

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

FINANCE COMMITTEE

RICHARD NICOLELLO,  
CHAIRMAN

1550 Franklin Avenue  
Mineola, New York

November 18, 2013  
4:11 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

RICHARD NICOLELLO  
Chairman

VINCENT MUSCARELLA (Not Present)  
Vice-Chair

DENNIS DUNNE (Sitting in for Vincent Muscarella)

ROSE MARIE WALKER

MICHAEL VENDITTO

DAVID DENENBERG  
Ranking

JUDI BOSWORTH

DELIA DeRIGGI-WHITTON

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

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CHAIRMAN NICOLELLO: I call the legislative committee on Finance to order. And I ask our clerk to call the roll, please.

CLERK MULLER: Legislator DeRiggi-Whitton?

LEGISLATOR DeRIGGI-WHITTON: Here.

CLERK MULLER: Legislator Wink substituting for Legislator Bosworth?

LEGISLATOR BOSWORTH: Here.

CLERK MULLER: Ranking Member Denenberg?

LEGISLATOR DENENBERG: Here.

CLERK MULLER: Legislator Walker?

LEGISLATOR WALKER: Here.

CLERK MULLER: Legislator Dunne substituting for Vice Chairman Muscarella?

LEGISLATOR DUNNE: Here.

CLERK MULLER: Chairman Nicoletto?

CHAIRMAN NICOLELLO: Here.

CLERK MULLER: We have a quorum. Item 446-2013 is an ordinance supplemental to the annual appropriation ordinance in connection with the Traffic and Parking Violations Agency.

LEGISLATOR DUNNE: So moved.

2 LEGISLATOR WALKER: Second.

3 CHAIRMAN NICOLELLO: Moved by Legislator  
4 Dunne, seconded by Legislator Walker.

5 This item was before the Public Safety  
6 Committee, and I ask that the minutes of that  
7 committee be incorporated by reference. At that  
8 time there was a request and we join in that  
9 request that the Office of Legislative Budget  
10 review and produce a report with respect to the  
11 respective contracts that we used for the red  
12 light camera program and the results, in terms of  
13 the expense.

14 (Whereupon, the following is the minutes  
15 of the November 18, 2013 Public Safety Committee  
16 pertaining to Clerk Item 446-13.)

17 The first item to come before us this  
18 afternoon is Item 446-13, it's an ordinance  
19 supplemental to the annual appropriations  
20 ordinance in connection with the Traffic and  
21 Parking Violations Agency.

22 Whom do we have to discuss this today?

23 MR. MAY: We have Judge John Marks from  
24 TPVA, as well as Mr. David Rich from TPVA.

25 CHAIRMAN DUNNE: Judge Marks, good to

2 see you.

3 JUDGE MARKS: Good afternoon. John  
4 Marks, Executive Director, Nassau County Traffic  
5 and Parking Violations Agency.

6 MR. RICH: Dave Rich, Deputy Director of  
7 Nassau County Traffic and Parking Violations  
8 Agency.

9 CHAIRMAN DUNNE: Just a brief  
10 explanation of the item.

11 MR. RICH: We're requesting a  
12 supplemental appropriation of \$3 million for the  
13 red light contract which is with American Traffic  
14 Solutions.

15 CHAIRMAN DUNNE: Any questions from any  
16 of the legislators?

17 (No verbal response.)

18 Any public comment?

19 Legislator Ford has a question.

20 LEGISLATOR FORD: Sorry about that.

21 CHAIRMAN DUNNE: First, Legislator Ford  
22 put the motion and Legislator Belesi seconded it.

23 We are ready for your question now.

24 LEGISLATOR FORD: Is this a continuation  
25 with the same company?

2 MR. RICH: Yes, it is.

3 LEGISLATOR FORD: And where are they  
4 located?

5 MR. RICH: Arizona.

6 LEGISLATOR FORD: And we can't get any  
7 companies closer to do this?

8 MR. RICH: When we issued the RFP they  
9 were -- I don't believe there are any New York  
10 companies at this time. When we issued the RFP  
11 back in 2009 they were selected as the best  
12 candidate.

13 LEGISLATOR FORD: And how many people  
14 responded to the RFP?

15 MR. RICH: At the time, I believe five  
16 organizations.

17 LEGISLATOR FORD: And they get -- I'm  
18 sorry about this. Then we give them \$3 million  
19 to administer the program?

20 MR. RICH: This is actually an  
21 additional \$3 million. When we had budgeted this  
22 for 2013 we anticipated a contract expense of  
23 \$7.3 million. Right now we're looking at roughly  
24 \$10 million.

25 LEGISLATOR FORD: What is the increase



1 due to?

2  
3 MR. RICH: The increase is because state  
4 legislation allowed for an additional 50  
5 intersections to be added, so we have been adding  
6 additional cameras. With the additional cameras,  
7 we have an increase in violations, which is an  
8 increase in revenue.

9 LEGISLATOR FORD: We're actually,  
10 because of the red light camera funding, we're  
11 bringing in more money ourselves?

12 MR. RICH: Yes. What we did is we  
13 originally anticipated a gross revenue of \$30.1  
14 million; now we're expecting about \$37.5 million.  
15 So an additional \$7 million.

16 LEGISLATOR FORD: And that's not  
17 including the three million that we're paying.  
18 When you say -- is that net revenue or gross?

19 MR. RICH: That would be gross.

20 LEGISLATOR FORD: Then minus the 37.

21 MR. RICH: So out of that \$37 million --

22 LEGISLATOR FORD: Ten million goes to  
23 this company.

24 MR. RICH: Right.

25 LEGISLATOR FORD: Thank you.

2 CHAIRMAN DUNNE: So, in other words, for  
3 \$7 million -- for \$3 million we're getting 7.5  
4 more million back as it stands right now.

5 MR. RICH: Yes.

6 CHAIRMAN DUNNE: Legislator Dannenberg,  
7 you had a question?

8 LEGISLATOR DENENBERG: Yeah. This was  
9 bid in 2009, correct?

10 MR. RICH: Yes.

11 LEGISLATOR DENENBERG: And of course we  
12 rebid it now, right?

13 MR. RICH: No. We acted on one of the  
14 contract amendments to add the additional three  
15 years. I believe we negotiated the contract in  
16 August of 2012, in which we also allowed for an  
17 additional three year period. At that time we  
18 did the amendment in 2012, we acted on the three  
19 year additional extension.

20 LEGISLATOR DENENBERG: Before we  
21 expanded the red light cameras by 50 there was 30  
22 million revenue and we were giving this company  
23 seven?

24 MR. RICH: Yes.

25 LEGISLATOR DENENBERG: And now there's

37 million and we're giving them ten.

MR. RICH: Approximately, yes.

LEGISLATOR DENENBERG: We're giving them about 50 percent of the new money.

MR. RICH: Well, it's anticipated the contract expense should be a little less by the time we're done. We're doing this because we're still rolling out additional cameras for the end of the year. And with the additional cameras, we're generating additional violations. We don't know what the actual number will be. Again, this was forecast at the end of the third quarter based off of revenues and expenses. But it's about 38 percent, is what we pay the company, of what we take in.

LEGISLATOR DENENBERG: Why are we giving them so much?

JUDGE MARKS: The original contract called for an increasing amount of payment on the camera. We're up to approximately \$5200 per camera, per month.

LEGISLATOR DENENBERG: So if you don't like it, don't renew it. Bid it out again.

JUDGE MARKS: I'm sorry?

LEGISLATOR DENENBERG: If you don't like it, don't renew it. Bid it out again.

JUDGE MARKS: It was a lot more on the contract. There was a cost for moving cameras, a cost for this, a cost for that.

LEGISLATOR DENENBERG: That's not true. You could rebid it. I read it. We don't have to renew it.

JUDGE MARKS: Let me know when you're finished.

CHAIRMAN DUNNE: He never testified that he didn't like it.

JUDGE MARKS: I didn't say that I didn't like it. What I said, we figured out we were paying approximately 37 1/2 percent on the old contract. We're now paying 38 percent on the new contract. So it's less cost to the county. It's more money because we're taking in more money.

LEGISLATOR DENENBERG: 37 1/2 percent, now up to 38 percent doesn't seem like less to me. And \$3.5 million on seven million doesn't seem like less to me either; it sounds like 50 percent of new revenue for new cameras. Why any of this revenue doesn't go to social service

2 agencies is beyond me.

3 JUDGE MARKS: That's a different  
4 question.

5 CHAIRMAN DUNNE: That has nothing to do  
6 with --

7 LEGISLATOR DENENBERG: Thank you,  
8 Legislator Dunne. Let me finish my questions.  
9 Okay. Sounds like we're giving 50 percent of the  
10 new money to this company. No, we're not? I  
11 don't know. 10 1/2 million of 37, right, we were  
12 at seven million and now we're up to 10 million.  
13 We're only going from 30 to 37 gross. I heard  
14 your answers. Thirty million to 37 gross. But  
15 this company is going from seven million to ten  
16 million. It doesn't sound like we should renew  
17 it at all.

18 CHAIRMAN DUNNE: Then vote that way, if  
19 you'd like.

20 LEGISLATOR DENENBERG: Dennis thanks for  
21 your answers. I'm sure everyone here thinks you  
22 have a great answer. They don't know what you  
23 said, but it was a great answer. It was a  
24 question.

25 JUDGE MARKS: I didn't understand the

question.

LEGISLATOR DENENBERG: Why are we paying half of this new revenue to this company?

JUDGE MARKS: Because it's an increase in the number of cameras. Whatever the money was before was on 50 cameras, on far less money.

LEGISLATOR DENENBERG: It sounds like 50 cameras had 30 million. Now we're up to, what, 150 cameras?

JUDGE MARKS: No.

LEGISLATOR DENENBERG: 100 cameras?

JUDGE MARKS: No.

LEGISLATOR DENENBERG: Why don't you just tell me how many cameras instead of saying no?

JUDGE MARKS: We had 50 intersections and it now went to 100 intersections. We don't have the 100 intersections filled yet, we're still working on adding those.

LEGISLATOR DENENBERG: According to, when Legislator Ford was asking the question, we were at 30 million with the 50. Now with whatever we're up to, it's 37 million but we're increasing what we're giving to this company from

seven million to ten million.

JUDGE MARKS: Why don't you let somebody explain what the numbers were and not what you interpret it.

CHAIRMAN DUNNE: I think you misunderstood what they were saying. Please restate it and Legislator Denenberg will understand then.

MR. RICH: For the 2013 --

LEGISLATOR DENENBERG: Me and everyone else here.

CHAIRMAN DUNNE: No, I think you're the only one stumped on it.

LEGISLATOR DENENBERG: I doubt that Dennis.

MR. RICH: For the 2013 year we budgeted \$30.1 million in revenue and we had a contract expense budgeted for \$7.3 million. With the additional cameras being added throughout 2013 we've actually increased our projected forecast for \$37.5 million in revenue, which we now also will have an expected and anticipated contract expense around \$10 million. So it's not 50 percent. A total contract expense of \$10

2 million. So we increased our number of cameras.

3 LEGISLATOR DENENBERG: What I just heard  
4 is we increased what our revenue was going to be  
5 from 30 million to 37 --

6 MR. RICH: Correct.

7 LEGISLATOR DENENBERG: But the company,  
8 which was getting seven million, will now get ten  
9 million.

10 MR. RICH: Again, it's an anticipated --

11 LEGISLATOR DENENBERG: So you're right.  
12 Of the total, it's 10 million of 37 and before it  
13 was seven million of 30; correct? So of the  
14 increase, which was from 30 to 37, they got 50  
15 percent of the increase. Dennis, do you  
16 understand that math? I can explain it to you.  
17 Seven million, right --

18 CHAIRMAN DUNNE: \$3 million is getting  
19 \$7.5 million in revenue. What don't you  
20 understand about that? What don't you understand  
21 about that? That's what they testified to.

22 LEGISLATOR DENENBERG: So we're only  
23 getting \$4.5 million of it, right? That's a huge  
24 increase in the percentage.

25 CHAIRMAN DUNNE: You're bouncing --



LEGISLATOR DENENBERG: Seven million of 30, which is less than 25 percent --

CHAIRMAN DUNNE: So maybe you might be able to understand what she said instead of misunderstanding --

LEGISLATOR DENENBERG: Keep talking.

CHAIRMAN DUNNE: what she said.

LEGISLATOR DENENBERG: Everyone here gets what I'm saying except for this side of the aisle.

It was seven million out of 30, correct, went to this company. Is that correct, yes or no?

MR. RICH: Yes.

LEGISLATOR DENENBERG: Okay. Now out of 37 they're going to get ten, correct?

MR. RICH: They may. This is what we're actually asking for --

LEGISLATOR DENENBERG: I'm not voting for this.

MR. RICH: We don't know if they're going to get \$10 million. They may get less than that. Right now we don't know what the --

LEGISLATOR DENENBERG: That's what we're

1 voting on.

2 MR. RICH: Okay.

3 LEGISLATOR DENENBERG: If we vote yes,  
4 they could get ten million out of 37 when right  
5 now they're getting seven out of 30.

6 MR. RICH: We're not saying that 37 is  
7 the cap either. It may go up to 38 or 39 million  
8 by the end of the year. We don't know what the  
9 actual revenue is going to be at the end of the  
10 year because we are still rolling out additional  
11 cameras.

12 LEGISLATOR DENENBERG: And if it goes up  
13 to 38 or -- additional cameras, right. Great.  
14 So it's going to go to 38 or 39, maybe?

15 MR. RICH: It could.

16 LEGISLATOR DENENBERG: It could.

17 MR. RICH: I'm not saying it will, it  
18 could.

19 LEGISLATOR DENENBERG: Let's say it goes  
20 up to 39. So they're getting ten out of 39  
21 whereas before they were getting seven out of 30.  
22 So they were getting less than 25 percent, but of  
23 the additional money they are going to get more  
24 than 40 percent.

2 MR. RICH: We're not asking for a  
3 contract amendment right now. What we're asking  
4 for is a supplemental appropriation to fund the  
5 operating expense of this contract. The  
6 amendment was already done last year.

7 LEGISLATOR DENENBERG: So we're doing  
8 this in the hopes that it might pay for itself?

9 MR. RICH: Correct.

10 LEGISLATOR DENENBERG: Sounds like it's  
11 going to pay pretty good for this company.  
12 They're going to get anywhere from almost 50  
13 percent to at least 40 percent.

14 CHAIRMAN DUNNE: The County's revenue is  
15 increasing.

16 LEGISLATOR DENENBERG: Not for what we  
17 originally planned it to be.

18 CHAIRMAN DUNNE: Legislator Ford.

19 LEGISLATOR FORD: Believe it or not,  
20 Legislator Denenberg, I understand what you are  
21 talking about.

22 My question then would be this:  
23 Obviously this company is doing soup to nuts;  
24 they are doing the installation as well as the  
25 monitoring, reviewing of all of the tickets, the

1 video and so forth and so forth. Is that  
2 correct?

3  
4 MR. RICH: Correct.

5 LEGISLATOR FORD: Part of the cost of --  
6 and Dave does bring up something where on 30  
7 million we paid them \$7.3 million based on 30  
8 million in revenue, I guess. Now we're looking  
9 at maybe 37 million and we're going to give them,  
10 anticipating 10 million. But the 10 million that  
11 you are budgeting for, does that include the cost  
12 of installation of the cameras?

13 MR. RICH: There is not outlay by the  
14 county. Basically the entity itself, I believe  
15 they projected something like \$100,000 for each  
16 camera that they install. The county doesn't  
17 outlay any of the money upfront.

18 LEGISLATOR FORD: Okay. So part of this  
19 money that you're allocating, can that be part of  
20 the initial installation of some of these cameras  
21 at new intersections that we may not see this  
22 cost next year and we will be giving them less  
23 based on just monitoring and taking care of it?

24 MR. RICH: The way the contract is, it's  
25 just a percentage of the fine and penalty, 38

percent to be exact, and that includes the installation, the monitoring, the printing, the mailing, the review, repair, a lot of different facets of the contract.

LEGISLATOR FORD: So if the gross revenue comes in to 40 million, I mean, are they eligible to get more than \$10 million?

MR. RICH: Again, 38 percent of fine and penalty. So if the revenue goes up to \$40 million and whatever that part is fine and penalty, we're paying 38 percent of that fine and penalty to American Traffic Solutions.

LEGISLATOR FORD: Just on the fine and penalties.

MR. RICH: Yes. The administrative fees stay with the county and they don't get a piece of that.

LEGISLATOR FORD: Did any of the other companies from, like, five years or whatever it was, did they have a lower percentage or was that basically the cost, you know, of the county to any of these companies, respondents. Did they fall within the same percentage or was one really much lower than the other?

MR. RICH: At the time, I can't recall. I think at the time what we were doing is we were doing a fixed price per camera. At the time -- I think right now we probably would have been up to about \$5,500 a year. So we've actually saved money by renegotiating the contract. I want to say we saved over two to \$3 million roughly so far by going to a percentage based versus a fixed camera cost.

LEGISLATOR FORD: How long is this contract good for?

MR. RICH: It's another three years, I guess.

CHAIRMAN DUNNE: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: Hi. I just have a couple of questions.

Just go over the numbers again. How many cameras do we have right now?

MR. RICH: At the end of October we had 203 cameras operational.

LEGISLATOR DeRIGGI-WHITTON: And how many in addition do you plan on having with this?

MR. RICH: We don't have a finite number,

1 but we are anticipating around 300 cameras.

2  
3 LEGISLATOR DeRIGGI-WHITTON: So we're  
4 paying them the three million based on -- we're  
5 appropriating three million based on the  
6 assumption that we're going to have how many  
7 cameras, approximately, by the end of the year?

8 MR. RICH: By the end of the year -- I  
9 don't have that number. We're only looking at  
10 two more months right now. I know that we just -  
11 -

12 LEGISLATOR DeRIGGI-WHITTON: So for '14  
13 you are anticipating increasing by --

14 MR. RICH: To about 300 cameras, yes.

15 LEGISLATOR DeRIGGI-WHITTON: So that's -  
16 - I'm trying to figure out how we're going to get  
17 the revenue from those cameras if they're not in  
18 yet. We're paying them -- we're anticipating  
19 such a huge increase in revenue yet the cameras  
20 are not in yet; is that correct?

21 MR. RICH: No, no. These cameras are  
22 already installed. We started off --

23 LEGISLATOR DeRIGGI-WHITTON: Right. But  
24 the total amount won't be until the end of next  
25 year probably, right?

MR. RICH: Right. I think the way we forecast is to the end of 2014.

LEGISLATOR DeRIGGI-WHITTON: So the three million is going to be decided upon whether or not all the cameras are put in and everything else, correct? We may not hit that revenue.

MR. RICH: The three million is just for 2013 budget. We're asking to add more to the contract otherwise we're not going to have enough to pay the vendor through the end of this year.

LEGISLATOR DeRIGGI-WHITTON: And I just have one other quick question. When you talked about the percentage going to the vendor, it says the fines and everything else. Is that the amount we collect or is that the amount of fines that go out?

MR. RICH: Oh, no. That's the actual amounts collected.

LEGISLATOR DeRIGGI-WHITTON: Because I know there was a discrepancy that we don't always collect everything that we send out. So you're sure that it's the amount that's collected?

MR. RICH: Positive. Cash in hand.

CHAIRMAN DUNNE: Legislator Wink.



2 LEGISLATOR WINK: Gentlemen, good  
3 afternoon. When did we go from a fixed cost to a  
4 percentage basis?

5 MR. RICH: I believe the legislature  
6 approved it August of 2012.

7 LEGISLATOR WINK: August of 2012. Was  
8 that a unanimous vote?

9 MR. RICH: I don't recall.

10 LEGISLATOR WINK: I don't think it was.  
11 Here's my concern. Historically, one of the  
12 benefits of fixed costs is that there is no  
13 financial incentive for these companies to rig  
14 cameras. When the red light camera program began  
15 10, 15 years ago in certain areas of the country,  
16 that was a major problem, was that the timing  
17 would be altered, there would be all kinds of  
18 financial incentives to these contractors to  
19 increase the number of violations instead of  
20 being an accurate reflection of the actual  
21 violations. Now I'm concerned that we are  
22 doubling down on the fact that they are getting a  
23 percentage. And, yeah, it doesn't cost us up  
24 front because it's on what they collect. But if  
25 what they're collecting is inappropriate, then

1 they have such an incentive to have more  
2 violations issued as opposed to less.

3  
4 JUDGE MARKS: Mr. Wink, I disagree with  
5 you 100 percent, when you're talking about who  
6 has what incentive.

7 When the camera --

8 LEGISLATOR WINK: Let me ask you, Judge.  
9 Do they make more money when they issue more  
10 violations?

11 JUDGE MARKS: Would they make more money  
12 if they issue more violations? Yes, as the  
13 county would. Absolutely. And the county would  
14 pay the same money for a camera that's doing 100  
15 or zero. So the incentive for the camera was  
16 changed. When they first came into this agency  
17 the cameras, the effect of the camera, the  
18 program was working and many intersections were  
19 going down to zero and one, and we were paying an  
20 increased amount per camera. So as the program  
21 that was initially approved by this legislature  
22 was working, was getting better, our cost somehow  
23 was going up under the old contract.

24 LEGISLATOR WINK: So it was having the  
25 intended effect of deterring bad driving behavior

2 --

3 JUDGE MARKS: That's correct.

4 LEGISLATOR WINK: Which is what the  
5 ultimate goal of this red light camera program  
6 should be.

7 JUDGE MARKS: And that was happening.

8 LEGISLATOR WINK: And that was  
9 happening.

10 JUDGE MARKS: Right.

11 LEGISLATOR WINK: So instead we decided  
12 to go with a system to make sure we were going to  
13 get our money rather than get actual compliance.  
14 It's almost like telling a police officer to hand  
15 out more violations even if he doesn't see them  
16 because we need the money.

17 JUDGE MARKS: That's not correct.

18 LEGISLATOR WINK: No?

19 JUDGE MARKS: No.

20 LEGISLATOR WINK: It's not?

21 JUDGE MARKS: No. An event is captured  
22 and it sent to Arizona, it's reviewed twice in  
23 Arizona. The purpose in that is to save the  
24 employees of Nassau County work. Let's take an  
25 example. If ten events are captured, so there

1 are ten videos that have to be viewed, three of  
2 them -- one is a fire engine, one is a police  
3 car, one is an ambulance, all their lights are  
4 on, they are rejected by ATS. ATS then sends the  
5 videos back to us. We are the ones that approve  
6 and we are the ones that determine what is or is  
7 not a perceived violation.  
8

9           LEGISLATOR WINK:     What rate of rejection  
10 do we have? If of those ten, eight of them are  
11 not emergency vehicles and ATS sends them all to  
12 us. What percentage, on average, do we reject  
13 out of the remaining eight? Do we? Do we have  
14 records of what we reject?

15           JUDGE MARKS:     We have records. I don't  
16 have those records currently.

17           LEGISLATOR WINK:     I'd love to see those  
18 records.

19           JUDGE MARKS:     Some of them include a  
20 funeral procession.

21           LEGISLATOR WINK:     I am sure there are  
22 many legitimate reasons for people getting these  
23 photographs taken. I'm sure there are legitimate  
24 reasons -- emergency vehicles behind drivers who  
25 have to clear the intersection in order to --

1 there's any number of reasons why a violation  
2 technically may exist but discretion should  
3 dictate that we don't issue the violation.  
4

5 My question is do we have a percentage of  
6 the violations that are issued out of Arizona  
7 that are reviewed and issued from Arizona that we  
8 in turn then reject for legitimate reasons?

9 JUDGE MARKS: Nothing is issued from  
10 Arizona. The photos that Arizona accepts, they  
11 send them to TPVA. Our technicians review and we  
12 determine what violations are issued. We tell  
13 them issue this, issue that. They don't tell us  
14 on an issue. The only thing we don't see from  
15 ATS is the three events where it's obvious it  
16 shouldn't be issued - a police car with its light  
17 on, an ambulance, or fire truck.

18 LEGISLATOR WINK: Again, I'm going to  
19 ask that you provide me with the information of  
20 what percentage of the violations that are  
21 accepted by Arizona are actually issued by Nassau  
22 County, first.

23 Secondly, what other jurisdictions -- we  
24 know Suffolk County has them, we know New York  
25 City has them and has had them for a long time.

2 Do they go with a percentage or do they go with a  
3 fixed cost system?

4 JUDGE MARKS: I don't know.

5 CHAIRMAN DUNNE: If you could find that  
6 out and get back to Legislator Wink.

7 LEGISLATOR WINK: Yeah. I would very  
8 much like to know that.

9 CHAIRMAN DUNNE: I have two  
10 clarifications. One, the people do have due  
11 process. They can go before a judge if they  
12 believe that they are erroneously given these  
13 tickets; is that correct?

14 JUDGE MARKS: Yes.

15 CHAIRMAN DUNNE: So a lot of this  
16 pandering is just not really applicable.

17 The other thing --

18 LEGISLATOR WINK: I object to the word  
19 pandering. I'm asking a legitimate question  
20 here.

21 LEGISLATOR DENENBERG: What's pandering?  
22 Asking how much of the money we give to another  
23 company is pandering?

24 CHAIRMAN DUNNE: You weren't recognized,  
25 Mr. Denenberg.

1  
2           LEGISLATOR DENENBERG:     You shouldn't be  
3 recognized.   You say pandering.   What's  
4 pandering?   Who are we pandering to?

5           CHAIRMAN DUNNE:     Legislator Denenberg,  
6 you are out of order, as always.

7           LEGISLATOR DENENBERG:     Who are we  
8 pandering to, the bottom line?

9           So don't shoot your mouth off with  
10 stupidity.

11          CHAIRMAN DUNNE:     Now you're really out  
12 of order.

13          The other thing that was implied before  
14 is that the timing on the lights may be adjusted  
15 to get more revenue.   If that does happen and is  
16 reported to you, what happens?

17          JUDGE MARKS:     No changes of any timing  
18 of any lights except the state increased the time  
19 on some of their state roads.

20          MR. RICH:     The right light camera vendor  
21 does not have access to any of the timing boxes  
22 at all.   What they do is they just connect for  
23 the power to know when it does turns red.   But  
24 they do not have access to any of the boxes to do  
25 any adjustments on timing.

2 CHAIRMAN DUNNE: Okay. So that  
3 statement -- it really wasn't a statement but it  
4 was an implication that it may be done.

5 Any other legislators? Legislator  
6 DeRiggi-Whitton.

7 LEGISLATOR DeRIGGI-WHITTON: Can I just  
8 make a statement? It seems like usually when we  
9 have a contract, the more volume you deal with  
10 and when the company's profit goes up from the  
11 volume, the less percentage we would normally  
12 pay. When you just purchase things yourself,  
13 when you buy in volume and they're getting a  
14 bigger profit, we would pay less. This seems  
15 like backwards to me. I would think our  
16 percentage that we're paying them would go down  
17 with the increase of volume rather than the  
18 percentage that they're getting going up.

19 CHAIRMAN DUNNE: Thank you.

20 LEGISLATOR DeRIGGI-WHITTON: Do you  
21 agree with that? That's my question, Mr. May.

22 JUDGE MARKS: With the contract that we  
23 had, if it was still in effect -- the difference  
24 between the current contract and the contract  
25 that we had, if it was still in effect, we're



2 better off with this contract.

3 We don't have a per-cost monthly rental  
4 on cameras. We don't install cameras. If a  
5 camera has to be moved, the incentive now is on  
6 ATS to move that camera to a location that Nassau  
7 County says do it at this location. They had no  
8 incentive to do that before unless we paid them  
9 \$5500 per camera to move it. That's not in this  
10 contract.

11 LEGISLATOR DeRIGGI-WHITTON: So the  
12 contract prior, did the county install the  
13 cameras? No. So they did install the cameras in  
14 the prior contract. I don't know.

15 Mr. May, as you being the one in charge  
16 of the financial, do you find that to be the  
17 correct way to do it, by increasing volume while  
18 also increasing the percentage given to them?

19 MR. MAY: I'm sorry. Can you repeat the  
20 question? I think you assigned to me a title  
21 that I don't have.

22 LEGISLATOR DeRIGGI-WHITTON: We're  
23 increasing the number of cameras.

24 MR. MAY: I'm sorry?

25 LEGISLATOR DeRIGGI-WHITTON: We're

2 increasing the number of cameras.

3 MR. MAY: Okay.

4 LEGISLATOR DeRIGGI-WHITTON: Therefore,  
5 the potential of revenue is increasing.

6 MR. MAY: Okay.

7 LEGISLATOR DeRIGGI-WHITTON: Is that the  
8 type that normally we would increase the  
9 percentage we're giving to this company or do you  
10 feel in a business mind, usually with volume the  
11 percentage would go down.

12 MR. MAY: Luckily, I don't have to make  
13 that decision. The amendment to this contract  
14 came before you, as the legislators, and was  
15 approved. I think Legislator Wink was asking  
16 about that just a bit earlier. The amendment was  
17 Clerk Item E-138-2012. It was voted on, by my  
18 records, seven to zero, at the June 18 meeting of  
19 2012, a special meeting of the Rules Committee.

20 LEGISLATOR DeRIGGI-WHITTON: I'm not on  
21 the Rules.

22 MR. MAY: Okay. I was just pointing  
23 that out.

24 LEGISLATOR DeRIGGI-WHITTON: Let's just  
25 go back to that question. Don't you think that -

2 - just like commonsense. It's not making sense  
3 to me that we're increasing the revenue with the  
4 amount and we're also increasing the -- almost  
5 every time you buy anything, you know, in bulk,  
6 your percentage would go down.

7 You know what? Maybe you're right.  
8 Maybe you're not the person that would have the  
9 answers for this. I think it's just really poor  
10 business on the county's part.

11 JUDGE MARKS: I believe the prior  
12 contract, if that contract was extended to the  
13 new locations, our percentage would be in the 50  
14 percent range.

15 LEGISLATOR DENENBERG: I'm sorry. We're  
16 going down even more?

17 CHAIRMAN DUNNE: Legislator Denenberg,  
18 you haven't been recognized.

19 LEGISLATOR DENENBERG: Of course not,  
20 because it's a good question.

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

23 LEGISLATOR DeRIGGI-WHITTON: I'll repeat  
24 David's question. Can you clarify that a little  
25 bit?

2 JUDGE MARKS: What is there to clarify?  
3 If the contract, the prior contract was in  
4 existence for these new cameras we would be  
5 paying approximately 50 percent of what we're  
6 paying now - excuse me, of the revenue and not  
7 the 38 percent. We were paying, when we did  
8 costs and included relocations, etcetera, it was  
9 approximately 37 1/2 percent from what we  
10 collected to what we paid out for each camera or  
11 for the camera program. It's cheaper for us this  
12 way.

13 LEGISLATOR DeRIGGI-WHITTON: Just so I  
14 feel better about this, because I hate when we  
15 spend -- are you saying that this contract is  
16 better because the maintenance is better and the  
17 fees are less? Is that why?

18 MR. MAY: I think, Legislator, the issue  
19 is under the original contract we had a fixed  
20 cost per camera installation. Now, I mean, when  
21 we're talking about -- I guess the math here --  
22 and if I'm off, Legislator Denenberg could  
23 certainly help me.

24 With the fixed cost issue, it costs as  
25 much no matter how much revenue the camera is

1 bringing in. Now, I don't know if you've been  
2 here when we had Mr. Chris Mistrion from the  
3 Traffic Safety Board here testifying about the  
4 red light cameras. But there is a declining rate  
5 in incidences of violations, depending on the  
6 intersection. So if we have an intersection that  
7 has fewer red light cameras violations and you  
8 have a fixed cost, that's going to eat into the  
9 revenue. If it's a percentage, even if we have a  
10 lower amount of violations, it's going to be a  
11 lower cost per violation than in a hard fixed  
12 cost.  
13

14 LEGISLATOR DeRIGGI-WHITTON: But haven't  
15 we heard today that we anticipate the revenue to  
16 go up substantially?

17 MR. MAY: What's substantially? If  
18 you're talking about a \$7 million raise on 30  
19 million, is that substantial? I don't know. I  
20 might think substantial is 100 percent.

21 LEGISLATOR DeRIGGI-WHITTON: That's  
22 still, you know, you're talking over a 20 percent  
23 increase. I don't know, Greg.

24 The point is I think we have to be real  
25 careful with these kinds of contracts because it

1 seems like we're not in the driver's seat with  
2 them.

3  
4 MR. MAY: The great thing about this  
5 contract is you were in the driver's seat, and  
6 that the Rules Committee approved this  
7 seven/nothing.

8 LEGISLATOR DeRIGGI-WHITTON: We have to  
9 just watch maybe possibly going forward and talk  
10 about possibly rebidding this contract. There  
11 might be a better deal out there as far as when  
12 we increase the revenue, we're increasing the  
13 percentage; that's basically how I see it.

14 I'm done.

15 LEGISLATOR DENENBERG: Through the  
16 Chair.

17 CHAIRMAN DUNNE: It's functioning now,  
18 as it should be. Correct? It's already  
19 functioning, correct?

20 MR. MAY: Yes.

21 CHAIRMAN DUNNE: And it's cheaper under  
22 the amendment than it was under the original  
23 contract.

24 MR. MAY: Correct.

25 CHAIRMAN DUNNE: So we're making money.

2 MR. MAY: Correct.

3 CHAIRMAN DUNNE: Okay.

4 LEGISLATOR DENENBERG: To the Chair.

5 CHAIRMAN DUNNE: Legislator Denenberg.

6 LEGISLATOR DENENBERG: Anything stopping  
7 us from rebidding this? It's an Arizona company.  
8 I understand they won a bid years ago. What  
9 stops us from rebidding?

10 MR. RICH: You can rebid. But just  
11 realize it may take a year to a year and a half.  
12 I think it took us about two years to get all the  
13 first phase cameras up, which was 152 cameras on  
14 the first 50 intersections. So you have a  
15 potential -- again, not saying that we couldn't  
16 rebid. But realize you may have a loss then of  
17 at least \$30 million, if not more, over the next  
18 two year period if you want to rebid.

19 When and if this contract expires down  
20 the road, we can probably do an RFP prior to the  
21 expiration. But if we did it now we would  
22 probably stand to use \$37 million over the next  
23 two years.

24 LEGISLATOR DENENBERG: If we rebid two  
25 years ago we'd be done. At some point -- it's an

2 Arizona company, we're giving them 50 percent or  
3 almost of this increase. Personally, I wasn't on  
4 Rules; I would have voted no then, I'm going to  
5 vote now.

6 CHAIRMAN DUNNE: Okay. So the  
7 legislators' request, from what I understand,  
8 that it may be considered to be rebid by the  
9 administration, that's understood.

10 Any public comment? Legislator Denise  
11 Ford.

12 LEGISLATOR FORD: Legislator Dunne, I  
13 would like to know that maybe because of this, I  
14 think it would be worth it to have an analysis,  
15 to maybe take a look at this issue again with the  
16 Office of Independent Budget Review, to let us  
17 know, to revisit to see whether or not it is  
18 beneficial to go back to a fixed cost or to  
19 continue with this current percentage.

20 CHAIRMAN DUNNE: I think that's a great  
21 idea. Would Legislative Budget Review give us an  
22 analysis?

23 MR. CHALMERS: Maurice Chalmers, Budget  
24 Review. We could absolutely do that for the  
25 benefit of the legislature.



1           But from the top of my head, what we know  
2  
3 of the contract, this contract gave us a better  
4 financial situation than the prior one. But we  
5 could put the numbers together.

6           LEGISLATOR FORD:     It probably would be  
7 good, before we vote on it in the Full Leg to  
8 actually see in black and white. I think it  
9 probably would make us feel a little bit better  
10 about voting for it.

11           MR. CHALMERS:     We will put that  
12 together.

13           LEGISLATOR FORD:     Thank you very much.

14           LEGISLATOR DENENBERG:     As long as you're  
15 looking at that - and someone brought up, if I  
16 may Dennis --

17           CHAIRMAN DUNNE:     Yes.

18           LEGISLATOR DENENBERG:     Someone brought  
19 up the deals in Suffolk or the deals in New York  
20 City where red light cameras are as well. Why  
21 not take a look?

22           MR. CHALMERS:     WE will reach out to them  
23 also and see if we can get information from  
24 those.

25           LEGISLATOR DENENBERG:     My point is maybe

2 we should have rebid instead of renegotiated.

3 CHAIRMAN DUNNE: And give that to the  
4 Presiding Officer and then she'll distribute it  
5 to the Full Leg.

6 MR. CHALMERS: We'll do that.

7 CHAIRMAN DUNNE: Thank you so much.

8 Any public comment?

9 (No verbal response.)

10 There being none; all in favor indicate  
11 by saying aye.

12 (Aye.)

13 Any against?

14 (Nay.)

15 Three nays.

16 (Whereupon, the following is the  
17 continuation of the minutes of the November 18,  
18 2013 Finance Committee.)

19 CHAIRMAN NICOLELLO: Any questions? We  
20 have Commissioner Marks as well as Mr. Rich here  
21 to answer questions.

22 LEGISLATOR DENENBERG: For the Minority,  
23 we have no further questions than those that were  
24 asked at Public Safety. And to the OLBR, we also  
25 had requested a comparison of what the contracts

2 might be in Suffolk as well as New York City.

3 CHAIRMAN NICOLELLO: Okay. Any public  
4 comments?

5 (No verbal response.)

6 All in favor signify by saying aye.

7 (Aye.)

8 Those opposed?

9 (Nay.)

10 Item carries four to three.

11 Items 463, 464, 465, 466, 467, 468, 469,  
12 470, and 471; these are resolutions to authorize  
13 the county assessor and/or the county treasurer  
14 and/or the receiver of taxes of the Towns of  
15 Hempstead, North Hempstead, and Oyster Bay to  
16 partially exempt from real property taxation  
17 certain real property situated in various school  
18 districts; exempt from real property taxation  
19 certain properties appearing on the assessment  
20 rolls for the specific school; correct erroneous  
21 assessments and taxes in accordance with the  
22 petition of the assessor on specific properties;  
23 and restore taxes in accordance with the  
24 petitions from the assessor on specific  
25 properties.

2 LEGISLATOR DUNNE: So moved.

3 CHAIRMAN NICOLELLO: Moved by Legislator  
4 Dunne.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Seconded by  
7 Legislator Walker.

8 Any discussion? Legislator Denenberg.

9 LEGISLATOR DENENBERG: Mr. Valentino I  
10 believe is here.

11 CHAIRMAN NICOLELLO: Yes.

12 LEGISLATOR DENENBERG: Hi, Mr.  
13 Valentino. We had this discussion last year with  
14 respect to corrections, some of them were state  
15 issues with respect to STAR and the county had to  
16 refund the money. Did we ever get any of the  
17 money back from the state?

18 MR. VALENTINO: Well, the correct  
19 procedure is we were supposed to charge back to  
20 the school districts who were then supposed to  
21 seek reimbursement from the state.

22 LEGISLATOR DENENBERG: And what  
23 happened?

24 MR. VALENTINO: We are still waiting on  
25 a decision on the county guarantee. It was going

to be done in unison with the Article 7 refunds.

LEGISLATOR DENENBERG: So the county pays back the money that's owed due to the exemption, yes?

MR. VALENTINO: Correct.

LEGISLATOR DENENBERG: And then the county was going to seek the money back from the schools?

MR. VALENTINO: That's the process the state has in place. That's state law.

LEGISLATOR DENENBERG: And we were seeking that back under the premise that the county guarantee didn't force us to pay it for the schools, correct?

MR. VALENTINO: The 2010 *New York Telephone v. Town of North Hempstead* case states the county guarantee does not apply to correction of error petitions.

LEGISLATOR DENENBERG: So why is that being held up with the case on the county guarantee then?

MR. VALENTINO: Because we have to --

LEGISLATOR DENENBERG: If you said the county guarantee doesn't apply.

MR. VALENTINO: Correct. But we have a whole bunch of other refunds and we have to run a whole script and program through Adapt so it was easier if we just did it one pile, one foul swoop.

LEGISLATOR DENENBERG: You said -- I don't get that. If the county guarantee was taken away under a county law that's been challenged in court and is now on appeal, this issue, you testified last year exactly like you just said now, under a 2010 case this issue, refund due to exemptions, doesn't come under the county guarantee. It shouldn't be tied up in the lawsuit at all then.

MR. VALENTINO: But there are certain programs and other things that have to be written in order to provide for these charge backs. It's not as simple as just pressing a button and the refunds are issued and there are charge backs to school districts. The school districts need to be brought on board. Everybody needs to be explained their responsibilities. It was easier if we did this once we had finality on the county guarantee case.

2 LEGISLATOR DENENBERG: So, in other  
3 words, right now we haven't charged the school  
4 districts at all?

5 MR. VALENTINO: That's correct.

6 LEGISLATOR DENENBERG: And what's the  
7 plan right now? We're not going to charge them  
8 if we lose the county guarantee case?

9 MR. VALENTINO: If we lose the county  
10 guarantee case there has to be certain processes  
11 put in place in order to charge these refunds  
12 back.

13 LEGISLATOR DENENBERG: I'm not really  
14 sure I understand what you're saying at all. But  
15 I hope we don't charge the schools at all. I  
16 guess I'm -- I really can't understand what  
17 you're saying.

18 MR. VALENTINO: The schools wouldn't --

19 LEGISLATOR DENENBERG: You said that  
20 this case has nothing -- that due to a case the  
21 county guarantee doesn't include these refunds  
22 due to improperly processed exemptions that come  
23 in late. You said that 2010 case said that this  
24 was not covered under the county guarantee so  
25 we're going to charge the schools, towns,

1 etcetera. But now you're saying we're waiting to  
2 see what happens to the county guarantee case  
3 before we charge for I guess delayed exemptions.  
4

5 MR. VALENTINO: Correct. But Legislator  
6 Denenberg, just to touch on a point you made  
7 earlier. You're talking about with the STAR and  
8 the Enhanced-STAR. As I noted, the schools would  
9 be made whole. All they have to do is fill out a  
10 form and send it to the state. There is a  
11 process that we have to follow under RPTL §556.

12 LEGISLATOR DENENBERG: A lot of this  
13 isn't -- and I've been looking at these this  
14 year. Most of them aren't even STAR and Enhanced  
15 STAR. It's other exemptions that were misfiled.  
16 I see veteran's exemptions, veteran's exemptions,  
17 home improvement exemptions.

18 MR. VALENTINO: Veterans doesn't touch  
19 the school part. The senior touches on the  
20 Enhanced STAR exemption. And the home  
21 improvement also doesn't touch on the school,  
22 that only touches on the general.

23 LEGISLATOR DENENBERG: But that's what  
24 we're processing here.

25 MR. VALENTINO: Correct. But we wouldn't



1 charge those back because it never affected the  
2 school district in the first place.

3  
4 LEGISLATOR DENENBERG: Okay. I still  
5 don't understand why, when it comes to STAR and  
6 Enhanced STAR, we didn't charge -- I don't think  
7 we should charge it through. But your reason for  
8 charging it through was a 2010 case that  
9 shouldn't have anything to do with the county  
10 guarantee case that's up on appeal right now.

11 MR. VALENTINO: Legislator Denenberg,  
12 just one question, one issue with that. It's not  
13 the 2010 case. The 2010 case states the county  
14 guarantee doesn't apply. The chargeback is  
15 pursuant to state law, Real Property Tax Law  
16 §556.

17 LEGISLATOR DENENBERG: So why would it  
18 hold it up at all then?

19 MR. VALENTINO: Because as I noted, there  
20 are certain scripts that have to be written and  
21 certain processes in place before we can charge  
22 these back. So we are waiting to get finality on  
23 that decision, and I believe there is a hearing  
24 scheduled in January. This should be resolved  
25 relatively soon.

LEGISLATOR DENENBERG: Now my concern's just greater because if we do charge it through we are charging two years worth now to the schools. The impact would be that much greater.

MR. VALENTINO: As I noted, the schools would be reimbursed by the state for the Enhanced STAR exemption and the STAR exemption. They would be made whole.

LEGISLATOR DENENBERG: Then we should be made whole.

MR. VALENTINO: We will be made whole by charging it back to the school districts, who then charge it back to the state. It seems like needless bureaucracy but that's --

LEGISLATOR DENENBERG: You know what? We're back to our argument last year, that we should just go right to the state, but that's besides the point.

MR. VALENTINO: I concur with your sentiments exactly. But I have to adhere to the Real Property Tax Law.

CHAIRMAN NICOLELLO: Just one question, Mr. Valentino. Is there any statute of limitations on these charge backs to the school

1 districts?

2 MR. VALENTINO: Three years.

3 CHAIRMAN NICOLELLO: Okay. I guess you  
4 have to keep track of the three years because if  
5 you wait too long then the chargeback procedure  
6 won't be available, correct?

7 MR. VALENTINO: That's correct.

8 CHAIRMAN NICOLELLO: Legislator DeRiggi-  
9 Whitton.

10 LEGISLATOR DeRIGGI-WHITTON: Thanks. Do  
11 you have a total amount of how much we're talking  
12 about?

13 MR. VALENTINO: The correction of error  
14 I believe they generally put in the bonding is  
15 around one or two million each year, if that.  
16 There are 56 school districts, so. One or two  
17 million total, broken up among 56 school  
18 districts.

19 LEGISLATOR DeRIGGI-WHITTON: Okay. Just  
20 to summarize what you just said in a layman's  
21 term. In your opinion the schools should not be  
22 impacted by this, it should come from the state.

23 MR. VALENTINO: For the Enhanced STAR  
24 and the Basic STAR, yes. They have to submit a  
25

2 form to the state and the state will reimburse  
3 them.

4 LEGISLATOR DeRIGGI-WHITTON: So from  
5 what we can tell there shouldn't be any out-of-  
6 pocket expense from the schools.

7 MR. VALENTINO: Correct. The schools  
8 will be made whole.

9 LEGISLATOR DeRIGGI-WHITTON: Thank you.

10 CHAIRMAN NICOLELLO: Any other  
11 questions?

12 (No verbal response.)

13 Thank you, Mr. Valentino.

14 Any public comment?

15 (No verbal response.)

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

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 The items carry unanimously.

22 Item 472-2013 is a resolution providing  
23 for the issuance of a warrant directing the  
24 treasurer of the County of Nassau to pay to the  
25 supervisors of the several towns and to the

2 treasurers of the several villages and cities  
3 within the County of Nassau, the sums as  
4 apportioned by the Nassau County Legislature  
5 based on a report filed by the county treasurer  
6 showing deposits for mortgage taxes for the  
7 period of one year commencing October 1, 2012.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR VENDITTO: Second.

10 CHAIRMAN NICOLELLO: Moved by Legislator  
11 Dunne, seconded by Legislator Venditto.

12 Any questions on this item?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 The item carries unanimously.

21 Item 475 is a resolution authorizing the  
22 signing of a New York State Department of  
23 Transportation supplemental grant agreement for  
24 funds to support police services on construction  
25 and maintenance projects.

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRMAN NICOLELLO: Moved by Legislator  
5 Dunne, seconded by Legislator Walker.

6 This is an item that authorizes the  
7 signing of a grant of \$1.2 million from the New  
8 York State Department of Transportation.

9 Any questions?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All in favor signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 It carries unanimously.

18 Item 476 is a resolution authorizing the  
19 County of Nassau acting on behalf of the  
20 Department of Public Works to file an application  
21 for funds from the New York State Office of  
22 Parks, Recreation and Historic Preservation.

23 LEGISLATOR WALKER: So moved.

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

2 Any questions on this item?

3 (No verbal response.)

4 Any public comment?

5 LEGISLATOR WINK: I'm sorry, Legislator  
6 Nicoletto.

7 CHAIRMAN NICOLELLO: Sure.

8 LEGISLATOR WINK: Not to guild a lily.  
9 I was just going to make a quick comment about  
10 it.

11 This has been an ongoing issue for quite  
12 some time that I know Brian Schneider - there he  
13 is - has been involved with. It actually evolves  
14 the transfer of ownership of an acre of property  
15 as an in-kind donation as a value towards  
16 matching from the water district to Nassau  
17 County. It will help complete what is otherwise  
18 I think an exemplary improvement to the  
19 Standard's Brook Park.

20 I want to thank Brian. I want to thank  
21 everybody associated with this.

22 CHAIRMAN NICOLELLO: Okay. Thank you.

23 Any public comment?

24 (No verbal response.)

25 All in favor signify by saying aye.

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 That item carries unanimously.

6 Items 477, 478, 479, and 480 are all  
7 resolutions authorizing and directing the  
8 treasurer of Nassau County to assign a certain  
9 tax lien certificate in connection with premises  
10 located in the Town of Hempstead.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRMAN NICOLELLO: Moved by Legislator  
14 Dunne, seconded by Legislator Walker.

15 Any questions?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All in favor signify by saying aye.

20 (Aye.)

21 Those opposed?

22 (No verbal response.)

23 Carries unanimously.

24 Item 484-2013 is a resolution to  
25 authorize the transfer of appropriations



2 heretofore made within the budget for the year  
3 2013.

4 LEGISLATOR VENDITTO: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator  
7 Venditto, seconded by Legislator Walker.

8 Any questions?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All in favor signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 It carries unanimously.

17 Item 485-2013 and 486. 485 is a  
18 resolution authorizing the county executive to  
19 execute a grant agreement between the County of  
20 Nassau, acting on behalf of the County Department  
21 of Parks, Recreation, and Museums, and USA Track  
22 and Field Long Island.

23 486 is a resolution authorizing the  
24 county executive to execute a grant agreement  
25 between the County of Nassau, acting on behalf of

2 the County Department of Parks, Recreation, and  
3 Museums, and Nassau County Firefighters Museum.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator  
7 Dunne, seconded by Legislator Walker.

8 Any questions on these items?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All in favor signify by saying aye.

13 (Aye.)

14 Those opposed?

15 (No verbal response.)

16 Carries unanimously.

17 Items 487, 488, 489, 490-2013 are all  
18 resolutions to authorize the county assessor  
19 and/or the treasurer of the county and/or the  
20 receiver of taxes of the Towns of Hempstead,  
21 Oyster Bay, North Hempstead, and the City of Long  
22 Beach to correct erroneous assessments.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR VENDITTO: Second.

25 CHAIRMAN NICOLELLO: Moved by Legislator

2 Walker, seconded by Legislator Venditto.

3 Any questions?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All in favor signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 They carry unanimously.

12 Items 491, 492, 493, 495, 496, 497, 498,  
13 499, 500, 501, 502, 503, 504, and 505 are all  
14 ordinances supplemental to the annual  
15 appropriation ordinance in connection with the  
16 Department of Human Services, Office of Mental  
17 Health, Chemical Dependency, and Developmental  
18 Disability Services, Probation Department,  
19 Management and Budget, Police Department, Medical  
20 Examiner's Office, Housing and Community  
21 Development, Health Department and that's it.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

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

1 Almost all of these items went through  
2 committees earlier.

3  
4 Are there any questions among the  
5 legislators?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All in favor signify by saying aye.

10 (Aye.)

11 Those items carry unanimously.

12 Items 506, 507, 508, 509, 510 are  
13 resolutions to authorize the transfer of  
14 appropriations heretofore made within the budget  
15 for the year 2013.

16 LEGISLATOR VENDITTO: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRMAN NICOLELLO: Moved by Legislator  
19 Venditto, seconded by Legislator Walker.

20 Any questions?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 All in favor signify by saying aye.

25 (Aye.)

2 Those opposed?

3 (No verbal response.)

4 Those items carry unanimously.

5 Items 512 and 513 are resolutions  
6 authorizing the county executive to execute  
7 grants agreements between the County of Nassau  
8 and the Long Island Children's Museum and the  
9 Cornell University Cooperation Extension.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN NICOLELLO: Moved by Legislator  
13 Dunne, seconded by Legislator Walker.

14 Any questions on these items?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All in favor signify by saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Those items carry unanimously.

23 Item 516-2013 is a resolution to  
24 authorize the transfer of appropriations  
25 heretofore made within the budget for the year

2 2013.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by Legislator  
6 Dunne, seconded by Legislator Walker.

7 Any questions?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All in favor signify by saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 It carries unanimously.

16 Item 517-2013 is a bond ordinance  
17 providing for a capital expenditure to finance  
18 the capital projects specified herein within the  
19 County of Nassau and authorizing \$72 million of  
20 bonds of the County of Nassau.

21 LEGISLATOR VENDITTO: So moved.

22 LEGISLATOR DUNNE: Second.

23 CHAIRMAN NICOLELLO: Moved by Legislator  
24 Venditto, seconded by Legislator Dunne.

25 This is the project with respect to the

1 family and matrimonial center to be housed on the  
2 social services building and to create an  
3 expanded court complex in Mineola, to move the  
4 family and matrimonial center from its current  
5 cramped, insufficient housing in Westbury to a  
6 better location.  
7

8           There was discussion in the Public Works  
9 Committee which I would like to incorporate by  
10 reference.

11           (Whereupon, the following is the minutes  
12 from the November 18, 2013 Public Works Committee  
13 transcript pertaining to Clerk Item 517-13.)

14           We've got five items. The first item,  
15 Clerk Item 517-13, which is a bond ordinance  
16 authorizing \$72 million of bonds. This item is  
17 for the Family Matrimonial Court that we  
18 discussed earlier in Rules. So \$72 million of  
19 bonds to finance the reconstruction.

20           May I have a motion, please?

21           LEGISLATOR WALKER: So moved.

22           CHAIRMAN KOPEL: Moved by Legislator  
23 Walker, seconded by Legislator Becker.

24           MR. MAY: We have Mr. Ken Arnold from  
25 DPW to speak on this item.

2 MR. ARNOLD: This is a bond ordinance to  
3 fund the construction and all soft costs  
4 associated with Phase 1 of the Family and  
5 Matrimonial Court project in Mineola.

6 CHAIRMAN KOPEL: Do we have any  
7 comments, any questions from legislators?

8 (No verbal response.)

9 Hearing none, any public comment?

10 (No verbal response.)

11 Hearing none; all those in favor please  
12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item is moved unanimously.

17 (Whereupon, the following is the  
18 continuation of the minutes of the November 18,  
19 2013 Finance Committee meeting.)

20 CHAIRMAN NICOLELLO: Does anyone have  
21 any questions on this item at this time?

22 (No verbal response.)

23 Again, this is a very positive  
24 development for the residents of Nassau County  
25 and for all those that practice and the employees



2 at the Family and Matrimonial Courts. This goes  
3 back to the Gulotta days. It's terrific that  
4 we're finally getting this done.

5 Any public comment?

6 (No verbal response.)

7 All in favor signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (No verbal response.)

11 The item carries unanimously.

12 518-2013, which was amended in the Public  
13 Safety Committee, is a bond ordinance providing  
14 for a capital expenditure to finance the capital  
15 projects specified herein within the County of  
16 Nassau and authorizing \$40 million of bonds of  
17 the County of Nassau.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR DUNNE: Second.

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

22 I also ask that we incorporate by  
23 reference the minutes of the Public Safety  
24 Committee.

25 (Whereupon, the following is the minutes

2 of the November 18, 2013 Public Safety Committee  
3 pertaining to Clerk Item 518-2013.)

4 The last item is 518-13, a bond ordinance  
5 providing for capital expenditures to finance the  
6 capital projects specified herein within the  
7 County of Nassau, authorizing \$3,250,000 of bonds  
8 of the County of Nassau to finance said  
9 expenditure, and making certain determinations  
10 pursuant to the State Environmental Quality  
11 Review Act, pursuant to the Local Finance Law of  
12 New York, and the County Government Law of Nassau  
13 County.

14 Legislator Venditto makes the motion,  
15 seconded by Legislator Ford.

16 Any questions? First, who is here to  
17 speak on this?

18 MR. MAY: I'm sorry. Mr. Chairman,  
19 which is the item number we're up to?

20 CHAIRMAN DUNNE: This is 518-13.

21 MR. MAY: We have Mr. Rich Millet and  
22 Ken Arnold.

23 CHAIRMAN DUNNE: There is an amendment  
24 in substitution of this item to correct the  
25 amount from \$3,250,000 to -- do you have the

2 figure Mr. Arnold? The amendment is to correct  
3 it. Mr. Ken Arnold.

4 MR. ARNOLD: 518-13 is the bond  
5 ordinance for the crime lab project as previously  
6 reduced at the rules contract today.

7 CHAIRMAN DUNNE: The amendment is to fix  
8 the figure at \$40 million in bonds.

9 We have the motion to amend it by Denise  
10 Ford, seconded by Legislator Belesi.

11 Now, Mr. Arnold. It's 40 million.

12 MR. ARNOLD: This is the bond ordinance.

13 LEGISLATOR DENENBERG: For what?

14 MR. ARNOLD: This is the bond ordinance  
15 for the project of the crime lab, Phase 3 of the  
16 PSE. It's for the construction and all the soft  
17 costs associated with that work.

18 CHAIRMAN DUNNE: Any questions from any  
19 of the legislators on the amendment? Legislator  
20 Denenberg.

21 LEGISLATOR DENENBERG: Why are we  
22 amending from 3.25 to 40? It was just a typo?

23 MR. ARNOLD: It was a typo.

24 LEGISLATOR DENENBERG: It's a big typo.

25 CHAIRMAN DUNNE: So we're just fixing

the amount.

LEGISLATOR DENENBERG: And this is the bonding to fund the contract that was approved by Rules?

MR. ARNOLD: That is correct.

LEGISLATOR DENENBERG: Okay. And without this bonding that contract, we wouldn't be able to enter into it?

MR. ARNOLD: That is correct.

LEGISLATOR DENENBERG: And you think this is all we're going to need to restore the crime lab?

MR. ARNOLD: Yes.

CHAIRMAN DUNNE: Any public comment?

(No verbal response.)

On the amendment, all in favor of the amendment indicate by saying aye.

(Aye.)

All in favor. It passed seven/nothing.

Now, on the item itself, all in favor indicate by saying aye - as amended.

(Aye.)

That's seven/nothing also.

(Whereupon, the following is the

2 continuation of the minutes of the November 18,  
3 2013 Finance Committee meeting.)

4 CHAIRMAN NICOLELLO: Any questions on  
5 this item?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All in favor signify by saying aye.

10 (Aye.)

11 Those opposed?

12 (No verbal response.)

13 The item carries unanimously.

14 Item 520-2013, an ordinance to amend  
15 Ordinance 86-2013, adopting the capital budget  
16 for the year 2013 for the County of Nassau  
17 corresponding to the first year of the four year  
18 capital plan, pursuant to the provisions of  
19 Section 310 of the County Government Law of  
20 Nassau County.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR VENDITTO: Second.

23 CHAIRMAN NICOLELLO: Moved by Legislator  
24 Walker, seconded by Legislator Venditto.

25 Again, this went through Public Works.

1 This basically relates to the mechanisms for  
2 funding the much needed improvements at the Bay  
3 Park Sewage Treatment Plant as well as  
4 improvements to Cedar Creek that will essentially  
5 allow this county to, with the additional item to  
6 come, will allow this county to qualify for a no-  
7 interest loan from the Environmental Facilities  
8 Corporation. The project we believe will then,  
9 once the county bonds it, will be subject to a 90  
10 percent FEMA reimbursement and the additional 10  
11 percent to be paid out of CDBG funds.

12  
13           LEGISLATOR DUNNE:        So moved.

14           LEGISLATOR WALKER:       Second.

15           CHAIRMAN NICOLELLO:      Moved by Legislator  
16 Dunne, seconded by Legislator Walker.

17           LEGISLATOR DENENBERG:    To the Chair.

18           CHAIRMAN NICOLELLO:      Legislator  
19 Denenberg.

20           LEGISLATOR DENENBERG:    I believe you  
21 already said to incorporate the discussions that  
22 were somewhat lengthy before Public Works.

23           On behalf of the Democratic Caucus, we  
24 are voting for this item as well as for the  
25 budgeting. Again, we do believe that this work

1 getting done is imperative and to that end we  
2 think it's just as imperative that at least on a  
3 quarterly basis the legislature, either through  
4 the Public Works Committee or as a full body, has  
5 status hearings on the implementation and the  
6 status and progress of the projects that, in  
7 total, would be about 710 to \$720 million worth  
8 of work at our sewage treatment plants. Punting  
9 that responsibility to an *ad hoc* committee, you  
10 know, it's fine that there's an *ad hoc*  
11 environmental committee overseeing it but the  
12 legislature should oversee this kind of an  
13 expenditure. So that's our request to the  
14 majority. The rest of the discussions were all  
15 part of Public Works.

16  
17 We are in favor of this bonding and the  
18 amending of the capital budget as well as the  
19 four-year plan for purposes of applying for the  
20 EFC financing and for, more importantly, to get  
21 this work done.

22 CHAIRMAN NICOLELLO: I would just add to  
23 that that the Deputy County Executive had  
24 indicated that we will be receiving monthly  
25 updates, in terms of the construction projects

2 similar to what was done with the Environmental  
3 Bond Act.

4 LEGISLATOR DENENBERG: Yes. He did say  
5 the monthly updates which prompted, again, that  
6 the quarterly hearings could be a chance to  
7 question those updates and discuss progress.

8 CHAIRMAN NICOLELLO: We agree also that  
9 in committee on in the Full Legislature that  
10 there will be hearings to monitor the progress of  
11 this item.

12 (Whereupon, the following is the minutes  
13 from the November 18, 2013 Public Works Committee  
14 pertaining to Clerk Item 520-13.)

15 Our next item is 520-13 is another  
16 amendment to the capital plan for 2013.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR BECKER: Second.

19 CHAIRMAN KOPEL: Moved by Legislator  
20 Walker, seconded by Legislator Becker.

21 MR. MAY: This is Clerk Item 520-13?

22 CHAIRMAN KOPEL: Yes.

23 MR. MAY: We have Chief Deputy County  
24 Executive Rob Walker.

25 CHAIRMAN KOPEL: Mr. Walker, how are



1  
2 you?

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 Mr. Kopel, how are you? I will try to be very  
5 brief and allow Ken Arnold or Rich Millet to  
6 answer any technical questions.

7 Since the Legislature, in working with  
8 the county executive, we move forward on many  
9 repairs to Bay Park, this is a continuing  
10 program. We have received report from the  
11 Environmental Facility Corporation totaling \$465  
12 million for those projects that have not yet been  
13 approved by the Legislature.

14 This bonding is actually the support  
15 needed for the EFC and the Corporation to go and  
16 pass the \$465 million that will come to the  
17 county for six different projects - a sludge  
18 dewatering facility, mitigation repair, the  
19 electrical distribution system, the perimeter  
20 dyke and flood protection, various pump station  
21 work, and also, very important, the Barnes Avenue  
22 in Baldwin/Village of Hempstead program to  
23 install a pump station in the Village to assist  
24 with their economic development and  
25 infrastructure program.

2 This backstops the Environmental Facility  
3 Corporation's award to the county. As we move  
4 forward the Corporation will then meet, upon us  
5 passing a bond ordinance, although we will not be  
6 going to the market. This is not needed to go to  
7 the market. This continues our Bay Park storm  
8 repair and mitigation program.

9 CHAIRMAN KOPEL: These are for items  
10 that we have not yet passed?

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
12 Correct. All the six items have not been passed  
13 by this legislature. Correct.

14 CHAIRMAN KOPEL: So we're passing the  
15 funding for it before we pass the items?

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
17 We don't have contracts for these projects, nor  
18 do we have bonding or authorization for these  
19 projects.

20 CHAIRMAN KOPEL: So we're just amending  
21 the capital plan --

22 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
23 Correct.

24 CHAIRMAN KOPEL: And that will give us  
25 the ability to go ahead and --

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

3 Correct. And then it will give the EFC, the  
4 Environmental Facilities Corporation will then  
5 meet their corporation meet. They will approve  
6 the contract and award to the county, and then  
7 work can commence.

8 CHAIRMAN KOPEL: So we're not committing  
9 the county to any additional borrowing at this  
10 point.

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
12 We need to backstop the EFC's -- in order for the  
13 Environmental Facility Corporation to in fact  
14 meet and award the county financing, basically  
15 it's zero interest financing for three years,  
16 saves the county roughly \$12 million. This will  
17 allows us to, in fact, do that.

18 We need to - again, support the EFC by  
19 passing an ordinance. Although we will not go to  
20 the market for cash, we need to have the  
21 ordinance in place for the EFC to, in fact, meet  
22 and approve the projects.

23 CHAIRMAN KOPEL: Legislator Denenberg.

24 LEGISLATOR DENENBERG: Rob - Mr. Walker,  
25 sorry - you actually reported on this back a few

2 days ago for an *ad hoc* committee that the county  
3 executive has been meeting with.

4 This only amends the capital budget and  
5 capital plan for 450,000 --

6 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
7 No. Million.

8 LEGISLATOR DENENBERG: I'm sorry. 450  
9 million. We are putting it in the capital plan  
10 and the budget for 2013 so that the EFC can see  
11 the commitment?

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
13 Yes. In fact, the EFC will not support or  
14 approve the award to the county without the  
15 county backstopping their award.

16 LEGISLATOR DENENBERG: Month ago, two  
17 months ago maybe, when 262 was proved there was  
18 still 450 million-plus that was not approved, and  
19 this would be that 450 million, correct?

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
21 That is correct.

22 LEGISLATOR DENENBERG: So before that  
23 was 450 million that we would have bonded with  
24 the 262, and now we're still going to commit to  
25 it but it will be a three-year no interest loan?

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

3 Basically, yes. We all believe -- and now we  
4 will be working with the state. As we said that  
5 day and over the last couple of months, we  
6 believe we will be reimbursed by FEMA. At the  
7 announcement that Governor Cuomo made, Governor  
8 Cuomo made the announcement about this \$450  
9 million; I'll round it off and make it easy. He  
10 accounted that the Environmental Facilities  
11 Corporation would be doing this, allowing for the  
12 zero cost. He's also announced that they would  
13 reimburse the county that ten percent match as  
14 part of the CDBG dollars, so there will be -- so  
15 the ten percent will also be covered, which is  
16 obviously crucial. It saves \$70 million.

17 LEGISLATOR DENENBERG: The 262 --

18 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

19 Yes. Plus the 450.

20 LEGISLATOR DENENBERG: Plus the 450, the  
21 entire 710 to 720 that he administration  
22 originally requested for the sewage treatment  
23 plants, mostly Bay Park but also some matters  
24 with Cedar Creek, we were hoping that that would  
25 be 90 percent reimbursed by FEMA.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Correct.

LEGISLATOR DENENBERG: We're still

hoping that it would be 90 percent reimbursed by FEMA but 10 percent would come from CDBG.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

It will be 90 percent reimbursed from FEMA and then the remaining 10 percent would be made up by CDBG dollars.

LEGISLATOR DENENBERG: So the EFC now

doing a three year for the 450 million, we don't need that loan if we get FEMA reimbursement.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

That is correct. Correct.

LEGISLATOR DENENBERG: But we're

applying through the EFC because it's available and just in case.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

No. First we didn't have the award by FEMA yet. Ken could explain the loans a little better.

The answer with respect to that is we do not want to wait for FEMA to make an announcement or an award. We can't afford to wait.

You were just at Bay Park and most of the

1 legislators here visited Bay Park. It's being  
2 held together, again, by temporary measures.  
3 This keeps the process moving, it doesn't rely on  
4 any outlie of cash by the County, and then we  
5 will continue to work, as partnering with the  
6 state at the same time to get the FEMA  
7 reimbursement more sooner than later. But again,  
8 we do not want to wait for those FEMA dollars to  
9 come. This does not cost the county any of those  
10 dollars.  
11

12 LEGISLATOR DENENBERG: And what we're  
13 voting on right now - the 710 that was originally  
14 approached, 260 was approved, was separate from  
15 the capital plan and the capital budget because  
16 it was emergency or storm rehabilitation.

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
18 Correct.

19 LEGISLATOR DENENBERG: So now in order  
20 to qualify for EFC we have to amend the capital  
21 budget and capital plan, capital budget for '13  
22 and the four-year plan - '13, '14, '15, and '16 -  
23 to include this \$450 million so that we are --

24 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
25 465, correct.

LEGISLATOR DENENBERG: so we can qualify for EFC funding.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: EFC, their corporation will note for to make the financing to the county and the dollars to the county without us having these actions take place, including the bonding.

LEGISLATOR DENENBERG: So that's why you want us to amend the capital -- the reason for the 460 being amended is to try to qualify for EFC.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: It's the only way we'll receive those dollars. It's for two things.

LEGISLATOR DENENBERG: And you didn't amend the capital plan or the capital budget for the original 260 because that's already been bonded.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Right. We --

LEGISLATOR DENENBERG: And we're not going for EFC money for the original 260.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: No. The EFC -- in fact, I think there is an EFC



2 contract coming to our office, later in this  
3 committee, but it will actually specify what  
4 those projects are for.

5 LEGISLATOR DENENBERG: When I look back  
6 through -- you and I were in a meeting.

7 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
8 Sorry.

9 LEGISLATOR DENENBERG: Did you want to  
10 say something else?

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
12 No.

13 LEGISLATOR DENENBERG: The budget  
14 number, which I think was 35-100 which was for  
15 digesters and it was 12.4 million, maybe 12.5,  
16 which allows us to clean the digesters in Bay  
17 Park but only --

18 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
19 Design.

20 LEGISLATOR DENENBERG: design the  
21 cleaning in Cedar Creek. Will this money allow  
22 the Cedar Creek digesters to be cleaned as well?

23 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
24 No. No.

25 LEGISLATOR DENENBERG: Why was there a

project that only does design of Cedar Creek?

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Because again, we wanted to utilize every dollar today. It's not ready to be built and constructed. So once that design is complete you will have a contract, it will go out to bid, and then we'll have a subsequent bond ordinance and a contract for the digester.

LEGISLATOR DENENBERG: I kept going

back. And even after the Friday meeting where Rich Millet, you and me spoke at a meeting, I can't, for the life of me, find an additional ordinance with respect to digesters at Cedar Creek aside from that first ordinance which said Cedar Creek and Bay Park.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Right. The Cedar Creek design, construction Bay Park. I wish we could get both done for 12 million. Unfortunately, digesters are expensive.

LEGISLATOR DENENBERG: At some point

there's going to be a request for the actual cleaning at Cedar Creek?

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Correct.

2 LEGISLATOR DENENBERG: I don't see that  
3 now. I went back to see.

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
5 There is none, you were correct.

6 LEGISLATOR DENENBERG: Thanks.

7 So, to close, this is simply an  
8 amendment. It is not a bond ordinance. The  
9 amendment is to get it in the capital plan -- I'm  
10 sorry, in the budget for 2013 and the plan, the  
11 four-year plan.

12 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
13 Right. And then you will have a bond ordinance  
14 that backstops the EFC's in Finance, that will  
15 backstop the EFC's award.

16 LEGISLATOR DENENBERG: And that should  
17 be --

18 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I  
19 don't know if it's on this committee but it will  
20 be on the Finance Committee.

21 LEGISLATOR DENENBERG: Okay. Thank you.  
22 Very good.

23 CHAIRMAN KOPEL: Legislator Abrahams.

24 LEGISLATOR ABRAHAMS: How are you Mr.  
25 Walker?

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

3 Good. How are you?

4 LEGISLATOR ABRAHAMS: A couple

5 different things. You had mentioned that this  
6 would go toward funding. Could you clarify for  
7 the record on the six projects so that we're on  
8 the same page?

9 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

10 Yep. It's the sludge dewatering facility, flood  
11 repair and mitigation, the electrical  
12 distribution system, floor repair and mitigation,  
13 which is the bulk of the money, almost half. I  
14 could give you the amounts if you want them too.  
15 Secondary flood protection, which is a hardening  
16 and also a perimeter dyke, that's two different  
17 projects.

18 LEGISLATOR ABRAHAMS: The project

19 numbers, do you have that at your disposal right  
20 there?

21 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I

22 have -- yeah. I don't know if it's on your  
23 backup but it's -- we can make this available to  
24 you with the project numbers to make it easier  
25 for you.

2 LEGISLATOR ABRAHAMS: Okay.

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 We'll make a copy.

5 It says six different projects. It comes  
6 with a CWSRF project number and the project  
7 detail. Again, the six is the sludge dewatering,  
8 the electrical distribution, a secondary flood  
9 protection, perimeter flood protection, pump  
10 station flood repair and mitigation, and Barns  
11 Avenue correction. It's going to be Barns  
12 Avenue/Village of Hempstead pump station to open  
13 up the ability for the development in the Village  
14 of Hempstead.

15 LEGISLATOR ABRAHAMS: I'm sorry.

16 Excuse me one second, Mr. Walker.

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

18 That's okay.

19 LEGISLATOR ABRAHAMS: I have one more  
20 question about oversight.

21 Mr. Walker, just for point of clarity; I  
22 just talked to my counsel. All of these  
23 projects, are they currently existing in the  
24 plan; correct?

25 CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I

would look to see what number they are. Yes, the dollars aren't obviously because they haven't been approved.

LEGISLATOR ABRAHAMS: The dollars, that I understand.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Correct. But, yes, I think we called it Bay Park equipment, Bay Park - we can get you the exact numbers that relate to the plan as well. We can give you both EFC numbers and how they relate in the plan.

LEGISLATOR ABRAHAMS: So we're bringing everything together basically.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Yes. And we can give you the numbers. Say if it's equipment, it will be under -- they have 35-100, whatever the number is. It will be the 35-121, the 35-100, 35-whatever - 2B6729050.

LEGISLATOR ABRAHAMS: Rob, just real quick. I guess I'll have to have folks on my staff reach out to folks on your staff.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: That's fine.

LEGISLATOR ABRAHAMS: I don't want to

1 slow down the hearing any more - I'm sorry - the  
2 discussion on this item any more.  
3

4           What I would like to talk to you about,  
5 obviously, is the need for oversight. Obviously,  
6 when this stuff comes up for bonding we plan to  
7 vote in the affirmative; I think we've said that,  
8 we've made that very clear. This is the greatest  
9 thing for us to have at no expense and be able to  
10 tie into these funds through a no interest loan  
11 and then eventually work with the state to draw  
12 down to FEMA. This is what we were advocating  
13 and we would love to see. But we do need  
14 oversight. I think Legislator Denenberg, myself,  
15 as well as all the legislators here and on the  
16 legislature, would love to be able to have  
17 quarterly hearings. I would also like to see  
18 some transparency in regards to the construction  
19 schedule so that the projects as they are being  
20 done, if we could post a schedule very similar to  
21 what you have put together but a little more  
22 detail --

23           CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

24 When you are done I'll touch on that too, what  
25 we're going to do.

2 LEGISLATOR ABRAHAMS: where we are with  
3 the projects so the folks not just in that  
4 immediate area but all throughout the county can  
5 see exactly where we are. Then if things need to  
6 be changed, if we're enlightened during the  
7 quarterly hearings, then we can make those  
8 changes on the fly so that the public knows  
9 exactly what's going on throughout this entire  
10 process. Those are the two things we would like  
11 to encourage, also incorporate the quarterly  
12 hearings and then a construction schedule which  
13 actually is very, very coherent to the public so  
14 that they can grasp exactly what's going on at  
15 that plant.

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
17 Obviously, the quarterly hearings, we would not  
18 be opposed to hearings. The committee that the  
19 county executive formed has created and you're  
20 appointed member as well as the majority. We've  
21 had two great meetings; we met again on Friday.  
22 We're going to keep meeting with them so they're  
23 aware of the projects. And obviously we'd have  
24 no issue with the legislature holding any type of  
25 hearing. I think a lot of progress being made,



1 the more open it is, I think it's better for the  
2 public to understand the work that's being done.

3  
4 In relation to the schedule update as you  
5 mentioned, similar to the way the Environmental  
6 Bond Act, where you get reports every month or  
7 quarterly, you get a report of every project, we  
8 are going to do that beginning next month with  
9 all the work related to the sewer treatment  
10 facilities. Every legislator will get that. It  
11 will be posted online. It's a more detailed  
12 schedule. We were looking at it today. I was  
13 trying to make it available today; however, in  
14 trying to hustle you actually miss things and we  
15 didn't want to provide you with an inaccurate  
16 program. So that is going to be done monthly for  
17 each legislator beginning next month. Again,  
18 that will update every construction timeline,  
19 where it is, the bid was awarded, construction  
20 started. You will have that. Again, it will be  
21 posted on the county website and each legislator  
22 will get that monthly, which I think will go a  
23 long way to answering those questions.

24 LEGISLATOR ABRAHAMS: Thank you. It  
25 would. Thank you.

2 LEGISLATOR DENENBERG: To the Chair.

3 Again, I would recommend -- obviously we're going  
4 to approve this. Some of the questions that  
5 we've had for Mr. Walker and both myself and  
6 Legislator Abrahams has had, all of us would like  
7 to see where this money is going and what the  
8 project status is and the implementation, as well  
9 as the ongoing improvements.

10 So I would again repeat, as we approve  
11 this bonding, as we approve these projects, at  
12 least on a quarterly basis to do a legislative  
13 meeting, as opposed to just an *ad hoc*  
14 environmental committee, but a legislative  
15 meeting of this committee, Public Works or the  
16 Full, just to hear the project status, I can't  
17 believe that the administration wouldn't welcome  
18 that, as the legislators are hearing where we  
19 are.

20 But it's really our job to make sure that  
21 this kind of money, \$720 million, is actually  
22 getting implemented, spent, and accomplishments  
23 are on an expeditious basis. If you get votes,  
24 and I've been voting with you all along, but it  
25 sounds like we're all going to vote together on

2 this, let's at least do the quarterly status  
3 hearings where you, me and all of us can feel  
4 good that the money is being spent expeditiously  
5 and we're accomplishing the task at hand.

6 CHAIRMAN KOPEL: Mr. Walker, can we do  
7 that?

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
9 Yes. We're open to anything that the legislature  
10 wants to do.

11 We have opened this up in a very  
12 transparent --

13 LEGISLATOR DENENBERG: Rob doesn't call  
14 it; we call it.

15 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:  
16 We have been very open, in a transparent process,  
17 the work that has taken place in the facility. I  
18 think you could only highlight how much work is  
19 being done.

20 CHAIRMAN KOPEL: Okay. Good. We'll do  
21 that.

22 Legislator Becker.

23 LEGISLATOR BECKER: Deputy County  
24 Executive -- Chief Deputy County Executive Rob  
25 Walker --

2 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

3 You can call me anything you want.

4 LEGISLATOR BECKER: Nobody else here

5 likes to do it. I believe in simple formalities,  
6 that we should address you not as Rob but by your  
7 title. Anyway.

8 Mr. Millet, could you join - would you  
9 mind? Could I ask you to join?

10 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

11 He's my smaller brother.

12 LEGISLATOR BECKER: I know. I just need

13 to speak to him. We have this great concern  
14 about the money being spent, being spent  
15 properly, especially at the plant. But at this  
16 particular point aren't we underfunded or at  
17 least -- according to Mr. Millet we are putting  
18 things together by spit and band aids. Could I  
19 just ask him to -- would you mind, Mr. Walker?

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

21 No.

22 MR. MILLET: Your question?

23 LEGISLATOR BECKER: My question is

24 everybody is concerned about money being  
25 processed or being spent in an appropriate and

2 expeditious manner. Mr. Walker, I need your help  
3 again, still. Don't go away. I didn't insult  
4 you, did I?

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

6 No.

7 LEGISLATOR BECKER: But I'm asking you  
8 because you've testified before this and there is  
9 great concern on the other side of the aisle  
10 again. As best as I understand it, we still  
11 don't have the necessary bonding or funding to do  
12 the project in the way you feel is necessary,  
13 being the expert that you are. Am I right?

14 MR. MILLET: Without the EFC funding we  
15 would be underfunded. With the EFC coming in  
16 with their funding, we can adjust in our program.  
17 Once we know we have the bond, we know the EFC is  
18 going to drop the money into the bond.

19 LEGISLATOR BECKER: At this particular  
20 point and last time you spoke we still didn't  
21 have the bonding necessary to do -- like, the  
22 electrical work was \$300-plus million, right?

23 MR. MILLET: Correct.

24 LEGISLATOR BECKER: We still don't have  
25 the bonding for that, right?

2 MR. MILLET: Correct.

3 LEGISLATOR BECKER: So how are we  
4 managing, despite the concerns of the other side  
5 of the aisle, how are we managing doing this in  
6 the appropriate manner in which it should be  
7 done?

8 MR. MILLET: You have to make  
9 adjustments as per the funding that you get. So  
10 we have to make adjustments. It's not optimal.  
11 It will probably cost us more money.

12 LEGISLATOR BECKER: Cost us more money.

13 MR. MILLET: You have to make  
14 adjustments. You can only work with what you  
15 have.

16 LEGISLATOR BECKER: So we're not really  
17 necessarily -- as far as giving us the reports  
18 and the money is being spent appropriately, it  
19 hardly manners in many ways if we can't be doing  
20 the job in a proper way.

21 MR. MILLET: Yes. I believe now the EFC  
22 money will rectify a lot of those problems.  
23 Previously to that, yes.

24 LEGISLATOR BECKER: Okay. The EFC money  
25 that we're talking about at this particular

point. But what about the electrical money?

MR. MILLET: That's in the EFC loan.  
That's inside there.

LEGISLATOR BECKER: In other words, the bonding now becomes less important, is that what you're saying?

MR. MILLET: No. Because that is the bonding, that's the money now.

LEGISLATOR BECKER: But you're saying that we can move forward without having it actually bonded at this point.

MR. MILLET: No. You have to bond it for the EFC to put the money into the account.

LEGISLATOR BECKER: You haven't done that yet; am I right?

MR. MILLET: No. You're going to pass it now. You do a bond ordinance.

LEGISLATOR BECKER: This is in committee. Then it's only going to pass by probably the five/four vote, I guess, or whatever.

MR. MILLET: You do a bond ordinance and then you do draw downs through the state.

LEGISLATOR BECKER: So we're waiting for

1 this to come before the Full Leg in an ordinance,  
2 and it's going to be probably voted down again  
3 and we'll be right back to where we started from.

4 LEGISLATOR ABRAHAMS: We've heard  
5 enough. Fran, Fran, Fran, I don't know where  
6 you've been for the last 20 minutes, but you are  
7 totally oblivious to what has been discussed.

8 LEGISLATOR BECKER: Thank you for --

9 LEGISLATOR ABRAHAMS: First of all, --

10 LEGISLATOR BECKER: It's not true. I  
11 don't appreciate --

12 LEGISLATOR ABRAHAMS: stand corrected.  
13 First of all --

14 LEGISLATOR BECKER: you insulting me,  
15 Mr. Abrahams. Because I am sitting right here  
16 listening to it --

17 LEGISLATOR ABRAHAMS: No, you haven't,  
18 Mr. Becker.

19 LEGISLATOR BECKER: I absolutely have.

20 LEGISLATOR ABRAHAMS: You would have  
21 heard --

22 LEGISLATOR BECKER: I absolutely have.

23 LEGISLATOR ABRAHAMS: You would have  
24 heard -- Mr. Becker, you haven't.



LEGISLATOR BECKER: That's why I'm asking --

LEGISLATOR ABRAHAMS: Mr. Becker, you haven't.

LEGISLATOR BECKER: That's why I asked Mr. Millet to come up.

LEGISLATOR ABRAHAMS: Mr. Becker, you haven't heard anything.

LEGISLATOR BECKER: That's why I'm asking Mr. Millet to come up, and ask, tell us what's going on.

LEGISLATOR ABRAHAMS: Mr. Becker, you haven't heard anything.

CHAIRMAN KOPEL: Gentlemen, stop. Stop. Everyone.

LEGISLATOR ABRAHAMS: We've already said we supported --

CHAIRMAN KOPEL: Stop.

LEGISLATOR ABRAHAMS: EFC because it's going to be an interest free loan. We've already said that, Mr. Becker, today. We said that already. I said it, as well as Mr. Denenberg has said it.

LEGISLATOR BECKER: In the Full Leg?

2 LEGISLATOR ABRAHAMS: Yes.

3 LEGISLATOR BECKER: Now we're going to  
4 have full bonding?

5 LEGISLATOR ABRAHAMS: Mr. Becker, I  
6 don't know where you've been for the last 20  
7 minutes. It's already been said.

8 LEGISLATOR BECKER: I appreciate your --

9 LEGISLATOR ABRAHAMS: Next time you  
10 just can't show up physically, you actually have  
11 to be here mentally as well.

12 LEGISLATOR BECKER: So now we're down to  
13 insulting, is that what we're doing here?

14 LEGISLATOR ABRAHAMS: Mr. Becker --

15 LEGISLATOR BECKER: Is that what we're  
16 doing?

17 LEGISLATOR ABRAHAMS: You're insulting  
18 us.

19 LEGISLATOR BECKER: What a great, great  
20 way to start. I didn't insult anybody. I  
21 haven't insulted anybody.

22 LEGISLATOR ABRAHAMS: Mr. Becker,  
23 you've already insinuated that the bond would  
24 have failed.

25 LEGISLATOR BECKER: That's right.

2 LEGISLATOR ABRAHAMS: You're wrong by  
3 saying that.

4 CHAIRMAN KOPEL: Okay. This committee  
5 is in recess. Everyone is dismissed. You guys  
6 can keep on fighting.

7 (Whereupon the Public Works and Parks  
8 Committee recessed at 4:11 p.m.)

9 (Whereupon, the Public Works and Parks  
10 Committee reconvened at 4:13 p.m.)

11 CHAIRMAN KOPEL: We're back on the  
12 record, out of recess. No more, please. You  
13 guys want to fight, take it outside.

14 Any public comment?

15 (No verbal response.)

16 Okay. All those in favor of moving the  
17 item please so signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Okay. The item passes.

22 (Whereupon, the following is the  
23 continuation of the minutes of the November 18,  
24 2013 Finance Committee meeting.)

25 CHAIRMAN NICOLELLO: Any other

questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor of this item signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Item 521-2013 is a bond ordinance providing for a capital expenditure to finance the capital projects specified herein within the County of Nassau and authorizing \$463,726,221 of bonds of the County of Nassau to finance said expenditure.

LEGISLATOR DUNNE: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Dunne, seconded by Legislator Venditto.

This is the bond ordinance applying to those projects which we were discussing before.

LEGISLATOR DENENBERG: Same comments.

CHAIRMAN NICOLELLO: Said comments apply

here.

Any further discussion?

(No verbal response.)

Any public comments?

(No verbal response.)

All in favor of this item signify by  
saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item carries unanimously.

Items 522 and 523 are resolutions  
declaring a capital budget emergency pursuant to  
§310(D) of the County Law of Nassau County.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator  
Dunne, seconded by Legislator Walker.

Any questions?

(No verbal response.)

Any public comments?

(No verbal response.)

All in favor of these items signify by  
saying aye.

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Those items carry unanimously.

6 Motion to adjourn?

7 LEGISLATOR DeRIGGI-WHITTON: Could I  
8 just make mention of one thing?

9 CHAIRMAN NICOLELLO: Sure.

10 LEGISLATOR DeRIGGI-WHITTON: Item 497-13  
11 is for an area in Glen Cove, the Doxey area we  
12 call it. Just on behalf of Mayor Suozzi and the  
13 whole City Council, I want to thank you for doing  
14 that. I appreciate it.

15 CHAIRMAN NICOLELLO: Thank you.  
16 Obviously that is something that the  
17 administration has been working with the City  
18 with.

19 LEGISLATOR DeRIGGI-WHITTON: It's been  
20 going on for approximately 20 years, the cleanup.  
21 We are hopeful in early 2014 we might have a  
22 groundbreaking ceremony. I appreciate any  
23 efforts.

24 CHAIRMAN NICOLELLO: Very good. Thank  
25 you.

2 Motion to adjourn?

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR DUNNE: Second.

5 CHAIRMAN NICOLELLO: Motion to adjourn  
6 by Legislator Walker, seconded by Legislator  
7 Dunne.

8 All in favor signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 Committee is adjourned.

13 (Whereupon, the Finance Committee  
14 adjourned at 5:11 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and Notary Public in and for the State of New York, do hereby state:

THAT I attended at the time and place above mentioned and took stenographic record of the proceedings in the above-entitled matter;

THAT the foregoing transcript is a true and accurate transcript of the same and the whole thereof, according to the best of my ability and belief.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of December, 2013.

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FRANK GRAY