

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

December 9, 2013
1:09 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chairwoman

HOWARD KOPEL
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER (Not Present)

RICHARD NICOLELLO (Sitting in for Rose Marie Walker)

KEVAN ABRAHAMS
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

LIST OF SPEAKERS

GREG MAY. 6
KEN ARNOLD. 7
TARA KAMINSKI 9
BRIAN SCHNEIDER 13
LISA LOCURTO. 15
CARNELL FOSKEY. 31

INSERTS TO TRANSCRIPT

Page 53, Line 15 to Page 143, Line 12
Page 149, Line 12 to Page 158, Line 4

2 CHAIRWOMAN GONSALVES: The committee is
3 now in session. Mr. Muller, would you please
4 call the roll?

5 CLERK MULLER: Legislator Wink?

6 (No verbal response.)

7 CLERK MULLER: Legislator Jacobs?

8 LEGISLATOR JACOBS: Here.

9 CLERK MULLER: Ranking Member Abrahams?

10 LEGISLATOR ABRAHAMS: Here.

11 CLERK MULLER: Legislator Nicoletto
12 substituting for Legislator Walker?

13 LEGISLATOR NICOLELLO: Here.

14 CLERK MULLER: Legislator Dunne?

15 LEGISLATOR DUNNE: Here.

16 CLERK MULLER: Legislator Ford
17 substituting for Vice Chairman Kopel?

18 LEGISLATOR FORD: Here.

19 CLERK MULLER: Chairwoman Gonsalves?

20 CHAIRWOMAN GONSALVES: Present.

21 CLERK MULLER: We have a quorum.

22 CHAIRWOMAN GONSALVES: Thank you very
23 much.

At this point, Legislator Dunne, please lead us in the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRWOMAN GONSALVES: I'd like to take a moment of silence for a gentleman and a love of life, Nelson Mandela. He epitomized hope, love, and, most of all, freedom. May he rest in peace.

(Whereupon, a moment of silence was taken.)

CHAIRWOMAN GONSALVES: Thank you very much.

CLERK MULLER: Legislator Wink is here.

CHAIRWOMAN GONSALVES: We have a number of contracts, and these are all for the year '13. The first contract -- I just said that these are all for the year '13.

The first one is A-88, a contract with DPW and Enecon Northeast A.P.S. Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

MR. MAY: We have Mr. Ken Arnold from DPW to answer any questions on this item.

CHAIRWOMAN GONSALVES: Thank you, Mr. May.

MR. ARNOLD: Good afternoon. This is a blanket order contract for the repair modification and structural components at various county facilities.

CHAIRWOMAN GONSALVES: Any questions or comments for Mr. Arnold?

(No verbal response.)

Any public comment?

LEGISLATOR WINK: Yeah. Excuse me. I just have a quick question.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Ken, what's the annual expected cost on this?

MR. ARNOLD: I believe the document said in excess of \$300,000 a year.

LEGISLATOR WINK: That's historically what we've been paying?

MR. ARNOLD: Yeah.

LEGISLATOR WINK: Okay. That's it. Thank you.

2 CHAIRWOMAN GONSALVES: Any public
3 comment?

4 (No verbal response.)

5 There being none, all those in favor of
6 Contract A-88 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.

11 The next contract is A-89, a contract
12 with DPW and Custom Golf Materials Inc.

13 Motion, please?

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR FORD: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator Ford.

18 And? I guess Mr. Arnold.

19 MR. ARNOLD: Yes, it is. This is a
20 contract screened top soil. That top soil was
21 used as part of our clean and seed program to
22 restore exterior properties in the Barnes Avenue
23 and Bay Park area after Super Storm Sandy.

24 CHAIRWOMAN GONSALVES: Any questions or
25 comments for Mr. Arnold?

2 (No verbal response.)

3 There being none, any public comment?

4 (No verbal response.)

5 There being none, all those in favor of
6 Contract A-89 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.

11 Next contract is A-90, a contract with
12 Police Department and Tower Ford.

13 Motion, please?

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR FORD: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator Ford.

18 MR. MAY: We have Sergeant Gregory
19 Stephanoff from the Police Department. I
20 apologize. It's going to be Detective Sergeant
21 Tara Kaminsky.

22 CHAIRWOMAN GONSALVES: Fine.

23 DETECTIVE SERGEANT KAMINSKY: Good
24 afternoon. Detective Sergeant Tara Kaminsky from
25 the Police Department.

2 CHAIRWOMAN GONSALVES: Welcome.

3 DETECTIVE SERGEANT KAMINSKY: How are
4 you?

5 This contract is to purchase eight Ford
6 vehicles. It will be used by the criminal
7 intelligence rapid response team as they conduct
8 gangs, guns, and narcotic enforcement.

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

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 There being none, all those in favor of
15 Contract A-90 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.

20 DETECTIVE SERGEANT KAMINSKY: Thank you.

21 CHAIRWOMAN GONSALVES: The next
22 contract is B-37 with DPW and Geometric Services
23 and Integrated HVAC Systems and Services, LLC.

24 Motion, please?

25 LEGISLATOR DUNNE: So moved.

2 LEGISLATOR FORD: Second.

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

5 Mr. Arnold.

6 MR. ARNOLD: This is our job auto
7 contract that we used at our waste water
8 facilities to do emergency repairs and
9 rehabilitation of any of our facilities.

10 CHAIRWOMAN GONSALVES: Any questions or
11 comments for Mr. Arnold?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 There being none, all those in favor of
16 B-37 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The contract passes unanimously.

21 The next contract is B-40 with DPW and
22 Welsbach Electrical Corp. of Long Island.

23 Motion, please?

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR NICOLELLO: Second.

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Deputy Presiding
4 Officer Nicoletto.

5 Okay. Again. I guess this is your time
6 Mr. Arnold.

7 MR. ARNOLD: B-40 is a contract
8 amendment for Welsbach. Welsbach does our
9 traffic maintenance. This is amended for the
10 second year of that contract to get us through
11 2014.

12 CHAIRWOMAN GONSALVES: Any questions or
13 comments for Mr. Arnold?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 There being none, all those in favor of
18 B-40 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The contract passes unanimously.

23 The next contract is B-43, a contract
24 with DPW and Roadwork Ahead, Inc.

25 Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Ford.
Mr. Schneider.

MR. SCHNEIDER: Good afternoon. Brian
Schneider from Public Works.

This contract is for construction
services associated with the construction of a
one-mile long off-road non-motorized hiking and
biking trail along Salisbury Park Drive in East
Meadow. This contract was bid for a period of
four weeks.

Eight firms participated in the bid, and
the apparent low bidder was Roadwork Ahead of
Westbury. Their bid was evaluated and deemed to
be the lowest responsible bidder. The contract
provides for an expenditure of \$508,395, and it
would be paid for out of the 2006 Environmental
Bond Act.

CHAIRWOMAN GONSALVES: Any questions or
comments for Mr. Schneider?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of Contract B-43 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is B-44, a contract with DPW and Laser Industries, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Mr. Arnold.

MR. ARNOLD: The Laser amendment is for \$4 million and extends their contract until March 11, 2015. This will help the department respond to the emergency projects on parks and roadways and also continue our facilities that were impacted by Sandy.

CHAIRWOMAN GONSALVES: Okay. Thank you very much.

Any comments or questions of Mr. Arnold?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of
Contract B-44 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-243, a contract
with the County Attorney and Leahey & Johnson,
P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Dunne, seconded by Legislator Ford.

Who do we have here?

MR. MAY: We have Ms. Lisa Locurto from
the County Attorney's Office.

CHAIRWOMAN GONSALVES: Thank you very
much.

MS. LOCURTO: Good afternoon.

CHAIRWOMAN GONSALVES: Good afternoon.

MS. LOCURTO: This is a personal services contract for special counsel with the Law Firm of Leahey & Johnson to represent the County of Nassau and the Nassau County Police Department in the matter for *Dorbecker vs. The County of Nassau*.

The allegations in the lawsuit are for deprivation of due process, unlawful arrest, wrongful death. The case is in Federal Eastern District Court before Judge Wexler. It is a complicated litigation involving numerous police officers. It was determined that the assistance of special counsel was needed.

CHAIRWOMAN GONSALVES: Any questions of Ms. Locurto?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of Contract E-243 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-244 with the County Attorney and Jaspan, Schlesinger, LLP.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

I guess Lisa, it's your again.

MS. LOCURTO: Yes. This, again, is a personal services contract with The Law Firm of Jaspan Schlesinger. They were retained to represent the Board of Elections commissioner, Mr. Biamonte. The litigation involves the Nassau County Board of Elections and the certification of the Town of Hempstead's reapportionment program.

This is an amendment of an existing contract. We're utilizing an existing contract rather than start a new contract, that's why it's a penny contract. The terms for this amendment will cover work starting from October 2013.

CHAIRWOMAN GONSALVES: Any questions of Ms. Locurto?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of
Contract E-244 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-245, with the
County Attorney and Berkman, Henoeh, Peterson,
Peddy & Fenchel, P.C.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Ford.
Lisa.

MS. LOCURTO: Again, this is a personal
services contract to defend the County in the
Matter if *Icly (phonetic) vs. The County of
Nassau and the Nassau County Police Department*
and various named police officers. This is a
federal lawsuit which is in the Eastern District
before Judge Bianco. The allegations are

2 excessive force, false imprisonment and also what
3 they term a bonell claim, meaning a pattern or
4 practice of abuse by the Nassau County Police
5 Department.

6 Due to the complexity of the litigations,
7 it was determined that we needed the assistance
8 of special counsel. This contract is now before
9 you for consideration.

10 CHAIRWOMAN GONSALVES: Any questions?

11 LEGISLATOR WINK: Question.

12 CHAIRWOMAN GONSALVES: Legislator Wink.

13 LEGISLATOR WINK: Ms. Locurto, I'm
14 noticing that not the last item but the item
15 before that was a commencement of an action --
16 excuse me -- a commencement of retaining counsel
17 in defense of an action, in other words, there's
18 not an extension, an addition, or an amendment to
19 an existing contract --

20 MS. LOCURTO: Correct.

21 LEGISLATOR WINK: as is this one. I
22 don't remember us, on individual cases, starting
23 off with numbers this high. I voted for and I
24 understand in the case of *Dorbecker*; it's a
25 wrongful death action. Obviously, that takes on,

1 I think, a level of significance far beyond, for
2 example, *Izley*, from what you've described. But
3 I don't remember us starting off special counsel
4 assignments in hundreds of thousands of dollars
5 on individual cases. I'm trying to understand
6 why we're starting off with a much higher
7 threshold.

8
9 MS. LOCURTO: I believe we want to start
10 off with a higher threshold because we have done
11 an internal analysis working with special counsel
12 to determine what the needs will be, in terms of
13 preparation in defending this litigation. We
14 would rather begin with a number which will
15 encompass all the legal work we anticipate, as
16 this litigation will not be tried in a single
17 year, it will probably be tried over this year
18 and probably into the next year. This figure
19 also encompasses not just the pretrial motion
20 practice but also what happens if the county has
21 to ultimate proceed to trial.

22 As this legislature has expressed, they
23 do not want legal counsel going forward and
24 providing the work and then we have to come back
25 and ask for more money to cover the services that

1 they've provided. So for all those factors and
2 reasons, that's why we're starting at what seems
3 to be a higher number. Hopefully, if we are
4 successful in our motion practice and the various
5 defenses we hope to put forth, that we won't have
6 to go to trial and we'll have to take it from
7 there.

8
9 LEGISLATOR WINK: And there will be
10 money left on the table at that point.

11 MS. LOCURTO: And there will be money
12 left on the table.

13 LEGISLATOR WINK: It just seems to me
14 that we need to come up with a better balancing
15 act. From time to time we've had the situation
16 where we bring somebody in, lowball it, \$25,000,
17 and then six months or a year and a half later
18 we're coming back for \$150,000, half of which or
19 a quarter of which is for work already done. And
20 I can understand wanting to be ahead of the curve
21 in terms of putting money -- making money
22 available so that you're not coming back here all
23 of the time. But at the same time, there is a
24 significant oversight function of this body that
25 it seems to me that maybe with some of these

1 cases you don't want it going two or three years
2 without coming back -- with you coming back here,
3 quite frankly, to give us updates and to tell us
4 what's going on with these cases. My suspicion
5 would be, in most cases, unless you've got a
6 settlement or unless you've gotten a verdict
7 that's favorable or unfavorable, you're not
8 coming back here to tell us where we are in the
9 process unless it involves getting more money for
10 the special counsel.
11

12 MS. LOCURTO: If the scope of the
13 services or the dollar amount would have to be
14 increased, we would always come back to the
15 Nassau County Legislature. If the matter was
16 settled or if it was tried and after the trial
17 determination, if the county felt it was in the
18 best interest to settle the case after the jury
19 verdict if further appeals was not necessary, we
20 would, of course we're required to come back to
21 the legislature always. So I do believe there is
22 still some oversight by the legislature in those
23 instances that you just mentioned.

24 LEGISLATOR WINK: But my concern is that
25 this is another example -- and we dealt with this

2 with DPW contracts just recently, where the issue
3 was that they were being expanded to a point with
4 less and less oversight capacity, with less and
5 less opportunity for the legislature to actually
6 hear what have you spent the money on, how much
7 more do you need, why is it taking so long?

8 Those are the type of things that I think from an
9 oversight perspective the legislature should be
10 asking and should be getting answers to.

11 As much as I understand the efficiency
12 argument from you that you don't want to be
13 caught in a position where the, you know, outside
14 counsel's in another 50 grand beyond what's been
15 authorized and now you're coming back explaining
16 to us why you didn't ask for it sooner. At the
17 same time, you don't necessarily want to
18 hamstring the defense. There's got to be some
19 kind of happy medium in this. It just seems to
20 me that these numbers are pretty large.

21 Look. I'm a lawyer. I know what it
22 takes to litigate an action, in terms of money
23 and otherwise. But, you know, even by those
24 standards, those are big numbers. I'm just
25 thinking that it behooves this body, quite

2 frankly, whether it be through a DPW contract or
3 through a special services contract for legal
4 fees that maybe there be more effective
5 oversight, if not more oversight than what we've
6 been seeing recently.

7 MS. LOCURTO: Understood.

8 LEGISLATOR JACOBS: I have one question.

9 CHAIRWOMAN GONSALVES: Legislator
10 Jacobs.

11 LEGISLATOR JACOBS: Lisa, I just was
12 wondering, how long has this firm been working on
13 this particular item?

14 MS. LOCURTO: The summons and complaint
15 was filed in March 2013. They have been working
16 with us -- let me just check my notes. I knew
17 you were going to ask that question. April they
18 came into the case. It was being handled in-
19 house. Even though the notice of claim had been
20 filed in 2011, the case had been handled in-house
21 up until 2013. When the summons and complaint
22 was filed, it was determined that the type of
23 attention that this case needed, that special
24 counsel would be necessary to work with us.

25 LEGISLATOR JACOBS: Let me ask you the

2 next question. Am I right that they've been
3 working without a contract up to this point?

4 MS. LOCURTO: They have. They have.
5 Yes.

6 LEGISLATOR JACOBS: So, do you have a
7 concern now about NIFA with us agreeing to
8 anything at this point? I know they've laid the
9 law down as far as contracts coming before them.

10 MS. LOCURTO: Yes. Of course we do have
11 a concern with it. However, we have endeavored
12 to have communication with the NIFA board to let
13 them know about significant litigations such as
14 these. Berchman Henoch has other contracts with
15 the county attorney's office on other significant
16 litigations, and NIFA has approved them in the
17 past.

18 LEGISLATOR JACOBS: So let me just ask
19 you something. This might be -- I'm not an
20 attorney. Then shouldn't we get these contracts
21 sooner?

22 MS. LOCURTO: Absolutely. And that's
23 why we're endeavoring to do that and that's why
24 to -- back into what Legislator Wink was saying -
25 - that's why it was important to, even though it

seems like a very large dollar figure, it's better to put an assessment on what we think will be necessary to cover this litigation upfront rather than having to come back to you piecemeal and be behind the eight ball.

LEGISLATOR JACOBS: Thank you.

CHAIRWOMAN GONSALVES: Any other comments or questions?

(No verbal response.)

Any public comment regarding this item?

(No verbal response.)

There being none. All those in favor of Contract E-245 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The contract passes four to three.

Next contract is Contract E-246 with County Attorney and Bartlett McDonough & Monaghan, LLP.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Ms. Locurto.

MS. LOCURTO: This is an amendment to an already existing contract with The Law Firm of Bartlett & McDonough. It is another instance of a federal lawsuit claiming excessive force and constitutional violations. The contract was originally sent to outside counsel because of internal conflict within the county attorney's office. We are amending the contract now to increase the scope of the services. The initial lawsuit was a federal lawsuit. There is a companion state case. And it made sense, in terms of the litigation strategy for defense in both the federal and state action to combine the two cases and have them with single representation and keep it with the same law firm of Bartlett & McDonough.

CHAIRWOMAN GONSALVES: Any questions or comments?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of Contract E-246 signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (Nay.)

5 The contract passes four to three.

6 The next contract is E-247, a contract
7 with the County Attorney and Roseberg Calica &
8 Birney, LLP.

9 Motion, please?

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR FORD: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator Ford.

14 MS. LOCURTO: Again this is a personal
15 services contract for special counsel with The
16 Law Firm of Roseberg Calica & Birney. They are
17 representing the County of Nassau in the matter
18 of *Baldwin Unified Free School District* and a
19 number of other school districts that have sued
20 the county on the 2010 repeal of the county
21 guarantee.

22 Mr. Rosenberg's firm has been retained to
23 assist the county in the oral arguments that we
24 will be making at the Court of Appeals. The
25 Court of Appeals -- the county had, in 2011, had

2 won and the state court had upheld the repeal of
3 the county guarantee. The school districts
4 appealed to the Appellate Division, which
5 reversed. The county made special application of
6 leave to the Court of Appeals which granted the
7 application citing that there were sufficient
8 state concerns and constitutional issues. That's
9 procedurally where the case is right now.

10 Mr. Rosenberg's firm is assisting us and
11 did assist us in the filing of the briefs and
12 will be making the oral argument which will take
13 place in January 2014. Mr. Rosenberg has
14 represented several appeals, over 80 appeals in
15 the Appellate Divisions in the First, Second, and
16 Third Department and he has represented
17 municipalities throughout his career, and we
18 believe his assistance will aid us in a very
19 significant and important litigation.

20 CHAIRWOMAN GONSALVES: Any questions or
21 comments for Ms. Locurto?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 There being none, all those in favor of

Contract E-247 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The contract passes four to three.

The next contract is Contract E-248 with DPW and LIRO Program and Construction Management.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Who do we have, Mr. May?

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

MR. ARNOLD: E-248 is a contract amendment with LIRO for their construction management services for the correctional center lighting project. It extends the contract to the end of this year and increases the value of the contract by \$56,000. The increase is associated with additional work required with the LIPA feeds at the building and some other issues that arose during construction.

CHAIRWOMAN GONSALVES: Any questions or

comments of Mr. Arnold?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Contract E-248 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-249, a contract
with the County Attorney and Pannone Lopes
Devereaux & West, LLC.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Motion by
Legislator Dunne, seconded by Legislator Ford.

And we have?

MR. MAY: We have Judge Carnell Foskey.

MR. FOSKEY: Good afternoon.

CHAIRWOMAN GONSALVES: Good afternoon.

MR. FOSKEY: This is an amendment to an
existing contract. This contract will include

the reviewing of the management and operation of the sewer plants and any potential updates to the plants, including environmental issues and federal and state guidelines and regulations.

CHAIRWOMAN GONSALVES: Any questions?

LEGISLATOR WINK: Yeah. I have a question.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Foskey, does this agreement deal with setting sewer rates?

MR. FOSKEY: Correct. The original agreement did. This expands the scope, just makes it a little bit broader to include management.

LEGISLATOR WINK: How broad?

MR. FOSKEY: As I indicated earlier, it includes reviewing the management and operation of the plant, potential updates to the plant, and also environmental issues that come up during the course of the management of the plan, including any federal and state regulations which we need to comply with.

This also came about in light of Super Storm Sandy. The state had requested the

1 municipalities to review, fix, and update and
2 look for ways to make the plant run more
3 efficiently and manage more efficiently.
4

5 LEGISLATOR WINK: So this is a law firm
6 that we're bringing on to manage --

7 MR. FOSKEY: They're already on board,
8 yes. This is an amendment.

9 LEGISLATOR WINK: To manage the sewage
10 treatment plant.

11 MR. FOSKEY: Not the management. No.
12 Not to manage the facilities; to advise us how to
13 manage it more efficiently.

14 LEGISLATOR WINK: How many engineering
15 firms do we have whose goal is to advise us on
16 how to manage it more efficiently?

17 MR. FOSKEY: That question would have to
18 be addressed to DPW.

19 LEGISLATOR WINK: That's the problem, we
20 keep getting told that we need another
21 engineering firm in there to help manage the
22 place more efficiently. Now we need lawyers to
23 help manage the place more efficiently too.

24 MR. FOSKEY: As I indicated earlier,
25 this is not a new contract, it's an amendment to

2 an existing contract. And this contract actually
3 is more geared towards what happened with Super
4 Storm Sandy, it's to make sure that when we apply
5 for the FEMA reimbursements that we've done our
6 work and we've done our part to make sure we're
7 in compliance and to maximize any type of
8 reimbursements that we would get from the state
9 or federal government.

10 LEGISLATOR WINK: My suspicion -- and I
11 don't recall whether I had a vote on this or not.
12 My suspicion is I would have voted against this
13 contract initially because it was actually to
14 help set up the toilet tax. If that still has
15 anything to do with this contract, I'm not going
16 to support this.

17 MR. FOSKEY: No. There is nothing in
18 here that would support that type --

19 LEGISLATOR WINK: You said it expands
20 the initial goal, which was to set sewer fees.

21 MR. FOSKEY: Just --

22 LEGISLATOR WINK: Sewer rates, excuse
23 me.

24 MR. FOSKEY: You look at the vision of
25 scope and you look at the new scope of services,

1 the new scope -- the original scope talked about
2 sewer rates. The new scope says in addition to
3 services set forth under the original agreement
4 counsel shall also represent the County in
5 connection with County's waste water systems.
6 And that's it. Nothing more, nothing less.

7
8 LEGISLATOR WINK: Which sounds like it
9 could be a lot more or a lot less, as the case
10 may be.

11 MR. FOSKEY: They've done this kind of
12 work in other municipalities, including Rockland
13 County. It's a firm that has been engaged by
14 other municipalities to assist them with the
15 management to make it run more efficient and more
16 cost efficient.

17 LEGISLATOR WINK: Will the scope of
18 their services possibly include helping to set up
19 a rate structure for the toilet tax?

20 MR. FOSKEY: No. The original ones was
21 just sewer rates, that was the original contract.
22 The amendment just goes to allow us to use them
23 for different -- as I indicated to you earlier,
24 is that it's to assist the county and DPW in
25 making sure that we are in compliance with

federal and state guidelines.

LEGISLATOR WINK: I don't have a problem with that. What I have a problem with is if they're still going to be in the business of helping us set up a fee structure for sewer rates for not-for-profit agencies.

MR. FOSKEY: In the original contract, when you look at the services, it just speaks to sewer rates. That's all it spoke to. I have no reason to believe -- I haven't seen any vouchers or any bills that was for the comments that you are making.

LEGISLATOR WINK: I'm not sure I'm going to support this if I can't know for sure that the toilet tax is not associated with this contract.

MR. FOSKEY: There's nothing today that I see that would say that.

Any additional questions?

CHAIRWOMAN GONSALVES: Any other questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of

Contract E-249 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The contract passes four to three.

LEGISLATOR NICOLELLO: Let the record reflect that the Presiding Officer is recusing herself. She is not going to be participating in the discussion or comments or vote with respect to the next item, which is E-251-2013, a contract between the County Attorney and Jaspan Schlesinger, LLP.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Do we have any questions on this one, E-251?

(No verbal response.)

Hearing none, any public comment?

(No verbal response.)

Hearing none, all in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Invite the Presiding Officer back in.

CHAIRWOMAN GONSALVES: Next contract is E-252 with County Attorney and Lewis & Fiore.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

MR. MAY: Again, we have Ms. Lisa Locurto from the County Attorney's Office.

MS. LOCURTO: This is an amendment to an existing contract. We are -- the scope of the services that are going to be provided in this amendment would be to assist the county in the defense of the re-trial ordered in the *Colgart* matter by Federal Judge Joanna Seidberg.

In 2013, Judge Seidberg granted two out of the three plaintiffs in the *Colgart* civil trial litigation a new trial. She has set trial for March 17, 2014. We are endeavoring to use the Law Firm of Lewis & Fiore, who were the original attorneys on the underlying action, to

2 continue with the litigation in preparation for
3 the re-trial.

4 CHAIRWOMAN GONSALVES: Any questions or
5 comments for Ms. Locurto? Legislator Wink.

6 LEGISLATOR WINK: Ms. Locurto, I'm a
7 little confused. I thought this matter was in
8 relation to potential or ongoing litigation
9 regarding the reapportionment of this
10 legislature.

11 MS. LOCURTO: Originally there was a
12 contract with Lewis & Fiore for that purpose.
13 However, it appears that any federal issues
14 related to the redistricting are not going to be
15 going forward. We need, unfortunately because of
16 the deadline that Joanna Siebert has put on us,
17 we need to get Lewis & Fiore working on the re-
18 trial. And we have amended this contract,
19 because it has available funding for us to use to
20 get them working on the case.

21 LEGISLATOR WINK: So it would be that
22 onerous to create a new contract to deal with the
23 actual matter at hand as opposed to --

24 MS. LOCURTO: The services by the Law
25 Firm of Lewis & Fiore are going to take us

2 through certain legal pre-trial motions. We are
3 trying to get an appeal of Joanna Siebert's
4 order.

5 Mr. David Lewis, who is the principal of
6 the Lewis & Fiore firm, are going to work with us
7 and the additional counsel of Freidman, Neuner &
8 Ginsberg, who did the actual trial of the Colbert
9 case. They are working in conjunction with each
10 other for that purpose. However, David Lewis has
11 indicated that he is not going to be able to go
12 forward with the re-trial, so we will be coming
13 back to the legislature with a new contract with
14 the law firm of Friedman, Neuner & Ginsberg.

15 LEGISLATOR WINK: So again, why don't we
16 do a contract for Lewis & Fiore specific to the
17 Colgert hearing, specific to the motion, as
18 opposed to trying to doctor up an existing
19 agreement which has nothing whatsoever to do with
20 the facts or circumstances of Colgert?

21 MS. LOCURTO: Because time is of the
22 essence, and that's why we want to use an
23 existing contract.

24 LEGISLATOR WINK: I don't know. I'm --
25 it's confusing to me at this point that we're

2 missing and matching matters just so that we can
3 keep on the same people for an extra period of
4 time. I'm not comfortable with that myself.

5 Thanks.

6 CHAIRWOMAN GONSALVES: Any other
7 questions or comments?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 There being none; all those in favor of
12 Contract E-252 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 The contract passes four to three.

17 LEGISLATOR NICOLELLO: Let the record
18 show that the Presiding Officer has recused
19 herself on Item 253-2013. She will not be
20 participating in any debate, discussion, or vote
21 on this item.

22 This is a contract between the County
23 Attorney and Leventhal, Cursio, Mullaney &
24 Sliney, LLP.

25 LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Ford.

MS. LOCURTO: This is a contract for
special counsel to represent the Republican Board
of Election Commissioner, Lou Saventi, in the
matter of *Gonsalves vs. The New York State Board
of Elections*. The amount of the contract, you
will see, is for \$15,000; however, we're only
encumbering 7,000. We believe this is the amount
that will cover any legal services through the
end of 2013. If additional legal services are
required beyond that amount, we will encumber the
additional funds. Our office believes, in
speaking with counsel, it should not exceed
15,000.

LEGISLATOR NICOLELLO: Okay. Any
questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

2 (No verbal response.)

3 It carries unanimously.

4 CHAIRWOMAN GONSALVES: The next
5 contract is E-254, a contract with DPW and
6 Gibbons, Esposito & Boyce, P.C.

7 Motion, please?

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR FORD: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator Ford.

12 Mr. Arnold.

13 MR. ARNOLD: E-254 is a contract
14 amendment with Gibbons, Esposito & Boyce for
15 their traffic on-call engineering contract with
16 the department to extend the contract till the
17 end of 2014 and add additional CAP space in the
18 contract of \$400,000.

19 CHAIRWOMAN GONSALVES: Any questions or
20 comments for Mr. Arnold? Legislator Wink.

21 LEGISLATOR WINK: Ken, what's the
22 current contract amount?

23 MR. ARNOLD: I believe it's either 150
24 or we might have added a little money for Sandy.
25 I believe it's 150.

2 LEGISLATOR WINK: 150,000?

3 MR. ARNOLD: Yeah.

4 LEGISLATOR WINK: And we're adding 400

5 to it?

6 MR. ARNOLD: Yeah.

7 LEGISLATOR WINK: For the purposes of
8 continuing the same services they've provided as
9 a result of Sandy?

10 MR. ARNOLD: It gives us the CAP space,
11 the ability to put out on-call missions and then
12 if they are the responsible bidder, award them
13 the mission or the work order.

14 LEGISLATOR WINK: Does this contract
15 have the language that we debated and argued
16 about at last meeting?

17 MR. ARNOLD: I believe it does.

18 LEGISLATOR WINK: Extending the time to
19 whatever time period --

20 MR. ARNOLD: Yes.

21 LEGISLATOR WINK: until the work is
22 done.

23 MR. ARNOLD: Just to complete the
24 assignments that were given to them, yes.

25 LEGISLATOR WINK: Okay. So the

assignments have to be given within the time period of the contract.

MR. ARNOLD: Yes.

LEGISLATOR WINK: Their completion can be however long into the future.

MR. ARNOLD: That's correct.

LEGISLATOR WINK: Okay. What's the extra 400,000 for as opposed to the 150? Is it we want more work to be done post Sandy?

MR. ARNOLD: Yeah. Our estimate is -- not that every consultant would use the \$400,000 but the ability to have them available for \$400,000 of work per year. We spent just shy of probably \$2 million in traffic work.

LEGISLATOR WINK: Okay. Thanks.

CHAIRWOMAN GONSALVES: Any other questions of Mr. Arnold?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Contract E-254 signify by saying aye.

(Aye.)

Any opposed?

2 (Nay.)

3 The contract passes four to three.

4 CHAIRWOMAN GONSALVES: I'm going to
5 call four contracts together - Contract E-256, a
6 contract with DPW and LIRP Program and
7 Construction Management, P.C.; Contract E-257,
8 with DPW and Dvirka and Bartilucci/LIRO, a joint
9 venture; Contract E-258, a contract with DPW and
10 Lockwood, Kessler & Bartlett; and E-259a contract
11 with DPW and Haks Engineers, Architects and Land
12 Surveyors, P.C.

13 Motion, please?

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR FORD: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator Ford.

18 And? Mr. Arnold.

19 MR. ARNOLD: Yes. 256 is a contract
20 with LIRO for the construction management of the
21 Bay Park and Cedar Creek odor control contract
22 that was recently passed by this body.

23 Item 257 is an amendment to the existing
24 departmental on-call construction management
25 contract with Dvikra and Bartilucci/LIRO to pay

them for work that recently as completed.

Item 258 is a construction management contract with LKB for the Bay Park sludge thickening building. Those construction contracts also came to this body and were recently passed.

Item 259 is a construction management contract with HAKS, associated with the Bay Park final tank construction contract that was passed by this body for Bay Park.

CHAIRWOMAN GONSALVES: Any questions of Mr. Arnold on these contracts?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Contract E-256, E-257, E-258, E-259, signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contracts pass unanimously.

The next contract is E-261 with DPW and Nelson and Pope Engineers and Land Surveyors.

2 Motion, please?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Deputy Presiding
7 Officer Nicoletto.

8 Mr. Arnold.

9 MR. ARNOLD: 261 is a contract amendment
10 with Nelson and Pope for construction management
11 for the Middle Neck Road project which is
12 ongoing. The Nelson and Pope design contract had
13 provisions in it that allowed them to oversee the
14 construction of the job. It was felt by the
15 department that it was in the best interest of
16 the county to have them do that work. In
17 addition, there was some additional scope items
18 to cover some public participation that was
19 required to make sure that the community
20 understood what we were doing.

21 CHAIRWOMAN GONSALVES: Any questions or
22 comments for Mr. Arnold?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

All those in favor of Contract E-261 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is E-262, a contract with DPW and Hazen and Sawyer/Malcolm Pirnie.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford. Mr. Arnold.

MR. ARNOLD: Item 262 is an amendment to the existing joint venture contract with Hazen and Sawyer/Malcolm Pirnie for the Bay Park recovery efforts. This amendment adds three additional tasks to their scope of work, which includes the coordination of all non-Sandy capital work at Bay Park, supplying a full time operations expert at the plant, and also to start the conceptual planning for the ocean outfall.

CHAIRWOMAN GONSALVES: Any questions or

comments of Mr. Arnold regarding this contract?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Contract E-262 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

I'm going to ask for a motion to suspend
the rules because I have an addendum item.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Ford.

All those in favor of suspending the
rules signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item that's been added to by addendum
is Contract E-250, a contract with DPW and

2 Greenman Pederson, Inc.

3 Motion for that, please?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Deputy Presiding

8 Officer Nicolello.

9 Mr. Arnold.

10 MR. ARNOLD: Item E-250 is a contract
11 agreement to Greenman Pederson. They are design
12 engineer on the Hempstead garage relocation
13 project. The amendment is necessary for
14 additional scope of work.

15 CHAIRWOMAN GONSALVES: Any questions or
16 comments of Mr. Arnold?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 There being none; all those in favor of
21 Contract E-250 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The contract passes unanimously.

2 Rules is now in recess.

3 (Whereupon, the Rules Committee recessed
4 at 1:57 p.m.)

5 (Whereupon, the Rules Committee
6 reconvened at 3:52 p.m.)

7 CHAIRWOMAN GONSALVES: Rules is back
8 in session. We have several items that we will
9 bulk. I will read those items. Once again,
10 they're all part of '13 calendar.

11 Item 530 - by the way, these items have
12 been called in previous committees, and whatever
13 testimony was offered in these committees, please
14 be incorporated into the Rules Committee. Thank
15 you.

16 Item 530, 531, 532, 537, 538, 539, 540,
17 541, 542, 543, 544, 545, 546, 547, 549, 550, 551,
18 552, 553, 554, 555, 556, 557, 560, 561, 562, 563,
19 564, 565, 566, 568, 572, and Item 458, 574, 575,
20 all of the '13 year calendar.

21 Motion, please?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR FORD: Second.

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

2 Any questions?

3 (No verbal response.)

4 Any comments?

5 (No verbal response.)

6 Public comment?

7 (No verbal response.)

8 Again, I repeat, that the testimony from
9 the previous committees be incorporated into the
10 Rules.

11 (Whereupon, the following is the minutes
12 of December 9, 2013 Finance Committee meeting
13 pertaining to Clerk Items 530, 531, 532, 537,
14 539, 540, 541, 542, 543, 544, 545, 546, 547, 549,
15 550, 551, 552, 553, 554, 555, 565, 566, 572, 458,
16 574, and 575-2013.)

17 Items 530 and 532-2013 are resolutions to
18 authorize the transfer of appropriations
19 heretofore made within the budget for the year
20 2013.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR FORD: Second.

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

25 Any questions?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All in favor signify by saying aye.

6 (Aye.)

7 Those items carry unanimously.

8 530 and 531.

9 LEGISLATOR DENENBERG: We had some
10 questions on that. Sorry.

11 CHAIRMAN NICOLELLO: Go ahead. Mr. May.

12 MR. MAY: Yes, Mr. Chairman. I'm sorry.
13 Which items do we have questions on?

14 LEGISLATOR NICOLELLO: 530 --

15 LEGISLATOR DENENBERG: Can you explain
16 these transfers, please?

17 MR. MAY: We're referring to Clerk Item
18 530-13?

19 CHAIRMAN NICOLELLO: Yes.

20 MR. MAY: We have Ms. Roseanne D'Allewa
21 from the Office of Management and Budget to
22 answer questions on that item.

23 MS. D'ALLEVA: Hello. This was a
24 consolidated board transfer for several
25 departments. What in particular do you have a

question on?

LEGISLATOR DENENBERG: Why is it such a large transfer for corrections and for worker's comp settlements?

MS. D'ALLEVA: What we're experiencing this year is not -- we're experiencing the same number of claims, approximately, it's just that the loss amounts for the claims are much higher because the indemnity payments have risen so rapidly.

LEGISLATOR DENENBERG: Why have the indemnity claims risen so rapidly?

MS. D'ALLEVA: New York State Law Worker's Compensation Board. What we used to pay at \$400 for an indemnity payment per week, we now pay \$804.

LEGISLATOR DENENBERG: So if someone is out for a work because of worker's comp it went from 400 to 804 because of a change in state law?

MS. D'ALLEVA: Yes. Yes. There has been an uptick since 2007 'til now. Most of this overage was really due to the fact that our loss claims have -- we are experiencing the same amount of loss claims but the worker's comp board

2 is settling them more rapidly and therefore if
3 they are awarded 20 weeks, it's 20 weeks times
4 the indemnity rate of 804.

5 LEGISLATOR DENENBERG: So in the past
6 what happened?

7 MS. D'ALLEVA: The worker's comp board
8 wasn't settling them as rapidly, so therefore we
9 -- and it's been happening the past, like, 18
10 months.

11 LEGISLATOR DENENBERG: But if it's the
12 same number of claims, regardless of whether they
13 settle them, it would just be a backlog and it
14 would be like a continuity at some point.

15 MS. D'ALLEVA: But they are actually
16 awarding the -- the schedule, in terms of rate of
17 reward for specific body parts is actually
18 increasing as well. So a rotator cuff was worth
19 probably 20 weeks and now it's worth 30 weeks.

20 LEGISLATOR DENENBERG: For police
21 district the transfer is being taken out of
22 contingency reserves and out of suits and
23 damages, right?

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

25 LEGISLATOR DENENBERG: Suits and damages

1 makes sense because it's worker's comp, it's a
2 suit and damage anyway. Contingency reserve
3 makes sense because if we don't have enough money
4 in worker's comp or in suits and damages, I can
5 understand coming out of contingency reserve.
6 But for correction center it doesn't -- it's not
7 coming out of contingency or suits and damages.
8 Why?
9

10 MS. D'ALLEVA: It's coming out of
11 salaries because that's where they have a
12 surplus. They have appropriation there and they
13 have to self fund it.

14 LEGISLATOR DENENBERG: We don't have
15 suits and damages within corrections? We don't
16 have a --

17 MS. D'ALLEVA: No.

18 LEGISLATOR DENENBERG: contingency
19 reserve?

20 MS. D'ALLEVA: No. There is not
21 appropriation for suits and damages in
22 corrections.

23 LEGISLATOR DENENBERG: Why would there
24 be enough money in salaries in correctional
25 center? Is that because we're down correction

officers? Did we expect to hire more this year?

MS. D'ALLEVA: I believe we have vacancies, yes. And I believe we do expect to have -- on average, we're expecting to hire about 30.

LEGISLATOR DENENBERG: How many did we hire this year?

MS. D'ALLEVA: I think it was 14. Seventeen.

LEGISLATOR DENENBERG: So we were supposed to -- or we thought we would hire 30, we only hired 17 so now we have extra money in the correctional center salary line?

MS. D'ALLEVA: Yes. Overtime is slightly under projected currently. There is some room in their overtime budget as well but not much.

LEGISLATOR DENENBERG: Is there a reason why we hired less than projected?

MS. D'ALLEVA: You would have to speak to the Sheriff Sposato.

LEGISLATOR DENENBERG: We have someone here. Could you answer?

CAPTAIN SATHER: Captain Keith Sather.

2 Although I'm not really here today to answer
3 questions as far as hiring, the correctional
4 center, through lower inmate headcount,
5 consolidation, management has been able to stay
6 within its budget, its overtime budget, which
7 it's projecting out at 15.2 this year, so there
8 hasn't been the need.

9 LEGISLATOR DENENBERG: So we're able to
10 take the money for worker's comp here?

11 CAPTAIN SATHER: We were able to take
12 the money from a surplus within our budget.

13 LEGISLATOR DENENBERG: Are we increasing
14 the amount in worker's comp in future years now
15 based on the fact that, as you said, the state
16 law has increased or doubled indemnity claims?

17 MS. D'ALLEVA: The 2014 budget did
18 account for an increase in indemnity payment,
19 yes.

20 LEGISLATOR DENENBERG: This high an
21 increase, 400 to 804, as you called it?

22 MS. D'ALLEVA: I believe the 2014 budget
23 was somewhere in the neighborhood of 25 million
24 in total. I'm not really sure particularly what
25 it was in corrections. But in 2014 I think it

2 tops out at 28 million. So it was accommodated
3 for in the 2014 budget.

4 LEGISLATOR DENENBERG: Why within police
5 do we have a suits and damages line but we don't
6 have that in corrections?

7 MS. D'ALLEVA: There are some
8 settlements that they do in-house. They also
9 have their own attorneys.

10 LEGISLATOR DENENBERG: I don't really
11 understand how that answers the question. I'm
12 saying that police has their own attorneys too.
13 There's a suits and damages --

14 MS. D'ALLEVA: Corrections doesn't have
15 their own attorney group. They use the county
16 attorney's office.

17 LEGISLATOR DENENBERG: Yeah. But
18 there's a suits and damages line in police, there
19 isn't in corrections. There's suits and damages
20 in both departments, so I don't understand why
21 one department, police, has suits and damages and
22 corrections does not.

23 MS. D'ALLEVA: I could try to get you
24 the information, in terms of what their
25 litigating and what they're not and what they're

settling. I'm not really 100 percent sure.

LEGISLATOR DENENBERG: What does that have to do with having a line in the budget for suits and damages? We have suits and damages under corrections and suits and damages under police, but under police we have a line in the budget and under corrections --

MS. D'ALLEVA: We don't have suits and damages under corrections. We don't have a suits and damages line under corrections.

LEGISLATOR DENENBERG: That's what I'm saying. Why don't we?

MS. D'ALLEVA: Because they're --

LEGISLATOR DENENBERG: We have the suits, we have the damages, but we don't have a budget line. In police we have the suits, we have the damages, we have a budget line.

MS. D'ALLEVA: Because in PDD it's a separate funding source. It's a separate fund. So it's the district fund versus the general fund countywide.

LEGISLATOR DENENBERG: Okay. All right. I have no other questions.

CHAIRMAN NICOLELLO: Okay. Any other

questions?

(No verbal response.)

Thank you, Roseanne.

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

Item 532-2013, a resolution authorizing the county executive to execute a grant agreement between the County of Nassau acting on behalf of the County Department of Parks and Mineola Historical Society.

I'll move that, seconded by Legislator Dunne.

Any questions on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

It carries unanimously.

Items 537 and 538-2013. 537 is an ordinance certifying base and adjusted base proportions for county, town, and special districts for each class property set forth in §1802 of the Real Property Tax Law.

Item 538 is a resolution to fix the time and date on which consolidated tax warrants shall be issued to the town and city receiver of taxes for the collection of taxes and assessments levied by the Nassau County Legislature.

Moved by Legislator Dunne, seconded by Legislator Ford.

Do we have any questions on these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

I'm now going to call 539, 540, 541, 542, 543, 544, 545, 546, 547, 549, 550, 551, and 552.

These are resolutions authorizing the assessor of

2 the County of Nassau to extend on the annual
3 assessment roll of the County of Nassau for the
4 year 2014 for the Town of Hempstead, amounts
5 assessed by the Town Board for survey and
6 demolition or securing unsafe premises, also for
7 the construction or reconstruction of sidewalks
8 pursuant to Town Law and County Government Law;
9 we're doing the same thing in Oyster Bay with
10 respect to construction or reconstruction of
11 sidewalks; same thing in North Hempstead for the
12 demolition and/or securing of unsafe premises.

13 549 is a resolution authorizing the
14 county assessor and/or county treasurer and/or
15 receiver of taxes of the Town of North Hempstead
16 to exempt from real property taxation certain
17 real properties situated in various school
18 districts; same with 550; 551 is the same with
19 respect to Oyster Bay and is partially exempting
20 from real property taxation certain properties.
21 552 is for the Town of Oyster Bay to correct
22 erroneous assessments.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR FORD: Second.

25 CHAIRMAN NICOLELLO: Moved by Legislator

Dunne, seconded by Legislator Ford.

Any questions on these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Items carry unanimously.

Item 553 is a resolution to authorize the county assessor and/or the county treasurer and/or the receiver of taxes of the City of Long Beach, it should be Glen Cove, to exempt from real property taxation certain real properties appearing on the assessment rolls for the specified school and/or county years.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

We have to amend this item to refer to Glen Cove instead of Long Beach.

I'll take a motion to amend.

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR FORD: Second.

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

6 Any questions on the amendment?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All in favor of the amendment signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Amendment passes unanimously.

16 Now as to the amended item. Any
17 questions on the amended item?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All in favor signify by saying aye.

22 (Aye.)

23 Those opposed?

24 (No verbal response.)

25 That item carries unanimously.

Items 554 and 555 are resolutions to authorize the county assessor and/or the county treasurer and/or the receiver of taxes of the Town of Hempstead to partially exempt from real property taxation certain properties and also the Town of Hempstead to exempt from real property taxation certain properties.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Any questions on these two items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those two items carry unanimously.

Items 560, 561, 562, 563, and 564 are ordinances supplemental to the annual appropriation ordinance in connection with the Health Department, Department of Human Services,

2 Department of Social Services -- Item 561 should
3 be the Health Department -- 562 is Social
4 Services, 563 is Department of Forensic Genetics
5 Medical Examiner, and 564 which is the Health
6 Department, Police Department, Office of
7 Emergency Management and the Fire Commission.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR FORD: Second.

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

12 Any questions on these items?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Those items carry unanimously.

21 Items 556 -- I'm sorry. Items 565-2013
22 and 566-2013 are resolutions to authorize the
23 transfer of appropriations heretofore made within
24 the budget for the year 2013.

25 LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Any questions on these items?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

All opposed?

(No verbal response.)

They carry unanimously.

Item 568-2013 is an ordinance supplemental to the annual appropriation ordinance in connection with the Office of Emergency Management, Department of Public Works, Medical Examiner, and Correctional Center.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Any questions?

(No verbal response.)

Public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item passes unanimously.

Item 569-2103 is a resolution amending the boundary descriptions of the sewer and storm water resources district zones of assessment.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Any questions?

(No verbal response.)

LEGISLATOR DeRIGGI-WHITTON: I have a question.

CHAIRMAN NICOLELLO: Legislator DeRiggi-Whitton.

CHAIRMAN NICOLELLO: Mr. May, do we have a speaker?

MR. MAY: Yes. We have Mr. Ken Arnold and Connell Denion and maybe even Ms. Jane Houdek.

1 MR. ARNOLD: Ken Arnold.

2 LEGISLATOR DeRIGGI-WHITTON: Hi, Ken.

3 Can you just explain what this entails?

4 MR. ARNOLD: Excuse me? I didn't hear
5 you.

6 LEGISLATOR DeRIGGI-WHITTON: Can you
7 explain what this resolution entails?

8 MR. ARNOLD: The resolution combines the
9 Sewer and Storm Water Authority into the three
10 zones as required by state law. In addition, it
11 takes some orphan properties in Lido and Glen
12 Cove and puts them in the appropriate zone of
13 assessment.

14 LEGISLATOR DeRIGGI-WHITTON: Can you
15 explain -- what is that term that you just used,
16 orphan?

17 MR. ARNOLD: Orphan. Up in Glen Cove
18 when the County took the Glen Cove Sewage Plant,
19 there are certain properties outside the village
20 city boundaries. These properties currently are
21 receiving a bill from the Department of Public
22 Works for their sanitary sewer services. This
23 will put these properties inside the zone of
24 assessment for disposals and collection and they
25

will no longer receive a bill from the department but will receive something on their taxes.

LEGISLATOR DeRIGGI-WHITTON: With the backup it stated that attached hereto was a list of the properties intended for the addition; I don't have a copy of the properties.

MR. ARNOLD: We can provide that for you.

LEGISLATOR DeRIGGI-WHITTON: I think that's pretty important before we vote on this because this is --

CHAIRMAN NICOLELLO: This is for committees. We have 11 days until the Full Legislature.

LEGISLATOR DeRIGGI-WHITTON: I know.

CHAIRMAN NICOLELLO: So if they can get you the information by that time.

LEGISLATOR DeRIGGI-WHITTON: I think it's pretty significant, Rich. Just before we vote on it, I would just like to know who and what we're talking about and what areas. I have no idea what you're talking about. You're going to be billing them through their taxes because there is no sewage tax, basically, in Glen Cove.

1 MR. ARNOLD: No. Currently these
2 properties, when the IMA was finalized with the
3 City of Glen Cove these properties were outside
4 the City.

5 LEGISLATOR DeRIGGI-WHITTON: Correct.

6 MR. ARNOLD: So they were not included
7 as part of the IMA.

8 LEGISLATOR DeRIGGI-WHITTON: So where
9 are they?
10

11 MR. ARNOLD: They're in the Village of
12 Sea Cliff, Lattingtown, surrounding communities
13 around the City. The City had worked out over
14 time sewer collection and disposal for these
15 properties, because it was in the best interest
16 of the environment to accept them into the Glen
17 Cove Sewage Plant.

18 LEGISLATOR DeRIGGI-WHITTON: Right. I
19 still think it's just important to know what
20 areas you're talking about. I understand there
21 is partial, maybe in Sea Cliff, but Lattingtown,
22 I'm not even aware of what area you're speaking
23 of.

24 MR. ARNOLD: We can get that list for
25 you.

CHAIRMAN NICOLELLO: But they currently are being billed. Now they charges will appear as taxes on their tax bill.

MR. ARNOLD: Correct. Currently they are receiving a bill from the department based on the --

LEGISLATOR DeRIGGI-WHITTON: Even though -- I was, you know, I was actually just elected when that all happened. I was not in office yet. There was supposed to be a 15 year grace period -

MR. ARNOLD: That's for City residents.

LEGISLATOR DeRIGGI-WHITTON: It wasn't anyone who would be paying taxes --

MR. ARNOLD: No. Only for City residents.

LEGISLATOR DeRIGGI-WHITTON: So now they've been paying taxes all this time.

MR. ARNOLD: They haven't been paying taxes. They've been paying a fee to the department.

LEGISLATOR DeRIGGI-WHITTON: So are we going to have to reimburse them in any way?

MR. ARNOLD: No. They are not exempt from -- the IMA did not contemplate the outside

city residents not paying.

LEGISLATOR DeRIGGI-WHITTON: What about the IMA?

MR. ARNOLD: What about the IMA?

LEGISLATOR DeRIGGI-WHITTON: Could we have a copy of that, just like a description of what --

MR. ARNOLD: Yes. We can get you a copy of the IMA.

LEGISLATOR DeRIGGI-WHITTON: So we definitely need who is going to be affected by this. And when you're saying it's going to appear on their taxes not -- I just would like a clear description.

MR. ARNOLD: Currently, they receive a bill. The average bill is \$600 per year, per home. Now they will receive a tax based on the assessed value of their house.

LEGISLATOR DeRIGGI-WHITTON: So a tax increase for?

MR. ARNOLD: No. In most cases this will be extremely - much lower than what they're paying us currently. Now they're going to be paid based on the standardized collection and

disposal fee that the county has, they apply that to their assessed tax on their property. So their fee, in most cases, will be below \$600.

LEGISLATOR DeRIGGI-WHITTON: Based on the assessment value of their home?

MR. ARNOLD: Yes.

LEGISLATOR DeRIGGI-WHITTON: Not on the use of water anymore?

MR. ARNOLD: They never paid by how much water.

LEGISLATOR DeRIGGI-WHITTON: So it's based on the assessment not usage?

MR. ARNOLD: Right.

LEGISLATOR DeRIGGI-WHITTON: Again, just before I'm going to vote for this I would just like to have some idea of what areas are affected, especially since it's not included in the backup.

MR. ARNOLD: We'll get you that.

CHAIRMAN NICOLELLO: It has another benefit for the homeowners. Since it's going to be appearing on their tax bills it becomes deductible, right?

MR. ARNOLD: I believe so, yes. Because

right now it's just strictly a fee.

CHAIRMAN NICOLELLO: So if it shows up as part of their taxes it becomes something they can deduct on their income taxes.

Legislator Ford.

LEGISLATOR FORD: I just have a question in regard to this because I know even up in Lido -- is this going to help us -- because I know that that we had an issue up at Lido because we have certain blocks, you know, where the people have basically been paying or not paying sewer fees and yet when they had a problem with their sewer system, nobody knew which jurisdiction they fell under.

MR. ARNOLD: These properties will become part of the Authority now. And the county will maintain the collection system.

LEGISLATOR FORD: So if they do have a problem with their sewer system, now we know that the county will be responsible for going to make sure that the system will work and everything.

MR. ARNOLD: Correct.

LEGISLATOR FORD: Thank you very much.

CHAIRMAN NICOLELLO: Any further

questions?

(No verbal response.)

Thank you, Ken.

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

LEGISLATOR DeRIGGI-WHITTON: I'm
opposed.

LEGISLATOR DENENBERG: I'm opposed too.

CHAIRMAN NICOLELLO: Carrie?

LEGISLATOR SOLAGES: I'm opposed as
well.

So it passes four to three.

LEGISLATOR DeRIGGI-WHITTON: And that's
pending the information that you're going to
provide, which should have been in the backup.

The item passes four to three.

Item 572-2013, a resolution authorizing
the assessor of the County of Nassau to extend on
the annual assessment roll of the County for the
year 2014 for the Town of Oyster Bay, amounts
assessed by the town board for survey and/or

demotion and/or securing unsafe premises.

LEGISLATOR VENDITTO: So moved.

LEGISLATOR DUNNE: Second.

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

Any questions on this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

That item carries unanimously.

Legislator Dunne makes a motion to
suspend the rules, seconded by Legislator Ford.

All in favor of suspending the rules
signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The rules are suspended for the addendum.

We have three items.

Item 458, 575, and 575.

458-2013 is a bond ordinance providing for a capital expenditure to finance the capital project specified herein within the County of Nassau authorizing \$1 million of bonds of the County of Nassau to finance said expenditure.

574 is a bond ordinance providing for a capital expenditure to finance the capital project specified herein within the County of Nassau authorizing \$11,245,000 million of bonds of the County of Nassau to finance said expenditure.

And Item 575 is an ordinance to amend Ordinance Number 86-2013 adopting the capital budget for the year 2013.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Do we have someone who will explain what we're doing here?

MR. MAY: Yes. We have Sergeant Gregory Stephanoff and Detective Sergeant Tara Kaminsky. I'm sorry. Ed Horace.

SERGEANT STEPHANOFF: Good afternoon.

2 Sergeant Greg Stephanoff from the Police.

3 For Item 458, this is to add -- this item
4 will add \$1 million towards our capital project
5 50617, which is the police department bullet
6 proof vests. This money will be used for vests.
7 Manufacturers only guarantee vests that are
8 bullet proof for a certain amount of years, and
9 then they have to be replaced. So this money
10 will replace the vests on the current members and
11 also the new hires.

12 CHAIRMAN NICOLELLO: The next item?

13 SERGEANT STEPHANOFF: The next item I
14 have Chief Horace.

15 CHIEF HORACE: Deputy Chief Edmond
16 Horace, Deputy Chief, Nassau County Police
17 Department.

18 The next item is to amend the capital
19 plan for new radio systems, an 800 megahertz
20 radio system, to upgrade the 800 megahertz radio
21 system. It is over 20 years old, almost 25 years
22 old. It needed to be replaced. And the money
23 for that is \$11.25 million, bonded to get that
24 system replaced. That will include replacing all
25 six radio sites, as well as over 4,000 subscriber

2 units, portables and mobiles. It also includes
3 the ability to interface with the current 500
4 megahertz system, so there will be a direct
5 interoperability between the 800 megahertz system
6 and 500 megahertz system. It will also provide a
7 lot other enhancements, such as integrated voice
8 and data over both systems as well as over the
9 air reprogramming. It will give us the ability
10 to program radios and subscribers remotely
11 instead of having to go out and touch radios,
12 which we currently have to do.

13 CHAIRMAN NICOLELLO: Does this
14 effectuate a complete overhaul of the radio
15 system?

16 CHIEF HORACE: Of the 800 megahertz
17 system, yes, it will.

18 CHAIRMAN NICOLELLO: Will it integrate
19 with the fire departments and other emergency
20 responders?

21 CHIEF HORACE: Any user currently on an
22 800 megahertz system, it will provide them with
23 the voice capabilities on the 800 megahertz
24 system. It will also provide direct voice
25 integration between the 800 and 500 megahertz

system, which we currently do not have.

CHAIRMAN NICOLELLO: Thank you, Chief.

Any questions of either the Sergeant or the Chief? Legislator Ford.

LEGISLATOR FORD: Will this - also, I know a lot of times, like, you know, during these emergency situations, you know, like, if the radios don't work properly, have these been used elsewhere so that you can certify that they will work regardless of the condition?

CHIEF HORACE: Yes. AS a matter of fact, the current 500 megahertz system which the police department has and a lot of fire departments, most fire department do have subscribers for that. During the last hurricane, that hurricane we had last year, the 500 megahertz system worked without fail. The problem is that this 800 megahertz system, because it was old, there were problems with that. What you want to do is you want to rehaul the 800 megahertz system so that it will work during emergency situations such as hurricanes and major disasters. And this system will work in that situation.

LEGISLATOR FORD: My question too would be why wouldn't this fall under, like, a homeland security grant?

CHIEF HORACE: We have applied for grants in the past, some grants we've gotten. We got a cop's grant for the current radio system, 500 megahertz. We've applied for some homeland security grants. Last year we got denied a grant. We were not able to get grant money for this current project.

LEGISLATOR FORD: Okay. Thank you very much.

CHAIRMAN NICOLELLO: Thank you.

Any other questions?

(No verbal response.)

Thank you.

LEGISLATOR DeRIGGI-WHITTON: Can I just say --

CHAIRMAN NICOLELLO: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: I think it's money well spent. I'm glad that you're keeping on top of -- I know there's wear and tear with the vests, everyone wearing them every day.

I understand that it really can make a difference. I'm happy that you're doing this.

SERGEANT STEPHANOFF: Thank you.

CHIEF HORACE: Thank you.

CHAIRMAN NICOLELLO: I think we all agree on that.

Thank you.

Any public comment?

(No verbal response.)

Hearing no public comment.

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

(Whereupon, the following is the minutes of the December 9, 2013 Government Services Committee pertaining to Clerk Items 556 and 557-13.)

I'm going to call Clerk Item 556-13, a local law to sunset the provisions of §6-41.0 of the Nassau County Administrative Code requiring the owners of Class Four properties to take certain actions.

2 Could I have a motion?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR VENDITTO: Second.

5 CHAIRWOMAN FORD: So moved by Legislator
6 Dunne, seconded by Legislator Venditto.

7 The second item is 557-13, a local law to
8 amend the Nassau County Administrative Code to
9 require that annual productions of income and
10 expense statements by income producing property
11 owners and to amend the civil penalty associated
12 with the failure to provide income and expense
13 statements as required.

14 Could I have a motion?

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR VENDITTO: Second.

17 CHAIRWOMAN FORD: So moved by Legislator
18 Dunne, seconded by Legislator Venditto.

19 Who do we have to speak on this today?

20 LEGISLATOR NICOLELLO: I'd like to make
21 an opening statement on behalf of the Majority.

22 The local law before us would amend the
23 Administrative Code to require all income
24 producing properties in Nassau County to provide
25 by electronic means certified income and expense

statements to the Department of Assessment by April 1 of each year.

The goal of this legislation is to provide the department with all of the information it needs to correctly value commercial properties and minimize errors that have cost this county nearly \$1.5 billion to date. Failure to provide this information would result in a fine based on a percentage of the fair market value of the property as that value is determined by the assessor. Continued noncompliance with result in higher fines. Fines would become liens on the underlying properties.

The goal of this law is to assist the Department of Assessment to develop a complete database of income and expense statements for incoming producing properties and so allow the Department of Assessment to provide more accurate assessments, enhance the department's modeling capabilities, determine trends, identify outliers, and track more effectively changes to income producing properties as they occur. It would also allow the department to enhance the effectiveness of the Adapt system, as this system

2 would have better and more timely information
3 about the properties it assesses. This law is
4 similar and, in fact, has been adapted from a law
5 that exists in New York City.

6 I would like to add for the record that
7 this law has been introduced by Presiding Officer
8 Norma Gonsalves and Alternate Deputy Presiding
9 Officer Howard Kopel as a legislative initiative.
10 The administration is reviewing this information
11 and deserves an opportunity for review.

12 Our staff has met with the attorneys
13 representing the minority legislators to discuss
14 the form and substance of this proposal, and we
15 have received a letter from Minority Chief of
16 Staff David Gugerty that we would also like to
17 take the time to review. At the appropriate time
18 I will ask -- we will ask that the minority add
19 the substance of those comments to the record.

20 Accordingly, it is our intention to tee
21 these items up for a hearing to be held on
22 December 19 so that the administration can
23 complete its review and we can complete our
24 review of the discussions we've had with the
25 minority staff. Any information not immediately

2 available to us here can be requested by the Full
3 Legislature on the 19th.

4 To that end, the administration has
5 provided attorney Daniel Valentino to assist us
6 in our understanding of the law as it stands
7 currently and offer his insights into the law
8 that is before us.

9 Mr. Valentino.

10 MR. VALENTINO: Yes. Hi. Good
11 afternoon. My name is Dan Valentino. I am a
12 deputy county attorney who is assigned to the
13 Nassau County Department of Assessment.

14 Currently, we have an income and expense
15 provisions in our Admin Code, it's §6-3.0. It
16 provides for certain property owners, I believe
17 Class 2 and Class 4, to provide us with income
18 and expense statements. We have to request that
19 information. If the commercial property owner or
20 Class 2 property owner doesn't comply, there is a
21 \$500 fine that attaches.

22 LEGISLATOR NICOLELLO: What is the
23 current valuation method used by the Department
24 of Assessment for commercial properties?

25 MR. VALENTINO: Income and expense.

LEGISLATOR NICOLELLO: How are the assessments for commercial properties derived?

MR. VALENTINO: Income and expense.

LEGISLATOR NICOLELLO: What criteria does the department evaluate in determining its value?

MR. VALENTINO: We use income and expense.

LEGISLATOR NICOLELLO: When a tentative roll is created what calendar year is it based on?

MR. VALENTINO: If you're talking about this tentative roll that we're preparing right now, it would be based for the 15/16 year.

LEGISLATOR NICOLELLO: What are the current requirements of property owners with regard to the provision of income and expense statements?

MR. VALENTINO: That's what we have in our Admin Code right now, it's \$630.0. We send out a request for this information. If the commercial property owner doesn't comply there is a \$500 fine that attaches.

LEGISLATOR NICOLELLO: Does the

department request income and expense statements for all commercial properties in the county?

MR. VALENTINO: That's correct.

LEGISLATOR NICOLELLO: It does?

MR. VALENTINO: Hmm, hum.

LEGISLATOR NICOLELLO: What is -- the current fine you mention is \$500, correct?

MR. VALENTINO: Correct.

LEGISLATOR NICOLELLO: The fine applies regardless of the size of the commercial property?

MR. VALENTINO: Correct.

LEGISLATOR NICOLELLO: In terms of compliance with the existing requirements, on a percentage basis, what is the percentage of requests that receive responses?

MR. VALENTINO: We have generally 60 percent.

LEGISLATOR NICOLELLO: Sixty percent respond with their income and expense?

MR. VALENTINO: Correct.

LEGISLATOR NICOLELLO: To the satisfaction of the Department of Assessment or they just respond in some form?

2 MR. VALENTINO: They respond in some
3 form, most, almost -- compliance is pretty good.
4 I don't think we really have too much within
5 those 60 percent where we request additional.
6 But I would have to do some research on that for
7 you.

8 LEGISLATOR NICOLELLO: In terms of the
9 ones that do respond, do you know, percentage
10 wise, is it the larger properties that is
11 providing this information, is it the smaller
12 commercial entities?

13 MR. VALENTINO: I would have to look
14 that up for you. I just know the compliance
15 rate. You want it broken down?

16 LEGISLATOR NICOLELLO: Yeah. Just in
17 general to see what the trends were. Obviously,
18 one of the concerns with this law is that the
19 commercial property owners, the larger properties
20 have less of an incentive because \$500 is
21 peanuts, it's not really a fine. It would be
22 interesting for us to know if the larger owners
23 are complying less frequently or less than the
24 smaller owners.

25 MR. VALENTINO: Okay. I can get that

information for you.

LEGISLATOR NICOLELLO: Okay. Thank you.

Do we actually collect the fines from the property owners?

MR. VALENTINO: Yes.

LEGISLATOR NICOLELLO: Do you know how much we receive, just generally, in these fines a year?

MR. VALENTINO: Not offhand. I would have to look that up.

LEGISLATOR NICOLELLO: The Department of Assessment uses the Adapt system to help create the assessment roll, correct?

MR. VALENTINO: That's correct.

LEGISLATOR NICOLELLO: How much has the county spent on that system?

MR. VALENTINO: I don't know. Millions. I have no idea on the exact figure or even a ballpark.

LEGISLATOR NICOLELLO: Does the Adapt system serve as a repository for income and expense data?

MR. VALENTINO: Yes.

LEGISLATOR NICOLELLO: What else does it

do?

MR. VALENTINO: Adapt is a modeling system that we use that takes the income and expense and it spits out a value. ARC uses the Adapt system, the treasurer and the county attorney's office. So it performs many different functions but valuation is probably primary among them.

LEGISLATOR NICOLELLO: If the income expense data is not provided then there is a gap in Adapt for the purposes of assessment, is that correct?

MR. VALENTINO: That's correct.

LEGISLATOR NICOLELLO: What does the department do to fill that gap?

MR. VALENTINO: We use comparable properties that have provided an income and expense and we estimate the value.

LEGISLATOR NICOLELLO: Does ARC have access to Adapt?

MR. VALENTINO: Yes.

LEGISLATOR NICOLELLO: When an assessment roll is finalized, when does it become effective? I think we got this already. Let me

1 move on.

2
3 Is it possible that changes in the
4 property, like vacancies and occupancies, from
5 the date that the roll becomes final and the date
6 that it is implemented may impact the roll?

7 MR. VALENTINO: Certainly.

8 LEGISLATOR NICOLELLO: How is that
9 information identified now?

10 MR. VALENTINO: Based on the information
11 that they submit to ARC, if they can test the
12 assessed value.

13 LEGISLATOR NICOLELLO: So is ARC now
14 able to identify readily, timely data on
15 occupancies, vacancies, rents that were not
16 captured in the tentative assessment roll as it
17 was prepared?

18 MR. VALENTINO: If they file a grievance
19 with ARC and they submit that information, yes.

20 LEGISLATOR NICOLELLO: If they submit
21 that information.

22 MR. VALENTINO: If they submit that
23 information.

24 LEGISLATOR NICOLELLO: What about
25 properties that haven't submitted their income

and expense reports?

MR. VALENTINO: We wouldn't have that information. If they don't grieve with ARC there would be no way for us to know, or unless they've submitted the income and expense, if they're one of the 60 percent.

LEGISLATOR NICOLELLO: Have you reviewed this law as it relates to the New York City law?

MR. VALENTINO: Pretty much parallels New York City's law.

LEGISLATOR NICOLELLO: Are there any legal impediments that you know of to this law being implemented here in Nassau County?

MR. VALENTINO: I don't foresee any, but I'd have to research it.

LEGISLATOR NICOLELLO: With respect to §6-41 of the Charter and the proposal to sunset this provision, is the administration still reviewing that proposal as well?

MR. VALENTINO: Yes.

LEGISLATOR NICOLELLO: Okay. Are you prepared to give a brief synopsis of that law, §6-41?

MR. VALENTINO: 6-41 dealt with ARC and

1 it dealt with a reasonable basis proposal. It
2 was the information a property owner had to
3 submit if they grieved with ARC. If the
4 property's assessed value was within 87½ percent,
5 that was considered a reasonable basis proposal
6 and they didn't have to submit any accompanying
7 documentation. If they wanted to receive a
8 greater reduction they would have to submit a
9 certified appraisal.
10

11 LEGISLATOR NICOLELLO: If the income and
12 expense law were to pass, would ARC have a
13 complete set of information from which it could
14 jump start its review?

15 MR. VALENTINO: The income and expense
16 would be a good start. I'm sure there would be
17 additional information that they would request.
18 It's tough to speak in generalities.

19 LEGISLATOR NICOLELLO: But it would be
20 helpful information to ARC?

21 MR. VALENTINO: Incredibly, yes.

22 LEGISLATOR NICOLELLO: That's it for me
23 for now.

24 CHAIRWOMAN FORD: Any other legislators?
25 Legislator Denenberg.

1 LEGISLATOR DENENBERG: Thanks. Mr.
2
3 Valentino, right now the current law, are income
4 and expense reports required to be filed with the
5 county?

6 MR. VALENTINO: If the county sends it
7 out, which we do.

8 LEGISLATOR DENENBERG: The County has to
9 request an income and expense report and then an
10 income and expense report has to be filed,
11 correct?

12 MR. VALENTINO: Correct.

13 LEGISLATOR DENENBERG: And that
14 information is requested by the Department of
15 Assessment?

16 MR. VALENTINO: Correct.

17 LEGISLATOR DENENBERG: And if the income
18 and expense report is sent out -- I'm sorry. Let
19 me just make sure. Routinely then, the
20 Department of Assessment, for commercial
21 property, would request an income and expense
22 report, right?

23 MR. VALENTINO: Correct.

24 LEGISLATOR DENENBERG: And you said
25 about 60 percent of the properties do provide an

income and expense report?

MR. VALENTINO: That's correct.

LEGISLATOR DENENBERG: And if they do not provide an income and expense report there would be a \$500 fine right now?

MR. VALENTINO: Correct.

LEGISLATOR DENENBERG: So this law would increase the fine for certain properties, depending on what the fair market value of the property is?

MR. VALENTINO: That's the way I understand it.

LEGISLATOR DENENBERG: Okay. And then, moreover, this law would say that the income and expense report would have to be provided to the Department of Assessment with or without a request?

MR. VALENTINO: That's correct.

LEGISLATOR DENENBERG: When was the last time that the Department of Assessment evaluated commercial properties?

MR. VALENTINO: Before the freeze. Are you talking about doing a countywide revaluation?

LEGISLATOR DENENBERG: Correct.

MR. VALENTINO: It was the 12/13 roll was the last one. So probably before January 2, 2011.

LEGISLATOR DENENBERG: So in 2010 we did a revaluation? The first year of the Mangano Administration we did a revaluation?

MR. VALENTINO: The first year of the Mangano Administration. He took over on January 2, 2011.

LEGISLATOR DENENBERG: No. I'm sorry. I hate to correct you.

MR. VALENTINO: Was it 2010?

LEGISLATOR DENENBERG: He took over on January 2, 2010.

MR. VALENTINO: I apologize.

LEGISLATOR DENENBERG: So can you change your answer now based on that?

MR. VALENTINO: No. I don't change my answer based on that. The 12/13 roll was the last roll that we had a revaluation.

LEGISLATOR DENENBERG: You did just change your answer then. So the last revaluation would have been values as of January 1, 2010, correct?

MR. VALENTINO: The 12/13 would be
January 2, 2011.

LEGISLATOR DENENBERG: So in '10 we
updated the valuations or re-evaluated in '10,
the first year of the Mangano Administration?

MR. VALENTINO: Correct.

LEGISLATOR DENENBERG: I thought --

MR. VALENTINO: January 2, 2010 there
was a reval that was done. It was using the
Adapt system.

LEGISLATOR DENENBERG: Okay. So that's
2010. January 2, 2010 not '11.

MR. VALENTINO: January 2, 2010 would be
for the '11/12 roll.

LEGISLATOR DENENBERG: Correct.

MR. VALENTINO: There was a reval done
on that roll.

LEGISLATOR DENENBERG: Okay. And then
the following year, January 2, 2011, was for
'12/13.

MR. VALENTINO: Correct.

LEGISLATOR DENENBERG: And that was the
first year of the freeze, wasn't it?

MR. VALENTINO: Correct. There were

2 adjustments that were made but it would still be
3 considered a revaluation.

4 LEGISLATOR DENENBERG: Okay. So ARC --
5 not ARC. Department of Assessment, if we adopt
6 this law, would be requiring income and expense
7 statements to be filed every year even though
8 assessments have been frozen for the last four
9 years.

10 MR. VALENTINO: Correct. The
11 information is still useful though in valuing,
12 especially since you have to trend that
13 information because of the lag.

14 LEGISLATOR DENENBERG: So even though
15 where the Department of Assessment itself is
16 freezing assessed values for at least a four year
17 period, right, we've frozen it now since 2010 and
18 we're about to come out with 2014 numbers for
19 '15/16, correct?

20 MR. VALENTINO: Correct.

21 LEGISLATOR DENENBERG: And the numbers
22 we come out with January 2, 2014 are frozen from
23 '13, '12, '11, correct?

24 MR. VALENTINO: Correct.

25 LEGISLATOR DENENBERG: But we will

1 require our small businesses and large businesses
2 to have an income and expense statement filed
3 every year under this law, correct?

4 MR. VALENTINO: That's the way I
5 understand the law.

6 LEGISLATOR DENENBERG: Right now we
7 would require an income and expense statement to
8 be filed every year if the Department of
9 Assessment requests such.

10 MR. VALENTINO: Correct.

11 LEGISLATOR DENENBERG: Do we request it
12 every year?

13 MR. VALENTINO: Yes.

14 LEGISLATOR DENENBERG: Even with the
15 freeze we've been requesting it?

16 MR. VALENTINO: Yes.

17 LEGISLATOR DENENBERG: How much -- you
18 say compliance it 60 percent, correct?

19 MR. VALENTINO: Yes.

20 LEGISLATOR DENENBERG: So 40 percent
21 then would be noncompliance, correct?

22 MR. VALENTINO: Correct.

23 LEGISLATOR DENENBERG: How much money do
24 we collect in those \$500 fines?
25

MR. VALENTINO: I wouldn't know. I don't know that figure offhand. I would have to look that up for you.

LEGISLATOR DENENBERG: Can we get that?

MR. VALENTINO: Yes.

LEGISLATOR DENENBERG: Would we collect it from everyone who doesn't file an income and expense statement?

MR. VALENTINO: Yes.

LEGISLATOR DENENBERG: Okay. We have the Office of Legislative Budget Review here. I would make a request to the -- Mr. Chalmers. Mr. Chalmers can we look up how much the county has collected let's say over the last four years, right, 2010, '11, '12, and '13, how much we've collected in terms of penalties for not filing an income and expense statement.

MR. CHALMERS: We'll get you that information, yes.

LEGISLATOR DENENBERG: I'm sorry?

MR. CHALMERS: I said absolutely. We'll get you that information.

LEGISLATOR DENENBERG: I'd like to know the percentage also of delinquent filers that we

collect from.

MR. CHALMERS: Not a problem.

LEGISLATOR DENENBERG: Do you understand the question?

MR. CHALMERS: Yes.

LEGISLATOR DENENBERG: Mr. Valentino, you can give us the information as well. So I'm asking how much did we collect and what percentage of the delinquent filers do we collect from. Okay?

MR. VALENTINO: Okay.

LEGISLATOR DENENBERG: Now, in terms of total numbers, you said 60 percent of the commercial tax property owners comply, 40 percent don't. I'm not trying to stick you to that number. But what's the total number of commercial property owners that we're talking about?

MR. VALENTINO: Class 2 and Class 4? I think a ballpark number, probably around 20,000. I was close. 17.

LEGISLATOR DENENBERG: 17,000.

MR. VALENTINO: Yes.

LEGISLATOR DENENBERG: Okay. So 40

2 percent is, let's say, 7,000, so that could be
3 500 times 7,000, whatever that ends up being. I
4 think that's 350,000 or 3.5 million; I might be
5 off by a zero. I think it's 3.5 million, right?
6 7,000 being delinquent, \$500 each, so that's 3.5
7 million, isn't it? 350,000. Okay.

8 So here -- with this new law what would
9 the fine be?

10 MR. VALENTINO: The way I understand it,
11 it would be scaled. It would be based on a
12 percentage of the fair market value of the
13 property. There would be increases for however
14 long it takes for the person to comply.

15 LEGISLATOR DENENBERG: Now, the
16 Department of Assessment updates -- we haven't
17 seen an update in the new administration or a
18 revaluation, if you will, in the current -- in
19 the Mangano Administration we haven't seen a
20 revaluation yet, correct?

21 MR. VALENTINO: Correct, to an extent.

22 LEGISLATOR DENENBERG: I'm not sure why
23 we would ask for an income and expense statement
24 every year and subject property owners to a fine
25 every year when we're not updating the assessment

2 roll every year. Do you have any comment on
3 that? And I know this isn't your law.

4 MR. VALENTINO: I would imagine the
5 information would be useful in trending.

6 LEGISLATOR DENENBERG: If we're not
7 doing a revaluation -- I know we use the income
8 and expense to determine a fair market value,
9 correct?

10 MR. VALENTINO: On the commercial
11 properties, correct.

12 LEGISLATOR DENENBERG: Now, what is the
13 Assessment Review Commission, when there's a
14 challenge, what does the Assessment Review
15 Commission use to determine value?

16 MR. VALENTINO: The Assessment Review
17 Commission uses the income and expense, and
18 pursuant to 6-4.1 they would use a reasonable
19 basis proposal. They would use a certified
20 appraisal; they would use everything that goes
21 along with that.

22 LEGISLATOR DENENBERG: I had proposed a
23 law, it was Item 285-10, and it's been sitting
24 around and not called for four years -- my co-
25 sponsor was Legislator Wink -- and we actually

2 put some of the onus on the Department and the
3 Assessment Review Commission to substantively
4 review challenges by the deadline to establish
5 the roll. So, for example, if the law went into
6 effect in January 2014, the Department of
7 Assessment will give a tentative roll for '15/16,
8 correct?

9 MR. VALENTINO: That's the current
10 process, correct.

11 LEGISLATOR DENENBERG: And that roll is
12 finalized April 2015, correct?

13 MR. VALENTINO: That's correct.

14 LEGISLATOR DENENBERG: So any challenge
15 on the tentative roll filed in January or
16 February 2014, if those challenges were reviewed,
17 settled or finally decided by April 1, 2015, the
18 results of that settlement or that substantive
19 review or that final decision could go into the
20 final roll to avoid, in that case, a refund,
21 correct?

22 MR. VALENTINO: That's correct.

23 LEGISLATOR DENENBERG: Having the income
24 and loss -- the income and expense statement
25 would help the Assessment Review Commission,

2 correct?

3 MR. VALENTINO: Correct.

4 LEGISLATOR DENENBERG: Now, one of the
5 items that would be in the Denenberg and Wink law
6 would be that if the income and expense statement
7 were not provided you're not entitled to a
8 reduction.

9 MR. VALENTINO: Legislation of that
10 nature has been tried in other jurisdictions;
11 unfortunately, you can't require that type of
12 information.

13 LEGISLATOR DENENBERG: Well the law
14 6.401 with the reasonable basis requires an
15 appraisal.

16 MR. VALENTINO: A certified appraisal.

17 LEGISLATOR DENENBERG: Yeah. We're
18 requiring a certified appraisal but saying we're
19 not allowed to require an income and expense
20 statement that we're requiring anyway?

21 MR. VALENTINO: More information is
22 helpful. We are requiring it, and it's being
23 complied, to my knowledge.

24 LEGISLATOR DENENBERG: Since we're
25 requiring an appraisal and we require an income

1 and expense statement and we require now an
2 appraisal to get a reduction, I certainly think
3 acquiring an income and expense statement to get
4 a reduction when we're now going to raise the
5 fine to 500, when we already write letters from
6 the Department of Assessment asking for the
7 income and expense statement, we have a law that
8 apparently hasn't been challenged for two years
9 requiring an appraisal, I think Legislator Wink
10 and myself were on to something in terms of
11 requiring the income and expense statement before
12 you could get a reduction; that's less onerous
13 than an appraisal, I would believe.

15 MR. VALENTINO: More information always
16 helps.

17 LEGISLATOR DENENBERG: Too bad that that
18 law hasn't been called. We're hoping that that
19 law is called now because before we put more
20 requirements on our small business or large
21 business, on the people paying our property
22 taxes, I think it's incumbent upon the department
23 to do as good a job as possible in the initial
24 evaluation of properties, but it's also incumbent
25 upon the Assessment Review Commission to utilize

2 the information which, by and large, they have.
3 Even with 60 percent compliance there's a lot of
4 income and loss statements there. Even with the
5 reasonable basis and the appraisals, you would
6 think that information is there. So I certainly
7 think that myself and Legislator Wink trying to
8 put the onus on the Assessment Review Commission
9 to substantively review these cases within a year
10 would help us. I don't know if you have a
11 comment. I know you don't work for the
12 Assessment Review Commission.

13 MR. VALENTINO: More information always
14 helps.

15 LEGISLATOR DENENBERG: When the
16 Assessment Review Commission makes a decision,
17 have they settled any cases, near as you could
18 tell, at the Assessment Review Commission in the
19 last three years?

20 MR. VALENTINO: I'm sure they settled
21 cases. I don't have the exact statistics if
22 that's what you're looking for.

23 LEGISLATOR DENENBERG: Yeah. I'd like
24 to know that. How many cases have been settled
25 by the Assessment Review Commission in the last

2 three years and which of those cases were before
3 the roll was finalized? So some settlements are
4 just refund, some settlements might have been
5 before the roll is finalized.

6 As the attorney or county attorney
7 assigned to the Department of Assessment, does
8 the Department of Assessment get the numbers from
9 the Assessment Review Commission in terms of a
10 settlement or a final determination on a
11 challenge to use for your valuation for the
12 following year?

13 MR. VALENTINO: Yes.

14 LEGISLATOR DENENBERG: Okay. And how
15 does that happen? What's the process for that?

16 MR. VALENTINO: I don't know the process
17 specifically because I only deal with the
18 legalities of it. This is more of a valuation
19 concern. But I believe that they send certain --
20 they have access to certain shared drives, I
21 believe, and it's also spreadsheets are sent,
22 maybe, that contain all of the reductions that
23 allow assessment to consider what ARC has
24 reviewed and to carry those reductions forward.

25 LEGISLATOR DENENBERG: So I'd like to

1 know -- I'd like to know how many settlements
2 there have been since 2010, '11, '12, '13, the
3 same four. So I'm asking the number of fines,
4 what percentage of the owners that didn't comply
5 with the existing law actually received a fine
6 and paid it, and then I'd like to know how many
7 settlements ARC has had since 2010, both after a
8 refund would apply and before and then how that
9 information was used by the Department of
10 Assessment.

12 But I do think it's incumbent upon us, if
13 we're asking for -- we're really asking for
14 information we already asked for then. The
15 income and expense statement we already asked
16 for, correct?

17 MR. VALENTINO: That's correct.

18 LEGISLATOR DENENBERG: The major change
19 would be the fine would be increased?

20 MR. VALENTINO: The way I understand it,
21 yes.

22 LEGISLATOR DENENBERG: Okay. So myself
23 and Legislator Wink's law would have said that
24 you can't get a reduction without submitting the
25 income and expense statement. But the onus was

2 then put on ARC to use the information to
3 substantively review each challenge within that
4 year period before we get to a final roll. I'll
5 send you a copy so you can look at that law as
6 well. Counsel will send that to you.

7 Thank you very much.

8 MR. VALENTINO: No problem. Thank you.

9 LEGISLATOR DENENBERG: Finally, I would
10 ask for a list of those assessed values for this
11 year or for the last four years where the
12 Department, the Department of Assessment adjusted
13 -- we've been in a frozen -- this will be the
14 fourth year of a frozen assessment roll, correct?

15 MR. VALENTINO: I believe it's the
16 third. It could be the fourth, though.

17 LEGISLATOR DENENBERG: Okay. '14 would
18 be the fourth, '13 would be the third, '12 would
19 be the second, and '11 the first, correct?

20 MR. VALENTINO: There were certain
21 tweaks -- '12 was a reval year, as we discussed
22 before. '13, there were certain changes made to
23 the roll, whether you consider that a revaluation
24 is up for debate.

25 LEGISLATOR DENENBERG: But that would

1 have been the roll set in '11 then, correct?

2 MR. VALENTINO: Correct.

3 LEGISLATOR DENENBERG: So I'm saying
4 since -- in January '14 we're setting the roll
5 for '15/16. So the roll set -- that will be set
6 tentatively January '14, the roll set tentatively
7 January '13, January '12, January '11, we're
8 talking frozen, correct?
9

10 MR. VALENTINO: Correct to an extent.

11 LEGISLATOR DENENBERG: Okay. Give me a
12 list of those properties that the Department
13 updated, didn't freeze, updated based on
14 information from ARC regarding a settlement or a
15 final determination.

16 MR. VALENTINO: Okay.

17 LEGISLATOR DENENBERG: I want to see
18 what we've changed during this freeze period
19 because of a determination that was made at the
20 ARC level or in court for that matter.

21 MR. VALENTINO: So you would want the
22 12/13 and the 13/14.

23 LEGISLATOR DENENBERG: 14/15 and 15/16
24 as well then.

25 MR. VALENTINO: 15/16 we haven't

published yet, but we could get that to you.

LEGISLATOR DENENBERG: It's going to be January '14, correct?

MR. VALENTINO: Yeah. But we're still making changes to the roll as we speak.

LEGISLATOR DENENBERG: If you know ones we're making changes because of something ARC did, I'd like to know.

MR. VALENTINO: Okay.

LEGISLATOR DENENBERG: I'd like to know that ARC is reporting to the Department of Assessment and the Department of Assessment is updating a value based on determinations that were made by ARC as a settlement or final determination or by a court also based on a settlement. I'd like to know how many settlements -- I've already asked how many settlements there've been in the last four years, meaning '10, '11, '12, '13, whether it's for less than 100,000 or more. Okay?

MR. VALENTINO: Okay.

LEGISLATOR DENENBERG: Maurice, to the extent you could get that information -- Mr. Chalmers, I'm sorry -- to the extent you could

2 get this information, I'd appreciate it as well.

3 Okay?

4 MR. CHALMERS: Sure.

5 LEGISLATOR DENENBERG: And at this point
6 I'm not really sure, aside from increasing a
7 fine, what we're doing in this law. But it seems
8 to me that we're just changing a flat \$500
9 penalty to a percentage. And what I'd like to
10 see is the Denenberg-Wink Law, which would put
11 then more onuses on ourselves, Nassau County
12 Departments of Assessment Review Commission and
13 Assessment, to actually do what we should do with
14 the income and expense statement. I also think
15 that rather than increasing fines, having someone
16 who already has to now do an appraisal based on a
17 law two years ago provide the income and expense
18 statement if they want to see a reduction, let
19 alone avoid a fine, that that should really be
20 put into law.

21 Thank you.

22 CHAIRWOMAN FORD: I just have -- mine
23 are easy questions.

24 Just for my clarification. The income
25 and expense information that we're asking on an

2 annual basis, is this added -- this is not an
3 added step to any of the businesses. Is this
4 information that they must provide to the
5 government, the federal government and the state
6 government?

7 MR. VALENTINO: That's the way I
8 understand it. Yes.

9 CHAIRWOMAN FORD: Actually, so they're
10 just going to add us to the list of sending over
11 all the information that they have to send, we're
12 just going to be another government level that
13 they have to send the information to.

14 MR. VALENTINO: I believe that's
15 correct.

16 CHAIRWOMAN FORD: And then what happens,
17 like, during the frozen time, the four year
18 period when we're not going to raise the
19 assessments, if a company does extremely well, I
20 mean their assessment still basically remain the
21 same, correct?

22 MR. VALENTINO: Correct. Unless they've
23 made physical improvements. Unless they've
24 erected a whole new building, unless there's been
25 some substantive physical change in the property.

2 CHAIRWOMAN FORD: And that would be
3 basically, like, in the case of homeowners, that
4 if a homeowner decides to put an additional onto
5 his or her house then the assessment value would
6 change, of course. If a business all of a sudden
7 has this fantastic year of selling or whatever
8 and they bring in a lot of income, it doesn't
9 impact their assessed value, correct?

10 MR. VALENTINO: That's correct.

11 CHAIRWOMAN FORD: And they would only
12 incur the fines if they do not send in the income
13 and expense report, something that they have to
14 file every year with the federal government,
15 correct?

16 MR. VALENTINO: That's correct.

17 CHAIRWOMAN FORD: One last thing. This
18 probably really doesn't have anything to do with
19 assessment.

20 But provided that this law is passed and
21 the businesses, all commercial properties
22 throughout Nassau County have to send in an
23 income and expense report, this would obviously
24 give us, here in the county, a better glimpse,
25 review of how businesses are doing throughout the

2 county, correct?

3 MR. VALENTINO: That's correct. I would
4 only hedge in once send that it's going to be
5 confidential information that we are receiving,
6 so we really can't communicate how individual
7 businesses are fairing. This could only be used
8 for valuation purposes and there would be limited
9 people who would have access to these documents.
10 Maybe we could make a broadly based comment, but
11 it would never be particularized as to this
12 particular property as doing great.

13 CHAIRWOMAN FORD: I didn't know whether
14 or not you could share that information.

15 MR. VALENTINO: No.

16 CHAIRWOMAN FORD: So that you would know
17 that basically businesses are doing well. So it
18 would be confidential.

19 MR. VALENTINO: Yes.

20 CHAIRWOMAN FORD: I thought maybe that
21 it would be able to be shared so that we know if
22 businesses or if Nassau County is doing much
23 better businesswise.

24 MR. VALENTINO: We might be able to
25 speak broadly but we can never speak with

2 particular property because they already have
3 these concerns about disclosing this financial
4 information. We try and exempt it from FOIL
5 because we want compliance. We want people to
6 submit this. If they know we're commenting on
7 it, I think they would be less likely to submit
8 it.

9 CHAIRWOMAN FORD: But then you would
10 know just, like, broadly --

11 MR. VALENTINO: Broadly, yeah.

12 CHAIRWOMAN FORD: and be able to say
13 that business has picked up in Nassau County.

14 MR. VALENTINO: Correct.

15 CHAIRWOMAN FORD: Thank you very much.

16 LEGISLATOR WINK: Thanks. Mr.
17 Valentino, you said you reviewed Civil
18 Legislation in New York City?

19 MR. VALENTINO: That's correct.

20 LEGISLATOR WINK: It was my
21 understanding, and I you can correct me if I'm
22 wrong here, but New York City actually makes the
23 filing of the income and expense statement a
24 prerequisite to filing a challenge; isn't that
25 the case?

2 MR. VALENTINO: They don't make it a
3 prerequisite. What happens is if you don't file
4 in New York City you can't appear before the tax
5 commission. But that does not preclude your
6 right to an RPTL Article 7 proceeding; they can't
7 take that away.

8 LEGISLATOR WINK: Okay. But they can
9 deny you an administrative reduction based upon
10 failure to provide.

11 MR. VALENTINO: Yeah. The equivalent
12 here would be that you could not appear before
13 ARC but you could still file your Article 7.

14 LEGISLATOR WINK: Okay. Okay. But
15 we've never done that and our legislation doesn't
16 authorize that, right?

17 MR. VALENTINO: That's the way I've
18 read the bill.

19 LEGISLATOR WINK: Okay. Perhaps we
20 should mirror the language of New York City with
21 respect to the ARC process so that it's an
22 additional requirement.

23 Of the 17,000 or so commercial
24 properties, how many of them file a challenge in
25 any given year?

1 MR. VALENTINO: I wouldn't know. You
2 would have to check those numbers with ARC. I
3 would imagine it's a significant percentage.
4

5 LEGISLATOR WINK: I would hazard a guess
6 to say it's anywhere from 85 percent or higher.

7 MR. VALENTINO: That's probably correct.

8 LEGISLATOR WINK: Which means that many
9 of the ones who aren't filing their income and
10 expense statements are in fact going through the
11 process of ARC without those statements.

12 MR. VALENTINO: I would assume that's
13 correct. Like I said, I don't have those
14 statistics on me.

15 LEGISLATOR WINK: It would seem to me
16 you might be able to get significant compliance
17 just from making that a prerequisite similar to
18 New York City. Just a thought. And our law
19 certainly would require that as well, you're
20 right.

21 By the way, just for the record, I ask
22 that all my assessment mail from this point
23 forward to forwarded to Legislator Denenberg's
24 office. This is not longer my headache. In
25 fact, I think come January I may find myself

2 filing a challenge for the first time in a
3 decade. But be that as it may.

4 I just want to thank you for taking the
5 time to review this. I'm glad to see that we're
6 starting to get serious about dealing with the
7 assessment issue. And I would hazard an opinion
8 that really the last four years have been kicking
9 the can down the road. I want to congratulate my
10 colleagues in the majority for recognizing the
11 fact that there were significant reforms that can
12 be enacted and that can bring about greater
13 compliance and a greater understanding of our
14 assessment system than what we've seen until now.
15 So I thank you very much for that.

16 CHAIRWOMAN FORD: Thank you, Legislator
17 Wink. Also, we have to comment as Ranking
18 Member, this is the last time on this committee.
19 It's like a sad day, that's all I can say. I'm
20 saying goodbye to a lot of friends.

21 LEGISLATOR WINK: I'll share a little
22 bit of that sadness. I can't say I share all of
23 it. But I want to thank you, Legislator Ford.
24 Thank you very much. From my first days in this
25 legislature almost seven years ago, I started off

1 as a member, became the chair and ranking member
2 for probably about six of the last almost seven
3 years. I have thoroughly enjoyed this committee.
4 I think this can be and should be one of the most
5 proactive and one of the most thoughtful
6 committees, in terms of oversight and seeking
7 real oversight of the administration. I would
8 also hasten to add that this is a committee that
9 can and should spend some time looking back a
10 little bit and seeing the things that we passed,
11 whether or not they've actually been implemented
12 properly, whether or not they're actually
13 overseen properly. This committee has real
14 opportunities to not only look back and make sure
15 that we're still living up to the legislation we
16 pushed, but we can look forward to this
17 committee.

18
19 I want to thank you very much for the
20 honor of having served on this committee for as
21 long as I have.

22 CHAIRWOMAN FORD: And we're happy that
23 you did. Legislator Wink, you are always well
24 spoken. And I have to say that I agree with you
25 on your comments, that I really think that this

1 is an important committee and I think that we
2 should heed the words that you said and hopefully
3 follow through on it.
4

5 LEGISLATOR WINK: Thank you very much.
6 Thank you.

7 CHAIRWOMAN FORD: Any other questions?

8 (No verbal response.)

9 Any questions from the audience?

10 (No verbal response.)

11 I'd like to move Item 556-13 on to
12 Finance -- to Rules.

13 Moved by Legislator Dunne, seconded by
14 Legislator Venditto.

15 LEGISLATOR DENENBERG: Before you call
16 the vote, I just want to note for the record that
17 when you do call the vote I'm inclined right now
18 not to oppose or to favor but to abstain,
19 depending on not just the hearing, but I'd really
20 like and ask the majority to consider putting the
21 onus also on the Department of -- the Assessment
22 Review Commission and on the Department of
23 Assessment to actually do something with this
24 information, similar to the Denenberg-Wink
25 legislation. And if all we are doing is putting

2 another onus on small business without making the
3 county more serious about reviewing these and
4 doing something with the income and loss
5 statement, then I'd be inclined not to favor.
6 And right now I don't know if we're calling or
7 what we're doing. So right now I would abstain.

8 CHAIRWOMAN FORD: We are going to call a
9 vote.

10 LEGISLATOR WINK: Thank you, Madame
11 Chair. I'll echo the latter comments of
12 Legislator Denenberg. We do need to, I think, to
13 recommit ARC and quite frankly, for that matter,
14 the Department of Assessment to this cause. I,
15 myself, will vote to tee it up today because I do
16 think it's worth having a public hearing on.

17 LEGISLATOR NICOLELLO: To the point that
18 it would create an onerous or some sort of burden
19 on these small business owners, one of the things
20 we would like to see in the report that's being
21 provided is which groups of property owners are,
22 in fact, providing the income and expense
23 statements. I think we suspect that small
24 business owners are doing it already and it's
25 just the larger entities that a \$500 fine means

1 nothing to them, that are probably not complying.
2
3 So if you can do a breakdown for us in your
4 report to indicate of the 60 percent that are
5 complying, how many of those are from the smaller
6 business owners, how many are from larger
7 business owners. We'll give you parameters you
8 can use but we'd like to see that information
9 also.

10 LEGISLATOR WINK: And to that end, if
11 may add. I would agree that if that is in fact
12 what is occurring here, then we do need to crack
13 down quite a bit.

14 I would also question -- I don't know if
15 there is a way to analyze this -- but to question
16 whether or not there is some cottage industry in
17 the county that uses the income and expense
18 statement advantageously and withholds it for
19 some advantage sought. To that end, I think that
20 would also require great scrutiny on the part of
21 the county, on how to combat that and address
22 that.

23 LEGISLATOR DENENBERG: To the Chair. I
24 had requested some of this, and I guess
25 Legislator Nicoletto wants even more specifics,

2 to Mr. Valentino, on who is complying, who is
3 not, your 60/40, whether those people get the
4 fines and we actually collected it; all of that,
5 if we could get that as soon as possible, before
6 that hearing, as opposed to five minutes the
7 hearing, I think it would be very, very useful.
8 I'd like to see more before I support this.

9 Thank you.

10 CHAIRWOMAN FORD: And if not all, as
11 much of the information requested, that would be
12 perfect.

13 Just also to reiterate that it has been
14 said publicly that we are not adverse to looking
15 into the Denenberg or is it the Wink-Denenberg
16 legislation. I'm going to give it to Wayne
17 today.

18 LEGISLATOR WINK: I know how it's
19 normally described. You can describe it as you
20 see fit.

21 CHAIRWOMAN FORD: Okay. Wink-Denenberg
22 legislation. We are looking at some elements of
23 that, so just to let you know that we haven't
24 shut the door on any of your proposals.

25 Now I'm going to call 556. All in favor

of passing this through?

(Aye.)

Any nays?

(No verbal response.)

And we have one abstention, Legislator
Denenberg. Two. I'm sorry.

I'm calling 557. All in favor say aye.

(Aye.)

Nays?

(No verbal response.)

Abstentions?

(Abstain.)

Two. We got it. Thank you.

(Whereupon, the following are the minutes
of the December 9, 2013 Public Safety Committee
meeting pertaining to Clerk Items 563, 564, and
568-13.)

First item to come before this committee
is Item 563-13, an ordinance supplemental to the
annual appropriation ordinance in connection with
the Department of Forensic Genetics/Medical
Examiner.

Who do we have with us today?

First, a motion by Joe Belesi, seconded

by Legislator Venditto.

And who do we have?

MR. MAY: Mr. Chairman, Ms. Karen Dooling from the Medical Examiner's Office could not be here today, she has a family medical issue to take care of, not an emergency. I am here instead.

CHAIRMAN DUNNE: We had some time to look this over. Does anybody have any questions on this?

(No verbal response.)

If not, we'll move it forward then.

Any public comment?

(No verbal response.)

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

(Aye.)

Any against?

(No verbal response.)

So moved.

The next item is Item 564-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department, Police Department, Office of

Emergency Management, and the Fire Commission.

Motion by Joe Belesi, seconded by Denise Ford.

Do we have anybody to speak on this?

MR. MAY: We do. This is the urban area security initiative grant. The lead agency is the Office of Emergency Management, so we have Mr. Tom Delaney to handle this area for all of the departments.

CHAIRMAN DUNNE: Excellent. Thank you.

MR. DELANEY: Good afternoon everyone.

The urban area security initiative is a grant that Nassau County receives because of our proximity to New York City, which unfortunately holds the largest terrorism threat in the United States. As such, they receive more funding than any other city in the United States to fight terrorism.

We received this grant, in addition to other counties that are in proximity to New York City, such as Westchester, Yonkers, in fact Suffolk because it is part of Long Island, and Port Authority is part of this too, in addition to New York City.

2 We get a small share of the award; in
3 this case it's \$2,584,000 and that is the exact
4 same amount that Yonkers, Suffolk, and
5 Westchester receive. It's split pretty equally.

6 The objective with this grant is that we
7 are to assist some of the other departments
8 within the county which have homeland security
9 terrorism interests; in this case, the Health
10 Department, PD, and Fire Commission fall into
11 that.

12 CHAIRMAN DUNNE: Okay. Are there any
13 questions from any legislator? Denise Ford.
14 Legislator Ford.

15 LEGISLATOR FORD: Good afternoon. I
16 don't know whether or not this pertains to the
17 grant or not. But under this scenario, how about
18 the local townships, can they also get a portion
19 of this grant for, say, communications, maybe new
20 radios or whatever?

21 MR. DELANEY: We have definitely been
22 helping our communities within Nassau County with
23 these grants. Our fire service, in particular,
24 has been a great beneficiary of these. We have
25 been working with other grants from other sources

too, like radio communications to other towns and villages.

LEGISLATOR FORD: So radio communications, perhaps maybe a new radio system wouldn't necessarily fall under this. This would be for other purposes. But there is a possibility of another grant, so if we wanted to upgrade and provide new radios to all of the local fire departments.

MR. DELANEY: There are interoperable communication grants specific to this, what you're speaking of. Yes.

LEGISLATOR FORD: Okay. Thank you.

CHAIRMAN DUNNE: Any other legislative comment? Legislator Scannell.

LEGISLATOR SCANNELL: Denise, that's a great, great point. Radios are -- communication is a huge, huge issue and problem for everybody, so I think your point is well taken. Thanks.

CHAIRMAN DUNNE: Any other legislative comment?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any against?

(No verbal response.)

It passes. It goes on to Finance.

The next and last item that comes before this committee is Item 568-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Office of Emergency Management, Department of Public Works, Medical Examiner, and Correctional Center.

Motion by Joe Belesi, seconded by Denise Ford.

Who do we have to speak about this?

MR. DELANEY: This is our state homeland security program. Unlike the LOSI (phonetic) program, this is awarded to us from the state. Again, a risk based analysis but it has nothing to do with New York City or sharing the award with them. This is a smaller award. As you can see, this is only 1.2 million. Again, we take this, we split this with some of our other departments that have interest in homeland

security and terrorism.

CHAIRMAN DUNNE: Excellent. Legislator Ford.

LEGISLATOR FORD: But it also -- you talk about catastrophic events. Would that be something on the level of Super Storm Sandy?

MR. DELANEY: It does. All hazards fits into this too.

New York State likes to keep the nexus on terrorism; hence the reason why New York City is the largest recipient of the homeland security grant funds in the country, because of that nexus to terrorism. It doesn't preclude all hazard events, as you described.

LEGISLATOR FORD: Okay. Thank you.

CHAIRMAN DUNNE: Any other legislator? Legislator Scannell.

LEGISLATOR SCANNELL: Thank you. Dennis, Mr. Chairman, I just wanted to say before my last vote on my favorite committee here at the Nassau County Legislature, Dennis, I've got to tell you, you've done just a great, great job. I chaired it for ten years. I was proud, very proud. And I think you have done an amazing job

2 in following -- as a public safety member,
3 honestly, for 14 years here at the Legislature,
4 it's been just a lot, a lot of fun. You can
5 actually help people and make people safer. This
6 committee, by far, has been my favorite. Working
7 with all the police unions, working with PBA has
8 been just really, really great. Like I said, you
9 can literally make people's lives safer.

10 Dennis, before my last vote on my
11 favorite committee, I just wanted to say thank
12 you and thank you to everybody here for allowing
13 me to serve on this committee for 14 years.
14 Thank you.

15 CHAIRMAN DUNNE: I'm honored to hear
16 these wonderful words from you. Thank you so
17 much. It's been an honor to have you on our
18 committee too. You've been doing a great job.

19 Legislator Ford.

20 LEGISLATOR FORD: I'd like to chime in
21 too, Joe. I got to be ranking member sitting
22 next you, especially when we were over at One
23 West Street, and I have to say it was always a
24 pleasure. You led this committee very well and
25 with great distinction. You are going to be

2 missed.

3 I know that we are also - today, which is
4 very sad now that I think of it, this will be
5 your last committee. Joe, even for you, we're
6 losing two great guys. I have to say that -- I
7 want to say publicly, it's been a pleasure
8 working with both of you, especially being on
9 this committee with you. And I do think it's the
10 best committee ever.

11 Thank you.

12 LEGISLATOR SCANNELL: Thank you very
13 much. Thanks.

14 CHAIRMAN DUNNE: Thank you.

15 Any other committee from any legislator?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none; all in favor indicate
20 by saying aye.

21 (Aye.)

22 Any against?

23 (No verbal response.)

24 It so passes. It moves on to Finance.

25 (Whereupon, the following are the minutes

2 of the December 9, 2013 Health Committee meeting
3 pertaining to Clerk Items 560, 561, and 562-13.)

4 There are three items on the agenda
5 today. The first item is Clerk Item 560-13, an
6 ordinance supplemental to the annual
7 appropriation ordinance in connection with the
8 Health Department.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR BELESI: Second.

11 CHAIRMAN VENDITTO: Moved by Legislator
12 Dunne, seconded by Legislator Belesi.

13 The item is before us.

14 Anyone here from the administration, Mr.
15 May?

16 MR. MAY: There is. We have Ms. Mary
17 Ellen Laurain from the Health Department.

18 CHAIRMAN VENDITTO: Good afternoon.

19 MS. LAURAIN: Good afternoon. Mary Ellen
20 Laurain from the Department of Health.

21 Item 560-13 appropriates \$63,982 in funds
22 for the Medicaid component of the early
23 intervention program.

24 CHAIRMAN VENDITTO: Great. Any
25 questions?

2 (No verbal response.)

3 Seeing none, any debate or discussion?

4 (No verbal response.)

5 No.

6 Any public comment?

7 (No verbal response.)

8 Again, seeing none we will take a vote.

9 All those in favor of passing the item
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item passes unanimously.

15 Second item before us today is Clerk Item

16 Number 561-13 -- and there's a typo here on the

17 docket so I will read what it's supposed to say.

18 It should read: An ordinance supplemental to the

19 annual appropriation ordinance in connection with

20 the Department of Health, as opposed to the

21 Department of Human Services.

22 I need a motion.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR FORD: Second.

25 CHAIRMAN VENDITTO: Moved by Legislator

Dunne, seconded by Legislator Ford.

The item is before us.

Anyone here from the administration?

MS. LAURAIN: Mary Ellen Laurain,
Department of Health.

CHAIRMAN VENDITTO: Hello, again.

MS. LAURAIN: Item 561-13 is a
supplemental appropriation in the amount of
\$47,790, and this is for our bathing beach water
quality testing which occurs May through
September.

CHAIRMAN VENDITTO: Thank you. Any
questions?

(No verbal response.)

Seeing none, any other discussion?

(No verbal response.)

Seeing none, let's take the vote.

All those in favor please signify by
saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The final item on the docket is Clerk

Item 562-13, and this is an ordinance supplemental to the annual appropriation ordinance in connection with the Department of Social Services.

Can I have a motion, please?

LEGISLATOR FORD: So moved.

LEGISLATOR DUNNE: Second.

CHAIRMAN VENDITTO: Moved by Legislator Ford, seconded by Legislator Dunne.

The item is before us.

Mr. May.

MR. MAY: We have Mr. Paul Broderick from the Department of Social Services.

CHAIRMAN VENDITTO: Good afternoon, Mr. Broderick.

MR. BRODERICK: Good afternoon legislators.

The item before you is for a supplemental appropriation for our grant fund for our 152 employees, 100 percent grant reimbursed funded for the Medicaid program, employment program, SNAP, and HEAP.

CHAIRMAN VENDITTO: Okay. Thank you, Ms. Laurain. Thank you again to Mr. Broderick.

1 Any questions from the legislators?

2 (No verbal response.)

3 Any further discussion on the item?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 Okay. We'll take the vote.

8 All those in favor of the item please
9 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item passes once again unanimously.

14 (Whereupon, the following is the
15 continuation of the minutes of the December 9,
16 2013 Rules Committee meeting.)

17 CHAIRWOMAN GONSALVES: We go back to
18 those items that we will be calling separately.
19 I'm sorry. We have to vote.

20 All those in favor of those items that
21 were called signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

The items pass unanimously. Thank you.

The first item, 524, a resolution to confirm the county executive's reappointment of Shila Shah-Gavnoudias to the Sewer & Storm Water Finance Authority pursuant to Section 1232-C of the Public Authorities Law.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Any comments or questions regarding this appointment?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of Item 524 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is 527, a resolution to confirm the county executive's appointment of the Honorable Carnell T. Foskey to the position of

County Attorney.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Legislator Dunne,
seconded by Legislator Nicoletto.

Any comments?

(No verbal response.)

Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of
the confirmation of Carnell T. Foskey to the
position of County Attorney signify by saying
aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is Item 528, a resolution
authorizing the county execute to execute an
inter-municipal agreement with the East Meadow
Union Free School District in relation to a

project to install an electronic score board and bleachers.

LEGISLATOR DUNNE: So moved.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, and I'll second it.

LEGISLATOR ABRAHAMS: Just one quick thing on the previous item, Madame Presiding Officer.

CHAIRWOMAN GONSALVES: Sure.

LEGISLATOR ABRAHAMS: It's our understanding that Mr. Foskey will be here for this.

CHAIRWOMAN GONSALVES: Oh, yes.

LEGISLATOR ABRAHAMS: I'm assuming we're just teeing it up.

CHAIRWOMAN GONSALVES: It's routine that they will be here at the Full Leg.

LEGISLATOR ABRAHAMS: Okay. We do have some questions.

CHAIRWOMAN GONSALVES: Okay.

LEGISLATOR ABRAHAMS: And he will be here. Okay.

CHAIRWOMAN GONSALVES: Okay.

528, any questions regarding that item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of
528-13 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next item is Item 559, a resolution
to confirm the county executive's appointment of
Alan J. Hartstein to the Nassau County Bridge
Authority.

Motion, please?

LEGISLATOR FORD: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Ford, seconded by Legislator Dunne.

Any questions regarding the appointment
of Mr. Hartstein?

(No verbal response.)

Again, he will be here at the Full Leg.

Any public comment?

(No verbal response.)

There being none. All in favor of the confirmation of Alan J. Hartstein signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

We have 567, an ordinance to authorize the adoption of Storm, a retired Nassau County Police service dog.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Any questions regarding this?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of 567, the adoption of Storm, a retired Nassau County Police dog, signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Okay. The item passes unanimously.

The next item is Item 569, a resolution amending the boundary description of the Sewer & Storm Water District zones of assessment.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Again, testimony from the Finance Committee be incorporated into this.

(Whereupon, the following is the minutes of the December 9, 2013 Finance Committee meeting pertaining to Clerk Item 569-13.)

Item 569-2103 is a resolution amending the boundary descriptions of the sewer and storm water resources district zones of assessment.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

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

Any questions?

(No verbal response.)

LEGISLATOR DeRIGGI-WHITTON: I have a question.

CHAIRMAN NICOLELLO: Legislator DeRiggi-Whitton.

CHAIRMAN NICOLELLO: Mr. May, do we have a speaker?

MR. MAY: Yes. We have Mr. Ken Arnold and Connell Denion and maybe even Ms. Jane Houdek.

MR. ARNOLD: Ken Arnold.

LEGISLATOR DeRIGGI-WHITTON: Hi, Ken. Can you just explain what this entails?

MR. ARNOLD: Excuse me? I didn't hear you.

LEGISLATOR DeRIGGI-WHITTON: Can you explain what this resolution entails?

MR. ARNOLD: The resolution combines the Sewer and Storm Water Authority into the three zones as required by state law. In addition, it takes some orphan properties in Lido and Glen Cove and puts them in the appropriate zone of assessment.

LEGISLATOR DeRIGGI-WHITTON: Can you explain -- what is that term that you just used, orphan?

MR. ARNOLD: Orphan. Up in Glen Cove

2 when the County took the Glen Cove Sewage Plant,
3 there are certain properties outside the village
4 city boundaries. These properties currently are
5 receiving a bill from the Department of Public
6 Works for their sanitary sewer services. This
7 will put these properties inside the zone of
8 assessment for disposals and collection and they
9 will no longer receive a bill from the department
10 but will receive something on their taxes.

11 LEGISLATOR DeRIGGI-WHITTON: With the
12 backup it stated that attached hereto was a list
13 of the properties intended for the addition; I
14 don't have a copy of the properties.

15 MR. ARNOLD: We can provide that for
16 you.

17 LEGISLATOR DeRIGGI-WHITTON: I think
18 that's pretty important before we vote on this
19 because this is --

20 CHAIRMAN NICOLELLO: This is for
21 committees. We have 11 days until the Full
22 Legislature.

23 LEGISLATOR DeRIGGI-WHITTON: I know.

24 CHAIRMAN NICOLELLO: So if they can get
25 you the information by that time.

2 LEGISLATOR DeRIGGI-WHITTON: I think
3 it's pretty significant, Rich. Just before we
4 vote on it, I would just like to know who and
5 what we're talking about and what areas. I have
6 no idea what you're talking about. You're going
7 to be billing them through their taxes because
8 there is no sewage tax, basically, in Glen Cove.

9 MR. ARNOLD: No. Currently these
10 properties, when the IMA was finalized with the
11 City of Glen Cove these properties were outside
12 the City.

13 LEGISLATOR DeRIGGI-WHITTON: Correct.

14 MR. ARNOLD: So they were not included
15 as part of the IMA.

16 LEGISLATOR DeRIGGI-WHITTON: So where
17 are they?

18 MR. ARNOLD: They're in the Village of
19 Sea Cliff, Lattintown, surrounding communities
20 around the City. The City had worked out over
21 time sewer collection and disposal for these
22 properties, because it was in the best interest
23 of the environment to accept them into the Glen
24 Cove Sewage Plant.

25 LEGISLATOR DeRIGGI-WHITTON: Right. I

2 still think it's just important to know what
3 areas you're talking about. I understand there
4 is partial, maybe in Sea Cliff, but Lattintown,
5 I'm not even aware of what area you're speaking
6 of.

7 MR. ARNOLD: We can get that list for
8 you.

9 CHAIRMAN NICOLELLO: But they currently
10 are being billed. Now they charges will appear
11 as taxes on their tax bill.

12 MR. ARNOLD: Correct. Currently they are
13 receiving a bill from the department based on the
14 --

15 LEGISLATOR DeRIGGI-WHITTON: Even though
16 -- I was, you know, I was actually just elected
17 when that all happened. I was not in office yet.
18 There was supposed to be a 15 year grace period -
19 -

20 MR. ARNOLD: That's for City residents.

21 LEGISLATOR DeRIGGI-WHITTON: It wasn't
22 anyone who would be paying taxes --

23 MR. ARNOLD: No. Only for City residents.

24 LEGISLATOR DeRIGGI-WHITTON: So now
25 they've been paying taxes all this time.

2 MR. ARNOLD: They haven't been paying
3 taxes. They've been paying a fee to the
4 department.

5 LEGISLATOR DeRIGGI-WHITTON: So are we
6 going to have to reimburse them in any way?

7 MR. ARNOLD: No. They are not exempt
8 from -- the IMA did not contemplate the outside
9 city residents not paying.

10 LEGISLATOR DeRIGGI-WHITTON: What about
11 the IMA?

12 MR. ARNOLD: What about the IMA?

13 LEGISLATOR DeRIGGI-WHITTON: Could we
14 have a copy of that, just like a description of
15 what --

16 MR. ARNOLD: Yes. We can get you a copy
17 of the IMA.

18 LEGISLATOR DeRIGGI-WHITTON: So we
19 definitely need who is going to be affected by
20 this. And when you're saying it's going to
21 appear on their taxes not -- I just would like a
22 clear description.

23 MR. ARNOLD: Currently, they receive a
24 bill. The average bill is \$600 per year, per
25 home. Now they will receive a tax based on the

assessed value of their house.

LEGISLATOR DeRIGGI-WHITTON: So a tax increase for?

MR. ARNOLD: No. In most cases this will be extremely - much lower than what they're paying us currently. Now they're going to be paid based on the standardized collection and disposal fee that the county has, they apply that to their assessed tax on their property. So their fee, in most cases, will be below \$600.

LEGISLATOR DeRIGGI-WHITTON: Based on the assessment value of their home?

MR. ARNOLD: Yes.

LEGISLATOR DeRIGGI-WHITTON: Not on the use of water anymore?

MR. ARNOLD: They never paid by how much water.

LEGISLATOR DeRIGGI-WHITTON: So it's based on the assessment not usage?

MR. ARNOLD: Right.

LEGISLATOR DeRIGGI-WHITTON: Again, just before I'm going to vote for this I would just like to have some idea of what areas are affected, especially since it's not included in

2 the backup.

3 MR. ARNOLD: We'll get you that.

4 CHAIRMAN NICOLELLO: It has another
5 benefit for the homeowners. Since it's going to
6 be appearing on their tax bills it becomes
7 deductible, right?

8 MR. ARNOLD: I believe so, yes. Because
9 right now it's just strictly a fee.

10 CHAIRMAN NICOLELLO: So if it shows up
11 as part of their taxes it becomes something they
12 can deduct on their income taxes.

13 Legislator Ford.

14 LEGISLATOR FORD: I just have a question
15 in regard to this because I know even up in Lido
16 -- is this going to help us -- because I know
17 that that we had an issue up at Lido because we
18 have certain blocks, you know, where the people
19 have basically been paying or not paying sewer
20 fees and yet when they had a problem with their
21 sewer system, nobody knew which jurisdiction they
22 fell under.

23 MR. ARNOLD: These properties will become
24 part of the Authority now. And the county will
25 maintain the collection system.

LEGISLATOR FORD: So if they do have a problem with their sewer system, now we know that the county will be responsible for going to make sure that the system will work and everything.

MR. ARNOLD: Correct.

LEGISLATOR FORD: Thank you very much.

CHAIRMAN NICOLELLO: Any further questions?

(No verbal response.)

Thank you, Ken.

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

LEGISLATOR DeRIGGI-WHITTON: I'm opposed.

LEGISLATOR DENENBERG: I'm opposed too.

CHAIRMAN NICOLELLO: Carrie?

LEGISLATOR SOLAGES: I'm opposed as well.

So it passes four to three.

LEGISLATOR DeRIGGI-WHITTON: And that's pending the information that you're going to

provide, which should have been in the backup.

The item passes four to three.

(Whereupon, the following is the continuation of the minutes of the December 9, 2013 Rules Committee meeting.)

CHAIRWOMAN GONSALVES: Any questions regarding or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of 569-13 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

Okay. The item passes four to three.

570-13, a resolution authorizing the county executive to execute an inter-municipal agreement with the East Rockaway Union Free School District in relation to a project to procure and install a fence at the Junior/Senior High School.

Motion, please?

LEGISLATOR FORD: So moved.

2 LEGISLATOR DUNNE: Second.

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

5 Any questions or comments regarding this
6 item?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 There being none. All those in favor of
11 570-13 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 Item 571-13, a resolution authorizing the
17 county executive to execute a grant agreement
18 between the County of Nassau, acting on behalf of
19 the Department of Parks, Recreation and Museums,
20 and West End Neighbor's Civic Association.

21 Motion, please?

22 LEGISLATOR FORD: So moved.

23 LEGISLATOR DUNNE: Second.

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

Any questions or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of 571-13 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 573, a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the County Department of Parks, Recreation and Museums, and Smithville South Hook Ladder and Engine Company.

Motion, please?

I'm going to make that motion, and Legislator Dunne will second it.

Any questions or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of 573-13 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Earlier we suspend the rules for addendum items. Item 576-13 is an addendum item. It's a resolution declaring a capital budget emergency pursuant to §310D of the County Government Law of Nassau County.

Motion, please?

LEGISLATOR FORD: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Ford, seconded by Legislator Dunne.

Any questions or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of 576-13 signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 Motion to adjourn, please?

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR FORD: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator Ford.

11 Legislator Wink, this is it as far as
12 committees for you. I hope you have good
13 memories and you take your good memories with you
14 to the town clerk position. But we will see you
15 on the 19th.

16 LEGISLATOR WINK: You got it. Thank
17 you.

18 LEGISLATOR JACOBS: I just want everyone
19 to realize that Wayne has actually been here as
20 long as myself, Legislator Nicoletto and
21 Muscarella, because he was here with Barbara
22 Johnson.

23 LEGISLATOR WINK: Yeah. But I got time
24 off for good behavior between stints.

25 LEGISLATOR JACOBS: I'm so sorry.

2 You're right. Absolutely.

3 CHAIRWOMAN GONSALVES: Remember when.
4 Thank you everyone. Safe home. See you at the
5 next round on the 19th.

6 (Whereupon, the Rules Committee adjourned
7 at 4:03 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of December, 2013.

FRANK GRAY