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PETER SCHMITT,
Presiding Officer

RULES COMMITTEE

PETER SCHMITT, Chairman

1550 Franklin Avenue
Mineola, New York

Monday, February 6, 2012
1:05 P.M

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

PETER SCHMITT,
Chairman

HOWARD KOPEL,
Vice Chairman

DENNIS DUNNE (substituted by
Vincent Muscarella)

ROSE MARIE WALKER (substituted by
Norma Gonsalves)

KEVAN ABRAHAMS,
Ranking

WAYNE WINK

JUDY JACOBS

WILLIAM J. MULLER,
Clerk of the Legislature

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1 Rules Committee/2-6-12

2 CHAIRMAN SCHMITT: Calling the
3 Rules Committee to order. Norma Gonsalves
4 is substituting for Rose Walker and Vin
5 Muscarella will be substituting for Dennis
6 Dunne.

7 Would everybody please rise for
8 the Pledge of Allegiance lead by vice
9 chairman of the committee Howard Kopel?

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

12 CHAIRMAN SCHMITT: Mr. Clerk,
13 would you please call the roll?

14 CLERK MULLER: Yes. Legislator
15 Wink?

16 (No verbal response.)

17 CLERK MULLER: Legislator Jacobs?

18 LEGISLATOR JACOBS: Here.

19 CLERK MULLER: Ranking Member
20 Abrahams?

21 LEGISLATOR ABRAHAMS: Here.

22 CLERK MULLER: Legislator
23 Gonsalves substituting for Legislator
24 Walker?

25 LEGISLATOR GONSALVES: Present.

1 Rules Committee/2-6-12

2 CLERK MULLER: Legislator

3 Muscarella substituting for Legislator

4 Dunne?

5 LEGISLATOR MUSCARELLA: Here.

6 CLERK MULLER: Vice Chairman

7 Kopel?

8 LEGISLATOR KOPEL: Here.

9 CLERK MULLER: Chairman Schmitt?

10 CHAIRMAN SCHMITT: Here.

11 CLERK MULLER: We have a quorum.

12 CHAIRMAN SCHMITT: Okay. This is

13 a meeting of the Rules Committee to consider

14 contracts.

15 LEGISLATOR WINK: Mr. Chairman,
16 please let the record reflect that I'm here.

17 CHAIRMAN SCHMITT: Let the record
18 reflect that Legislator Wink is here. Do I
19 have a calendar? I'm going to call three
20 contracts together, A-1, A-2, A-3. All are
21 resolutions to authorize contracts between
22 the County of Nassau, Department of Public
23 Works. One is with Public Works and
24 Marbelite Company; Public Works and Traffic
25 Systems Incorporated; and Public Works and

1 Rules Committee/2-6-12

2 Stony Brook Manufacturing. May I have a
3 motion, please?

4 LEGISLATOR GONSALVES: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN SCHMITT: Moved by
7 Legislator Gonsalves, seconded by Legislator
8 Muscarella. Come on up.

9 MS. DUKEZ: Sheila Dukez,
10 Department of Public Works.

11 CHAIRMAN SCHMITT: Can you tell
12 us briefly about these three contracts,
13 please?

14 MS. DUKEZ: The two contracts for
15 Marbelite and Traffic Systems are to
16 purchase traffic signal equipment for a
17 rebuild of traffic signals or modifications
18 or repairs so that we have stock on hand.

19 The purchase order for Stony
20 Brook Manufacturing is to purchase several
21 types of traffic signal poles that will be
22 used for rebuilds for traffic signals.

23 CHAIRMAN SCHMITT: Anybody have
24 any questions?

25 (No verbal response.)

1 Rules Committee/2-6-12
2 Is there any public comment?
3 (No verbal response.)
4 All those in favor please say
5 aye.

6 (Aye.)
7 Any opposed?
8 (No verbal response.)

9 The items carry unanimously.
10 Item E-4 is a resolution authorizing the
11 personal services agreement between Public
12 Works and Hacks Engineers Architects and
13 Land Surveyors. May I have a motion,
14 please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR MUSCARELLA: Second.

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

20 MR. ARNOLD: Kenneth Arnold,
21 Public Works. This is an amendment to an
22 existing on-call contract with Hacks
23 Engineering. This amendment is to cover
24 services that they provided to the
25 department during the Hurricane Irene

1 Rules Committee/2-6-12

2 response.

3 CHAIRMAN SCHMITT: Any questions?
4 Legislator Wink.

5 LEGISLATOR WINK: 87.5 percent of
6 this is reimbursable by FEMA?

7 MR. ARNOLD: That's correct.

8 LEGISLATOR WINK: And it's all
9 still from the aftermath of Irene?

10 MR. ARNOLD: All associated with
11 Irene's response, yes.

12 LEGISLATOR WINK: Thank you.

13 CHAIRMAN SCHMITT: Anybody else?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor please say
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The items carry unanimously.

23 Contract Numbers E-13, E-17, E-18 and E-19.

24 May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

1 Rules Committee/2-6-12

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN SCHMITT: Moved by
4 Legislator Gonsalves, seconded by Legislator
5 Muscarella. These are contracts that we
6 still are in the process of reviewing, but
7 because of the 45 day rule that we have
8 where they will take effect if the Rules
9 Committee doesn't act, we want to take the
10 action today of having called them. I'm
11 going to make a motion to table. May I have
12 a second, please?

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN SCHMITT: Seconded by
15 Legislator Muscarella. All those in favor
16 of tabling please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The items are tabled. E-26. I
21 should have done that at the same time. A
22 resolution authorizing the county executive
23 to execute an amendment to a personal
24 service agreement between the County of
25 Nassau and the Department of Social Services

1 Rules Committee/2-6-12
2 and Summit Security Systems. May I have a
3 motion, please?

4 LEGISLATOR GONSALVES: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN SCHMITT: Moved by
7 Legislator Gonsalves, seconded by Legislator
8 Muscarella. This is another contract that
9 we're going to make a motion to table.
10 We're still awaiting the delivery of certain
11 information that we have requested from
12 social services. Until it arrives, we can't
13 go forward. I make a motion to table.

14 LEGISLATOR GONSALVES: Second.

15 CHAIRMAN SCHMITT: Seconded by
16 Legislator Gonsalves. All those in favor
17 please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The items are tabled. E-31 is a
22 contract between TPVA -- I'm sorry, the
23 Traffic Safety Board and the Community
24 Parent Center. May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

1 Rules Committee/2-6-12

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRMAN SCHMITT: Moved by
4 Legislator Gonsalves, seconded by Legislator
5 Muscarella. Any debate or discussion?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor please say
10 aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously.
15 E-32 is a resolution authorizing the county
16 executive to execute a personal services
17 contract between the Department of Public
18 Works and CH2M Hill New York Incorporated.
19 May I have a motion, please?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Moved by
23 Legislator Gonsalves, seconded by Legislator
24 Muscarella. Joe, you're here on that
25 contract?

1 Rules Committee/2-6-12

2 MR. DAVENPORT: Yes, just in case
3 you have any questions.

4 CHAIRMAN SCHMITT: No, we had no
5 questions. Thank you anyway. Is there any
6 public comment?

7 (No verbal response.)

8 All those in favor please say
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Carries unanimously. E-33 is a
14 resolution authorizing the county executive
15 to execute a personal services agreement
16 between Nassau County and Department of
17 Social Services and Forensic Psychology
18 Consultant, PLLC. May I have a motion,
19 please?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRMAN SCHMITT: Moved by
23 Legislator Gonsalves, seconded by Legislator
24 Muscarella. Any debate or discussion?

25 (No verbal response.)

1 Rules Committee/2-6-12

2 Is there any public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item carries unanimously. I
10 should have called this next item as well.
11 E-34 is a personal service agreement between
12 New York Center for Neuropsychology and
13 Forensic Behavioral Science. May I have a
14 motion, please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN SCHMITT: Moved by
18 Legislator Gonsalves, seconded by Legislator
19 Muscarella. Any debate or discussion?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

1 Rules Committee/2-6-12

2 Any opposed?

3 (No verbal response.)

4 The item carries unanimously.

5 E-35 is a resolution between the County of
6 Nassau and the Traffic and Parking
7 Violations Agency and IPT, L.L.C.. May I
8 have a motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRMAN SCHMITT: Moved by
12 Legislator Gonsalves, seconded by Legislator
13 Muscarella. Any debate or discussion?

14 LEGISLATOR JACOBS: Yes.

15 CHAIRMAN SCHMITT: Legislator
16 Jacobs.

17 LEGISLATOR JACOBS: Thank you. I
18 would just like some clarification on this
19 matter and what this is about.

20 CHAIRMAN SCHMITT: Judge Marks,
21 welcome.

22 JUDGE MARKS: John Marks,
23 Executive Director of Nassau County Traffic
24 and Parking Violations Agency.

25 MR. RICH: Dave Rich, Assistant

1 Rules Committee/2-6-12
2 Executive Director of Traffic and Parking
3 Violations Agency.

4 MR. MARCHINSON: Cory Marchinson,
5 President of IPT, L.L.C.

6 JUDGE MARKS: I'm sorry,
7 legislator, the question?

8 LEGISLATOR JACOBS: I just wanted
9 to know what services this is for and are
10 they presently offering it now, or is this
11 new? Just a little clarification.

12 JUDGE MARKS: This is legislation
13 that was passed initially in 2002, and it
14 was amended in 2010 to commence a boot and
15 tow project for those vehicles with three or
16 more outstanding parking tickets and/or
17 three or more unresolved red light camera
18 notice of liability.

19 LEGISLATOR JACOBS: How
20 successful has that been?

21 JUDGE MARKS: In Nassau County?

22 LEGISLATOR JACOBS: Yes.

23 JUDGE MARKS: It hasn't been
24 because we haven't done it. It's a no-cost
25 contract to the county.

1 Rules Committee/2-6-12

2 LEGISLATOR JACOBS: Unless we do
3 it, then there is a cost, right? I'm a
4 little confused, why haven't we done it if
5 we passed it back then?

6 JUDGE MARKS: I can't answer
7 that. When I came on board in January 26,
8 2010, we reviewed the boot and tow program.
9 It hadn't been worked at all during the
10 prior administrations.

11 We submitted an amendment to
12 change part of the words and put it more
13 under TPVA and we put out an RFP, and
14 PayLock was the chosen vendor. There was a
15 contract with PayLock and we are in the
16 process of developing, and we hope to start
17 the program in March.

18 LEGISLATOR JACOBS: So I really
19 don't mean to belabor this. So IPT is a
20 company, correct?

21 JUDGE MARKS: Yes.

22 LEGISLATOR JACOBS: Who does the
23 boot and towing?

24 JUDGE MARKS: Yes.

25 LEGISLATOR JACOBS: And PayLock

1 Rules Committee/2-6-12
2 is the company that collects the money?

3 JUDGE MARKS: Same company. I
4 believe there was a prior RFP, the
5 successful bidder was PayLock. Again, not
6 to be political, the prior administration
7 did nothing with it, the contract was never
8 signed, so I really don't know.

9 LEGISLATOR JACOBS: You know what
10 bothers me a little bit with this? My
11 recollection may not be right, but I seem to
12 recall that there was something with legal
13 about it, and I just wonder if anyone
14 standing up there has any recollection of
15 that?

16 JUDGE MARKS: Well, Mr. Rich may
17 be able to. I don't know of any legal other
18 than -- none of the services could be
19 contracted out with the exception of storage
20 of a vehicle if it was towed, and that was
21 the basis of the amendment to allow
22 contracted services.

23 LEGISLATOR JACOBS: Do we have a
24 place to store vehicles that are booted and
25 towed?

1 Rules Committee/2-6-12

2 JUDGE MARKS: That's going to be
3 PayLock's problem.

4 MR. MARCHINSON: Yes, we have
5 four tow contractors, subcontractors for
6 this agreement spread throughout the county.

7 LEGISLATOR JACOBS: And they have
8 a place to tow and store these vehicles?

9 MR. MARCHINSON: Yes, ma'am. All
10 four contractors currently or previously had
11 been police contractors as well, so they are
12 abiding by all the same regulations.

13 The majority of the vehicles
14 won't be towed. They'll be immobilized,
15 people can pay over the phone and have their
16 vehicles immediately released to them where
17 they left them.

18 CHAIRMAN SCHMITT: Pay how much?

19 JUDGE MARKS: If I may just add
20 to this, prior to my becoming involved with
21 PTVA, there's \$54 million in outstanding
22 traffic tickets. There was one that was
23 trying to boot the vehicles but again it was
24 never exercised. Through the efforts of
25 this agency, the county executive went

1 Rules Committee/2-6-12
2 forward in having the contract amended so
3 that we can get the appropriate services and
4 again it's at no cost to the county.

5 LEGISLATOR JACOBS: My only
6 concern is the liability issue here. I
7 think it's important that we know where they
8 are going to be towed to is protected,
9 obviously, otherwise we leave ourselves open
10 to the owner of the vehicle suing IPT and
11 what guarantee do we have IPT doesn't turn
12 around and sue the county?

13 MR. MARCHINSON: Our contract
14 does include an indemnification, so we
15 indemnify the city against all suits where
16 we're at fault including our subcontractors,
17 which would include your concerns if a
18 vehicle was damaged or stolen or something
19 happened while it was stored.

20 LEGISLATOR JACOBS: When you say
21 you were at fault, who is going to give you
22 these lots where you can put them?

23 MR. MARCHINSON: We have four tow
24 subcontractors with secured impound lots.

25 LEGISLATOR JACOBS: Thank you.

1 Rules Committee/2-6-12

2 CHAIRMAN SCHMITT: Let me ask you
3 one question here. You find a car at the
4 railroad station with three tickets
5 outstanding and you put a boot on it. You
6 take the car and you tow it to where ever
7 you're towing the car to. I get off the
8 train at 10 o'clock at night and my car is
9 gone. How do I find out what happened?

10 MR. MARCHINSON: Sir, your
11 vehicle would not be towed immediately.
12 When you got off the train, your vehicle
13 would be immobilized and it would be exactly
14 where you left it. You would be capable of
15 calling a toll-free number 24 hours a day,
16 seven days a week. You can pay over the
17 phone with any major credit card or check by
18 phone or conference call in someone if you
19 need them to help you to make payment.

20 After payment right over the
21 phone, remove the device yourself, put it in
22 your trunk and drive home. It takes five
23 minutes.

24 CHAIRMAN SCHMITT: When you pay
25 by phone, you pay your back tickets and pay

1 Rules Committee/2-6-12

2 to remove the device?

3 MR. MARCHINSON: Yes, sir.

4 CHAIRMAN SCHMITT: So out of the
5 back ticket money, what's your cut?

6 MR. MARCHINSON: We are getting a
7 flat fee which is similar to or equal to
8 the boot fee that's being applied.

9 CHAIRMAN SCHMITT: What is the
10 boot fee?

11 MR. MARCHINSON: It's
12 approximately \$118 I believe.

13 CHAIRMAN SCHMITT: \$118 plus the
14 back tickets and get how much of that \$118?

15 MR. MARCHINSON: That's our fee
16 and I believe the county has decided to pass
17 that on to the motorist.

18 CHAIRMAN SCHMITT: So you get the
19 cost of unbooting the car. Now the tickets
20 that have been collected, that revenue goes
21 to the county?

22 JUDGE MARKS: All into the
23 county.

24 CHAIRMAN SCHMITT: You don't take
25 any part of that?

1 Rules Committee/2-6-12

2 MR. MARCHINSON: No, sir.

3 CHAIRMAN SCHMITT: Legislator
4 Gonsalves and then Legislator Abrahams.

5 LEGISLATOR GONSALVES: I believe
6 you said that they will be able to unboot
7 the car once they pay the fines. How is
8 that possible?

9 MR. MARCHINSON: So we have a
10 proprietary device. It's a small 15 pound
11 device that does keep the vehicle secure.
12 It stops them from driving it away easily.
13 But it does have an electromechanical keypad
14 on it. They can punch the code in. The
15 vehicle releases. They can remove it with
16 one hand, put it in their trunk and drive
17 away.

18 We set up return locations around
19 the county and they can drop it off at their
20 leisure. If they don't, clearly we have
21 their credit card and they've agree to a
22 late fee. But that happens very rarely,
23 most people will pay, just want to have it
24 resolved.

25 We do this in 20 municipalities

1 Rules Committee/2-6-12
2 around the country, including the City of
3 Baltimore, Seattle, Oakland, California,
4 Berkeley, Rochester, Syracuse. We are
5 implementing right now with the City of New
6 York.

7 LEGISLATOR GONSALVES: Thank you
8 very much.

9 CHAIRMAN SCHMITT: Legislator
10 Abrahams.

11 LEGISLATOR ABRAHAMS: Actually, I
12 think the gentleman answered most of the
13 questions Legislator Gonsalves asked.

14 CHAIRMAN SCHMITT: Legislator
15 Wink.

16 LEGISLATOR WINK: All right.
17 Forgive me because I've been a little bit
18 distracted by other matters on here, but
19 what you're saying is, somebody gets booted.
20 They call up a number, they give credit card
21 information, electronically it gets
22 released, they then are supposed to take it,
23 put it in their trunk and take it home with
24 them?

25 MR. MARCHINSON: Essentially,

1 Rules Committee/2-6-12
2 yes, they do. Unless they wanted to drop it
3 off immediately. Most people, yes, choose
4 to go home, especially in the situation
5 presented.

6 LEGISLATOR WINK: What's to
7 prevent them from leaving it at the station
8 or leaving it where ever they got it in the
9 first place?

10 MR. MARCHINSON: That is a good
11 question. In order to receive the code,
12 they have to agree to be responsible for the
13 device. For every day that -- there is no
14 deposit for the device. This is a good
15 faith conversation we have over the phone, a
16 verbal contract between IPT, L.L.C. and the
17 motorist where they agree to return it
18 within 48 hours, or a \$25 day per day late
19 fee for every day they don't drop it off.
20 We've done this over 150,000 times around
21 the country.

22 LEGISLATOR WINK: But these are
23 the same people who we have been dunning
24 over the fact that they have at least three
25 open violations and that didn't seem to

1 Rules Committee/2-6-12
2 deter them from skipping out on those.

3 MR. MARCHINSON: That's right.
4 The difference is, you didn't give them the
5 parking tickets with a credit card on file
6 where there is an authorization to charge
7 them for those parking tickets.

8 We see one tenth of one percent
9 of people who end up receiving late boot
10 fees. Combined with the fact that we don't
11 want to charge a late boot fee so, if the
12 boot is late, we start doing outbound phone
13 calls. Hey, this is Cory from boot release
14 line, you need to return the boot. And
15 people can get an extension if they require
16 one. So they tend to bring them back at
17 their leisure. They're just happy to have
18 their car back.

19 When most people get booted, they
20 think this is going to be a several hour,
21 several day ordeal, and when they are able
22 to drive away in five minutes and have this
23 thing in the trunk and the only thing that
24 makes this -- stops this thing from being
25 completely resolved is returning the boot,

1 Rules Committee/2-6-12

2 which we're allowing them to do at their
3 leisure, they tend to do it.

4 LEGISLATOR WINK: Human nature
5 being what it is, I'm having a hard time
6 believing --

7 MR. MARCHINSON: Trust me, we
8 were all concerned about that when we
9 started this company --

10 LEGISLATOR WINK: Those are the
11 two scariest words to hear in this
12 legislature.

13 MR. MARCHINSON: -- six years ago
14 and 100,000 transactions later, it's exactly
15 the case.

16 JUDGE MARKS: Legislator Wink,
17 human nature would have the people pay these
18 tickets timely.

19 LEGISLATOR WINK: That's my
20 point. That's right. So human nature being
21 what it is, I'm having a hard time believing
22 that this will somehow be a game changer for
23 them.

24 MR. MARCHINSON: Either way, we
25 are the ones at risk. If the devices are

1 Rules Committee/2-6-12

2 lost, it doesn't cost the county anything.
3 They're replaced.

4 LEGISLATOR WINK: That's my next
5 question. If somebody takes it off at the
6 Bellmore train station and leaves it there
7 and it doesn't get retrieved and now it
8 disappears somewhere along the way, who's
9 going to be responsible for the cost of
10 that?

11 LEGISLATOR WINK: Solely PayLock.
12 Our model relies on that this process works.
13 It's our equipment. We provide the
14 equipment. If it gets lost or damaged, we
15 provide new equipment.

16 LEGISLATOR WINK: By the way, how
17 -- I mean, if I remember correctly from
18 discussions about boots in the past, these
19 things are pretty heavy, aren't they?

20 MR. MARCHINSON: A traditional
21 device is anywhere from 50 to 80 pounds.
22 These devices weigh 15 pounds. Our devices
23 weight 15 pounds.

24 LEGISLATOR WINK: But we're still
25 expecting the 75 year old grandmother to

1 Rules Committee/2-6-12

2 pull this off the --

3 MR. MARCHINSON: Absolutely not.
4 No one is required to remove the boot
5 themselves. If they want to have someone
6 come and take it off for them, we will
7 dispatch someone to come and remove it for
8 them. It won't be in five minutes, it may
9 take an hour or two hours for someone to
10 arrive.

11 LEGISLATOR WINK: I would hate to
12 be that person, I'll tell you.

13 MR. MARCHINSON: Still better
14 than getting towed.

15 LEGISLATOR WINK: I'm intrigued
16 by all this, but I'm still a little bit
17 incredulous as to the fact that people are
18 either going to take these and dump them in
19 their trunk and take them back to you or do
20 anything other than if they get them off,
21 leave them on the side of the road.

22 MR. MARCHINSON: I certainly
23 understand your hesitancy to believe it, but
24 you can take a look at our track record in
25 all different types of municipalities,

1 Rules Committee/2-6-12
2 demographics, including the City of
3 Baltimore, Oakland California, the City of
4 New Orleans, Providence, New York, Hoboken,
5 New Jersey, Syracuse, Prince George's
6 County, Maryland, Richmond, Virginia. It's
7 all worked the same.

8 LEGISLATOR WINK: Well, I look
9 forward to looking into that. Thank you.

10 LEGISLATOR JACOBS: Mr. Schmitt,
11 just want to ask a couple of questions.

12 CHAIRMAN SCHMITT: Legislator
13 Jacobs.

14 LEGISLATOR JACOBS: Let me ask
15 you this. What prevents someone who decides
16 they're furious, they use the code, they
17 take it off their car, from wreaking havoc,
18 and putting it on someone else's?

19 MR. MARCHINSON: That is a great
20 question. There is an arming code that only
21 the officers or the people who are applying
22 the boots know. So a motorist will not be
23 able to relock the device. Sure. I could
24 go and put it in my friend Jimmy's car,
25 because it's hysterical, but Jimmy is going

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2 to be able to take it right off. He cannot
3 lock it.

4 LEGISLATOR JACOBS: So I have
5 another question for you now. I'm hoping
6 that what I'm assuming is correct, but I
7 hate to assume anything.

8 MR. MARCHINSON: Let's find out.

9 LEGISLATOR JACOBS: So if you're
10 booting a car, you have pretty detailed
11 information about the owner, correct? So
12 when someone calls to pay this to get the
13 car, are they required to give you very
14 detailed information?

15 MR. MARCHINSON: To remove the
16 boot, no. To remove the boot, they just
17 need to pay off all the tickets. We don't
18 care who it is. You can call to pay off
19 this person's tickets and have the code to
20 remove the boot. You are going to be
21 responsible for the boot out of your credit
22 card information and --

23 LEGISLATOR JACOBS: For possibly
24 stealing a car?

25 MR. MARCHINSON: Well, all you

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2 did was make it so it was not immobilized.
3 However, when a vehicle is towed, in order
4 to pick up the vehicle, yes, you need to
5 provide very detailed information that this
6 is your vehicle, just as you would if you
7 were impounded by the police.

8 LEGISLATOR JACOBS: So then in
9 answer to my question, a person could, not
10 saying a person that we necessarily know
11 that well, could call in, decide it's worth
12 it to them, to pay off \$300 in tickets,
13 unboot the car and they got a car.

14 MR. MARCHINSON: Well, they don't
15 have the car. They still have to break in
16 and start the car. So all they've done is
17 take a lock off the tire and make it so that
18 it can roll. They don't have the key or the
19 alarm or any of that stuff.

20 JUDGE MARKS: If I may suggest,
21 they can do that with any car in the parking
22 lot. Especially those without a boot on it.

23 LEGISLATOR JACOBS: I guess so
24 but I hate us to be a party to anything.
25 All right. Thank you.

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2 CHAIRMAN SCHMITT: Legislator
3 Gonsalves.

4 MR. POLITI: Just to reiterate,
5 I'm Vic Politi from the County Executive's
6 Office. It's Victor Politi, P-O-L-I-T-I,
7 deputy county executive, public safety. You
8 were talking about the amount of the
9 summonses before. Just to let you know,
10 about \$20 million of parking tickets and
11 about \$44 million of traffic tickets, and
12 that was all before Mr. Mangano was brought
13 in to office.

14 So these are all summons and
15 millions of dollars that are owed the county
16 prior to him coming into the county
17 executive position. That's the money that
18 they are going to go after to try to
19 retrieve as well as since he's been in
20 office, about 10 more million dollars that
21 we got including the red light cameras. So
22 that money is available to us and that's
23 what we're currently going after to try to
24 retrieve. Thank you.

25 CHAIRMAN SCHMITT: Legislator

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2 Gonsalves.

3 LEGISLATOR GONSALVES: Judge
4 Marks, I have a question. Are you expecting
5 from the company a quarterly report, a
6 semiannual report? What are the
7 expectations in that regard?

8 JUDGE MARKS: It's a monthly
9 report and we will know on a daily basis the
10 cars that were taken to where, et cetera.

11 LEGISLATOR GONSALVES: That would
12 be nice if we know what the status of that
13 progress report is.

14 JUDGE MARKS: We can forward one
15 to the legislature.

16 CHAIRMAN SCHMITT: Legislator
17 Abrahams.

18 LEGISLATOR ABRAHAMS: The
19 gentleman from IPT, if he can come up again.
20 What is the success rate of people's cars
21 who are booted and how quickly they actually
22 call to get the code to pay the fine?

23 MR. MARCHINSON: It depends on
24 the type of area where the immobilization is
25 taking place. Clearly here, a lot of

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2 tickets are written at railroad stations,
3 commuter lots, so it will be pretty regular
4 when people are often getting off the train
5 at rush hour. But more than 75 percent of
6 vehicles get a call in within three or four
7 hours. The remainder within 24, on average.
8 A very small percentage go more than 24
9 hours.

10 LEGISLATOR ABRAHAMS: I don't
11 want to put any information out there that's
12 going to help scofflaws, but do you
13 basically have restrictions on where you
14 boot, like you wouldn't boot in front of
15 somebody's house? If the car didn't belong
16 in front of that house and somebody, say
17 somebody, at my train station, people park
18 in front of the houses in a residential
19 community all the time, would you boot a car
20 in an area, so if somebody didn't pay the
21 fine, would somebody have to come out every
22 day and see a booted car in front of their
23 house because somebody chose not to pay the
24 fine?

25 JUDGE MARKS: Let me answer that.

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2 Any place a ticket can be issued, the car
3 can be booted. The suggestion would be that
4 if it was in somebody's house, after a
5 certain period of time, and perhaps you can
6 speak to it better, that's when it would get
7 towed.

8 LEGISLATOR ABRAHAMS: How long
9 would that process take place for that
10 towing to happen?

11 MR. MARCHINSON: The county is in
12 charge of that policy. Our initial SOP has
13 48 hours before a vehicle is eligible to be
14 towed after being immobilized, but the
15 county can amend that and make that whatever
16 they would like. 48 hours is the average
17 and it's very common. Gives somebody plenty
18 of time to make arrangements without
19 incurring the additional expenses of the
20 vehicle getting towed. And it's about after
21 48 hours that people might start complaining
22 that there's this vehicle --

23 LEGISLATOR ABRAHAMS: Is the
24 county responsible for any fees or any
25 associated costs in that?

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2 MR. MARCHINSON: Not that I'm
3 aware of, no.

4 LEGISLATOR ABRAHAMS: Thank you.

5 MR. MARCHINSON: Thank you, sir.

6 CHAIRMAN SCHMITT: Any public
7 comment?

8 (No verbal response.)

9 All those in favor please say
10 aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously.
15 I'm going to call E-36 and E-37, resolutions
16 authorizing a use and occupancy permit, one
17 to Eve Culhane and one to Barbara Monroe.
18 May I have a motion, please?

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: Moved by
22 Legislator Gonsalves, seconded by Legislator
23 Muscarella. Can you tell us briefly about
24 these two things?

25 MR. KELLY: Sure. E-36-12 is a

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2 rules resolution to approve entering into a
3 UNO for park property to Eve Culhane, this
4 is the Barn Swallow Carriage House located
5 in Muttontown Park and Preserve. The county
6 will be receiving monthly payments of \$2,600
7 per month and the permittee will have to pay
8 utilities on the property. The permittee is
9 actually the current permittee on the
10 property. One of the occupants is leaving
11 the unit so she's now on the permit by
12 herself.

13 CHAIRMAN SCHMITT: You refer to
14 it as a unit, what exactly is it?

15 MR. KELLY: The property is a two
16 bedroom, two bath apartment.

17 CHAIRMAN SCHMITT: \$2,000 a
18 month?

19 MR. KELLY: \$2,600 a month.

20 CHAIRMAN SCHMITT: And Barbara
21 Monroe is in the same complex?

22 MR. KELLY: No, it's not the same
23 building. Barbara Monroe is in the Barn
24 Swallow Center which is a separate building
25 which has two apartment units. She's in

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2 unit two which is another two bedroom
3 apartment.

4 CHAIRMAN SCHMITT: How much is
5 she paying?

6 MR. KELLY: \$2,150 per month,
7 plus \$300 as an electric fee.

8 CHAIRMAN SCHMITT: Anybody have
9 any questions? Legislator Jacobs.

10 LEGISLATOR JACOBS: Question.
11 Both these cottages or whatever they are,
12 they're both in Muttontown Park?

13 MR. KELLY: Yes.

14 LEGISLATOR JACOBS: They have
15 both been occupied for a few years now,
16 right?

17 MR. KELLY: Yes, these are all
18 existing units.

19 LEGISLATOR JACOBS: These people
20 who live there, we are all a little jealous,
21 but these people who live there, do they
22 have any responsibility for care or for the
23 surroundings to report back, are they a
24 caretaker?

25 MR. KELLY: These particular

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2 occupants are not caretakers. There are
3 certain properties that we have that do have
4 caretakers on, but these are not. This is
5 just for the unit.

6 LEGISLATOR JACOBS: If my
7 recollection is correct, we decided to start
8 doing this in order to bring some money into
9 the county for how -- very nice little
10 cottages that are on estates; am I correct?

11 MR. KELLY: Well, they are in
12 park properties, yes.

13 LEGISLATOR JACOBS: So this is
14 not new to this particular park?

15 MR. KELLY: No. Not at all.

16 CHAIRMAN SCHMITT: Anybody else?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor please say
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item carries unanimously.

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2 MR. KELLY: Thank you very much.

3 CHAIRMAN SCHMITT: Thank you.

4 Now I have a series of legal contracts from
5 the county attorney's office which I'm going
6 to call, and I'm sure there will be plenty
7 of questions on these, but some of these are
8 contracts cleaning up from the end of last
9 year, and some of these are contracts for
10 2012 year.

11 So we have E-38, which is a
12 contract with Berkman, Henoeh, Peterson,
13 Peddy & Fenchell; E-39, a contract with
14 Barlett McDonough & Monaghan; E-40 is Bee
15 Ready Fishbein Hatter & Donovan; E-41 Bee
16 Ready Fishbein Hatter & Donovan; E-42 is
17 Ruskin Moscow Faltischek; E43 is Vecchione
18 Vecchione & Connors; E-44 is Lewis -- I
19 guess it's supposed to be John, Avallone
20 Aviles; E-45 is Forchelli, Curto, Deegan,
21 Schwartz, Mineo, Cohn & Terrana; then we
22 pick up again with E-55, Albanese &
23 Albanese; E-56 is Derohannesian &
24 Derohannesian; E-57 is Ruskin Moscou
25 Faltishchek; E-58 is Rivkin Radler; E-59 is

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2 Rivkin Radler; E-60 Rivkin Radler; E-61 is
3 Cuomo; and E-62 is Snitow Kanfer Holtzer &
4 Millus.

5 So I have all of those contracts.
6 May I have a motion, please?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN SCHMITT: Moved by
10 Legislator Gonsalves, seconded by Legislator
11 Muscarella. Is there any debate or
12 discussion?

13 LEGISLATOR WINK: Mr. Chairman, I
14 have a question before I question Mr.
15 Ciampoli.

16 CHAIRMAN SCHMITT: The county
17 attorney is here. Go ahead, Mr. Wink.

18 LEGISLATOR WINK: Well, to the
19 chair, is it the intention of the chairman
20 of this committee to table these items, much
21 as you chose to with many of the engineering
22 contracts that were on today?

23 CHAIRMAN SCHMITT: No, it's my
24 intention to allow whatever questions anyone
25 may have of the county attorney on whichever

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2 contract they have on them to be asked and
3 answered.

4 LEGISLATOR WINK: So then to the
5 extent that, unlike the engineering
6 contracts, which, within the 45 days you
7 chose to table while you get more
8 information, these are all going to go
9 forward I guess barring any unforeseen
10 circumstances on the committee's part; is
11 that correct?

12 CHAIRMAN SCHMITT: If they can
13 garner four votes, they can go forward.

14 LEGISLATOR WINK: If they can
15 garner four votes they can go forward. So
16 obviously we treat the personal service
17 contracts of attorneys differently than the
18 engineering contracts which is unfortunately
19 part of a trend here in this county that has
20 gone on for at least the last two years and
21 it strikes me as very peculiar that today we
22 are being asked to authorize an additional
23 two and a quarter million dollars worth of
24 personal service contracts for lawyers.

25 And I'm not questioning the

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2 credibility of these lawyers, I'm not
3 questioning their abilities, in large
4 measure today, what I'm questioning is, not
5 only our reliance on these outside counsel,
6 but the timing of moving these forward.
7 Because we have seen in recent weeks NIFA
8 not only criticizing the process for
9 contracts in general, but we have also seen
10 NIFA call upon the state comptroller, and he
11 has agreed to do a top to bottom audit, as I
12 understand it, of these personal service
13 contracts, and the processes by which we
14 move these matters forward.

15 It seems to me that we are moving
16 forward two and a quarter million dollars in
17 advance of that audit intentionally,
18 purposely, to get these through, so that
19 whatever criticism comes about, these
20 lawyers are getting paid. I think that is a
21 major major mistake on the part of this
22 administration.

23 We should be waiting for this
24 audit, and waiting for an understanding of
25 how this process is going, where this

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2 process can be streamlined and improved
3 upon, before we even consider any of these
4 contracts much less two and a quarter
5 million dollar's worth. That's my
6 statement.

7 CHAIRMAN SCHMITT: Do you want to
8 table these?

9 LEGISLATOR WINK: I would move to
10 table them, sure. Do you want to entertain
11 that, Mr. Chairman, by all means.

12 LEGISLATOR JACOBS: Well, I would
13 like to say something before we table.

14 CHAIRMAN SCHMITT: Explain to me
15 where you are getting the two and a half
16 million dollar figure from.

17 LEGISLATOR WINK: The amounts are
18 all new amounts on top what has -- I'm not
19 even counting, by the way, what has been
20 previously authorized under any of these
21 contracts.

22 CHAIRMAN SCHMITT: That's what
23 I'm trying to get at. Some of these
24 contracts funding was previously authorized.

25 LEGISLATOR WINK: Well, E-38

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2 there is no increase at this time. E-39 is
3 an increase of \$75,000 -- excuse me, a new
4 contract of \$75,000. E-40 is an increase of
5 \$150,000. E-41 is a new contract of \$22,000
6 or is it a continuation?

7 CHAIRMAN SCHMITT: Mr. Wink, I
8 don't know what this increase is for. Why
9 don't you ask the county attorney? Let him
10 explain it.

11 LEGISLATOR WINK: What I'm
12 indicating right now is, irrespective of
13 what they're for, it seems to me if there
14 was an audit going on and is in progress
15 right now that can tell us whether or not
16 this process is even proper, and by putting
17 forward two and a quarter million dollars
18 worth of contracts right now, we are looking
19 to short circuit and prevent the county
20 comptroller from being able to help
21 implement --

22 CHAIRMAN SCHMITT: I disagree
23 with you there. That's nonsense. Why don't
24 we just not do contracts at all?

25 LEGISLATOR WINK: Why don't we

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2 hold off until we get the audit?

3 CHAIRMAN SCHMITT: We have been
4 sitting here for an hour going through
5 various contracts and approving them or
6 tabling them, or whatever the case may be.
7 Why don't we just stop the business of
8 county government and wait for the
9 comptroller's office to do yet another
10 audit?

11 LEGISLATOR WINK: When it comes
12 to doling out personal service contracts for
13 lawyers, I don't think that's necessarily a
14 bad policy Mr. Chairman.

15 CHAIRMAN SCHMITT: We disagree.
16 Reasonable minds may disagree.

17 LEGISLATOR JACOBS: Mr. Schmitt,
18 may I say something?

19 CHAIRMAN SCHMITT: Mrs. Jacobs.

20 LEGISLATOR JACOBS: Mr. Ciampoli,
21 if you recall, when you were being
22 confirmed, I asked you what your policy is
23 going to be on outside contracts and your
24 feeling was, correct me if I'm wrong, that
25 outside contracts are necessary because you

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2 did not feel the way Mr. Suozzi conducted
3 the office with hiring in-house expertise
4 was the right way to go; am I correct or
5 incorrect on that?

6 MR. CIAMPOLI: That is generally
7 correct.

8 LEGISLATOR JACOBS: I know. And
9 the truth of the matter is, the bottom line
10 is that with using in-house experts, we
11 saved exactly -- this is just a little
12 portion of what has been going in this
13 office for the last two years, going to
14 outside counsel for everything and keeping a
15 very skeletal force in house.

16 MR. CIAMPOLI: That is where
17 you're incorrect.

18 LEGISLATOR JACOBS: Why?

19 MR. CIAMPOLI: I believe that
20 what we have done is we have marshalled
21 outside counsel. The use of outside counsel
22 by the prior administration was entirely
23 different than the approach taken by this
24 administration, which is to partner with
25 outside counsel, which is to bring the best

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2 of our own staff and the expertise of
3 outside counsel to bear.

4 I believe that in the long term
5 we will save money because we will have
6 better results in court. We will have
7 better results in our negotiations and
8 better results for the county in an overall
9 picture.

10 LEGISLATOR JACOBS: Mr. Ciampoli,
11 with all due respect, I have not seen that
12 as yet. I know what outside counsel did. I
13 was presiding officer during that time. I
14 sat through four years in the minority in
15 the very beginning of this legislature
16 listening to exactly this amount of outside
17 counsel legal fees being paid unbelievably
18 so every two weeks, and then, all of a
19 sudden, we made a county attorney's office
20 that had in-house expertise and, yes, there
21 were some outside counsel when you were
22 dealing with something like the aquatic
23 center, when you were dealing with a very
24 unusual case, but essentially the in-house
25 counsel was perfectly capable of doing it

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2 and not costing us the money that it is.

3 MR. CIAMPOLI: It's interesting,
4 legislator, that you focus on the aquatic
5 center because that is a contract that this
6 legislature was unhappy with causing the new
7 administration coming in to RFP the contract
8 out again, and we have reformulated the
9 approach in that case so as to try getting
10 results and getting money into the bank for
11 the county which, frankly, what it's all
12 about.

13 LEGISLATOR JACOBS: I really have
14 not seen that. I have seen a county
15 attorney's office that does not seem to have
16 the expertise in-house they need. I see a
17 return to what was, at the very beginning of
18 this legislature, dealing with outside
19 counsel, just continuously on issues that
20 most likely could be done with properly
21 trained people. I'm not saying the people
22 you have are not. I'm saying you don't have
23 enough to do it in-house and you know the
24 beneficiaries of this not the people. The
25 beneficiaries are all of these legal firms

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2 that are getting the money.

3 MR. CIAMPOLI: I beg to differ.
4 I know that you and I, to use your words,
5 have a philosophical difference on this
6 issue. It is best that we move on. This is
7 not the time to speak to things -- in fact,
8 it's the Grant Thornton report commissioned
9 by NIFA that said that in-house staffing of
10 my office is -- that we are understaffed for
11 lack of a better word.

12 LEGISLATOR JACOBS: So you have
13 to go to outside counsel.

14 MR. CIAMPOLI: That is an issue
15 which you had an opportunity to address
16 directly in the budget and what you did was,
17 you proposed an amendment which would remove
18 monies for outside counsel and replace them
19 with no monies for in-house staff. So let's
20 talk what we're talking about here, these
21 contracts.

22 Because to suggest that we should
23 not do these contracts, that we should not
24 put our best foot forward, that we should
25 not represent the county, as best it can be

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2 represented, is indeed a nano-vision, and it
3 would be an abandonment of your duty not to
4 see to it that we are providing the best
5 defense for the county that we can.

6 Now, you may differ with how it's
7 being done, but we came in with a new
8 administration, with a new philosophy, and
9 that is a partnership between outside firms
10 and our staff as part of the mix of the
11 litigation that confronts the county.

12 LEGISLATOR JACOBS: With all due
13 respect, I have to feel that these outside
14 firms are really pretty happy right now and
15 they haven't been happy for a good ten or 12
16 years.

17 Honestly, I know we'll never
18 agree, but I totally disagree with the way
19 it's being run. When I see so many people
20 being laid off, and when I see what's going
21 on with everything else in this county right
22 now, this really bothers me because this was
23 corrected and we're undoing certain
24 corrections that did save money.

25 My feeling, you have a right to

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2 disagree, that's what I feel.

3 MR. CIAMPOLI: Indeed. And I
4 will tell you, some of these firms are very
5 happy when they are delivering the results
6 that we are looking for for the county. I
7 look at the first page here, the first case
8 that's named in my notes that we have a
9 contract for that's before you today is the
10 Solomon case in which a multi-million
11 dollars verdict was sought by the plaintiff,
12 and a partnership between outside counsel
13 and my office resulted in a verdict for the
14 county and no liability.

15 LEGISLATOR JACOBS: My experience
16 as presiding officer was that we got those
17 kind of verdicts also and it was all based
18 on in-house counsel, except for very unusual
19 cases coming forward. Then they were smart
20 enough to go to bring in outside counsel to
21 partner with. That's just my feeling.

22 CHAIRMAN SCHMITT: Legislator
23 Abrahams.

24 LEGISLATOR ABRAHAMS: How are
25 you, Mr. Ciampoli?

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2 MR. CIAMPOLI: I'm fine.

3 LEGISLATOR ABRAHAMS: The problem
4 that I believe we have with these contracts
5 is that historically we get the actual
6 contract when it comes down and it's for the
7 amount of \$25,000. Then, over the next
8 period of sessions, periods of weeks or
9 months, the next thing we get is a balloon
10 payment of these astronomical numbers that
11 Mr. Wink had talked about.

12 Would you agree that obviously
13 getting a contract with an amount of 75,
14 150, \$300,000, 650 in one of the cases that
15 that we understand is a bit unconscionable
16 in this day and age when we're talking about
17 closing precincts at the same time, that
18 we're getting handed a bill for \$2.2 million
19 without seeing any information in between
20 the time when it was submitted to us for
21 \$25,000 and now?

22 MR. CIAMPOLI: Well, I think you
23 mischaracterized the situation, however, I
24 will focus on one thing that you said,
25 what's historical here. What's historical

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2 here is a process that delivers contracts to
3 you in less than real time. If you want to
4 talk about fixing that process, I'm game.
5 I'm ready to do it.

6 However, what you ever here is a
7 situation where the dollar figures that
8 we're talking about include, in some cases
9 here, monies expended but also a budget for
10 future and anticipated litigation activity.

11 LEGISLATOR ABRAHAMS: Where is
12 that budget, Mr. Ciampoli?

13 MR. CIAMPOLI: It would be
14 reflected in the dollar amounts requested
15 for each.

16 LEGISLATOR ABRAHAMS: No, no.
17 That part, you know of that dollar amount
18 before you present it to us. We do not know
19 that amount. Is there a budget that I
20 should be away of for all these contracts?

21 MR. CIAMPOLI: A written budget,
22 no.

23 LEGISLATOR ABRAHAMS: That's the
24 point.

25 MR. CIAMPOLI: What our staff

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2 does is, we estimate what the cost will be
3 to the county to continue the litigation for
4 a reasonable period looking forward.

5 LEGISLATOR ABRAHAMS: When do you
6 present that estimate to this legislative
7 body?

8 MR. CIAMPOLI: That estimate is
9 embodied in the request for dollars.

10 LEGISLATOR ABRAHAMS: In the
11 beginning at the \$25,000?

12 MR. CIAMPOLI: It actually comes
13 to you three times. It comes to you in
14 terms of the budget request, it comes to you
15 in the form of any board transfer request,
16 and then you see the actual contracts and
17 the amendments to contracts to reflect that.

18 LEGISLATOR ABRAHAMS: You just
19 said before, Mr. Ciampoli, you said this
20 legislative body does not consider these
21 items in real time. My point to you is,
22 these items, and many of them are, when they
23 are first considered by this legislative
24 body and we're approving a \$25,000 contract
25 to get the ball rolling, I don't believe,

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2 and I don't speak for anyone here except for
3 myself, but I don't believe we see estimates
4 of what the contract is going to cost us by
5 the end of the time we are done with that
6 firm. I've never seen that.

7 MR. CIAMPOLI: First of all, the
8 legislature does not get \$25,000 contracts
9 for approval.

10 LEGISLATOR ABRAHAMS: So
11 basically we are hit today with a bill for
12 \$2.2 million, and I guess at the same time,
13 by happenstance or coincidence, we are
14 talking about closing precincts at the same
15 magnitude. I just have a problem with -- we
16 should be -- give me one second. This
17 legislative body should have the opportunity
18 to budget accordingly.

19 We should be told at the
20 appropriate time when we are actually first
21 considering these contracts, look, you are
22 going to get a \$6.8 million bill last year,
23 which we did, and then get another \$2.2
24 billion bill in the middle of February,
25 which we are not.

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2 MR. CIAMPOLI: That's actually a
3 mischaracterization of the facts because
4 everything you have before you today is
5 either included in the prior board transfer
6 or the current budget, so the money there is
7 budgeted to cover.

8 LEGISLATOR ABRAHAMS: The board
9 transfers are there to cover the budget, but
10 when I'm talking about, when the contracts
11 were initiated, we should have an idea of
12 what we are going to spend from the time
13 it's initiated, until the time it comes to
14 the end. I don't see why we can't have
15 that. It just seems like we're handed a
16 bill every single time. We were handed a
17 bill last year \$6.8 million, and now we are
18 handed a bill for 2.2. Every single time we
19 are just handed a bill and we have no idea
20 of how this county is spending money in
21 terms of outside legal counsel. Then we
22 always have to put money in. I have a
23 problem with that. I would hope everybody
24 up here has a problem with that too.

25 But you had mentioned, Mr.

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2 Ciampoli, just to move on for a second, that
3 we are a partnership with the firms. Do you
4 mean that we're in a legal contract? The
5 partnership term kind of threw me off, but
6 it may be a case of semantics, but --

7 MR. CIAMPOLI: It is most common
8 for people to assume that an outside counsel
9 contract is -- here's this case. I'm giving
10 this case to a firm, call me back when you
11 have an update, or call me back when there's
12 a verdict, or call me back when the case is
13 done. That is not how we conduct business.
14 Part of the trial team, for instance, in the
15 Solomon case, was a deputy county attorney.
16 He had a role in the preparation of the
17 matter for trial. He had a role in the
18 production of witnesses and documents for
19 the trial, and his role was calculated so as
20 to save the county money because, where
21 there is something that can be done by a
22 deputy county attorney for less cost than it
23 would take outside counsel, notably the
24 interfacing with other departments, we take
25 that on ourselves as part of a partnership

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2 with an outside firm.

3 LEGISLATOR ABRAHAMS: My
4 definition of partnership would mean that
5 each entity has a stake as well as sharing
6 the liability of the particular case and
7 that doesn't seem to be the case with these
8 legal law firms, they're not sharing any
9 part of the liability. They're representing
10 -- Mr. Ciampoli --

11 MR. CIAMPOLI: If you can find
12 law firms willing to accept liability for
13 the county --

14 LEGISLATOR ABRAHAMS: -- let me
15 finish. I wouldn't use the word
16 partnership. That's my point. Basically
17 these outside legal counsel contract law
18 firms work for us. It's not a partnership.
19 They work for us. That's the way I look at
20 it. However, if --

21 MR. CIAMPOLI: When you prosecute
22 a case, there is --

23 LEGISLATOR ABRAHAMS: Mr.
24 Ciampoli, if you and I go into business
25 together, we are partners, yes?

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2 MR. CIAMPOLI: Indeed.

3 LEGISLATOR ABRAHAMS: You don't
4 work for me, I don't work for you. In the
5 case that you are talking about, when you
6 use the word partnership, it sounds like we
7 are in some type of shared relationship when
8 they can go and represent us, do a horrible
9 job, and we still pay those liabilities.

10 MR. CIAMPOLI: However, if I'm a
11 partner with you in a business, and I have
12 51 percent of the stock in the business or
13 I'm a 51 percent partner, I'm the superior
14 and you're not. Clearly there is a superior
15 relationship between the county attorney and
16 any firm that is hired. That is part of the
17 -- part and parcel of the process.

18 What you are trying to do here is
19 take my statement that we partner with these
20 law firms in prosecuting the case and then
21 planning a case and then in executing the
22 plan and saying, well, it's not really a
23 partnership and you're coming up with
24 something that -- like I said, I'm going to
25 repeat myself, if you can find me law firms

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2 that are willing to take on the liability of
3 the county --

4 LEGISLATOR ABRAHAMS: Mr.
5 Ciampoli, I don't think there are any.
6 That's not my point. I think we're stuck in
7 a rut with the word partnership. That's the
8 problem that I had and I wanted clarity on
9 how you are using that term and how you're
10 implementing that term as the lead attorney
11 for the county.

12 MR. CIAMPOLI: There are equal
13 and more equal partners depending on what
14 the arrangements of the partnership are.

15 LEGISLATOR ABRAHAMS: Thank you,
16 Mr. Ciampoli.

17 MR. CIAMPOLI: Okay.

18 LEGISLATOR WINK: Mr. Chairman,
19 at this time, I'm going to ask that we table
20 these items as you've listed, and as you
21 raised the prospect of doing that earlier.

22 CHAIRMAN SCHMITT: Motion to
23 table by Legislator Wink. Is there a
24 second?

25 LEGISLATOR ABRAHAMS: Second.

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2 CHAIRMAN SCHMITT: Motion to
3 table by Legislator Wink and seconded by
4 Legislator Abrahams. All those in favor of
5 tabling please say aye.

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The motion to table fails. Mr.
10 Ciampoli, I'm going to run through these
11 very quickly. Can you please tell us what
12 E-38 involves?

13 MR. CIAMPOLI: E-38 involves
14 several cases. The first I already referred
15 to, the Solomon case. It was in the
16 correctional center who sued the county for
17 a multi-million dollar verdict. We
18 delivered a successful action to the county
19 and had a defendant's verdict. There was no
20 liability.

21 In regard to Stein, that is --
22 I'm going to try to speed through this.
23 This is a case against the police department
24 involving civil rights.

25 The last, Stamilli, is a much

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2 publicized case involving alleged improper
3 actions by correction officers at the jail.

4 In Bastiste versus Rice is a case
5 against the district attorney, in essence,
6 alleging that the DA made statements against
7 the plaintiff making it difficult for her to
8 earn a living.

9 CHAIRMAN SCHMITT: Part of this
10 is for cases already ended?

11 MR. CIAMPOLI: One of the cases
12 is ended. If you notice, this is a penny
13 contract, we are just extending the time.
14 The amount of money for this was already
15 budgeted and the amount in the original
16 contract was already approved by this
17 legislature.

18 CHAIRMAN SCHMITT: What about
19 E-39, Bartlett McDonough & Monaghan?

20 MR. CIAMPOLI: This is an
21 intricate case alleging a battery by the PD
22 following an arrest.

23 CHAIRMAN SCHMITT: This case is
24 ongoing?

25 MR. CIAMPOLI: Is ongoing.

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2 CHAIRMAN SCHMITT: That's all I
3 need to know. E-40.

4 LEGISLATOR ABRAHAMS: If I may.
5 Again, this is an ongoing case. I'm not
6 asking specifics on the case at this time.
7 Can you give this legislative body an
8 estimate of what this contract will cost us
9 through 2012 and where are we in the
10 process?

11 MR. CIAMPOLI: To go through this
12 case, this case is moving towards trial and
13 I believe is currently in discovery.

14 The budget here we hope will take
15 us through discovery. Again, it is
16 difficult to write a firm budget for a case
17 unless I give you an astronomical number up
18 front because motion practice can be
19 brought. I can't control the plaintiff's
20 side and tell them, no, we're not going to
21 budget for this motion you're making. I
22 have to respond to the motions. So this is
23 a budget that should take us through
24 discovery.

25 LEGISLATOR ABRAHAMS: Okay.

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2 CHAIRMAN SCHMITT: Now we have
3 E-40 and E-41, two contracts with Bee Ready
4 Fishbein Hatter & Donovan.

5 MR. CIAMPOLI: Correct.

6 CHAIRMAN SCHMITT: Are they
7 ongoing?

8 MR. CIAMPOLI: They are ongoing
9 because they are legal services for labor
10 and employment matters, which has been
11 obviously a major part of issues before the
12 legislature in presenting to the county
13 executive.

14 CHAIRMAN SCHMITT: E-42, Ruskin
15 Moscou Faltischek.

16 MR. CIAMPOLI: Correct.

17 LEGISLATOR WINK: Mr. Chairman,
18 before we get to 42, can we go back to 41?

19 CHAIRMAN SCHMITT: Sure.

20 LEGISLATOR WINK: 41 is a
21 contract to represent the Republican
22 commissioner of the Board of Elections
23 dealing with the redistricting case.

24 MR. CIAMPOLI: That has been
25 resolved.

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2 LEGISLATOR WINK: That lost in
3 the Court of Appeals, is that the resolution
4 you're talking about?

5 MR. CIAMPOLI: In part.

6 LEGISLATOR WINK: In part. And,
7 yet, we're paying for that five months, six
8 months almost after that decision was
9 rendered by the Court of Appeals?

10 MR. CIAMPOLI: Well, the counsel
11 on both sides, representing both sides, and
12 it was my decision to see to it that the
13 minority also received their choice of
14 counsel to represent them. The counsel for
15 both sides did an initial contract and this
16 is following through the process.

17 One of the reasons for that is
18 that the contract processing system that we
19 have, because at the time that this contract
20 was entered into, our budgetary amounts were
21 running low so, therefore, we couldn't enter
22 new contracts into the process to get them
23 to you.

24 LEGISLATOR WINK: Yet we managed
25 to shift \$6.8 million late last year to

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2 cover much of this, right?

3 MR. CIAMPOLI: That's included in
4 that \$6.8 million.

5 LEGISLATOR WINK: This money was
6 included in that 6.8 million, exactly my
7 point.

8 MR. CIAMPOLI: Correct.

9 LEGISLATOR WINK: And, as I
10 recall, last month or in December, I think
11 it was, you were criticized by both sides of
12 the aisle, quite frankly, for the fact that
13 most of these cases came to us four to six
14 months after they were resolved already.

15 MR. CIAMPOLI: Legislator, I'm
16 prepared to, without burdening the process,
17 to give you a thorough explanation of the
18 contract process, as I understand it, and
19 perhaps we can come up with ways to cure it
20 so you could get contracts closer to real
21 time.

22 LEGISLATOR WINK: With all due
23 respect, Mr. Ciampoli, I'm more interested
24 in awaiting Mr. D'Napoli's analysis of these
25 contracts so we don't go through this again

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2 and again and again.

3 CHAIRMAN SCHMITT: E-43 is this
4 Vecchione Vecchione & Connors.

5 MR. CIAMPOLI: This contract is
6 a one-year extension of an existing contract
7 that was originally entered into and
8 approved by this legislature in 2006.

9 CHAIRMAN SCHMITT: So it's an
10 ongoing contract?

11 MR. CIAMPOLI: Correct.

12 CHAIRMAN SCHMITT: E-44, Lewis
13 Johns Avallone Aviles.

14 MR. CIAMPOLI: This is the case
15 that has been referred to in the press as
16 the pay to prosecute case which was brought
17 against our district attorney and we have
18 retained special counsel to represent the DA
19 in this case.

20 CHAIRMAN SCHMITT: E-45,
21 Forchelli Curto. This is an ongoing
22 contract?

23 MR. CIAMPOLI: E-45 I believe
24 relates to the Mitchell Field leases. That
25 was, again, I know you don't like the term,

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2 Legislator Abrahams, but it was a
3 partnership between my office and this firm
4 in getting the leases done and getting them
5 done in a timely fashion so the revenue
6 could be counted for budgetary reasons.

7 LEGISLATOR ABRAHAMS: If I may,
8 Mr. Presiding Officer?

9 CHAIRMAN SCHMITT: Mr. Abrahams.

10 LEGISLATOR ABRAHAMS: Mr.
11 Ciampoli, there's got to be over a dozen of
12 these legal contracts. For the public who I
13 know is here for a greater issue, I don't
14 want to belabor this, but the bottom line
15 is, I have a hard time understanding, and
16 this is not disparaging on anyone that's
17 working currently in the Office of the
18 County Attorney, but what actually are the
19 actual attorneys in that office doing? I
20 mean, all this work is going to all these
21 law firms.

22 Can you specify one case or just
23 as many cases that are actually being
24 handled in-house?

25 MR. CIAMPOLI: Well, compared to

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2 the number of cases you have here, I can
3 give you hundreds, if not thousands, that
4 are being handled in-house.

5 LEGISLATOR ABRAHAMS: If you can
6 provide that list to me I would like to see
7 it.

8 MR. CIAMPOLI: That's fine. I
9 will give you a printout, but be careful
10 lifting it, you're liable to get a hernia.

11 LEGISLATOR ABRAHAMS: I'd like to
12 see that, and, if possible, if you have
13 cases that were handled and basically the
14 outcome was favorable to the county, then I
15 would like to see those cases as well.

16 I don't know if I have better
17 things to do but this list is astronomical.
18 We are looking at dozens and dozens of
19 outside legal contracts, but at the same
20 time, I have a hard time understanding what
21 exactly the attorneys in that office are
22 doing on a daily basis other than working in
23 a partnership, using your words, with some
24 of these outside legal contracts.

25 MR. CIAMPOLI: Well, that is part

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2 of what they're doing. Each attorney in my
3 office has a case load that is far higher
4 than there was in my predecessor, and that's
5 due to the nature of the budgetary
6 restraints that's been put upon us.

7 LEGISLATOR ABRAHAMS: Mr.
8 Ciampoli, I don't want to get into a debate
9 about this, that's also due to your action
10 when you recommended that the county
11 attorney's office be cut in favor of outside
12 counsel, \$2.4 million.

13 MR. CIAMPOLI: I didn't recommend
14 that it be cut in favor the outside counsel,
15 I recommended a different mix. So as to
16 marshall expertise of people who are experts
17 in different areas, and so as to maximize
18 the utility and the efficiency of my staff.

19 LEGISLATOR ABRAHAMS: Mr.
20 Ciampoli, are we really going to go down
21 this route? You recommended a measure at
22 the end of 2009, beginning of 2010 that
23 saved the county \$2.4 million, but last year
24 we just spent 6.8 on outside counsel, over
25 the \$2 million that was budgeted. Do we

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2 really want to get into this debate now?

3 MR. CIAMPOLI: I don't think you
4 want to.

5 LEGISLATOR ABRAHAMS: I don't
6 think you want to.

7 MR. CIAMPOLI: I don't think you
8 want to.

9 LEGISLATOR ABRAHAMS: So
10 basically we save 2.4 but spend 6.8, and 6.8
11 over the two million that you said you were
12 going to spend for outside legal counsel, am
13 I understanding that correctly?

14 MR. CIAMPOLI: You are taking a
15 picture and distorting it, I would suggest.

16 LEGISLATOR ABRAHAMS: Of course.

17 LEGISLATOR JACOBS: I think the
18 picture that is not distorted is that'S what
19 we did at the very beginning of this
20 legislature and stopped doing successfully
21 and did save quite a bit of money in legal
22 counsel.

23 CHAIRMAN SCHMITT: Are we done?

24 MR. CIAMPOLI: And my belief and
25 from what I have seen and gone through in

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2 the records in the office that what was
3 saved in legal costs was expended in
4 judgments and settlements in a multiple.

5 LEGISLATOR JACOBS: Mr. Ciampoli,
6 I don't think we will ever agree.

7 MR. CIAMPOLI: That I can agree
8 with you on.

9 LEGISLATOR JACOBS: But I'm
10 hoping that an outside audit will show
11 exactly what is going on right now and it
12 didn't fair us well because at that time
13 this county was near bottom zero, you know
14 that. Wall Street just about was writing us
15 off. Then we changed around the way things
16 were being done and it just breaks my heart
17 to see us going backwards.

18 CHAIRMAN SCHMITT: Anybody else?
19 You want to keep going through, sure. E-55
20 is Albanese Albanese.

21 MR. CIAMPOLI: E-55 is the Hunt
22 case. It is a false arrest claim and the
23 schedule that was dictated by the court for
24 that was, quite frankly, beyond the ability
25 of my general litigation bureau to handle so

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2 we needed additional assistance in that.

3 CHAIRMAN SCHMITT: So it's an
4 ongoing contract?

5 MR. CIAMPOLI: That is correct.

6 CHAIRMAN SCHMITT: Derohannesian
7 & Derohannesian.

8 MR. CIAMPOLI: This was part of
9 the legal team that defended the county's
10 reapportionment plan in federal court.

11 LEGISLATOR WINK: Mr. Chairman?

12 CHAIRMAN SCHMITT: Mr. Wink.

13 LEGISLATOR WINK: Now this is an
14 item, did it come to us as a \$25,000 item
15 last year?

16 MR. CIAMPOLI: I believe it did.

17 LEGISLATOR WINK: Now there is
18 \$100,000 put in. But that case has
19 effectively -- I wouldn't say abandoned but
20 it's certainly been dormant for at least the
21 last five months.

22 MR. CIAMPOLI: The case was
23 administratively closed last fall by the
24 federal court.

25 LEGISLATOR WINK: This is a

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2 contract amendment that was authorized and
3 signed by a deputy county executive. I'm
4 assuming that the work was already done.

5 MR. CIAMPOLI: I'm not sure of
6 what date it was signed but I can tell you
7 that we went well into the fall in terms of
8 the conversations on how to dispose of the
9 case.

10 Ultimately, what was done was, it
11 was administratively closed by the court
12 which means that the case is off the active
13 docket. However, should that plan come into
14 full force and effect on notice it can be
15 restored.

16 LEGISLATOR WINK: That will
17 certainly be interesting if that plan is
18 sought to be put into full force and effect.
19 I would imagine that it would make for a
20 very interesting case going forward.

21 But it just seems to me that most
22 of this work had already been done without
23 the authorization of this extra \$100,000.

24 MR. CIAMPOLI: The attorneys were
25 sent to court to defend the county and did

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2 so.

3 LEGISLATOR WINK: And we pay for
4 it later.

5 CHAIRMAN SCHMITT: E-57 is Ruskin
6 Moscou Faltischek.

7 MR. CIAMPOLI: This was a
8 contract in which we retained specific
9 expertise in handling contracts for the sale
10 and/or transfer of a transportation company.
11 It involves the bus. In fact, this firm had
12 persons who were singularly qualified having
13 actually been directly involved in the
14 transfer of bus companies.

15 CHAIRMAN SCHMITT: That's
16 ongoing?

17 MR. CIAMPOLI: It is largely
18 concluded. I don't know if we have the last
19 of the bills in but, whatever is here,
20 should cover it.

21 CHAIRMAN SCHMITT: The next
22 three, 58, 59, and 60 are Rivkin Radler.

23 MR. CIAMPOLI: The first involves
24 the negotiation with Cedar Crestone of a
25 master holding agreement which relates to

1 Rules Committee/2-6-12
2 our IT system. 59 deals with the tax refund
3 cases relating to the county guarantee. 60
4 was our lawsuit with NIFA. And 61 is a
5 different firm.

6 CHAIRMAN SCHMITT: Legislator
7 Wink.

8 LEGISLATOR WINK: Yes. Let me
9 focus for a second on E-59. The New York
10 Telephone Verizon case, whatever it's being
11 called at this point. This is a case that
12 has lingered for years if I'm not mistaken.

13 It seems to me we are adding
14 \$650,000 to what already has been spent,
15 which is about \$325,000. This is now a
16 million dollar case that has been tried
17 again and again and again, and we have lost
18 it at every level at every turn practically.

19 It seems to me that we continue
20 to make the same arguments that have been
21 discredited in the past and have been
22 rejected by the courts in the past. Why are
23 we fighting this still? Why are we spending
24 a million dollars to defend a case that
25 we've lost time and again?

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2 MR. CIAMPOLI: Let me tell you
3 one thing in particular with your statement
4 that I actually disagree most vehemently
5 with, that it's saying the same old thing
6 over and over again.

7 You are right that prior to my
8 entry as county attorney, the county had
9 lost the New York Telephone case. There are
10 a host of cases that follow it.

11 LEGISLATOR WINK: Did we win one
12 since?

13 MR. CIAMPOLI: In case you hadn't
14 noticed, the enactment of this legislature
15 in cancelling the county guaranty, we won
16 that.

17 LEGISLATOR WINK: That's going
18 forward. This money that's the subject of
19 the suit, are we going to win this based
20 upon the existing law?

21 MR. CIAMPOLI: Upon the existing
22 law, we have come up with new and different
23 arguments that had not been advanced to the
24 courts before.

25 LEGISLATOR WINK: And that were

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2 rejected by the trial court as being
3 identical to previous arguments.

4 MR. CIAMPOLI: Well, that is not
5 the case. That's the point. If the court
6 says that they're the same as the previous
7 arguments, then the court will be in error.

8 LEGISLATOR WINK: It just seems
9 to me we are throwing a million dollars away
10 to defend an indefensible position. I don't
11 know if it's budgetary, I don't know if it's
12 the idea of kicking it down the road so
13 someone else can pay for it, I don't know
14 what the goal is of all this, but it
15 certainly seems like we're throwing good
16 money after bad at this case.

17 MR. CIAMPOLI: I take it as my
18 charge that I am to do everything I can --

19 LEGISLATOR WINK: Including
20 throwing an extra \$650,000 at a case that is
21 a loser case.

22 MR. CIAMPOLI: You are accepting
23 that it's a loser.

24 LEGISLATOR WINK: Because I read
25 the decision. I have read most of these

1 Rules Committee/2-6-12

2 decisions. This line of cases has been a

3 loser since day one.

4 MR. CIAMPOLI: I'm happy to share

5 the briefs that we have developed with you.

6 LEGISLATOR WINK: I would love to

7 see them.

8 MR. CIAMPOLI: Our line of

9 argument is different and our tact is

10 different than the county has taken before

11 and that's why we're pursuing.

12 LEGISLATOR WINK: I would love to

13 see those.

14 MR. CIAMPOLI: Because we must go

15 and explore every option there is to defeat

16 what is otherwise potentially crushing

17 liability for the county.

18 LEGISLATOR WINK: I would love to

19 see those briefs, Mr. Ciampoli, and I look

20 forward to that.

21 MR. CIAMPOLI: We would be happy

22 to share them with you.

23 CHAIRMAN SCHMITT: E-61 is the

24 county attorney and Cuomo, LLC.

25 MR. CIAMPOLI: This case involves

1 Rules Committee/2-6-12
2 DeCruz versus Nassau County case due to a
3 recantation of testimony of a certain
4 employee of the county. It created a
5 conflict and my office could not proceed
6 forward with the case.

7 CHAIRMAN SCHMITT: E-62 is the
8 county attorney and Snitow Kanfer Holtzer &
9 Millus.

10 MR. CIAMPOLI: Correct. This is
11 related to one of the cases that we spoke of
12 earlier which was the Stamilli case. Again,
13 this was a request for the sheriff to have
14 representation which we provided for him
15 because, in this case, and there are two or
16 three cases relating to the correctional
17 facility. This case had particular and
18 different allegations in it directed
19 directly at the sheriff and we felt it
20 appropriate for him to have his own counsel.

21 CHAIRMAN SCHMITT: That wraps it
22 up. Any other questions for Mr. Ciampoli?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 All those in favor of all those
3 contracts please say aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 Let the record show that the
8 items carry by a vote of four to three.

9 Now we are going to go back to
10 E-46. I'm going to call E-46 and E-47.
11 E-46 is a contract with between the County
12 of Nassau, Department of Public Works, and
13 Nelson & Pope. Let the record show that
14 Legislator Rose Walker has recused herself
15 and left the chamber -- I'm sorry. She's
16 not on the committee. That's why she's not
17 sitting there. Never mind.

18 So we have E-46 is Nelson & Pope
19 and E-47 is Gibbons, Esposito & Boise. May
20 I have a motion, please?

21 LEGISLATOR GONSALVES: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRMAN SCHMITT: Moved by
24 Legislator Gonsalves, seconded by Legislator
25 Muscarella. Any debate or discussion?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 All those in favor signify by
6 saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item carries unanimously.

11 E-48, this is an agreement between the
12 County of Nassau on behalf of the county
13 attorney and Ultimate Process Service. May
14 I have a motion, please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR KOPEL: Second.

17 CHAIRMAN SCHMITT: Moved by
18 Legislator Gonsalves, seconded by Legislator
19 Kopel. Any debate or discussion?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 E-49 is the Department of
5 Information Technology and New Dawn
6 Technologies. May I have a motion, please?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN SCHMITT: Moved by
10 Legislator Gonsalves, seconded by Legislator
11 Muscarella. Any debate or discussion? This
12 is the DA's office. Okay, he's here.

13 MR. McMANUS: Good afternoon.

14 Bob McManus, district attorney's office.

15 MR. EISENSTEIN: Ed Eisenstein,
16 IT commissioner.

17 CHAIRMAN SCHMITT: Just give us a
18 brief, what is this about?

19 MR. McMANUS: This is the
20 contract for the new management application
21 for the DA's office. I have a brief
22 description if I can explain to you what's
23 before you.

24 CHAIRMAN SCHMITT: Yes.

25 MR. EISENSTEIN: Thank you. This

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2 DA project is a project to configure and
3 install a new management application for the
4 DA's office. Basically it's a prosecutor
5 management, case management and document
6 management system to be specific.

7 The existing application was
8 written back in 1991 and, unfortunately, has
9 seen the end of life some time ago and
10 support personnel has not been available any
11 longer. The New Dawn application is roughly
12 about a one to two-year implementation.
13 It's a new application to allow faster
14 processing of cases, better connection to
15 other departments, and saves money on the
16 processing of cases with significant better
17 case management.

18 The RFP was conducted in October
19 of 2010. Three proposals were reviewed and
20 selected by committee by the DA office. The
21 RFP was won by the company called New Dawn
22 on November 29, 2010, for \$1.2 million and
23 has received a capital project number that I
24 can tell you if you need it.

25 CHAIRMAN SCHMITT: Any questions?

1 Rules Committee/2-6-12

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 All those in favor please say
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item carries unanimously.

11 Thank you very much. E-50 is a resolution
12 between the County of Nassau Department of
13 Information Technology and Locality Media.
14 May I have a motion, please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN SCHMITT: Moved by
18 Legislator Gonsalves, seconded by Legislator
19 Muscarella. Go ahead.

20 MR. EISENSTEIN: Hello. Ed
21 Eisenstein, IT commissioner, and I'm
22 speaking on the locality media project for
23 the fire marshall. Once again, a brief
24 description if I may.

25 This project is to install and

1 Rules Committee/2-6-12
2 configure a piece of software to aid the
3 fire marshall in their fee collection
4 system. Specifically this contract is the
5 second phase based on the necessary
6 additions from an initial contract that was
7 won back in July. This phase will allow the
8 completion of the project of the county, a
9 fully functional and profitable fee
10 collection system for the fire marshall.
11 Currently, the fire marshall is using an
12 outdated fee collection system which is no
13 longer supported.

14 The original contract was issued
15 July 2011 for the fire marshall collection
16 system after an RFP in October 2010. This
17 amendment that we're talking about is a
18 continuation from the original contract won
19 at \$95,000. This amendment is 155 to
20 complete the project and make it a full
21 based fee collection system for the fire
22 marshall. May I answer any questions?

23 CHAIRMAN SCHMITT: Legislator
24 Abrahams.

25 LEGISLATOR ABRAHAMS: Quick

1 Rules Committee/2-6-12
2 question. The implementation of this fee
3 collection system would generate -- what I'm
4 trying to figure out is in terms of
5 proficiencies and in generating more revenue
6 for the fire marshall's department, what
7 were the projections based off of this sytem
8 being more efficient?

9 MR. EISENSTEIN: I don't have
10 those exact numbers at the time, but it was
11 a significant number based on having these
12 new coordinated methods of collecting these
13 numbers.

14 LEGISLATOR ABRAHAMS: So there
15 was a cost benefit analysis to determine
16 that that system, even though it's costing
17 us 155, 95 before, we are going to bring in
18 more revenue?

19 MR. EISENSTEIN: I don't have
20 those exact numbers. I can share with you
21 at a future date.

22 MR. WELT: Carey Welt, fire
23 marhsall's office. The system that it's
24 replacing, as was said, is an antiquated
25 system, last updated in 1997. The new

1 Rules Committee/2-6-12
2 system is a much more efficient faster
3 system. While it will not eliminate our
4 need for additional secretarial staff, it
5 will reduce that need because the system is
6 a faster system, we will be able to process
7 the applications that generate the revenue
8 more quickly. There's no way of determining
9 exactly how much increase in revenue there
10 will be, but based upon the beta testing of
11 the new system, it's obvious that because of
12 the increased speed it will generate
13 additional revenue.

14 LEGISLATOR ABRAHAMS: Thank you.

15 CHAIRMAN SCHMITT: Anybody else?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor please say
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item carries unanimously.

25 E-51 is a Department of Public Works Hacks

1 Rules Committee/2-6-12
2 Engineers Architects and Land Surveyors,
3 PC/Nelson & Pope, a joint venture. May I
4 have a motion, please?

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: Moved by
8 Legislator Gonsalves, seconded by Legislator
9 Muscarella. Who is here from DPW?

10 MR. ARNOLD: Kenneth Arnold,
11 public works. This is an amendment to a
12 contract for construction management
13 services at Bay Park in regards to the
14 primary tank upgrade project.

15 CHAIRMAN SCHMITT: Any questions?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor please say
20 aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item carries unanimously.

25 Thank you, Mr. Arnold. E-53, Department of

1 Rules Committee/2-6-12

2 Public Works and Nelson & Pope. May I have

3 a motion, please?

4 LEGISLATOR GONSALVES: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRMAN SCHMITT: Moved by

7 Legislator Gonsalves, seconded by Legislator

8 Muscarella.

9 MR. ARNOLD: E-53 is an on call

10 construction engineering contract with

11 Nelson & Pope to provide traffic engineering

12 expertise to the department.

13 CHAIRMAN SCHMITT: Any questions?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor please say

18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item carries unanimously.

23 E-52 is the Department of Public Works and

24 Nelson & Pope. May I have a motion, please?

25 LEGISLATOR GONSALVES: So moved.

1 Rules Committee/2-6-12

2 LEGISLATOR MUSCARELLA: Second.

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

6 MR. ARNOLD: E-52 is an amendment
7 to the existing traffic on-call agreement
8 that is expiring. It just gets us to the
9 end of March to finish up work before the
10 new on-call agreements take place.

11 CHAIRMAN SCHMITT: When you say
12 it's expiring, was Nelson & Pope on the one
13 that was expiring?

14 MR. ARNOLD: Excuse me?

15 CHAIRMAN SCHMITT: Was Nelson &
16 Pope the engineer on the one that is
17 expiring?

18 MR. ARNOLD: Yes, they were.

19 CHAIRMAN SCHMITT: So this is
20 just a straight forward extension of time,
21 so to speak?

22 MR. ARNOLD: An extension of
23 time, and I should have mentioned earlier,
24 also part of the hurricane response, Nelson
25 & Pope supplied engineers, and this would

1 Rules Committee/2-6-12

2 allow them to get paid for that work also.

3 CHAIRMAN SCHMITT: Any questions?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 All those in favor please say

8 aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The item carries unanimously.

13 Now we go to E-54, a contract between the

14 county attorney and Veretex Corporation.

15 May I have a motion, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by

19 Legislator Gonsalves, seconded by Legislator

20 Muscarella. Any debate or discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by

25 saying aye.

1 Rules Committee/2-6-12

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item carries unanimously. I
6 believe that that's the end of the
7 contracts. So therefore we are going to put
8 Rules Committee in recess and the next
9 meeting up is public safety.

10 (Whereupon, the Rules Committee
11 recessed at 2:32 p.m. and reconvened at 7:14
12 p.m.)

13 CHAIRMAN SCHMITT: Rules
14 Committee is back in session. I'm going to
15 call Item 38-12 which is a resolution to
16 confirm the county executive's appointment
17 of John Cumatose to the Industrial
18 Development Agency. May I have a motion,
19 please?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRMAN SCHMITT: Moved by
23 Legislator Gonsalves, seconded by Legislator
24 Kopel. Any debate or discussion on this?

25 (No verbal response.)

1 Rules Committee/2-6-12

2 Is there any public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item carries unanimously.

10 Now we are going to 50-12 which is an
11 ordinance supplemental to the annual
12 appropriation ordinance in connection with
13 the health department. May I have a motion,
14 please?

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN SCHMITT: Moved by
18 Legislator Gonsalves, seconded by Legislator
19 Muscarella. Any debate or discussion?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

1 Rules Committee/2-6-12

2 Any opposed?

3 (No verbal response.)

4 Any abstentions?

5 (Abstain.)

6 Let the record show that the item
7 carries with a vote of four in favor and
8 three abstentions. Now we're going to go to
9 item number 68-12 which a resolution to
10 confirm the county executive's appointment
11 of Ralph Esposito to the V Board, the
12 Vocational Education Extension Board.

13 LEGISLATOR MUSCARELLA: So moved.

14 LEGISLATOR GONSALVES: Second.

15 CHAIRMAN SCHMITT: Moved by
16 Legislator Muscarella, seconded by
17 Legislator Gonsalves. Any debate or
18 discussion? Mr. Esposito, he's not here.

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/2-6-12

2 (No verbal response.)

3 The item carries unanimously.

4 69, a resolution confirming the appointment
5 by the county executive of Colin O'Donnell
6 as a judge of the district court of the
7 County of Nassau for the Fourth Judicial
8 District. May I have a motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRMAN SCHMITT: Moved by
12 Legislator Gonsalves, seconded by Legislator
13 Muscarella. Any debate or discussion?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any abstain?

23 (Abstain.)

24 Let the record show that the item
25 passes four votes yes and three abstentions.

1 Rules Committee/2-6-12
2 70-12 is a resolution confirming the
3 appointment of the County Executive of
4 Douglas J. LaRose as the judge of the
5 district court of the County of Nassau for
6 the Fourth Judicial District. May I have a
7 motion, please?

8 LEGISLATOR GONSALVES: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN SCHMITT: Moved by
11 Legislator Gonsalves, seconded by Legislator
12 Muscarella. Any debate or discussion?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Any abstain?

22 (Abstain.)

23 Four votes in the affirmative and
24 three abstentions. The item carries. We go
25 to 76-12 which is an ordinance supplemental

1 Rules Committee/2-6-12
2 to the annual appropriation ordinance in
3 connection with the health department. May
4 I have a motion, please?

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: Moved by
8 Legislator Gonsalves, seconded by Legislator
9 Muscarella. Any debate or discussion?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Any abstain?

19 (Abstain.)

20 We have four votes in the
21 affirmative and three abstentions. 79 is an
22 ordinance supplemental to annual
23 appropriation ordinance in connection with
24 the health department. May I have a motion,
25 please?

1 Rules Committee/2-6-12

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN SCHMITT: Moved by

5 Legislator Gonsalves, seconded by Legislator

6 Muscarella. Any debate or discussion?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor signify by

11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Any abstentions?

16 (Abstain.)

17 This item passes four votes in

18 the affirmative and three abstentions. Now

19 we will go to 87. This is an ordinance

20 effectuating the allocation of funds for the

21 county legislature. This is making the

22 transfer of 1/19th of the resources of the

23 legislature from the majority side to the

24 minority side to reflect that they have

25 picked up one additional seat in the last

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1 Rules Committee/2-6-12
2 election. Just one. We counted three
3 times. Just one. That's perhaps temporary,
4 we shall see. Believe me, I'm like a rat in
5 a maze. I've examined every corner on how
6 to get out of this place. Never mind. May
7 I have a motion, please?

8 LEGISLATOR GONSALVES: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN SCHMITT: Moved by
11 Legislator Gonsalves, seconded by Legislator
12 Muscarella. Any debate or discussion?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The motion carries unanimously.
22 95-12 is a resolution to accept a gift of
23 assorted office furniture and commercial
24 carpeting valued at \$1,800 to the Nassau
25 County Police Department from Stifel,

1 Rules Committee/2-6-12

2 Nicolaus & Co. May I have a motion, please?

3 LEGISLATOR GONSALVES: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRMAN SCHMITT: Moved by

6 Legislator Gonsalves, seconded by Legislator

7 Muscarella. Any debate or discussion?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 All those in favor signify by

12 saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item carries unanimously.

17 Item 96-12 is a resolution to confirm the

18 county executive's appointment of

19 Christopher P. Shelton to the Vocational

20 Education Extension Board. May I have a

21 motion, please?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRMAN SCHMITT: Moved by

25 Legislator Gonsalves, seconded by Legislator

1 Rules Committee/2-6-12

2 Muscarella. Any debate or discussion?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item carries unanimously.

12 May I have a motion to suspend the rules,
13 please?

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRMAN SCHMITT: Moved by
17 Legislator Gonsalves, seconded by Legislator
18 Muscarella. All those in favor of
19 suspending the rules signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The rules are suspended. We now
24 go to Item Number 15 which is a resolution
25 to confirm the county executive's

1 Rules Committee/2-6-12
2 appointment of Thomas V. Dale as
3 commissioner of police. May I have a
4 motion, please?

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: Moved by
8 Legislator Gonsalves, seconded by Legislator
9 Muscarella. Any debate or discussion?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 All those in favor signify by
14 saying aye.

15 (Aye.)

16 All those opposed?

17 (Nay.)

18 The item passes by a vote --

19 LEGISLATOR WINK: Mr. Chairman,
20 we ask that the minutes of the Public Safety
21 Committee, all of them, or at least in
22 relation to this item be incorporated by
23 reference. Thank you.

24 (Whereupon, please refer to the
25 minutes of the Public Safety Committee of

1 Rules Committee/2-6-12
2 2-6-12 pertaining to Item 15 at pages 14,
3 line 7 to page 39, line 7.)

4 CHAIRMAN SCHMITT: Now it's Item
5 22 is a resolution authorizing the county
6 attorney to compromise and settle the action
7 of Robert Peligrini against Peter Silver,
8 and I believe that I have to recuse myself
9 on this. I have to recuse myself on this.
10 I'm going to turn the meeting over to Vice
11 Chairman Howard Kopel. I'm leaving the
12 chamber.

13 LEGISLATOR KOPEL: Let the record
14 reflect that Legislator Schmitt has left the
15 chamber. He's not taking part in the
16 discussion or the vote. Item number 22-12
17 is a resolution authorizing the county
18 attorney to compromise and settle the action
19 Robert Peligrini against Peter Silver in the
20 County of Nassau pursuant to the County Law,
21 County Government Law of Nassau County, and
22 the County Administrative Code. Motion,
23 please?

24 We will call the bond together
25 without any objection, which is 23-12, an

1 Rules Committee/2-6-12
2 ordinance providing for a capital
3 expenditure to finance the payment of
4 certain settled claims against the County of
5 Nassau authorizing \$1,734,000 in bonds of
6 the County of Nassau to finance the
7 expenditure making certain determinations
8 pursuant to the State Environmental Quality
9 Review Act, Local Finance Law of New York
10 and the County Government Law of Nassau
11 County. Motion, please?

12 LEGISLATOR MUSCARELLA: So moved.

13 LEGISLATOR GONSALVES: Second.

14 LEGISLATOR KOPEL: Moved by
15 Legislator Muscarella, seconded by
16 Legislator Gonsalves. Any debate or
17 discussion?

18 (No verbal response.)

19 All those in favor of passing
20 these items please say aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 So the vote is three to three and
25 the item is defeated.

1 Rules Committee/2-6-12

2 CHAIRMAN SCHMITT: Item 33 is a
3 resolution authorizing the county attorney
4 to compromise and settle certain action
5 commenced under Article 7 of the Real
6 Property Tax Law. May I have a motion,
7 please?

8 LEGISLATOR GONSALVES: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN SCHMITT: Moved by
11 Legislator Gonsalves, seconded by Legislator
12 Muscarella. And 34 is the bond ordinance
13 making the certain determinations that are
14 necessary for Item 33. May I have a motion
15 for that one, please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by
19 Legislator Gonsalves, seconded by Legislator
20 Muscarella. I assume we're going to
21 incorporate the debate from where, in
22 finance? So we'll incorporate the record of
23 the Finance Committee.

24 (Whereupon, the following are the
25 minutes of the Finance Committee pertaining

1 Rules Committee/2-6-12
2 to Clerk Items 33 and 34.)

3 CHAIRMAN NICOLELLO: Motion to
4 suspend.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR GONSALVES: Second.

7 CHAIRMAN NICOLELLO: Legislator
8 Muscarella makes a motion to suspend the
9 rules, seconded by Legislator Gonsalves.
10 All in favor of suspending the rules signify
11 by saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 The rules are suspended. I'm
16 going to call Items 33 and 34 of 2012 which
17 are resolutions. Item 33 is a resolution
18 authorizing the county attorney to
19 compromise and sell certain actions
20 commenced under Article 7 of the Real
21 Property Tax Law pursuant to the county law.

22 Item 34 is a bond ordinance
23 making certain determinations pursuant to
24 SEQRA providing for a capital expenditure to
25 finance the payment of certain judgments,

1 Rules Committee/2-6-12
2 compromise or settle claims resulting from
3 court orders on proceedings brought
4 pursuant to Article 7 of the Real Property
5 Tax Law.

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRMAN NICOLELLO: Moved by
9 Legislator Muscarella, seconded by
10 Legislator Walker. Mr. Volk.

11 MR. VOLK: Good evening,
12 legislators.

13 CHAIRMAN NICOLELLO: Would you
14 tell us what this is?

15 MR. VOLK: I would be happy to,
16 legislator. These are two ordinances. One
17 is a settlement ordinance of various tax
18 cert cases, SCARS, which are small claims
19 actions, as well as Article 7s.

20 The second resolution is the
21 typical bonding ordinance.

22 CHAIRMAN NICOLELLO: These
23 settlements, do they represent all of the
24 outstanding tax challenges that -- refunds
25 that are ripe for settlement?

1 Rules Committee/2-6-12

2 MR. VOLK: They represent the
3 vast majority. Obviously this is a snapshot
4 in time for those items that might have been
5 settled subsequent to the snapshot in time.
6 No, it does not include those.

7 CHAIRMAN NICOLELLO: But you're
8 saying it's the vast majority?

9 MR. VOLK: It's the vast
10 majority, sir.

11 CHAIRMAN NICOLELLO: This has
12 been run by NIFA, to your knowledge?

13 MR. VOLK: Not yet. I believe
14 that NIFA is waiting for this body.

15 CHAIRMAN NICOLELLO: Legislative
16 approval. All right. This Item 33, it's a
17 vote on the settlements, have we done that
18 before?

19 MR. VOLK: Traditionally, as far
20 as I know, you have voted for settlement and
21 bonding for items that expect a refund in
22 excess of \$100,000.

23 CHAIRMAN NICOLELLO: But within
24 this amount --

25 MR. VOLK: Within this package

1 Rules Committee/2-6-12

2 today there are items that are substantially
3 less than \$100,000.

4 CHAIRMAN NICOLELLO: You know
5 what the reason is?

6 MR. VOLK: That decision was made
7 by people with a pay grade much higher than
8 mine.

9 CHAIRMAN NICOLELLO: Do you have
10 any insight into that, Mr. Ciampoli?

11 MR. CIAMPOLI: I believe there
12 have been conversations between the county
13 executive and the presiding officer as to
14 how these were packaged. It's the county
15 executive's belief that by packaging these
16 together for one makes a more efficient
17 process moving things to NIFA, but it also
18 gives us a more complete transparency with
19 regards the entire tax cert scenario,
20 whether it be residential or commercial,
21 it's all here.

22 CHAIRMAN NICOLELLO: How much of
23 this backlog does this represent?

24 MR. VOLK: The vast majority,
25 legislator.

1 Rules Committee/2-6-12

2 CHAIRMAN NICOLELLO: Any other
3 questions?

4 LEGISLATOR DENENBERG: First, to
5 the chair, I have a statement first, if I
6 could.

7 On behalf of the minority, what
8 is alarming about this enormous proposal to
9 borrow 100 percent to pay tax certs is that
10 we've completely foregone the tradition or
11 the pattern of paying as you go for at least
12 part of our tax refunds that we owe on
13 behalf of schools, on behalf of towns, et
14 cetera.

15 During the last administration,
16 money was always put into the operating
17 budget to pay tax certs and, as near as I
18 can tell, residential refunds were always
19 paid out of operating expenses.

20 Residential refunds had, at least
21 in the last several years, been kept under
22 \$3 million with the goal to be paid out of
23 operating expenses.

24 Apparently, now, everything is
25 being put on the credit card. What's even

1 Rules Committee/2-6-12

2 worse is this \$102 million is replete with
3 items that are less than \$100,000. You know
4 as well as I do everyone on this legislature
5 knows that for over a year, since the end of
6 2010, not a single settlement was presented
7 to this legislature throughout 2011. It
8 just built up and built up. We were told
9 that, in fact, I received answers where we
10 were told that those cases were less than
11 \$100,000, so they weren't going to the
12 legislature. Now we're getting every single
13 case just so we can bond for it.

14 Mr. Martin Volk just said that
15 traditionally what was less than \$100,000
16 was not presented to the legislature because
17 it didn't need our approval for settlement,
18 but it's being presented here for settlement
19 and also for bonding. So the idea is to try
20 to bond everything.

21 Residents have been waiting for
22 their refunds for over a year. They could
23 have been paid out of operating expenses or
24 could have been paid with the 14 plus
25 million that's still available from the

1 Rules Committee/2-6-12
2 October 2010 bonding authorization that this
3 legislature provided.

4 It's also inconceivable that
5 23,000 cases are being presented to us at
6 once without any meaningful review. It's
7 asking the legislature to just rubber stamp
8 these settlements. We don't know whose
9 getting the money. We don't know a thing
10 about the case. We don't know what the
11 appraisals were. We don't even have the
12 settlement agreements. For all we know, the
13 settlement agreements are only settling
14 cases throughout 2009, 2007, 2010, and the
15 carousel will just continue.

16 The attorneys sitting here don't
17 even know if they should recuse themselves
18 because we don't know who's representing any
19 of the commercial cases. One case alone is
20 \$6 million.

21 CHAIRMAN NICOLELLO: All right.
22 You know -- wait, wait.

23 LEGISLATOR DENENBERG: Let me
24 just finish.

25 CHAIRMAN NICOLELLO: You can make

1 Rules Committee/2-6-12
2 a statement. We don't need to hear a
3 speech. If you have any questions for these
4 gentlemen, you can ask them, otherwise we're
5 moving on. You can make your statements to
6 the media. This is not the time for making
7 a speech.

8 LEGISLATOR DENENBERG: Let me
9 close by saying this. Again, all these
10 judgements, and all these smaller
11 settlements, the attorneys sitting up here
12 don't even know if they need to recuse
13 themselves, and it was the county executive
14 that said in May that the residential
15 refunds had been reduced to less than \$2
16 million. How is the refunds on the
17 residential side over \$20 million?

18 You tell me, in this pile of
19 documents, which just lists names of
20 residents and commercial cases by --

21 CHAIRMAN NICOLELLO: I'm still
22 waiting for the question. The speech is
23 over.

24 LEGISLATOR DENENBERG: -- and
25 commercial cases by numbers, how am I

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2 supposed to --

3 CHAIRMAN NICOLELLO: Any other
4 questions in this committee?

5 (No verbal response.)

6 Hearing no other questions, I'm
7 going to move the item.

8 LEGISLATOR DENENBERG: No, no.

9 CHAIRMAN NICOLELLO: Yes, yes.

10 LEGISLATOR DENENBERG: Mr.
11 Ciampoli, how am I supposed to figure out
12 what the appraisals were and why you settled
13 these cases for these amounts? Show me
14 where in these documents.

15 MR. CIAMPOLI: If you have any
16 questions regarding any particular case, we
17 will be happy to get the information to you
18 so you can analyze it and make your
19 judgement.

20 LEGISLATOR DENENBERG: Which, on
21 each of the commercial cases, which law
22 firms represented each of the petitioners?

23 MR. CIAMPOLI: I can't tell you
24 looking at the document from here. We would
25 have those answers --

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2 LEGISLATOR DENENBERG: How do I
3 know if I should recuse myself?

4 CHAIRMAN NICOLELLO: Would you
5 let him finish answering the question.

6 MR. CIAMPOLI: -- if we are
7 prepared to address that question, and
8 that's a serious question, I have had our
9 legal counsel bureau, in conjunction with
10 counsel to the county ethics boards review
11 the question, and I am prepared to, by the
12 time you vote on this in general session,
13 issue a formal opinion, but the opinion from
14 our legal counsel bureau answered the
15 question regarding whether an ordinance to
16 bond a large number of tax certiori,
17 settlements and judgements, without
18 specifying the addresses of individual
19 properties, their owners or the attorneys
20 representing them, might create an ethical
21 for individual legislator.

22 This supposed issue arises
23 because it may be claimed that an individual
24 legislator would not be able to determine
25 whether he or she had a financial interest

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2 in the property or the settlement, ignoring
3 the question as to why the legislator's
4 legal representative is not keeping them
5 informed regarding litigation, it's our
6 conclusion that there is no ethical issue
7 for any legislator.

8 We believe, in the context of an
9 ordinance embracing a large number of
10 properties, that the possibility that any
11 given legislator would have an unknown
12 connection to a property is remote and
13 therefore does not create any appearance of
14 impropriety.

15 There is no case law or opinion
16 that we've been able to locate that
17 indicates to the contrary.

18 LEGISLATOR DENENBERG: I would
19 like a copy of that opinion.

20 MR. CIAMPOLI: I will prepare a
21 formal opinion so that this way it has more
22 weight.

23 LEGISLATOR DENENBERG: In the
24 past, you're aware that four judgments
25 before this body voted to give out taxpayer

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2 money for settlements. We received the
3 settlement. We received the address of the
4 property, the name of the petitioner, the
5 attorney for the petitioner, and the
6 appraisals which form the basis for the
7 settlement.

8 MR. CIAMPOLI: Let me address
9 some of the larger --

10 LEGISLATOR DENENBERG: My
11 question was, are you aware that's what we
12 got?

13 MR. CIAMPOLI: Let me address
14 some of the questions --

15 LEGISLATOR DENENBERG: Are you
16 aware that we got --

17 CHAIRMAN NICOLELLO: Stop
18 interrupting.

19 LEGISLATOR DENENBERG: I want an
20 answer.

21 CHAIRMAN NICOLELLO: Stop
22 interrupting.

23 LEGISLATOR DENENBERG: You stop
24 interrupting me.

25 CHAIRMAN NICOLELLO: If you

1 Rules Committee/2-6-12
2 interrupt him I'm going to interrupt you.

3 LEGISLATOR DENENBERG: I'm not
4 interrupting. I asked "are you?"

5 CHAIRMAN NICOLELLO: You just
6 did. He started to answer the question.
7 He's allowed to answer the question in this
8 committee.

9 LEGISLATOR DENENBERG: It didn't
10 sound like he was answering the question.

11 CHAIRMAN NICOLELLO: Would you
12 let him answer, please?

13 MR. CIAMPOLI: Really, where
14 appraisal is provided, usually that came on
15 a request, and I've invited you to make the
16 request where it's appropriate.

17 LEGISLATOR DENENBERG: A summary
18 of --

19 CHAIRMAN NICOLELLO: Stop
20 interrupting the witness, please.

21 MR. CIAMPOLI: With regard to --
22 listen, I can play it cute and I can tell
23 you, perhaps you didn't notice, Nassau
24 County has a control board with a control
25 period now. That has changed the field. It

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2 changed the field substantially and explains
3 much of what you have before you.

4 Let's start with your comments
5 about the \$14 million. The \$14 million
6 isn't quite \$14 million, but the treasurer
7 continues to spend that down to pay off
8 judgments and settlements as need be. The
9 build-up, well, Mr. Denenberg, I think --

10 LEGISLATOR DENENBERG: You're not
11 really answering my question but say
12 whatever you want.

13 MR. CIAMPOLI: -- that assailing
14 this office, assailing this administration,
15 if I sent you things all during the year
16 with NIFA proclaiming, we are not going to
17 permit bonding to cover it, because you
18 would then be saying, you're going out
19 without the financial resources to back the
20 settlements and judgments.

21 What has been achieved by the
22 county executive is an agreement with NIFA
23 to provide bonding authority for settlements
24 and judgments.

25 Now that, while you may criticize

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2 the fact that there are or aren't funds in
3 operating accounts, to pay for these things,
4 it is part of a multiyear plan that has been
5 sent to the legislature, part of a multiyear
6 plan that was negotiated with NIFA to phase
7 out and to reduce and ultimately eliminate
8 the county's dependence on bonding which has
9 occurred time and time again, which you have
10 voted on time and time again to cover these
11 things.

12 CHAIRMAN NICOLELLO: Can you wrap
13 up?

14 MR. CIAMPOLI: Overall, this
15 policy, so to speak, that you are
16 complaining of, in sending these things all
17 bundled together is a result of a build-up
18 that occurred because we weren't sending
19 things down to the legislature until an
20 agreement with NIFA had been achieved to
21 find the way to pay for it.

22 LEGISLATOR DENENBERG: My
23 question, really, with all due deference to
24 our chairman, wasn't answered, but the
25 sheets we used to get that provided the

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2 numbers of the demanded market value and our
3 appraised value, where the legislators can
4 determine that the settlement is in order
5 are not provided, period.

6 I cannot see why, for example,
7 we're giving \$6 million for one tax year for
8 parcel number 47E0747B. I should give \$6
9 million to one --

10 MR. CIAMPOLI: And my answer to
11 your question, simply put, is if you name
12 that parcel, identify that refund, we will
13 have someone sit with you, give you the
14 information, and explain it if need be.

15 LEGISLATOR DENENBERG: That's not
16 acceptable. Each legislator, to do their
17 due diligence, is entitled to know why \$102
18 million worth of taxpayer money should be
19 paid out on these settlements. And if
20 you're asking us to be a rubber stamp and
21 just say yes when you can't tell -- you tell
22 me right now where this \$6 million is going
23 to. It's \$6 million. Please tell me where
24 it's going to.

25 MR. CIAMPOLI: We are prepared to

1 Rules Committee/2-6-12
2 get that information.

3 LEGISLATOR DENENBERG: Now.
4 You're asking me to vote on it now. Please
5 tell me who's getting \$6 million and why.

6 MR. CIAMPOLI: As I told you, the
7 information is there. It's on file, it's
8 available and we will make it available if
9 you have questions.

10 LEGISLATOR DENENBERG: How is it
11 available? This is the way it used to be
12 made available by past administrations and
13 this one. Ten or 12 settlements at most
14 would come to this committee session and
15 then full leg. We received what the
16 settlement was so that we could make sure
17 we're settling right up to the current --
18 let me finish, and we received what was
19 being demanded what the assessed value was,
20 what the market value was, and what the
21 county's indicated appraised market value
22 was and what the settlement was.

23 So each of us in good conscience
24 could say that, yes, we think this
25 settlement is good for the county. I

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2 wouldn't vote for it if we gave more than
3 what the county has indicated the appraised
4 value was, one, and, two, if we weren't
5 settling at least through the current year.
6 So that there was no carousel.

7 MR. CIAMPOLI: Legislator
8 Denenberg, I absolutely defend your right to
9 ask the questions you're asking. However,
10 this item was filed on December 14th last
11 year.

12 LEGISLATOR DENENBERG: It was
13 pulled back.

14 MR. CIAMPOLI: You waited until
15 today to ask those questions. You could
16 have asked those questions if you had
17 specific questions about particular items in
18 the legislation. It was there.

19 LEGISLATOR DENENBERG: First of
20 all, it was refiled in January and it's
21 insulting that I should go to you to get the
22 information that should be provided in order
23 for us to vote? You tell NIFA that they
24 should ask you. NIFA is going to get this,
25 right? NIFA is going to approve \$102

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2 million worth of settlement and borrowing on
3 numbers that say \$6 million for E0747B?

4 MR. CIAMPOLI: And just as I have
5 offered to --

6 LEGISLATOR DENENBERG: No. You
7 provide the information --

8 MR. CIAMPOLI: -- to sit with you
9 and provide that information to you, I will
10 offer to provide that information to them.

11 LEGISLATOR DERIGGI-WHITTON: Mr.
12 Ciampoli, just to go on record, I think all
13 of us agree with David that we would need
14 that information to feel comfortable. There
15 is no other way we can vote on this.

16 CHAIRMAN NICOLELLO: Mr.
17 Ciampoli, why can't this information be
18 provided to us globally? Why can't the bulk
19 of it be provided? All of it be provided so
20 that we can search it if we want?

21 MR. CIAMPOLI: It would be a
22 monumental task.

23 CHAIRMAN NICOLELLO: Isn't it
24 somewhere saved?

25 MR. CIAMPOLI: It is somewhere

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2 saved in files. We would have to retrieve
3 it, assemble it, and put it together.

4 LEGISLATOR DERIGGI-WHITTON: It's
5 \$102 million.

6 MR. CIAMPOLI: If you're asking
7 about the commercial cases that's a slightly
8 smaller, but still, nonetheless, a daunting
9 task for the staff either in my office, or
10 in our --

11 CHAIRMAN NICOLELLO: We haven't
12 gotten the other information on the
13 residential. We are looking for the
14 information on the commercial cases.

15 MR. CIAMPOLI: We can try and get
16 that to you.

17 LEGISLATOR DENENBERG: I would
18 agree with the chairman. My request is, I
19 do not want to vote on a single case without
20 Mr. Ciampoli and to the chair without
21 knowing the basis, which included the
22 petitioner's demand, the county's indicated
23 appraised value, the proposed market value,
24 the corrected value, but I also am asking
25 not just for that sheet, but I'm asking for

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2 the settlement agreement, at least on the
3 commercial cases, I want to know who the
4 party is and who is represented so I know
5 there are no conflicts, especially for the
6 attorneys up here.

7 MR. CIAMPOLI: We will try and
8 retrieve that information. I presume as a
9 given that we are working within the
10 jurisdictional amount of the legislature
11 which is \$100,000.

12 LEGISLATOR DENENBERG: To the
13 chair, Mr. Nicolello. I would move to
14 table. There is more than three weeks --

15 CHAIRMAN NICOLELLO: Is there a
16 second to that motion?

17 LEGISLATOR BOSWORTH: Second.

18 CHAIRMAN NICOLELLO: Seconded by
19 Legislator Bosworth. All those in favor of
20 the motion to table signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (Nay.)

24 Motion to table fails. We do
25 have three weeks until the Full Legislature,

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2 and nothing says that this matter will pass
3 the Full Legislature at that time. So
4 unless we start getting the flow of
5 information that we need, especially on
6 items above the \$100,000 threshold,
7 including all of the information in terms of
8 appraisals, in terms of the attorneys who
9 are representing the county, in terms of who
10 the claimants are, it's not just the
11 minority that's going to have a difficult
12 time passing this through.

13 MR. CIAMPOLI: I understand.

14 CHAIRMAN NICOLELLO: I think all
15 of that information should be available.
16 It's not an excuse with cases, especially
17 having a value over \$100,000, that they're
18 in a file somewhere. It's just not an
19 excuse. We are not going to accept that.

20 MR. CIAMPOLI: We will get that
21 information to you.

22 LEGISLATOR DENENBERG: I have
23 another concern. If we are voting on the
24 SCAR proceedings, which we never did before,
25 and if we're voting on settlements that are

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2 less than \$100,000, and we are approving
3 that which is not really within our
4 jurisdiction to approve, gives us more work
5 to do because once we ratify it, it's almost
6 as if we should really see the information
7 on those residential as well.

8 Why are we even voting on
9 approving residential settlements or those
10 settlements less than \$100,000? We're
11 creating sort of a new precedent that never
12 existed before and giving ourselves an added
13 burden that the county attorney just said he
14 couldn't possibly meet by giving us the
15 details on all the residential. Let's say I
16 agree with him that he answered us honestly,
17 that's why we never voted on the residential
18 before, and we would be creating a horrible
19 precedent to be voting on those items that
20 are less than \$100,000.

21 Likewise, as you're looking, I
22 assume Mr. Ciampoli can answer my question,
23 it's also any understanding that we are
24 voting on judgments here. I don't know why
25 we would ever vote on judgments. Judgments

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2 are judgments.

3 CHAIRMAN NICOLELLO:
4 Mr. Ciampoli, the change of procedure, does
5 is have to do with NIFA?

6 MR. CIAMPOLI: Yes. It's the
7 result that --

8 CHAIRMAN NICOLELLO: Tell me why.

9 MR. CIAMPOLI: Because had we
10 sent things to you in the ordinary course
11 during 2011, there would have been no
12 available funds to pay for the refund. What
13 was in the multiyear plan, what was in the
14 budget, called for this to be bonded. It is
15 part of the county executive's overall plan
16 to eliminate the bonding for this purpose
17 and, accordingly, with NIFA saying we will
18 not approve bonding for this, it just seemed
19 to be an exercise in futility to send you
20 things, let you adopt the bond ordinance,
21 and let it be rejected by NIFA.

22 What the county executive engaged
23 in was ultimately a productive and fruitful
24 exchange with the board of directors of NIFA
25 in which they agreed to allow for the

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2 bonding for settlements and judgements.

3 CHAIRMAN NICOLELLO: Legislator
4 Bosworth.

5 LEGISLATOR BOSWORTH: Yes. There
6 is something that I just don't understand.
7 I hear what you're saying about having to go
8 to NIFA, but I do understand that as of
9 today there is \$14 million in the
10 treasurer's office that has been earmarked
11 for doing just that.

12 So to hear that we couldn't do it
13 because there was no money available and to
14 also hear that there is currently \$14
15 million available which would, in fact, take
16 care of many of these residential claims,
17 it's just not resonating.

18 MR. CIAMPOLI: The \$14 million is
19 not, as I understand it, an accurate figure.
20 The reason why it's not accurate is because
21 the treasurer has been engaged continually
22 in spending down I believe was \$75 million
23 was originally authorized, and that has been
24 spent down on settlements and judgements
25 that are already in the pipeline.

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2 LEGISLATOR BOSWORTH:

3 Mr. Ciampoli, if I might, our information as
4 of today, the treasurer's office has \$14
5 million earmarked for that, which would take
6 care of 70 percent for tax certs, which
7 would take care of 70 percent of the
8 residential claims, why aren't we doing
9 that?

10 MR. CIAMPOLI: Why aren't we
11 doing? I believe that that's in the process
12 of being done. Some of it is to get it all
13 moving so that it could all go to NIFA at
14 one time.

15 LEGISLATOR DENENBERG: Mr.
16 Ciampoli, I'm sorry, my information --

17 CHAIRMAN NICOLELLO: Is
18 Legislator Bosworth done?

19 LEGISLATOR DENENBERG: I wasn't
20 done.

21 CHAIRMAN NICOLELLO: That's all
22 right. You've been talking for a half an
23 hour. I figured another legislator would
24 need an opportunity to speak also. Why
25 don't you finish?

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2 LEGISLATOR BOSWORTH: My question
3 is, to the best of your knowledge, and if
4 you don't have that information now, can you
5 get it for us? How much money is in the
6 treasurer's office earmarked for tax certs?

7 MR. CIAMPOLI: Obviously I would
8 have go to the treasurer for that.

9 LEGISLATOR BOSWORTH: I
10 understand that. I'm hoping you can get
11 that information to us.

12 MR. CIAMPOLI: Fine.

13 CHAIRMAN NICOLELLO: Legislator
14 Denenberg.

15 LEGISLATOR DENENBERG: Just along
16 those lines, what I said, what Legislator
17 Bosworth said, in October we approved \$100
18 million worth of bonding for tax certs. We
19 were told there was \$100 million that year
20 when we authorized it. That money -- I'm
21 sorry, \$50 million, there was \$50 million in
22 the budget at that time. We approved \$50
23 million in bonding, there was \$50 million in
24 the budget. That 100 million was supposed
25 to be paid within two months.

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2 It's \$100 million total, but back
3 then, because the previous administration
4 had a pay as you go 50 million, 50 million
5 was operating, only \$50 million was
6 borrowing. That was supposed to be paid
7 down by the end of 2010.

8 Here we are in February of 2012
9 and it's not fully paid down. How do you
10 know, you said you have to go to the
11 treasurer to figure out which tax certs the
12 treasurer is currently paying, but then how
13 did you know which tax certs and which
14 residential SCAR proceedings you have to
15 come to us if the treasurer just pays them
16 out on his own, it can't be. They have to
17 pay out on your instruction when it comes to
18 or someone's instruction on what the
19 settlement was. It can't be that the
20 treasurer's office operates differently from
21 you otherwise you couldn't come up with all
22 of this.

23 CHAIRMAN NICOLELLO: Any other
24 questions?

25 LEGISLATOR DENENBERG: I need my

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2 answer.

3 CHAIRMAN NICOLELLO: There was no
4 question.

5 LEGISLATOR DENENBERG: The
6 question is, he said he has to speak to the
7 treasurer's office and I need to understand
8 it.

9 CHAIRMAN NICOLELLO: You make a
10 two-minute statement without a question at
11 the end of it and you expect him to answer
12 it?

13 LEGISLATOR DENENBERG: I
14 understand you don't like my questions, I
15 got it.

16 MR. CIAMPOLI: -- explained by
17 the treasurer, and that was the sum and
18 substance of my conversation with Legislator
19 Bosworth.

20 LEGISLATOR DENENBERG: The
21 treasurer can't pay without an approval of
22 the settlement from your office.

23 MR. CIAMPOLI: Yes.

24 LEGISLATOR DENENBERG: So how
25 does the treasurer decide to pay some and we

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2 get others?

3 MR. CIAMPOLI: This is -- I think
4 what you're missing or oversimplifying here
5 is the overall process of how the
6 settlements are moving through the pipeline.

7 LEGISLATOR DENENBERG: They don't
8 seem to be moving very fast, but, again, how
9 does the treasurer --

10 MR. CIAMPOLI: We've already
11 talked about it.

12 LEGISLATOR DENENBERG: Just
13 answer. How does the treasurer's department
14 pay some -- that SCAR --

15 MR. CIAMPOLI: That's something I
16 would have to confer with the treasurer on.

17 LEGISLATOR DENENBERG: But they
18 don't get that without you approving it.
19 You have to approve a settlement, don't you?
20 You're our legal counsel.

21 MR. CIAMPOLI: There are a number
22 of things that's overbroad generalization.
23 We don't approve the SCARS, for instance.
24 Again, I will talk with the treasurer and
25 get a better handle on what the process for

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2 payment is.

3 The focus of my office has been
4 to move the settlements, obviously we are on
5 the receiving end of the judgments.

6 CHAIRMAN NICOLELLO: Thank you,
7 Mr. Ciampoli.

8 LEGISLATOR DERIGGI-WHITTON: Can
9 I just ask a question?

10 CHAIRMAN NICOLELLO: Sure. You
11 haven't asked anything.

12 LEGISLATOR DERIGGI-WHITTON: Just
13 real quick. From what I understand, two
14 employees were recently laid off that were
15 basically handling the assessments; is that
16 correct, in December?

17 MR. CIAMPOLI: From where?

18 LEGISLATOR DERIGGI-WHITTON: From
19 the residential claims.

20 MR. CIAMPOLI: In what
21 department?

22 LEGISLATOR DERIGGI-WHITTON:
23 Assessment department. Weren't two
24 employees recently laid off?

25 MR. CIAMPOLI: I don't know.

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2 LEGISLATOR DERIGGI-WHITTON: That
3 was my understanding, that they were just
4 laid off and that there were, of 17,000, I
5 believe it was 17,000 residential claims
6 that are still outstanding.

7 MR. CIAMPOLI: There are always
8 residential claims outstanding, as they move
9 through the process and people grieve them
10 and then they go to either a settlement
11 program or to SCAR.

12 LEGISLATOR DERIGGI-WHITTON: I
13 guess we were just concerned, because I
14 guess it was the treasurer's office where
15 the two employees were laid off. I'm just
16 wondering how these 17,000 claims are going
17 to be handled from here on in.

18 CHAIRMAN NICOLELLO: I think
19 that's a question for the treasurer.

20 MR. CIAMPOLI: I think that's a
21 question for the assessor.

22 LEGISLATOR DERIGGI-WHITTON: It's
23 the treasurer's office, from what I
24 understand. I guess when you speak to him
25 about that, we are also concerned about --

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2 MR. CIAMPOLI: You're saying
3 these were two people who are processing
4 checks, so to speak?

5 LEGISLATOR DERIGGI-WHITTON:
6 Correct.

7 MR. CIAMPOLI: Then that's the
8 treasurer's office.

9 LEGISLATOR DERIGGI-WHITTON:
10 Could you confirm that, or is there any way
11 to find out for sure?

12 MR. CIAMPOLI: We'll take a look,
13 and just so that you know --

14 LEGISLATOR DERIGGI-WHITTON: If
15 there's a whole new procedure in place, we
16 should at least be aware of it.

17 MR. CIAMPOLI: And not to
18 minimize the interest of these taxpayers,
19 that's a small percentage of over 100,000
20 claims that are filed.

21 LEGISLATOR DERIGGI-WHITTON: We
22 just want to have a clear understanding of
23 that whole process.

24 And just one other thing, there
25 was additional barring, how much do you

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2 think will actually be asked for 2012?

3 MR. CIAMPOLI: I don't recall the
4 number that's in the multiyear plan, but
5 it's laid out there.

6 LEGISLATOR DERIGGI-WHITTON:

7 Because, as you know, we haven't seen the
8 capital plan yet for 2012. We would like to
9 know approximately how much we are going to
10 be asked to borrow.

11 MR. CIAMPOLI: We will take that
12 up with OMB.

13 CHAIRMAN NICOLELLO: One of the
14 things that Legislator Denenberg mentioned,
15 and he's right about this, taxpayers, et
16 cetera, are waiting to get paid.

17 My recommendation, at least to
18 the majority, is that we pass this along.
19 If we don't get at least satisfactory
20 answers by the 27th, then we could hold it
21 up at that time, but in the meantime, I'd
22 recommend that we move this along so that if
23 you are able to produce what we need you to
24 produce by the 27th, then we can pass it.

25 All those in favor signify by

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2 saying aye.

3 (Aye.)

4 Those opposed?

5 LEGISLATOR DENENBERG: The
6 minority votes no and we just want to note
7 on the record, being that we don't even have
8 any numbers to decide whether this is
9 accurate or not, we are voting no and, in
10 terms of residential, to have a new
11 procedure where residential refunds can be
12 held for over a year when there is an
13 existing, either bond ordinance that could
14 have been used to pay, or we could go back
15 to the good old days of paying as you go in
16 residential, we are creating a horrible, a
17 horrible precedent that will force our
18 homeowners to wait a long time for their
19 refunds. So we're voting no.

20 CHAIRMAN NICOLELLO: One of the
21 reasons we don't want to go back to the good
22 old days is because pay as you go worked for
23 a little bit of a while before the budget
24 started degenerating under County Executive
25 Suozzi. But the reason we had that money is

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2 you raised taxes by 40 percent. So we don't
3 want to go back to those good old days,
4 Legislator Denenberg.

5 CHAIRMAN NICOLELLO: It's a vote
6 of four to three.

7 LEGISLATOR DENENBERG: So let's
8 borrow and borrow and borrow.

9 CHAIRMAN NICOLELLO: This item
10 passes by a vote of four to three.

11 LEGISLATOR DENENBERG: So that my
12 grandchildren will have to pay.

13 (Whereupon, the following are the
14 continuation of the minutes of the Rules
15 Committee of 2-6-12.)

16 CHAIRMAN SCHMITT: Any debate or
17 discussion on this item?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

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2 Let the record show that the item
3 passes by a vote of four to three. If we
4 could stop chatting, the administration
5 would take due note of that vote.

6 Now we will go to Item Number 98
7 to amend Appendix A, an ordinance to amend
8 the Nassau County budget as adopted in order
9 to abolish certain positions pursuant to
10 local law. May I have a motion, please?

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRMAN SCHMITT: Moved by
14 Legislator Gonsalves, seconded by Legislator
15 Muscarella. Any debate or discussion on
16 this item?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor signify by
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 Let the record show that the item

1 Rules Committee/2-6-12
2 passes by a vote of four to three. Item 103
3 is an ordinance making certain
4 determinations pursuant to the state, so
5 forth and so on, to amend the lease
6 agreement between the county of Nassau as
7 tenant and the Applied Science Center of
8 Innovation of Excellence in Homeland
9 Security Research Foundation Corporation as
10 landlord in connection with the lease of
11 space in a building located on Grumman Road
12 West. May I have a motion, please?

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR MUSCARELLA: Second.

15 CHAIRMAN SCHMITT: Moved by
16 Legislator Gonsalves, seconded by Legislator
17 Muscarella. Any debate or discussion?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 All those in favor signify by
22 saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/2-6-12

2 The item carries unanimously.

3 104 is not being called today. That's those
4 items.

5 Now we will go back to everything
6 remaining on the consent calendar, and with
7 the consent of the minority, it's items that
8 have been debated and sufficiently vetted in
9 other committees that we're just going to
10 pass them.

11 So that's Item 43, 44, 45, 46,
12 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59,
13 60, 61, 62, 63, 64, 65, 66, 67, 71, 72, 73,
14 74, 75, 77, 78, 80, 81, 82, 83, 84, 88, 89,
15 90, 91, 92, 93 -- 23 -- I'm sorry. 23 is
16 out. Not 23. 94, 85, I didn't call 85 but
17 I should have. Anything else? Not 94, it's
18 called. 95 and 96 already done. This other
19 addendum we have 99, 100, 101, 102, 105.
20 May I have a motion, please?

21 LEGISLATOR GONSALVES: So moved.

22 LEGISLATOR MUSCARELLA: Second.

23 CHAIRMAN SCHMITT: Moved by
24 Legislator Gonsalves, seconded by Legislator
25 Muscarella. Any debate or discussion?

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Rules Committee/2-6-12

(No verbal response.)

Is there any public comment?

(No verbal response.)

All those in favor signify by
saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items carry unanimously. I
am now going to put this committee into
recess. Thank you all.

(Whereupon, the Rules Committee
recessed at 7:33 p.m.)

(TIME NOTED: 7:33 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 stated:

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 22nd day of February, 2012.

FRANK GRAY