

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FULL LEGISLATURE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

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

NORMA GONSALVES
Chair

KEVAN ABRAHAMS
Minority Leader

ROBERT TROIANO

CARRIÉ SOLAGES

DELIA DERIGGI-WHITTON

JOSEPH SCANNELL

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA

RICHARD J. NICOLELLO

JUDI BOSWORTH

WAYNE WINK

MICHAEL VENDITTO

JOSEPH BELESI

DENNIS DUNNE, SR.

DENISE FORD

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: Our apologies
3 for the delay in the meeting. We had a very, I
4 guess, successful women's history recognition
5 program this morning and it ran a little late.
6 Again, I apologize for the late starting today's
7 meeting.

8 We will do the Full Legislature meeting
9 first, and then we have, after that, a Rules
10 Committee meeting. So those of you who cannot
11 stay for the Rules and wish to speak on any item
12 that's on the Rules Committee, you may speak on
13 the item now, during public comment, and we will
14 incorporate your comments into the testimony of
15 the Rules Committee.

16 Without any further adieu, would we all
17 please rise? Legislator Dunne, please lead us in
18 the Pledge.

19 (Whereupon, the Pledge of Allegiance was
20 recited.)

21 CHAIRWOMAN GONSALVES: Mr. Muller, would
22 you please call the roll?

23 CLERK MULLER: This is for the Full
24 Legislature?

25 CHAIRWOMAN GONSALVES: Yes, sir.

2 CLERK MULLER: Deputy Presiding Officer
3 Nicolello?

4 LEGISLATOR NICOLELLO: Here.

5 CLERK MULLER: Alternate Deputy
6 Presiding Officer Kopel?

7 LEGISLATOR KOPEL: Here.

8 CLERK MULLER: Legislator Troiano?

9 LEGISLATOR TROIANO: Present.

10 CLERK MULLER: Legislator Solages?

11 LEGISLATOR SOLAGES: Here.

12 CLERK MULLER: Legislator Ford?

13 LEGISLATOR FORD: Here.

14 CLERK MULLER: Legislator Scannell?

15 LEGISLATOR SCANNELL: Here.

16 CLERK MULLER: Legislator Becker?

17 LEGISLATOR BECKER: Present.

18 CLERK MULLER: Legislator Muscarella?

19 LEGISLATOR MUSCARELLA: Here.

20 CLERK MULLER: Legislator Bosworth?

21 LEGISLATOR BOSWORTH: Here.

22 CLERK MULLER: Legislator Wink?

23 LEGISLATOR WINK: Here.

24 CLERK MULLER: Legislator Venditto?

25 LEGISLATOR VENDITTO: Here.

2 CLERK MULLER: Legislator Belesi?

3 LEGISLATOR BELESI: Here.

4 CLERK MULLER: Legislator Dunne?

5 LEGISLATOR DUNNE: Here.

6 CLERK MULLER: Legislator Jacobs?

7 LEGISLATOR JACOBS: Here.

8 CLERK MULLER: Legislator Walker?

9 LEGISLATOR WALKER: Here.

10 CLERK MULLER: Legislator DeRiggi-

11 Whitton?

12 LEGISLATOR DeRIGGI-WHITTON: Here.

13 CLERK MULLER: Legislator Denenberg?

14 LEGISLATOR DENENBERG: Here.

15 CLERK MULLER: Minority Leader Abrahams?

16 LEGISLATOR ABRAHAMS: Here.

17 CLERK MULLER: Presiding Officer

18 Gonsalves?

19 CHAIRWOMAN GONSALVES: Present.

20 CLERK MULLER: We have a quorum.

21 CHAIRWOMAN GONSALVES: Thank you very

22 much.

23 At this time we will have 30 minutes of

24 public comment. And as I said earlier, if you

25 wish to speak on an item that will be taken up on

2 Rules, you may speak on it during the public
3 comment, but remember that it will be
4 incorporated into the Rules Committee.

5 Without any further adieu, the first
6 speaker today is Geoffrey Prime. Good afternoon,
7 Mr. Prime.

8 MR. PRIME: Good afternoon, Presiding
9 Officer. My name is Geoffrey Prime. I'm
10 Chairman of the Board of Trustees at Nassau
11 Community College. I first want to thank you all
12 for your tireless efforts and the tremendous job
13 that you all do for Nassau County.

14 I stand before you as chairman regarding
15 Item E-37-13-PK-R of the Rules Committee. This
16 is the proposed agreement between the County and
17 Molloy College about the Mitchel Field property.
18 I just want to first emphasize that my concern
19 here is how this proposal will affect the quality
20 of the student life for the students at Nassau
21 Community College.

22 It is my understanding that there is
23 currently an agreement between Nassau Community
24 College and the County wherein the College has
25 use of Mitchel Field property for a certain

2 amount of time during the academic year. What we
3 would like to know going forward is what the
4 effect, if any, of the proposed agreement with
5 Molloy College would have on Nassau Community
6 College students and/or use of Mitchel Field. My
7 only goal here is to make sure that the interests
8 of Nassau Community College are preserved and to
9 ensure that we are part of the conversation going
10 forward.

11 Accordingly, I respectfully, very
12 respectfully, ask that this matter be tabled, at
13 such time that it's appropriate, so that the full
14 understanding of all the parameters of the
15 proposed agreement and its effect on Nassau
16 Community College can be understood.

17 I thank you all for your time.

18 CHAIRWOMAN GONSALVES: Thank you, Mr.
19 Prime.

20 LEGISLATOR SOLAGES: Just if I may
21 respect.

22 CHAIRWOMAN GONSALVES: Who is I?

23 LEGISLATOR SOLAGES: Legislator Solages.

24 CHAIRWOMAN GONSALVES: Okay. Legislator
25 Solages.

2 LEGISLATOR SOLAGES: Mr. Prime, I just
3 wanted to thank you very much for your service
4 and your leadership with the Community College.
5 And I thank you for coming down here today.
6 Thank you, Mayor.

7 MR. PRIME: Thank, Legislator. I
8 appreciate it.

9 CHAIRWOMAN GONSALVES: Next speaker,
10 Joanne Borden.

11 MS. BORDEN: Good afternoon.

12 CHAIRWOMAN GONSALVES: Good afternoon,
13 Joanne.

14 MS. BORDEN: This past November I
15 attended a service for transgender people killed
16 by violence and suicide. Those who died were
17 young people, some brutally beaten to death.
18 It's necessary for us to take the first step to
19 affirm beating and killing is illegal and thus
20 wrong. Taunting and driving kids to suicide is
21 wrong.

22 I believe every jurisdiction at every
23 level, local, state, federal, needs laws which
24 repeat it is wrong. Laws set a moral stage.
25 Laws affirm what is right and wrong. The cry

2 justice can't be repeated too often and should
3 start here and now.

4 What is wrong with this legislature? The
5 entire metropolitan area, over 22 million people
6 surrounding us have gender rights laws, and we
7 don't.

8 We're also the last holdout where
9 discrimination runs free. It is time; in fact it
10 is overdue to denounce discrimination as illegal,
11 wrong, and immoral.

12 Here and everywhere, I've quoted medical
13 authorities that say gender identify,
14 transgenderism, is a biological condition
15 originating congenitally. We are born this way.
16 For decades the experts, through research, have
17 reaffirmed transgenderism is like left-
18 handedness.

19 In Queens and Suffolk we are protected
20 from discrimination, but as soon as we cross that
21 line into Nassau County, we're exposed to harm
22 from discrimination. Madame Presiding Officer
23 and all legislators, join me in proudly affirming
24 Nassau is also the land of the free and the home
25 of the brave, a land where everyone is equal.

2 Don't merely pledge justice for all, live it.

3 Free transgender people from the worst
4 part of discrimination, fear; fear of being fired
5 from your job, refused an apartment, or other
6 important life aspects. Bring the gender law to
7 the floor and pass it.

8 Doesn't Nassau have enough to do without
9 me consuming your time every month? Pass the
10 gender clarification amendment; it's the right
11 thing to do, and the right thing should never,
12 never be politicized. Even God wants you to love
13 your neighbor as yourself. Pass the law.

14 Thank you for listening.

15 CHAIRWOMAN GONSALVES: Thank you,
16 Joanne.

17 Faruque Amin.

18 MR. AMIN: Good afternoon.

19 CHAIRWOMAN GONSALVES: Good afternoon.

20 MR. AMIN: My title is -- I'm a student
21 trustee at Nassau Community College. And as Mr.
22 Prime has spoken, I'm actually speaking regarding
23 the same matter, regarding the Mitchel Field.

24 My grave concern regarding what's going
25 to get voted on today is that I had no knowledge

2 on any of this information, as a student leader
3 and also as a trustee. Neither -- as far as my
4 understanding, I have spoken to a couple of other
5 trustees, neither do have any knowledge of this
6 deal or this ruling that's going to take place
7 this afternoon.

8 I have handed out the letter that I have
9 wrote. What I am requesting -- I'm not asking
10 which side you should vote on. I am kindly
11 asking for you to give us the opportunity as a
12 college, as a board, and also the student members
13 and student leaders, to have us take a look at it
14 to see what's going on.

15 We were informed of this situation,
16 including our student government president, Logan
17 Kenya, as I had mentioned, on Saturday. We have
18 spoken constantly over the phone with the other
19 trustees and other student leaders, parents, and
20 also teams here at Nassau, and we all feel that
21 this should be tabled until we look into this
22 further and find out what is really going on and
23 what is happening. We would like some
24 information. And we just ask for time.

25 I would like to thank you very much for

2 listening. And please do consider tabling this
3 motion so we can further look into this.

4 Thank you.

5 CHAIRWOMAN GONSALVES: Legislator
6 Jacobs.

7 LEGISLATOR JACOBS: Yes. Hi. Excuse
8 me. I wanted to thank you, number one, for
9 coming down. You have to understand, we did
10 table this motion the last time we met, because
11 we, too, had questions and there are still
12 questions out there, in my mind anyway, legal
13 questions as to the whole situation in front of
14 us. So we have questions also.

15 It's not necessarily -- it's up to the
16 presiding officer if this is going to be up for a
17 vote today. It's still tabled. So it doesn't
18 mean if you don't hear anybody talking about it
19 that it passed. It may not even come up if it's
20 not un-tabled. Do you know what I'm saying?
21 It's already tabled. It's only the Rules
22 Committee that votes on this, and this is not the
23 Rules Committee. This is the Full Leg. Although
24 your comments will be made part of the Rules
25 Committee.

2 MR. AMIN: Right.

3 LEGISLATOR JACOBS: So if it's not un-
4 tabled, then it's a moot point until we get more
5 information, which of course then it would be
6 readily shared with everybody anyway.

7 MR. AMIN: Well, as a student trustee, I
8 think one of the great things, as I learn and
9 experience throughout my days. One of the things
10 that I learned is that we shouldn't be making a
11 decision on something that we don't have facts
12 on.

13 I personally feel if it is already tabled
14 at this point, my understanding is there was a
15 vote that's going to be taking place by the
16 ruling committee. And the reason why I'm
17 speaking right now is for the ruling committee to
18 understand that as a student I'm concerned, also
19 as a trustee I'm concerned that nothing has come
20 across.

21 I sit on the finance committee at the
22 College. Normally this kind of information of
23 this magnitude would go through the finance
24 committee. And I haven't heard anything, and
25 that's the reason, you know, I'm here today for

2 the ruling committee, on behalf of the students,
3 the leaders, and the trustee.

4 LEGISLATOR JACOBS: Actually, let me
5 tell you a couple of things.

6 Number one, you're absolutely right,
7 everyone should know what they're voting on
8 whenever they vote on anything. Totally --
9 absolutely, we are in agreement.

10 Secondly, this normally would not even
11 come to the college because this is not a
12 monetary or financial situation with the College.
13 You have people up here who are very good friends
14 of the College and really consider it a jewel in
15 this County. So we're only going to want to do
16 what will be good for everybody involved, whether
17 it's Molloy or certainly it being Nassau
18 Community College. So I think you can rest
19 assured that no one up here is going to vote on
20 something -- I would hope everyone would not vote
21 for anything that they feel in any way would be
22 detrimental.

23 We are still seeing. We are still
24 listening. We are happy you came down to talk to
25 us. And let's see what happens later.

2 MR. AMIN: I just want to -- I don't
3 think this point really, as I mentioned in the
4 letter -- one of the things that I wanted to also
5 come across is student government at Nassau
6 Community College funds the teams and the
7 programs, the sports teams that we have there.
8 As I mentioned, with our last audit, we fund them
9 with about \$1.1 million for all the programs and
10 want not.

11 And I can assure you, from my
12 understanding, obviously I can be wrong. Once
13 again, I'm also looking further into it and I
14 need time. Displacing and also relocation, like,
15 to Eisenhower will cost the teams and the
16 programs a lot more money. Once again, for us to
17 -- all of us, so we have a better understanding -
18 - and I understand it doesn't have to come to the
19 College, as you explained, and I understand that.
20 However, as a concerned student and as a
21 concerned trustee, I would like to look into that
22 and have further information on it, as well,
23 myself.

24 LEGISLATOR JACOBS: I understand.

25 MR. AMIN: Thank you.

2 CHAIRWOMAN GONSALVES: Thank you,
3 Faruque.

4 LEGISLATOR TROIANO: Excuse me, Norma.
5 While we're on this subject, can I say something
6 about that?

7 CHAIRWOMAN GONSALVES: Of course.

8 LEGISLATOR TROIANO: And I didn't take
9 the opportunity earlier. I just wanted to point
10 out that we had with us earlier Mr. Prime -- I'm
11 not sure if he gave his appearance, but he is, as
12 I'm sure you appreciate, the Chairman of the
13 Nassau Community College Board, he is also the
14 mayor of South Floral Park, and he is also
15 involved as an attorney in business. He has
16 given up his time to come here and talk to the
17 legislature. But he asked some questions that I
18 don't think were just rhetorical. He's also
19 written letters to the parks commissioner, for
20 which he has not gotten any answers to. While he
21 is here, can we have him come back up, perhaps
22 re-ask those questions, and maybe get those
23 answers?

24 CHAIRWOMAN GONSALVES: Legislator
25 Troiano, we will have the members of the Parks

2 Department and those who are involved in this
3 process here to speak during the Rules Committee
4 and address those concerns.

5 LEGISLATOR TROIANO: I understand there
6 is a process and a procedure for everything. I
7 was giving his appearance to indicate how busy he
8 is. And to ask him to wait until we have the
9 Rules Committee meeting when he is here now, and
10 there are other people who have information who
11 are here now to answer, maybe if we could just
12 take him out of order.

13 CHAIRWOMAN GONSALVES: The item that
14 we're talking about is not on this calendar, it's
15 on the Rules Committee. And this is public
16 comment.

17 LEGISLATOR TROIANO: I understand that.

18 CHAIRWOMAN GONSALVES: And at this time,
19 I know Mr. Prime has legitimate questions and I
20 know that those who are going to answer those
21 questions have heard those questions, and we will
22 ask them to address them during the Rules
23 Committee.

24 Legislator Bosworth.

25 LEGISLATOR BOSWORTH: Thank you. I'll

be brief.

I think this issue is generating many comments, many questions. As more groups become aware of what we're considering, they'd like to weigh in, as would I. I'm so pleased that we have public comment today because it gives other legislators a chance just to say something about the issue. And this goes more to the point of I truly believe this is something that should be heard by the entire legislature. I'm going to use this opportunity to suggest that this be something that actually, once it goes through Rules, if it does go through Rules, that it is something that is agenda for the entire legislature to opine on.

CHAIRWOMAN GONSALVES: I would like to let you know that the College does receive our agendas for the committees, as well as the calendar. And I know it's given to the counsel at the College and to the Finance Department. Now, what they do with that information, I don't know. But hopefully it's disseminated to those who it should be disseminated to, especially the college board.

2 LEGISLATOR BOSWORTH: And I thank you
3 for that response. But I am requesting that this
4 is something that the entire legislature would be
5 able to participate in the discussion of.

6 CHAIRWOMAN GONSALVES: I will take it
7 under advisement, Judi.

8 LEGISLATOR BOSWORTH: I appreciate it,
9 Norma.

10 CHAIRWOMAN GONSALVES: Legislator
11 Denenberg.

12 LEGISLATOR DENENBERG: Just to the two
13 speakers, the student speaker as well as the
14 chairman of the board. I'm thanking you for
15 coming down here.

16 And what Legislator Bosworth just brought
17 up is an issue that I feel very strongly about,
18 both under the Charter of Nassau County, would
19 require a local law and a vote by the Full
20 Legislature, as well as under alienation of
21 parkland under state law would require a vote not
22 only by this full body but also by the state
23 legislature. I'm going to be submitting a memo
24 from Bruce Piel, who is the President of Park
25 Nassau, to that extent, that he believes this

2 type of arrangement is a 30 year lease that is
3 alienation of parkland.

4 And not only it be tabled in Rules
5 because of some of the questions you brought up,
6 but it's really an issue as to whether you're for
7 it or against it, that the proper process should
8 be followed. I think in Rules Legislator Jacobs
9 brought up the process again and again before it
10 was tabled. And I would just say if it's going
11 to be un-tabled today, it really should go after
12 Rules to the Full Legislature as well as in
13 committees. We have a parks committee that
14 should have heard such an issue. And that would
15 give the public more of an opportunity to know
16 what's going on and more of an opportunity to be
17 heard.

18 Counsel for the minority, on behalf of
19 the minority, Peter Klein, has written a letter
20 to the attorney general, as well as the solicitor
21 general, seeking their opinion as to whether this
22 matter is an alienation of parkland and whether
23 it requires a vote of the Full Leg. A vote of
24 the Full Leg would be required for any type of
25 lease arrangement. How a 30 year deal is not a

2 lease arrangement, just because we want to call
3 it a use and occupancy, is beyond me because it
4 commits the county for 30-plus years and the
5 county can't arbitrarily or capriciously revoke
6 that use permit; that sounds like a lease,
7 because that's what it is.

8 So my concern is not just whether this is
9 good or bad, whether we've given everyone an
10 opportunity. Legislator Jacobs last committee,
11 before it was tabled, asked about the process,
12 asked if there were any RFPs. We're concerned
13 about the process, and we think it should go to
14 Full Legislature. And I'm also going to submit
15 that on behalf of Park Nassau.

16 Thank you.

17 CHAIRWOMAN GONSALVES: Legislator
18 Nicoletto.

19 LEGISLATOR NICOLELLO: Just, I want to
20 respond to that. I think there is some
21 misinformation being put out there.

22 Basically, we have a county attorney's
23 opinion that has been submitted and it follows a
24 county attorney's opinion from the Suozzi
25 administration - actually I think it's the same

2 attorney who will be before us on a very similar
3 item -- that this is not a lease, it is a
4 license, and by Charter it goes to the Rules
5 Committee and not to the Full Legislature.

6 So I think we have to rely on what the
7 county attorney is telling us. We're following
8 the process that's set forth in the Charter. To,
9 you know, pick this out and say let's put it
10 before the Full Legislature, it makes political
11 points but it's not the right thing to do, number
12 one. Number two, it's inconsistent with what's
13 been done in the past when the then-minority was
14 in the majority and they actually followed the
15 county attorney's opinion under Suozzi.

16 So, as I said, it's very similar to a
17 prior deal. It's a matter that should go to the
18 Rules Committee, is going to the Rules Committee,
19 and will be considered there.

20 LEGISLATOR DENENBERG: Point of order,
21 to the Chair. He was commenting on what I said.
22 And as follow as - Legislator Nicoletto, what I
23 said does go exactly to the legal points under
24 state parkland alienation, as well as our county
25 charter. And to rely simply on the opinion of

2 our county attorney, I think he's 0 for seven.
3 We relied him on the county guarantee that cost
4 the taxpayers millions. We relied on him
5 regarding NIFA.

6 CHAIRWOMAN GONSALVES: Stay on the item.

7 LEGISLATOR DENENBERG: It cost millions.

8 CHAIRWOMAN GONSALVES: Legislator
9 Denenberg, stay on the item.

10 LEGISLATOR DENENBERG: Well, on the
11 item, our county attorney has given us bum
12 opinion after bum opinion, and I really wouldn't
13 be relying on his opinion on state parkland.

14 He wrote to the state attorney general
15 that our counsel can't inquire, from Eric
16 Schneiderman as our attorney general, for an
17 opinion, and that's just outright wrong again.

18 LEGISLATOR DUNNE: Point of order, if I
19 may. This is -

20 CHAIRWOMAN GONSALVES: Through the
21 Chair.

22 LEGISLATOR DUNNE: public comment, 30
23 minutes for them to speak and not Dave Denenberg
24 to speak.

25 CHAIRWOMAN GONSALVES: Hold on.

2 LEGISLATOR DENENBERG: I think he's
3 interrupting. I was responding to Legislator
4 Nicoletto.

5 CHAIRWOMAN GONSALVES: Legislator
6 Denenberg, 2009, we had the same situation with
7 the ice bubble. Remember the bubble? The
8 tennis bubble, I'm sorry. And again, Lorna
9 Goodman was the county attorney and she did not -
10 - she ruled in favor of the committee.

11 LEGISLATOR DENENBERG: First of all, you
12 know what?

13 CHAIRWOMAN GONSALVES: Can we go on?

14 LEGISLATOR DENENBERG: I don't see Lorna
15 Goodman here --

16 CHAIRWOMAN GONSALVES: Legislator
17 Denenberg --

18 LEGISLATOR DENENBERG: and a ten year
19 lease on a bubble is not what we're talking
20 about.

21 CHAIRWOMAN GONSALVES: I would like to
22 hear from the rest of the public. Thank you very
23 much.

24 MS. MUNTZ: I'm a public and I'm the
25 list, but this is very germane to what you are

2 talking about right now.

3 CHAIRWOMAN GONSALVES: What is your
4 name?

5 MS. MUNTZ: My name is Eileen Muntz - M-
6 U-N-T-Z. I'm on the list.

7 CHAIRWOMAN GONSALVES: There are two
8 other speakers before you.

9 The next speaker is Frisenda Frank, is
10 it? Frank Frisenda, I'm sorry.

11 MR. FRISENDA: Hi. Good afternoon. My
12 name is Frank Frisenda. I'm just a lowly
13 professor at Nassau Community College, so I'm not
14 on the list of information as it goes through the
15 board or the administration as to when things
16 happen.

17 I know many of you sitting up there and I
18 know your commitment to Nassau Community College,
19 and I certainly do appreciate it, we all
20 appreciate it.

21 On this particular issue, this is the
22 Mitchel Field complex, I just want to say that
23 the -- I'm here on behalf of the full-time
24 faculty of Nassau Community College, the academic
25 center, the Chairs Committee, the NCCFT full-time

2 union representing the full-time faculty asked me
3 to come today and speak.

4 We just heard about this over the
5 weekend. And I've been on the phone the whole
6 weekend speaking to other faculty members, other
7 students. I'm involved with many of the athletes
8 on the campus. I've been on the Faculty-Student
9 Association of Nassau Community College which
10 oversees some of the fiscal policies with regard
11 to the athletic teams. I know there's a long
12 history between Mitchel Field and the County and
13 the College. And I just want to say that there
14 is so misinformation, there is so much confusion,
15 and there are so many people at Nassau Community
16 College that will be affected by this deal.
17 Whether it's alienation of parkland, or a lease,
18 or a license, or a use, or an understanding, you
19 know, it's heartening to know and to see that you
20 all agree. But having said that, perhaps a
21 public hearing can be scheduled at point where
22 all the affected constituents can put their two
23 cents in and their three minutes.

24 Thank you very much.

25 CHAIRWOMAN GONSALVES: You're welcome,

2 Mr. Frisenda.

3 John Capobianco.

4 MR. CAPOBIANCO: Thank you. As you may
5 recall, last week you guys invited me back here
6 today to talk to you regarding the county
7 guarantee, and that leads to an underlying
8 problem, which is our tax assessment system.

9 With regard to Local Law 18-2010, which
10 was recently declared illegal by the Appellate
11 Division, I urge you to not waste the taxpayers'
12 time and money pursuing what looks to be an
13 impossible case to win. Wouldn't it be better to
14 take the more difficult path and to work with the
15 State Legislature and the School Boards
16 Association to work out a fair and equitable
17 solution to the tax refund issue?

18 Should the county prevail in its appeal,
19 you will be shifting the burden of assessment
20 errors to the school taxpayers, simply moving an
21 item off your balance sheet onto the school
22 district's balance sheet. The timing of this
23 couldn't be any worse. As school districts work
24 to stay within their tax levy increase cap, the
25 tax funds -- the tax refunds would bust their

budgets.

According to the Assistant Superintendent of Business for the Farmingdale School District, we are facing an annual refund of somewhere between 2.2 million and \$7.4 million. At the low end of the estimate, that would consume our entire tax levy increase, which would leave us trying to find a way to meet our other state mandated obligations - health insurance increases, pension increases, issues of which you are no doubt familiar.

The driving problem of the county refund - the tax refunds, is our assessment system. According to the last statistic I heard, 95 percent of New York State's property tax grievances emanate from Nassau County; something needs to be done. What I am suggesting is the following: we need a reboot of the assessment system, a move away from 1938 construction costs and current market valuations. I'm suggesting a system based on real structures, real amenities, real fixtures that put a drain on our infrastructure. My suggestion would be something along the following.

2 Every taxable property in the county
3 would be assigned a point value based upon some
4 of the following: determine the average lot
5 size of a single family dwelling, that becomes
6 equal to one point. Every single family dwelling
7 in the county would then become a multiple of a
8 fraction of that point. Assign a point for every
9 bathroom in the dwelling. Assign a point for
10 every kitchen in the dwelling. Assign a point
11 for a swimming pool. Assign a point for a pool,
12 for an elevator, etcetera, etcetera, etcetera.
13 This could be a starting point. You can decide
14 on the relative values of amenities and drains on
15 the infrastructure. Maybe a half bath is worth a
16 half point, etcetera. You could enhance the
17 system from there, offering tax incentives, i.e.
18 reductions in points, for solar energy,
19 geothermal heating, low flow toilets, grey water
20 systems, etcetera. You could then apply a
21 similar system to co-ops, condos and apartment
22 buildings. You could then use the point system
23 as a starting point for commercial real estate,
24 and utilities. Add up the total number of points
25 in the county, divide the tax levy by the number

2 of points, and everyone has their fair share to
3 pay. The point system would be an absolute
4 accounting of amenities and draws on
5 infrastructure. You either have two bathrooms or
6 you don't. If you don't want -- if you want to
7 prove you don't have two bathrooms, then you've
8 got to let someone in to take a look at your
9 property. Everyone has to pay their fair share;
10 no more pointing about my property is worth less
11 than his, etcetera.

12 So those are my thoughts.

13 CHAIRWOMAN GONSALVES: Thank you very
14 much, Mr. Capobianco.

15 LEGISLATOR SOLAGES: Presiding Officer?

16 CHAIRWOMAN GONSALVES: Yes. Legislator
17 Solages.

18 LEGISLATOR SOLAGES: Thank you. Mr.
19 Capobianco, thank you very much for coming down
20 here today. I appreciate your dialogue. I have
21 a brief question.

22 What other jurisdictions use this point
23 system?

24 MR. CAPOBIANCO: To my knowledge,
25 nobody. But Nassau County has the lion's share,

2 95 percent of the grievances in the state. My
3 school district straddles two townships - Town of
4 Oyster Bay, Town of Babylon. We don't have the
5 same problems in the Town of Babylon. The tax
6 cap is supposed to get all the residents to
7 believe that their tax increase is going to be
8 two percent. With the way the assessments worked
9 last year, we had residents with nine, ten, and
10 15 percent increases in their property taxes.
11 It's just - it's a silly system. And I think if
12 you went with a more absolute system, where you
13 can't point fingers and claim that your house
14 isn't worth what it's worth, you've got three
15 bathrooms or you don't have three bathrooms.

16 LEGISLATOR SOLAGES: Thank you very much
17 for your testimony.

18 CHAIRWOMAN GONSALVES: Legislator Ford.

19 LEGISLATOR FORD: Sir, I thank you very
20 much. You do bring up some interesting
21 suggestions. I don't know. It would be nice if
22 we could generally look at them.

23 But my question though would be -- and I
24 like the idea, like, with the point system on the
25 bathrooms and kitchens. But I believe though,

2 like, a lot of our assessments, and I'm not an
3 expert but I've been to enough grievance meetings
4 that I know, like, where people can grieve on. I
5 think that a lot of times the homes, like, you
6 know, like my house is a two family. And because
7 you would get building permits, you know, to put
8 in bathrooms, kitchens, and any renovations, all
9 that becomes part of the makeup of your house and
10 how they base. So they will then take a look at
11 my house and say I have, like, say three
12 bathrooms, two kitchens, because it's two family,
13 and then they base their assessment on that,
14 which I think might be similar to what you're
15 recommending, as well. I guess the concern would
16 be, because a lot of times people don't always
17 get building permits to do the work that they do.

18 But I really think it is, this assessment
19 just seems too even. Like, get them unnerved as
20 well, too, because there just seems like there is
21 no easy solution.

22 MR. CAPOBIANCO: It seems like you tried
23 to fix it and it hasn't been fixed.

24 LEGISLATOR FORD: Yeah.

25 MR. CAPOBIANCO: I know we had some

2 super duper expert come in and I haven't seen any
3 real changes.

4 LEGISLATOR FORD: Yeah. But we did go
5 from the 1938 construction, and I think ever
6 since we did that we've been in a world of hurt.
7 I say go back to those construction prices.

8 MR. CAPOBIANCO: That's how Town of
9 Babylon does it.

10 LEGISLATOR FORD: Yeah. But you know
11 what? But I think you do make some really good
12 suggestions.

13 Thank you.

14 MR. CAPOBIANCO: Just an idea.

15 CHAIRWOMAN GONSALVES: Thank you again,
16 Mr. Capobianco.

17 Eileen Muntz.

18 MS. MUNTZ: Thank you. I'm Eileen Muntz
19 from Westbury, New York.

20 After the snowstorm last month, the air
21 was filled with the laughter and squeals of
22 delight as hundreds and hundreds of Nassau County
23 families used Sled Hill at Eisenhower Park. A
24 week later it was gone. I think this is exactly
25 what's happening with this facility that the

2 school uses. People are acting and not thinking
3 about the consequences.

4 There is so little open, free recreation
5 space in central Nassau County and you gave it
6 away. There is an indoor ice arena three miles
7 away at Cantiague, outdoor skating at Christopher
8 Morely and Reckson Plaza, six miles and three-
9 quarters of a mile away, and yet you give away
10 public parkland to a business.

11 Residents want open park areas to walk,
12 to ride bikes, to rollerblade, and to sleigh
13 ride, and you're taking that away. There is no
14 other place in central Nassau County that I know
15 of for people to sleigh ride. Next year after a
16 snowstorm you're going to have a whole lot of
17 people show up and they'll be saying what is
18 this?

19 Does the Cantiague Ice Arena make money
20 for the County? Does the Aquatic Center at
21 Eisenhower Park make money for the County? Will
22 the taxpayers have to pay millions to refurbish
23 another rotting hole in ten years? In a couple
24 of years will the ice rink be coming to you say,
25 oh, please, we need more parking? And you're

2 going to pave over more of that open area in
3 Eisenhower Park? What were you thinking when
4 you did this? And, please, please, I don't know
5 how this could have been solved.

6 I know once it's done, it's done. But I
7 want it in the record because in a few years I
8 don't want people coming back saying, oops, we
9 didn't realize. It was a mistaken. Oh, well we
10 did it and now we have to go forward. You got
11 rid of public, open recreation land where people
12 had a free opportunity for fun recreation and you
13 gave it to a business. And they're not going to
14 pay real estate taxes. There is no incentive for
15 another business to come in and go onto Hempstead
16 Turnpike and turn that vacant K-Mart into
17 something. If people thought this was a good
18 money making business, they could have put it
19 there. Please, save the county.

20 CHAIRWOMAN GONSALVES: Thank you.

21 Peter Rosenthal.

22 MR. ROSENTHAL: Good afternoon.

23 CHAIRWOMAN GONSALVES: Good afternoon.

24 MR. ROSENTHAL: I'm Peter Rosenthal with
25 the League of Women Voters. You've seen us

2 multiple times in regards to redistricting. And
3 it's my understanding that the county executive
4 has, in fact, signed the redistricting law and
5 there's been no publicity about this. He gave a
6 State of the County address and this was not
7 brought up.

8 I understand that there are additional
9 costs that are going to be incurred and
10 additional costs that are being -- you are being
11 requested to authorize. I'm not sure if that's
12 the Rules Committee or the Legislature, itself.
13 In looking at the agendas it's rather difficult
14 to tell whether there is any additional money
15 that's about to be allocated. I would ask, I
16 think, in deference to the public issues that are
17 placed on your public agenda be clear as to
18 exactly what they're talking about.

19 Multiple please have requested an
20 accounting for the money that went to the
21 redistricting commission, and to date I am
22 unaware of anybody being able to obtain that
23 accounting. I would ask you to be respectful of
24 the public and keep us informed and make things
25 more transparent.

2 Thank you.

3 CHAIRWOMAN GONSALVES: You're welcome,
4 Mr. Rosenthal.

5 That's all the slips that I have at this
6 time. We are now ready to begin with the full
7 calendar of the legislature. The process will be
8 that we'll move the consent items first, that
9 means both the majority and the minority agree on
10 many of the items that are on the calendar and
11 where there are questions those items will be
12 called separately.

13 I'm going to begin with the first items
14 on the consent calendar.

15 Item 1, which is Ordinance 29; Item 2,
16 Ordinance 30; Item 3, Ordinance 31; Item 4,
17 Ordinance 32; Item 6, Ordinance 34; Item 7,
18 Ordinance 35; Item 8, Ordinance 36; Item 10,
19 Ordinance 38; Item 11, Ordinance 39; Item 12,
20 Ordinance 40; Item 13, Ordinance 41; Item 14,
21 Ordinance 42; Item 15, Ordinance 43; Item 18,
22 Ordinance 46; Item 19, Ordinance 47; Item 21,
23 Ordinance 49; Item 22, Ordinance 50; Item 23,
24 Ordinance 51; Item 25, Resolution 45; Item 26,
25 Resolution 46; Item 30, Resolution 50; Item 31,

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2 Resolution 51; Item 32, Resolution 52; Item 33,
3 Resolution 53; Item 34, Resolution 54; Item 35,
4 Resolution 55; Item 37, Resolution 57; Item 38,
5 Resolution 58; Item 39, Resolution 59; Item 40,
6 Resolution 60; Item 41, Resolution 61.

7 Motion, please?

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator Walker.

12 Any comments?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 There being none, all those in favor of
17 the consent calendar as called please indicate by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The items pass unanimously.

23 Legislator Dunne.

24 LEGISLATOR DUNNE: I just wanted to --

25 one of those items was the appointment of

2 Beaumont Jefferson as the treasurer of the County
3 of Nassau. I don't know if he's still in the
4 room. Beaumont is in the back, maybe if you
5 could come up. Beaumont is a trustee in the
6 village I represent in Westbury, and I want to
7 congratulate him on his appointment. I know he's
8 been acting and doing a fine job.

9 CHAIRWOMAN GONSALVES: Thank you very
10 much, Deputy Presiding Officer.

11 Okay. Mr. Jefferson, let's go.

12 MR. JEFFERSON: I just want to -- I just
13 would like to thank you for your approval and the
14 appointment. And I look forward to continuing to
15 do the job that I've been doing over the last 14
16 months. I plan on serving the County of Nassau,
17 you know, and making all the right decisions
18 about how we can enhance our county, how we can
19 increase our investment, and also how we can
20 properly manage our bank accounts. And I just
21 wanted to again thank you.

22 CHAIRWOMAN GONSALVES: You're welcome,
23 Mr. Jefferson. And the very best to you.

24 MR. JEFFERSON: Thank you.

25 CHAIRWOMAN GONSALVES: Now for the first

2 item on the non-consent calendar, which is Item
3 8, Ordinance 33, an ordinance supplemental to the
4 annual appropriation ordinance in connection with
5 the health department. It's Item 5, Calendar
6 Number 80.

7 Motion, please?

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator Walker.

12 Mr. May, who is here to speak on this
13 item?

14 MS. LAURAIN: Maryellen Laurain,
15 Department of Health.

16 CHAIRWOMAN GONSALVES: Welcome, Maryann.

17 Any questions of Maryann regarding this
18 item? What can you tell us about it? I know it
19 went through the committees. I'm sure it went
20 through Health. This is 5, Ordinance 33.

21 Are there any questions of Ms. Laurain?

22 LEGISLATOR SOLAGES: Yeah. I have
23 questions, Presiding Officer.

24 CHAIRWOMAN GONSALVES: Okay. Legislator
25 Solages.

2 LEGISLATOR SOLAGES: Yes. Thank you so
3 much for being here today. I would like -- last
4 time I asked if an award letter was presented and
5 if the award letter of if you had information as
6 to how the funds would be distributed or used,
7 specifically in Districts 1, 2, or 3. As you may
8 know, there was a very successful forum on
9 February 14 held here in the legislative building
10 regarding the issues of HIV/AIDS awareness.
11 There was a lot of -- I presented to your office
12 a link to the YouTube video from that forum. I
13 would like to know just specifically as to the
14 award letter and also as to how much of the funds
15 will be used in Districts 1, 2, and 3,
16 respectively.

17 MS. LAURAIN: Okay. I actually just
18 asked that. I just got an e-mail. This is a
19 partial award. I do not believe we have the full
20 award yet. We're expecting it. We do it this
21 way so not to have a break in services.

22 This award is for all of Long Island.
23 The way the federal government, they classify us
24 as a region. Nassau County has a -- Nassau and
25 Suffolk had selected United Way to administer the

2 program. And it's for people who are infected or
3 affected by HIV. I can give you a list. There
4 are many, many agencies - dental, hospital-based
5 health centers for people who are affected by
6 HIV/AIDS, legal services, and it's throughout
7 Nassau and Suffolk County. And Suffolk County
8 can go to Nassau, Nassau County can go to
9 Suffolk. I have an array of the funding charts;
10 one it's finalized I can certainly give that to
11 you.

12 LEGISLATOR SOLAGES: I would really much
13 appreciate that. But also, I would also ask of
14 you for more involvement on this issue as it
15 relates to the districts I just mentioned. At
16 the forum, much testimony was provided as to how
17 -- as you may know, we have never left crisis
18 mode. The rate continues to increase here in
19 Nassau County. According to the CDC, this
20 suburban county ranks as one of the highest
21 counties, in terms of its infection rate amongst
22 women. So I would like to learn as to what
23 specific strategies and efforts. I did speak to
24 several individuals in your office, as well as
25 Ms. Cummings and Mr. Ray Thomas. I would like to

2 know what specific efforts are we committed to in
3 engaging in those communities.

4 MS. LAURAIN: I would be happy to even
5 set up a meeting with your office.

6 LEGISLATOR SOLAGES: Please, can you
7 please provide to my office the actual award
8 letter for the partial contribution?

9 MS. LAURAIN: Certainly. I could even
10 see if I have it in my packet today. We can
11 certainly sit down and meet with you.

12 I actually called your office on the
13 Fifth, with Carolyn, to discuss, and she did say
14 that you had additional questions. But we'd be
15 happy to sit down and discuss not just the Ryan
16 White program but what the Department of Health
17 does as a strategy to get either people tested or
18 to inform them of services that might be
19 available. If you'd like, we can certainly sit
20 down and discuss it further.

21 LEGISLATOR SOLAGES: Absolutely. Thank
22 you very much.

23 CHAIRWOMAN GONSALVES: Legislator Ford.

24 LEGISLATOR FORD: Good afternoon. I
25 want to thank you also for a job well done. I

2 know that especially with everything going on,
3 the Department of Health has been very
4 responsive, especially down in my district, with
5 people -- from Hurricane Sandy.

6 I guess when we look at this, how is it
7 that the information, I guess, that United Way
8 would be the one that would gather this
9 information to distribute the funding or the
10 necessary care or whatever for people with HIV.

11 MS. LAURAIN: It's done through the RFP
12 process. The agencies -- there are, I have a
13 whole listing. A lot of it is medical, legal --

14 LEGISLATOR FORD: Yeah.

15 MS. LAURAIN: food, dental. So there's
16 a whole array. I could certainly share it with
17 all the legislators.

18 LEGISLATOR FORD: Because how do you --
19 how do you get the information on, like, where
20 basically -- where are those that need these
21 services most? How do you get the information?
22 How do you identify? Like, do you know -- like,
23 does it come from the hospitals? Do they have
24 to -- without giving names do they report the
25 number of HIV patients that they see?

2 MS. LAURAIN: HIV data, people who are
3 infected with HIV, it is reported to the state
4 and that's kept confidential.

5 LEGISLATOR FORD: I know that, yeah.

6 MS. LAURAIN: But not everyone who --
7 some people have their own insurance and they
8 choose not to use the services. But I'm sure
9 they probably -- I'm not 100 percent positive,
10 but they probably do collect zip code level data.
11 I'd have to check on that.

12 LEGISLATOR FORD: So then actually this
13 would be so that if somebody doesn't have health
14 care, they would go through the Ryan White AIDS
15 Foundation and they would get money?

16 MS. LAURAIN: Right. I believe it's
17 called -- I don't have in front of me. They may
18 be the payer of last resort; I'm not exactly sure
19 and I would have to check into that.

20 LEGISLATOR FORD: When you give
21 information to Legislator Solages, can you also -
22 - because I would like to know how much do we --
23 how much is spent then on AIDS awareness and
24 actually where we advertise the type of
25 intervention or help and support that we can

2 give. I know I've seen some of the flyers and
3 the posters.

4 MS. LAURAIN: Yes.

5 LEGISLATOR FORD: Okay?

6 MS. LAURAIN: Yes.

7 LEGISLATOR FORD: Thank you very much.

8 CHAIRWOMAN GONSALVES: Any other
9 questions of Ms. Laurain?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously.

18 I'm going to call Item 9, Ordinance 37,
19 Clerk Item 84, and Item 20, Ordinance 48, Clerk
20 Item 100-13.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR WALKER: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator Walker.

25 Who is here to speak on these two items?

2 MR. MAY: Mr. Bob Marin and Mr. George
3 Graf from the Office of Community Development.

4 MR. GRAF: George Graf, Finance Director
5 for Office of Housing and Community Development.

6 These two grants, the first one, the
7 smaller one which is for the National Foreclosure
8 Litigation Counseling was for last year. As you
9 can see from the detail on that, this is for
10 housing counseling and ownership opportunities as
11 well as individual mortgage counseling for
12 residents.

13 The second one, which is our main bread
14 and butter, is for the Section 8 department, \$2.5
15 million.

16 I will field any questions you might have
17 on it.

18 CHAIRWOMAN GONSALVES: Any questions?
19 Legislator Denenberg.

20 LEGISLATOR DENENBERG: Just give me one
21 second.

22 This -- okay. Sorry. One of these --
23 the second one is for Section 8 and the first one
24 is what part of housing?

25 MR. GRAF: It was originally part of

2 Section 8, in terms of being booked in this. And
3 what we're doing is for transparency purposes, is
4 separating out some of these smaller, older
5 individual grants that had been rolled up into
6 the Section 8 umbrella. So this \$20,000 grant
7 has now been separated. The expenses associated
8 with that are also separated so they're not co-
9 mingled with the Section 8 administrative fee
10 money that we receive.

11 LEGISLATOR DENENBERG: Is that in
12 response or at least in part response to the
13 comptroller's limited review of Office of Housing
14 and Community Development Grant Administration?

15 MR. GRAF: I would say yes to that.

16 LEGISLATOR DENENBERG: That's the report
17 dated November 15, 2012, correct?

18 MR. GRAF: Yes.

19 LEGISLATOR DENENBERG: The report
20 detailed that the anticipated review for Section
21 8 on documents submitted annually to management
22 and budget had been resulted in an inflated
23 budget. Are we breaking it up to address that?
24 How are we addressing that? I'm concerned about
25 an appropriation going in, unless we're

2 responding to the weaknesses that the
3 comptroller's office discussed.

4 MR. GRAF: No. What you're referring to
5 was dating back to the issue of inflated
6 appropriations from the 2009 -- 2005 through 2010
7 period of time that was taken --

8 LEGISLATOR DENENBERG: I'm looking at
9 the summary of significant findings. An
10 overstatement of anticipated revenue for Section
11 8 on documents submitted annually to OMB and the
12 Nassau County Legislature resulted in an inflated
13 budget being authorized by the legislature for
14 the four year beginning April 1, 2007 through
15 March 31, 2011. And then on the next line it
16 talks about the years 07 through 11, and then on
17 the next line it talks about 11 and 12. That's
18 the report I'm talking about.

19 MR. GRAF: I'll let Rob Marin, our chief
20 counsel, answer that question.

21 MR. MARIN: Legislators. That report
22 is a direct result of items that we've discussed
23 at some point and also in executive session, when
24 this administration took over from the prior
25 administration and the departments merged, we

2 uncovered the over appropriations and reported
3 that to the appropriate agencies. As a result of
4 that reporting, under the Suozzi administration,
5 that led to the arrest and guilty plea of former
6 fiscal director under the Suozzi Administration
7 of Louis Abbate, who was found guilty of stealing
8 \$125,000 of that housing money.

9 Additionally, the rest of that question
10 is still ongoing in an active investigation as a
11 result of the over appropriations done under the
12 prior administration, so we really can't tread
13 too far into that subject.

14 But this administration, this current
15 director, George, is the fiscal director, we
16 uncovered the items that you are discussing, in
17 that we brought it to the attention of the HUD
18 Office of the Inspector General, we brought it to
19 the attention of the comptroller's office. This
20 was a result of our bringing this information to
21 light, this administration bringing this
22 information to light. More than that, we really,
23 you know, can't get into it.

24 LEGISLATOR DENENBERG: How could we
25 assure that -- well, there's a separate report

2 also from Deloitte & Touche which was for the
3 fiscal year ended December 31, 2011 where it
4 details material weaknesses and significant
5 deficiencies --

6 CHAIRWOMAN GONSALVES: I'm going to stop
7 you.

8 LEGISLATOR DENENBERG: Why? Without
9 getting into the details and the materials
10 weaknesses and significant deficiencies
11 surrounding the internal controls, these were
12 identified for 2011. So you're saying that
13 that's due to prior practices that we're trying
14 to correct now?

15 MR. GRAF: Yes. If I can just give you
16 a brief history. In April of 2011, the Office of
17 Community Development, of which I, at the time,
18 was the finance director, was combined with the
19 Office of Housing and Homeless Services. The
20 former director who had been here for many, many
21 years was let go. It was only after that period
22 of time that, quite frankly, I discovered that
23 there were improprieties that were occurring,
24 such as these over appropriations that had dated
25 back many years.

2 The report dealing with calendar 2011 is
3 pointing out the weaknesses that we, ourselves,
4 had uncovered from April 8 forward to the rest of
5 that year. We continue to this point also making
6 corrections, rightsizing the department. I would
7 like to point out that the Office of Housing and
8 Community Development in December 31, 2009, there
9 were 98 employees in the two areas. That number
10 is now down to 64. So, as per County Executive
11 Mangano's mandate of losing of no services, we're
12 now doing with two people what prior had been
13 done with three.

14 LEGISLATOR DENENBERG: I guess what's
15 confusing me -- and I have no problem with you
16 trying to say that this is all what you uncovered
17 from the prior administration. I guess I'm
18 confused. Deloitte & Touche, and I'm reading
19 from it, was an auditor of the financial
20 statements as of and for the year ended December
21 31, 2011. And the material weaknesses and
22 significant deficiencies that they are listing is
23 from an audit for the fiscal year ended December
24 31, 2011. So how can we assure that in approving
25 these grants that the practices underlied by

2 Deloitte & Touche have been corrected?

3 MR. GRAF: From the standpoint of the
4 appropriation of funds the main weakness that had
5 been oversight for a number of years was that the
6 number of vouchers that had been submitted before
7 this board was inflated from mid-2000 to 4800.
8 Section 8 is an administrative fee versus most of
9 the other areas -- CDBG, HOME, NSP, those are all
10 grants that are allocated to us. The Section 8
11 appropriation is a monthly fee that we received.
12 It's basically \$66 times the number of vouchers
13 that you have that are out with the people for
14 each month. So I can assure you and I have
15 further analyses that have been done and also
16 need to also meet with the comptroller's office
17 that can tie to the dollar the number of
18 appropriations. If you go to the appropriations
19 page, the one with the brief analysis on it --

20 LEGISLATOR DENENBERG: Which page is
21 that?

22 MR. GRAF: They're not numbered on here.
23 It would be the page where it says housing choice
24 voucher and it will show the available revenues
25 and estimated expenditures.

2 LEGISLATOR DENENBERG: Okay.

3 MR. GRAF: We have 3,055 vouchers. For
4 several years, you were receiving appropriations
5 that had 4800. The different between those
6 numbers times 66 times 12 was leading to the
7 multimillions that has since been written off
8 in the prior year. If this had been caught
9 earlier, obviously, or had been nipped in the bud
10 back in 2005, this is all part of the
11 comptroller's analysis also. It started out
12 small in 2005, just adding a couple of hundred
13 vouchers, and from there the director continued
14 to add to that number, upping it to 4200 in --
15 just bear with me a second -- I believe it was
16 2007. Here we go. If you'd like a breakdown of
17 that.

18 In 2005, the county had 2100 vouchers;
19 you appropriated 2800. In 2006, 2200,
20 appropriated 3,000. The difference between these
21 numbers is an over appropriation of money that
22 the county would never see again.

23 LEGISLATOR DENENBERG: The bottom line
24 is -- and I'm still looking at -- you brought up
25 or I brought up the comptroller's report, then

2 I'm looking at the Deloitte & Touche report,
3 which was for 11, 2011. And I just want to make
4 sure when certain costs related which were
5 supplemental appropriations that the legislature
6 approved in the 2011 schedule of expenditure
7 federal awards, which is what this relates to
8 which is why I'm concerned --

9 MR. GRAF: Correct. 11 is identical --

10 LEGISLATOR DENENBERG: Let me finish. I
11 didn't ask a question.

12 MR. GRAF: Sorry about that.

13 LEGISLATOR DENENBERG: I understand that
14 you want to say it. I'm looking at a 2011
15 schedule of cost -- expenditures of federal
16 awards that was questioning thousands, question
17 costs that related to the homeless prevention, to
18 the community development block grants, and the
19 lead hazard demonstration grant. If I accumulate
20 all of this, I accumulate it to about \$30,000
21 worth of, what they believe was overstatements
22 and questioned costs for 2011, and some of this
23 plays into what we're approving here. Are we
24 addressing what was in the Deloitte & Touche
25 report?

2 MR. GRAF: All is being addressed. I
3 would just like to point out that the Section 8
4 fiscal year starts April 1 through March 31. So
5 when the areas were merged and I became the
6 fiscal director, the prior director had already
7 submitted before you another inflated
8 appropriation for Section 8 that was actually in
9 the pipeline --

10 LEGISLATOR DENENBERG: I apologize. I'm
11 just reading from the Deloitte & Touche report
12 and it says 2011 schedule of expenditures. Near
13 as I could tell, 2011 would have been this
14 administration, and the year that was being
15 investigated by Deloitte & Touche was the fiscal
16 year ended December 31, 2011. And I'm trying to
17 ask whether you're addressing the issues that
18 they brought up for that fiscal year. That
19 fiscal year might have only included part of the
20 Section 8 program, but they did question the
21 Section 8 program too. Admittedly, it started
22 April 2011 and they stopped December 31, 2011,
23 but they found overstatements there as well.
24 That's the funds we're approving now. I want to
25 make sure we're addressing it. That's it.

2 MR. GRAF: The only overstatement of
3 funds is in the Section 8 appropriation, just
4 like the one you're approving now, for the last
5 year and also for 2011 fiscal year starting April
6 1. Like I was just trying to mention, the prior
7 director had submitted another over appropriation
8 that would have resulted, if she had not been
9 replaced, with a \$2.5 million additional loss.
10 That appropriation that had been in the pipeline
11 was pulled back when it was realized, after I
12 took a look at the books, that there was a
13 significant problem. We then submitted a new
14 appropriation that went from April 1, 2001
15 through March 31, 2012.

16 LEGISLATOR DENENBERG: Okay.

17 MR. GRAF: This is actually the third
18 appropriation that I will personally be
19 submitting.

20 LEGISLATOR DENENBERG: Okay. So that --
21 so one part would be the Section 8, the other
22 part is the community development block grants?

23 MR. GRAF: Yes.

24 LEGISLATOR DENENBERG: Okay. And on the
25 community development block grants in 11 there

2 were question costs. The 11 audit by Deloitte &
3 Touche questioned costs on the community
4 development block grant.

5 MR. GRAF: Rob Marin will answer that
6 one question.

7 LEGISLATOR DENENBERG: And have we
8 responded to that?

9 MR. MARIN: Unfortunately, the -- I hate
10 to say this, but the simplicity with which we are
11 discussing the Section 8 and the way that that's
12 tabulated is how complex the community
13 development block grant is. And the questioning
14 of costs usually goes to the eligibility of
15 expenses. The block grant program, the HOME
16 program, the lead program, these annual grants
17 are so nuanced and so regularly nuanced and
18 heavily regulated that depending on who is the
19 HUD secretary and depending on all the way down
20 to the local program supervisor for HUD that
21 comes out to monitor our county is how it swings
22 of what is considered an eligible expense and
23 what is considered an ineligible expense, and I'm
24 talking down to the nuance of a detached garage
25 or having a detached garage. I'm talking to what

2 that maybe eligible under one viewpoint and may
3 be ineligible under another. So that's where we
4 get the nuance and oversight with the community
5 development block grant program.

6 The item before you is Section 8. The
7 block grant is separate and that comes -- that's
8 a much larger --

9 LEGISLATOR DENENBERG: I thought it was
10 both items before us, but. I guess what I'm
11 hoping -- because the latest report that I had
12 was the 2011 one --

13 MR. MARIN: Correct.

14 LEGISLATOR DENENBERG: which we received
15 last July. I'm hoping in July 2013 as we
16 appropriate this money that the report we get
17 back would show that we -- would show that our
18 performance was a lot better.

19 MR. MARIN: I can assure you that it
20 will be because we're appropriating the
21 appropriate amount of money this time. I can
22 sure you that at least we're going to be accurate
23 --

24 LEGISLATOR DENENBERG: That's what I'm
25 trying to --

2 MR. MARIN: in that. And the oversight
3 that the department has put in under this
4 administration won't lead to a guilty plea from
5 anybody on our staff.

6 LEGISLATOR DENENBERG: All I could go
7 with was the last report.

8 MR. MARIN: I understand.

9 LEGISLATOR DENENBERG: And the last
10 report I had was about fiscal 2011. And the
11 exact appropriate that we're looking at now,
12 Deloitte & Touche was saying that there were
13 overestimates or over appropriations -- over
14 budgets.

15 MR. MARIN: The community development
16 block grant, that calendar runs from September to
17 August, so. With these grants, they all have
18 their own -- they don't run a calendar fiscal
19 year. They all of their own fiscal year. The
20 reporting, what hit, what didn't hit, is going to
21 be different each year. So when you're looking a
22 report there and you're looking for a complete
23 calendar year, we're either three-quarters of the
24 way through our fiscal year or two months through
25 our fiscal year. So it's very hard to match up

2 unless they audit based on the actual federal
3 calendar year that we follow or in the Section 8
4 state calendar year.

5 LEGISLATOR DENENBERG: To be honest with
6 you, I have no idea what you're talking about
7 anymore and how that relates to what my question
8 were, as 06 and 07 didn't relate to a fiscal
9 report about 2011. But I'm hoping in July of
10 this year I see a lot better report. I just
11 wanted to express my concern before we have this
12 appropriation.

13 Thank you.

14 CHAIRWOMAN GONSALVES: Legislator Ford.

15 LEGISLATOR FORD: Good afternoon. Thank
16 you. I'm sorry, I don't have my backup with me.

17 MR. GRAF: I have it here if you need to
18 ask a question.

19 LEGISLATOR FORD: Okay. In regard to
20 the Section 8 vouchers, is the money still -- are
21 we still basically getting the same amount of
22 money for Section 8 throughout Nassau County or
23 has it gone up or down?

24 MR. GRAF: It will differ because as it
25 comes from the state there have been subtle

2 changes. Two or three years ago it was \$73 per
3 voucher and right now it's 67. Depending on
4 what's happening with the state, they will
5 moderately adjust it. The thing I'd like to
6 emphasize to you is the number of vouchers that
7 we're allowed. As an example, as I mentioned,
8 we're at 3,055. I can tell you that in 2011 it
9 was 3,009, in 10 it was 3,020, and 2700 back in
10 2009, in 2008 it was 2400. So the state, in
11 previous years, would allow for an increase of
12 two or 300. The state has their own issues right
13 now. It's been flat like this for the last three
14 years. I'm trying to explain that the cause of
15 the \$6.2 million loss that was absorbed by the
16 county last year dated back to 2005; that's where
17 it had originated from when we were starting out
18 with only five or 600 inflated. This also led to
19 an inflation of headcount, and that was also
20 masked over time in 2009 when the stimulus grants
21 started flowing in.

22 And one of the problems we had was the
23 NSP housing counseling grant had been comingled
24 with the Section 8 money. What had happened --
25 which was quite amazing -- was this single grant

2 from NSP was appropriated three years in a row.

3 LEGISLATOR FORD: Wow. And that would
4 be -- is the NSP for homeownership or something?

5 MR. GRAF: Yes. And that grant has
6 since expired, along with most of the stimulus
7 grants.

8 Getting back to the Section 8. Again, it
9 was because the Section 8 money was fee driven
10 that the only backup that had been provided in
11 prior years, which we have now fixed for
12 transparency purposes, is this sheet that you see
13 before you. It would have said 4800 vouchers, \$5
14 million in appropriation. You would approve it.
15 They would spend most of the expense side.

16 LEGISLATOR FORD: And that's why you're
17 separating the grant out, to breakout that
18 smaller grant for the people that own their homes
19 that need the help with mortgage, rebuild, or
20 whatever.

21 MR. GRAF: Correct. And the idea of
22 that is these smaller, independent grants that
23 you see, this National Foreclosure for the
24 \$21,000, by segregating the expenses it also
25 gives us obviously a truer picture of who is

2 working on Section 8. This has been important to
3 us the last year from an allocation standpoint.
4 As I mentioned, as we've gone from 94 people to
5 63 and there's been a constantly shuffling of job
6 duties as people have left, being able to know
7 that we have exactly \$2,489,000 worth of expense
8 that is Section 8 only, we need to keep that as
9 separate as possible, and that's what we've
10 accomplished.

11 LEGISLATOR FORD: I really appreciate
12 it, only because I know that, you know, I think
13 the fluctuations, the slight fluctuations that
14 you have actually falls under the fact that
15 people may move in from other areas with their
16 Section 8 voucher and they're living here in
17 Nassau County.

18 MR. GRAF: Yes.

19 LEGISLATOR FORD: So that's why we see
20 maybe 30 people more.

21 But for me, and I will write you because
22 I'm very alarmed, to be quite honest with you,
23 over the fact of, as you talked about, which we
24 cannot discuss, the inflated numbers. I feel
25 that something morally was done wrong there. I'm

2 really, really concerned about it.

3 MR. GRAF: You can rest assured that all
4 of this has been fixed. And as I just mentioned,
5 the appropriation before you is the third one
6 that I've put together. And if you were to pull
7 out the prior two years you would see that
8 there's very little change between them because
9 the state has not given us any further vouchers,
10 and it's half of what it used to be.

11 LEGISLATOR FORD: Thank you. And I look
12 forward because I'm hoping that, yes, you will
13 get a good report under the next study. And I
14 thank you very much for being very careful and
15 concerned because our Section 8 people truly need
16 all the help and all the support that they can
17 get. And we need to make sure that when they are
18 eligible they are able to get that money and be
19 able to stay living here in Nassau County, even
20 when they have low paying jobs.

21 Thank you.

22 MR. GRAF: Thank you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Jacobs.

25 LEGISLATOR JACOBS: Yes. I wanted to

2 ask you a question. I just want to discretely
3 word this, what I want to say here.

4 When there was a tremendous decrease in
5 the amount of people working within Housing and
6 Community Development, etcetera, I know that --
7 certain things I do know. I know there was a big
8 loss in people that were credentialed. It's a
9 very high ranking -- very high ranking people
10 have the proper credentials to meet the
11 requirements of the federal government. And I do
12 know that when that number went down, the people
13 that were making the decisions did not have them.
14 Can you just comment on that for a moment?

15 MR. MARIN: I'm not sure of the source
16 of the information. But with the respect --
17 that's not entirely accurate.

18 LEGISLATOR JACOBS: Pretty accurate,
19 though.

20 MR. MARIN: The individuals -- some of
21 the individuals that were replaced that were
22 supervisors did not have the appropriate
23 certifications, failed the certification test,
24 etcetera, etcetera, that's all well documented.
25 The important thing to understand is that the

2 individuals that are currently in the supervisor
3 roles have received proper training, have
4 received the HUD mandated training. We are doing
5 more with less and there has not been a
6 diminished service or quality of service. In
7 fact, we believe there's been an increase in
8 level of service that we've been able to
9 administer and deliver to the public, by nature
10 of just the accuracy, number one, and just by the
11 qualifications of the individuals currently there
12 do possess.

13 LEGISLATOR JACOBS: So I understand
14 you're saying that we believe -- and I respect
15 both of you. You certainly sound like you know
16 what you're talking about. But do we know for a
17 fact that the federal government agrees with you
18 that they are, they have the proper credentials?

19 MR. MARIN: We haven't received word
20 otherwise. So in the no news is good news
21 category, we'll accept that. Any funding cuts,
22 any budget cuts are a direct result of the
23 federal deficit and the federal spending cuts,
24 i.e., sequestering. There has been no -- there
25 has been no spending cuts for Nassau County for

2 reasons that you have alluded to that concern
3 you, because of staff or because of lack of
4 training, that has never been a reason for a cut.
5 There have been decreases, but over the years the
6 stimulus grants have expired, they have not been
7 renewed. So these were one-shot stimulus grants,
8 that equates to some of the funding cuts. Normal
9 federal budget cuts - the CDBG program has been
10 cut from a high of \$19 million as of a few years
11 ago down to 12 and we're still waiting for a
12 final number for this current fiscal year, which
13 will begin later in the year in September. It's
14 really Washington's ball, and they haven't given
15 us -- they haven't cut us for reasons that are
16 your concerns.

17 LEGISLATOR JACOBS: But it's our ball,
18 that when it gets to Washington it shouldn't be
19 hit back with them gaining a homerun on this.

20 MR. MARIN: Correct. And fortunately
21 that hasn't happened, and we don't anticipate
22 that happening.

23 LEGISLATOR JACOBS: Okay. We could have
24 a difference of opinion. I'm worried. I'm
25 seriously worried about it because I know that

2 there were only I believe two or three people
3 with the proper credentials that were there
4 during the time that you're saying that actually
5 could sign off, and when they left there was a
6 long stretch there without people without the
7 proper authorization or credentials to sign off
8 on any of this and it was given over to people
9 that did not have it.

10 Now, you might be right. Maybe in the
11 interim people have been trained. But I don't
12 know what happens once you fall out of that --
13 once you have a hole in the safety net of who can
14 sign off, what the delay is before it comes
15 before you and it's whole again. That's my
16 concern, I just wanted to express it to you.

17 CHAIRWOMAN GONSALVES: Legislator
18 Nicolello.

19 LEGISLATOR NICOLELLO: I'm glad this
20 whole line came up because this whole scandal,
21 what you're talking about, has not received
22 enough publicity. Quite frankly, some of the
23 information you're giving us now, it's the first
24 time we're hearing it. So I just wanted to go
25 over some of the basics without getting into too

2 much depth, without getting into anything that
3 you feel is something that should not be
4 discussed in public.

5 Starting in 2005, some official from the
6 county started inflating the number of vouchers
7 the county was getting for Section 8. Is that
8 correct?

9 MR. MARIN: Yes.

10 LEGISLATOR NICOLELLO: Who was that?
11 What department was that?

12 MR. MARIN: The specifics of it -- again,
13 it's an ongoing investigation into the specifics
14 of who, what, when, where, how are still the
15 subject of an ongoing investigation. But I
16 wouldn't be comfortable really going into the
17 details on that.

18 LEGISLATOR NICOLELLO: Can you tell me
19 some generalities? For example, how much of the
20 vouchers were inflated? How much money did the
21 county receive that it shouldn't have received?

22 MR. MARIN: It's not that the -- it's
23 not that the county received it, it's that the
24 county overspent it, appropriated it, overspent
25 and was not reimbursed for the appropriate

2 amount. The county put the money on the street,
3 encumbered the money, and the way that these
4 grants work is then you draw down from a federal
5 system and are reimbursed, and the county was
6 just never reimbursed for the full amount that it
7 laid out and that was somehow missed.

8 LEGISLATOR NICOLELLO: How much was
9 that?

10 MR. GRAF: The Section 8, the amount of
11 loss that's on the books is \$6.2 million.

12 LEGISLATOR NICOLELLO: That was money
13 that was laid out by the county --

14 MR. GRAF: Yes. The county is our bank.
15 So this appropriation that you're currently
16 approving right now, which is for the
17 administration fee that we received on a monthly
18 basis, so what will happen is we'll start to
19 spend this money now, every month the state will
20 be sending us a check for slightly over 200,000.
21 Now, if I can just -- from a simple math
22 standpoint, I want you to picture you sitting
23 here four years ago and you had the same
24 appropriation coming before you. It could have
25 been in 2000. We'll pick on 2009. You would

2 have looked at this and instead of seeing 3,055
3 vouchers, it would have said 4,800 vouchers. The
4 column where it says for revenue, where it says
5 \$2,400,000 would have read 4.8 million. This is
6 what you approved for the housing and homeless
7 services department to spend. They did not spend
8 all the way up to that point, but went
9 significantly over the \$200,000 or so run rate
10 that existed. The board -- I should say, the
11 legislature gave them permission, based on the
12 information that they were given, that the run
13 rate was 400,000, as an example, which is very
14 close to what it was.

15 For a while there -- again, it starts off
16 small, five or 600 vouchers, and by the time it's
17 over by 2009, it's 1800 vouchers times, at the
18 time, 73 times 12, you can see how quickly this
19 balloons.

20 LEGISLATOR NICOLELLO: The County is
21 laying this money out expecting to be reimbursed.

22 MR. GRAF: Yes.

23 LEGISLATOR NICOLELLO: And it was not
24 being reimbursed.

25 MR. GRAF: No. And what would happen is

2 you get --

3 LEGISLATOR NICOLELLO: How did that go
4 on for six years?

5 MR. MARIN: That's part of the
6 investigation.

7 LEGISLATOR NICOLELLO: Here's the point.
8 Someone used the word written off. What does
9 that mean?

10 MR. GRAF: The County absorbed the loss.
11 There's no where it's recognized. It's
12 recognized as a loss.

13 LEGISLATOR NICOLELLO: And that's a \$6
14 million loss?

15 MR. MARIN: Closer to seven.

16 LEGISLATOR NICOLELLO: Closer to seven?

17 MR. GRAF: 6.2 is on the books. There
18 will be smaller amount still to come on that.
19 But once it was recognized that -- the revenue we
20 were anticipating, you know, 6.2 million in
21 revenue coming in. After thorough investigation,
22 after the merger in April and May of 2011, when I
23 was personally looking over the books, it was
24 discovered that this money was never going to
25 come in because it should have never been

2 appropriated. And because of that --

3 LEGISLATOR NICOLELLO: I've heard you
4 say that before. I wanted to put this -- to say
5 this in public about you. If it was your work
6 that helped to uncover this thing, you should be
7 recognized and we should thank you and the
8 taxpayers should thank you. If there was some
9 sort of whistleblower award or something, you
10 should be entitled to it. If was you or people
11 working with you that uncovered this thing, I
12 think we often lose sight of the fact that people
13 need to be recognized for their work. I think we
14 all should thank you for bringing this thing to
15 light and stopping the bleeding.

16 CHAIRWOMAN GONSALVES: Any other
17 comments?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 There being none, I'd like to take --
22 Item 9, which was 84-13, Clerk Item, Ordinance
23 37, and Item 20, which was Ordinance 48, Clerk
24 Item 100.

25 All those in favor of those two items

2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 There being none, the two items, 9 and
7 20, pass unanimously.

8 Thank you very much.

9 Now I'm going to call Items 16 and 17
10 together because they both have to do with
11 hotel/motel monies.

12 Item 16 is Ordinance 44, Clerk Item 96.
13 Item 17 is Ordinance 45, Clerk Item 97.

14 Motion, please?

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Walker, seconded by Legislator
19 Muscarella.

20 Who is here to speak on those items?

21 MR. MAY: We have Commissioner Carnell
22 Foskey from Parks and Ms. Eileen Kreib.

23 COMMISSIONER FOSKEY: Good afternoon.

24 CHAIRWOMAN GONSALVES: Welcome,
25 Commissioner.

2 COMMISSIONER FOSKEY: My name is Carnell
3 Foskey. I'm the Commissioner of the Nassau
4 County Department of Parks, Recreation and
5 Museums.

6 This is a supplemental appropriation
7 which allows us to spend the monies that we
8 received, that was collected in 2012 through the
9 hotel/motel tax. You'll notice this year the
10 actual amount that was received for programming
11 is approximately \$2,409,000. The law actually
12 sets forth how we divide the money up.

13 I think there was a question as to the
14 report. The report was filed with the
15 legislature this past week for 2012, with the
16 Clerk.

17 CHAIRWOMAN GONSALVES: And we received
18 copies of it, Commissioner.

19 Any questions of the Commissioner
20 regarding these two items? Anybody? Legislator
21 Bosworth.

22 LEGISLATOR BOSWORTH: This goes more
23 back to the advisory board of the hotel/motel.
24 You know I asked about that last week. And we
25 were told that the county attorney had issued a

2 new interpretation of that. I asked for a copy
3 of that. I've never really seen that. I just
4 understand that he said that the only thing the
5 advisory board needs to meet on I think is
6 something dealing with Bethpage.

7 COMMISSIONER FOSKEY: Old Bethpage
8 Village, correct.

9 LEGISLATOR BOSWORTH: Right. I've asked
10 for the opinion and I've still not seen it.

11 COMMISSIONER FOSKEY: I didn't issue it.
12 The county attorney issued an opinion. I have no
13 control over whether he'll give it to you or not.
14 It's a couple of years old now. Since I came
15 here, about three years ago it was written.

16 LEGISLATOR BOSWORTH: But you do have
17 control over the reports, the copies of the
18 Nassau County hotel/motel tax report for funds
19 collected and distributed through the years 2010
20 -- 2012 and those are mandated to be provided to
21 the state and the county on or about February 1.
22 Can we get a copy of those?

23 COMMISSIONER FOSKEY: They were given
24 each year. They were given to the clerk of the
25 legislature, and also by law they are given to

2 the New York State Assembly.

3 I received a letter late on Friday asking
4 for those reports, and I e-mailed Mr. Gugerty
5 back and I think Farmer was the deputy counsel,
6 that we complied with that.

7 LEGISLATOR BOSWORTH: I don't have a
8 copy of that.

9 COMMISSIONER FOSKEY: The clerk has it.
10 They were filed with the clerk of the
11 legislature. I can send you a copy. I will send
12 you a copy.

13 LEGISLATOR BOSWORTH: If you could, I
14 would like a copy --

15 COMMISSIONER FOSKEY: I will. I will.

16 LEGISLATOR BOSWORTH: of those for 2010,
17 2011, 2012.

18 COMMISSIONER FOSKEY: I'll send you each
19 year -- 2010, 11, and 12.

20 LEGISLATOR BOSWORTH: I would appreciate
21 that.

22 Also, do we have a status report of the
23 funds collected for the first quarter of 2013?

24 COMMISSIONER FOSKEY: No. We just got
25 them maybe -- we just only got them maybe in

2 February - late in February. The county received
3 the funds in February. They have not been spent
4 yet. Because I can't spend until you appropriate
5 it.

6 LEGISLATOR BOSWORTH: Funny how it works
7 like that.

8 When you're able to, if I could just get
9 a copy of that, I would appreciate it.

10 COMMISSIONER FOSKEY: I will.

11 LEGISLATOR BOSWORTH: Are any of these
12 funds going to Friends of Nassau Recreation?

13 COMMISSIONER FOSKEY: None. Zero.

14 LEGISLATOR BOSWORTH: Is there any -- is
15 Friends of Nassau Recreation, is that still in
16 existence?

17 COMMISSIONER FOSKEY: Yes.

18 LEGISLATOR BOSWORTH: Okay. And are we
19 -- do we still have a relationship with Friends
20 of Nassau?

21 COMMISSIONER FOSKEY: Yes. I'm an ex
22 officio member. I'm not the chair of the board.
23 The chair of the board is a private citizen, Tom
24 Heshen (phonetic).

25 LEGISLATOR BOSWORTH: I understand like

2 the Long Island Marathon was run under the
3 auspices --

4 COMMISSIONER FOSKEY: Correct.

5 LEGISLATOR BOSWORTH: So the monies that
6 were received from that just goes straight into
7 Friends?

8 COMMISSIONER FOSKEY: Is stays in a
9 separate, segregated account for the Marathon.

10 LEGISLATOR BOSWORTH: That's always to
11 be used for --

12 COMMISSIONER FOSKEY: Yes. If you look
13 at the statute and legislation, it calls for two
14 accounts - a general account for Friends and it's
15 a separate account for Long Island Marathon.

16 LEGISLATOR BOSWORTH: Okay. When was
17 the last time that -- does the advisory committee
18 meet?

19 COMMISSIONER FOSKEY: I don't recall
20 them meeting. We haven't had anything. We're
21 following the county attorney's ruling. We
22 haven't had any Old Bethpage Village items that
23 would have gone to them.

24 LEGISLATOR BOSWORTH: Okay. So can you
25 tell me when the last time the advisory committee

2 --

3 COMMISSIONER FOSKEY: It hasn't met
4 since I've been commissioner. I wouldn't call
5 the meeting anyway. Once again, if you look at
6 the statute, I'm an ex officio member. I'm a
7 non-voting member of the committee. I don't
8 appoint.

9 LEGISLATOR BOSWORTH: So I guess my
10 question is does that mean since you've been
11 commissioner no money has gone to Old Bethpage?

12 COMMISSIONER FOSKEY: No money has been
13 expended there. Prior to me becoming
14 commissioner there were some funds that were
15 expended there. But since in the last two and a
16 half years, we've spent money on programming
17 there but we haven't spent money on the
18 structures there.

19 LEGISLATOR BOSWORTH: So is there a
20 standing committee? Are there actually members
21 of this committee that would be ready to meet if
22 you needed them to meet?

23 COMMISSIONER FOSKEY: You would have to
24 look. If you look at the statute, it talks about
25 the county exec, I believe, getting three

2 appointments, the minority gets appointments, and
3 I think the majority gets appointments. I don't
4 know. You would have to check with the various
5 people to see if they made the appointments.

6 LEGISLATOR BOSWORTH: So is it possible
7 to reconstitute that committee?

8 COMMISSIONER FOSKEY: That's outside my
9 scope. I would have no role in that.

10 LEGISLATOR BOSWORTH: So who would?

11 COMMISSIONER FOSKEY: You would have to
12 look at the legislation; it talks about who makes
13 the appointments.

14 LEGISLATOR BOSWORTH: I think under
15 state law we're supposed to have an advisory
16 committee.

17 COMMISSIONER FOSKEY: But that's not for
18 me -- yes, state law does talk about an advisory
19 committee. When you read the statute it doesn't
20 say that the parks commissioner shall formulate
21 the advisory committee. The law is very clear.

22 LEGISLATOR BOSWORTH: So the law is
23 clear that the hotel/motel tax, there should be
24 an advisory committee.

25 COMMISSIONER FOSKEY: It says there

2 should be one. And then my role, when it comes,
3 in the event that I have a project that would go
4 there, I would discuss it with the county
5 attorney and the county attorney would say,
6 commissioner, before we calendar this, this is a
7 project that should go to the hotel/motel
8 committee.

9 LEGISLATOR BOSWORTH: Would you have a
10 problem with there being an advisory committee?

11 COMMISSIONER FOSKEY: I work with
12 everyone.

13 LEGISLATOR BOSWORTH: That's great.

14 COMMISSIONER FOSKEY: You guys have
15 called me before; I take your calls.

16 LEGISLATOR BOSWORTH: Presiding Officer
17 Gonsalves --

18 CHAIRWOMAN GONSALVES: I'm just looking
19 up the law.

20 LEGISLATOR BOSWORTH: So is this, in
21 fact, does the law say that we should have an
22 advisory committee?

23 CHAIRWOMAN GONSALVES: I'm just looking
24 at it. It's subject to review.

25 LEGISLATOR BOSWORTH: When you review

2 it, can it come back to us?

3 CHAIRWOMAN GONSALVES: Yes.

4 LEGISLATOR BOSWORTH: Okay.

5 LEGISLATOR DENENBERG: Can I just add to
6 that request, Norma -- sorry, Presiding Officer
7 Gonsalves?

8 CHAIRWOMAN GONSALVES: Yes. Legislator
9 Denenberg.

10 LEGISLATOR DENENBERG: I don't know that
11 Mr. Foskey -- Commissioner Foskey can answer
12 this. Being that when we were entitled under
13 state law to collect the hotel/motel tax, as
14 Legislator Bosworth has brought up, our concern
15 and the reason why we felt or -- I always
16 operated under the belief that the reason why the
17 advisory board existed -- and previously that
18 advisory board had approved all funding, whether
19 it was programmatic or whether it was in Old
20 Bethpage Village or elsewhere, was to comply with
21 the state law, pursuant to which we were
22 collecting hotel/motel tax. By this advisory
23 committee not meeting are we jeopardizing our
24 compliance with state law?

25 COMMISSIONER FOSKEY: I'm not in a

2 position to comment on that.

3 LEGISLATOR DENENBERG: I would ask that
4 we should look at that.

5 CHAIRWOMAN GONSALVES: It's my
6 understanding though, David, that the \$250,000 is
7 only pertaining to Old Bethpage. And right now -
8 -

9 LEGISLATOR DENENBERG: Historically, the
10 legislators could go to meetings or were part of
11 the process or put in requests to a board that
12 allocated the funding of the hotel/motel tax,
13 which I think was a better process for everyone
14 to have at least some say. If we've changed it
15 because the county attorney has an opinion that
16 it's only Old Bethpage Village Restoration, I'm
17 hearing not only is it only Old Bethpage Village
18 Restoration but it's only I guess infrastructures
19 there as opposed to programs there.

20 CHAIRWOMAN GONSALVES: Right now, David,
21 I did say to you that I'm going to review the
22 law.

23 LEGISLATOR DENENBERG: Right.

24 CHAIRWOMAN GONSALVES: I'm looking at
25 the appointees that are all expired, which means

2 that they need to be reappointed or a new person
3 to fill the spot; there are three of them which
4 are the county executive, two are the minority,
5 and two are the majority.

6 LEGISLATOR DENENBERG: I'd like to
7 understand or have our counsel look, on both
8 sides, to understand why a committee that used to
9 be very active hasn't met since 2010, is that
10 what I'm hearing?

11 COMMISSIONER FOSKEY: I haven't attended
12 a meeting. If they've had a meeting, they've had
13 it without me.

14 CHAIRWOMAN GONSALVES: Well, I haven't
15 heard about any --

16 LEGISLATOR DENENBERG: But you're a
17 member of the committee. I'm sorry.

18 COMMISSIONER FOSKEY: I'm a non-voting
19 member of the committee.

20 LEGISLATOR DENENBERG: Okay. Let me ask
21 you this then, just to follow on Legislator
22 Bosworth.

23 Not a cent under this administration --
24 since you've been parks commissioner not one cent
25 has gone to Old Bethpage Village Restoration,

2 with the exception of program cents?

3 COMMISSIONER FOSKEY: We haven't done
4 any projects there that will qualify to go to the
5 committee, according to the county attorney's
6 opinion.

7 LEGISLATOR DENENBERG: I guess I'm --
8 this o for seven of opinions is costing the
9 county taxpayers hundreds of millions of dollars
10 really gives me --

11 CHAIRWOMAN GONSALVES: David. David.
12 We said we're going to look into this. We're
13 going to review it. We're going to see what
14 needs to be done to correct it. Of course, if
15 appointments have to be made then we'll do it.
16 Okay?

17 LEGISLATOR DENENBERG: Okay. Thank you.

18 CHAIRWOMAN GONSALVES: Just give us an
19 opportunity to do this.

20 Was there anybody else that had something
21 to say or ask Commissioner Foskey?

22 (No verbal response.)

23 Any public comments regarding Item 16,
24 Clerk Item 96-13? Come on up.

25 MS. MUNTZ: I have a question about the

2 parks.

3 CHAIRWOMAN GONSALVES: Is it pertaining
4 to the hotel/motel money?

5 MS. MUNTZ: It's pertaining to the plans
6 for the ice rink. There aren't any --

7 CHAIRWOMAN GONSALVES: You're not
8 addressing the items that are before us, Eileen.

9 Eileen, the commissioner is back there
10 and he talks to everyone. I wouldn't be afraid
11 of talking to the commissioner. Go quietly and -
12 okay - ask him your question.

13 So we're going to - now it's time to vote
14 on Ordinance 44, Clerk Item 96-13 and Ordinance
15 45, Clerk Item 97-13.

16 All those in favor of these two items
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 There being none, those two items, 16 and
22 17 or 96 and 97, pass unanimously.

23 We have three other items that are IMAs.
24 The first one 27, Clerk Item 106-13, Resolution
25 47, with the Incorporated Village of Williston

2 Park; Item 28, Clerk Item 107-13, Resolution 48,
3 which is an IMA with the Seaford Union Free
4 School District; and Item 29, Clerk Item 108-13,
5 Resolution 49, which is an IMA regarding North
6 Merrick Union Free School District.

7 Motion, please?

8 LEGISLATOR NICOLELLO: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Nicolello, seconded by Legislator
12 Dunne.

13 Any questions on these items?

14 Go ahead.

15 LEGISLATOR ABRAHAMS: How are you, Mr.
16 May? This is probably more of a comment not
17 specific to these particular IMAs. But obviously
18 they are three IMAs that reside in the majority's
19 respective districts. Obviously, this is a
20 bipartisan thing we would like to see. We plan
21 to support the IMAs, but at the same time we
22 would like to see some that -- or more that can
23 actually come from the minority side of the
24 aisle, as well. We're just going to continue our
25 efforts to hopefully, in the future, Presiding

2 Officer, we'll start to see a few more items,
3 maybe even as we -- actually, those are part of
4 the EBA not the IMAs.

5 CHAIRWOMAN GONSALVES: It wasn't an IMA?

6 LEGISLATOR ABRAHAMS: They were EBA.

7 But, in general, we're talking about IMAs that
8 relate from the CRP program. If we can start to
9 maybe do things, it would be our hope to try to
10 really foster bipartisanship if we can start to
11 see some of your IMAs calendared the same day as
12 our IMAs, and I think that would be the best way
13 to go forward. That's just something I wanted to
14 express to Mr. May in the hope that maybe we
15 could start to see a few of those things trickle
16 down to the legislature.

17 Thank you.

18 MR. MAY: Can I address that comment?

19 Can I address that comment?

20 I probably have about 15 or 20 IMAs
21 outstanding with the minority caucus. I just
22 haven't received them back, whether I'm waiting
23 on SEQRA declarations or getting signed contracts
24 back. So as soon as I have those documents I can
25 file them. I might have one on my desk that is

2 about ready to be filed. I have -- there are
3 probably 10 in Legislator Bosworth's district,
4 there's at least one in Legislator Jacobs'
5 district. I believe I'm waiting on one from your
6 office. I have several out with Legislator
7 Wink's office, Legislator Denenberg has a few
8 that are around.

9 LEGISLATOR ABRAHAMS: Mr. May, if
10 possible, can you give us a list of what's still
11 out, to your recollection versus ours, so that we
12 can just make sure we jive it together?

13 MR. MAY: Sure. I can send you my whole
14 list of CRP projects and you can take a look.

15 LEGISLATOR ABRAHAMS: Great.

16 LEGISLATOR DENENBERG: Mr. May, how --

17 CHAIRWOMAN GONSALVES: Through the
18 Chair.

19 LEGISLATOR ABRAHAMS: You need to be
20 recognized by the Presiding Officer.

21 CHAIRWOMAN GONSALVES: Legislator
22 Denenberg.

23 LEGISLATOR DENENBERG: Wasn't there
24 eight from my legislative district that you
25 filed?

2 MR. MAY: There were several that were
3 filed, I believe it was in the previous
4 legislature, so those items I believe died when
5 the new legislature was sat. I have I believe
6 one on my desk, I think it was actually from your
7 district, that needs to just get the coversheet
8 and routed through the process for April.

9 LEGISLATOR DENENBERG: All I could tell
10 you is you filed at least eight and because it
11 moved nowhere while majority IMAs moved, we had
12 to go through the whole process again, correct?

13 MR. MAY: That's currently my
14 understanding. Yes.

15 CHAIRWOMAN GONSALVES: Just give us the
16 list, Mr. May.

17 MR. MAY: Absolutely.

18 CHAIRWOMAN GONSALVES: Thank you.

19 Any other questions?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 This is Item 27, Clerk Item 106,
24 Resolution 47; Item 28, Clerk Item 107,
25 Resolution 48; and Item 29, Clerk Item 108,

2 Resolution 49.

3 All those in favor of these three items
4 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 There being none, the items pass
9 unanimately.

10 I believe at this point I have one more,
11 I believe, and then we're going to have to go
12 into executive session.

13 Item 36, Clerk Item 75-13, Resolution 56.

14 A motion, please?

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRWOMAN GONSALVES: Legislator Dunne,
18 seconded by Legislator Muscarella.

19 Any discussion on this item?

20 (No verbal response.)

21 Anything you would like to let us know,
22 Mr. May?

23 MR. MAY: This was the board transfer
24 for \$400,000 within OEM.

25 CHAIRWOMAN GONSALVES: That's right.

2 MR. MAY: I believe the questions at the
3 committee were just some information on what the
4 money was being spent on.

5 CHAIRWOMAN GONSALVES: Right.

6 MR. MAY: And I had provided to both
7 caucus a pretty exhaustive list of requisitions
8 detailing all of the expenses associated with
9 that money.

10 CHAIRWOMAN GONSALVES: Right.

11 MR. MAY: If there are any questions, I
12 have Tom Delaney who could answer any specific
13 questions. I can take a shot at the more general
14 questions. That's where we stand.

15 CHAIRWOMAN GONSALVES: Any questions
16 from the legislators regarding this item?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 There being none, all those in favor of
21 Item 36, Clerk Item 75-13, Resolution 56, signify
22 by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The item passes unanimously.

3 Now, ladies and gentlemen, we need to go
4 into executive session. I have to call the item.

5 Item 24, Clerk Item 47-13, Resolution 32,
6 a resolution authorizing the county attorney to
7 compromise and settle the county's claims against
8 certain defendants in the action known as *Nassau*
9 *County v. State of New York*, Index Number
10 04/002750 pursuant to the County Government Law
11 of Nassau County and the Nassau County
12 Administrative Code.

13 Motion, please?

14 LEGISLATOR MUSCARELLA: So moved.

15 LEGISLATOR BELESI: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Muscarella, seconded by Legislator
18 Belesi.

19 At this point I think that it is
20 necessary for us to go into executive session.

21 I need a motion to go into executive
22 session.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

2 Legislator Walker, seconded by Legislator
3 Muscarella.

4 All those in favor of going into
5 executive session?

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 We are now going into executive session.

10 (Whereupon, the Full Legislature went
11 into executive session at 3:21 p.m.)

12 (Whereupon, the Full Legislature
13 reconvened from executive session at 4:41 p.m.)

14 CHAIRWOMAN GONSALVES: Executive session
15 lasted longer than we anticipated, but
16 nevertheless.

17 The only thing I think, Ms. Locurto, is
18 that there was concern about how the funds from
19 this settlement would be directed. I believe you
20 checked with I guess the budget office.

21 MS. LOCURTO: Yes. I checked with
22 budget and I confirmed with the administration
23 that all the money that we will receive in this
24 settlement will be dedicated specifically to go
25 towards repairs of the Aquatic Center.

2 CHAIRWOMAN GONSALVES: Judy, Okay?
3 Everybody.

4 LEGISLATOR WINK: Wait. I'm sorry. Ms.
5 Locurto, can you repeat that?

6 MS. LOCURTO: I think a concern was
7 raised that with the money that comes from the
8 settlement where will it go once we receive the
9 money. And I can affirmatively state on the
10 record that the money received from this
11 settlement will go specifically towards the
12 Aquatic Center, the necessary upgrades and
13 repairs to make the Aquatic Center function
14 properly.

15 LEGISLATOR WINK: As a supplemental
16 appropriation?

17 MS. LOCURTO: As -- it is, as you know,
18 the legislature can appropriate the money as
19 appropriate.

20 LEGISLATOR WINK: Here's my concern.
21 Starting in the fourth quarter of the year and
22 going into early next year, this legislature
23 routinely does budget transfers and board
24 transfers that transfer monies that were
25 otherwise appropriated in unexpended, in certain

2 areas, and transfer them into other areas. My
3 concern is, let's say for argument's sake we
4 allocate a million dollars in 2013 for repairs
5 and maintenance at the Aquatic Center and we get
6 a \$3 million settlement in this case. If we
7 then, in turn, transfer \$3 million out of that
8 budget or any amount over a million dollars, it's
9 fungible money at that point. So my concern is
10 that it not only be dedicated to the Aquatic
11 Center but that it be not transferred out of the
12 Aquatic Center at any point for the 2013 budget
13 cycle so that it doesn't end up being a situation
14 where, you know, we throw in more money and then
15 we don't have to spend that million dollars we
16 already budgeted.

17 MS. LOCURTO: I understand your concern,
18 Legislator. And my understanding, in
19 consultation with the appropriate persons, is
20 that the money will be specifically dedicated
21 towards the repairs exclusively for the Aquatic
22 Center. I have spoken also with Commissioner
23 Foskey and we are already in the process of
24 effectuating that, but we can't do that until we
25 get the approval of the legislature to accept the

2 settlement to receive the monies. So once we get
3 approval, we receive the money per the settlement
4 agreement, we get the check, that money will be
5 earmarked, dedicated to a fund specifically to do
6 repairs on the Aquatic Center.

7 LEGISLATOR WINK: Ms. Locurto, I
8 certainly am prepared to take you at your word on
9 that. But I hope you report back to the county
10 executive, to the budget people and want not,
11 that we're going to keep an eye on this because
12 quite frankly the last thing I want to see is
13 that this money somehow eventually goes to cover
14 overages in other areas of this budget simply
15 because, you know, no one was looking at the time
16 or because there's a need associated with it. I
17 hope that this is going to go as an operating
18 expense towards maintenance and improvements at
19 the Aquatic Center and not somehow find its way
20 into a capital project or retirement of some
21 other form of debt simply because the money is
22 sitting there.

23 MS. LOCURTO: Understood.

24 LEGISLATOR WINK: Thank you.

25 MS. LOCURTO: I will take that back.

2 CHAIRWOMAN GONSALVES: Legislator
3 Denenberg.

4 LEGISLATOR DENENBERG: Ms. Locurto, hi.
5 You said that you spoke with the appropriate
6 parties to get assurances that the money would go
7 to a fund for the Aquatic Center to make the
8 repairs that I guess are subject to the suit
9 ultimately, as well. Who are the appropriate
10 parties that you spoke to?

11 MS. LOCURTO: I spoke with counsel and I
12 spoke with Commissioner Foskey, as well as -- I'm
13 sorry -- the administration, on how the money
14 should be appropriately moved.

15 LEGISLATOR DENENBERG: You said counsel;
16 that's Mr. Ciampoli?

17 MS. LOCURTO: No. Connell Denion.
18 Deputy County Attorney Connell Denion of our
19 office; he is our in-house bond counsel. And I
20 consulted with him on appropriations and how
21 money is allocated, in consultation, because he
22 works closely with budget, as well.

23 LEGISLATOR DENENBERG: And then you said
24 the administration, was that Deputy County
25 Executive Walker?

MS. LOCURTO: Yes. I have spoken to him about the Aquatic Center and how the monies are specifically, in this settlement, are going to be earmarked towards the repairs of the Aquatic Center.

LEGISLATOR DENENBERG: And without revealing anything -- I'm looking at counsel on both sides and I'm trying to not reveal anything that has to be in executive session.

Your advice on this settlement would be that it would not in any way reduce our recoveries from any of the other defendants ongoing, correct?

MS. LOCURTO: I don't think I would state it that way. I think I would state that this settlement maximizes the amount of recovery that we believe we would get in a litigation. The settlement here, there would be some limitations going beyond the settlement amount that we're agreeing to here, but as discussed in executive session, there are pros and cons of that. And we believe ultimately that the 3.1 million that we're receiving would be in the County's best interest.

2 LEGISLATOR DENENBERG: You were just
3 given something; do you want to read that?

4 MR. MAY: Yes, Legislator Denenberg.
5 It's an e-mail from Rich Mallett from the
6 Department of Public Works. He can't be here in
7 body, so I guess he's here in spirit.

8 The settlement monies is identified in
9 the capital project for the Aquatic Center as an
10 outside funding source.

11 LEGISLATOR DENENBERG: I guess thank his
12 spirit. That's good. Thank you. That's
13 helpful.

14 No further questions.

15 CHAIRWOMAN GONSALVES: If there are no
16 other questions or comments, now it's time for
17 the vote. At this time I would like to call a
18 vote on Item 24, Clerk Item 47, Resolution 32.

19 All those in favor of this item signify
20 by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Thank you very much. Thank you so much.

2 At this point I think there are no other
3 items, correct, on the calendar.

4 Motion to adjourn?

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRWOMAN GONSALVES: Motion by
8 Legislator Dunne, seconded by Legislator Walker.

9 All those in favor of adjourning?

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 We are now adjourned.

14 Happy holiday to each and every one of
15 you.

16 (Whereupon, the Full Legislature
17 adjourned at 4:50 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 1st day of April, 2013.

FRANK GRAY