

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, January 7, 2013
1:03 P.M

REGAL REPORTING SERVICE
(516) 747-7353

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

NORMA GONSALVES,
Chairwoman

HOWARD KOPEL,
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS,
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III
Clerk of the Legislature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LIST OF SPEAKERS

GREG MAY,
Director of Legislative Affairs.....6

KEN ARNOLD,
Nassau County Public Works.....6

BOB McMANUS, Nassau County
District Attorney's Office.....8

TIM SULLIVAN, Deputy County Executive
Of Finance.....10

PAUL BRODERICK, Nassau County,
Deputy Commissioner,
Department of Social Services.....12

CAREY WELT, Nassau County
Fire Marshal.....15

ROBERT LINCOLN, executive director,
Fire Commission.....15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INSERTS

Finance Committee Minutes
Page 18, line 16 through
Page 179, line 13
Health Committee Minutes
Page 179, line 16 through
Page 195, line 17

1 Rules Committee/12-3-12

2 CHAIRWOMAN GONSALVES: Please
3 join us in the chamber for the Pledge of
4 Allegiance lead by Legislator Dunne.

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

7 CHAIRWOMAN GONSALVES: At this
8 time I would like to, on behalf of all of
9 us, wish everyone a happy and healthy new
10 year, and hopefully 2013 will be better in
11 so many ways and no repeat of 2012. So,
12 again, a happy and a healthy new year.

13 At this time, Mr. Clerk, will you
14 please call the roll?

15 CLERK MULLER: Yes. Legislator
16 Wink?

17 LEGISLATOR WINK: Here.

18 CLERK MULLER: Legislator Jacobs?

19 LEGISLATOR JACOBS: Here.

20 CLERK MULLER: Ranking Member
21 Abrahams?

22 LEGISLATOR ABRAHAMS: Here.

23 CLERK MULLER: Legislator Walker?

24 LEGISLATOR WALKER: Here.

25 CLERK MULLER: Legislator Dunne?

1 Rules Committee/12-3-12

2 LEGISLATOR DUNNE: Here.

3 CLERK MULLER: Vice Chairman

4 Kopel?

5 LEGISLATOR KOPEL: Here.

6 CLERK MULLER: Chairwoman

7 Gonsalves?

8 CHAIRWOMAN GONSALVES: Here.

9 CLERK MULLER: We have a quorum.

10 CHAIRWOMAN GONSALVES: Thank you.

11 The first contract E-01-13, a contract with

12 DPW and Malcolm Pirnie, Inc. Motion,

13 please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR ROSE WALKER: Second.

16 CHAIRWOMAN GONSALVES: Moved by

17 Legislator Dunne, seconded by Legislator

18 Walker. Mr. May.

19 MR. MAY: Good afternoon, Happy

20 New Year. We have Mr. Ken Arnold from DPW

21 to answer any questions on this item.

22 CHAIRWOMAN GONSALVES: Thank you

23 very much.

24 MR. ARNOLD: Good afternoon.

25 This is a contract amendment to Malcolm

1 Rules Committee/12-3-12
2 Pirnie's existing contract to replace the
3 screens at the Cedar Creek waste water
4 treatment plant. When the contract was
5 initially put out, it was expected to be a
6 \$10 million construction contract which is
7 what the agreement was written on. Their
8 final payment specs that this will be a \$16
9 million construction contract thus the
10 amendment.

11 LEGISLATOR DUNNE: Through the
12 chair.

13 CHAIRWOMAN GONSALVES: Yes.

14 LEGISLATOR DUNNE: At which point
15 we'll increase all four bar screens, they
16 will be up and running and new or up to
17 snuff?

18 MR. ARNOLD: All four will be
19 replaced.

20 LEGISLATOR DUNNE: Excellent.
21 Thank you.

22 CHAIRWOMAN GONSALVES: Any other
23 questions from the legislators?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/12-3-12

2 (No verbal response.)

3 There being none, all those in
4 favor signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The motion carries unanimously.
9 Contract E-02-13 with district attorney and
10 Precise Court Reporting Services, Inc.
11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR KOPEL: Second.

14 CHAIRWOMAN GONSALVES: Motion by
15 Legislator Dunne, seconded by Legislator
16 Kopel. Greg, who do we have?

17 MR. MAY: We have Mr. Bob McManus
18 from the district attorney's office.

19 CHAIRWOMAN GONSALVES: Welcome.

20 MR. McMANUS: The district
21 attorney's office is required by law to
22 provide copies of grand jury transcripts to
23 defendants and their attorneys upon request.
24 The previous contract for court reporting
25 services expired after five years. Precise

1 Rules Committee/12-3-12
2 was the lowest bidder and we have had
3 experience working with them in the past and
4 we are very pleased with their performance.
5 We ask your approval for this agreement.

6 CHAIRWOMAN GONSALVES: Any
7 comments by the legislators?

8 (No verbal response.)

9 Is there any public comment
10 regarding these items?

11 (No verbal response.)

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 The next contract is E-04-13, a
19 contract with OMB and Milliman, Inc.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Motion by
23 Legislator Dunne, seconded by Legislator
24 Walker. Who is here to speak on this?

25 MR. MAY: Deputy County Executive

1 Rules Committee/12-3-12

2 Tim Sullivan is going to be answering any
3 questions on this item.

4 MR. SULLIVAN: Good afternoon.
5 Happy New Year.

6 CHAIRWOMAN GONSALVES: Happy New
7 Year to all of you. What can you tell us
8 about this contract?

9 MR. SULLIVAN: This contract is
10 for actuarial services. Milliman is the
11 vendor that won the RFP process. This would
12 be the second year that they are doing this.
13 It's for the county's long term liability.
14 Something that appears in our financial
15 statements.

16 CHAIRWOMAN GONSALVES: Any
17 questions from any of the legislators of Mr.
18 Sullivan?

19 (No verbal response.)

20 Is there any public comment
21 regarding these items?

22 (No verbal response.)

23 There being none, all those in
24 favor of this item signify by saying aye.

25 (Aye.)

1 Rules Committee/12-3-12

2 Any opposed?

3 (No verbal response.)

4 The motion carries unanimously.

5 MR. SULLIVAN: Thank you.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Mr. Sullivan. Item E-06-13, a contract with
8 DPW and Cashin Associates, PC.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRWOMAN GONSALVES: Motion by
12 Legislator Dunne, seconded by Legislator
13 Walker. Who is here to speak on this?

14 MR. MAY: We have Mr. Ken Arnold
15 from DPW.

16 MR. ARNOLD: This contract
17 amendment is with Cashin Associates to
18 assist the department in their response to
19 the aftermath of Hurricane Sandy. Cashin is
20 providing services with our debris program
21 and our technical work at our parks,
22 facilities, and wastewater treatment plants.

23 CHAIRWOMAN GONSALVES: Any
24 questions of Mr. Arnold?

25 (No verbal response.)

1 Rules Committee/12-3-12

2 There being none, is there any
3 public comment regarding these items?

4 (No verbal response.)

5 There being none, all those in
6 favor of this item signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The motion carries unanimously.

11 The next item is item E-07-13.

12 Motion, please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR KOPEL: Second.

15 CHAIRWOMAN GONSALVES: Motion by
16 Legislator Walker, seconded by Legislator
17 Kopel. Who do we have here?

18 MR. MAY: Mr. Paul Broderick from
19 the Department of Social Services.

20 CHAIRWOMAN GONSALVES: Thank you
21 very much.

22 MR. BRODERICK: Mr. Paul
23 Broderick, Deputy Commissioner, Department
24 of Social Services:

25 Legislators, good afternoon. The

1 Rules Committee/12-3-12
2 item before you is a contract with the
3 department of social services for process
4 serving which we are mandated to do. It's
5 for \$100,000 for the upcoming year.

6 CHAIRWOMAN GONSALVES: Any
7 legislators have any questions?

8 (No verbal response.)

9 There being none, is there any
10 public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of this item signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 The next item is E-10-13, a
19 contract with DPW and Cameron Engineering.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Motion by
23 Legislator Dunne, seconded by Legislator
24 Walker. Who is here?

25 MR. MAY: Again, Mr. Ken Arnold.

1 Rules Committee/12-3-12

2 MR. ARNOLD: Ken Arnold,
3 Department of Public Works. This contract
4 amendment is with Cameron Engineering to
5 assist the department in its response to
6 Hurricane Sandy both on the debris, waste
7 water and facilities end. Thank you.

8 CHAIRWOMAN GONSALVES: Any
9 questions or comments from any of the
10 legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of this item signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The motion carries unanimously.

20 The next contract is E-27-13,
21 fire commission, Nassau County Vocational
22 Education and Extension Board known as VEE.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Motion by

1 Rules Committee/12-3-12

2 Legislator Dunne, seconded by Legislator
3 Walker. Who do we have, Mr. May?

4 MR. MAY: We have Mr. Carey Welt
5 from the Fire Commission.

6 CHAIRWOMAN GONSALVES: Welcome
7 and Happy New Year.

8 MR. WELT: Happy New Year. With
9 me is Robert Lincoln, executive director and
10 I'll turn it over to him.

11 MR. LINCOLN: Good afternoon.
12 This is our annual contract which, the
13 purpose of which is the training of our
14 volunteer fire fighters and EMS personnel in
15 Nassau County, the operation of the Fire
16 Service Academy and Emergency Medical
17 Services Academy.

18 CHAIRWOMAN GONSALVES: Any
19 legislators have any questions?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of this item signify by saying aye.

25 (Aye.)

1 Rules Committee/12-3-12

2 Any opposed?

3 (No verbal response.)

4 The motion carries unanimously.

5 The next item is E-28-13,

6 contract with social services and Coalition

7 Against Child Abuse and Neglect.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRWOMAN GONSALVES: Motion by

11 Legislator Walker, seconded by Legislator

12 Dunne. Who do we have here?

13 MR. MAY: Mr. Paul Broderick,

14 Department of Social Services.

15 MR. BRODERICK: Paul Broderick,

16 Deputy Commissioner, Department of Social

17 Services.

18 Legislators, good afternoon

19 again. Before you is a contract with the

20 Coalition Against Child Abuse and Neglect

21 for \$600,000 for the upcoming year. Do you

22 have any questions?

23 CHAIRWOMAN GONSALVES: Any

24 legislators have any questions?

25 (No verbal response.)

REGAL REPORTING SERVICE

(516) 747-7353

1 Rules Committee/12-3-12

2 Is there any public comment?

3 LEGISLATOR WINK: Norma, if I
4 could?

5 CHAIRWOMAN GONSALVES: Yes.

6 LEGISLATOR WINK: \$600,000 is the
7 overall contract. The county's share is
8 \$150,000; is that correct?

9 MR. BRODERICK: That's correct.

10 LEGISLATOR WINK: And the rest
11 comes from federal and state sources?

12 MR. BRODERICK: Yes, sir.

13 LEGISLATOR WINK: Is that an
14 increase or decrease or status --

15 MR. BRODERICK: Status quo for
16 the most part.

17 LEGISLATOR WINK: Thank you.

18 MR. BRODERICK: You're welcome.

19 CHAIRWOMAN GONSALVES: There
20 being no other questions, all those in favor
21 of this item signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously. I

1 Rules Committee/12-3-12
2 think that's it. Now, remember, the Rules
3 Committee goes into recess and the next
4 committee will be Public Safety.

5 (Whereupon, the Rules Committee
6 recessed at 1:17 p.m. and reconvened at 4:39
7 p.m.)

8 CHAIRWOMAN GONSALVES: We will
9 now reconvene and the first order of
10 business will be the consent portion of the
11 agenda. We'll ask that the testimony from
12 the previous committees, Health and Finance
13 be incorporated into the Rules Committee.

14 (Whereupon, the following are the
15 minutes of the Finance Committee, 1-7-13.)

16 CHAIRMAN NICOLELLO: The first
17 item is an ordinance making certain
18 determinations pursuant to SEQRA and
19 authorizing the county executive on behalf
20 of the County of Nassau to execute a license
21 agreement between the county and the
22 Incorporated Village of Hempstead in
23 connection with the use of parking spaces.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MUSCARELLA: Second.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 Muscarella. Mr. May.

5 MR. MAY: Mr. Mike Kelly.

6 MR. KELLY: Good afternoon.
7 Michael Kelly, acting director, Nassau
8 County Department of Public Works, Division
9 of Real Estate Services. Item 718-12 is to
10 authorize the county executive to sign a
11 license agreement with the Village of
12 Hempstead with regard to parking for county
13 employees, agencies, and other agencies.

14 Currently the county has a
15 license agreement which expired December 31,
16 2012 for 731 parking spaces. After looking
17 at the situation, we determined that 76
18 spaces were unneeded which brought down the
19 cost of this new license agreement, however,
20 the cost has gone up by 25 cents per space
21 per day for a total savings for the county
22 of \$12,000 a year. This agreement is for a
23 period of three years and we recommend that
24 this -- we are recommending that this be
25 considered a type two action under SEQRA.

REGAL REPORTING SERVICE
(516) 747-7353

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Are these
3 spaces needed?

4 MR. KELLY: Yes. These are for
5 county employees and other county related
6 agencies.

7 CHAIRMAN NICOLELLO: I mean, is
8 there a charge for these spaces or are these
9 for county employees?

10 MR. KELLY: Regularly, there
11 would be a charge if I was just going to one
12 of these spaces depending on where I was
13 parking, I would be paying anywhere between
14 four and \$8 a day. This is \$3 a day.

15 CHAIRMAN NICOLELLO: Any of these
16 spaces allocated for the public?

17 MR. KELLY: No. These are for
18 county employees, court officers, and other
19 agencies in our buildings.

20 CHAIRMAN NICOLELLO: Any other
21 questions? Legislator Denenberg.

22 LEGISLATOR DENENBERG: This is
23 for the parking near the traffic violations
24 bureau?

25 MR. KELLY: It's for several

1 Rules Committee/12-3-12
2 places. It's for the garage by the traffic
3 violations agency, and 40 Main Street also
4 uses parking in that facility and it's also
5 at various lots surrounding the district
6 court and village hall.

7 LEGISLATOR DENENBERG: We do this
8 every three years, is this routine?

9 MR. KELLY: The last time this
10 was done was five years ago and that
11 agreement expired on December 31st.

12 LEGISLATOR DENENBERG: How much
13 did it go up?

14 MR. KELLY: Well, the per space
15 cost went up by 25 cents per space per day
16 but, because we eliminated 76 spaces, the
17 total cost per year has gone down by
18 \$12,000.

19 LEGISLATOR DENENBERG: This is
20 only for county employees, or at 40 Main, is
21 that also for town employees?

22 MR. KELLY: No town employees.
23 This is for county employees, for court
24 officers at the district court, for Legal
25 Aid Society and Heaven.

1 Rules Committee/12-3-12

2 LEGISLATOR DENENBERG: Thank you.

3 MR. KELLY: You're welcome.

4 CHAIRMAN NICOLELLO: Legislator
5 Troiano.

6 LEGISLATOR TROIANO: Thank you.

7 Do any of the employees reimburse
8 the county for the money that the county is
9 spending for their parking?

10 MR. KELLY: No. These are I
11 believe spaces provided for county
12 employees.

13 LEGISLATOR TROIANO: Is this the
14 practice of the county to pay for employee's
15 parking costs?

16 MR. KELLY: This is because the
17 spaces that they are parking on are owned by
18 the Village of Hempstead and they would
19 usually charge for these spaces. Like, for
20 instance, if you're working at 1550 or
21 working in One West Street, you park in a
22 county parking lot, it's owned by the
23 county, the county maintains the parking
24 lot, so there is no fee to be paid.

25 This is basically using somebody

1 Rules Committee/12-3-12

2 else's lot that they maintain, that they pay
3 for and we pay a fee to use it.

4 LEGISLATOR TROIANO: I understand
5 why the village charges a fee, I'm not sure
6 I understand why the county doesn't require
7 reimbursement from the employees. When I
8 was working in the city, if I drove to work,
9 I had to pay for parking myself. My
10 employer didn't pay for the parking.

11 MR. KELLY: Well, the county, in
12 effect, as I was trying to explain, pays for
13 the parking for all county employees because
14 it's on county property. The property is
15 maintained by the county. You have to
16 replace the light bulbs, the lights, pave
17 it, put lines on it, whatever, remove the
18 snow.

19 In this case, that's a village
20 responsibility on village property. So
21 whatever way you look at it --

22 LEGISLATOR TROIANO: So in a
23 sense we're making them whole to where I
24 stand, as a county legislator, I get to park
25 outside for free?

1 Rules Committee/12-3-12

2 MR. KELLY: Right.

3 LEGISLATOR TROIANO: So there is
4 no other locations in the county where an
5 employee is using a municipal lot or private
6 lot where the county also pays for them, for
7 their parking expense?

8 MR. KELLY: Not that I'm aware
9 of.

10 LEGISLATOR TROIANO: If they are,
11 they will be letting you know shortly.
12 Thank you.

13 CHAIRMAN NICOLELLO: Any other
14 discussion?

15 LEGISLATOR DERIGGI-WHITTON: Can
16 I ask one really quick question?

17 CHAIRMAN NICOLELLO: Legislator
18 DeRiggi-Whitton.

19 LEGISLATOR DERIGGI-WHITTON: Does
20 this cover the cost of any insurance or --
21 in other words, who pays for the insurance
22 for these parking lots, does the county or
23 the village?

24 MR. KELLY: Well, we don't pay
25 separately for insurance for these parking

1 Rules Committee/12-3-12
2 lots and I doubt that the village does
3 either because, as a municipal agency, you
4 usually self insure as the county does.

5 CHAIRMAN NICOLELLO: Any public
6 comment?

7 (No verbal response.)

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Carries unanimously. Thank you,
14 Mr. Kelly.

15 MR. KELLY: You're welcome.

16 CHAIRMAN NICOLELLO: Items 2, 3,
17 4 and 5 of 2013, actually item 2 is a
18 resolution to authorize the transfer of
19 appropriations heretofore made within the
20 budget for the year 2012. 3 and 4 are
21 ordinances supplemental to the annual
22 appropriation ordinance in connection with
23 Nassau Community College. 5 is another
24 resolution to authorize the transfer of
25 appropriations heretofore made within the

1 Rules Committee/12-3-12

2 budget for year 2012.

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by

6 Legislator Muscarella, seconded by

7 Legislator Walker.

8 MR. MAY: Are there any questions
9 on these items? I have staff members here
10 to answer them, otherwise --

11 CHAIRMAN NICOLELLO: Any
12 discussion? Legislator Denenberg.

13 LEGISLATOR DENENBERG: What
14 numbers?

15 CHAIRMAN NICOLELLO: 2, 3, 4, 5.

16 LEGISLATOR DENENBERG: I'm sorry.
17 I thought you said more. I don't have
18 questions.

19 CHAIRMAN NICOLELLO: Any public
20 comment? Legislator Troiano.

21 LEGISLATOR TROIANO: 2 is 2-13?

22 CHAIRMAN NICOLELLO: Yes.

23 LEGISLATOR TROIANO: And 3-13?

24 CHAIRMAN NICOLELLO: Yes.

25 LEGISLATOR TROIANO: And 4-13?

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Yes. And 5.

3 LEGISLATOR TROIANO: Okay.

4 CHAIRMAN NICOLELLO: No

5 questions?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Those items carry unanimously.
15 Items 6, 7, 8, 9 of 2013 are resolutions to
16 authorize the county assessor and/or the
17 county treasurer and/or the receiver of
18 taxes of the towns of Hempstead and Oyster
19 Bay to partially exempt real property
20 taxation of certain properties and to
21 authorize the county assessor and/or
22 treasurer and/or receiver of taxes of the
23 towns of Hempstead, Oyster Bay to correct
24 erroneous assessments.

25 LEGISLATOR VENDITTO: So moved.

1 Rules Committee/12-3-12

2 LEGISLATOR WALKER: Second.

3 CHAIRMAN NICOLELLO: Moved by
4 Legislator Venditto, seconded by Legislator
5 Walker. Any questions? Legislator
6 Denenberg.

7 LEGISLATOR DENENBERG: Mr. May, I
8 don't know if Mr. Volk is here on this one,
9 a few months ago, back in September, and
10 then it took two months for it to come down,
11 I think it was some time in November, I had
12 asked questions, and I think the chair --
13 several of us did regarding the correction
14 of the erroneous assessments at that time,
15 and it had to do with something -- it had to
16 do in part with STAR exemptions and, what
17 are these, and why are we getting more?

18 MR. MAY: Well, these items are
19 from the Department of Assessment. I have
20 Mr. Dan Valentino here to answer any
21 questions that you may have on those items.

22 LEGISLATOR DENENBERG: All right.

23 MR. MAY: As far as the questions
24 that you referenced, I believe that the
25 county attorney opinion was delivered to you

1 Rules Committee/12-3-12
2 for the last meeting of the Full Legislature
3 in December.

4 LEGISLATOR DENENBERG: And at the
5 time one of my concerns was, you know, why
6 we were getting so many at what the cost to
7 the county was if the exemptions weren't
8 correctly put in and then we had to correct
9 an erroneous exemption and then had to lay
10 out the money for something I thought was
11 state cost. The opinion was that under the
12 law we would have to.

13 My question I guess to
14 Mr. Valentino is, now at the beginning of
15 the year, we're getting more of these. I
16 have never seen this many corrections being
17 required, and now, the first meetings of the
18 year, we're doing it again.

19 MR. VALENTINO: It has to do with
20 the recently enacted law that affected the
21 '11-'12 year going forward. The state
22 enacted a cap on who can receive the basic
23 STAR exemption. So if your combined income
24 is over a half a million dollars, you are no
25 longer entitled to receive the exemption.

1 Rules Committee/12-3-12

2 In the first instance, the state
3 makes that determination. They send us a
4 list of properties that are ineligible to
5 receive the exemption. That determination
6 can be overturned if the taxpayers, the
7 homeowners, come in and show us on their tax
8 returns that their income is under a half a
9 million dollars. So that's why we do a
10 correction of error petition to fix it, and,
11 as we noted before, we pay out and then the
12 school districts have to reimburse us.

13 LEGISLATOR DENENBERG: So we're
14 going to pay out and then go to the schools
15 to reimburse, correct?

16 MR. VALENTINO: Correct.

17 LEGISLATOR DENENBERG: What about
18 the state?

19 MR. VALENTINO: The school then
20 seeks reimbursement from the state. It's
21 all in the opinion I submitted to you last
22 month.

23 LEGISLATOR DENENBERG: Okay. So
24 last year we got it at the end of the year.
25 This year we're doing it now, not because it

1 Rules Committee/12-3-12
2 all has to do with the same year, we are
3 just coming up with these resolutions as
4 corrections need to be made, is that why
5 we're getting it like this?

6 MR. VALENTINO: It's whenever the
7 taxpayer contacts us. They have three years
8 from the annex of a warrant to seek a
9 correction of error. So some of them notice
10 later than others. Most people notice when
11 they get their tax bill. Others notice
12 after the escrow and they then conduct an
13 inquiry and they say why did I lose my basic
14 STAR exemption and we say, the state told us
15 that you were ineligible to receive it, your
16 income was over. They say my income is not
17 anywhere near that. They submit us their
18 federal and state tax returns and show us
19 that their income is under. ORPS, which is
20 the lead administrative body responsible for
21 administering the STAR exemption for aiding
22 municipalities, tells us that we can
23 overturn the determination if we have these
24 tax returns and if they demonstrate that
25 they're under a half a million.

REGAL REPORTING SERVICE
(516) 747-7353

1 Rules Committee/12-3-12

2 LEGISLATOR DENENBERG: So to get
3 it right, we're approving paying back the
4 taxpayer and charging the school to pay the
5 taxpayer back or us back?

6 MR. VALENTINO: To pay us back.

7 LEGISLATOR DENENBERG: "Us"
8 meaning the county?

9 MR. VALENTINO: Yes.

10 LEGISLATOR DENENBERG: So the
11 county is going to pay -- now this
12 authorizes charging the school to pay the
13 county back and then the school will have to
14 go back to the state to get paid back?

15 MR. VALENTINO: Correct.

16 LEGISLATOR DENENBERG: We can't
17 just go straight to the state?

18 MR. VALENTINO: No. That's not
19 the way it's drafted. I submitted the
20 reimbursement form that was included with
21 the opinion. That's just the process the
22 state has.

23 CHAIRMAN NICOLELLO: Legislator
24 DeRiggi-Whitton.

25 LEGISLATOR DERIGGI-WHITTON: Do

1 Rules Committee/12-3-12
2 you know about approximately what percentage
3 this represents as far as the errors? Like,
4 is it five percent that we're dealing with
5 or is it a larger amount?

6 MR. VALENTINO: When you consider
7 400,000 parcels, it's really less than one
8 percent I would say.

9 LEGISLATOR DERIGGI-WHITTON: So
10 less than one percent is affected by an
11 error?

12 MR. VALENTINO: Yes.

13 LEGISLATOR DERIGGI-WHITTON: And
14 do you have any idea how much money that is,
15 or no idea?

16 MR. VALENTINO: How much money?
17 It depends on the error. There is a lot of
18 different factors and circumstances. I can
19 give you the average estimate of correction
20 of errors but it's not just going to touch
21 on the STAR exemption, it will touch on all
22 other errors.

23 LEGISLATOR DERIGGI-WHITTON: But
24 just for this, you're saying it's less than
25 one percent?

1 Rules Committee/12-3-12

2 MR. VALENTINO: Yes. It's really
3 a small percentage.

4 LEGISLATOR MUSCARELLA: Mr.
5 Valentino, I just want to get this straight.
6 We didn't make the error. The state told us
7 that these people didn't qualify and we went
8 by the state's ruling. We overturned the
9 state's ruling. So the error was by the
10 state and we correct it?

11 MR. VALENTINO: That's correct.

12 LEGISLATOR MUSCARELLA: This is
13 not that we made the error and now we're
14 correcting it?

15 MR. VALENTINO: That's correct.

16 LEGISLATOR MUSCARELLA: Thank
17 you.

18 CHAIRMAN NICOLELLO: Any other
19 questions?

20 LEGISLATOR DENENBERG: Actually,
21 Mr. Valentino, last time it was described to
22 us -- well, I guess it depended on whether
23 it was STAR enhanced or some of the other
24 exemptions, but maybe I'm getting confused
25 between some the other exemptions, but last

1 Rules Committee/12-3-12
2 time when this was held up for two months,
3 the way it was explained to us, some of the
4 errors were made by the county, and others
5 were made by the state.

6 I'm looking back at the record
7 now, it said some were made by the county,
8 some were made by the state, and it depended
9 on what the issue was. Where it was STAR,
10 there's \$500,000 a year cap, you said it was
11 the state.

12 Where it was either enhanced STAR
13 or some of the other exemptions that are
14 available to people that we were paying back
15 a mistake, we were told that some of the
16 errors were created by the county.

17 MR. VALENTINO: That's correct.
18 Predominantly it's the income over though.

19 LEGISLATOR DENENBERG: I guess my
20 issue ultimately is the people do have to be
21 paid back and, certainly, if it's STAR, the
22 state should end up paying it. But I think
23 we can go straight to the state instead of
24 to the schools first, but you're telling me
25 we can't?

1 Rules Committee/12-3-12

2 MR. VALENTINO: We can't. The
3 county has no authority for that.

4 LEGISLATOR DENENBERG: It's just
5 seems that --

6 MR. VALENTINO: It's convoluted,
7 I agree.

8 CHAIRMAN NICOLELLO: Thank you,
9 Mr. Valentino.

10 LEGISLATOR DENENBERG: To say the
11 least.

12 CHAIRMAN NICOLELLO: Do we have
13 any further questions or discussion from
14 legislators?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 All those in favor signify by
19 saying aye.

20 (Aye.)

21 Those opposed?

22 (No verbal response.)

23 Carries unanimously.

24 LEGISLATOR DENENBERG: Actually
25 myself and Legislator DeRiggi-Whitton are

1 Rules Committee/12-3-12

2 opposed.

3 CHAIRMAN NICOLELLO: Then it
4 carries 4-3 or 5-2. Carries by a vote of 5
5 to 2.

6 Item 13 of 2013 is a bond
7 ordinance providing for a capital
8 expenditure to finance the capital project
9 specify herein within the County of Nassau
10 and authorizing \$7,875,000 of bonds of the
11 County of Nassau to finance the expenditure.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR VENDITTO: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Walker, seconded by Legislator
16 Venditto. Mr. May, this is the college,
17 correct?

18 MR. MAY: We have the vice
19 president, Mr. Muscarella.

20 DR. MUSCARELLA: Joe Muscarella,
21 vice president of facilities management,
22 Nassau Community College.

23 This ordinance follows up on the
24 action of the legislature with respect to
25 these college projects in December. The

1 Rules Committee/12-3-12
2 amount being asked to be bonded for these
3 projects reflects the balance of funds
4 needed to cover the anticipated spending for
5 FY 2012 and 2013 on them which is the same
6 process that was followed with respect to
7 the county projects included in the capital
8 improvement plan for 2012.

9 CHAIRMAN NICOLELLO: Thank you.
10 Any questions? Seeing none, thank you, Dr.
11 Muscarella. 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 That item carries unanimously.
19 Item 14 of 2013 is an ordinance pursuant to
20 SEQRA authorizing the county executive of
21 the County of Nassau to accept on behalf of
22 the County of Nassau an offer of purchase.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRMAN NICOLELLO: Moved by

1 Rules Committee/12-3-12
2 Legislator Walker, seconded by Legislator
3 Muscarella. This item went through the
4 Planning Committee a little while ago. Are
5 there any questions about this item?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 All those in favor signify by
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Carries unanimously. Items 15
15 and 16 are resolutions authorizing the
16 county executive to execute an amendment to
17 a grant agreement between the County of
18 Nassau acting on behalf of the Department of
19 Parks and East Meadow United Methodist
20 Church, and a resolution authorizing the
21 county executive to execute an amendment of
22 a grant agreement between the county and the
23 Long Island Film and TV Foundation.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR MUSCARELLA: Second.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 Muscarella. Is there any questions on these
5 items?

6 (No verbal response.)

7 Is there any public comment?
8 Legislator Troiano.

9 LEGISLATOR TROIANO: What is 15
10 for?

11 CHAIRMAN NICOLELLO: That's the
12 number.

13 MR. MAY: I believe it is to
14 extend an agreement to provide hotel/motel
15 tax monies for the upkeep of the historic
16 United Methodist Church Cemetery in East
17 Meadow. Is there an additional question?

18 LEGISLATOR TROIANO: No, that was
19 it. Thank you.

20 CHAIRMAN NICOLELLO: Do we have
21 any further questions?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 All those in favor signify by

1 Rules Committee/12-3-12

2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Items 24, 25, 26, 27, ordinances
7 supplemental to the annual appropriation
8 ordinance in connection with the Department
9 of Human Services, Housing and Community
10 Development and the Police Department.

11 These items went through the
12 Health Committee and Public Safety earlier.

13 LEGISLATOR VENDITTO: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRMAN NICOLELLO: Moved by
16 Legislator Venditto, seconded by Legislator
17 Walker. Do we have any questions on these
18 items?

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/12-3-12

2 (No verbal response.)

3 Carries unanimously. Item 28 of
4 2013 is a resolution authorizing the release
5 of a surety bond and cash escrow monies for
6 the map of Chai Noon Subdivision. The item
7 went through Public Works and Planning.

8 LEGISLATOR VENDITTO: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Venditto, seconded by Legislator
12 Muscarella. Do we have any questions,
13 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 Carries unanimously. 31, 32, 33,
23 34, 35, 36, and 37 of 2013. These are
24 ordinances supplemental to the annual
25 appropriation ordinance in connection with

1 Rules Committee/12-3-12
2 the Department of Human Services, Office of
3 Mental Health, Chemical Dependency and
4 Developmental Disability Services, Housing
5 and Community Development, Department of
6 Probation, and a resolution to authorize the
7 transfer of appropriations heretofore made.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRMAN NICOLELLO: Moved by
11 Legislator Muscarella, seconded by
12 Legislator Walker. Do we have any questions
13 on Items 31 through 37?

14 LEGISLATOR DENENBERG: Yes.

15 CHAIRMAN NICOLELLO: Sure.

16 LEGISLATOR DENENBERG: Legislator
17 Whitton, did you?

18 LEGISLATOR DERIGGI-WHITTON: Go
19 ahead.

20 LEGISLATOR DENENBERG: Okay. I
21 don't know who is here on these items.
22 Mr. May, I should ask you?

23 MR. MAY: Which item in
24 particular, sir?

25 LEGISLATOR DENENBERG: In each

1 Rules Committee/12-3-12
2 case, the appropriation is either for mental
3 health, chemical dependency and
4 developmental disability, or some type of
5 human service program.

6 Is this just routine requirements
7 to appropriate funds that we received in
8 grant money from the state?

9 MR. MAY: Correct. These are
10 supplemental appropriations drawing down
11 monies from the state for our various
12 programs that we have in the county.

13 LEGISLATOR DENENBERG: And it's
14 being done at year end just because the
15 grants just came in, or just housekeeping,
16 or --

17 MR. MAY: I believe that's when
18 the money from the state became available?
19 That's incorrect. I have Ms. Lisa Murphy
20 here to clarify.

21 LEGISLATOR DENENBERG: My only
22 question is, it seems it's all an
23 appropriation of New York State funds for
24 either mental health, chemical dependency
25 and developmental disabilities, or other

1 Rules Committee/12-3-12
2 human service programs, but mostly it was
3 behavioral services.

4 So my question is, is it
5 happening right now because we got the
6 grants right now, or just to show the
7 necessary supplemental appropriation or
8 appropriation for budgetary purposes?

9 MS. MURPHY: No. It's the annual
10 appropriation and, honestly, had it not been
11 for Hurricane Sandy, we would have been
12 before you in December for these 2013 funds.
13 But this is just the annual supplement that
14 every year that we do get from the state and
15 that's this year's.

16 LEGISLATOR DENENBERG: So in each
17 of these cases this appropriation is moving
18 state funding to the appropriate lines?

19 MS. MURPHY: State and federal
20 funding, yes.

21 LEGISLATOR DENENBERG: Okay.
22 Thank you, Ms. Murphy.

23 MS. MURPHY: Thank you.

24 CHAIRMAN NICOLELLO: Legislator
25 DeRiggi-Whitton.

1 Rules Committee/12-3-12

2 LEGISLATOR DERIGGI-WHITTON: Is
3 this money guaranteed already, 100 percent,
4 from the state?

5 MS. D'ALLEVA: Yes. We did
6 receive our state letter on the mental
7 health piece and OASIS did give us their
8 preliminary letter of a grant award.

9 Of course you know that the state
10 does, in fact, always have the opportunity
11 because the state budget comes through in
12 April to change things and that language is
13 in all of our contracts to inform them
14 should there be a reduction, but these are
15 the funds that we have been receiving and I
16 believe will continue to receive for the
17 last few years so there hasn't really been
18 any change in that regard.

19 LEGISLATOR DERIGGI-WHITTON: So
20 what we are voting on today though is
21 basically on the assumption that this will
22 be 100 percent reimbursed by the state and,
23 should that change, our appropriations would
24 have to change as well; is that correct?

25 MS. D'ALLEVA: If that would

1 Rules Committee/12-3-12
2 change, then the appropriations would have
3 to change as well, yes.

4 LEGISLATOR DERIGGI-WHITTON: So
5 there is no chance of us basically putting
6 in county money on these appropriations at
7 this time by voting for it?

8 MS. D'ALLEVA: No. We would have
9 to come back to the legislature and request
10 additional funding if that were the case.

11 LEGISLATOR DERIGGI-WHITTON:
12 Thank you.

13 CHAIRMAN NICOLELLO: Do we have
14 any further questions?

15 (No verbal response.)

16 LEGISLATOR DERIGGI-WHITTON: Did
17 you call 36-13?

18 CHAIRMAN NICOLELLO: Do you have
19 a question about it?

20 LEGISLATOR DERIGGI-WHITTON: Yes.
21 How are you doing?

22 MR. MAY: Excellent. Thank you.

23 LEGISLATOR DERIGGI-WHITTON: I
24 just wanted to ask a quick question about
25 this. I know that we recently consolidated

1 Rules Committee/12-3-12

2 these two groups. Do you find the real
3 estate being handled by DPW, has that shown
4 any savings in your experience with this?
5 It's been about a year since we did that.

6 MR. MAY: There is efficiencies
7 of scale, as I understand it, some of the
8 employees in real estate do work out of DPW
9 and take up some of the functions in that
10 department. I'm personally satisfied with
11 the consolidation of the two departments. I
12 think real estate and DPW are working
13 excellently together, and pretty much just
14 leave it at that, yes.

15 LEGISLATOR DERIGGI-WHITTON: Has
16 there been a marked difference or you
17 really, like you said, you just can't
18 determine that at this point?

19 MR. MAY: A marked difference in
20 the?

21 LEGISLATOR DERIGGI-WHITTON: Just
22 the financial end of it as far as the
23 savings, have we saved anything as far as
24 rent or nothing?

25 MR. MAY: Well, not in rent.

1 Rules Committee/12-3-12
2 Real estate is -- was based out of One West
3 and DPW is based out of 1194 Prospect. So
4 it's not a rent issue.

5 LEGISLATOR DERIGGI-WHITTON: You
6 think there's been a savings in overtime or
7 anything like that?

8 MS. D'ALLEVA: Roseanne D'Alleva,
9 budget office. There's been some
10 retirements, I think in real estate, that
11 have been absorbed into DPW because of the
12 fiscal staff there. So, yes, there have
13 been savings.

14 CHAIRMAN NICOLELLO: Are you
15 done, Legislator DeRiggi-Whitton?

16 LEGISLATOR DERIGGI-WHITTON: I
17 know there is no rent, but I know, for
18 instance, One West Street, if they're not
19 there anymore, do we do anything with that
20 space or how is that being allocated now?

21 MR. MAY: The space is available
22 if we wanted to put somebody else in there.
23 I don't think we're going to put a
24 concessionaire in there or anything, so
25 should there be other employees we wanted to

1 Rules Committee/12-3-12
2 move, I guess we could use that office
3 space. But it has nothing to do with rent
4 or anything.

5 LEGISLATOR DERIGGI-WHITTON: So
6 as far as we're concerned, the consolidation
7 itself is working well, but we can't really
8 see a marked savings, is that fair enough?

9 MR. MAY: I would say that that's
10 not fair. Ms. D'Alleva just testified that
11 the --

12 LEGISLATOR DERIGGI-WHITTON:
13 Well, retirements, I don't know if we can
14 really, you know --

15 MR. MAY: Sure, we can, because
16 if somebody is retired and the workload that
17 the individual was handling who retired is
18 picked up by somebody in DPW, you are saving
19 that money because you don't have to hire
20 somebody else to replace that person.

21 LEGISLATOR DERIGGI-WHITTON: So
22 by having people retire we are cutting down
23 on the staff number, we are not replacing
24 anyone in these departments?

25 MR. MAY: That's correct.

1 Rules Committee/12-3-12

2 LEGISLATOR DERIGGI-WHITTON:

3 Okay.

4 CHAIRMAN NICOLELLO: Legislator
5 Denenberg.

6 LEGISLATOR DENENBERG: Ms.
7 D'Alleva, when we transferred these two
8 salary lines from real estate to public
9 works, the total movement from real estate
10 to public works equals -- I mean, the two
11 lines together will be equivalent, about
12 \$176,000, right?

13 MS. D'ALLEVA: Yes, I believe so.

14 LEGISLATOR DENENBERG: And that's
15 just the realization that the money for
16 those salaries needs to be in public works
17 where before it was in real estate because
18 the real estate department doesn't exist
19 anymore, it's within public works?

20 MS. D'ALLEVA: That's correct.

21 LEGISLATOR DENENBERG: So in
22 terms of savings this year for salaries and
23 wages, that would not have been realized
24 yet, but you're saying in retirements not
25 having to be replaced, we will eventually

1 Rules Committee/12-3-12

2 realize savings?

3 MS. D'ALLEVA: Correct, because
4 those functions are being absorbed by DPW.

5 LEGISLATOR DENENBERG: That
6 assumes that they stayed in real estate that
7 people retiring would have been replaced as
8 opposed to a head count reduction because of
9 attrition?

10 MS. D'ALLEVA: That's correct,
11 because we have people in DPW performing
12 those functions.

13 LEGISLATOR DENENBERG: What is an
14 example?

15 MS. D'ALLEVA: So if we have a
16 fiscal staff member who's doing all the
17 fiscal work at DPW, and you have a fiscal
18 staff member who retired in real estate, all
19 the fiscal work in terms of budgeting,
20 procurements, contract procedures, that's
21 all being done by DPW now, and that member's
22 functions have expanded.

23 LEGISLATOR DENENBERG: Okay.

24 CHAIRMAN NICOLELLO: Do we have
25 any further questions?

1 Rules Committee/12-3-12

2 (No verbal response.)

3 Is there any public comment on
4 these items?

5 (No verbal response.)

6 All those in favor signify by
7 saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Carries unanimously. I skipped
12 over an item so we're going to go back to
13 Item 30 of 2013, a resolution to authorize
14 the transfer of appropriations heretofore
15 made within the budget for the year 2012.

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator Walker, seconded by Legislator
20 Muscarella. Do we have any questions,
21 discussion on this item?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 All those in favor signify by

1 Rules Committee/12-3-12

2 saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 Item 38 of 2013 is a bond ordinance making
8 certain determinations pursuant to the State
9 Environmental Quality Review Act providing
10 for a capital expenditure to finance the
11 payment of certain judgments, compromise and
12 settle claims resulting from court orders
13 and proceedings brought pursuant to Article
14 7 of the Real Property Tax Law. Do we have
15 any discussion on this item in this
16 committee?

17 LEGISLATOR DENENBERG: I have a
18 question.

19 CHAIRMAN NICOLELLO: Legislator
20 Denenberg.

21 LEGISLATOR DENENBERG: This is
22 the same item that, near as I can tell, and
23 I might be wrong, Mr. May, same item that
24 was voted on last session, and the
25 committees before that?

1 Rules Committee/12-3-12

2 This is for tax certs, correct?

3 MR. MAY: Correct.

4 LEGISLATOR DENENBERG: I still
5 don't have any backup regarding this 165.2
6 million in terms of who we are settling
7 with, for how much, what the appraised value
8 was by the county's appraiser, what the
9 petitioners put in as the appraised value.

10 So none of the indicia that I
11 always look at in terms of a settlement have
12 been provided. Is that backup going to be
13 given to us?

14 MR. MAY: Well, conveniently
15 enough, we have Mr. Martin Volk here with a
16 shopping cart full of backup for you to
17 peruse, and I believe he also has --

18 LEGISLATOR DENENBERG: He has a
19 shopping cart full of backup?

20 MR. MAY: I believe so. Marty,
21 do you want to bring it over?

22 LEGISLATOR DENENBERG: Is that
23 for all the legislators?

24 CHAIRMAN NICOLELLO: You don't
25 have to bring it over, Mr. Volk. We can see

1 Rules Committee/12-3-12

2 it. Binders full of backup.

3 MR. MAY: I believe Mr. Volk also
4 has, at the request of Legislator Kopel, an
5 example of the tax cert backup provided in
6 2009 under the previous administration to
7 compare to the backup as provided by the
8 current administration, and I believe that
9 would be from year 2010.

10 You might also have on them a
11 bond ordinance from I believe 2005 for
12 \$150,000,000 to pay for tax certs, that, if
13 I'm not mistaken, garner the full vote of
14 the legislature. The unanimous support of
15 the legislature I should say.

16 So any questions that you may
17 have, I'm going to turn over to Mr. Volk at
18 this time.

19 CHAIRMAN NICOLELLO: Before you
20 do, Mr. Volk, I neglected to take a motion
21 on that, so I'm taking a motion now.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Walker, seconded by Legislator

1 Rules Committee/12-3-12

2 Muscarella. Go ahead.

3 MR. VOLK: Thank you, Legislator
4 Nicoletto. Legislator Denenberg, to answer
5 your immediate question, last year, in or
6 about April or so, my office inundated all
7 of the legislator's offices with lots and
8 lots of e-mails.

9 LEGISLATOR DENENBERG: And I went
10 through what you had given, added it all
11 together with Michelle Darcy, who is my
12 counsel, and she and I went through each and
13 every one of 87 items. We had several
14 questions. The grand total didn't even
15 equal 40 million. I think it equalled about
16 -- it was far less than what was being
17 requested in terms of bonding. I don't have
18 the exact figures off.

19 Then we did have some questions
20 on it. Then the backup was pulled. So
21 those settlements were pulled. There was
22 never part of an item that was voted on.
23 The bond request, as you well know,
24 oscillated from I think at one point 305,
25 and then down to 140, and then 100, then 40,

1 Rules Committee/12-3-12
2 then back up. Now it's at 165. I don't
3 have any of the backup.

4 I don't know if any of the
5 e-mails you sent to me back in last April or
6 May or June, whichever it was, is the backup
7 for the items that are trying to be settled
8 for 165 million.

9 MR. VOLK: Some of it certainly
10 is. And, legislator, thank you for
11 admitting that we did send you something.
12 You had used the word "any" of the backup.
13 Thank you for admitting that we did send you
14 approximately \$35 million of it.

15 LEGISLATOR DENENBERG: I didn't
16 admit anything. I admit that you gave
17 backup for an item that didn't equal what
18 you were asking for, but then it was all
19 pulled. Every single item, every single bit
20 of backup was pulled from the clerk's
21 office.

22 So I'm being asked to vote on 165
23 million now. You said you had it in a
24 shopping cart, the backup. I don't know if
25 the backup equals 165. I have no idea what

1 Rules Committee/12-3-12
2 the backup is. I appreciate that Legislator
3 Kopel asked for some backup. I'm not privy
4 to what he asked for. All I know is that,
5 speaking for myself, and I believe
6 Legislator Troiano, and Legislator Whitton,
7 we don't have anything right now.

8 And I'm not going to approve \$165
9 million to be bonded without any backup at
10 all. I've never once voted in favor of a
11 tax cert settlement or bonding therefore
12 without seeing the backup and each of the
13 settlements. I have always asked about
14 those. And often I was joined by Legislator
15 Becker.

16 MR. VOLK: Legislator, are you
17 suggesting, perhaps, that I had the power
18 and authority to pull back e-mails from you?

19 LEGISLATOR DENENBERG: What are
20 you talking about?

21 MR. VOLK: You're saying that
22 backup was pulled back from you. Are you
23 suggesting that I have the power and the
24 authority --

25 LEGISLATOR DENENBERG: Are you

1 Rules Committee/12-3-12
2 telling me that your e-mails were the backup
3 for what was ended up requested in terms of
4 bonding?

5 MR. VOLK: I am telling that you
6 certainly what I sent you last year is
7 certainly part of it. And I most certainly
8 didn't pull it back.

9 LEGISLATOR DENENBERG: If it's
10 part of it, it was never complete. And I'm
11 no better than any of the legislators here.
12 What ends up being filed by the
13 administration as the backup with the
14 clerk's office is what each and every
15 legislator is entitled to look at.

16 E-mails between you and I,
17 whereas that might help me understand, if
18 that backup is not provided as the official,
19 if you will, the filed in backup for that
20 item, or if it's pulled, then I'm being told
21 that that doesn't support what's being
22 requested.

23 MR. VOLK: Legislator, they were
24 sent to your counsel, not to you.

25 LEGISLATOR DENENBERG: You just

1 Rules Committee/12-3-12
2 said the e-mails were sent to me. But,
3 listen, I'm no better and our counsel is not
4 better than their counsel, their counsel is
5 not better than ours. Both sides of the
6 aisle and every legislator is entitled to
7 see the backup. We are all entitled to
8 question that backup. I had a lot of
9 questions about what was e-mailed over to
10 Counsel Darcy. She had a lot of questions.
11 We went through it together.

12 There never was a hearing that I
13 can ask the questions, because by the time
14 the matter was ultimately called, any backup
15 that had been provided had been pulled.

16 MR. VOLK: What's your definition
17 the word "pulled"? Maybe I just don't
18 understand that. I certainly sent it to
19 counsel, and my office sent it to counsel,
20 and certainly we don't have the authority to
21 somehow make e-mails go away.

22 LEGISLATOR DENENBERG: Amended
23 and not being filed in as the support for
24 that particular item as filed. That's what
25 backup typically is. It's when an item is

1 Rules Committee/12-3-12
2 requested and filed with our clerk's office
3 for us to vote on it whichever committee it
4 goes to, usually has the support for that
5 item. If it's a contract, it's a contract.

6 If it's a settlement, it's
7 usually the settlement. If it's a request
8 for bonding in tax certs, what I'm used to
9 seeing over 12 years, is each and every
10 settlement, why we are being requested to
11 approve the settlement in certain amounts,
12 who we are giving money to, and why we are
13 giving that money.

14 Then, at the end of the day, that
15 settlement, or a group of settlements might
16 accumulate to a certain amount of money
17 being requested for bonding.

18 I've never seen backup that even
19 comes close to \$165.2 million. The e-mails,
20 which did have I believe 87 settlements,
21 didn't even come close to that amount. And
22 I don't know that that's the only proof and
23 the only settlements that we're talking
24 about paying off.

25 MR. VOLK: Legislator,

1 Rules Committee/12-3-12
2 unfortunately my question was, I asked you
3 your definition of the use of the word
4 pulled that I didn't understand what that
5 meant. Unfortunately I don't think your
6 answer helped me.

7 LEGISLATOR DENENBERG: I'm sorry?

8 MR. VOLK: I said --

9 LEGISLATOR DENENBERG: You're
10 actually supposed to be answering my
11 questions, but I will try to be better at
12 answering your questions. When I mean
13 pulled, you never had backup that actually
14 justified any of us saying that we should
15 spend \$165 million worth of taxpayer money
16 on these judgments where we know who's
17 receiving the money, why we're giving them
18 that amount of money, what appraisals it's
19 based upon.

20 But I will tell you this,
21 speaking for myself, when I'm asked to bond
22 \$165 million or to approve taxpayer money
23 being paid out particularly to the tune of
24 \$165 million or even amounts far less, I
25 want to know who's it going to, why it's

1 Rules Committee/12-3-12

2 going, what proof they have, and what the
3 backup is.

4 So, my question is, where is the
5 support for this \$165 million? Because all
6 I have right now is the piece of paper in my
7 hand. And you're not getting my vote with
8 this piece of paper.

9 MR. VOLK: Have you finished?

10 LEGISLATOR DENENBERG: Have you
11 started? You haven't answered anything.
12 You've asked me questions.

13 MR. VOLK: That's right, because
14 I clearly, legislator, I did not understand
15 your question so I was asking for
16 clarification. I was asking for
17 clarification on --

18 LEGISLATOR DENENBERG: You have a
19 room full of people here who know you
20 haven't answered anything yet. Where is the
21 backup for this?

22 MR. VOLK: Legislator, with all
23 due respect, you and I went to the same law.
24 I was taught in that law school, as were
25 you, to wait for somebody to finish

1 Rules Committee/12-3-12

2 speaking. That's only the polite way, and
3 we are colleagues.

4 LEGISLATOR DENENBERG: You still
5 haven't answered my question.

6 MR. VOLK: I had asked you a very
7 simple question, legislator. What does the
8 word pulled, in your context, mean?

9 LEGISLATOR DENENBERG: It's not
10 submitted with this item as the support for
11 this item.

12 CHAIRMAN NICOLELLO: All right.
13 We're going around in circles.

14 LEGISLATOR DENENBERG: Where is
15 the backup for this? It was an easy
16 question, to the chair.

17 Where is the backup for \$165
18 million worth of bond requests?

19 MR. VOLK: We have submitted some
20 of it and I will look into what happened to
21 the remainder of it.

22 LEGISLATOR DENENBERG: You know
23 what, if you just said we haven't submitted
24 it all, we've submitted some, you could have
25 removed the dialogue about our law school.

1 Rules Committee/12-3-12

2 What's been submitted and what will be
3 submitted? Because I don't have anything,
4 zero.

5 MR. VOLK: What has been
6 submitted was the backup for those 80 some
7 odd resolutions that you keep referring to.

8 LEGISLATOR DENENBERG: But those
9 settlements haven't been authorized by the
10 legislature yet.

11 MR. VOLK: That's correct. And
12 we haven't paid on them yet.

13 LEGISLATOR DENENBERG: So those
14 87 that were sent by an email was what's
15 filed with the clerk's office as the backup
16 for this item?

17 MR. VOLK: I have no idea what is
18 currently filed with the clerk's office. I
19 have not been over there.

20 LEGISLATOR DENENBERG: But if
21 something isn't filed, then it's not the
22 backup. If something is filed and then
23 withdrawn from the file, from what is filed,
24 that would be pulled. But if you're saying
25 something is filed with the clerk's office,

1 Rules Committee/12-3-12
2 then at least my side of the aisle is going
3 to have to speak to Mr. Muller as to why
4 items were filed as part of this 38-13 item
5 number and we don't have it.

6 But speaking for Mr. Muller, I'm
7 not putting him on the spot, I don't ever
8 know him not to give me and my caucus the
9 backup for every filed item.

10 It's not even clear to me,
11 Mr. Volk, so that you understand, it's not
12 even clear to me that the 87 items that were
13 e-mailed over to counsel, clients, and
14 Darcy, were filed and, if they were filed, I
15 believe that that file was withdrawn or, as
16 I called it, pulled. I don't know what's on
17 file with the clerk's office right now for
18 this item. Can anyone help me with this?

19 CLERK MULLER: Everything, every
20 backup for that item has been submitted to
21 you. I will have my staff go back right now
22 though if you want me to.

23 LEGISLATOR DENENBERG: So,
24 Legislator Nicolello, we have everything
25 that Mr. Muller provided to us, and it's

1 Rules Committee/12-3-12
2 very little, certainly not a shopping cart
3 full.

4 CHAIRMAN NICOLELLO: Mr. Volk,
5 you brought something up to the podium with
6 you as a demonstration as to what was
7 provided in the past?

8 MR. VOLK: Yes.

9 CHAIRMAN NICOLELLO: Can you show
10 us that again?

11 MR. VOLK: Certainly. The first
12 document is Resolution Number 397 of 2005
13 which was a resolution for \$131 million
14 worth of bonding, passed Nassau County
15 Legislature October 26th, 2005.

16 CHAIRMAN NICOLELLO: How many
17 pages was that, what are we talking about,
18 for that 130 something million dollars of
19 bonding, what was the item that you have in
20 front of you, how many pages?

21 MR. VOLK: With the cover sheet,
22 six pages.

23 CHAIRMAN NICOLELLO: Do you have
24 other items from the past?

25 MR. VOLK: Yes, I do.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: So let me
3 make a point. In 2005, this legislature
4 authorized the county executive to borrow up
5 to \$135 million to give the county the
6 capacity to borrow that amount --

7 LEGISLATOR DENENBERG: But --

8 CHAIRMAN NICOLELLO: Wait, wait.
9 I let you speak for a good 20 minutes and
10 the first time I ask the question you're
11 interrupting me?

12 LEGISLATOR DENENBERG: You're
13 saying that --

14 CHAIRMAN NICOLELLO: There is
15 going to be some decorum in this committee.
16 We're all going to get a chance to talk,
17 every one is going to get a chance to talk
18 without being interrupted. It's just the
19 fact that you don't like the question
20 doesn't give you an opportunity to
21 interrupt.

22 LEGISLATOR DENENBERG: Near as I
23 can tell, you're going to need our votes on
24 this bonding.

25 CHAIRMAN NICOLELLO: Near as I

1 Rules Committee/12-3-12
2 can tell, you want to create a fog and any
3 time there's a concrete answer, you want to
4 disturb that answer. So let Mr. Volk
5 continue. Go ahead.

6 Again, the 130 something million
7 dollars of capacity to borrow was passed by
8 this legislature, Republicans and Democrats,
9 to give the county \$135 million to settle
10 tax assessment challenges; is that correct?
11 Just on six pages of backup.

12 MR. VOLK: With one limited
13 concern is that it was up to 131 million,
14 not 135 million.

15 CHAIRMAN NICOLELLO: Six pages.

16 MR. VOLK: With my correction,
17 you are correct.

18 CHAIRMAN NICOLELLO: What else do
19 you have there?

20 MR. VOLK: Moving on to 2009, I
21 do not know which item it was, but this was
22 after, from what I understand, there had
23 been an agreement with Legislator Becker and
24 Legislator Denenberg to give the legislature
25 some more information, including the

1 Rules Committee/12-3-12
2 aforementioned famous chart, and we had
3 begun to do that.

4 CHAIRMAN NICOLELLO: So what, in
5 2009, how much capacity to borrow was
6 provided?

7 MR. VOLK: I actually do not have
8 that information in front of me.

9 CHAIRMAN NICOLELLO: And how many
10 pages were you talking about then?

11 MR. VOLK: Ten pages.

12 CHAIRMAN NICOLELLO: Now, in
13 terms of what's actually before us today,
14 it's an authorization that gives us the
15 capacity to borrow for assessment
16 challenges, right?

17 MR. VOLK: Yes, sir.

18 CHAIRMAN NICOLELLO: And, in the
19 past, as long as anyone can remember, this
20 legislature has gotten the challenges that
21 would be a payout of over \$100,000 for
22 approval; is that correct?

23 MR. VOLK: That's my
24 understanding, sir.

25 CHAIRMAN NICOLELLO: Before we do

1 Rules Committee/12-3-12

2 that, you have to provide us the backup?

3 MR. VOLK: Yes, sir. Right.

4 CHAIRMAN NICOLELLO: With respect
5 to this item, this isn't the specific
6 approval of those \$100,000 challenges, is
7 it?

8 MR. VOLK: I believe that it's
9 just for bonding of up to 165,240.

10 CHAIRMAN NICOLELLO: No. The
11 refunds of over \$100,000 have to come to us,
12 correct?

13 MR. VOLK: Yes.

14 CHAIRMAN NICOLELLO: So even if
15 we approve this item today, we still have to
16 get for specific approval of those items
17 with refunds of over \$100,000?

18 MR. VOLK: Right.

19 CHAIRMAN NICOLELLO: So those,
20 under \$100,000 traditionally, have not come
21 to us?

22 MR. VOLK: And that's by
23 resolution of this body.

24 CHAIRMAN NICOLELLO: And going
25 back for years and years and years?

1 Rules Committee/12-3-12

2 MR. VOLK: Yes, sir.

3 CHAIRMAN NICOLELLO: So all we're
4 doing today is approving the capacity of
5 this county to borrow?

6 MR. VOLK: I believe that's
7 correct, sir.

8 CHAIRMAN NICOLELLO: All this
9 bi-play about backup and not getting backup
10 and where is it, and we didn't get what we
11 got in the past, it's irrelevant because, up
12 to \$100,000 is approved as it has been in
13 the past. And we are not going to get the
14 backup on those items, right?

15 MR. VOLK: Give me the last part
16 again?

17 CHAIRMAN NICOLELLO: For refunds
18 up to \$100,000, we are not going to get that
19 backup because we never have.

20 MR. VOLK: Traditionally, that's
21 correct.

22 CHAIRMAN NICOLELLO: And for
23 refunds over \$100,000, those items will be
24 submitted to the county legislature for
25 specific approval and we will get the backup

1 Rules Committee/12-3-12
2 for those items when they're approved,
3 correct?

4 MR. VOLK: Or beforehand, and, of
5 course, to the extent we haven't sent it
6 already, if we need to send it again, we
7 will send it again.

8 Any other questions?

9 LEGISLATOR DENENBERG: Yes.

10 CHAIRMAN NICOLELLO: Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DENENBERG: You cut me
13 off, Rich.

14 CHAIRMAN NICOLELLO: I didn't cut
15 you off. I let you speak for 20 minutes.
16 Listen, I'm the chair of the committee and I
17 get to decide who speaks first.

18 LEGISLATOR DENENBERG: The real
19 issue is --

20 CHAIRMAN NICOLELLO: Legislator
21 DeRiggi-Whitton has the floor. Legislator
22 DeRiggi-Whitton.

23 LEGISLATOR DERIGGI-WHITTON:
24 Michael Venditto, I'm going to ask you to
25 join me in this, and I'm respectfully

1 Rules Committee/12-3-12
2 requesting that this be tabled. And I have
3 a lot of respect for you, Mr. Nicoletto.

4 CHAIRMAN NICOLELLO: We have a
5 motion to table on the floor. It's not
6 debatable motion --

7 LEGISLATOR DERIGGI-WHITTON:
8 Please don't interrupt me either.

9 CHAIRMAN NICOLELLO: Thank you.
10 Is there a second?

11 LEGISLATOR DERIGGI-WHITTON:
12 You're trying to preach --

13 CHAIRMAN NICOLELLO: It's not
14 debatable.

15 LEGISLATOR DERIGGI-WHITTON:
16 Listen, I have the right to speak, just like
17 you just told David.

18 CHAIRMAN NICOLELLO: Yes. But
19 you made a motion and it's not debatable.

20 LEGISLATOR DERIGGI-WHITTON: I
21 haven't made the motion yet.

22 CHAIRMAN NICOLELLO: All right.
23 You're withdrawing your motion.

24 LEGISLATOR DERIGGI-WHITTON: I'm
25 presenting a statement to Michael Venditto.

1 Rules Committee/12-3-12

2 All right. Let's just look at what happened
3 today. And I have to say, I'm totally
4 embarrassed by our Nassau County government
5 right now.

6 They cart in information that I
7 assume you haven't looked at, that I haven't
8 looked at, and unless we're all speed
9 readers, we can't look at that right now and
10 determine whether or not it's worth
11 borrowing on our children's future, \$165
12 million, without absolutely not even a
13 minute to look at that.

14 Just by listening to this
15 testimony, I'll tell you, if you call this,
16 I'm going to lose a lot of respect, because
17 we're saying, number one, we are not even
18 sure what's been submitted, what's not been
19 submitted. We did have times when maybe we
20 weren't as careful as we should have been
21 with borrowing money, and that did get us in
22 a bit of financial trouble throughout the
23 last history of Nassau County.

24 I think we were elected today to
25 be more responsible. I know that David

1 Rules Committee/12-3-12
2 Denenberg and Mr. Becker did come up with a
3 chart and you were just mentioning that, and
4 now you're saying, well, maybe that doesn't
5 have to be included in the future. You
6 don't even know what was backed up to back
7 up that chart when you're talking about
8 borrowing money, you're talking about six
9 pages.

10 The bottom line, if we have not
11 learned anything up to this point, it's that
12 we have to be more respectful and more
13 accountable to our taxpayer's money.

14 Michael, I have been here for
15 only one year, but I have seen them come to
16 us and they ask for X amount in bonding,
17 whether it's for retirement or other things,
18 and then we question it, and they come back
19 for half as much as the original amount.
20 It's on the record. You can look it up
21 yourself.

22 I think we are sending a horrible
23 message to our taxpayers, to our employees,
24 to everyone that we represent by somehow
25 passing this at this point with a shopping

1 Rules Committee/12-3-12
2 cart full of information that no one has
3 looked at, with information that's been
4 pulled and deleted.

5 I am respectfully requesting that
6 we -- I will put in for the motion now and I
7 know it will be voted down because it always
8 is, but for this to be moved forward, Mr.
9 Nicoletto, at this point, with this much
10 confusion, and you sat through here like I
11 did. This was awful. This is an
12 abomination. There is no way that you can
13 expect -- look, I know what you're saying,
14 the item still has to come in front of us,
15 but what we're doing is, we are saying,
16 okay, you have our permission as the Finance
17 Committee to go ahead and borrow \$165
18 million. That's putting our reputation on
19 the line.

20 CHAIRMAN NICOLELLO: Are you
21 making a motion?

22 LEGISLATOR DERIGGI-WHITTON: It's
23 like giving someone a credit card and
24 saying, here's \$165 million, money that we
25 don't have, we are going to borrow it from

1 Rules Committee/12-3-12
2 our children's future, without even handing
3 out the documents.

4 I mean, I would have felt a
5 little better had you handed them to us,
6 even if it was only five minutes before,
7 which is what happened the last time they
8 asked us to vote for it.

9 This is not the way to run a
10 business. This is not our money. This is
11 the taxpayer's money and we have to be more
12 accountable.

13 I'm so respectfully requesting
14 that you table this motion.

15 CHAIRMAN NICOLELLO: Motion to
16 table is on the floor. Is there a second.

17 LEGISLATOR DENENBERG: Second.

18 CHAIRMAN NICOLELLO: Seconded by
19 Legislator Denenberg.

20 All those in favor of the motion
21 to table signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (Nay.)

25 Motion is defeated four to three.

1 Rules Committee/12-3-12

2 I agree with --

3 LEGISLATOR DERIGGI-WHITTON: Can
4 you -- some people did not vote. Neither I
5 nor nay.

6 CHAIRMAN NICOLELLO: We're going
7 to poll the committee at the request of
8 Legislator DeRiggi-Whitton who apparently --
9 never mind. Legislator DeRiggi-Whitton,
10 motion to table?

11 LEGISLATOR DeRIGGI-WHITTON: Yes.

12 CHAIRMAN NICOLELLO: Legislator
13 Troiano sitting in for Legislator Bosworth?

14 LEGISLATOR TROIANO: Aye.

15 CHAIRMAN NICOLELLO: Legislator
16 Denenberg?

17 LEGISLATOR DENENBERG: Without
18 backup, I certainly think we should vote to
19 table, I vote yes.

20 CHAIRMAN NICOLELLO: Legislator
21 Venditto?

22 LEGISLATOR VENDITTO: Nay.

23 CHAIRMAN NICOLELLO: Legislator
24 Walker?

25 LEGISLATOR WALKER: Nay.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Legislator
3 Muscarella?

4 LEGISLATOR MUSCARELLA: No.

5 CHAIRMAN NICOLELLO: Legislator
6 Nicolello. Fails four to three. We will do
7 one thing that you said, Legislator
8 DeRiggi-Whitton, and that is that this awful
9 and it's an abomination. The fact that you
10 are playing politics with this county's
11 business is just a disgrace.

12 Legislator Denenberg.

13 LEGISLATOR DERIGGI-WHITTON: That
14 doesn't even warrant an answer. I'm really
15 disappointed. That's all I can tell you. I
16 had a lot of respect for you.

17 CHAIRMAN NICOLELLO: I'm equally
18 disappointed.

19 LEGISLATOR DENENBERG: If I can
20 ask a question? Mr. Volk, you have six
21 pages from 2005 for a \$130 million bond
22 offering, correct?

23 MR. VOLK: Yes.

24 LEGISLATOR DENENBERG: And you're
25 saying the only backup for that \$130 million

1 Rules Committee/12-3-12

2 were those six pages, correct?

3 MR. VOLK: It's not even backup.
4 It's the cover sheet and it's the bond
5 ordinance itself.

6 LEGISLATOR DENENBERG: And isn't
7 it true that the entire amount was for tax
8 cert settlements, correct?

9 MR. VOLK: That's what the cover
10 sheet says, legislator.

11 LEGISLATOR DENENBERG: And if you
12 look back, at that time, that \$130 million
13 worth of tax certs, the settlements had
14 already been approved by the legislature
15 with items being called to the legislature
16 prior to that date for us to approve the
17 settlements before the bond offering came to
18 us.

19 MR. VOLK: The staff summary does
20 not refer to that at all, legislator, I'm
21 sorry.

22 LEGISLATOR DENENBERG: I would
23 look back at the items in those years, and
24 every tax cert settlement that was greater
25 than \$100,000 came to this body for approval

1 Rules Committee/12-3-12
2 with backup showing why we were giving a
3 certain taxpayer represented by counsel, the
4 name of the counsel, the identity of the
5 taxpayer or business, the amount being paid,
6 and the chart that has gotten -- the famous
7 chart that I asked for that says why.

8 And all of those settlements were
9 approved by this legislature before request
10 for bonding was given to us.

11 MR. VOLK: If you say so,
12 legislator, but it's like I said, there is
13 nothing referencing that in the cover sheet.

14 LEGISLATOR DENENBERG: Did you
15 look at the calendar in that year?
16 Historically, since I did, on average, 100
17 separate tax cert settlements came to this
18 legislature per year, per year, with backup
19 for us to approve each individual
20 settlement.

21 The only year that we got zero
22 was 2011 and 2012. The only year that we
23 weren't presented with individual
24 settlements that were over \$100,000 to
25 approve the settlement was '11 and '12 and

1 Rules Committee/12-3-12

2 that's the year where we're being asked
3 right now for \$165 million to approve the
4 bonding before any settlements are approved.

5 MR. VOLK: Legislator, I disagree
6 with that statement.

7 LEGISLATOR DENENBERG: I was
8 here. \$131 million that you're talking
9 about had already by and large been approved
10 with individual settlements, and the average
11 amount of settlements that this body voted
12 on per year was about 100. We have zero in
13 '12 and zero in '11.

14 MR. VOLK: Legislator, with all
15 due respect, I was here in 2011 as well, and
16 I know I was coming here on a regular basis
17 with settlement proposals.

18 LEGISLATOR DENENBERG: Those
19 settlement proposals haven't been voted on.
20 They haven't been voted on.

21 MR. VOLK: Legislator, with all
22 due respect, there were certainly votes
23 taken.

24 LEGISLATOR DENENBERG: Not on
25 what you submitted.

1 Rules Committee/12-3-12

2 MR. VOLK: Perhaps not on what I
3 submitted with respect to what is in the
4 cart, but certainly other settlements.

5 LEGISLATOR DENENBERG: My only
6 point is, you tried to say there was \$130
7 million approved in 2005 based on six pages.
8 If you went back, it was based on item after
9 item, tens upon tens of items that had
10 already been approved for settlement.

11 MR. VOLK: And what I said, quite
12 honestly, is that's not referenced in the
13 staff summary sheet.

14 LEGISLATOR DENENBERG: Why would
15 it be?

16 CHAIRMAN NICOLELLO: Any other
17 questions, discussions? Legislator Troiano,
18 we haven't heard from you yet.

19 LEGISLATOR TROIANO: Good
20 afternoon.

21 MR. VOLK: Good afternoon.

22 LEGISLATOR TROIANO: There's been
23 a great deal of interplay here about what's
24 appropriate for backup, and we've even gone
25 and looked in the past as far back as 2005

1 Rules Committee/12-3-12
2 about what the prior administration provided
3 but I was not part of that. I don't feel in
4 any sense wedded to, what I will call,
5 mistakes in the past. Neither was
6 Legislator DeRiggi-Whitton, nor was
7 Legislator Venditto or Legislator Walker for
8 that matter as well.

9 So whatever practiced was
10 established in the past, I think may not be
11 relevant at this time. Especially
12 considering that, in those periods, we were
13 not in a control period. We were being
14 governed by NIFA to some extent. So times
15 were different.

16 I think we all have an
17 obligation, all of us sitting up here have
18 an obligation to be even more thorough about
19 what the county agrees to.

20 So I would ask a simple, plain
21 common sense logic question: What is the
22 objection to providing all the backup we are
23 looking for, whether or not it was ever
24 provided before, by any previous
25 administration? What possibly could you say

1 Rules Committee/12-3-12
2 is wrong in providing information that is
3 basic to any sort of analysis and review?

4 MR. VOLK: Legislator, if I may,
5 and that's a fair question. And let me
6 start by saying I wasn't here either, I was
7 in private practice.

8 Certainly we have provided backup
9 in the past and that's going to continue to
10 be my practice. The resolution that is
11 before you as Legislator Nicoletto said, is
12 merely for authorization for bonding. It's
13 not authorization for payment. I still need
14 to come before, or the administration still
15 needs to come before this board, this body,
16 for approval for settlement of over
17 \$100,000.

18 LEGISLATOR TROIANO: This may
19 have been asked already then, so excuse me
20 if I lost the answer in the exchange that
21 was going on.

22 If that's the case, why do we
23 need to do the bonding now?

24 MR. VOLK: I think that's a
25 question better asked of somebody else.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: I think I
3 can answer that question. Based upon the
4 posture of the minority of this legislature,
5 for them to approve the settlements without
6 the bonding in place would be crazy,
7 essentially we've accomplished what, in
8 part, politically what you want to do, to
9 starve the county executive of any monies,
10 but for us to approve the settlements
11 without the bonding in place puts the county
12 between a rock and a hard place.

13 LEGISLATOR TROIANO: I can see
14 that, but I guess I'm a little lost
15 procedurally as to what happens. How do we
16 arrive at an amount, a very specific amount,
17 that you're looking for, if you don't know
18 what the settlement amount is going to be
19 yet?

20 MR. VOLK: Again, we are asking,
21 let me just get the item in front of me, I
22 apologize. Again, we are asking for a sum
23 up to, and a very generalized delineation is
24 included in paragraphs 2A and 2B. Again, we
25 are asking simply for bonding authority, not

1 Rules Committee/12-3-12

2 payment authority, nor settlement authority.

3 LEGISLATOR TROIANO: I'm sorry, I
4 don't have the benefit right now of the
5 resolution. I apologize for that. So I'm
6 not sure what's in 2A and 2B.

7 MR. VOLK: It's 38 of 13.

8 LEGISLATOR TROIANO: I know. I'm
9 sorry, but I don't have that with me.
10 That's my problem, I'm sorry.

11 But still, why \$164 million, \$165
12 million, and not \$565 million?

13 MR. VOLK: I cannot answer as to
14 the specific number chosen. I did not draft
15 this document.

16 LEGISLATOR TROIANO: Then how can
17 you expect us to vote on something that you
18 can't even answer the questions?

19 MR. VOLK: Certainly if I need to
20 have the information by full session I will
21 do so.

22 LEGISLATOR TROIANO: Well, I
23 think that's what Legislator Denenberg has
24 been asking for for weeks now.

25 MR. VOLK: As I said, if I need

1 Rules Committee/12-3-12
2 to have a better breakdown, or we need to
3 have a better breakdown as to what comprises
4 the number that's in this item, we will have
5 it for general session.

6 LEGISLATOR TROIANO: So you
7 expect us to vote today without having the
8 backup, but you'll agree to provide it for
9 the full meeting next week or whenever we
10 have it?

11 MR. VOLK: Yes, sir.

12 LEGISLATOR TROIANO: That's
13 nonsensical that you would ask this
14 committee to vote on something without the
15 information that you seem to be
16 acknowledging, tacitly at least, that we
17 ought to have by Full Legislature.

18 MR. VOLK: As I said, to the
19 extent that we need to have it for Full
20 Session, we will have it for the Full
21 Session.

22 LEGISLATOR TROIANO: Why not have
23 it for the Finance Committee?

24 MR. VOLK: I have to find out
25 why.

1 Rules Committee/12-3-12

2 LEGISLATOR TROIANO: Who would
3 you find that out from?

4 MR. VOLK: I would ask my
5 supervisor, I would ask the county attorney.

6 LEGISLATOR TROIANO: Who is your
7 supervisor?

8 MR. VOLK: The county attorney.

9 LEGISLATOR TROIANO: The county
10 attorney. Well, if this needs the county
11 attorney's input, why isn't he here today
12 then?

13 MR. VOLK: I can't answer that.

14 LEGISLATOR TROIANO: Well, then
15 can I move that we table this until we can
16 get further input from the county attorney?

17 CHAIRMAN NICOLELLO: Motion to
18 table by Legislator Troiano.

19 LEGISLATOR DENENBERG: Second.

20 CHAIRMAN NICOLELLO: Seconded by
21 Legislator Denenberg. All those in favor of
22 the motion to table signify by saying aye.

23 (Aye.)

24 Those opposed?

25 (Nay.)

1 Rules Committee/12-3-12

2 It's defeated by a vote of four
3 to three. Four of the majority committee,
4 three votes of the minority committee.

5 LEGISLATOR TROIANO: Can I ask
6 then, how are we to know that there's
7 nothing included in the backup that
8 apparently exists but we can't see yet, how
9 are we to know that there's nothing greater
10 than \$100,000 in that?

11 CHAIRMAN NICOLELLO: No one is
12 saying that there isn't.

13 LEGISLATOR TROIANO: Well, I
14 didn't understand, Rich, because you were
15 saying earlier that, I thought, that there's
16 nothing here -- everything here is less than
17 \$100,000.

18 CHAIRMAN NICOLELLO: No. I
19 wasn't saying that. It's a mixture of both
20 but those items that are over \$100,000 will
21 have to come back to us for approval of the
22 settlement.

23 LEGISLATOR TROIANO: I understand
24 that. So at any rate you are on the record
25 and you commit to providing us with all the

1 Rules Committee/12-3-12
2 backup by the time the Full Leg meets?

3 MR. VOLK: I believe what I
4 agreed to, legislator, and please correct me
5 if I'm wrong, to provide information as to
6 how the \$165 million was arrived at. I
7 believe that was your question, sir.

8 LEGISLATOR TROIANO: What would
9 that look like to you then?

10 MR. VOLK: It would be a chart as
11 to how we get to \$165 million or whatever
12 the number is.

13 LEGISLATOR TROIANO: What would
14 be on the chart, I'm not sure I understand
15 then. The chart would have how much detail
16 then?

17 MR. VOLK: I suppose as much
18 detail as I could find before the next
19 meeting.

20 LEGISLATOR TROIANO: Which might
21 be a detail regarding all of the claimants
22 that you are currently negotiating with?

23 MR. VOLK: I don't believe so.

24 LEGISLATOR TROIANO: Then what
25 would you provide? I'm really at a loss as

1 Rules Committee/12-3-12

2 to what you would provide.

3 MR. VOLK: Again, first I would
4 have to see what is out there. I don't know
5 what information I could gather. I don't
6 know what degree of information I can gather
7 by the time the Full Legislature meets.

8 LEGISLATOR TROIANO: Well, I'm
9 not sure what you are agreeing to provide us
10 with, if you're not even sure.

11 MR. VOLK: It's my understanding
12 that you asked me for information as to how
13 the \$165 million figure, or the number
14 that's in here 165,240, how we got to that.

15 LEGISLATOR TROIANO: That's
16 correct. I'm asking what are you going to
17 provide to us to make me feel comfortable?

18 MR. VOLK: I can't answer that
19 until I see what's out there.

20 MR. MAY: Legislator Troiano,
21 maybe I can draw your attention to, I
22 believe it's Clerk Items 33-12, 34-12, and
23 probably Clerk Items 188, I believe through
24 and including 280-12, which was all of the
25 items that we submitted last year for the

1 Rules Committee/12-3-12
2 bonding that were not -- the votes necessary
3 for that bonding were not provided to us.
4 That includes the names of all the
5 individuals, their addresses, parcel
6 location, and a variety of other information
7 that was provided last year.

8 So when we say that the backup
9 was provided, this being the bond ordinance,
10 and the authorization to bond, we have
11 already submitted in substantial detail, I
12 believe the Clerk Items 33-12 and 34-12, had
13 to be emailed in four different PDFs which
14 means they were probably about 10 megabytes
15 each, which is quite a lot of information.
16 So that's all available to you either
17 directly at your offices or in the clerk's
18 and legislature's office.

19 LEGISLATOR TROIANO: Including
20 the confidential memos that go with that?

21 MR. MAY: As you are aware,
22 confidential memos are confidential county
23 attorney work product and would not be filed
24 for public examination. Those certainly can
25 be provided but that's not going to be

1 Rules Committee/12-3-12
2 provided to the clerk of the legislature.
3 LEGISLATOR TROIANO: But that can
4 be provided to counsel, can't it?
5 MR. MAY: Absolutely.
6 LEGISLATOR TROIANO: Has that
7 been provided to counsel?
8 MR. MAY: I believe it was.
9 LEGISLATOR TROIANO: I don't
10 think it was. In any event, can you provide
11 that?
12 MR. MAY: I can certainly work
13 with the county attorney's office to see
14 what is available and to be able to provide
15 that.
16 LEGISLATOR TROIANO: And prior to
17 the vote of the Full Leg?
18 MR. MAY: That would be the ideal
19 situation, yes.
20 LEGISLATOR TROIANO: I think so.
21 I think actually the ideal situation would
22 be for us to have it before the Finance
23 Committee met.
24 MR. MAY: I'm sorry?
25 LEGISLATOR TROIANO: I think the

1 Rules Committee/12-3-12
2 ideal situation would have been for the
3 Finance Committee to have it before we were
4 asked to vote.

5 MR. MAY: Well, then I guess it's
6 a difference of opinion. We already filed
7 most of the information. As far as the
8 confidential memo, yes.

9 LEGISLATOR TROIANO: That's what
10 I asked for. Thank you.

11 CHAIRMAN NICOLELLO: Any other
12 comments or questions by legislators?

13 (No verbal response.)

14 Is there any public comment on
15 this item?

16 (No verbal response.)

17 LEGISLATOR DERIGGI-WHITTON: Can
18 you do a roll call, please?

19 CHAIRMAN NICOLELLO: We'll do a
20 roll call. All those in favor signify by
21 saying aye. Legislator DeRiggi-Whitton?

22 LEGISLATOR DeRIGGI-WHITTON: I
23 vote no. At least I didn't ask you to do
24 another motion. I could have done that.
25 Table it. Want to do one more, that would

1 Rules Committee/12-3-12

2 make me happy. I vote no.

3 CHAIRMAN NICOLELLO: Legislator
4 Troiano?

5 LEGISLATOR TROIANO: No.

6 CHAIRMAN NICOLELLO: Legislator
7 Denenberg?

8 LEGISLATOR DENENBERG: Again, the
9 fact that we're authorizing \$165 million
10 without backup, without the settlements even
11 being approved, just authorizing it because
12 then the settlements can be railroaded
13 through 10-9 makes no sense at all. We've
14 never done it before. We've never borrowed
15 without having the settlements in place
16 before so I'm voting no.

17 CHAIRMAN NICOLELLO: Legislator
18 Venditto?

19 LEGISLATOR VENDITTO: Aye.

20 CHAIRMAN NICOLELLO: Legislator
21 Walker?

22 LEGISLATOR WALKER: Aye.

23 CHAIRMAN NICOLELLO: Legislator
24 Muscarella?

25 LEGISLATOR MUSCARELLA: I would

1 Rules Committee/12-3-12

2 like to point out that we've have done it
3 this way in the past and I vote aye.

4 CHAIRMAN NICOLELLO: I vote aye.
5 The item passes and moves on to the Rules
6 Committee.

7 Item 39 of 2013, an ordinance
8 supplemental to the annual appropriation
9 ordinance in connection with a variety of
10 departments of the county.

11 LEGISLATOR WALKER: So moved.

12 LEGISLATOR VENDITTO: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Walker, seconded by Legislator
15 Venditto. There is an amendment that has
16 been filed with the clerk's office of
17 January 7th, 2013. Take a motion to amend.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MUSCARELLA: Second.

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

23 MR. MAY: We have Ms. Roseanne
24 D'Alleva to answer any questions on this
25 item. It's a supplemental appropriation for

1 Rules Committee/12-3-12
2 FEMA in the amount of \$109 million after the
3 amendment.

4 LEGISLATOR DERIGGI-WHITTON: Can
5 I ask a questions?

6 CHAIRMAN NICOLELLO: Why don't we
7 have Ms. D'Alleva give us a little bit of a
8 synopsis of what we're doing here?

9 MS. D'ALLEVA: This is the second
10 round of supplemental appropriations
11 requested by the departments in order to
12 facilitate expending their funds, their
13 claims for the FEMA storm.

14 CHAIRMAN NICOLELLO: What is the
15 change in the amendment?

16 MS. D'ALLEVA: I guess the
17 amendment you're talking about is from the
18 98 million to 109?

19 CHAIRMAN NICOLELLO: Yes.

20 MS. D'ALLEVA: There was a
21 polling in between which is, I believe, if
22 you want to call it, Item 40 as well. That
23 was Item 40, what happened there, there was
24 a failure of payroll if the PD. So we had
25 to pull a \$9 million FEMA appropriation so

1 Rules Committee/12-3-12
2 that we can move FEMA expenses from the PDD
3 and PDH fund to the FEMA fund so we can
4 alleviate the PDH and PDD funds of expenses
5 so payroll could pass at that time.

6 So the 98 was amended to less the
7 \$9 million and then we had to add two other
8 items to that supplemental.

9 So we went from 98, minus the
10 nine, plus 15 for the STEP program, and 20
11 for catch basins, debris removal cleanup.
12 That's where we're at. Now we are at the
13 109.

14 CHAIRMAN NICOLELLO: This
15 appropriation is in addition to the --

16 MS. D'ALLEVA: Sorry to be so
17 confusing.

18 CHAIRMAN NICOLELLO: This is in
19 addition to the \$95 million that we passed
20 in December.

21 MS. D'ALLEVA: That's right. So
22 originally we requested \$95 million. Now we
23 are requesting an additional 109 plus, on
24 Item 40, it's \$9 million. So I believe
25 we're at 218 or something. We're at 95 plus

1 Rules Committee/12-3-12

2 118 in total.

3 CHAIRMAN NICOLELLO: Do you
4 expect any additional supplemental
5 appropriations related to Hurricane Sandy?

6 MS. D'ALLEVA: To be quite
7 honest, it's a moving target, but at this
8 time no.

9 CHAIRMAN NICOLELLO: Any other
10 questions from the committee? Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON: Just
13 before I forget, I just wanted to ask you,
14 on the expenses, it was divided up by
15 category and then we were given a list of
16 different vendors. But one that is not
17 provided is for the food supplier. Do you
18 have the name of that company?

19 MS. D'ALLEVA: There were a few
20 different food suppliers depending on the
21 department that used them.

22 LEGISLATOR DERIGGI-WHITTON:
23 Well, it was for approximately a quarter of
24 a million dollars, \$244,000. I need the
25 name of those companies. They were not

1 Rules Committee/12-3-12

2 provided.

3 MS. D'ALLEVA: I think there was
4 Top Flight Foods, which was a big one. That
5 was about \$130,000.

6 LEGISLATOR DERIGGI-WHITTON: It's
7 not on the breakdown, so if you can just let
8 me know. There is nothing regarding food
9 over here and I don't see Top Flight
10 anything on here.

11 MS. D'ALLEVA: I'm not sure which
12 list you are looking at. I know extensively
13 we provided the DPW list.

14 LEGISLATOR DERIGGI-WHITTON:
15 Well, it's called the Sandy supplemental
16 appropriation project funding requirement
17 list which does not mention which company is
18 receiving those funds.

19 MS. D'ALLEVA: Well, I believe
20 129,000 -- \$130,000 we can round up is for
21 Top Flight Foods.

22 LEGISLATOR DERIGGI-WHITTON:
23 Okay. So if you can send me an e-mail as
24 soon as possible with the full amount.

25 MS. D'ALLEVA: Absolutely. Not a

1 Rules Committee/12-3-12

2 problem.

3 LEGISLATOR DERIGGI-WHITTON: How
4 much has been spent so far? I know you just
5 said we've already bonded and how much is
6 that?

7 MS. D'ALLEVA: We have
8 approximately \$70 million encumbered at this
9 time. There is also some encumbrances that
10 have not been able to post because we don't
11 have the appropriation there. So we are at
12 about \$75 million really.

13 LEGISLATOR DERIGGI-WHITTON:
14 That's been paid?

15 MS. D'ALLEVA: That's been
16 encumbered.

17 LEGISLATOR DERIGGI-WHITTON: But
18 how much has been actually paid so far?

19 MS. D'ALLEVA: I think we are in
20 the range of 18 million.

21 LEGISLATOR DERIGGI-WHITTON:
22 That's what I heard. So we've only paid \$18
23 million out of that original 90?

24 MS. D'ALLEVA: Yes. Because
25 there's extensive -- when we're looking at

1 Rules Committee/12-3-12
2 the claims management of all the claims
3 coming in, there's a lot of time allocation
4 that goes to verifying those claims before
5 they are sent to the controller's office.

6 LEGISLATOR DERIGGI-WHITTON: So
7 even though you've only spent approximately
8 \$12 million, you are coming to ask to borrow
9 more --

10 MS. D'ALLEVA: \$17 million. And
11 we are coming to borrow more because we do
12 have the claims in-house and the bills
13 in-house, mostly DPW obviously, but to
14 verify those claims, and all those
15 expenditures, it takes time before they go
16 along to the comptroller's office.

17 In addition to that, the PD has
18 thousands of time slips that they still have
19 not gone through that they have to verify
20 Sandy time versus regular overtime.

21 So we could be looking at --
22 they're probably looking at 15 to 20,000
23 over time slips in order to verify what was
24 Sandy related and what was not.

25 LEGISLATOR DERIGGI-WHITTON: This

1 Rules Committee/12-3-12
2 kind of gets back to what we were just
3 arguing with the bonding. I mean, before we
4 go out and authorize the money -- and it's
5 not that we don't trust whoever we're
6 authorizing the money to, it's nothing
7 personal, but for you to not quite yet know
8 a lot of these numbers and to not spend the
9 17 -- and the \$17 million is the only amount
10 that's been spent out of all that's been
11 allocated, to come to us now for bonding, I
12 think, again, it's almost like we're handing
13 you a blank check and it can say up to and
14 all that --

15 CHAIRMAN NICOLELLO: This is not
16 bonding.

17 MS. D'ALLEVA: It's not bonding.
18 It's basically we are asking for --

19 LEGISLATOR DERIGGI-WHITTON: I'm
20 comparing it to the bonding.

21 MS. D'ALLEVA: Right. We're
22 asking for authorization so that in order
23 for us to expend against that appropriation.

24 LEGISLATOR DERIGGI-WHITTON:
25 Right. I understand that. But I just think

1 Rules Committee/12-3-12
2 that if we've only spent like a little over
3 20 percent of what's already been allocated,
4 to come to us now, I believe it's premature,
5 that's my opinion.

6 The thing I'm concerned about is
7 this. This is a lot of money. We're
8 talking close to \$200 million.

9 MS. D'ALLEVA: Absolutely.

10 LEGISLATOR DERIGGI-WHITTON:
11 There are opportunities where this money, if
12 it's not used for Sandy, could be
13 transferred to some other department and I
14 would have absolutely no idea.

15 MS. D'ALLEVA: There is no way
16 this money can be transferred to any other
17 department. This is an appropriation, an
18 appropriation that is strictly funded by
19 reimbursement.

20 If we do not receive
21 reimbursement, we will not use the funds.
22 The fund has to balance. The FEMA fund at
23 the end of the day has to balance. Expenses
24 versus reimbursement.

25 So, therefore, if we do not

1 Rules Committee/12-3-12
2 expend the money, we will not get reimbursed
3 the money. Therefore, the appropriation
4 will no longer exist.

5 LEGISLATOR DERIGGI-WHITTON: How
6 can you say that though, we don't know how
7 much we're being reimbursed out of the \$95
8 million that we've already bonded?

9 MS. D'ALLEVA: The FEMA fund is
10 appropriated at a 75 percent reimbursement.

11 LEGISLATOR DERIGGI-WHITTON: If
12 FEMA has that much money left over. There
13 are a lot of questions --

14 MS. D'ALLEVA: No. FEMA is
15 guaranteed. I'm sorry. FEMA is guaranteed
16 75 percent. We are awaiting the federal
17 government to make the ruling that occurs up
18 to 90.

19 LEGISLATOR DERIGGI-WHITTON:
20 Correct. But, again, now we're waiting for
21 90 to be approved and you're coming and
22 asking us for almost 200 to be approved.

23 MS. D'ALLEVA: Are we not
24 supposed to do the debris removal?

25 LEGISLATOR DERIGGI-WHITTON: No,

1 Rules Committee/12-3-12

2 that is no problem.

3 MS. D'ALLEVA: According to Rich
4 Millet, and I'm sure Ken Arnold, they can
5 tell you that they've already done the work
6 for at least \$50 million. They are going
7 through the claims right now. If the funds
8 do not get appropriated, then we can't
9 expend them.

10 LEGISLATOR DERIGGI-WHITTON:

11 Well, how come they haven't been paid if we
12 already --

13 MS. D'ALLEVA: Because we haven't
14 appropriated the remaining balance of the
15 funds and they have to look through the
16 invoices.

17 LEGISLATOR DERIGGI-WHITTON: The
18 bottom line is, it seems to me -- that it's
19 under the opinion of this committee, people
20 come to us and say, this is what we think is
21 going to happen so we want you to approve
22 it. We are supposed to approve it and then
23 wait to see the proof later. I just don't
24 think that's -- that's just my statement.

25 I have one other question. Looks

1 Rules Committee/12-3-12
2 Great Services, they were given \$20 million
3 for the first --

4 MS. D'ALLEVA: That's correct.

5 LEGISLATOR DERIGGI-WHITTON: Am I
6 to understand that they are up for another
7 \$22 million with this?

8 MS. D'ALLEVA: That's absolutely
9 correct. The original 20 million included
10 the debris removal from the sites in terms
11 of the streets, the neighborhoods, to the
12 dumping site which was like Nickerson Beach.

13 It did not include the removal of
14 the debris from Nickerson Beach to the
15 dumps. That's what the additional \$20
16 million is for.

17 LEGISLATOR DERIGGI-WHITTON: I'm
18 going on record, the last time I voted no
19 because I really have not been at all
20 impressed with the way Looks Great Services
21 has handled a number of things. Not only
22 what's happened in the preserves, but the
23 accident was just absolutely horrible.
24 That's really going to bring the county in
25 for liability there.

1 Rules Committee/12-3-12

2 I think that before we go ahead
3 and reward them another \$20 million worth of
4 contract, after we have been shown time and
5 time again that if there's an issue --

6 MS. D'ALLEVA: If I'm not
7 inaccurate -- I'm sorry, I believe they've
8 already done the work.

9 LEGISLATOR DERIGGI-WHITTON:
10 Well, you know what, I think that we really
11 are -- the fact that you're doing this is a
12 backwards way. Why have a Finance
13 Committee? Why have us here?

14 MR. ARNOLD: Looks Great Services
15 provided all the debris removal in the
16 county, in addition, the removal of all the
17 construction debris in the City of Long
18 Beach.

19 The department has an obligation
20 to get this work done in an expeditious
21 manner. These contracts came to the Rules
22 Committee and were voted and approved. This
23 is now the funding to make these contractors
24 whole.

25 LEGISLATOR DERIGGI-WHITTON:

1 Rules Committee/12-3-12

2 Again, the reason why I have a problem with
3 this company is because I have not -- I feel
4 the accountability -- listen --

5 MR. ARNOLD: You're questioning
6 the department's accountability in reviewing
7 these claims, working this contractor, and
8 that's very unfortunate that you find a
9 political motive to beat this up.

10 LEGISLATOR DERIGGI-WHITTON: No,
11 it's not at all political.

12 MR. ARNOLD: I beg to differ.

13 LEGISLATOR DERIGGI-WHITTON:
14 There really isn't. It's a financial
15 motive. I think giving a company \$40
16 million with very little oversight over
17 them, and honestly I think they are doing
18 whatever they want to do, and they were
19 reckless in different -- not only in the
20 preserves, they were reckless with
21 overloading a truck and having a driver,
22 with all those violations on those trucks,
23 and --

24 MS. D'ALLEVA: Aside from Looks
25 Great ---

1 Rules Committee/12-3-12

2 LEGISLATOR DERIGGI-WHITTON: Can
3 I just finish one thing, and then I'll let
4 you go?

5 CHAIRMAN NICOLELLO: Just, by the
6 way, Looks Great, the City of Long Beach has
7 just hired them to remove the boardwalk,
8 just so --

9 LEGISLATOR DERIGGI-WHITTON: I
10 hope that they're careful. I think by
11 giving them \$40 million and basically
12 letting them go, we are giving them the
13 opportunity of them being reckless. And, in
14 my opinion, both instances, what happened in
15 the preserve, and what happened with that
16 car accident, are both examples of companies
17 that are just doing whatever the heck they
18 feel like they can do.

19 My last question -- my last
20 point, by you asking us -- nobody wants --
21 listen, I represent Bayville, I saw a lot of
22 damage. Nobody wants this to be done
23 faster.

24 MS. D'ALLEVA: Honestly, it has
25 been done. A lot of work has been done.

1 Rules Committee/12-3-12

2 These people need to get paid. They have
3 payroll that they haven't made. They are on
4 bridge loans from banks.

5 LEGISLATOR DERIGGI-WHITTON:

6 Well, we have plenty of money to pay them.
7 If you paid 17 so far, then let's pay them
8 with the rest of the money.

9 MS. D'ALLEVA: But in many areas,
10 they're not accurate appropriations that we
11 have to increase the appropriations so that
12 we can pay these vendors.

13 LEGISLATOR DERIGGI-WHITTON: I
14 appreciate that and I appreciate that you
15 still have work to do with it, but I
16 appreciate also having the facts before we
17 are asked to vote on something. And not
18 having an amount and not seeing the
19 breakdown, it's just very difficult for us
20 to vote on it. We're giving a blank check,
21 like even to this company, by giving them,
22 one company, \$40 million, in my opinion just
23 gives them the right to do what they want to
24 do. There's not enough oversight. That's
25 my concern. That's why the violations on

REGAL REPORTING SERVICE
(516) 747-7353

1 Rules Committee/12-3-12
2 the trucks really should have been caught
3 before these subcontractors were -- now
4 we're on it.

5 That being said, I have the same
6 thing with the allocating for additional
7 funds. Look. I trust you. I think you're
8 doing a good job. I think that you are
9 going to be careful with what you allocate,
10 but with us to hand over this much money
11 without any documentation --

12 MS. D'ALLEVA: You have to
13 remember --

14 LEGISLATOR DERIGGI-WHITTON: It's
15 our responsibility in representing the
16 taxpayers.

17 MS. D'ALLEVA: And I completely
18 agree. In fact, you know, one of the
19 reasons that a lot of claims have not been
20 processed is because there is a third level
21 of scrutiny at the comptroller's office.

22 LEGISLATOR DERIGGI-WHITTON: And
23 there should be.

24 MS. D'ALLEVA: Absolutely. And
25 we're talking about \$213 million. That

1 Rules Committee/12-3-12
2 scrutiny is ongoing. They review every
3 single claim to make sure that it's FEMA
4 eligible. They will not process a claim or
5 invoice the expense unless it is completely
6 FEMA eligible.

7 You know, honestly, these
8 vendors, and we have payroll failures all
9 over the place because the payroll has hit
10 the general fund. We need to move the
11 expenses over to the FEMA fund. To be quite
12 honest, if we can't show FEMA that we have
13 these expenses in the FEMA fund segregated
14 out because once it's in the general fund,
15 it's kind of all mishmash, so that
16 everything needs to be segregated in the
17 FEMA fund so that we can sit down with these
18 FEMA reps and write those project
19 worksheets.

20 LEGISLATOR DERIGGI-WHITTON: I
21 understand that.

22 MS. D'ALLEVA: Currently we have
23 over \$50 million worth of project worksheets
24 already written with FEMA that they have
25 already obligated \$42 million worth of

1 Rules Committee/12-3-12
2 reimbursement. So we are working diligently
3 to make sure that this county receives the
4 reimbursement that, you know, it basically
5 expenses out.

6 LEGISLATOR DERIGGI-WHITTON: No.
7 I would expect that. I know \$17 million has
8 been paid out of almost 200 million that
9 you're asking for. I appreciate the fact
10 that you're doing it as fast as possible.

11 What I don't appreciate is that
12 we don't have any facts. For me to okay
13 borrowing money, we don't even know if FEMA
14 is going to reimburse what they say.

15 MS. D'ALLEVA: We've given you,
16 and you have approved, over \$155 million
17 worth of contracts.

18 LEGISLATOR DERIGGI-WHITTON: I
19 didn't approve that.

20 MS. D'ALLEVA: Yes, you have.
21 They all have come through the legislature.

22 LEGISLATOR DERIGGI-WHITTON:
23 Right. But I didn't approve that.

24 MS. D'ALLEVA: They've all come
25 through the legislature. We have to

1 Rules Committee/12-3-12
2 appropriate accordingly to that.

3 LEGISLATOR DERIGGI-WHITTON: It
4 was Rules only, number one. Number two, I
5 also had a problem with Looks Great Services
6 at our last meeting if you want to just go
7 back and look.

8 MS. D'ALLEVA: What would you
9 tell these contractors?

10 LEGISLATOR DERIGGI-WHITTON:
11 Well, what I would say is, listen, we have
12 90 million.

13 MS. D'ALLEVA: What do you want
14 to tell the PD?

15 LEGISLATOR DERIGGI-WHITTON: I
16 would like you to pay them with the money we
17 allocated.

18 MS. D'ALLEVA: Would you like to
19 tell the comptroller's office to hold
20 payroll?

21 LEGISLATOR DERIGGI-WHITTON: No.
22 You have -- listen, you only paid out \$17
23 million. I would respectfully request that
24 -- listen, do your process the way you want.

25 MR. SULLIVAN: Just a couple of

1 Rules Committee/12-3-12

2 points.

3 LEGISLATOR DERIGGI-WHITTON: I'm
4 not finished yet. When I'm done, I'll let
5 you know.

6 The bottom line is this, you're
7 asking us to go ahead and borrow. We're
8 giving more money --

9 MR. SULLIVAN: This is not
10 borrowing.

11 LEGISLATOR DERIGGI-WHITTON: I
12 apologize, allocate.

13 MS. D'ALLEVA: You keep saying
14 borrowing.

15 LEGISLATOR DERIGGI-WHITTON: At
16 this point --

17 CHAIRMAN NICOLELLO: We're not
18 allocating. It's a supplemental
19 appropriation.

20 LEGISLATOR DERIGGI-WHITTON: -- we
21 don't have the money, so we're going to be
22 switching it from other funds, and we're
23 hoping that money FEMA reimburses us, and we
24 don't even have the money for the small
25 percentage that we had to pay. So maybe a

1 Rules Committee/12-3-12

2 bond a premature.

3 MS. D'ALLEVA: We know that FEMA
4 will reimburse. We've already written a PW.
5 We received close to \$16 million in
6 reimbursement just on the debris removal PW
7 that we issued.

8 LEGISLATOR DERIGGI-WHITTON: All
9 right. My two points to you is this, number
10 one, I have not been happy with Looks Great
11 Services. My second point is that before
12 we're asked to borrow -- not borrow, to
13 allocate another \$100 million without having
14 any more than \$17 million already paid from
15 the money we already approved, I just think
16 it's backwards --

17 MS. D'ALLEVA: The turnaround
18 time for Irene was 14 months.

19 LEGISLATOR DERIGGI-WHITTON: I
20 understand that.

21 MS. D'ALLEVA: We've sat down
22 with FEMA. We've had several meetings with
23 them. They are constantly meeting with
24 every single department so that we can
25 expedite that reimbursement process.

1 Rules Committee/12-3-12

2 LEGISLATOR DERIGGI-WHITTON:

3 Listen, nobody wants it more than I do.

4 MS. D'ALLEVA: But, to be quite
5 honest, this will be reconciled through next
6 year.

7 LEGISLATOR DERIGGI-WHITTON: I
8 know. No one hopes more than I do that this
9 money appears.

10 MS. D'ALLEVA: So are you telling
11 these vendors they're going to have to wait
12 through next year to get paid?

13 LEGISLATOR DERIGGI-WHITTON: No.
14 I would tell them that I already okayed over
15 \$90 million.

16 MS. D'ALLEVA: It's not enough.

17 LEGISLATOR DERIGGI-WHITTON: This
18 is what I would like to end it with, okay?

19 There's a lot of money involved.
20 I want to make sure there is good oversight.
21 Yes, maybe you have this information, maybe
22 you feel comfortable. Some vendors are
23 listed on this list, some aren't.

24 For me, it's not enough
25 information. Again, like I said, I do have

1 Rules Committee/12-3-12
2 a problem with Looks Great Services. I
3 don't think there's been enough oversight
4 with them.

5 CHAIRMAN NICOLELLO: Mr.
6 Sullivan, is this an allocation what we're
7 doing today?

8 MR. SULLIVAN: It's an
9 allocation. And just a couple of points of
10 clarification when we keep on referring to
11 17 --

12 CHAIRMAN NICOLELLO: It's a
13 supplemental appropriation?

14 MR. SULLIVAN: Correct. When we
15 talk about \$17 million being spent, that's
16 cash out the door. When Roseanne said that
17 there was \$75 million, I think was the
18 number, encumbered. Encumbered is the same.
19 It's gone. It's encumbered, you can't spend
20 the encumbrance that's out the door that's
21 reserved funding.

22 Then there is, when you enter
23 into a contract, there is a requisition
24 which is a pre-encumbrance, there is a
25 purchase order, which is an encumbrance.

1 Rules Committee/12-3-12

2 Then you eventually cut the
3 check, but there are stages to purchasing.
4 So that when you encumber something, the
5 money in the system shows as spent.

6 What this is is an allocation.
7 My biggest fear here, as Roseanne said
8 before, if we don't allocate this money, you
9 run the risk of not getting federal
10 reimbursement. The clock is ticking here.

11 There is a 60 day window for us
12 to make all our claims. And if we're going
13 to keep on kicking this issue around -- you
14 know, personally if it was \$400 million
15 allocation, I wouldn't care. You're not
16 spending the money. Spending the money is
17 putting in the claims. They get audited by
18 the comptroller's as Ms. D'Allewa said, and
19 get excruciatingly audited by the feds.

20 The money doesn't get spent until
21 the feds say, yes, it's good. That's the
22 whole ball game here. So if we said \$500
23 million, it doesn't matter. What happens at
24 the end, if we get \$200 million back in
25 reimbursement, then that \$300 million comes

1 Rules Committee/12-3-12
2 down and all you get, the funds balance, the
3 revenue and expenses balance.

4 The biggest fear here is, you
5 know, we don't get this allocated, we don't
6 get the project worksheets done, we don't
7 get the federal reimbursement, this is -- we
8 are creating a huge issue.

9 CHAIRMAN NICOLELLO: I'd imagine
10 Nassau County wasn't the only locality
11 affected by the storm, and I'd imagine the
12 competition for FEMA funds is pretty
13 intense.

14 MR. SULLIVAN: Yes. The MTA just
15 went out with a borrowing for three and a
16 half billion dollars.

17 CHAIRMAN NICOLELLO: You got the
18 state of New Jersey and all the shore front
19 communities, you have the County of Suffolk,
20 Long Beach, New York City.

21 MR. SULLIVAN: And as Ms.
22 D'Alleva stated, yes, it's sort of
23 allocating this in a FEMA fund is our
24 supporting documentation to them. It
25 strengthens our arguments. Not being able

1 Rules Committee/12-3-12
2 to show the money was spent on this,0 not
3 being able to encumber it because the
4 appropriations are not there creates issues
5 for us with the federal government.

6 CHAIRMAN NICOLELLO: So what
7 you're saying, to not appropriate could
8 potentially jeopardize reimbursement for
9 FEMA funds?

10 MR. SULLIVAN: Definitely.

11 CHAIRMAN NICOLELLO: And these
12 are monies that were spent --

13 MR. SULLIVAN: Are spent, spent.

14 CHAIRMAN NICOLELLO: Are spent
15 because the work was done.

16 MR. SULLIVAN: That is absolutely
17 correct.

18 CHAIRMAN NICOLELLO: So to not
19 appropriate, in effect, if FEMA funds get
20 jeopardized, that money has already been
21 spent. The money doesn't come in from the
22 feds, and guess who pays for it? Taxpayers
23 of Nassau County.

24 MR. SULLIVAN: That's correct.

25 MS. D'ALLEVA: You have \$155

1 Rules Committee/12-3-12
2 million of approved contracts that went
3 through this legislature.

4 CHAIRMAN NICOLELLO: Right. Any
5 other discussion? Legislator Denenberg.

6 LEGISLATOR DENENBERG: Mr.
7 Sullivan, I mean it could be anyone, a \$950
8 million appropriation -- I'm sorry. A \$95
9 million appropriation, supplemental
10 appropriation was approved at the last full
11 session and the committees before that, both
12 in September, correct?

13 MR. SULLIVAN: That's correct.

14 MR. ARNOLD: Correct.

15 LEGISLATOR DENENBERG: Now, just
16 if layman's terms, we've spent \$17 million
17 of that --

18 MS. D'ALLEVA: But you've
19 encumbered --

20 LEGISLATOR DENENBERG: Let me
21 finish, please.

22 MS. D'ALLEVA: Okay.

23 LEGISLATOR DENENBERG: Please let
24 me finish. It must be a joke here. If
25 Denenberg is talking, jump on it.

1 Rules Committee/12-3-12

2 Of the \$95 million, whether it's
3 Mr. Sullivan or Ms. D'Alleva, 75 million has
4 been encumbered and 17 is out the door
5 already?

6 MS. D'ALLEVA: 17 is out the door
7 of the 75 encumbered.

8 LEGISLATOR DENENBERG: So in
9 layman's terms, what does encumbering mean?
10 That means that we have an obligation that
11 we have to pay, correct?

12 MS. D'ALLEVA: That's correct.

13 LEGISLATOR DENENBERG: So if we
14 have an obligation that we have to pay, and
15 it's been encumbered, which means that we've
16 identified the contractor and a contract
17 that has to be paid off on, why haven't the
18 vendors actually been paid that money yet?

19 MS. D'ALLEVA: Well, there are
20 several steps to the process. In one
21 instance, there are issues with -- we need
22 additional appropriation in some areas so,
23 therefore, even though the contract passed
24 through the legislature, in some instances
25 we do not have the appropriation listed in

1 Rules Committee/12-3-12
2 the FEMA fund therefore it cannot be
3 expensed. So we do have millions of dollars
4 in that bucket.

5 The other bucket is, we have been
6 invoiced I think through December, actually
7 through November, we've been invoiced by the
8 companies through November and DPW is
9 diligently processing those invoices along
10 with, once they're done, the comptroller's
11 office. So it takes time to verify. I
12 mean, they do do their due diligence to make
13 sure that the invoices are correct.

14 LEGISLATOR DENENBERG: According
15 to a January 4th interdepartmental memo from
16 the Office of Legislative Budget Review, \$17
17 million represented actual spending, and we
18 all agree with that; is that correct?

19 MS. D'ALLEVA: That's correct.

20 LEGISLATOR DENENBERG: In
21 addition, they were at about 70 million of
22 encumbrances if you include the 17. So it's
23 a little higher than it was a couple of days
24 ago?

25 MS. D'ALLEVA: No. I'm going to

1 Rules Committee/12-3-12
2 be quite honest. I have close to \$6 million
3 in the general fund AA line that I have not
4 been able to move to FEMA yet. That's
5 included in my number. That's why I'm at
6 like 75 million.

7 LEGISLATOR DENENBERG: Now you
8 would argue that the reason why we're not
9 just going to wait until that \$95 million
10 which has already been supplementally
11 appropriated, the reason why you want to get
12 another 100 million in now is because that
13 95 million will, A, be spent very soon,
14 certainly be encumbered soon, so you need
15 the ability to encumber more money, correct?

16 MS. D'ALLEVA: Absolutely.

17 LEGISLATOR DENENBERG: And,
18 second, I'm looking at Mr. Sullivan because
19 I think I want you to answer this, you said
20 that we need to get in the appropriation in
21 order to make an application to FEMA within
22 a 60 day period? I'm not sure I understood
23 that. I have a few questions along that
24 line.

25 MS. D'ALLEVA: The kick off

1 Rules Committee/12-3-12
2 meeting -- FEMA reimbursement has strict
3 guidelines that we must follow. Once the
4 kick off meeting from FEMA and the state
5 along with the departments happens, you have
6 60 days to get your Cat A and Cat B expenses
7 in.

8 LEGISLATOR DENENBERG: Your what?

9 MS. D'ALLEVA: Category A, debris
10 removal, and Category B, expenses. So,
11 therefore, if the kick off meetings were
12 December 11th, 60 days from that date.

13 LEGISLATOR DENENBERG: Is
14 December 11th, was that the day that the
15 kick off meeting was?

16 MS. D'ALLEVA: Yes. And 12th,
17 depending on the department.

18 LEGISLATOR DENENBERG: Okay. So
19 in December we had a \$95 million
20 supplemental appropriation, and this
21 supplemental appropriation is about \$109
22 million?

23 MS. D'ALLEVA: Yes.

24 LEGISLATOR DENENBERG: Now, are
25 we going to have another supplemental

1 Rules Committee/12-3-12
2 appropriation request?

3 MS. D'ALLEVA: I'm hoping not to.
4 I think we pretty much covered everything in
5 these two supplementals, the three
6 supplementals; the 109, the nine and the 95.

7 LEGISLATOR DENENBERG: If we have
8 this 60 day period, then it's -- I don't
9 want to -- it's incumbent upon us to -- we
10 can't make an application to FEMA unless the
11 money is appropriated?

12 MS. D'ALLEVA: To be quite
13 honest, we are actually working on an
14 extension date due to the holidays. But,
15 theoretically, that's absolutely right.

16 LEGISLATOR DENENBERG: Why is
17 that? Unless you have a supplemental
18 appropriation, you can't make that amount of
19 money part of the FEMA reimbursement
20 application?

21 MS. D'ALLEVA: No. The
22 supplemental appropriation allows us to
23 appropriate funds in a specific FEMA fund
24 that we categorize all our expenses. We use
25 that fund for verification when we sit down

1 Rules Committee/12-3-12
2 with FEMA to say what contracts are being
3 encumbered against that fund.

4 So it allows us to sit with them
5 and give them some type of verification in
6 terms of what we would like to request to
7 put on our PD for reimbursement.

8 LEGISLATOR DENENBERG: Now, once
9 we encumber the money, that money has to be
10 spent because it's encumbered for that
11 purpose? So, in other words, the \$75
12 million that's been encumbered already has
13 to be spent for that purpose, correct?

14 MS. D'ALLEVA: Yes.

15 LEGISLATOR DENENBERG: How much
16 of that 75 that's already encumbered and
17 that first 95 in supplemental appropriation
18 do we know that FEMA approved, in other
19 words, that it's FEMA reimbursable?

20 MS. D'ALLEVA: Well, first of
21 all, it's a bear to try to get FEMA to sit
22 down with the departments individually
23 because in certain areas we're creating
24 silos within the departments to sit down and
25 write down PWs, these project worksheets.

1 Rules Committee/12-3-12

2 We have sat down several times with PD but
3 they haven't physically -- they don't have
4 an approved project worksheet. That's going
5 to be done momentarily within this week.

6 Otherwise, we have about \$52
7 million, \$55 million worth of PWS that were
8 approved by FEMA. We have about 40 --

9 LEGISLATOR DENENBERG: A PW is a
10 what, project worksheet?

11 MS. D'ALLEVA: Project worksheet.
12 That basically is the opener, you can say,
13 with FEMA, to start approving and giving you
14 reimbursement.

15 LEGISLATOR DENENBERG: So how
16 much reimbursement right now has FEMA
17 approved for Nassau County? That's a fair
18 question.

19 MS. D'ALLEVA: So we have \$55
20 million right now in terms of project
21 worksheets that they have worked through
22 with the county.

23 LEGISLATOR DENENBERG: Does that
24 mean they have approved that 55 million?

25 MS. D'ALLEVA: They have

1 Rules Committee/12-3-12

2 obligated 41 million dollars and change.

3 LEGISLATOR DENENBERG: Is that
4 their 75 percent for the 55?

5 MS. D'ALLEVA: Yes. That's
6 exactly right.

7 LEGISLATOR DENENBERG: So right
8 now, of the first 95 million supplemental
9 appropriation, we know that 55 of that 95
10 has qualified, if you will, for FEMA
11 reimbursement?

12 MS. D'ALLEVA: That's exactly
13 right.

14 LEGISLATOR DENENBERG: At the 75
15 percent rate?

16 MS. D'ALLEVA: That's right.

17 LEGISLATOR DENENBERG: So the
18 other \$40 million we're still applying for
19 right now or we just haven't gotten further
20 along?

21 MS. D'ALLEVA: Well, \$30 million
22 of it is PD alone. And that project
23 workshop will be done, like I said,
24 momentarily --

25 LEGISLATOR DENENBERG: PD meaning

1 Rules Committee/12-3-12

2 police department overtime?

3 MS. D'ALLEVA: Yes. Police
4 department overtime and other expenditures
5 in terms of DD, BB and all other lines.

6 LEGISLATOR DENENBERG: So right
7 now that hasn't been approved yet?

8 MS. D'ALLEVA: No. Not as of
9 yet. Momentarily. We've sat down with FEMA
10 four times in order for them to write that
11 project worksheet.

12 LEGISLATOR DENENBERG: Okay.
13 What is the assumption, Ms. D'Alleva -- is
14 the assumption is 87.5 percent of this is
15 coming back to us?

16 MS. D'ALLEVA: Currently, yes,
17 that's what the comptroller felt comfortable
18 with and that's how we appropriated the
19 funds.

20 LEGISLATOR DENENBERG: So can I
21 assume then if there is a \$95 million
22 supplemental appropriation that's already
23 been approved, and then there was a \$9
24 million appropriation that was approved, so
25 that's 104, and now there is 109 that's --

1 Rules Committee/12-3-12

2 MS. D'ALLEVA: 213.

3 LEGISLATOR DENENBERG: 213

4 million. That of that \$213 million
5 appropriation, we are budgeting for the
6 county to pay 12 and a half percent of that?

7 MR. SULLIVAN: We do expect, as
8 you know, the governor has asked for 100
9 percent from the federal government. I
10 think a storm with this magnitude eventually
11 will be clarified with the 90/10 split, and
12 then it remains to be seen whether or not
13 New York State picks up the ten, five, or
14 zero. I think that's where this is going.
15 But, as you know, you follow things on the
16 hill and things like that. It's still up in
17 the air at this point.

18 But this level of storm, and I
19 think it's \$2.6 billion is kind of the
20 threshold for a state of this size and we're
21 going to be way above that for New York
22 State. The governor has asked for \$30
23 billion.

24 LEGISLATOR DENENBERG: Thanks for
25 the status update, but my question, Mr.

1 Rules Committee/12-3-12
2 Sullivan, ultimately is, how much of the 213
3 are we for Nassau County budgetary purposes
4 prepared to pay from county funds?

5 MR. SULLIVAN: We'll have to pay
6 whatever it turns out to be. If it's 25
7 percent, obviously that would be somewhere
8 around \$27 million -- we would be talking
9 \$27 million, if it's a 12 and a half split.

10 LEGISLATOR DENENBERG: If it was
11 a 12 and a half split, we would have pay \$27
12 million?

13 MR. SULLIVAN: Correct.

14 LEGISLATOR DENENBERG: Then my
15 question has been, are we, for budgetary
16 purposes, have we identified the 12 and a
17 half percent share for the county? For
18 budgetary purposes, let's assume we're not
19 getting it back --

20 MR. SULLIVAN: Obviously, when we
21 adopted the budget, there was no storm.

22 LEGISLATOR DENENBERG: Correct.
23 That's right. So where are we going to get
24 the \$27 million, or are we assuming for
25 budgetary purposes right now that we're

1 Rules Committee/12-3-12
2 getting 100 percent back and, if we don't,
3 we'll figure out where we're going to get
4 that \$27 million from?

5 MR. SULLIVAN: I think there's a
6 potential for a surplus this year, and
7 obviously we would have to look at it when
8 the number becomes final. At this point in
9 time, there are various scenarios. It could
10 be zero, five, ten, 12 and a half, 25.
11 Obviously there are a multitude of scenarios
12 that we would have to prepare for.

13 LEGISLATOR DENENBERG: So right
14 now, within the Nassau County budget right
15 now, we haven't allocated -- I hate to use
16 the word allocated because it was the
17 supplemental appropriation, but for right
18 now, we don't know where the money -- if it
19 were 12 and a half percent or 25 percent, we
20 do not know where we would get the money
21 from --

22 MR. SULLIVAN: That's the only
23 thing we would have to -- it would be like
24 any new expense that popped up, we would
25 have to do cost cutting at that point to

1 Rules Committee/12-3-12

2 find it.

3 LEGISLATOR DENENBERG: So right
4 now, let's get in the application.

5 MR. SULLIVAN: We have to get the
6 application in.

7 LEGISLATOR DENENBERG: You're
8 asking us, appropriate the funds, we're
9 going to do the best to get as much back as
10 possible, and chances are -- right now, the
11 way it is, 12 and a half percent, we should
12 expect that we're going to find within the
13 county coffers?

14 MR. SULLIVAN: Potentially, more
15 optimistic than not.

16 LEGISLATOR DENENBERG: Okay.
17 What are we doing to insure that the
18 expenses meet the standards for FEMA
19 reimbursement right now?

20 MR. SULLIVAN: We have hired a
21 consultant, we're scrubbing these things.
22 This has tied up an enormous amount of
23 resources on the county side. You can
24 imagine dealing with the federal government
25 when you're in for 100's of million of

1 Rules Committee/12-3-12
2 dollars, the paperwork is voluminous.

3 We probably met with dozens of
4 FEMA representatives. We're going back and
5 forth and scrubbing everything, there's
6 guidelines. We been at forums. It's been a
7 pretty extensive process.

8 LEGISLATOR DENENBERG: So we have
9 the invoices, for example, and the time
10 sheets to substantiate these expenses as
11 Sandy related?

12 MR. SULLIVAN: It's going to be a
13 voluminous amount of backup and this is
14 going to be a long process.

15 You know, this is stage one as
16 you indicated, legislator. I'm expecting
17 that that is going to go on at least for
18 this year and I would envision into future
19 years as well, especially with respect to
20 the sewer plant and things like that.

21 LEGISLATOR DENENBERG: But as our
22 deputy county executive for management and
23 budget, you believe that 2013 will all be
24 FEMA reimbursable? That they will qualify
25 whether we get only 75 percent or 90 percent

1 Rules Committee/12-3-12
2 back, or have to come up with 12 and a half
3 percent, it's all going to qualify?

4 MR. SULLIVAN: Yes. As Budget
5 Director D'Alleva stated, the first \$55
6 million, we were able to get that through
7 and get the 75 percent. But, again, it's a
8 process back and forth with the federal
9 government.

10 LEGISLATOR DENENBERG: I do have
11 the concern that Legislator DeRiggi bought
12 up but just for another reason. If it's 213
13 million total, I want to thank Ms. D'Alleva
14 for the sheet that shows \$155.8 million
15 worth of expenditures and where it's going
16 in terms of the contractors, but the way I
17 count it up, 20 and then 26, and then 248
18 million ended up going just to one
19 contractor, Looks Great, which seems like a
20 lot of money, but why did so much go to just
21 one contractor?

22 MR. SULLIVAN: My understanding,
23 and obviously I think Rich Millet spoke
24 about this the last meeting I was here,
25 obviously they subbed out a bunch of their

1 Rules Committee/12-3-12
2 work, but for us it's because to contract
3 with one vendor, I believe that was the
4 testimony from the last hearing I was at.

5 LEGISLATOR DENENBERG: Okay.

6 MS. D'ALLEVA: And we have to
7 ensure that all procurement procedures are
8 followed to the T and they were in this
9 instance because the number one disallowance
10 reason is non-procurement, non-accurate
11 procurement. So, therefore, if we don't
12 procure accurately, we won't get reimbursed
13 by FEMA, so this was procured accurately.

14 LEGISLATOR DENENBERG: Given the
15 60 day period and the 95 million, the 9, and
16 113, it could not all have been done at
17 once?

18 MS. D'ALLEVA: To be quite honest
19 with you, we were just kind of just, it was
20 all instantaneously. We were working as
21 hard as we could to get the numbers through
22 DPW. I mean, obviously, if we're looking at
23 \$200 million worth of expense, this is a
24 large -- a huge undertaking. I'm sure DPW
25 did the best they could with the stuff that

1 Rules Committee/12-3-12
2 they had to basically verify these numbers.
3 It's a huge endeavor.

4 LEGISLATOR DENENBERG: So you're
5 confident that the total now of 213 is where
6 we're going to be?

7 MR. SULLIVAN: Yes. We're
8 reasonably confident. Again, what we need
9 is the capacity to be able to put in the
10 charges. What would really be very
11 dangerous for the county would not be to
12 have that capacity to be able to submit the
13 charges to the federal government. That's
14 the danger we face here.

15 LEGISLATOR DENENBERG: Just a few
16 more questions. You mentioned a consultant.
17 The word you used, scrub over the
18 application or whatever, the contract we
19 hired to make sure we complied with FEMA and
20 get full reimbursement to the extent
21 practical is who, and when would we see that
22 contract?

23 MS. D'ALLEVA: It's CDM and they
24 basically have consultants that have worked
25 with Katrina, Missouri, and other areas of

1 Rules Committee/12-3-12
2 the country in terms of disaster relief and
3 recovery.

4 LEGISLATOR DENENBERG: Two
5 questions on that. Number one,0 let me ask
6 both so you can answer them.

7 When will we see that contract,
8 and, number two, is that reimbursable in and
9 of itself?

10 MR. ARNOLD: The CDM contract,
11 you saw the first piece of it came to the
12 leg, probably three weeks ago. The larger
13 contract just helping the department through
14 the recovery period, and also OMB is pending
15 to get on the calendar, unfortunately
16 there's not enough funding to encumber the
17 contract which is why it has not gotten yet
18 to your review.

19 LEGISLATOR DENENBERG: You said
20 there's not enough appropriation for our
21 representative or contractor who is
22 assisting in the FEMA --

23 MS. D'ALLEVA: Until the second
24 round of supplemental gets appropriated.

25 LEGISLATOR DENENBERG: That

1 Rules Committee/12-3-12
2 wouldn't have been part of the first one?
3 That I don't get.

4 MS. D'ALLEVA: Well, we actually
5 didn't make the determination that we were
6 going with a consultant until further into
7 the process. Then it took us time to
8 actually facilitate and do an RFP and select
9 a vendor to do that, to select a consultant.

10 LEGISLATOR DENENBERG: The only
11 part that doesn't make sense about is there
12 was Rules Committee in December I believe
13 that approved the CDM contract.

14 MS. D'ALLEVA: But, again, we
15 went through the RFP process and it took a
16 long time. So we did it within a week, but
17 it --

18 LEGISLATOR DENENBERG: It didn't
19 seem to me from that contract, I'm not
20 Rules, that it was for the entire process
21 which may explain why you have to come back
22 to us.

23 What's the total employee -- do
24 we know the total -- I assume, since it's
25 part of the 213, we know the amount of

1 Rules Committee/12-3-12
2 police overtime, total overtime, and total
3 expenses incurred. Sandy related at this
4 point?

5 MS. D'ALLEVA: In terms of AA we
6 feel that the police department will come in
7 at approximately \$26 million just in AA
8 expense.

9 The remaining departments will
10 probably be somewhere in the range of six to
11 10 million.

12 LEGISLATOR DENENBERG: The total
13 Sandy related expenses then will be?

14 MS. D'ALLEVA: I would say 35
15 million, 30 to 35.

16 LEGISLATOR DENENBERG: That's
17 everything else that comes up with the 213
18 are on the outside contractors to do the
19 cleanup?

20 MS. D'ALLEVA: That's correct.

21 LEGISLATOR DENENBERG: That 35
22 million for the expenses, that's exclusive
23 of the 26 AA on police and six to ten on
24 other employees?

25 MS. D'ALLEVA: No. The 35

1 Rules Committee/12-3-12
2 million would include the 26 for police.

3 LEGISLATOR DENENBERG: Okay. So
4 then it's -- so 26 plus six to ten equals
5 35?

6 MS. D'ALLEVA: I think so, yes.
7 36 million. It's about 10 million for all
8 of the departments.

9 LEGISLATOR DENENBERG: So any
10 other expense would be on contracting out or
11 things we had to buy?

12 MS. D'ALLEVA: That's correct.
13 And it doesn't include, FEMA allows us to
14 get reimbursed for fringe benefits.

15 LEGISLATOR DENENBERG: On tax
16 anticipation notes, we had 20 million that
17 we were using towards the first supplemental
18 appropriation, what about now? Have we
19 upped that at all, Tim?

20 MS. D'ALLEVA: No, we did the
21 first borrowing at 20 million. That's the
22 cash flow that we received.

23 MR. SULLIVAN: We did 260 on the
24 TAN which was an additional 20 million for
25 cash flow purposes relating to Sandy. As

1 Rules Committee/12-3-12

2 Roseanne stated, we got some money back from
3 the feds already and this is something that
4 we're monitoring on an ongoing basis.

5 Obviously the timing of the
6 federal reimbursement will be crucial to our
7 cash flow as you pointed out.

8 LEGISLATOR DENENBERG: I just
9 don't see how we're going to handle the cash
10 flow without the reimbursement -- I mean --

11 MR. SULLIVAN: It could be if at
12 that point if it became a real difficult
13 situation, we would have to go out with
14 another cash flow borrowing if it became
15 that situation, but we were hoping not to.

16 LEGISLATOR DENENBERG: Thank you.

17 MR. SULLIVAN: Thank you.

18 CHAIRMAN NICOLELLO: Do we have
19 any other questions? Legislator Troiano.

20 LEGISLATOR TROIANO: Thank you.
21 I have a series of questions that came to me
22 as you were giving testimony, so they may
23 come across in a somewhat disjointed manner
24 and I apologize for that.

25 Tim, you may want to come back

1 Rules Committee/12-3-12
2 up. In responding to one of Legislator
3 Denenberg's questions about how you are
4 going to manage the budget if we don't get
5 full reimbursement, if we know we're not
6 going to get, so maybe there's a \$27 million
7 shortage, we don't really know, but based on
8 a 90 percent reimbursement rate, it will be
9 between 20, 25, and \$30 million.

10 You indicated that you expect to
11 have some surpluses to cover that?

12 MR. SULLIVAN: Hopefully. We are
13 just beginning the year end close process
14 now with the comptroller's office and I'm
15 hoping to have a small surplus this year but
16 also we would have to look into 2013, I
17 would look to maintain our fund balance, so
18 we would have to look to see what other
19 areas would be there to get funding in 2013.

20 LEGISLATOR TROIANO: Well, to the
21 extent that you think they have a surplus
22 now, on December 21st, less than three weeks
23 ago, your department issued a report that
24 indicated that the county has a \$12 million
25 budget deficit.

1 Rules Committee/12-3-12

2 MR. SULLIVAN: No. They issued a
3 report that said a \$12 million budget
4 deficit, and I think there were corrective
5 actions listed on page three or four of that
6 report that got us to like plus eight.

7 LEGISLATOR TROIANO: Right.
8 Because of corrective action.

9 MR. SULLIVAN: Correct. So those
10 are going to be done.

11 LEGISLATOR TROIANO: Those are
12 going to be done?

13 MR. SULLIVAN: Yes.

14 LEGISLATOR TROIANO: So then it's
15 a \$9 million surplus?

16 MR. SULLIVAN: That's our current
17 thought, yes.

18 LEGISLATOR TROIANO: So in the
19 last 17 days, you have unearthed maybe
20 another \$10 million or \$15 million of
21 surplus?

22 MR. SULLIVAN: No. I wouldn't
23 say that. At this point in time, again, if
24 it's a five percent -- if it's a 90/10 split
25 between the fed and the local and the state

1 Rules Committee/12-3-12
2 picks up five, we'll be on the hook for
3 about \$10 million and I'm not going to
4 speculate at this point what the liability
5 would be.

6 I would say the governor and the
7 president have implied that this could be
8 100 percent funded. So I take them at their
9 word.

10 LEGISLATOR TROIANO: I thought I
11 heard -- and I may not have heard this
12 correctly, but I thought I heard that we
13 couldn't make payment to vendors, maybe even
14 employees, until we received money from
15 FEMA?

16 MR. SULLIVAN: No. The big thing
17 here is, we have to have -- the money has to
18 go out first. The thing is, without the
19 appropriation we can't make the payments.
20 So what's happened? We had to do all these
21 machinations, move money around, that's why
22 the \$9 million was -- we keep on getting hit
23 with these crises and these rushes because
24 the proper funding has not been set up
25 because we haven't done this major

1 Rules Committee/12-3-12

2 allocation, and that's why we've been
3 pushing for that, just to enable us.

4 Again, if you want to from a
5 debate point of view, I would assume it's
6 \$400 million out there. It doesn't matter.
7 Because what we get reimbursed from the fed,
8 the funds will balance the expense and the
9 revenue of it, and you just need the
10 capacity to be able flow through the
11 expenses to the federal government. That's
12 the biggest problem for us right now.

13 LEGISLATOR TROIANO: So the
14 process is to establish the appropriation?

15 MR. SULLIVAN: Yes.

16 LEGISLATOR TROIANO: Then make
17 payment?

18 MR. SULLIVAN: Yes.

19 LEGISLATOR TROIANO: And you
20 can't do it reverse, right?

21 MR. SULLIVAN: No.

22 LEGISLATOR TROIANO: Not even to
23 employees?

24 MR. SULLIVAN: No.

25 LEGISLATOR TROIANO: Not even for

1 Rules Committee/12-3-12

2 overtime?

3 MR. SULLIVAN: Correct.

4 LEGISLATOR TROIANO: So you have
5 to make the appropriation, then you make the
6 payment, then hopefully get reimbursed by
7 FEMA, and somewhere in there you figure out
8 the budgetary and the cash implications of
9 how you finance all this?

10 MR. SULLIVAN: You are exactly
11 right. And that's been the problem so far
12 with some of the payrolls. If there's
13 overtime there, and we haven't set up the
14 appropriation, this hasn't passed, the
15 comptroller's office calls and it becomes a
16 fire drill which I think you've been going
17 through some of them with respect to
18 polling, moving some money over just to
19 enable the payroll to clear.

20 LEGISLATOR TROIANO: Right. How
21 long does it normally take FEMA to
22 reimburse?

23 MR. SULLIVAN: It's a good
24 question. Irene it was probably in the 12
25 to 14 month range, but I think this time

1 Rules Committee/12-3-12
2 around it's going to be different. You
3 know, we got that initial 15.9 million back.
4 They obligated another 25 million on top of
5 that that Roseanne indicated.

6 I think this time the scale and
7 the scope of it is going to be -- every
8 government is facing the same crisis, New
9 York City, Suffolk, the authorities, the
10 Port Authority, the MTA certainly. With
11 this amount of money going out the door, if
12 there is not some sort of rapid
13 reimbursement process, you're going to get
14 strained and obviously governments will have
15 to look to do cash flow borrowings and
16 things like that to hold them over.
17 Especially those expenses that are not
18 capital eligible.

19 LEGISLATOR TROIANO: So I would
20 expect over the next 30 to 45 days you're
21 going to have to pay out \$20 million, most
22 of which you're going to finance, is that
23 right?

24 MR. SULLIVAN: No, most of this
25 is probably operating. The debris would be

1 Rules Committee/12-3-12
2 not be financeable, the overtime is not
3 financeable. So a lot of these expenses are
4 pure operating expenses.

5 LEGISLATOR TROIANO: So how much
6 of that would you expect to have to pay out?
7 You would have to finance -- sorry. Pay
8 without being financed for?

9 MR. SULLIVAN: I'm sorry, sir.

10 LEGISLATOR TROIANO: Of the
11 roughly \$200 million, some portion you can
12 finance that payment?

13 MR. SULLIVAN: Not a heck of a
14 lot. We're doing also a bonding for \$192
15 million, I think you were aware that I
16 believe that ordinance already passed the
17 legislature for sewer and storm water
18 related activities. That bond ordinance
19 passed back in December, \$192 million.

20 LEGISLATOR TROIANO: So you are
21 going to be borrowing --

22 MR. SULLIVAN: In addition.

23 MS. D'ALLEVA: But that's for the
24 capitally eligible projects where these are
25 not capitally eligible.

1 Rules Committee/12-3-12

2 LEGISLATOR TROIANO: They're not.
3 So that means there's roughly \$20 million
4 that you have to pay without being able to
5 finance it?

6 MR. SULLIVAN: Yes.

7 LEGISLATOR TROIANO: So you have
8 that much unallocated cash available for
9 payments like this?

10 MR. SULLIVAN: No, we don't.
11 That's why we've borrowed an additional 20,
12 that's why we'll be using the 16 that just
13 came back.

14 LEGISLATOR TROIANO: That's 36.

15 MR. SULLIVAN: Right. And then
16 Roseanne referenced the 25 was obligated to
17 come back, so it's drawing down from the
18 state, you know, it's an arduous process.

19 LEGISLATOR TROIANO: That's 60
20 million.

21 MR. SULLIVAN: Right.

22 LEGISLATOR TROIANO: Well, we
23 have \$140 million gap.

24 MR. SULLIVAN: Well, the other
25 project worksheets haven't been submitted.

1 Rules Committee/12-3-12

2 Again, we haven't submitted the project
3 worksheets because we haven't had the
4 appropriations to submit them.

5 The first step is to set up an
6 appropriation. Once you set up the
7 appropriation, then you can set up --

8 LEGISLATOR TROIANO: So we're
9 going to set up a \$20 million appropriation?

10 MR. SULLIVAN: Right. Various
11 appropriations. Round numbers. Then you
12 set up encumbrances to pay out -- obviously
13 some of that will be payroll, some of it
14 will be contractual. Then the encumbrance
15 is set up, the payments go out. You then
16 seek federal reimbursement.

17 LEGISLATOR TROIANO: Which could
18 take a year, 14 months. It might be quicker
19 in this instances, but however long that
20 takes, from the date you make payment until
21 that date, you've got a gap -- it sounds to
22 me, you have a gap in how you can finance
23 those payments.

24 MR. SULLIVAN: I can always do
25 short-term borrowing.

1 Rules Committee/12-3-12

2 LEGISLATOR TROIANO: You can?

3 MR. SULLIVAN: Yes.

4 LEGISLATOR TROIANO: So how will
5 that affect the way the markets look at us
6 coming in to borrow that much money? And
7 how will it affect our interest rate --

8 MR. SULLIVAN: That's why I did
9 the 20, kept it low, because you don't want
10 to be going out to flood the market with too
11 much paper, that's something you ought to be
12 conservative on. So I'm in touch with the
13 rating agencies, actually making a
14 presentation to them next week on this. So
15 it's something we're constantly in touch
16 with them on.

17 You don't want to put it out
18 there unless you really are needy of it. At
19 this point in time, for as far as I can see,
20 I thought we had enough to get us over to
21 the next quarter and we'll have to revisit
22 it at that point.

23 LEGISLATOR TROIANO: And just so
24 we speak a common language, you're
25 distinguishing between Tans and Rans and

1 Rules Committee/12-3-12

2 bonding?

3 MR. SULLIVAN: Yes, short term
4 and the bonding would be 20 year type
5 issuances.

6 LEGISLATOR TROIANO: I also
7 thought I heard earlier that there is a
8 competition for FEMA funds.

9 MR. SULLIVAN: Not from here.
10 Municipalities. I think at some point in
11 time, and you don't want to be last on line
12 from FEMA.

13 LEGISLATOR TROIANO: I think it
14 was Legislator Nicoletto said that there was
15 a competition for FEMA.

16 MR. SULLIVAN: Yes. Well, I
17 wouldn't want to be last on line if I had --

18 LEGISLATOR TROIANO: I think
19 maybe he had meant that there's a
20 competition in the market to do financing
21 related to storm related expenses.

22 MR. SULLIVAN: Not necessarily,
23 no. Again, you wouldn't want to saturated
24 market. You'd rather be first than last.

25 LEGISLATOR TROIANO: How much

1 Rules Committee/12-3-12
2 longer will it take to verify the claims
3 relating back to the December 17th
4 authorization? I think it was some \$52
5 million that we have not paid out yet
6 because we haven't verified the claims.

7 MR. SULLIVAN: The claims went
8 out I believe, 55 I believe was the number
9 that was already verified. 55 that was
10 obligated that the state has an obligation
11 set up so that's been approved by the
12 federal government. Then the money falls
13 back through the state. Then we have to
14 draw it down from the state.

15 LEGISLATOR TROIANO: I thought it
16 was said earlier that \$17 million has been
17 paid, and 52 million roughly is waiting
18 verification before we are going to pay it
19 out.

20 MR. SULLIVAN: No.

21 MS. D'ALLEVA: No. 17 was paid
22 out in terms of expense but we have about 75
23 encumbered. That's waiting to be paid out.
24 So 17 out of the 75 was already paid out.

25 LEGISLATOR TROIANO: I was fairly

1 Rules Committee/12-3-12
2 certain, maybe mistaken that you said we
3 weren't paying out the rest yet because we
4 hadn't finished verifying the claim.

5 MS. D'ALLEVA: Yes. On the \$75
6 million. From the \$75 million, there are
7 invoices sitting at DPW that they are
8 churning through and making sure that the
9 invoicing was done accurately.

10 LEGISLATOR TROIANO: So how much
11 longer do we think that's going to take?

12 MS. D'ALLEVA: That would be a
13 Ken Arnold question, actually.

14 MR. ARNOLD: DPW's internal
15 review of invoices usually 10 days to two
16 weeks, and the comptroller to be anywhere
17 from a week or two, depending on how much
18 backup material they ask for as they go
19 through their claims.

20 LEGISLATOR TROIANO: Just one
21 last question. This actually relates back
22 to the December authorization. I believe
23 that gasoline expense was included in that
24 authorization; is that correct, do you
25 recall?

1 Rules Committee/12-3-12

2 MS. D'ALLEVA: I think initially
3 in the gasoline expense was included for PD,
4 but there are other uses in DD that we can
5 use those appropriations for from the PD. I
6 think most of it was PD.

7 LEGISLATOR TROIANO: Is that a
8 reimbursable expense from FEMA?

9 MS. D'ALLEVA: Gasoline is not,
10 but I believe there is a machination of how
11 we can approach that with FEMA. I'll have
12 to get back to you on what that is. But
13 they will allow some reimbursement. You can
14 answer that?

15 MR. ARNOLD: Yes. For diesel and
16 gasoline for the vehicles, any -- this is
17 the gasoline used for the county vehicles,
18 not directly reimbursable, it's reimbursable
19 through the actual use of the vehicle. We
20 actually apply a rental rent to FEMA for the
21 trucks that are used and that's where we get
22 the fuel back, but any trucks that we filled
23 up, like OEM trucks, or the state, or
24 National Guard trucks, that is directly
25 reimbursable as a DD expense.

1 Rules Committee/12-3-12

2 LEGISLATOR TROIANO: Thank you.

3 CHAIRMAN NICOLELLO: Any other
4 questions, discussion?

5 (No verbal response.)

6 Thank you for your presentation,
7 by the way. I believe the minority
8 requested a five-minute break. We'll just
9 hold this in recess then.

10 (Whereupon, the Full Legislative
11 Committee recessed at 4:04 p.m. and
12 reconvened at 4:18 p.m.)

13 LEGISLATOR TROIANO: Through this
14 vote we will be establishing an
15 appropriation for the expense side and the
16 revenue side as well?

17 MS. D'ALLEVA: Yes.

18 LEGISLATOR TROIANO: So it will
19 be balanced?

20 MS. D'ALLEVA: Yes, absolutely.

21 LEGISLATOR TROIANO: So on the
22 revenue side, we're booking 87.5 percent
23 reimbursement from FEMA; is that correct?

24 MS. D'ALLEVA: 75 from FEMA and
25 12 and a half from state, and 12 and a half

1 Rules Committee/12-3-12

2 to be funded through the county.

3 LEGISLATOR TROIANO: For what?

4 MS. D'ALLEVA: Our end, county
5 end.

6 LEGISLATOR TROIANO: So we're
7 going to establish a revenue appropriation
8 from the county as well?

9 MS. D'ALLEVA: Yes.

10 LEGISLATOR TROIANO: Thank you,
11 Ms. D'Alleva.

12 CHAIRMAN NICOLELLO: Legislator
13 Denenberg.

14 LEGISLATOR DENENBERG: Thanks.
15 Ms. D'Alleva and I guess Mr. Sullivan, I
16 want to say that I appreciate that you have
17 been meeting with the minority. I'm sure
18 you must have been meeting with the majority
19 as well. But on our behalf, you met with
20 our finance director.

21 I would just ask that if you can
22 make yourselves available for additional
23 questions from our counsel and our finance
24 director this week, between now and before
25 this goes to Full, as they have a few more

1 Rules Committee/12-3-12
2 questions with respect to the FEMA
3 reimbursement, a couple of budgetary items
4 in terms of what's encumbered and why,
5 having 75 million encumbered, I understood
6 that you told me it's still going through
7 the process, that's why only 17 million has
8 been paid, but I believe counsel and our
9 finance director do have some more
10 questions, so if you could just make
11 yourselves available for a meeting this
12 week, that would be helpful. Thank you.

13 MS. D'ALLEVA: Absolutely.

14 CHAIRMAN NICOLELLO: Is there any
15 public comment?

16 (No verbal response.)

17 We have an amendment so we have
18 to vote on the amendment before we vote on
19 the amended items. So all those in favor of
20 the amendment signify by saying aye.

21 (Aye.)

22 Those opposed?

23 LEGISLATOR DERIGGI-WHITTON: I'm
24 going to abstain mainly because of the Looks
25 Great Service contract. I really wish we

1 Rules Committee/12-3-12
2 chose one of the other four approved
3 companies. I realized speaking to my
4 colleagues that this will pass and that
5 funding will be provided, but I think that
6 more oversight has to be seen on this type
7 of situation.

8 CHAIRMAN NICOLELLO: Okay, the
9 item passes by a vote of six in favor and
10 one abstention.

11 LEGISLATOR DENENBERG: The
12 amendment passes.

13 CHAIRMAN NICOLELLO: You're
14 right. The amendment passes by a vote of
15 six in favor and one abstention. Now a vote
16 on the amended item.

17 LEGISLATOR DENENBERG: I just
18 want to, for Legislator DeRiggi's purposes,
19 the statement she just made for the
20 amendment would also go on the Full Item.

21 CHAIRMAN NICOLELLO: All those in
22 favor of the amended item, signify by saying
23 aye.

24 (Aye.)

25 Those opposed?

1 Rules Committee/12-3-12

2 (No verbal response.)

3 Those abstaining?

4 LEGISLATOR DERIGGI-WHITTON: I
5 abstain.

6 That similarly passes by a vote
7 of six-zero-one.

8 Item 40 of 2013 is an ordinance
9 supplemental to the annual appropriations
10 ordinance in connection with the Office of
11 Constituent Affairs, District Attorney,
12 Police Department and Department of Parks.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR VENDITTO: Second.

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

18 MR. MAY: I'm sorry, I didn't
19 hear what item we were calling.

20 CHAIRMAN NICOLELLO: 40 of 2013,
21 supplemental appropriation, an ordinance
22 supplemental to the annual appropriation,
23 sorry.

24 MS. D'ALLEVA: Sorry about that.

25 CHAIRMAN NICOLELLO: Just briefly

1 Rules Committee/12-3-12

2 explain what this is.

3 MS. D'ALLEVA: We had several
4 payroll failures due to Sandy related
5 expenses that were booked against the
6 general fund therefore creating the payroll
7 failures. So we had to appropriate the
8 funding in the FEMA fund by an emergency
9 basis, that's why this was requested at the
10 time.

11 CHAIRMAN NICOLELLO: Why is this
12 broken out separately if it's within the
13 overall \$213 million?

14 MS. D'ALLEVA: Well, originally
15 we had the previous item, we had requested a
16 polling for the previous item because we had
17 several payroll failures and the minority at
18 that time wanted to ask us further
19 questions.

20 They gave us the authority, the
21 extra three votes for the super majority so
22 that we could go forward with just the AA
23 appropriation.

24 CHAIRMAN NICOLELLO: Do we still
25 need this then?

1 Rules Committee/12-3-12

2 MS. D'ALLEVA: Yes, because the
3 item that was just passed, number 39, took
4 this into account.

5 CHAIRMAN NICOLELLO: Okay.
6 Legislator Denenberg.

7 LEGISLATOR DENENBERG: Thanks.
8 Ms. D'Alleva, when you speak of payroll
9 failures, what are we talking about in real
10 terms, people's automatic deposits didn't
11 happen, checks bounced, what's a payroll
12 failure?

13 MS. D'ALLEVA: Yes, exactly that.
14 Basically the comptroller's office will hold
15 paychecks if the appropriations are not
16 sufficient. So if we do not have sufficient
17 appropriations, they will hold the
18 paychecks.

19 LEGISLATOR DENENBERG: So what
20 happened was, we didn't have enough cash
21 balance to cover payroll because of the
22 added overtime?

23 MS. D'ALLEVA: Exactly. So we
24 have a lot of PD overtime that's hitting and
25 in several other departments, if the

1 Rules Committee/12-3-12
2 appropriation is not appropriated in the
3 FEMA fund, and we don't have journal entries
4 that substantiate the movement of expenses
5 from the general fund or the PDD fund or the
6 PDH fund to the FEMA fund, then the
7 comptroller's office will fail that payroll.

8 LEGISLATOR DENENBERG: Did we
9 have any payrolls fail yet?

10 MS. D'ALLEVA: Yes.

11 MR. SULLIVAN: Just one comment
12 on that. You know, the timing for this at
13 the end of the year also presents a problem.
14 If this was last February, we would
15 obviously have sufficient appropriations
16 because you are funded for 12 months.

17 When you are running into the
18 last week in December, you've tight anyway.
19 You've just about eaten up all your budget
20 money for payroll, so any additional
21 overages like that you don't have the
22 appropriation. So the timing created an
23 issue here.

24 LEGISLATOR DENENBERG: So from a
25 practical standpoint, what happened, did we

1 Rules Committee/12-3-12

2 just not pay some overtime?

3 MS. D'ALLEVA: No. With the
4 polling that ensued with this \$9 million,
5 the comptroller's office was able to release
6 payroll.

7 LEGISLATOR DENENBERG: Okay. So
8 everyone is paid?

9 MS. D'ALLEVA: Yes. Everyone is
10 paid.

11 LEGISLATOR DENENBERG: So then
12 there weren't failures?

13 MS. D'ALLEVA: The comptroller's
14 office was going to hold payroll if we did
15 not substantiate an appropriation. Once
16 that appropriation was substantiated, they
17 released the payroll.

18 LEGISLATOR DENENBERG: But the
19 bottom line is, there weren't people that
20 didn't get paid that --

21 MS. D'ALLEVA: Exactly. In the
22 end --

23 LEGISLATOR DENENBERG: We didn't
24 have county checks bounce?

25 MS. D'ALLEVA: That's right. In

1 Rules Committee/12-3-12

2 the end we made payroll.

3 LEGISLATOR DENENBERG: Thank you.

4 CHAIRMAN NICOLELLO: Any other
5 discussion?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 Thank you, Ms. D'Alleva. All
10 those in favor signify by saying aye.

11 (Aye.)

12 Those opposed?

13 (No verbal response.)

14 Carries unanimously. Motion to
15 suspend the rules.

16 LEGISLATOR MUSCARELLA: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRMAN NICOLELLO: Moved by
19 Legislator Muscarella, seconded by
20 Legislator Walker. All those in favor of
21 suspending the rules signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 The rules are suspended. Item 29

1 Rules Committee/12-3-12
2 of 2013 is an ordinance supplemental to the
3 annual appropriations ordinance in
4 connection with the District Attorney, and
5 this went through the Public Safety
6 Committee earlier.

7 LEGISLATOR VENDITTO: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN NICOLELLO: Moved by
10 Legislator Venditto, seconded by Legislator
11 Muscarella. Any questions?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 Seeing none, all those in favor
16 signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Carries unanimously. Item 42 of
21 2013 is an ordinance providing a capital
22 expenditure to finance the payment of
23 certain payments by the County of Nassau to
24 COBA employees upon separation from
25 employment.

1 Rules Committee/12-3-12

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRMAN NICOLELLO: Moved by
5 Legislator Walker, seconded by Legislator
6 Muscarella. The item is before our
7 committee, Mr. May.

8 MR. MAY: Roseanne D'Alleva will
9 be handling questions on this item.

10 MS. D'ALLEVA: Hi. This is a
11 supplemental appropriation for the
12 retirements in terms of VISA termination pay
13 and disabilities for the COBA union.

14 CHAIRMAN NICOLELLO: Why do we
15 have to borrow an additional amount, were
16 there more employees that retired than
17 expected?

18 MS. D'ALLEVA: Yes, unexpected
19 increase.

20 CHAIRMAN NICOLELLO: Okay. More
21 that retired, are those positions going to
22 be filled, the additional positions going to
23 be filled?

24 MS. D'ALLEVA: I believe we do
25 have budgeted classes in terms of trainees,

1 Rules Committee/12-3-12

2 yes.

3 CHAIRMAN NICOLELLO: Any other
4 questions on this item?

5 LEGISLATOR DERIGGI-WHITTON: Just
6 real quick.

7 CHAIRMAN NICOLELLO: Legislator
8 DeRiggi-Whitton.

9 LEGISLATOR DERIGGI-WHITTON: Do
10 you have the exact number, is it validated?

11 MS. D'ALLEVA: Yes. I believe my
12 office has received that from the
13 correctional center but I actually don't
14 have it on me right now. I can get that for
15 you or if Keith Sather is here, he can
16 actually talk to it.

17 LEGISLATOR DERIGGI-WHITTON: As
18 long as the numbers are validated, we are in
19 favor of it.

20 MS. D'ALLEVA: Yes.

21 LEGISLATOR DERIGGI-WHITTON: Do
22 you have proof of that?

23 MS. D'ALLEVA: Yes.
24 Unfortunately I just don't have the listing
25 here with me, but, yes, we did receive it.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: In any
3 event, if we approve the bonding for this
4 purpose, it can't be spent for any other
5 purpose.

6 MS. D'ALLEVA: No other purpose
7 at all.

8 CHAIRMAN NICOLELLO: Right. Any
9 other questions?

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 Those opposed?

17 (No verbal response.)

18 Carries unanimously. Item 43 of
19 2013, a resolution to authorize the transfer
20 of appropriations heretofore made within the
21 budget for the year 2012.

22 LEGISLATOR MUSCARELLA: So moved.

23 LEGISLATOR WALKER: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Muscarella, seconded by

1 Rules Committee/12-3-12

2 Legislator Walker. There's an amendment
3 that was filed with the clerk January 7,
4 2013 at 12 p.m.

5 Do we have a motion to amend?

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRMAN NICOLELLO: By
9 Legislator Muscarella, seconded by
10 Legislator Walker. So the amendment is now
11 before the committee.

12 MR. MAY: Sergeant Greg
13 Stephanoff.

14 SERGEANT STEPHANOFF: Sergeant
15 Greg Stephanoff. Good afternoon. This is
16 an interbudget board transfer from other
17 lines to our salary lines. It moves
18 \$4,658,997 to headquarters and \$3 million
19 dollars to district just to cover the
20 payroll until we are able to capture all the
21 FEMA expenses from Super Storm Sandy.

22 CHAIRMAN NICOLELLO: So this is a
23 FEMA overtime -- Sandy overtime related?

24 SERGEANT STEPHANOFF: Yes.

25 CHAIRMAN NICOLELLO: Any other

1 Rules Committee/12-3-12

2 questions?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 We have to vote on the amendment
7 first. All those in favor of the amendment
8 signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 The item is amended. Now the
13 vote on the item as amended.

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 The amended item passes. The
20 last item is Item 44 of 2013, a resolution
21 to authorize the transfer of appropriations
22 heretofore made within the budget for the
23 year 2013. This relates to the legislature.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR VENDITTO: Second.

1 Rules Committee/12-3-12

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 Venditto. Is there any discussion?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 All those in favor signify by
9 saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 Carries unanimously.

14 (Whereupon, the following are the
15 minutes of the Health Committee, 1-7-13.)

16 CLERK MULLER: Chairwoman Walker
17 is present. The first item on the calendar
18 is 139-12, a resolution to confirm the
19 county executive's reappointment of Dr.
20 Ellen J. Braunstein to the Board of Health
21 pursuant to the Section 902 of the Nassau
22 County Charter. May I please have a motion?

23 LEGISLATOR MUSCARELLA: So moved.

24 LEGISLATOR BECKER: Second.

25 CLERK MULLER: Moved by

1 Rules Committee/12-3-12

2 Legislator Muscarella, seconded by
3 Legislator Becker. Mr. May.

4 MR. MAY: Dr. Braunstein for the
5 Full Legislature on the 14th as is our
6 custom.

7 CLERK MULLER: Is there any
8 comment among the legislators?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor please signify
13 by saying aye.

14 (Aye.)

15 All those opposed?

16 (No verbal response.)

17 Any abstentions?

18 (No verbal response.)

19 The item passes unanimously.

20 Item 24-13, an ordinance supplemental to the
21 annual appropriations ordinance in
22 connection with the Department of Human
23 Services. May I have a motion, please?

24 LEGISLATOR MUSCARELLA: So moved.

25 LEGISLATOR BECKER: Second.

1 Rules Committee/12-3-12

2 CLERK MULLER: Moved by
3 Legislator Muscarella, seconded by
4 Legislator Becker. Mr. May.

5 MR. MAY: Chairwoman, would it be
6 all right if we called the remaining items
7 dealing with human services?

8 CLERK MULLER: Items?

9 MR. MAY: I believe it's Item
10 Numbers 26-13, and 31 through 34-13.

11 CLERK MULLER: The only thing is
12 they have to be read because it's the first
13 time one. So it would be 26-13, an
14 ordinance supplemental to annual
15 appropriation ordinance in connection with
16 the Department of Human Services. 32-13, an
17 ordinance supplemental to annual
18 appropriation ordinance in connection with
19 the Department of Human Services, Office of
20 Mental Health, Chemical Dependency,
21 Developmental Disability Services. 33-13,
22 an ordinance supplemental to annual
23 appropriation ordinance in connection with
24 the Department of Human Services. 34-13, an
25 ordinance supplemental to annual

1 Rules Committee/12-3-12
2 appropriation ordinance in connection with
3 the Department of Human Services, Office of
4 Mental Health, Chemical Dependency,
5 Developmental Disability Services. And
6 31-13, an ordinance supplemental to annual
7 appropriation ordinance in connection with
8 the Department of Human Services, Office of
9 Mental Health, Chemical Dependency,
10 Developmental Disability Services.

11 Can I have a motion, please?

12 LEGISLATOR MUSCARELLA: So moved.

13 LEGISLATOR BECKER: Second.

14 CLERK MULLER: Moved by
15 Legislator Muscarella, seconded by
16 Legislator Becker. Who is here to speak on
17 this?

18 MR. MAY: We have Commissioner
19 Lisa Murphy from the Department of Human
20 Services to answer any questions on these
21 items.

22 LEGISLATOR JACOBS: Happy New
23 Year.

24 COMMISSIONER MURPHY: Happy New
25 Year.

1 Rules Committee/12-3-12

2 LEGISLATOR JACOBS: Just a quick
3 question. You weren't here the last time
4 when I mentioned in light of the tragedy in
5 the Connecticut in all, that since we were
6 able to identify through OLBR certain
7 additional funds that were still in the old
8 budget, that we were hoping that mental
9 health could be built up further to enable
10 us to look at that facet.

11 I mean, I know gun control is
12 very important, but the other end of that is
13 mental health services. There was a big
14 dip, and I don't have my information with me
15 right now because I'm not usually on this
16 committee.

17 COMMISSIONER MURPHY: Let me
18 clarify that. There was what appeared to be
19 a big dip, but you should really be very
20 happy to hear that it really was a not a big
21 dip in mental health services.

22 What we actually did was,
23 basically all of our mental health services
24 at this point have been moved over, the bulk
25 of them, to the grant fund.

REGAL REPORTING SERVICE
(516) 747-7353

1 Rules Committee/12-3-12

2 So the numbers that you saw were
3 reflected from the general fund but most of
4 our money in mental health was actually in
5 the grant fund and remains in the grant
6 fund.

7 In fact, we have not cut any
8 mental health program that had previously
9 existed. We had thought to implement some
10 new programs and, unfortunately, those were
11 the programs that were cut in the 2012
12 budget. But they had never actually been
13 implemented and there had never been a
14 contract there. Those were monies that we
15 were hoping to be able to use and
16 facilitate. But, in actuality, those
17 programs were never funded in that way.

18 LEGISLATOR JACOBS: So you feel
19 fairly confident that 2013, the programs
20 that are in place will be in place?

21 COMMISSIONER MURPHY: Yes. We
22 have the same number of programs and, in
23 fact, we will end up probably with an
24 additional \$200,000 in mental health
25 services for the year 2013 over those

1 Rules Committee/12-3-12
2 programs that we had in the year 2012.

3 LEGISLATOR JACOBS: That's good
4 to hear. I think it's just something that
5 we should -- not that any of us didn't give
6 proper due diligence to, but I think it's
7 pretty obvious that that's a factor that
8 everyone talks about now as far as what can
9 be done, besides gun control, what can you
10 do? It's got to be mental health.

11 COMMISSIONER MURPHY: And I would
12 encourage everyone to advocate with Albany
13 and the federal government because I believe
14 Senator Skelos had something in the paper
15 recently on that as well, we do, we need
16 more money for things like Kendra's Law, I
17 agree 100 percent with you, Legislator
18 Jacobs, there's no question about it.

19 But you should be assured that we
20 have the same level, in fact, actually more
21 this year than we did last year.

22 COMMISSIONER MURPHY: I'm
23 definitely committing right now that towards
24 the end of this year, when we are talking
25 budget, I will join with you if you are so

1 Rules Committee/12-3-12
2 inclined to fight for more money for mental
3 health because, I'll tell you what scares
4 me, when it goes into the grant fund,
5 there's a chance, I hope it never happens,
6 that those grants don't come through.

7 COMMISSIONER MURPHY: You are 100
8 percent correct.

9 LEGISLATOR JACOBS: And if they
10 don't, there go the cuts.

11 COMMISSIONER MURPHY: I would
12 welcome your partnership in advocating that.

13 LEGISLATOR JACOBS: Well, I'm
14 going to and I wish there was a way we can
15 find some right now to even increase it
16 more.

17 COMMISSIONER MURPHY: Thank you.

18 CLERK MULLER: I think Legislator
19 DeRiggi-Whitton would like to speak.

20 LEGISLATOR DERIGGI-WHITTON: Do
21 you have a list of the programs that you had
22 slated to be started in 2013 that are not
23 going to be?

24 COMMISSIONER MURPHY: I can
25 supply you with that. I don't have it right

1 Rules Committee/12-3-12
2 here with me presently. Basically, though,
3 those programs were programs that were
4 operating and that we are continuing to
5 fund. It was just that several
6 organizations were promised. We were
7 hoping, not promised, but that we were
8 hoping to be able to give them additional
9 revenue, an additional 25 to \$30,000 extra
10 dollars that we were not able to. But I
11 will supply you with that information.

12 LEGISLATOR DERIGGI-WHITTON: Okay.
13 So just to clarify what you said before, you
14 just mentioned there were programs that you
15 wanted to start but you were unable to do
16 now.

17 COMMISSIONER MURPHY: Yes. There
18 were one or two that we were hoping to
19 start, and, you know, we are still hopeful
20 that somewhere we will find the funds to do
21 that, but that's really just to enhance
22 programs that we already have.

23 LEGISLATOR DERIGGI-WHITTON: But,
24 again, as Judy said, it would be something,
25 we would just like to see what your --

1 Rules Committee/12-3-12

2 COMMISSIONER MURPHY: Absolutely.
3 No problem. I will get you that
4 information.

5 CHAIRWOMAN WALKER: Legislator
6 Troiano.

7 LEGISLATOR TROIANO: Sorry to
8 make you speak. Thank you.

9 Just drawing your attention to
10 24-13, which is a program that takes \$22
11 million from the state and gives it to
12 alcohol and drug dependency programs.

13 COMMISSIONER MURPHY: Correct.

14 LEGISLATOR TROIANO: It indicates
15 that there are some 38 medically supervised
16 outpatient programs?

17 COMMISSIONER MURPHY: Yes.

18 LEGISLATOR TROIANO: Do you have
19 a listing of what those programs are, where
20 they are?

21 COMMISSIONER MURPHY: Again, I
22 can supply you with that, but they are
23 essentially community based programs that
24 county wide and they are community based as
25 well as school based. So high schools and

1 Rules Committee/12-3-12
2 some middle schools throughout the county.
3 But I will get you that information.

4 LEGISLATOR TROIANO: And if you
5 can't identify today the specific programs
6 and where they are, do you have a general
7 feeling for where they are disbursed
8 throughout the county?

9 COMMISSIONER MURPHY: Well, we
10 are looking at -- for the community based
11 programs that are funded in our drug and
12 alcohol programs, those are ones where we
13 have the greatest number of at risk
14 population and I can give you a basic
15 listing; we have Plainview, Old Bethpage
16 School District, we have port counseling
17 center, we have Port Washington School
18 District, Rockville Centre School District,
19 Roosevelt Educational Alcohol. That's that
20 React Program in Roosevelt. We have the
21 Roosevelt Union School District, we have
22 South Shore Child Guidance, Southeast Nassau
23 Guidance Center, Substance Abuse Free
24 Environmental Program, Tempo, Uniondale High
25 School, Valley Stream Central High School,

1 Rules Committee/12-3-12
2 Wantagh United School District, West
3 Hempstead United School District, Westbury
4 United Free School District. YES in Oyster
5 Bay, and East Norwich, and YES, which would
6 also be the one in Massapequa. That's a
7 general listing. They have different
8 services. They have programs within the
9 schools, they have community, they have
10 counseling.

11 I can give you a more
12 comprehensive list at a later time or send
13 it to your office.

14 LEGISLATOR TROIANO: That was
15 actually very helpful. Thank you.

16 Then if we can look at 26-13
17 which provides \$863,000 for the No Wrong
18 Door Family Support System.

19 COMMISSIONER MURPHY: Correct.
20 That was part the SAMSHA grant which was
21 that No Wrong Door, as you said, and that
22 works primarily with children at risk and
23 their families.

24 LEGISLATOR TROIANO: So, I'm
25 sorry, where is the money coming from?

1 Rules Committee/12-3-12

2 COMMISSIONER MURPHY: It's a
3 federal grant. It's SAMSHA.

4 LEGISLATOR TROIANO: But we're
5 not being asked here, I don't think, to
6 accept the federal grant money. It looks
7 like we are being asked to switch it from
8 one category to another.

9 COMMISSIONER MURPHY: No. It's
10 part of our grant plan and has been
11 previously. It's always been there since we
12 started receiving the money. Every year
13 this particular grant changes. It's onset
14 back in 2009, I believe it was one where we
15 were receiving tremendous amounts of money
16 from the federal government in excess of
17 \$2.5 million a year, but it's one of those
18 grants where each year we have to put up a
19 bit more and we are now in the last year I
20 believe of this particular grant.

21 LEGISLATOR TROIANO: And this
22 program is administered by the hospital?

23 COMMISSIONER MURPHY: It's in
24 conjunction with the hospital and it's also
25 with family support systems of care. The

1 Rules Committee/12-3-12
2 kids come in and out of the hospital. They
3 can identify. And they are coordinated
4 through the hospital through NUMC with this
5 particular community based organization.

6 LEGISLATOR TROIANO: How does
7 that work, the community based portions, how
8 does that work? You have a partner in
9 various communities that are distributing
10 the services?

11 COMMISSIONER MURPHY: This is a
12 county wide community-based organization.
13 It's really not fair to say that it's
14 community based, but it's basically a
15 not-for-profit that goes out into the
16 community where the children are and works
17 with their families there.

18 This particular organization was
19 actually selected when the original grant
20 was won, again, I would say it was in 2009
21 or '08 that the grant was originally
22 accorded to the county. It was a very big
23 media event and that's where we really got
24 the slogan, "no wrong door". The whole idea
25 being that the children and the families

1 Rules Committee/12-3-12
2 present either at the hospital or many times
3 they're identified through social services.
4 And then they are coordinated with this
5 particular not for profit agency which then
6 works with them and their families in
7 community.

8 LEGISLATOR TROIANO: Do you know
9 the name of that agency?

10 COMMISSIONER MURPHY: Yes, it's
11 the Family Resource Center.

12 LEGISLATOR TROIANO: Thank you.

13 COMMISSIONER MURPHY: Thank you.

14 CHAIRWOMAN WALKER: Any other
15 comments or questions from the legislators?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor signify by
20 saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The motion carries.

25 COMMISSIONER MURPHY: Thank you.

1 Rules Committee/12-3-12

2 CLERK MULLER: We have two more
3 and we'll call them in conjunction.

4 25-13, an ordinance supplemental
5 to the annual appropriation ordinance in
6 connection with the Office of Housing and
7 Community Development.

8 And 35-13, an ordinance
9 supplemental to the annual appropriation
10 ordinance in connection with the Office of
11 Housing and Community Development.

12 May I have a motion, please?

13 CHAIRWOMAN WALKER: So moved.

14 LEGISLATOR BECKER: Second.

15 CLERK MULLER: Moved by
16 Legislator Walker, seconded by Legislator
17 Becker. Mr. May.

18 MR. MAY: We have Mr. John
19 Sarcone from the Office of Community
20 Development to answer any question on these
21 items.

22 MR. SARCONE: Good afternoon.
23 This is the annual funding from housing and
24 urban development. This year's funding has
25 been split into two parts; one of them is to

1 Rules Committee/12-3-12
2 support services for the shelters across
3 Nassau County. The other one, the smaller
4 amount, is for homeless prevention.

5 Any questions?

6 CHAIRWOMAN WALKER: Any questions
7 from the legislators?

8 (No verbal response.)

9 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 motion carries.

17 MR. SARCONE: Thank you.

18 (Whereupon, the following is the
19 continuation of the minutes of the Rules
20 Committee, 1-7-13.)

21 CHAIRWOMAN GONSALVES: We'll
22 begin with Items 139-12, 718-12, 2-13, 3-13,
23 4-13, 5-13, 6-13, 7-13, 8-13, 9-13, 13-13,
24 14-13, 15-13, 16-13 22-13, 23-13, 24-13,
25 25-13, 26-13, 27-13, 28-13, 29-13, 30-13,

1 Rules Committee/12-3-12
2 31-13, 32-13, 33-13, 34-13, 35-13, 36-13,
3 37-13, 39-13, 40-13. I think that's it.

4 Now we suspended the Rules in
5 Finance for Items 29-13 and 42-13, 43-13,
6 as well as 44-13. But I believe we need to
7 make a motion to suspend the rules in the
8 Rules Committee. Motion, please.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR DUNNE: Second.

11 CHAIRWOMAN GONSALVES: Motion by
12 Legislator Walker, seconded by Legislator
13 Dunne. Any debate or discussion?

14 (No verbal response.)

15 There being none, all right,
16 therefore, as they are presented, and I
17 believe as proposed because they were the
18 addendum 29-13, 42-13, 43-13, and 44-13 will
19 be added to the consent calendar.

20 All those in favor of the consent
21 calendar signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Those items pass unanimously.

1 Rules Committee/12-3-12
2 Now we go to items that were not called
3 previously. We have Item 719-12, which is a
4 resolution to confirm the county
5 appointment's appointment of Allen M.
6 Parente to the Civil Service Commission.
7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Motion by
11 Legislator Dunne, seconded by Legislator
12 Walker. Do we have --

13 MR. MAY: Mr. Parente will be
14 here for the Full Legislature as is the
15 custom of the body.

16 CHAIRWOMAN GONSALVES: Any
17 comments regarding this appointment?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in
22 favor of Item 719-12 indicate by saying aye.

23 (Aye.)

24 Any opposed?

25 (Nay.)

1 Rules Committee/12-3-12

2 So we have four yes and three
3 nays.

4 Now I believe Item 113, a
5 resolution, there is an amendment in the
6 nature of a substitution regarding this
7 item. A motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Motion by
11 Legislator Dunne, seconded by Legislator
12 Walker. Any comment regarding that
13 amendment?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor of the
18 amendment signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The amendment passes unanimously.
23 Now for the resolution as amended. That's
24 the resolution consenting to the acquisition
25 and used by the Locust Valley Cemetery

1 Rules Committee/12-3-12

2 Association. Motion, please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR DUNNE: Second.

5 CHAIRWOMAN GONSALVES: Motion by
6 Legislator Walker, seconded by Legislator
7 Dunne. Any comment regarding this item?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of Item 1-13 as amended, signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 We have the next item, Item 10-13, a
19 resolution authorizing the county executive
20 to execute an intermunicipal agreement with
21 the South Farmingdale Fire Department. A
22 motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Motion by

1 Rules Committee/12-3-12

2 Legislator Dunne, seconded by Legislator
3 Walker. Any comments?

4 LEGISLATOR ABRAHAMS: If I may?

5 CHAIRWOMAN GONSALVES: Okay.

6 LEGISLATOR ABRAHAMS: How are
7 you, Mr. May? This is not a derogatory
8 comment. I envisioned the South Farmingdale
9 Fire District as very deserving of this
10 intermunicipal agreement, eventually I guess
11 leading to some type of CRP funds or to that
12 in magnitude.

13 But it's been my impression based
14 on my conversations and we've been trying to
15 get CRP items done through your office, it's
16 been my understanding that there's no more
17 money, or no more money allocated for CRPs.

18 Am I understanding that
19 correctly?

20 MR. MAY: First off, good
21 afternoon. Thank you for asking, I'm fine.

22 And, second, that was the case at
23 the end of last year before we had the
24 bonding authorization from NIFA. Now that
25 we received the bonding authorization from

1 Rules Committee/12-3-12
2 NIFA, there's funds available for CRP
3 projects and those are moving forward as
4 fast as I can process them.

5 LEGISLATOR ABRAHAMS: So CRP
6 projects, because our stuff, even predates
7 your administration, stuff that I submitted,
8 stuff that I know Legislator Wink and
9 Legislator Jacobs have submitted predates --
10 should we start to see the spigot start to
11 open and we'll start to see some of those
12 projects filter through or -- because we
13 would love to be able to have all the
14 projects come through the legislature and we
15 plan to support Levittown and South
16 Farmingdale as well.

17 But I think every area that's
18 been worthy of funds should be entitled to
19 them. So I just want to make sure that it's
20 something that's available to all parties,
21 to all 19 legislators.

22 MR. MAY: Well, the spigot, as it
23 were, I suppose is open. And it -- the
24 process is going to depend on what the
25 project is. If it's a signed, to be

1 Rules Committee/12-3-12
2 installed by DPW, congratulatory sign for a
3 football team at the high school, for
4 example, that can be processed relatively
5 quickly.

6 LEGISLATOR WINK: I have one that
7 hasn't been processed yet.

8 LEGISLATOR ABRAHAMS: Just to
9 summarize because I don't want to get too
10 bogged down. South Farmingdale as well as
11 our next projects are much worthy. So we
12 can have our legislators contact your
13 office, Mr. May?

14 MR. MAY: Absolutely.

15 LEGISLATOR ABRAHAMS: Thank you.

16 MR. MAY: Absolutely. And just
17 as Legislator Wink sort of raised his hand,
18 as it was, I am waiting for a signed claimed
19 voucher from your office for the Port
20 Washington San Miners Monument. As soon as
21 I get that signed, I can process it. I have
22 been in contact with your office, but I
23 haven't received the signed claim voucher
24 yet.

25 LEGISLATOR WINK: As I understand

1 Rules Committee/12-3-12

2 it, the town they think is supposed to be
3 providing that any day now.

4 MR. MAY: Well, then, as soon as
5 I get it, it will get done.

6 LEGISLATOR WINK: I like to hear
7 that. Thank you.

8 MR. MAY: So the spigot,
9 therefore, is open for one and all.

10 CHAIRWOMAN GONSALVES: Any other
11 questions regarding Item 10-13?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of Item 10-13 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The motion carries unanimously.

21 Item 11-13, a resolution
22 authorizing the county executive to execute
23 an IMA with the Levittown Fire Department.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR WALKER: Second.

1 Rules Committee/12-3-12

2 CHAIRWOMAN GONSALVES: Motion by
3 Legislator Dunne, seconded by Legislator
4 Walker.

5 CHAIRWOMAN GONSALVES: Any other
6 questions from any of the legislators?

7 LEGISLATOR DUNNE: I'm just glad
8 there's no derogatory remarks about
9 Levittown.

10 MR. MAY: I appreciate the lack
11 of derogatory comments.

12 CHAIRWOMAN GONSALVES: I think
13 the points were made on the previous items,
14 so I think we can carry it forward. All
15 those in favor of Item 11-13, signify by
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The motion carries unanimously.

21 Now, the next item which is Item
22 17-13, a resolution designating the
23 legislative chamber located within the
24 Theodore Roosevelt Executive and Legislative
25 Building in honor of the late Peter J.

1 Rules Committee/12-3-12
2 Schmitt, and, of course, directing the
3 Department of Public Works to install
4 conspicuous signage, and at this point I
5 would like Legislator Abrahams and myself to
6 make the motion for this item.

7 LEGISLATOR ABRAHAMS: Yes.

8 LEGISLATOR DUNNE: Second.

9 LEGISLATOR JACOBS: Second.

10 CHAIRWOMAN GONSALVES: And
11 seconded by Legislator Dunne and Legislator
12 Jacobs. Both Legislator Dunne and
13 Legislator Jacobs were with Peter Schmitt
14 from the beginning, I am correct; am I not?

15 LEGISLATOR JACOBS: Yes, you are
16 correct.

17 CHAIRWOMAN GONSALVES: Any other
18 comments regarding this item?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 All those in favor of this item
23 signify by saying aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/12-3-12

2 (No verbal response.)

3 The motion carries unanimously.

4 The next item is item 18-13, a resolution to
5 confirm the county executive's appointment
6 of John T. Ahern to the Industrial
7 Development Agency pursuant to Section 856
8 and 922 of the General Municipal Law.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR KOPEL: Second.

11 CHAIRWOMAN GONSALVES: Motion by
12 Legislator Walker, seconded by Legislator
13 Kopel. Any comments regarding this
14 appointment?

15 (No verbal response.)

16 Again, I believe Mr. Ahern will
17 be here at the --

18 MR. MAY: Yes. And just to jump
19 ahead, the other appointees will also be
20 available for questioning by the Full
21 Legislature on Monday, January 14th.

22 CHAIRWOMAN GONSALVES: Any other
23 comments?

24 (No verbal response.)

25 Is there any public comment

1 Rules Committee/12-3-12

2 regarding these items?

3 (No verbal response.)

4 There being none, all those in
5 favor of Item 18-13 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The motion carries unanimously.
10 There are two items that are really the same
11 except that the appointment comes from the
12 -- one is an appointment from the county
13 executive and the other is the appointment
14 from the legislature.

15 It's Item 19-13 and Item 41-13
16 which is the appointment of the resolution
17 confirming the county executive's
18 appointment of Edward Powers to the Nassau
19 Community College Board of Trustees pursuant
20 to Section 6306 of the Educational Law.

21 And the other is a resolution
22 confirming the appointment of Edward W.
23 Powers as a member of the Nassau Community
24 College Board of Trustees. Motion, please,
25 for the two items.

1 Rules Committee/12-3-12

2 LEGISLATOR KOPEL: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRWOMAN GONSALVES: Motion by
5 Legislator Kopel, seconded by Legislator
6 Walker. Any comments regarding -- and I
7 know members of the college were here
8 earlier. I still see -- but I know they
9 can't. Anyway, any comments from any of the
10 legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Item 19 and Item 41 signify by
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (Nay.)

20 Okay, so it's four to three.

21 Thank you very much.

22 Item 20-13, a resolution
23 confirming the appointment by the county
24 executive Joy Watson as a judge of the
25 District Court of the County of Nassau for

1 Rules Committee/12-3-12
2 the Second Judicial District, pursuant to
3 Section 21D of Article 6 of the Constitution
4 of the State of New York. Motion, please.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Motion by
8 Legislator Walker, seconded by Legislator
9 Kopel. Any comments regarding that
10 appointment?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Item 20-13 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item passes four to three.

20 Item 21-13, a resolution
21 confirming the appointment by the county
22 executive of David P. Sullivan as a judge of
23 the district court of the County of Nassau
24 for the Third Judicial District pursuant to
25 Section 21D of Article 6 of the Constitution

1 Rules Committee/12-3-12
2 the State of New York. Motion, please.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR DUNNE: Second.

5 CHAIRWOMAN GONSALVES: Motion by
6 Legislator Kopel, seconded by Legislator
7 Dunne. Any comment regarding this
8 appointment?

9 LEGISLATOR ABRAHAMS: Yes.

10 CHAIRWOMAN GONSALVES: Legislator
11 Abrahams.

12 LEGISLATOR ABRAHAMS: Thank you,
13 Presiding Officer Gonsalves. Just in short,
14 there are always unique candidates that we
15 generally believe are universally respected
16 and regarded and we see David Sullivan as
17 one of those candidates and my
18 recommendation to our caucus is to vote for
19 him in the affirmative. So we plan to do
20 that.

21 CHAIRWOMAN GONSALVES: Any other
22 comments?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/12-3-12

2 There being none, all those in
3 favor of appointing David Sullivan please
4 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 Item 38-13, this is the notorious bond
10 ordinance, which is the \$165,240,000 bond
11 ordinance, and the testimony, as I said in
12 the opening, from the Finance Committee
13 should be incorporated into the Rules
14 Committee.

15 (Previously incorporated, page
16 54, line 7)

17 CHAIRWOMAN GONSALVES: Motion?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRWOMAN GONSALVES: Motion by
21 Legislator Dunne, seconded by Legislator
22 Walker. Any comments?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/12-3-12

2 There being none, all those in
3 favor of Item 38-13 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The item passes four to three. I
8 think that is it. Now a motion to adjourn,
9 please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR KOPEL: Second.

12 CHAIRWOMAN GONSALVES: Motion by
13 Legislator Dunne, seconded by Legislator
14 Kopel. All those in favor of adjourning
15 today's Rules meeting, signify by saying
16 aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Thank you. See you in a few
21 days.

22 (Whereupon, the Rules Committee
23 adjourned at 4:55 p.m.)

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 _____ day of _____, 2013.

FRANK GRAY