

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

June 18, 2012
5:50 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)

VINCENT MUSCARELLA (Sitting in for Dennis Dunne)

ROSE MARIE WALKER

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER III, Clerk

LIST OF SPEAKERS

MIKE FASADO 5
JOHN MARKS 6
DAVE RICH 12
SAM LIPPMAN 19
JOSEPH NOCELLA 23
MARTIN VOLK 25

2 CHAIRMAN SCHMITT: Bill.

3 CLERK MULLER: Legislator Wink?

4 LEGISLATOR WINK: Here.

5 CLERK MULLER: Legislator Jacobs?

6 LEGISLATOR JACOBS: Yes.

7 CLERK MULLER: Ranking Member Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK MULLER: Legislator Walker?

10 LEGISLATOR WALKER: Here.

11 CLERK MULLER: Legislator Muscarella,
12 substituting for Legislator Dunne?

13 LEGISLATOR MUSCARELLA: Here.

14 CLERK MULLER: Vice Chairman Kopel?

15 LEGISLATOR KOPEL: Here.

16 CLERK MULLER: Legislator Schmitt?

17 CHAIRMAN SCHMITT: Here.

18 CLERK MULLER: We have a quorum.

19 CHAIRMAN SCHMITT: Thank you, sir.

20 The first item is A-22 -- we're going to
21 call them together. A-22 and A-23, which are two
22 contracts. One is between the Department of
23 Public Works and G.P. Jager Associates, replacing
24 of tanks at the Cedar Creek Water Control Plant.
25 The other is between DPW and Aggreko LLC., for

2 emergency rental of generators for the Bay Park
3 Sewage Treatment Plant.

4 May I have a motion, please?

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR KOPEL: Second.

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

9 Any explanations that we need?

10 MR. FASADO: Yep. Hi. Mike Fasado,
11 DPW. The first one for Jager is a bid for
12 replacement parts for the three grit tanks, the
13 removal of grit. These tanks are at Cedar Creek.
14 These parts are necessary to keep the tanks in
15 service. The plant operates two tanks, 24 hours
16 a day, seven days a week. We perform maintenance
17 on the tank that's on standby, and that's the
18 need for these parts.

19 CHAIRMAN SCHMITT: Any questions?

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 ayes have it.

4 Thank you.

5 E-138 is a resolution authorizing the
6 county executive to execute an amendment to a
7 personal services agreement between the County of
8 Nassau, acting on behalf of the Department of
9 Traffic and Parking Violations Agency and the
10 American Traffic Solutions, Incorporated.

11 May I have a motion, please?

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN SCHMITT: Moved by Legislator
15 Walker, seconded by Legislator Muscarella.

16 Welcome, Judge Marks.

17 JUDGE MARKS: Good afternoon.

18 CHAIRMAN SCHMITT: Good afternoon.

19 This is an amendment to your contract
20 relating to red light cameras, is it not?

21 JUDGE MARKS: I believe there are two
22 contracts, one with ATS. Currently, it's a flat-
23 rate fee for cameras, for the rental of the red
24 light camera to cover the expenses. It's
25 currently \$4900 per camera, per month. The

2 program, in my opinion, is unsustainable with the
3 prior contract because effectively as the program
4 increases, the violations should go down. But
5 with this current contract the price, the rental
6 of the camera was going up. So we negotiated a
7 new deal with ATS to give them the new
8 intersections but go on a 38 percent basis.
9 Right now with the drop in the violations of fine
10 and penalty, it's running approximately 47
11 percent. Using a percentage rather than a flat
12 rate also has more incentive for ATS to move
13 cameras if we need to have them moved to
14 locations. Right now, with the existing contract
15 that burden would be on us for \$55,000 per
16 camera, to move it. We don't have to be burdened
17 with that any longer if it's a percentage.

18 The most important thing is that the
19 violation or the notice of liability is not
20 issued by anybody other than TPVA. It's
21 reviewed. It comes to us and we're the only
22 person that can approve the issuance of a notice
23 of liability, which should take out of question
24 any incentive by ATS to increase the number of
25 violations, to increase their take. It doesn't

2 work that way.

3 CHAIRMAN SCHMITT: Any questions?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 This is now going -- this amendment that
8 you've negotiated, this is also to install the 50
9 additional cameras that have been authorized?

10 JUDGE MARKS: That is correct.

11 CHAIRMAN SCHMITT: And the changes --

12 JUDGE MARKS: Fifth intersections.

13 CHAIRMAN SCHMITT: And the changes and
14 the percentages and so forth affects the entire
15 100?

16 JUDGE MARKS: Yes. And it's going to, I
17 believe there's a projection of a \$3 million
18 savings in the first year.

19 CHAIRMAN SCHMITT: Okay.

20 LEGISLATOR JACOBS: Can I just ask a
21 quick question?

22 CHAIRMAN SCHMITT: Sure.

23 LEGISLATOR JACOBS: Judge Marks, what
24 makes you feel that the percentage-based payment
25 will actually save the county money?

2 JUDGE MARKS: Because right now, as I'm
3 indicating, in fine and penalty, we are paying 47
4 percent of fine and penalties to the camera. If
5 the price of the camera is going up -- it's now,
6 actually next month it's going to \$5,000 per
7 camera, per month. If that goes to \$5,200,
8 etcetera, and the number of violations are
9 decreasing, we're getting less -- we're paying
10 for the cameras and getting less because the
11 program is successful. So a percentage, what
12 we're laying out now in operating costs is
13 approximately 47 percent.

14 LEGISLATOR JACOBS: How does the cost go
15 up once the camera's installed?

16 JUDGE MARKS: I don't want to be the
17 smart aleck that says it's the contract that I
18 inherited, but that's what it is.

19 LEGISLATOR JACOBS: I see.

20 JUDGE MARKS: 46, 47, 48, 5,000, it just
21 kept going up.

22 LEGISLATOR JACOBS: And I assume this is
23 a credible concern that we're going with.

24 JUDGE MARKS: It's the same firm that had
25 the other -- that was approved by this

2 legislature.

3 LEGISLATOR JACOBS: Okay. Thank you.

4 CHAIRMAN SCHMITT: Okay.

5 LEGISLATOR KOPEL: Mr. Chairman.

6 CHAIRMAN SCHMITT: Legislator Kopel.

7 LEGISLATOR KOPEL: Thank you, Mr.

8 Chairman. Just one quick question, Judge Marks.

9 When you were doing this renegotiation,
10 did you -- just out of curiosity, did you
11 consider bringing this program in-house? We've
12 got these heavy percentages going to an outside
13 company. Is this not something that the county
14 could do and save a lot of money?

15 JUDGE MARKS: We explored any number of
16 different options and we don't really have the
17 technology. There's nobody in Nassau County that
18 we inquired of that could run the entire program.

19 LEGISLATOR KOPEL: You can't get
20 someone? If you've got, I don't know how many
21 cameras total.

22 JUDGE MARKS: Right now there's 152
23 cameras. We have 50 more intersections.
24 Depending upon --

25 LEGISLATOR KOPEL: So you're talking

2 about, give or take, 200 cameras. And how many
3 thousands are we giving away per camera?

4 JUDGE MARKS: Currently, under this
5 contract it's \$5,000 per camera, per month.

6 LEGISLATOR KOPEL: So 200 time 5,000, I
7 can do the arithmetic, it's a lot of money. You
8 can hire a bunch of people.

9 JUDGE MARKS: It's not just the camera.
10 But if somebody comes in are we going to set up
11 another computer system for their system?

12 LEGISLATOR KOPEL: I don't have the
13 numbers. I'm asking if it was considered.

14 JUDGE MARKS: What I'm saying is it's
15 not really viable because if one company comes in
16 -- a new company comes in, they have the initial
17 outlay of setting up what ATS already has set up.
18 They need a computer system that would be
19 compatible with ours, compatible with ATS, would
20 negotiate with ATS to buy out their existing --

21 LEGISLATOR KOPEL: I understand. I'm
22 asking if it was considered. Did you go through
23 the exercise of billed versus rental, billed
24 versus buy, so to speak, in this case.

25 JUDGE MARKS: If we considered? Say

2 that again.

3 LEGISLATOR KOPEL: Did you go through
4 the exercise -- typically, when you go to give
5 something out to a third-party you might want to
6 find out if it's cheaper to do it in-house or if
7 it's cheaper to give it out to somebody else who
8 is making a profit, deservedly so, they're in
9 business to make a profit. But my question is
10 was it seriously considered and what happened if
11 it was? Since the programs reach the extent of
12 so many cameras, it might not make sense to bring
13 it in-house.

14 MR. RICH: If I may. My name is Dave
15 Rich. I'm the assistant executive director. I
16 was here when they first started the program. We
17 did explore that. We felt that the current
18 solution was the best because it was the least
19 amount of outlay. Just to set the camera
20 equipment up alone is \$15 million, plus the
21 program --

22 LEGISLATOR KOPEL: Which is a capital
23 expense. But my question is did you consider it
24 again now --

25 MR. RICH: For the amendment, no.

2 LEGISLATOR KOPEL: Okay. I think we
3 ought to have.

4 I'm done.

5 CHAIRMAN SCHMITT: Legislator Wink.

6 LEGISLATOR WINK: Whether intentionally
7 or otherwise, actually I think this is a follow-
8 up to Legislator Kopel's questions in reverse.

9 Historically, at least in the early days
10 when these cameras were first being installed
11 throughout the country, one of the major issues
12 that seemed to come up was that a number of these
13 companies had financial incentives to have more
14 violations issued, and I suspect that may well be
15 the same case if the county were to run the
16 system. But my question is if we're doing this
17 on a percentage of violations, where are the
18 checks and balances to ensure that these
19 companies are not then jetting up the numbers for
20 the purposes of getting a higher return.

21 JUDGE MARKS: The checks and balances is
22 that we have a staff of technicians at TPVA who
23 must approve each and every violation. The
24 current system works -- let's say there are ten
25 events captured. Those ten events go to Arizona.

2 Arizona reviews it twice. They will take out one
3 or two -- how many, I have no idea. Let's say
4 for the sake of the discussion they throw two
5 out. They then send eight to us. Our
6 technicians must approve that violation or it's a
7 no-go on the violation. There is no notice of
8 liability issued unless we, our technicians --

9 CHAIRMAN SCHMITT: John, the violations
10 that are sent out to the driver of the car, the
11 owner of the car, they have the option of going
12 to court.

13 JUDGE MARKS: Absolutely.

14 CHAIRMAN SCHMITT: And that's the
15 judicial process.

16 JUDGE MARKS: That's correct.

17 CHAIRMAN SCHMITT: And that's the checks
18 and balances that Mr. Wink is referring to.

19 JUDGE MARKS: I thought he was inquiring
20 as to why they wouldn't issue more. But, yes --

21 LEGISLATOR WINK: In fact, I appreciate
22 what you're saying. I guess one of my concerns
23 is, first of all, if the owners of the cameras
24 have ways of configuring or editing the film in a
25 manner that could alter the appearance. I have

2 never received one of these violations. But I
3 can tell you in many cities throughout the
4 country, 10, 12 years ago, they were in fact
5 rescinding their legislation and getting rid of
6 these cameras because of this very fact, because
7 they made it profit based for the private
8 contractors to actually create more violations
9 than may have actually existed. That's a fact.
10 That's on the record.

11 I understand the checks and balances. My
12 question becomes are our technicians seeing the
13 raw feed or are they seeing whatever Arizona
14 sends back to them in whatever format it comes
15 back?

16 JUDGE MARKS: The technicians see three
17 still photos immediately before and after and an
18 identifying photo, and it indicates a time, and
19 then there is a video and a video time is
20 sequential with the first photo and what is the
21 last photo. So it's real time when you're
22 looking at the first photo that says it was taken
23 at 002 and the next one is 014. It shows we have
24 a 12 second video.

25 LEGISLATOR WINK: And our technicians

2 can independently verify the full 12 seconds as
3 opposed to some sort of stop action or something.

4 JUDGE MARKS: They must. We have an
5 affidavit -- one of the parts of the evidence
6 needed to go forward with the hearing is their
7 technicians indicating that.

8 LEGISLATOR WINK: Look. I am still a
9 little bit concerned, when you have the proper
10 motive on the part of the private contractor.
11 And I appreciate the check and balance of having
12 TPVA technicians actually reviewing this stuff.
13 I just want to make sure that as much as possible
14 that we are guaranteeing that they are seeing the
15 actual factual footage as opposed to what the
16 contractor is just providing.

17 JUDGE MARKS: It is. Personally, I
18 believe that the percentage puts the field in our
19 favor.

20 LEGISLATOR WINK: Okay.

21 JUDGE MARKS: We're paying for a camera
22 not matter what it does. If we say to them the
23 camera has made its success here, this is now an
24 almost 100 percent safe intersection, we'd like
25 to move this camera. Well, we can do that.

2 LEGISLATOR WINK: Okay.

3 JUDGE MARKS: That's \$55,000 per camera
4 to move it.

5 LEGISLATOR WINK: Look. One of the
6 things I like is that I know New York City's
7 program is such that they have many, many more
8 intersections that are potentially covered by
9 cameras than at any given moment are actually
10 covered. I think that that has a similar
11 deterrent effect as actually having the cameras
12 at the intersections, because you never know when
13 the camera's there versus being utilized in a
14 separate borough. And I think that as we get to
15 a point where more and more intersections are
16 potentially covered by cameras, we do have people
17 who are changing their driving habits, in some
18 cases changing their routes, which may or may not
19 have the desired effect. But certainly I think
20 there are a growing number of people who change
21 their driving habits and that ultimately is for
22 the good of all of us because it makes for safer
23 intersections.

24 JUDGE MARKS: That's absolutely correct.

25 And the difference between Nassau County and New

2 York City is that 12 second video.

3 LEGISLATOR WINK: Understood.

4 Understood. And I think that's a good thing.

5 And I thank you very much for that.

6 LEGISLATOR MUSCARELLA: For the record,

7 Judge, I've never received a ticket but my car

8 has.

9 JUDGE MARKS: My wife never received

10 one, her car has but I had to pay for it.

11 LEGISLATOR WALKER: And if we're telling

12 all, Judge, I did receive one.

13 JUDGE MARKS: I just wish that maybe if

14 you want to keep that up we can help close the

15 budget.

16 CHAIRMAN SCHMITT: Any public comment?

17 (No verbal response.)

18 All those in favor of E-138 please

19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item carries unanimously.

24 JUDGE MARKS: Thank you.

25 CHAIRMAN SCHMITT: Thank you.

2 E-139 -- I've never gotten one of those
3 things yet either, for the record. Good thing.

4 LEGISLATOR WINK: No, but you did get a
5 flat tire recently.

6 CHAIRMAN SCHMITT: I certainly did get a
7 flat tire. I don't have a videotape to see if
8 you did it.

9 LEGISLATOR WINK: But we do know who
10 fixed it, so it's okay.

11 CHAIRMAN SCHMITT: E-139, a contract
12 between DPW and Envisurage.

13 May I have a motion, please?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRMAN SCHMITT: Motion by Legislator
17 Walker, seconded by Legislator Muscarella.

18 MR. LIPPMAN: Good afternoon. Sam
19 Lippman from the County Attorney's Office.

20 CHAIRMAN SCHMITT: Good afternoon, Mr.
21 Lippman.

22 MR. LIPPMAN: How are you?

23 CHAIRMAN SCHMITT: Good.

24 MR. LIPPMAN: Long day for everyone.

25 CHAIRMAN SCHMITT: Actually, it's almost

2 good evening.

3 MR. LIPPMAN: Mark Ash is our
4 transportation consultant. His company
5 Envisurage guided us through the transition from
6 Long Island Bus to Veolia, which we actually
7 accomplished the privatization of the bus and so
8 far it's gone extremely well.

9 The amendment before you does three
10 things: It extends the contract to December
11 2012, it adds money to the contract, and it
12 extends the scope of services to allow Mr. Ash to
13 play a support role to the newly formed transit
14 committee, which I serve as counsel. And that's
15 why I'm here before you, because it's transit
16 committee related.

17 That's really it, unless we have any
18 questions.

19 CHAIRMAN SCHMITT: Do we have any
20 questions? Legislator Jacobs.

21 LEGISLATOR JACOBS: Okay. My first
22 question would be why is the increase necessary?

23 MR. LIPPMAN: He had a base contract in
24 May of last year for \$25,000. We all know that
25 this contract negotiation was pretty fast paced

2 and came to conclusion right before we were
3 losing the MTA, after they asked for an
4 additional \$26 million. The money that was spent
5 in that initial contract was used up, if I could
6 use that term. He kept billing for additional
7 money. The money that we're adding to the
8 contract would cover the outstanding cost or
9 bills, I should say, and it would also add money
10 through the end of this year to support the
11 transit committee.

12 I plan on using him on an as-needed
13 basis. I'm not telling this legislature or this
14 committee that all the money that we're going to
15 add to this contract, I plan on using. I'm going
16 to use it when I need to use it, and when the
17 transit committee needs guidance on certain
18 issues.

19 LEGISLATOR JACOBS: All right. And then
20 let me ask you this. How much time and expertise
21 do you expect to use for Able Ride?

22 MR. LIPPMAN: Mr. Ash ran the bus
23 company up in Rochester, New York; I think that
24 was part of it. We also have an advocate on the
25 committee, Mr. Hammerman, who is our physically

2 challenged advocate who deals a lot with the Able
3 Ride issue. Again, I don't know what the
4 committee is going to need and what request
5 they're going to make. Having Mr. Hammerman
6 there so far has been a big asset. How much
7 we're going to need Mr. Ash is a question to be
8 answered later.

9 LEGISLATOR JACOBS: Okay. Thank you.

10 CHAIRMAN SCHMITT: Any other questions?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor of E-139 please
15 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 MR. LIPPMAN: Thank you.

21 CHAIRMAN SCHMITT: Thank you.

22 We're going to take a motion to suspend
23 the rules. Can I have a motion, please?

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MUSCARELLA: Second.

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

4 All those in favor of suspending the
5 rules please say aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The rules are suspended.

10 We're going to go to the addendum.

11 I'm going to call together E-71 and E-
12 130, which are two contracts, one between the
13 county attorney and Robert J. Bishop for lobbying
14 purposes, and the other between the county
15 attorney and Meara Avella Dickinson, representing
16 the county during the legislative session.

17 I'll take a motion, please.

18 LEGISLATOR MUSCARELLA: So moved.

19 CHAIRMAN SCHMITT: Moved by Legislator
20 Muscarella.

21 LEGISLATOR WALKER: Second.

22 CHAIRMAN SCHMITT: Seconded by
23 Legislator Walker.

24 MR. NOCELLA: Joseph Nocella, Deputy
25 County Attorney. With respect to both items, Mr.

2 Bishop had been our lobbyist up in Albany, and
3 this contract, in effect, is a successor
4 contract. With respect to Meara Avella, they
5 previous provided similar services in the past,
6 as explained in the procurement policy. They
7 were also selected to provide lobbying services.

8 I'll take any questions.

9 CHAIRMAN SCHMITT: Any questions for Mr.
10 Nocella?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor of these two contracts
15 please indicate by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The items carry unanimously.

20 Thank you, Mr. Nocella.

21 We have Item 369, which is a bond to
22 authorize borrowing of up to \$40,800,000 to
23 finance payments to our residents and commercial
24 property owners to refund county, town, school
25 district, and special district shares of

2 liability dating back several years.

3 May I have a motion, please?

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR MUSCARELLA: Second.

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

8 Go ahead.

9 MR. VOLK: Good evening, legislators.
10 Martin Volk, Deputy County Attorney.

11 CHAIRMAN SCHMITT: So we know what this
12 is.

13 Anybody have any questions for Mr. Volk?

14 (No verbal response.)

15 Any public comment?

16 LEGISLATOR JACOBS: Are we doing 369?

17 CHAIRMAN SCHMITT: 369, yes.

18 LEGISLATOR JACOBS: I'd like to ask some
19 questions.

20 CHAIRMAN SCHMITT: Legislator Jacobs.

21 LEGISLATOR JACOBS: Okay. Hi.

22 MR. VOLK: Good evening, legislator.

23 LEGISLATOR JACOBS: Let me ask you a
24 question. Were you here through today?

25 MR. VOLK: Yes. I was.

2 LEGISLATOR JACOBS: Okay. How much
3 bonding authority do you feel is out there that
4 we have now?

5 MR. VOLK: Legislator, for me to answer
6 that question I would have a much higher pay
7 grade. I think that's a question to ask the
8 treasurer, I think that's a question to ask a
9 comptroller, that's a question to ask the county
10 attorney. I don't think I have all of the
11 numbers and all of the information to possibly
12 answer that question. I do apologize.

13 LEGISLATOR JACOBS: If I knew that, I
14 probably should have asked them if they'd stay
15 for this. They threw out a figure of \$196
16 million or someone did and it wasn't corrected,
17 if it was wrong.

18 CHAIRMAN SCHMITT: It was Legislator
19 Abrahams quoting from the county's --

20 LEGISLATOR JACOBS: Okay.

21 CHAIRMAN SCHMITT: So we agree, it's 196
22 million.

23 LEGISLATOR JACOBS: All right.

24 CHAIRMAN SCHMITT: But the Nassau
25 Interim Finance Authority has indicated to the

2 county executive that he cannot use that, even
3 though they allowed County Executive Suozzi to do
4 the same thing. That's a fight for another day,
5 I guess.

6 LEGISLATOR JACOBS: Okay.

7 CHAIRMAN SCHMITT: Any other?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor of Item 369 please
12 indicate by saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 Let the record show that the item carries
17 four votes in favor, three votes opposed; four
18 votes in favor by the majority, three votes in
19 opposition by the minority.

20 There being no other business to come
21 before the Rules Committee, I'll take a motion to
22 adjourn.

23 LEGISLATOR MUSCARELLA: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRMAN SCHMITT: Moved by Legislator

2 Muscarella, seconded by Legislator Walker.

3 All those in favor of adjournment please
4 indicate by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 We stand adjourned.

9 (Whereupon, the Rules Committee adjourned
10 at 6:14 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 30th day of June, 2012.

FRANK GRAY