

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,  
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,  
CHAIRMAN

1550 Franklin Avenue  
Mineola, New York

June 25, 2012  
4:51 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

LIST OF SPEAKERS

ERIC ZAUSNER. . . . . 8  
MARTIN VOLK . . . . . 45

INSERTS TO TRANSCRIPT

Page 38, Line 9 through Page 45, Line 2

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

4 CLERK MULLER: Legislator Wink?

5 LEGISLATOR WINK: Here.

6 CLERK MULLER: Legislator Jacobs?

7 LEGISLATOR JACOBS: Here.

8 CLERK MULLER: Ranking Member Abrahams?

9 LEGISLATOR ABRAHAMS: Here.

10 CLERK MULLER: Legislator Walker?

11 LEGISLATOR WALKER: Here.

12 CLERK MULLER: Legislator Muscarella,  
13 substituting for Legislator Dunne.

14 LEGISLATOR MUSCARELLA: Here.

15 CLERK MULLER: Vice Chairman Kopel?

16 LEGISLATOR KOPEL: Here.

17 CLERK MULLER: Chairman Schmitt?

18 LEGISLATOR SCHMITT: Here.

19 CLERK MULLER: We have a quorum.

20 CHAIRMAN SCHMITT: All right. We're  
21 going to do the contracts, as we normally do, and  
22 then we'll stand in recess while the other  
23 committees have their meetings.

24 Now we're going to go to -- let me do it  
25 this way. There are a bunch of contracts on that

2 I am recommending to the committee. There are a  
3 bunch of contracts on for various services that  
4 have in them the right to extend the contract for  
5 several years, two year extensions or three years  
6 extensions without having to come back to the  
7 Rules Committee. That's unacceptable to us. We  
8 have contracts coming here for approval was for  
9 legislative oversight. But we have in the  
10 agreement, in the authorization for contracts to  
11 come here there is what we call the 45-day rule.  
12 If there is no action taken within 45 days on E  
13 contracts, they are deemed passed. So until we  
14 can correct these, I'd like to ask the indulgence  
15 of the Rules Committee, I'm going to call them  
16 all together.

17 The easiest way to do this is to call E-  
18 129, which is a contract between IT and CareerArc  
19 Group; E-136, which is a contract between DPW and  
20 Mark Design Studios Architecture; E-140 between  
21 DPW and RBA Group; E-141 between DPW and FST; E-  
22 150 between the County Attorney and Leventhal and  
23 Sliney, LLP; E-154 between IT and Universal  
24 Management Technology Solutions.

25 I'll take a motion to put these on the

2 table, please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR MUSCARELLA: Second.

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

7 I'll take a motion to table these, which  
8 is non-debatable.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR KOPEL: Second.

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

13 All those in favor of tabling please say  
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The items are tabled. As soon as the  
19 contracts can be changed to reflect either a one-  
20 year contract or renewals subject to the approval  
21 of the Rules Committee, we'll be happy to  
22 reconsider them in a very timely manner.

23 Next Item is E-142, between DEM and  
24 SwiftReach Networks. This amendment adds funding  
25 for activation fee of \$94,300.

2 May I have a motion, please?

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR WALKER: Second.

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

7 Any debate or discussion? Who is up  
8 there?

9 MR. ZAUSNER: Eric Zausner, Emergency  
10 Management.

11 CHAIRMAN SCHMITT: Hello.

12 MR. ZAUSNER: Good afternoon, Presiding  
13 Officer. This is just a -- we'd like to do a  
14 contract amendment adding another \$94,000 to the  
15 contract with SwiftReach Networks to pay for  
16 activation calls since November 2011. And  
17 hopefully with our new pay-one-price that will be  
18 going forward soon, we will not be doing these  
19 anymore.

20 CHAIRMAN SCHMITT: Any questions?

21 LEGISLATOR WINK: Yeah. I do.

22 CHAIRMAN SCHMITT: Legislator Wink.

23 LEGISLATOR WINK: What calls were made  
24 after November 2011?

25 MR. ZAUSNER: After November 2011, I did

2 -- I hope you received a packet that we submitted  
3 to Legislator Denenberg. I know we'd e-mailed it  
4 to all of the other legislators. They were town  
5 hall calls, as well as a countywide call --

6 LEGISLATOR WINK: Town hall calls for  
7 the sewer treatment privatization?

8 MR. ZAUSNER: I don't believe so. I'd  
9 have to check.

10 LEGISLATOR WINK: For police precinct  
11 closures?

12 MR. ZAUSNER: One of the calls actually  
13 was a public awareness call; that was authorized  
14 by the Commissioner of Emergency Management, and  
15 at the request of the acting police commissioner  
16 and the administration, to utilize SwiftReach as  
17 a public awareness message in light of public  
18 hysteria brought about by a fear mongering  
19 campaign in opposition to precinct restructuring.  
20 The message --

21 LEGISLATOR WINK: Mr. Zausner, you're no  
22 virgin to politics. I think you fully understand  
23 the political nature and import of that text that  
24 you just started reading.

25 MR. ZAUSNER: Excuse me, Legislator.

2 What I was saying is that this was a notification  
3 call to residents notifying them of a potential  
4 precincts realignment and that their police  
5 services would not be affected since police  
6 coverage and public safety is a top priority of  
7 the administration.

8 CHAIRMAN SCHMITT: And we find that  
9 perfectly prudent.

10 LEGISLATOR WINK: It's interesting how  
11 none of that was within the first 25 words you  
12 read.

13 This is the problem I have with  
14 SwiftReach and with any of these programs. Pay-  
15 one-price does not have license to that kind of  
16 message. The fact that it's not using grant  
17 funds or it may not be using grant funds -- I  
18 think the district attorney is investigating that  
19 right now -- does not in any way, shape, or form  
20 make it okay because it's simply pay-one-price,  
21 use it all you want for partisan purposes.

22 CHAIRMAN SCHMITT: Hold on. Partisan  
23 purposes. You think that notifying members of  
24 the public by the SwiftReach Program, that  
25 there's a precinct realignment taking place

2 that's going to affect their communities and to  
3 inform them as to what it is and to reassure them  
4 that there will be no impact on public safety,  
5 according to the police commissioner, is partisan  
6 purposes?

7 LEGISLATOR WINK: By starting with the  
8 fear mongering is going on in your neighborhood,  
9 you don't think that is partisan in any way,  
10 shape, or form, Mr. Presiding Officer?

11 CHAIRMAN SCHMITT: I got literature  
12 stuffed in my door, as every resident in this  
13 county did, unsigned literature that we know  
14 where it came from and who walked the streets  
15 distributing it, warning of the most dire  
16 consequences of criminals roaming free, of people  
17 charged with crimes being taken to the precincts  
18 and being released into the streets of the  
19 residential neighborhoods. I'd call that fear  
20 mongering. But, nonetheless, the --

21 LEGISLATOR WINK: Was any of that is a  
22 result of taxpayer dollars being spent?

23 CHAIRMAN SCHMITT: I have no way of  
24 telling you if it was or not.

25 LEGISLATOR WINK: This I can tell you

2 was paid for by taxpayer dollars.

3 CHAIRMAN SCHMITT: Absolutely correct.

4 LEGISLATOR WINK: Apparently \$94,000  
5 worth of taxpayer dollars.

6 CHAIRMAN SCHMITT: And I can say to you  
7 that when the police commissioner or the  
8 commissioner of DPW, regarding a flooding  
9 situation or anything else that might take place  
10 in this county, when the appropriate people come  
11 forward and say there's a need to notify and  
12 reassure the residents that whatever is going on  
13 is perfectly okay and they're safe in their  
14 houses or they should leave their houses or  
15 whatever the case may be, is perfectly prudent.  
16 I understand it's not the voice of one of the  
17 minority on the phone saying, you know, leave  
18 your house or do whatever you have to do. It's  
19 certainly cheaper than doing it by mail. And I  
20 think it's a perfectly prudent expenditure.

21 Does it have to be watched? Yes. Is  
22 there temptation to go too far? Yes. And that's  
23 what we're here for.

24 LEGISLATOR WINK: After the fact to  
25 ratify \$94,000 being spent on that call.

2 CHAIRMAN SCHMITT: It is an imperfect  
3 world.

4 LEGISLATOR WINK: You know what? It's  
5 an imperfect world that I don't have to sign on  
6 to.

7 CHAIRMAN SCHMITT: That's right. You  
8 don't. Go ahead. You have a vote, I suggest you  
9 use it.

10 Anybody else?

11 MR. ZAUSMER: Mr. Presiding Officer --

12 CHAIRMAN SCHMITT: We're finished on  
13 that.

14 MR. ZAUSMER: I just wanted to tell you  
15 that the 94,000 is the entire package not just  
16 that one call.

17 LEGISLATOR WINK: So that makes it okay?

18 CHAIRMAN SCHMITT: Okay.

19 LEGISLATOR ABRAHAMS: If I may.

20 CHAIRMAN SCHMITT: Legislator Abrahams.

21 LEGISLATOR ABRAHAMS: If you can, tell  
22 us the other calls that were made.

23 MR. ZAUSNER: The other calls as I  
24 mentioned before were submitted to you in your  
25 packets. They were --

2 LEGISLATOR ABRAHAMS: This is for the  
3 record, sir, just so you know.

4 MR. ZAUSNER: Absolutely.

5 LEGISLATOR ABRAHAMS: I know you  
6 submitted a packet, but the packet can't speak  
7 for yourself.

8 MR. ZAUSNER: Would you like the package  
9 submitted on the record as well?

10 LEGISLATOR ABRAHAMS: If you could do  
11 that, that would be great.

12 CHAIRMAN SCHMITT: Yes. I would like  
13 that.

14 MR. ZAUSNER: I can certainly get copies  
15 again to submit for the record. I will submit it  
16 to you by e-mail. That's no problem.

17 LEGISLATOR ABRAHAMS: If you can give us  
18 some examples while we're here.

19 MR. ZAUSNER: Sure. Some of them were  
20 town hall meetings in various places throughout  
21 the county.

22 LEGISLATOR ABRAHAMS: What's the  
23 purpose?

24 MR. ZAUSNER: It's a way of the  
25 administration meeting -- having representatives

2 of various agencies meeting with constituents in  
3 a given area so that they can address specific  
4 resident problems or questions.

5 LEGISLATOR ABRAHAMS: So no topics at  
6 these meetings, just various issues.

7 MR. ZAUSNER: There are different agency  
8 reps at the various ones, Legislator.  
9 Unfortunately, I had not attended one, so I  
10 couldn't tell you exactly what topics are brought  
11 up at each one. I know it is various different  
12 county agencies that are represented at these  
13 different town hall meetings.

14 LEGISLATOR ABRAHAMS: I'm just a little  
15 bit concerned. You're from the Office of  
16 Emergency Management, correct?

17 MR. ZAUSNER: Yes.

18 LEGISLATOR ABRAHAMS: Was emergency  
19 management discussed at any of these particular  
20 town hall meetings?

21 MR. ZAUSNER: As I said, Legislator, I  
22 was not at those meetings.

23 LEGISLATOR ABRAHAMS: Would you find it  
24 concerning that they can be talking about stuff  
25 that doesn't concern the Office of Emergency

2 Management but here you are to speak on behalf of  
3 these calls that were made?

4 MR. ZAUSNER: As I said, Legislator. I  
5 wasn't there. I'm not sure what was said at  
6 those meetings.

7 LEGISLATOR ABRAHAMS: I know you weren't  
8 there; you established that. I'm not asking you  
9 whether you were there. I'm asking you do you  
10 find it concerning that you are here to talk  
11 about an item of \$94,300 of which that item has  
12 calls that were made that has nothing to do with  
13 your office?

14 MR. ZAUSNER: I think that a lot of  
15 residents have various concerns. I know that I  
16 attended a community meeting that we did not make  
17 a call for that was actually sponsored by  
18 Legislator Kopel where a lot of people had issues  
19 that did regard our specific office, with  
20 flooding and want not, who might not have had the  
21 ability to comment on issues if not given a  
22 forum. And I would like to believe that this is  
23 giving those residents a forum that could  
24 absolutely be regarding emergency management.

25 LEGISLATOR ABRAHAMS: I totally agree

2 with that form. I just have a problem -- and if  
3 you can go through a couple more examples that  
4 would be great. I just have a problem when the  
5 item is not tied to what your office provides, in  
6 terms of services -- flooding, police. I mean,  
7 you can make a stretch, the police, that's okay.  
8 But obviously, I think anything in regards to the  
9 very items that we were talking about today, just  
10 seems to me to be an abuse of the call. I'm  
11 asking do you have a concern with that.

12 Obviously, you would want to make sure --  
13 I mean, you coming from the Office of Emergency  
14 Management, I would try to think that when you  
15 make that call to a resident's house that the  
16 person doesn't start to think that the county is  
17 crying wolf, that every time they get a call from  
18 the county, they're going to start to ignore it  
19 because it's really not an emergency. So my  
20 concern is, obviously from your standpoint, that  
21 the county is using a system to make calls for  
22 town hall meetings to come down and hear about  
23 your park, or whatever the town hall meeting is  
24 discussing, I think it loses its emphasis and it  
25 loses its purpose.

2           So, from our standpoint, are you  
3 concerned with being able to deliver your message  
4 when you really need to? Say, for example, if  
5 it's a hurricane evacuation or if it's something  
6 regarding to flooding, where you have to get  
7 information to people, you want to make sure its  
8 reached by them and not -- and they don't tune  
9 out. Because I can tell you right now, when I  
10 get automated messages to the house, if it's  
11 something that's repetitive, we tune out. And I  
12 just want to make sure that when we say it's an  
13 emergency, it really is an emergency. So I just  
14 wanted to make sure from your standpoint and your  
15 office, are you concerned about it being used for  
16 other things other than non-emergency particular  
17 type of events.

18           MR. ZAUSNER:     Legislator, I can  
19 certainly take back your concerns to the  
20 commissioner of emergency management. And I did  
21 speak to him earlier today and he regrets that he  
22 wasn't able to be here. But there is a serious  
23 weather condition moving into Nassau County, and  
24 that's why he's not here this afternoon. But I  
25 can certainly take your concerns back to him.

2 And in front of the Full Leg I can certainly have  
3 something for you.

4 LEGISLATOR ABRAHAMS: Thank you.

5 LEGISLATOR JACOBS: Mr. Schmitt, may I  
6 ask one question?

7 CHAIRMAN SCHMITT: Oh, I'm sorry. I  
8 tuned out. Yes. Mrs. Jacobs.

9 LEGISLATOR JACOBS: I am telling you,  
10 I'm going to write a book some day, but no one's  
11 buying it. I know it. They won't believe it.

12 Are these related to the video town hall  
13 meetings where people can call in to give their  
14 opinion?

15 MR. ZAUSNER: Honestly, Legislator, I am  
16 not sure. That's something I would definitely  
17 have to find out for you. I know that a few of  
18 the town hall meetings, they're at specific  
19 locations, and we do them by -- I know they're  
20 done by geographic area. Like, I know we did  
21 ones in Hewlett, Hempstead, Rockville Centre,  
22 Uniondale. So I'm not quite sure if those are  
23 video ones or just in specific locations.

24 LEGISLATOR JACOBS: I agree with my  
25 colleagues. It's just a concern because we had

2 an instance, having nothing to do with this nor  
3 does it need any description, where it was being  
4 used for something that really -- it's supposed  
5 to be an emergency notification system, and is  
6 being used for something that really wasn't an  
7 emergency, not a notification of any emergency.  
8 It was sort of an interpretation of what they  
9 thought it was. And I think I agree with what  
10 was just said, it really has to be -- we have to  
11 be very careful. People hear emergency  
12 notification and they think the world is coming  
13 to an end. That should be weather related. It  
14 should be, God forbid, anything that's really  
15 serious not because we're having a town hall  
16 meeting.

17 MR. ZAUSNER: I can certainly take back  
18 your concerns to the commissioner. But I would  
19 just like to point out that as a FEMA grant  
20 recipient, FEMA requires, as my colleague Mr.  
21 Delaney testified last week, that we need to have  
22 a capability of an emergency notification system,  
23 which is --

24 LEGISLATOR JACOBS: Absolutely.

25 MR. ZAUSNER: what the requirements of

2 the federal government are on us. And once we  
3 have satisfied that capability, it's not quite as  
4 strict that you must use only for hurricanes or  
5 things like that. It's more that you have to  
6 have the capability to notify residents in the  
7 event.

8           LEGISLATOR JACOBS: I understand that.  
9 And I don't mean to belabor it. Actually, I do  
10 understand that. But I'm saying that it's a very  
11 fine line like you walk between what's truly an  
12 emergency notification and what's being used for  
13 some other reason.

14           CHAIRMAN SCHMITT: I would assume -- I'm  
15 not looking for an answer for this, I'm just  
16 giving you a suggestion. I'm sure it's already  
17 in place, because it would be foolish, in my  
18 opinion, not to use a system that we have paid  
19 for, to notify residents of various events. But  
20 I would assume that a telephone call to notify --  
21 I live in Massapequa, in an area where if the big  
22 one ever comes, that they keep talking about,  
23 where the barrier beach is breached, we would be  
24 underwater where I live. So I would think if  
25 there was a big one coming that had the potential

2 to breach the barrier and we were going to be  
3 flooded and people were being notified and urged  
4 to leave their home, that there would be a  
5 certain tone and tenor to the telephone call,  
6 like maybe at the beginning that this is an  
7 emergency and pay attention, as opposed to  
8 calling me to tell me that there's a community  
9 meeting about a proposed something or other in my  
10 area that I might want to be aware of and attend.  
11 I think there would be a difference between those  
12 two messages, would there not be?

13 MR. ZAUSNER: I am sure there is.

14 CHAIRMAN SCHMITT: I would hope so.

15 MR. ZAUSNER: I am not the one who  
16 actually records the calls. But I would be  
17 pretty sure that there is something, definitely,  
18 at the very least, in the text of the message  
19 saying we are suggesting you voluntarily evacuate  
20 or something to that nature, I'm sure.

21 CHAIRMAN SCHMITT: Exactly.

22 LEGISLATOR WINK: So, in other words, if  
23 this were an actual emergency, my voice would be  
24 a lot louder and a lot more serious. Is that  
25 really the standard we're going to use on this?

2 CHAIRMAN SCHMITT: Not louder and more  
3 of an emergency. This is an -- like the old days  
4 -- you're probably too young to remember this.  
5 Where you got the beeping and this is an  
6 emergency. This is not a test. This is an  
7 emergency. To kind of get your interest.

8 LEGISLATOR WINK: I didn't hear the  
9 emergency part. But I know the old routine, the  
10 test. This is only a test. If it were an actual  
11 emergency, this would be followed with  
12 instructions. What you're suggesting, though, is  
13 that somehow the tone and the tenor of the  
14 message would be different if it were a real  
15 emergency, as opposed to calling for a town hall  
16 meeting or something.

17 CHAIRMAN SCHMITT: Certainly.

18 LEGISLATOR WINK: The problem is that,  
19 again, as Legislator Abrahams pointed out, the  
20 more we use this and the more we use it for non-  
21 emergency related items, the less significant the  
22 emergency's stature is when, in fact, it is  
23 necessary as an emergency.

24 CHAIRMAN SCHMITT: That's to be seen.

25 LEGISLATOR WINK: By then it may be too

2 late.

3 CHAIRMAN SCHMITT: True. But, you know.  
4 There are professionals in the field, of which  
5 none of us is one, that can advise the Office of  
6 Emergency Management upon the proper usage of  
7 this thing and whether or not what you say is  
8 true or is it not true.

9 Anyway. Legislator Kopel and then  
10 Legislator Walker.

11 LEGISLATOR KOPEL: I just want to  
12 disagree with some of my colleagues here, simply  
13 because of my experience with this program. We  
14 had one just several weeks ago and it was  
15 extremely well attended, much better attended  
16 than I actually expected. It was not strictly a  
17 town hall meeting. I found that the comments  
18 went both directions, to the point where people  
19 came, they were educated. They were educated,  
20 certainly as to what the county could do and  
21 could not do and who else can do things. At the  
22 same time, many people came to the meeting with  
23 issues and with problems, and the education went  
24 in both directions.

25 If you recall, quite a few people

2 mentioned specific issues that they had, and you  
3 were going to go back and see if some of those  
4 problems couldn't be alleviated. What was your  
5 experience with that? Were you able to?

6 MR. ZAUSNER: Well, we passed a law in  
7 certain things, and we've reached out. Some of  
8 the comments, we've reached out to FEMA regarding  
9 flood maps and things like that. I mean, issues  
10 on certain streets, I believe it was the Lawrence  
11 community that we weren't as aware as potential  
12 for flooding --

13 LEGISLATOR KOPEL: That was Woodmere.

14 MR. ZAUNSER: I'm sorry. Woodmere.  
15 Legislator, my apologies. But we were able to  
16 really now have a better idea from the residents  
17 on the ground what was affecting them and what  
18 would precipitate their street flooding out. And  
19 that's something that we wouldn't have  
20 necessarily had had I not been at your community  
21 meeting.

22 LEGISLATOR KOPEL: So if we didn't have  
23 this meeting, we would have problems greater than  
24 what we need and that would be a shame. So these  
25 things are valuable. And I find that the

2 feedback is a tremendously good thing.

3 LEGISLATOR JACOBS: Mr. Chairman, I  
4 apologize. I just want to ask Howard a question.

5 So you used the system for that, to get  
6 your meeting known.

7 LEGISLATOR KOPEL: No.

8 LEGISLATOR JACOBS: To ask people to  
9 come down.

10 LEGISLATOR KOPEL: No. Yes, I meant.

11 LEGISLATOR JACOBS: To tell people about  
12 the meeting.

13 LEGISLATOR KOPEL: We used other means  
14 to tell people about the meeting, yes.

15 LEGISLATOR JACOBS: Okay. Thank you.

16 CHAIRMAN SCHMITT: Legislator Walker.

17 LEGISLATOR WALKER: I have to say I  
18 agree with Legislator Kopel. I do think you have  
19 to be careful. I don't think you could just, you  
20 know, you don't want to send messages out about  
21 everything. I know you try very hard to get the  
22 word out, word of mouth. Sometimes we put it to  
23 our E-Team. There are certain things -- I feel  
24 that, you know, especially now there would be one  
25 cost for everything. Obviously, when there's an

2 emergency coming, a bad storm, or whatever,  
3 whether it's snowstorm, hurricane, or whatever,  
4 people are somewhat aware that's going on anyway.  
5 So we give them specific information, whatever,  
6 on those phone calls. It's not something you'd  
7 be doing on a daily basis. Even if there was  
8 going to be, you know -- things are tough today.  
9 Even if there was going to be a job fair that the  
10 county was sponsoring, I don't see why it would  
11 be bad to use that system since it's one-price-  
12 pays-all to get that word out. I know sometimes  
13 people have said to me I found out about it the  
14 last minute and I did go but I wished I had known  
15 earlier because I would have told a lot of my  
16 friends. But the same goes for those town hall  
17 meetings or whatever. This way you do reach out  
18 to that specific area that's involved, more  
19 people would be able to be aware of things. Like  
20 I said, even though we put it on the website, the  
21 county website and so on and so forth.

22 I don't know the particulars. I know we  
23 had talked about it here. But, you know, what  
24 actual phone calls would be considered able to be  
25 used under that one-price-pays-all.

2 MR. ZAUSNER: I know that from last week,  
3 you know, from when Mr. Delaney testified, what  
4 he basically said was that FEMA only requires the  
5 county to set up the capability for using an  
6 emergency notification system in the event of an  
7 emergency. We have set up that capability so  
8 that other calls, such as town halls or if, you  
9 know, the commissioner of emergency management  
10 were to let's say sign off on the future on calls  
11 for job fairs or other types of things, would be  
12 permissible under the grant.

13 LEGISLATOR WALKER: Thank you.

14 CHAIRMAN SCHMITT: Okay. All those in  
15 favor of E-142 please signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item carries with four votes of the  
20 majority in favor and three votes of the minority  
21 against.

22 E-143 is a contract between Probation and  
23 Nassau Health Care Corporation to provide  
24 medical, pharmacy, and psychiatric services to  
25 juveniles housed as the juvenile detention

2 center.

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 Anybody have any questions about this?

9 (No verbal response.)

10 All those in favor of E-143 please  
11 signify by saying aye.

12 (Aye.)

13 I'm going to call two together. E-144  
14 and E-145, which is the district attorney and  
15 P.E.A.C.E. afterschool program, and the district  
16 attorney and the Town of Hempstead Animal  
17 Shelter.

18 May I have a motion, please?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR MUSCARELLA: Second.

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

23 Any questions on these items?

24 (No verbal response.)

25 Any public comment?

2 (No verbal response.)

3 All those in favor please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The ayes have it.

8 E-146 is between Parks and JCC of the  
9 Greater Five Towns, a use and occupancy permit  
10 for a special needs day camp in North Woodmere  
11 Park. This is a revenue producing contract.

12 May I have a motion, please?

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR MUSCARELLA: Second.

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

17 Any questions on this one?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor please say aye.

22 (Aye.)

23 The item carries unanimously.

24 I'm going to call together E-148, E-149,  
25 and E-152. These are contracts between the

2 Department of Public Works and Municipal Testing  
3 Laboratory and Department of Public Works and  
4 Gibbons, Esposito and Boyce, and the Department  
5 of Public Works and Hazen and Sawyer.

6 May I have a motion, please?

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

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

11 Is there any questions?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 All three items carry unanimously.

18 E-151 is between the County Attorney and  
19 Craig Eisenberg, Ultimate Process Server.

20 Could I have a motion, please?

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR MUSCARELLA: Second.

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

25 Any debate or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

Thank you, Mr. Nocella.

The items carry unanimously.

E-153 is between the Office of Management and Budget and the Nassau County Bar Association, to provide assigned counsel to indigent criminal defendants and certain civil litigants for \$6,574,300.

Do I have a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

Any questions?

(No verbal response.)

Any debate or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

The ayes have it unanimously.

You're batting a thousand, Mr. Nocella.

That's good.

I'll take a motion to suspend the rules.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

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

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

(Aye.)

The rules are suspended.

We now have a contract in front of us.  
A-16 is a contract between the Correctional  
Center and Rockland Bakery, bread and rolls for  
the correction center.

May I have a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

Any debate or discussion on the rolls?

(No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 Any questions or public comment?

5 (No verbal response.)

6 All those in favor please say aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item carries unanimously.

11 That's it for the contracts. The Rules  
12 Committee will stand in recess. Thank you for  
13 coming.

14 (Whereupon, the Rules Committee recessed  
15 at 5:10 p.m.)

16 (Whereupon, the Rules Committee  
17 reconvened at 6:04 p.m.)

18 CHAIRMAN SCHMITT: Rules is back in  
19 session.

20 I will take a motion to suspend the  
21 rules.

22 LEGISLATOR MUSCARELLA: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN SCHMITT: Made by Legislator  
25 Muscarella, seconded by Legislator Walker.

2 All those in favor of suspending the  
3 rules please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 Rules are suspended.

8 We're now going to call items in bulk,  
9 that's been agreed to by the Minority.

10 Items 461, 462, 466, 467, 468, 469, 470,  
11 471, 472, 473, 474, 475, and 476. May I have a  
12 motion, please?

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR MUSCARELLA: Second.

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

17 Any public comment on any of those items?

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 We now go to Item 458, which is a  
25 resolution authorizing the county executive to

2 execute an amendment to an agreement between the  
3 County of Nassau and the Lido and Point Lookout  
4 Fire District.

5 May I have a motion, please?

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR MUSCARELLA: Second.

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

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 The items carry unanimously.

19 459 is a resolution authorizing the  
20 county executive to enter into an inter-municipal  
21 agreement with the Incorporated Village of  
22 Hewlett Neck in relation to a project to maintain  
23 and beautify a portion of a county-owned right of  
24 way.

25 May I have a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

Any debate or discussion?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The ayes have it. Thank you.

464 is an ordinance providing for a capital expenditure to finance the payment of certain settled claims against the County of Nassau, authorizing \$597,916.76 of bonds of the County of Nassau to finance the expenditure and making certain determinations pursuant to the State Environmental Quality Review Act.

May I have a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRMAN SCHMITT: Moved by Legislator

2 Walker, seconded by Legislator Muscarella.

3 I'd like to make a motion -- actually, to  
4 incorporate the minutes of the Finance Committee  
5 into the minutes of this Committee.

6 (Whereupon, the following are the minutes  
7 of the June 25, 2012 Finance Committee meeting  
8 pertaining to Clerk Item 464-12).

9 Item 464-2012 is an ordinance providing  
10 for a capital expenditure to finance the payment  
11 of certain settled claims against the County of  
12 Nassau, authorizing \$597,916.76 of bonds of the  
13 County to finance said expenditure.

14 LEGISLATOR MUSCARELLA: So moved.

15 LEGISLATOR WALKER: Second.

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

18 Is there any discussion on this item?

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

21 CHAIRMAN NICOLELLO: Legislator DeRiggi-  
22 Whitton goes first.

23 Mr. Volk.

24 MR. VOLK: Good afternoon, Legislators.

25 Legislators, this is an annual request for

2 bonding for a settlement that goes back  
3 2007/2008. It's to pay off a settlement.

4 LEGISLATOR DeRIGGI-WHITTON: Hi. Can I  
5 just ask you what type of settlement is that?

6 MR. VOLK: Sure. This was a tax cert  
7 settlement that actually my office went up to the  
8 New York State Court of Appeals on.

9 LEGISLATOR DeRIGGI-WHITTON: So this  
10 item is to bond for tax certs for this amount of  
11 money?

12 MR. VOLK: It is to bond for the annual  
13 payment of a tax cert. That is correct,  
14 Legislator.

15 CHAIRMAN NICOLELLO: Isn't this a PILOT?

16 MR. VOLK: Yes. It was a PILOT.

17 CHAIRMAN NICOLELLO: Okay.

18 LEGISLATOR DENENBERG: Question.

19 CHAIRMAN NICOLELLO: Legislator DeRiggi-  
20 Whitton, are you done?

21 LEGISLATOR DeRIGGI-WHITTON: Yes.

22 CHAIRMAN NICOLELLO: Legislator  
23 Denenberg.

24 LEGISLATOR DENENBERG: When you say the  
25 annual payment of a tax cert and then a PILOT,

2 meaning this is just one year of payment or was  
3 this the judgment in this case?

4 MR. VOLK: No. This is just one year of  
5 payment. It goes through 2017.

6 LEGISLATOR DENENBERG: Every year we  
7 have to pay 600,000?

8 MR. VOLK: That's what the Court of  
9 Appeals so decreed.

10 CHAIRMAN NICOLELLO: Can I just jump in,  
11 just a second? I think this was started because  
12 Mr. Levinson decided that he was not going to  
13 treat the PILOT like a tax cert and allow it to  
14 have judgments or have grievances filed.

15 MR. VOLK: That's -- sorry.

16 CHAIRMAN NICOLELLO: Go ahead, if you  
17 could explain it better.

18 MR. VOLK: I apologize, Legislator.  
19 That is essentially correct. The argument was  
20 that the county guarantee did not apply to PILOT  
21 agreements, whereas normally in tax certs  
22 traditionally it did. The county attorney's  
23 office back then fought it and, as I said, fought  
24 it all the way to the New York State Court of  
25 Appeals. I was before the legislature last year,

2 my predecessors before that, and so on and so  
3 forth.

4 LEGISLATOR DENENBERG: Does that affect  
5 the position that we have -- that decision affect  
6 the position that the administration has taken  
7 that the county guarantees don't have to be  
8 applied at all?

9 MR. VOLK: Again, this was something  
10 that had been entered into previously.

11 LEGISLATOR DENENBERG: Previous to?

12 MR. VOLK: This was entered into,  
13 Legislator Denenberg, as I said, going back to  
14 2007, Cablevision reached the agreement with ARC.  
15 So this was actually done not by County Executive  
16 Mangano and his office but by his predecessor.  
17 And we are just abiding by the agreement.

18 LEGISLATOR DENENBERG: My question was  
19 whether the Court of Appeals ruling with respect  
20 to the county guarantee, whether that would  
21 affect the administration's position.

22 MR. VOLK: Correct me if I'm wrong,  
23 Legislator. But I don't believe the county  
24 guarantee case is before the New York State Court  
25 of Appeals yet.

2 LEGISLATOR DENENBERG: Again, I'll ask  
3 the same question.

4 MR. VOLK: Yeah, please.

5 LEGISLATOR DENENBERG: This was a  
6 decision on whether the county guarantee would  
7 have to be applied to a PILOT.

8 MR. VOLK: Correct.

9 LEGISLATOR DENENBERG: So again, does  
10 the Court of Appeals decision, would that in any  
11 way --

12 CHAIRMAN NICOLELLO: Can I? This was a  
13 decision that goes through 2017, correct?

14 MR. VOLK: Correct.

15 CHAIRMAN NICOLELLO: Okay. County  
16 Executive Mangano's plan to eliminate the county  
17 guarantee I don't think affects this decision.

18 MR. VOLK: No.

19 CHAIRMAN NICOLELLO: I would think that  
20 we still are on the hook through 2017.

21 MR. VOLK: You are correct, Legislator  
22 Muscarella. But it's not necessarily because of  
23 the New York State Court of Appeals decision in  
24 Goya (phonetic), it's because of the settlement  
25 that was entered into. Therefore, in honoring

2 the settlement the county guarantee issue is  
3 really irrelevant.

4 LEGISLATOR DENENBERG: But I thought --  
5 why is it a settlement at this point. Isn't it a  
6 judgment after the Court of Appeals?

7 MR. VOLK: The issue --

8 LEGISLATOR DENENBERG: It went to the  
9 Court of Appeals --

10 MR. VOLK: This issue of whether the  
11 PILOT agreement is subject to the county  
12 guarantee, that is the issue that went up in Goya  
13 to the New York State Court of Appeals.

14 LEGISLATOR DENENBERG: After we lost  
15 there we settled on an amount?

16 MR. VOLK: Exactly.

17 LEGISLATOR DENENBERG: Okay. And then  
18 my final question would be -- I would assume that  
19 nothing that was written by the Court of Appeals  
20 in deciding whether the county guarantee applies  
21 to the PILOT would work against the county's  
22 current position with respect to the county  
23 guarantee that we don't have to apply it?

24 MR. VOLK: I would agree with that.

25 Again, we're just looking to honor the agreement

2 that our predecessors entered into.

3 LEGISLATOR DENENBERG: I'm done.

4 CHAIRMAN NICOLELLO: Did you have  
5 another question, Legislator?

6 LEGISLATOR DeRIGGI-WHITTON: I'm sorry.  
7 What year is this representing?

8 MR. VOLK: This current year is for --  
9 excuse me, 11/12.

10 LEGISLATOR DeRIGGI-WHITTON: So the  
11 prior years, have they already been paid?

12 MR. VOLK: It is my understanding that  
13 they have been.

14 LEGISLATOR DeRIGGI-WHITTON: Okay.

15 CHAIRMAN NICOLELLO: Any other  
16 questions?

17 (No verbal response.)

18 Thank you, Mr. Volk.

19 MR. VOLK: Thank you.

20 CHAIRMAN NICOLELLO: Any public comment?

21 (No verbal response.)

22 All those in favor signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (Nay.)

2 It passes by a vote of four to three.

3 (Whereupon, the following is the  
4 continuation of the minutes of the June 25, 2012  
5 Rules Committee meeting.)

6 CHAIRMAN SCHMITT: Any questions?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 LEGISLATOR MUSCARELLA: Wait a minute.

12 This is the item that was from 2008, a settlement  
13 under Levinson that was bonded under 2008, bonded  
14 in 2009, bonded in 2010, bonded in 2011, but now  
15 in 2012 the Finance Committee voted -- the  
16 minority in the Finance Committee voted against  
17 it. Is that the item we're talking about?

18 CHAIRMAN SCHMITT: Is that the item  
19 we're talking about?

20 MR. VOLK: Yes, Legislator.

21 LEGISLATOR MUSCARELLA: Thank you.

22 CHAIRMAN SCHMITT: Who said yes?

23 MR. VOLK: I did.

24 CHAIRMAN SCHMITT: There you are.

25 That's the item we're talking about?

2 MR. VOLK: Yes, Legislator.

3 CHAIRMAN SCHMITT: Okay. Tell me, on  
4 this item, why is it a necessity for the county  
5 to pay this at all?

6 MR. VOLK: So that I understand your  
7 question right, Legislator. Why is it a  
8 necessity to pay it?

9 CHAIRMAN SCHMITT: Yes.

10 MR. VOLK: We entered into an agreement  
11 in 2007 that we would pay it on -- pay annual  
12 installments.

13 CHAIRMAN SCHMITT: Why did we do that?

14 MR. VOLK: I believe it was to settle a  
15 litigation pending an outcome at the New York  
16 State Court of Appeals.

17 CHAIRMAN SCHMITT: And why was there  
18 litigation?

19 MR. VOLK: The issue was whether PILOT  
20 agreements were subject to the county guarantee.

21 CHAIRMAN SCHMITT: Was it the failure of  
22 the then-tax assessor -- I'm having my memory  
23 refreshed. It was the position of the current  
24 tax assessor, Harvey Levinson, that those  
25 expenditures were not covered under the

2 guarantee, resulting in the lawsuit.

3 MR. VOLK: I believe that is correct.

4 CHAIRMAN SCHMITT: And that lawsuit  
5 resulted in this settlement.

6 MR. VOLK: Yes, Legislator.

7 CHAIRMAN SCHMITT: Which brings these  
8 items forward each year.

9 MR. VOLK: Yes, Legislator.

10 CHAIRMAN SCHMITT: For how long?

11 MR. VOLK: Until 2017.

12 CHAIRMAN SCHMITT: In view of the fact  
13 that the school district guarantee has been  
14 repealed, effective 2014 -- 2013, does that  
15 change any of this?

16 MR. VOLK: I don't believe so,  
17 Legislator.

18 CHAIRMAN SCHMITT: And that's because  
19 it's a settlement?

20 MR. VOLK: Because of the settlement,  
21 yes.

22 CHAIRMAN SCHMITT: I'm not a lawyer.  
23 I'm a layman. Is it fair to say that Harvey  
24 Levinson caused us to be in this position? This  
25 is the settlement of a lawsuit.

2 MR. VOLK: This is payment on a  
3 settlement of a lawsuit.

4 CHAIRMAN SCHMITT: What happens if this  
5 doesn't pass the Full Legislature?

6 MR. VOLK: I would imagine that the  
7 county would need to find funds from some other  
8 source to pay it.

9 CHAIRMAN SCHMITT: Here we go again.

10 MR. VOLK: Yes, sir.

11 CHAIRMAN SCHMITT: Okay. So they're  
12 going to make another swipe at trying to push the  
13 county into disarray. Okay.

14 LEGISLATOR WINK: I have a question.

15 CHAIRMAN SCHMITT: Yes, sir. Legislator  
16 Wink.

17 LEGISLATOR WINK: Mr. Volk --

18 MR. VOLK: Yes.

19 LEGISLATOR WINK: Did you know in  
20 September 2011 that this item was going to have  
21 to be paid in the calendar year 2012, as part of  
22 the 2012 budget?

23 MR. VOLK: I think that's a fair  
24 statement.

25 LEGISLATOR WINK: Do you think they knew

2 in September 2010 that it would have to be paid  
3 in the 2011 calendar year?

4 MR. VOLK: Perhaps. Well, let me ask  
5 you a question, Legislator Wink. When you say do  
6 you think we knew or do I think they knew, who  
7 are we referring to?

8 LEGISLATOR WINK: By we, I mean the  
9 empirical Nassau County.

10 MR. VOLK: I'm sorry?

11 LEGISLATOR WINK: The empirical we,  
12 Nassau County.

13 MR. VOLK: I would assume somebody knew.

14 LEGISLATOR WINK: So, in other words,  
15 somebody knew that this settlement had been made  
16 and chose not to budget for it in 2011 or 2012,  
17 and instead decided to rely upon borrowing  
18 because it was a prorated or an elongated  
19 settlement rather than a known budgetable item  
20 for operating expenses.

21 MR. VOLK: I think that's an unfair  
22 question to ask me, Legislator.

23 LEGISLATOR WINK: Well, I'm asking you  
24 simply do you think the county knew that they  
25 were going to have to pay this in 2012.

2 MR. VOLK: Do I think they knew that a  
3 payment was due? Yes, I think that's a fair -- I  
4 think that's fair. Do I think that somebody knew  
5 how it was going to get paid? Again, you know,  
6 as I said earlier today, I'm not involved in  
7 budgeting.

8 LEGISLATOR WINK: And I appreciate that.  
9 I'm not asking you to opine on that. My point is  
10 simply this was a known expense, whereas many of  
11 the things that we're asked on a routine basis -  
12 or apparently on an annual basis in the case of  
13 2011 - to budget for judgments and settlements,  
14 are not necessarily anticipated in that year.  
15 This, on the other hand, has been anticipated  
16 since 2008.

17 MR. VOLK: Yes, it's anticipated, but  
18 the annual payments are a function of the tax  
19 rate and it's very tough in, say, 2008 or 2009 to  
20 know what the tax rate is going to be in 2012 or  
21 2013.

22 LEGISLATOR WINK: Fair enough. Fair  
23 enough. But we knew a liability would exist in  
24 2012 is simply my point in this.

25 MR. VOLK: I think that's a fair

2 statement.

3 LEGISLATOR WINK: Thank you.

4 CHAIRMAN SCHMITT: Mr. Muscarella.

5 LEGISLATOR MUSCARELLA: I have a  
6 question. Was it bonded in 2008?

7 MR. VOLK: Yes.

8 LEGISLATOR MUSCARELLA: Was it bonded in  
9 2009?

10 MR. VOLK: I believe so.

11 LEGISLATOR MUSCARELLA: Was it bonded in  
12 2010?

13 MR. VOLK: I believe so.

14 LEGISLATOR MUSCARELLA: Was it bonded in  
15 2011?

16 MR. VOLK: Yes.

17 LEGISLATOR MUSCARELLA: Thank you.

18 MR. VOLK: Okay.

19 CHAIRMAN SCHMITT: Okay. Any public  
20 comment?

21 (No verbal response.)

22 All those in favor signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

The item carries by a vote -- it carries committee by a vote of four votes of the majority against three votes of the minority.

MR. VOLK: Thank you, Legislator.

CHAIRMAN SCHMITT: We'll see you back at the next meeting of the Legislature, I'm sure.

MR. VOLK: Yes, sir.

CHAIRMAN SCHMITT: Mr. Volk, when you come back could you have a little more documentation along the lines of the questions that Mr. Muscarella and I asked that could be submitted to the record, like when it was bonded, the date it was bonded, how much it was for.

MR. VOLK: Actually, I could probably provide some of that for you right now.

CHAIRMAN SCHMITT: No, no. It's in the backup. But at the Full Legislature, when all 19 members are present, we don't all have that backup. Just make sure you have it then.

MR. VOLK: Sure. Yes, sir.

CHAIRMAN SCHMITT: Thank you.

Is there any other business to come before the Rules Committee?

(No verbal response.)

2 I'll take a motion to adjourn.

3 All those in favor of adjourning say aye.

4 (Aye.)

5 We're adjourned.

6 (Whereupon, the Rules Committee adjourned

7 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 2nd day of July, 2012.

-----  
FRANK GRAY