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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Thursday, December 19, 2013
1:20 p.m.

1

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

3

4 NORMA GONSALVES,
Presiding Officer

5

6 RICHARD NICOLELLO,
Deputy Presiding Officer

6

7 HOWARD KOPEL,
Alternate Deputy Presiding Officer

8

MICHAEL VENDITTO

9

DENISE FORD

10

JOSEPH SCANNELL

11

FRANCIS X. BECKER

12

VINCENT MUSCARELLA

13

JUDI BOSWORTH

14

WAYNE WINK

15

ROBERT TROIANO

16

17 KEVAN ABRAHAMS,
Minority Leader

17

18 ROSE MARIE WALKER

18

19 JOSEPH BELESI

19

20 DENNIS DUNNE

20

21 JUDITH JACOBS

21

22 DAVID DENENBERG

22

23 DELIA DERIGGI-WHITTON

23

24 CARRIE SOLAGES

24

25 WILLIAM J. MULLER, III
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: I would
3 ask that everyone please stand for the
4 Pledge of Allegiance.

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

7 CHAIRWOMAN GONSALVES: At this
8 time I would like us all to take a moment of
9 silence for the passing of the director of
10 Veterans Affairs, Joseph Muscarella.

11 (A moment of silence was
12 observed.)

13 CHAIRWOMAN GONSALVES: Mr. Clerk,
14 please call the roll.

15 CLERK MULLER: Deputy Presiding
16 Officer Nicoletto?

17 LEGISLATOR NICOLELLO: Here.

18 CLERK MULLER: Alternate Deputy
19 Presiding Officer Kopel?

20 LEGISLATOR KOPEL: Here.

21 CLERK MULLER: Legislator
22 Troiano?

23 LEGISLATOR TROIANO: Here.

24 CLERK MULLER: Legislator
25 Solages?

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2 LEGISLATOR SOLAGES: Here.
3 CLERK MULLER: Legislator Ford?
4 LEGISLATOR FORD: Here.
5 CLERK MULLER: Legislator
6 Scannell?
7 LEGISLATOR SCANNELL: Here.
8 CLERK MULLER: Legislator Becker?
9 LEGISLATOR BECKER: Here.
10 CLERK MULLER: Legislator
11 Muscarella?
12 LEGISLATOR MUSCARELLA: Here.
13 CLERK MULLER: Legislator
14 Bosworth?
15 LEGISLATOR BOSWORTH: Here.
16 CLERK MULLER: Legislator Wink?
17 LEGISLATOR WINK: Here.
18 CLERK MULLER: Legislator
19 Venditto?
20 LEGISLATOR VENDITTO: Here.
21 CLERK MULLER: Legislator Belesi?
22 LEGISLATOR BELESI: Here.
23 CLERK MULLER: Legislator Dunne?
24 LEGISLATOR DUNNE: Here.
25 CLERK MULLER: Legislator Jacobs?

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2 LEGISLATOR JACOBS: Here.

3 CLERK MULLER: Legislator Walker?

4 LEGISLATOR WALKER: Here.

5 CLERK MULLER: Legislator

6 DeRiggi-Whitton?

7 LEGISLATOR DERIGGI-WHITTON:

8 Here.

9 CLERK MULLER: Legislator

10 Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Minority Leader

13 Abrahams?

14 LEGISLATOR ABRAHAMS: Here.

15 CLERK MULLER: Presiding Officer

16 Gonsalves?

17 CHAIRWOMAN GONSALVES: Present.

18 CLERK MULLER: We have a quorum.

19 CHAIRWOMAN GONSALVES: This is a
20 very special time of the year, and your
21 presence here today made it even more
22 special. So, thank you for sharing your joy
23 with us, and thank you to your
24 superintendent, to your teachers, and, most
25 of all, to youth students who certainly are

1 Full Legislature/12-19-13
2 a plus to the Oceanside School District.
3 Have a great Christmas, the best of the
4 holidays, and a good and happy 2014. God
5 Bless you all. Now you may leave.

6 LEGISLATOR DUNNE: Madam Chair, I
7 make a motion to start every meeting like
8 this.

9 CHAIRWOMAN GONSALVES: We can't
10 take them out of school all the time.

11 LEGISLATOR DUNNE: You have to be
12 like the Mayor of Toronto and dance with
13 them.

14 CHAIRWOMAN GONSALVES: No,
15 Dennis, I don't think so.

16 LEGISLATOR ABRAHAMS: Good
17 afternoon, everyone. If you can indulge us
18 probably for another five or ten minutes,
19 today is the last meeting of our legislative
20 session, not just the year, but our
21 legislative sessions, and next January we
22 begin a new session.

23 But, we have had some outstanding
24 outstanding legislators. I know that we
25 have five now that are departing; four from

1 Full Legislature/12-19-13
2 my caucus. And, first, before I talk about
3 my guys, I just want to wish Joe Belesi
4 well. I want to wish him good health. And,
5 Joe, over the last couple of years, it's
6 been a pleasure to serve with you. I look
7 forward to speaking to you and talking with
8 you about your future endeavors and I hope
9 you enjoy your grandkids and everything
10 that's important to you, that it continues
11 to prosper for you. So, I just want to wish
12 you the best.

13 LEGISLATOR BELESI: Thank you
14 very much. It's been a pleasure working
15 with all of you. We have had our
16 differences, but we have done a great job, a
17 wonderful job. Our people have done a
18 wonderful job. Take care of yourself and
19 God bless.

20 LEGISLATOR ABRAHAMS: Thank you,
21 Joe. But I also want to take this
22 opportunity to -- until recently, to coin as
23 the Fantastic Four. I'm a big Marvel Comic
24 guy. Wayne Wink, Joe Scannell, Judy
25 Bosworth and now Robert Troiano. Each and

1 Full Legislature/12-19-13
2 every one of them, and I'm going to talk
3 about each and every one of them
4 individually, have been dynamic legislators.
5 The county is better because of these four
6 individuals. Each of them understands
7 sacrifice, each of them understand the
8 greater purpose, and each of them have made
9 Nassau County residents, as well as all of
10 our colleagues here, very proud.

11 But, first, in the seniority
12 aspect, I will talk about my good friend Joe
13 Scannell. Joe's district that he
14 represented, and the district that I
15 represent, are completely tied in Freeport,
16 in Baldwin, and I can't think of someone
17 better that was well suited for that
18 district, and Joe Scannell had to make many
19 many tough decisions throughout his entire
20 governmental career, and he never shied away
21 from any of them.

22 The Baldwin, Rockville Centre,
23 Oceanside Community, Lakeview, for a good
24 period of time, should be happy and
25 astounded that they had such a strong

1 Full Legislature/12-19-13
2 legislator for 14 years serving for them.

3 I can't think of someone that
4 would have been better for this legislature
5 from that community during that time. Joe
6 Scannell will be deeply and sorely missed.
7 Please join me in embrace him with a round
8 of applause for our good friend Joe
9 Scannell.

10 Next, I would like to recognize
11 my good friend and our good friend, Wayne
12 Wink. We were both legislator staffers
13 here. Before I became a Nassau County
14 legislator, I actually started out as the
15 budget director in working with Mark Young
16 and others. And Wayne was actually a
17 counselor here. He was here before I got
18 here, but he was a counsel here, in that
19 capacity, and I've always known Wayne to be
20 very competent, very astute.

21 I think Wayne even blossomed more
22 as he became a town councilman and then
23 eventually became a county legislator. I
24 saw his growth. I think from that
25 standpoint he has been an outstanding

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2 legislator and he will be sorely missed. I
3 think at times the legislature here, and I
4 think Joe said it be, there's been many
5 times when we disagree, and many times Wayne
6 Wink has been the common voice to try to
7 bring things back together.

8 I can't think of a better
9 situation, any situation where he's able to
10 leave here to certain degrees, but I'm happy
11 for him in his new capacity as town clerk in
12 North Hempstead.

13 I think he is going to make a
14 phenomenal town clerk. The people of North
15 Hempstead are gaining something at our loss.
16 He will be truly and sorely and deeply
17 missed. Please join me in giving a round of
18 applause to our good friend, a good friend
19 for Nassau County, Wayne Wink.

20 Unfortunately, with the
21 scheduling change, and, as you know, Madam
22 Presiding Officer, originally this meeting
23 today was supposed to be scheduled for this
24 past Monday, the 16th. As we all know, Judy
25 Bosworth was elected to become the next town

1 Full Legislature/12-19-13
2 supervisor in North Hempstead and, because
3 of the change in the calendar she wasn't
4 able to be here for her last meeting. That
5 doesn't mean that Judy's focus and abilities
6 to carry the job through as a county
7 legislator haven't followed through. She's
8 been a phenomenal legislator. The people of
9 her district, the 10th Legislative District
10 are extremely proud of her. They should be
11 extremely proud of her. The people of
12 Nassau County should be completely proud of
13 her responsibility and her ability to get
14 things done. She's been a wonderful
15 colleague to work with. She's been someone
16 we have looked to, not just on my side, but
17 on both sides to try to bring this
18 legislature together in a bipartisan
19 fashion. And, she will be again another
20 member of our caucus and of this legislature
21 that will be sorely missed.

22 Even though I know she is not
23 here, please join me in giving Judy Bosworth
24 a round of applause.

25 Last, but not least, he is what I

1 Full Legislature/12-19-13
2 would coin as the silent assassin. Robert
3 is probably one of the most mild spoken
4 people that I have met in politics, but no
5 one should ever ever mistake that as some
6 kind of weakness. He is very strong. A
7 very strong advocate for our community.
8 He's been an outstanding legislator and an
9 outstanding town councilman. He is also an
10 outstanding trustee for the Westbury School
11 Board. Robert's ability to give back and
12 his ability to serve does not compare to
13 many in this county.

14 I can't think of many people but
15 obviously Robert, his ability to bring
16 people together, to think things through, he
17 has a wealth of knowledge, a wealth of
18 experience, very intelligent, and the people
19 of Nassau County should be considered lucky
20 to have someone such as Robert Troiano
21 serving in this capacity in government.

22 I wish him nothing but success in
23 his future endeavor in the Town of North
24 Hempstead. I truly believe that his shining
25 star is going to continue to rise, even

1 Full Legislature/12-19-13
2 though he won't be in elected office, I
3 still think he will be in the capacity to do
4 much good for the people of North Hempstead
5 and for the people of this county.

6 So, I want to thank Robert for
7 his time here. It has truly been a
8 pleasure, Robert. I want to wish you
9 nothing but the best in your future
10 endeavors in North Hempstead. God bless you
11 and Sharon and the family as well.

12 LEGISLATOR TROIANO: Thank you.

13 CHAIRWOMAN GONSALVES: Legislator
14 Jacobs.

15 LEGISLATOR JACOBS: I just want
16 to tell all of you something. This is a
17 uniquely special day and it's certainly
18 bittersweet for me because, as someone who
19 has been here from the very beginning, and
20 the very start of the legislature, and the
21 only one left on this side that is still
22 from the original, I have had the unique
23 experience of working with all the people
24 around me.

25 I have to tell you about each and

1 Full Legislature/12-19-13
2 every one of these people that are leaving.
3 We spoke before, but I have to tell you that
4 Joe Scannell is one of the original people
5 that was elected four years after the
6 beginning of the legislature to help us to
7 become the majority.

8 We were in very bad shape in the
9 county. We were one level above junk bond
10 status. We knew what our job had to be. I
11 remember going up to Albany and begging them
12 for an oversight panel which became NIFA,
13 and, we, as legislators had to take votes,
14 and I have to be honest with you, which I
15 don't think have been taken since that could
16 create as much bedlum in a person's
17 political career than we took those first
18 two years being a majority of ten.

19 And, Joe, I told you before and I
20 say it again to everybody, it takes a
21 certain kind of person who realizes why they
22 won and what had to be done in order to
23 start righting the ship. I am so honored to
24 have been in that ship with you. It was a
25 little rocky at times, but in truth we made

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2 it go right and we kept it going right for a
3 very long time.

4 My friend, Judy Bosworth, has
5 been my friend for a very long time. I'm
6 not going to repeat what Kevan said, she's
7 an outstanding person, of great integrity
8 and has the ability to pull people together.
9 I know North Hempstead will do extremely
10 well with her and, actually, I just wish her
11 the very, very best. I wish she was here.

12 To Wayne, it's very hard to tell
13 you about Wayne. Wayne has really been with
14 the county, we figured it out, longer than I
15 have, because he was the assistant to the
16 late Barbara Johnson, who was an outstanding
17 legislator, always the same intelligence
18 that he gives to everything else, was the
19 same intelligence that he always imparted,
20 and then he went on to become a town
21 councilman, and now he's back with us as a
22 legislator, and now he's going back to North
23 Hempstead as a town clerk, and he is a
24 phenomenal person and whoever does get Wayne
25 is really getting a phenomenal person.

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2 Robert Troiano is in a class of
3 his own. I have rarely met somebody with as
4 much intelligence, finesse, the ability to,
5 after a whole raucous conversation, or
6 argument, to take the floor and, in one or
7 two minutes, get everybody back to where
8 they should have been to begin with, and
9 prove the point. He's beyond description as
10 far as how special he is.

11 All I can say is that Judy
12 Bosworth has exercised excellent decision
13 making in my mind to have asked Robert to
14 join her, and, Robert, I only wish you the
15 very best. It's a pleasure to know you.

16 And, in spite of everything I
17 just said, including that, he is such a
18 wonderful family man and such an honest
19 person, and he has been a friend that you
20 can trust, and that if you can wrap all of
21 that in one, you have Robert Troiano.
22 Congratulations to all of you.

23 CHAIRWOMAN GONSALVES: This is a
24 very bittersweet day, I think. Primarily
25 because people on both sides of the aisle

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2 have contributed so much to the legislature
3 and to Nassau County and will be leaving us
4 at the end of the year.

5 I'm going to begin with Joe
6 Scannell because I know him from One West
7 Street when we were all together on one
8 floor and we could communicate very easily
9 going door to door and making sure that we
10 said hello from time to time. Joe, you were
11 very amicable in that regard and you will be
12 missed.

13 Legislator, or I should say Town
14 Clerk Elect Wink, I remember you when you
15 were a legislative assistant to Barbara
16 Johnson, a woman I admired and respected
17 and, often times we would sit and talk
18 together and she would say to me, why can't
19 you be a Democrat? I would say to her, why
20 can't you be a Republican? But, you know
21 what, it never stopped us from speaking, and
22 I know, Wayne, you know that Barbara would
23 say that to me.

24 As far as, let's see, Judy is not
25 here, I only know Judy a short time, but

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2 that short time I have grown to like her and
3 I know that she had her heart in the right
4 place. So I wish the town supervisor of
5 North Hempstead elect a successful term in
6 North Hempstead.

7 Now, for a friend of mine who
8 wished we had more time to communicate, and
9 I really and truly mean this, Robert,
10 Legislator Troiano, I'm going to miss that
11 smile across the aisle. So, whoever sits in
12 that seat, you better tell them, you better
13 smile at Norma.

14 Because I have to say, Robert
15 waited before he spoke. Robert is truly a
16 professional. He gave a great deal of
17 thought to what he was going to say. Never
18 disrespectful. He was always willing to
19 listen and, as he said, I was willing to
20 listen. I will miss you dearly. I've only
21 known you a short time but that short time
22 was a joy to me. So, thank you, Robert.

23 Now, for someone who really and
24 truly dedicated his time to the legislature
25 and that's Legislator Belesi. He was

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2 committed to his role as a legislator. He
3 had to take some tough calls. He certainly
4 served his district very well and he is a
5 true colleague of the legislature. Each of
6 us, not only are going to miss him, but I've
7 told Joe that he better come and visit from
8 time to time, because we don't want to miss
9 him too much and he has to be here so we
10 don't do that.

11 So, Joe, I wish you the very best
12 and I know that your heart is filled with
13 mixed emotions. He knows he needs to go for
14 personal reasons, but he served this
15 legislature very well. It took some tough
16 calls, as I said, so I say, God bless you,
17 Joe, and I wish you the very best. And,
18 remember what I said, the door is always
19 open. Come back and visit. That goes for
20 you, Mr. Troiano, Mr. Wink, and, of course,
21 Mr. Scannell and, of course, Judy. But
22 she's going to be too busy being the town
23 supervisor. So, thank you, each and every
24 one of you.

25 Now, we have a special

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2 presentation. You have two minutes but we
3 have to put a show on

4 LEGISLATOR SCANNELL: Okay.
5 First of all, I want to just say a couple of
6 things.

7 CHAIRWOMAN GONSALVES: My
8 apologies to those who are here waiting to
9 speak, but I know this is a very important
10 day for my fellow legislators so I hope you
11 bear with us.

12 LEGISLATOR SCANNELL: Thank you
13 so much, Norma. I've got to tell you, Kevan
14 and Judy, thank you so much for those kind,
15 kind words. You know we talked in the back
16 for a while specifically about some of the
17 long, hard votes that we had.

18 I got to tell you, first I want
19 to thank all my colleagues on all the sides,
20 all 19 of your guys, for that warm warm
21 welcome. I'm just so grateful honestly.
22 It's my last year, in 14 years, I've got to
23 tell you, it's bittersweet for me. I'm
24 moving on. I'm very, very happy I'm moving
25 on, but, I have to tell you, I'm so so

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2 grateful to every single person who just
3 stood for me after 14 years because, nobody
4 other than your family just knows how hard
5 we worked to get reelected, every single two
6 years, it's the hardest thing that you have
7 to do, and the only people that know are
8 your family because they know when you're
9 not there, and also the people who are
10 elected, your family and you guys, like I
11 said. Every single person knows
12 specifically how hard. I want to say thank
13 you to all you guys for that because,
14 honestly, coming from you guys, means the
15 best. Like I said, our families and you
16 guys.

17 Judy and Kevan, I got to tell
18 you, we started in 1999, Judy, just amazing,
19 literally, we took the majority for the
20 first time in 100 years. It was literally
21 amazing, I have to tell you. Five leaving,
22 four Democrats, Norma, and one, Joe, so
23 there's five. So, literally, back in 1999,
24 I got to tell you, 14 years ago, Joe, we had
25 the same turnover, there were four. Five.

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2 And I'm going to get to Dave in a second.

3 What is happening, in 14 years,
4 is just amazing because for us to have the
5 majority, literally, was amazing, like I
6 said, for the first time in 100 years, it
7 was just amazing. Republicans were upset,
8 like I said, the five of us came in, Judy,
9 and we took the majority and you lead us, we
10 talked in the back, and you lead us
11 amazingly. It was just incredible. I'm so
12 grateful for you, for all of your hard work,
13 all of your dedication, every thing that
14 you've done for everybody in Nassau County.

15 And I'm grateful to you for
16 making me Public Safety Chair, which was
17 just a wonderful wonderful thing for me. It
18 was just amazing. I have got to tell you,
19 after ten years in the DA's office, I came
20 here and, I got to tell you, it was -- I'm
21 so grateful to you for everything that you
22 have done.

23 I have to tell you, for the
24 people of the 5th District, like Kevan said,
25 we walked it together, Dave Denenberg and I

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2 have walked it together for 14 years. We
3 literally have lived next to each other for
4 14 years, Kevan and David, I got to tell
5 you, just unbelievable and amazing.

6 The carousel, just a couple of
7 things really quick, because, honestly,
8 after 14 years I'm so grateful to be
9 reelected because, what had happened was,
10 Tom Suozzi had wanted to send the carousel
11 up to Oyster Bay, so I was just proud as a
12 Democrat to kind of stand up to him and say,
13 no, we need to keep this here, we need to
14 keep it, and I was proud, actually, to fight
15 and keep the carousel here, and now it is.
16 Literally restored. Unbelievable. And it's
17 a million dollars for a brand new building
18 and the carousel itself. So, honestly, for
19 14 years that was one of the biggest things,
20 the Carousel. It went from being in a
21 closet, literally in a closet. I don't know
22 if you guys remember it but I do, it was
23 just amazing, it was in a closet. Tom
24 Gulotta saved the Nunley's Carousel. He
25 condemned it. He condemned it way way back

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2 then and it was, like I said, sitting in a
3 closet. He condemned it. We wanted to put
4 it together and it worked. Honestly, it
5 worked for the people.

6 Like I said, we got CRP money for
7 the horses. We got a brand new building as
8 well which was just amazing, so that was
9 just incredible.

10 The First Precinct was just
11 amazing too. As people in my district, it
12 was just so so important to everybody,
13 everybody in the First wanted the precinct
14 to say, I'm grateful to the county
15 executive, Ed Mangano, for keeping it here.
16 We fought for 14 years to keep it. I'm just
17 so grateful, after 14 years, it was amazing.

18 And, literally, the other biggest
19 project, and the last thing was, literally,
20 you know, the Carousel, as well as the First
21 Precinct, and the Ponds. When we first sat
22 down, the Ponds had nothing. \$6 million in
23 Ponds was just an amazing accomplishment so
24 I'm grateful for that.

25 Dave, we started a long, long

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2 time ago. I tell you, we have been sitting
3 together for 14 years. I'm just so grateful
4 for our friendship that has grown over the
5 years because, honestly, we started in tough
6 tough areas. You're an amazing person,
7 amazing lawyer, and I'm just grateful,
8 honestly, that we have grown.

9 Like I said, lastly, I'm just
10 grateful for everybody and, again, thank you
11 so much, Norma, I appreciate it.

12 CHAIRWOMAN GONSALVES: You're
13 welcome. Like I said in the beginning, this
14 is a very special time, and, as you heard
15 Joe say, he served 14 years, and you can't
16 shut somebody up after serving 14 years. I
17 don't know if legislator Wink wishes to say
18 anything. How many years have you been
19 here?

20 LEGISLATOR WINK: Almost seven.

21 CHAIRWOMAN GONSALVES: That's
22 half of his.

23 LEGISLATOR WINK: I just want to
24 take a minute because I was here the first
25 day of the legislature as an aid. I got out

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2 once, and I managed to come back. The
3 experience here has always been
4 extraordinary. Some of the best days and
5 some of the most difficult days that I have
6 experienced in public life were in this
7 chamber, either here or next door. It has
8 been a tremendous experience for me. I'd
9 like to think that I am the person I am not
10 only because of this body and the
11 experiences I have had here, but because of
12 the great people I have had to work with.

13 First and foremost, of course,
14 being Barbara Johnson. But, certainly,
15 whether it be Judy Jacobs or so many of my
16 colleagues on both sides of the aisle, this
17 has been a tremendous experience for me.

18 I'm going someplace where the
19 setting will be far more intimate where, if
20 you have ever been to the town board room in
21 North Hempstead, it's much closer between
22 the speakers and the dais and whatnot.

23 I have already warned Judy
24 Bosworth that I will be texting and sending
25 her notes because I'm going to have to get

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2 used to not being the one to ask questions
3 and not being the one to demand answers and
4 whatnot. I will sitting there calling the
5 agenda, but not necessarily being able to
6 follow up on it the way I want to. But, I'm
7 sure I'll get used to that especially when
8 hard votes are being taken and I'm not asked
9 to participate in that.

10 But, once again, I just want to
11 thank all of you for the experience of a
12 lifetime, to have spent almost seven years
13 here, and to have experienced the highs and
14 lows that come with being in public office
15 and I thank you all very much for that
16 opportunity.

17 CHAIRWOMAN GONSALVES: Thank you,
18 Legislator Wink. Legislator Troiano.

19 LEGISLATOR TROIANO: Thank you.
20 Thank you all for those really wonderful
21 comments. I was saying before, Kevan, you
22 read that just the way I wrote it, thank you
23 very much.

24 But, don't count me out. I was
25 at a transition meeting last night with Judi

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2 Bosworth until 12 o'clock midnight, and then
3 got a text from her at 5:41 this morning, so
4 I'm not quite sure I can keep up and my
5 resignation letter has not been written yet,
6 so -- but I have received a large number of
7 congratulatory calls and visits from various
8 people, and I'm very happy to have received
9 those calls. I'm excited about the
10 opportunity I've been given by Supervisor
11 Elect Bosworth, but I want you all to know
12 that this is truly, and the words have been
13 mentioned several times, this is truly a
14 bittersweet experience for me.

15 For 22 years now, I have served
16 as an elected official. There is a large
17 emotional transition to be made. I haven't
18 quite gotten over that hump yet. First I
19 faced it when I was considering making the
20 change. Then, when I had made the change, I
21 had kind of buyer's remorse, what did I do?
22 Because this is something I really love,
23 being an elected official, but I really do
24 believe that in this new position, I will be
25 able to have more direct influence over my

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2 constituents' lives than I can right now.

3 Some of my constituents are here.

4 I want to tell you that it has been a
5 privilege for me to serve you and I hope
6 that some day we can meet again, and I'm not
7 sure in what capacity, but my mother used to
8 say, I'm not sure what she meant by this
9 until now, is that not every good-bye is
10 good-bye. So this is good-bye for now, but
11 we don't know what's down the road, and I'm
12 hopeful to have the opportunity to continue
13 to serve the residents of Nassau County.

14 Some people have asked me why am
15 I leaving? And the obvious pole is for this
16 great job, a lot of responsibility in the
17 Town of North Hempstead, working with a team
18 that I really respect and I want to point
19 out that Elaine Catchadorian, who is the
20 director of finance is going to work with
21 Judy, and I look forward to working with
22 Elaine in her new capacity as director of
23 finance, and, of course, with Wayne. So
24 there's lots of reasons to go.

25 Some people also surmise that

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2 there are lots of things pushing me, like,
3 getting out of this body. I want to say
4 that that is very far from being true. I
5 don't look back on this experience with any
6 regrets at all, except one, which I will
7 talk about in a moment.

8 I deeply respect every one of the
9 legislators sitting at this dais. Every one
10 of you I truly believe, and I want everybody
11 to hear this, because we fight a lot, right?
12 But I truly believe every one on this dais
13 has their constituents' needs and the needs
14 of Nassau County residents at heart. That
15 all of you are dedicated, all of you are
16 here for all the right reasons.

17 So I'm proud to have sat here and
18 call all of you colleagues and to have some
19 of you repeat those things, the same things
20 back to me, means a great deal to me. Thank
21 you for that and thank you for the last four
22 years.

23 Joe Belesi and I have bonded a
24 bit over the last four years and, Joe, once
25 I knew you were leaving this body, I had to

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2 find a way to get out as well.

3 So, let me just leave you with
4 just one New Year's wish. And I mentioned I
5 have one regret, that one regret is not
6 engaging in a deeper dialogue with every one
7 of the other 18 legislators in this body. I
8 do regret that. But I've seen some signs
9 over the last couple of weeks, in the last
10 couple of months, in large part, Norma,
11 because of your leadership, where I see that
12 there is a greater sense that we are acting
13 as a team. We see that happening today. I
14 wish for all of you that that will continue
15 into the new year and for the rest of your
16 experience here in Nassau County.

17 Thank you very much for my time
18 with you and thank you for the good wishes
19 you have given me. Thank you very much.

20 CHAIRWOMAN GONSALVES: I would
21 like to give special thanks to Rob Reel who
22 put this video together and, also, thank you
23 to Kevin Long for putting it on for us
24 today, and I'm sure you have thank yous for
25 your side of the aisle.

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2 LEGISLATOR ABRAHAMS: I just want
3 to thank Elena D'Marco and Nancy Baraino,
4 and is there anybody else I should be
5 thanking? And all the offices that provided
6 the pictures and that kind of stuff, I truly
7 appreciate that, thank you again.

8 CHAIRWOMAN GONSALVES: I did say
9 earlier that this was going to be a very
10 bittersweet afternoon. As you can see from
11 the videos, and, of course, as you heard
12 from the comments, it truly is bittersweet.

13 But, you know what, we all know
14 that we need to move on. There are other
15 things waiting for us. I wish those that
16 are going to new jobs, the best in those new
17 jobs, and, of course, Joe, I think you
18 waited a long time to have the time you need
19 to spend with your family, and with my
20 colleague here -- and this is very hard,
21 because I think Joe would stay on for
22 another ten years, and I'm talking about Joe
23 Belesi, but, you know, circumstances are
24 what they are. I know he has a very heavy
25 heart at this point because my heart is

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2 extremely heavy.

3 I don't know, I have to conduct a
4 long meeting this afternoon, but hopefully
5 everybody is going to be kind to me because
6 I'm pretty sad. So I thank you for being so
7 patient.

8 Now those of you who are very,
9 very patient, and hopefully you are still
10 here. I'm going to begin with Neal Lewis.
11 Are you still here?

12 LEGISLATOR SCANNELL: Thank you
13 to Nancy, who is here, and my staff, has
14 just been amazing. I'm just so grateful to
15 you and for all of the hard work and
16 dedication for you, thank you so much.

17 CHAIRWOMAN GONSALVES: Sorry
18 Neal.

19 MR. LEWIS: Not at all.

20 CHAIRWOMAN GONSALVES: Like I
21 told you, it's a very very special
22 afternoon.

23 MR. LEWIS: It really is and
24 actually it's an honor to be here today.
25 For me, it's been a while since I've been to

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2 the legislature for a meeting, so I think I
3 picked a nice meeting to be at. It's a
4 pleasure to be here.

5 Let me assure you at first, I do
6 not have like a politically controversial
7 item. This is an issue about public
8 awareness of a topic that is of great
9 concern to us.

10 It has to do with basically
11 encouraging homeowners to take steps to make
12 their homes more energy efficient, which is
13 good for the environment, good for saving
14 money, good for local jobs, but there's also
15 a safety issue in it that most people don't
16 know about.

17 For example, what we are finding
18 is approximately one out of every three
19 homes on Long Island that have natural gas
20 have a low level leak of carbon monoxide,
21 either from your stove or from your heating
22 system. One out of every three. This is
23 really a startling number. And what we are
24 attempting to do is raise awareness about
25 this. And, as I say, the answer is

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2 relatively simple which is to get a home
3 energy audit. Right now, as part of the
4 state program and state law, you can get the
5 home energy audits done free. So we really
6 encourage people to take advantage of this
7 and, once they do the home energy audit,
8 and, Norma, you know me and the work issues
9 I've been working on, this thing encourages
10 them to do work and make their home more
11 energy efficient, which is good for the
12 environment, it reduces emissions that cause
13 global warming, it's good for local jobs,
14 because you can't have someone with
15 insulation in your house without having
16 someone locally do that work. So it's one
17 of these win-win-win kinds of issues. So we
18 encourage people to do this just for those
19 reasons.

20 But, in the process of
21 encouraging people for the last couple of
22 years, I keep hearing about these carbon
23 monoxide leaks. As I say, it's more
24 prevalent with natural gas than oil, but it
25 could happen in any house, and, for it to be

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2 happening in approximately one out of every
3 three homes with natural gas, is actually
4 startling.

5 Now, I'm not talking about
6 anybody dying from this level of exposure,
7 most homes now do have carbon monoxide
8 detectors, however, they only go off at a
9 level that would cause immediate harm in
10 terms of potential death.

11 What I'm talking about is low
12 level that you can be exposed to for a long
13 period of time, and you can be walking
14 around with headaches, flu-like symptoms, it
15 can cause dizziness, and you're going to the
16 doctor, what's wrong with me, I don't
17 understand it. Unless you have a home
18 energy audit done, you may never find out
19 what's wrong in your home.

20 So I approached Suffolk County
21 and got them to declare the month of January
22 Carbon Monoxide Safety Awareness Month, and
23 basically it's just an effort to raise this
24 awareness and direct people to what to do
25 about it, which I already explained.

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2 So, if members of the legislature
3 could help out with this by -- you know,
4 many of you are active with Facebook and
5 other social networking and that kind of
6 stuff, if you can perhaps help out by
7 posting it on your website or doing things
8 just to raise this awareness, again, the
9 solution is very much available, and once
10 you go down the path of the solution, it's
11 going to help save you money, you can save
12 \$1,000 a year by getting your home energy
13 renovated, so there is no downside to it.
14 It's a win-win-win.

15 I told you I'd start you off with
16 something that's not politically
17 controversial, but it is a serious thing.
18 We can actually really help some people.

19 I probably already extended my
20 time, but if I can, I will give you one
21 example. So one woman came to one of our
22 meetings in Brookhaven and her son said
23 lived in a cave for three years. This is
24 what she referred to it because the doctors
25 couldn't figure out why he had severe

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2 migraines, so they darkened his bedroom,
3 because he was light sensitive, and she had
4 a home energy audit done. The minute the
5 guys came in their detectors went off and
6 she had a significant leak from her gas
7 stove. The guys wouldn't even work in the
8 house until they fixed the stove. They had
9 the work done.

10 It took her a while, for months,
11 to realize that her son never had migraines
12 anymore, and to sort of connect the two. So
13 she came to this meeting and started to talk
14 about it and said, has anybody else made
15 this correlation?

16 So, that's the point, we're
17 trying to make this correlation that you can
18 have a carbon monoxide leak in your home,
19 it's easy to deal with, but it doesn't
20 smell, you won't notice it, you will never
21 know, so I really encourage people to get
22 the word out.

23 If you, as legislators, can help
24 us with this effort. By the way, I didn't
25 even introduce myself. I'm Neal Lewis. I'm

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2 the executive director of the Sustainability
3 Institute at Molloy College. We do have a
4 regular meeting. Our next one is going to
5 be in February.

6 CLERK MULLER: Your three minutes
7 have expired.

8 MR. LEWIS: All the legislators
9 are invited too.

10 CHAIRWOMAN GONSALVES: I have a
11 question. The carbon monoxide, is it only
12 something that would be peculiar to homes
13 fueled by gas?

14 MR. LEWIS: No. It can happen
15 with oil. It's just that, what happens is,
16 most people that have contracts with oil
17 heat, they typically will have a cleaning
18 done once a year, and a tune-up. Whereas,
19 with gas, you may not have a plumber come in
20 your house for years. So the systems
21 because they, in theory, require less
22 maintenance, are actually more risky because
23 no one is coming in to check them for you.

24 We have also had incidents where
25 the person who came in and did some work

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2 left things askew. So it's not just a
3 question of, is it an old system, but it
4 could be that the mechanic didn't do
5 something right. One of the policy issues
6 here is, I believe every time someone comes
7 into your house to work on your heating
8 system, they should do a carbon monoxide
9 test before they leave, but that's not
10 required.

11 So it could happen with oil or
12 gas, but it's significantly more prevalent
13 with natural gas our research has shown.

14 CHAIRWOMAN GONSALVES: The other
15 thing, too, Neal, more and more people are
16 turning to natural gas.

17 MR. LEWIS: Yes, because it's
18 cheaper so it's more popular from a global
19 warming perspective. It's a cleaner gas.
20 But, we need to make sure these systems are
21 functioning properly.

22 CHAIRWOMAN GONSALVES: Thank you
23 very much. Legislator Ford.

24 LEGISLATOR FORD: Neal, thank you
25 very much. You know, I have to say that it

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2 is very important because when I bought my
3 house, I also, all of a sudden, developed
4 headaches, which I never had before, and it
5 wasn't until I had work being done and they
6 went into my utility room and they realized
7 that they can smell it and National Grid
8 came and sure enough they found like a
9 little pinhole and you would never really
10 hear it or even smell it.

11 So I really think it is important
12 to get everything installed especially with
13 carbon monoxide.

14 MR. LEWIS: Yes.

15 LEGISLATOR FORD: But also bring
16 up the home energy audit. I can only say
17 nice things about that program because my
18 aunt is on a fixed income and they did the
19 audit for her and they found where she was
20 losing some of her heat and they actually
21 came in and installed all things within her
22 outlet covers, around her door. What was
23 even more important was that up in her
24 attic, they put this zipper insulation or
25 something, and the change in the temperature

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2 in her house was so dramatic we even noticed
3 and she cut her energy bill down
4 significantly. This was program that
5 basically was done at no cost to her.

6 So I guess I would urge everybody
7 here we should all jump on the bandwagon and
8 start helping you to promote these programs
9 because I think it's very important.

10 MR. LEWIS: Thank you, Legislator
11 Ford. And just so people are aware, there
12 are programs that help people that are
13 income based, but the free or low cost
14 energy audit really applies pretty much to
15 all Long Islanders. So you can at least get
16 in the game and even if you have a somewhat
17 higher salary that you're not going to
18 qualify for the free stuff, you can get the
19 payment for the cost of this can be done
20 through your LIPA bill. So it's easy, you
21 don't have to go to a bank to take out
22 thousands of dollars to put insulation in
23 your attic.

24 So it's really a great program.
25 I constantly get positive feedback, but, for

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2 whatever reason, it's not one of those
3 exciting things, so most people aren't doing
4 it, that's why I need help getting the word
5 out. So thank you all.

6 LEGISLATOR BECKER: One quick
7 question.

8 CHAIRWOMAN GONSALVES: Legislator
9 Becker.

10 LEGISLATOR BECKER: Thank you.
11 Is there a chance that you can create like a
12 half page of an 8 1/2 by 11 blurb that's
13 camera ready that you could email to us?

14 MR. LEWIS: Yes.

15 LEGISLATOR BECKER: The brochure
16 is obviously too big, but if you can get
17 something that we can put in our next
18 newsletter, that would be wonderful.

19 MR. LEWIS: Thank you. I will
20 make sure we get that out probably today.

21 LEGISLATOR BECKER: Another thing
22 too, you said you have a meeting on this
23 particular topic?

24 MR. LEWIS: Yes. Well, we will
25 discuss this one, but we have a meeting of a

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2 group we call the Clean Energy Leadership
3 Task Force which is geared primarily towards
4 working with municipalities, and I have to
5 say that, in general, Nassau County hasn't
6 been as active as many of the others. I do
7 invite all the legislators, but, over time,
8 you might have dropped off the email list.
9 So if there's anybody that's interested
10 after I send you the email about this, maybe
11 I'll send you a follow-up about the task
12 force. The next meeting will be in
13 February. You are all invited to attend.
14 It's usually on a Friday midday.

15 LEGISLATOR BECKER: Thank you,
16 Mr. Lewis.

17 MR. LEWIS: Thank you. Thank you
18 all. For those celebrating, Merry
19 Christmas, and Happy Kwanza, and Happy New
20 Year to all and thank you.

21 CHAIRWOMAN GONSALVES: Thank you,
22 Neal. Carmen Pineyro. Is Carmen still
23 here?

24 MS. PINEYRO: Good afternoon
25 everyone.

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2 CHAIRWOMAN GONSALVES: Good
3 afternoon, Carmen.

4 MS. PINEYRO: I would like to say
5 thank you to the outgoing legislators for
6 all the services that you have provided to
7 our beautiful county of Nassau County.

8 Presiding Officer, my name is
9 Carmen Pineyro, I'm the Deputy Mayor of the
10 Village of Freeport. I'm the first
11 Dominican woman to hold that position and,
12 as a lifelong Nassau County resident, I have
13 seen firsthand the daily injustices faced by
14 so many people of color who call this county
15 home.

16 I'm here today because I believe
17 that Randy White's civil rights being
18 violated are an example of a larger problem
19 here in Nassau County. I believe that, with
20 all due respect, that a further
21 investigation is needed to ensure that all
22 Nassau residents' civil rights are better
23 protected.

24 Randy White's civil rights have
25 been violated and no one is doing anything

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2 about it. He was threatened and arrested
3 for simply telling the truth and every one
4 has turned a blind eye. Doctor Martin
5 Luther King, Junior famously said, "he who
6 passively accepts evil, is as much involved
7 in it as he who helps to perpetrate it. He
8 who accepts evil without protesting against
9 it is really cooperating with it." All of
10 us have a duty to speak out against
11 injustices and, as elected leaders, your
12 burden is even higher.

13 Voters have entrusted to you the
14 tools necessary to protect our rights,
15 including those of Randy White. At the very
16 least, you must hold hearings and issue
17 subpoenas to expose what really happened.

18 Here are the undisputed facts.
19 In July of this year, Randy White was hired
20 by Andrew Hardwick's county executive
21 campaign to assist in collecting signatures
22 necessary for Mr. Hardwick's name to appear
23 on the ballot.

24 On Wednesday, October 2nd, in a
25 case brought to invalidate those signatures,

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2 Randy testified that he was paid on a per
3 signature basis, a practice prohibited by
4 law.

5 On Saturday, October 5th, two men
6 went to Randy White's home. They claimed to
7 represent Mr. Hardwick and urged Randy to
8 recant his testimony so nothing bad would
9 happen to him. Randy refused.

10 Two hours later while on a public
11 bus passing through Hempstead Randy White
12 was arrested. Three police officers stopped
13 and boarded the bus with a picture of Randy
14 White, identified him, and arrested him.
15 While in custody, a police officer asked
16 Randy about his connection with Mr. Hardwick
17 and another police officer served him a
18 civil subpoena to appear back in court on
19 Monday, presumably for him to recant his
20 testimony.

21 Officially, the police claim the
22 arrest was for an outstanding warrant, \$250
23 fine, that the report from District Attorney
24 Wright's office concluded that the arrest
25 was prompted by a call made to Commissioner

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2 Dale from Gary Melius. A private citizen
3 was traumatized to the independence party
4 and County Executive Ed Mangano. I have
5 never seen a clearer example of witness
6 intimidation or use of power or political
7 corruption, yet, nothing has happened.

8 Randy White has been threatened,
9 intimidated, arrested and thrown in jail,
10 and there's only silence.

11 As elected officials, it is your
12 duty to ensure that the truth is exposed.
13 You must hold hearings and expose what
14 really happened. Who told the police that
15 Randy White was on that bus? Was it really
16 Mr. Melius who called Commissioner Dale?
17 Why would a police commissioner take orders
18 from a private citizen?

19 CLERK MULLER: Ma'am, your three
20 minutes have expired.

21 MS. PINEYRO: How is it that the
22 Mangano Administration is involved? I'm
23 concluding. It's a difficult job. As a
24 father realize, that, in this case, it is
25 your son who has been threatened,

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2 intimidated, arrested and thrown in jail and
3 you do not hear a pin drop. Will you allow
4 that to happen? Silence is the enemy of
5 justice and there are many unanswered
6 questions. Rest assured that whatever it is
7 that the body decides, this matter will not
8 conclude until the truth is exposed.

9 Presiding Officer Gonsalves, you
10 have the power to help us make change and
11 ensure our community's civil rights are
12 protected in the future; that our children
13 and grandchildren's futures are protected.
14 Please use that power and call for a
15 hearing. Thank you.

16 CHAIRWOMAN GONSALVES: Joanne
17 Borden.

18 MS. BORDEN: Before I begin, I
19 would like to wish everyone a Merry
20 Christmas and a Happy New Year and, I have
21 to do it now, because, after my talk, I'm a
22 little too emotional to remember to do
23 anything other than to say thank you.

24 It's difficult to understand your
25 opposition to Transgender Civil Rights

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2 because you don't say why. You know we face
3 discrimination in the workplace, housing,
4 public accommodations, and bias motivated
5 violence that your inaction allows and
6 therefore condones.

7 Some opposed transgender rights
8 on, one, religious groundings. Both Samuel
9 and John clearly say God judges us by what
10 is beneath the surface and in our hearts,
11 yet, these people judge based only on the
12 surface, they fail to say how or why Samuel
13 and John lied;

14 Two, the Catholic church's main
15 objective, in addition, is Transgender
16 Rights would infringe on their religion.
17 But, in our case, Section 21-9.2 of Nassau's
18 Human Rights Commission Law prevents that;

19 Three, opponents do not recognize
20 transgenderism as legitimate. The American
21 Psychological Psychiatric Medical
22 Association plus all medical researchers say
23 that we are born transgender;

24 Four, opponents say Transgender
25 Equal Rights would require unisex bathrooms,

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2 that would be nice, but that is false. I,
3 and thousands of transgender people in
4 Nassau County presently and always use rest
5 rooms appropriate to our true sex, our inner
6 sex, and our presentation, without any
7 problems;

8 Five, the conservative AFA, TVC,
9 and other so-called Christian organizations
10 are far from Christian. Persecution was not
11 Christ's teaching. He was a messenger of
12 peace and love, not hate and punishment;

13 Six, Libertarians say our law
14 would infringe on employer's property
15 rights. Should we repeal the Civil Rights
16 Act, other laws and amendments that infringe
17 on property rights? Human rights always
18 came first, ever since you guys, you
19 Republicans, freed the slaves. When are you
20 going to recognize that the above, and if
21 time permitted, and many law objections, are
22 only the tools that underlie the reason for
23 opposing transgender civil rights. They are
24 the tools of bigotry.

25 CLERK MULLER: Your three minutes

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2 have expired.

3 MS. BORDEN: Our national and our
4 county constitution say "pass the law."
5 Thank you for listening.

6 CHAIRWOMAN GONSALVES: Thank you.
7 Legislator Jacobs.

8 LEGISLATOR JACOBS: Joanne, I
9 just wanted to say to you that I've been
10 very moved from the very first day we met
11 you. You know that the thing that's
12 disturbed me the most is that being
13 presiding officer during the time we thought
14 we passed the most comprehensive Civil
15 Rights Law that there could be for any
16 county, and were very proud of it, it was a
17 19 to nothing vote. We certainly did not
18 think we left any group out of coverage of
19 the rights, that everyone in this world is
20 entitled to.

21 So, it really breaks my heart
22 that for a simple definition, which is what
23 I think people in the audience have to know
24 what you're looking for, a simple definition
25 that appears in Suffolk's, New York City's,

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2 and Westchester's bills, which explains what
3 gender is, that we have gone on like this
4 for I think over three years now, maybe
5 four. It breaks my heart.

6 I'll tell you honestly, and I
7 told you this before, I will reintroduce a
8 bill again right after the new year begins,
9 and I will continue to try the best I can to
10 get everyone to pave the way to make a
11 change. The change is so is simple it's
12 almost ridiculous. It's one line, and added
13 to our bill would obviously cover a very
14 important group of people that we
15 inadvertently left off the first one.

16 So, stick with it because you
17 know you have my commitment. It's always
18 been there, and always will be there, and I
19 will introduce it for you.

20 MS. BORDEN: Thank you. I only
21 wish I was there when you wrote it. Or I
22 probably wouldn't even have known.

23 LEGISLATOR JACOBS: Because we
24 thought we covered everything. I mean,
25 honestly, I can only tell you, Republicans,

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2 Democrats, lawyers from both sides, we all
3 could not imagine anything that we left out
4 of that bill.

5 You know that part of the problem
6 here is that certain lawyers believe that
7 our bill does include a prohibition of any
8 kind of discrimination against anybody, but
9 you're pointing out certain obvious things
10 that you feel are very real and obvious
11 things that exist in other county's bills.
12 So we have to re-address this, and the
13 re-addressment of it is so simple and so
14 quick and I hope maybe the coming two years
15 will bring it.

16 MS. BORDEN: I thank you for
17 submitting the bill a fourth time.

18 LEGISLATOR JACOBS: You're
19 welcome.

20 CHAIRWOMAN GONSALVES: The next
21 speakers is Cynthia Koural.

22 MS. KOURAL: Good afternoon and
23 Merry Christmas and Happy New Year and
24 hopefully a productive new year for all of
25 you. My name is Cynthia Koural. I'm an

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2 attorney. I'm a former federal prosecutor.
3 I was a special assistant United States
4 attorney in the Southern District of
5 New York where I worked in a unit called
6 public corruption and fraud against the
7 government where we investigated and
8 prosecuted public corruption cases.

9 After that, I was an examining
10 attorney at the New York City department of
11 investigations where, unlike district
12 attorneys who only have one county in their
13 jurisdiction, I had all five, and what we
14 did at DOI was also investigate public
15 corruption and fraud against the government.

16 I read the District Attorney
17 Rice's letter that she wrote to the county
18 executive because it was posted on the
19 Newsday website. I found that that letter,
20 although it contained a brief sketch of some
21 facts, raised more questions than it
22 answered.

23 I'm here to urge you to conduct
24 hearings and/or refer this matter to another
25 prosecutorial agency, perhaps the U.S.

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2 attorney for the Eastern District of
3 New York or the state attorney general,
4 either for direct examination or for them to
5 appoint a special prosecutor because there
6 are several statutes that I believe are
7 implicated for investigation. Included
8 among those are, witness tampering, Penal
9 Law 215.10, obstructing a governmental
10 administration, which is Penal Law 195.05,
11 and that would also include Election Law,
12 17-110, which makes it a crime for the
13 police to use their police power to disrupt
14 a person in their expression of their
15 political opinion or political action. They
16 would also include conspiracy to commit
17 these acts, which is Penal Law 105.00, and
18 attempt, which is Penal Law 110.00.

19 Should you decide to refer this
20 matter to the federal government, there are
21 three possible criminal laws that are
22 implicated there, that would be 18
23 USC-Section 241, which makes it a crime to
24 deprive anyone of the constitutionally
25 protected right, in this case it would have

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2 been Mr. White's First Amendment right to be
3 a whistle blower and give testimony in
4 court;

5 Two, 18 USC 242, which makes it a
6 crime to abuse official government power,
7 whether it's police power, or power of the
8 executive, or power by a legislator to
9 deprive anyone of one of their civil rights,
10 in this case it would be the First Amendment
11 right as described above.

12 And, possibly, 18 USC 245, which
13 includes a specific prohibition on
14 disrupting people in the their election
15 franchise rights, their right to vote. And,
16 certainly inherent in this, is Mr. White's
17 ability to express his political opinion and
18 give testimony relating to this election.

19 Certainly there are a lot of
20 facts that need to be looked into and there
21 are a lot of questions that need to be
22 answered and the DA's letter leaves more
23 unanswered than answered. Thank you.

24 CHAIRWOMAN GONSALVES: Thank you,
25 Cynthia. The next speaker is Henry Boitel.

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2 Legislator Denenberg.

3 LEGISLATOR DENENBERG: Cindy,
4 thank you for being here and also to Carmen
5 Pineyro. I'm going to give you copies, but
6 I couldn't agree with you more.

7 On December 13th, I put in a
8 letter to the presiding officer as well as
9 committee chairs requesting that this body
10 conduct a hearing either through the Public
11 Safety Committee or the Full Leg into these
12 matters, witness intimidation, civil rights
13 issues, outside influence on the police
14 department, as well as misuse of public
15 funds, all cry out for a hearing.

16 The minority leader,
17 Mr. Abrahams, on behalf of the minority
18 yesterday on December 18th, also wrote to
19 the US Attorney's Office asking that it,
20 too, either through a special prosecutor on
21 its own investigation look into these
22 matters for the very reasons you noted, and
23 that I noted in my December 13th letter. I
24 will give you a copy. Thank you.

25 MS. KOURAL: Thank you very much.

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2 CHAIRWOMAN GONSALVES: Legislator
3 Solages.

4 LEGISLATOR SOLAGES: If I could
5 ask the clerk to please read the names of
6 the legislators who are not present here
7 during public comment to listen and to
8 observe this very important civil rights
9 topic.

10 CHAIRWOMAN GONSALVES:
11 Mr. Solages, guess what, if they're in the
12 caucus room, they're hearing all of what is
13 going on here. Okay?

14 LEGISLATOR SOLAGES: Okay. I do
15 have a follow-up question for Ms. Koural,
16 thank you.

17 CHAIRWOMAN GONSALVES: Go ahead.

18 LEGISLATOR SOLAGES: Ms. Koural,
19 you have experience in the law, especially
20 working in New York City and in the state
21 also for the US Attorney's Office.

22 What would be the outside general
23 impression of this county if this
24 legislative body does not use its subpoena
25 power and its investigatory power to

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2 investigate this through a hearing?

3 MS. KOURAL: Well, I do know, and
4 because I have testified before Congress on
5 numerous occasions, I do know that it's
6 quite common for congressional committees to
7 hold these sorts of hearings when there is a
8 suspicion of criminality that is not
9 otherwise being handled by the relevant
10 prosecutorial agencies, and it is not
11 unheard of for those hearings to produce a
12 record that is so compelling that then a
13 prosecutor takes up the case.

14 So there is certainly a lot of
15 utility in having the legislature hold those
16 kinds of hearings because the hearings are
17 public, among other things, so the public at
18 large would know, and a prosecutor would
19 therefore experience transparency in a way
20 that does not exist now.

21 Right now the district attorney
22 did not decline on the basis of
23 prosecutorial discretion. Her letter makes
24 clear that she is not exercising that
25 discretion. Her letter says she found no

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2 criminality. There is an utter lack of
3 transparency that exists right now. So the
4 legislature could do a tremendous service to
5 the people of Nassau County by providing
6 that missing transparency.

7 LEGISLATOR SOLAGES: Ms. Koural,
8 if it was the argument of some in this body
9 that -- not my argument, of course, that
10 there was an investigation by the district
11 attorney, the executive branch, so,
12 therefore, there should not be an
13 investigation by the legislative branch,
14 what would be your response to that?

15 MS. KOURAL: Checks and balances.
16 You are a co-equal branch of government.
17 You have every right to do this, and there
18 is nothing to prevent you from doing it.

19 LEGISLATOR SOLAGES: Thank you
20 very much, Ms. Koural.

21 CHAIRWOMAN GONSALVES: Henry
22 Boitel.

23 MR. BOITEL: Henry Boitel,
24 Rockville Centre, New York. I would like to
25 speak to the same subject that has just been

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2 raised.

3 As I understand it, during the
4 political campaign, there was an
5 extraordinary meeting, a political meeting
6 between a political advocate, a wealthy
7 political advocate, and high brass of the
8 Nassau County Police Department. A rather
9 extraordinary event by anybody's standard,
10 it would seem to me, under the
11 circumstances, particularly, when we
12 realized what happened after that.

13 I'm told that something like
14 84,000 civil and criminal warrants are
15 outstanding in Nassau County and, if you add
16 to that, violations of orders of protection,
17 and I won't go into that because the former
18 presiding officer of this very group went
19 into that, and if you go into those orders
20 of protection, which perhaps have not been
21 properly enforced, we're talking about a
22 huge backlog, and somehow a gentleman, who
23 was untimely in paying a \$200 fine, has been
24 arrested and, while under arrest, is served
25 with legal process.

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2 Now, we have, in essence, four
3 branches of government in Nassau County. I
4 know we like to talk about three but we
5 really have four because the district
6 attorney is an independent and, properly so,
7 investigatory and prosecutorial body or
8 person.

9 It's interesting that each of
10 three, the other three, beside this
11 legislature immediately took extraordinary
12 action starting a week ago, exactly a week
13 ago today, the district attorney sent a
14 letter analyzing the situation and, in
15 essence, suggested that the police
16 commissioner had stepped out of bounds
17 ethically.

18 The county executive almost
19 immediately, upon receiving that letter,
20 assessed the situation and took another
21 extraordinary action, called that
22 commissioner in and requested his
23 resignation and got it.

24 A court has taken an
25 extraordinary action in throwing out the

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2 petition of a candidate or the candidacy of
3 a candidate based upon fraud. Another
4 extraordinary action.

5 So, now the question is, what, if
6 anything, should this body do? I suggest to
7 you, with the prejudging the situation, this is
8 more than enough here for this body to do
9 two things; one, conduct its own
10 investigation. The fact that the district
11 attorney conducted an investigation does not
12 conclude the matter. Most, if not
13 practically all of what she uncovered, in
14 terms of all the threads that exist in
15 matters, or can exist in matters such as
16 this, we don't know about.

17 CLERK MULLER: Mr. Boitel, your
18 three minutes have expired, sir.

19 MR. BOITEL: If I could have one
20 minute more, I will conclude this. We don't
21 know about those things. And it is the
22 obligation of this body, as a supervisory
23 body, to look into this kind of thing.
24 Both, to make certain, that proper
25 corrective action is taken, and to make

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2 certain if there is a gap in the law, that
3 there be legislation to cover this specific
4 kind of situation so it's not going to
5 happen again.

6 This is the kind of thing -- you
7 know we had somebody talking to us about,
8 and it was a great talk, I thought, about
9 carbon monoxide. But this is a kind of
10 carbon monoxide in the political system
11 existing somewhere below and eventually
12 leading to serious damage to the body
13 politic and to the people and, maybe, just
14 as with carbon monoxide can lead to the
15 equivalent of fatality.

16 So the coin of phrase, the
17 question before you is this, if not you,
18 then who? If not now, then when?

19 And I think you must address that
20 question and, just to brush it off by not
21 calendaring it for anything, would be a
22 terrible mistake. That you for giving me
23 the time.

24 CHAIRWOMAN GONSALVES: Thank you,
25 Mr. Boitel. The next speaker is Max

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2 Rodgriguez.

3 MR. RODRIGUEZ: Good afternoon,
4 Majority Leader Norma Gonsalves, who I know
5 for the last 20 years. Also the Minority
6 Leader, Kevan Abrahams, which I knew you
7 when you were saying before that you were
8 the budget director. It was when I had hair
9 on my head.

10 I want to wish every one of you a
11 happy holiday, a healthy new year, but I
12 also have to say, Mr. Troiano, I know you're
13 walking, but I want to congratulate and
14 every one else that won their election. You
15 have done a great job for District Number
16 Two but, do not forget, that behind a good
17 legislator, there is a good lady behind him.

18 Now, I want to mention the fact
19 that -- and I don't want to talk too much
20 because I know that others have said what I
21 am going to say, I'm going to be very brief.

22 We have to be fair and square. I
23 know the presiding officer, you are a fair
24 person. I would like to request that we
25 have a hearing for the young man that was

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2 jailed, Mr. White. We have to be fair and
3 square.

4 For some of you who don't know
5 me, I happen to be the first Hispanic to win
6 an election as a trustee for the Village of
7 Hempstead, but not only for the Village of
8 Hempstead, but for Long Island. I was very
9 proud of that. I was also a deputy director
10 for the Office of Minority Affairs for five
11 years.

12 I know some of you. I don't know
13 some of you, but, all of you, I must say
14 what I used to say when I was deputy
15 director: Please, put politics aside. Care
16 for our community. Our youth are hurting.
17 Our senior citizens are hurting.

18 I happen to be a board member of
19 the Hempstead Spanish Civic Association. We
20 got cut \$50,000. We have to work harder and
21 harder than ever to be able to give the
22 education and the guidance to our future
23 because those youth, those kids, they are
24 our future.

25 So, please, for the new year, put

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2 your business, put your Republican and
3 Democrat aside and work together for the
4 better of our community. That's all I ask.
5 May God bless each and every one of you.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Mr. Rodriguez.

8 CLERK MULLER: We have had 30
9 minutes of public comment, Madam Presiding
10 Officer.

11 CHAIRWOMAN GONSALVES: I have
12 several slips remaining. We can get back to
13 public comment after we proceed with the
14 meeting. Hopefully some of you can remain.
15 I have at least ten more slips and that
16 would mean another half hour of public
17 comment.

18 LEGISLATOR ABRAHAMS: If
19 possible, Madam Presiding Officer, I know
20 these folks have been here since 1 o'clock.
21 If we can just kindly bypass the
22 legislature's 30 minute rule. We have no
23 problem with it. We would love to give
24 these people the opportunity to speak.

25 CHAIRWOMAN GONSALVES: If I do

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2 oblige, I would ask those who are speaking
3 to keep their comments to a minimum.

4 LEGISLATOR ABRAHAMS: That's
5 fair.

6 CHAIRWOMAN GONSALVES: And
7 comments were already made by other
8 speakers, please try to introduce something
9 new to your comments so we can proceed and
10 get as many more involved as possible.

11 I'm going to say by 3:10 that I'm
12 going to call public comment. We will have
13 to wait until after the session.

14 So, Mr. Friedman.

15 LEGISLATOR ABRAHAMS: He's
16 coming.

17 MR. FRIEDMAN: Hi. Thank you for
18 continuing. It's very difficult to stay
19 here when you have to pick up a child at
20 3:30 or 4 o'clock in the afternoon, so I
21 appreciate it.

22 My name is Jeff Friedman. I'm a
23 resident of Rockville Centre. I've lived on
24 Long Island my whole life and I am an active
25 community member.

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2 I say that to you coming before
3 you today as only my second time I have ever
4 been here. But I am an active community
5 member. I sit on the board of the Long
6 Island Progressive Coalition, LIPC. I sit
7 on the board of Central Synagogue of Nassau
8 County. I sit on the board of the Rockville
9 Centre Democratic Club, as well as Citizen
10 Action of New York. But, because I only
11 have a few more minutes, I will leave all
12 the memberships and everything else that I
13 am affiliated with out.

14 But I come here today
15 specifically because I'm outraged as to what
16 happened with regard to Mr. White. We are
17 resting everything on this brief little
18 letter that Ms. Rice wrote to Mr. Mangano.

19 Even if you read the letter and
20 take everything for what is said here is
21 truthful, we notice there are a lot of
22 things that are missing here. I like to
23 read lawyer's letters very carefully because
24 I think they pick particular words on
25 purpose to avoid saying specific things.

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2 But, let me remind you what Ms.
3 Rice did say in her letter:

4 "The political sensitivity of Mr.
5 White's case may very well give rise to
6 appropriate administrative and public
7 scrutiny surrounding the decision to
8 prioritize the search and arrest of
9 Mr. White."

10 Well, here I am, a public
11 citizen, and I'm asking you to scrutinize
12 that specific fact. You can do that on my
13 behalf or in your capacity as an
14 administrative body.

15 But she goes on to say
16 specifically in this letter: "While
17 involving senior level personnel in the
18 evaluation and complaint of Mr. White may
19 have been understandable, the priority,
20 again, the priority given to locating
21 Mr. White is a separate matter." She didn't
22 even discuss that matter here. She wants
23 us to discuss that matter based on her own
24 letter. So we need to follow-up with an
25 additional investigation.

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2 She does mention again as she
3 talks about this in her letter. She says:
4 "We understand that it is your
5 responsibility," meaning Mr. Mangano, "as an
6 official charged with the oversight of the
7 Nassau County Police Department to look and
8 evaluate the actions of the department for
9 ethical and administrative propriety."

10 But, how can we expect Mr.
11 Mangano, who might be caught up in the
12 middle of all this, to be the appropriate
13 authority to investigate this.

14 CLERK MULLER: Your three minutes
15 have expired, sir.

16 MR. FRIEDMAN: Let me just wrap
17 up with one more thing.

18 It was very clear in this letter
19 about what was criminal and what was not
20 criminal. It says here, "the department's
21 decision to target the subject of an open
22 warrant was not a violation of criminal
23 law." That may be true, but was it a
24 violation of criminal law throwing on a
25 priority of this one case above, not just

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2 the 84,000 other open warrants, but all the
3 other issues that came before it.

4 This clearly gives rise for an
5 administrative review. I stand before you
6 today hoping that you understand that and
7 take action appropriately. Thank you.

8 CHAIRWOMAN GONSALVES: Thank you,
9 Mr. Friedman. Gary Gilbert? Amy Florez?
10 Claudia Borecky.

11 MS. BORECKY: Good afternoon.
12 First of all, I would like to wish the
13 departing legislators all the luck. I have
14 gotten to know a few of you over the past
15 few years and I want to thank you for your
16 service to the county and your commitment to
17 the people. So I wish you all the luck in
18 your new endeavors in life. Thank you.

19 I'm here to ask Norma Gonsalves
20 to hold a hearing as the other ones have
21 also requested. I must have seen a dozen
22 movies where some big, wealthy powerful man
23 somewhere in the deep south have the local
24 mayors, district attorneys, and sheriffs in
25 their pocket and they control the towns.

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2 They abuse their power, victimize the
3 residents, usually the poorest and most
4 defenseless people.

5 It very often involves some kind
6 of intimidation against an underprivileged
7 black man. It reflects the dark side of the
8 south in the 1960s. After watching those
9 movies and reading those stories, I thought
10 to myself, thank God I live in Nassau County
11 and thank God it's 2013 where that kind of
12 thing just doesn't happen here.

13 Well, I was wrong. I can't
14 believe I live in a county where a private
15 citizen can order the arrest of an
16 individual, have him hunted down by three
17 top cops, pull over a public bus, handcuff
18 and arrest a man for being delinquent on a
19 \$250 fine.

20 I can't believe I live in a
21 county where the chief detective was called
22 into the police station on a Saturday to
23 interrogate an emotionally challenged young
24 man who was a witness in a case regarding a
25 county executive race. I can't believe I

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2 live in a county where our district attorney
3 did not press charges against anyone for
4 witness intimidation, when there can be no
5 doubt in anyone's mind that witness
6 intimidation took place.

7 Commissioner Dale should not be
8 allowed to be the fall guy and walk away
9 free and clear. This clearly needs further
10 investigation and not by the same people who
11 decide that a police officer who puts a gun
12 to a bartender's head should be allowed to
13 return to his job. If I did the same thing,
14 I guarantee I would be doing time. If I
15 were a black man, then I guarantee I would
16 be put away for a long time.

17 I have no faith that our district
18 attorney who is being influenced by the
19 money and power of the players involved will
20 actually do an honest investigation of this
21 incident. I have no faith that the police
22 internal affairs, whose culture of
23 protecting their brothers will actually do
24 an honest investigation of this incident
25 either. The integrity of the Nassau County

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2 Police Department is at stake.

3 That's why I request you,
4 presiding officer, that you hold hearings,
5 not only for this incident, but on the
6 police policy in general. The people need
7 to feel safe. We need to know that we are
8 not going to be intimidated by the police
9 just because they can.

10 CLERK MULLER: Ms. Borecky, your
11 three minutes have expired.

12 MS. BORECKY: I will go another
13 minute.

14 CLERK MULLER: Ma'am, actually we
15 have a lot of speakers.

16 MS. BORECKY: I'm only going to
17 be just a minute because the other ones were
18 given it and I'm going to speak as well.

19 CHAIRWOMAN GONSALVES: I think it
20 would be in order to ask politely, Claudia,
21 not demand it.

22 MS. BORECKY: I will ask you
23 politely, yes or no, will you hold a hearing
24 on this matter?

25 CHAIRWOMAN GONSALVES: I'm not

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2 going to answer your question, thank you.

3 MS. BORECKY: Can I take Gary
4 Gilbert's time?

5 CHAIRWOMAN GONSALVES: No. I'm
6 not yielding. Fatima. Cay, do you want to
7 speak?

8 MS. FATIMA: Can I yield my time?

9 CHAIRWOMAN GONSALVES: No, we're
10 not yielding. I said that we would extend
11 it so that everyone who had put in a slip
12 can be heard. So, Cay, it's your turn.

13 MS. FATIMA: I don't know your
14 last name, but one of the points that she
15 did make on this issue of the hearings is
16 not just about this incident, there is a
17 systemic, a systematic pattern and practice
18 of governmental obstruction.

19 I have a case of a delayed
20 development teenager who was abducted from a
21 courtroom by Nassau County Police, and the
22 judicial system, also District Attorney
23 Rice's office was involved.

24 So this is not just the white
25 case. There are many other cases. I have a

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2 new case of police brutality from the
3 probation department where the Nassau County
4 Police brutalize and beat up one of my
5 clients. So this is this systemic. This is
6 not an isolated case.

7 Legislator Troiano, do you think,
8 before you leave, that you would perhaps
9 present a resolution to make sure that the
10 Roger Cockerham Botanical Garden be named as
11 such?

12 LEGISLATOR TROIANO: There is not
13 enough time for me to be able to do that.
14 This is the last meeting that we're having,
15 that I'll be in office.

16 MS. BORECKY: And how will the
17 transition go, can you just help our
18 constituents? Many in our community feel we
19 are being left in a lurch. Is there a six
20 month window before another election, what
21 happens in the interim?

22 LEGISLATOR TROIANO: That's a
23 function of Election Law that I think I have
24 some understanding, and I'd rather not state
25 anything in public that may lead people to

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2 believe the wrong things.

3 MS. BORECKY: Minority Leader
4 Abrahams, where are we with the consumer
5 affair law proposed?

6 LEGISLATOR ABRAHAMS: Well, as
7 you know, we filed that law and we are going
8 to have to refile it in the new year in the
9 new session.

10 MS. BORECKY: And the first
11 session is?

12 LEGISLATOR ABRAHAMS: Well, the
13 schedule for the year is handled by the
14 presiding officer, I will let her respond,
15 but I believe we have a reorganizational, as
16 well as our induction ceremony on January
17 6th, but I will let the presiding officer
18 speak to that.

19 CHAIRWOMAN GONSALVES: The
20 committee meetings, the first committee
21 meetings will be January 13th. And, after
22 that, the Full Leg will be January 27th.

23 MS. BORECKY: Officer Gonsalves,
24 you promised me last January to meet with me
25 when we met at the Martin Luther King

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2 dinner. I have called your office and have
3 not gotten a return call. Is there any
4 reason why we haven't met?

5 CHAIRWOMAN GONSALVES: I'm not
6 going to dispute what you are saying, but I
7 believe I did return that call, and I spoke
8 to you several times when you came to this
9 legislature. So, if you would like to talk
10 to me after the first of the year, I would
11 be glad to.

12 MS. BORECKY: Or if one of your
13 aides is here, I can speak with them, and we
14 can try to make sure that that appointment
15 gets made.

16 CHAIRWOMAN GONSALVES: My aide is
17 in the office where she should be.

18 MS. BORECKY: I'll make sure I
19 make the call and email. Thank you very
20 much.

21 CHAIRWOMAN GONSALVES: Michael
22 Reid.

23 MR. REID: I will respect your
24 request to keep the comments brief and short
25 and I thank you for allowing me to speak

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2 today.

3 I come before you as a private
4 citizen. I represent no groups. I speak on
5 behalf of myself and no one else.

6 However, I feel that I need to
7 say something about our police officers.
8 The policemen who serve Nassau County
9 residents do an outstanding job. It's sad
10 that they must be placed in the center of
11 this political controversy. We need to know
12 who, if any elected officials were involved,
13 or had knowledge of Commissioner Dale's
14 actions related to the Randy White case.

15 Our police force must be free to
16 work without intimidation or political
17 influence. I urge you to allow the full and
18 complete public hearing and investigation
19 into this matter so that the truth can come
20 out and be seen and our police officers are
21 not demonized. Thank you.

22 CHAIRWOMAN GONSALVES: Thank you,
23 Mr. Reid. The last speaker is Blake Brown.
24 I guess Mr. Brown left. That will be the
25 end of public comment. Thank you v ery

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2 much.

3 LEGISLATOR ABRAHAMS: Before we
4 get to the actual calendar, Madam Presiding
5 Officer, I know that you've given some
6 commentary in the paper regarding the
7 hearings. I believe everyone on this side
8 is still requesting that there be hearings.

9 I strongly urge you to reconsider
10 your position. I know there are many,
11 throughout many communities in Nassau County
12 that are calling for hearings, they're
13 asking this legislature to do the proper
14 thing and conduct hearings which is our
15 checks and balances to the administration.

16 At the minimum, we should be able
17 to do that as this legislative body. If we
18 are doing the work of the people, the people
19 deserve to have answers that have not been
20 addressed so far. I strongly urge you to
21 reconsider your position and please get back
22 to these people as well as us if you plan to
23 do so. Thank you.

24 CHAIRWOMAN GONSALVES: Your
25 welcome, Mr. Abrahams. Mr. Muller, we have

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2 several emergency items. Would you please
3 call the emergencies.

4 CLERK MULLER: Can I call them in
5 bulk?

6 CHAIRWOMAN GONSALVES: There are
7 several emergency items beginning with 577,
8 right down to, I believe it was 577, 579,
9 582, 583, 586, 588, 592, 595, 596, 597, the
10 two other items, I'm not sure whether or not
11 they filed the emergencies.

12 CLERK MULLER: Correct. I think
13 those two numbers were 578 and 584.

14 CHAIRWOMAN GONSALVES: 578, I
15 don't know if we filed the emergencies.

16 CLERK MULLER: We have them right
17 here.

18 CHAIRWOMAN GONSALVES: Did you
19 file them?

20 CLERK MULLER: I think the county
21 executive is going to file them right now.
22 So if you want to go to the regular calendar
23 and I will process the emergencies that they
24 are filing right this second and I will
25 distribute to counsel this week.

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2 CHAIRWOMAN GONSALVES: Right now
3 we are going to call the ones that I just
4 stated as emergency items until we can get
5 those filed. Thank you.

6 CLERK MULLER: I'm confused. Are
7 you going to do the ones that you called or
8 all at once?

9 CHAIRWOMAN GONSALVES: All at
10 once.

11 CLERK MULLER: Then I'm going to
12 go back and process and you're going to do
13 the regular calendar?

14 CHAIRWOMAN GONSALVES: We didn't
15 establish the emergencies?

16 CLERK MULLER: Exactly. I wanted
17 to make sure of that.

18 CHAIRWOMAN GONSALVES: Okay.
19 577.

20 CLERK MULLER: Are we ready?

21 CHAIRWOMAN GONSALVES: Mr. Muller,
22 let's go.

23 CLERK MULLER: I'm sorry, I
24 apologize for my delay.

25 Presiding Officer, we have an

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2 emergency. It comes by way of the county
3 executive that an emergency exists for the
4 following items: 577-13, which will become
5 Emergency Resolution 68-13, Resolution
6 274-A-13, a resolution authorizing the
7 county executive to execute a grant
8 agreement between the County of Nassau
9 acting on behalf of the Department of Parks,
10 Recreation and Museums, and Landmark on Main
11 Street.

12 579-13, a resolution to authorize
13 the transfer of appropriations heretofore
14 made within the budget for the year 2014.

15 582-13, a resolution to authorize
16 the transfer of appropriations heretofore
17 made within the budget for the year 2014.

18 583-13, which will become
19 Emergency Ordinance 197-A-13, an ordinance
20 fixing the tax rates and levying taxes for
21 the 12 month, 2014 fiscal year beginning
22 January 1st, 2014, and ending December 31st,
23 2014 upon taxable properties in the towns
24 and cities of the county of Nassau for
25 county, county fire prevention safety,

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2 communication, education fund, county police
3 headquarters, county police district, Nassau
4 County Community College, County
5 Environmental Bond Fund, Nassau County Sewer
6 and Storm Water Resource District, and for
7 the aforementioned 2014 fiscal year for the
8 town, town highway, town general fund, town
9 general fund part town, town special
10 district, unpaid water charges and arrears,
11 town sidewalk and curb assessments and other
12 lawful purposes, and allocating revenues
13 from certain sales taxes, imposed within the
14 County of Nassau outside of the City of Long
15 Beach and determining the equalization rates
16 in relation thereto, and authorizing and
17 directing the County Executive and the Clerk
18 of the Nassau County Legislature to execute
19 separate tax warrants addressed to the
20 receiver of taxes of the towns and cities
21 within the County of Nassau for the
22 collection of several sums mentioned
23 therein, pursuant to the provisions of the
24 County Government Law of Nassau County, and
25 the Nassau County Administrative Code, the

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2 Real Property Tax Law of the State of New
3 York, the County Law of the Local Finance
4 Law, the Tax Law, the Town Law and the
5 Educational Law of the State of New York and
6 Chapter 14 of the Laws of 1995.

7 Clerk Item 586-13, which will be
8 Ordinance 197-B-13, an ordinance providing
9 for capital expenditures to finance the
10 capital projects specified herein with the
11 County of Nassau authorizing \$1,000,100 of
12 bonds to the County of Nassau to finance
13 said expenditure and making certain
14 determinations pursuant to the State
15 Environmental Quality Review Act pursuant to
16 the Local Finance Law of New York and the
17 County Government Law of Nassau County.

18 588-13, a bond ordinance
19 providing for capital expenditure to finance
20 the capital project specified herein with
21 the County of Nassau authorizing \$966,758 of
22 bonds of the County of Nassau to finance
23 said expenditure and making certain
24 determinations pursuant to the State
25 Environmental Quality Review Act pursuant to

1 Full Legislature/12-19-13
2 the Local Finance Law of New York and the
3 County Government Law of Nassau County.
4 592-13, which will be Emergency
5 Resolution 74-13, Ordinance 197-D-13, a bond
6 ordinance providing for capital expenditures
7 to finance the capital projects specified
8 herein with the County of Nassau authorizing
9 \$891,000 of bonds of the County of Nassau to
10 finance said expenditure and making certain
11 determinations pursuant to the State
12 Environmental Quality Review Act pursuant to
13 the Local Finance Law of New York and the
14 County Government Law of Nassau County.
15 594-13, will be Emergency
16 Resolution 75-13, a resolution to include in
17 the proceedings of the Nassau County
18 Legislature a statement of the total
19 assessed valuations of the properties
20 situation in the county, the three towns,
21 two cities and villages within the County of
22 Nassau; a statement of the assessed
23 valuations of the properties within the
24 special districts in the three towns within
25 the County of Nassau; a statement of the

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2 assessed valuations of the properties
3 situated in the three towns within the
4 County of Nassau upon which town highway
5 taxes are to be raised and levied; a
6 statement of the assessed valuations of the
7 properties situation in the three towns
8 within the County of Nassau upon which the
9 county police district taxes are to be
10 raised and levied; a statement of the
11 assessed valuations of the properties
12 situated in the Nassau County Sewer and
13 Storm Water Resource District; and
14 statements of the assessed valuations of the
15 properties in the several sewage collection
16 districts situated in the towns of
17 Hempstead, North Hempstead, and Oyster Bay,
18 upon which sewer taxes are to be raised; and
19 to be filed with the clerk of the
20 legislature, the town budgets for the year
21 2014 for the towns of Hempstead, North
22 Hempstead and Oyster Bay; the lists of
23 special districts and amounts certified by
24 the town boards of the three towns to be
25 raised for special district purposes and for

1 Full Legislature/12-19-13
2 unpaid water charges in arrears; pursuant to
3 the County Government Law of Nassau County,
4 the Nassau County Administrative Code, the
5 Town Law, the Real Property Tax Law and the
6 County Law;

7 595-13, Emergency Resolution
8 76-13, a resolution authorizing the county
9 executive to execute an intermunicipal
10 agreement with the City of Glen Cove in
11 relation to a project to improve a
12 streetscape;

13 596-13, Emergency Resolution
14 77-13, a resolution to authorize the
15 transfer of appropriations hereto made
16 within the budget year for year 2013;

17 597-13, Emergency Resolution
18 78-13, a resolution authorizing the county
19 executive to execute an intermunicipal
20 agreement within the Town of Oyster Bay in
21 relation to a project to install four
22 welcome signs.

23 Can I have a motion to establish
24 the emergencies?

25 LEGISLATOR WALKER: So moved.

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2 LEGISLATOR DUNNE: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Walker, seconded by Legislator
5 Dunne.

6 All those in favor of
7 establishing the emergency, signify by
8 saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The emergencies are established.

13 Now for the vote on the items.

14 Now the items that were passed through by
15 emergency were Items 577, 579, 582, 583,
16 586, 588, 592, 594, 595, 596, 597, and
17 they're all '13. A motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Walker. Any discussion on these items?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of these items signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The items pass unanimously.

8 LEGISLATOR DERIGGI-WHITTON:

9 Madam Presiding Officer, may I just say
10 thank you for the Glen Cove streetscape?

11 CHAIRWOMAN GONSALVES: You're
12 welcome, Legislator DeRiggi-Whitton.

13 Now, there are several
14 appointments on the calendar. I'm going to
15 begin with Clerk Item 524-13, appointment of
16 Sheila Shah to the Sewer and Storm Water
17 Finance Authority pursuant to Section 1232-C
18 of the Public Authority Law.

19 A motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Walker. Any comments regarding this
25 appointment?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of the appointment of Sheila Shah to
7 the Sewer and Storm Water Finance Authority
8 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Sheila Shah is appointed.

13 Calendar Item Number 27, Clerk
14 Item 559-13, appointment of Alan J.
15 Hartstein to the Nassau County Bridge
16 Authority.

17 A motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Walker. Any comments regarding the
23 appointment of Alan J. Hartstein?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of the appointment of Alan J.
5 Hartstein to the Nassau County Bridge
6 Authority signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Mr. Hartstein is confirmed.

11 The next item is Calendar Number
12 26, Clerk Item 527-13, appointment of
13 Carnell T. Foskey to the position of county
14 attorney.

15 A motion, please.

16 LEGISLATOR DUNNE: So moved.

17 CHAIRWOMAN GONSALVES: I'll
18 second it. Any questions regarding the
19 appointment of Carnell T. Foskey to the
20 county attorney? Legislator Jacobs.

21 LEGISLATOR JACOBS: Hi, Mr.
22 Foskey, nice to see you.

23 MR. FOSKEY: You too.

24 LEGISLATOR JACOBS: I have some
25 things I wanted to bring up to you that have

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2 been of disturbing factors to me in the last
3 few months. If you will recall, there was a
4 question about certain land in Hicksville,
5 park land, that allowed Westbury Jeep to
6 literally park, and is still there, hundreds
7 of cars in a parking lot, that when the
8 Hicksville Fire Department attempted during
9 an early September barbecue and different
10 kind of drills to use that parking lot,
11 which they always had, they were unable to.

12 The point that's disturbing me
13 you, and certainly you and I have gone back
14 and forth on the issue itself, is that I had
15 requested from you a copy of the lease
16 agreement with them.

17 I happen to know that both
18 Newsday and somebody else who is a park's
19 advocate had gotten that agreement. I know
20 you were nice enough to tell me you would be
21 sending it to me immediately, and I have now
22 requested it three or four times and I have
23 never received it.

24 What disturbs me is, as a
25 legislator, why haven't I received it if

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2 other people have?

3 MR. FOSKEY: You were sent it
4 several times. We directed people to send
5 it to you. If that was the issue, I would
6 have walked it over myself. I know there
7 was no intent to withhold it from you.
8 Originally, I think it was supposed to be
9 sent as an attachment. It wasn't sent as an
10 attachment but there was no urgency not to
11 give it to you. I have no objection to you
12 having it.

13 LEGISLATOR JACOBS: I'll tell you
14 why I'm bringing it up to you. I'm only
15 bringing it up, just to let you know, that I
16 think -- I'm not saying that people have to
17 jump over hoops every time we ask for
18 something, but essentially I was asking for
19 it only to be able to speak intelligently to
20 constituents who were calling.

21 MR. FOSKEY: And, as you recall,
22 if you recall, I actually had contacted you
23 to check to see if you had gotten it because
24 I was concerned you hadn't gotten it,
25 because several times people were instructed

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2 to send it to you. I remember the day
3 before the election, I e-mailed you and
4 asked you, had you gotten it, and you told
5 me no. And, once again, I was told to send
6 it to you again.

7 LEGISLATOR JACOBS: I'm sorry, I
8 apologize. I don't recall you asking me if
9 I had gotten it. I recall writing to you
10 and saying that I still hadn't gotten it.

11 MR. FOSKEY: Right. Because
12 several times I had checked to make sure
13 because it was a concern of mine but it was
14 just an oversight. If you called me today,
15 I would have brought one with me.

16 LEGISLATOR JACOBS: All right.
17 Well, I would appreciate that. I mean, I am
18 just talking about moving forward in your
19 realm as county attorney, I would hope that
20 a holdup like that wouldn't be taking place.

21 MR. FOSKEY: Next time just call
22 me directly.

23 LEGISLATOR JACOBS: I did. I
24 called you directly and I also only e-mailed
25 you. I didn't email anybody else.

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2 MR. FOSKEY: We sent it several
3 times.

4 LEGISLATOR JACOBS: I never got
5 it so maybe you don't have my right email
6 address.

7 MR. FOSKEY: Well, if you still
8 want it, I will make sure you get it.

9 LEGISLATOR JACOBS: I definitely
10 want it. Thank you. The only other thing
11 that I wanted to ask you about is, it's come
12 to my attention through various people,
13 quite honestly, that there's been quite an
14 upheaval over at the county attorney's
15 office. And a lot of people were let go
16 recently within the last two weeks, some of
17 whom who had a lot of time in with the
18 county, let's say maybe two months shy some
19 of them under 20 years.

20 When asked why they were being
21 fired, they were saying as it exempts, they
22 don't have to be told. I understand, and
23 you can correct me where I'm wrong here,
24 that besides the fact that a lot of people
25 have been let go, number one, you are just

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2 being confirmed today.

3 My concern is that they were let
4 go by yourself, who I'm sure it's going to
5 take some time to get a good feel of the
6 office and what people are doing their jobs
7 and what aren't.

8 So, number one, I'm concerned
9 that such a purge took place. I also
10 understand that what there's been is some
11 consolidation here of the labor people, the
12 people that deal with the labor bureau, and
13 incorporating that into general litigation
14 bureau, and yet I know that just because of
15 the very name of the labor bureau, some of
16 these people are out in social services,
17 some of these people were in the college,
18 some of these people were in many of these
19 areas where we don't necessarily have people
20 on the ground at those areas.

21 I was just wondering, why did
22 this happen before you literally took the
23 helm of the county attorney's office?

24 MR. FOSKEY: I'm certainly not
25 going to comment on personnel issues in

1 Full Legislature/12-19-13
2 public. But, just by way of correction,
3 there is no one in the college. So, I don't
4 know where you're getting your information
5 from, but the information you are getting is
6 not necessarily first hand, not necessarily
7 true and accurate.

8 But, that being said, I don't
9 think it would be proper for me to comment
10 about certain personnel action that was
11 taken in public at this time.

12 LEGISLATOR JACOBS: Well, I'll
13 only comment on one thing. I can understand
14 that that there is a certain privacy
15 involved, but, let me tell you, some of the
16 people I'm talking about served for numerous
17 years under Gulotta, for eight years of
18 Suozzi, and four years of Mangano. It's a
19 long time, under two different
20 administrations, three different county
21 executives, and given, literally, less than
22 a half an hour to vacate the premises.

23 So, yes, anyone I guess has a
24 right to do that. It doesn't seem like a
25 very human thing to do. I just thought I

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2 would share that with you because these are
3 two things that have come up. The cars were
4 the first thing. But this was a real human
5 thing that came up. I just don't understand
6 it, and I just hope this wasn't putting the
7 cart before the horse and didn't give you an
8 opportunity to see what these people
9 actually do. Obviously they must have been
10 valued to survive three different
11 administrations.

12 MR. FOSKEY: I'll take what you
13 say under advisement. Thank you.

14 LEGISLATOR JACOBS: I hope so. I
15 got to tell you, it's more than advisement
16 needed. These people are now desperate. I
17 can understand it, and I'm not asking to
18 discuss anyone in particular, but I'm saying
19 to you a decision was made here that
20 literally affected adversely peoples' lives
21 and the amount of time they put into Nassau
22 County.

23 As the time ticks away, their
24 continuity of service also ticks away, and
25 some of them only had two to six months left

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2 to reach their milestone. I just can't buy
3 it. I can buy it if they were hired a year
4 ago or two years ago, and were determined
5 not to do their job, but obviously three
6 administrations thought they were excellent
7 enough to keep them all that time.

8 So I just wanted to express that
9 to you. I would hope that there would be
10 more thought given and, if there's any way
11 to restore some of these people, just for
12 the time that they need, I would really
13 appreciate it.

14 MR. FOSKEY: Okay.

15 CHAIRWOMAN GONSALVES: Legislator
16 Denenberg.

17 LEGISLATOR DENENBERG: Yes. How
18 many attorneys are there in the county
19 attorney's office right now?

20 MR. FOSKEY: Well, in 2009, there
21 was 106. As of today, there are 62.

22 LEGISLATOR DENENBERG: Say that
23 again.

24 MR. FOSKEY: In 2009 there was
25 106. In 2013, as we speak today, there are

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2 approximately 62 deputy county attorneys.

3 LEGISLATOR DENENBERG: So, in
4 2009, there was 106 and now there's 62?

5 MR. FOSKEY: Correct.

6 LEGISLATOR DENENBERG: So there's
7 44 less?

8 MR. FOSKEY: Correct.

9 LEGISLATOR DENENBERG: How many
10 have been let go since John Ciampoli was
11 replaced?

12 MR. FOSKEY: I believe nine or
13 ten. I'm not sure.

14 LEGISLATOR DENENBERG: How many
15 of those were deputy county attorneys in the
16 tax certiorari department?

17 MR. FOSKEY: Maybe one.

18 LEGISLATOR DENENBERG: So, we
19 haven't reduced the deputy county attorneys
20 in the tax cert bureau by seven in the last
21 month?

22 MR. FOSKEY: I don't know where
23 you're getting this information from,
24 absolutely not.

25 LEGISLATOR DENENBERG: So, we've

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2 lost, since '09 to now, we are 44 less
3 county attorneys?

4 MR. FOSKEY: Correct.

5 LEGISLATOR DENENBERG: How many
6 have we lost, again, since Mr. Ciampoli
7 left, how many have we lost?

8 MR. FOSKEY: Maybe nine.

9 LEGISLATOR DENENBERG: Nine
10 county attorneys?

11 MR. FOSKEY: Correct.

12 LEGISLATOR DENENBERG: Can you
13 tell us why?

14 MR. FOSKEY: As I stated to Mrs.
15 Jacobs, I prefer not to comment in public on
16 personal decisions that were made.

17 LEGISLATOR DENENBERG: So you
18 just won't answer?

19 MR. FOSKEY: I prefer not to
20 comment about decisions on personnel that
21 was made in public.

22 LEGISLATOR DENENBERG: Okay.
23 What is the -- in 2009, what was the amount
24 of outside contracts for attorneys in dollar
25 amount?

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2 MR. FOSKEY: It was \$2.3 million.

3 LEGISLATOR DENENBERG: And in
4 2013?

5 MR. FOSKEY: It's \$5 million.

6 LEGISLATOR DENENBERG: That's it,
7 \$5 million?

8 MR. FOSKEY: Correct. But also
9 in salaries in 2009, we are spending \$8.9
10 million in salaries, and today we are
11 spending \$5.1 million in salaries and
12 fringes.

13 LEGISLATOR DENENBERG: And in
14 2009, the tax cert backlog was what
15 quantity?

16 MR. FOSKEY: I don't know what it
17 was in 2009, I'm sorry.

18 LEGISLATOR DENENBERG: Well, what
19 is it? Well, it was about \$125 million, so
20 what is it today?

21 MR. FOSKEY: You mean the
22 residential?

23 LEGISLATOR DENENBERG: The
24 commercial, the tax cert liability is what
25 right now?

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2 MR. FOSKEY: The commercial long
3 term is \$297 million.

4 LEGISLATOR DENENBERG: So given
5 the growth in the tax cert liability, what
6 is your plan for addressing this, what I
7 would call enormous backlog?

8 MR. FOSKEY: Well, it's going to
9 take some effort on your part too, it's not
10 just me addressing it.

11 LEGISLATOR DENENBERG: You want
12 me to start settling your cases and trying
13 them?

14 MR. FOSKEY: No, I'm telling you
15 it's a collaborative effort between the
16 county executive's office, my office, and
17 the legislature, we know that, and NIFA.
18 It's not a simple answer.

19 LEGISLATOR DENENBERG: It's not a
20 collaborative effort. Most of the backlog
21 is sitting in the county attorney's office
22 with cases that have index numbers, or are
23 you telling me they don't?

24 MR. FOSKEY: We know -- you and I
25 both know is that one of the problems is

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2 coming up with the funds to pay this money.
3 We know that. We can sit here and go back
4 and forth, my answer is not going to change.

5 LEGISLATOR DENENBERG: We can go
6 back and forth, but --

7 MR. FOSKEY: My answer is not
8 going to change.

9 LEGISLATOR DENENBERG: We were
10 told by Tim Sullivan, and I'm going to get
11 out his testimony, Tim Sullivan and Mr.
12 Maragos at budget hearings and budget review
13 hearings, that the county attorney is going
14 to be much more aggressive in these cases,
15 and they are projecting that the county was
16 going to win a number of these cases and
17 reduce that backlog.

18 You're telling me that you need
19 me to help with these cases that we're going
20 to win?

21 MR. FOSKEY: Going forward we can
22 be aggressive in settling the cases, but,
23 with respect to the outstanding debt that's
24 accrued, if you don't have the money to pay
25 it, no matter how aggressive the county

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2 attorney is, they're not going to be paid.

3 LEGISLATOR DENENBERG: But that
4 wasn't Mr. Sullivan's testimony or, for that
5 matter, Mr. Maragos' testimony.

6 MR. FOSKEY: I wasn't present
7 during that testimony and if you want to
8 ask, you should call them back here and ask
9 them. I don't want to second guess what
10 they said.

11 LEGISLATOR DENENBERG: So then
12 our budget number then would be, assuming
13 that we were going to win some of these
14 cases, that's what Mr. Sullivan said.

15 MR. FOSKEY: I suggest you call
16 Mr. Sullivan back here and Mr. Maragos and
17 have them testify again.

18 LEGISLATOR DENENBERG: So, are we
19 going to try any of these tax cert cases?
20 What's your plan? We are just going to
21 settlement them?

22 MR. FOSKEY: As many as we can
23 settlement, we'll settle, that's always been
24 our goal, to settle these cases, as many as
25 we can.

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2 LEGISLATOR DENENBERG: We haven't
3 seen a settlement in three years. Are you
4 aware of any settlements in three years?

5 MR. FOSKEY: It goes back to
6 funding. There have been no resolutions
7 submitted because there wasn't the funding
8 to pay these.

9 LEGISLATOR DENENBERG: So there's
10 been no settlements in the last three years?

11 MR. FOSKEY: Not to the point of
12 a judgment because we can't pay them. We
13 don't have the funding.

14 LEGISLATOR DENENBERG: So there's
15 been no settlements and no judgements in
16 three years?

17 MR. FOSKEY: The settlements that
18 we have had to date have been the ones that
19 we have the authority to settle which is
20 less than \$100,000. Any settlements above
21 that we have not come here.

22 LEGISLATOR DENENBERG: How many
23 settlements less than \$100,000 have there
24 been? I asked Mr. Chalmers to look at this
25 and there were virtually no tax cert

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2 settlements that I can see in the report he
3 just gave back to me. Mr. Chalmers, you
4 want to come up and maybe --

5 CHAIRWOMAN GONSALVES: Through
6 the chair. If you want Mr. Chalmers to -- I
7 think Judge Foskey is at the podium, give
8 your questions to him.

9 LEGISLATOR DENENBERG: It seems
10 like Mr. McCoy just came down and whispered
11 an answer.

12 CHAIRWOMAN GONSALVES: No, I'm
13 sorry.

14 LEGISLATOR DENENBERG: And it's
15 filtering through right now.

16 CHAIRWOMAN GONSALVES: Excuse me,
17 Mr. Denenberg.

18 LEGISLATOR DENENBERG: I just saw
19 it.

20 CHAIRWOMAN GONSALVES: I'm not
21 here to be confrontational and neither are
22 you, okay? So, you have another question of
23 Judge Foskey?

24 LEGISLATOR DENENBERG: Can you
25 answer the question?

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2 MR. FOSKEY: Could you repeat the
3 question?

4 LEGISLATOR DENENBERG: How many
5 settlements of less than \$100,000 have there
6 been?

7 MR. FOSKEY: I have to get back
8 to you on that. Okay? I will find out and
9 let you before the end of the day.

10 LEGISLATOR DENENBERG: Before the
11 end of the day?

12 MR. FOSKEY: Yes.

13 LEGISLATOR DENENBERG: Okay.
14 Because I would like to know. I will say
15 this specifically, you don't have to answer
16 for Mr. Sullivan or Mr. Maragos, but both of
17 them commented that the county attorney's
18 office was going to be more aggressively
19 litigating the tax cert cases and expected
20 to be successful.

21 I even questioned, I said, out of
22 nowhere we have been settling cases for
23 years and now you're saying we are going to
24 be successful in litigation, and the answer
25 was yes. I'm looking at it.

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2 So I'm very concerned about tax
3 certs, the tax cert backlog. Are you
4 planning on hiring outside counsel for tax
5 cert cases?

6 MR. FOSKEY: Not at this time,
7 no.

8 LEGISLATOR DENENBERG: With
9 respect to the Bishop settlement that was
10 the subject of the last NIFA's meeting, do
11 you view the Bishop settlement as a
12 circumvention of either legislative approval
13 or NIFA's approval of contracts?

14 MR. FOSKEY: I believe there was
15 a notice of claim and the former county
16 attorney paid based on a notice of claim. I
17 don't want to second guess why he did it.

18 LEGISLATOR DENENBERG: But this
19 is about you being approved, your
20 appointment being confirmed, I should say,
21 so I'm asking you --

22 MR. FOSKEY: I may have not have
23 done it that way, but that's the way he did
24 it.

25 LEGISLATOR DENENBERG: But, to

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2 you, yourself, personally --

3 MR. FOSKEY: I would not have
4 done it that this way.

5 LEGISLATOR DENENBERG: Do you
6 believe that was a circumvention of NIFA's
7 approval process, or this body's approval
8 process?

9 MR. FOSKEY: I would not have
10 done it that way.

11 LEGISLATOR DENENBERG: Are you
12 going to take any action to undo this
13 payment to the Bishop firm?

14 MR. FOSKEY: I'm aware of the
15 payment. I'm aware of how it was done. I'm
16 not too sure what action we would take at
17 this time to address it. As I say to you
18 today, it's not the way I would have done
19 it.

20 LEGISLATOR DENENBERG: But you
21 can't tell me today whether you're going to
22 take any action to undo that payment to
23 Bishop?

24 MR. FOSKEY: No, I looked at it,
25 it's -- I don't see -- he filed a notice of

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2 claim. It was a legitimate notice of claim.
3 We paid the notice of claim. I don't really
4 see any litigation at this time to recoup
5 the \$60,000.

6 LEGISLATOR DENENBERG: Given the
7 case law, how is that a legitimate notice of
8 claim? The McDonalds case, McDonalds versus
9 Mayor, City of New York, which went all the
10 way up to the Court of Appeals says that
11 even if the city or municipality accepts
12 benefits under a contract that was entered
13 into without proper authority, there is no
14 basis for a contractor to recover payment.

15 MR. FOSKEY: I would have to read
16 the case, so at this point I wouldn't be
17 able to comment on it.

18 LEGISLATOR DENENBERG: I'm
19 disappointed that we are not going to try to
20 undo that payment.

21 LEGISLATOR DENENBERG: Did you
22 uncover any payments on notices of claim
23 similar to the Bishop payment so far?

24 MR. FOSKEY: No.

25 LEGISLATOR DENENBERG: Have you

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2 looked?

3 MR. FOSKEY: We settled a lot of
4 claims that are notices of claim stage.
5 It's a custom and practice. We have a
6 claims bureau and we do it to save money and
7 there are some claims that come in.

8 But, from what I looked at thus
9 far, I haven't seen any additional claims
10 that were paid in that manner at this time.

11 LEGISLATOR DENENBERG: I don't
12 think it's that hard to find the contracts
13 that either NIFA or this body rejected for
14 personal services, and then matched a
15 rejected contract contractor's name with a
16 notice of claim or other settlement that was
17 pay off on. It seems to me that would be
18 pretty easy to find.

19 MR. FOSKEY: I will take a look,
20 but, to date, I haven't seen any.

21 LEGISLATOR DENENBERG: Have you
22 looked?

23 MR. FOSKEY: I have looked at a
24 number of them, but I haven't seen any to
25 date.

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2 LEGISLATOR DENENBERG: All right.
3 I have no other questions right now.

4 CHAIRWOMAN GONSALVES: Minority
5 Leader Abrahams.

6 LEGISLATOR ABRAHAMS: How are
7 you, Mr. Foskey?

8 MR. FOSKEY: Good afternoon.

9 LEGISLATOR ABRAHAMS: I just have
10 a couple of questions and, I apologize, I
11 don't mean to be rehashing the past, not
12 reflective to you, but your predecessor
13 obviously did some things that actually set
14 some precedent in this county. I just want
15 to make sure that you plan to conduct the
16 office a little bit differently.

17 The first thing is, if I
18 understand this correctly, many times I
19 remember your predecessor holding other
20 capacities and appearing before courts in
21 different capacities.

22 Do you plan to hold any other
23 positions other than the county attorney's
24 office?

25 MR. FOSKEY: As park

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2 commissioner, I never practiced law, I was
3 just park commissioner. I plan just to be
4 county attorney. You won't see me going
5 into court on other cases that's not related
6 to the county attorney's office.

7 LEGISLATOR ABRAHAMS: That's good
8 to hear.

9 I know Legislator Denenberg
10 started to talk about your predecessor's
11 reliance on outside counsel. What is your
12 philosophy on outside counsel versus
13 staffing up the office of the county
14 attorney's office?

15 MR. FOSKEY: Well, it's always
16 preferable if you can do a case in house and
17 you have the expertise and knowledge to do
18 it.

19 There may come times when there
20 are things that you just need to send to an
21 outside counsel, but I think the goal should
22 be to keep it in-house if you can.

23 LEGISLATOR ABRAHAMS: Last, but
24 not least, there is no secret here, we never
25 felt that the county attorney, even tough in

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2 charter and title was supposed to be a
3 representative of this legislature, both
4 sides, not just the majority but also the
5 minority. We should hope that -- and I look
6 forward to working with you to make sure
7 that we develop a relationship so that your
8 office continues to work on the betterment
9 of not just the majority but the minority
10 and I look forward to being able to engage
11 with you on that. But I just wanted to make
12 sure that's your understanding as well, I'm
13 hopeful.

14 MR. FOSKEY: I think for the last
15 three and a half years, while I was
16 commissioner of parks, I answered questions
17 based not on your political philosophy, and
18 I took calls from all of you.

19 LEGISLATOR ABRAHAMS: And I do
20 remember, Mr. Foskey, I will say in your
21 capacity as the commissioner of parks, your
22 office always got back to my office and
23 that's always been very appreciative over
24 the years.

25 MR. FOSKEY: And that will

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2 continue.

3 LEGISLATOR ABRAHAMS: Well, thank
4 you so much. I appreciate that. I have no
5 more questions, Presiding Officer.

6 CHAIRWOMAN GONSALVES: Deputy
7 Presiding Officer Nicoletto.

8 LEGISLATOR NICOLELLO: I actually
9 don't have questions and I just want to make
10 a brief statement which is to congratulate
11 you, judge. I've known you since I was a
12 deputy town attorney in North Hempstead, and
13 you were deputy county attorney, practicing
14 law in the '80s. You were a fine lawyer, an
15 outstanding judge, and I know you will do
16 well as our county attorney.

17 I like the fact that they're
18 bringing someone in who has actually handled
19 cases for the county, has been in court and
20 knows what it's like to practice law.

21 So, congratulations, and, again,
22 I know you will do a fine job.

23 CHAIRWOMAN GONSALVES: Legislator
24 DeRiggi-Whitton.

25 LEGISLATOR DERIGGI-WHITTON: I

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2 just want to say that I'm happy to hear you
3 say that you are going to try to keep
4 in-house counsel. I think it's just a good
5 continuity.

6 I just had a quick question on a
7 light side. What did you ever do with that
8 painting that you got?

9 MR. FOSKEY: It's hanging in my
10 office.

11 LEGISLATOR DERIGGI-WHITTON: I
12 thought we were supposed to have it here.

13 MR. FOSKEY: I will loan it to
14 you.

15 LEGISLATOR DERIGGI-WHITTON: All
16 right. Can you loan it? There was a group
17 of artists from the art guild that did a
18 beautiful painting of our building. We made
19 a deal that night that we were supposed to
20 get it for at least a month to display in
21 our main lobby.

22 MR. FOSKEY: I will draw up a
23 loan agreement for you.

24 LEGISLATOR DERIGGI-WHITTON: I
25 appreciate it. Good luck and let's be proud

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2 of this county.

3 LEGISLATOR ABRAHAMS: One more
4 thing before I let you go, Mr. Foskey. I
5 know you're changing your capacities from
6 the Parks Department now to the county
7 attorney.

8 A little girl, my daughter, wrote
9 a note to Santa, dropped it in the green
10 box, and if you could kindly urge Santa to
11 respond to her, I would greatly -- the green
12 box at Eisenhower Park. If you could kindly
13 urge Santa, I would greatly appreciate it.

14 MR. FOSKEY: I'll speak to the
15 new commissioner.

16 LEGISLATOR ABRAHAMS: Thank you.

17 CHAIRWOMAN GONSALVES: Legislator
18 Solages.

19 MR. FOSKEY: Congratulations, Mr.
20 Foskey. I believe I had a case with you. I
21 was practicing as an attorney here in Nassau
22 and you were a very fair judge.

23 My questions go along on the same
24 line of the questions that were asked to you
25 by Legislator Abrahams. I just want to get

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2 a feel for the style of your leadership as
3 county attorney.

4 It has been my experience in the
5 past two years that the previous county
6 attorney engaged in a number of political
7 actions, accused, in fact, this side of the
8 legislature engaging in blackmailing.

9 I just want to get a style, a
10 feel from you in terms of your difference
11 between his leadership and your leadership.

12 MR. FOSKEY: In 1983, I started
13 as a deputy county attorney. And I remember
14 my first time going to court. There was a
15 sense of pride, going on the record and
16 stating my appearance as a deputy county
17 attorney for the people of the County of
18 Nassau. It should be a sense -- it should
19 be a level of professionalism and you should
20 be proud of what you do and proud to serve
21 the public as a deputy county attorney.

22 I think it's important that the
23 office has that tone and that tenor we, me,
24 as the county attorney, making sure they
25 have the resources they need to be good

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2 attorneys, to be qualified attorneys, and do
3 the very best they can for all the residents
4 of the county, and be proud of the work they
5 do. There is no greater thing than serving
6 the public. I have been in public service
7 for over 30 years, and, as I look back on
8 that service, it has been a privilege to be
9 in public service and, to come back to the
10 county attorney's office, after starting out
11 in family court in 1983, there's a plaque we
12 always give people and, when you look at my
13 plaque now, it says 1983-1989.

14 One of the first things I did was
15 reinstitute that plaque of having that
16 plaque -- that plaque has gone everywhere
17 with me, from the family court to the
18 district court to the parks department.

19 So I want to make sure that all
20 the deputies, in particular, younger
21 deputies, I was mentored by people such as
22 Joanna Sibert, and Judge McCay, and that
23 mentoring, I want them to know that they
24 will go on to good things in life by the
25 experience in the county attorney's office.

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2 I can think of no other place as a young
3 attorney that you would want to start.

4 LEGISLATOR SOLAGES: Thank you
5 very much.

6 CHAIRWOMAN GONSALVES: I would be
7 remiss if I didn't say anything, Judge
8 Foskey. I have only known you a few years.
9 And over those few years, I have found you
10 to be very dedicated, very responsive.
11 Whatever job you take on, you do well.

12 So, I'm wishing you the very best
13 as county attorney, and I know you will make
14 not only your office proud, but make us
15 proud as well. Thank you very much and God
16 bless.

17 LEGISLATOR JACOBS: Judge Foskey,
18 I just wanted to say to you that I
19 appreciated the conversation we had about
20 the concerns that I had with something in
21 the last couple of months.

22 But I also appreciate the fact
23 that you told me that you will make sure I
24 get that agreement and that you will relook
25 at these people that were let go. It be

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2 very meaningful to me to feel that you have
3 given a second look only because some of
4 them surviving three county executives and
5 it just don't make sense.

6 MR. FOSKEY: You have my word
7 that I will give it a second look.

8 LEGISLATOR JACOBS: I really
9 appreciate it because I don't know the
10 people, honestly, the people that contacted
11 me, I wouldn't know them if they walked in
12 here right now, but I appreciate the fact
13 that you will look at it again and I
14 appreciate that.

15 MR. FOSKEY: I will.

16 LEGISLATOR JACOBS: Thank you.

17 CHAIRWOMAN GONSALVES: Any other
18 comments?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor of confirming the appointment of Judge
24 Foskey signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 Your confirmation is unanimous,
5 Judge Foskey, congratulations and the best
6 to you.

7 Now we have, with the consent of
8 the minority, I'm going to call several
9 items in bulk beginning with Calendar Item
10 6, Ordinance Number 166; Calendar Item 7,
11 Ordinance Number 187; Item 8, Ordinance
12 Number 188; Item 9, Ordinance Number 189;
13 Item 10, Ordinance Number 190; Item 11,
14 Ordinance Number 191; Item 12, Ordinance
15 Number 192; Item 13, Ordinance Number 193;
16 Item 14, Ordinance Number 194; Item 15,
17 Ordinance Number 195; Item 16, Ordinance
18 Number 196; Item 17, Ordinance Number 197;
19 Item 19, Resolution 243; Item 20, Resolution
20 244; Item 21, Resolution 245; Item 22,
21 Resolution 246; Item 23, Resolution 247;
22 Item 24, Resolution 248; Item 29, Resolution
23 253; Item 30 Resolution 254; Item 31,
24 Resolution 255; Item 32, Resolution 256;
25 Item 33, Resolution 257; Item 34, Resolution

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2 258; Item 35, Resolution 259; Item 36,
3 Resolution 260; Item 37, Resolution 261;
4 Item 38, Resolution 262; Item 39, Resolution
5 263; Item 40, Resolution 264; Item 41,
6 Resolution 265; Item 42, Resolution 266;
7 Item 43, Resolution 267; Item 44, Resolution
8 268; Item 45, Resolution 269; Item 46,
9 Resolution 270; Item 47, Resolution 271;
10 Item 48, Resolution 272; Item 49, Resolution
11 273; Item 50, Resolution 274. All these
12 items are '13.

13 A motion, please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Kopel. Any questions regarding these items?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor of the items just called please
24 signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The items pass unanimously.

5 The next item is Item 18,
6 Resolution 107, a resolution establishing
7 the Long Island Commission on Aquifer
8 Protection.

9 A motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Walker. I'm going to offer an amendment in
15 the nature of a substitution. I will read
16 that to you.

17 This item before us establishes
18 the Long Island Commission on Aquifer
19 Protection, a bi-county commission to assist
20 both Nassau and Suffolk Counties to protect
21 our groundwater sources.

22 Before we bring this to a vote,
23 we have an amendment in the nature of a
24 substitution which was filed on December
25 12th at 7:46 p.m. This amendment includes

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2 representation from the minority delegation
3 and the chief deputy of parks, recreation
4 and museums as ex officio members of the
5 commission.

6 I have received a letter from
7 LICAP regarding the Suffolk Water
8 Commissioners Association and I will read
9 that letter into the record:

10 "This letter is to confirm that
11 the Long Island Water Conference along with
12 the Nassau Suffolk Water Commissioners
13 Association has contacted with the USGS to
14 conduct groundwater monitoring throughout
15 Nassau County.

16 In addition, several individual
17 water suppliers have contracted with USGS,
18 which is the United States Geological
19 Services to conduct more extensive
20 monitoring within regional areas of their
21 service area. It all should be noted that
22 the Suffolk County Water Authority also
23 contracts with USGS to provide similar
24 monitoring through the United States through
25 Suffolk County.

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2 Should you have any questions or
3 comments, please contact my office."

4 This is signed by Dennis
5 Kelleher, PE, a public relations committee
6 chairman from I believe Suffolk County.

7 Now, in regard to the amendment.
8 Any motion?

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Walker. Any questions regarding the
14 amendment? Legislator Scannell.

15 LEGISLATOR SCANNELL: Just real
16 quickly. I know that David Shovan is here.
17 We support this amendment. We support him.
18 I want to just thank David who is here as
19 well.

20 CHAIRWOMAN GONSALVES: Where is
21 David?

22 LEGISLATOR SCANNELL: David
23 Shovan is here. Can you believe it, Norma,
24 from 1999? Unbelievable. He's here. He
25 supports this and so we support it as well.

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2 CHAIRWOMAN GONSALVES: David,
3 nice to see you.

4 MR. SHO VAN: I have never
5 actually testified before the legislature,
6 so this is a rare honor.

7 LEGISLATOR DENENBERG: Dave,
8 certain things you should delay
9 indefinitely.

10 MR. SHO VAN: Well, I'll be
11 honest, I tried for many years, but --

12 CHAIRWOMAN GONSALVES: David,
13 don't let them intimidate you, just go right
14 on.

15 MR. SHO VAN: Thank you, Presiding
16 Officer. As Legislator Scannell said, I'm
17 here with representatives from the Long
18 Island Water Conference, the Nassau Suffolk
19 Commissioners Association, and Suffolk
20 County Water Authority. If I can ask them
21 to come up?

22 CHAIRWOMAN GONSALVES: Sure.

23 MR. SHO VAN: They're more
24 eloquent in defining what this means for
25 Long Island's groundwater protection. The

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2 measure was approved unanimously by the
3 Suffolk County Legislature last month I
4 believe, October. And as Tim Moetz from
5 Suffolk County Water will attest, should we
6 get an affirmative vote today, we will be
7 off and running as soon as possible with
8 this measure, and establish that regional
9 dialogue concerning Long Island's
10 groundwater supply.

11 So, with that, and thank you very
12 much for the acknowledgment, I will turn it
13 to Mike Levy, the Chairman of the Long
14 Island Water Conference.

15 MR. LEVY: Good afternoon.

16 CHAIRWOMAN GONSALVES: Good
17 afternoon.

18 MR. LEVY: Thank you for having
19 us. I'll be short on my comments. LICAP
20 represents the first real step to a
21 bi-county cooperation for aquifer protection
22 and management. Consider it our industry's
23 answer to the regional planning board.
24 Moreover, it provides for a state of the
25 aquifer report.

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2 This legislation brings local
3 experts and the stakeholders together so
4 that we can put together a coordinated
5 approach to groundwater issues and concerns
6 facing both Nassau and Suffolk Counties.

7 In our opinion, the bi-county
8 commission is an effective approach to
9 address local water supply concerns.

10 While we believe the water
11 supplies across Long Island have effectively
12 managed our vital drinking water resource,
13 it is important at this time to implement a
14 proactive approach at the local level that
15 will use science, expert knowledge to
16 address current and future water concerns.

17 I would like to thank the
18 presiding officer as well as the rest of the
19 legislators for their support of the LICAP
20 legislation.

21 With me is Tim Moetz from Suffolk
22 County Water Authority, Mike Loofis from
23 Bethpage Water and the Water Conference,
24 Robert MacCavoy from Nassau and Suffolk
25 Commission Association, and Dennis Kelleher

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2 from the Water Conference.

3 CHAIRWOMAN GONSALVES: Deputy
4 Presiding Officer Nicoletto, do you have a
5 comment?

6 LEGISLATOR NICOLELLO: I just
7 wanted to say, we were happy to work with
8 you. This is a bipartisan effort, and that
9 both sides of the aisle had their input into
10 this and we're happy to support this and the
11 work that you are doing.

12 CHAIRWOMAN GONSALVES:
13 Absolutely. It's a good thing. Yes,
14 Legislator Scannell.

15 LEGISLATOR SCANNELL: We all
16 support it, without a doubt. And, like I
17 said, David, I'm so grateful to see you
18 today. It was a coincidence, honestly, that
19 he was here, and he's working so hard. He's
20 going to be a dad soon, and I'm so proud of
21 that. I'm very, very proud of that,
22 exactly, but, literally, 14 years ago we
23 started in a two to one Republican district.
24 We, together, were able to work, guys, that
25 was back when they had no mailing budget.

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2 Literally, they had to they had to literally
3 stuff mailers -- Judy, do you remember? You
4 remember, Norma. They had to literally
5 stuff mailers every single day just to get
6 19,000 mailers out for community stuff.

7 Honestly, David, I'm so grateful
8 to you, all the help, and hard work, and
9 dedication. I'm so proud of you now, soon
10 to be a dad, and all your hard work that you
11 are doing now, so, congratulations, and we
12 all support you and the legislation today.
13 Norma, I'm done. Thanks.

14 CHAIRWOMAN GONSALVES: I'm very
15 happy about this decision today not only on
16 the part of my colleagues but also Suffolk
17 County because they too worked with Nassau
18 County in getting this bi-county LICAP
19 together. So it comes to say sometimes, all
20 good things are worthwhile waiting for.
21 Well, this is a good thing. It may have
22 taken us a few months to get it done, but
23 it's done and so right now, guess what, I
24 need a vote on the amendment. All those in
25 favor of the amendment signify by saying

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2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The amendment passes unanimously.

7 Now, on the item as amended. All those in

8 favor of the item as amended signify by

9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item passes unanimously.

14 Thank you very much.

15 MR. LEVY: On behalf of all the
16 water suppliers, we thank you.

17 CHAIRWOMAN GONSALVES: You're
18 welcome. It's a good thing.

19 MR. SHOVAN: And, if I might, to
20 all of the departing legislators, those of
21 you I have know, Legislator Belesi,
22 obviously Joe, Legislator Wink, Robert
23 Troiano, thank you very much. It's been an
24 honor to know and you thank you for serving
25 the county. Appreciate that.

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2 CHAIRWOMAN GONSALVES: Thank you,
3 very much, David. It's the time of the
4 year. We have three hearings. I'm going to
5 call the Item 3, which is a hearing on
6 Resolution 252, a resolution amending the
7 boundary description of the sewer and storm
8 water resources district zones of
9 assessment.

10 Motion to open the hearing,
11 please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Muscarella. All those in favor of opening
17 the hearing, signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The hearing is open. Who do we
22 have to speak on this?

23 MR. MAY: We have Mr. Ken Arnold
24 from DPW and Mr. Connell Denyon from the
25 county attorney's office.

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2 CHAIRWOMAN GONSALVES: Thank you
3 very much, Mr. May.

4 MR. ARNOLD: Good afternoon.
5 This item is to consolidate the three zones
6 of assessment as required, that would be
7 zone assessment for storm water, one for
8 disposal and collection of sewage, and one
9 for the disposal only of sewage.

10 In addition, this will also take
11 a few properties in Glen Cove and Lido that
12 are currently not within the district and
13 putting them within the collection and
14 disposal district of the county.

15 CHAIRWOMAN GONSALVES: Any
16 questions of Mr. Arnold? Yes, Mr.
17 Denenberg.

18 LEGISLATOR DENENBERG: When
19 people in Glen Cove or Lido or any area are
20 not in the district and then put in the
21 district, were they paying the tax before
22 anyway, or now they will be paying the sewer
23 tax when they weren't before? What happened
24 with that?

25 MR. ARNOLD: Up in Glen Cove --

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2 there is two different scenarios. In Glen
3 Cove, when the county took over the Glen
4 Cove treatment center, the people that were
5 paying the City of Glen Cove that lived
6 outside the city limits were paying the city
7 a flat fee of \$600 a year for sewage
8 disposal and collection services. The
9 county continued that practice and we do
10 that today.

11 This will allow, this change,
12 will allow them to be assessed, their sewage
13 fees, which actually will reduce the cost
14 that they pay based on what their property
15 is worth.

16 In Lido, it's a little different
17 scenario. The properties we're speaking
18 of, we're paying for the city for the
19 disposal of sewage directly, but they were
20 not within the city.

21 LEGISLATOR DENENBERG: The City
22 of Long Beach.

23 MR. ARNOLD: The City of Long
24 Beach. As a result of Hurricane Sandy, it
25 became aware that these people did not have

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2 anybody -- nobody to go to for their
3 collection system, they were not paying a
4 collection fee. As such, when their sewers
5 were impacted by Sandy, there was no
6 municipality or district to step up and take
7 over that issue.

8 By putting these people now into
9 the collection and disposal zone of
10 assessment, the county will be obligated to
11 both assist them in their disposal and in
12 their collection issues. We will take that
13 fee directly and they will no longer pay the
14 City of Long Beach.

15 LEGISLATOR DENENBERG: So instead
16 of going to the Long Beach Sewage Treatment
17 Plant they will go to Bay Park?

18 MR. ARNOLD: No. They will still
19 go to Long Beach. We have a number of
20 properties in Lido that we pay Long Beach
21 for disposal. They will be lumped as part
22 of that agreement going forward.

23 LEGISLATOR DENENBERG: All right.

24 CHAIRWOMAN GONSALVES: Any other
25 questions or comments? Legislator

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2 DeRiggi-Whitton.

3 LEGISLATOR DERIGGI-WHITTON:

4 Thank you. I received the list of the
5 addresses. Is it only the 92 addresses?

6 MR. ARNOLD: That is correct.

7 LEGISLATOR DERIGGI-WHITTON: So
8 that's the whole thing. Just explain to me
9 one more time. For instance, Libby Drive,
10 I'm very familiar with that. What you're
11 saying here today is that these addresses
12 have not been included in the city water
13 district prior to today?

14 MR. ARNOLD: Those addresses were
15 paying the county a direct fee for their
16 disposal of sewage because they were not
17 part of the area that was in the IMA for the
18 City of Glen Cove when we took over their
19 system.

20 LEGISLATOR DERIGGI-WHITTON: But
21 I know for a fact that Libby Drive would pay
22 the City of Glen Cove's water bills,
23 correct?

24 MR. ARNOLD: They would be paying
25 the City of Glen Cove. Are they within the

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2 city limits?

3 LEGISLATOR DERIGGI-WHITTON: Yes.

4 MR. ARNOLD: Within the city
5 limits, they are not going to be assessed a
6 fee. I can double check that out for you.

7 LEGISLATOR DERIGGI-WHITTON: Like
8 Viola Drive, Libby Drive, Fourth Street,
9 they're all in the city, they're all part of
10 Glen Cove.

11 MR. ARNOLD: I need to go back
12 and look.

13 LEGISLATOR DERIGGI-WHITTON: They
14 are all Glen Cove addresses. Cross Pond for
15 sure. I don't see anything in here.
16 They're all part of Glen Cove.

17 MR. ARNOLD: I'd have to go back
18 and look at the IMA and look why they were
19 not included as part of the transfer.

20 LEGISLATOR DERIGGI-WHITTON: I
21 don't know if you would know, but when I was
22 on the city council, it was right after this
23 was adopted, and from what I understood,
24 anyone who was in the City of Glen Cove was
25 going to have this 15 year payment.

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2 MR. ARNOLD: That's correct. I
3 would have to go back.

4 LEGISLATOR DERIGGI-WHITTON: Even
5 the addresses say Glen Cove.

6 MR. ARNOLD: Their mailing
7 address might be Glen Cove. That doesn't
8 mean they're within the city limits.

9 LEGISLATOR DERIGGI-WHITTON: But
10 I know Libby Drive I know for sure is Glen
11 Cove.

12 MR. ARNOLD: We can confirm that.
13 If they are within the city limits, they are
14 not going to be charged. I have to go back.

15 LEGISLATOR DERIGGI-WHITTON:
16 Because it has \$600. My other question is,
17 have these people been notified in any way?

18 MR. ARNOLD: They will once the
19 legislation is passed.

20 LEGISLATOR DERIGGI-WHITTON: I
21 understand what you're saying, but I think
22 there is a lot of questions, unless there is
23 some problem with the lines of Glen Cove,
24 but I campaign in these. These are the City
25 of Glen Cove streets, as it's indicated with

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2 the address here. So I don't know why they
3 wouldn't get the same promise that we had
4 with the 15 year --

5 MR. ARNOLD: We will go back and
6 double-check that, but, as of right now,
7 they are paying a separate county sewer fee.

8 LEGISLATOR DERIGGI-WHITTON: They
9 are paying a separate county sewer fee.
10 They are also paying Glen Cove city water
11 and their address is City of Glen Cove; is
12 that correct?

13 MR. ARNOLD: I can tell you that
14 they are paying the county for the dispose
15 of sewage. That is our billing list. I
16 have to go back, again, and look at the IMA
17 and why they were not included in the
18 initial city waiver of fees. My
19 understanding was it was because they were
20 not part of the Glen Cove sewage collection
21 area at that time.

22 LEGISLATOR DERIGGI-WHITTON: Do
23 you know, is it like the Town of Oyster Bay?
24 I'm trying to figure out. Look, maybe it's
25 the right thing to do. Maybe it's better

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2 that it's going to be tax deductible. It
3 just seem a little bit vague to me. Maybe
4 these are part of the Town of Oyster Bay?

5 MR. ARNOLD: My understanding is
6 that they are not within the city limit.

7 LEGISLATOR DERIGGI-WHITTON: So
8 where are they?

9 MR. ARNOLD: I would have to
10 double-check the addresses again.

11 LEGISLATOR DERIGGI-WHITTON: Do
12 you think we should vote on this today?

13 MR. ARNOLD: Yes.

14 LEGISLATOR DERIGGI-WHITTON: How
15 can we vote on it if -- if we approve this
16 today, are you going to send these people
17 some kind of notification like you just
18 said, even the ones with the city addresses?

19 MR. ARNOLD: We will go back and
20 confirm and make sure they are not within
21 the city limit. If they're outside the city
22 limit then they will be notified of this
23 change. I have to go back and look at the
24 map.

25 LEGISLATOR DERIGGI-WHITTON: I

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2 don't think we should call a vote on this at
3 this point. I think, unless you can tell me
4 that they're in Oyster Bay or where ever
5 they are, I just don't know where they are.
6 And, I have to tell you, Viola, Fourth
7 Street, Libby Drive, Cross Pond, only
8 because I campaign, I know that way and also
9 from being on the City Council, and they
10 have the City of Glen Cove address.

11 Unless we clearly know what's
12 going on, I feel funny voting for it, and,
13 honestly, these answers are not giving me
14 the confidence.

15 MR. ARNOLD: If they are within
16 the city, they will not be charged based on
17 the terms of the IMA.

18 LEGISLATOR DERIGGI-WHITTON: But
19 they have been paying a county fee even
20 though they're in the city limits?

21 MR. ARNOLD: I would have to go
22 back and revisit it, but our information at
23 the time of the deal, these people were
24 outside of the city limits and they were
25 paying. I do not have a map in front of me

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2 with the city boundaries to look this up,
3 but we can -- if they are within the city
4 limits, they will no longer being paying for
5 that 15 year period that's the term of the
6 IMA.

7 LEGISLATOR DERIGGI-WHITTON: I
8 don't know. If you can prove these
9 addresses are not in the city and we know
10 they are, like, in the Town of Oyster Bay,
11 if that's the case, we just have to have
12 that proof.

13 To clarify, these properties were
14 given to us by the city at the time of the
15 deal of being outside their district. We
16 did not solicit these addresses ourselves.

17 LEGISLATOR DERIGGI-WHITTON: If
18 you are certain that they -- even though
19 their address is Glen Cove and, at least
20 part of these streets have to be in Glen
21 Cove, I know for a fact --

22 MR. ARNOLD: Legislator, if the
23 address is a city address at the end of this
24 vote, they will not pay --

25 LEGISLATOR DERIGGI-WHITTON:

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2 Well, these all say Glen Cove.

3 MR. ARNOLD: That could be a
4 mailing address, that listing is a mailing
5 address.

6 LEGISLATOR DERIGGI-WHITTON: I
7 know, but 10 Libby Drive, I know the house
8 very well, Glen Cove, is what their address
9 is. I write Christmas cards to them every
10 year.

11 LEGISLATOR DUNNE: Through the
12 chair.

13 CHAIRWOMAN GONSALVES: Yes.

14 LEGISLATOR DUNNE: If this is an
15 error, is this fixable?

16 MR. ARNOLD: If they're part of
17 the Glen Cove deal, they will not be paying.

18 LEGISLATOR DUNNE: So you will
19 check it out and you will get back to us and
20 let us know?

21 MR. ARNOLD: Yes.

22 LEGISLATOR DUNNE: Thank you very
23 much.

24 MR. ARNOLD: I will go back to
25 the IMA and understand why they were

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2 included in the first place.

3 LEGISLATOR DUNNE: Absolutely.

4 LEGISLATOR DERIGGI-WHITTON: And
5 it might be that they are part of Oyster
6 Bay, I don't know, but, before we vote on it
7 and send them a letter, and I get my office,
8 and I guess it would be Mr. McKenzie's
9 office, for the most part, gets inundated
10 with phone calls, we just want to have our
11 facts straight.

12 CHAIRWOMAN GONSALVES: Mr. Arnold,
13 what are the consequences if we don't do
14 this now?

15 MR. ARNOLD: We are required by
16 the end of '13 to go to three zones of
17 assessment; one, which is storm water. So
18 if we do not establish the storm water zone
19 of assessment, that will be problematic for
20 the state law that we are required to do.

21 CHAIRWOMAN GONSALVES: Okay.
22 Mr. Arnold, is it possible to get some of
23 this information that Legislator
24 DeRiggi-Whitton is looking for in the next
25 15-20 minutes?

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2 MR. ARNOLD: I will look at the
3 addresses quickly. If it's something that's
4 within the original IMA, I don't have that
5 here, I would have to go back to my office
6 and dig into that. But I can look at the
7 addresses and look at the city limit lines
8 and double check those, a handful of them.

9 CHAIRWOMAN GONSALVES: All right.
10 Any other concerns or questions from the
11 legislators?

12 (No verbal response.)

13 Is there any public comment
14 regarding this item?

15 (No verbal response.)

16 There being none, may I have a
17 motion to close the hearing?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Walker. All those in favor of closing the
23 hearing, signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The hearing is closed.

4 We have two other hearings.

5 That's Item 1, a hearing on a local law to
6 sunset the provisions of 6-41 of the Nassau
7 County Administrative Code requiring the
8 owners of Class 4 Properties to take certain
9 actions. Motion to open the hearing, but I
10 have two hearings that are related.

11 The second hearing is related to
12 the first, a hearing on a proposed local law
13 to amend the Nassau County Administrative
14 Code to require the annual production of
15 income and expense statements by income
16 producing property owners and to amend the
17 civil penalty associated with the failure to
18 provide income and expense statements as
19 required.

20 A motion to open the two
21 hearings.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Walker, seconded by Legislator

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2 Kopel. All those in favor of opening the
3 two hearings signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The hearings are opened.

8 Legislator Kopel.

9 LEGISLATOR KOPEL: Thank you,
10 Madam Presiding Officer. For too many
11 years, members of both political parties
12 have campaigned on the promise to "reform
13 the broken assessment system."

14 Today we are introducing a law
15 that we believe makes some important strides
16 in that regard and we hope to redeem that
17 promise. The new law relates to commercial
18 properties and commercial properties account
19 for the majority of real estate taxes as
20 well as the majority of dollar value of
21 protests. So, clearly, the system is not
22 working as it should.

23 And, as a consequence, we have
24 massive debt, the majority of the county
25 debt flows from these flawed assessments.

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2 So, the law that we are
3 presenting today for consideration by the
4 legislature requires a provision of profit
5 and loss information for each commercial
6 property to the Department of Assessment by
7 owners of these income producing properties.
8 And the law would also impose some
9 significant and real penalties for
10 noncompliance with this requirement.

11 The law doesn't significantly
12 increase the burden on property owners
13 because property owners already compile all
14 this information for income tax purposes and
15 as any business person does, you've got
16 profit and loss information certainly by
17 April, you should know, you ought to know,
18 if the business is making money or losing
19 money. But just in case there are any
20 issues, we've got some fail safe, we have
21 got some safety net backups so people can
22 get extensions if they need to do it.

23 On the other hand, the bill would
24 provide some real benefits to property
25 owners because property owners do not wish

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2 for the circumstances where they have to go
3 ahead and pay a large amount of extra money
4 and go through the system, fight for this
5 thing, fight for their refunds, and
6 sometimes go to court as well. So this is
7 going to make it better for them we hope.

8 Now, we've got to get this
9 information there because profit and loss
10 information, as any appraiser will tell you,
11 is very critical to establishing the true
12 value of a property. There is no nobody who
13 goes and buys themselves a property without
14 reference to what the property is doing,
15 whether the property is making or losing
16 money.

17 Since it's always good to emulate
18 something that is already working, the law
19 is closely modeled on the law that's
20 currently in effect in neighboring New York
21 City, whereby, all accounts, it's working
22 well. There are many fewer protests by
23 percentage and it's working. So why not do
24 it? It's also withstood challenge, legal
25 challenge.

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2 At this point I want to express
3 some appreciation. First of all, Chris
4 Astuni, who was been working on this for
5 months, he's worked really hard, he's really
6 pushed it, and he's done a tremendous job in
7 my opinion and I thank him.

8 At the same time I want to thank
9 the presiding officer who has provided
10 encouragement and support and advice as to
11 how this ought to go ahead and be
12 structured.

13 It's important and I'm very
14 gratified to say that this law, we worked
15 well with the other side of the legislature,
16 with the Democratic caucus, especially
17 Legislator Denenberg, who, himself, has been
18 very interested in this issue for many
19 years, and Legislator Denenberg has provided
20 very crucial insights and useful wording
21 which have been incorporated into the
22 statute. He's done so also with the help
23 and advice of minority counsel Dave Googerty
24 and Peter Kleins.

25 I want to follow-up on the very

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2 eloquent and gracious remarks made earlier
3 by Legislator Troiano, and express my hope
4 that we've worked together so well on such
5 an important piece of legislation that I
6 really hope that this is a harbinger of some
7 really good things to come.

8 Let's all keep this up and get
9 some good things done together. Thank you.

10 CHAIRWOMAN GONSALVES: Legislator
11 Denenberg.

12 LEGISLATOR DENENBERG: I
13 appreciate that the presiding officer and
14 Legislator Kopel reached out to the minority
15 on the legislation which, as proposed by
16 Legislator Kopel, basically requires income
17 and loss statements be filed every year by
18 statute. Right now they are required by
19 request in any event.

20 So it just codifies what the
21 Department of Assessment always requests,
22 and, instead of a \$500 fine, this fine is
23 more keyed into the profit and loss of the
24 business, the size of the business, and if a
25 nonpayment is the situation, it could be a

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2 lien so that makes the law stronger in terms
3 of getting the income and loss statement, a
4 law that I had proposed with Legislator Wink
5 over three years ago, which would require
6 the Assessment Review Commission to use the
7 income and loss statements or the appraisals
8 that we are requiring to be filed in any
9 event.

10 So, while we put the onus for the
11 filing on the property owners, I personally
12 thought that the Assessment Review
13 Commission should be made by statute or
14 required to substantively review and use
15 that information within the year so as to
16 reduce the number of cases that go to the
17 county attorney's office without any
18 substantive review by the Assessment Review
19 Commission.

20 This legislation has been amended
21 to put in what I think is the most important
22 aspect of the Denenberg-Wink Bill from a few
23 years ago. That is, that the Assessment
24 Review Commission must do a substantive
25 review of the sales information, appraisals,

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2 and income and loss statements, and render
3 their decision on the challenges by December
4 31st of any year.

5 In this way, the results of ARC's
6 substantive review would go into the final
7 tax roll and reduce our refund liability and
8 will be available for the tentative roll for
9 the next year in the hopes that if the
10 Assessment Review Commission complies with
11 this law and does the substantive review,
12 future years will incorporate the results of
13 that review so there will be less
14 challenges. So once they do the substantive
15 review the first year, it becomes
16 thereafter.

17 So I'm very encouraged by this
18 and I believe everyone is supporting this
19 bill. Thank you.

20 CHAIRWOMAN GONSALVES: Legislator
21 Kopel, any other comments?

22 LEGISLATOR KOPEL: Legislator
23 Denenberg, I thank you, and I thank the
24 entire minority caucus. I think that we are
25 doing a good thing here for the county as

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2 well as for the property owners.

3 CHAIRWOMAN GONSALVES: Any other
4 comments regarding these two hearings? A
5 motion to close the hearings.

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Muscarella, seconded by
10 Legislator Walker. All those in favor of
11 closing the hearings, signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The hearings are closed. The
16 nature of the third hearing regarding the
17 boundary description of the sewer and storm
18 water resources district zones of
19 assessment, that's Item 28, Resolution 252.

20 A motion, please.

21 LEGISLATOR MUSCARELLA: So moved.

22 LEGISLATOR WALKER: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Muscarella, seconded by
25 Legislator Walker. Any additional

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2 information or comments regarding this item?
3 Mr. May, what did we find out, did we find
4 out anything?

5 MR. MAY: We used My Nassau
6 County Database to take a sample of the
7 properties that Legislator DeRiggi-Whitton
8 is concerned about. The four properties
9 that we checked are all outside of the City
10 of Glen Cove.

11 CHAIRWOMAN GONSALVES: Legislator
12 Muscarella.

13 LEGISLATOR MUSCARELLA: I have a
14 question. Let's assume we have some
15 incorrect addresses. Can we in fact amend
16 the addresses afterwards to make sure we are
17 using the right people?

18 MR. MAY: Yes, absolutely.

19 LEGISLATOR MUSCARELLA: Okay.

20 LEGISLATOR DERIGGI-WHITTON: I
21 would just ask that, should we find that
22 there is a problem, which there might not
23 be, it might be totally correct, but just
24 that it not be delayed for like years for
25 people to fix this.

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2 MR. MAY: We are in the
3 problem-solving business, if there is an
4 issue we will take care of it.

5 LEGISLATOR DERIGGI-WHITTON: I
6 feel much better.

7 CHAIRWOMAN GONSALVES: Any other
8 concerns or questions of Mr. Arnold or Mr.
9 May and company? Anything else regarding
10 this item?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Item 28, Resolution 252 signify by
16 saying aye.

17 (Aye.)

18 All those opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 We are going to move on Item 4,
22 proposed local law to sunset the provisions
23 of the Nassau County Administrative Code
24 requiring the owners of Class 4 Properties
25 to take certain action.

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2 A motion, please.

3 LEGISLATOR WALKER: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Walker, seconded by Legislator

7 Nicolello. Any comments or questions?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 All those in favor of Item 4

12 Local Law to sunset the provision of the

13 Nassau County Administrative Code requiring

14 the owners of Class 4 Properties to take

15 certain actions signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 Now, on Item 5, I'm going to call

21 for that item and then we are going to offer

22 an amendment in the nature of a

23 substitution, correct, Mr. Muller?

24 CLERK MULLER: Presiding Officer

25 Gonsalves, we have a recommendation of at

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2 least 13 members of the Nassau County
3 Legislature at a meeting of the legislature
4 on Thursday, December 19th, 2013, setting
5 forth that an emergency exists for
6 consideration of an immediate action upon
7 the certain ordinances and resolutions
8 referenced therein. The emergency has been
9 signed by more than 13 members of the
10 legislature so the emergency has been
11 established.

12 It's a proposed local law to
13 amend the Nassau Administrative Code to
14 require the annual production of income and
15 expense statements by income producing
16 property owners and to amend the civil
17 penalty associated with the failure to
18 provide income and expense statements as
19 required, Clerk Item 557-13.

20 A motion, please, to establish
21 the emergency.

22 LEGISLATOR FORD: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by
25 Legislator Ford, seconded by Legislator

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2 Kopel. Any comments? Any questions?

3 (No verbal response.)

4 All those in favor of
5 establishing the emergency signify by saying
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The emergency is established.

11 Now we have to call the item and
12 it's Item Number 5. It's a local law to
13 amend the Nassau County Administrative Code
14 to require the annual production of income
15 and expense statements by income producing
16 property owners and to amend the civil
17 penalty associated with the failure to
18 provide income and expense statements as
19 required.

20 LEGISLATOR FORD: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Ford, seconded by Legislator
24 Kopel. Now we have an amendment in the
25 nature of a substitution.

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2 LEGISLATOR DENENBERG: To the
3 chair, I just have a question.

4 CHAIRWOMAN GONSALVES: Just to
5 affirm, the fact that the amendment was
6 filed today in a timely fashion, as
7 requested by the members of the minority and
8 the majority, so I believe that,
9 Mr. Denenberg, this is what you wanted to
10 comment on regarding the amendment?

11 LEGISLATOR DENENBERG: The
12 amendment is what we agreed upon and puts in
13 that substantive review by the end of the
14 year. I would just request that when the
15 full item gets called right after we vote on
16 the amendment, that all members be put down
17 as sponsors, both on the majority and
18 minority.

19 CHAIRWOMAN GONSALVES: It's done,
20 correct, Mr. Kopel? I told you we are off
21 to a good start and we're not even the new
22 year yet. Any other comments regarding the
23 amendment?

24 (No verbal response.)

25 There being none, all those in

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2 favor of the amendment signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The amendment carries.

8 Now, the item as amended, and now
9 is going to be your turn, I guess, the item
10 as amended is Item 5, the local law to amend
11 the Nassau County Administrative Code to
12 require the annual production of income and
13 expense statements by income producing
14 property owners and to amend the civil
15 penalty associated with the failure to
16 provide income and expense statements as
17 required.

18 A motion, please.

19 LEGISLATOR KOPEL: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Kopel, seconded by Legislator
23 Walker. Anybody want to comment on this?
24 Everybody is happy? We are ready to have a
25 vote?

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2 (No verbal response.)

3 All those in favor of Item 5
4 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 It looks like we have 15 to zero.
9 Everybody happy? Item Number 5 passes 15 to
10 zero.

11 We have two emergencies, please
12 read them into the record.

13 CLERK MULLER: Presiding Officer,
14 we have two emergencies from the county
15 executive. One, an emergency resolution
16 declaring an emergency for immediate action
17 upon a resolution to authorize the county
18 executive to execute and amend a contract
19 with Viola Transportation Services
20 Incorporated for the management, operation,
21 and maintenance of the Nassau County Bus
22 Service. That would become Emergency
23 Resolution 79-197-E, and that's Clerk Item
24 578;

25 The second emergency from the

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2 county executive is Clerk Item 584 of 2013,
3 which would be Emergency Resolution 80,
4 Ordinance 197-F, an emergency resolution
5 declaring an emergency for immediate action
6 upon a bond ordinance providing for capital
7 expenditures to finance the capital project
8 specified herein within the County of Nassau
9 authorizing \$1,222,100 of bonds of the
10 County of Nassau to finance said expenditure
11 and making certain determinations pursuant
12 to the State Environmental Quality Review
13 Act pursuant to the Local Finance Law of New
14 York and the County Government Law of Nassau
15 County.

16 Please entertain a motion to vote
17 on establishing the emergency.

18 CHAIRWOMAN GONSALVES: A motion,
19 please.

20 LEGISLATOR WALKER: So moved.

21 LEGISLATOR BECKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Walker, seconded by Legislator
24 Becker. All those in favor of establishing
25 the emergencies, signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The emergencies are established

6 and that's Items 578 and 584 of 2013.

7 Motion on those items, please.

8 LEGISLATOR VENDITTO: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Venditto, seconded by Legislator
12 Dunne. The two items are on the floor. Any
13 questions regarding 578 and 584?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of Items 578 and 584 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The items pass unanimously.

24 I need a motion to adjourn this
25 meeting of December 19th, 2013.

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2 LEGISLATOR NICOLELLO: So moved.
3 LEGISLATOR MUSCARELLA: Second.
4 CHAIRWOMAN GONSALVES: Moved by
5 Deputy Presiding Officer Nicolello, seconded
6 by Legislator Muscarella.
7 All those in favor of adjourning
8 this meeting, signify by saying aye.
9 (Aye.)
10 Any opposed?
11 (No verbal response.)
12 The meeting is adjourned.
13 (Whereupon, the Full Legislative
14 Committee adjourned at 4:42 p.m.)
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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of January, 2014.

FRANK GRAY