

NASSAU COUNTY LEGISLATURE

NORMAN GONSALVES,
PRESIDING OFFICER

PUBLIC WORKS & PARKS COMMITTEE

VINCENT MUSCARELLA,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

November 18, 2013
3:35 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

VINCENT MUSCARELLA (Not Present)
Chair

HOWARD KOPEL
Vice-Chair

ROSE MARIE WALKER (Sitting in for Vincent Muscarella)

FRANCIS BECKER

MICHAEL VENDITTO

DAVID DENENBERG
Ranking

JOSEPH SCANNELL (Not Present)

KEVAN ABRAHAMS (Sitting in for Joseph Scannell)

CARRIÉ SOLAGES

LIST OF SPEAKERS

GREG MAY. 5
KEN ARNOLD. 5
DR. JOSEPH MUSCARELLA 6
ROB WALKER. 12
RICH MILLET 29

CHAIRMAN KOPEL: I call the meeting of the Public Works and Parks Committee to order.

I will call the roll.

Legislator Becker?

LEGISLATOR BECKER: Present.

CHAIRMAN KOPEL: Legislator Venditto?

LEGISLATOR VENDITTO: Here.

CHAIRMAN KOPEL: Ranking Member Denenberg? I saw you. Where's Dave?

LEGISLATOR DENENBERG: Here.

CHAIRMAN KOPEL: Substituting for Legislator Scannell would be Minority Leader Abrahams. He is here.

Legislator Solages is here. And I am here. We have a quorum.

And we've got Legislator Walker here for Muscarella.

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

May I have a motion, please?

2 LEGISLATOR WALKER: So moved.

3 CHAIRMAN KOPEL: Moved by Legislator
4 Walker, seconded by Legislator Becker.

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

7 MR. ARNOLD: This is a bond ordinance to
8 fund the construction and all soft costs
9 associated with Phase 1 of the Family and
10 Matrimonial Court project in Mineola.

11 CHAIRMAN KOPEL: Do we have any
12 comments, any questions from legislators?

13 (No verbal response.)

14 Hearing none, any public comment?

15 (No verbal response.)

16 Hearing none; all those in favor please
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item is moved unanimously.

22 The next item is Item Number 519-13,
23 which is an amendment to the capital plan for
24 2013.

25 Motion?

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR BECKER: Second.

4 CHAIRMAN KOPEL: Motion by Legislator
5 Walker, seconded by Legislator Becker.

6 MR. MAY: Mr. Chairman are you ready?

7 CHAIRMAN KOPEL: I am, indeed.

8 MR. MAY: We have Dr. Muscarella from
9 the Community College to speak on this item.

10 DR. MUSCARELLA: Thank you very much.

11 The purpose of this amendment, by the
12 request of the College, is just simply to get
13 formal legislative action here that creates a
14 project number so that we can get the state
15 matching funds for two federal grants that we're
16 going to receive both in security and general
17 facilities upgrades.

18 CHAIRMAN KOPEL: So there is no impact
19 on county finances at all.

20 DR. MUSCARELLA: No county funding at
21 all.

22 CHAIRMAN KOPEL: This is just strictly a
23 pass-through.

24 LEGISLATOR DENENBERG: I have a question
25 then.

CHAIRMAN KOPEL: Legislator Denenberg.

LEGISLATOR DENENBERG: If we are amending the capital budget for 2013 which was passed I believe July or August but the bonding for that hasn't passed yet, we're amending a capital budget and just amending the capital budget enables the College to get state pass-through money even though none of the funding for that capital budget has been bonded yet and the bonding hasn't even been approved?

DR. MUSCARELLA: Legislator Denenberg, what we're asking is an amendment to the plan. So as long as these project numbers --

LEGISLATOR DENENBERG: It's not a plan. It's a budget. There's a four year plan. The first year of the four year capital plan is the 2013 capital budget. That capital budget passed through the legislature but the bonding for that capital budget I believe has been tabled.

DR. MUSCARELLA: I understand what you're saying. As far as the state is concerned, as long as these project numbers are reflected in the plan itself, then we are eligible for the state funding.

LEGISLATOR DENENBERG: Regardless of whether we've approved the bonding for that?

DR. MUSCARELLA: Yes, sir. There is county money at all required for these two projects.

LEGISLATOR DENENBERG: I don't know why it needs to be in our capital budget then.

DR. MUSCARELLA: The reason for it needing to be reflected in the plan is because the state needs a project number and an action by the sponsor to be able to reflect the fact that these projects do exist, so when they reimburse us for them, they will have a project number to actually send that to. And we've done this with several projects before.

LEGISLATOR DENENBERG: Okay. Thank you.

CHAIRMAN KOPEL: Anyone else?

(No verbal response.)

Any public comment?

(No verbal response.)

Hearing none; all those -- sure. Mr. Abrahams.

LEGISLATOR ABRAHAMS: If I'm looking -- and this is more of a general question to the

1 committee. I understand the need for us to
2 obviously include what NCC is looking for in
3 terms of increasing the general fund non-county
4 total from 35 million .8 to 38 million.
5

6 It seems to me -- because we are seeking
7 bonding for this today, for the entire 38; am I
8 correct by saying that? It seems to me that
9 we're doing the capital plan little by little.
10 Is that everyone else's general understanding?
11 If that's the case, I would like to see the
12 entire capital plan so that we stay within our
13 budget from year to year.

14 CHAIRMAN KOPEL: This particular item
15 has no -- this is strictly as pass through. It
16 won't really make a difference.

17 LEGISLATOR ABRAHAMS: When you say a
18 pass-through, what do you mean?

19 CHAIRMAN KOPEL: Mr. Muscarella, correct
20 me if I'm wrong, but I believe this is going to
21 be fully reimbursed to the county. While we may
22 bond it, we're going to get all the money back.

23 LEGISLATOR ABRAHAMS: Oh. Is that the
24 case?

25 DR. MUSCARELLA: What it is, is any time

1 the county or any third party allocates funds to
2 the College for a capital construction project we
3 can get a match from the state. So if we get a
4 private donation, if we get a rebate from an
5 energy savings program, something that includes
6 money from some source that is either county
7 capital funds or other funding that is given to
8 us - a couple of examples could be a private
9 donation, which we actually had, in the amount of
10 \$60,000 in a previous year. We came to the
11 legislature, had a project established, got a
12 project number for that, and then when we
13 submitted bills for expenditures against that
14 donation, the state matched those dollar-for-
15 dollar and it went to that project number so that
16 would be able to expend the state money on the
17 same project.

18
19 So that's all we're asking for in this
20 case, is that the funding for these two items are
21 actually federal grants; one of them is through
22 emergency management, the other one is through
23 the Perkins Program, which you know is a program
24 that we've taken advantage of for grants to
25 upgrade our educational facilities. Now that

each one of those are reflected in a project number on the county's capital plan, even though there's no county money at all reflected here, that enables us, as those funds get expended, to go back to the state and have them match those expenditures dollars for dollars. That's the sole purpose of having this in the plan.

LEGISLATOR ABRAHAMS: I see.

CHAIRMAN KOPEL: Does that work for you?

LEGISLATOR ABRAHAMS: For the time being yeah, it does. Thank you.

CHAIRMAN KOPEL: Anyone else?

(No verbal response.)

Any public comment?

(No verbal response.)

Okay. All those in favor of moving this item please so signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Thank you.

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

LEGISLATOR WALKER: So moved.

LEGISLATOR BECKER: Second.

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

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

CHAIRMAN KOPEL: Yes.

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

CHAIRMAN KOPEL: Mr. Walker, how are you?

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Mr. Kopel, how are you? I will try to be very brief and allow Ken Arnold or Rich Millet to answer any technical questions.

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

This bonding is actually the support needed for the EFC and the Corporation to go and pass the \$465 million that will come to the

1 county for six different projects - a sludge
2 dewatering facility, mitigation repair, the
3 electrical distribution system, the perimeter
4 dyke and flood protection, various pump station
5 work, and also, very important, the Barnes Avenue
6 in Baldwin/Village of Hempstead program to
7 install a pump station in the Village to assist
8 with their economic development and
9 infrastructure program.
10

11 This backstops the Environmental Facility
12 Corporation's award to the county. As we move
13 forward the Corporation will then meet, upon us
14 passing a bond ordinance, although we will not be
15 going to the market. This is not needed to go to
16 the market. This continues our Bay Park storm
17 repair and mitigation program.

18 CHAIRMAN KOPEL: These are for items
19 that we have not yet passed?

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
21 Correct. All the six items have not been passed
22 by this legislature. Correct.

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

25 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

We don't have contracts for these projects, nor do we have bonding or authorization for these projects.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Correct.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: Correct. And then it will give the EFC, the Environmental Facilities Corporation will then meet their corporation meet. They will approve the contract and award to the county, and then work can commence.

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

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

allows us to, in fact, do that.

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

CHAIRMAN KOPEL: Legislator Denenberg.

LEGISLATOR DENENBERG: Rob - Mr. Walker, sorry - you actually reported on this back a few days ago for an *ad hoc* committee that the county executive has been meeting with.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

No. Million.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Yes. In fact, the EFC will not support or approve the award to the county without the county backstopping their award.

LEGISLATOR DENENBERG: Month ago, two

1 months ago maybe, when 262 was proved there was
2 still 450 million-plus that was not approved, and
3 this would be that 450 million, correct?

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

5 That is correct.

6 LEGISLATOR DENENBERG: So before that
7 was 450 million that we would have bonded with
8 the 262, and now we're still going to commit to
9 it but it will be a three-year no interest loan?
10

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

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

2 LEGISLATOR DENENBERG: The 262 --

3 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

4 Yes. Plus the 450.

5 LEGISLATOR DENENBERG: Plus the 450, the
6 entire 710 to 720 that he administration
7 originally requested for the sewage treatment
8 plants, mostly Bay Park but also some matters
9 with Cedar Creek, we were hoping that that would
10 be 90 percent reimbursed by FEMA.

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

12 Correct.

13 LEGISLATOR DENENBERG: We're still
14 hoping that it would be 90 percent reimbursed by
15 FEMA but 10 percent would come from CDBG.

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

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

20 LEGISLATOR DENENBERG: So the EFC now
21 doing a three year for the 450 million, we don't
22 need that loan if we get FEMA reimbursement.

23 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

24 That is correct. Correct.

25 LEGISLATOR DENENBERG: But we're

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

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

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

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

10 You were just at Bay Park and most of the
11 legislators here visited Bay Park. It's being
12 held together, again, by temporary measures.
13 This keeps the process moving, it doesn't rely on
14 any outlie of cash by the County, and then we
15 will continue to work, as partnering with the
16 state at the same time to get the FEMA
17 reimbursement more sooner than later. But again,
18 we do not want to wait for those FEMA dollars to
19 come. This does not cost the county any of those
20 dollars.

21 LEGISLATOR DENENBERG: And what we're
22 voting on right now - the 710 that was originally
23 approached, 260 was approved, was separate from
24 the capital plan and the capital budget because
25 it was emergency or storm rehabilitation.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Correct.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

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

1 amend the capital plan or the capital budget for
2 the original 260 because that's already been
3 bonded.
4

5 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
6 Right. We --

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

9 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
10 No. The EFC -- in fact, I think there is an EFC
11 contract coming to our office, later in this
12 committee, but it will actually specify what
13 those projects are for.

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

16 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
17 Sorry.

18 LEGISLATOR DENENBERG: Did you want to
19 say something else?

20 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
21 No.

22 LEGISLATOR DENENBERG: The budget
23 number, which I think was 35-100 which was for
24 digesters and it was 12.4 million, maybe 12.5,
25 which allows us to clean the digesters in Bay

Park but only --

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Design.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

No. No.

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.

LEGISLATOR DENENBERG: I don't see that

now. I went back to see.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

There is none, you were correct.

LEGISLATOR DENENBERG: Thanks.

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

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

Right. And then you will have a bond ordinance that backstops the EFC's in Finance, that will backstop the EFC's award.

LEGISLATOR DENENBERG: And that should

2 be --

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

6 LEGISLATOR DENENBERG: Okay. Thank you.
7 Very good.

8 CHAIRMAN KOPEL: Legislator Abrahams.

9 LEGISLATOR ABRAHAMS: How are you Mr.
10 Walker?

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
12 Good. How are you?

13 LEGISLATOR ABRAHAMS: A couple
14 different things. You had mentioned that this
15 would go toward funding. Could you clarify for
16 the record on the six projects so that we're on
17 the same page?

18 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
19 Yep. It's the sludge dewatering facility, flood
20 repair and mitigation, the electrical
21 distribution system, floor repair and mitigation,
22 which is the bulk of the money, almost half. I
23 could give you the amounts if you want them too.
24 Secondary flood protection, which is a hardening
25 and also a perimeter dyke, that's two different

projects.

LEGISLATOR ABRAHAMS: The project numbers, do you have that at your disposal right there?

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: I have -- yeah. I don't know if it's on your backup but it's -- we can make this available to you with the project numbers to make it easier for you.

LEGISLATOR ABRAHAMS: Okay.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER: We'll make a copy.

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

LEGISLATOR ABRAHAMS: I'm sorry. Excuse me one second, Mr. Walker.

CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

That's okay.

LEGISLATOR ABRAHAMS: I have one more question about oversight.

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

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

1 it's equipment, it will be under -- they have 35-
2 100, whatever the number is. It will be the 35-
3 121, the 35-100, 35-whatever - 2B6729050.

4
5 LEGISLATOR ABRAHAMS: Rob, just real
6 quick. I guess I'll have to have folks on my
7 staff reach out to folks on your staff.

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
9 That's fine.

10 LEGISLATOR ABRAHAMS: I don't want to
11 slow down the hearing any more - I'm sorry - the
12 discussion on this item any more.

13 What I would like to talk to you about,
14 obviously, is the need for oversight. Obviously,
15 when this stuff comes up for bonding we plan to
16 vote in the affirmative; I think we've said that,
17 we've made that very clear. This is the greatest
18 thing for us to have at no expense and be able to
19 tie into these funds through a no interest loan
20 and then eventually work with the state to drawn
21 down to FEMA. This is what we were advocating
22 and we would love to see. But we do need
23 oversight. I think Legislator Denenberg, myself,
24 as well as all the legislators here and on the
25 legislature, would love to be able to have

1
2 quarterly hearings. I would also like to see
3 some transparency in regards to the construction
4 schedule so that the projects as they are being
5 done, if we could post a schedule very similar to
6 what you have put together but a little more
7 detail --

8 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

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

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

25 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

1 Obviously, the quarterly hearings, we would not
2 be opposed to hearings. The committee that the
3 county executive formed has created and you're
4 appointed member as well as the majority. We've
5 had two great meetings; we met again on Friday.
6 We're going to keep meeting with them so they're
7 aware of the projects. And obviously we'd have
8 no issue with the legislature holding any type of
9 hearing. I think a lot of progress being made,
10 the more open it is, I think it's better for the
11 public to understand the work that's being done.
12

13 In relation to the schedule update as you
14 mentioned, similar to the way the Environmental
15 Bond Act, where you get reports every month or
16 quarterly, you get a report of every project, we
17 are going to do that beginning next month with
18 all the work related to the sewer treatment
19 facilities. Every legislator will get that. It
20 will be posted online. It's a more detailed
21 schedule. We were looking at it today. I was
22 trying to make it available today; however, in
23 trying to hustle you actually miss things and we
24 didn't want to provide you with an inaccurate
25 program. So that is going to be done monthly for

1 each legislator beginning next month. Again,
2 that will update every construction timeline,
3 where it is, the bid was awarded, construction
4 started. You will have that. Again, it will be
5 posted on the county website and each legislator
6 will get that monthly, which I think will go a
7 long way to answering those questions.
8

9 LEGISLATOR ABRAHAMS: Thank you. It
10 would. Thank you.

11 LEGISLATOR DENENBERG: To the Chair.
12 Again, I would recommend -- obviously we're going
13 to approve this. Some of the questions that
14 we've had for Mr. Walker and both myself and
15 Legislator Abrahams has had, all of us would like
16 to see where this money is going and what the
17 project status is and the implementation, as well
18 as the ongoing improvements.

19 So I would again repeat, as we approve
20 this bonding, as we approve these projects, at
21 least on a quarterly basis to do a legislative
22 meeting, as opposed to just an *ad hoc*
23 environmental committee, but a legislative
24 meeting of this committee, Public Works or the
25 Full, just to hear the project status, I can't

1 believe that the administration wouldn't welcome
2 that, as the legislators are hearing where we
3 are.
4

5 But it's really our job to make sure that
6 this kind of money, \$720 million, is actually
7 getting implemented, spent, and accomplishments
8 are on an expeditious basis. If you get votes,
9 and I've been voting with you all along, but it
10 sounds like we're all going to vote together on
11 this, let's at least do the quarterly status
12 hearings where you, me and all of us can feel
13 good that the money is being spent expeditiously
14 and we're accomplishing the task at hand.

15 CHAIRMAN KOPEL: Mr. Walker, can we do
16 that?

17 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
18 Yes. We're open to anything that the legislature
19 wants to do.

20 We have opened this up in a very
21 transparent --

22 LEGISLATOR DENENBERG: Rob doesn't call
23 it; we call it.

24 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:
25 We have been very open, in a transparent process,

2 the work that has taken place in the facility. I
3 think you could only highlight how much work is
4 being done.

5 CHAIRMAN KOPEL: Okay. Good. We'll do
6 that.

7 Legislator Becker.

8 LEGISLATOR BECKER: Deputy County
9 Executive -- Chief Deputy County Executive Rob
10 Walker --

11 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

12 You can call me anything you want.

13 LEGISLATOR BECKER: Nobody else here
14 likes to do it. I believe in simple formalities,
15 that we should address you not as Rob but by your
16 title. Anyway.

17 Mr. Millet, could you join - would you
18 mind? Could I ask you to join?

19 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

20 He's my smaller brother.

21 LEGISLATOR BECKER: I know. I just need
22 to speak to him. We have this great concern
23 about the money being spent, being spent
24 properly, especially at the plant. But at this
25 particular point aren't we underfunded or at

1 least -- according to Mr. Millet we are putting
2 things together by spit and band aids. Could I
3 just ask him to -- would you mind, Mr. Walker?

4 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

5 No.

6 MR. MILLET: Your question?

7 LEGISLATOR BECKER: My question is
8 everybody is concerned about money being
9 processed or being spent in an appropriate and
10 expeditious manner. Mr. Walker, I need your help
11 again, still. Don't go away. I didn't insult
12 you, did I?
13

14 CHIEF DEPUTY COUNTY EXECUTIVE WALKER:

15 No.

16 LEGISLATOR BECKER: But I'm asking you
17 because you've testified before this and there is
18 great concern on the other side of the aisle
19 again. As best as I understand it, we still
20 don't have the necessary bonding or funding to do
21 the project in the way you feel is necessary,
22 being the expert that you are. Am I right?

23 MR. MILLET: Without the EFC funding we
24 would be underfunded. With the EFC coming in
25 with their funding, we can adjust in our program.

Once we know we have the bond, we know the EFC is going to drop the money into the bond.

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

MR. MILLET: Correct.

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

MR. MILLET: Correct.

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

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

LEGISLATOR BECKER: Cost us more money.

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

LEGISLATOR BECKER: So we're not really

1 necessarily -- as far as giving us the reports
2 and the money is being spent appropriately, it
3 hardly manners in many ways if we can't be doing
4 the job in a proper way.

5
6 MR. MILLET: Yes. I believe now the EFC
7 money will rectify a lot of those problems.
8 Previously to that, yes.

9 LEGISLATOR BECKER: Okay. The EFC money
10 that we're talking about at this particular
11 point. But what about the electrical money?

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

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

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

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

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

24 LEGISLATOR BECKER: You haven't done
25 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 this to come before the Full Leg in an ordinance, and it's going to be probably voted down again and we'll be right back to where we started from.

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

LEGISLATOR BECKER: Thank you for --

LEGISLATOR ABRAHAMS: First of all, --

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

LEGISLATOR ABRAHAMS: stand corrected. First of all --

LEGISLATOR BECKER: you insulting me, Mr. Abrahams. Because I am sitting right here

1 listening to it --

2
3 LEGISLATOR ABRAHAMS: No, you haven't,
4 Mr. Becker.

5 LEGISLATOR BECKER: I absolutely have.

6 LEGISLATOR ABRAHAMS: You would have
7 heard --

8 LEGISLATOR BECKER: I absolutely have.

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

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

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

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

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

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

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

24 CHAIRMAN KOPEL: Gentlemen, stop. Stop.
25 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?

LEGISLATOR ABRAHAMS: Yes.

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

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

LEGISLATOR BECKER: I appreciate your --

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

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

LEGISLATOR ABRAHAMS: Mr. Becker --

LEGISLATOR BECKER: Is that what we're doing?

LEGISLATOR ABRAHAMS: You're insulting us.

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

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

LEGISLATOR BECKER: That's right.

LEGISLATOR ABRAHAMS: You're wrong by saying that.

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

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

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

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

Any public comment?

(No verbal response.)

Okay. All those in favor of moving the

item please so signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Okay. The item passes.

There are two more items, I am going to call them together with the consent of Legislator Denenberg.

I'll just explain what they are here. What these are really perhaps we should have called them first. In order to enable the two items that we just voted on, we really need to declare a capital budget emergency; they're just companion items. That enables us to amend -- in order to amend the capital plan you've got to have an emergency. So these two items would simply declare an emergency. I assume that nobody has any objections.

Can I hear a motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR BECKER: Second.

CHAIRMAN KOPEL: Motion by Legislator Walker, seconded by Legislator Becker.

Do we have any public comment on this?

2 (No verbal response.)

3 Do we have any questions from the
4 legislature?

5 (No verbal response.)

6 Hearing none; all those in favor of
7 moving -- and the two items, I'm told I need to
8 specify them, are 522-13 and 523-13.

9 All those in favor please so signify by
10 saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item passes.

15 There are no more items. We are in
16 recess. We're adjourned.

17 Motion to adjourn?

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR BECKER: Second.

20 CHAIRMAN KOPEL: Motion by Legislator
21 Walker, seconded by Legislator Becker.

22 All those in favor please so signify by
23 saying aye.

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 We are adjourned.

4 (Whereupon, the Public Works Committee
5 adjourned at 4:15 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.

FRANK GRAY