

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

RULES COMMITTEE

NORMA GONSALVES,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

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

NORMA GONSALVES  
Chairwoman

HOWARD KOPEL  
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS  
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III, Clerk

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CHAIRWOMAN GONSALVES: The Rules Committee is about to begin.

All rise and Legislator Dunne please lead us in the Pledge.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRWOMAN GONSALVES: Mr. Muller, please call the roll for the Rules Committee.

CLERK MULLER: Legislator Wink?

(No verbal response.)

CLERK MULLER: Legislator Jacobs?

(No verbal response.)

CLERK MULLER: Ranking Member Abrahams?

(No verbal response.)

CLERK MULLER: Legislator Walker?

LEGISLATOR WALKER: Here.

CLERK MULLER: Legislator Dunne?

LEGISLATOR DUNNE: Here.

CLERK MULLER: Vice Chairman Kopel?

LEGISLATOR KOPEL: Here.

CLERK MULLER: Chairwoman Gonsalves?

CHAIRWOMAN GONSALVES: Present.

CLERK MULLER: We have a quorum. I

believe Legislator Wink is here -

CHAIRWOMAN GONSALVES: Yes.

CLERK MULLER: And Minority Leader Abrahams is here, as well. And Legislator Jacobs is walking out.

CHAIRWOMAN GONSALVES: Okay. Thank you very much.

The procedure in the Rules Committee is to address all of the contracts that have been presented to us. After that, we take a recess and reconvene the Rules Committee after the other committees have had an opportunity to meet and address their concerns.

At this point in time I would like to begin with the contracts. I'm sure, Mr. May, you're here to address any needs that we have and call to the podium those who can speak on the item. Correct?

MR. MAY: Absolutely correct, Madame Presiding Officer.

CHAIRWOMAN GONSALVES: Thank you very much.

Okay. The first contract is A-06-13, a

contract with DPW and J Fire Protection Inc.,  
d/b/a Star Fire Protection Company.

And who do we have here -- motion,  
please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Who is here to speak on this item -  
contract?

MR. MAY: We have Mr. Mike Schlernoff  
from Purchasing.

CHAIRWOMAN GONSALVES: Okay. Welcome.

MR. SCHLERNOFF: Michael Schlernoff,  
Director of Purchasing.

This is a contract for fire alarm system  
maintenance for the Department of Public Works,  
and the annual cost of the contract is \$175,000.

CHAIRWOMAN GONSALVES: Is this contract  
related to Super Storm Sandy?

MR. SCHLERNOFF: No.

CHAIRWOMAN GONSALVES: Has this contract  
been issued before for this purpose?

MR. SCHLERNOFF: Star Fire Protection is the current contract holder. This went out to bid again and they were the winning bidder this time.

CHAIRWOMAN GONSALVES: Thank you very much, Michael.

Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of this contract signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract -- and there are a few of these, by the way, so bear with me.

A-16, contract with DPW and Intercounty Paving Associates, LLC; I guess that's for you Michael, as well.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by  
Legislator Walker, seconded by Legislator Dunne.  
Michael.

MR. SCHLERNOFF: This is a contract for  
the cleaning and debris removal for the storm  
water basins for the Department of Public Works.  
This went out to bid, and Intercounty Paving was  
the lowest responsible bidder. We estimated that  
the amount of the contract will be \$644,000.  
It's not directly related to Sandy. I don't know  
how DPW is going to handle this, but I think part  
of it would be Sandy related. I have no idea  
what we'll be getting from FEMA.

CHAIRWOMAN GONSALVES: Any questions of  
Michael?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of contract A-16  
signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

Contract A-18, a contract with DPW and National Insulation and GC Corporation.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

I guess it's your turn again, Michael.

MR. SCHLERNOFF: A blanket order for insulation for DPW. We went out to bid. The recommended vendor was the lowest responsible bidder. DPW estimates that the amount of the contract will exceed \$100,000, which is why we are coming to you for oversight.

CHAIRWOMAN GONSALVES: Any questions from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

Okay. The contract passes unanimously.

Thank you.

Contract A-19, a contract with DPW and  
Elemco Services, Inc.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Tell us a little bit about this one.

MR. SCHLERNOFF: This is a contract for  
DPW with Elemco for transformer service. A seal  
bid was done. Elemco is the lowest responsible  
bidder. DPW estimates the amount of the contract  
will exceed \$200,000.

CHAIRWOMAN GONSALVES: Any questions  
from the legislators?

Yes. Legislator Kopel.

LEGISLATOR KOPEL: I just have a general  
question. I ask this kind of thing all the time.  
I should have asked you on the last one.

Exceeds 200,000, up to what?

MR. SCHLERNOFF: Have no idea. We do --

LEGISLATOR KOPEL: So what are we authorizing?

MR. SCHLERNOFF: We're saying to you, based upon prior contractual work the annual cost of this will be around \$200,000, but you don't know exactly what it's going to be. It's not a fixed contract. It's a time and materials contract. It depends on what goes wrong, what has to be repaired.

LEGISLATOR KOPEL: But this is unlimited. Essentially it's a blank check.

MR. SCHLERNOFF: Essentially it is a blank check.

LEGISLATOR KOPEL: Goes up to 10 million, it's okay, too.

MR. SCHLERNOFF: No, I don't think it will go to 10 million. The reason I say that is --

LEGISLATOR KOPEL: But the authorization would work.

MR. SCHLERNOFF: Let me tell you what

some of the safeguards are. The safeguards are that any direct purchase order, which is the vehicle for doing work under the blanket order, that exceeds \$100,000 comes across my desk. If I look at the order and it exceeds the level that I've said to the legislature what it's about to be, I'm going to come back to the legislature and say, okay, they want an additional \$200,000, will you okay it? So I don't pass it until you come back to me and say yes, the additional amount is needed.

LEGISLATOR KOPEL: And I appreciate that. But why not put in a cap?

MR. SCHLERNOFF: Why not put a cap?

LEGISLATOR KOPEL: Correct. A cap.

MR. SCHLERNOFF: There is a cap.

LEGISLATOR KOPEL: What is the cap?

MR. SCHLERNOFF: The cap is that it's \$200,000.

LEGISLATOR KOPEL: That's not what it says, though.

MR. SCHLERNOFF: We estimate it may exceed 200,000.

LEGISLATOR KOPEL: There's no cap.

MR. SCHLERNOFF: I can put a cap in it if you would like me to.

LEGISLATOR KOPEL: I would like to see caps on everything, yes. I would like to see caps on all contracts.

MR. SCHLERNOFF: These are not contracts, they're blanket orders. It's not like you go out do personal services. That's a contract, as far as we're concerned, and they don't come through my department.

LEGISLATOR KOPEL: These are purchase orders --

MR. SCHLERNOFF: These are purchasing contract --

LEGISLATOR KOPEL: But the aggregate of these can go up as high as --

MR. SCHLERNOFF: They can't. Because I just said to you if they come in here and they say they want more money, which exceeds the \$200,000, I'm going to come back to you --

LEGISLATOR KOPEL: You will come back. But if you're on a cruise or something and

somebody else is --

MR. SCHLERNOFF: Then nobody else in the county can pass it.

LEGISLATOR KOPEL: Okay. So, basically you're the safeguard.

MR. SCHLERNOFF: I'm the safeguard.

LEGISLATOR KOPEL: Got it. I would like to see caps.

CHAIRWOMAN GONSALVES: Let me ask you, Michael.

MR. SCHLERNOFF: Yes.

CHAIRWOMAN GONSALVES: Is the budget -- does the budget serve as a cap, in a sense?

MR. SCHLERNOFF: Well, there is a budget for this specific -- DD code, or whatever it happens to be. I don't have anything to do with that, that's through the budget department.

CHAIRWOMAN GONSALVES: Any other concerns or questions from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor

signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

So we have six ayes and one nay. The item passes six to one.

Thank you.

The next item is Item A-20-13, a contract with DPW and Edward Ehrbar, Inc.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Walker. Michael, your turn again.

MR. SCHLERNOFF: Department of Public Works performs various projects and they need equipment which the county does not own, so we go out and we lease the equipment for specific periods of time.

There were two bids received. Edward Ehrbar offered all the required specifications. The bid that Jestco (phonetic) offered was not the type that would meet the specifications that

DPW needs. The cost for this contract is \$435,150. This is a purchase.

CHAIRWOMAN GONSALVES: That's what I was reading here. It's a contract to purchase a compact track loader. Correct?

MR. SCHLERNOFF: Yes.

CHAIRWOMAN GONSALVES: Okay. Any questions of Michael regarding this contract?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of A-20-13 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

The next contract is B-9, between DPW and Pratt Brothers, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Walker.

Mr. May, who is here to speak on this contract?

MR. MAY: We have Ms. Donna Boyle from the Department of Public Works.

CHAIRWOMAN GONSALVES: Nice to see you, Donna.

MS. BOYLE: Thank you. Donna Boyle, Nassau County Department of Public Works, Civil Engineer 3.

This was a bid contract. It's actually part of a three-way contract that's being executed between the Village of Mineola, the Town of North Hempstead, and Nassau County, in that we took a construction project and divided up into thirds; it's known as the Sheraton Boulevard project. It's intended to relieve drainage issues in the Mineola Village area.

CHAIRWOMAN GONSALVES: Any questions of Ms. Boyle? Legislator Wink.

LEGISLATOR WINK: Ms. Boyle, how are you?

MS. BOYLE: Fine.

LEGISLATOR WINK: As I recall, this is kind of the entryway to a neighborhood that has significant flooding problems every time there's a significant storm, as I recall. I believe the real problem started about five years ago when we started getting these 25 year storms every three months or so, if I'm not mistaken. Am I right?

MS. BOYLE: That's generally the idea. But, like I said, it took a joint venture or sorts between Nassau County and the other two principles in order to fix the problem.

LEGISLATOR WINK: Right. I think it's a great thing you're doing.

How is the expense being split amongst the three municipalities?

MS. BOYLE: Each of the municipalities has a portion of the project. In this particular case, our portion is just a trunk line installation down Sheridan Boulevard.

LEGISLATOR WINK: Okay.

MS. BOYLE: And our share is, right now, coming in construction wise at about \$510,000, which is significantly less due to the

contractors being hungry, than we initially had expected.

LEGISLATOR WINK: Okay. But we don't know what the estimates on the other two portions of the project are?

MS. BOYLE: No. The town and the village didn't reach out to me and say I'm paying this, you need to pay that.

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

MS. BOYLE: Anything else?

(No verbal response.)

CHAIRWOMAN GONSALVES: Any public comment?

(No verbal response.)

There being none, all those in favor of this contract signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

MS. BOYLE: Thank you.

CHAIRWOMAN GONSALVES: The motion carries unanimously.

The next contract is E-43, a contract with County Attorney and Lewis & Fiore.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

MR. MAY: We have Ms. Lisa LoCurto from the county attorney's office to answer any questions.

CHAIRWOMAN GONSALVES: Anyone have questions?

LEGISLATOR WINK: Yes. I have a quick question.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Lisa, how are you?

MS. LOCURTO: Good. Good afternoon.

LEGISLATOR WINK: In the case decision -  
- I know this is for the *Kogurth* (phonetic) case, if I'm not mistaken.

MS. LOCURTO: Correct. Yes, it is.

LEGISLATOR WINK: In addition to a number of deputy county attorneys being listed as

having made appearances, there's also a Lee Ginsberg from the firm of Freeman, Nooter & Ginsberg in Manhattan.

MS. LOCURTO: Yes.

LEGISLATOR WINK: Are they -- what was their role in this case?

MS. LOCURTO: They were a firm that subcontracted with Lewis & Fiore to provide additional litigation support during the trial.

LEGISLATOR WINK: So they were involved in the entire case, at least from a point through verdict?

MS. LOCURTO: They came in at a later point. Unfortunately, David Lewis had health issues so he had to curtail his involvement in the case and Mr. Ginsberg had to come in as a substitute, so to speak.

LEGISLATOR WINK: Has your office sent a personal service agreement for this firm to this Legislature?

MS. LOCURTO: Mr. Ginsberg is already of counsel to Louis Freeman. And Lou Freeman had a subcontracting agreement with David Lewis, his

firm. So he was already on contract, so to speak, with the county attorney's office.

LEGISLATOR WINK: So he's a subcontractor for Lewis & Fiore? Is that how he's being paid?

MS. LOCURTO: Freeman Nooter and Ginsberg was working with Lewis & Fiore. They were subcontracting with each other to provide the additional legal services we needed in this particular case.

LEGISLATOR WINK: So they're getting a portion of this \$500,000 that's being asked for?

MS. LOCURTO: Yes. That's part of the contractual agreement. The payment will be to Lewis & Fiore and how they work out that payment between them.

LEGISLATOR WINK: Do they know how they're working out that agreement?

MS. LOCURTO: Yes. We do.

LEGISLATOR WINK: How are they working out that agreement?

MS. LOCURTO: I can go through the billing, the hourly rates, if you want and the

county attorney's office can provide that to you.

LEGISLATOR WINK: I'd like to see that, if I could.

MS. LOCURTO: Sure.

LEGISLATOR WINK: What I'm trying to understand is how much of a common practice is this that we contract with one outside counsel to have them subcontract with a second outside counsel?

MS. LOCURTO: This was, as you know, a very unique case, and we took a different approach, a litigation approach, in retaining criminal counsel, criminal defense counsel to assist us in this case. When we were looking for such counsel, both Lewis & Fiore and -- who is one of the top criminal attorneys, and Freeman Nooter & Ginsberg also agreed to work with Lewis & Fiore. We wanted to have a very strong litigation team, given the substantial liability, over \$190 million in potential liability. The discussion with Lewis & Fiore and Lou Freeman provided us top counsel, and we utilized the resources of both firms.

LEGISLATOR WINK: Okay. I'll repeat the question; Lisa, you didn't exactly answer it.

How frequent is this occurrence when we're contracting with one outside counsel, who then subcontracts with a second outside counsel?

MS. LOCURTO: It is not a frequent occurrence. This was a unique case.

LEGISLATOR WINK: I guess my question is why didn't -- if you brought Lewis & Fiore to the legislature for approval, why didn't we also bring Freeman Nooter & Ginsberg?

MS. LOCURTO: I'm not quite sure. I'm not quite sure why we felt -- because, as I alluded to, Mr. Lewis' legal strategy, as discussed with the county attorney's office, he suggested bringing in the additional firm because of their knowledge specifically of the Innocence Project and Barry Scheck. Their experience in litigating several cases against and/or with Mr. Scheck provided us an additional insight and resource in developing our legal strategy.

LEGISLATOR WINK: I don't think it's a surprise to hear that I've been very concerned

about our propensity towards outside counsel on a generalized basis. But, certainly in a case like this where we're given the credential of one firm and then this other firm surfaces at some point through the process without having been vetted by this Legislature, by this Rules Committee, I think that's a practice that I am very, very reluctant to support. And I certainly hope - and I will take you at your word - this is a rare occurrence. Because if see this again, we're going to have real problems here.

Not only are we supposed to be vetting these firms to accept that they're qualified, we're also supposed to be vetting these firms so that we, in this Rules Committee, don't have conflicts of interests that would preclude us from supporting the retention of these firms. It seems to me when we have a situation like this we don't know whether or not there are potential conflicts that we have never had the opportunity to explore. The fact that they're getting a piece of this even though it's being written to one firm, we are paying for two firms here. I

think this is a very, very bad practice, and I certainly hope that you'll bring back to the county attorney that this should not be a practice to go forward.

MS. LOCURTO: I will do that. I just want to say that we did, the county attorney's office did have a successful verdict and 100 percent liability was not found against the county. So I just --

LEGISLATOR WINK: While I appreciate -- go ahead.

MS. LOCURTO: wanted to say that the qualifications of this firm proved to be excellent because we got an excellent result.

LEGISLATOR WINK: Ms. LoCurto, you and I both know the ends don't justify the means.

MS. LOCURTO: I wasn't implying that. I just wanted to give you an assurance that the firm - we did get quality for what we're paying for.

LEGISLATOR WINK: And that may well be the case. But we didn't have the opportunity to vet these people beforehand and we don't know

whether or not some of us may have been in harm's way by supporting a contract in the first place, given who ended up getting paid out of this.

MS. LOCURTO: Understood, Legislator.

CHAIRWOMAN GONSALVES: Any other legislators? Legislator Jacobs.

LEGISLATOR JACOBS: Lisa, I just want to more or less piggyback on what Wayne was just saying.

I've been here a long time. Uniqueness is not a good reason for it not to come before the legislators. It really isn't. It might have been a unique case. It might have been, like you're saying, a one of a kind that we have never done before. It just should never happen. None of us know if we have a conflict, on both sides of the aisle. We're putting ourselves in harm's way when something is done without our knowledge. As far as I'm concerned, I think it's really pretty serious. I really do.

MS. LOCURTO: Legislator, I don't mean to be disagreeable, in that I believe when we originally procured the contract, I do believe -

and I will go back. My recollection was in the staff summary we did include this Freeman Nooter Ginsberg Law Firm in the staff summary. I believe you were aware of this firm. But I will definitely go back and check. I don't think we did not include their participation in this litigation. I will confirm that and get back to the legislature on that.

LEGISLATOR JACOBS: You know what my feeling would be, though? Even if -- and I don't know. What you're saying, I certainly would not say you're wrong; I don't know. But let's say it was said that perhaps it might reach a point where we would have to reach to this X firm, at the point we are, it has to come before us. The legislature has got to be the clearinghouse for what's going on, otherwise we are totally off the picture and we are looking from outside in, and that's nothing that a legislator should be doing. There's no way we should find ourselves in this situation where, let's say down the road a little bit somebody says you have a conflict with that, why did you vote on that? And we say we didn't

vote on that. Hello? We should know what's going on in the county attorney's office, as well as any place else.

CHAIRWOMAN GONSALVES: Legislator  
Abrahams.

LEGISLATOR ABRAHAMS: How are you,  
Lisa?

MS. LOCURTO: Okay, I think.

LEGISLATOR ABRAHAMS: You should be okay. Just some quick questions. First, I'm not going to belabor the point that Legislator Wink and Legislator Jacobs brought up.

I am concerned. This is a \$500,000 amendment to this contract. And I'm very familiar with this particular case. These proceeds are paid out of the county attorney's DE account. Am I correct?

MS. LOCURTO: Correct. Our contractual services.

LEGISLATOR ABRAHAMS: Contractual services.

MS. LOCURTO: Yes.

LEGISLATOR ABRAHAMS: And foreseeing

where this case is and where we're going, how much more money are we looking to spend on this outside counsel?

MS. LOCURTO: I believe this \$500,000 amendment will cover all the expenses through trial and the appeal. As I mentioned, the county was successful in obtaining a jury verdict rendering no liability against the county. That has not, however, stopped the plaintiffs from filing an appeal. We feel very strongly and our outside counsel concurs with us that it is very difficult to overturn a jury verdict, so we do not believe that the appeal should be successful. Should further appeals prove necessary, we are working with our special counsel, but we would handle those appeals in-house, or as needed, but we believe we could handle it in-house.

LEGISLATOR ABRAHAMS: Okay.

MS. LOCURTO: So we don't believe further monetary amendments to the contract will be necessary.

LEGISLATOR ABRAHAMS: Okay.

My next questioning - I know you're going

to get back to us in terms of the billable hours that were assigned to Ginsberg versus Lewis & Fiore. I don't know if you're aware. I'm looking at a contract summary, which I guess goes back to when we actually assigned or actually decided to contract with Lewis & Fiore. But one of the other firms that also -- I guess we rejected at that time, was Freeman Nooter & Ginsberg, as well. Are you familiar with that?

MS. LOCURTO: Yes. Freeman, Nooter & Ginsberg is the firm that is working with the Lewis & Fiore firm to provide -- and they worked on the trial, pre-trial, and went through trial, particularly when Mr. Lewis, unfortunately for health reasons, had to have -- decline in further participation in the trial, Freeman, Nooter and Ginsberg took over a majority of the litigation, in conjunction with the deputy county attorneys who were also assigned and working on the case.

LEGISLATOR ABRAHAMS: What I'm trying to derive at is when we first hired Lewis & Fiore were there any other particular firms that we were looking at?

MS. LOCURTO: We were looking at Freeman, Nooter & Ginsberg to partner with the Lewis & Fiore firm.

LEGISLATOR ABRAHAMS: We were looking to partner with them?

MS. LOCURTO: We were looking to partner with both of them. David Lewis is the foremost criminal attorney in the state, and I think Freeman, Nooter & Ginsberg are probably the top firms. They have worked in conjunction with each other. When we discussed the case with both the firms, it was determined that a partnership between the two firms would give us the best tactical and strategical advantage in court.

LEGISLATOR ABRAHAMS: I understand. That's important. Let me make sure I understand what you're saying. It was always determined that we were going to work with both firms, but apparently since Mr. Lewis' health or Mr. Fiore's health?

MS. LOCURTO: Mr. Lewis' -- David Lewis' health was --

LEGISLATOR ABRAHAMS: It appears that

Freeman, Nooter & Ginsberg has taken more of the lead.

MS. LOCURTO: Correct.

LEGISLATOR ABRAHAMS: So it sounds like to me, if they were always a part of the litigation strategy, then it goes back to the points of Mrs. Jacobs and Mr. Wink, they should have been brought to us from then and not from the standpoint of them -- the result of Mr. Lewis' health. This hasn't been a recent change; this has always been the strategy from day one. Am I understanding that correctly?

MS. LOCURTO: I believe, and I will confirm, in the contract with Lewis & Fiore, the participation of Freeman & Nooter was spelled out in the contract. But I will confirm that to give you a complete answer.

LEGISLATOR ABRAHAMS: But they never came to -- I would beg that basically we need to get a better understanding of where and what Mr. Ginsberg has done versus what Mr. Lewis has done, because I would think it would beg to the question for this legislature, in terms of if

we're paying out to Lewis & Fiore, who has a subcontract to Freeman, Nooter, Ginsberg, Leventhal, then I would love to be able to hear exactly who has done what to warrant this \$500,000. This is a lot of money. From my standpoint, if Freeman, Nooter & Ginsberg is going to be doing most of the representation and they haven't come to this legislature for the appropriate approval, I think this is a prudent time for them to come and meet with this legislature, maybe in executive session, and give us a breakdown of what both of them have done.

MS. LOCURTO: I think they would welcome the opportunity to tell you all of the work that they did on this particular case to render such a wonderful verdict for the county. This was not an easy case to try. You're talking about a 30-year old case, two trials, criminal prosecutions that had to be digested, witnesses and detectives who had died off, and still we had to put an effective defense to ultimately bring justice to the case. I don't think --

LEGISLATOR ABRAHAMS: I agree with you,

Mrs. Locurto. Collectively --

MS. LOCURTO: you appreciate the difficulty of the case --

LEGISLATOR ABRAHAMS: I appreciate it very much.

MS. LOCURTO: and I think that would be beneficial for you to hear --

LEGISLATOR ABRAHAMS: But, collectively --

MS. LOCURTO: it from their own mouths.

LEGISLATOR ABRAHAMS: That would be great.

Collectively, I'm sure they believed they did a great for the case and I'm sure you believe that. But what I'm trying to drive at is ultimately, from our understanding, most of the assignment of responsibilities has been put onto the firm of Freeman, Nooter & Ginsberg, and, if that is the case, we need to get better clarification on who did what.

MS. LOCURTO: Legislator --

LEGISLATOR ABRAHAMS: If I may. We're talking about a firm that did not come before

this legislature for approval. So I think the greater question needs to be, we would need to get more clarification on what they have done in this process. Granted, we're getting ready to fork over another \$500,000; that may not be a lot of money to the county attorney, but that's a lot of money to the taxpayers of Nassau County. I would like to know, and I think that this committee has the responsibility to know, who, exactly, is going to be doing what going forward if there is an appeal and who has done work prior. The fact that we don't have this information today when we clearly have two different firms, one of which has never been approved by this Rules Committee, I think from that standpoint it's irresponsible for us to go forward with this. I'm inclined to vote for it to table until we get more information.

CHAIRWOMAN GONSALVES: May I interject, please?

LEGISLATOR ABRAHAMS: It was a question for Mrs. Locurto.

CHAIRWOMAN GONSALVES: Go ahead.

MS. LOCURTO: I have nothing to add other than what I've already stated.

This firm got us a 100 percent defendant's verdict and saved the county over \$190 million. We can discuss procedure. We can discuss process --

LEGISLATOR ABRAHAMS: So far.

MS. LOCURTO: But to say that we're not going to approve a contract --

LEGISLATOR ABRAHAMS: No, no. Ms. Locurto --

MS. LOCURTO: after we've gotten a positive result, I think -- I'm not quite sure why we're going to do that.

LEGISLATOR ABRAHAMS: Just as a point of clarification. So far. Right? There's a motion for a new trial pending. You said it yourself that there is a possible appeal. So far.

MS. LOCURTO: As I said, the appeal, it is very difficult, virtually almost impossible to overturn a jury's verdict on all counts of --

LEGISLATOR ABRAHAMS: Is that your

opinion --

MS. LOCURTO: not liability. That is our opinion --

LEGISLATOR ABRAHAMS: or is that the opinion of Freeman --

MS. LOCURTO: That is the opinion --

LEGISLATOR ABRAHAMS: Is that the opinion of Mr. Ginsberg, as well?

MS. LOCURTO: of special counsel.

LEGISLATOR ABRAHAMS: Is that the opinion of Mr. Ginsberg?

MS. LOCURTO: That is our opinion and that is the opinion of jury verdicts and examination of cases similar to this.

LEGISLATOR ABRAHAMS: Does Mr. Ginsberg share that opinion with you?

MS. LOCURTO: I believe he does, yes.

LEGISLATOR ABRAHAMS: Then he should be here to represent that. We should get a better understanding from him as well, shouldn't we? Being that this committee has never seen the contract from this firm already? Am I speaking out of tune? I don't know what the rest of

everybody else thinks.

CHAIRWOMAN GONSALVES: Minority Leader Abrahams -- Lisa, I'm sorry to interrupt you.

But in the contract under the subcontracting provision it does state, as counsel agent Freeman, Nooter & Ginsberg shall be compensated in accordance with the hourly rates set forth in Section 3 above. And it also goes on to say that if there is a need for further subcontracting or any other changes to the contract it has to go by written consent to the county attorney and/or the county executive. It's in his power to make changes to it.

There is reference in the contract to allow the subcontractor, Freeman, Nooter & Ginsberg to assist in this case. Correct?

MS. LOCURTO: Yes, Legislator.

CHAIRWOMAN GONSALVES: What's the game plan now?

LEGISLATOR ABRAHAMS: What we're talking about is it's one thing to assist, it's another thing to pretty much control pretty much the outcome. From our standpoint, Mr. Lewis and

Mr. Fiore, or Mr. Lewis primarily, hasn't really been in the court, hasn't really done the preparation; we'll see that with the billable hours. It clearly means to me that if the billable hours prove it to be -- and I think what Mrs. Locurto is stating could be the case, but we don't have that information in front of us. If the billable hours prove that Mr. Lewis and Mr. Fiore's firm have done most of the work, then they should be paid. But from what our understanding is, is that Freeman, Nooter, Ginsberg has done most of the work, and most of this \$500,000 is going to go towards them. I don't know the answer to that. If the billable hours were here today, we may have the answer to that. But to go forward without knowing what the billable hours would be for each firm I think would be irresponsible and reckless from this legislature. We should at least get an opportunity to question Mr. Ginsberg, as well as find out what the billable hours are for each of the firms. Can you speak with confidence, Mrs. Locurto, that Lewis & Fiore, in terms of this

\$500,000, is going to get most of this money, most of these proceeds? Did they do most of the work for this \$500,000?

MS. LOCURTO: It's irrelevant as to how the contract -- how attorneys assigned to a case, and there were multiple attorneys assigned to this case, how they decide to split up the compensation among themselves.

This firm, David Lewis, while he was sick, prior to his becoming sick he was actively involved in helping us develop the strategy to the case. Because of his illness, the secondary firm, which we had originally envisioned helping to do the preliminaries of the discovery, had to step up into the courtroom, whereas Mr. Lewis was going to be in the courtroom. Regardless of how we got there, the result is the county did not pay out \$190 million.

I am more than happy to provide whatever billables you need to give you satisfaction as to who did what. But at the end of the day --

LEGISLATOR ABRAHAMS: Mrs. Locurto.  
Mrs. Locurto.

MS. LOCURTO: who did what is whether or not they provided services to the County of Nassau that --

LEGISLATOR ABRAHAMS: Let's be clear, though.

MS. LOCURTO: resulted in a positive outcome. And they did. And I think for that reason this contract should receive your --

LEGISLATOR ABRAHAMS: But let's --

MS. LOCURTO: and approval.

LEGISLATOR ABRAHAMS: Let's be clear, though. Let's be clear. And we'll check the minutes and the time from the time and being.

It was never very clear to this legislature that Freeman, Nooter & Ginsberg was going to be handling a majority or most of the preparation for this case.

CHAIRWOMAN GONSALVES: I'm going to interject again.

It specifically says in the contract that they can subcontract. In this case they mentioned - they mentioned the law firm. And if there were any other changes that pertain to this

contract, it does not come to the legislature for approval anymore, it goes to the county executive or the county attorney. This is --

LEGISLATOR ABRAHAMS: Let me spell it out.

CHAIRWOMAN GONSALVES: This is a case --

LEGISLATOR ABRAHAMS: Madame Presiding Officer, let me spell it out this way.

I don't see the need for Lewis & Fiore, to be honest. From what I can gather, Freeman, Nooter & Ginsberg did most of the work, and from that standpoint it sounds like to me that we just gave - we just gave hundreds of thousands of dollars to Lewis & Fiore, maybe because they're connected with the county executive's practices, but I don't know what the deal is. It sounds like, to me, we just gave hundreds of thousands of dollars and we just basically subcontracted to them so Lewis & Fiore can get this money.

CHAIRWOMAN GONSALVES: Hold on.

LEGISLATOR ABRAHAMS: It becomes very apparent to me that Freeman, Nooter & Ginsberg did most of the work, and I'm sure the billable

hours will prove that. But it sounds like to me, from that standpoint why did we even need Lewis & Fiore?

CHAIRWOMAN GONSALVES: You're making an assumption and --

LEGISLATOR ABRAHAMS: Madame Presiding Officer, I'm making an assumption because the county attorney's office does not have the billable hours in from of us today.

CHAIRWOMAN GONSALVES: You are saying that you would like to have this, and Lisa said -

LEGISLATOR ABRAHAMS: I don't think this committee can move forward without it.

CHAIRWOMAN GONSALVES: Let me say something to you. As long as the contract states that they can hire outside counsel - and we do this all the time, and it's not something that's new to the county.

But, again, we're making the assumption that Lewis & Fiore didn't do any of the work.

LEGISLATOR ABRAHAMS: We don't do this quite often, Madame Presiding Officer. I think

Mrs. Locurto testified that this is a very unique case.

CHAIRWOMAN GONSALVES: But there are occasions when we do subcontract. And in this case the subcontract, which would be Lewis & Fiore to Freeman, Nooter & Ginsberg, was specifically mentioned in the contract. Therefore, they were in their right to hire them as a subcontractor, whether he was sick or not sick. And we do not -

LEGISLATOR ABRAHAMS: Nobody's disputing that.

CHAIRWOMAN GONSALVES: question whether or not who put most of the work in, who put in --

LEGISLATOR ABRAHAMS: We're --

CHAIRWOMAN GONSALVES: This is up to the Lewis & Fiore to decide how they were going to allot the work.

LEGISLATOR ABRAHAMS: In all due respect, we're missing the point. I'm not saying that they couldn't use Ginsberg. I would have liked to have seen them, maybe had a conversation with them; maybe that should have been made

clearer. I'm willing to accept that. What I'm objecting to is the main fact -- I guess the billable hours will show this -- is the fact that it remains clear to us that Freeman, Nooter & Gimbserg, if they handle most of the preparation for this case, it begs the question what exactly did Lewis & Fiore do? Ms. Locurto, can you testify to the fact that they handled a chunk of the majority of the preparation?

MS. LOCURTO: If you would like to have a discussion in executive session to go through all the things, the legal strategy that the county attorney's office went through with our special counsel, I'm more than happy to provide that to --

LEGISLATOR ABRAHAMS: Do you have the billable hours?

MS. LOCURTO: you, Legislator.

LEGISLATOR ABRAHAMS: Can you provide the billable hours?

MS. LOCURTO: And as I said repeatedly, I will provide those billable hours --

LEGISLATOR ABRAHAMS: Today?

MS. LOCURTO: to you. If you want, I will go back to the office and we'll get them out.

LEGISLATOR ABRAHAMS: I think we should table until we get those hours. She said she can get them today. We don't want to see more -- we don't see information that's beneficial to this committee.

CHAIRWOMAN GONSALVES: At this point in time, then I'm going to call the question.

LEGISLATOR ABRAHAMS: We're having debate and discussion, we can't call the question.

CHAIRWOMAN GONSALVES: Are you making a motion?

LEGISLATOR ABRAHAMS: I'm still going back with Q&A.

CHAIRWOMAN GONSALVES: Continue. Guess what? She said that she will come back with the information that you want.

LEGISLATOR ABRAHAMS: How fast can you come back, Ms. Locurto?

MS. LOCURTO: I have to see --

CHAIRWOMAN GONSALVES: Would we need to go into executive session --

MS. LOCURTO: how quickly I can do it.

LEGISLATOR ABRAHAMS: I'm sorry?

MS. LOCURTO: I can see how quickly I can do it today. I can do my best to --

LEGISLATOR ABRAHAMS: Can you get back before four o'clock today?

MS. LOCURTO: I can do my best to try.

LEGISLATOR ABRAHAMS: I think that's appreciative. We appreciate that. So from that standpoint, I would make a motion to table on the standpoint that Ms. Locurto will be back here before four o'clock with the information for us to make a proper decision.

LEGISLATOR WINK: Second.

CHAIRWOMAN GONSALVES: Motion to table this item.

All those in favor of tabling this item signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

LEGISLATOR ABRAHAMS: Are you sure?

CHAIRWOMAN GONSALVES: Yes.

LEGISLATOR ABRAHAMS: They seem pretty sure over there.

CHAIRWOMAN GONSALVES: No discussion on the table motion.

The item before us is, again, the Lewis & Fiore contract.

All those in favor of the contract signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

The item passes four to three.

The next item is contract E-44, a contract with the district attorney and Suzanne Hand & Associates, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Who is here for this item?

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

CHAIRWOMAN GONSALVES: Thank you very much.

MR. MCMANUS: Good afternoon. This agreement is for legally required court reporting services for the district attorney's office grand jury panels.

Our office issued an RFP in accordance with the county's purchasing requirement in July 2012. The volume of cases requires that we utilize the services of two separate court reporting vendors. We receive seven bids, and we selected the two lowest bids. We request your approval of this agreement.

CHAIRWOMAN GONSALVES: Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

MR. MCMANUS: Thank you.

CHAIRWOMAN GONSALVES: Thank you.

Contract E-45, a contract with Community Development and Arodes Construction Corporation.

Motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Who do we have here?

MR. MAY: We have Mr. George Graf from  
the Office of the Community Development, coming  
up from his seat.

MR. GRAF: Good afternoon. George Graf,  
Office of Community Development, Housing &  
Community Development.

CHAIRWOMAN GONSALVES: Welcome.

MR. GRAF: Finance Director.

CHAIRWOMAN GONSALVES: Okay. Talk to  
us.

MR. GRAF: This contract is for \$300,000

to the Arodes Construction Corporation. This is part of the lead abatement grant. And what this -- this grant has been active since 2010. What we have is a pool of -- I believe there are 19 active contractors that compete with each other for each bid once a house has been identified as needing lead abatement. They've all been certified. Arodes has been a quality contractor. And what we're doing is putting an appropriation for an additional \$300,000 for them to access as they win future bids over their competitors.

CHAIRWOMAN GONSALVES: Any questions from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of this contract signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

Thank you very much.

The next contract is E-46-13, with DPW and CDM Smith.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

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

MR. MAY: We have Mr. Joe Davenport from the Department of Public Works.

CHAIRWOMAN GONSALVES: Welcome, Mr. Davenport.

MR. DAVENPORT: Thank you very much. Good afternoon.

This is a professional services agreement with the firm of CDM Smith for the development and design of a Skater System for our environmental facilities. The Skater System, it's a computerized means to help automate, collect data, and also provide security for the county's environmental facilities, including the waste water treatment plants and the pump stations.

We received four proposals for this assignment; we evaluated each of them, and we're

recommending CDM Smith for this assignment. They were highest technically ranked and did submit the lowest cost.

CHAIRWOMAN GONSALVES: Any questions of Mr. Davenport.

LEGISLATOR DUNNE: Just quickly, if I may.

CHAIRWOMAN GONSALVES: Yes. Legislator Dunne.

LEGISLATOR DUNNE: I thought we had a system similar to this already in Cedar Creek Sewage Treatment Plant. It was a computerized system where you set when you're supposed to be doing certain --

MR. DAVENPORT: I think you may be thinking about a preventative maintenance system or computerized maintenance management system. This system will integrate with that system and use some of that information. This goes well beyond. This also provides process control automation of some of the plants, it provides a central location to receive alarms from the pump stations. Those alarms can be related to the

operation or security. It's more of an overarching program for all of the facilities, not just for a small portion of the work.

LEGISLATOR DUNNE: Okay. And we have the capital funds for this?

MR. DAVENPORT: Yes. This is from capital project 35117.

LEGISLATOR DUNNE: Thank you.

CHAIRWOMAN GONSALVES: Any other questions or concerns of Mr. Davenport?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of contract E-46 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

Next contract is E-47-13, a contract with police department and Ron Smith & Associates, Inc.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

MR. MAY: We have Sergeant Gregory  
Stephanoff and Tatum Fox from the police  
department.

MS. FOX: Good afternoon. Tatum Fox,  
Nassau County Police Legal Bureau.

E-47-13 is a contract for personal  
services with Ron Smith & Associates. It is for  
latent print case re-analysis, which is related  
to the Inspector General's audit of our Forensic  
Evidence Bureau, which is now closed. It's a  
one-year term with an option for a one-year  
renewal, maximum amount is \$50,000.

CHAIRWOMAN GONSALVES: Questions?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of  
this contract signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

MS. FOX: Thank you.

CHAIRWOMAN GONSALVES: Thank you very much.

The next contract is E-48, with DPW and Jacobs Project Management Company.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

And?

MR. MAY: We have Ms. Donna Boyle from the Department of Public Works.

CHAIRWOMAN GONSALVES: Okay. Thank you.

MS. BOYLE: Donna Boyle, Nassau County Department of Public Works, Civil Engineer 3.

This is an agreement for Jacobs to provide construction management services to Nassau County. They will be covering projects within the courthouse systems; its fire

suppression, fire safety, and HVAC, which is heating and air conditioning. Any questions?

CHAIRWOMAN GONSALVES: Questions of Ms. Boyle? Legislator Jacobs.

LEGISLATOR JACOBS: Hi. How are you, Ms. Boyle?

MS. BOYLE: I'm fine.

LEGISLATOR JACOBS: The engineer's estimate was \$300,000.

MS. BOYLE: The engineer's estimate for the construction or the engineer's estimate for the construction inspection services, the construction management? This is construction management.

LEGISLATOR JACOBS: Okay. So when they were asked to give an estimate, what were they asked to give an estimate on?

MS. BOYLE: They were asked to give an estimate to supply staffing support so that Nassau County could ensure that the contractor was doing all of the work correctly. That's what they're actually doing for us.

Their estimate -- they answered an RFP

that Nassau County put out to supply -- it's a professional services agreement, for want of a better word. They were one of seven firms that submitted costs. They were highest technically ranked. They were also tied with another firm, LIRO Engineering, LIRO Group. Pricewise, they were significantly more of a bargain for Nassau County than LIRO was. There was a renegotiation with them and they brought their price down; I would call it significant. It was in excess of \$100,000.

LEGISLATOR JACOBS: So when they were bidding, though, it was guesswork as far as the number of man hours needed.

MS. BOYLE: Correct.

LEGISLATOR JACOBS: Okay. I just want to make it clear for the record that I'm not related to Jacobs. I wish I was.

MS. BOYLE: I did not think you were. They're a significantly large firm in the City.

LEGISLATOR JACOBS: I'm not. It's a shame.

MS. BOYLE: I'm sorry.

LEGISLATOR JACOBS: Okay. Thanks for answering.

CHAIRWOMAN GONSALVES: Any other comments or concerns on the part of the legislators?

(No verbal response.)

Public comment?

(No verbal response.)

There being none, all those in favor of Contract E-48 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

MS. BOYLE: Thank you.

CHAIRWOMAN GONSALVES: Thank you, Donna.

The next contract is Contract E-49 with DPW and Dvirka & Bartilucci Consulting Engineers.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

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

MR. MAY: We have Mr. Joe Davenport from

the Department of Public Works.

CHAIRWOMAN GONSALVES: Welcome, again.

MR. DAVENPORT: Thank you, again.

This is an amendment to an existing on-call agreement with Dvirka & Bartilucci. We're providing additional funding for additional work regarding the sludge thickening facility improvements at the Bay Park Plant, as well as extending their on-site senior wastewater treatment plant operator services.

CHAIRWOMAN GONSALVES: Any questions of Mr. Davenport?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of Contract E-49 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

The next contract is Contract E-51, with Social Services and Anthony V. Santoro.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by  
Legislator Dunne, seconded by Legislator Walker.  
And?

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

MR. BRODERICK: Legislators, good  
afternoon. Paul Broderick, Deputy Commissioner,  
Department of Social Services. The contract  
before you -- the item before you is a request  
for a contract with Mr. Anthony Santoro, a/k/a  
Spectrum Psychological Services.

Basically, the services that Mr. Santoro  
provides is preparation for court appearance and  
courtroom testimony, as ordered by the Nassau  
County Family Court. It is a mandated service.

Do you have any questions?

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR KOPEL: How much is an amount  
not to exceed 150 an hour?

MR. DAVENPORT: How much is not to

exceed \$150?

LEGISLATOR KOPEL: Yeah. The amount is not to exceed 150 an hour. How much an hour is an amount not to exceed 150?

MR. DAVENPORT: It could be anything less than 150 then, depending upon the type of services that he's doing.

LEGISLATOR KOPEL: Okay. So you've got a schedule for that?

MR. DAVENPORT: I do not have one in front of me, no.

LEGISLATOR KOPEL: But there is a schedule for that. Those are negotiated amounts?

MR. DAVENPORT: I'm sorry?

LEGISLATOR KOPEL: But there is in existence a schedule for that?

MR. DAVENPORT: Yeah. I don't think it's fluctuating fees, but I think it depends on the type of services that the individuals providing us.

LEGISLATOR KOPEL: In other words, you have a list of services and fees associated with those services that exists now?

MR. DAVENPORT: I would assume there's a graduated calendar that shows or a schedule of services that it provides at the hourly rate.

LEGISLATOR KOPEL: You assume so, but you don't know?

MR. DAVENPORT: No, I don't know.

LEGISLATOR KOPEL: Okay.

MR. DAVENPORT: I could look into it further, if you'd like.

LEGISLATOR KOPEL: I'd just like to know that you know something like that.

MR. DAVENPORT: I'm sorry/

LEGISLATOR KOPEL: When it goes to the Full Leg I would like to know that there is such a thing. It doesn't go to Full.

CHAIRWOMAN GONSALVES: He can probably provide you --

MR. DAVENPORT: We can do that. Whatever it is --

LEGISLATOR KOPEL: Just in the future, an amount not to exceed is not terribly meaningful; it could be a dollar, it could be \$150.

MR. DAVENPORT: Point taken.

LEGISLATOR KOPEL: Okay. Thank you.

CHAIRWOMAN GONSALVES: May I ask you, are these court ordered?

MR. DAVENPORT: Absolutely.

CHAIRWOMAN GONSALVES: Thank you very much.

Legislator Jacobs.

LEGISLATOR JACOBS: Hi. Just a quick question. Written down, I don't know if it was a typo or what, it says it actually impacts the funding by one cent. Could I ask you for clarification on that?

MR. DAVENPORT: Yes.

LEGISLATOR JACOBS: Because then it goes on to talk about the fact that the county and the state will pay 25 percent, of what, one cent?

MR. DAVENPORT: For clarity. There are four vendors who provide the psychological evaluation services. The encumbrance, the total monies paid to -- the total that could be paid out to the vendors is \$200,000 for the four vendors. It's not saying that this one

individual get paid X amount and X amount over here. The total that could get paid to any of the four vendors for these scope of services is not to exceed \$200,000. So it's just like saying for the individual not to exceed \$150 per hour for these scope of services for these four providers will not exceed \$200,000.

LEGISLATOR JACOBS: So, in other words, the penny is just symbol --

MR. DAVENPORT: Correct.

LEGISLATOR JACOBS: And the important thing is what the higher point is.

MR. DAVENPORT: Yeah. Because the maximum is \$200,000 in total.

LEGISLATOR JACOBS: Okay. Thank you.

CHAIRWOMAN GONSALVES: Any other questions or concerns on the part of the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

The contract passes unanimously.

Thank you.

MR. DAVENPORT: Thank you.

CHAIRWOMAN GONSALVES: The next contract is Contract E-52, with OMB and Nassau County Bar Association Assigned Counsel Defender Plan.

Hold on one minute, please.

There is a contract E-54 also with the Bar Association. I'm going to ask to call them together, but we can address them separately if you wish.

The other contract is Contract E-54, with OMB and Nassau County Bar Association Assigned Counsel Defender Plan.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

MR. MAY: We have Ms. Rosanne D'Allewa

from the Office of Management and Budget and Ms. Lisa Locurto from the County Attorney's office to answer questions on both of these contracts.

CHAIRWOMAN GONSALVES: Okay. Contract E-52 and Contract E-54, please.

MS. LOCURTO: Good afternoon, again.

E-52 is a contract with the Nassau County Bar Association to provide services for the indigent. By statute, the counties are required to provide services for the indigent, those individuals who unfortunately are able to obtain legal services.

E-54 is also a contract which provides a grant. The county attorney's office, in conjunction with Office of Management and Budget, was able to find a grant to provide funding for these types of services. It's a 100 percent grant of money. No money will be spent by the county; it will come from the state.

Any other questions?

(No verbal response.)

CHAIRWOMAN GONSALVES: Any public comment?

(No verbal response.)

There being none, all those in favor of Contract E-52 and Contract E-54 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

There being none, the motion carries -- the contracts, E-52 and E-54, pass unanimously.

The contract -- next contract is E-53, contract with the Comptroller and Albrecht, Viggiano, Zureck & Company.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Who is here to speak on this item?

MR. MAY: We have Mr. Christopher Leimone from the County Comptroller's office.

MR. LEIMONE: Good afternoon. Chris Leimone, counsel, Nassau County Comptroller's Office.

This item is a personal services contract

that the comptroller's office is seeking to enter into with Albrecht, Viggiano & Zureck, primarily for the assistance in the compilation and preparation of the county's comprehensive annual financial report.

CHAIRWOMAN GONSALVES: Was this -- is this a new contract?

MR. LEIMONE: Yes, this is a new contract. The basis for this contract is because with Super Storm Sandy hitting, the comptroller's office, in particular the accounting department in the comptroller's office, like a lot of other agencies throughout the County, have become inundated with Sandy-related work. Approximately 50 or 75 percent of the accounting department's time on a daily basis is being devoted to Sandy-related issues, and because of that and the timeline that we have for the CAFR to be prepared and filed by June 30, it's important that we bring this vendor on because of the resources that are being devoted to Sandy by the accounting department and other day-to-day activities.

CHAIRWOMAN GONSALVES: Any questions of

Mr. Leimone?

LEGISLATOR WINK: Yeah, I do.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Leimone, this is a three-year contract, isn't it?

MR. LEIMONE: It is.

LEGISLATOR WINK: Are you anticipating that Sandy is going to preoccupy the comptroller's office for the next three years?

MR. LEIMONE: We do anticipate that this is going to be a multi-year exposure with Sandy. This has been the natural progression that we've seen. Hurricane Irene, I know the accounting department is still dealing with issues with respect to Hurricane Irene, and obviously Sandy is a much larger scale. In addition to that -- so that's one of the primary reasons with the three years. In addition, we got a cheaper rate at the three years, with a three year contract.

LEGISLATOR WINK: Is Hurricane Irene the reason why the CAFR was filed a month late this year?

MR. LEIMONE: No, it was not.

LEGISLATOR WINK: Why was it then?

MR. LEIMONE: There was a situation with the actuarial report and that caused an extension.

LEGISLATOR WINK: So Irene wasn't the problem that delayed the CAFR in 2012 for the 2011 year.

MR. LEIMONE: Okay.

LEGISLATOR WINK: I'm just reiterating what you said.

Is this a contract for 70,000 a year or 75,000 a year? I've seen it both ways.

MR. LEIMONE: No. It's for 70,000 each year.

LEGISLATOR WINK: 70,000 each year. Is that a cap for each year?

MR. LEIMONE: Yes.

LEGISLATOR WINK: It is a cap. So you can't exceed that?

MR. LEIMONE: Correct.

LEGISLATOR WINK: Are there provisions that allow them to exceed it if there is additional work that's needed or matters of

follow-up on internal control or other internal control findings?

MR. LEIMONE: I think the contract document does speak to, if there are certain issues you can make -- the parties can come back on a good-faith basis. We don't anticipate that being the case. But I think the contract reads, under the payment section, that if there is a situation where perhaps it could go over, the parties can reconvene and negotiate that.

LEGISLATOR WINK: I'm reviewing -- I'm reviewing the data in the contract and it appears as though the one-year proposal would have been \$80,000, the three-year cost would have been \$75,000 a year.

MR. LEIMONE: No. It's 70.

LEGISLATOR WINK: It's 70.

MR. LEIMONE: When we went back to them and said 80 was a little too high, they said they could do 70 for the three years. That's what it is.

LEGISLATOR WINK: Historically, the CAFR has always been dealt with in-house, in the

comptroller's office, hasn't it?

MR. LEIMONE: Yeah. Based on my knowledge, that is the case.

LEGISLATOR WINK: Okay. And this is the first time we're actually looking to contract out --

MR. LEIMONE: Again, we're dealing with extraordinary circumstances with respect to Super Storm Sandy and the resources that we had to devote to it. I think it's important to note that a lot of the work that the -- that's done by the staffing accounting department, in terms of preparing the financial data, the statements, the exhibits, it's still going to be -- that's our work that we're doing. AVZ is going to -- the primary purpose for AVZ being here and coming in is to assist us in the compilation of the CAFR.

LEGISLATOR WINK: So basically all the work to prepare the actual data is being done in-house and we're paying for the compilation?

MR. LEIMONE: We're paying for the compilation. They are, of course, going to assist us to make sure that the data is correct,

supportable, and is in compliance with the Governmental Accounting Standard Board requirements, as well.

LEGISLATOR WINK: Doesn't our auditor do that function as well after the CAFR has been filed?

MR. LEIMONE: I believe so. I don't know the exact answer to that. I believe so.

LEGISLATOR WINK: What I'm trying to get at is I'm trying to understand why we're paying somebody to compile the data that we create, the data that we interpret, and the data that's audited by the county auditor. We're now paying somebody to get in the middle of all of that, to do that which the comptroller's office has historically done on its own.

MR. LEIMONE: Right. And again, I told you the primary reason for this is because of the resources that are going to have to be expended on Super Storm Sandy --

LEGISLATOR WINK: For three years.

MR. LEIMONE: Yes. It's a multi-year issue that we're dealing with. Yes.

LEGISLATOR WINK: Was there another proposal for these services?

MR. LEIMONE: Yes, there was.

LEGISLATOR WINK: And what was their proposal? How much?

MR. LEIMONE: It was 31,000.

LEGISLATOR WINK: Okay. 31,000, and yet we went with the 70,000 alternative.

MR. LEIMONE: That's correct. AVZ has -  
- 31,000, which was McGladery has no experience and has never prepared a CAFR before. AVZ has prepared CAFRs and does currently prepare the CAFRs for the Town of Oyster Bay, the Town of North Hempstead, the Town of Hempstead. They prepare the financial statements for NIFA. They do work for -- they prepare the financial statements for the Nassau County Sewer and Storm Water Authority and the Tobacco Settlement Corporation. So no CAFR experience, preparation by McGladrey, and AVZ had the CAFR experience.

LEGISLATOR WINK: Look. I'm certainly not here to say AVZ is an unqualified firm, because I believe they are fully qualified based

on their experience. But my question about McGladrey, as I understand it, the director who would have been heading up the CAFR compilation, as you put it, used to be a principal -- used to be a principal at Deloitte & Touche and was, in fact, responsible for the auditing of Nassau's CAFR before. So it's not as though it's an unknown document to them; would that be fair to say?

MR. LEIMONE: Well, I don't know if it's an unknown document to the person you're talking about, not the company as a whole.

LEGISLATOR WINK: To the director who would be responsible for preparing, compiling the CAFR, who had previously been one of the guys auditing the CAFR. It just sounds to me that we're splitting hairs here as to whether or not, you know -- he's only compiling, according to you. The data itself --

MR. LEIMONE: No. They will be assisting and compiling and preparing the CAFR.

LEGISLATOR WINK: Based on the data and the information provided by your office

internally.

MR. LEIMONE: Yes.

LEGISLATOR WINK: Mr. Leimone, to your knowledge, does your office prepare monthly financial reports on the county's financial status at this point?

MR. LEIMONE: I don't know that.

LEGISLATOR WINK: Do they do a quarterly or annually?

CHAIRWOMAN GONSALVES: Does it pertain to this contract?

LEGISLATOR WINK: That's what I'm trying to find out. If they're not preparing it, would it, in fact, obviate the need for this contract?

MR. LEIMONE: I don't know. I don't work in the accounting department.

LEGISLATOR WINK: What does the accounting department do if we're --

CHAIRWOMAN GONSALVES: He just said he doesn't work in the accounting department.

LEGISLATOR WINK: But he's speaking on behalf of the comptroller's office. He can't tell me that an office within his office is

unknown to him, and, therefore, we need to hire an outside firm to take care of the job that they've been doing historically.

CHAIRWOMAN GONSALVES: Legislator Wink, we did have Super Storm Sandy four, five months ago, and they are inundated.

LEGISLATOR WINK: Madame Presiding Officer, we are not going to have Super Storm Sandy three years from now and yet we're locking us in for three years.

CHAIRWOMAN GONSALVES: Do you have a crystal ball? I hope you're right.

LEGISLATOR WINK: I think Sandy -- I think the aftermath of Sandy is one thing, but to lock us into a three year deal on something the county has historically done is a mistake, unless we know for a fact that we're going to have another Sandy to deal with going forward.

CHAIRWOMAN GONSALVES: It's a matter of judgment for us to make, Mr. Wink.

LEGISLATOR WINK: Excuse me?

CHAIRWOMAN GONSALVES: It's a matter of judgment for this committee to make.

LEGISLATOR WINK: And I'm asking how the judgment came to be rendered that Super Storm Sandy would lead to us outsourcing a responsibility of the comptroller's office for the next three years.

CHAIRWOMAN GONSALVES: I believe he gave the legitimate reason for having to do this in his testimony. So can we move on, because Legislator Kopel would like to ask a question.

LEGISLATOR WINK: I'm sure he would. I would very much like to take a few moments to discuss -- we're talking about roughly \$200 an hour to do this compilation based on the 70 or \$75,000 number. And your proposal still has 75,000 for three years in it.

MR. LEIMONE: The contract says 70,000.

LEGISLATOR WINK: Okay. So it's \$187 an hour, on average, averaged out among the 375 hours needed to do the compilation.

MR. LEIMONE: You're looking at the proposal. That's what the proposal says.

LEGISLATOR WINK: That's what the proposal says, right. It's about \$187 an hour to

do the work.

I'm trying to understand how it is that we are committing ourselves so far into the future on a contract that we may not need after year one, and yet we seem to be willing to engage them for a period of three years. Whereas we're saving, according to the proposal, \$10,000 in year one but we're paying out an extra \$140,000 in years two and three that we may not even need to pay out.

MR. LEIMONE: Once again, that was a determination that it was needed for this three year period, and we need to allocate the resources this way because of the work that we are experiencing. And that was a determination that was made that this is in the best interest of the county to do it at this time. That was the decision, and that's why we entered into it.

LEGISLATOR WINK: Are we anticipating that the outside preparation of the CAFR is going to somehow make the audit function simpler, easier, more effective? Do we have any reason to believe that?

MR. LEIMONE: Yeah. We believe it's going to help streamline resources.

LEGISLATOR WINK: Okay. And have we factored that into the contract with Deloitte & Touche now that they're going to have a more accurate and more streamlined document to audit? I'm wondering if there are savings on the back end that, you know, where we're paying money on the front end, is there any savings on the back end with Deloitte & Touche going forward?

MR. LEIMONE: I'm not aware. That's not something I looked into, so I can't answer that question.

LEGISLATOR WINK: Can you find out if that was looked into at all? It seems to me --

MR. LEIMONE: Yeah. Sure. I can look into that.

LEGISLATOR WINK: Because if they have an easier document to audit, perhaps they'll come up with additional savings.

Let me ask you, Mr. Leimone, to the extent that you know, and I understand you don't work in the auditing office. How many CPAs are

there on staff in the comptroller's office?

MR. LEIMONE: Don't know.

LEGISLATOR WINK: Okay. And do you know -- have there been any downsizings in the comptroller's office in the last 12 or 24 months?

MR. LEIMONE: Yes, there has.

LEGISLATOR WINK: Who?

MR. LEIMONE: The director of accounting retired.

LEGISLATOR WINK: Deputy Ms. Kugler?

MR. LEIMONE: That's correct. In November 2012.

LEGISLATOR WINK: Was she replaced?

MR. LEIMONE: She was, with the current director of accounting, she was promoted.

LEGISLATOR WINK: Okay.

MR. LEIMONE: And then we have the deputy director of accounting leaving in April.

LEGISLATOR WINK: Okay.

MR. LEIMONE: And that's many years of historically knowledge.

LEGISLATOR WINK: Are you anticipating they are going to be replaced?

MR. LEIMONE: Yes. We have every intention of replacing those staff. We are in the process of trying to fill those positions. There have been some Civil Service delays. But, yes, we have every intention of filling those positions.

LEGISLATOR WINK: So this is more a question of workload than it is a question of attrition.

MR. LEIMONE: Correct.

LEGISLATOR WINK: Okay. All right, Mr. Leimone. Thank you very much.

I do have to tell you, I'm concerned about something that has been one of the primary functions of the comptroller's office historically, now being outsourced. It just seems to be a bad precedent and it seems to be a practice that this county on so many other levels has been entertaining in recent years, and I think it's a bad precedent for this County.

MR. LEIMONE: I understand.

CHAIRWOMAN GONSALVES: I'm going to comment on that.

LEGISLATOR WINK: By all means.

CHAIRWOMAN GONSALVES: We have experienced historic episodes within this County. Last year when we had Irene no one anticipated that almost a year later we would have Super Storm Sandy. So I believe that we're talking about different times than we did in the past. And nobody knows, nobody can predict what we are going to encounter as time goes on.

And at this point, Legislator Kopel has -

LEGISLATOR ABRAHAMS: If I may, real quick.

CHAIRWOMAN GONSALVES: Legislator Kopel.

LEGISLATOR ABRAHAMS: I understand. Just to that point, though.

Every single department in the county is seeing their workload drastically increase, from a legislative standpoint as well as from every department. I don't see every department in this county asking for money to do their job, and I have a problem with it from that point.

My staff, we would love to see more

outside counsel to help with constituent services related to Sandy. But you know what? We're not going to do it. We're going to roll up our sleeves, we're going to work longer, and put in more hours. It just seems like the comptroller's office doesn't want to do that.

I just wanted to respond to that point. I should see every department that's in the county asking for more money to do their job; basically that's what we're saying. You don't have to answer that.

CHAIRWOMAN GONSALVES: I'm sure he doesn't.

Legislator Kopel.

LEGISLATOR KOPEL: On a historical basis, on an historical basis have these forms been needed to be prepared just about every year, for one thing or another?

MR. LEIMONE: Yes.

LEGISLATOR KOPEL: Right. The CAFR forms. I guess then you would anticipate that going forward into the foreseeable future they would as well?

MR. LEIMONE: Yes.

LEGISLATOR KOPEL: So my question to you then is if the manpower is simply short because of these retirements would it not make sense possibly to just put somebody else on staff at perhaps a lower amount so that we can do this in-house?

MR. LEIMONE: Like I said, we are working on bringing on the qualified people to do this, and we're working with Civil Service on that to bring on staff in the future. Of course, when that's the case and we feel that we can bring it back, we will.

LEGISLATOR KOPEL: But we are committing this three years in the future.

MR. LEIMONE: Right. Because we're unsure as to where we're going to be and we anticipate, like I said, that Sandy's going to be a multi-year exposure and a multi-year issue with respect to the accounting department.

LEGISLATOR KOPEL: Okay. Thank you.

CHAIRWOMAN GONSALVES: Legislator  
Jacobs.

LEGISLATOR JACOBS: I don't want to belabor this too long but I have to ask you something. What does the comptroller's office have to do with Super Storm Sandy? I'm sorry. That may sound broad. But I want to know, what do they do? I'm sure they look at bills.

MR. LEIMONE: Again, this is the accounting department. The accounting department has to ensure that all of the expenses that come through the office or the entire county, they have to make sure those are properly identified and categorized. So all of the Sandy-related expenses, whether it be overtime, salaries, purchases, we all have to make sure that it's properly identified as Sandy and put into the proper codes and budgeted properly. In order to do that, we need to make sure that the expenses are put into the FEMA budget to make sure that we can get maximum reimbursement as well. So that's how it relates to Sandy.

LEGISLATOR JACOBS: I'm asking that because of the fact that we do have a Public Works Department that is very experienced and

obviously has been in charge of -- whether it's the damage to trees, damage to property, whatever -- I'm sure that they, in their office, have a tremendous increase in their workload and obviously has to give in things. I'm sure the comptroller has a form that they're following, so it's given in when it's divvied up into these various categories. And I'm sure that pertains to anybody else who would be involved with Super Storm Sandy.

I'm just wondering if -- I'm going to piggyback now on what Mr. Kopel said. Why can't we hire someone if this is something that you anticipate or the comptroller's office anticipates being something that's needed for three years, perhaps for \$70,000 we could hire someone for even less money to be there to make sure the categories are correct.

LEGISLATOR KOPEL: Judy, by the way. Judy, I just checked. Just to that point I just checked and there is a really good provision, if I understand it, and that is that this can be terminated for any cause or for no cause at any

time. Is that right?

MR. LEIMONE: That's correct.

LEGISLATOR KOPEL: Therefore, that kind of mitigates the problem, I think. What has been said is they are bringing people on.

I share the concern, as you've heard. But if they are bringing people on and the point comes, the time comes when they can manage without this outside thing, they can just terminate it. Would that be right?

MR. LEIMONE: Yes. And we would explore those options when that time came.

LEGISLATOR JACOBS: Does it beg the question then why not do it -- listen. We're all aware of Super Storm Sandy. We're all know the pressure it's put on everybody, including, believe it or not, legislators; not that we're out doing the fixing of things or being paid to do that, but dealing with constituents who are obviously devastated.

My point is it just happened. Why not have a year contract and if it's needed, renew it, rather than a three year contract that we can

cancel.

MR. LEIMONE: Right. Because, like I said, A. it was cheaper, B. the vendor would not agree to a one-year deal unless it was at the higher price, which we didn't want to go through and then have to go through the whole solicitation of proposal process again, and I don't know what kind of rate we would have gotten in the next couple of years. At least we know where we are with this rate, and that was the rationale or one of the rationales.

LEGISLATOR JACOBS: Thanks for your time.

MR. LEIMONE: You're welcome.

LEGISLATOR JACOBS: I don't necessarily buy it all.

CHAIRWOMAN GONSALVES: Mr. Leimone, isn't it true that every department's paperwork goes through the comptroller's office?

MR. LEIMONE: That's correct.

CHAIRWOMAN GONSALVES: Isn't it also imperative that all the I's are dotted and the T's are crossed so that we can get the proper

reimbursement from FEMA, and this is one of the reasons that we are so overwhelmed with the paperwork from Sandy and require the need of an outside contractor to help us with the additional work?

MR. LEIMONE: That's correct.

CHAIRWOMAN GONSALVES: Thank you very much.

MR. LEIMONE: You're welcome.

LEGISLATOR ABRAHAMS: Mr. Leimone, I'm not going to belabor this too much. I've already said my comments for the record. But I will ask you this, though.

Sandy is definitely an unrelated -- I'm sorry. Sandy is definitely an unforeseen circumstance. But wouldn't you agree the judgments that the county has just suffered in regards to the PBA deal as well as the -- let me finish -- county guarantee are unforeseen circumstances as well?

MR. LEIMONE: I don't know. Are they unforeseen? I don't know.

LEGISLATOR ABRAHAMS: There are rulings

that just came down in the last few days. I would think that we were going to see, based on this practice we're going to see a contract for those as well. They're unforeseen, aren't they? We didn't know they were going to go against the county, did we?

MR. LEIMONE: I don't know. I don't know the answer to that question.

CHAIRWOMAN GONSALVES: I think it's unfair. It's not related to this contract.

LEGISLATOR ABRAHAMS: No, it's not related to this contract. But the premise of this contract is because Sandy is unforeseen. We never thought of Sandy; I totally agree with that sentiment. It's totally an unforeseen circumstance. But so is the judgment in regards to the PBA, in regards to the police, as well as is the county guarantee. So should we see contracts that are going to come down because they're unforeseen happening in the county?

MR. LEIMONE: Once again, I don't know if you're going to see a contract with that. That's not my department. That's not my area.

CHAIRWOMAN GONSALVES: I have to say that the two contracts --

LEGISLATOR ABRAHAMS: You're a lot of help, Mr. Leimone. Thank you.

CHAIRWOMAN GONSALVES: Legislator Abrahams is referring to do not, do not pertain to an act of God. Super Storm Sandy and this contract are related. Those other contracts with the PBA and also with the guarantee are really not Super Storm related.

LEGISLATOR ABRAHAMS: Madame Presiding Officer, I'm using the reasoning that we heard today. Mr. Leimone testified here today that Super Storm Sandy was unforeseen, which we all agree. But you know what? I think we all can agree too, we've all endured a higher level of work for our department; I know I have in my legislative office. You don't see me going out and getting a contract to try to do the work that I should be doing. I just work harder. So what I'm trying to point out is a very clear fact. The county guarantee as well as the PBA recent judgment against the county are both unforeseen

circumstances. Both of those cases I would expect to see a report from the county comptroller identifying the exposure to the County. When those reports are generated will we see some contractor be able to do the everyday work of the comptroller's office? That's all I'm asking. It's a very generic question.

CHAIRWOMAN GONSALVES: Do you find it to be generic, Mr. Leimone?

MR. LEIMONE: No.

LEGISLATOR ABRAHAMS: Of course not.

CHAIRWOMAN GONSALVES: Thank you very much.

LEGISLATOR ABRAHAMS: Thank you very much, Mr. Leimone, for your time.

MR. LEIMONE: You're welcome.

CHAIRWOMAN GONSALVES: Any public comment regarding this contract?

(No verbal response.)

All those in favor of Contract E-53 signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

It's four to three.

The next -- now, I believe -- those are the items that went through the regular agenda, and now we have addendum items. I would like a motion to suspend the rules.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

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

(Aye.)

Any opposed?

(No verbal response.)

The rules are suspended.

The first contract on the addendum is Contract B-15-12, a contract with DPW and Philip Ross Industries Inc.

Hold on one minute. In the interest of saving time, we may be able to call that contract with Contract B-16-12, a contract with DPW and Bana Electric Corporation.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Who do we have here?

MR. MAY: Mr. Joe Davenport from Public  
Works.

CHAIRWOMAN GONSALVES: Thank you very  
much.

MR. DAVENPORT: Good afternoon, again.

These are both publicly bid construction  
contracts, one for general construction and the  
other for electrical construction, both regarding  
the reconstruction of the East Hills sewage pump  
station.

The department evaluated the bids  
received for each of these contracts, and we're  
recommending Philip Ross Industries for the  
general construction work and Bana Electric for  
the electrical construction contract.

CHAIRWOMAN GONSALVES: Any questions of  
Mr. Davenport?

LEGISLATOR WINK: Yes.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Davenport, how are you?

MR. DAVENPORT: Good, thank you.

LEGISLATOR WINK: Is this for the entire network? There's a number of sumps throughout East Hills.

MR. DAVENPORT: No. Actually, it's not for a sump. It's for the sewage pumping station in East Hills, the one along the Expressway, the service road.

LEGISLATOR WINK: Oh, okay. I see. Okay. Thank you. Maybe I'll talk to you offline about the sump situation there.

MR. DAVENPORT: Okay.

LEGISLATOR WINK: Thanks.

CHAIRWOMAN GONSALVES: Any other questions or concerns of the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of

Contract B-15 and Contract B-16 indicate by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The two contracts pass unanimously.

We have one more contract, and that's Contract E-37 with Parks and Molloy College.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

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

Who do we have here?

MS. KREIB: We have Ms. Eileen Kreib from the Parks Department.

CHAIRWOMAN GONSALVES: Thank you very much.

MS. KREIB: Good afternoon.

CHAIRWOMAN GONSALVES: Good afternoon.

MS. KREIB: Ms. Eileen Kreib from the Parks Department.

CHAIRWOMAN GONSALVES: Good afternoon,

Eileen.

MS. KREIB: This is a use and occupancy permit with Molloy College with the County where we enter into partnership to improve and enhance the baseball field, Field B, at Mitchell Field. Molloy College will contribute \$1.3 million for the improvements and responsible for all of the work, including design, preparation, and installation of the turf. The work will be overseen by DPW and our staff will be installing and preparing the fields.

CHAIRWOMAN GONSALVES: Any questions of Mr. Kreib? I'll start with you, Legislator Abrahams.

LEGISLATOR ABRAHAMS: Oh, no. Judy Jacobs.

CHAIRWOMAN GONSALVES: I'm sorry. Legislator Jacobs.

LEGISLATOR JACOBS: Thank you. Hi, Eileen. How are you?

MS. KREIB: Fine. How are you?

LEGISLATOR JACOBS: I'm a little confused by this one and I'd like to start off by

saying why.

It seems to me, number one, that this should not just be going through Rules. I'm going to give you my opinion. I'll give you my reasoning in a minute.

It seems to me this is much more inclusive, much larger than just coming through a Rules Committee vote, of either unanimous, four/three or whatever. This is going to pass through on a 30 year - I call it a lease - a 30 year time on property. When, in fact, as most of us know, something of this magnitude should: number one, go out for publication and notification that it's taking place; number two, should be by ordinance; number three, should need ten votes from a 19 member panel. This is a very important issue here of parkland, of use of parkland, of needing time -- we got this down on Friday -- of needing time to examine what this was all about, to reach out into the communities to make sure that there is no one whose time we're usurping here, and to find out if this is enough money or if it's not enough money, or what

their responsibility will be in case the initial upgrades are not holding properly or whatever.

I am very concerned about this. I can tell you right now -- I don't know when the other side of the aisle received this, but we received it Friday night and today is Monday. We had no time to reach out to anyone out there to ask them what their thoughts are on this.

This is nothing against Molloy College, by the way. I know it's a fine institution and great teachers.

But it's a matter of parkland, it's a matter of use, it's a matter of a 30 year lease, and it's a matter of it not being treated with the due respect it deserves. Have a hearing; if no one shows up, so be it. But in my estimation it's calling for a hearing, and then it should be calling for a vote based on the input we received as to whether this is a use that we should be doing. I think we're circumventing some pretty important steps here that I don't believe have ever been done before for this type of use.

I'd like to say to you -- what's going on

up here is they're talking about tennis bubbles at Christopher Morely which did not go through.

MS. KREIB: The tennis bubbles are being built.

CHAIRWOMAN GONSALVES: And that did, too, go through Rules.

By the way, for the record, the item was time stamped January 28 at 3:00 p.m. So it's been on file since that time.

MS. KREIB: Since January. And presently, Molloy College is using that field. And going forward, regarding of their investment, it's not a non-exclusive, it's still shared use and it's an enhancement to the field for public use. So it's not an exclusive use based on their investment.

LEGISLATOR JACOBS: May I just continue for a minute?

But they've got the best time of the day. Look. I'm not an expert of who is using the fields that they're going into right now. But I'm saying to you that we should have the time to find out who is being taken off those fields at

this time. Three to six could be a time when other groups are using it.

I think there's too many outstanding questions to give up something for 30 years. I'm finding this a little bit unusual, to say the least.

CHAIRWOMAN GONSALVES: This contract can be terminated within 30 days, correct?

MS. KREIB: Correct.

LEGISLATOR JACOBS: Yeah, but that doesn't make it legal to do it this way.

CHAIRWOMAN GONSALVES: I may it may not, in your mind it may not. Also, the county attorney's office indicated that this is the proper venue for this item to come through, and so that's why it's before Rules and Rules only.

LEGISLATOR JACOBS: I don't believe that this is according to County Law and State Law. I believe this is circumventing County Law and State Law on this. There's a difference of opinion up here. But I believe we're setting a very dangerous precedent.

CHAIRWOMAN GONSALVES: Legislator Wink.

LEGISLATOR WINK: Mr. Kreib, how are you?

MS. KREIB: I'm okay.

LEGISLATOR WINK: Has the county attorney given an opinion as to the issue of alienation with respect to this agreement?

MS. KREIB: The county attorney is in the audience. But this contract was drafted by the county attorney's office and went before OSPAC and Planning, the normal process, and it was approved to move forward.

LEGISLATOR WINK: I'd very much like to see -- very often one hand doesn't necessarily know what the other hand is doing in this county, with all due respect to the county attorney's office. And yet there may be significant issues of alienation. I just wanted to know whether or not they've opined on that.

MS. KREIB: Yes, they're aware of it. This draft was prepared based on --

LEGISLATOR WINK: Based on their reading of the case law.

MS. KREIB: Yes.

LEGISLATOR WINK: Okay. All right.

Now, I understand that in addition to the upfront payment for improvements for the synthetic turf fields and what not, the College would in fact be paying at 50 percent the normal rate.

MS. KREIB: Correct. That's what they pay now. They pay have the ordinance rate.

LEGISLATOR WINK: They pay half the ordinance rate for -- that's specific to Bay Park.

MS. KREIB: Yes. Oh, no. For Field B at Mitchel Field.

LEGISLATOR WINK: Oh, for Field B at Mitchel Field. Okay. So right now they have a non-exclusive license to utilize the field and they pay 50 percent.

MR. KREIB: Yeah. They have permitted use.

LEGISLATOR WINK: Permitted use, right.

By the way, are they current on their payments with respect to Mitchel Field and with respect to Bay Park? Are there any receivables

that the County has outstanding with the College?

MS. KREIB: I'm not sure.

LEGISLATOR WINK: I would hope that someone would have done an analysis like that.

MS. KREIB: I would assume that they're whole based on the fact that they're willing to make this kind of investment, but I'm not positive.

LEGISLATOR WINK: Well, unfortunately it wouldn't be the first time we've seen situations where people have, you know, doubling down with the county on contracts that they're behind on their previous contracts either. I'm hoping that someone has actually done that analysis to ensure that, you know, we're getting what we're already entitled to before we start a further agreement with them on new property. That's just one of my questions.

In terms of the fees that are paid right now, are they being paid into the Friends of Nassau Recreation?

MS. KREIB: I believe they're paying into Mitchel Field, the Mitchel Field account because

that's where the field is that they're playing on.

LEGISLATOR WINK: Paying the Parks Department of paying Friends of Nassau Recreation?

MS. KREIB: No. Parks Department into our Mitchel account.

LEGISLATOR WINK: Okay. So they're paying directly. And this agreement would have them paying Nassau County directly?

MS. KREIB: Correct.

LEGISLATOR WINK: Okay.

MS. KREIB: This agreement actually has, for the ordinance fees they'd be paying Nassau County, yes.

LEGISLATOR WINK: Okay. Thank you.

CHAIRWOMAN GONSALVES: Legislator Abrahams.

LEGISLATOR ABRAHAMS: Thank you, Madame Presiding Officer. How are you, Ms. Kreib?

MS. KREIB: I'm good, thank you.

LEGISLATOR ABRAHAMS: Good. I have a couple of questions in regards to the \$1.3

million that Molloy College is going to be a part of this contract in regards to us addressing the conditions of the field at Mitchel Field. How was that number derived?

MS. KREIB: It was based on an estimate that they worked through the DPW Department.

LEGISLATOR ABRAHAMS: It's based on an estimate that --

MS. KREIB: That DPW has estimated for them.

LEGISLATOR ABRAHAMS: And there hasn't been any RFPs in regards to this?

MS. KREIB: There will be purchase orders that are going to be issued for the materials. But there haven't been any RFPs for the specific items now. This is based on their experience with DPW and installing.

LEGISLATOR ABRAHAMS: And DPW is confident that \$1.3 million will be sufficient?

MS. KREIB: Yes.

LEGISLATOR ABRAHAMS: Okay. And the relationship -- because you had mentioned before that Molloy College has a relationship with the

county in regards to the fields being used at Bay Park.

MS. KREIB: They used the baseball field at Mitchel and they used what they referred to the cricket field at Bay Park for rugby practice, not for the games but for the practice.

LEGISLATOR ABRAHAMS: And basically, if I remember correctly there was testimony at that time. Was there a little league that objected to this particular proposal at that time, at Bay Park or has that been rectified?

MS. KREIB: This doesn't have any impact on the little leagues. They're using the cricket field for rugby at Bay Park.

LEGISLATOR ABRAHAMS: They don't use those fields whatsoever?

MS. KREIB: They're not using any baseball fields, no.

LEGISLATOR ABRAHAMS: Has the cricket league, have they been contacted to find out if they would object?

MS. KREIB: Again, they have shared use and it's permitted. It's time slots that both

leagues --

LEGISLATOR ABRAHAMS: So they can co-exist, is what you're saying in your testimony.

MS. KREIB: Yes. Correct.

LEGISLATOR ABRAHAMS: In regards to Mitchel Field, they would be utilizing which field on Mitchel Field again?

MS. KREIB: This is for Field B. Field A is where they've been playing in the past. But Field A was another contract.

LEGISLATOR ABRAHAMS: Okay. So the complex that's going to be coming in that will be using Field A and basically B would be utilized by Molloy during --

MS. KREIB: And other shared use.

LEGISLATOR ABRAHAMS: during the time specified in the contract.

MS. KREIB: Yes.

LEGISLATOR ABRAHAMS: Has B been used by any other entity throughout the county that would conflict with the agreement with Molloy College?

MS. KREIB: Just Nassau Community

College, and they've worked out an arrangement to permit them to use the fields at Eisenhower Park and some of their games will be held at --

LEGISLATOR ABRAHAMS: The County has done that?

MS. KREIB: The Parks Department.

LEGISLATOR ABRAHAMS: The Parks Department has done that.

How is this arrangement -- how did this arrangement come to fruition? I'm just curious. Fields seem to be at a premium use, I would think. There are dozens of colleges in this area. Was there an RFP with Molloy College to come to this type of deal or Molloy College, because of their existing relationship, just decided to just expand on it? I'm just curious.

MS. KREIB: I believe because of the relationship with us they offered to invest and make the improvement on the field so they would be able to have use of the field as they do now and also enhance the opportunity for other teams to have the opportunity to play on these fields. As you know, with turf fields there's no down

time. Because of weather and stuff we sometimes have limited use of the fields, and with this investment, this will allow us to have more playing time.

LEGISLATOR ABRAHAMS: What I'm trying to ensure is that the county did its due diligence to reach out to all the colleges in the area. Hofstra University is right there. You mentioned Nassau Community College, which sounds like they're going to be moving Eisenhower Park. CWP Post. Are there other places that probably would have liked to utilize the fields that we would have reached out to normally?

MS. KREIB: They still can. With the shared use it's permitted. If Post College wants to use the field and they approach the Parks Department, there's shared use for the field.

LEGISLATOR ABRAHAMS: What I'm saying is it will be hard for them to use the field. The time seems to be pretty determined for Molloy. If you look at the times in the backup, three to six -- if a particular entity or school wanted to use it between those times, obviously

I'm thinking if it's other schools, they would want to use it during those times. Did we actually reach out to them to find out -- maybe they would do more for the county. 1.3 million is great but maybe they'll do more if we reach out to them. Did we reach out to them, is my question.

MS. KREIB: Not that I'm aware of. No.

LEGISLATOR ABRAHAMS: Why would that not be the case? Why would that be a bad thing, to reach out to them?

MS. KREIB: I think it's because of the relationship with Molloy and their continued use of the field that they were willing to make this type of investment with no guarantee or exclusive arrangement.

LEGISLATOR ABRAHAMS: But that was their relationship with Field A, if I remember correctly. Right?

MS. KREIB: Correct.

LEGISLATOR ABRAHAMS: Field B is a different field, a different arrangement.

MS. KREIB: Because of the project on A,

they're now on B. They're willing to make this investment where they're willing to have the shared use with other leagues going forward.

LEGISLATOR ABRAHAMS: I just think -- I regret the fact that we didn't reach out to them because I think we could have gotten more for the county, possibly even got more fields addressed. As you know, I'm sure it's no news to the Parks Department that a lot of our fields can use a spruce up. From that standpoint, I would have liked to have known that we went out and got the best deal for the county. This may be the best deal, it may not be. But I think from that standpoint I would have liked to have seen -- try to see, at least due to increase, especially with so many colleges being in this area that we at least go out and ensure that we got the best deal for the county.

Thank you, Ms. Kreib.

CHAIRWOMAN GONSALVES: Legislator  
Jacobs.

LEGISLATOR JACOBS: Eileen, I think that the main thing I'd appreciate your bringing back

is this. I don't have it in front of me but my recollection of what the County Law says is that any lease -- any lease of any kind of property requires ten votes, and especially with a 30 year -- I don't care if you call this a use and permit or what, 30 year is giving them the right like a lease would. State Law is even more stringent, where they really only have a three year period and anything above that certainly requires legislative approval.

Honestly, I go back to what I originally started out with, and that is I think somewhere along the line here we have sort of hopped over, jumped over, batted the ball over certain laws that have been in existence for a long time. That's what concerns me. And I think it really should control everybody up here, no matter which side of the aisle we are. It seems to me that it opens such a door.

Thank you.

LEGISLATOR DUNNE: Madame Chair,  
Hofstra University has a beautiful stadium for their baseball team and another stadium for the

girls softball team. Beautiful. CW Post has been nationally ranked each and every year in baseball. They have a beautiful baseball field, and they recruit kids from all over Nassau County to play on their baseball team, as does Adelphi and New York Tech. Absolutely wonderful baseball in all three of those schools, local schools. And we did take care of the most local one, Nassau Community College who, by the way, just were -- just won the national wrestling tournament, and they're the number one wrestling team in the country, Nassau Community College. But athletically, I think the smallest school around is Molloy, with the least amount of property, and they have relied upon us to give them a field. If they're going to spend one-point-something million dollars to put a nice field there, for a small school like that it has to be worth their while too, not just for three years. They're not going to spend a million dollars on a field that they're only going to have for three years, for their time.

Now, I'm sure that Chaminade will be able

to use our baseball field and the county tournaments will use that baseball field, when needed, as long as it doesn't conflict with that short term, clock time that Molloy has. I don't see any problem with this contract at all.

Thank you, Madame Chair.

CHAIRWOMAN GONSALVES: I need to comment. Is it so that the fields would be able to be used at night?

MS. KREIB: Yes. The field is lit so it can be used at night. Part of their agreement is to put a netting up, which allows us to run other track meets, which now we can't do because of the foul balls or whatever going into the field. So it has multiple use of Mitchel Field that we don't have now, with their improvement.

CHAIRWOMAN GONSALVES: So this would increase the use by the public, correct?

MS. KREIB: Yes.

CHAIRWOMAN GONSALVES: And this is not a lease agreement; this is a use and occupancy agreement.

MS. KREIB: Use and occupancy. It's not

a lease.

CHAIRWOMAN GONSALVES: And, therefore, as a use and occupancy agreement we can terminate it for reason within 30 days, I believe. So we're not bound by a lease --

MS. KREIB: And that also addresses the park alienation because it's a permit, it's not a lease.

CHAIRWOMAN GONSALVES: Thank you very much.

Legislator Abrahams, and then I'm going to call the question.

LEGISLATOR ABRAHAMS: Look. I understand the points that Legislator Dunne just brought up in regards to the facilities, about Hofstra and Adelphi. But the bottom line is we did not do our due diligence. We did not ask. That's just very point blank.

It has become apparent that we're not going to call this a lease because it's very clear that the county law requires that this be voted on by 10 legislators in order for us to call it a lease. And if it looks like a duck and

quacks like a duck, it surely sounds like it's definitely a duck; and from that standpoint this appears to be a lease. But not to belabor that point.

In regards to the financing of the deal, 1.3 million upfront to address ball fields, address the ball field to be addressed with the synthetic turf field and then obviously a reduction of fees to the tune of 50 percent for the county going forward. What exactly does that bear in the next 30 years, in terms of the fees for the county?

MS. KREIB: It parallels whatever happens to the ordinance fees. If they increase, their percentage increases also.

LEGISLATOR ABRAHAMS: Agreed. So let's assume that the fees -- we know they won't. But let's assume the fees remain flat, where they currently are.

MS. KREIB: Then their fees remain the same.

LEGISLATOR ABRAHAMS: So what's that total number over 30 years, in terms of what it

is versus what it would be at 100 percent?

MS. KREIB: Presently, they're playing during the daytime so their rate is \$25 an hour. With the proposed rate it's going to 40 because of it being turf fields and that's competitive with the other municipal fields in the area. From the get go, they're going to be paying 50 percent of the \$15 increase. I don't have it calculated out over 30 years.

LEGISLATOR ABRAHAMS: Mr. Chalmers, are you prepared to speak or have any numbers on this particular item? Mr. Chalmers is from independent budget review.

MR. CHALMERS: Maurice Chalmers, Budget Review. No, we don't have any numbers on this contract. It came out on Friday and we're discussing it today, so we don't have any numbers.

LEGISLATOR ABRAHAMS: I would like to -  
- Ms. Kreib, can you describe to us, I don't know if you can, the other entities that use the field?

MS. KREIB: Molloy College uses the

fields from March to May, from 2 to 6 during the week.

LEGISLATOR ABRAHAMS: Currently.

MS. KREIB: Yeah, correct. There's other -- I don't do the permitting but I know that there are other leagues that come in and use the field every evening because it's lit. So they're playing between 6:00 to 11:30 with the lights on a fairly regular basis, and last year that was a total of 278 hours that they were able to use the field in the evenings. The little leagues in the small towns and villages, they're sometimes using it for their playoffs but they're not using it for their daily games where they're in the their hometowns playing on their own home fields.

LEGISLATOR ABRAHAMS: How as the number of reducing the fees by 50 percent, why 50 and why not 75, 26?

MS. KREIB: Again, because of their investment of the improvement and they presently pay 50 percent of the ordinance fee as it is.

LEGISLATOR ABRAHAMS: Oh. They

currently pay 50 percent?

MS. KREIB: Yes. So we kept that part of the same arrangement.

LEGISLATOR ABRAHAMS: I see. How did we come to that number?

MS. KREIB: It's an agreed upon number that's there now, and because of a \$1.3 million investment plus other opportunities for them --

LEGISLATOR ABRAHAMS: What did it -- assuming this deal, whatever happens with this deal today, they currently have an arrangement where they pay 50 percent of the fees?

MS. KREIB: Presently they do.

LEGISLATOR ABRAHAMS: Presently. How did we get to that number? Did they offer up some type of sprucing up of our fields? Is there some golden pot of cash that I'm not aware of?

MS. KREIB: I'm not familiar with that arrangement.

LEGISLATOR ABRAHAMS: So we just unilaterally gave them --

MS. KREIB: Yes. Because of their capital investment to the property.

LEGISLATOR ABRAHAMS: No, no, no.

MS. KREIB: We kept it the same, I should say. But I don't know the background.

LEGISLATOR ABRAHAMS: What was the capital investment on the first deal? That's what I'm saying.

MS. KREIB: I'm not sure where that came from.

LEGISLATOR ABRAHAMS: Is there anyone here that can speak to that? Do you remember something? I'm asking my colleagues on the board. Do we remember?

I would just ask -- Ms. Kreib, I thank you for your candor.

I would just ask that Mr. Chalmers have an opportunity to come down on this. Obviously, there doesn't seem to be any rush. This was clocked in, as you said in your testimony, in January.

MS. KREIB: January.

LEGISLATOR ABRAHAMS: And it's been put on the calendar on Friday. I don't see any reason why we don't postpone this, have Mr.

Chalmers have an opportunity to review it. It maybe something that everybody can jump onboard with. Obviously, if we get an opportunity to get our fields addressed, it sounds like it could be a winner. But I think Mr. Chalmers should have an opportunity to chime in. And I think from that standpoint, we should have a greater amount of time to review his findings.

LEGISLATOR DUNNE: A quick question, if I may.

CHAIRWOMAN GONSALVES: Hold on, Mr. Dunne.

LEGISLATOR ABRAHAMS: I'm wrapping up, actually.

LEGISLATOR DUNNE: If this was to be tabled, what damage would be done to the school?

MS. KREIB: Their goal is to be able to have the installation of the field to be ready for this year's season. That would be the negative part of it.

LEGISLATOR ABRAHAMS: They plan to install the synthetic fields by the start of their season? When did their season start?

Didn't it start in March?

MS. KREIB: Yeah. But when this contract was agreed to in January the goal was to have it for this season. It's probably going to be pushed back because they will keep the field as it is now.

LEGISLATOR ABRAHAMS: So we can definitely -- I have no problem with them utilizing the field. We can definitely give them an agreement for this particular season, and then give Mr. Chalmers more time so that we can examine it. We're talking about 30 years. Mr. Chalmers can definitely get back to us within 30 years.

CHAIRWOMAN GONSALVES: I have one question to ask of you, Eileen.

Are there savings associated with having the turf fields?

MS. KRIEB: I'm sorry?

CHAIRWOMAN GONSALVES: Are there savings associated with having the turf fields?

MS. KREIB: A substantial savings in maintenance, which includes labor costs,

fertilizer, water, those types of costs are savings that are substantial.

LEGISLATOR ABRAHAMS: I just want to go back to the fact that it sounds like this contract was signed by the president of Molloy on October 19. Obviously, it was clocked in in the legislature in January. Am I correct, Ms. Kreib?

MS. KREIB: That's what I've been informed, yes.

LEGISLATOR ABRAHAMS: If it was clocked in in January, it didn't reach the floor of the legislature until March. It doesn't sound like - - unless there's some type of technology that I'm not aware of, I don't think they're going to be able to install synthetic fields in the next couple of weeks before their season starts.

I have no problem in them doing an occupancy agreement for this season, one season, giving Mr. Chalmers more time to review this contract. And from that standpoint, obviously since we're not going to have the synthetic fields in place for this year, we can definitely examine that for the next 29 years. But that

being said.

I think Mr. Chalmers should have an opportunity to review this contract, review it from the standpoint of how much fees the county's going to generate over the next 30 years. Basically, we're assigning this field between the hours of 3 to 6 and some other days of the week to one entity. And I think from that standpoint, we should have Mr. Chalmers examine it to make sure we do our due diligence.

I'm not saying that we're not going to do it. I'm just saying that we should have the financial analysis done, since this is such a large deal, \$1.3 million. I would like to know if Mr. Chalmers can do a study to determine if \$1.3 million is actually enough. It sounds like DPW is confident. But I think I would like an independent voice, an independent set of eyes to actually assess that. Then, on top of it, I would like to understand this agreement, in terms of a 50 percent reduction on fees. Why not 25? Why not 30? I don't know how we came to that number, other than the fact that we have used

that number before and that's why we're using it again even though I haven't heard any justification on the record today. There wasn't any pot of money to address any other fields, so I don't understand why we did 50 percent then, the first time around.

So, from that standpoint, I would motion to table in the hopes that Mr. Chalmers would get an opportunity to review this contract. Once he comes back from his review, we'll be happy to entertain it.

LEGISLATOR DUNNE: I'll second the motion because there are some questions that you have. I'm comfortable with it, but if you need those answers, I'll second the motion.

LEGISLATOR ABRAHAMS: Thank you, Legislator Dunne. Thank you. Appreciate that.

CHAIRWOMAN GONSALVES: All those in favor of tabling this item signify by saying aye.

(Aye.)

Opposed?

The item is tabled.

The Rules Committee is now in recess.

(Whereupon, the Rules Committee reconvened at 4:58 p.m.)

CHAIRWOMAN GONSALVES: We are going to reconvene. For the record, the testimony from the previous committees should be incorporated into the Rules Committee. And I have the cooperation of the minority to block most of the items. And those that are not going to be blocked will really be about three or four items.

Clerk Item 28-12, 75-13, 76-13, 77-13, 78, 79 -- they are all 13 -- 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104, and 105, and 109.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

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

(Whereupon, the following are the minutes of the March 4, 2013 Finance Committee meeting pertaining to Clerk Items 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 104,

and 105-13.)

First item is a resolution to -- it's Item 75-2013, a resolution to authorize the transfer of appropriations heretofore made within the budget for the year 2013.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

Mr. May, is someone here to talk about this?

MR. MAY: We have Mr. Tom Delaney from the Office of Emergency Management to answer any questions.

CHAIRMAN NICOLELLO: Okay. Good afternoon, Mr. Delaney.

MR. DELANEY: Yes.

CHAIRMAN NICOLELLO: Could you just briefly explain what this is?

MR. DELANEY: This is just to take the additional appropriations we had for Sandy under our FEMA emergency funds and just re-appropriate them from a BB, that is an equipment line, into a

DD, supply line, so we can pay our vendors.

CHAIRMAN NICOLELLO: These monies have already been received?

MR. DELANEY: Money has always been appropriated. It's a matter of just re-categorizing sub-object, or the object on it.

CHAIRMAN NICOLELLO: Any other questions?

(No verbal response.)

Thank you, Mr. Delaney.

MR. DELANEY: Thank you.

CHAIRMAN NICOLELLO: Any public comment?

(No verbal response.)

LEGISLATOR DENENBERG: Wait. Wait.

CHAIRMAN NICOLELLO: Mr. Delaney.

Legislator Denenberg.

LEGISLATOR DENENBERG: I apologize.

This is for -- this 350. Who are the vendors on this?

MR. DELANEY: There's a lot of them. OEM has turned into the dumping ground of I don't want to pay this vendor, give it to OEM. So we had a lot of stuff that just game out of the

woodwork.

Veolia Bus, \$94,200 for transportation of evacuees during the storm. We didn't anticipate that. It just came out of nowhere. I can go on and on with a bunch of smaller ones too.

LEGISLATOR DENENBERG: Is this it? Is this all of the expenditures that will need to be made through OEM?

MR. DELANEY: The majority of the stuff, all that stuff that came through OEM that was facilitated through office, that's right, sir.

LEGISLATOR DENENBERG: Have we been reimbursed?

MR. DELANEY: We will be because it's a reimbursement, that is we have to pay first and then we get reimbursed.

LEGISLATOR DENENBERG: We're going to try to seek --

MR. DELANEY: Absolutely, sir.

LEGISLATOR DENENBERG: Well, we are seeking FEMA funds to reimburse ourselves, correct?

MR. DELANEY: Absolutely. To the

fullest extent that we can get reimbursed.

LEGISLATOR DENENBERG: Which will be either the 75 percent level or the 90 percent?

MR. DELANEY: We'll keep our fingers crossed, yep.

LEGISLATOR DENENBERG: Why though are we taking the money out of the equipment line?

MR. DELANEY: I can answer that.

LEGISLATOR DENENBERG: Great.

MR. DELANEY: This has been the first appropriation that we made when there was a lot of stuff that we didn't know what was going on. So I kind of like said, all right, I know a lot of generators are being bought by New York State on our behalf and I've got a feeling New York State is going to come back and ask us to pay for them. They didn't, though. So I'm not going to complain. Hopefully nobody from New York State is here. We're going to use this money to pay these other bills, like I said, that have been coming down our throats.

LEGISLATOR DENENBERG: So we're not going to be short in the equipment line --

MR. DELANEY: No, sir.

LEGISLATOR DENENBERG: because we put this money in the equipment line after Sandy happened.

MR. DELANEY: We just never saw those bills come to us from the state. Apparently the state took that on. I wasn't sure what was going to be the case at the height of the storm, what was going on with that.

LEGISLATOR DENENBERG: How did the money -- I mean, was the money in the equipment line as part of the 2012 budget?

MR. DELANEY: No. That was all FEMA. That was round one of the requests that came to us about the FEMA appropriations.

LEGISLATOR DENENBERG: Okay. So when we set aside or appropriated money for FEMA, when it went to OEM you allocated some for equipment. So now in order to pay from lines that came in over what we allocated, we're taking it from equipment because that came in under what was allocated.

MR. DELANEY: That's correct. Comptrollers won't pay a bill -- if I tried to

pay Veolia with an equipment line, a comptroller is going to look at that and potentially reject it back to us just saying that's not the appropriate way to pay, it should be on a DD line.

LEGISLATOR DENENBERG: Now that you said it, you might have said too much. I'm joking.

Why Veolia? They're the bus company. Why do we -- we have to pay them money?

MR. DELANEY: It was the first one I looked at in my e-mails when I was sitting there and it was for 94,000.

LEGISLATOR DENENBERG: Why do we owe them 94? They charged us for using the buses during the storm?

MR. DELANEY: Yeah. Yep.

LEGISLATOR DENENBERG: Really?

MR. DELANEY: Transportation.

LEGISLATOR DENENBERG: But they're our buses. Why would we pay 94,000 to Veolia for our own buses?

MR. DELANEY: It was emergency transportation. I guess above and beyond.

They've got to pay people overtime.

LEGISLATOR DENENBERG: They had to pay people overtime --

MR. DELANEY: I'm speculating.

LEGISLATOR DENENBERG: But they're a private operator. I don't understand why -- seriously, why would we owe a private operator 94,000? They run a bus. They have a schedule. They charge people --

MR. DELANEY: It wasn't a schedule.

LEGISLATOR DENENBERG: We have a contract with them.

MR. DELANEY: Not a schedule. This was to evacuate people out of Long Beach. This was the whole evacuation procedure to Nassau Community College and our other shelters that were ongoing. Special runs. Nothing scheduled.

LEGISLATOR DENENBERG: \$94,000 worth of special runs?

MR. DELANEY: There was a lot going on.

LEGISLATOR DENENBERG: We should have kept the bus. I don't get it.

Is that a backup -- is that in our

backup?

How was the \$94,000 charge determined by Veolia?

MR. DELANEY: Through their invoices that we received from them.

LEGISLATOR DENENBERG: How did they invoice us? Like, how did they put on their invoice I'm going to charge the county for this special run? How do you put a price tag on a special run?

MR. DELANEY: To be honest with you, I haven't looked at the detailed invoices. I know the full amount. They weren't handed directly to me. I can only estimate that it's an hourly rate, potentially fuel costs.

LEGISLATOR DENENBERG: We have a contract with them. I don't think that the contract covers.

MR. DELANEY: Does the contract cover emergency evacuations?

LEGISLATOR DENENBERG: I don't know. I'm asking you.

MR. DELANEY: I don't know.

LEGISLATOR DENENBERG: You're asking me to pay it.

MR. DELANEY: I don't know.

LEGISLATOR DENENBERG: Before we pay it, it bothers me that we're paying 94,000 to Veolia, which is a private contractor who is running our buses for doing special runs from Long Beach. Long Beach, maybe it needed special runs. Maybe a lot of people evacuated on themselves. But 94,000 for a company that, you know, with a lot of hoopla was privatized and was the greatest thing since Wonder Bread and Swiss cheese. I don't get why we're paying them 94,000 because it's on an invoice, and I don't know how they're invoicing us.

How many runs were there? Hi, Rob. How are you?

DEPUTY COUNTY EXECUTIVE WALKER: How are you?

The billing is based on the same hourly rate that is charged in their normal contract. So there's an MOU that is signed with Veolia for emergency work. It's billed on the same hourly

rate they bill their normal bus operations. So in this case they were called in to assist with various areas for transport out of, unfortunately those that did not have transportation out of some of the barrier island that needed to be transported. Those buses came in. Again, they billed the same exact rate by which they bill their normal contract.

LEGISLATOR DENENBERG: How many runs did they do?

DEPUTY COUNTY EXECUTIVE WALKER: I don't have the number in front of me.

MR. DELANEY: A lot. Those are all just other invoices.

DEPUTY COUNTY EXECUTIVE WALKER: It actually is broken down, and we can get you a copy of the invoice. It's literally by hour that they traveled and in areas where they did.

LEGISLATOR DENENBERG: Was this just to transport our residents out --

DEPUTY COUNTY EXECUTIVE WALKER: Yes.

LEGISLATOR DENENBERG: or was this also to transport emergency workers in?

DEPUTY COUNTY EXECUTIVE WALKER: In some cases they may have been part and parcel in both. It was to actually move Nassau County residents out of areas by which -- again, Long Beach, we had closures, residents were allowed in and out, buses were moving people out of that area to shelters. We had buses that were brought into Nassau Community College, to transport people to and from the shelters there. Moving people from shelters. As people would come to, say, Nassau Community College - that was one of the hubs - and then not have additional -- not enough resources there because it just outgrew, so those people then moved to Farmingdale and other sites throughout the county, other shelters throughout the county. It was all to move residents of Nassau County that obviously could not travel because of the impact of the storm.

LEGISLATOR DENENBERG: Just, I guess two questions. So you're saying all this movements that Veolia had to do comes under their contract and we pay an hourly rate?

DEPUTY COUNTY EXECUTIVE WALKER: Yes.

The contract, again, the Office of Emergency Management has an MOU with them. It's not their normal operation. Again, we asked them to bring in additional resources, additional buses to, in fact, move people back and forth.

LEGISLATOR DENENBERG: So this was a separate contract that was done during the exigent circumstance?

DEPUTY COUNTY EXECUTIVE WALKER: Yes.

LEGISLATOR DENENBERG: Did that ever come to us?

DEPUTY COUNTY EXECUTIVE WALKER: Let me just check. I don't know the exact date of when that MOU was signed. It could have been in place back in 2011. I don't know that answer for you. Again, it's based upon the same hourly rate by which they charge us today for their bus operations. And again, it's work -- obviously, all the bus routes don't work perfectly for where you're moving people to and from.

LEGISLATOR DENENBERG: Let me ask you this then. I'm sorry. I cut you off. I apologize.

DEPUTY COUNTY EXECUTIVE WALKER: No. Go ahead.

LEGISLATOR DENENBERG: So whatever the MOU or contract is that they're operating under, before this gets to Full, I know that this is only 350 or \$400,000, that's a drop in the bucket from all the expenditures. But with respect to Long Island Bus, I would like to see what MOU they were operating under before it goes to Full.

DEPUTY COUNTY EXECUTIVE WALKER: We will be glad to get that to you.

LEGISLATOR DENENBERG: And with respect to the Sandy related expense, and this is only from OEM, again, it's a drop in the bucket from everything that we needed to allocate.

The vouchers, we should have vouchers behind this expenditure.

DEPUTY COUNTY EXECUTIVE WALKER: I have no issue with that. Obviously, this --

LEGISLATOR DENENBERG: Can we get that before Full, is what I'm asking.

DEPUTY COUNTY EXECUTIVE WALKER: Sure. Nobody's trying to hide anything here, so that's

not a problem.

LEGISLATOR DENENBERG: In the past, there's been a time when we were looking, like for Looks Great, we were at least looking at some of the vouchers, which gave concern that it wasn't detailed enough. But I would assume that this is probably pretty detailed. I'd like to see it.

DEPUTY COUNTY EXECUTIVE WALKER: And I would say even with the -- you can go over to the comptroller's office or receive that once they receive payment. The voucher for some of these contracts are this thick. I'll be glad to get you whatever you need.

LEGISLATOR DENENBERG: Thank you.

Legislator Bosworth.

CHAIRMAN NICOLELLO: Actually, before Legislator Bosworth -- I heard you use the words we asked. So the county or the county OEM asked

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DEPUTY COUNTY EXECUTIVE WALKER: Yes.

CHAIRMAN NICOLELLO: Veolia to use their buses to assist our residents who were in need or

in jeopardy of their life, injury, etcetera.

DEPUTY COUNTY EXECUTIVE WALKER: One hundred percent.

CHAIRMAN NICOLELLO: And then they used their buses outside of the contract. These aren't fixed routes or anything like that. They used their buses, with their drives, I'm assuming their fuel, and went down to transport people who needed to get out of places where they shouldn't have been.

DEPUTY COUNTY EXECUTIVE WALKER: Exactly.

CHAIRMAN NICOLELLO: In doing so, they incurred a cost which is approximately, at least with respect to this item, \$94,000.

DEPUTY COUNTY EXECUTIVE WALKER: Correct.

CHAIRMAN NICOLELLO: And once this is actually paid out, it's likely to be reimbursed at a rate of 75 or 90 percent.

DEPUTY COUNTY EXECUTIVE WALKER: Correct. Or a hundred percent.

CHAIRMAN NICOLELLO: Thank you.

Legislator Bosworth.

LEGISLATOR BOSWORTH: Good afternoon. And we can still say good afternoon, so that's a plus.

I just have a question actually about where this 400,000 is coming from. I understand you want to transfer. In the backup it says - and I'm just going to read from the backup.

At this time, Nassau County OEM has not been asked to pay the expense for generator purchases that New York State OEM placed and OEM anticipated \$350,000 would be charged to the county. So my assumption is at some point, although we haven't been billed for it yet, that that's a charge that we will have to pay for.

MR. DELANEY: I didn't want to give us everything I had in that one line. Again, we're getting stuff in that we just didn't anticipate, that's the problem. Bills are still coming in from the center where we operated at; we're getting bills from them. We knew they were forthcoming but we didn't have the total impact. It's an ongoing process.

LEGISLATOR BOSWORTH: And I understand that. But we're transferring money from one line to another and it's money that actually might have to be spent for something else, that was already spent for these generators.

MR. DELANEY: We're not going to take the impact from those generators that I anticipated. The state's not going to ask us for that. If they were, they would have asked already.

LEGISLATOR BOSWORTH: It's just in the backup that's not what it says, so you can understand why I'm asking questions about that.

Just to keep an eye on that, because I expect that we're going to get a bill from the state, but you seem to feel that we're not.

MR. DELANEY: I don't think we will. We would've at this point. We would've gotten a bill already.

LEGISLATOR BOSWORTH: There's nothing more definitive other than you saying -- so you're not anticipating that you're going to come back to us for another 400,000 saying, whoops,

the bill came.

MR. DELANEY: All I can tell you is if we have complications that we do need to pay that can't be by that BB line that we didn't regularly anticipate, I can't tell you what may land in our laps tomorrow. I can't be 100 percent certain and say we're not. We're trying to do the best we can.

LEGISLATOR BOSWORTH: And we appreciate that. I just wanted to question that particular line.

Thank you.

CHAIRMAN NICOLELLO: Legislator DeRiggi-Whitton.

LEGISLATOR DeRIGGI-WHITTON: Is Mr. Walker still here or did he leave? I don't know if you would be the one to question.

Is there any steps we have to make to do this type of transfer? Because this was money that the federal government gave us for a specific reason.

MR. DELANEY: They didn't give us this yet. This is our money. We have to get

reimbursed.

LEGISLATOR DeRIGGI-WHITTON: So basically what we're transferring is not really FEMA money, it's our money that was put into these accounts with the anticipation of being -- okay. That would be better than transferring federal money.

MR. DELANEY: Yeah.

LEGISLATOR DeRIGGI-WHITTON: Do you know what the term polling means?

MR. DELANEY: Yes.

LEGISLATOR DeRIGGI-WHITTON: Can you explain that to me?

MR. DELANEY: It kind of like says that I have to beg Greg to ask you guys to do us a big favor because something just wasn't done in the proper amount of time that it should have been.

LEGISLATOR DeRIGGI-WHITTON: What is the urgency?

MR. DELANEY: So we can pay our vendors and make them whole. We do not want to stretch this out any longer than we have to for two reasons: one, we want to get all our expenses

together for FEMA; two, we want to keep our vendors happy. If -- not even if -- probably when this happens again to us, when we ask a vendor to do something for us, they're going to be there and they're not going to be, like, hey, you didn't pay me last time for six months, why should I do anything for you?

LEGISLATOR DeRIGGI-WHITTON: This might be the wrong question. Are these all the vendors that we owe money to?

MR. DELANEY: I'm sorry. What?

LEGISLATOR DeRIGGI-WHITTON: Are these all the vendors that we owe money to, this 400,000?

MR. DELANEY: It's going to be the vast majority of them, yes.

LEGISLATOR DeRIGGI-WHITTON: So the ones that we're not paying now -- how did we choose these vendors to pay?

MR. DELANEY: I'm sorry?

LEGISLATOR DeRIGGI-WHITTON: How did we choose these?

MR. DELANEY: Choose these vendors?

Mish mosh of how it was actually done. Some of the stuff fell under the county's emergency procurement guidelines, some stuff fell under normal procurement guidelines.

LEGISLATOR DeRIGGI-WHITTON: Basically, what the 400,000, in your opinion, the majority of the people that we owe money are going to be paid with that 400,000?

MR. DELANEY: The majority.

LEGISLATOR DeRIGGI-WHITTON: The majority of the vendors.

MR. DELANEY: The majority, yes.

LEGISLATOR DeRIGGI-WHITTON: Just to be covered, can we just have a list just so we know who has been paid also out of this 400. It would make us feel better about the whole transfer just to know exactly who we're paying.

MR. DELANEY: Sure. Definitely.

LEGISLATOR DeRIGGI-WHITTON: I appreciate it. Thank you very much.

MR. DELANEY: You're welcome.

CHAIRMAN NICOLELLO: Again, anything you're providing to the minority, provide to the

majority also.

MR. DELANEY: Anything I give is going to go to Greg.

CHAIRMAN NICOLELLO: Okay.

MR. DELANEY: And Greg can channel it that way.

LEGISLATOR DENENBERG: Now we're in trouble.

CHAIRMAN NICOLELLO: Any other questions?

(No verbal response.)

Thank you, Mr. Delaney.

MR. DELANEY: You're sure this time?

CHAIRMAN NICOLELLO: Longer than you thought, huh?

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The item passes unanimously.

Items 76, 77, 78, 79, 80, 81, 82, 83, and

84-2013 are ordinances supplemental to the annual appropriation ordinances in connection with the Health Department and the Office of Housing and Community Development.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

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

Most of these items, except for 84-13, went through the Health Committee a few moments ago.

Are there any questions on Items 76 to 84-2013?

(No verbal response.)

Any public comment?

(No verbal response.)

LEGISLATOR BOSWORTH: Legislator Nicolello, could we just incorporate the discussion from health into these minutes?

CHAIRMAN NICOLELLO: Right.

(Whereupon, the following is the minutes of the March 4, 2013 Health Committee meeting pertaining to Clerk Items 76-13, 77-13, 78-13,

79-13, 80-13, 81-13, 82-13, 83-13.)

CHAIRWOMAN WALKER: There are nine items on the agenda today, the first is Clerk Item 76-13, which is an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

May I have a motion, please?

LEGISLATOR BECKER: So moved.

LEGISLATOR MUSCARELLA: Second.

CHAIRWOMAN WALKER: Moved by Legislator Becker, seconded by Legislator Muscarella.

The item is before us.

Mr. May.

MR. MAY: Good afternoon, Madame Chairwoman. Would we be able to call all the items together? Ms. Ana Sousa from the Health Department will be here for all of them.

CHAIRWOMAN WALKER: We certainly can. I was going to do that. Usually it ends up that she speaks about each one individually. But if you'd rather us call them all together.

MR. MAY: However you'd like. Your choice. Ms. Ana Sousa is here to answer all the

items.

CHAIRWOMAN WALKER: We'll call them all together.

The next is Clerk Item 77-13, which is an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

Clerk Item 78-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

79-13 is an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

80-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

81-13 is an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

82-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

83-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

99-13, an ordinance supplemental to the annual appropriation ordinance in connection with the Health Department.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR BECKER: Second.

CHAIRWOMAN WALKER: So moved by Legislator Becker, seconded by Legislator Becker.

MS. SOUSA: Hi. Good afternoon. I'm Anna Sousa, Deputy Commissioner for Administration.

With regards to Item 76-13, this is a supplemental appropriation in the amount of \$7,130. It's for the children with special care needs grant. This is basically a cost of living adjustment award that was recently granted by the New York State Department of Health. It's just to add onto the original funding. So, in total now, we're going to have a total funding of \$96,027 for this grant.

Any questions?

CHAIRWOMAN WALKER: Any questions from the legislators? Legislator Becker.

LEGISLATOR BECKER: For special needs children?

MS. SOUSA: Yes.

LEGISLATOR BECKER: And what specifically is that?

MS. SOUSA: Specifically what this grant does -- or program, it provides information and referral to families of children up to the age of 21 who have a medical diagnosis and who may have special care needs. This program links the families with these children to needed services in the community and facilitates access to health care coverage.

LEGISLATOR BECKER: Do we have one vendor or one organization that we would appropriate that money to to do that or that to help supplement the county itself?

MS. SOUSA: This particular grant is to cover for salaries of early intervention service coordinators that meet with the families --

LEGISLATOR BECKER: And who work for the

county, I gather?

MS. SOUSA: Yes.

LEGISLATOR BECKER: Thank you very much.

CHAIRWOMAN WALKER: Any other  
legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

Item 77-13.

MS. SOUSA: This item is a supplemental appropriation in the amount of \$146,133 for the comprehensive Prenatal/Peri-Natal Services network. The mission of this network is to improve birth outcomes and reduce infant mortality in Nassau County. This is a network of over 40 agencies who work together to improve birth outcomes. It's accomplished through outreach, needs assessment, advocacy, education, and coordinating delivery of services. It serves all of Nassau County, but specifically focuses on Roosevelt, Hempstead Village, Uniondale, Inwood, Freeport, and Westbury/New Cassel.

It's an amendment for an additional nine

months; we've been extended. It will take us through September 30, 2013. It basically covers for staff of two and a half FTEs.

CHAIRWOMAN WALKER: Have we seen positive outcomes from this?

MS. SOUSA: Yes, we have. The goal is to have positive birth outcomes, and the reports based on the outreach, yes, we are seeing improvement.

CHAIRWOMAN WALKER: Okay. Thank you.

Any other questions or comments from the legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

LEGISLATOR TROIANO: I'm sorry.

CHAIRWOMAN WALKER: Legislator Troiano.

LEGISLATOR TROIANO: Thank you for mentioning that. I think you said most of the money or much of the money is distributed to some of the minority communities in Nassau County. Do you know how much of the 149,000 goes to those communities, 146,000?

MS. SOUSA: Actually, it goes to cover the salaries of the health employees that participated in network and make sure there is outreach, education, and dissemination to these communities. So it's really to cover for salaries, it's not to disseminate to the communities.

LEGISLATOR TROIANO: Apparently you've done some tracking to determine that those numbers in the network I guess are based in those communities.

MS. SOUSA: Yes. Yes. I don't have it with me, but if it's something that you would like to get more information on, I would be more than happy to supply it.

LEGISLATOR TROIANO: I would like to see that. Thank you.

MS. SOUSA: Okay.

CHAIRWOMAN WALKER: Thank you very much. If you could get back to the committee, as a whole.

MS. SOUSA: Okay.

CHAIRWOMAN WALKER: No other questions

or comments on 77-13?

(No verbal response.)

78-13.

MS. SOUSA: 78-13 is a supplemental appropriation in the amount of \$19,894 for our rabies programs. This is a program that is run by New York State Department of Health, and it is mandated by New York State Public Health Law. The primary objective is to protect the residents of Nassau County from rabies. And the funding provides rabies post-exposure treatment and preparation and shipment of animal specimens to New York State facilities. It is one year of a five year renewal.

Just to let you know, fortunately we have had -- in 2012 we had 162 specimens sent to the state and 82 residents were recommended for post-exposure.

CHAIRWOMAN WALKER: Thank you.

Any questions? Legislator Bosworth.

LEGISLATOR BOSWORTH: Thank you. Hi.  
Good afternoon.

Just a question about the expenditures

covered in the grant. In the backup it shows that the county will be using the grant to cover salaries and fringes. So I just was curious if salaries and fringes are considered administrative expenses, because I know in some grants administrative expenses are disallowed. So I just wanted to know how that pertains to this grant.

MS. SOUSA: Just let me look at the details.

It is my understanding that it is for salary and fringe, the salaries for the individuals that do take care of the specimens, in preparing them for upstate. With regards to the other expenses, I believe it's to cover for the supplies with regards to dealing with the specimens - shipping the specimens upstate and also the waste management of having to haul out the rest of the body, the animal bodies.

LEGISLATOR BOSWORTH: If I could just ask for when we get to Full Leg if I could just have more information about where it says in the grant that salaries and fringes are disallowed or

if it doesn't say that.

MS. SOUSA: Okay.

LEGISLATOR BOSWORTH: If you could just check, more specifically.

MS. SOUSA: Okay.

LEGISLATOR BOSWORTH: I appreciate that.

MS. SOUSA: Sure. No problem.

CHAIRWOMAN WALKER: Any other questions or comments? Legislator Troiano.

LEGISLATOR TROIANO: Thank you.

Have we received an awards letter at this point?

MS. SOUSA: For this particular grant, I believe we have. It says that we have -- it's not so much an award letter, but it's an award e-mail that we did receive.

LEGISLATOR TROIANO: And it specifies the final amount?

MS. SOUSA: It specifies an annual amount of \$19,893.48. It also specifies the total for five years. This is part of a five year award that we've received of \$99,467.40.

LEGISLATOR TROIANO: Thank you.

CHAIRWOMAN WALKER: Any public comment?

(No verbal response.)

Item 79-13.

MS. SOUSA: Item 79-13 is in regards to a supplemental appropriation in the amount of \$535,000 for the Tuberculosis prevention and control program. This is 100 percent grant funded through the New York State Department of Health.

The TB program provides comprehensive services to protect the public from the spread of TB. Services include surveillance, case management, directly observed therapy and education to ensure patient compliance with medication therapy.

Last year we served, in terms of clients, we made 4,000 visits. We had approximately 33 cases identified in the county last year.

CHAIRWOMAN WALKER: Thirty-three you said?

MS. SOUSA: Yes, 33.

CHAIRWOMAN WALKER: Any questions?  
Legislator Bosworth.

LEGISLATOR BOSWORTH: Just really an informational question. Is 33 cases more or less than usual or pretty much what you usually see?

MS. SOUSA: It's similar to 2011. It's on the downtick from 2010 where we had 43 cases. So we had 43 in 2010, 29 in 2011, and 33 in 2012.

LEGISLATOR BOSWORTH: Thank you.

CHAIRWOMAN WALKER: Do we know how many we've had to this point this year?

MS. SOUSA: No. I don't have that information, but I can certainly get it for you.

CHAIRWOMAN WALKER: Thank you.

Any other questions or concerns?

(No verbal response.)

Any public comment?

(No verbal response.)

Item 80-13.

MS. SOUSA: 80-13 is in regards to a supplemental appropriation for \$8,489,985. This is funds that we are receiving from the federal government for the Ryan White Part A Program. The government provides these funds for the comprehensive health and social services for

people living with HIV and AIDS in Nassau and Suffolk Counties.

Nassau County, through an inter-governmental agreement with Suffolk, is the designated grantee. This award includes \$433,336 of funds for the minority AIDS initiative. And the purpose of these funds is to evaluate and address the disproportionate impact on HIV/AIDS and the disparities in access, treatment, care, and outcomes for the racial and ethnic minorities.

In total, we have 4,700 clients were served in the 2012/2013 grant year, and it is expected to be the same amount served for this ongoing grant year.

The grant also allows for five percent administration cost, and we use that fund to cover part of the staff salary that administers this grant.

CHAIRWOMAN WALKER: Carrie.

LEGISLATOR SOLAGES: Good afternoon.

MS. SOUSA: Hi.

LEGISLATOR SOLAGES: Nice to see you.

Thank you for being here today.

The first question I have for you is, first, have we received an actual award letter from the federal government on this program?

MS. SOUSA: With regards to this one, we have not received an actual awards letter, it's forthcoming. We are putting through the appropriation in order to continue services to the existing HIV/AIDS clients. But it is forthcoming. We are expecting it. This is a program that we had for multiple years, so we don't foresee that there be a turndown of the award.

LEGISLATOR SOLAGES: Do we know if we're being funded at the highest level, that is the eligible metropolitan area, or the lower level, the transitional grant area?

MS. SOUSA: That I don't know. I would have to get back to you.

LEGISLATOR SOLAGES: Okay. So when your office does receive the award letter, if you could please provide to the minority caucus and also my legislative office a copy of the award

letter and specific information as to which level, that would be very, very, very helpful.

Do we know the full level - excuse me - the full amount of the grant?

MS. SOUSA: I believe this is the full amount. This is the annual award.

LEGISLATOR SOLAGES: And of that amount, which percentage or what number can we say is being dedicated to Districts 1, that is the district represented by Kevan Abrahams, my colleague, District 2, Legislator Robert Troiano, and District 3, yours truly. What percentage or what number of the funding is going to those areas?

MS. SOUSA: Unfortunately, I don't have those details, but I will be more than happy to share it with out, along with the award letter and the information that you asked for.

LEGISLATOR SOLAGES: Thank you. As a point of order, my legislative office, on February 14, was able to have a very successful AIDS forum. I have a copy of the press release, which also has a link to the YouTube footage of

the entire forum. I would also like to provide a copy to yourself and to your office. I think it's very important to realize that the minority community has never left crisis mode when it has come to this issue, although the CDC has had a change in the classification of HIV/AIDS from chronic -- excuse me -- from life threatening now to a chronic disease. It's very important that we continue to raise awareness and continue to raise resources for prevention methods. I would like to share that with your office. And if you could please advise which other agencies or offices we could share that with as well, that would be great and helpful. And if you could please send information to my office.

And I would also like to thank Legislator Delia DeRiggi-Whitton for allowing me the time. Thank you.

CHAIRWOMAN WALKER: If I could just ask you to provide that information to the entire committee.

MS. SOUSA: Okay. No problem.

CHAIRWOMAN WALKER: Is there any public

comment?

(No verbal response.)

Item Number 81-13.

MS. SOUSA: 81-13 is a supplemental appropriation for the HIV surveillance and partner notification program, in the amount of \$287,255. This program is funded through a grant from the New York State Department of Health. New York State Law mandates laboratories and health care providers to report all individuals with HIV infection to the Health Department.

The law requires health departments to notify partners and contacts of their exposure to HIV. Other components of the program include risk reduction counseling, testing, and linkage to medical evaluation and care, as well as social mental health referrals, as needed. Services also include health education to at-risk populations, and no cost confidential counseling and testing, as well as linking those individuals to the full range of medical and support services.

In 2012, we had 91 new cases, as well as

99 partner notification assignments.

This particular funding is for the first year of a five-year grant program that just was awarded on a competitive basis. So that was good news for us, that we were able to get it.

CHAIRWOMAN WALKER: Legislator Bosworth.

LEGISLATOR BOSWORTH: I think Carrie made the compelling point that unfortunately AIDS is alive and well --

MS. SOUSA: Yes.

LEGISLATOR BOSWORTH: in our county as well as in so many other places.

This grant, does this program obligate the county to provide testing services for HIV/AIDS?

MS. SOUSA: What we do is we refer them to the clinics for testing services. If, in the event that they are not able to get quick testing, we will be able to draw the blood in and send it up to New York State or Wodsworth (phonetic) Laboratory.

LEGISLATOR BOSWORTH: Our clinical health lab, that's still closed, isn't it?

MS. SOUSA: Yes. Anything that is drawn, we refer it up to New York State. We also refer them to the NUMC clinics in order to be able to get that service there.

LEGISLATOR BOSWORTH: Is there any sense of when our clinical health lab might be reopening?

MS. SOUSA: Not at this point.

LEGISLATOR BOSWORTH: Thank you.

MS. SOUSA: You're welcome.

CHAIRWOMAN WALKER: Other legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

Item 82-13.

MS. SOSUA: 82-13 is a supplemental appropriation in the amount of \$154,733 for the community health worker program. Again, this is funded through a New York State Department of Health grant. This program provides case management and advocacy services for at-risk pregnant women and their families in the Village of Hempstead and the community of Roosevelt.

Outreach to pregnant women includes visiting churches, local agencies, and street outreach. The home based case management service is well structured and comprehensive. Clients receive information and referral assistance, coordination of services, education, advocacy, and crisis or emergency intervention.

We track our client's attendance to scheduled prenatal care appointments. We make sure that they keep all of their appointments. The goal is to ensure that babies born to mothers go to full term and are at least a minimum of five and a half pounds birth weight.

We, right now, have an annual caseload of 170 clients. This grant is actually a nine month extension, which will take us to September 30.

CHAIRWOMAN WALKER: Any comments from the legislators?

(No verbal response.)

Any comment on 81-13?

(No verbal response.)

CHAIRWOMAN WALKER: I'm just going to backup because someone did have a question about

80-13.

MS. DIAMOND: I have a comment on all the grants that we're talking about.

CHAIRWOMAN WALKER: Okay.

MS. DIAMOND: Tina Diamond, Farmingdale, New York.

I just want to know that these grants are not affected by the sequester that's in place and they will be forthcoming from the government agencies that are giving us these grants.

MS. SOUSA: We haven't received -- this one is from New York State so it's not coming from the federal. It's not a pass-thru. It's from New York State. And we have not received notification this was going to be impacted.

MS. DIAMOND: Okay. Thank you.

CHAIRWOMAN WALKER: Thank you. And I apologize I didn't see your hand raised before.

Item Number 82-13.

MS. SOUSA: We just went over 82-13.

CHAIRWOMAN WALKER: I'm sorry. I apologize.

83-13.

MS. SOUSA: 83-13 is a supplemental appropriation in the amount of \$53,277 for the child, family and safety grant. This is 100 percent grant funded through the New York State Office of Children and Family Services.

The child fatality review team reviews all deaths of children who reside and die in Nassau County and whose death is unexplained for or unexpected. The review is done in order to better understand the causes of childhood deaths in the county and then to make recommendations based on the findings to reduce future preventable child fatalities.

The grant was initially awarded in 2007. This particular appropriation and funding is to tag on another six month extension to the grant that will take us through July 31, 2013.

Just the last point to add. In 2012 there were 12 child fatality cases that were reviewed.

CHAIRWOMAN WALKER: That was 2012?

MS. SOUSA: 2012. It was a decrease over the past four years. So we started off with

18 in 2009 and in 2012 it was 12 cases.

CHAIRWOMAN WALKER: Certainly 12 too many.

MS. SOUSA: Absolutely.

CHAIRWOMAN WALKER: Any other legislators?

(No verbal response.)

Any public comment?

(No verbal response.)

(Whereupon, the following is the continuation of the minutes of the March 4, 2013 Finance Committee meeting.)

CHAIRMAN NICOLELLO: Any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

Items 85-2013, 86, 87, 88-2013, are all resolutions to authorize transfer of

appropriations heretofore made within the budget for the year 2013, relating to health, emergency management, asset forfeiture, and the medical examiner's office.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

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

Any questions on these four items?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those items carry unanimously.

Item 89-2013 is a resolution authorizing the county executive to execute a grant agreement between the County of Nassau, acting on behalf of the Parks Department, and the Long Island Children's Museum.

LEGISLATOR VENDITTO: So moved.

LEGISLATOR WALKER: Second.

CHAIRMAN NICOLELLO: Moved by Legislator

Venditto, seconded by Legislator Walker.

Any questions on 89-13?

LEGISLATOR DENENBERG: I do.

CHAIRMAN NICOLELLO: Legislator  
Denenberg.

LEGISLATOR DENENBERG: The backup says  
that this is for the -- this is hotel/motel tax  
money, correct?

MR. MAY: That is correct.

LEGISLATOR DENENBERG: And it goes to  
the Children's Museum for early childhood public  
programming, framed and related public  
programming, family performance programming. Are  
we using this money because it benefits all  
residents of Nassau County, all children, or is  
this for like an early childhood program just for  
people that pay to use it as well? What made us  
choose this as an effective use of hotel/motel  
tax?

MS. KREIB: Eileen Kreib, Parks  
Department. Annually, we give a stipend to the  
Long Island Children's Museum for their  
programming, and this is the program that they've

proposed this year. It's actually used to provide materials, as such, for their programming. So they're not using it actually as a tuition type thing, it's really for the materials and bringing in the guests for the programming. That's what the program is.

LEGISLATOR DENENBERG: And we're satisfied that they let everyone know that this is what's available?

MS. KREIB: They advertise their programs, yes.

LEGISLATOR DENENBERG: My only concern is that I think, if I'm not mistaken, to access this you sort of -- you have to pay to go into the Children's Museum itself. Although it's a great museum and a lot of people pay to use it --

MS. KREIB: A lot of their programs are used by their members, correct.

LEGISLATOR DENENBERG: some people, at least in my district, can't really afford the price of admission.

MS. KREIB: But they do offer scholarships to the children who aren't able to

pay their funds. So they have another program that would allow that application to be considered.

LEGISLATOR DENENBERG: Do we fund that program too?

MS. KREIB: Yes.

LEGISLATOR DENENBERG: And that's just not in this grant?

MS. KREIB: No. Our grant is only covering what you see listed on here for \$100,000. It doesn't buy a lot for the programming that they offer to the public.

LEGISLATOR DENENBERG: Okay. Maybe you could show me at some other point what that other grant is.

MS. KREIB: What their other grants are?

LEGISLATOR DENENBERG: Well, the one that would allow people to use these services if they can't afford it.

MS. KREIB: I can talk to Suzanne LeBlanc, and I will get that for you. She's the director of the Children's Museum.

LEGISLATOR DENENBERG: I don't know if

you've checked out the price lately but it's not cheap to go into the Children's Museum.

Thanks.

CHAIRMAN NICOLELLO: Any other questions?

(No verbal response.)

Any public comment?

(No verbal response.)

Thank you, Ms. Kreib.

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

It carries unanimously.

Items 90, 91, 92, 93, 94, 95-2013, are ordinances supplemental to the annual appropriation ordinance in connection with the Traffic Safety Board at Nassau Community College.

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR WALKER: Second.

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

These items went through the Public

Safety and Government Services Committee a few moments ago.

Items 90 to 95, are there any questions?

(No verbal response.)

Hearing no questions, is there any public comment on these items?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Carries unanimously.

Item 96 and 97-2013 are ordinances supplemental to the annual appropriation ordinance in connection with the Department of Parks, Recreation and Museums.

LEGISLATOR WALKER: So moved.

LEGISLATOR MUSCARELLA: Second.

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

Mr. May is anyone here to speak about these items?

MR. MAY: Yes. We have Ms. Eileen Kreib from the Parks Department.

CHAIRMAN NICOLELLO: 96 and 97, Ms.

Kreib, can you just briefly explain what these items are?

MS. KREIB: Yes. Eileen Kreib from the Parks Department.

These two items that are before you are for the 2012 funds that we've received through the Hotel/Motel Tax Law. They're presently been received and being re-categorized to the Parks Department. The two appropriations are dividing them, per the law, into historic structures and the other larger portion, 75 percent of the total 100 percent that's received that goes to the Parks Department.

CHAIRMAN NICOLELLO: What type of programs does the one relating to the Parks Department fund?

MS. KREIB: It promotes cultural advancement of Nassau County and the marketability to enhance tourism. So a lot of the concerts and different events that take place at Lakeside Theater is an example of those type of cultural activities.

CHAIRMAN NICOLELLO: I saw that in the

backup, the concerts. Anything else? This seems like a lot of money.

MS. KREIB: We supplement a lot of the programs that are offered at different museums, mostly in the entertainment area, film industry, that type of thing. We enhance any type of a program. Small amounts to a lot of different groups in different parts of Nassau County.

CHAIRMAN NICOLELLO: This was from the monies collected in 2012?

MS. KREIB: 2012, yes.

CHAIRMAN NICOLELLO: And is has this traditionally been something that we've done with our hotel/motel tax money?

MS. KREIB: Yes. It's not more than what we've done, it's what the legislation dictates. The legislation is very clear on how the money is divided and spent, and that's how we approve different contracts.

CHAIRMAN NICOLELLO: Okay.

Are there any other questions?

Legislator Denenberg.

LEGISLATOR DENENBERG: Thank you. The

item states that 400,000 of this 2.9 million will be used towards salaries and about 2.4 to 2.5 million is for contractual details -- I mean contractual services. The 400-plus thousand, can you give me a detail of what salaries -- whose salary is being covered by this?

MS. KREIB: The salaries that are covered are salaries that are allocated to the event that happening. If Nassau County Parks Department staff is overseeing the event, say, at Lakeside for a concern that is happening on a Saturday night, that salary is being placed through the hotel/motel.

LEGISLATOR DENENBERG: Who does the allocation? Is there some backup?

MS. KREIB: It's based on the person's salary rate that they normally would get. It's funded from hotel/motel as opposed from operating. Because it's additional hours.

LEGISLATOR DENENBERG: Okay. I gotcha. But I'll repeat my question. Who does the allocation?

MS. KREIB: The payroll department.

LEGISLATOR DENENBERG: The payroll department does this allocation?

MS. KREIB: At the Parks Department, yeah. It's the funding source that they use --

LEGISLATOR DENENBERG: How much -- now the contractual services then we pay to whatever entity or organization is providing the program or the service?

MS. KREIB: Correct.

LEGISLATOR DENENBERG: So it could be to the band performing a concern, the theater doing a show.

MS. KREIB: Correct.

LEGISLATOR DENENBERG: Can we get that broken down?

MS. KREIB: The salaries? Yes.

LEGISLATOR DENENBERG: I want the salaries broken down. I would like the contractual services broken down. So we must enter into contracts with whatever band performed the concert, whatever theater performed a show.

MS. KREIB: Correct.

We'll be coming to you soon for the

summer theater, which I've been here before, where it's a few hundred thousand dollars for the entertainment at Lakeside Theater, for example.

LEGISLATOR DENENBERG: What I'm asking for for this appropriation, this 2.9 million, I'd like to see what salaries are being covered and what services are getting this money. It's 2.4 to \$2.5 million worth of services; as Legislator Nicoletto mentioned, it's a lot LEGISLATOR FORD: money. I just want to see how much is being allocated to whom and for what event.

MS. KREIB: For today, the \$100,000 to the Child's Museum is part of that 2.9. The Cradle are partners. We pay a lot of the hotel/motel services to stipend those museums. So, for example, today, the one that was just passed for the 100,000 is out of that amount. I've been before you with the Museums at Mitchel; that comes from that amount.

LEGISLATOR DENENBERG: Okay.

MS. KREIB: So it adds up pretty quickly.

LEGISLATOR DENENBERG: So it should be

no problem to give me, on this item before it goes to Full, a breakdown of how much money is being allocated to which contract, to which service provider, and to which salary.

MS. KREIB: Yeah. They're pretty large ticket items, so we can show you.

LEGISLATOR DENENBERG: How much, if any, is going to the Friends of Nassau Recreation?

MS. KREIB: None that I know of.

LEGISLATOR DENENBERG: None that you know of?

MS. KREIB: Yeah.

LEGISLATOR DENENBERG: This would come - - I think Full is March 25, right? March 18. I would have missed it. You blew it. You blew it. Now that I've ruined Legislator Nicoletto's day.

I would definitely want -- I'm sorry. I definitely would like to see how that 400,000 in salaries are broken down and just as important, if not more, the allocation of which service provider is getting the 2.5 million for which event.

MS. KREIB: Fine.

LEGISLATOR DENENBERG: I want it sometime before the 18th.

MS. KREIB: Okay.

LEGISLATOR DENENBERG: Thanks.

MS. KREIB: Thank you.

CHAIRMAN NICOLELLO: Legislator Bosworth.

LEGISLATOR BOSWORTH: I don't recall seeing this large a number come before us in a very, very long time. It brings to mind again the questions that we've asked about the advisory committee. At one point there was an advisory committee for the hotel/motel tax that met and every project that was awarded, in a bipartisan way, because there were members from both sides of the aisle on this committee and they weighed in on where this money should go and for what projects.

I know that the county attorney has opined that it's not necessary for these projects to go before an advisory committee and the only projects that need to go before it are for Bethpage. So my question is, and we're going to

ask for this again, for a legal opinion about this advisory committee, whether it really is, according to the Hotel/Motel Law, saying that these things need to go before an advisory committee.

The other thing I'd like to ask is since his initial response was that only things having to do with the Old Bethpage project have to go before this advisory committee, has the advisory committee even met in the last two years?

MS. KREIB: No, they have not met. The money that was allocated for Bethpage Village had been approved and it's been spent prior to that, and since then we haven't done any new projects there.

LEGISLATOR BOSWORTH: So it seems problematic to me that there's an advisory committee that doesn't meet and we're dealing with such large amounts of money. So I would again, you know, request for a legal opinion about this.

CHAIRMAN NICOLELLO: I'm being told that there was already a legal opinion on this and

that the county attorney's opinion was that the advisory committee was only authorized to meet with respect to Old Bethpage. We can look for it between now and --

LEGISLATOR BOSWORTH: If you would, I would appreciate it.

CHAIRMAN NICOLELLO: Okay.

Any other questions?

(No verbal response.)

Any public comment?

(No verbal response.)

Thank you, Ms. Kreib.

MS. KREIB: Thank you.

CHAIRMAN NICOLELLO: All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Item 98-13, 99-13, 100-13, 101-13, are all ordinances supplemental to the annual appropriation in connection with the district attorney's office, Department of Health, Office

of Housing and Community Development, and police department.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

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

Are there any questions about these four items?

(No verbal response.)

Hearing none, is there any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those four carry unanimously.

I'm going to call the next three -- 102, 104, and 105, these include resolutions to authorize the transfer of appropriations heretofore made within the budget for the year 2013, and ordinances supplemental to the annual appropriation ordinance in connection with the Traffic Safety Board. The Traffic Safety Board supplemental appropriations went through the

Public Safety Committee earlier on. We ask that those committee minutes be incorporated by reference.

(Whereupon, the following is the minutes of the March 4, 2013 Public Safety Committee meeting pertaining to Clerk Items 104-13 and 105-13.)

The first item to come before us -- and I think we're going to call them all while he's here -- is Item 90-13, 91-13, 92-13, 93-13, 94-13, 104-13, and 105-13. They were all ordinances supplemental to the annual appropriation ordinances in connection with the Traffic Safety Board. Every one of these reads the same.

Who do we have from the Traffic Safety Board?

MR. MAY: We have Mr. Chris Mistrion.

CHAIRMAN DUNNE: Thank you.

Can I have a motion on these items?

LEGISLATOR BELESI: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN DUNNE: Motion by Joe Belesi, seconded by Mike Venditto.

Chris, would you give us one at a time, of course.

MR. MISTRON: It's been a while since I've been before the board, but I think we'll more than make up for that today.

CHAIRMAN DUNNE: Okay.

MR. MISTRON: Christopher Mistron, Traffic Safety, Stop DWI Coordinator, Traffic Safety Board.

The first one, 90-13, Traffic Safety was able to secure a Buckle-Up grant for enforcement purposes in the amount of \$103,500 for the enforcement of the primary Buckle-Up Law. The money is being distributed to both the Nassau County Police Department and the various police agencies. The budget is actually on the last page. The distribution was based on historic enforcement rates that each of the departments did. The program itself is actually targeting a specific two week period of May 20 through June 2 of this year.

CHAIRMAN DUNNE: That's pass-thru money.

MR. MISTRON: That's all pass-thru

money, everything we're doing is.

CHAIRMAN DUNNE: Okay. 91.

MR. MISTRON: 91 happens to be a \$4,000 grant for child passenger safety. What it allows is for the mobile use of the traffic safety programs within the different legislative districts and throughout the county for child safety seat inspections.

CHAIRMAN DUNNE: Okay. Terrific. 92-13.

MR. MISTRON: 92 is revenues that are actually received in 2012 that we're asking for a supplemental to be able to be used for additional expenses of a supervisor in the district attorney's office, to be able to pay for that, as well as to do billable hours for my department, itself, in terms of providing services of DWI.

CHAIRMAN DUNNE: And that's additional monies that we have; that's not additional taxes.

MR. MISTRON: That is correct.

CHAIRMAN DUNNE: Okay. 93-13.

MR. MISTRON: I'm sorry. Please forgive me. That was 93. 92 I didn't have on me. I am

sorry for that.

92 was the -- just bear with me. I'm sorry. I went out of order. Forgive me.

92 was actually 35,000 for the handicapped grant. What happens is that fine money collected for handicapped, \$40 of it comes to traffic safety for purposes of setting up educational programs for handicapped education, as well as we utilize the money for special needs programs within vehicles. So that was 92.

93 was the Stop DWI Program for 91,000. Forgive me for that.

CHAIRMAN DUNNE: Okay. 94.

MR. MISTRON: 94, we were able to secure grants, what called a STEP Grant, Selective Traffic Enforcement Program, of \$140,850. This particular money is used for enforcement agencies throughout the county, including the County PD, for purposes of enforcing aggressive driving or high-risk behavior, such as speeding, failure to yield right away, cell phone laws, and texting laws.

CHAIRMAN DUNNE: Very good. 104.

MR. MISTRON: 104 is actually the monies for the Stop DWI Program for 2013. The monies are monies that come in as fines from DWIs. It's a self-funding program. We actually will be having a starting off balance. Once we close out 2011 completely, we will be moving over \$480,000 to give start-up monies for the DWI. The budget is such that it funds several things, including enforcement, NCPD as well as local villages, funds the prosecution through the district attorney for funding several ADAs, jail programs, rehabilitation, it funds the probation department, as well as contractual services which are for school programs, vendors, and vendors that will provide services for DWI, as I said, primarily for school programs, which includes Athletes Helping Athletes and the Bellmore/Merrick program.

CHAIRMAN DUNNE: Excellent. Final, 105.

MR. MISTRON: 105, in doing research, the New York State Stop DWI Coordinators Association was offering grants to various counties for purposes of targeted special date

enforcement. I was able to secure 39,400 for use by both our County PD and village PD to set up specific partnerships on specific days. So, for instance, in the Great Neck area we have Kensington, Kings Point, Great Neck Estates, and the Third Precinct North. We are going to be coordinating special enforcement between those agencies to kind of create a Great Neck Peninsula for DWI patrols. We're going to choose one of the holidays, whether it be Memorial or July 4.

CHAIRMAN DUNNE: Excellent. All seven of these items, not one is additional taxes to the public of Nassau County.

Are there any questions on 90-13, 91, 92, 93, 94, 104, and 105-13? Any questions for Mr. Chris Mistrion? Mr. Denenberg.

LEGISLATOR DENENBERG: Thank you.

Chris - Mr. Mistrion, sorry, in each of these cases we've been administering these programs and the grant funds for the last several years, correct?

MR. MISTRION: Some of these, in terms of the enforcement grants, some of these actually go

back to 1982. In the cases of the Buckle Up, that's 15 years; STEP is 10 years. So, yes, it's been a number of years that Traffic Safety has been administering these grants.

LEGISLATOR DENENBERG: In terms of the administration, aside from probably doing more since we really understand how to stretch a dollar, in terms of the administration and such. All the grant money ends up going to the programs themselves, right?

MR. MISTRON: That is correct.

LEGISLATOR DENENBERG: Thank you.

CHAIRMAN DUNNE: Any other questions from any other legislator?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all in favor of all seven of these items indicate by saying aye.

(Aye.)

Any against?

(No verbal response.)

All seven pass.

(Whereupon, the following is the continuation of the minutes of the March 4, 2013 Finance Committee meeting.)

CHAIRMAN NICOLELLO: Are there any questions about these items?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Moved by Legislator Walker, seconded by Legislator Venditto.

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Carries unanimously.

Items 111, 112, and 113-2013 are resolutions to authorize the county assessor of Nassau County and/or the county treasurer and/or

the receiver of taxes of the Town of Hempstead and North Hempstead to partially exempt from real property taxation certain real properties located in various school districts.

113 doesn't really fit but we will call it also. 113 is a resolution making certain determinations pursuant to SEQRA and authorizing the county executive on behalf of the County of Nassau to acquire certain premises located in Uniondale.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

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

Item 113-2013 went through Planning before and the other two are new.

Any questions about these three items?

(No verbal response.)

Any public comment?

(No verbal response.)

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 March 4, 2013 Government Services Committee meeting pertaining to Clerk Item 95-13.)

CHAIRMAN KOPEL: We've got one item today, which is Clerk Item 95-13, which is an ordinance supplemental to the annual appropriation ordinance in connection with the Nassau Community College.

Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR BECKER: Second.

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

MR. MAY: We have Dr. Muscarella from the Community College to answer any questions on this item.

CHAIRMAN KOPEL: Dr. Muscarella.

DR. MUSCARELLA: Yes. This is just simply a resolution to reimburse certain operating fund department codes out of our fund

balance so that we can expend that money this year that was programmed and had to be spent on Hurricane Sandy.

CHAIRMAN KOPEL: Okay. Do we have any questions?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is moved.

(Whereupon, the following is the minutes of the March 4, 2013 Public Works Committee pertaining to Clerk Item 109-13.)

We have one item today, that is Clerk Item 109-2013, which is a resolution authorizing the County of Nassau to participate in the Federal Aid Transportation Project providing for the intersection improvement at Merrick Road and Ocean Avenue, Capital Project H61025g, PIN #0760.14, and authorizing the county executive of

the County of Nassau to execute the agreement on behalf of the County with the New York State Department of Transportation for the Advancement of said federal aid transportation projects in Nassau County, New York.

Motion by --

LEGISLATOR BECKER: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN MUSCARELLA: Motion by Francis Becker, seconded by Michael Venditto.

The item is before us.

Mr. May, who do we have?

MR. MAY: We have Ms. Donna Boyle from the Department of Public Works to answer any questions on the item, probably including the length of the title.

CHAIRMAN MUSCARELLA: Ms. Boyle, could you briefly tell us what this is all about?

MS. BOYLE: Nassau County has managed to acquire approximately \$3.5 million of federal aid in the category of CMAC, congestion mitigation, in order to rebuild the intersection of Ocean Avenue at Merrick Road; that's near a

cemetery, the park, the LIPA land is right there, just so you're familiar with the corner. It's just north of where the rail road tracks cross Ocean Avenue and south of Peninsula Boulevard. That particular section of Ocean Avenue.

We're putting in a left turn lane which will speed up the southbound traffic. Coming northbound, people come to work at staggered times, but they all want to go home at the exact same time.

CHAIRMAN MUSCARELLA: I know the intersection.

Do we have any questions? Mr. Becker.

LEGISLATOR BECKER: I'm glad to see that this is finally coming to fruition after so many years. This is one of the things I've worked on since I became a legislator, just about.

The \$3.5 million, is that the cost of the project, the total cost of the project?

MS. BOYLE: No. It's a reimbursement project so Nassau County can get 80 percent of what we spent to build the intersection, up to \$3.5 million. So if we only spend \$3 million,

we're not getting 3.5 million.

LEGISLATOR BECKER: Okay. Understood. But we do we estimate -- do we have an estimate of what the project is going to cost?

MS. BOYLE: Right now the estimate is coming in at about \$3.8 million.

LEGISLATOR BECKER: Wow. Okay.

Also, there was the need to purchase some property. Is everything else in place at this particular point to move forward with the project?

MS. BOYLE: There are two things missing, one is this agreement with New York State in order for us to go forward, and the other thing will then be the agreement to bid the job and have that come before the Leg once a contractor is selected.

LEGISLATOR BECKER: But everything else in place. In other words, at some point we had to condemn some property or purchase some property for the right, you know --

MS. BOYLE: Correct. That's all been done. Nassau County actually vested title to

that property last month.

LEGISLATOR BECKER: Great. We're almost there, I suppose, barring something incredible happening.

Ms. BOYLE: It's my hope.

LEGISLATOR BECKER: Okay. The best case scenario, when do you think we would break ground on the property?

MS. BOYLE: Hoping that everything goes correctly in the agreement between Nassau County and the contractor, makes it through the Leg with no problems and all of that good stuff, I'm anticipating that we break ground for this construction season.

LEGISLATOR BECKER: Which would be when?

MS. BOYLE: Figure April/May.

LEGISLATOR BECKER: April/May?

MS. BOYLE: Right.

LEGISLATOR BECKER: That's great to know, believe me. It's music to my ears after all these years. Thank you so much for all your efforts, and extend my gratitude to the commissioner as well because your idea or her

idea to try to get this money so the county didn't necessarily have to pay for it, that will be a home run in every respect once it moves forward.

Thank you very much.

CHAIRMAN MUSCARELLA: I have a question. Do we need to expend this money and then get reimbursed for it?

MS. BOYLE: Correct. We will have to expend the money, following all of the federal rules, apply for reimbursement, and then the state will send us a check, which will have come through the federal government. It's a long process.

CHAIRMAN MUSCARELLA: And this will be money that's bonded, you anticipate?

MS. BOYLE: In what way do you mean bonded? Do you mean the county will bond the construction money?

CHAIRMAN MUSCARELLA: Correct.

MS. BOYLE: To my knowledge, it's already -- they've already received approval to bond it. It's one of the requirements of the

agreement, is that Nassau County has to have the money available. So when you sign this agreement, you say that you've already done that.

CHAIRMAN MUSCARELLA: And that is passed through NIFA, to your knowledge.

MS. BOYLE: Yes. It's a one penny agreement between Nassau County and New York State - I shouldn't say that. I'm not a NIFA expert.

CHAIRMAN MUSCARELLA: Did we bond that penny?

MS. BOYLE: You know, I offered to pay that penny myself and they said I couldn't.

The agreement -- in the past, the other agreements of this type did go through NIFA. I'm assuming this one will have to too.

LEGISLATOR BECKER: This has been on the capital budget, in our capital budget for ages.

MS. BOYLE: At least ten years.

LEGISLATOR BECKER: More than a decade this has been in our capital budget.

CHAIRMAN MUSCARELLA: Mr. Denenberg, do you have a question?

LEGISLATOR DENENBERG: Yes. Along the lines of what Mr. Becker just said.

This has been in our capital budgets for ten years. How much money is in our capital budget for this project?

MS. BOYLE: For the construction cost, you mean? Right now about \$3.8 million.

LEGISLATOR DENENBERG: So just about all of it, if not all of it is coming back from the federal government?

MS. BOYLE: The construction, right. The intention is that we will get reimbursed for at least 80 percent of the construction cost.

LEGISLATOR DENENBERG: But the approval at least, if I'm looking at 2012 capital budget which was just approved and 2011 before that, that 3.8 was approved. Are we saying we didn't bond any of that yet and now we don't have to bond? What are we going to do to adjust the capital budget?

MS. BOYLE: I don't run the capital budget. I can tell you how this construction project's going to work.

As far as the bonding goes, I think we -- correct me if I'm wrong here, you guys know this better than I do. We get bonding authority by project and then when we're ready to go to construction they actually assign that line of money to that construction project. We had approval to go forward, and until we actually need it they don't -- it's kind of like a savings account, they don't tap it until you need it.

LEGISLATOR DENENBERG: They never bonded it. Even though it was in the capital budget, because we didn't need it as of yet, it wasn't bonded?

MS. BOYLE: I don't want to use the word that it wasn't bonded. I know that it wasn't tapped for this project. It's not sitting in some separate account somewhere, but I think we have the authority to use the money at some point. I know that there's no cash available, and I'm not sure how that relates to the bonding authority. That's really a question for the financial side of the house. I can tell you what percent the road is built at and how thick a

pavement section we have.

LEGISLATOR DENENBERG: I'd be interested to know the answer. Obviously this is going to go through and I've got no problem with that. But I do from a public works and a bonding accounting standpoint want to know how we're going to adjust -- maybe at Full or before then someone from Public Works or the administration can let me know how we're going to adjust the capital plan or our bonding authorization to show something that we don't have to bond for.

MS. BOYLE: I will have someone from that department --

LEGISLATOR DENENBERG: Over all these years, I don't know if we bonded for it already or not. I've seen this project so many times.

CHAIRMAN MUSCARELLA: If I might just put on the record, the other question I don't know the answer to, and maybe I should, once the money is reimbursed by the federal government, what does that allocation go towards? Does that immediately retire the bonds for that particular project?

LEGISLATOR DENENBERG: Exactly.

MS. BOYLE: As I understand it -- again, I'm not an accountant, I'm an engineer. As I understand it, when the federal money comes back it goes back into that capital project. If there is no further outlay of money required for that capital project, then it's used to retire debt. I don't even know what that terminology means, but that's what I'm told.

LEGISLATOR DENENBERG: Actually, Legislator Muscarella, that's exactly what probably we're both thinking now. Do we borrow the money so we can lay out the 3.8 and then pay ourselves back by retiring the debt that we borrowed or does the 3.8 somehow go into some other account? To me it seems like to lay out the --

MS. BOYLE: As I understand, it's got to be retired debt.

LEGISLATOR DENENBERG: 3.8, unless we have an account there to lay out money, we're going to have to borrow. It would only seem right then to use the money that comes back from

the federal government to retire it.

I see Maurice Chalmers there from our Independent Budget Review Office. Do you have any idea or is this something you can look at? I want to know from an accounting standpoint, do we have to borrow what we've already approved, get the project going, because this is a reimbursement after we spent the money, that's what we were told, right?

MS. BOYLE: Right. It is a reimbursement.

LEGISLATOR DENENBERG: That's what Legislator Becker had made out.

MR. CHALMERS: If you would like us to take a look at it, we absolutely could take a look at it and report back before it goes to the Full Leg.

LEGISLATOR DENENBERG: Thank you.

CHAIRMAN MUSCARELLA: Yeah. I think it comes back to diffuse the debt of the county, because you can't use it for anything else.

MR. CHALMERS: I believe so. But we'll confirm that and report back to you.

CHAIRMAN MUSCARELLA: Okay. Thank you.

LEGISLATOR DENENBERG: I just want to make sure. Thank you.

MR. CHALMERS: You're welcome.

CHAIRMAN MUSCARELLA: Any other questions?

(No verbal response.)

Hearing none, all those in favor of moving this item please signify by saying -- Mr. Becker, if you'd like to adjourn before we move the item -- signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

That item passes --

LEGISLATOR DENENBERG: Point of order, to the Chair.

CHAIRMAN MUSCARELLA: Yes.

LEGISLATOR DENENBERG: The item just passes unanimously.

Before you adjourn, on behalf of Legislators Scannell and Solages, we would ask the Chair -- and I want to do this as ranking

member -- but we should inquire of the administration why a 30 year use and occupancy permit or lease for parks, for use of parks doesn't go to the Public Works and Parks Committee. That's 30 years of -- that's not for you, Donna.

MS. BOYLE: That's not me.

LEGISLATOR DENENBERG: Don't worry. You're free on this.

I do believe that this committee -- and I would ask the Chair, and I would love it coming from everyone on the committee but certainly from the chair to the administration or to the presiding officer, why an item that affects for 30 years one of our parks, by giving exclusive use for certain times, wouldn't go to this committee; it's the Parks Committee.

CHAIRMAN MUSCARELLA: It's my understanding that as with the tennis bubbles, which is a 30 year agreement that didn't come before this committee under a prior administration, it's within the purview of the Charter for a use and occupancy agreement to go

to Rules only. But we'll try and find out the answer to that.

LEGISLATOR DENENBERG: I actually don't understand any reference to tennis bubbles controlling a 30 year lease now. I don't think that it's applicable at all. And under the Charter, the Charter for a lease requires ten votes. The Public Works and Parks Committee was created -- I thought that it took some of what the general service -- the Government Services Committee used to do. I don't remember parks -- or use and occupancy permits for parks that were Rules only.

The point is, we have a Parks Committee, it should go to the Parks Committee. If it's a good financial deal, it should go to the Finance Committee too. But this is the Parks Committee and that's why I'm raising it.

CHAIRMAN MUSCARELLA: It is a license agreement not a lease. Okay. Taken under advisement. We'll try and find the answer to that.

LEGISLATOR DENENBERG: I disagree. If a

letter doesn't come from the committee chair, it will come from the minority saying that this committee should not be avoided.

CHAIRMAN MUSCARELLA: You're free to ask by letter.

(Whereupon, the following is the continuation of the minutes of the March 4, 2013 Rules Committee meeting.)

CHAIRWOMAN GONSALVES: Any comments regarding these items?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of the items just called please indicate by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

We still have additional items that we are going to block.

Items 111-13, 112-13, 113-13. Motion,

please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

(Whereupon, the following are the minutes  
of the March 4, 2013 Finance Committee meeting  
pertaining to Clerk Items 111, 112, and 113-13.)

Items 111, 112, and 113-2013 are  
resolutions to authorize the county assessor of  
Nassau County and/or the county treasurer and/or  
the receiver of taxes of the Town of Hempstead  
and North Hempstead to partially exempt from real  
property taxation certain real properties located  
in various school districts.

113 doesn't really fit but we will call  
it also. 113 is a resolution making certain  
determinations pursuant to SEQRA and authorizing  
the county executive on behalf of the County of  
Nassau to acquire certain premises located in  
Uniondale.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

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

Item 113-2013 went through Planning before and the other two are new.

Any questions about these three items?

(No verbal response.)

Any public comment?

(No verbal response.)

All in favor signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

Those items carry unanimously.

(Whereupon, the following are the minutes of the March 4, 2013 Planning, Development and Environment Committee pertaining to Clerk Item 113-13.)

We have one item on the agenda and it is Clerk Item Number 113-13. This is a resolution making certain determinations pursuant to the State Environmental Quality Review Act and authorizing the county executive on behalf of the County of Nassau to acquire a certain premises

located in Uniondale, Town of Hempstead, County of Nassau, State of New York, said property known as Section 44, Block F, adjacent to Lots 338 and 391 on the land and tax map of the County of Nassau from the Long Island Railroad Company, and to execute all pertinent documents to consummate the acquisition.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRMAN VENDITTO: Motion made by Legislator Dunne, seconded by Legislator Ford.

The item is before us. Do we have anybody from the administration, Mr. May?

MR. MAY: We do. We have Mr. Mike Kelly, Acting Director of Real Estate -- from the Division of Real Estate -- I can't.

MR. KELLY: Good afternoon. Michael Kelly, Acting Director of Nassau County Department of Public Works, Division of Real Estate Services.

Item 113-13 is a resolution authorizing to acquire from the Long Island Railroad company a parcel of real property known as Section 44,

Block F, adjacent to Lots 338 and 391, located in Uniondale/East Garden City, New York. This property is being acquired for the sum of \$93,000, which was the appraised value of the property by the county's appraiser. This property is being used by the county to expand a compressed natural gas facility that is adjacent to this property, on county property, to service the NICE bus facility and the bus system. We're recommending that this acquisition be classified as an unlisted action and that a negative declaration and determination of non-significance be issued.

CHAIRMAN VENDITTO: Thank you for that presentation.

Any questions from the legislators today?  
Legislator Abrahams.

LEGISLATOR ABRAHAMS: How are you, Mr. Kelly?

MR. KELLY: Fine, thank you. How are you?

LEGISLATOR ABRAHAMS: My objection -- I'm not objecting, let me be clear. My point

that I'm about to make has nothing to do with the item you just brought up.

In clarification, for the point of the record, you brought up that this site, this particular location is at the Uniondale/East Garden City location.

MR. KELLY: It's kind of on the border between Uniondale and East Garden City; we refer to it as Uniondale, though.

LEGISLATOR ABRAHAMS: My point is East Garden City does not exist.

MR. KELLY: Right.

LEGISLATOR ABRAHAMS: As anything.

MR. KELLY: Right. As a zip code --

LEGISLATOR ABRAHAMS: Other than folks in that area particularly calling it East Garden City. I just want to make a point of clarification for the record that that's more of a, you know --

MR. KELLY: A colloquial term.

LEGISLATOR ABRAHAMS: Correct. Thank you.

CHAIRMAN VENDITTO: Legislator

Denenberg.

LEGISLATOR DENENBERG: The cleanup that's going on there that's been in the news at that CNG facility, there's no issue there?

MR. KELLY: There's a water treatment facility next door. This has nothing to do with that.

LEGISLATOR DENENBERG: So the pump and treat has nothing to do with this?

MR. KELLY: No.

LEGISLATOR DENENBERG: Okay.

MR. KELLY: This is different.

LEGISLATOR DENENBERG: We don't have to be concerned about the ongoing, I guess former LILCO, maybe it's Key Span cleanup. I'm not even sure who is responsible.

MR. KELLY: There are pipes that go under this property that are related to that pumping facility next to the CNG facility.

LEGISLATOR DENENBERG: Right.

MR. KELLY: Obviously we'll have to not rip up any pipes.

LEGISLATOR DENENBERG: I'm just

concerned that we're -- what physically are we going to be doing on this property? Because given the massive contamination and cleanup next door, I don't want us to have any fingerprints or any liability for anything that we have nothing to do with.

MR. KELLY: Right next to this facility is the current compressed natural gas, I believe the condensing units, on county property. We need this property because we are replacing those units with units that are -- because, obviously, the designs have changed over the years, that these units are larger and we need to go onto this property in order to physically put the units on the property.

LEGISLATOR DENENBERG: This is my concern. As soon as we have a right of access on that property, I just want to make sure, given the Navigation Law of the State of New York, anyone who is an owner or has a leasehold interest have absolute liability for any contamination thereon. That's not to say that -- I mean, tenants, therefore, sometimes have

absolute liability, so do innocent purchasers after the fact. Could we or should we before this is actually executed just put in language there that at no point would we have any liability for any of the cleanup on that property?

MR. KELLY: We've broached that subject with the MTA, and the MTA, as a condition of this, is requiring that we release them from that liability; that was a deal breaker, will not consider this deal unless that happened. They don't want to continue -- we have obviously negotiated certain things out of the contract that the MTA wanted with regard to environmental liability. We're not indemnifying them for anything. However, in exchange for that we're also not getting them to indemnify us for anything here.

This is a property that -- we all know what it is -- it's a former Long Island Railroad siding. We know that we own the property on both sides of this. We know essentially what's there. This is not something we're considering a big

risk for the county.

LEGISLATOR DENENBERG: All right. I guess you're our counsel, I'll take your word for it that this was the best we could do in terms of limitation of liability.

MR. KELLY: Yes. This was a much discussed subject.

LEGISLATOR DENENBERG: Thank you.

MR. KELLY: You're welcome.

CHAIRMAN VENDITTO: Thank you, legislators.

Any public comment on the item?

(No verbal response.)

Seeing none, let's take the vote. All those in favor of passing this item, please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

MR. KELLY: Thank you.

(Whereupon, the following is the continuation of the minutes of the March 4, 2013

Rules Committee meeting.)

CHAIRWOMAN GONSALVES: Any comments regarding these items?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of these items please indicate by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The items pass unanimously.

Now we're going to go back to some of the items that we are calling separately. We will begin with Item 106-13, a resolution authorizing the county executive to execute an inter-municipal agreement with the Incorporated Village of Williston Park in relation to a project to install handicapped accessible restrooms at Kelleher Field.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Walker.

Do we have someone here, Mr. May, to speak on this or can you speak on it?

MR. MAY: It's me, Madame Presiding Officer.

CHAIRWOMAN GONSALVES: Okay.

MR. MAY: This is a community revitalization project in Legislator Nicoletto's district. As you said, the title is pretty self explanatory; it's to install handicapped accessible bathrooms at Kelleher Field, and it is for, I believe, \$50,000.

CHAIRWOMAN GONSALVES: Any questions or comments regarding this item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none. All those in favor of this item signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Now we have Item 107-13, a resolution authorizing the county executive to execute an inter-municipal agreement with the Seaford Union Free School District in relation to a project to procure playground equipment.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

I guess it's self explanatory, right Mr. May?

MR. MAY: It's a community revitalization project in Legislator Dunne's district. It is at the Seaford Union Free School District. I believe it's Harbor Elementary School, if I'm remembering correctly. It's for \$25,000 for playground equipment.

CHAIRWOMAN GONSALVES: Any questions or comments from the legislators?

(No verbal response.)

We do have public comment. I don't know if John Capobianco is still here, who wished to speak on this item.

MR. CAPOBIANCO: I survived.

CHAIRWOMAN GONSALVES: I'm sorry, John, that you waited so long. I know you've been here for a while.

MR. CAPOBIANCO: Let me introduce myself. My name is John Capobianco. I'm a trustee on the Farmingdale Board of Education. I'm currently serving on the Village of Farmingdale Planning Advisory Board. And tonight, if this meeting ends on time, I will be sworn in as co-chair of the Village of Farmingdale Downtown Master Plan Implementation Committee, which is an outgrowth of our revitalization committee.

I'm here to talk a little bit about the community redevelopment project monies being distributed to Seaford and in your next item, 108, to North Merrick School Districts.

These items are very nice. As a school district trustee, I appreciate the help that a school district receives. As small as the money is every little penny counts.

My district has benefitted from the

largess of the County Legislature during both the tenures of former-Legislator Mejias and current Legislator Belesi.

We have received approximately, in the last five years, \$285,000 for, among other things, drug and alcohol treatment programs, playgrounds, field renovation, electronic signage, and new rubberized running track at our high school. We appreciate the monies over the years but they pale in comparison to a far more serious financial issue that the legislative majority has created for the Farmingdale School District, as a matter of fact, for all 50 school districts in the county. Obviously I'm speaking about Local Law 18-2010, which passed along party lines and amounts to an illegal unfunded mandate for school districts.

I don't need to remind you of that, which you all know so well, the County Legislature has no authority over school districts and can't change the county guarantee without the New York State Legislature's approval.

I'm here to ask Presiding Officer

Gonsalves and all the legislators to give school districts, such as Farmingdale, a break and call upon County Executive Mangano not to waste the taxpayers' time and money appealing the court's decision.

CHAIRWOMAN GONSALVES: May I interrupt for a moment?

MR. CAPOBIANCO: You certainly may.

CHAIRWOMAN GONSALVES: You asked to speak on Items 107 and 108 and that's not on the agenda today.

MR. CAPOBIANCO: Okay.

CHAIRWOMAN GONSALVES: So I appreciate your comments. I'm sure that the county executive may have heard what is being said here today; if not, his staff does. I think maybe you should address Mr. Mangano directly.

MR. CAPOBIANCO: I've already had my conversations with Mangano on Facebook, and he's told me that someone's been lying to me. And if that someone who has been lying to me could be from the county executive's office or it could be from the county assessment office.

Two years ago, Legislator Belesi came to my district and told us don't worry about the county guarantee, it's only going to cost your district \$80,000. We didn't believe that. We set aside \$225,000 the first time we were allowed to. We did the numbers last week --

CHAIRWOMAN GONSALVES: I hate to do this to you.

MR. CAPOBIANCO: and my district is facing a \$2.2 million hit on --

CHAIRWOMAN GONSALVES: I'm not looking to cut you off --

MR. CAPOBIANCO: the tax certioraris.

CHAIRWOMAN GONSALVES: but this is not on the item.

MR. CAPOBIANCO: I agree with you.

CHAIRWOMAN GONSALVES: If you wish to talk to us separately or another time, but not now.

MR. CAPOBIANCO: I think that would be great. I've got some input with Legislator Belesi. I've got some ideas on how to fix this going forward.

CHAIRWOMAN GONSALVES: That's fine. But you need to understand that public comment is on the item. During the Full Leg, which is on the 18th, there is 30 minutes of public participation. And if the item is not on the calendar at that particular time, the public is able to speak on any item that is of concern.

Right now I suggest that you meet with your legislator and address your concerns with him.

MR. CAPOBIANCO: Again, my district appreciates everything you've done for it over the years. You've got to think this through.

CHAIRWOMAN GONSALVES: And I --

LEGISLATOR ABRAHAMS: Madame Presiding Officer?

CHAIRWOMAN GONSALVES: Yes

LEGISLATOR ABRAHAMS: If I may. Mr. Capobianco has been here for -- how long, sir?

MR. CAPOBIANCO: I've been here since 1:20.

LEGISLATOR ABRAHAMS: We appreciate your being here so late. And from our

standpoint, I don't know if the majority is prepared to speak on it. But from our standpoint, in regard to the item, I don't know with your busy schedule if you're even able to come back to tomorrow. But I would say from our standpoint, we remain steadfast in our opposition to the county's removal of the county guarantee. We have made it clear in a no vote at that time, and we're going to strongly suggest, through verbiage as well as through a letter to the county executive, that he drop any particular appeals, which have been expressed in *Newsday* by the county attorney.

MR. CAPOBIANCO: Yeah. If you understand, it will cost the school districts \$200,000 to bring this --

LEGISLATOR ABRAHAMS: We understand. We understand --

MR. CAPOBIANCO: And now we're looking at spending more --

LEGISLATOR ABRAHAMS: all too well.

LEGISLATOR KOPEL: Point of order. This is improper. This is not right. This is not the

right time.

CHAIRWOMAN GONSALVES: Hold on. I understand and I appreciate that the minority leader, Kevan Abrahams, recognizes the fact that you've been here since 1:20, but so have we. And I think that you should understand that we have to follow the rules and procedures of the legislature.

We welcome public comment. And we certainly will welcome it again on the 18th of March, when we have a full legislative meeting. But in the meantime, I think you should address your concerns to the county executive and, of course, if need be, to your legislator.

MR. CAPOBIANCO: I appreciate your time.

CHAIRWOMAN GONSALVES: Now, we're taking this item, which is -- I know there's another person. Is Danielle Ameroso, is she still here? Danielle? You're talking about Item 107. Please stay on the agenda. 107, 108.

Welcome. And I'm sorry that you waited so long, but this is what happens. We should

tell everybody, give them some kind of a timetable.

MS. AMEROSO: No problem. I wanted to speak on this item.

I'm a resident of Seaford, have been for all my life. I think it's wonderful that this program is, you know, able to install this new playground at the elementary school. And I, too, wanted to just briefly touch upon the no vote and just indicate that if the county guarantee were to remain in place, that it will allow school districts to continue to fund things independently of these projects. I just think that would be a good thing.

CHAIRWOMAN GONSALVES: I don't really intend to cut you off but, again, you will have an opportunity on March 18 and possibly tomorrow, if you wish, to come and address this item. There will be 30 minutes of public comment, other than that.

But I do appreciate you coming down and spending all of this time. It's not easy to sometimes sit here and listen to all of the

rhetoric.

MS. AMEROSO: It's quite entertaining, actually.

CHAIRWOMAN GONSALVES: Oh, is that it? It's entertaining.

Legislator Dunne.

LEGISLATOR DUNNE: I just want to make sure -- the principal contacted me, the superintendent of schools contacted me, the PTA contacted me. People from the Seaford Harbor School requested this playground. Are you saying that you don't want the playground? Is that what you're saying?

MS. AMEROSO: No. I'm saying that I absolutely do want the playground.

LEGISLATOR DUNNE: Oh. You're in favor of the playground.

MS. AMEROSO: Absolutely, I am.

LEGISLATOR DUNNE: Let's vote for it.

LEGISLATOR WINK: Mr. Dunne, I believe what she's saying is that the playground pales in comparison to what the county guarantee -- you know what? Mr. Dunne, I can give my

interpretation of it myself.

LEGISLATOR KOPEL: It's time to take a vote.

LEGISLATOR WINK: The playground pales in comparison to what her school district --

LEGISLATOR DUNNE: I understand what she said. I understand --

LEGISLATOR WINK: is going forward.

LEGISLATOR DUNNE: what she said. I don't need an interpreter.

CHAIRWOMAN GONSALVES: I recognize Legislator Dunne. That's not the item, you know that, Legislator Wink. I'm sorry. But that's the way it is.

Sorry, Danielle.

MS. AMEROSO: Thank you.

CHAIRWOMAN GONSALVES: Item 107, which is the IMA with the Seaford Union Free School District.

All those in favor of that item signify by saying aye?

(Aye.)

Any opposed?

(No verbal response.)

And we had public comment.

The motion carries unanimously.

108, another IMA --

LEGISLATOR DUNNE: Madame Chair, just so it's legal, I was the motion maker, you didn't say who the second was.

CHAIRWOMAN GONSALVES: Walker.  
Legislator Walker.

LEGISLATOR DUNNE: Thank you.

CHAIRWOMAN GONSALVES: Resolution 108, another IMA with the North Merrick Union Free School District in relation to a project to renovate poles, benches, and flag poles at the Harold D. Fayette Elementary School.

And I must say that this school was victim to an auto chase by the police and the perpetrator damaged a lot of the property on the school grounds, and so this small project will at least help to amend some of the damages that were done there.

Did I get a motion for that?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

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

Any comments regarding this IMA with  
North Merrick?

(No verbal response.)

And public comment we already had;  
therefore, I will call for a vote.

All those in favor of Item 108, the North  
Merrick IMA, signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The motion carries unanimously.

Now we move to 110. And I believe that  
I'm going to call the resolution changing the  
official name of the perpetual preservation land  
known as the Massapequa Preserve to the "Peter J.  
Schmitt Memorial Preserve".

Motion?

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by

Legislator Dunne, seconded by Legislator Walker.

Now, I need to offer an amendment to this resolution. It's an amendment to the nature of the substitution.

Motion, please?

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

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

That is the amendment changes the name of the Massapequa Preserve to the Peter J. Schmitt Massapequa Preserve.

Any comments regarding that item?

(No verbal response.)

Any comments on the amendment?

(No verbal response.)

All those in favor of the amendment in the nature of a substitution signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Now, we're going to vote on the

resolution as amended.

So it will read the Peter J. Schmitt  
Massapequa Preserve.

Any comments?

(No verbal response.)

Any questions regarding this resolution,  
as amended?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

I think we have one more item. It's on  
the addendum. I already suspended the rules  
earlier today so I don't need to do it again.

The item before us is Item 72-13, a  
resolution to confirm the county executive's  
appointment of Beaumont Jefferson to the position  
of county treasurer.

Motion, please?

LEGISLATOR WALKER: So moved.

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

LEGISLATOR ABRAHAMS: I'll second it.

CHAIRWOMAN GONSALVES: All right. Okay.

LEGISLATOR ABRAHAMS: I don't want to  
get in --

CHAIRWOMAN GONSALVES: That's alright.

LEGISLATOR ABRAHAMS: If Rose did it,  
that's fine.

CHAIRWOMAN GONSALVES: Rose -- together.  
I guess you know Beaumont Jefferson, right, a  
long time.

Any information you want to give us,  
except we all know he's actual treasurer at the  
present time. And I know that he comes well  
recommended.

Anybody else that would like to speak on  
behalf of Beaumont Jefferson, please feel free to  
do.

(No verbal response.)

Any public comment?

(No verbal response.)

There being none, all those in favor of

Resolution 72-13 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The motion carries unanimously.

Thank you very much.

Guess what? Now it would be in order,

Mr. Dunne --

LEGISLATOR DUNNE: Move to adjourn.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Seconded by

Legislator Walker.

All those in favor signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

I guess everybody wants to go home.

Thank goodness.

Thank you very much. And thank everybody who really participated today.

(Whereupon, the Rules Committee adjourned at 5:17 p.m.)

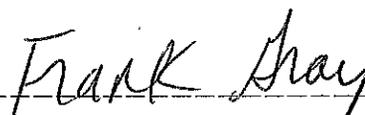
C E R T I F I C A T E

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 22nd day of March, 2013.

  
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FRANK GRAY