, and
20 that's why I voted against the implementation and
21 that's why I'm voting against these amendments.

22 Thank you.

23 LEGISLATOR BELESI: Thank you, Mr.
24 Ciampoli.

25 Last speaker will be Deputy Majority

2 Leader Gonsalves.

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

17 You created this \$310 million deficit,
18 not the majority and not the county executive.
19 And so we're the ones that had to clean up the
20 mess. Let me tell you something --

21 LEGISLATOR DENENBERG: You have to be
22 kidding. You just have to be kidding.

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

25 LEGISLATOR DENENBERG: We're not talking

2 about Congress. We're talking about the
3 legislature.

4 LEGISLATOR BELESI: Wayne, please. Mr.
5 Denenberg. Some decorum.

6 Ms. Gonsalves?

7 LEGISLATOR GONSALVES: I'm finished.

8 LEGISLATOR BELESI: Any public comment?

9 (No verbal response.)

10 All those in favor -- on the amendment.

11 We passed the amendment.

12 All those in favor of the item, as
13 amended, signify by saying aye.

14 (Aye.)

15 Opposed?

16 (Nay.)

17 Four to two.

18 Thank you.

19 (Whereupon, the following is the
20 continuation of the May 7, 2012 Rules Committee
21 meeting.)

22 CHAIRMAN SCHMITT: Is there any other
23 debate or discussion on Item 164?

24 (No verbal response.)

25 Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

Any opposed?

(Nay.)

The item passes four to three.

Item 333 is a resolution to designate a portion of the county road known as Searingtown Road, between IU Willetts Road and Searingtown Avenue as Henry Viscardi Way.

May I have a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRMAN SCHMITT: Moved by Legislator Walker, seconded by Legislator Nicolello.

Any debate or discussion?

LEGISLATOR WINK: I'd like to make a point, Mr. Chairman.

CHAIRMAN SCHMITT: Legislator Wink.

LEGISLATOR WINK: I'd like to thank the administration. I've been working with the administration and with the Henry Viscardi School and Abilities for a number of months now. As I understand it, May 10th, this Thursday, is, in

2 fact, the 100th Birthday of Henry Viscardi. It
3 also, more than coincidentally, happens to be the
4 60th Anniversary of the Henry Viscardi School,
5 and I believe the 50th Anniversary or 30th
6 Anniversary of Abilities. So it just so happens
7 that we have these decennial anniversaries all
8 happening at once. Knowing the great work that
9 Abilities does and the Henry Viscardi School has
10 done for so many years, I think it's only
11 appropriate that we do this dedication in honor
12 or in memory, at this point, of Henry Viscardi.

13 Thank you.

14 CHAIRMAN SCHMITT: Okay. Anybody else?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All those in favor please say aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item carries unanimously.

23 Number 335 is a resolution authorizing
24 the county executive to execute a grant agreement
25 between the County on behalf of the Department of

2 Parks and USA Track and Field-Long Island.

3 May I have a motion, please?

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRMAN SCHMITT: Moved by Legislator

7 Walker, seconded by Legislator Nicoletto.

8 Any debate or discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor please say aye.

13 (Aye.)

14 315 is a local law authorizing the county

15 executive to take any and all actions he deems

16 necessary to create \$40 million in savings.

17 May I have a motion, please?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator

21 Walker, seconded by Legislator Nicoletto.

22 Any debate or discussion?

23 LEGISLATOR ABRAHAMS: Actually, I have a

24 statement.

25 CHAIRMAN SCHMITT: Legislator Abrahams.

2 Wait, wait, wait. First we have to do an
3 amendment in the form of a substitution.

4 LEGISLATOR ABRAHAMS: Okay.

5 CHAIRMAN SCHMITT: Which has been
6 distributed.

7 I'll offer the amendment. Can I have a
8 second?

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRMAN SCHMITT: Seconded by
11 Legislator Nicolello.

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

14 (Aye.)

15 Any opposed?

16 On the item, as amended. Legislator
17 Abrahams.

18 LEGISLATOR ABRAHAMS: Mr. Walker can
19 speak first, and then I'll be glad to give my
20 statement.

21 CHAIRMAN SCHMITT: Mr. Walker.

22 DEPUTY COUNTY EXECUTIVE WALKER: The
23 item before you allows the county executive the
24 ability to make up to 40, \$41 million in cuts. A
25 variety of different pathways are laid out. It's

2 a bill before you.

3 CHAIRMAN SCHMITT: Okay. Legislator
4 Abrahams.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Presiding Officer Schmitt. I just want to read a
7 statement into the record in regards to
8 opposition on Item 315-12.

9 This item is the antithesis of a good-
10 faith legislative initiative. It is, in fact,
11 nothing more than a political stunt by which the
12 administration hopes to intimidate the
13 legislature with the threat of Draconian cuts,
14 which are a reality completely unnecessary. This
15 body should now bow down to such an attempt of
16 political extortion.

17 In fact, on the very same day that the
18 county executive seeks this limitus power to
19 slash expenditures, it has asked this body to
20 dole out, our calculation, nearly \$10 million in
21 contracts to its political friends. Rather than
22 blame the minority caucus for its financial ills,
23 the administration should control its own spend-
24 thrift habits.

25 The unbridled powers conferred upon the

2 county executive by this item would sweep away
3 any resemblance of checks and balances and
4 separation of powers, would expose the county to
5 massive liability of breach of its contractual
6 obligations, and deny basic governmental services
7 to the citizens of Nassau County that have
8 already paid for these services through hefty tax
9 bills.

10 It would be difficult to imagine an item
11 that is more flagrantly unlawful under the
12 Charter and the Constitution. No county
13 executive should be entrusted with such unlimited
14 power, let alone this on, as an ample
15 demonstrated by this unbroken record of poor
16 governance. Approval of this item should
17 constitute a wholesale abdication of rights and
18 responsibility of the legislature and a portrayal
19 of the office to which we have been elected.

20 It would be shameful for this body to
21 acquiesce in the county executive's monumental
22 power grab, and we urge all members of the
23 legislature to send the proper message of a
24 resounding rejecting it.

25 Thank you.

2 CHAIRMAN SCHMITT: Let me just answer,
3 to a limited extent.

4 The minority made it clear in a letter
5 dated December 15 that they were not going to
6 support the vote for bonding. So what we have in
7 front of us, in a broad picture, is we have tax
8 settlements and bonding to go along with the tax
9 settlements, to pay the tax settlements, that are
10 going to come up for a vote on May 21.

11 You've made it clear that you will not
12 support the bonding of these items. Now, whether
13 that actually holds true or not is up to you and
14 your members. But, obviously, you send a message
15 to this administration and to this legislative
16 majority that you are, if you follow through on
17 what you have written, that you are about to open
18 up a substantial hole in the county budget.
19 There are \$40 million in tax certiorari judgments
20 that are out there. The tax cert bar and
21 everyone else is watching to see what the actions
22 are of this legislature.

23 You know that you and I, the county
24 executive, and the County are being sued by the
25 tax cert bar over this situation. I would point

1 out to you that the vast bulk of these
2 settlements are to settle backlogs that
3 accumulated when you were in charge, the former
4 county executive and the democrats were in charge
5 of the legislature.
6

7 We have an obligation. The majority on
8 the legislature, as well as the county executive,
9 to come up with a list of alternatives and come
10 up with a list, a plan of how we're going to
11 prevent this county from either being attacked
12 with the settlement, with the presentation of
13 judgments where accounts that are necessary to
14 carry on the functions of government have their
15 resources drained, or how we're going to handle
16 this challenge, for lack of a better word.

17 There is legislation in the committees
18 today that contain actions that we don't want to
19 take. Let me be very clear about that. We do
20 not want to stop the funds, the funding from the
21 red light cameras that are going into funding our
22 youth programs and other matters. We do not want
23 to take the action listed in this \$40 million in
24 savings plans; go right down the list of what it
25 is.

1 All of this heartbreak, all of this
2 trouble, all of this hurtfulness that's going to
3 strike the most vulnerable segments of our
4 population goes away if the bonding for these tax
5 cert judgments is approved. If they are not
6 approved, you need to know and residents of this
7 county need to know, the county executive, with
8 the support of this majority on the legislature,
9 will take whatever steps are necessary to ensure
10 the fiscal health of the county and to meet this
11 challenge. And what ultimately happens here is
12 up to you.

14 LEGISLATOR ABRAHAMS: It sounds like to
15 me, Mr. Schmitt, that you're not prepared to roll
16 up your sleeves and work your challenges if that
17 was to happen. It sounds very clear to me that
18 by this legislation, by supporting this
19 legislation, that you're walking away for your
20 responsibilities and you're assigning them to the
21 county executive.

22 CHAIRMAN SCHMITT: Not at all. We're
23 authorizing -- there will be some amendments to
24 this legislation. But we're authorizing the
25 county executive, in a limited fashion, to take

2 these actions that are necessary to accumulate
3 \$40 million in savings. There's a time for
4 legislative deliberation and there is a time for
5 executive action. There's not a lot of time when
6 some lawyers walks through the door with a
7 judgment for one of these tax certs. Some of
8 these numbers are relatively big numbers.
9 There's not a lot of time to call a meeting and
10 go through committees and have discussions, and
11 so forth and so on, to authorize a course of
12 action that will allow the administration to get
13 the resources to meet the challenge. So we're
14 just getting the ducks in a row and setting it up
15 for what will happen if bonding isn't approved.

16 I should point out to you that every
17 participant in the county's fiscal remediation,
18 including NIFA, has agreed that the way to go is
19 to bond these judgments. That's quite a
20 statement coming from NIFA.

21 LEGISLATOR ABRAHAMS: No disrespect to
22 you, Presiding Officer Schmitt, but that is not
23 accurate.

24 CHAIRMAN SCHMITT: Well --

25 LEGISLATOR ABRAHAMS: NIFA has charged

2 this county with the responsibility of meeting
3 \$150 million worth of savings. To my knowledge -
4 - and I don't see Tim Sullivan in the audience or
5 Eric Naughton. We are only just a little bit
6 above \$100 million. So, from our standpoint,
7 since the county has not met its obligation, your
8 statement is inaccurate in the fact that there is
9 no support from NIFA to support any borrowing.

10 CHAIRMAN SCHMITT: Let me ask you a
11 question. Out of the \$100 million in savings
12 that has been accumulated in this county so far,
13 how much of it have you voted against?

14 LEGISLATOR ABRAHAMS: Your point?

15 CHAIRMAN SCHMITT: The point of the
16 matter is you're talking about rolling up your
17 sleeves, going to work and solving this problem,
18 what you have offered?

19 LEGISLATOR ABRAHAMS: We rolled up our
20 sleeves for the last ten years before you came
21 into the majority.

22 CHAIRMAN SCHMITT: And we're dealing
23 with the result.

24 LEGISLATOR ABRAHAMS: Yeah, you dealt
25 with the result. I'm sure you have. We rolled

2 up our sleeves way before you even thought about
3 rolling up your sleeves. You didn't even
4 unbutton your sleeves. Are you kidding me?

5 CHAIRMAN SCHMITT: You can debate this
6 until the cows come home. The point of the
7 matter is every action has a reaction. What
8 we're saying, collectively, the county executive,
9 majority on the legislation, to you and the
10 public is if you take action A by not supporting
11 the bonding, we will take action B by doing the
12 red light camera cessation of funding and by
13 authorizing the county executive to take the
14 steps necessary to get the \$40 million. We're
15 not going to allow the county to get hit without
16 the appropriate response.

17 LEGISLATOR ABRAHAMS: And my response to
18 you, Mr. Schmitt, is very clear. We take
19 responsibility -- any item that requires
20 legislative approval, the county executive should
21 come back to us for legislative approval. But
22 apparently today, you're prepared to walk away
23 from that authority and give it all to the county
24 executive so that he can sweep through and door
25 \$40 million of cuts without this legislature

2 having any ability to do anything of record to
3 change what he is doing. That's basically what
4 you are saying.

5 CHAIRMAN SCHMITT: Quite to the
6 contrary.

7 LEGISLATOR ABRAHAMS: No, it's quite the
8 same.

9 CHAIRMAN SCHMITT: I think that many, if
10 not most, of the items are listed in the
11 legislation I believe county can do without
12 legislative authority. I think it's a clear --
13 this is just a clear statement that we will stand
14 together to meet the challenge.

15 LEGISLATOR ABRAHAMS: Let me make sure I
16 understand this. This is more symbolic that we
17 do it. If he already has the authority, why are
18 we taking this big thing and voting on this
19 today?

20 CHAIRMAN SCHMITT: With everything
21 around here, any action that he takes is open to
22 legal challenge. For example, if he goes into
23 furloughs and it's challenged in court and one of
24 the unions says he can't do that, the legislature
25 didn't approve it, well, we're taking all of

those obstacles away.

LEGISLATOR ABRAHAMS: I don't think the unions would challenge it based on the fact that the legislature didn't approve it. I think they would challenge it because it's illegal to do it.

CHAIRMAN SCHMITT: There you go. You're making my point.

LEGISLATOR ABRAHAMS: That's why it was challenged by the previous administration, for the same reason. It was challenged because it was illegal to do it not because the legislature did not approve it.

From our standpoint, we think and we believe we are totally walking away from our responsibility as legislators if we decide the county executive's ability to cut \$40 million without ever having to come back to the legislature.

CHAIRMAN SCHMITT: He does have to come back to the legislature, ultimately. The point of the matter is that if you open up this kind of challenge to the county's fiscal situation, it's going to come rapidly. It's going to come rapidly and it's going to require immediate

2 response.

3 LEGISLATOR ABRAHAMS: Mr. Schmitt, then
4 this body should deal with it rapidly. You
5 should be calling emergency meetings, which we
6 would be glad to give you the emergencies to deal
7 with, not saying we're going to agree with the
8 item per say. But we would be happy to come back
9 and deal with the items more expeditiously. But
10 you're not saying that. You're saying let's give
11 just give him the responsibility today.

12 CHAIRMAN SCHMITT: How we get to the --
13 we apparently are both willing to get to the same
14 goal. How we get there is just a matter of which
15 road we take, and we're choosing to take this
16 road.

17 We want to be clear. It's not a matter
18 of maybe or this might happen or anything of that
19 nature. This will happen if the bonding is not
20 approved. That's it. There's just no other
21 place to go to get the necessary money to do
22 this. We'll go forward and we will deal with it.
23 It will just delay us in getting the additional
24 \$50 million in savings that we've been working
25 on. But we'll get where we have to get. We're

not going to allow the county to be taken down by the refusal of the minority to participate.

And I would point out to you, for whatever it's worth, that for ten years, when we were in the minority, we always supplied the votes necessary to bond the tax certs. We did try on a couple of occasions to bring forward reform of the broken system and were stymied by the majority that didn't want to address the issue. But we still continued to provide the votes to settle the tax certiorari claims because it was the right thing to do governmentally. It never once entered into our mind to deny a bond for that purpose.

We're going on the road to bringing the county into a pay-as-you-go situation. This is a big step and one of the final steps in getting there, and it's to settle backlogs that accumulated under the Suozzi administration, when you guys were in charge of the legislation.

We have gone through hoops, as that big stack of paperwork over there can attest to, to get the bonds and everything to be pristine so that everyone could do their due diligence. And

2 we've been back and forth with the county
3 attorney's office; no, this form is no good,
4 you've got to do it again. Just to make sure
5 that everybody could see and get whatever
6 information they had to get because we want to
7 put this behind us. But, you know.

8 LEGISLATOR ABRAHAMS: Mr. Schmitt, in
9 all fairness, we received that stack of paperwork
10 an hour before this meeting started.

11 CHAIRMAN SCHMITT: And that's fine.
12 You'll have plenty of time to review it between
13 now and the 21st.

14 LEGISLATOR ABRAHAMS: We're in May. Be
15 honest. The manner and the way these items have
16 come down is a total, total embarrassment for the
17 county. The level of incompetence that we have
18 seen in these documents, in them not being
19 clearly spelled out as we've seen in the past,
20 it's unconscionable that anybody would actually
21 support any of these items. Be that as it may.

22 You want this legislation body to
23 consider a possible yes vote when there is
24 literally thousands and thousands of stacks of
25 paper there that we got an hour before the

2 legislative meeting. I guess that's the way the
3 administration wants to handle its business, but
4 that's not the way --

5 CHAIRMAN SCHMITT: We got the
6 information the same time that you got the
7 information, and my staff has analyzed all but 15
8 of them.

9 LEGISLATOR ABRAHAMS: Your staff
10 analyzed all but 15 pages?

11 CHAIRMAN SCHMITT: That's exactly right.

12 LEGISLATOR ABRAHAMS: We got them today.
13 We didn't get them on Friday. We got them an
14 hour before the meeting started today.

15 CHAIRMAN SCHMITT: The point of the
16 matter is, we're going to pass them through the
17 committee, teeing it up, as has been said so many
18 times over the past ten years. And you'll have
19 plenty of time to review and do your due
20 diligence between now and the 21st.

21 LEGISLATOR ABRAHAMS: If it doesn't
22 change again. The numbers change. What's the
23 number today? Is the number 102? 40? 148?
24 140? It changes every day. Seriously.
25 Seriously.

2 The level of incompetence that has
3 existed is unbelievable. What's the number?

4 CHAIRMAN SCHMITT: I don't know the
5 question.

6 LEGISLATOR ABRAHAMS: Do you even know
7 the number?

8 CHAIRMAN SCHMITT: I don't know what you
9 are questioning.

10 LEGISLATOR ABRAHAMS: What's the number
11 of the refunds? You read through the package,
12 didn't you?

13 CHAIRMAN SCHMITT: I didn't say I read
14 through the package.

15 LEGISLATOR ABRAHAMS: Tell me the
16 number. What's the number of the amount of
17 refunds? We don't know. We're going to vote
18 for it anyway. We don't know. What is the
19 total? Tell me what that pile totals. Your
20 staff read through it since Friday.

21 CHAIRMAN SCHMITT: I cannot answer your
22 question.

23 LEGISLATOR ABRAHAMS: But your staff
24 read through it since Friday.

25 CHAIRMAN SCHMITT: I can't hear what

2 they're telling me. If you would shush for a
3 minute.

4 LEGISLATOR ABRAHAMS: Yeah. Yeah. You
5 should know it, Mr. Schmitt. You're getting
6 ready to vote yes, aren't you? We haven't added
7 it up, folks, but we're ready to vote yes.

8 DEPUTY COUNTY EXECUTIVE WALKER: 33.5
9 million.

10 LEGISLATOR ABRAHAMS: Thank you, Mr.
11 Walker.

12 DEPUTY COUNTY EXECUTIVE WALKER: 33.5
13 million.

14 LEGISLATOR ABRAHAMS: Thank you. But
15 we're ready to vote yes and we don't know the
16 number.

17 CHAIRMAN SCHMITT: We're ready to vote
18 yes because we reviewed it --

19 LEGISLATOR ABRAHAMS: The number changes
20 so many times, that's why we're not ready. But
21 you're ready to vote yes even though you don't
22 know the number.

23 CHAIRMAN SCHMITT: Take the next 11 days
24 and get ready.

25 LEGISLATOR ABRAHAMS: How are you

2 prepared to vote yes and you didn't even know the
3 number?

4 CHAIRMAN SCHMITT: The numbers are
5 individually listed on your docket. \$155,000.
6 \$386,000. I didn't add them all up. \$128,000.

7 LEGISLATOR ABRAHAMS: Mr. Schmitt, you
8 know all full, too well, that the number has
9 changed several times in the last few weeks. All
10 too well, the number has changed.

11 CHAIRMAN SCHMITT: What is your point?

12 LEGISLATOR ABRAHAMS: My point is,
13 wouldn't you like to know what the new number is
14 today? The wheel is spinning.

15 CHAIRMAN SCHMITT: Don't you think your
16 staff ought to look through that paperwork before
17 you say it's incomplete or you can't get it done?
18 Between now and the 21st, you can't get it done?

19 LEGISLATOR ABRAHAMS: We want to take
20 our opposition very seriously. We want to
21 analyze it before --

22 CHAIRMAN SCHMITT: Go right ahead.

23 LEGISLATOR ABRAHAMS: What I'm trying to
24 say is you got the documents on Friday; we got it
25 an hour before this meeting started today.

2 CHAIRMAN SCHMITT: Why is that? They
3 were filed Friday. Why didn't they get them?
4 Mr. Muller, they were filed Friday. Why didn't
5 they get them?

6 LEGISLATOR ABRAHAMS: They were
7 delivered today by Mr. Molina at noon. We didn't
8 get them electronically. We would hope to have
9 that type of -- today. We got them
10 electronically today. I'm sorry. We're not
11 going to get an answer. It's a moot point
12 anyway.

13 Thank you.

14 CHAIRMAN SCHMITT: Okay.

15 Anybody else?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor of Item 315 signify by
20 saying aye.

21 (Aye.)

22 Any opposed?

23 (No.)

24 The item carries by a vote of four to
25 three.

2 41 is the ordinance providing for the
3 capital expenditure to finance the payment of
4 certain judgments -- wait a minute -- \$2,040,000
5 in bonds for the -- settlement capital
6 expenditure for cases pertaining to the police
7 department.

8 May I have a motion, please?

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR NICOLELLO: Second.

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

13 What is this, Ms. LoCurto?

14 MS. LOCURTO: Lisa LoCurto, County
15 Attorney's Office.

16 This is a bond to pay for settlements of
17 cases that are either property damage cases or
18 small claims for minor personal injury cases.
19 It's to supplement the payment for the police
20 department and/or other county departments. If
21 there's a slip-and-fall in a park, we pay out on
22 those claims. That's what the purpose of this
23 bond is for.

24 CHAIRMAN SCHMITT: Any debate or
25 discussion?

2 LEGISLATOR WINK: Yeah. I have a
3 question.

4 CHAIRMAN SCHMITT: Legislator Wink.

5 LEGISLATOR WINK: Ms. LoCurto, I recall
6 you appearing before this body a couple of months
7 ago about this item, indicating that this is
8 something we have never bonded for before.

9 MS. LOCURTO: I think Legislator
10 Denenberg had asked me about that. I believe
11 there were two bonds that were also for two
12 million; one was for the two million to pay
13 correction of errors related to assessment
14 reductions for correction of errors. This \$2
15 million bond, though, is separate and apart.
16 This is to pay for settlements for property
17 damage claims. I apologize. I don't recall. I
18 do recall the statement that you're making, but
19 I'm not sure if I was referring either to this or
20 to the correction of errors.

21 LEGISLATOR WINK: I recall it. We'll
22 certainly look for the transcript now. But I
23 recall it being about this exact item. That
24 these are the types of settlements that are never
25 bonded for and were never bonded for in this

2 past. This is now a new thing.

3 MS. LOCURTO: You may be correct.

4 Today, here, I don't want to talk off the top of
5 my head. I can't make that affirmative statement
6 today.

7 LEGISLATOR WINK: I understand.

8 MS. LOCURTO: I don't want to give you
9 the wrong information.

10 LEGISLATOR WINK: Ms. LoCurto, the
11 record will speak for itself. We'll get the
12 record, and we'll take a look at it.

13 MS. LOCURTO: Okay.

14 LEGISLATOR WINK: I'm troubled by it.
15 Quite frankly, this is something we've never seen
16 before. We don't see these settlements of small
17 fender benders and minor property damage and want
18 not. Now, all of a sudden, we're seeing \$2
19 million worth.

20 Thank you.

21 CHAIRMAN SCHMITT: I'd like to know the
22 answer to that question too. Have we bonded
23 these in the past?

24 MS. LOCURTO: As I said before, I don't
25 want to speak off the top of my head.

2 CHAIRMAN SCHMITT: Well, you've been
3 here a long time in the county attorney's office.
4 Can you find that out?

5 MS. LOCURTO: Yes. I will, and I will
6 get you that answer.

7 CHAIRMAN SCHMITT: I'm told by my staff
8 that they have been bonded in the past. But I
9 would like to clear up that question before we
10 come to the Full Legislature.

11 Okay. Anybody else?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 It passed in Finance by a seven-nothing
20 vote, and now it's a four to three vote. The
21 item carries by a vote of four to three.

22 I should have called this before. Is
23 Jerry Laricchiuta here? He left. He had filed a
24 slip to speak. Let the record show that we
25 called his name.

2 Now, we come to -- I'm going to call a
3 bunch of tax settlements in bulk, then we have
4 amendments in the form of substitutions and we
5 can do it all together.

6 Items 188, 189, 190, 193, 194, 195, 197,
7 198, 199, 200, 201, 202, 203, 204, 205, 207, 208,
8 209, 210, 212, 213, 215, 217, 219, 220, 221, 222,
9 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
10 235, 237, 240, 242, 243, 244, 245, 246, 247, 248,
11 249, 251, 252, 254, 255, 256, 257, 258, 259, 261,
12 262, 266, 267, 274, 275, 276, 277, 278, 279, 281,
13 282, 283, 284, 285, 288, 291, 292, 293, 294, 296,
14 297, 298, 299, 303, 306, 307, and I'm also going
15 to call 238 and 239.

16 Now, I have amendments in the form of a
17 substitution for each of these items, which adds
18 in the interest and two percent cost of issuance
19 of the bonds, which brings everything into proper
20 dollars amounts and so forth.

21 I'll offer the amendments. Can I have a
22 second, please?

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRMAN SCHMITT: Seconded by

25 Legislator Nicoletto.

All those in favor of the amendments
please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The amendment carries unanimously.

On the items, as amended. We're going to
hold up here for a ten minute recess, at the
request of the minority.

(Whereupon, the Rules Committee recessed
at 5:46 p.m.)

(Whereupon, the Rules Committee
reconvened at 6:25 p.m.)

CHAIRMAN SCHMITT: I'm going to add to
this list of items, Items Number 300, 301, and
304.

Motion, please?

LEGISLATOR KOPEL: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRMAN SCHMITT: Moved by Legislator
Kopel, seconded by Legislator Nicolello.

Those items are added to the list.

Now we have to make an amendment in the
form of a substitution for them.

2 I'm also going to exclude Items 204 and
3 212 from the amendment.

4 I offer the amendment. Can I have a
5 second, please?

6 LEGISLATOR WALKER: So moved.

7 CHAIRMAN SCHMITT: Seconded by
8 Legislator Walker.

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

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The items are amended.

15 Now, on the items as amended.

16 All those in favor please say aye.

17 LEGISLATOR ABRAHAMS: I have a
18 statement.

19 CHAIRMAN SCHMITT: Okay. Legislator
20 Abrahams.

21 LEGISLATOR ABRAHAMS: Thank you,
22 Presiding Officer Schmitt.

23 These items are blatantly unlawful
24 because they improperly combine settlement
25 approval, which requires only a simple majority

2 vote, with bonding authorization, which demands a
3 super majority. They, therefore, impose an
4 elicit super majority requirement on the
5 settlement approval, process in direct violation
6 of the Charter and the administrative code. This
7 is unlawful curtailment of power of the
8 legislature and would set an extremely dangerous
9 precedent.

10 Our no vote tonight is based solely on
11 the illegal form in which these items have been
12 presented to us and not on the merits of any of
13 the individual cases.

14 Thank you.

15 CHAIRMAN SCHMITT: Mr. County Attorney,
16 would you come up, please? Would you give us
17 your opinion as to what you just heard?

18 COUNTY ATTORNEY CIAMPOLI: I've
19 personally signed off as to form on these. This
20 question was examined by our legal counsel bureau
21 and our tax cert bureau. There is nothing in the
22 Charter or the Administrative Code which would
23 prevent the form in which this matter has been
24 presented to the legislature.

25 CHAIRMAN SCHMITT: Thank you. Okay. So

2 there you have it. The county attorney has
3 testified that the form is proper.

4 On the items as called and amended; all
5 those in favor signify by saying aye.

6 (Aye.)

7 Opposed?

8 (Nay.)

9 All the items carry by a vote of four to
10 three.

11 I've got to call another contract that
12 was left of the list. I'm going to call Item E-
13 96, which is a contract with Meara Avella
14 Dickinson.

15 May I have a motion, please?

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Walker, seconded by Legislator Nicoletto.

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 Item carries unanimously.

5 Okay, folks. That appears to be it.

6 I'll take a motion to adjourn.

7 LEGISLATOR NICOLELLO: So moved.

8 LEGISLATOR WALKER: Second.

9 CHAIRMAN SCHMITT: Moved by Legislator
10 Nicolello, seconded by Legislator Walker.

11 All those in favor of adjourning please
12 say aye.

13 (Aye.)

14 We stand adjourned.

15 (Whereupon, the Rules Committee adjourned
16 at 6:30 p.m.)

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C E R T I F I C A T E

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

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

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

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

FRANK GRAY