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NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, September 9, 2013
1:30 P.M

1

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

3

4 NORMA GONSALVES,
 Chairwoman

5

6 HOWARD KOPEL,
 Vice Chairman

6

7 DENNIS DUNNE

7

8 ROSE MARIE WALKER (Substituted by
 Vincent Muscarella)

8

9 KEVAN ABRAHAMS,
 Ranking

9

10 JUDY JACOBS

11 WAYNE WINK

12 WILLIAM J. MULLER, III
 Clerk of the Legislature

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1 Rules Committee/9-9-13

2 CHAIRWOMAN GONSALVES: I would
3 like to call on Legislator Dunne to lead us
4 in the Pledge of Allegiance.

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

7 CHAIRWOMAN GONSALVES: Mr. Clerk,
8 would you please call the roll?

9 CLERK MULLER: Yes. Legislator
10 Wink?

11 LEGISLATOR WINK: Here.

12 CLERK MULLER: Legislator Jacobs?

13 LEGISLATOR JACOBS: Here.

14 CLERK MULLER: Ranking Member
15 Abrahams?

16 LEGISLATOR ABRAHAMS: Here.

17 CLERK MULLER: Legislator
18 Muscarella substituting for Legislator
19 Walker? He's here. Legislator Dunne?

20 LEGISLATOR DUNNE: Here.

21 CLERK MULLER: Vice Chairman
22 Kopel?

23 LEGISLATOR KOPEL: Here.

24 CLERK MULLER: Chairwoman
25 Gonsalves?

1 Rules Committee/9-9-13

2 CHAIRWOMAN GONSALVES: Present.

3 CLERK MULLER: We have a quorum.

4 CHAIRWOMAN GONSALVES: Thank you.

5 As is customary, we will consider the
6 contracts first, and then recess and then
7 continue the rules agenda after all the
8 other committees have had the opportunity to
9 meet.

10 So we begin with the first
11 contract which is A-60-13, a resolution
12 authorizing the director of Nassau County
13 Office of Purchasing to award and execute a
14 contract between the County of Nassau acting
15 on behalf of Nassau County Department of
16 Public Works and TMP Refining Corporation.

17 Motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel. Who is here to speak on this?

23 MR. MAY: Ken Arnold from DPW to
24 answer any questions on this item.

25 MR. ARNOLD: This is a contract

1 Rules Committee/9-9-13
2 for the catalytic converters at the Cedar
3 Creek Wastewater Treatment Plant. Catalytic
4 converters are an item within the engine
5 generator system that cleans the emissions
6 prior to being discharged.

7 CHAIRWOMAN GONSALVES: Any other
8 comments of Mr. Arnold?

9 (No verbal response.)

10 Is there any public comment?

11 LEGISLATOR ABRAHAMS: I have a
12 question.

13 CHAIRWOMAN GONSALVES: Legislator
14 Abrahams.

15 LEGISLATOR ABRAHAMS: Hey, Ken,
16 how are you?

17 MR. ARNOLD: Good. How you
18 doing?

19 LEGISLATOR ABRAHAMS: Ken, how is
20 this being paid for?

21 MR. ARNOLD: Operating funds.

22 LEGISLATOR ABRAHAMS: Thank you.

23 CHAIRWOMAN GONSALVES: I did ask
24 for public comment.

25 (No verbal response.)

1 Rules Committee/9-9-13

2 There being none, all those in
3 favor of Contract A-60-13 signify by saying
4 aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The contract passes unanimously.

9 CHAIRWOMAN GONSALVES: Next is
10 A-61-13, a resolution authorizing the
11 director of Nassau County Office of
12 Purchasing to award and execute a contract
13 between the County of Nassau acting on
14 behalf of the Nassau County Department of
15 Public Works and Commander Power Systems
16 Corp.

17 Motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel. Mr. Arnold.

23 MR. ARNOLD: This is for the
24 purchase of 100 portable light towers that
25 will assist the department in emergencies

1 Rules Committee/9-9-13

2 and the like.

3 CHAIRWOMAN GONSALVES: Any
4 questions of Mr. Arnold? Go ahead.

5 LEGISLATOR ABRAHAMS: Thank you,
6 madam presiding officer. Same question,
7 funding source?

8 MR. ARNOLD: Capital funding.

9 LEGISLATOR ABRAHAMS: Is this
10 capital funding from what bond or soon to be
11 -- or is this part of the bond we did
12 earlier this year?

13 MR. ARNOLD: This is part of the
14 bond you did for the Sandy mitigation
15 funding to offset the purchase of these
16 units.

17 LEGISLATOR ABRAHAMS: So this is
18 part of the 262?

19 MR. ARNOLD: No. This is general
20 capital that was done when we did the
21 borrowing for all the Sandy work --

22 LEGISLATOR ABRAHAMS: So this is
23 going back to the \$200 million bonding that
24 we did?

25 MR. ARNOLD: Whatever that number

1 Rules Committee/9-9-13
2 was. Off the top of my head, I forget what
3 the number was.

4 LEGISLATOR ABRAHAMS: It might
5 have been two different times but I thought
6 it would total \$200 million or 190. Thank
7 you.

8 CHAIRWOMAN GONSALVES: Any other
9 comments or questions of Mr. Arnold?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract A-61-13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.
20 The next contract is A-62-13, a resolution
21 ratifying the award and execution by the
22 director of Nassau County Office of
23 Purchasing as an emergency purchase order
24 between the County of Nassau acting on
25 behalf of the Nassau County Office of

1 Rules Committee/9-9-13
2 Emergency Management and HO Penn Machinery
3 Company, Inc.

4 Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel. Mr. May.

10 MR. MAY: We have Mr. Tom Delaney
11 from OEM.

12 MR. DELANEY: Good afternoon.
13 This was a purchase that was made under
14 emergency, under Sandy, to allow us to
15 provide generators to Nassau County using
16 grant funds.

17 CHAIRWOMAN GONSALVES: Any
18 questions of Mr. Delaney?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor of Contract A-62-13 signify by saying
24 aye.

25 (Aye.)

1 Rules Committee/9-9-13

2 Any opposed?

3 (No verbal response.)

4 The contract passes unanimously.

5 The next contract is A-65-13, a resolution
6 authorizing the director of Nassau County
7 Office of Purchasing to award and execute a
8 contract between the County of Nassau acting
9 on behalf of Nassau County Department of
10 Public Works and Commander Electric, Inc.

11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR KOPEL: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Kopel. Mr. Arnold.

17 MR. ARNOLD: This item is the
18 purchase of 23 portable traffic signals that
19 the department will use during emergencies
20 where power is either lost or the signals
21 themselves fall down as a result of a storm
22 or an accident.

23 CHAIRWOMAN GONSALVES: Any
24 questions or comments regarding this
25 contract?

1 Rules Committee/9-9-13

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Contract A-65-13 signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The contract passes unanimously.

12 Thank you. The next contract is A-67-13, a
13 resolution authorizing the director of
14 Nassau County Office of Purchasing to award
15 and execute a contract between the County of
16 Nassau acting on behalf of the County
17 Department of Public Works and Trailer Logic
18 L.L.C.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Muscarella.

25 MR. ARNOLD: This is a contract

1 Rules Committee/9-9-13
2 with Trailer Logic to purchase 12 trailers.
3 These trailers will be used to house
4 generators that will used in the event of a
5 wide scale power outage as we saw in Sandy
6 and Irene to power up traffic signals
7 throughout the county.

8 CHAIRWOMAN GONSALVES: Any
9 questions of this contract of Mr. Arnold?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract A-67-13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.
20 The next contract is A-68-13, a resolution
21 authorizing the director of Nassau County
22 Office of Purchasing to award and execute a
23 contract between the County of Nassau acting
24 on behalf of Nassau County Police Department
25 and Syosset Truck Sales.

1 Rules Committee/9-9-13

2 Motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Muscarella.

8 SERGEANT STEPHANOFF: Good

9 afternoon, legislators. Sergeant Greg

10 Stephanoff from the police department. This

11 is a purchase for a Low Boy Tractor which is

12 the tractor that will pull flat beds and

13 other various equipment where we need it for

14 incidents. The purchase is \$139,938 and it

15 was done with a bid through purchasing.

16 CHAIRWOMAN GONSALVES: Any

17 questions of the sergeant?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in

22 favor of Contract A-67-13 signify by saying

23 aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/9-9-13

2 (No verbal response.)

3 The contract passes unanimously.

4 My apologies. I believe it was contract

5 A-68 at that particular time that the

6 sergeant spoke about, correct, with Syosset

7 Truck Sales, or was it 267?

8 SERGEANT STEPHANOFF: It was

9 A-68.

10 CHAIRWOMAN GONSALVES: I repeat,

11 all those in favor of Contract A-68-13

12 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The contract passes unanimously.

17 The next contract is B-20-13, a resolution

18 authorizing the county executive to award

19 and execute a contract between the County of

20 Nassau acting on behalf of the Nassau County

21 Department of Public Works and 192 Branch

22 Interior Services, Inc.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR KOPEL: Second.

1 Rules Committee/9-9-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Kopel. Mr. May.

5 MR. MAY: We have Mr. Ken Arnold.

6 MR. ARNOLD: This contract is the
7 department's long-standing requirements
8 contract for the removal of asbestos and
9 lead material in county buildings as
10 required.

11 CHAIRWOMAN GONSALVES: Any
12 questions for Mr. Arnold?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Contract B-20-13 signify by saying
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The contract passes unanimously.
23 The next contract is B-24-13, a resolution
24 authorizing the county executive to award
25 and execute a contract between the County of

1 Rules Committee/9-9-13
2 Nassau acting on behalf of the Nassau County
3 Department of Public Works and Prima
4 Construction Corporation. A motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Muscarella. Who is here to speak on this?

10 MR. MAY: We have Mr. Rich
11 Millet.

12 MR. MILLET: Rich Millet, Public
13 Works. This construction bid was publically
14 bid. Primary construction came back at
15 \$9,384,000 for the reconstruction of the
16 final settling tanks at Bay Park.

17 CHAIRWOMAN GONSALVES: Any
18 questions of Mr. Millet? Yes,
19 Legislator Kopel.

20 LEGISLATOR KOPEL: Good
21 afternoon, Rich. How are you?

22 MR. MILLET: Good.

23 LEGISLATOR KOPEL: Rich, is this
24 part of the Sandy damage?

25 MR. MILLET: Yes.

1 Rules Committee/9-9-13

2 LEGISLATOR KOPEL: Let me just
3 ask you, do we have adequate power for this?
4 What's the story over there?

5 In other words, we keep on going
6 back and forth on this whole electrical
7 power situation.

8 MR. MILLET: Parts of the
9 electrical situation in the tank will be
10 placed here, but the connecting parts that
11 come from the feeding cables will not be
12 replaced in this contract.

13 LEGISLATOR KOPEL: Will it work
14 properly?

15 MR. MILLET: You hope that it
16 continues to work properly. You hope that
17 the system we are not replacing continues to
18 work.

19 LEGISLATOR KOPEL: So we are
20 spending about \$10 million and just hoping
21 that it might work?

22 MR. MILLET: Well, right now it's
23 functioning but you can't say because the
24 rest of that electrical system was under
25 water.

1 Rules Committee/9-9-13

2 LEGISLATOR KOPEL: What happens
3 it that system fails?

4 MR. MILLET: You don't get any
5 removal of the last bit of settleable solids
6 and they'll be released into Reynolds
7 Channel.

8 LEGISLATOR KOPEL: Can a sudden
9 failure damage the equipment as well?

10 MR. MILLET: Absolutely.

11 LEGISLATOR KOPEL: So if we are
12 not replacing the electric now, the part
13 that was damaged, and the part that damage
14 fails, which you think is more than likely,
15 at least certainly possible, we might be
16 wasting the entire \$10 million now or a good
17 part of it.

18 MR. MILLET: You are putting
19 yourself at risk by leaving parts of it out

20 LEGISLATOR KOPEL: What about the
21 other mitigation measures that we've put
22 off?

23 MR. MILLET: The electrical
24 mitigation is put off until the electrical
25 system contractors --

1 Rules Committee/9-9-13

2 LEGISLATOR KOPEL: In other
3 words, would these tanks be drowned as well
4 potentially?

5 MR. MILLET: Yes, they could be.

6 LEGISLATOR KOPEL: Do we have any
7 measures that we are hoping to prevent that?

8 MR. MILLET: The tanks itself we
9 have some mitigation in here, but the bundle
10 of the mitigation would be in the electrical
11 repair system, protecting the motor control
12 systems, that's in the electrical
13 distribution.

14 LEGISLATOR KOPEL: Will this
15 actual work proceed with the same speed that
16 it might have had we approved all the other
17 mitigation measures, the electrical work and
18 so forth?

19 MR. MILLET: No, there are parts
20 of this you'll have to revisit once the
21 electrical distribution system ---

22 LEGISLATOR KOPEL: Won't that
23 entail extra costs as well?

24 MR. MILLET: Yes.

25 LEGISLATOR KOPEL: All right.

1 Rules Committee/9-9-13

2 Thank you.

3 CHAIRWOMAN GONSALVES: Minority
4 Leader Kevan Abrahams.

5 LEGISLATOR ABRAHAMS: How are
6 you, Mr. Millet?

7 MR. MILLET: How are you today?

8 LEGISLATOR ABRAHAMS: Good.
9 First, the 9.384 is coming out of what
10 funding source?

11 MR. MILLET: 31,521. Out of the
12 262 that you were previously approved.

13 LEGISLATOR ABRAHAMS: The 262 the
14 entire legislature approved?

15 MR. MILLET: Yes.

16 LEGISLATOR ABRAHAMS: The next
17 question, and I believe Legislator Jacobs
18 has a question after this, the next question
19 I have, I listened to some of the questions
20 and answers between yourself and Mr. Kopel.
21 If memory serves correct, the electrical
22 distribution, has that work been designed
23 yet, and it can't be designed until we
24 approve the bond, correct?

25 MR. MILLET: Correct.

1 Rules Committee/9-9-13

2 LEGISLATOR ABRAHAMS: And if my
3 memory serves me correct, then that work
4 wasn't being slated to be started as per
5 your documentation until the fourth quarter
6 of this year, am I correct by saying that?

7 MR. MILLET: No. We could have
8 started earlier if we could have paid for
9 it.

10 LEGISLATOR ABRAHAMS: What did
11 the document state? When was the electrical
12 distribution supposed to start?

13 MR. MILLET: It would be in the
14 fourth quarter.

15 LEGISLATOR ABRAHAMS: And if
16 accuracy and everything I learned in all my
17 years of schooling, the fourth quarter
18 wouldn't begin until October which is next
19 month. So any delays being referenced by
20 Mr. Kopel or, in my opinion, are not even
21 reflected in your schedule. Your schedule
22 indicated October.

23 So anybody to throw out the word
24 delay or good money after bad is absurd
25 because we're following your time frame that

1 Rules Committee/9-9-13
2 we submitted to this legislature, am I
3 correct in my statement?

4 MR. MILLET: In that program form
5 that was there, and as I stated multiple
6 times, if the money is there, you can
7 accelerate programs so that they can catch
8 up and be in time with everything else, but
9 the money is not there.

10 LEGISLATOR ABRAHAMS: Has there
11 been anything demonstrated to us that there
12 is a need to catch up? Has the work that we
13 basically bonded as part of that 262, is all
14 of that on schedule going forward?

15 MR. MILLET: Absolutely.

16 LEGISLATOR ABRAHAMS: Can you
17 give us some documentation?

18 MR. MILLET: You are looking at
19 four of them today. Four contracts that
20 came out of the 262.

21 LEGISLATOR ABRAHAMS: But we
22 anticipated these contracts coming before us
23 in August, not September.

24 MR. MILLET: Things had to be
25 changed because we didn't get the full money

1 Rules Committee/9-9-13

2 so the electrical components came out.

3 LEGISLATOR ABRAHAMS: I

4 understand that.

5 MR. MILLET: So the delay on the

6 design happens when you don't have all the

7 funding you think you're going to have.

8 LEGISLATOR ABRAHAMS: But we gave

9 you all the funding. We were here.

10 MR. MILLET: Not all the funding

11 we asked for. We asked for the \$722

12 million.

13 LEGISLATOR ABRAHAMS: No, no, no.

14 We gave you the \$262 million which gave you

15 the ability to start 3P-311, 35-100, 35-114,

16 a pump station rehab, Bay Park Cedar Creek

17 digester rehab, waste water facilities

18 improvements, waste water odor control.

19 MR. MILLET: Which are all here

20 today.

21 LEGISLATOR ABRAHAMS: I

22 understand. But we anticipated this stuff

23 coming to us a little bit faster than

24 September.

25 MR. MILLET: I anticipated having

1 Rules Committee/9-9-13
2 the full money so we can stick the
3 electrical component part in there and move
4 it along quickly, but we had to adjust our
5 plan because we didn't have the money.

6 LEGISLATOR ABRAHAMS: Let me ask
7 the question just a different way. The
8 contracts getting to us today, is this the
9 fastest they could have gotten to us?

10 MR. MILLET: Absolutely not.

11 LEGISLATOR ABRAHAMS: They could
12 have gotten to us faster?

13 MR. MILLET: Yes. But you had to
14 have the electrical money. We had to take
15 the rest of the components out of the
16 program. We had to back up and take stuff
17 out. That takes time.

18 LEGISLATOR ABRAHAMS: Mr. Millet,
19 I'm not sure I understand. You're saying
20 that you needed the electrical money, but
21 that money, that work is not slated to begin
22 until the fourth quarter.

23 MR. MILLET: But there are
24 components of the electrical you would have
25 put in each of these projects. We had to

1 Rules Committee/9-9-13

2 come back to the design and take it out.

3 LEGISLATOR ABRAHAMS: But then
4 why is that money being reflected in the
5 fourth quarter of 2013? It should have been
6 reflected in the area that it needs to be in
7 in order to do these projects the way they
8 should be.

9 MR. MILLET: When we put this
10 schedule together, I told you the group 100
11 times, it's an overview of a 30,000 foot
12 view. Things are changing. It's fluid. I
13 guess it's not -- I'm not making the
14 connection. It's probably my fault.

15 Everything here is fluid. If you
16 can move things quickly, if you have
17 funding, you can adjust and put other things
18 in. That was not available to us. We had
19 to change our tack. Now this is two weeks
20 later than it should have been because we
21 changed our design schedule.

22 LEGISLATOR ABRAHAMS: From our
23 position, it appears, Mr. Millet, and this
24 is not really a question, from our initial
25 understanding, this has always been the

1 Rules Committee/9-9-13
2 position that you guys asked for the \$700
3 million, but it was very clear in the
4 documentation that we saw that the 260 was
5 necessary to get things rolling then. It
6 was never reflected --

7 MR. MILLET: That's what you said
8 was necessary. We didn't say that was
9 necessary.

10 LEGISLATOR ABRAHAMS: No. That's
11 what you said, Mr. Millet. It was never
12 said that that 260 number should be 280 --

13 MR. MILLET: No. It should have
14 been 722.

15 LEGISLATOR ABRAHAMS: Then the
16 bottom line is, as you well know, it was
17 never going to be 722 all in one shot at
18 that time. You knew full well in that.
19 You should have made it more clear that the
20 262 there was going to be some projects not
21 being reflected and getting done. Because
22 we made an investment to see this work get
23 done to its full capacity at the \$262
24 million that this legislature bonded.

25 MR. MILLET: Which it is.

1 Rules Committee/9-9-13

2 LEGISLATOR ABRAHAMS: And this is
3 at very same reason, the very same reason,
4 on why we need a comprehensive overall plan
5 for the entire 722 before we go forward.
6 It's the same exact issue.

7 You are saying pieces and parts,
8 things are changing. They're evolving. We
9 are not included in those decisions. I
10 don't know if my colleagues to the right
11 are. But we're not. Before we give up our
12 ability of have oversight on this project
13 because I doubt you will come back to us and
14 give us a comprehensive knowledge of the
15 contracts, we're reading about the contracts
16 today in committee, I would love to be able
17 to go through these contracts, even seven
18 days in advance, but I'm sure we're not
19 going to get that, so before we give up our
20 oversight ability in bonding the entire
21 amount, we need an overall comprehensive
22 plan on how this is going to be implemented.
23 Obviously things have evolved, they're
24 changing. We understand that. But we need
25 to see the plan that reflects that.

1 Rules Committee/9-9-13

2 MR. MILLET: Okay.

3 LEGISLATOR ABRAHAMS: Thank you.

4 CHAIRWOMAN GONSALVES: Legislator
5 Jacobs.

6 LEGISLATOR JACOBS: I will be
7 fast, but, Mr. Millet, I do have certain
8 questions. The total amount that we bonded
9 was 262 million?

10 MR. MILLET: Correct.

11 LEGISLATOR JACOBS: The total
12 amount of the six items before us today is
13 \$48,836,214?

14 MR. MILLET: Correct.

15 LEGISLATOR JACOBS: That leaves a
16 balance of the \$262 million of \$213,169,786?

17 MR. MILLET: Correct.

18 LEGISLATOR JACOBS: So, you came
19 to us now, in this particular issue before
20 us right now, for the --

21 MR. MILLET: 9.384.

22 LEGISLATOR JACOBS: I assume when
23 you are coming to us that you assume that
24 that amount of money is going to accomplish
25 something. When you were talking to

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2 Mr. Kopel, it was almost like it's a crap
3 shoot whether we should be doing this or
4 not, but I think life is sort of that as you
5 get older you realize that, you do what you
6 feel is right. But if you don't feel it's
7 right at all, then what are we doing today?

8 MR. MILLET: No. You have to do
9 this work but you really should be doing the
10 rest of the electrical distribution. We
11 don't have that opportunity right now.

12 LEGISLATOR JACOBS: I understand
13 that. That's a difference in opinion as to
14 whether we have enough information or
15 whatever.

16 But what I'm saying to us is, you
17 do have \$213 million that is not touched yet
18 where, if some of that would shore up the
19 monies -- if some of those monies would
20 shore up the work of the approximately \$10
21 million that you are doing, wouldn't that
22 make sense?

23 MR. MILLET: Well, we are doing
24 -- the next contract is handling some
25 electric in the final tank area. Yes, it

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2 already is.

3 LEGISLATOR JACOBS: So my point
4 is just that, we have to have a certain
5 feeling of satisfaction that you are coming
6 before us, that you firmly believe that what
7 we are agreeing to, because I don't think
8 even \$10 million that we need this.

9 MR. MILLET: No. You need this.

10 LEGISLATOR JACOBS: So we need
11 it. And what you're saying, I understand,
12 is that without everything being done you
13 can't give a flat-out guarantee, but I don't
14 believe in guarantees anyway, I don't think
15 they work. So there are no guarantees in
16 life.

17 So my point was, if you needed a
18 few million more to make this better, I'd
19 sooner hear that than to hear that --

20 MR. MILLET: No. This job within
21 itself is the right job to do. The rest of
22 the job that needs to get done is the part
23 that I'm still looking for.

24 LEGISLATOR JACOBS: And that is
25 very honest and I appreciate it. I

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2 understand that. But at least I know that
3 at this moment in time needs to be done.

4 MR. MILLET: Money was spent, it
5 needs to be done.

6 LEGISLATOR JACOBS: Thank you.

7 CHAIRWOMAN GONSALVES: Legislator
8 Kopel.

9 LEGISLATOR KOPEL: Yes. I'm
10 going to take the liberty of quoting Justin
11 Park from a letter that was written to
12 Minority Leader Abrahams by Hazen & Sawyer
13 which is the engineers on the project, the
14 controlling engineers on the project.

15 What they write, I will read one
16 paragraph out of the whole letter:

17 "It's critical that the funding
18 for the significant volume of construction
19 projects be made immediately available so
20 that the construction projects which may bid
21 on these projects have the full confidence
22 that the required capital outlays will be
23 reimbursed. In addition, it's critical that
24 funding be made immediately available so
25 that all the various phases of each system

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2 repair can proceed in a coordinated time
3 frame which minimizes distributions to the
4 STP operations. Should funding be delayed,
5 continued operational risk will be
6 experienced since the STP does not have
7 appropriate levels of equipment redundancy."

8 Now, I have to say that this
9 legislature hired these engineers. These
10 are the experts. These are the people who
11 have told us how we need to go ahead and do
12 it.

13 Now, it seems to me that what we
14 are doing over here, or what some people are
15 doing over here is that we are substituting
16 judgement for those of the experts. I've
17 heard from you, Rich, and I've heard from
18 the engineers that it's critical that we get
19 this electrical system done right away.
20 Because, if we don't get it done right away,
21 the money that we are spending will not be
22 efficiently utilized and the money that we
23 are spending will be put at risk because
24 some of these systems may not survive
25 another disaster. We know that it can

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2 happen again.

3 What we are doing over here is we
4 are playing politics, and we are playing
5 politics with the lives and health of all
6 the people of southwest Nassau. It's
7 disgraceful. This is just no good excuse
8 that we can't get the sewer plant done.
9 Everybody here knows full well that it's got
10 to be done. It's not a matter of choice.
11 This is not a discretionary kind of
12 expenditure.

13 We're going to get reimbursed by
14 the feds hopefully for 90 percent. It's not
15 a matter of discretion. We know that we
16 have to get this electrical system designed.

17 Rich, I know that the engineers
18 have offered to spend as much time with
19 members of the minority or anyone who has
20 questions as to this further work. Is it
21 the case that you and your staff are going
22 to be available virtually around the clock
23 to get this done? If the minority has any
24 questions, are you available to explain it
25 to them?

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2 MR. MILLET: Always.

3 LEGISLATOR KOPEL: Have you
4 offered, has anybody come over to you and
5 asked you for time?

6 MR. MILLET: I've been asked by
7 both sides for tours of the plant.

8 LEGISLATOR KOPEL: Besides that.
9 It seems like the biggest and most hotly
10 contested issue right now is the electrical
11 system, is that correct?

12 MR. MILLET: Correct.

13 LEGISLATOR KOPEL: Has anybody
14 come over to you and said, hey, explain to
15 us why we need this electrical system?
16 Explain to us how this fits into the rest of
17 the work that's being done. Has that
18 happened?

19 MR. MILLET: On the record, here
20 in the legislative chamber, it's been asked.
21 Other than that, it hasn't been asked. Just
22 here.

23 LEGISLATOR KOPEL: I'm going to
24 urge the members of the minority that you've
25 got to reconsider. The people of southwest

1 Rules Committee/9-9-13
2 Nassau depend on this plant. It is
3 critical. The people of Bay Park -- I've
4 got the floor now, Mr. Abrahams, I don't
5 have it a long time. There are some other
6 people over here who might have it longer
7 than me on occasion, I suspect.

8 The people of Bay Park and East
9 Rockaway and those neighbors are suffering
10 terribly. Have suffered for years terribly,
11 terrible neglect of this plant. It's time
12 that we get it done.

13 LEGISLATOR ABRAHAMS: If I may,
14 thank you. I don't want to keep you up
15 there, Mr. Millet, I don't have any
16 questions.

17 My commentary is more in response
18 to Mr. Kopel. For some reason, only in
19 Nassau County, \$262 million which goes
20 towards many projects to get the ball
21 rolling, we are only adhering to the plan
22 put forth by this administration, which
23 requires these projects to be done in the
24 second and third quarter of this year. We
25 are adhering to this plan.

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2 So for someone to make some type
3 the accusation that we are not doing the
4 right work by the people of Nassau County is
5 absurd.

6 And, second, which is even more
7 unconscionable, though Bay Park and East
8 Rockaway no doubt about it are the most
9 severely impacted by the odor and sound that
10 comes from that treatment plant.

11 But, Mr. Kopel, you are totally
12 mistaken if you think that those are the
13 only communities. There was backed up
14 sewage in Baldwin, areas of Freeport,
15 Lynbrook. There are 500,000 people that
16 have their sewage go to that plant. Let's
17 be clear. We are talking about a plant that
18 services more people than you have
19 described.

20 Lastly, I just want to end on
21 this point. Once we receive the
22 comprehensive plan, the reason why -- this
23 is one of the big reasons why we are not
24 going to bond without get a comprehensive
25 plan in place. We have asked for a

1 Rules Committee/9-9-13
2 comprehensive plan for several months now.
3 This is the same reason. There are
4 individual conversations going on.
5 Mr. Millet has reached out -- the
6 republicans have reached out to Mr. Millet
7 and he's describing to you what he could
8 very well easily describe to us in a memo.
9 We need a comprehensive plan so that we are
10 on the same page as the majority. There is
11 no reason why we can not have that.

12 Once we have that, and we have
13 the understanding and the ability that
14 they're going to demonstrate that things are
15 going to get done as per that schedule, we
16 will be more than happy.

17 I think I have said it on several
18 occasions that we understand. We visited
19 the plant. I have been to the place twice
20 now probably in the last 15, 30 days. From
21 that standpoint, we understand full well
22 what that plant needs.

23 We actually understood it going
24 back to 2010 when some of the money was
25 there when the administration should have

1 Rules Committee/9-9-13
2 done some of this work. But, be it as it
3 may, we understand that the work needs to
4 get done. We want to be able to give that
5 full support but we need to see a
6 comprehensive plan. Without that
7 comprehensive plan, it's going to be very
8 hard for us to do that.

9 I couldn't see why we couldn't
10 get that. I've heard a lot of discussion.
11 I've heard a lot of back and forth. I heard
12 the accusation that we're playing politics.

13 But, make it clear, we are asking
14 for a comprehensive plan. We are asking for
15 this legislature to have the ability by a
16 super majority to approve contracts. We're
17 talking about \$700 million in county
18 resources going out the door. I would like
19 to think both sides can have the oversight
20 to review the contracts. That's what we are
21 asking.

22 We are not asking the impossible.
23 If the majority is willing to work with us
24 to make sure we have the proper oversight, I
25 don't see why we couldn't do this bonding.

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2 But, to me, it just seems like you're
3 refuting the fact that we are asking for
4 proper oversight and asking for an overall
5 comprehensive plan as those requests are
6 being ridiculous.

7 I find it really truly upsetting
8 that in this day and age where the county is
9 having so much fiscal troubles, that we are
10 asking for more oversight of our fiscal
11 dollars as well as additional oversight and
12 a comprehensive plan to go along with it, to
13 me, from my standpoint, I just couldn't
14 understand that. That's the part that
15 sounds most disturbing.

16 You should want those things just
17 like we want them. You should want the
18 oversight. You should want to insure
19 whether you are in the majority, or we're in
20 the majority, or the county executive change
21 are still with us. We should want, as a
22 legislative body, we should want that
23 oversight. We should want to make sure that
24 any contract that comes down, whether it's
25 from this county executive or the next

1 Rules Committee/9-9-13
2 county executive, any contract that comes
3 down should require a super majority.

4 We're talking about \$700 million.
5 This is an unprecedented number in the
6 history of our county. If it's the right
7 contract and the right thing to do, we will
8 support it. We plan to support these
9 contracts today. So we are not playing
10 politics with any contracts. We are
11 supporting these contracts today because we
12 understand, we believe that the 262 is
13 important to move forward with.

14 But a comprehensive plan, an
15 overall plan which tells us where we are
16 going from today over the next four years, I
17 just can't understand why you guys don't get
18 -- what is wrong with getting those things?
19 If we get those things, we will be more than
20 happy, if they have our approval, to do the
21 entire \$700 million. What's wrong with what
22 I just asked for?

23 LEGISLATOR KOPEL: I will answer
24 you.

25 CHAIRWOMAN GONSALVES: Just

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2 listen for a minute. What you are asking
3 for -- let's begin with the idea that I
4 think that we, as members of the Nassau
5 County Legislature, have been ordained by
6 the charter to do just what you are asking
7 this Oversight Committee to do.

8 LEGISLATOR ABRAHAMS: No. That's
9 not accurate. But it's not true.

10 CHAIRWOMAN GONSALVES: It's my
11 turn. Now, what you are asking for would
12 require a referendum.

13 Second of all, the county
14 executive has put in place a committee, an
15 advisory committee who will do just exactly
16 what you are asking for. I believe that
17 committee has been put together. You have
18 the authority to appoint one person. So did
19 we. It's up to that committee to come back
20 to us and give us what you are looking for.

21 LEGISLATOR ABRAHAMS: Madam
22 Presiding Officer, I just have one simple
23 question and maybe Mr. Millet can answer
24 this question.

25 The contracts that are before us,

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2 have they gone forward to that committee?

3 CHAIRWOMAN GONSALVES: I can't
4 answer that question. That committee has to
5 come back to us.

6 LEGISLATOR ABRAHAMS: Look, we
7 are going to approve these contracts but you
8 talked about a committee that is supposed to
9 do the work and we don't even know if the
10 committee met to do the work. How
11 farfetched does that sound?

12 So what I'm trying to say is,
13 look, there is a lot of gaps here and the
14 fact remains, we want to be there to make
15 sure that the people of Bay Park and East
16 Rockaway and the entire area that's serviced
17 by Bay Park have this plant that's up and
18 running. But you guys are not helping us or
19 meeting us halfway in getting some of the
20 resources and some of the things that we
21 need answered.

22 CHAIRWOMAN GONSALVES: Listen to
23 me, have you made your appointment to this
24 advisory council?

25 LEGISLATOR ABRAHAMS: Number one,

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2 we don't believe the council has gone far
3 enough. So we want to see more.

4 CHAIRWOMAN GONSALVES: So the
5 answer is no?

6 LEGISLATOR ABRAHAMS: Correct.

7 CHAIRWOMAN GONSALVES: So that's
8 the only one not on board. Listen, it's an
9 advisory council and it's exactly what it
10 should be. To do other than that would
11 require a referendum. And, it also be
12 relinquishing our obligation as legislators
13 to review the contracts and vote
14 accordingly.

15 LEGISLATOR ABRAHAMS: Madam
16 Presiding Officer, we should be about the
17 people's work. To be honest, right now,
18 collectively, what I have asked for, even if
19 you're saying that it requires a referendum,
20 there should be some type of open discussion
21 between myself, you, the county executive on
22 trying to address some of our concerns.

23 But, even from the standpoint of
24 the overall comprehensive plan, which takes
25 us from year one to year four or five, we

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2 still have not gotten that.

3 We are not asking for anything
4 unreasonable. Can anyone tell me if we are
5 asking for something unreasonable?

6 CHAIRWOMAN GONSALVES: I just
7 want to say I think we all appear for doing
8 the people's work everyone one of us day
9 after day.

10 LEGISLATOR ABRAHAMS: I agree.
11 But we're not doing it right now. We can do
12 better.

13 CHAIRWOMAN GONSALVES: I think
14 that's exactly what we have been
15 commissioned to do.

16 LEGISLATOR ABRAHAMS: I think we
17 can do better.

18 CHAIRWOMAN GONSALVES: We'll let
19 Legislator Kopel, do you still want to
20 speak? Go ahead.

21 LEGISLATOR KOPEL: I'm hearing a
22 lot of words but not a lot of substance, I'm
23 afraid.

24 First of all, we heard a
25 comprehensive plan. We heard a

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2 comprehensive plan. If you think that that
3 comprehensive plan that was presented to us
4 was presented here on screens and we had
5 handouts and so forth and so forth, if there
6 is something about that that's insufficient,
7 I think it behooves us to tell us, or not
8 us, tell them exactly what it was. This
9 side did not get more information than the
10 other side so far as I know. I'm pretty
11 sure that's correct.

12 Secondly, you talk about the
13 fourth quarter, hey, we're there. If we
14 want to start this work in the fourth
15 quarter, we have to approve it now.

16 Finally, you mentioned the county
17 is in trouble in terms of the money. This
18 is money that 90 percent reimbursable by the
19 federal government. We also know the
20 federal government is not going to reimburse
21 us again if the money that we spend now goes
22 bad because we didn't spend it properly, and
23 didn't take the proper protective measures,
24 and we are not taking the proper protective
25 measures and we are being negligent. That

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2 is an outrageous dereliction of our
3 responsibility.

4 CHAIRWOMAN GONSALVES: I'm not
5 going to cut you off, Legislator Dunne, so
6 make it brief, please.

7 LEGISLATOR DUNNE: Very brief.
8 We heard from a gentleman from the IBEW. He
9 said it from the back and came to the mike
10 and said, how can you get any of this work
11 done without the electrical work being done,
12 that 352? It's absolutely necessary to do
13 any work at the facility, otherwise we're
14 going to continue to spend \$1 million per
15 month on generators and, God forbid,
16 something happens to those generators and
17 buy new ones or rent other ones. It's just,
18 that money has to spent for them to do this
19 work. It should have been a no-brainer.
20 You need power to get this stuff done. The
21 New York Transit Authority shut down its
22 subways so they can get the electrical done
23 first.

24 LEGISLATOR ABRAHAMS: Then, Mr.
25 Dunne, you should be questioning DPW -- I'm

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2 sorry, Madam Chair, then you should be
3 questioning DPW on why -- you just said
4 yourself New York City Transit did the
5 electrical first. Then you should be
6 questioning DPW on why we didn't see the 326
7 and not the 262 first.

8 LEGISLATOR DUNNE: So if they
9 come and with it and approve --

10 LEGISLATOR ABRAHAMS: No, no.
11 Why didn't you ask that question before we
12 did the 262?

13 LEGISLATOR DUNNE: You guys
14 turned it down.

15 CHAIRWOMAN GONSALVES: Legislator
16 Dunne, Minority Leader --

17 LEGISLATOR ABRAHAMS: The plan
18 indicated 262 for the third quarter and
19 indicated 326 for the fourth quarter. If
20 you had this incredible knowledge, you
21 should have --

22 LEGISLATOR DUNNE: The gentleman
23 from IBW testified to us --

24 LEGISLATOR ABRAHAMS: Yes. Then
25 how come you have not asked that question to

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2 Mr. Millet?

3 CHAIRWOMAN GONSALVES: I'm going
4 to call the item. That's it, all right?
5 Otherwise, we can be here all day quibbling
6 as to what we should have done, what we
7 could have done, and what is down the road.

8 So, please, any public comment in
9 regard to this contract?

10 (No verbal response.)

11 There being none, all those in
12 favor of Contract B-24-13 signify by saying
13 aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The contract passes unanimously.
18 I believe there is a related contract, am I
19 right, Mr. Millet, which is contract B-25-13
20 and that's with Welsbach Electric
21 Corporation of Long Island.

22 Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/9-9-13
2 Legislator Dunne, seconded by Legislator
3 Muscarella.

4 MR. MILLET: This is a publically
5 bidden contract out of 35,121. Welsbach was
6 the lowest responsible bidder at 497,550.
7 The instrumentation that controls the final
8 tanks, the actuators, the motor controls
9 will be replaced inside this program.

10 LEGISLATOR ABRAHAMS: Let me
11 understand this. Welsbach Electric
12 Corporation, they're doing some electrical
13 work, correct?

14 MR. MILLET: They're doing the
15 electrical work for the motor control system
16 for the final tanks.

17 LEGISLATOR ABRAHAMS: And that's
18 part of 35,121 which we approved at part of
19 the 262?

20 MR. MILLET: Correct.

21 LEGISLATOR ABRAHAMS: So there is
22 some electrical work coming out of the 262
23 that we talked about before?

24 MR. MILLET: On the final tanks
25 but not the distribution system.

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2 LEGISLATOR ABRAHAMS: Yes. Thank
3 you.

4 CHAIRWOMAN GONSALVES: Any other
5 comments or questions of Mr. Millet?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of Contract B-25-13 signify by saying
11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The contract passes unanimously.
16 The next contract is B-26-13, that's between
17 Nassau County Department of Public Works and
18 Mace Contracting Corporation.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Muscarella.

25 MR. MILLET: Again, a publically

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2 bid contract for Mace. It was 35,114 as the
3 funding source. It's \$11,937,000. It's the
4 sludge thickening facility where the new
5 GBTs are located.

6 CHAIRWOMAN GONSALVES: Any
7 questions of Mr. Millet?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of Contract B-26-13 signify by saying
13 aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The contract passes unanimously.
18 The next contract is B-27-13 between the
19 Department of Public Works and RJ Industries
20 Inc.

21 Motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

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

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2 Kopel. Mr. Millet.

3 MR. MILLET: It's a publically bid
4 contract being paid out of 35,116,
5 \$24,767,700 for RJ Industries Incorporated.
6 It will be all the odor control systems in
7 both plants.

8 CHAIRWOMAN GONSALVES: Any
9 questions of Mr. Millet on this item?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract B-27-13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.

20 The next contract is B-28-13 between the
21 Nassau County Department of Public Works and
22 again RJ Industries Inc.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR KOPEL: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Kopel. Mr. Millet.

5 MR. MILLET: It's a publically
6 bid contract being paid out of 3P-311,
7 \$892,2000 for Dock Place and south and dry
8 pump stations in Glen Cove.

9 CHAIRWOMAN GONSALVES: Any
10 questions of Mr. Millet on this contract?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Contract B-28-13 signify by saying
16 aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The contract passes unanimously.
21 The next contract is E-168-13, a resolution
22 authorizing the county executive to execute
23 an amendment to a personal service agreement
24 between the county of Nassau acting on
25 behalf of the Nassau County Police

1 Rules Committee/9-9-13
2 Department and Fletcher, Heald & Hildreth.
3 Motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR KOPEL: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Dunne, seconded by Legislator
8 Kopel. Mr. May?

9 MR. MAY: We have Sergeant Greg
10 Stephanoff and Chief Ed Horace.

11 CHAIRWOMAN GONSALVES: Tell us
12 about it.

13 CHIEF HORACE: Deputy Chief Ed
14 Horace, Deputy Chief of Support. This
15 contract is with Fletcher, Heald & Hildreth,
16 specifically it's with Mr. Robert Gerse who
17 is an FCC attorney. We had a personal
18 service contract for him for a number of
19 years. He was instrumental in getting the
20 FCC frequencies that we use for the 500
21 megahertz system that we use in place right
22 now.

23 He's also been instrumental in
24 helping us with any issues we had with the
25 frequencies. With most public safety radio

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2 systems, these channels are reused by
3 entities throughout the country. Like, in
4 New Jersey, Bergen County, New Jersey uses
5 the same frequency spectrum as we do.

6 There was a situation a number of
7 years ago where we had to through Robert
8 Gerse to contact New Jersey to have them put
9 filters on their system also through the
10 FCC. There are instances where we have to
11 petition the FCC to actually look at anyone
12 that might be illegally using our channels.

13 Robert Gerse has been
14 instrumental in that. He has a direct tie
15 to the FCC. His offices are in Washington,
16 DC. He is also a member of APCO. He's
17 written a number of opinions on behalf of
18 APCO. APCO is the Association of Public
19 Safety Officers which actually helped
20 coordinate public safety frequencies for all
21 public state agencies throughout the
22 country, so Mr. Gerse is, the contract with
23 Mr. Gerse is critical to maintaining use and
24 to make sure our interests are served on
25 behalf of the FCC regarding our 500

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2 megahertz as well as 800 megahertz radio
3 system.

4 CHAIRWOMAN GONSALVES: Any
5 questions from the legislators?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of Contract E-168-13 signify by saying
11 aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The contract passes unanimously.
16 The next one is E-169-13, a resolution
17 authorizing the county executive to execute
18 a personal service agreement between the
19 County of Nassau acting on behalf of the
20 Nassau County District Attorney's Office and
21 Nassau County Coalition Against Domestic
22 Violence.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR KOPEL: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Kopel. Mr. May.

5 MR. MAY: We have Mr. Bob McManus
6 from the District Attorney's Office.

7 MR. MCMANUS: Good afternoon.
8 This contract with the Long Island Coalition
9 against Domestic Violence is for a
10 collaboration now in its 15th year at the
11 sexual assault nurse examiner program at
12 North Shore University Hospital.

13 This program combines the efforts
14 of the District Attorney's Office, the
15 Coalition Against Domestic Violence, the
16 Nassau County Police Department Special
17 Victims Unit and North Shore University
18 Hospital.

19 The intent of the program is to
20 provide a safe environment for victims of
21 sexual assault that is separate from the
22 hospital emergency room, to provide
23 compassionate care, while at the same time
24 collecting forensic evidence --

25 LEGISLATOR ABRAHAMS: I'm sorry,

1 Rules Committee/9-9-13

2 Mr. McManus, I apologize.

3 CHAIRWOMAN GONSALVES: Legislator
4 Abrahams and Legislator Jacobs both need to
5 recuse themselves.

6 LEGISLATOR ABRAHAMS: I
7 apologize.

8 LEGISLATOR JACOBS: This whole
9 program is involving North Shore LIJ?

10 MR. MCMANUS: The program is
11 located -- they are one of the partners, and
12 the program is physically located --

13 CHAIRWOMAN GONSALVES: Recuse
14 yourself. Sorry, Mr. McManus.

15 MR. MCMANUS: Should I continue?

16 CHAIRWOMAN GONSALVES: Yes.

17 MR. MCMANUS: The purpose of this
18 facility is to provide compassionate care
19 while at the same time collecting forensic
20 evidence to facilitate the arrest and
21 prosecution of those individuals guilty of
22 assault.

23 The coalition's role in this
24 program and their responsibilities under
25 this contract is to provide advocacy,

1 Rules Committee/9-9-13
2 counseling, and other services to victims.

3 CHAIRWOMAN GONSALVES: The
4 coalition is the source provider for the
5 service?

6 MR. MCMANUS: Yes, ma'am.

7 CHAIRWOMAN GONSALVES: And it is
8 funded by New York State, correct?

9 MR. MCMANUS: That's correct, 100
10 percent.

11 CHAIRWOMAN GONSALVES: Thank you.
12 Any questions for Mr. McManus?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Contract E-169-13 signify by saying
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The service agreement passes with
23 five, two recusals. Legislators Abrahams
24 and Jacobs, you shall return.

25 The next personal service

1 Rules Committee/9-9-13
2 agreement between the county is E-170-13, on
3 behalf of Nassau County Department of Human
4 Services, Office of Mental Health, Chemical
5 Dependency and Developmental Disabilities
6 Services and David Hymowitz, LMSW.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Kopel. Mr. May.

13 MR. MAY: We have Mr. Brian Hall
14 from the Department of Human Services.

15 MR. HALL: Good afternoon. This
16 is a personal service contract with Dr.
17 David Hymowitz. It's a mandated program
18 from the State Office of Mental Health to
19 provide professional services consisting of
20 working with community groups to raise
21 awareness about the risk and protective
22 factors related to mental health and
23 substance abuse.

24 It's also to assist with the
25 development of workshops and training that

1 Rules Committee/9-9-13
2 will enhance the knowledge base of
3 behavioral health providers and recipients
4 of services for mental health and chemical
5 dependency.

6 CHAIRWOMAN GONSALVES: Any
7 questions in regard to this personal service
8 agreement? I believe this agreement is a
9 shared funding?

10 MR. HALL: Yes. 50-50.

11 CHAIRWOMAN GONSALVES: Any
12 questions?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of E-170-13 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 E-170-13 passes unanimously.

22 E-174-13, a resolution authorizing the
23 county executive to execute a personal
24 service agreement between the County of
25 Nassau acting on behalf of the Nassau County

1 Rules Committee/9-9-13

2 Police Department, Nassau County Purchasing

3 Nassau County Correction Center, Nassau

4 County Department of Probation and Nassau

5 County Department of Social Services, and

6 Euro Lloyd Travel Group.

7 Motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRWOMAN GONSALVES: Moved by

11 Legislator Dunne, seconded by Legislator

12 Kopel. Who is here? Go ahead, sergeant.

13 SERGEANT STEPHANOFF: Good

14 afternoon, Sergeant Greg Stephanoff. This

15 personal service agreement between the

16 county and Euro Lloyd can be used with any

17 county agency. The police department uses

18 it for our extraditions to pick up subjects

19 or persons who are out of state and this was

20 bid out through purchasing.

21 CHAIRWOMAN GONSALVES: Any

22 questions of the sergeant?

23 (No verbal response.)

24 Is there any public comment?

25 CHAIRWOMAN GONSALVES: Legislator

1 Rules Committee/9-9-13

2 Kopel.

3 LEGISLATOR KOPEL: Just one. How
4 is this being done now?

5 SERGEANT STEPHANOFF: They won
6 the bid again. We use Euro Lloyd currently.

7 LEGISLATOR KOPEL: Travel agents,
8 why is it necessary altogether?

9 SERGEANT STEPHANOFF: Especially
10 when we do extraditions last minute, so we
11 need someone to set it up for the members
12 that are going out and a lot of times, the
13 time is crucial to get out. They can also
14 get us the best price.

15 LEGISLATOR KOPEL: So this
16 actually might be saving some money you're
17 saying?

18 SERGEANT STEPHANOFF: Yes.
19 Otherwise the members have to try to do it
20 themselves, and if they are not used to do
21 doing it, you are better off have having a
22 professional do it for you.

23 CHAIRWOMAN GONSALVES: Any
24 questions or comments?

25 (No verbal response.)

1 Rules Committee/9-9-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Personal Service Agreement E-174-13
6 signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The item passes unanimously. The
11 next item is E-179-13, a personal service
12 agreement between the County of Nassau
13 acting on behalf of the Nassau County
14 Department of Health and Tech Valley
15 Continuity, L.L.C.

16 Motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR KOPEL: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Kopel.

22 MS. LORRAINE: Good afternoon,
23 Mary Ellen Lorraine, Department of Health.

24 Item E-179-13 is a contract with
25 Tech Valley Continuity, L.L.C. in the amount

1 Rules Committee/9-9-13
2 of \$53,040. This is 100 percent grant
3 funded through New York State Department of
4 Health with no impact on the budget. This
5 contract will help develop a continuity of
6 operations plan for the department's
7 emergency preparedness program.

8 CHAIRWOMAN GONSALVES: Any
9 questions?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Personal Service Agreement E-179-13
15 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously. The
20 next one is E-181-13, a personal service
21 agreement between the County of Nassau
22 acting on behalf of the Nassau County
23 Department of Public Works and Gannett
24 Fleming Engineers, P C.

25 Motion, please.

1 Rules Committee/9-9-13

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR MUSCARELLA: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Dunne, seconded by Legislator

6 Muscarella.

7 MR. ARNOLD: This is a personal
8 service agreement for the construction
9 management services required to the Bay Park
10 influent screen replacement program.

11 CHAIRWOMAN GONSALVES: Any
12 questions on E-181?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of E-181-13 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 The next item E-182-13, a
23 personal service agreement on behalf of the
24 Nassau County Department of Public Works and
25 the RBA Group.

1 Rules Committee/9-9-13

2 Next is E-183-13 between the
3 Department of Public Works and Dvirka &
4 Bartilucci Consulting Engineers, P.C.

5 And the next one is E-184-13, a
6 personal service agreement between the
7 County Department of Public Works and
8 Gibbons, Esposito and Boyce Engineers, P.C.

9 The next one is E-185-13, a
10 personal service agreement between the
11 County of Nassau acting on behalf of the
12 Nassau County Department of Public Works and
13 Haks.

14 And E-186-13, a personal service
15 agreement acting on behalf of the Department
16 of Public Works and Cameron Engineering &
17 Associates.

18 And E-187-13, a personal service
19 agreement acting on behalf of the County
20 Department of Public Works and Nelson and
21 Pope Engineers and Surveyors.

22 Motion for each of these items.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/9-9-13

2 Legislator Dunne, seconded by Legislator
3 Muscarella. Who is here to speak on this?

4 MR. MAY: We have Mr. Brian
5 Schneider from DPW to answer any questions.

6 MR. SCHNEIDER: Good afternoon.
7 These are personal services agreements for
8 county-wide disaster and debris monitoring
9 assistance. The Department of Public Works
10 advertised a request for proposal this past
11 June. The intention of this RFP was to
12 establish a pool of experienced and
13 qualified firms to be responsible for
14 monitoring the recovering efforts of the
15 county's debris management contractors who
16 are actually working in the field in
17 accordance with the Stafford Act and FEMA
18 policy and guidelines.

19 The services may include all or a
20 combination of the following: Monitoring of
21 all vegetative trees and limbs, monitoring
22 of debris collection, monitoring of
23 temporary debris management sites,
24 monitoring of transfer stations or final
25 disposal sites and residential debris

1 Rules Committee/9-9-13

2 drop-off sites, as well as data reporting
3 and mapping and other related services.

4 These contracts are intended to
5 have a three year contract period with an
6 optional two year extensions. There were
7 nine firms that responded to the RFP, all
8 having qualifications and experience to
9 carry out most, if not all, of the necessary
10 and required tasks.

11 Six of the agreements are before
12 you today with the other three to be heard
13 at the next Rules Committee meeting. The
14 department, therefore, requests approval to
15 enter into personal services agreements with
16 the RBA Group of Melville, Dvirka &
17 Bartilucci of Woodbury, Gibbons, Esposito &
18 Boyce of Uniondale, Haks of Farmingdale,
19 Cameron Engineering of Woodbury, and Nelson
20 & Pope of Melville.

21 CHAIRWOMAN GONSALVES: Any
22 questions of Mr. Schneider?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/9-9-13

2 There being none, all those in
3 favor of Personal Agreements E-182-13,
4 E-183-13, E-184-13, E-185-13, E-186-13, and
5 E-187-13, signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The items pass unanimously.

10 We have one more on the regular
11 agenda and that's Contract E-190-13, a
12 personal service agreement between the
13 County of Nassau acting on behalf of the
14 Nassau County Department of Public Works and
15 CDM Smith and Liro Engineers, Inc.

16 Motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Muscarella. Mr. Arnold.

22 MR. ARNOLD: This is a contract
23 amendment, the Liro CDM agreement that's
24 supporting the county's effort towards the
25 step program, the environmental cleanups of

1 Rules Committee/9-9-13
2 sewage impacted homes and the interior
3 cleanup of homes.

4 CHAIRWOMAN GONSALVES: Any
5 questions of Mr. Arnold on this personal
6 service agreement?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of E-190-13 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The item passes unanimously.

16 Now, I'm going to ask for a
17 motion to suspend the rules because we have
18 three items on the addendum.

19 Motion to suspend the rules,
20 please.

21 LEGISLATOR MUSCARELLA: So moved.

22 LEGISLATOR KOPEL: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Muscarella, seconded by
25 Legislator Kopel. All those in favor of

1 Rules Committee/9-9-13
2 suspending the rules signify by saying aye.
3 (Aye.)
4 Any opposed?
5 (No verbal response.)
6 The rules are suspended. We have
7 three contracts, E-172-13, a personal
8 service agreement between the County of
9 Nassau acting on behalf of the Department of
10 Public Works and Lockwood, Kessler &
11 Bartlett, Inc.
12 LEGISLATOR DUNNE: So moved.
13 LEGISLATOR KOPEL: Second.
14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Kopel.
17 MR. MAY: We have Mr. Ken Arnold
18 from DPW.
19 MR. ARNOLD: This is a contract
20 amendment to LKB's existing contract for the
21 West Shore Road rehabilitation. This is
22 going to cover design scope requirements for
23 phrase two and three that are associated
24 with some comments and concerns brought up
25 by the Fish and Wildlife, and the other

1 Rules Committee/9-9-13

2 regulatory authorities.

3 CHAIRWOMAN GONSALVES: Any
4 questions of Mr. Arnold?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of E-172-13 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item passes unanimously.

14 The next one is E-173-13, a
15 personal service agreement between the
16 County of Nassau acting on behalf of the
17 Office of Community Development and Olympic
18 Siding & Windows company, Inc.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR KOPEL: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Kopel. Mr. May.

24 MR. MAY: We have Mr. John
25 Sarcone from Community Development.

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2 MR. SARCONE: Good afternoon.

3 This is an amendment to an existing contract
4 with Olympic Siding. This amendment is
5 within the scope of the original RFP. It
6 deals with lead safe work from practice
7 contractors selected for the lead hazard
8 control program.

9 CHAIRWOMAN GONSALVES: Any
10 questions of Mr. Sarcone?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Personal Service Agreement E-172-13
16 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 The next item is E-189-13, a
22 personal service agreement between the
23 County of Nassau acting on behalf of the
24 Nassau County Department of Public Works and
25 Haks Engineers, Architects & Land Surveyors.

1 Rules Committee/9-9-13

2 Motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Legislator
7 Muscarella.

8 MR. ARNOLD: Ken Arnold, Public
9 Works. This is a contract with Haks
10 Engineering to provide construction
11 management service and inspection service
12 associated with the construction of the
13 First Precinct in Baldwin.

14 CHAIRWOMAN GONSALVES: Any
15 questions of Mr. Arnold? Legislator
16 Abrahams.

17 LEGISLATOR ABRAHAMS: How are
18 you, Mr. Arnold?

19 MR. ARNOLD: I'm good.

20 LEGISLATOR ABRAHAMS: First, let
21 me say this. We actually look forward to
22 the construction of the First Precinct for
23 two reasons; one, it's been a delapidated
24 building for decades; and, two, it means
25 that the consolidation plan which reduced us

1 Rules Committee/9-9-13
2 from eight precincts to four is only going
3 to happen to five which is somewhat of a
4 saving grace.

5 That being said, we would like to
6 hear more about the precinct plan which I
7 don't think if you are prepared to do now.
8 We were actually more prepared to do it in
9 the other committees in public works, I
10 believe, so we would like to think -- unless
11 you are able to do that now, we would like
12 to think, if possible, we plan to vote in
13 the affirmative that everything that the
14 First Precinct would need in order to move
15 forward, but, that being said, we would like
16 to know if you are not prepared to do this
17 now, could we table this particular item and
18 at least do the contract first -- I'm sorry,
19 do the funding for the First Precinct first,
20 and go forward, with that part that's in the
21 DPW portion of the calendar first?

22 Are you prepared to talk about
23 the plan in greater detail?

24 MR. ARNOLD: About the
25 construction of the building?

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2 LEGISLATOR ABRAHAMS: Yes.

3 MR. ARNOLD: It's an 18 month
4 construction process. The existing building
5 will be torn down at the end of the project.
6 A new building will be built behind the
7 existing building so the police will occupy
8 the existing structure until the job is
9 completed.

10 The existing historical house
11 across the street from Harrison will remain.
12 Harrison will remain open in addition to
13 that.

14 LEGISLATOR ABRAHAMS: So the
15 street Harrison will remain open?

16 MR. ARNOLD: Yes, it will. And I
17 believe there's another item coming forward
18 today on the property adjacent to the First
19 Precinct where the walls will be utilized to
20 build a new precinct house which is referred
21 to as the Huntington Learning Center.

22 LEGISLATOR ABRAHAMS: I'm sorry,
23 maybe you might have said it, but I didn't
24 hear it, what will happen to the existing
25 building?

1 Rules Committee/9-9-13

2 MR. ARNOLD: The existing
3 precinct building will remain open during
4 the construction of the new precinct house.
5 Once completed, it will be torn down and
6 there will be a parking lot in that general
7 vicinity of where the building is.

8 LEGISLATOR ABRAHAMS: Is there a
9 planned presentation that will be coming up
10 in the next couple of weeks between now and
11 the 23rd? I'm assuming this is going to be
12 done by the 23rd.

13 And the second thing is, where
14 are we with the community participation? I
15 mean, this is something that -- I will speak
16 for Legislator Scannell who is not on this
17 committee, but this is something that has
18 impacted the Fifth Legislative District as
19 well as the surrounding areas as well.

20 Has there been any community
21 outreach in order to gather community input
22 on what's being presented? I'm sure the
23 public would love to hear this type of
24 project and hear some of the good will
25 that's going on.

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2 MR. ARNOLD: The administration
3 I'm sure has done their outreach on this. I
4 actually live on the block on Park which is
5 adjacent to Harrison. So I actually live
6 this every day.

7 It was important for the
8 community not to close Harrison and that's
9 why --

10 LEGISLATOR ABRAHAMS: There was
11 also some, if I remember correctly, and
12 Legislator Scannell can probably correct me
13 if I'm wrong, there was also some concern
14 with the condos that are near the new
15 construction site. They were worried about
16 some privacy issues. Were you aware of
17 those issues?

18 MR. ARNOLD: Yes. They were
19 brought to the attention of the department
20 during the initial designs. There were
21 planting screenings that were proposed to do
22 that, give some type of block, so those
23 homes would be impacted as little as
24 possible. That is no longer an issue now
25 since the building will be moved.

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2 LEGISLATOR ABRAHAMS: So when can
3 the community, if any, when can they
4 anticipate some community meeting sponsored
5 by the administration?

6 MR. ARNOLD: I will take that
7 back to the administration and give you an
8 answer when we bring the construction
9 contracts forward to you.

10 LEGISLATOR ABRAHAMS: Some of the
11 technical questions my legal staff is asking
12 me to ask which I think would be more
13 presentable when it comes up in public
14 works, but, obviously, the footprint of the
15 building, how tall the building is going to
16 be, those types of things, do you have
17 answers?

18 MR. ARNOLD: I don't have exact
19 figures in front of me today. I would have
20 to go back and look them up. It's basically
21 a two and a half story building, but I would
22 like to --

23 CHAIRWOMAN GONSALVES:
24 Mr. Arnold, could you some time today have
25 additional information to share with us

1 Rules Committee/9-9-13
2 regarding this item and the project itself?

3 MR. ARNOLD: Yes.

4 CHAIRWOMAN GONSALVES: Well, what
5 we probably could do at this point in time
6 is to move to table it. We will hear it
7 today again, so that you will have ample
8 time to get the additional information
9 that's been requested.

10 MR. ARNOLD: I just want to
11 clarify. This is a construction management
12 contract. This is not the construction of
13 the precinct itself. This is bringing the
14 engineering firms on board, the
15 constructability review, it would be
16 advantageous to have this done before --

17 LEGISLATOR ABRAHAMS: I
18 understand that, Mr. Arnold. But I would
19 like to think -- the way that my mind works,
20 is that we would get an overall
21 comprehensive knowledge of the project
22 before we know who is going to be consulting
23 on the project. Then we can determine the
24 worthiness of the consulting contract.

25 Let me be clear. We support the

1 Rules Committee/9-9-13
2 First Precinct in its entirety so this is
3 something that the administration feels they
4 need. We just feel it's putting the cart
5 before the horse. We would like to see the
6 presentation of the plan and then hear about
7 what consultants are necessary in order to
8 execute the plan.

9 So that's the way we're taking a
10 look at it. In a perfect world, public
11 works would be meeting and we would have
12 heard it and this would be no problem. But
13 if it's possible, we had like to ask the
14 presiding officer to table this so we can
15 hear the presentation.

16 MR. ARNOLD: This item would not
17 have gone to the Public Works Committee.
18 This is a contract.

19 LEGISLATOR ABRAHAMS: Not this
20 item. I'm talking about the related items
21 that are in Public Safety. I'm sorry.
22 That's the reason why I was saying before
23 that it in a perfect world the related
24 items, which are before Public Safety, would
25 have been here and then we would have seen

1 Rules Committee/9-9-13
2 this item next, public works, I stand
3 corrected. It's your call, Madam Presiding
4 Officer.

5 CHAIRWOMAN GONSALVES: I'm going
6 to move to table. Is there a second?

7 LEGISLATOR KOPEL: Second.

8 CHAIRWOMAN GONSALVES: Seconded
9 by Legislator Kopel. All those in favor of
10 tabling this item signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 We could entertain this later on
15 today.

16 LEGISLATOR ABRAHAMS: Sure.

17 CHAIRWOMAN GONSALVES: In the
18 meantime, I'm putting the Rules Committee in
19 recess and the next committee will be Public
20 Safety. And here's the agenda for the rest
21 of the afternoon, Public Safety, Planning,
22 Public Works, Health, and then Economic
23 Development, Finance and Rules.

24 LEGISLATOR ABRAHAMS: If you got
25 it --

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2 CHAIRWOMAN GONSALVES: I got it.
3 So we are in recess and now Public Safety
4 will come together.

5 (Whereupon, the Rules Committee
6 recessed at 2:38 p.m. and reconvened at 8:00
7 p.m.)

8 CHAIRWOMAN GONSALVES: We are
9 going to reconvene Rules at this time.
10 There are several items that are part of the
11 consent agenda. I will read those items as
12 quickly as I can and we will incorporate the
13 testimony from the committees into this
14 meeting.

15 The first one is 353-13, 354-13,
16 355-13, 356-13, 357-13, 358-13, 359-13,
17 360-13, 361-13, 362-13, 363-13, 364-13,
18 365-13, 366-13, 367-13, 368-13, 369-13,
19 370-13, 371-13, 374-13, 385-13, 386-13,
20 387-13, 388-13, 3889-13, 390-13, 391-13,
21 393-13, 394-13, 395-13, 396-13, 400-13,
22 401-13, 402-13, 403-13.

23 We have two on the addendum and
24 the rules were already suspended. The two
25 items on the addendum are Items 404-13 and

1 Rules Committee/9-9-13

2 405-13.

3 (Whereupon, the following are the
4 minutes of the Public Safety Committee
5 pertaining to Clerk Items 353-356, 363, 364,
6 366, 385, 404 and 405, 9-9-13.)

7 CHAIRMAN DUNNE: The first item
8 coming before this committee is Item 353-13,
9 it's an ordinance supplemental to the annual
10 appropriations ordinance in connection with
11 the Police Department. We have a number of
12 Police Department items. Any objection to
13 call them all together?

14 LEGISLATOR SCANNELL: Just the
15 precinct, Dennis, I have a question on, the
16 police precincts, so anything related to
17 that I would ask you to separate it out.

18 CHAIRMAN DUNNE: All right. I
19 will call them all and you can ask the
20 questions when we get to that one.

21 So Item 353-13, Item 354-13, Item
22 355-13, Item 356-13, Item 363-13, Item
23 364-13, they all read, an ordinance
24 supplemental to the annual appropriations
25 ordinance in connection with the Police

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2 Department with all of those numbers.

3 LEGISLATOR BELESI: So moved.

4 LEGISLATOR VENDITTO: Second.

5 CHAIRMAN DUNNE: Motion by

6 Legislator Belesi, seconded by Legislator

7 Venditto on all those items.

8 The first item to be discussed is

9 353.

10 SERGEANT STEPHANOFF: Good

11 afternoon. Sergeant Greg Stephanoff from

12 the police department. Item 353 is to

13 supplement asset forfeiture funds, according

14 to the US Department of Justice. These were

15 seized funds that came in from cases and the

16 money is going to be moved to our

17 contractual line to be used for further

18 police department investigations.

19 CHAIRMAN DUNNE: Any legislators

20 have any questions on that?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in

25 favor indicate by saying aye.

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2 (Aye.)

3 Any against?

4 (No verbal response.)

5 353 passes. 354.

6 SERGEANT STEPHANOFF: 354 is from
7 the Department of Homeland Security. We are
8 getting \$40,000 to be used for the
9 infrastructure for the department to enhance
10 against terrorism.

11 CHAIRMAN DUNNE: Any legislators
12 have any questions?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor indicate by saying aye.

18 (Aye.)

19 Any against?

20 (No verbal response.)

21 Ayes win. 355-13.

22 SERGEANT STEPHANOFF: 355 is a
23 grant that's going to go to our bomb squad.
24 It's \$161,000 and this money is going to be
25 used for training.

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2 CHAIRMAN DUNNE: Any legislators
3 have any questions?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor indicate by saying aye.

9 (Aye.)

10 Any against?

11 (No verbal response.)

12 Ayes win. Next item is 356-13.

13 SERGEANT STEPHANOFF: Item 356-13
14 is another grant for exactly the same
15 amount, \$161,000. This money is going to be
16 used for equipment, part for equipment, and
17 part for consulting to enhance the bomb
18 squad as well.

19 CHAIRMAN DUNNE: Any legislators
20 have any questions?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor indicate by saying aye.

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2 (Aye.)

3 Any against?

4 (No verbal response.)

5 The ayes have it. Moves on to
6 finance. The next item is 363-13.

7 SERGEANT STEPHANOFF: Item 363-13
8 is also from our asset forfeiture. This is
9 the misdemeanor forfeiture funds. It's
10 \$167,063 that's going to go to our equipment
11 line to further investigations to help with
12 our future investigations as well.

13 CHAIRMAN DUNNE: Any legislators
14 have any questions?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor indicate by saying aye.

20 (Aye.)

21 Any against?

22 (No verbal response.)

23 Ayes have it. Moves on to
24 finance. The final one for the police is
25 Item 364-13.

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2 SERGEANT STEPHANOFF: Item 364 is
3 a grant that's going to go to Motor Carrier
4 Safety. Motor Carrier Safety is a unit in
5 highway that perform inspections on the big
6 tractor trailers and big trucks and it's
7 going to be used for them to do extra
8 inspections.

9 CHAIRMAN DUNNE: Excellent.
10 That's a money-maker for us. Any
11 legislators have any questions? Legislator
12 Denise Ford.

13 LEGISLATOR FORD: And those
14 inspections are done throughout the county?

15 SERGEANT STEPHANOFF: Yes.

16 LEGISLATOR FORD: Thank you.

17 CHAIRMAN DUNNE: Any other
18 questions from any of the legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in
23 favor indicate by saying aye.

24 (Aye.)

25 Any against?

1 Rules Committee/9-9-13

2 (No verbal response.)

3 The ayes have it. That moves on
4 to finance also.

5 The next item is 366-13, it's an
6 ordinance supplemental to the annual
7 appropriations ordinance in connection with
8 the correctional center. Who do we have
9 from the correctional center?

10 LEGISLATOR BELESI: So moved.

11 LEGISLATOR FORD: Second.

12 CHAIRMAN DUNNE: Motion by
13 Legislator Belesi, seconded by Denise Ford.

14 MR. MAY: We have Captain Keith
15 Sather from the correctional facility.

16 CAPTAIN SATHER: Good afternoon.
17 Captain Sather, correctional Center. Item
18 366 is an appropriation in the amount of
19 \$30,400 which represents the department's
20 share of the operation impact grant. These
21 funds will be used for trading, information
22 sharing, and investigations conducted by the
23 department's gang intelligence unit.

24 CHAIRMAN DUNNE: Any legislators
25 have any questions? Yes, Legislator

1 Rules Committee/9-9-13

2 Denenberg.

3 LEGISLATOR DENENBERG: Hi,
4 Captain Sather. The gang intelligence unit
5 at the corrections, just explain what that
6 does. We utilize this money for
7 intelligence of gang members while they're
8 in jail?

9 CAPTAIN SATHER: Yes, sir.
10 Intelligence from different gang members and
11 information sharing with both the district
12 attorney and the police department.

13 LEGISLATOR DENENBERG: This is
14 information we get from speaking with
15 inmates or just overhearing, how does this
16 work?

17 CAPTAIN SATHER: A little of all,
18 sir. Information that they pick up from
19 other gang members, interviews that they
20 have. Even new admits that come through the
21 correctional center displaying gang tattoos
22 or gang paraphernalia, the gang intelligence
23 unit would be notified of this.

24 LEGISLATOR DENENBERG: So,
25 Captain Sather, the \$30,400 that the county

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2 puts in as its share from I guess from the
3 correctional center's budget is matched by
4 what, federal and state money?

5 CAPTAIN SATHER: I'm not sure on
6 that. I will have to get back to you on
7 that, sir. I'm not sure if there is a match
8 on that.

9 LEGISLATOR DENENBERG: I thought
10 that this was just our share of the state
11 and the federal --

12 CAPTAIN SATHER: Actually, this
13 is the department's share of the overall
14 impact grant. The impact grant is also --
15 the police department has a share of it and
16 I believe the district attorney.

17 LEGISLATOR DENENBERG: That's the
18 way it's broken up?

19 CAPTAIN SATHER: Yes.

20 LEGISLATOR DENENBERG: What's the
21 total amount?

22 CAPTAIN SATHER: I don't believe
23 I have the information. I only have what
24 our share is.

25 LEGISLATOR DENENBERG: If you

1 Rules Committee/9-9-13
2 could get it back to me I would be
3 interested.

4 CAPTAIN SATHER: Okay.

5 LEGISLATOR DENENBERG: Thank you,
6 Captain Sather. Good job.

7 CHAIRMAN DUNNE: Any other
8 legislators have any questions?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor indicate by saying aye.

14 (Aye.)

15 Any against?

16 (No verbal response.)

17 The ayes have it. It moves on to
18 finance. The next item is Item 385-13, a
19 resolution to increase the petty cash fund
20 of the Office of the District Attorney
21 pursuant to the Nassau County administrative
22 code. May I have a motion on that?

23 LEGISLATOR VENDITTO: So moved.

24 LEGISLATOR BELESI: Second.

25 CHAIRMAN DUNNE: Motion by

1 Rules Committee/9-9-13

2 Legislator Venditto, seconded by Legislator
3 Belesi.

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

6 MR. MCMANUS: The district
7 attorney's office is requesting an increase
8 in our petty cash account amount, ceiling.
9 It's been 20 years since the amount has been
10 increased. We currently have 18 bureaus at
11 three different locations and this increase,
12 if approved, will insure that we have petty
13 cash funds available when needed and will
14 also reduce our administrative burden as we
15 will not need to submit as many claims for
16 reimbursement to the comptroller's office as
17 we currently do under the limit that we have
18 now.

19 CHAIRMAN DUNNE: And the increase
20 is how much?

21 MR. MCMANUS: From \$2,000 to
22 \$3,500.

23 CHAIRMAN DUNNE: Any legislators
24 have any questions?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor indicate by saying aye.

6 (Aye.)

7 Any against?

8 (No verbal response.)

9 It passes and moves on to
10 finance. I would like to have a motion to
11 suspend the rules.

12 LEGISLATOR BELESI: So moved.

13 LEGISLATOR FORD: Second.

14 CHAIRMAN DUNNE: Motion by
15 Legislator Belesi, seconded by Legislator
16 Ford. All those in favor indicate by saying
17 aye.

18 (Aye.)

19 Any against?

20 (No verbal response.)

21 All right. We suspended the
22 rules. We're going to the addendum for the
23 Public Safety Committee. There's two items.
24 The first one is 404, an ordinance
25 supplemental to the annual appropriations

1 Rules Committee/9-9-13

2 ordinance in connection with the Department

3 of Forensics, Genetics, Medical Examiner.

4 LEGISLATOR FORD: So moved.

5 LEGISLATOR BELESI: Second.

6 CHAIRMAN DUNNE: Motion by Denise

7 Ford, seconded by Joe Belesi. Who is here

8 to speak on this? It's now on the floor.

9 MR. MAY: We have Mr. Timothy

10 Hahn from the medical examiner's office.

11 MR. HAHN: Good afternoon. This

12 is a grant from the New York State Division

13 of Criminal Justice Services, aid to crime

14 laboratories grant in the amount of

15 \$610,800. It's used to maintain the quality

16 of services performed by the lab and to

17 maintain the New York State accreditation of

18 the laboratory.

19 CHAIRMAN DUNNE: It's just pass

20 through money?

21 MR. HAHN: It's a state grant.

22 CHAIRMAN DUNNE: Any questions?

23 Legislator Denenberg.

24 LEGISLATOR DENENBERG: This

25 medical examiner's lab is, as opposed to,

1 Rules Committee/9-9-13

2 what does it do as opposed to the lab that
3 we still closed sending out to Westchester
4 right now?

5 MR. HAHN: The divisions of the
6 lab that are operating under this grant is
7 the DNA department and the latent prints
8 department that are supported by this grant.
9 The other departments or sections that were
10 originally part of the police department are
11 currently being brought on line under the
12 medical examiner's office.

13 LEGISLATOR DENENBERG: So that's
14 like the clinical lab?

15 MR. HAHN: No. It's not the
16 clinical lab. It's just the forensics lab
17 that does DNA, toxicology, latent prints.

18 LEGISLATOR DENENBERG: That's
19 what's closed right now?

20 MR. HAHN: No. This is the
21 police department, I guess, operations that
22 we are currently -- different from the
23 clinical lab.

24 LEGISLATOR DENENBERG: So this
25 grant is not affected by the police

1 Rules Committee/9-9-13
2 department lab being closed right now?

3 MR. HAHN: Absolutely not.
4 Completely separate.

5 CHAIRMAN DUNNE: Any legislators
6 have any questions?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

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

12 (Aye.)

13 Any against?

14 (No verbal response.)

15 It moves on to finance.

16 The next item, the final item of
17 our committee is Item 405-13, a resolution
18 making certain determinations pursuant to
19 the State Environmental Quality Review Act
20 and authorizing the county executive on
21 behalf of the Nassau County Executive's
22 contracts of sale between the County of
23 Nassau and ZK Associates, Inc. and to
24 execute all pertinent documents in
25 connection therewith to consummate the

1 Rules Committee/9-9-13
2 acquisition by the county of certain
3 premises located in Baldwin, Town of
4 Hempstead, County of Nassau, State of
5 New York, said property known as Section 54,
6 Block 194, Lot 41, on the land and tax map
7 of the County of Nassau.

8 May I have a motion, please?

9 LEGISLATOR FORD: So moved.

10 LEGISLATOR BELESI: Second.

11 CHAIRMAN DUNNE: Motion by Denise
12 Ford, seconded by Legislator Belesi. Who do
13 we have to speak about this?

14 MR. MAY: We have Mr. Charles
15 Theofan to speak on this item and we're also
16 going to have some information available,
17 some designs of the precinct that we can
18 present to the legislature right now.

19 CHAIRMAN DUNNE: Excellent.
20 Would you make that presentation and then
21 we'll open up the questions from the
22 legislators?

23 MR. THEOFAN: Good afternoon,
24 Charles Theofan. I'm here with regard to
25 the purchase of 884 Merrick Road which is

1 Rules Committee/9-9-13

2 the building that's located directly to the
3 west of the existing First Precinct.

4 We have negotiated a contract to
5 purchase that property for \$725,000 which is
6 the exact appraised value of that property.
7 The acquisition of that property is
8 absolutely essential for this project to
9 continue and, therefore, we are asking for
10 approval of the contract.

11 CHAIRMAN DUNNE: You're going to
12 explain to us and do a presentation with the
13 photos showing us what's where and what this
14 item entails?

15 MR. THEOFAN: This particular
16 item, all it entails is the purchase of the
17 existing structure of the Huntington
18 Learning Center as it's been referred to in
19 the past. So this item is related solely to
20 the acquisition of that property.

21 CHAIRMAN DUNNE: Excellent.
22 Legislator Scannell, you had questions about
23 the Huntington Learning Center?

24 LEGISLATOR SCANNELL: Good to see
25 you, Charles, how are you?

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2 MR. THEOFAN: Very well. Thank
3 you.

4 LEGISLATOR SCANNELL: Nice to see
5 you again. I want to thank you for coming
6 down. I think everybody, not only in
7 Baldwin, but in the whole county is just so
8 excited that we are moving forward finally
9 with the First Precinct, so first I want to
10 thank you and the county executive for
11 literally moving forward on a project that
12 is so important, like I said, not only to
13 the people of Baldwin but to the people of
14 Nassau County.

15 So my specific question is, I
16 know it's the Huntington Learning Center
17 that you're trying to acquisition, correct?

18 MR. THEOFAN: Yes, that's
19 correct.

20 LEGISLATOR SCANNELL: And you
21 need it for parking, I guess?

22 MR. THEOFAN: That's correct.

23 LEGISLATOR SCANNELL: Because the
24 building across the street has turned into a
25 historical society?

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2 MR. THEOFAN: That's correct.

3 The Kellogg House, because of its historical
4 significance, that the community has made it
5 very clear they would like to see that
6 property preserved as has the county
7 executive.

8 LEGISLATOR SCANNELL: So I just
9 want to confirm that it's not the Kellogg
10 House that the county was going to take the
11 original spot, it's going to be across the
12 street right next to, near Ken's house, not
13 too far. I know a lot of people were
14 concerned about closing Harrison Street and
15 I think this plan is better for the people
16 of that specific area. My specific office
17 has gotten a lot of specific questions and
18 concerns regarding closing Harrison Street.
19 I know one doesn't close Harrison Street,
20 this plan doesn't.

21 So I think you have a rendering
22 too, can you just show us?

23 MR. MAY: Yes, we do, legislator.
24 It's probably difficult to see, but up here
25 in the upper right hand corner is the

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2 Kellogg House. That was the house that we
3 originally purchased I believe back in 2010.
4 As part of this project is now going to be
5 the community center.

6 The, then, the property owned by
7 ZK Associates, as it currently exists, in
8 this area, and this would be where the First
9 Precinct currently exists, and once
10 construction is complete on the new
11 building, the First Precinct is going to be
12 demolished, this property is going to be
13 demolished and used for parking.

14 LEGISLATOR SCANNELL: I know the
15 people in the condos across the street had a
16 problem with that original one because there
17 was a huge fence that was going to be like a
18 barrier, a voice barrier, sound barrier. I
19 know that was a serious problem. So this
20 solves that problem.

21 Are there any sound barriers in
22 the new project?

23 MR. MAY: No. There is not.

24 LEGISLATOR SCANNELL: So it's
25 basically you're now going to try to take

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2 the Huntington Learning Center, which is
3 great, because you need the parking, and
4 then it can all stay. Where is the precinct
5 going to sit on the existing property?

6 MR. MAY: It's essentially going
7 to be in the back of the property. The
8 first precinct as you well know is on the
9 corner, and Merrick is going to be slightly
10 back, but still on the same property.

11 LEGISLATOR SCANNELL: And, like I
12 said, did you have any specific rendering of
13 the precinct itself?

14 MR. MAY: Yes, we do.

15 LEGISLATOR SCANNELL: Can
16 everybody see?

17 MR. ARNOLD: The corner of
18 Harrison and Merrick Road is right here.

19 LEGISLATOR SCANNELL: Ken, can
20 you just give us a little explanation as to
21 what type of structure it is, what it's made
22 out of, how many stories it is?

23 MR. ARNOLD: It's a full two
24 story, brick facade building with a third
25 story penthouse for all the mechanicals.

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2 The existing tower for communication remains
3 so if you want to get a point of reference,
4 if you go out to the site, the existing
5 tower is going to stay. We are not
6 replacing the transition tower there.

7 Parking will be put in the front
8 of the building. There will be access
9 around the building with a driveway.

10 It was important for the learning
11 center because we had to keep the other
12 building operating which is why we needed
13 the room, and parking will be all in front
14 and there will be some parking put behind
15 the Kellogg building also for the community.

16 LEGISLATOR SCANNELL: I know that
17 was part of the original problem was the
18 Huntington Learning Center at the time was
19 an existing building and they actually
20 didn't want to be taken. So that's why
21 initially we were looking across the street,
22 as you know, but now I think they're out of
23 business so it actually works out perfectly.
24 So you're taking a building that's vacant
25 and you're putting in a precinct in, a

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2 parking lot there as opposed to a vacant
3 building in Baldwin. Is that right, Ken?

4 MR. ARNOLD: Yes. The Huntington
5 Learning Center, there's been no occupant in
6 that building for the last year and a half,
7 I believe.

8 LEGISLATOR SCANNELL: So it's a
9 brick facade on the outside, two story
10 building, and it's going to sit in the back
11 or where is it going to sit?

12 MR. ARNOLD: It sits in the back
13 of the property, as you can see, right here,
14 it sits in the back corner of the property,
15 the precinct house is in this vicinity with
16 all the parking behind it. This is the
17 original curb cut for the Huntington
18 Learning Center. We're not adding any new
19 additional. Harrison remains open, remains
20 as it is. This is also where the existing
21 driveway cut open, the existing.

22 LEGISLATOR SCANNELL: Any
23 community outreach?

24 MR. MAY: There has been
25 community outreach. Legislator, we have

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2 spoken with Mr. David Viana, president of
3 the Baldwin Civic Association, as well as
4 Mr. Arthur Roland several times over the
5 past month, and as recently as last week,
6 the Chamber of Commerce as well.

7 LEGISLATOR SCANNELL: Any public
8 hearings?

9 MR. MAY: We haven't had any
10 public hearings yet, sir. However, this is
11 going to be one of really four bites of the
12 apple. We had the original purchase back in
13 2010. We had the construction management
14 contract which was tabled during Rules. We
15 had this land purchase. Then there is going
16 to be a subsequent contract for the actual
17 construction of the building so there's
18 plenty of opportunity for any members of the
19 community who want to come down and comment
20 on this plan.

21 LEGISLATOR SCANNELL: Great
22 project, absolutely. Like Kevan said, we
23 absolutely support it. Like I said, this is
24 the first opportunity that we had to see the
25 design and it looks great. We all support

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2 it without a doubt. Good job.

3 CHAIRMAN DUNNE: Thank you,
4 Legislator Scannell. Legislator Ford.

5 LEGISLATOR FORD: Thank you very
6 much. I concur with Legislator Scannell
7 that this is a great move forward
8 especially, not only for the police
9 department, but as well as for the residents
10 in the communities.

11 Just, what is the time frame for
12 construction once this is all okayed, do we
13 have any idea what it takes to build the new
14 precinct?

15 MR. ARNOLD: The construction
16 period is an 18 month construction period.
17 That's what's in the construction documents.
18 We are opening the contract documents
19 tomorrow. We hope to be, in the next Rules
20 meeting, what is the preferred contractor,
21 and from there it goes to the comptroller
22 and NIFA for approvals.

23 LEGISLATOR FORD: Okay. And, did
24 I hear you correctly that you're looking
25 then to put all the utilities, such as the

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2 boilers, the hearing equipment, and hot
3 water stuff up on the third floor, you're
4 not going to put it in the basement like we
5 traditionally do?

6 MR. ARNOLD: No. It's all going
7 in the penthouse on the third floor.

8 LEGISLATOR FORD: Perfect. Thank
9 you very much.

10 Are you looking for green
11 construction or are you going to try to do
12 it as green as possible or it doesn't
13 pertain to this?

14 MR. ARNOLD: We look to be as
15 green as possible but this is not an LED
16 construction job.

17 LEGISLATOR FORD: Thank you very
18 much.

19 CHAIRMAN DUNNE: Thank you,
20 Legislator Ford. Any other questions?
21 Legislator Dave Denenberg.

22 LEGISLATOR DENENBERG: I see
23 Deputy County Executive Rob Walker in
24 attendance.

25 Mr. Walker, can I ask you a

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2 question about this?

3 MR. WALKER: Depends what it is.
4 Sure.

5 LEGISLATOR DENENBERG: I think it
6 will be okay and I think you're the right
7 person, but if you're not --

8 MR. WALKER: You called me on a
9 bad day. The Giants had a very bad defeat
10 yesterday.

11 LEGISLATOR DENENBERG: What could
12 be worse, the Giants losing yesterday and
13 questions from Denenberg today?

14 Obviously as someone who did not
15 want to see consolidation in the First and
16 the Seventh, I'm elated to see that we are
17 bringing back plans to upgrade and
18 rehabilitate or rebuild the First Precinct.

19 Just for the record, does that
20 mean that there will be no consolidation of
21 the First and the Seventh?

22 MR. WALKER: Yes. The county
23 executive has already announced, you know,
24 after Sandy, obviously with the devastation
25 that affected the south shore and the

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2 Seventh Precinct that we are not moving
3 forward with plans to consolidate the First
4 and the Seventh. That is to remain the way
5 that they are today.

6 This will be a new First
7 Precinct. This will be a prototype building
8 that we met with the three unions and the
9 department in developing what we believe
10 will, again, will be a prototype for all
11 precincts going forward and we'll continue
12 to look at ways to obviously improve on the
13 Seventh Precinct because of, again, the
14 flooding situation that exists.

15 LEGISLATOR DENENBERG: So what we
16 will look at at this point then is upgrading
17 the existing precincts or certainly the
18 Seventh Precinct?

19 MR. WALKER: Yes. We are looking
20 at all of them as we speak.

21 LEGISLATOR DENENBERG: That was
22 an issue that I know I raised but I'm sure
23 it was looked at when the consolidation was
24 occurring that we had two or three of the
25 four precincts were actually located in a

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2 flood zone, which doesn't mean that we
3 shouldn't continue to have the Seventh --

4 MR. WALKER: I understand.

5 LEGISLATOR DENENBERG: So you
6 just said this is a prototype. What is the
7 prototype -- what are we looking at in terms
8 of litigation?

9 MR. WALKER: What I mean by
10 prototype, it's literally the way the
11 precinct is going to be structured, how it
12 entails for the usage by the entire command,
13 all of the police officers, the detective
14 squad, the inspectors, the deputy
15 inspectors, and the supervisors in the
16 precinct, but it will be a prototype on how
17 that building is laid out.

18 If you go to them now, pretty
19 much all of them are laid out differently.
20 If you look at each one, each one is a
21 different size, it's on a different
22 footprint, it's configured and facing
23 different directions.

24 This will be, again, a precinct
25 that wherever new ones can be built -- and

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the reason why I say it's a prototype again, a lot of extensive work went into this with the department, obviously, but more so the three unions who obviously work day in and day out, they developed just the structure and how prisoner intake is handled, questioning of individuals, things of that nature to, in fact, have a layout that really works.

As Mr. Arnold mentioned about having the mechanicals up in the third floor, so if you do get a massive flooding, it's not going to impact operationally the facility. As you know, in a lot of our precincts, everything is on ground level or below ground and got flooded.

LEGISLATOR DENENBERG: That was the issue I saw personally at the Seventh Precinct after Sandy but also at the First. So much of the operations on the first floor were infiltrated by water.

So what other mitigation -- and maybe at this point, if you want to take it over to --

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2 MR. WALKER: Then it's all the
3 mechanicals, it's putting the electrical
4 distribution systems, they will be on higher
5 ground, back up generators, things of that
6 nature.

7 LEGISLATOR DENENBERG: Be on a
8 higher first floor?

9 MR. WALKER: A higher playing
10 field, obviously. And there's all different
11 ways to do it. You have cement blocks --

12 LEGISLATOR DENENBERG: The first
13 floor we're still going to locate some of
14 that, or --

15 MR. WALKER: Obviously you will
16 have some of that, but the brains for lack
17 of a better word will be up higher, up on
18 the third floor in this case.

19 LEGISLATOR DENENBERG: And what
20 are we doing, like you and I both attended
21 some mitigation meetings where contractors
22 came and spoke of barriers to the water.

23 Are we implementing any of that
24 in this design?

25 MR. WALKER: Here we don't need

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2 to necessarily, but throughout the county we
3 filed with the state over \$500 million or
4 \$700 million worth of hazard mitigation
5 grant dollars and a lot of these are for our
6 infrastructure throughout the county.

7 You just take the south shore
8 parks, every one of our parks are under
9 water. You take our bridges, the bridges,
10 the generators were completely flooded.
11 Obviously when you put a new bridge in, new
12 mechanical, backup generators, you want to
13 lift them, make them higher, flood valves,
14 every piece of infrastructure will have a
15 unique basis for mitigation, but that will
16 be carried out again, place by place.

17 Again, some of them are on higher
18 ground. You take the difference between
19 Cedar Creek Sewage Treatment Facility
20 compared to Bay Park, obviously Cedar Creek
21 is up higher and they have less of an issue.
22 So those are things that we'll take
23 infrastructure, piece by piece, place by
24 place, building by building.

25 LEGISLATOR DENENBERG: This might

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2 be for Mr. Theofan or Mr. May, so come back
3 up, I'm pretty sure they can answer this.
4 But, Rob, if you need to, feel free. Thank
5 you.

6 In following on what Legislator
7 Scannell had asked and what Deputy County
8 Executive Walker had answered, this plan
9 would be for an unconsolidated First, and
10 the construction will be right where the
11 existing building is, correct?

12 MR. MAY: Not exactly. It's
13 going to be behind it.

14 LEGISLATOR DENENBERG: On the
15 same lot?

16 MR. MAY: On the same lot, and
17 then including the lot that we are
18 purchasing with this item. In other words,
19 the parking lot will be part of that now.

20 LEGISLATOR DENENBERG: The lot
21 that we are purchasing right now is adjacent
22 to the current lot that the precinct is on
23 to the south -- sorry, to the northwest in
24 this area right here?

25 MR. MAY: Of the construction,

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2 yes.

3 LEGISLATOR DENENBERG: So the
4 construction will be to the northwest?

5 MR. MAY: The construction, this
6 is the south end of the lot, that's where
7 the construction is going to occur. The
8 existing First Precinct is here. That will
9 remain until the construction is complete,
10 then it will be demolished, and this will
11 be, for lack of a better word, the
12 Huntington Learning Center, and over here is
13 where we'll have additional parking.

14 LEGISLATOR DENENBERG: So that
15 property we are purchasing, as Mr. Theofan
16 said, we're purchasing for --

17 MR. MAY: \$725,000.

18 LEGISLATOR DENENBERG: Did we do
19 two appraisals or just one, Mr. Theofan?

20 MR. THEOFAN: Just one.

21 LEGISLATOR DENENBERG: Who did
22 the appraisal for us?

23 MR. THEOFAN: SVS.

24 LEGISLATOR DENENBERG: That
25 appraisal was done when?

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2 MR. THEOFAN: This appraisal was
3 completed last week.

4 LEGISLATOR DENENBERG: It came in
5 at 750?

6 MR. THEOFAN: 725, exactly the
7 same as the purchase price.

8 LEGISLATOR DENENBERG: We're
9 buying it from Huntington, correct?

10 MR. THEOFAN: No, we're not.

11 LEGISLATOR DENENBERG: Who is the
12 owner, ZK Associates?

13 MR. THEOFAN: ZK Associates, yes.

14 LEGISLATOR DENENBERG: When we
15 tried to approach them earlier, they were
16 not interested because they had a tenant,
17 Huntington Learning?

18 MR. THEOFAN: ZK Associates had
19 been approached back in 2010, but the owner
20 was involved in some serious litigation.
21 Just one serious litigation with his ex-wife
22 at the time. There were some serious title
23 concerns. I guess was thought at that time
24 that the project could be done without
25 acquiring it, but then it became very

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2 obvious that we needed to acquire it. It
3 took quite a bit of discussion but then we
4 were able to agree on the purchase price.

5 LEGISLATOR DENENBERG: That was
6 in 2010 when we first approached ZK?

7 MR. THEOFAN: When we first
8 approached ZK, this is the exact amount that
9 was contemplated as a purchase price. Since
10 that time and, at that time, if I can point
11 out the appraised value of the property was
12 only 600, and, I believe, 65,000. The
13 property has appreciated in value due to
14 certain tax certiorari proceedings that they
15 have done and so the property is worth more
16 now because the taxes are worth less.

17 LEGISLATOR DENENBERG: That
18 almost sounds -- actually, that sounds
19 counterintuitive. If I look at the tax
20 cert, the assessed value was considered over
21 assessed, so the owner ZK was entitled to a
22 reduction because they were able to settle
23 with the county and show that the value was
24 actually less than 665.

25 So, now you're saying it went up

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2 because they got it settled lower? But the
3 fair market value was the reason why we are
4 paying them a settlement and giving them a
5 payment for overpayment of property taxes
6 based on over assessed is because we said
7 that the assessment should be lower in the
8 \$600,000 range.

9 MR. THEOFAN: Yes.

10 LEGISLATOR DENENBERG: That's why
11 I want to understand why we are paying 750
12 or 725.

13 MR. THEOFAN: They also achieved
14 a change of use of the property from a
15 commercial certificate of occupancy to a
16 residential certificate of occupancy and it
17 was contemplated that the rental stream on
18 the property increased the value as well.

19 LEGISLATOR DENENBERG: But they
20 got that in 2012 and that's not reflected on
21 their assessed value at all.

22 MR. THEOFAN: All I can tell you,
23 Mr. Denenberg, is that was the justification
24 for them seeking an even higher purchase
25 price than the 725, and, again, we were able

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2 to convince them that that was appropriate.

3 LEGISLATOR DENENBERG: You know
4 what, I think it's the right thing to do,
5 and I'm voting for this, don't confuse me at
6 all. I'm very happy about what Rob Walker
7 just said in terms of no consolidation of
8 the First and Seventh Precinct and that we
9 are trying to devise a prototype for all the
10 new precinct houses, particularly one where
11 we have three precinct houses on the south
12 shore, and mitigation has to be a factor.

13 But I do think it's ironic that
14 we're going to give ZK a tax refund for
15 being overassessed when they were in the
16 700s saying it was in the 600s, and that tax
17 refund goes right through 2012 and now we
18 are paying 725.

19 If ZK continued to own the
20 property, you know for sure they were going
21 to take advantage of assessed value after
22 litigation and settlement in the \$600,000
23 range. But, all of a sudden, when we're
24 going to buy the property, then they're
25 saying that their new use would raise the

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2 assessed value which was never their
3 position when they challenged their assessed
4 value.

5 MR. THEOFAN: Legislator
6 Denenberg, I don't believe, and, again, I
7 did misspeak to the extent that I don't
8 believe that there was a certiorari
9 proceeding to entitle them to a refund. I
10 think they were just able to get the
11 property reassessed based on the change of
12 use.

13 LEGISLATOR DENENBERG: Near as I
14 can tell, ZK Associates has had a challenge
15 on their taxes going back as long as all of
16 us have been here, I believe, I see it every
17 year. They did get a reduction.

18 MR. THEOFAN: Right. They got a
19 reduction but the question becomes, were
20 they incorrectly assessed when they utilized
21 it for commercial purposes. That's what
22 their pending certiorari will determine.

23 LEGISLATOR DENENBERG: I'm going
24 to move on but it's ironic that we are
25 paying them more than what they were

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2 challenging to reduce to even under the use
3 that they were able to get, I thought back
4 in '11, but I'd agree with you at '12, but
5 the assessed value they got into the 600
6 area.

7 Let me ask you this, and then I
8 will move on. I think that's ironic, but I
9 will accept it to move forward.

10 The Kellogg property was
11 originally going to be used, not originally,
12 originally wasn't going to be used at all.
13 There was a plan not to have the First
14 Precinct here anymore.

15 In 2010, when we had a plan to
16 have the new First Precinct at this
17 location, we were going to use the Kellogg
18 property, correct?

19 MR. MAY: Correct. We were going
20 to close Harrison Avenue and take the
21 Kellogg property and I believe the footprint
22 would have been more in that neighborhood.

23 LEGISLATOR DENENBERG: More in
24 that empty -- the space that has the
25 existing structure?

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2 MR. MAY: Existing structure and
3 parking lot right now, correct.

4 LEGISLATOR DENENBERG: How much
5 did we pay for the Kellogg property?

6 MR. MAY: A million dollars for
7 the Kellogg property.

8 LEGISLATOR DENENBERG: So the
9 result of paying a million dollars on the
10 bad end is that we paid a million dollars on
11 the positive end, we now can say we own
12 historical property, and we're going to use
13 part of it for parking?

14 MR. MAY: Well, we were using it
15 for parking and also, if you remember, back
16 in 2010, the problem with the Kellogg House
17 was that it was not originally for sale. We
18 had to induce the seller to sell the
19 property. He was not interested. That's
20 why if you take a look at the documents from
21 back in 2010 that was noted there as well.
22 That was associated with the cost of the
23 property then.

24 LEGISLATOR DENENBERG: That was
25 our appraisal. So, if it had to go to

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2 eminent domain, we were confident it was a
3 fair price.

4 CHAIRMAN DUNNE: Mr. Denenberg,
5 can we stay with the item which is
6 Huntington Learning Center instead of the
7 Kellogg property?

8 LEGISLATOR DENENBERG: This is
9 part of it. What's the problem, you don't
10 like my questions?

11 CHAIRMAN DUNNE: Legislator
12 Scannell has some questions.

13 MR. WALKER: If I can just touch
14 on the Kellogg House, originally the plan
15 was to buy both pieces of property, and,
16 obviously wise because you need part of that
17 for parking to make the precinct more
18 manageable for parking.

19 At that time you heard Mr.
20 Theofan, we had the issue around the
21 Learning Center, due to an unfortunate
22 situation that went on there.

23 So, as we look this direction,
24 and, again, the plans went out to bid to
25 build on the Kellogg House Property, that

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2 obviously was changed. We were able to get
3 the purchase with your approval today to
4 move forward to get the Learning Center
5 property.

6 More importantly, during the
7 construction process, what it was going to
8 entail, a cost of probably over 7 to
9 \$800,000 to all the underground utilities
10 with Harrison we no longer have to do.

11 So, literally, the cost, it's
12 almost -- the purchase of the Learning
13 Center property is pretty much exact dollar
14 to dollar what the cost of moving utilities
15 that we no longer now have to move.

16 LEGISLATOR DENENBERG: So moving
17 the building from where it is now slightly
18 to the south --

19 MR. WALKER: If it was going to
20 go here, all these utilities --

21 LEGISLATOR DENENBERG: You're
22 showing the Kellogg property?

23 MR. WALKER: Right. All these
24 utilities were going to have to be moved.
25 We don't have to do that. Harrison Avenue

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2 stays open. This now goes here. And, now,
3 with the cost of the bid, that item is no
4 longer in the bid so the purchase is pretty
5 much even to even with no longer having to
6 do that.

7 LEGISLATOR DENENBERG: So the 700
8 plus we are paying for this new property
9 saves us having to move --

10 MR. WALKER: Correct.

11 LEGISLATOR DENENBERG: -- what
12 the cost of moving, or across the street
13 would have been?

14 MR. WALKER: It's almost about a
15 million dollars. I'm being kind of
16 conservative saying about \$700,000.

17 LEGISLATOR DENENBERG: Does it
18 cost anything to have the current footprint
19 southwest of the existing footprint?

20 MR. WALKER: It will be a cheaper
21 construction.

22 LEGISLATOR DENENBERG: I mean, as
23 opposed to just keeping it where it was.

24 MR. WALKER: If you kept it where
25 it was, you would then have to lease or find

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2 space to do a temporary precinct and
3 obviously we don't want to start looking to
4 have temporary precincts. The cost of that
5 would -- doesn't make any sense to me at
6 all.

7 LEGISLATOR DENENBERG: So it's
8 your testimony that rehabbing in place would
9 have been impossible without displacing the
10 precinct in the meantime?

11 MR. WALKER: Correct. Because
12 you would have had to find a new precinct,
13 relocate, knock down, build new. Now you're
14 going to build new while that First Precinct
15 exists. Once that construction is complete,
16 you knock down the old First Precinct and
17 you have the new one, for arguments sake,
18 say behind it.

19 LEGISLATOR DENENBERG: A maybe
20 final question then, the precinct location
21 to the east of Harrison, the Kellogg
22 property, had a blueprint that we approved
23 as a legislature and we've approved the
24 financing, the current blueprint which is
25 now just to the southwest of the existing

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2 lot of the current First Precinct --

3 MR. WALKER: Yes.

4 LEGISLATOR DENENBERG: Highlight
5 the differences between those two
6 blueprints?

7 MR. WALKER: There's really no
8 difference.

9 LEGISLATOR DENENBERG: Well, some
10 mitigation, right, as to where --

11 MR. WALKER: No. Because we were
12 going to do that on that side too.
13 Literally, the building plans are basically
14 99.9 percent the same building plans that
15 went on there or over there.

16 LEGISLATOR DENENBERG: So we're
17 looking at --

18 MR. WALKER: No real change other
19 than --

20 LEGISLATOR DENENBERG: Two
21 stories plus a penthouse?

22 MR. WALKER: That's the way it
23 was always going to be except this building
24 now is facing Merrick Road where before the
25 side would have faced Merrick Road, and the

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2 layout wasn't the best layout honestly. It
3 was a very tight space for prisoner drop
4 off. It would have worked but it doesn't --
5 this is a much better layout, practically
6 speaking, facing Merrick and for the
7 movement of prisoners and things of that
8 nature.

9 LEGISLATOR DENENBERG: So we can
10 tell people obviously, if you haven't
11 already, or just if there are questions from
12 residents in Baldwin that the street will
13 remain open, the Kellogg property will
14 remain preserved, any usage of parking would
15 be within the current paved areas?

16 MR. WALKER: Yes. It doesn't
17 take a rocket scientist to realize that
18 that's probably not the most -- best looking
19 area right now in terms of -- so we want to
20 see how we can look to rehab and work with
21 the community and civic organizations.

22 As Mr. May mentioned, we have
23 already reached out and had meetings with
24 the civic. We started conversations with
25 the chamber and historical society and

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2 trying to bring others involved on how we
3 can best utilize what's currently there now.
4 Obviously it will assist with the parking at
5 the police station, but we will work through
6 that with them on the best uses.

7 LEGISLATOR DENENBERG: And for my
8 constituents that live in the Seventh
9 Precinct, I can tell them that even though
10 there is a new First Precinct that means
11 that the Seventh is staying where it is,
12 there's no consolidation and when would
13 there be plans -- because there had been
14 plans in the past to upgrade several of the
15 precinct houses including the Seventh, not a
16 complete new construction like this, but
17 when would we be getting plans for upgrades
18 of existing --

19 MR. WALKER: We are currently
20 reviewing with the department, as we speak.
21 I don't have to tell you Bay Park not only
22 suffered, the sewage treatment facility, but
23 that's where the marine bureau was based.
24 They took on -- they had boats so they
25 continued to float, but that was about the

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2 only thing that survived that area. So we
3 are looking to upgrade the marine bureau
4 already. It definitely takes some
5 mitigation.

6 So we are looking at each
7 facility; facility by facility. We have
8 applied for grant money so that plan will be
9 laid out once we get a better understanding
10 of the things that we definitely need to do
11 immediately compared to just building new
12 precincts. They'll be reviewed as we speak.

13 LEGISLATOR DENENBERG: I couldn't
14 be given a more definitive time frame?

15 MR. WALKER: No.

16 LEGISLATOR DENENBERG: Or what
17 about order?

18 MR. WALKER: I can't give that to
19 you right now.

20 LEGISLATOR DENENBERG: All right.

21 CHAIRMAN DUNNE: Legislator
22 Scannell.

23 LEGISLATOR SCANNELL: Rob, I
24 couldn't agree with you more. I think the
25 layout on the new plan is so much better.

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2 The old plan was great because it was a new
3 precinct in Baldwin as well, but I think the
4 layout, the new layout is great because,
5 like you said, the Kellogg House is in the
6 back, and it was a tight squeeze.

7 MR. WALKER: I agree.

8 LEGISLATOR SCANNELL: But it was
9 harder, and harder on the people next door,
10 the voice and the people having to come in
11 and the loud sounds. I think now because
12 the -- in the end --

13 MR. WALKER: I agree, which makes
14 sense for a lot of reasons.

15 LEGISLATOR SCANNELL: And now you
16 have that other side, there is so much more
17 space on that side, taking the Huntington
18 Learning Center, and thankfully there is no
19 building there anymore. I think that side
20 of the street just works so much better in
21 terms of flow and space. And you're saying
22 it's the same amount of square footage,
23 right?

24 MR. WALKER: Yes.

25 LEGISLATOR SCANNELL: The last

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2 question I had was, Rob, you said you
3 included all three precincts, all three,
4 PBA, SOA and DAI?

5 MR. WALKER: Yes.

6 LEGISLATOR SCANNELL: So they
7 agree?

8 MR. WALKER: 100 percent. They
9 actually were -- the design -- we started
10 this in 2010, 2011, with the layout. It was
11 very important to have them involved
12 obviously. Chief Stranicki and Commissioner
13 Krumpter, along with all three unions
14 literally sat down time and time and time
15 again with our architect and engineers and
16 they designed the layout as to the floor
17 plan, the footprint, how it moves and things
18 of that nature.

19 LEGISLATOR SCANNELL: And, like
20 you said, they all support it?

21 MR. WALKER: Yes.

22 LEGISLATOR SCANNELL: Great.
23 Thank you. Good job.

24 CHAIRMAN DUNNE: Any other
25 legislators have any questions?

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2 (No verbal response.)

3 If not, is there any public
4 comment?

5 (No verbal response.)

6 There being none, all those in
7 favor of 405-13 indicate by saying aye.

8 (Aye.)

9 Any against?

10 (No verbal response.)

11 It moves on to finance.

12 I want to thank the Chief Deputy
13 County Executive, the County Executive,
14 Commissioner Dale. The vice-chairman, Joe
15 Belesi, who was a former police officer for
16 many many years and I, with the PBA both
17 First and Seventh Precincts, which was in my
18 district, a little piece of the First but a
19 lot of the Seventh Precinct, and I
20 represented them for ten years. They're
21 really happy to hear the good news that you
22 shared with us last week, our target with
23 the consolidation of precincts and turning
24 the other former precincts into police
25 stations.

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2 The target was \$20 million in
3 savings and you've already reached that.
4 This is a win-win-win. There's no downside
5 to this and I just wanted to thank you for
6 everything that you've done. This is passed
7 on to the Finance Committee.

8 (Whereupon, the following are the
9 minutes of the Planning Committee pertaining
10 to Clerk Item 386-13, 9-9-13.)

11 CHAIRMAN VENDITTO: We have one
12 item on the agenda today. It's Clerk Item
13 386-13 which is a resolution authorizing the
14 release of a surety bond and cash escrow
15 monies for the Map of the Seasons at East
16 Meadow subdivision.

17 May I have a motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR FORD: Second.

20 CHAIRMAN VENDITTO: Motion by
21 Legislator Dunne, seconded by Legislator
22 Ford. The item is before us. Anyone here
23 from the administration to speak on this
24 item?

25 MR. MAY: Yes. We have Mr. Katz

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2 from the Department of Public Works.

3 MR. KATZ: Martin Katz,
4 Department of Public Works, Division of
5 Planning.

6 This is to release the remaining
7 surety bond and cash escrow deposit for the
8 subdivision plant known as the Map of the
9 Seasons at East Meadow. The applicant,
10 Seasons at Mitchell Field, L.L.C. is
11 requesting the release of the remaining
12 surety bond and escrow deposit for a 404
13 unit residential condominium subdivision on
14 about 19.2 acres on the north side of Front
15 Street, approximately 1,000 feet west of
16 Merrick Avenue.

17 The Planning Commission approved
18 the preliminary map on May of 2007. The
19 Planning Commission approved the final map
20 November 2007.

21 The applicant applied for a
22 reduction of surety bond in March of 2010 to
23 cover the cost of public improvements that
24 were deemed complete at the time primarily a
25 site grading, a major component of that.

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2 On 3-4-2010, the Planning
3 Commission approved the bond reduction from
4 \$6,957,362.70 to \$4,722,122.70.

5 In the spring of 2013, the
6 applicant applied for the release of the
7 remainder of the surety bond, \$4,722,122.70
8 and a cash escrow in the amount of
9 \$217,547.30.

10 And on May 21st, 2013, a DPW
11 inspector conducted final inspection of the
12 bonded public improvements and indicated all
13 such work met all county codes and
14 standards. At its May 30th, 2013 hearing,
15 the Planning Commission recommended release
16 of the remaining surety bond in the amount
17 of \$4,722,122.70, and cash escrow in the
18 amount of \$217,547.30.

19 We have John O'Dougherty, he's
20 the chief building construction inspector
21 from DPW to answer any questions you might
22 have on the inspection process in this
23 particular subdivision. Thank you.

24 CHAIRMAN VENDITTO: Thank you,
25 Mr. Katz. At this time I will ask the

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2 legislators if they have any questions.

3 Legislator Dunne.

4 LEGISLATOR DUNNE: Mr. Katz,
5 since the last inspection, which was May
6 30th, has there been any complaints from the
7 residents living in this facility, in the
8 404 units about the windows leaking or
9 electric going bad or the plumbing not being
10 adequate? Has there been any complaints
11 since then?

12 MR. KATZ: Well, I haven't been
13 privy to any of that. At the Planning
14 Commission hearing to release the remaining
15 surety bond, a couple of representatives
16 from the development, the Seasons, were
17 there, homeowners were there.

18 LEGISLATOR DUNNE: Who live in
19 the units?

20 MR. KATZ: Yes. Live in the
21 units who expressed, who raised some issues
22 which we didn't -- at that time the
23 commission didn't think were part of the
24 bonded improvements, public improvements,
25 which include various items such as grading,

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2 parking, paving sidewalks, curbs, gutters,
3 driveway aprons, catch basins, recharge
4 basins, street signs, planting, screening,
5 street lighting, water supply infrastructure
6 and the like.

7 The commission felt that the
8 problems indicated might have been in the
9 building envelope which might be considered
10 under the purview of the town of Hempstead.

11 LEGISLATOR DUNNE: And not in the
12 construction of the building.

13 MR. KATZ: Yes. To be public
14 improvement.

15 LEGISLATOR DUNNE: That the
16 county has the ordinances with. Okay, thank
17 you.

18 CHAIRMAN VENDITTO: Thank you. I
19 believe Legislator Jacobs has some
20 questions.

21 LEGISLATOR JACOBS: Yes. Along
22 the same lines as Legislator Dunne. Are we
23 satisfied, as Public Works of the county,
24 that the items that do fall under that
25 surety bond have been satisfied to the our

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2 satisfaction for the people that live there?

3 MR. KATZ: Can I ask John
4 O'Dougherty, chief inspector to answer?

5 LEGISLATOR JACOBS: Sure.

6 MR. O'DOUGHERTY: Good afternoon.
7 John O'Dougherty, chief building inspector,
8 County of Nassau.

9 LEGISLATOR JACOBS: My question
10 is simple. I'm on the same wave length as
11 Legislator Dunne. Only I know what must
12 have happened, people came down to complain
13 about certain other things that perhaps were
14 not part of that surety bond.

15 I just wanted to confirm that
16 again, and also ask you if you feel
17 confident that what originally kept the
18 surety bond in place has been satisfied?

19 MR. O'DOUGHERTY: Yes, ma'am. As
20 it pertains to the bonded public
21 improvements, all inspections and testing
22 has been reviewed numerous times, everything
23 is met or above the standards. Having been
24 to the site on numerous occasions, I can
25 tell you that I've never seen nor been made

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2 aware of any issues with a site drainage or
3 any other issues which would pertain to the
4 bond improvements.

5 As Mr. Katz stated, had there
6 been any complaints about the building
7 envelope, we would not be privy to that.

8 I did tests of all the concrete
9 and asphalt that was in place. Everything,
10 again, was above county standards and there
11 have been no issues ever, to my knowledge,
12 with this development.

13 LEGISLATOR JACOBS: Let me ask
14 you, I'm not a lawyer, but, legally, do we
15 have any foot in the door with -- if there
16 are problems with windows or roofs or
17 whatever to hold back releasing of the
18 surety bond to make sure those things are
19 done or we don't really?

20 MR. O'DOUGHERTY: Not being a
21 lawyer myself, my thought on the matter
22 would be, we would probably be opening
23 ourselves up to some kind of liability
24 because that would, again, fall under the
25 Town of Hempstead and that would be a C of O

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2 issue. So that would go to find the
3 inspector who is the building inspector from
4 the town who signed off on the C of O,
5 should have done those inspections of the
6 building envelope and any systems therein to
7 enclose.

8 LEGISLATOR JACOBS: Thank you.
9 That's just what I wanted to know.

10 CHAIRMAN VENDITTO: Thank you.
11 Legislator Denenberg, do you have a
12 question?

13 LEGISLATOR DENENBERG: Yes, sir.
14 Thank you.

15 Was there anything for this
16 particular development when it was done that
17 required sidewalk replacement or maintenance
18 of adjacent sidewalks and land because,
19 under the Town of Hempstead code, and I
20 don't know about the other towns, it would
21 be the adjacent property owner that would
22 have to maintain sidewalks and public right
23 of way, regardless of whether it's town
24 property or not.

25 MR. O'DOUGHERTY: There were no

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2 such problems, to my knowledge, with our
3 inspections.

4 LEGISLATOR DENENBERG: That
5 wouldn't have anything to do with the surety
6 bond anyway, there was no requirement?

7 MR. O'DOUGHERTY: Any walks that
8 were placed within the project were
9 inspected and did meet standards and were
10 tested. There were no issues with any of
11 the walkways, drives, parking lots, curbing
12 any of that which falls within the bonded
13 public improvements. All met standards.

14 LEGISLATOR DENENBERG: So if
15 anything that people complained about, let's
16 say it's true, that would have been without,
17 outside of what you would have inspected and
18 outside of the surety bond coverage?

19 MR. O'DOUGHERTY: I have not been
20 made aware of any specific complaints. Just
21 there were general complaints about
22 drainage, per se, on the site but nothing
23 specific.

24 LEGISLATOR DENENBERG: Did we ask
25 anyone when the Planning Commission? There

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2 was testimony at the Planning Commission, so
3 did anyone try to follow-up with the people
4 that were there complaining?

5 MR. O'DOUGHERTY: I'm not aware
6 of it. We did our inspections, like I said,
7 of being on-site. I never witnessed nor was
8 I told of any site problems. Just a hearsay
9 that someone heard there was a problem.

10 We went back and looked and we
11 did not see any. I have gone there after
12 some of the heaviest rains we have had
13 lately and saw no issues anywhere on the
14 site.

15 LEGISLATOR DENENBERG: Okay. So
16 you did go there and checked out the
17 drainage?

18 MR. O'DOUGHERTY: I personally
19 went, yes.

20 CHAIRMAN VENDITTO: Thank you,
21 legislators. Any debate or discussion?

22 (No verbal response.)

23 We do have public comment today.
24 I will ask you to come up, Mr. Levine, and
25 address the committee.

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2 MR. TAYLOR: If I may, I'm the
3 attorney for the association, Edward Taylor,
4 811 West Jericho Turnpike in Smithtown. If
5 I could speak in Mr. Levine's place. Mr.
6 Levine is the president of the association.

7 CHAIRMAN VENDITTO: That would be
8 fine, Mr. Taylor, and good afternoon.

9 MR. TAYLOR: I'm executive vice
10 president. The sponsor recently just turned
11 over the control of the board of directors
12 for the association back I believe at the
13 end of June. The homeowner controlled
14 board, since then, recently hired an
15 engineer just to check on the public
16 improvement aspect of the community.

17 They have a report that's dated
18 September 6th, just the end of last week
19 that they were finally able to obtain from
20 the engineer that does point out a number of
21 different problems with primarily the
22 roadways, some uneven pavement, some
23 ponding, some cracked concrete, some
24 problems around some of the manholes, some
25 places where next to the curbing is absent.

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2 Also some problems with curbing and with the
3 concrete sidewalks.

4 The report, which I have just
5 seen today, in which the board just got the
6 end of last week estimates repair costs of
7 \$109,500. We weren't able obviously to get
8 this to the sponsor ahead of time since it
9 just came out now, but I think the excuse
10 for the very recent issuance of the report
11 is that the homeowner's were just elected,
12 there was an election at the end of June,
13 and until they, so to speak, got their act
14 together, were able to look at different
15 engineers, interviewed engineers, and
16 finally wound up hiring this engineer and
17 then had them do the report and issue the
18 report. Just the timing was very close to
19 the meeting.

20 So we would like, before any
21 decision or recommendation is made on
22 releasing the bond, that we have an
23 opportunity to have our engineer go through
24 the property with this report, with the
25 sponsor, with the Department of Public

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2 Work's representative if they so choose to
3 participate to go through and see which of
4 these items indeed are meritorious and might
5 need rectifying.

6 It doesn't seem to me, my
7 layman's look at an engineers report, that
8 the defects are too extreme, it doesn't look
9 like anything that could be remedied in
10 short order.

11 CHAIRMAN VENDITTO: Okay, Mr.
12 Taylor. Thank you. We've had I think some
13 good testimony here today from the
14 administration and from our inspector.

15 Now we have had a chance for our
16 residents, their attorney, to speak out and
17 today before the committee is the issuance
18 of the release of the surety bond.

19 There will be other aspects of
20 this matter that will go through to the Full
21 Legislature of course, and I think,
22 hopefully by that time, which is in two
23 weeks time from now, many of these
24 improvements which the homeowners say need
25 to be worked on, perhaps we can see some

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2 problems there.

3 We are dealing in this matter
4 with residents who -- I want to thank the
5 residents for being in attendance today and
6 expressing their viewpoints.

7 We are dealing with residents who
8 clearly care about this area and want to see
9 that it is maintained properly. They're
10 investing a lot into the community of East
11 Meadow and the surrounding area.

12 We're also dealing with a
13 developer who has a stellar reputation. And
14 I see Mr. D'Agostino is representing a
15 developer today, their attorney, a stellar
16 reputation for really taking into account
17 what the residents have to say and gaining
18 their input and really wants to be welcomed
19 into the community with every project that
20 he oversees.

21 Having said that, I see no good
22 reason why both of the parties who both have
23 I think a very common interest in seeing the
24 best result for the community, there's no
25 reason why we can't get to the table one

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2 more time before the 23rd, I don't think,
3 and see if we can iron out some of the
4 details that are still kind of remaining in
5 question here.

6 We have the developer's attorney,
7 we have an inspector, we have
8 representatives for the residents all here
9 today. Perhaps it's a good opportunity to
10 set a date.

11 In the event that it's becoming
12 difficult for some reason, I'll certainly
13 act as a liaison for you and be more than
14 happy to help organize a time, place and
15 forum for that meeting to occur. Just
16 somebody who is going to be voting on this
17 in the Full Legislature, I'd feel a lot more
18 comfortable, I think, just knowing that that
19 meeting is taking place and that some of the
20 final details here have gotten ironed out.

21 I know there's been a lot of good
22 communication up until this point, but we
23 still do have that two week window.

24 Mr. D'Agostino, I see you here in
25 attendance today. If you would like to

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2 approach, feel free.

3 MR. D'AGOSTINO: Thank you very
4 much, Mr. Venditto, members of the
5 committee.

6 Obviously there was a hearing
7 before the Planning Commission at the end of
8 May. Equally obvious, Legislator Jacobs
9 raised some issues and I think we go back a
10 few decades in different capacities on
11 things of that type. I think that the
12 committee and the Full Legislature would
13 have to look to the common area improvements
14 which are secured by the bond.

15 It is the position of DPW that
16 the developer's obligation has been
17 completed. There's almost \$5 million
18 sitting with the county between the bond and
19 the cash escrow deposit.

20 Mr. Taylor and I had a brief
21 conversation a short while ago. The items
22 which were raised were relatively minor
23 items. We appreciate your willingness to
24 facilitate a meeting and Mr. Kreager said he
25 would be happy to attend the meeting as I

1 Rules Committee/9-9-13
2 would. So I thank you for that offer,
3 Legislator Venditto.

4 CHAIRMAN VENDITTO: And thanks to
5 you, Mr. D'Agostino. And, again, more
6 evidence of this developer's reputation for
7 really being a developer that is willing to
8 receive community input.

9 Some of the improvements that we
10 are talking about here are not really major
11 in their nature, so I'm pretty confident
12 that over the next two weeks we will see a
13 lot of progress as far as the communication
14 goes and I think things are going to work
15 out here.

16 So I appreciate both sides coming
17 to us today and hopefully over the next two
18 weeks we'll be in contact and find a
19 peaceful resolution to the matter.

20 MR. D'AGOSTINO: Thank you. Just
21 want to make my appearance for the record.
22 It's Albert D'Agostino, the firm is Minerva
23 & D'Agostino, P.C., 107 South Central
24 Avenue, Valley Stream 11580. Thank you very
25 much.

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2 CHAIRMAN VENDITTO: Thank you.

3 Any other public comment at this point?

4 (No verbal response.)

5 Seeing none, all those in favor
6 of passing this item on, signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 None opposed, the item passes
12 unanimously.

13 (Whereupon, the following are the
14 minutes of the Public Works Committee
15 pertaining to Clerk Items Items 357, 358,
16 367, 401, 402, 403, 9-9-13.)

17 CHAIRMAN MUSCARELLA: We have a
18 number of items today before us. I will,
19 with permission, combine a couple of them.

20 I'll call the first and second
21 items. Item 357 of 2013, an ordinance
22 supplemental to the annual appropriations
23 ordinance in connection with the Department
24 of Parks, Recreation and Museums.

25 And I will call Item 358 of 2013,

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2 an ordinance supplemental to the annual
3 appropriation ordinance in connection with
4 the Department of Parks, Recreation and
5 Museums. Motion, please.

6 LEGISLATOR KOPEL: So moved.

7 LEGISLATOR VENDITTO: Second.

8 CHAIRMAN MUSCARELLA: By Mr.
9 Kopel, seconded by Mr. Venditto. Do we have
10 someone from the administration?

11 MR. MAY: Yes, we have
12 Commissioner Carnell Foskey.

13 CHAIRMAN MUSCARELLA:
14 Commissioner, good to see you.

15 COMMISSIONER FOSKEY: Yes. Good
16 afternoon. How are you?

17 CHAIRMAN MUSCARELLA: Very well,
18 thanks. Do you want to just give us a brief
19 overview of these two items?

20 COMMISSIONER FOSKEY: It's the
21 2014 budget for the Hotel Motel account to
22 be appropriated for the purposes of running
23 new programs and existing programs.

24 This budget, if adopted, is based
25 upon an expected revenue flow of \$3.3

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2 million which will cover expenditures,
3 appropriates contractual services, building
4 restoration, and salaries necessary to
5 operate at full capacity.

6 CHAIRMAN MUSCARELLA: Those are
7 combining the 357 and 358 is \$3.3 million
8 and change; is that correct?

9 COMMISSIONER FOSKEY: Both of
10 them together, correct.

11 CHAIRMAN MUSCARELLA: We have
12 done this in the past. Do we have any
13 questions? Mr. Denenberg.

14 LEGISLATOR DENENBERG: Thank you.
15 Thank you, Commissioner Foskey. How are
16 you?

17 COMMISSIONER FOSKEY: I'm fine.
18 How are you?

19 LEGISLATOR DENENBERG: Good.
20 Thank you. Do you know what percentage of
21 the revenue from the Hotel Motel Tax goes
22 towards salaries per year?

23 COMMISSIONER FOSKEY: In this
24 particular one, it's out of the 3.3, it's
25 \$975,000.

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2 LEGISLATOR DENENBERG: I guess I
3 can't do my math on that one. That seems
4 like --

5 COMMISSIONER FOSKEY: Somewhere
6 around 30 percent.

7 LEGISLATOR DENENBERG: And I just
8 don't know if Hotel Motel tax under law has
9 to be a certain percentage or not. I have
10 an OLBR report that was done recently, like
11 two weeks ago, August 30th, 2013, not even,
12 and that's where I got the number 1.6
13 million going for salaries, but that was
14 perhaps for some of 11 and 12.

15 COMMISSIONER FOSKEY: That was
16 more than one year, correct.

17 LEGISLATOR DENENBERG: So now
18 you're telling me it's 975 out of 3.3 for
19 our plan --

20 COMMISSIONER FOSKEY: It's
21 actually more than that. Your numbers are
22 not correct.

23 The 3.3 is just the amount that
24 we actually see. There are other monies
25 LCIV receives that actually do not come to

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2 the department. So your 30 percent is kind
3 of high.

4 LEGISLATOR DENENBERG: I will ask
5 you to give me the percentage and, if you
6 can't give it to me now --

7 COMMISSIONER FOSKEY: I'll give
8 it to you later.

9 LEGISLATOR DENENBERG: Between
10 now and Full Leg because I will ask that at
11 Full Leg. And, per the report from OLBR,
12 which I hope you have a copy of, it did show
13 that a courtesy copy was going to yourself
14 among a number of other different
15 recipients.

16 In that report it states that 1.6
17 of the available revenue is being used for
18 salaries in accordance with the county
19 attorney opinion.

20 COMMISSIONER FOSKEY: Correct.

21 LEGISLATOR DENENBERG: Do you
22 have a copy of that opinion?

23 COMMISSIONER FOSKEY: I don't
24 have it with me, but that's why we were able
25 to do it. We did it based upon the opinion

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2 from the county attorney.

3 LEGISLATOR DENENBERG: That's
4 what I thought. So not only do I want the
5 numbers that you would give me, but also a
6 copy of that county attorney's opinion.

7 COMMISSIONER FOSKEY: I'll share
8 that with you, sure.

9 CHAIRMAN MUSCARELLA: Can you
10 make that available to us also?

11 COMMISSIONER FOSKEY: Yes.

12 LEGISLATOR DENENBERG: Just a
13 couple more follow-up questions on this
14 particular matter. With respect to the
15 salaries for employees. It would be --
16 these salaries are for employees working
17 directly on the eligible programs, correct?

18 COMMISSIONER FOSKEY: You come to
19 Lakeside at night, correct?

20 LEGISLATOR DENENBERG: So it
21 would be the people working there?

22 COMMISSIONER FOSKEY: Yes.
23 Lakeside and other programs that are Hotel
24 Motel eligible. Whether a seasonal or
25 full-time employee, so it's any time that

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2 they are working on a Hotel Motel related
3 project.

4 LEGISLATOR DENENBERG: So you and
5 I are there, when the county executive is
6 there or when anyone is there during one of
7 the Hotel Motel tax funded, if we have five
8 people working the grounds, or someone
9 working the lights, or someone working the
10 parking lot or security.

11 COMMISSIONER FOSKEY: Correct.

12 LEGISLATOR DENENBERG: We keep an
13 account of their time for that program for
14 that night?

15 COMMISSIONER FOSKEY: Correct.
16 Actually probably underreported. Usually
17 the maintenance people we don't charge the
18 Hotel Motel, even though we probably could.

19 LEGISLATOR DENENBERG: And just
20 one thing I found a little -- maybe you did
21 too so you would have the answer for me
22 Commissioner Foskey. The FEMA overtime,
23 Sandy FEMA holiday pay, FEMA meal money,
24 FEMA straight time as an item under Hotel
25 Motel tax proceeds that Mr. Chalmers showed

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2 confused me because I don't understand how
3 it could be FEMA related or how Hotel Motel
4 tax could have been used for FEMA related
5 reimbursements.

6 I mean, as you said, it's usually
7 for one of the shows or something related to
8 entertainment at Lakeside Theater or one of
9 our other parks.

10 COMMISSIONER FOSKEY: Apparently,
11 there was some seasonals that were directly
12 charged to them. What we did, basically
13 what we did, we would journal the money
14 back. It might have come from FEMA, but
15 eventually it came from Hotel Motel. So
16 maybe they did some work at Old Bethpage
17 Village or one of the other properties,
18 there was a whole series of things that
19 involved Hotel Motel type of things that we
20 might have done during the storm.

21 Then, what we did, once we paid
22 it, we got reimbursed from FEMA for it. So
23 if someone worked on a Hotel Motel project,
24 not necessarily a concert, but maybe
25 something at the theater, for example, at

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2 the electronic shop, they might have done
3 some things at the theater that we used for
4 Hotel Motel concerts that were FEMA related
5 because of the storm, so we would take the
6 money back and reimburse ourselves for it.

7 LEGISLATOR DENENBERG: It would
8 have been like fixing something that got
9 damaged in the storm at one of the parks?

10 COMMISSIONER FOSKEY: It could
11 have been. Could have been a cleanup at one
12 of the parks, at a historic sites, not a
13 park.

14 LEGISLATOR DENENBERG: Well,
15 there's definite numbers that Mr. Chalmers
16 saw, and he has negatives to that, so is
17 this something that was originally charged
18 to -- originally we paid and then we charged
19 it as a FEMA reimbursable expense?

20 COMMISSIONER FOSKEY: Yes.

21 LEGISLATOR DENENBERG: The OLBR
22 report, the August 30th report, says that
23 the Hotel Motel tax reports being
24 resubmitted, so two questions; is that true,
25 and, if so, why?

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2 COMMISSIONER FOSKEY: It was just
3 to make more clear. There was some
4 confusion with them about the money that we
5 actually see that we are able to spend and
6 money that we never actually got, like the
7 LCIV group money that we never got. So it
8 was just clarify some of the things that
9 they had.

10 LEGISLATOR DENENBERG: So,
11 commissioner, when would that be
12 resubmitted?

13 COMMISSIONER FOSKEY: In the next
14 few weeks.

15 LEGISLATOR DENENBERG: When
16 that's resubmitted, can this committee get a
17 copy as well?

18 COMMISSIONER FOSKEY: Sure. I'll
19 give it to everyone, sure.

20 LEGISLATOR DENENBERG: Thank you.

21 CHAIRMAN MUSCARELLA: Any other
22 questions?

23 (No verbal response.)

24 Hearing none, all those in favor
25 of moving these items on please signify by

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2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The items carry unanimously.

7 The next item is 367 of 2013, an
8 ordinance supplemental to the annual
9 appropriation ordinance in connection with
10 the Department of Parks, Recreation and
11 Museums. Commissioner Foskey, is he up
12 again?

13 I apologize. I called the first
14 two and not the third one initially. A
15 motion, please.

16 LEGISLATOR KOPEL: So moved.

17 LEGISLATOR BECKER: Second.

18 CHAIRMAN MUSCARELLA: Motion by
19 Mr. Kopel, seconded by Mr. Becker.

20 COMMISSIONER FOSKEY: This is the
21 2014 budget for Mitchell Park maintenance
22 count. The proposal is based upon
23 anticipated fees to be collected by the
24 rifle range as well as the Mitchell Park
25 Athletic Track and Field Programs.

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2 The amount we are requesting for
3 this fiscal year is \$1.52 million.

4 CHAIRMAN MUSCARELLA: This has
5 been computed by prior years, just an
6 estimate?

7 COMMISSIONER FOSKEY: I think it
8 might vary by \$5,000 from last year so it's
9 very close to last year.

10 CHAIRMAN MUSCARELLA: Any
11 questions?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 Hearing none, all those in favor
16 of moving this item signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 That item carries. I'm going to
21 call the next couple of items together. The
22 first up is Item 401 of 2013, a resolution
23 approving federal aid project administered
24 by the New York State Department of
25 Transportation and authorizing the County of

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2 Nassau to participate if nonfederal share of
3 the cost of construction and the cost of
4 construction supervision and inspection of
5 the project and authorizing the county
6 executive of the County of Nassau to execute
7 an agreement on behalf of the county with
8 the State of New York, Department of
9 Transportation for the performance of such
10 work of the project and for the
11 participation of the county and the
12 nonfederal share of the cost of the project
13 identified as PIN 0760, for the replacement
14 of pavement markings under the project known
15 as pavement marking replacement Phase 7.

16 Next up I will call Item 402 of
17 2013, which is a resolution approving
18 federal aid project administered by the New
19 York State Department of Transportation and
20 authorizing the County of Nassau to
21 participate if nonfederal share of the cost
22 of construction and the cost of construction
23 supervision and inspection of the project
24 and authorizing the county executive of the
25 County of Nassau to execute an agreement on

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2 behalf of the county with the New York State
3 Department of Transportation for the
4 performance of such work of the project and
5 for the participation by the county of the
6 nonfederal share of the cost of the project
7 identified as PIN 0760.28 for the
8 replacement of traffic signals under the
9 project known as Old Country Road signal
10 replacement Phase 1.

11 The last item is Item 403 of 2013
12 which is for the cost of the project
13 identified as PIN 0760.21 for the
14 replacement of traffic signals under the
15 project known as Traffic Signal Expansion
16 Phase 5. Motion, please.

17 LEGISLATOR BECKER: So moved.

18 LEGISLATOR VENDITTO: Second.

19 CHAIRMAN MUSCARELLA: Motion by
20 Mr. Becker, seconded by Mr. Venditto. Who
21 do we have?

22 MR. MAY: We have Aryeh Lemberger
23 from the Department of Public Works.

24 MR. LEMBERGER: Good afternoon.
25 Aryeh Lemberger, Department of Public Works.

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2 CHAIRMAN MUSCARELLA: Could you
3 give us a brief overview of these projects?

4 MR. LEMBERGER: Yes. The first
5 item that you called PIN marking Phase 7 is
6 the replacement of long lines on various
7 county roadways, 140 miles of county
8 roadways. The long lines are the lines
9 along the roadways as opposed to the
10 characters, arrows or other PIN markings,
11 \$1.6 million.

12 Next item is Old Country Road
13 signal replacement from Herricks Road to the
14 Wantagh State Parkway. This is the first
15 phrase of signal replacement along Old
16 Country Road, \$2.8 million.

17 And the third item that you
18 called is signal expansion along Middle Neck
19 Road and Lakeville Road, \$3.7 million.

20 CHAIRMAN MUSCARELLA: Do we have
21 any questions?

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Hearing none, all those in favor

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2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Those three items are carried.

7 (Whereupon, the following are the

8 minutes of the Health Committee pertaining

9 to Clerk Items 360, 368, 387, 9-9-13.)

10 CHAIRWOMAN WALKER: We have three
11 items on the agenda today. If it's
12 agreeable with the other side of the table I
13 would ask we call them all together.

14 The first is Clerk Item 360-13,
15 an ordinance supplemental to the annual
16 appropriation ordinance in connection with
17 the Health Department;

18 Clerk Item 368-13, an ordinance
19 supplemental to the annual appropriation
20 ordinance in connection with the Health
21 Department;

22 And Clerk Item 387-13, an
23 ordinance supplemental to the annual
24 appropriation ordinance in connection with
25 the Health Department. Do I have a motion,

1 Rules Committee/9-9-13

2 please?

3 LEGISLATOR BECKER: So moved.

4 LEGISLATOR VENDITTO: Second.

5 CHAIRWOMAN WALKER: Moved by
6 Legislator Becker, seconded by Legislator
7 Venditto. The item is before us.

8 MR. MAY: We have Ms. MaryEllen
9 Lorraine on all three items.

10 MS. LORRAINE: Good afternoon.
11 MaryEllen Lorraine, Department of Health.
12 Item 360-13 is a supplemental appropriation
13 in the amount of \$3,062,756. This is for
14 the WIC program. This program is federally
15 funded and it is a supplemental nutrition
16 program for pregnant, breastfeeding, and
17 children under five.

18 CHAIRWOMAN WALKER: Any questions
19 from the legislators?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 Item 368.

24 MS. LORRAINE: Item 368-13 is a
25 supplemental appropriation in the amount of

1 Rules Committee/9-9-13
2 \$88,897 for the children with special
3 healthcare needs. This is funded through
4 New York State Department of Health and
5 provides information and referral to
6 children with special needs.

7 CHAIRWOMAN WALKER: Any questions
8 from the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 Item 387.

13 MS. LORRAINE: Item 387-13 is a
14 supplemental appropriation in the amount of
15 \$54,172. This is for Child, Family and
16 Safety Grant. This is 100 percent funded
17 through New York State Department of Health.

18 The goal of this program is to
19 review unintended, unexpected deaths of
20 children to come up with a plan of
21 prevention. I believe we're one of the only
22 health departments in the state who is
23 funded for this.

24 CHAIRWOMAN WALKER: Could you
25 just tell me, do we have numbers of how many

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2 children are expected deaths in children?

3 MS. LORRAINE: The cases, I can
4 tell you how many we reviewed. Last year we
5 reviewed 12. The program, it's done under
6 very strict law and many agencies who are
7 involved in the investigation of the death
8 come together such as police, DA, health to
9 review hospitals to see what could have
10 happened or to prevent further, so I don't
11 have the numbers because of the way they
12 come in and the way they're released.
13 Sometimes we're waiting for the police or DA
14 to release.

15 I can certainly look into how
16 many under 18, not all of them are reviewed
17 for this program, but I can certainly get
18 you numbers.

19 CHAIRWOMAN WALKER: I would
20 appreciate that. And just to compare,
21 hopefully, certainly, those numbers are
22 declining I would hope.

23 MS. LORRAINE: We reviewed less
24 last year than the year before but that
25 doesn't necessarily mean there were less.

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2 It depends on how the cases are released to
3 the department to begin an investigation.

4 But they have come up with some
5 nice educational programs. One was for
6 infant choking and a student had developed,
7 through Nassau community, developed a nice
8 public service campaign for choking. So
9 they have come up with some recommendations.

10 CHAIRWOMAN WALKER: And ways to
11 educate the public.

12 MS. LORRAINE: Yes. Also, the
13 Back to Sleep Campaign For Children was
14 another program.

15 CHAIRWOMAN WALKER: Any other
16 comment or questions from the legislators?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor of Items
21 360-13, 368-13 and 387-13 signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

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2 The motion passes, 7 to 0.

3 (Whereupon, the following are the
4 minutes of the Veterans and Senior Affairs
5 Committee pertaining to Clerk Item 400-13,
6 9-9-13.)

7 CLERK VOCATURA: We have one item
8 on the committee, it's Item 400-13, it's an
9 ordinance making certain determinations
10 pursuant to the State Environmental Quality
11 Review Act and amending ordinance number
12 82-2011 relating to leases and certain
13 residential housing units located in the
14 unincorporated area known as Uniondale, town
15 of Hempstead, County of Nassau, State of
16 New York, said property known as Section 44,
17 Block F, Lot 353 and 408 on the land and tax
18 map of the County of Nassau. Motion,
19 please.

20 LEGISLATOR WALKER: So moved.

21 CHAIRMAN BELESI: Second.

22 CLERK VOCATURA: Moved by
23 Legislator Walker, seconded by Legislator
24 Belesi.

25 MR. MAY: We have Mr. Charles

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2 Theofan to answer any questions on this
3 item. It's an ordinance extending the lease
4 of the Mitchell Field properties for veteran
5 housing.

6 MR. THEOFAN: Good afternoon.
7 Back in 2011, the county acquired the 2,300
8 acre site known as the Mitchell Field
9 property. That property consisted of 60
10 residential units, 18 single family and 42
11 duplex units. At that time only 23 of the
12 units were occupied with military personnel.

13 And, shortly after, the
14 legislature here had passed Ordinance Number
15 82 of 2011 that authorized the county to
16 lease these units to veterans under the
17 federal program.

18 Since that time, those rental
19 monies have been utilized to renovate 40 of
20 the units. Of the 60 units, 50 are
21 currently occupied by other veterans or
22 active military personnel.

23 The ordinance that's requested
24 today would simply extend the authority to
25 do that. That authority expired on July

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2 31st of this year and the proposed ordinance
3 would extend that authority for an
4 additional two years until 2015.

5 CHAIRMAN BELESI: Do we have any
6 debate or discussion?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

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

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Passes seven-nothing.

16 (Whereupon, the following are the
17 minutes of the Economic and Development
18 Committee pertaining to Clerk Item
19 374-13, 9-9-13.)

20 CHAIRWOMAN FORD: At this time I
21 will call Item 374-13, an ordinance making
22 certain determinations pursuant to the State
23 Environmental Quality Review Act and
24 authorizing the county executive of the
25 County of Nassau to execute a lease by and

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2 between the County of Nassau, as landlord,
3 and Nassau Events Center, L.L.C., as tenant,
4 in connection with the leasing of certain
5 premises located in Uniondale, Town of
6 Hempstead, County of Nassau, State of
7 New York, said property known as Section 44,
8 Block F, Lots 403 and 351 on the land and
9 tax map of the County of Nassau and
10 authorizing the county executive to execute
11 a lease and all pertinent documents in
12 connection therewith to consummate the
13 lease.

14 May I have a motion?

15 LEGISLATOR NICOLLELO: So moved.

16 LEGISLATOR BELESI: Second.

17 CHAIRWOMAN FORD: Moved by
18 Legislator Nicoletto, seconded by Legislator
19 Belesi. The item is before us.

20 I will now invite all of the
21 members of the legislature to the chamber
22 and ask for a motion to suspend the rules of
23 this committee to roll out each member of
24 the legislature to participate ex officio in
25 the presentation and subsequent

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2 question-and-answer session.

3 Legislators sitting in at this
4 committee will be allowed to question those
5 presenting this item, however, only
6 legislators that are on the committee will
7 be authorized to make motions and vote.

8 Assuming the item passes, it will
9 then be heard again in the Finance and Rules
10 Committees, however, both the minority and
11 majority delegations have agreed that the
12 formal presentation of the item will be made
13 in this committee only, and the record
14 incorporated into the Rules and Finance
15 Committee.

16 May I have a motion to suspend
17 the rules?

18 LEGISLATOR NICOLLELO: So moved.

19 LEGISLATOR BELESI: Second.

20 CHAIRWOMAN FORD: Moved by
21 Legislator Nicoletto, seconded by Legislator
22 Belesi. I will now open the floor. I see
23 the deputy county executive.

24 All those in favor of passing
25 this, please say aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Thank you. The rules are
6 suspended. Good afternoon, Deputy County
7 Executive.

8 DEPUTY COUNTY EXECUTIVE WALKER:

9 Thank you very much, Madam Chairwoman, and
10 both the majority and the minority for
11 allowing this presentation, they were
12 looking forward to presenting it three
13 times, so I guess you guys are getting off a
14 little easy.

15 This is a great day in Nassau
16 County moving forward on something that's
17 been a long time coming, a lot of effort
18 that has gone into the development of the
19 Nassau Veterans Memorial Coliseum and the
20 surrounding property, and we believe the
21 administration, we have a great proposal to
22 move forward and continue working with the
23 community on such a great plan that's going
24 to provide a lot of opportunities to our
25 residents, both young and old people, male

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2 and female, people of all walks of life to
3 be able to enjoy a great asset, especially
4 with what we have sought, what the committee
5 have selected in NEC, and what they have
6 done at the Barclays Center to translate
7 right here in Nassau County will be a great
8 day.

9 We are going to walk through the
10 presentation. We know every one of the
11 members have had opportunities, some,
12 unfortunately, if they were away, were not
13 able to meet with Mr. Ratner and to go over
14 the proposal directly, but he will make that
15 available as well if you do have time before
16 the next coming weeks.

17 You could not find a more
18 interested person in working with the county
19 government than we have with Mr. Ratner and
20 his team, and you are going to hear from Mr.
21 Jim Lester about the great and exciting
22 things that they do.

23 But, again, I think it's most
24 important to have somebody that wants to
25 work with you, someone that listens to your

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2 concerns, understands what it is in
3 community, and, again, to have such an
4 outstanding event as the MTV Music Awards
5 right here in New York City, and they had it
6 in Brooklyn, who would have thought that
7 that would have ever transpired?

8 These are the people that we have
9 selected to help inspire and put a lot of
10 great memories in so many Nassau County
11 residents. More importantly, is to insure
12 that there is not one Nassau County dollar
13 being spent, all 100 percent privately
14 financed, a win-win in terms of revenue
15 sharing for Nassau County residents, and,
16 again, like I said, the most important
17 thing, I think everyone in this room, with
18 you or your families, have memories of going
19 to Nassau Veterans Memorial Coliseum for all
20 hosts of different events and now we are
21 able to make sure that that is going to
22 continue for all.

23 So, on that note, I'm going to
24 turn it over to Josh Meyer from Pannone,
25 Lopes, Devereaux & West. They negotiated

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2 this contract and I'm sure everyone knows
3 or, if you don't, this was done very
4 differently.

5 In normal RFP submittals, the RFP
6 committee makes a recommendation, and then
7 the county goes about and negotiates a
8 contract. In this case, where we wanted to
9 present the best opportunity for Nassau
10 County, both financially and, also, again,
11 with the events and planning, we negotiated
12 two contracts at the very same time pitting
13 two outstanding giants against each other,
14 and with MSG and Forest City Ratner, in this
15 case NEC, and we were able to get two
16 outstanding proposals.

17 One was chosen by the committee,
18 and you will see why in a very short order.
19 But to have a negotiated contract signed and
20 executed made it much easier than
21 negotiating really against your own best
22 interests.

23 Again, this was done very
24 differently for that reason and it enabled
25 us in a very short time period, they

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2 negotiated weeks and weeks, hours upon
3 hours, days upon days, and they did an
4 outstanding job. I would like to
5 acknowledge also who is with us in the room,
6 Dan Grippo and Kevin Walsh from the county
7 attorney's office. There's probably no
8 attorneys that have a greater knowledge of
9 the Coliseum and future plans and proposals
10 than both of them. They worked on this for
11 a long time and were fortunate to have them
12 along with Mr. Meyer, which we will go
13 through a lot of the lease terms.

14 Then we will turn it over to Jim
15 Lester from NEC to go over some programing
16 and things of that nature, and then we will
17 take all the questions that you may have.

18 We know there's going to be
19 another meeting of the legislature for
20 additional questions so, if we do not have
21 all the answers, although I hope in most
22 cases, I'm sure we will, we want to make
23 sure the answers you get are accurate and
24 just not to tell you something for the sake
25 of telling you. So if we don't have them,

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2 we will get those answers to you before the
3 legislature convenes again.

4 But we thank everybody.
5 Obviously this is great great interest and
6 it's an exciting time for Nassau County.

7 So, on that note, I will turn it
8 over to Josh.

9 MR. MEYER: Good afternoon. As
10 the Deputy County Executive indicated, my
11 name is Josh Meyer from the law firm of
12 Pannone Lopes Devereaux & West.

13 I appreciate the opportunity to
14 be here today to just go over the terms of
15 the proposed lease between the county and
16 the Nassau Events Center.

17 So what I wanted to do just to
18 start off is just go over an overview of the
19 lease and hit the highlights, and then we
20 will get into more of the details of the
21 actual lease.

22 So, under this lease, and the
23 project would be 100 percent privately
24 financed, there being a minimum investment
25 of \$229 million by NEC; there will be a

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2 minimum annual rent payment to the county of
3 \$4.4 million in the first year following
4 construction. There will be an approval
5 period and construction period rent paid to
6 the county which we will get into a little
7 bit during the approval period of the
8 \$50,000 per month, and during the
9 construction period will be \$100,000 per
10 month.

11 The current lease with the
12 New York Islanders terminates on July 1st,
13 2015. So on August 1st, 2015, the tenant,
14 NEC, will assume all the costs and expenses
15 associated with the facility. The county
16 will shed all of those expenses and NEC will
17 step in and take full responsibility for all
18 capital expenditures, repairs, operation,
19 maintenance, insurance, anything having to
20 do with the facility itself.

21 Finally, the county retains
22 control of future development of the
23 remainder of the site, which we know is
24 important to the county and the lease
25 provides for that.

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2 Just to give you a brief history
3 of the procurement process, the request for
4 proposals was issued on March 12th, 2013.
5 The responses were received on April 15th
6 from four proposers. The best and final
7 offers were received at the end of June
8 2013.

9 We subsequently entered into
10 simultaneous negotiations as the deputy
11 county exec said with MSG and NEC, and
12 Nassau Events Center L.L.C. was selected in
13 mid August.

14 The term of the lease is 34 years
15 with three five year renewal options with
16 the renewal options being at the sole option
17 of NEC for a total potential term of 49
18 years.

19 The rent under this lease will be
20 based on percentage share of gross revenues
21 received by the tenant. Any and all
22 revenues received by the tenant, the county
23 will obtain a share of, including rent,
24 ticket revenues, concessions, suites,
25 sponsorships, and naming rights, among

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2 others.

3 The annual rent will be equal to
4 the greater of the sum of eight percent of
5 all gross revenues received by the tenant
6 and 12.75 percent of the parking revenues or
7 \$4 million.

8 So, as you can see here, what we
9 laid out is the Coliseum rent schedule over
10 the term of the lease, and this is just of
11 the Coliseum itself, \$4 million in year one
12 through five. That annual rent escalates by
13 ten percent every five years and you can see
14 in the final years of 46 to 49, it's over \$9
15 million which results in over \$300 million
16 in direct revenue to the county over the 49
17 year term. That was the Coliseum rent.

18 For the plaza rent, it's equal to
19 the greater of eight percent of all gross
20 revenues received by the tenant or \$400,000
21 per year and that, again, escalates by ten
22 percent every five years and we laid out the
23 schedule there as well. As you can see, if
24 the renewal options are exercised in the
25 final year, it's close to a million dollars

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2 per year in rent just on the Coliseum Plaza
3 improvements.

4 So it's interesting about NEC's
5 proposal is that, as I said, on July 31st,
6 2015, the Islanders and SMG's leases expire,
7 so on August 1, 2015, NEC will come in take
8 over the facility and, in addition to the
9 county shedding all of those expenses, NEC
10 will pay the greater of -- let me start off
11 by saying that NEC fully intends and it's
12 their goal to have to start construction on
13 August 1, 2015.

14 In the event that they don't have
15 those approvals, they begin paying \$50,000
16 per month on day one, on August 1, 2015, or
17 five percent of the Coliseum revenues that
18 they received from operating the facility if
19 they choose to.

20 Once the construction period
21 begins, NEC will pay \$100,000 per month, 90
22 percent for the Coliseum, and \$10,000 per
23 month for the Coliseum Plaza improvements.

24 As I indicated, on August 1,
25 2015, when NEC takes over, they have full

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2 responsibility for all of the items on this
3 slide; for capital expenditures, operation
4 and maintenance and utility. They take over
5 all the costs and responsibilities for each
6 of those.

7 The county has no responsibility
8 for any capital expenditures which have been
9 significant in the past for any of the
10 expenditures, operation and maintenance.
11 The county has expended significant sums
12 under the current lease, and the county will
13 shed all of those expenses.

14 Under the operation and
15 maintenance, NEC assumes responsibility for
16 the condition, operation, maintenance,
17 repair, insurance and management of the
18 Coliseum. And NEC will take over
19 responsibility and its sole cost and expense
20 for all utilities on August 1st, 2015.

21 As was requested in the request
22 for proposals for professional sports at the
23 facility, NEC has provided in the lease for
24 the Islanders to play at least four regular
25 season games, two preseason games, two open

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2 practices and four training camp days at the
3 Coliseum for ten years.

4 They will enter into a lease with
5 an AHL team and permit to play their home
6 games at the Coliseum for the first 15 years
7 of the lease. There will be at least one
8 preseason Brooklyn Nets game at the Coliseum
9 for ten years, and they will host one year
10 of Yankees coaches clinic annually for ten
11 years.

12 For future site development, the
13 county retains all development rights and
14 can develop any of the remaining acreage in
15 conjunction with NEC on mutually agreeable
16 terms and conditions, and, if no deal is
17 reached after three months of the
18 exclusivity period with NEC, the county has
19 the right to develop any of that acreage.

20 With regard to union labor, NEC
21 has committed to building the Coliseum and
22 the plaza improvements and operating the
23 Coliseum all with union labor.

24 The tenant under this lease will
25 request IDA benefits for this project. They

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2 have requested and will request the standard
3 benefits for sales and use tax exemption on
4 the construction materials and the
5 furniture, fixtures and equipment, as well
6 as the mortgage recording tax exemption.

7 They will request to maintain the
8 100 percent real estate tax exemption on the
9 Coliseum, currently, the property and the
10 Coliseum, no real estate taxes, and they
11 have requested that that tax exemption
12 continue throughout the term of their lease.

13 And, since there will be vertical
14 construction on the Coliseum Plaza
15 improvements in the form of the restaurants
16 and entertainment amenities, NEC will be
17 requesting a phased in flexible pilot for
18 those improvements consistent with the IDA
19 policies and benefits for similar IDA
20 projects.

21 For the environmental risks on
22 the site, NEC will pay the cost and expenses
23 associated with the removal and remediation
24 of asbestos to the extent they disturb it
25 during construction. The county is as aware

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2 that there is asbestos at the facility and
3 to the extent that they disturb any of the
4 areas where the asbestos is located, they
5 will pay all the costs and expenses
6 associated with that removal and
7 remediation.

8 When NEC is constructing the
9 Coliseum Plaza improvements surrounding the
10 Coliseum, they will be required to remove
11 and remediate any hazardous materials they
12 find in connection with that construction.

13 In the RFP, the county has
14 requested the right to use the Coliseum for
15 Nassau County events for up to ten days per
16 calendar year which is currently
17 incorporated into the lease and they will
18 only be charged NEC's actual out of pocket
19 costs and expenses.

20 Under this lease, there will be a
21 veteran's memorial constructed on site. It
22 will be completed at or prior to the
23 completion of the construction for the
24 Coliseum renovation as well as the Coliseum
25 Plaza improvements at a cost of not less

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2 than \$1 million.

3 That's it for our presentation.

4 I think at this time we will turn it over to
5 Jim Lester from NEC from Forest City Ratner
6 to discuss his aspect of the presentation.

7 MR. LESTER: Hi. Thanks for
8 having us here today. My name is Jim Lester
9 from Forest City. I'm a senior vice
10 president of development with Forest City.
11 I'm joined here with a few colleagues,
12 Rebecca Deloya and Ashley Cotton, both from
13 Forest City, Raphaela Patrisic from the
14 Blumenfeld Development Group and Rick Leland
15 from Fried Frank, they are our land use
16 attorneys.

17 I'm just going to give you an
18 overview of the project. We are extremely
19 excited to be here today and about the
20 wonderful opportunity the county has given
21 to us to redevelop the Coliseum and build a
22 complimentary retail and entertainment
23 around the Coliseum.

24 As we think about our vision for
25 the Coliseum, it began with assembling what

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2 we believe is one of the best teams of
3 sports and entertainment. So I'm going to
4 talk to you a bit about our team and then
5 talk to you about what we think is necessary
6 to make the Coliseum itself successful, the
7 retail and entertainment development, and
8 then a bit about the economic benefits to
9 the county.

10 We wanted to bring the best of
11 Nassau County and it begins with our team.
12 So it begins with a group that developed the
13 Barclays Center in Brooklyn, Forest City, my
14 company and Annexum (phonetic) Sports and
15 Entertainment. The Barclays Center is
16 currently the number one venue in the
17 country in terms of ticket sales and gross
18 revenues.

19 It was designed on the exterior
20 and interior by shop architects and we've
21 brought them here to redevelop and redesign
22 the outside of the Coliseum and do the
23 design for the master plan for the retail.
24 I will talk more about that in a bit, but
25 the architecture is a key component.

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2 Additionally, we brought together
3 Rock Nation and Live Nation. Live Nation is
4 one the largest concert promoters in the
5 country. They do over a thousand events in
6 the New York Metro area. Rock Nation is
7 started by Jay-Z and a menagerie of artists
8 from Rhianna to Shakira, they're a full
9 service entertainment company.

10 In addition, we are working with
11 Legends, which is a joint venture between
12 the Dallas Cowboys, the New York Yankees,
13 and an investment fund started by Dave
14 Checkets who is the former CEO of Madison
15 Square Garden. They are going to be doing
16 the food and beverage in the building and
17 also will be a partner in it.

18 As well, Guggenheim Partners,
19 they are a financial services company with
20 over \$180 billion in assets, and, finally,
21 last but not least the Blumenfeld
22 Development Group which is a local developer
23 here on Long Island.

24 The three components, we'll first
25 start out with the Coliseum itself. There

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2 are really three components to the way we
3 see the Coliseum. The first is
4 architecture. The second is the programing,
5 and the third is the fan experience. All of
6 them need to come together in our eyes to
7 redefine and redevelop the Coliseum.

8 It's not enough in our opinion to
9 just redevelop the inside. We need to start
10 with the outside as well. So here we have
11 had shop redefining and rebuilding the
12 exterior of the building. 30 million cars
13 pass y the site each year and we want them
14 all to have a better view.

15 In particular, when they drive up
16 to the Coliseum, it's important that the
17 fans and the artists and everyone who comes,
18 see that something new has been done here;
19 both on the outside and then coming in to
20 the inside.

21 To that end, it's important that
22 we close during construction. So there's
23 been some discussion, "Can you build it
24 while it's operating?" We think in order to
25 redefine the imagine and the perception, it

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2 needs to be closed down and rebuilt and
3 reopened in a grand way.

4 Just moving to the inside, we're
5 having a different architecture firm but
6 also equally as impressive design the
7 interior. They are a national firm with
8 over 3,500 employees. They have come up
9 with a really great design which is
10 reflective of the exterior on the interior.
11 So modern finishes. A lot of new lighting
12 elements, contrasting colors. You can see
13 some elements of the facade in the flooring
14 details.

15 This is an imagine of the box
16 office with new windows, dynamic displays,
17 transparency, et cetera, again, blacks and
18 whites, colors.

19 So here's an imagine of the club
20 which is in the current location of the
21 Islanders team store, again, modern
22 finishes, new lighting, obviously updated
23 furniture, et cetera, and new food and
24 beverage offerings, by Legends, and then by
25 our own Brooklyn Events Center. I will talk

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2 to you a little bit about those food and
3 beverage offerings that we'll provide as
4 well.

5 Here is an imagine of the
6 concourse, again, contrasting colors. We
7 want to clean up some of the clutter on the
8 inside, develop a new pallet for
9 sponsorships. Sponsorships are important to
10 our economic model. So it's good to have a
11 clean backdrop for sponsorships. You can
12 see some lighting in the existing ceiling
13 alcoves there to redefine the concourse.

14 On the inside of the bowl over
15 the years a number of seats have been added
16 to clutter up the bowl. We want to remove
17 those seats and restore the inner
18 circulation ring. The capacity of the
19 building, they'll be 13,000 fixed seats with
20 a floor, we'll be able to go up to events
21 having 14,500 seats, which is smaller than
22 the current Coliseum. We think that takes
23 off some of the pressure on the rest rooms,
24 concessions, et cetera.

25 In addition, we'll be able to do

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2 smaller events with theater configuration,
3 curtaining configuration all the way down to
4 about 4,000. As part of the development, we
5 are building a Fillmore theater on the
6 outside so we can do even smaller events of
7 about 2,000 in a separate facility on the
8 outside.

9 Obviously we need to update some
10 of the systems to improve the efficiency.
11 We want to upgrade the back of house areas
12 for entertainers. It's important that when
13 entertainers, large entertainers come, world
14 class entertainers, that they have a first
15 class experience as well. So their dressing
16 rooms need to be updated, the whole sort of
17 back house experience for artists needs to
18 be improved.

19 Then we are going to build a
20 memorial to honor the Nassau County veterans
21 commissioned from an artist or architect,
22 possibly do a design competition. We have
23 reached out to the United Veterans
24 Organization to begin the dialogue with
25 them.

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2 The second component of the
3 Coliseum itself is the programing. This is
4 essential in making it successful. It's
5 what brings people there, keeps them coming
6 back. We have targeted 300 events for the
7 Coliseum and we have secured over 200 events
8 already. From concerts to six Islanders
9 games, to Nets preseason games, we're going
10 to have a minor league hockey team, family
11 shows, and then events like the Big Apple
12 Circus and Cirque de Soleil in the parking
13 lot.

14 Through the Barclays Center we
15 work with some of the top promoters, really,
16 all the top promoters in the country to
17 bring the best events to Brooklyn and we
18 want to do the same in Nassau.

19 We also developed two programing
20 platforms, Brooklyn Boxing and Brooklyn
21 Basketball, college basketball platforms
22 which we also want to bring out to the
23 Coliseum here. We did that from the ground
24 up and we later will also talk about that.
25 But they really put Brooklyn on the map and

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2 we've gotten commitments from both
3 organizations in the NCAA to play games and
4 do events out here as well.

5 Then, once people come here, both
6 for the architecture and for the programing,
7 we want them to have a great experience and
8 keep coming back. So that happens in a
9 couple of ways. That happens through having
10 staff and employees that are informed and
11 trained, so we want everyone to go through
12 Disney training to greet every patron with a
13 smile and direct them as they need.

14 Then we want them to have a great
15 experience of culinary food and beverage
16 experience that is also as good as any place
17 in the country. At the Barclays Center we
18 were able to bring in a lot of local food
19 and beverage providers into the Coliseum and
20 we seek to do the same thing here. With our
21 partner, Legends, who has recently been
22 awarded a number of venues, we think we can
23 really redefine the culinary experience.

24 On the outside of the building we
25 want to make it a retail and entertainment

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destination. So we are proposing about 150,000 square feet of retail development with a Fillmore theater. Currently it's designed around an open plaza so it's primarily dining. 60,000 square feet of dining including a food bizarre, 25,000 square feet of bowling, 60,000 square foot movie theatre which is 10 to 12 screens, there is the Fillmore theatre that I mentioned which is about 2,800, and the new performance lawn, and that's really just meant to be an amenity for people who are coming to the event and you can do digital opera, things, like that. It also helps with traffic for people coming early and leaving later.

You can see here how it's laid out. This is north here. You have the movie theater, the bowling, the Fillmore, some restaurants, and then restaurants along the back side here. Again, we're just -- we're not building on any of the area that's parking, so it's just on the Coliseum Plaza.

Forest City and Blumenfeld both

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have a lot of experience in this type of entertainment type of retail. So, in Westchester, you can see how we combined architecture with a number of tenants including dining tenants. On 42nd Street we did a Madam Tussauds and a movie theatre that's AMC's highest grossing theatre in its chain. Obviously the Blumenfeld's Tanger Outlets. So we have a lot of experience and we think that we can really do something great with the outside here on the plaza.

Finally I will just touch on some of our calculations of the benefits to the county. Obviously the county has done their own calculations but I think one of the things that was appealing obviously was no county cash outlay. We have absorbed the operation and maintenance responsibilities. Also the cap X responsibilities, and it generates \$9.6 billion over 30 years in the county alone, and \$11 billion in the state, and \$500 million in rent and sales taxes over 30 years.

On an ongoing basis, it creates

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2 2,700 jobs in the county. Ultimate, we
3 really do feel it's a win win, and we are
4 tremendously excited. So we think it's
5 really going to be great.

6 CHAIRWOMAN FORD: Thank you very
7 much for your presentation and the time
8 today to speak with us about this. I have
9 to say that I've had the opportunity. I
10 worked down in the area right by the
11 Barclays Center. I had worked in the area
12 in the 70s and in the 80s and actually in
13 the 90s, so to see, and I just recently was
14 on Flatbush Avenue and to see the Barclays
15 Center and to see the transformation of that
16 area of Brooklyn as a result, I believe for
17 the development, and for the Barclays Center
18 that you built, it's really remarkable. It
19 really is beautiful. The streets look even
20 better. I noticed a lot of changes in some
21 of the stores and a lot of the food
22 establishments that are there. So it's a
23 big change from the 70s to today.

24 I thank you very much and I think
25 you brought a lot of energy and excitement

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2 into that area of Brooklyn.

3 I just have a few questions and
4 then I'm sure everybody here has a lot to
5 say and a lot of questions to ask.

6 First my question, and I know you
7 said you are going to take over the cost of
8 the building and the future costs of
9 basically the utilities and so forth for the
10 Coliseum, but Deputy County Executive Rob
11 Walker, how much does the Coliseum cost the
12 county now?

13 DEPUTY COUNTY EXECUTIVE WALKER:
14 Too much. It changes yearly now,
15 unfortunately now, because of the age of the
16 Coliseum. Just within the last two years,
17 the capital improvements, it's a negative.
18 We lose money each year because of the
19 capital. We are required to replace several
20 of the seats. If anyone has been there
21 recently you see new seats along the lower
22 level of the bowl. That cost over \$2
23 million just the seats we are currently
24 replacing. And to continue having the
25 Islander games played there, we are required

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2 to meet NHL standards in the ice, so we have
3 DPW personnel working pretty much daily at
4 the site replacing, fixing, to make sure all
5 of the systems can actually make ice.
6 Again, it's very difficult.

7 So last year alone probably
8 upwards of up to two to \$4 million in costs
9 just with the minimal repairs. Obviously we
10 don't want to waste the county's money. So
11 we've been managing knowing we're trying to
12 go forward in conjunction with working with
13 NEC and the current SMG and the Islanders to
14 spend the money that we "need" to spend and
15 not that they just want to have some glitz
16 and glamour for the next show that's taking
17 place.

18 So we're continuing to monitor
19 that, but right now we're in a losing
20 proposition in the facility or just breaking
21 even. It's been very difficult. As you
22 continue to go on, less and less people
23 obviously want to participate in events. We
24 roughly average about 800,000 attendees to
25 the Coliseum on a given year, 880,000.

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2 We're just looking in the neighborhood of
3 over a million, from 100 something events to
4 200 events that are already planned, so
5 we're really creating some good optimism for
6 going there, but, right now, we're in a
7 losing proposition of what it costs.

8 CHAIRWOMAN FORD: We were
9 critical, I guess, of the revenue that we do
10 get from the concessions currently at the
11 Coliseum with SMG. What is the difference
12 from what we are getting now as to what we
13 will be getting with this?

14 DEPUTY COUNTY EXECUTIVE WALKER:
15 It's significant because now we will share
16 pretty much in everything that's going on.
17 The minimum rent obviously was first placed,
18 the minimum rent as Josh mentioned, the
19 starting point the first year, \$4 million,
20 the minimum rent based, and then it could go
21 up based on the eight percent, whatever is
22 higher, the eight percent of all the naming
23 rights, sponsorships, concessions, anything
24 that's sold plus a 12.75 percent in the
25 parking. It's significant. The parking

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2 remains the same that we currently have, but
3 now we are sharing. The upside for us is
4 drastic because we're sharing in all those
5 other revenue opportunities that beforehand
6 as we currently stand we're not. Just based
7 pretty much on the sales, the ticket tax,
8 and a very incidental amount of dollars that
9 are coming in.

10 CHAIRWOMAN FORD: We are excited
11 about this proposal, I guess I'll say I am,
12 but when we look at the promise of jobs, and
13 I know that -- and I'm happy to hear that it
14 will be labor unions that will be
15 constructing the Coliseum, and, as you move
16 forward to the permanent employees that will
17 be working at the newly renovated Coliseum,
18 where do you plan on getting your pool of
19 employees from, will you be hiring locally
20 or will you be seeking outside of -- we are
21 hoping that you are not seeking outside of
22 Nassau County?

23 MR. LESTER: I think the plan is
24 to hire as many local people as possible at
25 the Barclays Center. We tried to hire as

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2 many local people as possible, and I think
3 we hired 80 percent from Brooklyn, so that's
4 the goal, to try to hit something like that.
5 And then do areas right around the Coliseum
6 so just locally from the county and then
7 areas right around the Coliseum so the
8 commute is short, things like that.

9 CHAIRWOMAN FORD: Because I guess
10 those who live in an area where all this
11 construction and renovated Coliseum will be,
12 that at least the benefit for them will be,
13 as they put up with it, they can benefit by
14 having jobs from the Coliseum.

15 Transportation. For me, it's
16 very key that we're able to get people to
17 the Coliseum and, a lot of people, of
18 course, in Long Island like to drive but we
19 are trying to move them out of their cars
20 and into buses and trains.

21 What is the anticipation on the
22 part of the Forest City Ratner group to see
23 what type of improvements there could be to
24 transportation and how are you planning on
25 moving the people within the campus, so to

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2 speak, not only to the Coliseum, and are you
3 planning on tying Hofstra University into
4 this, as well as Nassau Community College
5 and hopefully Museum Row?

6 DEPUTY COUNTY EXECUTIVE WALKER:
7 Well, we've actually started looking at, and
8 Sean Sallie, who has done a tremendous job,
9 he was part of the RFP committee, and one of
10 the reasons why the county executive wanted
11 him involved because of his understanding
12 with planning and couldn't have brought more
13 to the table than somebody that we have on
14 our workforce and we are very fortunate to
15 have him. He got married literally as we
16 were making the selection. We told his wife
17 we are not letting him leave. He has to
18 stay here. We were trying to Fed Ex him all
19 the materials, but he came back and survived
20 the honeymoon, he's still married, but we
21 are fortunate to him during this process.

22 CHAIRWOMAN FORD: Congratulations,
23 by the way.

24 DEPUTY COUNTY EXECUTIVE WALKER:
25 So, as we move forward with the federal

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transportation, and I say federal because the money was received due to the work of Congress Woman McCarthy who has been a very big supporter of obviously moving the transportational alternatives and we've taken this and Sean has spearheaded that effort as well in utilizing those dollars and how we can move people and pretty much looking at a bus rapid transit system working in conjunction with Renaissance Development, what they're trying to tie in with their downtown development process, but moving people in and around the whole entire Hub area, utilizing the colleges and we are pretty close to finalizing that traffic "concept" and then we will be will be moving forward.

We had had several meetings with the stakeholders and community groups and make that plan, approve that plan, and then send that to the feds so hopefully we can get some dollars to help with the transportation. Obviously we will have to go through the process with the Town of

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2 Hempstead critical process in which the site
3 plan will be sent to them for their
4 approval, and if they're going to require
5 any type of transportation mitigation, we
6 all then have to look at what those
7 mitigations will be.

8 We believe it will not be
9 significant only because they approved their
10 last Mitchell Field mixed use development
11 plan which was over about three million
12 square feet of development. And we are
13 talking about 150,000 square feet of
14 development, so there wouldn't really be any
15 need for critical -- other than we know
16 there is traffic now, and we know when you
17 go to a major event there's some traffic and
18 things of that nature, but we all want to
19 work together to deal with the flow and the
20 movement, so that will be a joint working
21 relationship with the county and NEC on how
22 we do things.

23 But pretty much dealing with it
24 with the contractors, there is no language
25 that says they are required to do anything,

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2 it's unknown, and we will work with them on
3 that as we go forward.

4 CHAIRWOMAN FORD: I urge you for
5 public transportation, especially around the
6 Coliseum and within that so that we can keep
7 people out of their cars as much as
8 possible.

9 My other concern would also be in
10 terms of bringing in --

11 MR. SALLIE: Sean Sallie, Nassau
12 County Department of Public Works.

13 Just to add to what Mr. Walker
14 was saying, the Town of Hempstead Mitchell
15 Field mixed use zone does have pretty
16 stringent standards in terms of bringing in
17 walkability and conductivity to the existing
18 land uses in that area. So that's sort of
19 baked into the zoning district and that will
20 be a requirement that the proposer, NEC,
21 would have to adhere to, would have to
22 submit a conceptual site plan or master plan
23 application to the Town of Hempstead Town
24 Board where all of the pieces of the puzzle
25 would have to be sort of shown and then a

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2 formal site plan application where all of
3 those requirements of the zone will have to
4 be vetted.

5 CHAIRWOMAN FORD: And especially
6 since Mr. Ratner at the presentation at the
7 Coliseum did comment that he did meet with
8 Dr. Rabinowitz from Hofstra University and
9 he would like to make the Coliseum into a
10 college type of town for the Hofstra
11 students and I would also guess for Nassau
12 Community College students as well. So
13 public transportation or the availability of
14 buses or Rapid Transit would probably be
15 best for the students especially so that
16 they don't have to keep driving back and
17 forth.

18 My other concern would be with
19 the water usage. My big concern was water
20 usage to the Lloyd Aquifer and things that
21 can be detrimental to our water supply.
22 This was something that I was very very
23 concerned with even under the Lighthouse
24 Development, although I did support it at
25 that time, my big concern was water usage

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2 and what would it do, so my question then to
3 you is, I know that United Water, not
4 plugging them, but I just know that they
5 happen to have technology for grade water
6 technology. So I want to know, and I know
7 this group is planning on doing green
8 buildings, LED buildings, but my concern
9 would be for the water.

10 What efforts are you going to
11 make to try to minimize the use or the waste
12 of water with this Coliseum?

13 MR. LESTER: Obviously through
14 the renovation we want to increase the
15 efficiency generally. One of the things we
16 did at the Barclays Center was waterless
17 urinals so it decreases water usage by 46
18 percent. I think we looked at it initially
19 here, so it seems feasible and it would be
20 one of the sustainable elements that we
21 would try to incorporate into the Coliseum.

22 As we go through the initial
23 design and planning, we obviously would look
24 at other ways to increase it but it's
25 something that I think should be doable

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2 pretty easily.

3 CHAIRWOMAN FORD: I thank you
4 very much. I think that's it for me. I
5 know we have questions from the legislators
6 but I know Legislator Nicoletto would like
7 to start.

8 LEGISLATOR NICOLELLO: Thank you,
9 Chairwoman Ford, and thank you, gentleman,
10 for coming and making this presentation to
11 us today.

12 The lease term begins August 1st,
13 2015, and I would assume the development
14 group would want to be in a position at that
15 point to put a shovel in the ground and get
16 going on this thing.

17 It seems like it's a long long
18 way away, 13 months, it's actually close to
19 two years. But could you just explain some
20 of the things that have to be done before
21 August 1, 2015 to put the project into a
22 position that you could hit the ground
23 running?

24 MR. LESTER: Sure. There's
25 actually quite a lot that needs to be done

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2 and the way our development company works is
3 that we really invest a lot of time in the
4 predevelopment so that when the construction
5 period comes, we are ready to build, we can
6 build smoothly and quickly, and complete the
7 construction really as quickly as possible.

8 There are a number of things that
9 are happening simultaneously. One is
10 obviously the site plan approvals through
11 the Town of Hempstead. Additionally we need
12 to design both the Coliseum and the retail
13 portions. So they go through several phases
14 of design, we'll design concept schematic
15 design, development and construction
16 documents. And each point taking a pause to
17 price it out, look at the cost, make sure
18 it's in line. And then we would want to
19 negotiate a guaranteed maximum price
20 contract with a construction provider,
21 probably Hunt Construction who built the
22 Barclays Center for us.

23 At the same time, we need to be
24 out there, we need to be out there with the
25 sale of the naming rights, so we have

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committed to keeping our Nassau Veterans Memorial Coliseum in the name but we do want to sell naming rights to the Coliseum and possibly to the plaza together with it.

It's an important revenue stream for us and I think with county's eight percent to the county as well. Then, once we sell the naming rights, there are a number of other sponsorships that we would sell inside the building. Those sponsorships are important in securing our financing, so this all leading up to closing on financing as well.

So we want to secure as much sort of contractual income as possible. So, again, those sale efforts would be ongoing. On the retail side, we would be developing the master plan first, then each of the individual buildings, designing the Fillmore, the movie theater, working with the tenant, doing as much pre-leasing as possible. Also, formalizing the event booking commitments and staffing up the organizations so we will be ready to go and can hit the ground running. So there really

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2 is a lot to do actually.

3 LEGISLATOR NICOLELLO: So 23
4 months seems like a long time, but from what
5 you're describing, it's really a very short
6 window to get this thing up and running and
7 in a position in which you want to move
8 forward on August 1st, 2015?

9 MR. LESTER: Definitely. And I
10 would say from the day we receive the RFP,
11 if we were fortunate to win it and move
12 forward, it would just be nonstop until we
13 open.

14 LEGISLATOR NICOLELLO: You said
15 site plan review from the Town of Hempstead,
16 correct?

17 MR. LESTER: Correct.

18 LEGISLATOR NICOLELLO: Also I
19 assume you are going before the IDA of
20 Nassau County?

21 MR. LESTER: Yes. I didn't
22 mentioned that. But we need to go back to
23 the IDA to formalize the benefits we talked
24 about through the lead structure.

25 LEGISLATOR NICOLELLO: So you

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2 have the governmental aspects, the naming
3 right aspects, the various desire to put the
4 retail components into place, and so it's a
5 very aggressive timetable if you're going to
6 get up and running by August 1st, 2015?

7 MR. LESTER: Yes. I think it's
8 the appropriate amount of time. A year
9 sooner or earlier would be really
10 challenging for us.

11 LEGISLATOR NICOLELLO: In terms
12 of the finance of this, for us to evaluate
13 it in a vacuum, it's kind of difficult.
14 But, Mr. Meyer, your law firm negotiates
15 these types of agreements with the
16 municipalities and operation of arenas and
17 things of that nature?

18 MR. MEYER: Yes, that's correct.
19 We do this type of work around the country
20 and representing municipalities. The last
21 one we just did was a ballpark just north of
22 here.

23 LEGISLATOR NICOLELLO: Where was
24 that?

25 MR. MEYER: In Rockland County, a

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2 minor league ballpark.

3 LEGISLATOR NICOLELLO: Any other
4 venues or locations?

5 MR. MEYER: No. We would
6 represent municipalities in any municipal
7 infrastructure project, golf courses, water,
8 wastewater, solid waste, any municipal
9 infrastructure projects along those lines.

10 LEGISLATOR NICOLELLO: In terms
11 of your experience, have you seen an
12 agreement as beneficial to a municipality
13 from a standpoint as this one?

14 MR. MEYER: No. It's hard to
15 compare against this one really because of
16 the process and because of the simultaneous
17 negotiation process, you know, it's not an
18 easy process. It was one day on, every
19 other day with each proposer but the
20 municipality maintains the leverage under
21 that scenario if you do -- when you do,
22 which we see in most of our procurement
23 processes, that you select a proposer, and
24 many times it goes to that legislature and
25 is then -- the proposer is selected, and

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2 then you go and negotiate for that period of
3 time. You've lost the leverage if you are
4 four to six months down the line and that
5 proposer knows that and it knows you are not
6 going to now turn around and go back.

7 So it was simultaneous
8 negotiation process that --

9 LEGISLATOR NICOLELLO: That was a
10 great idea. I think we're probably
11 unanimous on that. It was really a
12 brilliant idea as to how to approach this.

13 With respect to the finances you
14 mentioned that as of August 1, 2015, the
15 developer takes over, NEC takes over the
16 expenses with respect to the operation and
17 maintenance of the Coliseum property.

18 What about under the MSG
19 proposal, was there something similar under
20 their proposal, were they taking over
21 complete operation, maintenance, costs?

22 MR. MEYER: Yes, under their
23 proposal, they were coming in and they would
24 take over basically management of the
25 facility and the county would be covering

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2 certain of those expenses. Under Madison
3 Square Garden proposal, they were not
4 actually taking over full cost and expenses
5 and operation and maintenance and repair and
6 management until their construction
7 commencement date.

8 Not until they had all their
9 approvals and they were ready to move
10 forward with construction would they take
11 over 100 percent at their sole cost and
12 expense.

13 LEGISLATOR NICOLELLO: What about
14 during this construction phase, as you
15 indicated before, there's going to be some
16 form of rent paid during that period,
17 correct?

18 MR. MEYER: Correct.

19 LEGISLATOR NICOLELLO: Under the
20 MSG proposal, was there any rent being paid
21 during the construction phase?

22 MR. MEYER: No. And as I said,
23 under the NEC lease, \$50,000 during the
24 approvals period, and \$100,000 during the
25 construction period. Under the MSG

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2 proposal, they were not proposing any rent
3 throughout their approval or construction
4 period.

5 What they were proposing was to
6 pay, prepay 50 percent of their minimum
7 annual rent, 1.5 million which, I believe as
8 of August 1, 2015 that would sit there and
9 it was just a prepayment of rent at that
10 time, but there's no actual rent in the form
11 of the monthly rent that's being considered
12 here.

13 LEGISLATOR NICOLELLO: The
14 guaranteed rent under the NEC for both the
15 Coliseum property once construction is
16 completed and the plaza is \$4.4 million a
17 year?

18 MR. MEYER: That's correct, the
19 Coliseum and the Coliseum Plaza
20 improvements. Correct.

21 LEGISLATOR NICOLELLO: The
22 guaranteed rent under the MSG proposal was
23 what?

24 MR. MEYER: And the fact that it
25 escalates.

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2 LEGISLATOR NICOLELLO: Right.

3 But the MSG proposal was, what was their
4 proposal in terms of the guaranteed rent?

5 MR. MEYER: The guaranteed rent
6 was \$3 million a year. And it's only on the
7 Coliseum itself and not on the Coliseum
8 Plaza improvements.

9 LEGISLATOR NICOLELLO: They had
10 proposed I believe a percentage of ticket
11 sales?

12 MR. MEYER: Under MSG?

13 LEGISLATOR NICOLELLO: Yes.

14 MR. MEYER: They're actually
15 proposing \$1.50 per ticket for their --
16 towards their minimum annual rent.

17 LEGISLATOR NICOLELLO: And in
18 terms of reaching the numbers that we're
19 talking about with NEC, how much tickets
20 events would they have to hold a year?

21 MR. MEYER: 1.7 million tickets
22 in that first in order to meet that same
23 minimum rent.

24 LEGISLATOR NICOLELLO: Do you
25 have an idea over the last ten years what

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2 the number of ticket sales have been for
3 that time period?

4 MR. MEYER: Approximately 800,000
5 to one million tickets.

6 LEGISLATOR NICOLELLO: They would
7 be doing this without the Islanders playing
8 40 home games?

9 MR. MEYER: That's correct.

10 LEGISLATOR NICOLELLO: You
11 mentioned the escalation. The escalation
12 under the NEC proposal is 10 percent after a
13 certain period of time?

14 MR. MEYER: Every five years.
15 Ten percent every five years.

16 LEGISLATOR NICOLELLO: Tell me,
17 somebody gave me this number, but tell me
18 what the difference over the course of the
19 lease would be under the NEC and MSG
20 proposals in terms of the money coming to
21 the county.

22 MR. MEYER: Over 49 years, if you
23 want to try to compare apples to apples on
24 that then it's over \$300 million over the
25 term of the NEC lease and approximately 180

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2 million for 49 years under the MSG lease.
3 The MSG lease was a 40 year lease with four
4 or five year renewals. So a little bit
5 different terms, but if you want to compare
6 apples to apples and do 49 years because the
7 NEC lease is 49 years, it would be
8 approximately 300 to 180 million.

9 MR. LESTER: And just to give you
10 one other point along those lines is, if you
11 -- on one of our slides we had the Coliseum,
12 the annual Coliseum just rent, the annual
13 rent just on the Coliseum itself, where in
14 years 16 through 20 it was 5.324 million is
15 the annual rent for NEC. And under the MSG
16 lease, the rent that they were paying in the
17 final years, years 55 through 60 would be
18 less than what was being paid in year 16
19 under the NEC lease. So that was
20 approximately 5.1 million and MSG would
21 guarantee under a lease, that was in year
22 16. In the MSG lease, it was year 55 to 60.

23 LEGISLATOR NICOLELLO: Thank you.

24 With respect to the exclusivity
25 period, there's a three month period in

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2 which NEC has exclusive rights to negotiate
3 development of part of the property?

4 MR. MEYER: That's correct.

5 LEGISLATOR NICOLELLO: Is Monti
6 going to be involved in that? I know that
7 he had been brought in to oversee the
8 development of the entire property. How is
9 that going to work?

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 I just want to go through one more thing,
12 Mr. Nicolello. We had both KPMG and also
13 PFM look at this -- both of these leases
14 from a financial component and I think we
15 have provided some data to you and just in
16 the difference between the two proposals. I
17 think MSG did a great job, great proposal as
18 well as obviously NEC. The dollars just in
19 the report, PFM's report, \$333 million, \$334
20 million over the 49 year period compared to
21 178 by MSG. And that's just for the
22 Coliseum. The one difference also during
23 that process is NEC agreed to pay taxes,
24 obviously they will go forth to the IDA with
25 a pilot for the plaza development, but they

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2 agreed to pay taxes over, again, enter a
3 pilot and then whatever the taxes are going
4 to be they're going to be.

5 Where the MSG model did not
6 actually require that it be 100 percent
7 exempt for the plaza and Coliseum
8 improvements which is a big difference for
9 the school district and the other
10 municipalities in the area. They obviously
11 will now share in that economic benefit.

12 But the reason why the three
13 month exclusivity was proposed, the MSG
14 model, they actually wanted to have 100
15 percent development rights for the remainder
16 of the property at their sole discretion.
17 In this case, if something great could or
18 would occur that, for whatever would happen,
19 they get a phone call that I just used --
20 the Yankees or Mets want to build a minor
21 league ballpark in the hypothetically
22 speaking, in the parking lot, why would we
23 not want to go ahead and do something like
24 that, if this legislature, because it will
25 have to come back to this legislature anyway

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2 in a lease agreement and for payment, to go
3 ahead and offer the opportunity. So that's
4 why that three months is there.

5 We've recently met with
6 Renaissance and Don Monti and we look
7 forward to working with him and NEC going
8 through with the remainder of development,
9 if there is going to be development and when
10 that would be. Who knows? And, again, that
11 will be subject to again this legislature
12 and the Town of Hempstead and everybody else
13 moving forward, but it would be a
14 partnership with us and them.

15 At the end of the day, really,
16 who owns it is the county and the
17 legislature in terms of approving any type
18 of subsequent lease. The important part is
19 the town of Hempstead component, when you
20 mentioned timelines, 23 months, the Town of
21 Hempstead, to get approval, they obviously
22 are going to be the final arbiter in how
23 much space is going to be available
24 immediately for any future development, if
25 any. There may not be. They may say you

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2 have to use all 77 acres for this
3 development and, then, we've worked with Don
4 and many people in this room, Legislator
5 Troiano, whose district, and I do want to
6 apologize, by the way, that you did not
7 receive notice for that meeting and we're
8 going to have that planning OSPAC meeting
9 again on the 12th, which I hope everyone has
10 received that information, so I apologize.
11 You can blame me because I blame every one
12 else. I will take the blame there. We
13 apologize, but we're working through that to
14 see in there are dollars available from the
15 state for a parking garage and things of
16 that nature.

17 But this deal is on its own, it's
18 77 acres. That's what we went to the
19 planning commission, OSPAC, for. That's why
20 we're here with you and we've worked with
21 this legislature and everyone else going
22 forward for the future development if and
23 when that time comes.

24 LEGISLATOR NICOLELLO: You
25 touched on parking. I just want to talk

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2 about that real briefly.

3 Putting aside the possibility of
4 a garage, is there sufficient parking on the
5 property as it exists now for all of the
6 designed uses?

7 DEPUTY COUNTY EXECUTIVE WALKER:

8 Yes. We are very comfortable, yes. That
9 being said again, as I go back, and why the
10 timing is so important, is the final arbiter
11 is going to be the Town of Hempstead. We
12 believe it fits well within the zone and the
13 use, obviously downsizing the area from
14 16,000 seats to 13,000, that opens the
15 ability up, but, again, we're going to let
16 them do what they are required to do. We
17 believe it does handle and it does fit, but
18 let them do what they need to do the right
19 way and then we move forward.

20 LEGISLATOR NICOLELLO: During the
21 construction phase, there will be
22 consideration given to the surrounding
23 neighborhood to the best extent possible and
24 effects are mitigated?

25 DEPUTY COUNTY EXECUTIVE WALKER:

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2 100 percent. The county executive has
3 already started to reach out to some of the
4 civic organizations in the area. As I
5 mentioned before with Mr. Ratner, and if
6 anyone was fortunate enough to meet Ashley
7 Cotton, who was introduced before, they just
8 really would -- they love working with
9 people and they listen to what people's
10 concerns are.

11 From the minute that they were
12 selected, they went to the ground working,
13 reaching out to all of you, local civic
14 associations, the UVO as was mentioned
15 before, to start building up, not only
16 support but to really take into account what
17 people see. That's what they did in
18 Brooklyn. They worked very well in
19 Brooklyn, and judging just by the MTV music
20 awards, everyone is on TV and it was great.
21 It was something, a nice thing to have. And
22 to desire any one of you call them, they
23 will get back to you, if not, come see you
24 directly.

25 LEGISLATOR NICOLELLO: Thank you.

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2 I'm as excited as Legislator Ford about this
3 project. In my opinion, it's the best
4 proposal we have had in my entire time here,
5 I think for the last two decades we have
6 been looking at this.

7 I have one comment though about
8 the design. To the extent you can do this
9 within the same footprint, those concourses
10 at the Coliseum are very tight when there
11 are people leaving events, during halftime.
12 To the extent that your design team can do
13 something to widen them to create more space
14 for people I think it would be beneficial to
15 all.

16 MR. LESTER: Yes. We have heard
17 that that is one of the major complaints of
18 that in facility. So that was part of some
19 of the thinking of restoring the inner
20 concourse inside the bowl to alleviate some
21 of the stress on the outside, but we will
22 continue to look at it.

23 CHAIRWOMAN FORD: Thank you. I
24 have to say that Rich and I do think alike
25 and that was going to be one of my comments

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2 even about the concourse.

3 You have generated a lot of
4 discussion amongst the residents here in
5 Nassau County, believe it or not, and I have
6 actually received phone calls and people
7 have stopped me in the street to discuss
8 these plans with Mr. Ratner and what he
9 wants to do.

10 One of the interesting things as
11 Rich talked about, I should say Legislator
12 Nicolello, with the concourse, I guess
13 people want to know about how you're going
14 to set it up. I guess one of their
15 suggestions would be that the sections each
16 have their own basic concession stands and
17 amenities such as the bathrooms, which would
18 then cut down the number of people that are
19 walking through the Coliseum trying to find
20 their seats, that if everybody knows in
21 their section that the bathrooms and the
22 concessions are right there, that people
23 know that they can stay within their own
24 area rather than walking all around all of
25 the concourses of the Coliseum, sort of

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2 like, somebody said, the Prudential Center.
3 So I'm just throwing it out there on behalf
4 of one of my residents.

5 Legislator Kopel.

6 LEGISLATOR KOPEL: Thank you. I
7 have only a few questions. I guess I will
8 direct them to you Rob, since I know you
9 best. You can direct them to others as you
10 see fit.

11 Forgive me if I'm going over some
12 ground that you may have covered because
13 there is a lot to absorb here. It's a
14 single purpose entity, NEC, right?

15 MR. LESTER: Yes.

16 LEGISLATOR KOPEL: It's I guess
17 -- not legally, but it is informally we'll
18 say a joint venture of the various partners
19 in this.

20 Now, is this going to be -- is
21 there any capitalization requirement,
22 Capitalization requirement going in for NEC?

23 DEPUTY COUNTY EXECUTIVE WALKER:

24 In what regard?

25 LEGISLATOR KOPEL: Are you going

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2 to capitalize the entity going into this
3 venture to a certain extent or do it as --
4 is there any minimum capital commitment
5 required by the partners?

6 MR. LESTER: Typically we start
7 ramping up our predevelopment activities and
8 continue to fund them through the
9 partnership and then at the time of closing,
10 all of the money is invested through the
11 commencement of construction so you
12 obviously don't want to have a project that
13 isn't fully capitalized when you're starting
14 out. So we have the loan closed, all the
15 equity would be invested at that time to the
16 extent it hasn't been used.

17 LEGISLATOR KOPEL: You'll just
18 kind of accrue whatever expenses you are
19 doing until that point?

20 MR. LESTER: Well, we pay them
21 currently as we go along.

22 LEGISLATOR KOPEL: Right. Now,
23 is there going to be any contingencies for
24 financing in this contract?

25 MR. LESTER: Yes. There is a

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2 financing contingency. However, we look at
3 the projects, I guess, Rob, I can answer
4 that. We look at the retail and the
5 Coliseum somewhat differently.

6 The Coliseum itself, the revenues
7 are what the financing is based on. We've
8 gotten a letter from Goldman Saks expressing
9 high confidence in the ability to do it, in
10 our ability to even finance it. It's
11 possible they may finance it internally
12 themselves.

13 Then, on the retail, it's a
14 typical project for Forest City. Our
15 projects are all special purpose entities
16 like this, so we do about a billion dollars
17 of financing each year. We manage about \$12
18 billion of total financings.

19 LEGISLATOR KOPEL: I get that
20 there is a real good shot you will get the
21 financing. What is the contingency period?
22 You said there was a financing contingency.

23 MR. LESTER: Essentially, if
24 something happens, and we can't get the
25 financing --

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2 LEGISLATOR KOPEL: What I'm
3 asking is, at what point do we know that?
4 In other words, at what point does this deal
5 become firm?

6 MR. MEYER: It's for commencement
7 of construction. They have a financing
8 contingency. So if they cannot obtain their
9 financing, then they wouldn't be required to
10 move forward with construction. We've had
11 PFM as well as KPMG review their finances,
12 and, in addition to the letters from Goldman
13 Saks, and Guggenheim, they have confidence
14 that --

15 LEGISLATOR KOPEL: Under current
16 market conditions, are the partners to the
17 entity required to guarantee the financing
18 pursuant to our contract? In other words,
19 in order to make sure they get the
20 financing?

21 MR. LESTER: It's not guaranteed.
22 We do have to use best faith efforts to get
23 the financing. So you can't just do nothing
24 and not get it.

25 LEGISLATOR KOPEL: What about

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2 performance bonding for the construction as
3 well as for -- as we go along, is there any
4 requirement for any such bonding?

5 MR. KLEIN: Zachary Klein from
6 Pannone Lopes Devereaux & West.

7 In addition to the financing
8 contingencies, there is an approval period
9 built in to the contract in which NEC has
10 two years subject to force majeure to obtain
11 all the requirements including approvals and
12 all financing necessary to complete the
13 project. There is also a five year drop
14 dead date in which it's not subject to any
15 force majeure, so that, to answer your
16 previous question, that would be the
17 deadline in which financing, if it wasn't in
18 place, there is a termination right for both
19 parties, under the two years with force
20 majeure or five year drop dead date.

21 LEGISLATOR KOPEL: And the other
22 question in terms of performance guarantees,
23 performance bonding, or guarantees both,
24 both by the partners and by an outside
25 bonding company?

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2 MR. KLEIN: Right. In terms of
3 the construction, there's three
4 possibilities built into the lease. NEC
5 could either put up a letter of credit,
6 performance bonding of the contractor, or a
7 most likely scenario is a completion
8 guarantee by Forest City Enterprises which
9 is the parent company involved in this
10 project.

11 LEGISLATOR KOPEL: So that's what
12 you're anticipating but it's not in the
13 contract, right?

14 MR. KLEIN: No. Those three
15 options are built in and they have to
16 provide one of those things.

17 LEGISLATOR KOPEL: One of those
18 options, I see.

19 MR. LESTER: Our intention would
20 be to have Forest City Enterprises provide a
21 completion guaranty and then to bond the
22 contractor, the subcontractors over
23 \$500,000. So the majority of the
24 contractors, except for the very small ones.

25 LEGISLATOR KOPEL: I understand

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2 when you talk about the subs but what about
3 the overall project?

4 MR. LESTER: That would be
5 covered by the completion guaranty by Forest
6 City Enterprises. And once we start we have
7 to complete, including any overruns, et
8 cetera.

9 LEGISLATOR KOPEL: So you
10 mentioned what the minimal rentals are here.
11 The projected, your actual projections for
12 the rentals, do those exceed the minimums?

13 MR. LESTER: The projections
14 actually exceed the minimums. We would
15 expect the county to be doing better than
16 the minimum.

17 LEGISLATOR KOPEL: But you don't
18 know how obviously? Projections are
19 projections, who knows?

20 MR. LESTER: I'm not sure but
21 about a million dollars a year or so. They
22 are projections, so we obviously -- we don't
23 want to guarantee the full amount to the
24 extent something crazy happens but we are
25 showing more than \$4 million flowing

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2 through.

3 LEGISLATOR KOPEL: I understand.

4 Now, in the revenue that's
5 subject to being shared, would that include
6 broadcast revenue? I didn't notice that
7 there. May I missed it.

8 MR. LESTER: To the extent that
9 there are any broadcast revenues flowed to
10 the Coliseum it would include broadcast
11 because all revenues that flow to the
12 Coliseum are subject to the sharing.

13 Without a tenant like The Nets or
14 The Islanders, there really probably isn't
15 much, broadcasts.

16 LEGISLATOR KOPEL: But you may
17 have special events and in that case --

18 DEPUTY COUNTY EXECUTIVE WALKER:
19 We'd share in the eight percent.

20 LEGISLATOR KOPEL: That's
21 assuming that NEC's contract with the event
22 promoter provides for that, which I assume
23 it will.

24 I guess from what I heard you say
25 before, there's no real point in trying to

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2 terminate the Islanders or getting them to
3 terminate early?

4 MR. MEYER: No.

5 LEGISLATOR KOPEL: You might as
6 well have them there.

7 MR. MEYER: The time line doesn't
8 work.

9 LEGISLATOR KOPEL: Doesn't work
10 anyway. Now, in terms of --

11 DEPUTY COUNTY EXECUTIVE WALKER:
12 Going for the Stanley Cup, the Islanders.

13 LEGISLATOR KOPEL: In terms of
14 tenants, I'm sure we are all on the same
15 page, but does the county have any kind of
16 approval rights on tenants?

17 MR. MEYER: No. Built into the
18 lease we don't have approval rights over the
19 tenants coming, correct.

20 LEGISLATOR KOPEL: All right.
21 Thank you.

22 CHAIRWOMAN FORD: Presiding
23 Officer Gonsalves.

24 PRESIDING OFFICER GONSALVES:
25 First of all, thank you, gentlemen for being

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2 here today and waiting so long to present a
3 project that I think my community has been
4 waiting for for a long time. In fact, my
5 community abuts the Coliseum property
6 together with Uniondale and it's been a long
7 time in coming. I would say that the people
8 are anxious to see something happen at the
9 Coliseum.

10 I have a few questions and I'm
11 going to go back to one that Legislator
12 Nicolello mentioned regarding the parking.
13 I know that there is enough parking,
14 on-ground parking to accommodate the plaza
15 as well as the Coliseum.

16 Is any thought being given to a
17 parking garage which would alleviate the
18 ground space for the parking and make it
19 more efficient?

20 DEPUTY COUNTY EXECUTIVE WALKER:
21 For this plan, as it stands now, the
22 Coliseum improvements and for the 150,000,
23 175,000 square foot of development, no, it's
24 stand alone parking.

25 We would be required to maintain

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2 that parking whatever the town of Hempstead
3 requires us to maintain and then it's the
4 county working in conjunction with NEC and
5 Mr. Monti and Renaissance to see if there
6 are ways to come up with those dollars for
7 any parking and that obviously, as you
8 mentioned, would supplant the existing
9 parking and it could be used for other
10 things, but that would have to go through
11 the whole process.

12 This is very important, it's a
13 stand alone program, without any type of
14 parking, nothing needed to be done, nothing
15 required to be done, and anything subsequent
16 will just come if it gets approved and then
17 we would have work through our environmental
18 and go through all the approval processes at
19 that point.

20 PRESIDING OFFICER GONSALVES: The
21 only reason why I'm mentioning the parking
22 garage, it would not only be beneficial to
23 the Coliseum, but also to the neighboring
24 amenities there. It would make it a lot
25 easier for people to get in and out without

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2 creating a problem.

3 I'm going to go back to the
4 transportation. I know that for a long,
5 long time there have been many many modes of
6 transportation that had been considered for
7 this property.

8 However, many of them, of course,
9 may not be very realistic. I just want to
10 know, because I know this is what is
11 happening with Veolia and the college. They
12 are working, in fact, they are working out a
13 bus system to accommodate students to get
14 them out of their cars and onto the buses.

15 Is there any way in which Veolia
16 would be involved --

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Part of our transportation study, we have
19 already solicited input from Veolia, NICE,
20 they're very interested in taking part and
21 that's what our overall traffic study with
22 the bus rapid transit, because it would be
23 something that we believe we could do very
24 quickly, and it's not as cost prohibitive as
25 these other transportation projects are, or

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2 eight to ten years in the making.

3 We want to do something that's
4 real and could be done right away, and
5 that's the goal that we have in mind working
6 with NICE, with the colleges, and, more
7 importantly, we have done a lot of work
8 already in that area with the walkway
9 improvements and the bicycle paths, and we
10 start linking, as you know, on Merrick, with
11 Eisenhower Park, that's the next phase of
12 the bicycle path, that will be connected, to
13 that whole Motor Parkway program. This will
14 just be another thing that we add in with
15 the bus rapid transit.

16 PRESIDING OFFICER GONSALVES:

17 That's appealing primarily because we all
18 want to see the traffic on Hempstead
19 Turnpike not increase, but, if anything,
20 decrease.

21 I'm not a finance expert but I do
22 have concerns that, as a layperson, in this
23 contract, are there any circumstances that
24 will call for the commitment of county
25 taxpayers?

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 No.

4 PRESIDING OFFICER GONSALVES:

5 Okay. That's a good answer.

6 DEPUTY COUNTY EXECUTIVE WALKER:

7 100 percent privately financed.

8 PRESIDING OFFICER GONSALVES:

9 In many projects there are cost overruns.

10 Who would be responsible for the cost
11 overruns?

12 DEPUTY COUNTY EXECUTIVE WALKER:

13 Jim, he has deep pockets.

14 PRESIDING OFFICER GONSALVES:

15 Are there financial protections built into
16 this lease that will insure that NEC is
17 going to complete the construction?

18 DEPUTY COUNTY EXECUTIVE WALKER:

19 Yes. I think both Zach and Josh mentioned a
20 few previously. We've allowed ourselves
21 first, starting on August 1, 2015, with
22 commencement, NEC is required to start
23 paying either during construction or during
24 their own operation, so that's a positive.

25 As they go through the

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2 construction process and permit process,
3 they have X amount of years, two and five
4 year commitments if -- once they begin
5 construction, they will be required to have
6 one of those, the three necessary guarantees
7 put in place.

8 At the very worst for Nassau
9 County is they complete construction and
10 they give us \$160 million worth of
11 renovations and now the county has a
12 building. That would be the very worst. We
13 don't want to see that happen. We don't
14 think it will.

15 That's why I think the
16 partnership had with both Guggenheim and
17 Goldman Saks and also Blumenfeld Development
18 Group that many people, just have done work
19 with them in the areas, a Nassau County
20 company, just brings a lot of added fire
21 power to their team. But it's having those
22 guarantees once they start construction, and
23 should they not, for whatever reason, start
24 construction, then we at that point another
25 decision has to be made. I don't see that

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2 happening but it's not costing the county
3 taxpayer anything.

4 PRESIDING OFFICER GONSALVES: I
5 just want to make a comment. I'm familiar
6 with the Barclays Center. My children live
7 in that vicinity and I'm also familiar with
8 the community that existed prior to the
9 Barclays Center. It's been a boom to
10 Flatbush Avenue and Brooklyn and I'm hoping
11 that the Coliseum, under NEC, will be a boom
12 to Nassau County and I will leave it at
13 that.

14 CHAIRWOMAN FORD: Legislator
15 DeRiggi-Whitton, please.

16 LEGISLATOR DERIGGI-WHITTON: Hi.
17 I just want to start off by saying that
18 we're very supportive of this project as
19 well, at least speaking for myself.

20 I'm very glad it's going to be
21 funded privately and not on the taxpayers
22 burden. I think we all realize that this is
23 the right way to go.

24 Saying that though, I have been
25 looking at the lease which we just got a

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couple of days ago and I think there might be a couple of minor adjustments that would secure the major goal which we all have up here which is not only seeing this work happen but have it happen as fast as possible so we can get as many jobs in for our residents as possible and have as much, not only through the construction stage but also primarily once it's in business.

When you look at some of the conditions and construction, for instance, what you were just talking about with the finance which is under Section 4 of the draft, the term that they're using, which I know Legislator Kopel would also know, to see if this is satisfactory, it basically says that there has to be, NEC basically has to be, the financing has to be reasonably satisfactory to the tenant.

So if the financing conditions are not reasonably satisfactory, that is going to release the tenant, in this case, NEC from this lease. That's a term that I find to be very loose. I mean, in my

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2 opinion it's not really a lease if that's a
3 condition. It's almost like it's such an
4 option, it's so conditional, that I have a
5 real problem with that. I think we have to
6 change that wording to make that more of a
7 solid -- it has to be a solid commitment
8 from you guys.

9 I don't want to see us wait five
10 years and then for some reason say that you
11 are not reasonably satisfied with your
12 financing and we're back where we are right
13 now. We have been waiting 20 years, as
14 Legislator Nicoletto said, I went to
15 Hofstra, I've seen this, we all want this.

16 So I want to have a guarantee
17 that what reasonably satisfies you is not
18 something that we are subject to.

19 MR. LESTER: Right. And that's a
20 good observation and clearly understandable.

21 What we have included here is
22 kind of a standard commercial term in
23 contracts like this for large scale retail
24 projects.

25 Financing is obviously something

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2 that is the product of a market, and NEC is
3 required to, under the lease, to fulfill the
4 project to seek financing that makes the
5 project realistic. If they were unable to
6 secure financing that could make this
7 project profitable for the county and the
8 county residents as well as for themselves,
9 then it's difficult to force a company to
10 move ahead with a project like that.

11 LEGISLATOR DERIGGI-WHITTON: And
12 you have up to five years.

13 MR. KLEIN: Yes. There's a drop
14 dead approval date from the --

15 LEGISLATOR DERIGGI-WHITTON: I'm
16 not happy with that. I think we should look
17 at that, Rob Walker. I feel awkward with
18 you guys behind this podium, but I don't
19 think that's a good risk for our residents
20 in the sense that we could wait five years
21 and then find out that they're not
22 reasonably satisfied.

23 Can I ask you for two things? I
24 understand you have a letter from Goldman
25 Saks, can I get a copy of that? I would

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2 also like to know, do you have any other,
3 like, credentials that you can show us, any
4 kind of financial description of your
5 collateral basically that you can provide to
6 each of us?

7 MR. LESTER: You can certainly
8 have the letter as far as I'm concerned from
9 Goldman Saks, publicly traded company, so --

10 LEGISLATOR DERIGGI-WHITTON: Is
11 that your only history that you have
12 available for us?

13 MR. LESTER: We can give also a
14 copy of the completion guaranty that we
15 typically provide.

16 I do think it's worth saying that
17 with the Barclays Center, the world sort of
18 came to an end in terms of financing and we
19 were able to move forward with our project
20 by re-imagining what the program was around
21 the building and to move forward with it.

22 So our business is building and
23 developing and that's what we are here to
24 do.

25 LEGISLATOR DERIGGI-WHITTON: Has

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2 there ever been a time when you haven't been
3 able to get financing?

4 MR. LESTER: Not that I'm aware
5 of.

6 LEGISLATOR DERIGGI-WHITTON: What
7 happened in 2002 in Atlantic City with the
8 outlet mall?

9 MR. LESTER: My understanding of
10 that is that the property was sold to MGM
11 and MGM built the Borgata and chose not move
12 forward with the project.

13 LEGISLATOR DERIGGI-WHITTON: I
14 heard there was a little bit of a different
15 scenario, that there was an issue with
16 financing with the 2002 Atlantic City
17 outlet.

18 Again, I would also like maybe a
19 description of what happened with that as
20 well.

21 There is one other issue that I
22 think is a little bit loose, I guess you
23 could say. There's something mentioned
24 that's just saying if there is any
25 modification the lease, and basically what I

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2 want to know, if there any type of
3 modification, it's under Section 55, 1C, if
4 there has to be this modification, would
5 said modification come before the
6 legislature or would it only be the county
7 executive who would be able to conclude such
8 a modification?

9 That I think is going to be a
10 major question for us as well. I want to
11 know, like, if we pass it now and there is a
12 modification, is it going to come back to us
13 or is it just going to be something that's
14 handled with the county executive?

15 If you want to look in the final
16 lease in the 1.36 section which is the
17 Coliseum renovation, it says right in here
18 that the scope of the Coliseum renovation
19 may need to be modified. Again, I don't
20 know what that really means. If it's just
21 the county executive, I would really like to
22 know that, and I would rather it, Rob say
23 that it comes back to the legislature for
24 any modification especially regarding the
25 lease.

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2 MR. MEYER: What I would say on
3 that, if there's a modification that's not
4 contemplated in the lease itself, then it
5 would clearly come back to the legislature
6 for approval.

7 LEGISLATOR DERIGGI-WHITTON: You
8 got to check that.

9 MR. MEYER: And if it's an
10 amendment to the lease itself, it would come
11 back to the legislature for approval. It's
12 only something that would be within a scope
13 that doesn't actually change a term
14 contained in the lease.

15 LEGISLATOR DERIGGI-WHITTON: Then
16 we are -- I really feel like we owe it our
17 residents to make sure everything is in
18 order, and I think we're going to have to
19 know what you would consider to be that type
20 of modification, that would either go to the
21 county executive or come to us. Just a
22 general description of both because whoever
23 is in the county executive position, we want
24 to make sure that the legislature also has a
25 good accountability for what is going on.

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2 MR. MEYER: Understood.

3 LEGISLATOR DERIGGI-WHITTON: I
4 have two other points; one is, I know you
5 mentioned about the asbestos that you were
6 going to basically anything, that you were
7 going to be, anything that you were directly
8 involved with you were going to possibly be
9 removing. From what I've heard, there is a
10 major asbestos issue with the building.

11 What percentage do you think you
12 will be removing?

13 MR. LESTER: It's hard to say at
14 this point what percent we'll be removing.
15 We certainly need to remove or encapsulate
16 all of it so it's safe for the public. So
17 once the lease is approved by the
18 legislature, then we would go in and begin
19 testing.

20 So we need to do our own set of
21 testing rather than rely on any previous
22 testing to really understand the scope of
23 the problem. So that's where it starts.

24 LEGISLATOR DERIGGI-WHITTON: I
25 know there has been some work to date, but I

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2 think it's something that we would like to
3 also be briefed on because I think it could
4 pose some health issues as we all know, that
5 we really would like to see as large a
6 percentage as possible.

7 MR. LESTER: It's another reason
8 for the time that we need to go in and do
9 the environmental testing both on the inside
10 and on the site.

11 LEGISLATOR DERIGGI-WHITTON: I
12 will recap real quick in a second, but I had
13 a constituent who mentioned to me that they
14 are involved with certain boat shows, and
15 it's sort of what Denise Ford was saying.
16 The bottom, the basement is supposedly very
17 cumbersome to people bringing boats in or
18 bringing in different equipment, so if we
19 could possibly work on the access doors for
20 that. I heard it was actually -- I heard it
21 was one of the reasons why they won't
22 participate in boat shows.

23 DEPUTY COUNTY EXECUTIVE WALKER:
24 It's more the pillars.

25 LEGISLATOR DERIGGI-WHITTON: I'm

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2 sorry?

3 DEPUTY COUNTY EXECUTIVE WALKER:

4 It's more the pillars that are in there.

5 LEGISLATOR DERIGGI-WHITTON: But
6 I think that if the doors were reconstructed
7 in a better way like in other places, like
8 Manhattan we have both shows there all the
9 time, so I think that would be a major
10 improvement.

11 So, just again, just to recap, I
12 think we would all feel more comfortable
13 with better language regarding the
14 financing, reasonably satisfactory is just
15 not reasonably satisfactory.

16 And, again, I just want to know
17 what the process is, if there is any type of
18 change to the lease or modification to the
19 lease and who would have what capacity, what
20 would be left up to the county executive and
21 what would be brought back to here. Thank
22 you.

23 CHAIRWOMAN FORD: Legislator
24 Solages, please.

25 LEGISLATOR SOLAGES: Thank you

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2 very much, Chairwoman Ford.

3 Good evening. First I would like
4 to begin by saying that this project and
5 this proposal is long overdue. I'm glad to
6 see an idea with vision that will help our
7 county gain revenue. I'm all in support and
8 in favor of more construction jobs, union
9 jobs, and jobs also for our hard working
10 residents who want opportunity.

11 But my question, along with my
12 colleague, concerns the financing option.
13 Isn't it true that even with the approval of
14 the county executive and this body that if,
15 without financing, this project would not
16 start for another five years at least?

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Not necessarily. In the contract, as it
19 speaks, is that they have five years to have
20 the project completion. If it doesn't, then
21 the county has the ability to move in
22 another direction. That's why we had KPMG
23 and PFM look at the finances of both
24 finalists and they were very comfortable
25 that that financing would be achieved. I

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2 obviously I agree with you. I think
3 everyone would agree with that.

4 So I think it's the due diligence
5 that needs to be put in. I think a lot of
6 the truth is going to be in the detail that
7 takes place over the next 18 months in
8 getting all the approvals in place, 24
9 months, so they can actually start
10 construction right away. And you will see
11 how real people really are when that time
12 comes. So we're going to see it very quick.
13 Not in August of 2015, but today, because
14 they're going to have to start going to the
15 Town of Hempstead right away and spending a
16 lot of money that they are not going to get
17 a return on until we're open.

18 So I think that is some proof in
19 the pudding that they're real. We can get
20 you the correspondence from Goldman Saks,
21 which I think is important, Guggenheim, and
22 shore up obviously -- the quicker we can
23 shore up and have people that are going to
24 move in and have -- that are going to invest
25 in the retail space and things of that

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2 nature only make it more financeable too.

3 LEGISLATOR SOLAGES: But even
4 with the proof of those letters, there is no
5 guarantee that construction will begin in 26
6 months from now?

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 Correct. Unfortunately, no. And,
9 unfortunately, we can't give to anybody --

10 LEGISLATOR SOLAGES: Currently
11 the Barclays Center is the most revenue out
12 of any gaming center; is that correct?

13 MR. LESTER: That's right.

14 LEGISLATOR SOLAGES: So, my
15 concern is, during this time, Barclays
16 continues to grow and, again, my sole focus
17 is for our great county Nassau -- as much as
18 I want to see Barclays becomes successful, I
19 want to make sure the Hub, the Coliseum,
20 becomes successful.

21 How can we guarantee or insure
22 that, or make our best efforts, that this
23 site will be just as successful as Barclays
24 during that time Barclays will continue to
25 grow? What sort of assurance do we have

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2 that at least this opportunity is on the
3 same footing for it to grow as well?

4 DEPUTY COUNTY EXECUTIVE WALKER:

5 And I agree one hundred percent. During our
6 process, I don't want to speak for the
7 committee members --

8 LEGISLATOR SOLAGES: I mean, the
9 developer has an interest in a way, almost
10 that if this financing takes too much time,
11 he still has a fixed market at least for his
12 other entity to be successful.

13 DEPUTY COUNTY EXECUTIVE WALKER:

14 Here is the good thing and this was one of
15 the differences between the two proposals
16 that I think was important, because I agree
17 with you. I think that when you look at the
18 numbers, first off, in this case, NEC to
19 start paying the county on day one, August
20 1st, 2015, irregardless, they're paying.
21 They're paying the county money. The other
22 proposal that we have for MSG, they are not.
23 In fact, they had the same five years to go
24 out and get all the approvals and things of
25 that nature. Theoretically, either one of

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2 them can let it sit. I don't think either
3 one of them because there's too much skin in
4 the game. Obviously they're all spending a
5 lot of money already.

6 So August 1st, 2015, they start
7 paying Nassau County, they start operating
8 right away.

9 During construction they're also
10 paying. So we get those dollars in
11 immediately August 1, 2015. We remove all
12 the expenses. We remove all the capital
13 improvements. That's on them. I think that
14 very, very crucial for the county. So their
15 skin is in the game at that point too.

16 Listen, you can't guarantee --
17 unfortunately, I wish we can guarantee
18 everything. You can't.

19 LEGISLATOR SOLAGES: Believe it
20 or not I'm a hockey fan, I love hockey.

21 DEPUTY COUNTY EXECUTIVE WALKER:
22 You can probably skate much better than I
23 can.

24 LEGISLATOR SOLAGES: I'm
25 concerned that we only have the Islanders

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2 here for four games. I mean, can we share
3 the love? If the same entity controls both
4 sites, how come we cannot share the love of
5 it? Bring the Islanders back to Nassau. I
6 want the Islanders.

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 Me too. I can't speak for the Islanders,
9 nor can really anybody. All I know is that
10 we have them at least committed. We have a
11 minor league hockey team committed. I want
12 to see them play more games.

13 This has a minimum of four games
14 plus the two preseason. Who knows how it's
15 going to work at Barclays.

16 LEGISLATOR SOLAGES: It's the
17 same developer. How could -- I mean, for us
18 to lose the Islanders, to bring them back
19 for more games --

20 DEPUTY COUNTY EXECUTIVE WALKER:
21 We can try, yes. I think we all want to. I
22 want them to play every game here if they
23 could.

24 LEGISLATOR SOLAGES: Thank you.
25 Thank you very much, Chair.

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2 CHAIRWOMAN FORD: Just to let you
3 know, Legislator Solages, I think at the
4 presentation at the Coliseum, Mr. Ratner did
5 talk about, you know, because we all would
6 like the Islanders to come back, and I'm
7 pushing for it as well.

8 But I think that the decision
9 isn't just solely based on NEC bringing them
10 back. The National Hockey League also has
11 to give them the okay for them to then come
12 back to the Coliseum. But we are all going
13 to work on this because we definitely would
14 like to see this team come back to where
15 they began. So I agree with you.

16 Legislator Belesi.

17 LEGISLATOR BELESI: I have a few
18 questions.

19 Number one, the question of
20 asbestos came up in this discussion.
21 Asbestos is only dangerous, and my family
22 has been in this business for years, when it
23 fireable, when it's airborne. So I'm sure
24 most or all of the business that are in
25 there are very careful about asbestos just

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2 because of the lawsuits as some of our
3 attorneys know here.

4 I'm glad we finally got something
5 going because bigger isn't always better and
6 the NHL is going to be the NHL. They're
7 looking for revenue themselves. So I will
8 take what they can get.

9 If there were no Islanders, being
10 a die-hard Ranger fan, I can live with it.

11 DEPUTY COUNTY EXECUTIVE WALKER:
12 You can tell you're not running for office
13 anymore. Could be Chris Christie he's a
14 Dallas Cowboy fan now.

15 LEGISLATOR BELESI: Next question
16 brought up is the traffic surveys. I know
17 they were very difficult with New York
18 State, especially on a major road like
19 Hempstead Turnpike. Who's doing that study?
20 Are we doing that study?

21 DEPUTY COUNTY EXECUTIVE WALKER:
22 Yes, we are. And Aryeh Lemberger who is
23 with us as well today, he's done tremendous
24 work in this, we have it being done by --
25 he's heading it from the county side. It's

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2 being done by Cameron Engineering and also I
3 think it's Parsons Brinkerhoff, I think
4 they're involved. And they are working on
5 it. They have been working on it for a long
6 time and we're finally at a point where we
7 actually have some answers to how we are
8 going to go forward.

9 LEGISLATOR BELESI: The other
10 question I have is security at the Coliseum.

11 DEPUTY COUNTY EXECUTIVE WALKER:
12 It will be handled as it is outside by
13 Nassau County Police Department as we do
14 today. That remains the same, and that will
15 remain the same.

16 LEGISLATOR BELESI: The other
17 question I have, since it's going to be, we
18 expect it to a very busy venue with a lot of
19 pedestrian traffic and a lot of traffic, I
20 think the building should think about the
21 contractors also putting maybe a substation
22 in there because any of the police officers
23 who ever worked details down at the
24 Coliseum, it was a zoo. If we could have a
25 small security shack or something down there

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2 for the police officers I think it would be
3 a positive sign. That's all I have. Thank
4 you.

5 CHAIRWOMAN FORD: Legislator
6 Muscarella.

7 LEGISLATOR MUSCARELLA: I'm
8 enjoying the presentation. I just have one
9 question. A number of years ago, the
10 proposed developers refused to actually
11 commit that they were going to use union
12 employees for the construction and then for
13 the actual operation.

14 Do we have that in the contract
15 for the lease?

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 Yes. Using unionized labor. In fact, we
18 had many union leaders that were here
19 earlier with us. They fully endorsed the
20 selection of NEC and have worked with them
21 during the construction of the Barclays
22 Center and we are thankful that they have
23 agreed to that as well.

24 LEGISLATOR MUSCARELLA: That is
25 within the lease?

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 Yes.

4 LEGISLATOR MUSCARELLA: Thank

5 you.

6 MR. LESTER: Forest City builds

7 all union as well.

8 DEPUTY COUNTY EXECUTIVE WALKER:

9 Forest City, the whole company builds all

10 union.

11 LEGISLATOR MUSCARELLA: And the

12 operations after the lease is --

13 DEPUTY COUNTY EXECUTIVE WALKER:

14 Yes.

15 LEGISLATOR MUSCARELLA: Great.

16 Thank you.

17 CHAIRWOMAN FORD: Legislator

18 Scannell.

19 LEGISLATOR SCANNELL: Thank you.

20 Legislator Belesi, I'm a Ranger fan too,

21 without a doubt. Two people not running are

22 Ranger fans. I'm not running either, I

23 don't have to worry, for the first time in

24 14 years. That's for sure. So I'm with you

25 100 percent.

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 I never seen you too smiling as much. I
4 don't run either, I understand.

5 LEGISLATOR SCANNELL: You did it
6 for many years.

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 100 percent.

9 LEGISLATOR SCANNELL: I care
10 about the Islanders too. I'm a Ranger fan
11 but I do care and we just want to know if
12 there is any way to negotiate more than the
13 four games for the Islanders.

14 DEPUTY COUNTY EXECUTIVE WALKER:
15 We have and will continue to have those
16 discussions. Right now we have the
17 commitment for the four which we felt was
18 important to have some type of Islanders
19 field here. We should guarantee Islander
20 Ranger games, then everybody would be happy.

21 LEGISLATOR SCANNELL: Thanks,
22 Rob.

23 DEPUTY COUNTY EXECUTIVE WALKER:
24 Thank you.

25 CHAIRWOMAN FORD: Legislator

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2 Troiano.

3 LEGISLATOR TROIANO: I just want
4 to say that my father actually played for
5 the Rangers, so I got you guys trumped. And
6 I am running for reelection.

7 I just want to go back to the
8 questions my colleagues to the left had
9 about the financing and the outside of the
10 five years.

11 Was that same section included in
12 the agreement as negotiated with MSG?

13 DEPUTY COUNTY EXECUTIVE WALKER:
14 It was slightly different, but, go ahead.

15 MR. KLEIN: There was a similar
16 time frame in which all approvals and other
17 requirements had to occur for construction
18 commencement. There they actually had three
19 and a half years subject to force majeure or
20 the same five year date.

21 LEGISLATOR TROIANO: I'm sorry.
22 I couldn't hear you.

23 MR. KLEIN: The Madison Square
24 Garden lease also provided for a five year
25 drop dead date for all required approvals to

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2 be in place, three and a half years subject
3 to force majeure or the five years.

4 LEGISLATOR TROIANO: Can we talk
5 a little bit about the nature of the
6 guarantee of the payments to the county?

7 MR. MEYER: Sure. There's not a
8 guarantee from Forest City Enterprises on
9 the rent itself. The remedy for that under
10 this lease would be for the county to give
11 NEC notice and, if the rent was not paid, it
12 would be a default under the lease and we
13 would take any of the renovations or the
14 Coliseum improvements as a result of that.

15 So, effectively, that's the
16 guarantee to the county that if they did not
17 pay that minimum rent payment, they would
18 default under the lease.

19 LEGISLATOR TROIANO: What is the
20 entity that's making payments to the county?

21 MR. MEYER: It would be NEC. It
22 would be Nassau Events Center.

23 LEGISLATOR TROIANO: How would
24 they capitalize?

25 MR. LESTER: They would be fully

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2 capitalized for the entire project cost at
3 the time of commencement of construction.

4 So, again, you complete the
5 construction, you have a completion guaranty
6 from Forest City, and then, to the extent
7 the rent isn't paid, the county would take
8 back the property.

9 LEGISLATOR TROIANO: In the
10 meeting some of us had with Forest City
11 representatives there was a guarantee of the
12 payments, so I just want to make sure that
13 we are both --

14 MR. LESTER: I wasn't in that
15 meeting but there's a completion guaranty,
16 so to insure that the project is completed
17 and, then again, once it's completed, there
18 isn't a guarantee of the rent stream itself,
19 but the county would be able to take back
20 the property. So it's \$4 million on \$100
21 million project on the Coliseum and \$400,000
22 on the -- \$130 million retail project, so --

23 LEGISLATOR TROIANO: Thank you.

24 CHAIRWOMAN FORD: Minority Leader
25 Abrahams, please.

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2 LEGISLATOR ABRAHAMS: Thank you,
3 Chair Ford. How are you, gentlemen?

4 I just have a few questions. I
5 wanted to pick up and piggyback a little bit
6 on the points that Legislator Solages and
7 Legislator DeRiggi-Whitton made.

8 One of the concerns we do have is
9 tied to the five year option. But I didn't
10 hear anything in regards to a response on
11 whether or not that was negotiable.

12 If the county, I understand, in
13 construction, giving Forest City the ability
14 or NEC the ability to have a five year
15 window to seek financing, however, I do
16 understand that they will be receiving
17 payments after two years, is that to shorten
18 that window from five years to X years, is
19 that even something that the county thought
20 about or is negotiable or is it possible for
21 it to be reopened?

22 DEPUTY COUNTY EXECUTIVE WALKER:
23 I just can't give you that answer today. I
24 understand what you are asking. We just
25 can't give you that answer today. We will

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2 be glad to talk to these guys and see if
3 there is.

4 LEGISLATOR ABRAHAMS: Okay. And
5 the reason why, and I think from the
6 standpoint of the county, I truly believe
7 that the county is going to start receiving
8 payments after two years. The county is
9 protected. However, the folks that have
10 given up their time, their sweat, their
11 blood, the unions, and the labor can't wait
12 five years. It would be great to give them
13 a guarantee that they're going to be back to
14 work sooner than five years. I can't tell
15 them that with confidence at this time.

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 We agree with you.

18 LEGISLATOR ABRAHAMS: So I think,
19 from that standpoint, I'm glad to see that
20 the county is going to be protected and
21 receiving payments starting in August 2015,
22 but let's give labor and unions and people
23 that need it the most that work here in the
24 county, that pay taxes in the county the
25 opportunity, let's give them that guarantee

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2 too.

3 The next thing I do want to talk
4 about, and this is --

5 MR. LESTER: Do you mind if I
6 interrupt?

7 LEGISLATOR ABRAHAMS: I'm sorry,
8 Mr. Lester.

9 MR. LESTER: Yes. I just wanted
10 to respond to your last point if that's all
11 right?

12 LEGISLATOR ABRAHAMS: Sure. Go
13 right ahead.

14 MR. LESTER: I think that the
15 intention is to start construction after two
16 years and then, to the extent that there's a
17 force majeure, like a delay in the
18 approvals, it would extend to five years.
19 The five years is really an outside date
20 where the contract can no longer be extended
21 but extended. But we need to review the
22 force majeure to see, you know, what moves
23 extends the date, but I believe the date is
24 two years from the lease effective date that
25 we need to start.

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2 LEGISLATOR ABRAHAMS: Two years
3 from?

4 MR. LESTER: Basically the time
5 the legislature approves --

6 LEGISLATOR ABRAHAMS: From the
7 time we approve. So if we approved it, say,
8 for example, on the 23rd, it would be two
9 years from that date?

10 MR. LESTER: Right.

11 LEGISLATOR ABRAHAMS: All right.
12 Well, that's something that we would like to
13 be able to be informed on.

14 Mr. Lester, it's two years from
15 the time that we would need -- it's our
16 understanding it's two years plus any
17 additional time that you would need for any
18 approvals from the Town of Hempstead, or
19 zoning, or anything along those lines?

20 MR. LESTER: That's right. But
21 if the approvals go smoothly which we hope
22 they will, or we get through within the two
23 year period, then we have to start in two
24 years, not five years.

25 LEGISLATOR ABRAHAMS: I see.

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2 The next bunch of questioning is
3 tied into the future development as well as
4 how it connects with the county's entire Hub
5 plan. I guess that would be more of a
6 question for Mr. Walker.

7 As we know, Mr. Walker, I see it
8 every day, I see the construction of the ice
9 rink that's being built at Eisenhower as
10 well as some of the other ideas that have
11 been talked about at Mitchell Field and
12 Museum Row.

13 How does the county or how does
14 the administration envision tying this
15 project in its completion to those projects
16 that are also centered around the county?

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Which is probably the most important. We
19 have already started -- work that actually
20 started back in 2010, 2011. Actually maybe
21 even started earlier. In terms of the
22 linkage of all the facilities in and around
23 the Hub together to make it more of an area
24 by which you have walkability, walk, bike,
25 and things of that nature, we are actually

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2 working right now, as I said before, if
3 you've gone down Merrick, you can see the
4 work along the whole border of the park with
5 the new bike lane that's been put in.
6 They're going to continue to link that to
7 Mitchell Field, Mitchell Park, the museums,
8 the college. It already goes around Hofstra
9 and continue to link those.

10 We just had a recent meeting with
11 the state that will continue all the way
12 down Salisbury Park Drive and we're actually
13 trying to look and see how we get the
14 linkages to the parkways and things of that
15 nature.

16 But, more important here with
17 this is, this is a stand-alone project that
18 does not require -- I should say we do not
19 believe it requires it, again, the Town of
20 Hempstead as the final arbiter related to
21 what development needs to be done in terms
22 of parking requirements and things of that
23 nature. So it's the first step towards
24 having the ability -- and I know your
25 constituents, some of the issues that they

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2 face.

3 We actually met with some of the
4 civic leaders just about people parking on
5 their streets during concerts and it just
6 doesn't work. So how we can make sure that
7 that doesn't occur and things of that nature
8 by making more of a destination attraction
9 and linking all those other facilities
10 together in a more comprehensive fashion.

11 I think the development of the
12 bus rapid transit is crucial. I think we
13 have great -- between Westbury, Carle Place,
14 Mineola, just in terms of people getting off
15 at those train stations and being able to
16 either walk, if they so choose, or being
17 able to get on a bus in a nearby area is
18 crucial. And the same holds true with the
19 Village of Hempstead. I think it's
20 important for us and that's why I think
21 Mr. Monti plays a pivotal role because of
22 his ability and what's going to transpire in
23 the Village of Hempstead which we look
24 forward to working with him and this
25 project, because you really tie those

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2 projects together.

3 How we can assist with sewage,
4 because that's a major problem that the
5 village has, poor economic development,
6 which I'm sure that you know better than I
7 do, they really can't move forward with any
8 type of development unless we figure out a
9 way to handle the waste. We believe we have
10 some opportunities there to tie in with the
11 work that we are going to do here to save
12 the village and/or people money, that we can
13 work together on really doing a
14 comprehensive plan utilizing the whole
15 entire area.

16 So I think it extends beyond the
17 Hub into the village. Again, we own most of
18 the property around the whole facility as
19 you know. So it's just linking it together
20 in a lot of different fashions.

21 LEGISLATOR ABRAHAMS: Mr. Walker,
22 just a quick question before I move into
23 some of the negotiations with some the event
24 types that we talked about before but, to
25 your knowledge, or maybe this might be a

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2 good question for Mr. Lester.

3 Is there any retail that's going
4 to be coming in that's going to take away
5 from some of the small businesses in the
6 surrounding areas of East Meadow and
7 Uniondale already?

8 DEPUTY COUNTY EXECUTIVE WALKER:

9 I don't believe so. I think that one of the
10 most important facets there is actually
11 we're going to bringing in more shows. The
12 people that are going to be utilizing it
13 there. And, Jim, maybe he can answer a
14 little bit on what historically has happened
15 in facilities that have done this.

16 But we know first, you look
17 around, and I'll take in Philadelphia, what
18 they built in various facilities, the people
19 that went there are going to the games and
20 they're going to restaurants and things of
21 that nature. The Yankees, CitiField, you're
22 going to, you know, I forget, I will mention
23 both the Yankees and the Mets so I don't get
24 in trouble, but the things that they built
25 around the stadium that added, they haven't

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2 taken away. It's enhanced. The extra
3 events will bring more economic activity to
4 the facilities.

5 We are working right now with the
6 chamber of commerce as well, they reached
7 out and they're meeting with the county and
8 the local chamber of commerce to make sure
9 we have a good working relationship with
10 them so the right development goes in there.
11 So, it's exactly what you said, it doesn't
12 hurt.

13 We have met with many of those
14 businesses already. They rely on the
15 Coliseum, so the last thing they want to see
16 is the Coliseum close. They'll rely on, if
17 you have 300 events to compare to 130, they
18 should prosper. And that's what the goal is
19 in mind.

20 Since enjoying sports, and I do,
21 you just look at all the surrounding sports
22 and entertainment facilities now, they
23 haven't hurt the local economy, they've
24 actually always have helped, making sure the
25 hotels are booked. I think we're fortunate

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2 where we don't have enough hotel rooms in
3 Nassau County but more are being built.
4 And, by them staying in the hotels, they're
5 going to be going to the local restaurants
6 and things of that nature. So I look
7 forward to it as an enhancement.

8 And the billions of economic
9 development, and, as everyone said, you
10 really can't -- everything is a guesstimate.
11 You can say it's \$10 billion, \$12 billion,
12 \$15 billion, we know it's in the billions,
13 and, more importantly, you see where it's
14 worked in other places.

15 LEGISLATOR ABRAHAMS: Like I
16 said, the last thing we would want is to do
17 something that wouldn't compliment the
18 existing businesses already. Those folks
19 have been tirelessly waiting through project
20 after project and we wanted to make sure we
21 compliment whatever they do.

22 DEPUTY COUNTY EXECUTIVE WALKER:
23 You're 100 percent right. I agree.

24 LEGISLATOR ABRAHAMS: My next
25 line of questioning goes into some of the

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2 event type and I just -- I guess it would be
3 directed to Mr. Lester or anyone who is
4 compelled to answer the question.

5 It ties into some of the language
6 that we are seeing in terms of some of the
7 events that are going to come into the
8 Coliseum. It's been discussed, six Islander
9 games, one Net game, minor league hockey.

10 It was my understanding, I know I
11 had a meeting with Ms. Ashley Cotton with
12 Legislator Troiano and Mr. Ratner some time
13 last week and there was some discussion
14 about I guess the minor league hockey team
15 is owned by the New York Islanders, am I
16 correct in saying that?

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Yes.

19 LEGISLATOR ABRAHAMS: Is there
20 any agreement language or contractual
21 language that this legislature could
22 anticipate getting before this vote which
23 gives us the assurance that those games will
24 be played at the Coliseum, their home games
25 will be moved to be played at the Coliseum?

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2 MR. LESTER: We had a letter
3 indicating Charles' willingness to do that.
4 I think it's been shared and possibly now
5 with the Full Legislature, so we can share
6 that. And, as part of the lease, it
7 provides for the process for executing that
8 deal. So executing the full agreement I
9 think would be tricky by next week. But we
10 do have a commitment from Mr. Wong to do
11 that.

12 LEGISLATOR ABRAHAMS: So that's
13 the bridge 14?

14 MR. LESTER: Correct.

15 LEGISLATOR ABRAHAMS: And that
16 would be you said an intent letter?

17 MR. LESTER: It's essentially an
18 intent letter, but it's nonbinding. We've
19 committed to it in the lease and not doing
20 it is a default.

21 LEGISLATOR ABRAHAMS: Going back
22 to the events -- and my ultimate concern is
23 obviously that we make sure that we maximize
24 as much revenue for the county as well as
25 maximize the amount of events.

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2 Currently the Coliseum does
3 roughly about 150, 180?

4 DEPUTY COUNTY EXECUTIVE WALKER:
5 Probably more like 120 now.

6 LEGISLATOR ABRAHAMS: 120 now?

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 130 max.

9 LEGISLATOR ABRAHAMS: Wow.

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 We do about 800,000 spectators.

12 LEGISLATOR ABRAHAMS: So roughly
13 about 120 events. And we're basically
14 saying we are going from 120 to 309?

15 DEPUTY COUNTY EXECUTIVE WALKER:
16 They have commitments for commitments for
17 200 events already.

18 LEGISLATOR ABRAHAMS: I'm sorry?

19 DEPUTY COUNTY EXECUTIVE WALKER:
20 They have commitments for 200 events as we
21 speak today.

22 LEGISLATOR ABRAHAMS: Can you
23 provide us with a list of those events?

24 MR. MEYER: Sure. We have
25 letters from various promoters to do it.

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2 MR. LESTER: I think, just to
3 expand on that, one thing to think about
4 also that it's important that it's to drive
5 the people through the building, so another
6 way that we think about it is driving 1.2
7 million people through the building. That
8 drives a lot of the benefits for the county
9 so that's another driver of economics for
10 the county. So if it's not 300 and it's
11 250, but you're getting larger events,
12 that's really the key.

13 LEGISLATOR ABRAHAMS: Are there
14 coliseums or are there places that you can
15 tell us where they're doing 309 events in
16 this country and there's no major sporting
17 franchises in those complexes?

18 MR. LESTER: I think most that
19 are doing this number of events have a major
20 tenant. We do think of the Sound-Tigers as
21 being an anchor tenant doing 38 events.
22 It's also worth noting that there are
23 approximately 83 shows which are parking lot
24 related events, things like the Big Apple
25 Circus or Cirque de Soleil. So the way we

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2 really think about it is 220 inside the
3 building and about 80 outside.

4 LEGISLATOR ABRAHAMS: My next
5 line of questioning is tied to a request for
6 legislative budget review. I don't know if
7 an analysis of this proposal was requested
8 already, but, if it wasn't, then at this
9 time I would like to request it, and I know
10 it's going to be said next, if you could
11 share your findings with both sides, that
12 would be beneficial. I don't know if you
13 have and you're working on one. Now that
14 the item has been clocked in and we're ready
15 to go in.

16 MR. CHALMERS: We will be doing
17 an analysis on this lease.

18 LEGISLATOR ABRAHAMS: Will your
19 analysis include this lease and the MSG
20 lease or just this lease?

21 MR. CHALMERS: Just this lease.

22 LEGISLATOR ABRAHAMS: Can you be
23 inclusive of the MSG lease?

24 MR. CHALMERS: We just got a copy
25 of the MSG lease. We could double-check the

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2 financial and we will do a quick comparison,
3 but we will not be delving into it in depth.

4 LEGISLATOR ABRAHAMS: If you can
5 give us the best you can, a comparative
6 analysis, that would be great.

7 MR. CHALMERS: Okay. Shouldn't
8 be a problem.

9 LEGISLATOR ABRAHAMS: Do you
10 anticipate having that done for the
11 September 23rd meeting?

12 MR. CHALMERS: Yes.

13 LEGISLATOR ABRAHAMS: Thank you,
14 Mr. Chalmers. That's it. Thank you, Chair
15 Ford.

16 LEGISLATOR WINK: Good evening,
17 gentlemen and ladies.

18 I have a few questions. I know
19 that we've covered a lot of ground already,
20 but I heard a great deal discussed about the
21 MSG proposal. I, myself, have never seen
22 the proposal. And I would very much like to
23 see it, forgive me, trust but verify some of
24 the information.

25 One of the threshold questions I

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2 have about that proposal is, we know that
3 there's a financing contingency in this
4 lease. Did MSG also request the financing
5 contingency?

6 MR. MEYER: No. They did not
7 require a financing contingency. They
8 offered to finance it themselves. They also
9 had built in the ability to finance the
10 project, but they said that they could
11 finance it.

12 LEGISLATOR WINK: Doesn't that
13 have a certain value to it? I mean,
14 wouldn't it seem to me that, as a threshold
15 matter, after you throw out all the
16 differences between those two proposals,
17 that seems to be a pretty significant
18 difference between these proposals and, yet,
19 it wasn't included in this discussion?

20 MR. MEYER: Right. I understand
21 your concern on that. As I indicated
22 previously, PFM and KPMG have reviewed the
23 finances of both the proposers on this and
24 they felt confident as expressed in that
25 report this is what Forest City Enterprises

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does on a daily basis, a \$10 billion company and that, as Mr. Lester indicated previously, that they have the same financing and they do a significant amount of financing, and that they are capable and, based on those reports, which I'm not sure they were shared with the Office of Legislative Budget Review, that Forest City Enterprises and NEC is perfectly capable of obtaining financing on this project.

LEGISLATOR WINK: Apropos that,

and I am going to request also a copy of the analysis done by PFM and KPMG on both these proposals, I would very much like to see that.

It just seems to me though that that has a certain monetary value as well the fact that there's no contingency. I'm a real estate lawyer in private practice which I rarely get to do these days it seems, but, when I do, I know that the buyer you want is the buyer who is buying without a mortgage contingency, for example.

There is a value to that. There

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2 is a commitment that comes with that, and
3 apropos commitments, by the way, are the
4 letters expressing confidence on the part of
5 Goldman Saks and Guggenheim. Are they
6 letters of commitment or are they letters of
7 intent or expressions of interest or where
8 do they fall in terms of the --

9 MR. LESTER: They're not binding
10 financing because we don't have a guaranteed
11 price contract. We haven't sold the naming
12 rights. So there are other things that we
13 need to undergo, so they're not binding.

14 LEGISLATOR WINK: Are they also
15 publically accessible, are they available to
16 us as well?

17 MR. LESTER: Sure.

18 LEGISLATOR WINK: I would like to
19 see them as well. It just strikes me that
20 I'm a little upset we didn't discuss, what I
21 think is a threshold issue, of -- and I
22 understand, by the way, that the advisory
23 panel that the county put together, in fact,
24 came out of the two proposals split in large
25 measure because of the lack of the

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2 contingency on the part of MSG. So it seems
3 to me that that should have been something
4 that should have been addressed up front and I'm
5 a little upset that it wasn't.

6 MR. KLEIN: Legislator Wink, just
7 to address your point there.

8 The lack of a financing
9 contingency in the MSG proposal was an
10 important point that the evaluation
11 committee and the business advisory council
12 considered when reaching their conclusions
13 and their recommendation to the county
14 executive.

15 So I don't want it to seem that
16 that was kind of put to the side and not
17 really considered. That was a strong
18 enhancement to the MSG proposal and,
19 notwithstanding, the other -- based upon the
20 other factors including the direct financial
21 terms, et cetera, the evaluation committee
22 thought the NEC proposal was a better option
23 for the county to move forward with.

24 LEGISLATOR WINK: That may be at
25 the end of the day but that certainly wasn't

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2 what was presented here today initially and
3 it wasn't what was presented in Newsday.
4 There was never a discussion of the
5 contingency which is what I believe the
6 elephant in the room as it were.

7 Because whatever you say about
8 the Lighthouse, we knew the potential
9 ramifications of the recession was the
10 drying up of financing. As much as we want
11 to think we are in full recovery mode now,
12 there is no guarantees of that.

13 So my concern is, do we find
14 ourselves in a circumstances where years
15 down the road the financing dries up as
16 well. The MSG proposal, with no
17 contingency, has to go forward. The Forest
18 City proposal with contingencies may not go
19 forward.

20 So, be that as it may --

21 MR. MEYER: Can I just address
22 that one more point?

23 LEGISLATOR WINK: Sure.

24 MR. MEYER: Upon a full review
25 of the risks and the risk tolerance of MSG

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2 and we take your point very seriously, when
3 you take a look at the overall risk posture
4 of Madison Square Garden, you are pulling
5 one thing, one item out and pointing that
6 out, and we understand that. If you take a
7 look in the Office of Legislative Budget
8 Review, review that, and you take a look at
9 the overall risk posture of Madison Square
10 Garden, you'll see there are numerous
11 elements and numerous items and factors
12 throughout the agreement which, in the
13 balance, the favor is tipped towards NEC.
14 One consideration clearly was financing. If
15 you take at look at the risk posture of MSG
16 and other items that they agreed to and
17 termination and the overall rental
18 structure, obviously the favor balanced
19 towards NEC.

20 But there are numerous items and
21 we can meet with you and point them out or
22 through the Office of Legislative Budget
23 Review, we can point out all the significant
24 differences between the two proposals.

25 LEGISLATOR WINK: I would love to

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2 have that opportunity, certainly after I get
3 the backup information so I can do an
4 educated analysis myself. But I would
5 appreciate that opportunity.

6 Speaking of risk analyses or risk
7 assessment, in a matter of speaking, as I
8 understand it, the lease commencement date
9 is August 1st, 2015 unless the county is
10 unable to deliver the premises, in real
11 estate parlance, vacant and room swept, but,
12 in reality, it's, actually, we need to
13 deliver it vacant, as I understand it; is
14 that correct?

15 MR. KLEIN: Yes, that's correct.

16 LEGISLATOR WINK: And, yet, one
17 of the provisions in here deals with the SMG
18 lease which is certainly another elephant in
19 the room, as it were.

20 I know in 2007 Lighthouse
21 Development Group insinuated itself into the
22 relationship of SMG, I think to our
23 advantage maybe, but, certainly, we now have
24 a third party in this arrangement which I'm
25 wondering what impact does that have on our

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2 ability to actually meet the lease
3 commencement date.

4 If it's something we don't
5 directly control, or we only partially
6 control, getting the SMG lease out of the
7 way so that everything commences August 1,
8 2015, what impact does the SMG lease and the
9 Lighthouse involvement in that lease do to
10 our lease commencement date?

11 MR. MEYER: Not sure with the
12 Lighthouse, but that lease with MSG
13 terminates on July 31st, 2015 as well, so
14 they correspond.

15 LEGISLATOR WINK: I know we are
16 all attorneys here, God knows, but there's
17 nothing in that lease that would provide an
18 option period or provide an extension period
19 or anything of that nature?

20 MR. MEYER: Right.

21 LEGISLATOR WINK: So as of August
22 1st, 2015, SMG is no longer affiliated with
23 Nassau County and --

24 MR. MEYER: That's correct.

25 LEGISLATOR WINK: Are there

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2 potential entities or lease holds or any
3 kind of license agreements or anything that
4 could actually impact the August 1st, 2015
5 lease commencement date?

6 DEPUTY COUNTY EXECUTIVE WALKER:
7 Not that we see, no.

8 MR. KLEIN: Those are the only
9 two agreements, the SMG lease and the NY
10 Islander's lease that the county has for the
11 property and they both expire, as we said,
12 and all options and renewal, any possible
13 extensions have all been exhausted for both
14 leases.

15 LEGISLATOR WINK: Okay. More
16 generally, I guess, my real question is, I
17 appreciate Mr. Ratner, I appreciate Forest
18 City, and I appreciate the success story
19 they are making out of the Barclays Center.

20 My real fundamental concern
21 though is that at the end of the day, the
22 interest in the Barclays Center is supreme,
23 I think, to Forest City.

24 If and when there comes a point
25 when the leasehold with the Coliseum could

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2 be in conflict with the best interests of
3 the Barclays Center, who wins? I think I
4 know the answer to that. I hope it's not
5 either/or situation but we're just coming
6 out a recession where it pretty much became
7 dog eat dog. We're still not where we were
8 before. Financing, credit, all of that is
9 still very tight, relatively speaking, prior
10 to 2008, and if comes down to a question of
11 we're making an effort to re-brand this but,
12 to a great extent, we can't re-brand it in
13 the image of Barclays if we're now the
14 competitor of Barclays.

15 DEPUTY COUNTY EXECUTIVE WALKER:

16 I agree with you 100 percent because this is
17 the same problem I had with both looking at
18 MSG and Barclays, for lack of a better word,
19 NEC, because they are both competing, I
20 guess -- it's no different if we selected
21 MSG than if we selected Barclays, with the
22 one exception --

23 LEGISLATOR WINK: But, Rob, if I
24 may, clearly, MSG is a brand unto itself.

25 DEPUTY COUNTY EXECUTIVE WALKER:

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2 Yes.

3 LEGISLATOR WINK: And it's not a
4 brand in the making. The Barclays Center is
5 very much still a brand in the making.

6 The Coliseum will be a brand
7 that's got to be remade because of the
8 reputation of the thing that we are already
9 starting from now.

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 I agree with you.

12 LEGISLATOR WINK: So we're almost
13 starting from a deficit there, but my
14 question was, and one of the fundamental
15 questions I guess between MSG and Forest
16 City was, we've got a tried and true brand
17 in Manhattan, and it's always going to be a
18 mecca, always going to be a draw, always
19 going to be there.

20 We are dealing with something
21 right now that's still very much in it's
22 relative infancy and hopefully we'll be
23 gangbusters going forward, but, at the same
24 time, while the attention to detail is
25 there, will it be replicated here?

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 That was one of my main concerns going in
4 and, as I said, having to enjoy sports and
5 visiting many of these facilities, one of
6 the things that we looked at this proposal
7 and the committee did was the wide range,
8 and you went through all those different
9 programming, the wide range of programming
10 that they brought to the table from boxing
11 to NCAA sports to Live Nation. It was a
12 whole host of real record setting people in
13 the industry.

14 On top of that is the downsizing
15 to 13,000 seats. We are not competing with,
16 per se, them, because they are going to a
17 smaller venue. We are going to have smaller
18 concerts that they don't do there. You just
19 see the numbers of people that they actually
20 get, and they can talk about their program
21 much better than I can.

22 Next week, when both Bruce Ratner
23 himself and Brett, I always say his name
24 wrong, Yormack, I hope he's not listening,
25 but what he has done, and I say this to

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2 anybody that I've met, what he's done in
3 terms of branding with his team, obviously
4 he's not by himself, what they have branded
5 here they will be here as we continue this
6 process, and everything that you've said I
7 don't disagree with, and I think it's all
8 important and I think we will look at some
9 of those things on how we might be able to
10 tighten some wording up.

11 Obviously they're listening to it
12 too, very important. You're going to see a
13 team that really has branded something,
14 already has plans in mind on how they brand
15 this. I don't think we'll ever be the step
16 child to Barclays Center. I don't believe
17 it. I hope I'm right at the end of the day.
18 I think I am.

19 I said what they have done with
20 Barclays is why their numbers are what their
21 numbers are because of the way their
22 business model is. I hope you get a chance,
23 that he'll answer those questions of you
24 because, as I said, I've never met someone
25 like that, what he has done, the vision that

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2 they have had.

3 I personally, not that I was on a
4 selection committee, I personally believe
5 that this was the right people, no knocking
6 the MSG proposal. The MSG proposal was very
7 good. I think they would have done very
8 well too. The finances just didn't add up
9 as far as we were concerned -- or I should
10 say the committee was concerned. Obviously
11 we stand by and support their decision.

12 A lot of vetting went into this
13 process, not just about finances but the
14 ability for it to take place, what it will
15 actually be, what the Coliseum will look
16 like, what type of programming will be
17 there. The adding of the Disney Institute
18 was a home run.

19 If you see the guest services, if
20 you've been at Barclays, I've never been
21 there myself, but the guest services
22 everyone just raves about. People just --
23 you walk up there and they're going to find
24 your way where you need to go, all those
25 things add up, the Yankees adding to the mix

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2 with Legends. The Yankees and Dallas
3 Cowboys formed Legends hospitality and the
4 food service if you've been at Yankee
5 Stadium, it's phenomenal.

6 I actually thought I ran into
7 your brother once because he's the exact
8 look alike that actually works at Yankee
9 Stadium.

10 LEGISLATOR WINK: My brother is a
11 lot better looking, believe me.

12 DEPUTY COUNTY EXECUTIVE WALKER:
13 When I went up to him, I almost said, Hi
14 Wayne.

15 LEGISLATOR WINK: I can tell you
16 this. I can tell you first hand that I had
17 occasion just in the last several months to
18 see an Islander game at the luxury boxes
19 there and to see a Nets game at the end of
20 the season. There is no comparison between
21 the facilities, right down to -- not to
22 offend anybody, but at the Coliseum we were
23 asked to participate in a 50-50 raffle,
24 literally to buy tickets. At the Barclays,
25 it's was an entirely different experience.

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 You have to buy them because you feel
4 embarrassed if you don't buy them. I
5 understand. That's why I don't go.

6 LEGISLATOR WINK: It was an
7 amazing distinction between the two.

8 Let me leave you with one closing
9 thought on this. It's going to take a lot
10 to re-brand this Coliseum.

11 DEPUTY COUNTY EXECUTIVE WALKER:

12 Definitely.

13 LEGISLATOR WINK: A paint job and
14 a new facade is not enough. I think the
15 best way for you to re-brand this Coliseum
16 is to commit to bringing the Islanders back
17 here more than six games a year. Make this
18 their home. That will guarantee an anchor
19 tenant, that will guarantee success of this
20 Coliseum, and, certainly the Barclays Center
21 will not suffer from the fact that they
22 already have good anchors.

23 DEPUTY COUNTY EXECUTIVE WALKER:

24 We don't disagree with you one bit.

25 LEGISLATOR WINK: So that's my

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2 ask in all this, that we recommit to the
3 Islanders being here, where their fan base
4 is and where we can then properly re-brand
5 not only the Coliseum but maybe even the
6 Islanders to a great extent.

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 The county would agree 100 percent with you.
9 I think that's everyone's desire.

10 LEGISLATOR WINK: That's just my
11 request and I'm going to leave you with
12 that. Thank you.

13 CHAIRWOMAN FORD: I just want to
14 go back to once again to comments made by
15 Mr. Ratner at the Coliseum, the day that we
16 announced at the press conference.

17 I think that my feeling from him
18 and all of his partners who are up on the
19 dais with him, their commitment was very
20 sincere. It is their desire to invest in
21 Nassau County by rebuilding the Nassau
22 Coliseum.

23 I think that with their
24 reputation, and I'm going to guess and I'm
25 not trying to look into the pocketbooks of

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2 the Ratners, but, basically, what is the
3 worth of this organization that is backing,
4 that is going to be behind this new
5 Coliseum, the overall, is it worth \$5
6 billion --

7 MR. LESTER: It's about a \$10
8 billion of our parent company, and then you
9 have obviously the other partners as well,
10 but that's what Forest City is, and assets.

11 CHAIRWOMAN FORD: And how many
12 other venues or other situations such as
13 this have they entered into based on
14 basically this five year deal? I'm not a
15 lawyer so I'm not going to say all the
16 technical terms.

17 MR. LESTER: This is a typical
18 structure for us. So the financing
19 contingency is something we would typically
20 do. The completion guaranty, it's all sort
21 of the typical structure. Each building is
22 it's own purpose entity. That's how all of
23 our projects work.

24 CHAIRWOMAN FORD: So this is not
25 like the first or second or third time you

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2 entered into any type deal?

3 MR. LESTER: No, of course not.
4 I have been personally been at the company
5 for 13 years and worked on several different
6 types of projects from Barclays Center to
7 office to residential. So it's pretty
8 common.

9 CHAIRWOMAN FORD: I guess also,
10 and I think that the concerns raised by the
11 other side of the aisle in regard to the
12 financing and the security of the financing,
13 I guess, we're looking, we don't want to go
14 into this with five years down the road, the
15 next thing we know is that we have a rebuilt
16 Coliseum and no tenants whatsoever. But my
17 guess is, based on the reputation of Forest
18 City Ratner and the other partners that,
19 even though it is very, very tempting to
20 take a look at MSG and say that if they were
21 going to sell finance right from the
22 beginning, that would be something that
23 would definitely tip in the favor of
24 entering into an agreement with them.

25 But my guess is, based on the

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2 reputation of the Ratner Group, that this
3 was something that you looked at in making
4 your decision as to which group that you
5 were going to sign the deal with, correct?

6 MR. WALKER: Correct.

7 CHAIRWOMAN FORD: Legislator
8 Jacobs.

9 LEGISLATOR JACOBS: I am not
10 going to repeat anything that was said
11 already, but I'm going to talk to you about
12 the Islanders. I'm going to talk to you
13 that I never was a Ranger fan nor will I
14 ever be no matter where the Islanders could
15 ever be. And, to tell you that there are a
16 lot of women that are Islander fans. But
17 there is not a woman who is an Islander fan
18 that will not tell you they will never be in
19 favor of this unless you are going to do
20 something for the bathrooms in the Coliseum
21 for women.

22 Now, the reason I'm saying this
23 to you -- I told I would make everyone
24 laugh. There is a reason for it though.
25 You're talking about seating and talking

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2 about 3,000 less seats, in order to give us
3 more use of the ladies' room that exist
4 which are not sufficient as they are. I am
5 concerned about those 3,000 less seats.
6 Because I believe that we want to keep the
7 seating as it is, if not, enrich upon it.

8 I would like to know, during your
9 renovations, are you just going to update
10 and beautify, or are you going to be
11 innovative and improve upon what is not
12 there right now? There is a very big
13 difference. Sometimes it pays to build next
14 door and build it better and with more
15 thought process than to do the rebuilding to
16 something that already is and has its flaws.

17 I also feel, and you can correct
18 me if I'm wrong because you guys know better
19 than me. Supposedly, the way the Barclays
20 Center is right now, it's awful for hockey,
21 it has to be totally reconfigured. Is that
22 true?

23 MR. LESTER: I wouldn't describe
24 it as awful, but there's some site line
25 constraints on one end of bowl, so there are

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2 some practical challenges the way that the
3 bowl is configured.

4 LEGISLATOR JACOBS: Which never
5 makes anybody happy, female or male.

6 Also, I'll you something that I
7 got from somebody.

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 There's more women in the male bathrooms
10 than there are males because there's not
11 enough women bathrooms.

12 LEGISLATOR JACOBS: This is not
13 me, this is a quote I got.

14 I've heard that there is no room
15 at the Barclays Center, the present one, for
16 the Islanders' offices and the day-to-day
17 operations. Is any of that true? Is there
18 room for offices for them right now or is
19 that something that has to be redone at the
20 Barclays Center also?

21 MR. LESTER: Well, you said a lot
22 of things, so I will try to answer them.

23 There are some adjustments that
24 need to be made to the arena. So, when it
25 was originally designed, for example, there

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2 was no hockey room for an NHL team. So the
3 hockey room needs to be built, and, in
4 conjunction with that, we'll need to build
5 some Islander offices. We are building a
6 residential building next to the arena
7 there, so I think there is the opportunity
8 to satisfy those requirements.

9 Additionally, I would like to
10 comment on the capacities, both in the NHL
11 and then with some of the major concerts.

12 One of the things we've tried to
13 do, and I will talk about the NHL first.
14 The Barclays Center can accommodate 14,500
15 seats which is obviously smaller, but one of
16 the things that we've tried to do, both with
17 basketball there and here is to have every
18 seat filled. So we would like to do that
19 again at the Nassau Coliseum.

20 A lot of the big events are only
21 selling 13,000 to 14,000 seats. We think
22 it's better to improve the circulation and
23 to remove seats, replace seats with new
24 seats and to have a Coliseum that's full or
25 feels more full.

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2 Then, some of the events we are
3 going to bring are smaller, 8,000 to 10,000.
4 So when you have that kind of capacity, the
5 bathrooms and the rest rooms and the
6 concessions work better.

7 LEGISLATOR JACOBS: But does the
8 NHL actually have a requirement for seating
9 when they're hosting an major league, NHL
10 team?

11 MR. LESTER: I think they have
12 something about it being right around
13 14,000, 14,5000. So it does meet the
14 requirement.

15 LEGISLATOR JACOBS: That's a
16 concern for me. All kidding aside,
17 including the ladies' rooms, but the truth
18 of the matter is that I think it's important
19 to see the forest through the trees in this
20 and to realize that we're going to be, and
21 from what I hear around both sides, we are
22 all looking to somehow convince the
23 Islanders, or convince Mr. Wong and
24 Mr. Ratner to bring them back to us to where
25 they belong.

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2 You have to understand that I am
3 very, very close to my constituents. I know
4 how they think. It's very important that we
5 are worried about financing as we should be
6 and that we should have that locked down
7 before we give the final approval, but the
8 fans deserve that team. We couldn't do it
9 the way they wanted to do it where the fans
10 would pay for the entire team getting the
11 Coliseum, but we certainly can do something
12 now.

13 So, here's my suggestion as a
14 total layperson. You redo it the right way.
15 You have the right number of seats. You
16 help us by giving Long Island back their
17 Islanders and you give Brooklyn their Nets
18 and you got happy people in Brooklyn and in
19 Long Island. That is my solution and make
20 the ladies happy. It helps. Thank you. So
21 simple.

22 CHAIRWOMAN FORD: I'm with you on
23 that, Judy. Legislator Denenberg.

24 LEGISLATOR DENENBERG: It's now
25 good evening. I want to thank each of you

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2 for being here and, particularly, Deputy
3 County Executive Walker for putting this
4 presentation, or having you come and put
5 this presentation together. It's something
6 so important.

7 But first, you heard from
8 everyone, we'd love it if the Islanders
9 stayed even though now there seems to be, a
10 commitment apparently to go to Barclays.
11 How much money does Barclays or does Ratner
12 have to invest in the Barclays Center for
13 hockey? We talked about the changes you
14 have to do, but in terms of a monetary
15 commitment, how much is that?

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 I think it's a tough question to ask because
18 it has nothing really to do with this lease.
19 I don't want to put them on the spot if
20 something that might be confidential
21 agreements and things of that nature that
22 the Islanders may have with Barclays.

23 I get the Islanders. I
24 understand it. We will have discussions.
25 If there is a way to get more Islander games

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2 or the Islanders to move back, I think
3 everyone would love it, including the county
4 executive, and more bathrooms and everything
5 else. I'd just rather not get into
6 something could impact -- Jim, unless you
7 want to talk about it?

8 MR. LESTER: I mean, I would
9 prefer to stay away from it if possible.
10 It's a different building, different
11 project.

12 LEGISLATOR DENENBERG: My point
13 is, it's exactly what Mr. Walker was saying
14 I believe to I believe Mr. Wink's questions,
15 you were left with a situation where both of
16 the bidders have competing, or what seems to
17 be, competing interests close by, one in
18 Brooklyn, Barclays, and one in Manhattan,
19 which is MSG.

20 My logic here is we all want to
21 keep the Islanders but it seems like if the
22 current bidder, who makes the decision or
23 would have to negotiate with the Islanders
24 to keep item here, has already negotiated to
25 bring the Islanders to Brooklyn, and is

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2 investing money that you don't want to tell
3 me how much, and that's fine, but investing
4 money to make that facility compatible with
5 hockey, and the current facility, Barclays,
6 has 14,500 seats and we're going to only
7 have 13,000, seems like the commitment is
8 already to take the Islanders to Brooklyn,
9 and I don't know if we even have enough
10 seats under NHL rules to keep the Islanders
11 here. Can you answer that?

12 MR. LESTER: We've talked to the
13 NHL about our plan. Obviously we wouldn't
14 want to do anything to prevent the six games
15 so we would want to revisit that. But I do
16 think that 13,000 works for the NHL games.
17 If you look at some of the attendance, we've
18 done this, we had a little bit of this kind
19 of conversation with the Barclays Center,
20 typical arenas were like 20,000, 21,000, and
21 in our capacity, we scaled it down to
22 18,000, because we wanted the building to be
23 full and exciting every night.

24 So it's the same sort of
25 philosophy that we're bringing here. Just

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2 to touch on the competition between the
3 Barclays Center and the Nassau Coliseum. We
4 really view Nassau as its own market. Both
5 Nassau and Suffolk had 2.8 million people.
6 You're getting events that play both the
7 Barclays Center and Coliseum already. We
8 think of it as more complimentary than
9 competitive.

10 LEGISLATOR DENENBERG: Just from
11 studying the NHL over the years, when they
12 were supportive of the Lighthouse Project,
13 and when they were with the Islander
14 ownership, really coming here to Nassau and
15 to everyone involved, whether it was the
16 county executive, the legislature, the Town
17 of Hempstead, being supportive of the new
18 arena, it always seemed -- and I don't know
19 if it's protocol or just what they initially
20 look at, but it would seem like they would
21 always want facilities that are in the range
22 of a minimum of approximately 15,000.

23 So I don't know if we're taking
24 ourselves out of any ability to be more than
25 a four game a year venue by having an arena

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2 that's so small. I certainly think it's
3 preferable to have a 13,000 person arena if
4 it gives Legislator Jacobs more room and
5 more bathrooms but, in all seriousness
6 though, and if that makes us a better
7 facility, that's what it has to be.

8 But I really think that
9 everyone's desire to keep the Islanders here
10 almost seems contradictory to what the NHL
11 requirements might be, and the own competing
12 interests at Barclays where investing money,
13 and already have a commitment from the
14 Islanders.

15 My question, which came up at the
16 introduction, which is a bigger concern, is
17 there any talk, is there any possibility
18 that the Islanders would go to Barclays
19 earlier, before the 2015 season?

20 DEPUTY COUNTY EXECUTIVE WALKER:
21 No.

22 LEGISLATOR DENENBERG: That's
23 good. Very good. But obviously anything
24 that we can do to get more Islander games
25 here, you've heard it again and again, I'm

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2 just not seeing it with what's been going
3 on.

4 DEPUTY COUNTY EXECUTIVE WALKER:
5 They good thing with the Islanders, they
6 average about 11,000 fans, give or take.

7 LEGISLATOR JACOBS: Only when
8 they were not a good team. When they were
9 at their top, you couldn't get a seat.

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 It's like anything. I agree. Hopefully if
12 you're playing well --

13 LEGISLATOR JACOBS: If they pay
14 the money to build a team, they will come.

15 LEGISLATOR DENENBERG: Rob, you
16 and I were certainly there when they were
17 winning those cups in '79 to '83.

18 DEPUTY COUNTY EXECUTIVE WALKER:
19 I have a picture inside the Stanley Cup and
20 I wasn't going to the bathroom.

21 LEGISLATOR DENENBERG: The
22 average attendance in those years, the
23 hay-day, was close to 14,000 I thought.

24 DEPUTY COUNTY EXECUTIVE WALKER:
25 Yes, about 14-5, 15.

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2 LEGISLATOR DENENBERG: The
3 average attendance was 14 -- and would sell
4 out, 15-8 or 16,000, whatever it was. I
5 looked it up, in the '81, '82 season, there
6 were, more than half the games were
7 sell-outs.

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 You're right. We understand the Islanders'
10 thing and we will have a conversation with
11 them. Unfortunately or fortunately, the
12 county executive, I think everyone is in
13 full agreement that we want to keep the
14 Islanders here as much as possible.

15 LEGISLATOR DENENBERG:
16 Contingency is a big issue that we're
17 looking at. Everyone raised it. It comes
18 in Section 4 of the agreement so, where the
19 tenant, which is NEC, a requirement would be
20 receiving binding commitments, a form
21 reasonably satisfactory to the tenant for
22 all benefits required and all financing
23 deemed necessary by tenant in order to
24 perform the work.

25 I was going to ask this all

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2 along, and that includes IDA financing in
3 accordance with Schedule D.

4 So, under this agreement, what am
5 I to understand not being a real estate
6 attorney or expert in the field, I practice
7 environmental and intellectual property.
8 What is all financing deemed necessary, and
9 what would be a form reasonably satisfactory
10 to the tenant for the financing?

11 MR. LESTER: I think there's two
12 parts here. One is the component of the IDA
13 benefits. So the IDA benefits are the
14 benefits that Mr. Meyer laid out in his
15 presentation which are the full exemption of
16 the real estate taxes on the Coliseum, the
17 mortgage recording tax, the sales tax
18 exemption, and the phase in of the real
19 estate taxes.

20 LEGISLATOR DENENBERG: Schedule
21 D, real estate tax exemption for the
22 premises, phased in flexible pilot for the
23 Coliseum Plaza and the Coliseum Plaza
24 improvements, sales and use tax exemptions
25 for portions of the Coliseum improvements

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2 and mortgage recording tax exemption.

3 MR. LESTER: So our overall
4 economic model is based on those benefits
5 and, to the extent they're not available, it
6 becomes problematic. So that's what that is
7 speaking to.

8 Then, on the financing, we need a
9 binding commitment from a lender like
10 Goldman to finance a certain amount of the
11 project costs.

12 LEGISLATOR DENENBERG: So that
13 would be -- but my concern, and maybe the
14 county can answer here, by saying in a form
15 reasonably satisfactory to the tenant and
16 all financing deemed necessary, you talked
17 about with other questions the IDA component
18 which is indirectly then from the county or
19 at a cost to the taxpayer. That's not a
20 cash cost so that's why you say no cash
21 outlay, but it is indirectly a cost to us,
22 Nassau County, the taxpayers. But that
23 financing you said could be from Goldman.

24 At what point -- could it be the
25 interest rate is too high or the points to

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2 close are too high that would make NEC deem
3 the financing not satisfactory or not
4 reasonably satisfactory? That concerns me.

5 MR. MEYER: Right. That would be
6 one of the terms you would consider under
7 something like that. It would be if --
8 under the market conditions, if it was a
9 significantly high interest rate, and it
10 wasn't economically feasible for them to
11 enter into the deal, then that's correct.
12 Then it's financing that's appropriate for
13 what they need.

14 LEGISLATOR DENENBERG: So what
15 regulates then if you want to get out at
16 some point saying whatever you get is not
17 reasonably satisfactory, but is there an
18 industry standard that regulates what should
19 be reasonably satisfactory?

20 Because, the way this is written,
21 it's the tenant's sole prerogative here.
22 If it's not financing, all financing deemed
23 necessary, and not reasonably satisfactory.

24 Is there some way to lock you in
25 more?

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2 MR. MEYER: Right. It does say
3 reasonably satisfactory to the tenant. But
4 what I would say on that is, we did have, as
5 I indicated previously, PFM and KPMG vet
6 both of the proposers in this instance and
7 indicate, this is what they do every day, a
8 \$10 billion corporation, that they expressed
9 significant confidence that they would
10 obtain the financing necessary to complete
11 this project.

12 So when it comes to terms of --

13 LEGISLATOR DENENBERG: As they
14 would obtain it for NEC?

15 MR. MEYER: For NEC, that's
16 correct.

17 LEGISLATOR DENENBERG: I guess I
18 will wait and see what OLBR shows in
19 accordance with what Legislator Wink had
20 requested, but are we confident that this is
21 relatively, what's the word I'm looking for,
22 standard in the industry?

23 DEPUTY COUNTY EXECUTIVE WALKER:
24 Yes. 100 percent. Standard in the
25 industry. And just want the financing too,

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2 and the IDA component and the two proposals
3 and I'm glad that OLBR has the two different
4 leases. The IDA requirements that MSG put
5 on their proposal was the same identical to
6 what NEC has put on, but, also, MSG was also
7 requiring as part of this deal, was to get
8 100 percent IDA zero full tax exemption on
9 the plaza improvements. There's going to be
10 no property tax. They wanted a full
11 exemption on all plaza improvements and also
12 the Coliseum improvements.

13 NEC is just requiring the IDA
14 components for the exemption on the Coliseum
15 property and the plaza improvements. They
16 obviously will go with what they usually do
17 for any type of exemption, if they can get
18 the sales tax exemption and a mortgage
19 recording tax, but they are fully prepared
20 and agree to pay a pilot.

21 LEGISLATOR DENENBERG: So the
22 bottom line of what you're saying is, yes,
23 MSG had none of this financing contingency
24 that I'm asking about, but Schedule D of the
25 IDA assistance --

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 Yes, they wanted it and then some.

4 LEGISLATOR DENENBERG: Was

5 larger?

6 DEPUTY COUNTY EXECUTIVE WALKER:

7 Yes.

8 LEGISLATOR DENENBERG: So,

9 Maurice Chalmers is here.

10 Maurice, is that something that
11 you can look at when you're doing that
12 comparison that was requested of the
13 bottom-line comparison -- I'm sorry, you
14 were asked to do a comparison, not just of
15 this deal, but also take a look at MSG to
16 look at the financing issues. Just to make
17 a comparison. So I think what Mr. Walker
18 says is obviously important to compare what
19 the IDA required commitment was for both.

20 MR. CHALMERS: We could highlight
21 that in our analysis. It shouldn't be a
22 problem. We also have, part of it was
23 highlighted also on the KPMG analysis, so we
24 will bring that up.

25 MR. LESTER: Can I add something?

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2 I just also wanted to mention that in order
3 to advance the project, it is important for
4 the company to spend a lot of money,
5 millions of dollars advancing the design,
6 ramping up staff, going out. So we are
7 going to be heavily invested in the success
8 of the project.

9 LEGISLATOR DENENBERG: To just
10 not get into any more of these questions, I
11 think it might have been Mr. Nicoletto or
12 Mr. Wink, I can't remember, had asked for
13 the MSG proposal itself as something
14 important.

15 There haven't been that many
16 questions on the plaza improvements versus
17 the Coliseum improvements. Can you just
18 outline the dates that the Coliseum
19 improvement could start, I believe it's
20 August 1st of 2015, but has to start within
21 five years, correct, of the execution of the
22 agreement?

23 MR. LESTER: Right.

24 DEPUTY COUNTY EXECUTIVE WALKER:
25 That's correct.

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2 LEGISLATOR DENENBERG: Outline
3 when the plaza improvements, the Coliseum
4 Plaza improvements would have to start and I
5 would assume the plaza improvements are
6 what's on your figure right behind us,
7 that's the restaurants, the ice skating
8 rink, the bowling alley.

9 DEPUTY COUNTY EXECUTIVE WALKER:
10 Our goal in working with NEC and the Town of
11 Hempstead will be to do the Plaza
12 improvements and the Coliseum improvements
13 simultaneously. We believe it's a much
14 better way to go. Obviously we all have to
15 work aggressively on that, that's why with
16 respect to the timeline, 23 months actually
17 is a very tight window, but we believe it's
18 the best way to do it. It will be
19 simultaneous.

20 LEGISLATOR DENENBERG: Is there a
21 contractual commitment as to when it starts,
22 the plaza improvements?

23 MR. MEYER: Yes, and it's the
24 same for both. And it's a 15 month
25 construction period for the Coliseum

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2 renovation and 18 months for the --

3 LEGISLATOR DENENBERG: What's the
4 total development that you are committing to
5 aside from, we've discussed the Coliseum
6 improvements again and again, what's the
7 total --

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 About 145,000 square feet, 150,000 square
10 feet. Obviously they will work it out when
11 they do the site plan, but --

12 LEGISLATOR DENENBERG: And the
13 breakdown of that where you have 60,000
14 square feet of dining options, 25,000 square
15 feet recreational, bowling anchor, 60,000
16 movie theatre, 2,800 seat theatre, is that
17 contractually required or is that subject to
18 change?

19 DEPUTY COUNTY EXECUTIVE WALKER:
20 Pretty much that's their programming but it
21 will be site plan approved by the Town of
22 Hempstead. We believe it all falls within
23 the Mitchell Field mixed use zone, but this
24 is a conceptual -- it's a plan that they put
25 in place based upon -- the rent stream is

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2 based upon that plan. So as a work just
3 forward with the Town of Hempstead and sign
4 leases.

5 LEGISLATOR DENENBERG: So in the
6 contract it's a commitment to 165,000 square
7 feet of development, is that true?

8 DEPUTY COUNTY EXECUTIVE WALKER:
9 145.

10 MR. MEYER: 145,000 plus the
11 Fillmore theatre.

12 LEGISLATOR DENENBERG: So it's
13 145,000 plus 2,800 square foot theatre. And
14 what's our revenue for that part?

15 DEPUTY COUNTY EXECUTIVE WALKER:
16 \$400,000 for the first year and then
17 escalating.

18 LEGISLATOR DENENBERG: As opposed
19 to then the Coliseum, it's the -- the
20 Coliseum is \$4 million, 48 percent whichever
21 is higher?

22 MR. MEYER: Or eight percent of
23 the gross revenue, and 12.75 percent of
24 parking.

25 LEGISLATOR DENENBERG: So

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2 \$400,000 for the plaza improvements?

3 MR. MEYER: Yes.

4 LEGISLATOR DENENBERG: \$4 million
5 or eight percent of the revenue receipts
6 including parking for the Coliseum itself?

7 MR. MEYER: It's eight percent of
8 the gross revenue on the Coliseum Plaza
9 improvements as well, or \$400,000, whichever
10 is greater.

11 DEPUTY COUNTY EXECUTIVE WALKER:
12 And that \$400,000 also escalates.

13 LEGISLATOR DENENBERG: But we're
14 assuming that for the plaza it's going to be
15 lower revenue because I assume you're going
16 to have subleases with whoever runs the
17 restaurants, the bowling alleys, the movie
18 theatre?

19 MR. LESTER: That's correct.

20 DEPUTY COUNTY EXECUTIVE WALKER:
21 And they're also going to be paying on top
22 of that the pilot, whatever the IDA grants
23 as the form of a pilot.

24 LEGISLATOR DENENBERG: Now, with
25 the IDA grants and sewage treatment, for

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2 example, that's a -- let's take out sewage
3 treatment for a second. You, NEC, pays all
4 utilities, right; the LIPA cost, water cost,
5 all of that, correct?

6 MR. LESTER: Correct.

7 LEGISLATOR DENENBERG: But the
8 one utility that's not sure to me that you
9 would pay for because it's typically paid
10 from property tax is sewage treatment.

11 I assume, because you are in
12 sewer district number three, that any
13 development would utilize Cedar Creek,
14 correct?

15 DEPUTY COUNTY EXECUTIVE WALKER:
16 Correct.

17 LEGISLATOR DENENBERG: Is that in
18 the contract? I didn't see it.

19 MR. KLEIN: The specific facility
20 is not mentioned in the contract, but in
21 Section 15.1 it does identify sewer charges
22 as one of the utility fees that NEC will be
23 responsible for.

24 LEGISLATOR DENENBERG: Sewer
25 charges they are?

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2 MR. KLEIN: They are.

3 LEGISLATOR DENENBERG: So what
4 would we do, we would have a separate
5 agreement for a tie-in?

6 MR. LESTER: Yes.

7 LEGISLATOR DENENBERG: Do you
8 envision an annual charge or something
9 charged based on usage?

10 MR. LESTER: I think we have to
11 evaluate to make sure we're not in -- put
12 ourselves in any type of non-conformity with
13 the requirements. I don't know if people
14 can pay different methodologies of payment.
15 We have to look at the law and figure out
16 what the correct way is of charging it.
17 But, as you know, it's on your tax bill now,
18 but they will be -- it will be evaluated. I
19 don't know the exact methodology.

20 LEGISLATOR DENENBERG: That's my
21 question, because I understood gas or water
22 and you shook your head that NEC, you nodded
23 yes, if I'm not incorrect, that NEC is
24 responsible for those charges, correct?

25 DEPUTY COUNTY EXECUTIVE WALKER:

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2 Yes.

3 LEGISLATOR DENENBERG: And you
4 understand for sewer, since we don't have a
5 separate charge by now that we'd have to
6 work out some type of agreement?

7 MR. LESTER: That's right.

8 LEGISLATOR DENENBERG: Finally,
9 with respect to the Veterans Memorial
10 Coliseum, in reading the lease, it's my
11 understanding that any naming rights that
12 NEC can exercise must still keep the name
13 Veterans Memorial Coliseum in it, correct?

14 MR. LESTER: That's right. Yes.

15 LEGISLATOR DENENBERG: So we can
16 lose the Nassau but we can't lose the
17 veterans memorial?

18 MR. LESTER: I believe you have
19 to have Nassau Veterans Memorial.

20 LEGISLATOR DENENBERG: All right.
21 Final area. The total development we can
22 agree that some time after the Lighthouse
23 Project was proposed and not accepted by the
24 town, the town gave us a footprint or a map,
25 not even a map, I guess a zoning plan that

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2 they would allow, correct?

3 MR. LESTER: Yes.

4 LEGISLATOR DENENBERG: What is
5 the total square acreage of development that
6 was in the town's plan?

7 MR. SALLIE: The Lighthouse
8 Development proposed upwards of 2 million
9 square feet of mixed use development.

10 When the town rezoned the
11 property, and the rezoning or the zoning map
12 is in front of you, the area in light blue,
13 it's 91 odd acres is the area that the town
14 rezoned. So it's inclusive of the 77 acre
15 Coliseum property and then the Marriott
16 property and the two lots to the south.

17 So the development -- the
18 conceptual build-out of the Mitchell Field
19 mixed used zone is roughly 1.2 million
20 square feet of development.

21 LEGISLATOR DENENBERG: That the
22 town would allow?

23 MR. SALLIE: That the town would
24 allow, right. They built out the zone, they
25 have this conceptual scenario that they

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2 analyzed under SEQRA. So it's about 125
3 million square feet with 500 residential
4 units cap.

5 LEGISLATOR DENENBERG: How much
6 is being proposed by NEC now?

7 MR. SALLIE: Right. So the plaza
8 development, so exclusive of the Coliseum is
9 roughly 150 thousand square feet.

10 LEGISLATOR DENENBERG: So it's
11 150,000 of 1.2 million that would be
12 allowed?

13 MR. SALLIE: Correct.

14 LEGISLATOR DENENBERG: So one
15 would think we are well within, correct?

16 MR. SALLIE: Well within. Well
17 within the density, bulk, intensity, and
18 uses permitted.

19 LEGISLATOR DENENBERG: So, then,
20 that other development that we could
21 possibly do, and looking at your picture,
22 parking I guess would be the elephant in the
23 room, but if there is a parking garage that
24 resolves itself, either Mr. Walker,
25 Mr. Sallie, someone answer, who, if this 145

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2 square feet of development is done, but the
3 town would allow up to 1.2, or even if the
4 town scaled it back and said only a million,
5 it's like 800,000 to a million more
6 development that would be allowed in the
7 town scaled back version from the
8 Lighthouse, who's right would that be?

9 DEPUTY COUNTY EXECUTIVE WALKER:
10 The county's, right? It would be up to this
11 legislature to approve any other future
12 development we have. The three month
13 exclusivity with -- in this lease with NEC,
14 and, as I mentioned before, if something
15 came about that was a compelling interest to
16 the legislature and the county executive
17 that mirrors this proposal, we would take
18 advantage of it. I don't know if that's
19 going to come or not. That's why that three
20 month --

21 LEGISLATOR DENENBERG: So we
22 could put out a proposal and for three
23 months, that proposal would be exclusive for
24 NEC to bid on?

25 DEPUTY COUNTY EXECUTIVE WALKER:

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2 No. Right now we have three month
3 exclusivity for us to negotiate for any
4 future development on this site. We're not
5 doing that. We don't even know what that
6 future development is.

7 We know and Sean mentioned, we
8 are very comfortable and confident that at
9 the end of the day the Town of Hempstead is
10 going to be the only that's going to decide
11 if there is any available parking left for
12 future development, or do we need to use
13 that whole 77 acres to require 6,000, 6,500
14 parking spots. We don't know what that's
15 going to be.

16 So the site plan approval process
17 is going to dictate, do we have any
18 available space for immediate development.
19 We have a three month window to negotiate
20 with NEC on any other development on that
21 site. We are under the opinion that we will
22 be working with both NEC, the Renaissance
23 Development Group, and the county, and the
24 county legislature, because it goes through
25 all the other processes on any other future

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2 development.

3 Probably in almost -- 99 percent
4 positive that we are going to need parking,
5 a parking structure to, in fact, replace
6 existing parking. Because we are going to
7 required to have that parking for both the
8 plaza improvements and the Coliseum.

9 LEGISLATOR DENENBERG: So let's
10 say Renaissance, Monti brings a hotel. Let
11 say, I don't know Hilton or Sheraton. What
12 would NEC's rights be to prevent that if
13 they think it takes too much of the parking
14 for the plaza improvements to be efficient
15 effective profitable?

16 DEPUTY COUNTY EXECUTIVE WALKER:
17 Because we are required to maintain X
18 parking strictly for the Coliseum and the
19 plaza improvements. It's going to be a
20 requirement of the Town of Hempstead.

21 So we know we are not going to be
22 able to do anything else on that land unless
23 we replace the existing parking with
24 something else. That's going to be down the
25 road if it happens. It's unknown. We are

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2 all working aggressively. It's \$25,000 per
3 parking spot for a parking garage. You can
4 do the math quick. You want to replace
5 3,000 parking spots, we are talking \$65
6 million, doing it quick in my head, a lot of
7 dollars.

8 So the county is not putting in
9 dollars for that. This is 100 percent
10 privately financed facility, the plaza
11 improvements and the Coliseum. And we,
12 collectively, the whole process, if there is
13 going to be anything added on three years
14 from now, four years, five years down the
15 road, you would have to go through the same
16 environmental review process, the same town
17 board process, and you would have to
18 obviously then meet the Town of Hempstead
19 requirements.

20 LEGISLATOR DENENBERG: I guess
21 I'd close with, you mentioned the MIS study,
22 which was the transportation study, the 17
23 million that you credited with Carolyn
24 McCarthy with securing, and we were down to
25 two preferred alternatives, bus rapid

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2 transit, and light rail. I believe we are
3 leaning towards, if not, have already chosen
4 bus rapid transit.

5 DEPUTY COUNTY EXECUTIVE WALKER:

6 We are very much leaning towards bus rapid
7 transit.

8 LEGISLATOR DENENBERG: Is there a
9 light at the end of that tunnel that that
10 could happen at the same time that we start
11 seeing this?

12 DEPUTY COUNTY EXECUTIVE WALKER:

13 The bus rapid transit is just a much easier
14 methodology by which to in fact see progress
15 on. Obviously, any type of light rail
16 systems would result in a lot of acquisition
17 of property, condemnation in many regards, a
18 lot of dollars, much more expensive,
19 stations and other things such as that
20 nature that I, personally, don't think it
21 will happen. I don't think there's that
22 many dollars are out there. We are all
23 competing for the same money.

24 Bus rapid transit, Veolia has a
25 very -- they are interested already. They

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2 have already looked at linking hubs and
3 things of that nature. So I believe that
4 that is a much better way to go, more cost
5 conscious, but also people to finally see
6 something.

7 LEGISLATOR DENENBERG: Well,
8 where are we at the MIS now?

9 DEPUTY COUNTY EXECUTIVE WALKER: I
10 believe we had some stakeholder meetings. I
11 believe we're probably closer to the final
12 stages of the locally preferred alternative.

13 LEGISLATOR DENENBERG:
14 Mr. Sallie, do we know when that should be?

15 DEPUTY COUNTY EXECUTIVE WALKER:
16 He's smart. He left.

17 LEGISLATOR DENENBERG: So we
18 don't know when that preferred alternative
19 is going to be?

20 DEPUTY COUNTY EXECUTIVE WALKER:
21 Very soon. Next few months.

22 LEGISLATOR DENENBERG: Thank you.
23 Thanks guys.

24 CHAIRWOMAN FORD: Legislator
25 Dunne.

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2 LEGISLATOR DUNNE: Most of my
3 questions have already been asked and
4 answered. The public safety questions
5 Legislator Belesi asked, and they were
6 answered to my satisfaction.

7 There is going to be a financial
8 risk, even Trump when he does his casinos
9 and his hotels, there's a financial risk.
10 So nothing is a sure thing. I understand
11 exactly what you're saying. I don't know
12 how it seems to be hard so hard to
13 understand by some of the people in the
14 legislature here.

15 Is it still going to be used as a
16 shelter in an emergency?

17 DEPUTY COUNTY EXECUTIVE WALKER:
18 Yes. We did two things. First, we have
19 data we put in already into the dates that
20 the county could actually use. We didn't
21 use it during the last storms really as an
22 emergency center, but the staging area we
23 would use if need be. Obviously in this
24 storm we worked with them on that.

25 The shelter component, we prefer

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2 to stay away from the Coliseum, because you
3 saw what happened at the Super Dome in New
4 Orleans, another place that uses mass
5 facilities, but we obviously would use the
6 parking lot for a staging area and, during a
7 storm, they wouldn't be having that many
8 events anyway.

9 We believe we would have no issue
10 with that but there is dates for the county
11 to use for their own activities should we
12 choose, we just have some noticing
13 requirements.

14 LEGISLATOR DUNNE: Excellent.
15 Thank you. America's Got Talent, American
16 Idol, all those things, are you pursuing
17 those shows to come to the Coliseum?

18 MR. LESTER: Yes. We pursue all
19 sorts of avenues like that.

20 LEGISLATOR DUNNE: Every kind of
21 entertainment there is. How about high
22 school tournaments, state or county
23 tournaments, whether it be wrestling,
24 basketball, volleyball, high school Marching
25 band competition? We have the Empire State

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2 Games.

3 MR. LESTER: I think anything
4 like that would be great.

5 LEGISLATOR DUNNE: So you do look
6 at everything?

7 MR. LESTER: Yes. Definitely.

8 LEGISLATOR DUNNE: Terrific.
9 Most of my questions have been answered.
10 I'm waiting for the financial response from
11 Independent Budget Review. I'm finished.
12 Thank you.

13 CHAIRWOMAN FORD: Legislator
14 Becker.

15 LEGISLATOR BECKER: I only ask
16 for one guarantee and that's in the contract
17 is that Miley Cyrus doesn't do any twerking
18 in the Nassau Coliseum, can you promise me
19 that, the Ratner Group? We have tender
20 young people in the county and we don't want
21 them to see that stuff.

22 Anyway, I just want to -- very
23 quickly. I think this is a great plan and I
24 just personally wanted to congratulate the
25 county executive on a great job, and, you,

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2 Rob, for the work you did on this. It's
3 stunning, it's one of the best developments
4 I've had in the 18 years I've been with the
5 county to see this really finally happen and
6 I'm really looking forward to it. I think a
7 \$10 billion company should be able to get
8 the financing it needs and, according to
9 Washington, the economy is improving, but,
10 even so, I think that we can see the success
11 the Barclays arena has had so far. I've
12 been there. It's wonderful. Been to some
13 concerts there. I, too, like everybody,
14 would like to see more Islander games. If
15 we could see more Islander games here, you
16 know you're talking a home run, or a grand
17 slam, I should say, because this is a home
18 run.

19 But, thanks, Rob, for the great
20 work you're doing, and the county executive.
21 It's an amazing thing. I think this is
22 going to be a great thing for our county in
23 moving forward and, at least if we leave
24 this legislature, I can say, hey, something
25 good happened when I was there. Thank you.

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2 DEPUTY COUNTY EXECUTIVE WALKER:

3 You're be there for the ground breaking.

4 CHAIRWOMAN FORD: Legislator

5 Troiano.

6 LEGISLATOR TROIANO: I have two
7 questions. This goes back to the issue of
8 the conditional financing requirement in the
9 contract, and Legislator Dunne said, I think
10 quite correctly, that there's risks in
11 everything.

12 But just as you provided us with
13 a letter, you haven't provided it to us, but
14 there is a letter from Goldman Saks
15 indicating that you can get financing today,
16 is there any reason why, when we get further
17 down the road, instead of having it be just
18 your determination, we couldn't also add to
19 the contract requirement that Goldman Saks
20 provide a letter saying that, in fact, you
21 can't get the financing at this time?

22 MR. LESTER: The way -- it's
23 difficult to get the firm financing
24 commitment until everything is aligned with
25 all the revenues and you really go out to

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2 market it, and I think I'm speaking sort of
3 for Goldman, but they don't really want to
4 go out and market it and try to -- have
5 everything buttoned up until we are really
6 ready to close. So if we don't have the
7 approvals --

8 LEGISLATOR TROIANO: That's not
9 what I'm asking. I'm sorry. If we got to
10 the point maybe two years from here, or a
11 year and a half from here, and you, under
12 the current lease as it's structured now, if
13 you were to determine that you can't get
14 financing, we are subject to your
15 determination. What I'm saying is, why
16 can't we get to buttress that, require a
17 letter from Goldman Saks at that time saying
18 that, in fact, NEC's determination is
19 correct?

20 LEGISLATOR MUSCARELLA: Can I
21 just jump in for a second? I think what the
22 question is asking is, if financing is
23 denied, are we going to get a letter of --

24 LEGISLATOR TROIANO: That's not
25 quite my question because they don't have to

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2 go out and try to get financing and then get
3 turned down. All they have to do is say is
4 they can't get financing that's reasonably
5 satisfactory to them.

6 All I'm saying is, and I think
7 you should want this also, Legislator
8 Muscarella, is some independent verification
9 that they can't get financing in the same
10 way that Ronald Reagan said trust but
11 verify. That's all I'm saying. Are they
12 okay with that?

13 DEPUTY COUNTY EXECUTIVE WALKER:
14 These questions with the financing, they've
15 got to go back, obviously, to their
16 principal and discuss, and I will get you an
17 answer right away, obviously before you
18 vote. We understand the question.

19 LEGISLATOR TROIANO: Then the
20 second question I have is, during a meeting
21 with Legislator Abrahams and Bruce Ratner,
22 he indicated that he was solely committed to
23 using union labor for this project. I'm
24 happy to see that there is this kind of
25 commitment in the lease.

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2 He also indicated that he had a
3 personal commitment to what I thought were
4 very lofty goals for minority vendor program
5 during the construction phase and then
6 afterward.

7 Can't we also include that kind
8 of commitment in the lease?

9 MR. LESTER: I think we typically
10 strive for having the MWBE goals. Going
11 back to the lease generally, I think we need
12 to talk about. One thing I just want to
13 mention about the lease. The lease was
14 negotiated holistically, so there were a lot
15 of things that were coming up, gives and
16 takes along the way, so to go back on the
17 individual items here and there is tricky.

18 LEGISLATOR TROIANO: I think we
19 just talked about adding a paragraph similar
20 to the paragraph by the unions that says,
21 best efforts basis, try to achieve the goals
22 that Mr. Ratner set in the meeting that I
23 had with him. I would like to get something
24 in this contract that says that at least
25 there is at least a personal commitment to

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2 that goal.

3 MR. LESTER: Right. Okay. I'll
4 talk to him about that. I think we are
5 committed to those goals, so I'm not trying
6 to --

7 LEGISLATOR TROIANO: I have no
8 doubt that you are. He said that you met
9 and exceeded the goals for the Barclays
10 Center, let's just put that into this
11 contract as well.

12 MR. LESTER: Okay.

13 LEGISLATOR TROIANO: Thank you.

14 CHAIRWOMAN FORD: Legislator
15 Belesi.

16 LEGISLATOR TROIANO: Can we just
17 add to that some form of an apprenticeship
18 program as well?

19 DEPUTY COUNTY EXECUTIVE WALKER:
20 You know, they're going to deal with that
21 with the unions. I think the unions -- the
22 whole concept of using the unions, they're
23 going to negotiate the contract with the
24 unions, how they negotiate it with the PLEs
25 and things of that nature. It will all tie

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2 in. They might be required to have the
3 apprenticeship program anyway as per our
4 law.

5 CHAIRWOMAN FORD: I think they
6 have to, have an apprenticeship program.

7 DEPUTY COUNTY EXECUTIVE WALKER:
8 They all going to have it because you're
9 dealing with the unions. You just don't put
10 them into this because they're going to
11 enter into PLAs and things of that nature
12 and it's going to take into account all of
13 those types of things.

14 CHAIRWOMAN FORD: The law is that
15 you write it in to and I believe the county
16 has it, the City of Long Beach has it, that
17 they can only, you know, on city-owned
18 properties that they can only enter into
19 agreements with renovations with companies,
20 businesses that have approved apprenticeship
21 programs certified by New York State.

22 LEGISLATOR TROIANO: I think the
23 difference here might be, I'm not quite sure
24 and, as it's been said many times today, I'
25 not an attorney, but that is true when the

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2 county when the county contracts with
3 somebody, some contractor to build a
4 building that the county owns and operates.
5 That is a little bit different I think.

6 CHAIRWOMAN FORD: No, it isn't.
7 It's county-owned property.

8 LEGISLATOR TROIANO: The county
9 is not going to operate the building.

10 DEPUTY COUNTY EXECUTIVE WALKER:
11 There is no issue with the apprenticeship
12 programs. Because, as I said, they're using
13 unions already that have apprenticeship
14 programs. They're going to negotiate with
15 the unions and why the unions do so well
16 with Forest City Ratner is because they
17 negotiate the contract, they go out to bid,
18 and I'm not speaking for them, but I know
19 this is what will take place. And then
20 you'll have all those union issues wrapped
21 into it. It's not an issue.

22 CHAIRWOMAN FORD: When they
23 proposed this, at the Coliseum, when
24 everybody was there, many of the labor
25 unions were represented by their leaders.

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2 They were all very happy. But I'm not going
3 to speak on their behalf, but the way it was
4 conveyed to me was that they were very happy
5 with this because they know that Forest City
6 Ratner has always been very union friendly.
7 So they were looking, they were very happy
8 that they will be working with him on this
9 project.

10 I believe that, I don't know like
11 going forward, like after once it's built, I
12 believe that he is looking to make sure that
13 he does have a good work environment.

14 I think that one of the
15 discussions that we had when I met with
16 Mr. Ratner and Ashley Cotton was that, even
17 over in Brooklyn, that they hired, their
18 intent was in that area because so many
19 people can walk to work, that it was to
20 their benefit. Because you can't park in
21 Brooklyn, let's be honest about that.

22 But what they did was, that so
23 many of the employees they brought in lived
24 locally so they were able to walk to work.
25 And I believe, and I'm not going to put

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words in Ms. Cotton's mouth, but I believe the turnover has been very, very low. That the people that they hired have stayed. So that tells you something about the people that they work for, their employees, that if you have that commitment, that dedication, on the part of employees, that they're going to stay, that you know the working environment is probably pretty good. I don't know. I don't work there.

But I think also, in all fairness, I think that you, yourselves, do a little justice when you don't come and tell us, I think at that presentation at the Coliseum, as I said on the dais you had various representatives, and I'm not a sports person, but I know that, never mind the music, but you also had somebody from college basketball I think, and you might have had hockey, baseball, different coaches, and I think that you plan on also, your intention is to open up the Coliseum to a lot of communities so that there's community participation, perhaps in coaching

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2 for different sports and everything.

3 Can you elaborate on that to tell
4 me if I'm right or wrong, if you are looking
5 also to incorporate the Coliseum into the
6 neighborhood and have the neighborhood come
7 into the Coliseum?

8 MR. LESTER: I think that's
9 right. We want to reach out to the
10 neighborhoods and have them come in both in
11 employment and through things like the
12 coaches clinic, the basketball coaches
13 clinics, the Yankees coaches clinics, doing
14 all sorts of high school basketball events,
15 so that's certainly the intention, and
16 that's what we tried to do in Brooklyn.

17 Also even just with the food,
18 bringing local sort of culinary experiences
19 into the building and to the surrounding
20 retail, so that's certainly what we hope to
21 do.

22 CHAIRWOMAN FORD: I think in all
23 fairness, as I said, I've had the
24 opportunity. I have been in Brooklyn. I
25 started there in the mid 1970s working in

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2 that area, and even shopping in that area on
3 Fulton Street, Willaby Livingston. The one
4 thing that can say is that it was through
5 Mr. Ratner's group that they renovated that
6 area and they built the Metrotech Center
7 which is a beautiful example of well-planned
8 design, that they brought something into a
9 distressed area of New York City and seemed
10 to elevate it. So that even when the
11 concern is, when you have with the Coliseum,
12 what impact is it going to have on the
13 surrounding businesses? Will it take away
14 from the local business, the local delis, or
15 whatever else is surrounding, on Hempstead
16 Turnpike?

17 I have to say that when I look at
18 the restaurants and the stores now along
19 Flatbush over by Fulton Street, they are
20 becoming a little bit more upscale, they're
21 much nicer, and you just see a lot of energy
22 now in that area that I didn't see 30 years
23 ago, a lot of positive energy.

24 I agree with you that I think
25 that we have to be concerned about the

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2 financials, you know, like our commitment
3 and our trust in them, it's a little bit of
4 a gamble, I admit it, and we are hoping that
5 through the Office of Legislative Budget
6 Review that they'll be able to relay some of
7 the concerns that perhaps many of us share.

8 But I think that this is a good
9 group and I believe that with their
10 reputation it speaks a lot for us moving
11 forward in the decision that we have to make
12 but we do have a lot of homework to do
13 before we reach the Full Legislature to vote
14 on this.

15 Legislator Belesi, were you
16 finished?

17 LEGISLATOR BELESI: Just a
18 question. With the new realignment of the
19 hockey, NHL, being a lot of competition for
20 us on the island now, what I'm asking is,
21 are you taking into account for the new
22 realignment to the National Hockey League,
23 which teams will be where? It affects if a
24 team gets to downtown Brooklyn and two years
25 later, it was a temporary move and they want

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2 to move to Calgary, it's not going to be so
3 simple. I'm just saying, take into account
4 for a new division because there's billions
5 of dollars tied up in that with labor
6 contracts.

7 MR. LESTER: It's something to
8 think about certainly. I do think there is
9 some territorial rights in this area that
10 govern so we would need to look at it in the
11 context of those as well.

12 LEGISLATOR BELESI: Thank you.

13 CHAIRWOMAN FORD: Any other
14 questions?

15 (No verbal response.)

16 Is there any from the audience?

17 (No verbal response.)

18 I want to thank you very much for
19 your presentation and participation today
20 and for addressing our questions and our
21 concerns.

22 I will now call the item, only
23 those on the Economic Committee.

24 LEGISLATOR DERIGGI-WHITTON: Can
25 we just have a caveat that the information

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2 we requested be provided prior to the next
3 Full Leg meeting?

4 CHAIRWOMAN FORD: Right. And
5 that was our understanding.

6 LEGISLATOR DERIGGI-WHITTON: We
7 have to say that now again.

8 CHAIRWOMAN FORD: To the extent
9 possible, yes, we definitely would like to
10 get as much information.

11 LEGISLATOR DERIGGI-WHITTON:
12 We're going to need the specifics especially
13 regarding the finance as far as the
14 terminology in that lease.

15 I'm going to pass it through now
16 but I would really -- it's absolutely
17 necessary that we have that information.

18 CHAIRWOMAN FORD: It's noted.
19 Deputy County Executive Rob Walker, you
20 heard, right? We'll do the best that we
21 can.

22 LEGISLATOR DERIGGI-WHITTON:
23 Seriously, I think -- we had a lot of
24 concerns that need to be addressed and I
25 wanted that to be taken quite seriously.

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2 CHAIRWOMAN FORD: Legislator
3 Whitton, we do take it quite seriously and
4 that's why I directed it to the deputy
5 county executive. And, to the best of their
6 abilities, I don't know myself, if all of it
7 can be 100 percent answered, but I would
8 like it to be as answered as best and as
9 complete as possible prior to the Full Leg.

10 LEGISLATOR DERIGGI-WHITTON: And
11 the earlier the better. Then we also have
12 Monday.

13 CHAIRWOMAN FORD: Right. We also
14 have the Office of Budget Review that will
15 be looking at this as well and we hope to
16 get some answers from them as well and some
17 clarification.

18 I'm now going to call the item.
19 All those in favor?

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item passes.

24 (Whereupon, the following are the
25 continuation of the minutes of the Rules

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2 Committee, 9-9-13.)

3 CHAIRWOMAN GONSALVES: A motion,
4 please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Kopel. Any questions that we have not asked
10 before?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The items pass unanimously.

20 We have the first item that was
21 not called previously and that's Item
22 344-13, a resolution authorizing the county
23 executive to execute an intermunicipal
24 agreement with the South Hempstead Fire
25 District in relation to a project to procure

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2 heart monitors and defibrillator.

3 A motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR KOPEL: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Kopel. Any questions regarding this item?

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of Item 344-13 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 The next item is Item 351-13, a
18 resolution to confirm the county executive's
19 appointment of Dr. Sukhvinder Ranu to the
20 Nassau County Youth Board.

21 Motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRWOMAN GONSALVES: Moved by

25 Legislator Dunne, seconded by Legislator

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2 Kopel. Any questions regarding his
3 appointment?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of Item 351-13 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The item passes unanimously.

13 Item 372-13, a resolution
14 authorizing the county executive to execute
15 an amendment to a grant agreement between
16 the County of Nassau acting on behalf of the
17 Department of Parks, Recreation and Museums
18 and Farmingdale Bethpage Historical Center.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR KOPEL: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator

24 Kopel. Any questions regarding this item?

25 (No verbal response.)

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2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Item 372-13 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The item passes unanimously.

10 Item 383-13, a resolution
11 authorizing the county executive to execute
12 an intermunicipal agreement with Lido Point
13 Lookout Fire District in relation to a
14 project to purchase equipment.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Kopel. Any questions regarding this item?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of Item 383-13 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 Next is Item 397-13, a resolution
7 confirming the county executive's
8 appointment of Matthew Paccione to the
9 Nassau County Youth Board.

10 Motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR MUSCARELLA: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Muscarella. Any questions regarding this
16 appointment?

17 LEGISLATOR JACOBS: Can you just
18 put on the record again that we're going to
19 use the next two weeks to discuss this
20 because they're going to be meeting?
21 Remember, that was decided? That this item
22 would be discussed by the people involved
23 before we vote in Full Leg.

24 CHAIRWOMAN GONSALVES: Yes. This
25 moves on to the Full Leg and there's two

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2 weeks in which to discuss it. No problem.
3 Item 397, all those in favor of 397 signify
4 by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 The next item is 398-13, a
10 resolution to confirm the county executive's
11 appointment of Satish Sood to the Soil and
12 Water Conservation District Board pursuant
13 to Section 6(3) of the New York Soil and
14 Water Conservation District Law.

15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Kopel. Any questions on this? Again, we
21 will have two weeks in order to digest this
22 and before it goes to Full Leg.

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of Item 398-13 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item passes unanimously.

8 The next item is Item 399-13, a
9 resolution reappointing Timothy P. Sullivan
10 as a member of the Nassau County Deferred
11 Compensation Board.

12 Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR KOPEL: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator
17 Kopel. Any questions on this item? We have
18 two weeks to discuss this before it reaches
19 Full Leg.

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of Item 399-13 signify by saying aye.

25 (Aye.)

1 Rules Committee/9-9-13

2 Any opposed?

3 (No verbal response.)

4 The item passes unanimously.

5 Back to the addendum. The item
6 that was on the addendum and the rules have
7 already been suspended is Item 352-13, a
8 resolution to confirm the County Executive's
9 appointment of Ralph Esposito to the
10 Vocation Education Extension Board.

11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Muscarella. Any questions regarding this?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of Item 352-13 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously.

1 Rules Committee/9-9-13

2 Next is E-189-13, a resolution
3 authorizing the county executive to execute
4 a personal service agreement between the
5 County of Nassau acting on behalf of the
6 Nassau County Department of Public Works and
7 Haks Engineers, Architects, and Land
8 Surveyors. Motion to untable.

9 LEGISLATOR KOPEL: So moved.

10 LEGISLATOR DUNNE: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Kopel, seconded by Legislator
13 Dunne. All those in favor of untabling
14 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The item is untabled. Any
19 questions regarding the item?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

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Rules Committee/9-9-13

Any opposed?

(No verbal response.)

The item passes unanimously.

Motion to adjourn.

LEGISLATOR DUNNE: So moved.

LEGISLATOR KOPEL: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator
Kopel. All in favor of adjourning?

(Aye.)

Any opposed?

(No verbal response.)

We are adjourned.

(Whereupon, the Rules Committee
adjourned at 8:15 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of September, 2013.

FRANK GRAY