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NORMA GONSALVES,
Presiding Officer

FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, November 19, 2012
10:10 A.M.

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

NORMA GONSALVES,
Presiding Officer

HOWARD KOPEL,
Deputy Presiding Officer

MICHAEL VENDITTO

DENISE FORD

JOSEPH SCANNELL

FRANCIS X. BECKER

VINCENT MUSCARELLA

RICHARD NICOLELLO

JUDI BOSWORTH

WAYNE WINK

ROBERT TROIANO

KEVAN ABRAHAMS,
Minority Leader

ROSE MARIE WALKER

JOSEPH BELESI

DENNIS DUNNE

JUDITH JACOBS

DAVID DENENBERG

DELIA DERIGGI-WHITTON

CARRIE SOLAGES

WILLIAM J. MULLER, III
Clerk of the Legislature

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2 LEGISLATOR GONSALVES: Ladies and
3 gentlemen, on October 3rd of this year, a
4 very sad day for all of us, our presiding
5 officer tragically succumbed to death, Peter
6 Schmitt.

7 All of us here mourn the passing
8 of Peter because we know that he worked
9 feverishly on behalf of the residents he
10 served in Legislative District 12.

11 On November 6th of this year, the
12 people of that district, Legislative
13 District 12, elected Michael Venditto to
14 fill the vacancy that Peter left behind.

15 So on behalf of the entire Nassau
16 County Legislature, congratulations Michael.
17 We have some very difficult times.

18 With us today to swear Michael in
19 to his new role as the elected
20 representative of the 12th Legislative
21 District is the chairman of the Nassau
22 County Republican Committee Joseph Mondello.

23 Welcome, chairman, and thank you
24 for being here. At this point, please, I
25 ask now that Michael and the chairman and

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2 Antonella join us at the podium for the
3 swearing in and, with Michael, is his dad
4 Supervisor John Venditto and his lovely wife
5 Mrs. Venditto, and of course joining us all
6 here today for this very auspicious occasion
7 is Councilman Anthony Santino.

8 Now I ask you, chairman, to give
9 the oath of office to our dear young person,
10 and I think he's going to be the youngest
11 one on this body, but that's good because it
12 certainly brings a whole new perspective to
13 this legislative body.

14 Now, chairman, I thank you again
15 and I hope that Michael will do his very
16 best to make us all proud. Chairman.

17 CHAIRMAN MONDELLO: Acting
18 Presiding Officer Norma Gonsalves, Minority
19 Leader Kevan Abrahams, members of the county
20 legislature, ladies and gentlemen.

21 As we all know, our county,
22 state, and nation have been enduring some
23 difficult times. The struggling economy, a
24 contentious national election, the tragic
25 passing of this legislature's leader, Peter

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2 Schmitt, and most recently Super Storm Sandy
3 and its aftermath. It has created a great
4 deal of doubt and understandable concern for
5 the future.

6 However, as we welcome Michael
7 Venditto as the newest member of this
8 legislature and, as we consider all the
9 promise and potential that this bright,
10 enthusiastic and compassionate young man
11 brings to public service, you can't help but
12 renew and restore our faith that Nassau
13 County's best and brightest days are yet to
14 come.

15 Michael comes from a family
16 steeped in the very finest traditions of
17 public service and has from the youngest
18 memories understands what it means to devote
19 one's life to building a better community.

20 I have no doubt that Michael will
21 bring a fresh new approach to politics in
22 government. His energy and enthusiasm for
23 the career upon which he embarks today is
24 uplifting and reassuring and not only for
25 those of us intimately involved in political

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2 life, but for all the Nassau residents who
3 can easily discern in this young man, the
4 qualities of leadership that will help build
5 a better community for generations to come.

6 We all know Michael comes from a
7 wonderful family. We all know his father,
8 John, a man whose distinguished career as
9 town supervisor has earned him the respect
10 and admiration and confidence of the
11 residents of Oyster Bay for the past two
12 decades.

13 However, it isn't John Venditto
14 who really deserves the credit for making
15 our newest legislator the fine young man he
16 is today. The credit must go to another.
17 Now I have some personal insights into what
18 I'm about to say. Having served in public
19 office for many years, I know firsthand, the
20 nights, the weekends away from home, the
21 lost hours of precious family time that
22 every elected official must sacrifice.

23 In my own case, I was fortunate
24 that my wife Linda was such an extraordinary
25 mother that despite my all too frequent

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2 absences from home, my children were brought
3 up in a loving home and were given every
4 opportunity to grow into the very
5 accomplished adults that they are today.

6 That's why I speak with absolute
7 authority when I say that the individual
8 that we must credit and recognize on this
9 very happy day for the Venditto Family is
10 Michael's mother Christine. Christine, you
11 brought Michael up the right way and thanks
12 to you, he's going to be doing a great job
13 for the people of Nassau County for many
14 years to come. Your devotion to your family
15 has made Michael what he is today.

16 Please join me again, ladies and
17 gentlemen, in a round of applause for my
18 favorite Venditto, Michael's mother
19 Christine.

20 Now, ladies and gentleman, it's
21 my pleasure to administer the oath of
22 office. Michael's wife is here, ladies and
23 gentlemen, Antonella.

24 Could I ask Mr. and
25 Mrs. Venditto, please stand behind

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2 Antonella. You sure you want to do this?
3 Raise your right hand and repeat after me.
4 "I"

5 MR. VENDITTO: I.

6 CHAIRMAN MONDELLO: State your
7 name.

8 MR. VENDITTO: Michael Venditto.

9 CHAIRMAN MONDELLO: "Do solemnly
10 swear"

11 MR. VENDITTO: Do solemnly swear.

12 CHAIRMAN MONDELLO: "To uphold
13 the Constitution of the United States"

14 MR. VENDITTO: To uphold the
15 Constitution of the United States

16 CHAIRMAN MONDELLO: "The
17 Constitution of the state of New York"

18 MR. VENDITTO: The constitution
19 of the state of New York

20 CHAIRMAN MONDELLO: "And the
21 charter of the County of Nassau"

22 MR. VENDITTO: And the charter of
23 the County of Nassau

24 CHAIRMAN MONDELLO: "And that I
25 will faithfully perform the duties"

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2 MR. VENDITTO: And that I will
3 faithfully perform the duties

4 CHAIRMAN MONDELLO: "Of county
5 legislator"

6 MR. VENDITTO: Of county
7 legislator

8 CHAIRMAN MONDELLO: "To the best
9 of my abilities"

10 MR. VENDITTO: To the best of my
11 abilities

12 CHAIRMAN MONDELLO: "So help me
13 God"

14 MR. VENDITTO: So help me God.

15 CHAIRMAN MONDELLO: That I will
16 further turn over all my world
17 possessions -- that never works. With the
18 powers duly invested in me by this wonderful
19 legislature, I name you the new county
20 legislator for Nassau County.

21 LEGISLATOR GONSALVES:
22 Chairman Mondello, thank you very much and
23 congratulations to you, Michael, and now you
24 can join us here on dais. Once again,
25 congratulations, Michael, and for the first

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2 order of business, I ask you to please
3 recite the Pledge of Allegiance.

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

6 LEGISLATOR GONSALVES: At this
7 time the first order of business is a
8 procedural resolution to elect the presiding
9 officer and the minority leaders of the
10 county legislature.

11 Mr. Muller, please offer this
12 item for our consideration.

13 CLERK MULLER: Thank you,
14 legislator. The county charter and Nassau
15 County Rules of Procedure. The legislator
16 who receives the highest number of votes
17 shall be the presiding officer and
18 legislator who receives the second highest
19 number of votes shall be the minority
20 leader.

21 May I have a nomination?

22 LEGISLATOR DUNNE: I nominate
23 Norma Gonsalves.

24 CLERK MULLER: Legislator Dennis
25 Dunne nominates Norma Gonsalves.

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2 LEGISLATOR KOPEL: Second.

3 CLERK MULLER: Seconded by Howard
4 Kopel. Is there any other nominations?

5 LEGISLATOR JACOBS: Yes. I would
6 like to nominate Minority Leader Kevan
7 Abrahams to the position.

8 LEGISLATOR KOPEL: Second.

9 CLERK MULLER: Are there any
10 other nominations?

11 (No verbal response.)

12 Seeing none, is there a motion to
13 close the nominations?

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR NICOLELLO: Second.

16 CLERK MULLER: The nominations of
17 Norma Gonsalves and Kevan Abrahams are now
18 before this legislature for a vote. I will
19 now call the roll. Legislator Abrahams?

20 LEGISLATOR ABRAHAMS: Abrahams.

21 CLERK MULLER: Legislator
22 Troiano?

23 LEGISLATOR TROIANO: Abrahams.

24 CLERK MULLER: Legislator
25 Solages?

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2 LEGISLATOR SOLAGES: Abrahams.
3 CLERK MULLER: Legislator Ford?
4 LEGISLATOR FORD: Gonsalves.
5 CLERK MULLER: Legislator
6 Scannell?
7 LEGISLATOR SCANNELL: Abrahams.
8 CLERK MULLER: Legislator Becker?
9 LEGISLATOR BECKER: Gonsalves.
10 CLERK MULLER: Legislator Kopel?
11 LEGISLATOR KOPEL: Gonsalves.
12 CLERK MULLER: Legislator
13 Muscarella?
14 LEGISLATOR MUSCARELLA:
15 Gonsalves.
16 CLERK MULLER: Legislator
17 Nicolello?
18 LEGISLATOR NICOLELLO: Norma.
19 CLERK MULLER: Legislator
20 Bosworth?
21 LEGISLATOR BOSWORTH: Abrahams.
22 CLERK MULLER: Legislator Wink?
23 LEGISLATOR WINK: Abrahams.
24 CLERK MULLER: Legislator
25 Venditto?

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2 LEGISLATOR VENDITTO: Gonsalves.
3 CLERK MULLER: Legislator
4 Gonsalves?
5 LEGISLATOR GONSALVES: Legislator
6 Gonsalves.
7 CLERK MULLER: Legislator Belesi?
8 LEGISLATOR KOPEL: Gonsalves.
9 CLERK MULLER: Legislator Dunne?
10 LEGISLATOR DUNNE: Gonsalves.
11 CLERK MULLER: Legislator Jacobs?
12 LEGISLATOR JACOBS: Abrahams.
13 CLERK MULLER: Legislator Walker?
14 LEGISLATOR WALKER: Gonsalves.
15 CLERK MULLER: Legislator
16 DeRiggi-Whitton?
17 LEGISLATOR DERIGGI-WHITTON:
18 Abrahams.
19 CLERK MULLER: Legislator
20 Denenberg?
21 LEGISLATOR DENENBERG: Abrahams.
22 CLERK MULLER: Ladies and
23 Gentlemen and members of the legislature, by
24 a vote of ten to nine, Norma Gonsalves is
25 hereby elected to serve as presiding officer

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2 of the Nassau County Legislature and Kevan
3 Abrahams, receiving the second highest
4 number of votes cast, is elected to serve as
5 minority leader of the Nassau County
6 Legislature.

7 I will now call on Presiding
8 Officer Gonsalves to preside over the rest
9 of the meeting.

10 LEGISLATOR ABRAHAMS: Just real
11 quick, Mr. Muller, can you just check the
12 math again one more time? I was so close,
13 just to be sure.

14 CLERK MULLER: I have a lawyer.
15 I'm pretty sure of that one.

16 LEGISLATOR ABRAHAMS: Let me be
17 the first to congratulate Norma Gonsalves to
18 being elected to presiding officer. I'm
19 sure we will work together for the
20 betterment of Nassau County residents and I
21 wanted to be the person to congratulate her,
22 and on behalf of the minority caucus, we
23 wanted to personally congratulate our new
24 presiding officer. Thank you.

25 CHAIRWOMAN GONSALVES: I'm going

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2 to be very brief and say that I am truly
3 honored by the confidence that has been
4 shown in me today by my fellow legislators.

5 On October 3rd, when Peter
6 Schmitt passed, I was truly truly upset over
7 the fact that we lost a very devoted public
8 leader and someone who certainly gave a
9 great deal of his time to the residents not
10 only of his district but to Nassau County.

11 I will try, and I know that over
12 the past number of years as legislator and
13 prior to that as community leader, civic
14 activist, that I will do everything I can to
15 promote good government in this county, and
16 to make sure that the things that need to be
17 done on behalf of the residents, not only in
18 my district, which is District 13, but
19 throughout Nassau County.

20 There is a lot of work to be done
21 today and I will just continue with the
22 meeting. I thank you again, and I know that
23 we can truly work together and do the great
24 things that the residents of this county
25 deserve.

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2 At this time, thank you,
3 Mr. Muller. I will certainly have 30
4 minutes of public comment right after a
5 brief statement and that's why I don't want
6 to be too verbose, but it needs to be said
7 and I don't want to take time out of your
8 time and that's the reason why I'm saying
9 what I'm saying now. Primarily because you
10 have the right to speak before this body and
11 I should not be taking your time away.
12 Until then, Mr. Muller, we will not start
13 the clock.

14 Three weeks ago today, Nassau
15 County residents encountered a very historic
16 event, and that was Super Storm Sandy,
17 followed by a week later with the
18 nor'easter.

19 I have to say some people
20 suffered more than others. We had some
21 people who never lost power. We had some
22 people's power restored in three or four
23 days, and some in seven, and so on and so
24 forth.

25 But there is a huge group of

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2 people in Long Beach, in Island Park, in the
3 Rockaways, and throughout Nassau County who
4 don't have power as of yet. So it is
5 important that we keep them in our prayers.

6 Not only that, there are people
7 who lost their lives as a result of this
8 storm and I failed to have a moment of
9 silence on their behalf and I think it's
10 time that we do it right now.

11 (Whereupon, a moment of silence
12 was recognized.)

13 CHAIRWOMAN GONSALVES: I have to
14 say that every one of the legislators on
15 this dais worked vigorously advocating for
16 their constituents to try to get some kind
17 of relief for the pain that they were
18 enduring. So I say thank you to each and
19 every one of you as well.

20 I also say thank you to the
21 county executive because he was right in
22 this through thick and thin and he is
23 continuing to work very closely with the
24 Office of Emergency Management so that a
25 resolve does occur maybe in time for the

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2 holiday season.

3 But that may not be the case for
4 some of them. But I know that because of
5 the neighborly actions of the residents of
6 Nassau County, their lives were made a
7 little better.

8 I have to say thank you, thank
9 you too, to the Department of Public Works
10 because they were ready to go before LIPA
11 was ready to go. They were well well
12 equipped to handle whatever Mother Nature
13 delivered. I say thank you to the
14 Department of Public Works and parks for all
15 they did.

16 After, I would say after the dust
17 settles, if that's possible, this body will
18 be holding public hearings in matters
19 related to that storm which include Bay Park
20 sewage plant, LIPA, and so on. But we need
21 time to make sure that all those who have
22 been affected by the storm and the
23 nor'easter have some kind of relief. We
24 cannot pull people away from their duties so
25 that we can have this hearing. But we will

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2 have those hearings.

3 I thank you for your attention.
4 Do you want to say something Judy?

5 LEGISLATOR JACOBS: Presiding
6 Officer, I just wanted to add on to what you
7 said, I mean, I know there are many many
8 stories out there, but one that hit me very
9 much to my heart was a group of 30 people
10 from the Baptist Church of Alabama who came
11 in to Oyster Bay. They were from Kentucky,
12 from Illinois and from upstate New York.
13 They brought a trailer with them with chain
14 saws and every other thing that they might
15 need and all they wanted was a place to
16 stay, and the Presbyterian Church in Oyster
17 Bay let them stay in the church. They did
18 unbelievable work.

19 I think we should recognize the
20 fact that so many -- this story could
21 probably multiply a hundred times over by
22 people from out of state without any kind of
23 needing of recognition or anything, they
24 dropped everything. They had been at
25 Katrina, many storms throughout the country,

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2 and they were with us. It really touched my
3 heart because people are very, very good.
4 Someone called me from Virginia and they
5 sent a truckload of blankets from Virginia
6 into our area. So there are good people all
7 around the country and we should be aware of
8 that too that step up to the plate when they
9 have to.

10 CHAIRWOMAN GONSALVES: Thank you
11 Legislator Jacobs. Legislator Ford.

12 LEGISLATOR FORD: I, too, would
13 also would like to express publically my
14 thanks to all those who helped in the
15 aftermath of Sandy. There are probably like
16 a thousand people, I know for a fact that
17 the city of Long Beach on Saturday we had
18 well over a thousand volunteers. But even
19 the unsung heroes, inasmuch as they can be
20 the scapegoats, actually were the workers in
21 LIPA. Those men and women who stayed out
22 working 14 hours a day in all kinds of
23 weather. They welcomed people from outside
24 our state so that they can facilitate and
25 try to move as quickly to restore after this

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2 horrific -- the damages that were done by
3 Sandy. They did not work in good
4 conditions. Some of the workers had to
5 sleep in their trucks.

6 It was through the kindness and
7 efforts through our local fire departments
8 that they opened up their firehouses and
9 allowed many of these workers to sleep
10 inside there and to give them food and
11 comfort and even working bathrooms.

12 So we had, like Judy said, with
13 the Baptist Church, we had many many
14 representatives from various churches from
15 the Latter Day Saints, we had Samaritan
16 Village, which was from what I understand
17 from Billy Graham. We had all different
18 types of volunteers from all over New York
19 State as well as from outside.

20 To everybody, I have to say that
21 it really was wonderful especially for the
22 residents who were hard hit. I mean, we
23 were flooded, without power. We were
24 without heat, without food, and we had no
25 idea what was happening in the outside

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2 world. I think what made us keep on going
3 was the love and support that we received
4 from so many people.

5 I, too, want to thank the county
6 executive for his leadership and I would
7 also be remiss if I didn't also say a
8 special shout out and thanks from Rob Walker
9 who had to deal with me on a daily basis,
10 but he came through. There were a lot of
11 things going on, but I thank all of you for
12 your support and everybody who wanted to
13 help us out. We're still hurting but I
14 think we are going to survive. Thank you.

15 CHAIRWOMAN GONSALVES: Legislator
16 Nicolello.

17 LEGISLATOR NICOLELLO: If I can
18 just say one thing to that. I want to
19 especially thank our first responders,
20 especially our volunteer fire fighters,
21 EMTs, et cetera. They literally, each one
22 of the departments we represent, did
23 hundreds of calls during the storm. Most of
24 us were in our houses trying to stay safe
25 with our families, they were out all night.

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2 It was just thousands and thousands of
3 hours. I know a bunch from my district went
4 down to the south shore to help. These
5 people surely are the best of our society.
6 Thank you.

7 CHAIRWOMAN GONSALVES: Legislator
8 Walker.

9 LEGISLATOR WALKER: I will be
10 very quick also. I would like to add to
11 that too. Not only were they out doing the
12 job that our first responders do on a daily
13 basis as far as emergency calls and so on
14 and so forth, but I know in many of the
15 areas they were also out cutting down trees,
16 you know, and doing everything they possibly
17 could to help alleviate the situation.

18 I too would like to thank, and I
19 know Legislator Gonsalves did, but to thank
20 our county executive and all our
21 commissioners from all our different
22 departments who were in OEM continuously and
23 out in the field continuously. Very sadly,
24 many of those suffered tremendous damage in
25 their own homes, yet they were out trying to

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2 help everybody else.

3 So a very very big thank you. We
4 can't repay you for all that you have done
5 and all that you continue to do. So I just
6 want to thank each and every one of you and
7 thank all of our residents for pitching in
8 as much as they possibly could.

9 CHAIRWOMAN GONSALVES: Mr.
10 Muller, it is now time for public comment,
11 so let us proceed. Legislator Bosworth.

12 LEGISLATOR BOSWORTH: Certainly
13 all of us suffered through a horrific
14 horrific time. All of the comments that
15 have been made have certainly been to the
16 heart and certainly everybody agrees with
17 what's been said.

18 Some of the unsung heroes in my
19 experiences have been our local mayors. I
20 think if there is ever a time when we can
21 understand the importance of local control
22 is when we saw the role that our mayors
23 played being on top of what was going on,
24 there were certainly communication issues
25 with LIPA and the crews and our mayors were

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2 in their substations, they were making sure
3 the crews were getting to the areas that
4 needed to be addressed and working certainly
5 along with the various town supervisors. I
6 know firsthand the job that John Cayman did
7 and I'm quite certain that all the town
8 supervisors were right there working closely
9 with them as well, but I think I would be
10 remiss not to acknowledge the very important
11 role that they played.

12 CHAIRWOMAN GONSALVES: Legislator
13 Solages.

14 LEGISLATOR SOLAGES: Thank you.
15 Much has been said about our first
16 responders, but I would like to specifically
17 thank the Nassau County Police Department
18 for their bravery and their wonderful acts
19 of heroism, behaving as heroes in what they
20 did after the storm. I would also like to
21 thank our county executive. He headed a
22 very organized emergency management bureau
23 that I saw firsthand help many people in my
24 district, and so I thank them both.

25 But let us also learn from this

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2 lesson, let it be a learning lesson. Let's
3 not criticize LIPA for being mediocre at
4 best when we have a budget proceeding where
5 we lack to give the proper notice.

6 So, again, let us learn from this
7 lesson and I thank you.

8 CHAIRWOMAN GONSALVES: Now, Mr.
9 Muller. With the rules of procedure, we
10 have 30 minutes of public comment and I know
11 that today we have a lengthy agenda, and
12 each speaker is entitled to three minutes
13 and I would hope that you would be able to
14 adhere to the three-minute rule.

15 Our first speaker is Pat Boyle.
16 Pat, where are you?

17 MR. BOYLE: Hi everyone.

18 CHAIRWOMAN GONSALVES: Good
19 morning, Pat.

20 MR. BOYLE: I have a couple of
21 things to talk about as usual. The first
22 thing and foremost, I haven't had a public
23 opportunity to be able to express my
24 condolences to all of you with regard to
25 Peter Schmitt. I feel like I'm almost

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2 repeating myself about things. But I didn't
3 always agree with Peter Schmitt and I heard
4 that said quite often but I did respect the
5 man. I like the fact that we could have
6 conversations with him. I enjoyed the fact
7 that there was always a joke of whatever
8 happened at the end of whatever happened at
9 the end of our meetings that we could act
10 civilly to one another and, when we met one
11 another on the street, even though we fought
12 once in a while, we could still say hello
13 and be friendly to one another. That's an
14 important quality in a legislator, in a
15 human being, and I really do believe that
16 he, again, although I didn't always agree
17 with him, he was a good man and we are going
18 to miss him.

19 Secondly, I would like to
20 congratulate Mr. Venditto on becoming part
21 of the legislature. I wish you most good
22 luck. This is not an easy position to fill.
23 You're filling some very big shoes on one
24 hand and, on the other hand, there is a lot
25 going on in the legislature and it's going

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2 to make it very difficult to agree and get
3 everything done, and the learning process is
4 a tough one. If you do need help about
5 youth services or like that, or you need any
6 information, you always have Jamie in your
7 district who can help you and there are
8 plenty of others who are willing to talk as
9 well too.

10 One of the things I've been
11 learning about, we'll get into the
12 nitty-gritty of this is that there are three
13 things that I've been seeing that are
14 happening that has been happening during the
15 course of the past few months. One word
16 that comes to mind is compromise. Another
17 that comes along is respect for a person's
18 word. And another that comes along is
19 untruths.

20 To the compromise. I don't know
21 how many compromises we have offered as a
22 youth service group to be able to try to
23 come to be able to come to some kind of an
24 end to our dissolution of our funding. We
25 have clients that we want to be able to

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2 serve in these communities and that's why
3 we're fighting so hard to make sure they are
4 served. You can rest assured that this is
5 for the executive directors or for anyone
6 else to have jobs. Most of our jobs are not
7 as high paying as what we would like to
8 think, and it's also not the case that we
9 are out there doing this for us. We are
10 doing this for the people who are your
11 constituents and that's why we do it. So
12 that's why we bring compromise to you and we
13 hope that you can compromise.

14 The latest compromise that came
15 from the democratic leader and we had what
16 we thought was a deal at that time. We
17 thought we were going to be able to come
18 here today and thank you. From what we
19 understand now that's not the case and we
20 hope that you will come back again and come
21 up with another compromise or come to us and
22 ask us for one. We will help in any way we
23 can.

24 The second one was respect for a
25 person's word. If I tell you something and

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2 I'm standing here, I'm not going to lie to
3 you because I'll only get caught because I'm
4 a lousy liar. The other aspect of it is
5 that I have more respect for you than that.
6 I have the respect for all of you, every
7 single one of you, that if I tell you
8 something, it's going to be the truth and I
9 will work with you to make it happen.

10 Unfortunately, what we are
11 getting back and forth is, well, we don't
12 trust them or they don't trust us, or that
13 kind of stuff. That's not the way a body
14 should act. It's not the way a legislative
15 body should act.

16 You have enough attorneys up
17 there that you can figure out how to make
18 things iron clad, that they can work for
19 you. Please, don't go on a person's word,
20 put it in writing if you have to. Do what
21 you need to do to be able to make these
22 compromises or whatever else happens.

23 The other word I bring to you is
24 untruths. I have been told about four times
25 by very high profile people in my community

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2 that I've got my funding back, by school
3 board and by others. Please don't start
4 these rumors. It's hurting us. It makes us
5 lose face a little bit. I don't want that
6 to happen. I'm not going to lose face
7 because other people are telling things
8 aren't there.

9 So let's try to pull this whole
10 thing together. We know that there's a
11 budget process. I hope that we're in the
12 budget and I hope that we can work to be
13 able to make something happen. But let's
14 get past all these other problems and move
15 on so that way we can help the children in
16 our community and our families.

17 I won't even get in to what we've
18 done for Super Storm Sandy things because
19 that's not what our nature is, we don't tell
20 you what we do, we just do it. We get out
21 there and do what we're supposed to do. We
22 don't need a pat on the back. All we want
23 to do is be able to help. Please help us do
24 that. Thank you.

25 CHAIRWOMAN GONSALVES: Thank you,

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2 Pat. The next speaker is Jamie Boganschutz.

3 MS. BOGANSCHUTZ: Good morning.
4 Hope you're all well. My name is Jamie
5 Boganschutz. I'm the executive director of
6 Yes Community Counseling Center and we are
7 located in Massapequa. We serve Massapequa,
8 Plainedge, Farmingdale, Levittown and Island
9 Trees. We also have a second location in
10 Levittown.

11 So I have stood before you on
12 many many occasions, too many to recall,
13 actually, but I have to say that I am
14 angered, I am frustrated that there so much
15 for us to do and, right now I'm really
16 talking from my youth services perspective,
17 there is so much work we have to do, and I
18 really feel we have been unable to
19 accomplish a lot of our goals because of
20 going back and forth between promises and
21 lack of promises and commitments and lack of
22 commitments, but we have a lot of work to
23 do.

24 Unlike Pat, I know you spent a
25 few moments talking about what people have

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2 done through the hurricane and, unlike Pat,
3 I am going to tell you what we have been
4 doing because you need to know what we've
5 been doing. I live in Massapequa. I work,
6 I play. I do everything in Massapequa. I
7 live south of Merrick Road.

8 I have to tell you that the
9 vulnerable who live in my community have
10 become more vulnerable. Those who were
11 unstable before the storm have become more
12 unstable. Those who were strong are not so
13 strong anymore. Those who had, do not have
14 anymore.

15 If you have not seen, and I think
16 many of you have toured the area, if you
17 have not seen what this storm has done to
18 our community, you can't understand what
19 it's like to sit with someone, to walk down
20 a block and talk to a neighbor, a friend,
21 who has had so much and who has nothing.
22 You can't understand what it's like to have
23 your life and your memories and your
24 treasures sitting out on your front lawn
25 waiting for the town to come and pick up

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2 your life. It is devastating.

3 I say this to you, and I know
4 many of you know this, I have to say thank
5 you. I wish my supervisor was still here
6 because I have to tell you, one of the most
7 comforting things that happened to me after
8 watching the water come into my home and
9 rush into my home with over eight feet of
10 water my home, how comforting it was the
11 next day as the wakes of water were still in
12 the street, to see my supervisor on a truck
13 next door at any neighbor's house, and how
14 comforting it was to know he was there. He
15 didn't ask what party I was affiliated with,
16 he didn't ask anything. He was just there
17 because that's where he was supposed to be.
18 I will never forget that and I know my
19 neighbors and friends will never forget
20 that.

21 But let me say, it's not about
22 me, it's about my community. With that
23 said, I have to then tell you that as my
24 friends and neighbors, and people that I
25 don't know, needed, and they needed a lot,

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2 my agency was there to do what needed to be
3 done. We received the phone calls from the
4 community, from the schools saying, what do
5 we do, where do we go, how do we get the
6 resources, who do we turn to?

7 I have to share with you that we
8 were so blessed to be able to be there in
9 spite of what was done to our youth services
10 funding. In spite of the fact that there
11 seems to be no real sense that what we do is
12 relevant and important, I would beg to
13 differ with you that the families that have
14 come to my agencies agency and agencies like
15 mine in the past three weeks to receive
16 food, to get heaters, to get bleach and
17 cleaning supplies and paper towels and
18 clothing and diapers and baby wipes, they
19 would disagree with you.

20 We have, through the partnership
21 of the town, because, again, we partner with
22 people. We use the resources that we have.
23 We have a 63 foot FEMA truck in my backyard
24 of my office filled with supplies for
25 families in need. The school district is

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2 diverting every one of the families, and we
3 have over 500 displaced families in my
4 community to my organization.

5 So those families are coming to
6 us in spite of the fact that we lost our
7 funding. My staff are working around the
8 clock. Some of those staff, if things keep
9 going the way they're going, will be
10 terminated come January because I have no
11 more money left to support them.

12 So the thousands of dollars that
13 we're getting for Sandy rescue will be given
14 out to these families but they're not going
15 to get everything else that they need.
16 Right now we are holding hands. We are
17 doing everything we can to provide crisis
18 counseling for these families in addition to
19 those hard supplies.

20 You need to know that we depend
21 upon you guys to do what you have to do to
22 forget about politics, to forget about one
23 party versus the other, to know that we have
24 to get through this together. We have to
25 have funding restored to our agency and to

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2 my sister and brother agencies. We are a
3 strong system. We are your front line.

4 When things fall apart in
5 communities, and I know we work with the
6 police, the fire department, first
7 responders, guess where they come when they
8 can't go on anymore? Guess where they come
9 to talk and to debrief when all the things
10 that they've been doing 24-7 catch up to
11 them? They come to us. We have to be there
12 and we have to be strong and we have to be
13 vital and we have to be able to respond.

14 CLERK MULLER: Your time has
15 expired, ma'am.

16 MS. BOGANSCHUTZ: Okay, so you
17 got the gist of what I'm saying. We are
18 stronger than Sandy. I know we are stronger
19 than Sandy. We need you to step up and make
20 good on the promises and commitments that
21 you have made to our system and insure that
22 we

23 Stay [strong for the next storm,
24 whether it be from Mother Nature or whether
25 it be that there's no money left.

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2 So, please, I'm begging you, do
3 what you said you would do. Get us back
4 into the budget. Fix us for 2012 and let us
5 do what we do best and that is take care of
6 your constituents. Thank you.

7 CHAIRWOMAN GONSALVES: Thank
8 you, Jamie. Legislator Venditto would like
9 to speak to you.

10 LEGISLATOR VENDITTO: Just very
11 briefly. First of all, thank you to Mr.
12 Boyle for those well wishes. Thank you, Ms.
13 Boganschutz for coming to speak to us today.

14 The idea of having big shoes to
15 fill as a representative of this district is
16 not just a cliché to me. It is a serious
17 proposition. You made some very good points
18 about working together, with people of all
19 different affiliations to do what's right
20 for the county. I think that the storm has
21 made us realize that, now more than ever and
22 I want to pledge to you I will make an
23 effort to just do that, so thank you again,

24 MS. BOGANSCHUTZ: Thank you.

25 CHAIRWOMAN GONSALVES: Andrew

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2 Malekoff.

3 MR. MALEKOFF: My name is Andrew
4 Malekoff and I live in Long Beach, New York.
5 I am also the executive director of the
6 North Shore Child and Family Guidance Center
7 which serves all of Nassau County.

8 I would like to first
9 congratulate Mr. Venditto and also Ms.
10 Gonsalves on both of your posts and your
11 assignments.

12 I have the dual distinction of
13 being a resident of Long Beach who is now
14 displaced and has been since October 29th,
15 and also the director of a children's agency
16 which is one of those that was included in
17 the \$7.3 million of cuts on July 5th of this
18 year.

19 On the first day of my
20 displacement I thought that we had a hotel
21 room booked, but when we got there we were
22 told that they were overbooked and our
23 reserved confirmed reservation did not
24 count. So after sitting in the lobby for
25 three hours, the only alternative I had

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2 which at least it was an alternative was to
3 sleep in my office with my wife.

4 The first call that we received
5 on the day prior to the hurricane on the
6 29th was from the county asking us if we
7 could provide anyone for the shelters at
8 Nassau County Community College, at Locust
9 Valley and at SUNY Old Westbury.

10 I called my assistant executive
11 director. She went to Locust Valley. I
12 called the director of our high intense
13 services. She went to SUNY Old Westbury and
14 I went to Nassau County Community College.

15 From that day forward, we
16 deployed between 30 and 40 of our staff to
17 five shelters, the ones I didn't mention
18 were Manhasset and Levittown. Eventually
19 the others closed and Nassau County became
20 the center for all of those who were
21 transferred by buses, some from one shelter
22 to the other shelter to the other shelter.

23 Over 30 staff, over 500 hours and
24 counting, at these shelters, meeting with
25 women with infant children. One of them

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2 that I met with told me that she came to
3 this shelter when her infant child was two
4 weeks old. It was two weeks later when I
5 met with her.

6 I met with people with serious
7 emotional disturbances whose residences have
8 been destroyed. I met with people from
9 fellow Long Beach people, with young
10 children put out of their homes, looking for
11 jobs, looking for places to stay who told me
12 that the only landlords that they spoke to
13 were the ones that told them that in order
14 for them to stay there, that what they
15 needed was two months rent and two months
16 security. Short of the money they were
17 being supplied by FEMA.

18 We provided emergency services
19 for pregnant women and young women with
20 infant children. For grandparents who were
21 taking care of their young children. We
22 provided transportation for people who
23 needed a hot shower or people that needed to
24 leave the shelter in order to stay in
25 emergency housing that was provided by FEMA.

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2 This is not only our agencies,
3 the numbers that I provided of staff and of
4 hours, as Jamie spoke and Pat spoke, and all
5 of the other youth services and other mental
6 health service agencies have pitched in and
7 have been a part of this. They haven't
8 asked for any pats on the back, as was said.
9 They haven't asked for any accolades from
10 anyone.

11 But this is the core of people
12 that you have when a crisis emerges who will
13 step up, will not ask questions, will not
14 ask where are we going to get paid, or where
15 is our overtime going to come from. These
16 are the people who step up spontaneously in
17 a crisis. These are the people who lost
18 \$7.3 million and many of whom are on the
19 verge of going out of business.

20 We have been told time and time
21 again by different sides for different
22 reasons, just hang on, just hang on. You
23 can't hang on any longer and, when one of
24 these programs dies, they are dead and
25 buried, and no infusion of funds will bring

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2 them back to life, as anyone who has run a
3 business knows.

4 So I ask you, along with my
5 colleagues, to please get together, to work
6 together, to come to a decision before it's
7 too late and save these important resources.
8 Save these people that are providing these
9 crisis services now and who will step up
10 when there are crises, and there will be in
11 the future, without asking any questions. I
12 thank you.

13 CHAIRWOMAN GONSALVES: Thank
14 you, Mr. Malekoff. Joanne Borden.

15 MS. BORDEN: I would like to
16 congratulate the new presiding officer and
17 the new legislator.

18 It's time Nassau rectifies the
19 unfair and discriminatory treatment afforded
20 gender varying people. We experience
21 bigotry because we are born with a condition
22 that is no different nor rarer than left
23 handedness. We are God's creation and not a
24 life-style, nor do we have a sexual motive.
25 Nassau has been ignoring basic humanity,

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2 basic American principles, and transgender
3 people are suffering daily in every facet of
4 life.

5 A short while ago I addressed
6 four candidates for the state assembly.
7 After the meeting, the conservative took me
8 aside and said he voted against the gender
9 civil rights law. He said the law is poorly
10 worded and it permits any man to dress as a
11 woman and enter a ladies' room.

12 I agreed. It's absolutely true
13 but it's not a non-issue. It's a diversion,
14 not a reason. It has nothing to do with the
15 law because any man can do that without the
16 law. It hasn't happened for about two
17 decades elsewhere with the law nor here
18 without the law. Because sex criminals
19 avoid places where someone may enter at any
20 time not because there isn't a law.

21 Further, wearing women's clothes
22 is in direct conflict with a rapist's need
23 to demonstrate power. Ask any psychologist.
24 It never happens. All similar so-called
25 reasons I have heard such as we are busy

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2 with budgets, or the county is in difficult
3 financial straits and we don't have the
4 time. We don't have the time for human
5 rights, civil rights. No time? Shame.
6 Shame on those using a smoke screen. Those
7 aren't reasons. They're excuses.

8 If you examine your opposition
9 objectively, you'll find that you are
10 following, not thinking like an American.
11 Also, some fear to voice their objection and
12 give me the opportunity to demonstrate your
13 reasons are excuses and evaporate under
14 objective examination and common sense.

15 Civil rights for all is basic to
16 our freedom and you tell me you oppose civil
17 rights because you have no time? May God
18 forgive you. We need protection now. We
19 should not wait for a national or state law
20 to shamefully drag Nassau County to protect
21 our own citizens.

22 We need to do this on our own.
23 Avoid excuses. Work harder. Make the time
24 if that's what's necessary and pass the
25 gender clarification amendment.

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2 I want to add that so many of our
3 county citizens have been deprived of their
4 worldly goods, piled on the front lawn, and
5 that's a terrible thing but it's nothing
6 compared to being deprived of human rights,
7 dignity, protection against discrimination.

8 Do it now. It doesn't cost you
9 anything. The law is written. It takes a
10 few minutes to put it on an agenda and
11 another few minutes to vote on it. Have the
12 time. Make the time. Thank you.

13 CHAIRWOMAN GONSALVES: Thank you,
14 Joanne. The next speaker is Tom Bruno.

15 MR. BRUNO: Good morning. My
16 name is Tom Bruno, the executive director of
17 the Hicksville Boys and Girls Club.

18 Mr. Venditto, I would like to
19 welcome you. I have known your dad for many
20 many years. He is a great person and I'm
21 sure that the stock you come from, you will
22 do a wonderful job for us.

23 Ms. Gonsalves, welcome. I know
24 you have been here for many years and I
25 would like to congratulate you on your new

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2 position.

3 As you all know, I'm coming here
4 for youth services. Since July, we have
5 been told many different things. We have
6 been hopeful. We have had our hearts
7 broken. As my predecessors who was speaking
8 earlier today said, we have been here for
9 this county, my agency alone, for 40 years.

10 As Pat had said, we don't want
11 the accolades for doing what we do. My
12 agency in Hicksville, we suffered some damage
13 from the storm. But, as soon as we heard
14 what was going on, my agency rallied
15 together with our community, we did a
16 clothing drive, we did a food drive and we
17 sent all this food down to devastated areas.

18 This was pretty much in the midst
19 of trying to keep this program going. Right
20 now, the way it sits, my agency will
21 probably close mid-December to the end of
22 this year. We are not the only one. There
23 are other agencies that have been funded for
24 many many years from the county and we do
25 appreciate that, we will be closing. What

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2 happens to these people? Again, it's not
3 just the people working for these agencies,
4 it's the young people and their families.
5 What happens?

6 My agency alone served over 500
7 kids last year. Where do these people go
8 for services? What are they going to do? I
9 know it's been hard on all of you. I know
10 you have been devastated by the cuts. I
11 know you all thought about it. I know you
12 are all very much upset with what's going
13 on.

14 But all I urge you to do is work
15 together. There has to be a way to work
16 this out. Please do all that you can to
17 insure that these services continue. Our
18 county needs them. Thank you.

19 CHAIRWOMAN GONSALVES: Thank you,
20 Mr. Bruno. My apologies, but I cannot read
21 the last name.

22 DR. CABBAGESTALK:
23 C-A-B-B-A-G-E-S-T-A-L-K, and Julia
24 Cabbagestalk.

25 CHAIRWOMAN GONSALVES: That's

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2 easy enough. Thank you very much, Dr.
3 Cabbagestalk.

4 DR. CABBAGESTALK: Yes, yes.
5 Good morning. To the minority leader, the
6 deputy presiding officer, the legislators,
7 to the new leader at hand, I am a new
8 community representative. I was raised in
9 Freeport, and I have now returned back to
10 the Nassau County area which was one of my
11 dreams as a young man growing up. Having
12 done so much wrong but now has corrected all
13 error, to come back and return to help.

14 It seems to me, ladies and
15 gentlemen, I hear a lot of commitment that
16 has not been given to the people of Nassau
17 County. One brother spoke about not keeping
18 the promises of the words, being committed
19 to the people.

20 I just want to introduce myself
21 to you today to let you know I am here. One
22 person spoke about the freedom of speech,
23 what a beautiful thing in America. What a
24 great country we live in. I will hope that
25 our new representative will not be one of

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2 those that will sit on his hands, but bring
3 new energy into this platform, into this
4 arena, into the administration. I just want
5 to say that change is coming and we have to
6 prepare ourselves for the change.

7 We can speak about sanity. Yes,
8 I was one of those that was eating those
9 sausages out of the cans, one without
10 electricity, eating avocado, mint tea. But
11 the reality of the fact is here today that
12 change is coming and I just want to help. I
13 want to make myself known to the public
14 today that I want to help. Some of us may
15 laugh and smirk and think that this is a
16 game, but the reality of the fact is that we
17 are all on the same level field, human
18 beings of America. It doesn't matter how
19 many doctorate degrees, or master degrees,
20 or how much money we have or make, the
21 reality of the fact is that we live here
22 together. The people is what is important.
23 The people, the people, the people.

24 Thank you and God bless you.

25 CHAIRWOMAN GONSALVES: The last

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2 speaker is Adam Haber.

3 MR. HABER: Thank you. Adam
4 Haber. Congratulations, and congratulations
5 to Mr. Venditto, good luck. Legislator
6 Abrahams, good luck to you as minority
7 leader.

8 Two points I want to bring up. I
9 made about half a dozen trips to the south
10 shore already and I'm probably going to make
11 another six in the next three or four days.

12 I'm involved with a charity
13 called All Hands Volunteers or Hands.Org,
14 and what they are are first responders to
15 the crisis when homes get destroyed. So
16 I've been to Haiti with them helping to
17 rebuild schools. I've been to Buloxi,
18 Mississippi after that disaster. I've been
19 to Iowa after the flooding.

20 What they do is they come in and
21 when a home has flood, they do the grunt
22 work. They muck it out and they do light
23 carpentry to get people back in their homes
24 as soon as they can.

25 I've convinced the director of

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2 operations to set up a location in Long
3 Beach in Ms. Ford's district.

4 What they have tried to do, very
5 hard for the last four or five days, is that
6 they need an empty warehouse as a base for
7 operations, and they're usually in an area
8 for a year, while this happens, three weeks
9 later, time diminishes, people go on. But
10 Long Beach is going to be a mess, especially
11 a lot of the other areas in the south shore
12 for quite some time.

13 I'm asking if you can help us
14 find a location. We've met with several
15 different people in the community. No one
16 seems to know what's exactly available. The
17 National Guard is leaving. The forestry
18 service was there. So if you can help us
19 locate a location -- right now we're working
20 out of a funeral home in Valley Stream, but
21 it's not the most effective way for us to
22 deploy our resources. But we have hundreds
23 of volunteers who will be out and about in
24 helping getting the people back into their
25 homes as soon as they can. So if you can

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2 help with that, that would be great.

3 LEGISLATOR FORD: Thank you very
4 much for your effort on behalf of the
5 residents, especially Long Beach and the
6 barrier island. Have you reached out and
7 spoken with the city manager, Jeff Snearman?

8 MR. HABER: Yes. I spoke with
9 City Manager Snearman who gave me his
10 secretary who then referred me to a director
11 of operations who isn't returning phone
12 calls. I went physically to the ice skating
13 rink where they're having the mosh pit of
14 services come and go. It's a bit chaotic,
15 and understandably so. We just need a base.

16 LEGISLATOR FORD: What kind of a
17 location are you looking for?

18 MR. HABER: Just an empty
19 warehouse. It can be an old restaurant with
20 cooking facilities. What ends up happening
21 is, students or usually young kids at the
22 age of 25, and me, an old man, come from all
23 over the country and it's called Arms, it's
24 almost like the Peach Corps for the
25 community. They get in there literally and

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2 they do tons of great work. There is no
3 cost at all to Long Beach. All of it is
4 privately funded. They just need a
5 warehouse or an abandoned restaurant. They
6 will fix up the restaurant so it's
7 habitable. They just sleep in sleeping bags
8 and tents and they make it like a makeshift
9 mash tent to help out the community.

10 LEGISLATOR FORD: I will look
11 into this for you. I believe I have your
12 contact.

13 MR. HABER: Okay. So I'm going
14 to be down there a couple of times over the
15 next few days, so if you want to reach out
16 to me, I'll take any available space that
17 you have. So that's good stuff. We're just
18 not going to be helping Long Beach, so
19 that's going to be the base of operations to
20 help the south shore.

21 The other point I briefly want to
22 make is, one of the things that was a bit
23 frustrating for community members in the
24 immediate aftermath of the storm is that
25 nobody knew how bad it was, nobody knew when

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2 power would be restored. I think government
3 officials did the best they can with the
4 limited circumstances, but even though the
5 county executive was on TV or telephone
6 blasts go out, or internet messages go out,
7 when you have no power, none of those work.
8 But good old fashion radio seems to work.

9 But my recommendation to the
10 legislature is to create an emergency radio
11 station. An a.m. radio station only used in
12 times of trouble like this where residents
13 know where to go for just not Nassau County
14 based information, because one of the things
15 I did in the very early stages of this
16 crisis is, through Roslyn School District,
17 put together a 28 foot truck of food, water,
18 and clothing to go down to the south shore.
19 We couldn't get to Long Beach so we made it
20 over to Rockaway. The residents in
21 Rockaway, there are the apartment buildings
22 there, I think 7,600 blocks, 7,800 block,
23 8,000 block, were in -- they were the
24 elderly and the infirm who couldn't leave
25 the handicap probably about 50 families in

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2 this one building, didn't know what was
3 going on four days later. There was
4 essentially a life line bringing this food
5 and clothing and water to them.

6 So if we had, and that's New York
7 City, but if there was a general emergency
8 broadcast radio station where people knew
9 where to go, as opposed to listening to the
10 different hodgepodge of radio stations that
11 broadcast for the whole tristate area, it
12 would be very helpful to the community as a
13 basic service just to get them back and
14 running.

15 What people were most
16 appreciative of, especially in my community,
17 which had tremendous damage with trees and
18 homes getting crushed, and we were the last
19 to get power, almost two weeks, was that the
20 Roslyn schools did an e-mail blast, a radio
21 blast, every possible form of information
22 you can, and somehow through word of mouth
23 it got to the right people. But that's a
24 small community and it was much more
25 information for a larger community, so I

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2 think an emergency radio station would do
3 wonders and give people that comfort even if
4 they are really in bad shape, and in any
5 relationship, communication is the key to
6 success. Tell me how bad it is, tell me
7 what to expect and that's what I think you
8 get accomplished with the radio station.

9 So, I look forward to hearing
10 from you.

11 CHAIRWOMAN GONSALVES: Mr. Haber,
12 Legislator Ford would like to say something
13 to you.

14 LEGISLATOR FORD: Thank you. And
15 as you heard at the opening of this meeting,
16 Presiding Officer Gonsalves had said that we
17 are going to have hearings and I think that
18 one of the topics we will need to discuss is
19 with Office the Emergency Management. And
20 to see from those, all of us here in our
21 communities, who had to live through all of
22 this and survive, you know, what changes or
23 things that we should be implementing.

24 I think when you say about a
25 certain radio station, yes, but I think that

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2 also we need to also look at the older type
3 of communication as well because a lot of
4 residents, like you, we did not have power,
5 no communications whatsoever for over two
6 weeks. I still have people without power.

7 So we are very insulated, we were
8 not aware of what was going on. While I had
9 a crank radio, and I can hear the radio, a
10 lot of people did not have it.

11 So we need to maybe go back to
12 having people going up and down streets or
13 have a portable information sign placed on
14 major roadways as well, but that is
15 something that when we do have these
16 hearings I urge you to please join with us
17 and give us the recommendations that you see
18 fit.

19 MR. HABER: Yes. A good plan
20 everybody knows what to expect is what's
21 needed. I commend every level of government
22 for reacting, but I would rather see us be
23 proactive so people know where things are
24 going. So thanks for your time.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Jacobs would like to say something.

3 LEGISLATOR JACOBS: Yes. Hi
4 Adam. I want to tell you. You mentioned an
5 email blast. School districts use that very
6 effectively to get to all the parents very
7 quickly. There was no question in my mind,
8 within two days of this, of dealing with all
9 the residents in my district, that an e-mail
10 blast would have been an unbelievable help
11 for them. Because although LIPA looks your
12 house up usually by your regular telephone,
13 I think it's a no brainer for LIPA to have
14 complete e-mail blasts for the entire
15 county.

16 That way, and I'm not saying
17 people that are unfortunately infirmed and
18 stuck in a building. That's a whole
19 different situation. But a lot of us could
20 get out during the day even though we had no
21 electricity. But certainly if someone
22 wanted to reach us at night to leave a
23 message on our phone, on our land phone, was
24 useless.

25 Someone else said something to

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2 me, and this is only obviously if you are
3 out of the house and could get to a
4 computer, that just like the assessment
5 department has something with Myhouse.com,
6 where you can pull up a house, there's no
7 question that would have been a help to
8 people if it said, the crews will be in your
9 area three days from now and you should have
10 power on four days from now. You might
11 still get angry but you know what's
12 happening.

13 I think those are the kinds of
14 things that obviously could get going
15 quickly. Because I can't come down that
16 hard on LIPA. The people in LIPA who we
17 spoke to was elected officials, when we were
18 there, ombudsman, for our residents, were
19 very helpful and did get back to us as
20 quickly as possible. It didn't make anyone
21 happy you would have it for five days but
22 they did get back to us.

23 The point is, they weren't that
24 accessible to the general public if they
25 called in. So I think there are certain

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2 things that LIPA can do immediately to make
3 that communication effort a more viable one.
4 And it's not reinventing anything. It's
5 invented already. The school districts use
6 it all the time. An e-mail list is like the
7 way to go from them to start with.

8 I'm on your same wave length.

9 MR. HABER: Let me respond to
10 what you're saying, Legislator Jacobs. LIPA
11 responded the best they could given the
12 circumstances, but as I spoke to many of the
13 line workers, they said, see you guys in six
14 months or a year because essentially what's
15 been happening are patches and not long term
16 solutions. We are ahead for a very long
17 winter.

18 When you have a patch, which was
19 explained to me, power goes out much more
20 frequently than if you have a long term
21 solution. So I would hope that these
22 hearings happen sooner than later.

23 LEGISLATOR JACOBS: I tend to
24 agree with you 100 percent.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Bosworth.

3 LEGISLATOR BOSWORTH: Thank you.
4 Adam, thank you so much for the efforts that
5 you made, but I think what you're saying and
6 what needs to be underscored is that we need
7 redundancy in communication so that we have
8 all kinds of alternatives if e-mail goes out
9 that you can do cell phones or if cell
10 phones go out, that you have radio. It
11 needs to be everything because we really
12 don't know which storm is going to affect
13 what mode of communication.

14 MR. HABER: My concern is not for
15 the people of the legislature, you're
16 healthy, you're active, you probably have
17 friends that can help you. My wife is
18 involved with social services. There is a
19 large contingency of people who are elderly
20 and alone and scared or handicapped who
21 don't have the service network that we have.
22 Those are the people that I'm thinking about
23 when we need to make a plan who we keep in
24 mind. And thanks for your time.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Wink.

3 LEGISLATOR WINK: Adam, I want to
4 thank you for your work. I know that you
5 and I have talked quite a bit about the
6 efforts that you're trying to bring about.
7 I know I was able to reach out to Jack
8 Snearman to get the process started, but
9 unfortunately down there, having been down
10 there myself I've seen that it really is
11 chaotic down there. There is no way around
12 that.

13 I want to work with Denise and
14 we'll work with you to try to get that
15 moving ahead with all hands.

16 Maybe -- I know you're too modest
17 to mention it, but you were on the Roslyn
18 school board and, in that capacity, if there
19 is one thing I know, it's that Joseph
20 Draggone, who has been the --

21 MR. HABER: The voice of God.

22 LEGISLATOR WINK: The deputy
23 superintendent for business affairs in
24 Roslyn schools, he has become a household
25 name throughout Roslyn because we have

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2 gotten sometimes two, three calls a day in
3 addition to e-mails and everything else.
4 That system in Roslyn I can tell you is a
5 model for this entire county.

6 I can also vouch for the
7 Manhasset Port Washington Office of
8 Emergency Management. Their efforts have
9 been extraordinary in providing information
10 and resources to people.

11 So I got to think that just those
12 two examples are models that we can use for
13 the entire county going forward. Certainly
14 where LIPA and other organizations may have
15 fallen down in communications, we, as a
16 county, should be able to make up and fill
17 the breach. Thank you, Adam.

18 MR. HABER: Just to note, with
19 every tragedy you have an opportunity to
20 remake things for the better. So please
21 let's not squander this opportunity and
22 expeditiously create a plan before it gets
23 too cold so the people who you serve know
24 that you're behind them. And thank you.

25 CHAIRWOMAN GONSALVES: Thank you,

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2 Mr. Haber. 30 minutes of public comment has
3 been accomplished.

4 Anyone who is here to speak on
5 the budget feel free to come back this
6 afternoon when we will present the Nassau
7 County budget and we will have the budget
8 hearing. Anyone who wanted to speak on any
9 other items that are before us today, we
10 will, according to our rules of procedure,
11 provide the opportunity for you to do so at
12 the end of today's calendar.

13 Without any further ado, our
14 first item today is an emergency item.
15 Mr. Clerk, will you please read the
16 emergency resolution into the record.

17 CLERK MULLER: Yes. We have an
18 emergency. It comes by way of
19 recommendation from the administration for
20 the adoption of a resolution setting forth
21 that an emergency exists for the
22 consideration of immediate action upon Clerk
23 Item 140-12. The recommendation of the
24 county executive to the county legislature
25 at a meeting of the county legislature on

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2 Monday, November 19th, 2012, for the
3 adoption of an emergency resolution
4 declaring an emergency for immediate action
5 upon a resolution authorizing the county
6 attorney to compromise and settle the
7 county's claims against certain defendants
8 in the multi-district litigation action
9 known as City of New York, et al v Abbott
10 Laboratories Incorporated, et al pursuant to
11 the county law of the County Government Law
12 of Nassau County and the Nassau County
13 Administrative Code.

14 Please entertain a motion to
15 place this matter before the legislature and
16 vote on the emergency resolution.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR BELESI: Second.

19 CHAIRWOMAN GONSALVES: Motion by
20 Legislator Dunne, seconded by Legislator
21 Belesi. Any comments on the emergency at
22 the present time?

23 (No verbal response.)

24 If not, all those in favor of the
25 emergency resolution please indicate by

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2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The emergency carries. Now the
7 item itself.

8 CLERK MULLER: Resolution Number
9 53-2012, a resolution authorizing the county
10 attorney to compromise and settle the
11 county's claims against certain defendants
12 in the multi-district litigation action
13 known as the City of New York et al v Abbott
14 Laboratories Incorporated, et al pursuant to
15 the county government law of Nassau County
16 and the Nassau County Administrative Code.

17 Please entertain a motion to
18 place this matter before the legislature.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Motion by
22 Legislator Dunne, seconded by Legislator
23 Walker. At this point, take a motion to go
24 into executive session.

25 LEGISLATOR MUSCARELLA: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Motion by
4 Legislator Muscarella, seconded by
5 Legislator Nicolello. Is there anyone
6 opposed?

7 (No verbal response.)

8 I guess not. I guess we're all
9 in favor. Executive session it shall be.

10 (Whereupon, the Full Legislative
11 Committee recessed at 11:21 p.m. and
12 reconvened at 11:38 p.m.)

13 CHAIRWOMAN GONSALVES: Let's take
14 a vote Item 140, Abbott Laboratories. I
15 guess we can do a voice vote. On the Item
16 on 140, all those in favor indicate by
17 saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 Any abstentions?

22 (No verbal response.)

23 There being none, the item
24 carries unanimously. Thank you very much.
25 Now the second emergency, Mr. Muller.

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2 CLERK MULLER: Yes. Emergency
3 16-2012, it's an emergency by way of
4 recommendation from the administration for
5 the adoption of a resolution setting forth
6 that an emergency exists for the
7 consideration of immediate action upon Clerk
8 Item 687-12. Emergency Resolution 16-2012,
9 an immediate resolution declaring an
10 emergency for immediate action upon a bond
11 ordinance making certain determinations
12 pursuant to the State Environmental Quality
13 Review Act providing for a capital
14 expenditure to finance the payment of
15 certain judgments, compromise and settle
16 claims resulting from court orders on
17 proceedings brought pursuant to Article 7 of
18 the Real Property Tax Law determinations of
19 the Nassau County Assessment Review
20 Commission pursuant to the Section 523-B of
21 Article 5 of the Real Property Tax Law and
22 Judgments compromise and settle claims or
23 awards or sums pursuant to Title 3 of
24 Article 5 of the Real Property Tax Law and
25 authorizing bonds of the County of Nassau

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2 defined said expenditure not to exceed
3 \$165,240,000 pursuant to the Local Finance
4 Law of New York and the County Government
5 Law of Nassau County.

6 A statement before we move on the
7 emergency. First of all, this emergency
8 requires bipartisan support of both
9 Republicans and Democrats if it's ever going
10 to make it to the floor for consideration at
11 this legislative session.

12 This item as state stated by the
13 clerk authorizes us to borrow \$165 million
14 to finance the payment of tax refunds Nassau
15 County owes to many of its residents and
16 businesses. This item is indeed and
17 emergency.

18 We have all seen the devastation
19 caused by Super Storm Sandy followed up by
20 the nor'easter. We have all seen the damage
21 caused to our homes and our small
22 businesses. We have all felt the impact on
23 our lives, economically and otherwise of a
24 prolonged power outage and gas shortage.
25 Many of our small businesses couldn't open

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2 their doors for days, some will never open
3 their doors again.

4 Through it all, Nassau County,
5 under the leadership of County Executive Ed
6 Mangano, has extended every reasonable
7 resource at its disposal to assist in the
8 recovery effort from this historic storm.

9 We have before us today that
10 would all this county to pay out millions of
11 dollars in tax refunds owed to many of our
12 residents and businesses at a time when they
13 need it most. This money is far better in
14 their hands than it is in ours.

15 Another benefit we must consider
16 is that the financing of these three funds
17 at this time, which serve to boost Nassau
18 County's emergency reserve funds, and free
19 up much needed resources to aid us in our
20 recovery efforts and, heaven forbid, react
21 to future emergencies.

22 We have been informed that FEMA
23 aid would take the form of reimbursements
24 for funds expended. In other words, Nassau
25 County must advance the required funds to

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2 address emergency situations and seek
3 reimbursement from the federal government.

4 By building back our reserve
5 funds, Nassau County would be in a far
6 stronger position to address its emergency
7 needs in Sandy's aftermath.

8 We have all read the comments of
9 minority leader in Newsday characterizing
10 this action as shameless. I would say it
11 would be shameless for this body to refuse
12 to do everything in its power to help as
13 many people and businesses as we can.

14 I urge me democratic colleagues
15 to support not only this emergency
16 resolution, but the entire borrowing
17 request. And I know you would like to make
18 a comment.

19 LEGISLATOR ABRAHAMS: Thank you,
20 Presiding Officer Gonsalves. I think the
21 minority has made their position very clear.
22 Number one, in the aftermath of Super Storm
23 Sandy, those that have lost their worldly
24 possessions, those who have lost relatives
25 due to this tremendous tremendous storm, we

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2 will continue to grieve and share our
3 prayers with them.

4 However, we do believe it to be
5 shameless when the county executive chooses
6 to use this storm for an initiative that he
7 has presented to this legislature for now
8 well over almost a year in trying to present
9 tax certs to insure that, in our opinion,
10 and has also been documented by Newsday, to
11 pay off, I believe, tax cert attorneys that
12 have worked on behalf of these commercial
13 property interests.

14 It's also shameless for this
15 legislature to consider any tax cert when we
16 have not seen the backup for \$165 million.
17 In essence, the county executive is asking
18 for a blank check so that the county will
19 put itself in further debt to try to secure
20 \$165 million and we have not seen any backup
21 to support it.

22 We are prepared as well as
23 willing to sit down with the county
24 executive, as well as to my colleagues to
25 the right, to insure that we provide the

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2 correct and most appropriate relief for
3 those that are suffering from the aftermath
4 of Super Storm Sandy. That would be, if we
5 are talking about true relief, my colleague,
6 Joe Scannell, as well as those along in the
7 south shore, have a backup of sewage going
8 into neighborhoods and into homes because of
9 the lack of attention that has been given to
10 our treatment plants. Let's put the bonding
11 to that.

12 My colleague also, one of the
13 most egregious cases, Delia DeRiggi-Whitton
14 from the north shore has a road practically
15 crumbling in the street to the point where
16 now the road is impassable. From anyone
17 getting in and out of a certain portion the
18 county, let's put money and resources
19 towards that. Our roads are crumbling. Our
20 infrastructure is crumbling.

21 But the fact remains that we are
22 focused on putting ourselves into a greater
23 amount of debt, number one.

24 Number two, that the money that
25 is being identified, the claims have not all

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2 been presented to the legislature in order
3 to pay those claims, so in essence this
4 legislature is being asked to write a blank
5 check.

6 Third, and most important, we
7 truly believe that if you want to put the
8 money in the folks that need it the most,
9 put the money in the folks that are part of
10 the residential community that can really
11 truly need those hundreds or thousands of
12 dollars that can are returned to them.

13 That's where the focus should be.
14 Not towards funding our friends and our
15 campaign contributors. I know you guys
16 don't want to go down that path, but the
17 fact remains that it's well documented in
18 terms of the contribution levels that have
19 been going down that path. We don't want to
20 engage in that. We want to try to focus on
21 helping people, and, from our perspective,
22 the priority is at the sewage treatment
23 plants and our roads and infrastructure.

24 We are willing to work with you
25 to borrow or to bond for those particular

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2 things, but don't present to us \$165 million
3 and expect a blank check and there's no
4 backup to tie to it and try to say that we
5 need to do this in order to help the
6 families of Super Storm Sandy.

7 We are prepared to work with you
8 to help those families but we just disagree
9 with the methods and the approach that you
10 have taken.

11 CHAIRWOMAN GONSALVES: I just
12 want to respond very briefly, Mr. Abrahams.
13 Number one, the circumstances are extremely
14 different than they were a few months ago,
15 okay?

16 Another thing, anything over
17 \$100,000 you know comes to us. And the
18 third thing, all those infrastructure items
19 that you mentioned will be addressed by this
20 body.

21 You can rest assured that after
22 tomorrow's session, some of those will be
23 addressed.

24 LEGISLATOR ABRAHAMS: Again,
25 Presiding Officer Gonsalves, from our

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2 standpoint, it is very clear we truly
3 believe, the county executive was down. He
4 toured Baldwin. He saw these homes.

5 From our standpoint, that is just
6 as much of a priority as these tax certs
7 that are being presented today. To us, it
8 appears very shameless that the fact that we
9 have a treatment plant which, granted, under
10 the Suozzi administration, under the Mangano
11 administration, the Gulotta administration
12 it was neglected, we get it. A lot of
13 people didn't do their part.

14 But now here have an opportunity.
15 We have an opportunity to do the right thing
16 to insure that this plant gets what it
17 needs, and the first thing out the box, the
18 first thing out the gate is tax certs. The
19 same initiative that we've been seeing for
20 the last 12 months, and guess who -- I
21 understand, they put money back in the folks
22 that need it the most, I understand that
23 greatly, but, you know what, it also puts
24 money back in the folks that have been
25 contributing to the republican party as well

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2 as County Executive Mangano to a great
3 degree. So from that standpoint, I don't
4 hear any responses about that. It gets very
5 quiet on your side of the aisle when I keep
6 bringing that up. That is a fact.

7 Let's also be clear too. It is
8 very easy for us, and we will be willing to
9 consider an initiative that puts up for Bay
10 Park. You guys are not even entertaining
11 that. I would like to think that we care
12 about the folks in that treatment plant.
13 Here we have -- we are willing to break
14 bread, and willing to sit down with you to
15 insure that we do the right thing for the
16 people that are impacted by that area.

17 Almost half the county is
18 impacted by that treatment plant not
19 functioning properly. Here we are, it's not
20 even on the table. It's not even being
21 discussed. That's what we are willing to
22 work with you on. The roads are crumbling.

23 Does anyone need to visit West
24 Shore Road to be able to see that the road
25 is in the ocean? Our infrastructure is

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2 crumbling around us people. If we decide to
3 do nothing and focus on the same old stuff
4 that we focused on in last 12 months we will
5 get nowhere.

6 CHAIRWOMAN GONSALVES: Mr. Kevan,
7 before I turn the mike over to Legislator
8 Ford, and then Legislator Nicoletto, let it
9 be said, once again, those items that you
10 are talking about will be considered by this
11 body.

12 LEGISLATOR ABRAHAMS: Presiding
13 Officer, is this up for debate or
14 discussion, or are we going to allow
15 everybody to talk? I thought basically you
16 were going to give a statement and I was
17 responding to your statement.

18 If we open this, we are violating
19 -- this is not up for a debate or
20 discussion.

21 CHAIRWOMAN GONSALVES: No, it's
22 not. But this is an emergency item and
23 everyone has the right to discuss it.

24 LEGISLATOR ABRAHAMS: No, no, no.
25 Everybody has a right to debate and discuss

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2 it when it reaches the floor. This item is
3 not on the floor. And correct me if I'm
4 wrong, our side has not presented the votes
5 for it to be on the floor. Because I have a
6 ton of guys that want to talk too.

7 LEGISLATOR FOR: In all fairness,
8 then we'll wait, okay? Because when we have
9 the budget hearing, we're going to talk
10 about this issue, all right?

11 LEGISLATOR MUSCARELLA: I move
12 it.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Muscarella.

15 LEGISLATOR NICOLELLO: Second.

16 CHAIRWOMAN GONSALVES: And
17 seconded by Legislator Nicoletto. We want
18 to see whether or not we're going to have
19 the emergency.

20 LEGISLATOR FORD: We'll have the
21 full discussion after.

22 CHAIRWOMAN GONSALVES: No.

23 LEGISLATOR ABRAHAMS: We are
24 prepared to have that discussion.

25 LEGISLATOR FORD: Don't worry, so

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2 am I.

3 CHAIRWOMAN GONSALVES: Let's not
4 be confrontational. Go ahead.

5 LEGISLATOR MUSCARELLA: Through
6 the chair, the emergency is on the floor,
7 and it's subject to debate. That's pretty
8 much what we were talking about whether or
9 not this is an emergency and going forward
10 and then we'll call the item.

11 There are budget concerns and
12 we'll speak about the budget and how it
13 impacts infrastructure and whatever, but
14 this particular item I think we should
15 debate now.

16 CHAIRWOMAN GONSALVES: Just hold
17 on. If it's -- if it is in order that we
18 can debate the emergency, so be it. Let's
19 go, Legislator Ford.

20 LEGISLATOR FORD: Thank you,
21 presiding officer. I take exception to the
22 comments made by Minority Leader Kevan
23 Abrahams when we talk about politicizing
24 over the issue of tax certs and the ability
25 to be able to give back much needed funds

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2 not only to our residents but as well to our
3 small business owners.

4 My area has been completely
5 devastated. We are lucky that some of the
6 stores are opening. Many of the stores in
7 the west end are not open yet and we don't
8 even know if they are going to be able to be
9 open. We look along Austin Boulevard and
10 Island Park and the Village of Island Park,
11 those stores have been severely impacted as
12 well as many stores in Oceanside, never mind
13 down in Point Lookout and Atlantic Beach.
14 And this is the same story throughout this
15 island.

16 While many places have insurance,
17 some businesses do not have insurance. A
18 lot of these small businesses and the
19 businesses that have put in to get monies
20 owed to them by the county are in dire need
21 of these funds. They need them so they can
22 then pay for the heating, hot water, and
23 electric so they can reopen. They have lost
24 now almost a month's worth of business and
25 they still have to pay their taxes. These

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2 people are hurting. Many of these owners of
3 these stores are residents as well and not
4 only have they been hit with their
5 businesses going out, but many have lost
6 their homes.

7 I am asking that you take a look
8 and really look at everything and stop
9 saying just because some of these tax cert
10 lawyers gave money to the republicans,
11 because I can probably point out, there are
12 many many of the stores currently in the
13 city of Long Beach that have probably given
14 and contributed not only to the Long Beach
15 Dems, but the Nassau Dems as well. So let's
16 cut this.

17 This is not the time for taking a
18 partisan view. We have to. Governor Cuomo
19 has asked us and so has President Obama.
20 They have asked us to put our political
21 differences aside. Let's all start working
22 together and let's start working together
23 for the benefit of the residents and the
24 people of Nassau County.

25 We were able to survive Sandy but

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2 I will find it hard to believe that we will
3 be able to survive this partisanship. Thank
4 you.

5 LEGISLATOR ABRAHAMS: Through the
6 chair. She responded directly to me.
7 Legislator Ford, I don't understand where
8 your anger is coming from, but let me try to
9 explain a couple of different things. I
10 understand. We are all going through hell.
11 Everybody's district is going through hell.
12 Long Beach is going through a greater hell,
13 and other parts of the county is going
14 through that. But you should not minimize
15 anybody's hell or anybody's degree of
16 difficulty.

17 That being said, Legislator Ford,
18 you cannot guarantee that what we are
19 talking about today, the \$165 million that's
20 being borrowed for tax certs, that you
21 cannot guarantee that it is going to go to
22 every single person that needs relief in
23 Long Beach. You just can't.

24 You guys have tried and tried
25 again in the last few days to tie the

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2 bonding for tax certs to some type of relief
3 for Super Storm Sandy. It's not true. It's
4 just not that case. You cannot guarantee
5 that those that are being hurt by this storm
6 are guaranteed a refund unless they filed a
7 grievance.

8 My point is, we can go around and
9 around and around, but it is very possible
10 that those that have the greatest degrees of
11 property damage or, God forbid, even worse,
12 that if they did not even file a grievance
13 and they are not entitled to any money, they
14 will not get any relief. So, please, give
15 the folks the correct information. Let me
16 finish. Let them get the proper and
17 truthful answers. They're tired of seeing a
18 legislature that's going to continue to hide
19 behind and miscalculate facts.

20 The fact remains, unless you can
21 tell me I'm wrong, please tell that every
22 single person that's being impacted by this
23 storm will get some relief from this
24 particular bond. If that's the case, we
25 will reconsider, but I don't believe that to

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2 be the case.

3 LEGISLATOR FORD: I just want to
4 answer. Because, yes, we've all been going
5 through hell, and I've advocated not only
6 for the residents in my area but for all of
7 Nassau County. And my comments are, that a
8 lot of people that filed grievances for tax
9 certs, aren't necessary in my area. I said,
10 for all the residents and all the businesses
11 in Nassau County, we have to make them
12 whole. I acknowledged in many many areas, a
13 lot of businesses have been hurt and small
14 business owners do live in the county.

15 What I'm saying is, by giving
16 this much needed money to those that have
17 filed tax cert grievances, that it would
18 then end up giving them the much needed
19 funds that they need, all right? Kevan,
20 it's because they already filed grievances.
21 We already know who they are.

22 But what we're saying is, the
23 \$165 million --

24 CHAIRWOMAN GONSALVES: I'm going
25 to stop the debate. It's enough. That's

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2 it.

3 LEGISLATOR FORD: We're asking to
4 free up that money and what we need to do is
5 that -- the county has graciously sent in --

6 LEGISLATOR ABRAHAMS: Can you
7 guarantee --

8 LEGISLATOR FORD: Don't say here
9 we go again. There's no guarantees in life.

10 LEGISLATOR ABRAHAMS: Can you
11 guarantee, can you tell us that the folks
12 that have been impacted by this storm are
13 getting relief from this particular bonding?

14 LEGISLATOR FORD: Some people
15 will be, yes.

16 LEGISLATOR ABRAHAMS: Some people
17 yes, but you can't tell us all. So stop
18 tying it to Super Storm Sandy. You cannot
19 do that.

20 LEGISLATOR FORD: I'm tying it to
21 the tax certs.

22 LEGISLATOR ABRAHAMS: I hear you
23 chiming in. You're making the reference of
24 tying it to Super Storm Sandy.

25 LEGISLATOR BECKER: You're tying

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2 it in to redistricting, that's the problem.
3 That's why you refuse to do it.

4 LEGISLATOR ABRAHAMS: Fran, dial
5 this back. You sound silly. Let me tell
6 you why. Fran, we're prepared to do bonding
7 for something such as the roads or
8 infrastructure or the sewage treatment
9 plant. If we are tying it to bonding and
10 redistricting, why are we doing that? Do
11 you have a response, Mr. Becker?

12 LEGISLATOR BECKER: Of course,
13 because you want to tie it to redistricting.

14 LEGISLATOR ABRAHAMS: Fran, did
15 you hear a word you said? Start running for
16 congress. Fran, did you hear a word you
17 said?

18 CHAIRWOMAN GONSALVES: You're out
19 of order, Fran.

20 LEGISLATOR ABRAHAMS: Fran, we
21 would never listen to you, but thank you.

22 CHAIRWOMAN GONSALVES: Listen,
23 there are others who should have the
24 opportunity and in a minute I'm calling the
25 question.

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2 LEGISLATOR ABRAHAMS: I'm tying
3 what to redistricting? I'm tying bonding to
4 redistricting? I just offered you the
5 sewage treatment plant. You're not making
6 any sense.

7 LEGISLATOR BECKER: You're not
8 making any sense.

9 LEGISLATOR ABRAHAMS: I just
10 offered you the treatment plant. Isn't the
11 treatment plant bonding? I'm arguing with
12 myself.

13 CHAIRWOMAN GONSALVES: Did you
14 hear? I can easily call the question. I'm
15 going to have Legislator Nicoletto speak.

16 LEGISLATOR NICOLELLO: I would
17 just like to welcome Mike Venditto to the
18 Nassau County Legislature. Welcome about.
19 It didn't take us long to get back to that,
20 that's for sure.

21 Just a couple of points. On a
22 more reasoned level. The concept that we
23 can't do this and at the same time on an
24 emergency basis deal with Bay Park and Shore
25 Road is just logically flawed. Obviously we

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2 can do both. You can do more than one thing
3 in the county. And the county executive is
4 putting emergency relief into both
5 situations. So that's not an argument.

6 I would way not every single
7 person impacted by the storm will be
8 benefited by this, but many many will, both
9 businesses and residents. So that's
10 certainly an argument for this.

11 And the concept that we should
12 vote against this because tax cert lawyers
13 apparently currently, I don't know, are
14 contributing more to the republicans than
15 the democrats.

16 I would bet that if you went over
17 the eight years of the Suozzi
18 Administration, those same lawyers were
19 contributing to the democrats. It's just
20 the way the business works. They're not
21 republican, they're not democrat. It's
22 completely irrelevant who they contribute to
23 because to not vote for this because of
24 that, and to deprive residents and
25 businesses of money they're owed, is just

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2 absurd.

3 I just had to make those points,
4 just to point out that the democrats first
5 decided not to vote for this because of
6 redistricting and now they're blaming the
7 tax cert lawyers. You have to come up with
8 a better reason than that. Legislator
9 Kopel.

10 LEGISLATOR KOPEL: With respect
11 to the minority leader, I just want to point
12 out that the argument that you're making as
13 to whether relief is going to get into the
14 hands of everyone is not logical because
15 what you've done is you've made the perfect
16 the enemy of the good.

17 If this relief gets into a lot of
18 hands, it's going to do a tremendous amount
19 of good in the county. A lot of businesses
20 that might go out of business will not.
21 Virtually, as you know, everybody files for
22 tax relief, and a lot of businesses have
23 been hurt.

24 Now, if the fact is that a few
25 businesses actually get the relief to which

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2 they are entitled, for which they've got
3 judgments, also get money, that's not such a
4 horrible thing. That's going to end up
5 saving the county money, because we're
6 paying a tremendous amount of interest on
7 that, that will simply stop. The interest
8 on the bonds is a lot less than the interest
9 on these judgments.

10 So what we are doing over here,
11 the reasons that are being advanced for
12 refusing to go along with this, with all due
13 respect, make no sense at all. We should do
14 something that is going to do good that is
15 going to save money.

16 It's going to save the county
17 money at the same time as it gets money into
18 the hands of people who are going to
19 immediately spend it. There is no better
20 stimulus than that, and immediately going to
21 bring workers back to work. Immediately
22 going to rebuild their shops and serve the
23 people of Nassau County. We should be doing
24 that. This is a good thing. We shouldn't
25 tie it to other things because that's just

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2 not logical.

3 LEGISLATOR JACOBS: Okay. I
4 might have something positive to say as far
5 as a suggestion as we go forward.

6 I have with me here the review of
7 the fiscal year 2013 budget and multi year
8 plan by the Office of Legislative Budget
9 Review. On page -- I don't know what page
10 number. It's page 30. I don't know how
11 many of us are aware that the administration
12 currently has \$43.1 million available in the
13 form of accounts payable, as well as \$2.6
14 million -- hold on a minute, I want to make
15 sure I get this right, as well as \$2.6
16 million in the form of bond proceeds.

17 This results in a total of \$45.7
18 million available now to help these people
19 immediately. And Mr. Kopel, with all due
20 respect, most people do not file grievances.
21 They should but they do not. So the
22 percentage -- I'm telling you that -- the
23 percentage of people, about a third file.

24 So I wish I could agree with you,
25 that everyone in real trouble right now is

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2 involved here, but the truth of the matter
3 is the details of the past number of years
4 show, if it's a third, a third is calling it
5 high.

6 Also remember, you have to NIFA
7 to deal with. NIFA will never allow \$160
8 million of this since in their rescue part
9 of the plan of the bonding they would allow
10 over the four years, it was capped at \$80
11 million.

12 So I think the number one point
13 is, right now, this moment now, release the
14 \$45.7 million and start helping the people
15 directly. But don't camouflage it under tax
16 certs, don't camouflage the tax certs, most
17 of which will go to commercial, rather the
18 people, I know Denise is talking from the
19 heart, rather than the people who are really
20 hurting.

21 Let's say it like it is. That's
22 all I'm saying. You got an avenue open here
23 that all of us demand be used the proper
24 way, instead of going for a pie in the sky
25 \$165 million.

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2 CHAIRWOMAN GONSALVES: I would
3 like to call on Deputy County Executive Tim
4 Sullivan to address the dollar amount that
5 Legislator Jacobs spoke about.

6 LEGISLATOR ABRAHAMS: Excuse me,
7 Madam Presiding Officer, it seems like --

8 CHAIRWOMAN GONSALVES: It's the
9 rule of the chair that I can do this.

10 LEGISLATOR ABRAHAMS: As a rule
11 the chair, I would like to know that you are
12 going to respect some of the rules that we
13 have. The bottom line is, we might as well
14 have a debate. You're getting your --

15 CHAIRWOMAN GONSALVES: We are
16 having a debate.

17 LEGISLATOR ABRAHAMS: No, no. We
18 might as well have a debate. The very fact
19 that Mr. Sullivan is coming to the podium to
20 speak, you're having this emergency. I
21 asked you to limit the speaking to myself
22 and --

23 CHAIRWOMAN GONSALVES: Legislator
24 Jacobs just brought this up.

25 LEGISLATOR ABRAHAMS: Are we

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2 starting a new precedent here?

3 CHAIRWOMAN GONSALVES: No, we're
4 not. She brought the \$45 million up.

5 LEGISLATOR ABRAHAMS: Mr. Sullivan
6 can talk to Legislator Jacobs or any other
7 legislator on the side.

8 CHAIRWOMAN GONSALVES: No, I
9 don't think so. Since it was brought up
10 just now, I think everybody should hear it.

11 LEGISLATOR ABRAHAMS: So
12 basically we are going to have a hearing --

13 CHAIRWOMAN GONSALVES: No. I
14 just want clarification.

15 LEGISLATOR ABRAHAMS: No, no, no.
16 No disrespect, Madam Presiding Officer, I
17 know this is your first day, but we are
18 going to have to make a decision. If we are
19 going to have a debate or discussion, then
20 everybody has to be entitled to speak, and
21 everybody will have to be able to move
22 forward.

23 CHAIRWOMAN GONSALVES: I'm sorry
24 Minority Leader Kevan. I am the presiding
25 officer and I will make that decision.

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2 Mr. Sullivan please address that item.

3 LEGISLATOR ABRAHAMS: But that's
4 not based on anything. What rule is it
5 based on.

6 CHAIRWOMAN GONSALVES: It's based
7 on Legislator Jacob's comment.

8 LEGISLATOR ABRAHAMS: We need to
9 get our attorneys. No, no, no. We are
10 entering down the realm of a discussion.
11 That's where we're going now. This is a
12 horrible precedent to set. There has not
13 been an emergency established, there has not
14 been -- turn your mike on for me to talk to
15 you, Fran. There has not been an emergency
16 established to be able to have debate or
17 discussion. None. This is a horrible
18 precedent to set.

19 CHAIRWOMAN GONSALVES: We are
20 discussing the nature of the emergency. And
21 as far as clarification --

22 LEGISLATOR ABRAHAMS: And that
23 requires Mr. Sullivan to give testimony?

24 CHAIRWOMAN GONSALVES: No. He's
25 just clarifying what Legislator Jacobs said.

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2 Tim, go ahead.

3 MR. SULLIVAN: Just to address,
4 first of all, good afternoon, legislators,
5 and congratulations to Presiding Officer
6 Gonsalves.

7 Just to clarify a couple of
8 things, the \$43 million is an accrual. That
9 is correct. Budget review did point that
10 out. That does not mean the funds are
11 available. It was our intent to bond for
12 those funds.

13 I've been look for a bond
14 personally since May of 2011. Obviously
15 this is something that is putting a strain
16 on our financial system. I think the county
17 comptroller last year had \$223 million of
18 backlog and he's expecting to I think breach
19 \$300 million this year.

20 So from a pure financial point of
21 view, this is something that we need to
22 address. The financial plan that was
23 approved last year by NIFA contained \$305
24 million of financing over a four year
25 period. It was 95, 85, 80 and then 50. It

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2 was \$305 million. So this is slightly more
3 than half of that.

4 Legislator Jacobs is correct.
5 There was an accrual there. But there is no
6 funds to back that up. That's why it's a
7 hit against our budget in the deficit.
8 That's why it was a deficit.

9 CHAIRWOMAN GONSALVES: At this
10 point in time, it's the prerogative of the
11 chair to call the question, and I call the
12 question.

13 LEGISLATOR ABRAHAMS: Madam
14 Presiding Officer, you cannot call --

15 LEGISLATOR BECKER: I did not get
16 a chance to say something about the
17 emergency.

18 CHAIRWOMAN GONSALVES: Excuse me.

19 LEGISLATOR ABRAHAMS: According
20 to Robert's Rules, you cannot end the
21 debate. Not if you entered this discussion,
22 you need a two thirds vote to be able to end
23 the debate.

24 CHAIRWOMAN GONSALVES: Actually I
25 can.

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2 LEGISLATOR ABRAHAMS: No, you
3 cannot.

4 CHAIRWOMAN GONSALVES: First of
5 all, Minority Leader Abrahams, our rules
6 override Robert's Rules, okay?

7 Mr. Muller, call the roll,
8 please, and ask for a consent or a nay.

9 CLERK MULLER: Legislator
10 Troiano?

11 (No verbal response.)

12 CHAIRWOMAN GONSALVES: Not here.

13 CLERK MULLER: Legislator
14 Solages?

15 LEGISLATOR SOLAGES: No.

16 CLERK MULLER: Legislator Ford?

17 LEGISLATOR FORD: Yes.

18 CLERK MULLER: Legislator
19 Scannell?

20 LEGISLATOR SCANNELL: I am very
21 upset about what has happened here. This is
22 a complete breach of the rules and the
23 people in Baldwin are completely suffering
24 from what had happened from the Super Storm
25 Sandy.

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2 On Barnes Avenue, as deputy
3 presiding officer had said, that we had raw
4 sewage, literally raw sewage come up for 48
5 hours straight at the end of Barnes Avenue,
6 not on top of the super storm surge we had,
7 on top of the oil tanks that ruptured as a
8 result of that, we had literally raw sewage
9 coming into these people's homes.

10 I was there on Tuesday with
11 County Executive Mangano, and I was
12 extremely thankful for him being there on
13 Tuesday and touring the homes with me, and
14 Rob Walker came down as well. Dave
15 Denenberg was there too. This was a
16 complete and utter disaster. I called the
17 EPA on Monday. We had the EPA down here.
18 We had the Nassau County Board of Health
19 there. We had the Nassau County Department
20 of Health come. This is a complete and
21 utter disaster. Complete and utter
22 bacterial disaster for the people who live
23 in those homes as well as the water damage.

24 So not only did they get whacked
25 by Super Storm Sandy, they got whacked by

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2 raw sewage, which was a complete backup of
3 Bay Park. It was a pipe that was too small.
4 They been having problems since 2001 on
5 Barnes Avenue with sewage coming up,
6 literally coming up from the street, and
7 what happened was, Bay Park then completely
8 failed. The pipe was too small. There was
9 water coming in from other areas as well.
10 It was a complete and utter ecological and
11 environmental disaster for the people who
12 live there.

13 You, Denise, have every right to
14 be upset about what's happening in Long
15 Beach because the people there have
16 completely suffered. It's horrible.

17 But my problem here is, the
18 reason that I won't vote for it, because
19 there's no guarantee that the money will go
20 to Long Beach. There's no guarantee that
21 the money will go to this absolute
22 ecological disaster that's happening in
23 South Baldwin.

24 So, because there is no
25 guarantee, we have no guarantee, I'm going

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2 to vote no.

3 CLERK MULLER: Legislator Becker?

4 LEGISLATOR BECKER: Yes.

5 CLERK MULLER: Legislator Kopel?

6 LEGISLATOR KOPEL: Yes.

7 CLERK MULLER: Legislator

8 Muscarella?

9 LEGISLATOR MUSCARELLA: Yes.

10 CLERK MULLER: Legislator

11 Nicoletto?

12 LEGISLATOR NICOLELLO: Yes.

13 CLERK MULLER: Legislator

14 Bosworth?

15 LEGISLATOR BOSWORTH: No.

16 CLERK MULLER: Legislator Wink?

17 LEGISLATOR WINK: You know, a
18 number of my colleagues have said, and
19 rightfully so, that this administration or
20 at least this county is capable of
21 multi-tasking. I would like to believe that
22 to be the case, but of fact what is being
23 put before us today is not multi-tasking.
24 It's not dealing with the real problems.
25 It's not dealing with the problems in Joe

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2 Scannell's district or Denise Ford's
3 district, or any other districts. All it's
4 dealing with is smoke screen and cover.

5 The fact of the matter is, this
6 administration had the money available to
7 pay most, if not all of these homeowners
8 over a year ago, and they chose not to.
9 They squandered on commercial settlements
10 and they held back to take hostages. In
11 point of fact, 17,000 homeowners have not
12 been paid their refunds when the money was
13 there to be paid.

14 All we're seeing now is a redux
15 of this going on and on and on, that the
16 administration has again chosen an
17 opportunity under cover of a super storm to
18 seek more money in bonding. The fact of the
19 matter is, they had their chance to spend
20 that money to pay off the homeowners that
21 were owed this money. I am sympathetic to
22 them, but the fact of the matter is, this
23 administration chose to tax hostages and
24 this is not the avenue today to reward that.
25 So I vote no on the emergency.

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2 CLERK MULLER: Legislator

3 Venditto?

4 LEGISLATOR VENDITTO: Yes.

5 CLERK MULLER: Legislator Belesi?

6 LEGISLATOR BELESI: Yes.

7 CLERK MULLER: Legislator Dunne?

8 LEGISLATOR DUNNE: Yes.

9 CLERK MULLER: Legislator Jacobs?

10 LEGISLATOR JACOBS: Before I cast

11 my vote, I just want to say that I would

12 like to encourage the administration to

13 spend the \$47.5 million they already have

14 and do it quickly and then we can go on to

15 discuss other matters. I vote no.

16 CLERK MULLER: Legislator Walker?

17 LEGISLATOR WALKER: Yes.

18 CLERK MULLER: Legislator

19 DeRiggi-Whitton?

20 LEGISLATOR DERIGGI-WHITTON:

21 Before I vote, I would also like to make a

22 comment and I'm looking at Michael Venditto

23 across the aisle. You're part of the

24 freshman group and what I can tell you right

25 now is what I find to be most frustrating is

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2 the accountability for where funds truly
3 are.

4 Through the tax certs, \$50
5 million each year goes to these attorneys
6 that represent these funds. I understand
7 that that is part of this deal, but that is
8 a real, in my opinion, seems to be a
9 priority, whereas, there are a number of
10 examples today, not only with the different
11 sewage treatment plants that were not
12 correctly fixed, even though the money was
13 allotted.

14 In my area specifically, which
15 also affects your father's area, I have been
16 basically, almost begging for money to fix
17 West Shore Road. I have documents right
18 here of the money being available for years.
19 We bonded in '09. Unfortunately, as
20 everyone knows, the road collapsed into the
21 water. What this is going to do is it's
22 going to close West Shore Road for at least
23 nine months.

24 The way we had the construction
25 originally planned out, we were going to

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2 keep one lane open. That's now impossible.
3 As you know, it's our main artery, one of
4 the two main arteries. The other artery was
5 also closed during the storm. Bayville
6 people were actually trapped. They couldn't
7 go out either way.

8 So the whole frustration is what
9 I'm saying is what Judy Jacobs said, there
10 is money available for many of these things.
11 Money comes and goes.

12 Last week we had a transfer into
13 the police overtime and we were told that
14 there were \$25 million in this account, and
15 after this transfer there would be \$15
16 million left. And today I'm told there's
17 only \$2.3 million left. I don't understand
18 how money is appearing and disappearing, and
19 just as a basic financial background, none
20 of it makes sense, and when people say that
21 their taxes are high, I'm really starting to
22 feel it's because of mismanagement. I think
23 we have the money, it's just that the money
24 is -- I don't even know where it's going and
25 I'm on the finance committee and I can't

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2 even tell you where this money went.
3 Transfers are happening without our
4 approval. They happen before the vote is
5 even cast. I'm speaking out too and I would
6 love to see some repairs being made now and
7 we've discussed that, Minority Leader
8 Abrahams has mentioned, that will truly help
9 the people that we need to have helped.

10 Maybe there will be the trickle
11 down but right now it's the priority, and I
12 think the priority is fixing our
13 infrastructure so that our residents get
14 what they deserve.

15 You know, I just want to say one
16 other thing. The youth services, my God, I
17 feel like that song, 50 Ways to Leave Your
18 Lover. We found like 50 ways to find a way
19 to pay for this, and none of that has been
20 good enough because that was held over our
21 head to vote for bonding.

22 Now they're trying to hold Sandy
23 over our head for bonding. What's going to
24 be next? I just feel like it's a real smoke
25 and mirrors game. I've been disappointed,

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2 to be honest, so I vote no.

3 CLERK MULLER: Legislator
4 Denenberg?

5 LEGISLATOR DENENBERG: You know,
6 the vote here is on an emergency, the first
7 emergency called after Hurricane Sandy to
8 this full body. One would have thought that
9 the first emergency after the hurricane
10 would have been an emergency to address the
11 Bay Park sewage treatment failure that has
12 65 million gallons of untreated sewage
13 spewing into Reynolds channel and into our
14 neighborhoods.

15 But one would have thought wrong.
16 Instead, the first emergency after our
17 disaster, is to provide a \$165 million blank
18 check to the county executive to pay almost
19 exclusively commercial tax certs that we
20 don't know who it's going to, or how it's
21 going because this is the backup.

22 Traditionally, this body has
23 never borrowed to pay tax certs without
24 seeing the settlements, approving those
25 settlements, and understanding why, why,

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2 those settlements were being paid.

3 This concept that this would go
4 to victims of Hurricane Sandy, this is a
5 blank check to the county executive without
6 us knowing who it's going to because we
7 don't have any of the settlements.

8 But, assuming this is even one
9 third of the total commercial taxpayers in
10 Nassau County, all this would do is then
11 leave the other two-thirds, the residents,
12 paying more in taxes so that the one third
13 preferred commercial taxpayers can pay less.

14 So the issue of what is an
15 emergency, the hundreds of millions of
16 dollars of improvements to our sewage
17 treatment plants is the emergency I
18 expected. A blank check where we're giving
19 a blank check to the county executive
20 instead of doing our job is never an
21 emergency, will never get my vote, but on
22 the issue of an emergency, Bay Park sewage
23 treatment plant, 65 million gallons a day is
24 an emergency. Giving a blank check to
25 preferred commercial taxpayers for the

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2 county executive to pay them off, is never
3 an emergency. I vote no.

4 CLERK MULLER: Minority Leader
5 Abrahams?

6 LEGISLATOR ABRAHAMS: I think
7 what has happened today, I can't understand,
8 following the rules of this charter, and the
9 Robert's Rules, I can't understand how we
10 ended up having a debate or discussion
11 without actually providing an emergency to
12 do so.

13 That being said, I think the
14 actions of today can definitely easily be
15 sanctioned. Going forward though and
16 realizing the suffering that the folks that
17 have been impacted by Super Storm Sandy,
18 again, this side of the aisle, despite what
19 my colleagues to the right will continue to
20 believe, has bonded and will continue to
21 bond for the best interests of the residents
22 of Nassau County.

23 I have extended the olive branch
24 again for another time and, from our
25 standpoint, the true and necessary need goes

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2 to our infrastructure and to our sewage
3 treatment plant. That's the priority.
4 Anyone that thinks that paying or insuring
5 that tax cert attorneys that provide
6 benefits or provide services for commercial
7 businesses is the priority, I got to tell
8 you, move out of Nassau County because
9 that's not our priority.

10 Our priority is insuring that
11 every single person that is impacted by the
12 raw sewage that is coming up into their
13 properties gets it remediated. The best way
14 to remediate that is to provide relief so
15 that the Bay Park treatment plant has what
16 it needs. That's the emergency we expected
17 to see today.

18 But we all read the stories in
19 Newsday, we've all seen the reports on News
20 12 talking about the impact of this
21 treatment plant having on the residents of
22 East Rockaway, of Valley Stream, of Baldwin,
23 of Oceanside. We've all seen it. And here
24 we have an opportunity to do the right
25 thing. Here we have the perfect opportunity

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2 where we're saying, we're willing to work
3 with you.

4 Again, rather than take us up on
5 that olive branch, we've decided to do the
6 same old thing that we always do, is to
7 provide tax certs which benefit the
8 commercial businesses of Nassau County and
9 to benefit our friends. That, to me, is
10 shameless.

11 We have the opportunity and we
12 did nothing. Nothing at all. Barring the
13 fact that we're not going to be able to do
14 this today, we are still going to be
15 committed to trying to do something for the
16 Bay Park Treatment Plant, and we're hoping
17 that this side of the aisle reaches out,
18 reaches back with us.

19 But the fact remains and it's
20 very simple, we will never ever support an
21 emergency for something so egregious and so
22 shameless as this, when it does not focus on
23 the priorities of Nassau County, I vote no.

24 CLERK MULLER: Presiding Officer
25 Gonsalves.

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2 CHAIRWOMAN GONSALVES: Yes.
3 Thank you, Mr. Muller. First of all, for up
4 to maybe two years ago, we always borrowed
5 for tax certs, yes, we did. This is not up
6 for discussion. You had your opportunity to
7 speak. Now I would like to speak.

8 The other thing is, you talk
9 about the emergencies like we don't care
10 about those emergencies, and you have no
11 idea what the county executive is planning.
12 So those issues will be addressed and will
13 be addressed as quickly as you can. But you
14 don't want to give us that emergency, fine.

15 We are doing the best we can
16 under the circumstances. Whether or not you
17 like us using the Super Storm Sandy, or
18 anything else for that matter, we need
19 funding. And the funding that will provided
20 in this emergency will be there. For us to
21 really take care of all the emergencies we
22 are talking about.

23 With that, I have to say, we are
24 not doing the right thing by voting against
25 the emergency. And so I would like to do

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2 the right thing and vote for the emergency.

3 CLERK MULLER: It's by a vote of
4 ten yays in establishing the emergency, and
5 eight nays to not establishing the
6 emergency. The emergency is not
7 established.

8 CHAIRWOMAN GONSALVES: In all due
9 respect, the emergency is not established.

10 CLERK MULLER: I think that's
11 what I said, I'm sorry.

12 CHAIRWOMAN GONSALVES: In all due
13 respect, the emergency fails, so we will be
14 back and hopefully we will get better
15 results the next time around. Mr. May, I
16 think in all due respect, there are three
17 gentleman sitting here for a while and I did
18 say we would try to do the best we can in
19 confirming their appointments and, since
20 they are part of the consent calendar, it
21 would be only right to have these gentlemen
22 come before us and introduce themselves for
23 the various positions they're going to fill.

24 I'm going to begin with Anthony
25 Sabino who will appointed to the Long Island

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2 Planning Commission. Introduce yourself.

3 MR. SABINO: Thank you, Madam
4 Chairman, members of the Nassau County
5 Legislature.

6 I am very happy to be here and
7 offer my time and expertise to serve on the
8 Nassau Suffolk Planning Council, Regional
9 Planning Council. I have 40 years of
10 experience in land use and environmental
11 law. I've represented many municipalities.
12 I've written zoning ordinances and it's a
13 pleasure for me to be semi-retired at this
14 point so I can offer my time to Nassau and
15 Suffolk Counties and hopefully do some
16 proper planning to alleviate some of our
17 construction, development, and environmental
18 problems.

19 CHAIRWOMAN GONSALVES: Thank you,
20 Mr. Sabino. Now we have two other members
21 of the minority council and the human rights
22 council. I'll begin with the Human Rights
23 Council, Dr. Khan.

24 DR. KHAN: Thank you so much for
25 this opportunity. My name Dr. Usman Khan.

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2 I'm living in Nassau County for the last 15
3 years. I've been offered the opportunity to
4 serve on Nassau County's Commission on Human
5 Rights, and I would fulfill my
6 responsibilities diligently to eliminate
7 discrimination in employment, housing, and
8 places of public accommodation and education
9 which is also the commission's mandate.

10 Thank you so much.

11 CHAIRWOMAN GONSALVES: Mr. Fazlul
12 Haq Syed.

13 MR. HAQ SYED: Good morning to
14 all of you. My name is just Fazlul Haq
15 Syed.

16 I am a resident of Nassau County
17 for the last 35 years. I belong to my
18 community as well as in my neighborhood
19 where I live. I would like to thank the
20 county executive, Ed Mangano, for confirming
21 -- for appointment me to the minority
22 council. And I would also like to thank
23 you. If I'm confirmed, I show you that I
24 complete my responsibilities to the best of
25 my abilities. Thank you.

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2 CHAIRWOMAN GONSALVES: Thank you,
3 Mr. Syed.

4 LEGISLATOR WINK: Gentlemen, I
5 want to thank you for your service to come
6 and I wish you all a great deal of luck.
7 Mr. Sabino, you, in particular, have a very
8 tough act to follow, as I understand it.
9 Your namesake did quite a job. I hope that
10 you're as successful as your namesake.

11 CHAIRWOMAN GONSALVES: We
12 definitely have the right one this time.

13 I'm going to ask us to confirm
14 the three appointees today so they can go
15 about their business. All those in favor of
16 the --

17 CLERK MULLER: You have to have a
18 motion to move them.

19 CHAIRWOMAN GONSALVES: This is
20 not fun today at all. I didn't think it
21 would be, but that's okay. I didn't think
22 it would be. I wasn't deluding myself,
23 believe me.

24 We have a consent calendar and
25 these three gentleman are part of the

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2 consent calendar. So at this time, by
3 consent calendar, for those who are not
4 aware of it, this is the calendar that both
5 sides of the aisle agree on. Okay?

6 So we're going to call the
7 calendar; Item 23, Item 24, Item 27, Item
8 28, Item 29, Item 30, Item 31, Item 32, Item
9 33, Item 34, 35, 38, 39, 40, 41, 42, 43, 48,
10 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 62,
11 63, 64, 65, 66, 67, 68. That's it.

12 All those in favor of those items
13 indicate by saying aye.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR DUNNE: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Walker, seconded by Legislator
18 Dunne. Since this is a consent calendar,
19 all those in favor indicate by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Any abstentions?

24 (No verbal response.)

25 There being none, those items

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2 pass unanimously. That's a God send.
3 Before you leave, gentlemen, congratulations
4 to you. You were just confirmed. Good
5 luck. We're going to take a short break.
6 But now you can leave. Thank you.

7 (Whereupon, the Full Legislative
8 Committee recessed at 12:32 p.m. and
9 reconvened at 12:42 p.m.)

10 CHAIRWOMAN GONSALVES: We are
11 going to move forward with the calendar and
12 we're going to begin with the non-consent
13 items. Those are the items that were
14 requested to be called separately. So the
15 first item is going to be Item 26, Ordinance
16 242. We are going to call those items
17 separately.

18 I'm going to ask, if you don't
19 mind, if we could waive the reading of the
20 item, or do you want me to read it? We
21 started with 26. We are going to begin with
22 Item 26, Ordinance 242. Who is here? Is
23 there anybody here to speak on this item?

24 MR. MAY: Madam Presiding
25 Officer, first let me say congratulations.

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2 I'm not stalling for time. Legislator
3 Venditto, congratulations. Legislator
4 Abrahams, good luck, but not too much.

5 We had Commissioner Carnell
6 Foskey was here to speak on this item. He
7 is apparently five minutes out of the
8 building. If you don't to go on to another
9 item --

10 CHAIRWOMAN GONSALVES: I don't
11 mind. I will go on to another item. The
12 next is Item 36, Ordinance 252. Who is here
13 to speak on this one? Is there anybody
14 here?

15 MR. MAY: There is.

16 CHAIRWOMAN GONSALVES: Okay. A
17 motion.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR BELESI: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Belesi. Now, who is here?

23 MR. MAY: We have Mr. Brian
24 Schneider and Commissioner Sheila Shah from
25 public works.

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2 CHAIRWOMAN GONSALVES: While
3 they're coming up, this morning I thanked
4 members of the DPW and also the parks as
5 well, but I was remiss in not saying thank
6 you to all the CSEA workers who came to
7 assist in this terrible event. So I say
8 thank you to the CSEA workers and all other
9 employees of the county who certainly
10 participated in the recovery effort. So I
11 say thank you and hopefully we won't
12 experience something like this again. Who
13 is here?

14 MR. KELLY: Michael Kelly, acting
15 director, Nassau County Department of Public
16 Works, Division of Real Estate Services.

17 656-12 is an ordinance -- Clerk
18 Item 656?

19 CHAIRWOMAN GONSALVES: Yes,
20 correct.

21 MR. KELLY: Clerk Item 656 is
22 Ordinance 252-2012, ordinance supplemental
23 to the annual appropriation ordinance in
24 connection with the Department of Public
25 Works.

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2 CHAIRWOMAN GONSALVES: Mr. Kelly,
3 I just want to make an announcement that
4 Legislator Walker will recuse herself on
5 this item.

6 MR. KELLY: Okay. This is an
7 ordinance to supplementally appropriate the
8 amount of \$63,333 to the Department of
9 Public Works contract line. This is for the
10 purpose of implementing plans for the
11 management of the county's open space
12 properties as discussed in committees.

13 This money will go towards
14 mapping, surveying, trail mapping, and
15 designs for information kiosks and signage
16 for the county's open space properties.

17 CHAIRWOMAN GONSALVES: I figured
18 because you had questions in committees. Go
19 ahead. Legislator David Denenberg.

20 CHAIRWOMAN GONSALVES: Thanks
21 Madam Presiding Officer and congratulations,

22 My questions remain the same.
23 You just said we're going to use this
24 outside contractor for mapping and surveying
25 and helping us manage the open space parcels

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2 that we've acquired under the environmental
3 bond act and what we're using is the open
4 space fund.

5 MR. KELLY: Correct.

6 LEGISLATOR DENENBERG: I went
7 back to the environmental bond act and open
8 space fund and it specifically stated that
9 administering and managing was not an
10 appropriate use of those funds.

11 MR. KELLY: This isn't managing
12 the open space fund.

13 LEGISLATOR DENENBERG: You just
14 said managing.

15 MR. KELLY: This is for -- and
16 actually in the open space it does use the
17 term management either two or three times.
18 I went through it as well. That purpose is
19 in the amended local law passed in 2003 that
20 established this five percent fund.

21 LEGISLATOR DENENBERG: It's
22 actually manage and maintenance.

23 MR. KELLY: Manage and
24 maintenance which has been used in the past
25 and has been appropriated by this

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2 legislature for the same purposes, i.e., the
3 barn over at East Meadow Farm. So this is
4 an appropriate use legally.

5 LEGISLATOR DENENBERG: I don't
6 know why we have to use an outside
7 contractor on a personal service contract, I
8 guess, because I don't see, was this bid
9 out?

10 MR. KELLY: Yes.

11 LEGISLATOR DENENBERG: So I don't
12 know why we have to have an outside
13 contractor to help us maintain and manage
14 parks.

15 I would like us certainly to have
16 signs up to make sure that people know where
17 these parks and preserves are, and I
18 certainly think we can do it on our own
19 without going to an outside contractor for
20 this.

21 But it specifically states that
22 maintenance of what we were requiring, was
23 not supposed to use either the environmental
24 bond fund or the open space fund. And it's
25 less money that we have available to improve

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2 parks or acquire.

3 MR. SCHNEIDER: Legislator
4 Denenberg, Brian Schneider from Public
5 Works. Actually, the term managing and
6 administering is not going to be done by
7 this firm.

8 We are utilizing the on call
9 parks design services agreement with Nelson
10 & Pope to development design plans for the
11 fabrication of educational kiosks and signs
12 as well as trail maps, fencing plans, as
13 well as any other things that could be
14 needed, parking lot designs, but they are
15 not going to managing these locations.

16 As the open space management
17 plan, that was developed in conjunction with
18 the office of real estate, DPW, and the
19 parks department, these facilities will be
20 managed by either the parks department, real
21 estate, or DPW. They are not going to be
22 managed by this outside firm.

23 LEGISLATOR DENENBERG: So why
24 don't we have within our employees and
25 parks, DPW, planning, why don't we have the

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2 expertise to be able to construct and put
3 information on kiosks? Why do we need to go
4 to an outside company to say this is where
5 kiosks should be and this is where the
6 information should be and this is how we
7 disseminate it?

8 MR. SCHNEIDER: Well, we would
9 love to be able to do that in-house, but our
10 resources are stretched very, very thin, and
11 I believe all the legislators asked for
12 having these open space locations open to
13 the public.

14 Some of these locations were
15 purchased in 2005-2006, and here we are in
16 2012, and some of these locations are not
17 open to the public. So we need to fast
18 track this as best as possible.

19 LEGISLATOR DENENBERG: Well, they
20 better be open to the public. I'm sure
21 they're open to the public.

22 MR. SCHNEIDER: They are. But to
23 be able to educate people on where to go
24 once they go to these locations, where to
25 park, where to go once inside. Having the

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2 trail maps available. This information
3 takes time to accumulate and we just don't
4 have the time and the resources now,
5 especially now, to accumulate this
6 information and have it put out in a timely
7 fashion. That's exactly the reason why we
8 have on call parks design agreements for
9 these types of efforts.

10 LEGISLATOR DENENBERG: The more I
11 hear what you're saying, it's something that
12 all of us envision that, I mean, a kiosk
13 would be on the place so that -- on the open
14 space parcel so that wouldn't help anyone
15 finding it, but it would help you once
16 you're there to be able to enjoy that
17 particular parcel.

18 You and I have been to from
19 anywhere from half a dozen to a dozen of
20 these parcels and we want people to know
21 where to find them and where to go once
22 they're there. But we are really at a point
23 where, to put up fences, or put up a kiosk,
24 or put out information, we have to go to an
25 outside contractor?

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2 MR. SCHNEIDER: Well, one way or
3 another, that money needs to be spent,
4 whether done through in-house forces to
5 fabricate the signs, or we need to send our
6 own survey crew out there to demark where
7 fences need to go. It's still an expense.
8 We need to either back-charge that to the
9 environmental bond act because it's a
10 capital project. One way or another, that
11 money is being spent, whether it's in-house
12 or whether we're deciding to go with an
13 outside firm. That money needs to be
14 expended. It's not going to happen for
15 free.

16 LEGISLATOR DENENBERG: Would this
17 include the money to actually put up the
18 money for fencing? What I'm reading is
19 surveying, engineering, and mapping.

20 MR. SCHNEIDER: Correct.

21 LEGISLATOR DENENBERG: So once
22 they survey, engineer and map, then we're
23 going to come back to the open space fund to
24 put up the wood for the kiosk, buy the
25 fences, and we're going to hire someone else

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2 to put that stuff up?

3 MR. SCHNEIDER: No, that could
4 definitely be done in-house utilizing
5 in-house forces.

6 LEGISLATOR DENENBERG: Can you
7 tell me right here and now that if we do go
8 with this, you will make your best efforts
9 to do the rest of the work in-house?

10 MR. SCHNEIDER: That's our
11 intention, where possible. The kiosks would
12 be -- we would design an educational kiosk
13 that we would put out for a blanket order
14 and then we would purchase them and we would
15 get them shipped our warehouse at Eisenhower
16 and then we would install them ourselves.
17 So we just need the assistance to move this
18 along and get this done properly.
19 Legislator Denenberg, are you okay?

20 LEGISLATOR DENENBERG: I'm okay.

21 CHAIRWOMAN GONSALVES: I want to
22 move on to Legislator Ford. Legislator
23 Ford.

24 LEGISLATOR FORD: I want to thank
25 you very much for taking this initiative in

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2 order to alert our residents who have -- who
3 are paying basically for this open space so
4 that they can find these trails and these
5 places they can visit.

6 Since 2005, I guess it is, when
7 we first purchased the open space, how many
8 kiosks have been installed in any of these
9 locations? Let me ask you this, while
10 you're talking about kiosks, how have we
11 done any outreach to even alert our
12 residents? Have we done anything to,
13 basically what you are proposing now, have
14 we done any of this prior to today to like
15 send out maps to residents so that they know
16 how to find these places? Have put up
17 kiosks or done any type of outreach, other
18 than let the people in the newspaper know
19 that we purchased for \$25 million acreage up
20 in the north shore?

21 MR. SCHNEIDER: Well, other than
22 the county's website, the parks department
23 has indicated all these open spaces that are
24 available. There is some information that
25 is available on the county website but we

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2 have not done a community outreach on more
3 of a global basis.

4 LEGISLATOR FORD: And this is
5 even, despite the fact that in 2005, 2006
6 and 2007, you had a lot more resources to
7 work with, much more than you have today,
8 correct?

9 MR. SCHNEIDER: Yes.

10 LEGISLATOR FORD: So because of
11 this, you're needing to spend some sort of
12 money for benefit of the residents here,
13 whether or not, yes, it would be nice if we
14 did it in-house, but I commend you for
15 taking this initiative because I think it's
16 very important that people realize the
17 properties that we purchased. I know a lot
18 of people like to go hiking, like to go
19 fishing. It's nice to probably get away
20 from the south shore right now to go up and
21 participate in a lot of events that you can
22 participate at in these locations up in the
23 other communities.

24 So I thank you and I do urge you
25 though, I do agree with one respect with

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2 Legislator Denenberg, that you do come back,
3 that you do take a look at when we have to
4 build a lot of this stuff, because we do
5 have a lot of great people who do wonderful
6 signage and whatever, that we have our own
7 people do a lot of the kiosks, and do a lot
8 the work that needs to be done.

9 But I thank you very much for
10 this because I think this is way long
11 overdue.

12 CHAIRWOMAN GONSALVES: Brian, a
13 good example is the farm in East Meadow.
14 There was a lot of in-house work done on
15 that.

16 MR. SCHNEIDER: Right. And we
17 are not looking to take that away from --
18 believe me, I'm a county employee. I'm not
19 looking to take that away from our sign
20 shop, but we know that they can generate,
21 you know, incredibly great things.

22 But we need to just formalize the
23 process so that can come up with something
24 that can be utilized at each of the parcels.

25 CHAIRWOMAN GONSALVES: I agree

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2 with you wholeheartedly because this body
3 always has said whatever we have purchased
4 really should be used by the residents of
5 Nassau County.

6 And unless they know what these
7 properties are, they will not be utilizing
8 them to the degree that we feel we should.
9 So this is a good move on your part. Thank
10 you.

11 Legislator Bosworth.

12 LEGISLATOR BOSWORTH: This really
13 has to do with the use of the open space.
14 In light of the devastation of Hurricane
15 Sandy and the unprecedented number of trees
16 and destruction that we encountered, are
17 those properties cleaned up as well? It's
18 supposed to be open for people to make use
19 of. How usable will this be in light of the
20 destruction that has taken place?

21 MR. SCHNEIDER: Well, we have the
22 Department of Public Works personnel
23 evaluating every county facility, parcel,
24 park, storm water basin, drain, open space,
25 so this is something that's going to be

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2 going on for many months.

3 Obviously we want to go through
4 these open space areas eventually and we
5 want to make sure there are going to be safe
6 and there aren't going to be any tree
7 issues, especially tree issues, in those
8 locations.

9 So those evaluations will be done
10 as well as all the other county properties
11 that have been impacted from the storm.

12 LEGISLATOR BOSWORTH: I
13 understand that it's just an extraordinary
14 job to have to undertake. But, in the
15 meantime, is there any way to know if an
16 area is actually not safe for public use
17 and, if that's the case, is it indicated
18 anywhere?

19 MR. SCHNEIDER: Well, once we go
20 through with our evaluations, I mean, we
21 are taking information from the public as
22 well, if they're familiar with a specific
23 area and they notice if there is something
24 wrong, a leaning tree, a hanging tree, a
25 down tree, that information should be

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2 reported to us and it usually is. Then we
3 will make those assessments moving forward.

4 If there are areas that need to
5 be taken care of right away, then we will
6 obviously go into those areas and take out
7 those hazards as quickly as possible.

8 LEGISLATOR BOSWORTH: Thank you.

9 CHAIRWOMAN GONSALVES: Brian, I
10 know for a fact Massapequa Preserve had a
11 lot of down trees.

12 MR. SCHNEIDER: Yes.

13 CHAIRWOMAN GONSALVES: And it's
14 being taken care of as we speak?

15 MR. SCHNEIDER: Yes. They are
16 being taken care of from just a couple of
17 days after. We had a number of trees that
18 were obviously falling out of the preserve
19 onto people's homes, through people's
20 fences. We've been doing a surgical removal
21 of those trees, trying not to damage any
22 trees in the preserve. We also had trees
23 going down across the bike path.

24 There was a turkey trot last
25 weekend and the path was open, so we had all

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2 trees cut across the path just to make sure
3 there were no hazards there but we will be
4 continuing to go through all the county
5 parks, preserves, in the next couple of
6 weeks.

7 We are going to start with an
8 effort on Monday really hitting all the
9 parks and preserves as best as we can.

10 CHAIRWOMAN GONSALVES: Thank you
11 very much, Brian. And I know that Brian has
12 had his own troubles and he is overcoming
13 them as well. So Super Storm Sandy did not
14 treat him well either. Legislator Belesi.

15 LEGISLATOR BELESI: Good
16 afternoon. I've been here a couple of years
17 now, sitting on the board my third year.

18 When I first came here, I was
19 looking at the open spaces and I talked to
20 Legislator Denenberg about them and them
21 being improperly marked. I took it upon
22 myself, I traveled to some of the sites with
23 personnel from here, and they were unmarked,
24 and very few were marked. The people of
25 Nassau County couldn't use them because they

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2 were improperly marked. Most of them were
3 on the north shore and I visited them
4 personally. Then I realized that there were
5 some places you couldn't get to.

6 Isn't there one parcel of land we
7 bought that you have to come in a private
8 road, go behind the guy's driveway to go to
9 the land, how do you mark that? I'll get
10 you the address.

11 MR. SCHNEIDER: If you get us the
12 location and which preserve.

13 LEGISLATOR BELESI: We definitely
14 have people that can work on these signs but
15 we neglected them for so many years in the
16 past. When I got here we started working on
17 it. There is a whole set of papers with
18 direction.

19 I think what we should do is look
20 into it and make sure all the people of
21 Nassau County can visit that, not just th
22 people on the north shore. Because I go
23 fishing up there and I go hiking and you
24 don't see many people because they're not
25 properly marked. So I would like to see

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2 this done. Thank you very much.

3 CHAIRWOMAN GONSALVES: Any other
4 comments? Yes, Legislator Jacobs.

5 LEGISLATOR JACOBS: In relation
6 to what Mr. Belesi just said, I think you're
7 talking about Tiffany Creek in Oyster Bay.
8 But I will tell you there is another way to
9 get into it. There are two or three other
10 ways.

11 Tiffany Creek, part of the way to
12 get into it is through someone's driveway.
13 So that would be a weird sign. And also
14 it's pretty dangerous to get, when you're at
15 his driveway and you go into it, literally
16 you are going down into it. It's hard to
17 drive in.

18 So I understand what you're
19 saying, but it's a pretty large creek,
20 wouldn't you call it pretty large? And
21 there are other ways to get in that would be
22 more accessible.

23 LEGISLATOR BELESI: That was
24 Smither's Estate also, the same problem up
25 there.

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2 LEGISLATOR JACOBS: I know.
3 Because a lot of it had -- if we had the
4 opportunity it was good to preserve it
5 because, environmentally, it's a smart thing
6 to do. But some of them are difficult to
7 get to.

8 LEGISLATOR BELESI: As long as
9 the people in Nassau County would get the
10 information out, all of Nassau County can
11 get the privilege of going up there. Thank
12 you, Judy.

13 CHAIRWOMAN GONSALVES: Any more
14 comment?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Any abstentions?

24 (No verbal response.)

25 The item carries unanimously. We

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2 are going to go back to Ordinance 242. I
3 believe that Commissioner Foskey is here
4 now. While he is walking up here, may I
5 have a motion?

6 LEGISLATOR MUSCARELLA: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Muscarella, seconded by
10 Legislator Nicolello.

11 COMMISSIONER FOSKEY:

12 Commissioner Foskey from the Nassau County
13 Department of Parks, Recreations and
14 Museums. This ordinance will allow us to
15 cover our costs and expenses, increased
16 costs for labor, costs also for supplies and
17 equipment including utilities. It's
18 approximately \$770,000 and it affects
19 several areas. The rifle range, camp
20 grounds, golf greens, and the summer
21 recreation program.

22 CHAIRWOMAN GONSALVES: Any
23 questions of the commissioner?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 All those in favor signify by
4 saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Any abstentions?

9 (No verbal response.)

10 Thank you, commissioner. The
11 motion carries unanimously. So it's not
12 unanimously, unfortunately. The motion
13 carries, unanimous, ten to nine. The next
14 item is 657 and of course we have someone to
15 speak on this item before we take a motion?

16 MR. MAY: Yes, we have Sergeant
17 Gregory Stephanoff from the police.

18 CHAIRWOMAN GONSALVES: A motion?

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR BELESI: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Belesi. Okay, welcome.

24 SERGEANT STEPHANOFF: Thank you.
25 Sergeant Greg Stephanoff from Nassau County

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2 Police. Congratulations, Legislator
3 Venditto, and, congratulations, Legislator
4 Gonsalves.

5 This item appropriates \$8,937,000
6 in funds from the general fund debt service
7 chargeback line into the police headquarters
8 salary and OTPS lines to cover overtime,
9 fringe benefits, gasoline, automobile
10 related expenses, radio and
11 telecommunications, ambulance billing, and
12 lab testing services.

13 CHAIRWOMAN GONSALVES: Any
14 questions from the legislators? Legislator
15 DeRiggi-Whitton.

16 LEGISLATOR DeRIGGI-WHITTON:
17 Thank you very much. I'm totally fine with
18 that transfer, but who has the answer as to
19 what the remaining balance in this account
20 would be? Would it be Maurice? Is Tim
21 Sullivan here? Can we have that because I'm
22 hearing different things?

23 This statement says we have about
24 \$15 million left and that's what we
25 discussed during the finance committee last

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2 week.

3 But now today I'm hearing there
4 is only \$2 million left in this fund and I
5 just want to see what happened to the
6 remaining balance.

7 SERGEANT STEPHANOFF: This is
8 coming out of the debt service, not the
9 reserve. I think it's unrelated to that.

10 LEGISLATOR DeRIGGI-WHITTON:
11 Correct. It's a debt service budget which I
12 was quoted last week, I was told there was
13 \$25 million, we are moving this
14 approximately, let's round it off and say
15 it's \$10 million that we're moving, which
16 would leave approximately \$15 million which
17 is what we discussed last meeting.

18 But then this morning I was told
19 there's only about \$2 million left. I don't
20 know what happened to the remaining 13
21 million or so. So I would just like to see
22 what that balance is.

23 CHAIRWOMAN GONSALVES: If you
24 don't have a problem with the item, could we
25 just get the deputy county executive --

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2 LEGISLATOR DeRIGGI-WHITTON: The
3 only problem is, I don't know what the
4 balance is in the account. Before we okay a
5 transfer, if we're \$13 million off, before
6 we can okay this, we've got make sure that
7 that's even in here. The balance is just
8 completely changing in a week. I just want
9 to confirm we even have that money in here
10 before we okay the transfer.

11 SERGEANT STEPHANOFF: I believe
12 the 8.9 million and the money that we are
13 transferring into the police department was
14 there and we were able to budget the
15 supplemental for it.

16 LEGISLATOR DeRIGGI-WHITTON: So
17 it was transferred prior to today?

18 SERGEANT STEPHANOFF: No, to book
19 the initial transfer, to put it before the
20 leg, in the financial system, the money was
21 available.

22 LEGISLATOR DeRIGGI-WHITTON: It
23 was. I was told there was \$15 million last
24 week and now there's only \$2 million. I'm
25 just speaking on the money that's being

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2 transferred to the police department.

3 LEGISLATOR DeRIGGI-WHITTON:

4 That's what I would just like to have
5 confirmed. Before we do it. Because how
6 can we transfer the money if right now I'm
7 being told there's \$2 million in the
8 account?

9 MR. CHALMERS: Maurice Chalmers,
10 budget review. I think your question is,
11 they were moving part of the surplus from
12 debt service which would be approximately
13 \$24 million.

14 LEGISLATOR DeRIGGI-WHITTON:
15 Right.

16 MR. CHALMERS: There's actually
17 three items that are going to affect the
18 debt service surplus. The first one is Item
19 657 for \$8.9 million, Item 661 for \$420,000
20 and Item 670 for \$9.5 million which would
21 leave you with a balance of approximately \$5
22 million surplus in the debt service.

23 LEGISLATOR DeRIGGI-WHITTON:
24 What's the \$9.5 million for?

25 MR. CHALMERS: Item number 670

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2 for \$9.5 million.

3 LEGISLATOR DeRIGGI-WHITTON: Item
4 670? That's on today? Because we didn't
5 talk about that in finance, did we?

6 MR. CHALMERS: I would have to go
7 back and double-check but I know the balance
8 that would be left if all those three item
9 hit, would be approximately \$5 million in
10 debt service.

11 LEGISLATOR DeRIGGI-WHITTON: \$5
12 million left today?

13 MR. CHALMERS: Well, in surplus,
14 in the debt service line.

15 LEGISLATOR DeRIGGI-WHITTON: I
16 thought it was \$2.5 million left today.

17 MR. CHALMERS: I don't know where
18 you got \$2.5 million.

19 LEGISLATOR DeRIGGI-WHITTON: So
20 for debt service we started out with 25?

21 MR. CHALMERS: Yes.

22 LEGISLATOR DeRIGGI-WHITTON:
23 We're moving almost nine now.

24 MR. CHALMERS: From Item 657, and
25 I think there's two other items that would

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2 affect it also leaving you with a balance of
3 approximately \$5 million surplus in the debt
4 service line. The 2.5 that I think you are
5 referring to is in the amendments which is
6 2013. This is 2012.

7 LEGISLATOR DeRIGGI-WHITTON: All
8 right. I'm going to vote yes for this
9 transfer but I just find it to be a little
10 hard to follow with the way these are
11 working. So as of right now, Maurice,
12 there's about \$5 million left or 2.5 million
13 left? Because I'm trying to find money for
14 things that we need, like youth services.

15 MR. CHALMERS: There will be
16 approximately \$5 million, my estimate will
17 be \$5 million left as a surplus in debt
18 service in 2012.

19 LEGISLATOR DeRIGGI-WHITTON:
20 That's non-allocated and it's real money?

21 MR. CHALMERS: It's a surplus,
22 yes.

23 LEGISLATOR DeRIGGI-WHITTON: \$5
24 million.

25 MR. CHALMERS: \$5 million

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2 surplus.

3 LEGISLATOR DeRIGGI-WHITTON: And
4 it's not allocated to any other --

5 MR. CHALMERS: Not 15.5, yes.

6 LEGISLATOR DeRIGGI-WHITTON: So
7 there is as \$5 million available right
8 there.

9 MR. CHALMERS: As a surplus on
10 that line.

11 LEGISLATOR DeRIGGI-WHITTON: That
12 is not allocated, and it's real money?

13 MR. CHALMERS: Yes.

14 LEGISLATOR DeRIGGI-WHITTON:
15 Thank you, Maurice.

16 CHAIRWOMAN GONSALVES: Any other
17 comments from the legislators? Legislator
18 Troiano.

19 LEGISLATOR TROIANO: I think
20 you're probably not the right person to ask
21 this question of, maybe Mr. Sullivan or
22 somebody else is available from the budget
23 office or somewhere?

24 CHAIRWOMAN GONSALVES: Mr.
25 Sullivan will be here when we have the

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2 budget meeting.

3 LEGISLATOR TROIANO: Maybe there
4 is someone else that can help answer or
5 maybe somebody on the dais knows the answer.
6 So this is an accounting transfer, I'll just
7 ask you, this is an accounting transfer,
8 right?

9 SERGEANT STEPHANOFF: Yes.

10 LEGISLATOR TROIANO: This has
11 nothing to do whether or not there is actual
12 cash available to make these payments? We
13 are making an accounting transfer from one
14 account of the general ledger to another
15 account.

16 SERGEANT STEPHANOFF: Yes.

17 LEGISLATOR TROIANO: I'm just
18 asking, you may not be in a position to
19 know, is there actual cash available to make
20 these payments with?

21 SERGEANT STEPHANOFF: I think
22 yes.

23 LEGISLATOR TROIANO: Well, you
24 think it's yes. You presume the answer is
25 yes, but we don't know the answer is yes

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2 unless we have somebody here who is
3 responsible for the cash flow.

4 SERGEANT STEPHANOFF: That would
5 probably be a budget office question.

6 LEGISLATOR TROIANO: Anybody in
7 the audience able to answer that question?

8 LEGISLATOR MUSCARELLA: It's my
9 understanding they earmarked it first before
10 they transfer it, so it's got to be real
11 money.

12 LEGISLATOR TROIANO: No one seems
13 quite certain of it. Does the debt service
14 chargeback account, is all the money that's
15 in there earmarked indicating it's got cash?

16 MR. MCCLOY: Except for the \$5
17 million that Maurice talks about.

18 LEGISLATOR TROIANO: So there's
19 still \$5 million there?

20 MR. MCCLOY: That will be
21 earmarked but it's not yet.

22 LEGISLATOR TROIANO: Again, this
23 is not a question for you, and maybe it's
24 just a general statement, but we constantly
25 here that the county has no cash. And, in

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2 fact, when we were discussing youth
3 services, we heard the county has no cash to
4 make those payments.

5 Now we find out that there was at
6 least \$8 million, maybe more, of excess cash
7 available for payments like that. Am I
8 hearing that correctly?

9 Presiding Officer, do you think
10 that I'm hearing that correctly?

11 CHAIRWOMAN GONSALVES: I'm not
12 sure.

13 LEGISLATOR TROIANO: So it would
14 be helpful then if perhaps later on Deputy
15 County Executive Sullivan or the treasurer
16 to come in and made that representation.

17 CHAIRWOMAN GONSALVES: You have a
18 choice here. We can either move this, pass
19 this today, or I can table it. When the
20 deputy county executive comes on board, we
21 can probably ask him then. If you want we
22 can table this item.

23 LEGISLATOR TROIANO: I think
24 probably the money is needed to make
25 payments.

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2 CHAIRWOMAN GONSALVES:

3 Absolutely. There is no two ways about it.

4 LEGISLATOR TROIANO: I would like
5 an answer to the question. Perhaps we can
6 move the vote.

7 CHAIRWOMAN GONSALVES: Yes.

8 LEGISLATOR TROIANO: If we can
9 have Tim Sullivan come down.

10 CHAIRWOMAN GONSALVES: He will be
11 here later. Does that satisfy you?

12 LEGISLATOR TROIANO: That's fine.

13 CHAIRWOMAN GONSALVES: Legislator
14 Bosworth.

15 LEGISLATOR BOSWORTH: I guess
16 this is also a Tim Sullivan question. This,
17 to me, is akin to the \$43 million that
18 Legislator Jacobs had asked about for the
19 tax certs that we were told is not real
20 money but it seems to be an analogous
21 situation. So if we can just have some
22 clarity on what is real money and what is
23 not, I'd appreciate it.

24 CHAIRWOMAN GONSALVES: Is there
25 any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of this item signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 It passes unanimously. Item 44,
9 Resolution 628-12. Do we have someone to
10 speak on this item? I need a motion,
11 please.

12 MR. MAY: These are the CRP
13 items?

14 CHAIRWOMAN GONSALVES: I'm
15 talking about, yes, that's what it is.

16 MR. MAY: I would be able to
17 speak on these items.

18 CHAIRWOMAN GONSALVES: I need a
19 motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Nicolello. Go ahead, speak on the item.

25 MR. MAY: Did you want to call

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2 Items 44, 45, 46, and 47? These are all CRP
3 projects. These are various projects.

4 CHAIRWOMAN GONSALVES: Can we do
5 this? Items 45, 46, and I believe 47. Is
6 that okay with you guys over there? Is it
7 okay? We're going to call 44, 45, 46, and
8 47, yes? Now we need a motion again.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Nicolello. Now you can speak.

14 MR. MAY: These are just various
15 CRP projects in the various legislative
16 districts. I don't know the particular
17 legislator wants to speak and to greater
18 details the specific projects in their
19 districts.

20 We have Wantagh Union Free School
21 District, I believe they're receiving a
22 playground. I believe that that particular
23 one is at Mandalay Bay. The Bellerose
24 Terrace Fire District I believe is receiving
25 fire equipment. The Village of Floral Park

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2 I believe is the one that is both Legislator
3 Nicoletto and Legislator Muscarella for a
4 911 memorial. And the Village of Williston
5 Park is improvements to I think it's Roger
6 Williston Park.

7 CHAIRWOMAN GONSALVES: Any
8 questions from the legislators? Legislator
9 Denenberg.

10 LEGISLATOR DENENBERG: I just
11 want to clarify that although you've worked
12 with me for quite a while, the one in
13 Wantagh is for Wantagh Elementary School,
14 and then there is one for Wantagh Mandalay,
15 as well as another one for Mandalay and
16 Wantagh Elementary. I look forward to
17 working with my colleague, Legislator Dunne
18 on all of these. We're voting as minority
19 for the CRPs but it's been disconcerting
20 that we've had a problem moving CRPs in
21 minority districts when it's all from the
22 same fund and historically we've been
23 bipartisan on this.

24 CHAIRWOMAN GONSALVES: Legislator
25 Denenberg, you did say you were going to

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2 work with Legislator Dunne on these, and so
3 that the next move is yours. It's Mandalay
4 and few others. Legislator Nicoletto.

5 LEGISLATOR NICOLELLO: Yes.
6 There's two of mine, the Boroughs Terrace
7 one and the Floral Park Village CRP were
8 actually put in over a year ago. So these
9 things, on our side also, they're not moving
10 with the greatest speed. Obviously it's
11 always been a bipartisan effort and will
12 continue to be that. If anyone thinks that
13 we're getting these things through quickly
14 they're mistaken.

15 MR. MAY: If I can just address
16 that one point, we did have a gentleman on
17 staff who was working, Mr. Robert Germino,
18 who handled the CRPs, and I've taken over
19 that work from him and I apologize but
20 there's quite a lot going on in my office
21 between the legislature, NIFA, and now also
22 the CRP projects. I'm endeavoring to move
23 them as fast as possible. I apologize for
24 any delay.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Bosworth.

3 LEGISLATOR BOSWORTH: Mr. May,
4 I'm delighted to hear that you are now going
5 to be working on this. I don't know how
6 delighted you are, but --

7 MR. MAY: Every day is a day in
8 paradise.

9 LEGISLATOR BOSWORTH: If we can
10 all just say that. Just if it's possible
11 for you to give us some sense of when the
12 last time a CRP from the minority was
13 actually calendared? I'm not excepting you
14 to say it off the top of your head.

15 MR. MAY: I can certainly say
16 that I have absolutely no control over the
17 calendar. If you want to talk about when
18 CRPs from minorities have been filed, I can
19 look into that and certainly can get back to
20 you.

21 LEGISLATOR BOSWORTH: If you
22 could do that and perhaps we could have the
23 next session.

24 CHAIRWOMAN GONSALVES: Legislator
25 Denenberg and myself worked together on a

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2 couple of projects in a district that we
3 share. We got them forward.

4 LEGISLATOR BOSWORTH: Great. But
5 if there could be one that was just from the
6 minority district, just from that, that
7 would be greatly appreciated.

8 CHAIRWOMAN GONSALVES: Any other
9 questions of Mr. May?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Items 44, 45, 46, and 47 signify by
15 saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 Any abstentions?

20 (No verbal response.)

21 The motions carry unanimously. Is
22 there anymore? The next item is Item 69,
23 Resolution 674. Do we have somewhere here
24 to speak on that one before I call for a
25 motion?

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2 MR. MAY: This is the board
3 transfer within the county attorney's
4 department?

5 CHAIRWOMAN GONSALVES: Item 69.

6 MR. MAY: Right. Clerk Item 674,
7 yes, we have Ms. Lisa LoCurto from the
8 county attorney's office on this item.

9 CHAIRWOMAN GONSALVES: A motion,
10 please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Nicolello. Go ahead.

16 MS. LOCURTO: Good afternoon,
17 presiding officer and congratulations. Lisa
18 LoCurto from the county attorney's office.
19 This was a board transfer that had been
20 discussed in committees. It is necessary
21 for us to have this money put into our
22 contract line to provide the necessary
23 funding to continue with our litigation of
24 various trials that are currently ongoing
25 and the most prominent one is the Kogert

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2 trial. I will entertain any questions that
3 this body may have.

4 CHAIRWOMAN GONSALVES: Anybody
5 else? Nobody? Legislator Denenberg.

6 LEGISLATOR DENENBERG: I'd asked
7 you some questions on this last time, Ms.
8 LoCurto, so thanks.

9 The money is being transferred
10 from which line?

11 MS. LoCURTO: Being transferred
12 into our DE line which is our contractual
13 services line.

14 LEGISLATOR DENENBERG: It's
15 coming from the same line we used just
16 before? This is coming from debt service
17 line? I'm sorry, it's coming from
18 retirement.

19 MS. LoCURTO: The fringe benefits
20 line, yes.

21 LEGISLATOR DENENBERG: That's
22 lower because we're amortizing our pension
23 costs?

24 MS. LoCURTO: I believe so.
25 Budget would speak better to it than I.

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2 LEGISLATOR DENENBERG: Is this
3 just for one case or is this for a variety
4 of cases?

5 MS. LoCURTO: It's primarily for
6 the legal services on Kogert and any expert
7 witnesses that will be necessary in the
8 trial.

9 LEGISLATOR DENENBERG: So my
10 question to you last time, and I'm going to
11 repeat it because I went back to try to go
12 through the record. This was something from
13 a court order in mid September. It was
14 September 14th or 16th, I forget which day.
15 But we didn't get -- no application was made
16 to increase that contract for almost a month
17 and a half afterwards, now two months, but
18 it came up the first week in November, I'll
19 grant you that.

20 But it seems like we've spent a
21 lot of this money already and getting ready
22 for trial, whether it was sooner rather than
23 later, was something that we knew about, we
24 were at the end of our allowed contract
25 amount, and certainly by mid September we

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2 knew that the trial schedule was expedited
3 or -- so I just don't know why it comes so
4 long to come here to ask for money we
5 already spent.

6 MS. LoCURTO: Unfortunately we
7 put it together to the legislature but the
8 legislature was not meeting in October for
9 obvious reasons. They were not meeting in
10 October and, for those reasons, it didn't
11 come until November, but we anticipated, we
12 put it together as soon as possible to get
13 it to the legislature. It couldn't come in
14 October because there were no legislative
15 sessions scheduled in October and we weren't
16 sure when or we couldn't know, but it was
17 filed and we got it to the legislature as
18 soon as possible.

19 LEGISLATOR DENENBERG: It wasn't
20 filed until November, unless I'm really
21 misreading this. I'm not going to ask
22 anything more. I don't think this was filed
23 until November. I think that it's been
24 habitual with county attorney's office to
25 spend the money first and come to us

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2 afterwards which is inappropriate,
3 particularly on something which is as big as
4 you said it was and as important a trial
5 with experts as this one is. Thanks.

6 CHAIRWOMAN GONSALVES: Any other
7 questions of Lisa?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of this item signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (Nay.)

16 So we have -- so it's 10 to
17 eight. The item passes ten to eight. Thank
18 you very much.

19 I believe that's the end of the
20 non-consent calendar. We went through the
21 consent calendar and now, low and behold, we
22 have a number of hearings.

23 We are going to begin with those
24 hearings with a first hearing. I believe we
25 do have representation from the department

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2 that these items in fact impact them. The
3 first hearing is a local law to amend the
4 Nassau County Administrative Code in
5 relation to licensing persons engaged in the
6 electronic or home appliance repair service
7 business. We have someone to speak on this,
8 correct, Mr. May?

9 MR. MAY: Yes. We have
10 Commissioner Madelyne Farley to speak on
11 this item and the other items coming up,
12 consumer affairs.

13 CLERK MULLER: We need a motion.

14 CHAIRWOMAN GONSALVES: May I have
15 a motion, please, to open the hearing?

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Walker. Here we go.

21 COMMISSIONER FARLEY: Good
22 afternoon. Congratulations Majority Leader
23 Gonsalves, Minority Leader Abrahams, and
24 Legislator Venditto. Madelyne Farley,
25 Commissioner of Consumer Affairs. The goal

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2 of this legislation is to insure that
3 individuals in businesses register with the
4 Office of Consumer Affairs so that we may
5 offer the broadest possible protection to
6 our residents.

7 The benefit to licensing these
8 operations is to gain knowledge on who is
9 performing these services and whether or not
10 they have insurance and to assist in
11 complaint and tracking a resolution. We
12 will be able to inform consumers of
13 businesses with poor track records.

14 It gives the office the ability
15 to field any complaints, mediate them, and
16 attempt to get a resolution.

17 CHAIRWOMAN GONSALVES: I
18 understand you're not feeling well,
19 commissioner, correct?

20 COMMISSIONER FARLEY: Correct.

21 CHAIRWOMAN GONSALVES: And we're
22 going to put you through five hearings. Any
23 questions from any of the legislators of Ms.
24 Farley? We're starting with the hearings
25 one by one as requested. Legislator Wink.

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2 LEGISLATOR WINK: Commissioner
3 Farley, how are you? I can see that, I
4 apologize.

5 Up until now, has there been any
6 licensing with these types of contractors?

7 COMMISSIONER FARLEY: The license
8 home improvement contractors right,
9 throughout the years we have found that
10 these are areas that are unregulated, and
11 when we go to mediate on behalf of the
12 consumers, we have trouble getting a fair
13 resolution because sometimes we don't know
14 who the owners of the company are. If
15 there's no regulation, we can't tell them
16 what to do.

17 LEGISLATOR WINK: By no
18 licensing, that means the towns don't
19 license, the state doesn't license, we don't
20 license, no one can license?

21 COMMISSIONER FARLEY: Right. The
22 six areas that I proposed are not regulated
23 anywhere.

24 LEGISLATOR WINK: So to the
25 extent the state could potentially preempt

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2 the field, they haven't done so when it
3 comes to all these contractors we are
4 dealing with now?

5 COMMISSIONER FARLEY: Yes.

6 LEGISLATOR WINK: And the towns,
7 to the extent that they are not
8 participating in any kind of licensure, they
9 are not involved in this process either?

10 COMMISSIONER FARLEY: Correct.

11 LEGISLATOR WINK: So, plumbers,
12 who is else?

13 COMMISSIONER FARLEY: Plumbers
14 and electricians are not included in these
15 laws.

16 LEGISLATOR WINK: Right. They
17 are based on state law, as I understand it.
18 So the rest of these have fallen through the
19 cracks?

20 COMMISSIONER FARLEY: Basically.

21 LEGISLATOR WINK: And no level of
22 government licenses them?

23 COMMISSIONER FARLEY: Correct.

24 CHAIRWOMAN GONSALVES: Any
25 other questions? Go ahead, David.

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2 LEGISLATOR DENENBERG: How much
3 revenue is anticipated from a local law in
4 relation to licensing persons engaged in the
5 electronic or home appliance repair
6 services?

7 COMMISSIONER FARLEY: We propose
8 a biannual fee of \$500 which would return
9 approximately \$250,000 to support the
10 enforcement.

11 LEGISLATOR DENENBERG: So
12 everything that is brought in will go toward
13 enforcement?

14 COMMISSIONER FARLEY: It goes
15 into the general fund and then pays for
16 whatever.

17 LEGISLATOR DENENBERG: Because I
18 didn't see this as an item going into the
19 general fund unless everything was just
20 lumped together. This isn't budget, it is
21 what my staff is telling me. Do you know
22 why?

23 COMMISSIONER FARLEY: What do you
24 mean?

25 LEGISLATOR DENENBERG: This isn't

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2 in the 2013 budget.

3 COMMISSIONER FARLEY: I guess
4 because it hasn't been passed.

5 LEGISLATOR DENENBERG: Well, if
6 it's effective January 1, 2013, and we are
7 anticipating it being passed, I would have
8 thought it would be revenue in the 2013
9 budget. But it's not.

10 COMMISSIONER FARLEY: I thought
11 it was. I thought since it comes through
12 your department you would know why.

13 So in terms of the current
14 economic climate and, particularly, I guess
15 there will be a lot of work coming down, or
16 maybe there isn't going to be a lot of work
17 coming down because of all the destruction
18 for these industries.

19 Do we have analysis of the effect
20 that this might have on the people
21 practicing in these industries, electronic
22 home appliances repair?

23 COMMISSIONER FARLEY: I would
24 think now, considering the aftermath of the
25 storm, these companies should be more so

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2 licensed. Consumers that have gone through
3 this devastation shouldn't be subjected to
4 any more damage being done by an unlicensed
5 or unscrupulous individual coming in at this
6 point when they're down at their worst.

7 LEGISLATOR DENENBERG: Wouldn't
8 the cost be passed on to the very people
9 that we want to protect?

10 COMMISSIONER FARLEY: I think
11 it's a minor fee. It comes to about 68
12 cents a day.

13 LEGISLATOR DENENBERG: 68 cents a
14 day?

15 COMMISSIONER FARLEY: For
16 licensing, yes.

17 LEGISLATOR DENENBERG: I don't
18 know. We can say a \$200 a year tax is 68
19 cents a day, but we wouldn't want to say
20 that there's a tax increase. So I don't
21 know about the 68 cents a day, but thank
22 you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Ford.

25 LEGISLATOR FORD: This is

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2 something, sorry, because up here I'm a
3 little distracted and a lot of things have
4 been happening, so I just want to confirm to
5 get a better understanding.

6 This fee basically would be, the
7 permit fee, would be for anybody who would
8 basically come into Nassau County to do any
9 type of work other than plumbing and
10 electricians, correct?

11 COMMISSIONER FARLEY: Correct.

12 LEGISLATOR FORD: So that if you
13 needed your house rebuilt or boilers -- that
14 would be plumbing. We've seen a lot of
15 devastation throughout Nassau County.

16 COMMISSIONER FARLEY: We already
17 license the contractors who do the building
18 and the chimney repairs. These are the
19 companies that have slipped through the
20 cracks and they don't exactly fall into home
21 improvement, but they are coming into your
22 home and performing a service, carpet
23 cleaning, floor cleaning, gutter cleaning,
24 and such, appliance repair.

25 LEGISLATOR FORD: So then you

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2 will be able to better monitor them,
3 correct?

4 COMMISSIONER FARLEY: Yes. We'll
5 be able to -- right now we don't know who
6 owns the company. We don't know the
7 individuals coming into your home. We don't
8 know if they have insurance. This way we'll
9 know who they are, we'll know they're
10 insured, and we'll know that they have the
11 experience to come into your home.

12 LEGISLATOR FORD: Okay. It's
13 actually very timely because we've seen
14 already, even for me, within my area, that
15 the people are coming in and they're
16 offering to clean houses out and they're
17 charging people \$3,500 for something that
18 really shouldn't be that much. So this then
19 would help also us protect with price
20 gouging too?

21 COMMISSIONER FARLEY: Absolutely.

22 LEGISLATOR FORD: Thank you very
23 much.

24 LEGISLATOR DeRIGGI-WHITTON: Can
25 I just ask one question?

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2 CHAIRWOMAN GONSALVES: Go ahead.

3 LEGISLATOR DeRIGGI-WHITTON:

4 First of all, all of the licenses are the
5 same, about \$500 a year; is that correct?

6 COMMISSIONER FARLEY: Yes.

7 LEGISLATOR DeRIGGI-WHITTON: Now,
8 with that, the county is going to be
9 licensing these, let's say, as Denise
10 mentioned, a chimney person, how much of a
11 liability is the county taking on with that?

12 COMMISSIONER FARLEY: The county
13 takes on no liability.

14 LEGISLATOR DeRIGGI-WHITTON: What
15 is that going to insure them?

16 COMMISSIONER FARLEY: That they
17 have gone through a process where we
18 investigate their background to find out who
19 they are and make sure they have the proper
20 insurances.

21 LEGISLATOR DeRIGGI-WHITTON: So
22 what if there is some type of error with the
23 insurance, is the county going to be held
24 responsible?

25 COMMISSIONER FARLEY: No, the

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2 insurance company is that they're dealing
3 with.

4 LEGISLATOR DeRIGGI-WHITTON: So
5 if there's some type of lapse in insurance
6 or something?

7 COMMISSIONER FARLEY: The
8 insurance companies are required to notify
9 us when there is a lapse in the licenses
10 immediately suspected.

11 LEGISLATOR DeRIGGI-WHITTON: So
12 when you do suspend a license then, what
13 obligation are you going to have to our
14 residents as far as notifying them?

15 COMMISSIONER FARLEY: It is on
16 the website the next morning after they're
17 suspended, they get a letter, and anybody
18 that calls up will be told that the company
19 is suspended.

20 LEGISLATOR DeRIGGI-WHITTON: Is
21 there anything protecting like the
22 background of the employees at all that
23 we're licensing now?

24 COMMISSIONER FARLEY: Some of the
25 laws require fingerprinting.

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2 LEGISLATOR DeRIGGI-WHITTON: So
3 is it going to be everyone that gets it
4 licensed, or which categories are going to
5 require any type of background check?

6 COMMISSIONER FARLEY: I would
7 have to look through them to tell you.

8 LEGISLATOR DeRIGGI-WHITTON: It
9 seems like if we're going to be collecting
10 this fee --

11 COMMISSIONER FARLEY: Well,
12 everybody would go through a background
13 check, we'd check for prior complaints.

14 LEGISLATOR DeRIGGI-WHITTON:
15 Every employee of each one that we're --

16 COMMISSIONER FARLEY: No, the
17 owners and the management personnel and the
18 sales people.

19 LEGISLATOR DeRIGGI-WHITTON: So
20 the county is going to be keeping track of
21 all of this?

22 COMMISSIONER FARLEY: This is
23 what we do.

24 LEGISLATOR DeRIGGI-WHITTON: So
25 you're going to be keeping track of all

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2 their employees? You're going to have each
3 person that --

4 COMMISSIONER FARLEY: We don't
5 keep track of the laborers, that is up to
6 the owner. They are held responsible for
7 everything that their company does and their
8 employees.

9 LEGISLATOR DeRIGGI-WHITTON: It
10 just seems to me that we are taking on a
11 pretty big responsibility by licensing --

12 COMMISSIONER FARLEY: We already
13 do it now with the home improvement
14 contracts, the taxicabs, limousines.

15 LEGISLATOR DeRIGGI-WHITTON: And
16 we're going to continue that and raise
17 approximately \$500 per person, is that per
18 year, per company per year?

19 COMMISSIONER FARLEY: It's for
20 two years.

21 LEGISLATOR DeRIGGI-WHITTON: It's
22 two years. Okay, so it's 250 a year. Have
23 you done any kind of cost analysis as to how
24 much it's going to cost for us to analyze
25 all this, like if everyone is insured and if

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2 all the background checks and the
3 fingerprints and all that, it seems like
4 we're going to need another few people
5 working at least?

6 COMMISSIONER FARLEY: So far
7 we've been holding our own with the working
8 that we're doing. I believe that we will
9 continue to do so.

10 LEGISLATOR DeRIGGI-WHITTON: With
11 all these new agencies coming on? Do you
12 have any idea how many companies we have in
13 Nassau County that are going to be applying
14 for permits?

15 COMMISSIONER FARLEY: It's on the
16 cover sheet.

17 LEGISLATOR DeRIGGI-WHITTON: So
18 approximately another 2,500 companies that
19 we're going to have to --

20 MR. HEINO: Ken Heino, H-E-I-N-O.
21 We are already out there doing enforcement
22 on the unlicensed contractors working out in
23 the field anyway. So this would just be
24 part of that with the investigators that are
25 out in the field stopping all these people

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2 doing the work anyway.

3 This is to close any loopholes
4 and to protect Nassau's consumers that fall
5 into this mishap.

6 COMMISSIONER FARLEY: Right.
7 And, as he said, we're already investigating
8 these companies and mediating the
9 complaints. This just gives us the ability
10 to mediate them more efficiently because
11 we'll know who the owners are. They won't
12 be able to close up and disappear and we
13 won't have to tell the consumer, I'm sorry,
14 we don't know who the owner is, we can't
15 help you. We're already doing the work. It
16 just gives us the power that we need to be
17 able to resolve these complaints in a
18 satisfactory manner.

19 LEGISLATOR DeRIGGI-WHITTON:
20 Again, I know that for most of them, the
21 profit that we're getting from this fee is
22 going to the general fund but there's couple
23 of them that I don't see them being
24 allocated yet, like 665-12. Do you know
25 where that's going?

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2 MR. HEINO: Well, all revenue
3 from our offices goes to the general fund.

4 LEGISLATOR DeRIGGI-WHITTON: All
5 right. I guess any concern is just that,
6 with this licensing, it seems to me there is
7 going to be an implied responsibility or
8 liability on the county.

9 COMMISSIONER FARLEY: There is no
10 liability on the county. We have been
11 licensing since 1972. We are just adding
12 some categories that have fallen through the
13 cracks.

14 LEGISLATOR DeRIGGI-WHITTON:
15 Thank you.

16 CHAIRWOMAN GONSALVES: Legislator
17 Kopel and then Legislator Troiano.

18 LEGISLATOR KOPEL: Commissioner,
19 I'm just trying to understand how this
20 works. You've got regulations that you can
21 already apply; in other words, if we license
22 a new TV repairman, if there is such a thing
23 anymore, you talked about insurance.

24 Are there specific requirements
25 for insurance? Do we have any requirements

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2 at all that measure how or if indeed these
3 people have any clue as to what they're
4 doing?

5 COMMISSIONER FARLEY: Well,
6 they're going to have to provide experience,
7 which we will check out.

8 LEGISLATOR KOPEL: They have to
9 provide experience, but is there a specific
10 -- in other words, somebody comes in and
11 does carpet cleaning. They tell you on
12 their application that they've never cleaned
13 a carpet in their entire lives. Can you
14 deny a license?

15 COMMISSIONER FARLEY: I believe
16 so, yes.

17 LEGISLATOR KOPEL: Are their
18 qualifications that are required?

19 COMMISSIONER FARLEY: I will use
20 the example of what we do in the home
21 improvement field. We ask for five years
22 experience and we ask them to back that up
23 with proof, like a W-2 from a company that
24 they've worked for for five years to gain
25 that experience.

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2 LEGISLATOR KOPEL: In other
3 words, you're going to establish the
4 qualifications as you go along? You've got
5 all different kinds of categories here, but
6 you haven't established --

7 COMMISSIONER FARLEY: Well, these
8 categories are licensed in the neighboring
9 counties as well. So it's possible that a
10 company is going to come in and say, I've
11 been licensed in Suffolk County for ten
12 years, here is my proof, fill out an
13 application and they'll be licensed in
14 Nassau.

15 LEGISLATOR KOPEL: What about
16 insurance?

17 COMMISSIONER FARLEY: Everybody
18 has to have insurance.

19 LEGISLATOR KOPEL: How much? Do
20 you have a specific requirement for these
21 things at this point?

22 COMMISSIONER FARLEY: I believe
23 it's 100 to \$300,000 is the usual amount for
24 insurance.

25 LEGISLATOR KOPEL: No matter

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2 which category of work they're doing?

3 COMMISSIONER FARLEY: I believe
4 so, yes.

5 LEGISLATOR KOPEL: That's great.
6 And now you also mention the consumer
7 protection aspect of it, which is
8 interesting, are you intending to put up
9 something on the website that is going to --
10 kind of an Angie's List kind of thing, where
11 people are going to have a score card?

12 COMMISSIONER FARLEY: No. That
13 would be -- we don't recommend contractors.

14 LEGISLATOR KOPEL: You're right.
15 Not an Angie's List, but are you going to
16 have, you said people can check on the
17 website. What will they find out?

18 COMMISSIONER FARLEY: Right now,
19 as far as contractors, they go to the Nassau
20 County website. They select the department
21 of Consumer Affairs and they can check a
22 vendor to see if that vendor is licensed.
23 You pick a company that you want to do
24 business with and you put their name in and
25 it will come back and tell you --

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2 LEGISLATOR KOPEL: Either they're
3 licensed or they're not, but not if they've
4 got complaints?

5 COMMISSIONER FARLEY: No. It
6 will also tell you if there are any
7 complaints. And anything further you want
8 from that, you would call our office for the
9 information.

10 LEGISLATOR KOPEL: Now, what if
11 they do have complaints, can you shut them
12 down? You can suspend them? On what basis?

13 COMMISSIONER FARLEY: It all
14 depends on what the complaint is, how severe
15 it is, if it could be resolved.

16 LEGISLATOR KOPEL: What I mean
17 is, are there objective regulations that are
18 published by which you can make this
19 determination as to whether or not somebody
20 ought to be suspended or shut down, and what
21 is the enforcement power?

22 COMMISSIONER FARLEY: We hold
23 hearings.

24 LEGISLATOR KOPEL: And are there
25 objective standards to which you can hold

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2 them?

3 COMMISSIONER FARLEY: Yes.

4 LEGISLATOR KOPEL: For each of
5 these things. You will have to come up with
6 these standards, carpet cleaning, and --

7 COMMISSIONER FARLEY: Rules and
8 regulations will have to be drawn up once
9 the laws are passed if they're passed.

10 LEGISLATOR KOPEL: Okay. That's
11 interesting. Thank you.

12 CHAIRWOMAN GONSALVES: Legislator
13 Troiano.

14 LEGISLATOR TROIANO: Thank you.
15 This may have been covered already, and if
16 it was I apologize, but what do you
17 guesstimate will be the annual cost of
18 administering this program?

19 MR. HEINO: I mean, as of right
20 now, we have investigators that are out in
21 the field so there will be no additional
22 costs as of right now.

23 LEGISLATOR TROIANO: So we're
24 going to add 2,500 companies, without adding
25 any staff?

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2 COMMISSIONER FARLEY: That's
3 basically, they're going to fill out an
4 application and they're going to go through
5 a review process.

6 LEGISLATOR TROIANO: I understand
7 you're going to go through the review
8 process but somebody has to do the review.
9 Every office in the county is already
10 overworked.

11 So you're telling me -- and if
12 that's the case, that's great, that we are
13 going to add 2,500 companies to do
14 "surveillance over" with no need to add
15 staff?

16 COMMISSIONER FARLEY: I believe
17 we will be able to do it. If we're not, I
18 will come back in the next budget and
19 request more staff.

20 LEGISLATOR TROIANO: I'm sorry.
21 You're saying that you believe that you can
22 handle --

23 COMMISSIONER FARLEY: Well, so
24 far we didn't think we could get this far
25 with the staff being cut, but --

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2 LEGISLATOR TROIANO: So your
3 staff is not overworked today?

4 COMMISSIONER FARLEY: I'm sure
5 they'll tell you that they are.

6 LEGISLATOR TROIANO: I'm sure
7 they will

8 COMMISSIONER FARLEY: They really
9 get excess capacity to take on more?

10 COMMISSIONER FARLEY: We've been
11 doing it.

12 MR. HEINO: We haven't done it
13 yet.

14 COMMISSIONER FARLEY: Like I
15 said, we are investigating the complaints
16 that come in against these companies.

17 LEGISLATOR TROIANO: But you're
18 not taking their applications today, you're
19 not making sure they have insurance, you're
20 not checking their backgrounds today.

21 COMMISSIONER FARLEY: Initially
22 it will be a lot of work, but once it gets
23 done and gets going, it will be fine. I'm
24 sure they're all not going to come in on the
25 same day.

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2 LEGISLATOR TROIANO: So we won't
3 see any additional staff in your budget?

4 COMMISSIONER FARLEY: Not this
5 year, no.

6 LEGISLATOR TROIANO: What is the
7 cost of the criminal background checks?

8 COMMISSIONER FARLEY: The ones
9 that have to be fingerprinted I believe is
10 \$75 for fingerprint.

11 LEGISLATOR TROIANO: What
12 determines that?

13 COMMISSIONER FARLEY: The state.

14 LEGISLATOR TROIANO: I'm sorry,
15 for this program, I'm not sure if --

16 COMMISSIONER FARLEY: Not all the
17 laws require fingerprinting. Only some of
18 them do. And when they do, the applicant
19 pays for the fingerprinting.

20 LEGISLATOR TROIANO: So we're not
21 sure whether or not we have to pay \$75 for
22 the criminal check?

23 COMMISSIONER FARLEY: We don't
24 pay the \$75, the applicant pays it.

25 LEGISLATOR TROIANO: In addition

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2 to the fee?

3 COMMISSIONER FARLEY: Yes.

4 LEGISLATOR TROIANO: So what are
5 the costs of administering this? You have
6 no extra staff.

7 COMMISSIONER FARLEY: We haven't
8 requested any additional staff at this point
9 yet.

10 LEGISLATOR TROIANO: So as far as
11 you can tell, what you're telling us, I
12 believe, is that there really is no
13 additional cost to the county for
14 implementing this program?

15 COMMISSIONER FARLEY: Correct.

16 LEGISLATOR TROIANO: Is that
17 correct?

18 COMMISSIONER FARLEY: Correct.

19 LEGISLATOR TROIANO: So what is
20 the \$500 fee meant to cover?

21 COMMISSIONER FARLEY: Licensing.

22 LEGISLATOR TROIANO: You said
23 there's no additional costs.

24 COMMISSIONER FARLEY: We still
25 have to pay the employees.

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2 LEGISLATOR TROIANO: They're
3 already being paid, they've already got
4 capacity. You said you're just going to
5 fold this into existing work staff, so you
6 have no additional labor costs, no
7 additional costs for a background check, you
8 have no additional cost for having them come
9 in and bring in an application to you, so
10 what are the costs you're seeking to cover
11 with this \$500 charge?

12 COMMISSIONER FARLEY: Well, there
13 is going to be some additional costs, like,
14 for example, the files to keep them in. So
15 there are going to be costs.

16 LEGISLATOR TROIANO: We are going
17 to keep them in filing cabinets.

18 MR. HEINO: We just upgraded our
19 file cabinets.

20 LEGISLATOR TROIANO: You haven't
21 gone to an electronic form of filing, the
22 way most banks and other financial
23 institutions have?

24 MR. HEINO: No.

25 LEGISLATOR TROIANO: So we're

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2 going to maintain hard copy, and we're going
3 to have them in 2,500 different files?

4 So what do you think the files
5 are going to cost us to buy?

6 MR. HEINO: I'm not sure.

7 LEGISLATOR TROIANO: Maybe
8 \$10,000.

9 COMMISSIONER FARLEY: I wouldn't
10 begin to know how to answer that.

11 LEGISLATOR TROIANO: Well, you're
12 going to collect \$625,000 in revenue in
13 successful in getting every company in this
14 business to register with you,

15 MR. HEINO: Right.

16 LEGISLATOR TROIANO: Do you
17 anticipate then that it's going to cost you
18 \$625,000 to buy filing cabinets to hold
19 2,500 file?

20 MR. HEINO: Well, the goal of
21 this law is just to protect the consumers.

22 LEGISLATOR TROIANO: I
23 understand. I don't have a problem with the
24 law, what I'm asking about is, when is there
25 a need to charge \$500 in fees if you're

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2 costs are diminimus to operate --

3 MR. HEINO: Those fees are
4 consistent with all the other fees that are
5 charged.

6 LEGISLATOR TROIANO: Fine. We
7 might want to look into those fees as well,
8 but they would probably establish at a time
9 where we had to hire people to implement the
10 program.

11 Your testimony has been, we are
12 not hiring anybody in order to --

13 COMMISSIONER FARLEY: At this
14 time.

15 LEGISLATOR TROIANO: In order to
16 implement this program. Let me finish,
17 please. We're not doing a criminal
18 background, not going to cost us money for a
19 criminal background check, the applicant
20 pays for that. We may have to buy some
21 filing cabinets, but what else would account
22 for a fee as high as \$500?

23 COMMISSIONER FARLEY: The fee is
24 consistent with the other fees.

25 LEGISLATOR TROIANO: Fine.

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2 That's not my question. I'm asking you in
3 terms of why you, I guess you set the \$500
4 fee.

5 COMMISSIONER FARLEY: I followed
6 the other fees.

7 LEGISLATOR TROIANO: Okay. So
8 there is no real rationale for it, other
9 than, which is okay, it's consistent with
10 what you do for everybody else?

11 COMMISSIONER FARLEY: Correct.

12 MR. HEINO: Correct.

13 LEGISLATOR TROIANO: Well, maybe
14 we might consider giving that this is hard
15 times for everybody, everybody is
16 financially strapped, maybe, since there is
17 no additional costs, and we're generating
18 revenue, maybe we want to lower everybody's
19 fees, including this one, to maybe \$250, and
20 you would still cover all your costs?

21 I'm not sure why you're looking
22 over there. I'm asking the question.

23 COMMISSIONER FARLEY: I heard
24 Legislator Muscarella say something.

25 LEGISLATOR TROIANO: I'm happy to

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2 hear from my colleague over here, but I
3 would like to hear from you first.

4 MR. HEINO: But fees do go up,
5 employee's salaries go up, pensions go up.

6 LEGISLATOR TROIANO: Fine. When
7 that happens, we should have -- we should
8 increase our fees to accommodate that, but
9 we got a situation here where it's not even
10 in this year's budget, which already
11 contains salary increases, pension
12 increases, so I'm left with the question,
13 what is this fee for at this level?

14 COMMISSIONER FARLEY: I'm not
15 sure that it's not in this year's budget.
16 I would have to check.

17 LEGISLATOR TROIANO: That's what
18 I heard before. Maybe that's not accurate.

19 LEGISLATOR DENENBERG: I said
20 that it wasn't in the budget.

21 LEGISLATOR TROIANO: See, I
22 wouldn't jump in, Dave, but you could.

23 Commissioner Farley, let me ask
24 it this way. Another approach would be
25 then, you can lower fees for everybody,

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2 since this is incremental income, you could
3 lower the fees for everybody since you're
4 not incurring any additional costs.

5 COMMISSIONER FARLEY: I don't
6 know if I have the authority to do that.

7 LEGISLATOR TROIANO: No, no, you
8 may not. I'm saying, that's another
9 alternative for, let's say, the county
10 executive. Let's put it at his doorstep.

11 COMMISSIONER FARLEY: I don't
12 know the answer.

13 LEGISLATOR TROIANO: Well, just
14 think with me logically, that's a viable
15 alternative. You may not want to follow
16 that, but it is an alternative.

17 MR. HEINO: We're not saying that
18 we're going to ask for additional personnel,
19 we're just saying, at this time right now,
20 with --

21 LEGISLATOR TROIANO: Well, we're
22 being asked to vote not and, to the best of
23 your knowledge, you're not going to ask for
24 additional staff?

25 COMMISSIONER FARLEY: Not at this

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2 time.

3 MR. HEINO: However, if we do get
4 overwhelmed and we need the personnel, of
5 course we will need the personnel to go
6 ahead and process it.

7 LEGISLATOR TROIANO: Thank you.
8 I think the point has been made that this is
9 a very new enhancement. It's not meant to
10 cover any costs and we could choose instead
11 to use the additional money to reduce other
12 fees that others have to pay. Thank you.

13 CHAIRWOMAN GONSALVES: Legislator
14 Muscarella.

15 LEGISLATOR MUSCARELLA: Ms.
16 Farley, this ordinance is similar to the
17 ordinance that you have for home improvement
18 licenses, correct?

19 COMMISSIONER FARLEY: Yes.

20 LEGISLATOR MUSCARELLA: And the
21 impetus of this request was basically
22 because these were unregulated areas that
23 you felt, in your opinion, would be
24 advantageous to protect the consumers in
25 Nassau County?

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2 COMMISSIONER FARLEY: Yes.

3 LEGISLATOR MUSCARELLA: And what
4 this will do is provide for the consumer, at
5 least, that there is insurance in case there
6 is a claim made for a practice which damages
7 someone's property or was not properly
8 completed.

9 COMMISSIONER FARLEY: Correct.

10 LEGISLATOR MUSCARELLA:
11 Additionally, this would give you the
12 ability if a complaint was filed, to call in
13 a contractor to try and resolve the dispute
14 between the parties?

15 COMMISSIONER FARLEY: Yes.

16 LEGISLATOR MUSCARELLA: And that
17 would help, I believe -- well, let me. This
18 would be advantageous not only for the
19 consumers but also for the business if a
20 complaint was filed against them?

21 COMMISSIONER FARLEY: Yes.

22 LEGISLATOR MUSCARELLA: And it
23 would prevent, let's say, a small claims
24 action in court in that you could resolve
25 the dispute before it went to a court

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2 action?

3 COMMISSIONER FARLEY: Yes, that
4 is true and then it would save money on the
5 other end where they wouldn't have to take
6 off and go to court.

7 LEGISLATOR MUSCARELLA: And
8 although this is not regulated by any of the
9 municipalities within the county and
10 although these areas are not regulated by
11 the state preempting our regulating of them,
12 they are consistent with what other
13 municipalities, let's say, Suffolk County or
14 Westchester and New York City do in these
15 areas?

16 COMMISSIONER FARLEY: Correct.

17 LEGISLATOR MUSCARELLA: And
18 although you may not be hiring new staff for
19 doing this, your costs of running your
20 office every year do go up?

21 COMMISSIONER FARLEY: Yes, and
22 there will be applications that have to be
23 ordered, instructions, rules and
24 regulations, there are costs associated with
25 an implementation of a new law.

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2 LEGISLATOR MUSCARELLA: In your
3 opinion, I forget what I want to say, it
4 comes with -- you know what, that's fine,
5 I'll leave it there.

6 LEGISLATOR DeRIGGI-WHITTON: Can
7 I just have one follow-up question?

8 CHAIRWOMAN GONSALVES: Sorry, but
9 Legislator Jacobs is next.

10 LEGISLATOR JACOBS: Truthfully a
11 lot of ground was covered already with this,
12 but I want to ask you a question. When you
13 decide to enter into something which is
14 going to change a fee structure -- well, not
15 change, institute a fee, et cetera, do you
16 ever reach out to the companies and some of
17 the better known companies as to how this
18 might affect them?

19 I'll tell you why. I'm sort of
20 piggybacking on both my colleagues, both
21 Legislator Troiano and Legislator
22 Muscarella. I can see the benefit but I
23 have to assume that something is egging this
24 to come on now. I don't see where the
25 county's really, where this is bringing

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2 anything more than just extra money into the
3 general fund. I'm not knocking that. I've
4 been around here a long time. I understand
5 a lot of things are done for that reason,
6 but when you are dealing with difficult
7 times like this, for consumers as well as
8 for the smaller companies, do you think it
9 might be advisable to have some input from
10 the smaller companies as to what kind of
11 affect these might have on them?

12 COMMISSIONER FARLEY: This is not
13 just for the protection of consumers. This
14 is for the protection of the small business
15 person that is a legitimate business as
16 well. We have had companies come to us that
17 are licensed elsewhere and say, why is there
18 no regulation in Nassau County? We have
19 these people that just go out and buy a
20 cleaning machine and say they are a cleaner
21 and they're really no. They don't have the
22 experience and they don't have the
23 insurance. So businesses have come to us
24 and asked us to regulate.

25 LEGISLATOR JACOBS: I can

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2 understand all that. It's just that through
3 the years I have noticed, sometimes we
4 passed something with all the good
5 intentions in the world, and then, all of a
6 sudden, we are inundated by calls from
7 different types of services out there
8 saying, why didn't we even get a heads up on
9 this? I'm not saying that's your
10 responsibility. It's really a public
11 relations type of thing.

12 But I think it's to everyone's
13 benefit, especially in this case we are
14 hoping to protect the consumer, and, as
15 you're saying, we would also like to protect
16 the small businessman to give them a chance
17 to speak out on this before we put into
18 practice something that brings in quite a
19 bit of money for the county and we don't
20 really know if consumer affairs even needs
21 that money, per se.

22 I don't know if there is a way to
23 do this without necessarily strapping, you
24 know, the honest businessman.

25 COMMISSIONER FARLEY: I thought

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2 the legislative hearings were for that and
3 that they would come and if they had any
4 objections they would come here.

5 LEGISLATOR JACOBS: You know
6 what, I'm afraid to tell you, I mean, I hate
7 it say this to you.

8 As you can tell, most people do
9 not know what is coming on the legislative
10 hearing. I'm not saying it's our fault, but
11 it's put into a legal notice which you need
12 binoculars in order to see. I think, unless
13 you actually take that extra step to tell
14 people, this is going be on, there's always
15 somebody that's ahead of the umbrella of
16 these smaller groups.

17 MR. HEINO: When we're out there
18 generally doing field enforcements in the
19 home improvement field, we come across the
20 gutter cleaners and all these other
21 cleaners. They've all expressed interest in
22 the law to level the playing field to keep
23 these unlicensed guys that are inexperienced
24 that do cause a lot of damage. We do still
25 handle the complaints that are coming in

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2 regarding the gutter cleaners and everybody
3 else, who, a lot of them aren't insured and
4 do more damage than when somebody calls them
5 into their house from the very beginning to
6 clean the carpet, or clean wood floors or
7 refurbish the floors. Stuff like that.

8 So a lot of the companies out
9 there that do possess a New York City
10 license or a Suffolk County license are the
11 ones that actually are asking us for this
12 law. That's how we came about to try to
13 spearhead this law into the other home
14 improvement, to close basically the loophole
15 that allowed them to not have a license.

16 LEGISLATOR JACOBS: So let me ask
17 you a final question then. These fees that
18 we're charging, are they in line with what
19 the city and Suffolk is charging?

20 MR. HEINO: Yes, they are, and
21 Westchester.

22 LEGISLATOR JACOBS: How do they
23 absorb the fees they're collecting, do you
24 any idea?

25 MR. HEINO: I'm not sure. But,

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2 you know, this is, based on when we're going
3 around and when I'm at community events, and
4 a lot of you guys all have fairs that we're
5 at and we're talking to consumers, these are
6 issues that consumers are actually
7 expressing to us, ways that they're worried
8 about it, as well as problems that
9 contractors are out there want to see we're
10 out there doing field enforcement.

11 When I'm out in the field and I
12 speak to these guys, they're so happy. A
13 lot of them don't even mind paying whatever
14 fee they have to pay to get the license just
15 as long as they're guaranteed to know that
16 we're out there enforcing that same law. A
17 lot of them are happy with that, but when
18 they see us out there checking the laws, you
19 know, some of them even say, it's not even
20 about the \$500. They don't mind paying the
21 \$500 knowing that the investigators are out
22 there enforcing the law to make sure that
23 the people out there doing work on Nassau's
24 consumers are licensed and insured.

25 LEGISLATOR JACOBS: But when

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2 you're enforcing it, you're enforcing it
3 based on a complaint that's come into your
4 office, correct?

5 MR. HEINO: No. We're actually
6 out in the field, every day we have
7 investigators out in the field driving
8 around, block to block, town to town,
9 between the 64 villages, three townships and
10 two cities.

11 COMMISSIONER FARLEY: In addition
12 to following up on consumer generated
13 complaints.

14 MR. HEINO: Consumer complaints
15 is just one aspect that we handle.

16 LEGISLATOR JACOBS: All right. I
17 understand. Doesn't mean I agree, but I
18 understand sort of.

19 CHAIRWOMAN GONSALVES: We do want
20 you to ask questions. Any other legislator
21 have a question?

22 LEGISLATOR DeRIGGI-WHITTON: Can
23 I just have one quick followup?

24 CHAIRWOMAN GONSALVES: I'm going
25 to allow just one.

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2 LEGISLATOR DeRIGGI-WHITTON: All
3 right. I'll combine it.

4 From what I read in the fiscal
5 impact paragraph regarding 603-12 and
6 605-12, 603-12 they're anticipating a \$5.5
7 million increase with this fee and 605-12
8 they're anticipating a 3.5 million --

9 MR. HEINO: 603-12 is not
10 consumer affairs.

11 CHAIRWOMAN GONSALVES: Legislator
12 DeRiggi-Whitton, we were told that we were
13 going to do these hearings one at a time.
14 You're going to the other hearing. It
15 wasn't my idea to do that.

16 LEGISLATOR DeRIGGI-WHITTON: I
17 have one other quick question since that one
18 was voided. You said you were going to be
19 driving around. How do you anticipate to
20 let these people know that they now have a
21 fee, like these companies now, is there
22 going to be a mailing, or how are you going
23 to --

24 MR. HEINO: We usually do a
25 mailing, we get the word out as well through

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2 speaking events. We do a lot of the expos,
3 landscape and home improvement expos and
4 stuff like that, so we are out there letting
5 the people know. First time offense we let
6 them know we give them the license
7 application packet. We give them a warning
8 that they have within two weeks to file the
9 application and get it into the office.

10 LEGISLATOR DeRIGGI-WHITTON: And
11 the date is going to be January 1st that
12 you're going to require everyone to be
13 licensed, or --

14 MR. HEINO: That's our goal.

15 LEGISLATOR DeRIGGI-WHITTON: So
16 there will be an expense for that, I assume,
17 the mailing and everything?

18 MR. HEINO: Absolutely.

19 LEGISLATOR DeRIGGI-WHITTON: I
20 just want to go back kind of on what Denise
21 Ford said which is, I feel like a lot of our
22 small businesses are being hit right now
23 with this hurricane. I know some of them
24 might profit from it in the long run, but
25 for us to impose a \$500 fee, you know, right

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2 coming out of this, where a lot of them
3 their roads have been compromised, their
4 business has been compromised, I think this
5 is poor timing. It might not be a bad idea,
6 but to do it right on the aftermath of this
7 hurricane I think is poor for our economic
8 growth. That's just a statement.

9 LEGISLATOR DUNNE: If I may on
10 that, to the chair, can I add to that? I
11 have a lot of friends that are in the
12 construction business and contractors and
13 they say they're making a lot a lot of gold.
14 So right now is a good time to hit them
15 because they're making tons and tons of
16 money helping -- doing the rebuilding.

17 LEGISLATOR DeRIGGI-WHITTON: I'm
18 just commenting on what Denise Ford said,
19 which is that we're all worried about our
20 local businesses right now, and I am as
21 well, and to hit them with another fee right
22 now, I just don't think is good time.

23 CHAIRWOMAN GONSALVES: We would
24 like to move on. At this time, I call for
25 public comment. Go ahead, Legislator Ford.

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2 LEGISLATOR FORD: I just want to
3 do a follow-up I guess to Legislator
4 DeRiggi's question.

5 Just a quick question, and in
6 regard to the small businesses, and I don't
7 know if you've answered this yet or not, but
8 when we proceed with some of these fees that
9 may impact some of the small businesses, is
10 there anything written or can be written
11 because we have -- we have seen a lot of
12 stores that just are not working, like
13 they're not open, they're losing revenue.

14 Is there anything in this
15 legislation which will allow if somebody has
16 been hit very badly by Hurricane Sandy that
17 they can't really pay this fee?

18 COMMISSIONER FARLEY: It could be
19 written into the rules and regulations that
20 I can make with them a payment plan, they
21 can pay at some later time. The main goal
22 of this is for protection. It's not a money
23 making scheme. So I can, in rules and
24 regulations, do something with that to help
25 out the person who has a need.

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2 LEGISLATOR FORD: I think that
3 that's something that I believe should
4 automatically be written in so that -- just
5 for the sake of the businesses. We don't
6 want to -- it's tough times for some of
7 them. Others, as Legislator Dunne had said,
8 some companies will do well, hardware stores
9 because everyone is running there, plumbing
10 supply stores, they can't even hang on to
11 furnaces or hot water heaters. So perhaps
12 it may not be a hardship for them, but I
13 know for some of the other smaller
14 businesses, that they would be and this may
15 be devastating.

16 COMMISSIONER FARLEY: We can put
17 on the application a hardship, if there is a
18 hardship, and then there can be another form
19 that they can fill out explaining and if
20 it's deemed a hardship we can work with
21 them.

22 LEGISLATOR FORD: I really urge
23 you too, and I do like the idea that it's
24 licensed because it does open up the pool
25 safely for people to get work done in their

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2 house and it is something that all levels of
3 government, especially Governor Cuomo says,
4 all licensed. So I thank you very much.

5 COMMISSIONER FARLEY: You're
6 welcome.

7 CHAIRWOMAN GONSALVES: I did call
8 for public comment. There being none, at
9 this point in time, Legislator Kopel, would
10 you please join us. Anyone else who is not
11 in their seat please join us.

12 A motion to close the hearing,
13 please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR MUSCARELLA: Second.

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

19 All those in favor of closing the
20 hearing signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The motion to close the hearing
25 carries unanimously.

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2 Now we have a second hearing.
3 I'm sorry, Commissioner Farley.
4 Commissioner Farley, we're trying to group
5 them for you. I don't think it's right to
6 have you stand up there, especially when you
7 don't feel so hot. We have two, three,
8 four, six and eight. I got to do this.
9 Proposed Local Law 600-12, local law, which
10 is Item 3, 601; 4, 602. Here we go.

11 Item 600-12, Item 601-12, Item
12 602-12 and Item 604-12, and the last one for
13 you commissioner is Item 607-12.

14 On the calendar for you, for my
15 colleagues, it is two, three, four, five,
16 six and eight. We need a motion to open the
17 hearing on these five items.

18 LEGISLATOR MUSCARELLA: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Muscarella, seconded by
22 Legislator Nicolello.

23 All those in favor of opening the
24 hearing signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The hearings are opened. Who is
5 going to start with the Scrap Metal
6 Processors?

7 COMMISSIONER FARLEY: The purpose
8 is to protect the public by licensing metal
9 processors, auto dismantlers, junk dealers,
10 car buyers, and entities operating as such.

11 It goes with Senator Schumer's
12 press release where there is a spike in the
13 price of iron, copper, and other metals,
14 crooks are stealing from counties,
15 universities, parks, businesses, and it's
16 become big business for scrap metal.

17 CHAIRWOMAN GONSALVES: Junk
18 dealers?

19 COMMISSIONER FARLEY: Scrap
20 metal, junk dealers. There needs to be some
21 regulation in this area.

22 MR. HEINO: Just a couple of
23 months ago, the police were alerted to a
24 state-owned garage yard in Yonkers where it
25 was discovered that a hole had been cut in a

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2 fence. They caught two Queens men red
3 handed with \$5,000 worth of steel piping
4 that they were loading into a van.
5 Basically this law would regulate the scrap
6 metal process, vehicle dismantlers, and junk
7 dealers, and require a license for them.

8 COMMISSIONER FARLEY: Gives the
9 police a little more, will give the license,
10 they'll do the investigation and we'll be
11 able to work with them to give them
12 information.

13 MR. HEINO: With the Bethpage
14 facility, the county had buildings that lost
15 hundreds of thousands of dollars as well.

16 LEGISLATOR JACOBS: Maybe in the
17 lull I can ask a question. When you add up
18 these five that we're going to call now,
19 two, three, four, six and eight, and we've
20 already done one, you're still telling us we
21 don't need any more employees in the
22 department?

23 MR. HEINO: As of right now we're
24 pretty good, but it's not saying that we
25 will not in the future.

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2 LEGISLATOR JACOBS: It seems like
3 an overwhelming, I don't know, I'm not an
4 expert in any of this, and I bow to you with
5 all due respect, but it seems to me it's an
6 awful lot of -- it's a lot more enforcement
7 involved now, whether it be scrap metal, or
8 the next one is what? It's for home
9 services, then dry cleaners. That's a lot
10 of driving around.

11 MR. HEINO: It's a lot of driving
12 around. We have investigators that are
13 driving around in the areas as well. It may
14 take us some more time to do all the
15 enforcement. Some of the money with the
16 licensing fees may go to overtime. Some of
17 the expenses with that.

18 But predominantly our field
19 investigators are out there every day
20 passing these stores anyway. So for them to
21 go in and double check these laws and to
22 make sure that everybody is abiding by it is
23 just the normal course of business.

24 COMMISSIONER FARLEY: And we will
25 be working with the police department on the

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2 scrap metal and the precious metals.

3 LEGISLATOR JACOBS: Which people
4 would be arrested for doing. Like if the
5 police saw somebody cutting a hole in a
6 fence and removing scrap metal, I'm sure
7 there would be an arrest anyway.

8 COMMISSIONER FARLEY: Right. The
9 police would be taking care of that,

10 MR. HEINO: It will be sharing
11 our database with the police department as
12 well.

13 LEGISLATOR JACOBS: It just seems
14 like for a department that's, and I know you
15 work very hard, and I know that the
16 department has worked very well, but you're
17 taking on an awful lot. You're taking on
18 six different items. You're going to tell
19 me when this car is driving around, they can
20 find all that stuff?

21 COMMISSIONER FARLEY: Well, I
22 don't think they're all going to come in and
23 apply on day one. It's going to be a
24 process where they get to apply over a
25 period of time.

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2 As I said, if I find that we need
3 to have more staff, I will come back and ask
4 for more staff.

5 LEGISLATOR JACOBS: Which might
6 be more difficult than doing it during a
7 budget time when it could be part of the
8 budget. To ask for more staff afterwards,
9 when we are running so tight as it is right
10 now, I just hope you've not biting off more
11 than you can chew and, if you're not, then I
12 think we need to -- not for today, but I
13 think we need, when this is passed
14 eventually or just my feeling anyway, we
15 would need an itemization as to how much is
16 being brought in on these.

17 MR. HEINO: We can probably have
18 that by the end of the year considering that
19 we would need the year to collect all that
20 data with the enforcement and the amount of
21 scores that we investigate and with
22 everything entailed.

23 I mean, our field investigators
24 are out there. We're working hard, as I
25 said before, it's through the normal course

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2 of business that we're driving around where
3 we're passing, you know, between the gutter
4 cleaners, the home improvement inspectors,
5 the dry cleaners, we have between our
6 weights and measure inspectors, our regular
7 investigators, the ones handling retail
8 complaints, home improvement complaints
9 during the winter months. We can reallocate
10 some of the work that they're doing towards
11 the dry cleaners as well since, in the
12 wintertime, we're not getting as many
13 landscaping complaints, or cement work
14 that's being done in the wintertime.

15 LEGISLATOR JACOBS: I understand.
16 I'm just thinking to myself when I see a
17 program like youth agencies just about
18 disappearing if we don't do something during
19 this budget cycle, and if we're going to be
20 putting all these fines or registration fees
21 on, and the fingerprinting fees and
22 everything, it maybe would make more sense
23 to possibly combine both and say that this
24 money coming in, which obviously is not
25 needed for employees,

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2 MR. HEINO: The money is needed
3 for employee costs. There will be overtime
4 that is associated with this for our union
5 employees.

6 LEGISLATOR JACOBS: Which would
7 cost more than --

8 MR. HEINO: Not much more.

9 LEGISLATOR JACOBS: But you have
10 to reflect on that. If someone is working
11 overtime, that raises their salary scale
12 quite a bit versus hiring someone at an
13 incoming scale when -- do you know what I'm
14 trying to say? I'm saying, I don't know
15 that enough has gone into this on a fiscal
16 manner to determine, how much money is this
17 bringing in? If your anticipation is
18 millions, because if one thing is going to
19 be \$650,000, it's a good chance that we're
20 going to be looking at maybe five to \$7
21 million being brought in for a department
22 that says they don't really need it for
23 extra costs. So I think it's incumbent upon
24 us as legislators to see if this could be
25 spent in a better way.

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2 COMMISSIONER FARLEY: It's not
3 that we don't need it for any extra costs,
4 we're just not going to ask for additional
5 personnel at this time. Not to say we're
6 not going to ask for that in the next
7 budget.

8 LEGISLATOR JACOBS: But you can
9 be sure that that money is not going to sit
10 in your department. We all know that. At
11 the end of the year, if there's a surplus,
12 there's going to be transfers at the end.

13 MR. HEINO: The money goes into
14 the general fund.

15 COMMISSIONER FARLEY:
16 Automatically it goes into the general fund.
17 Everything from our department.

18 MR. HEINO: No money ever sits in
19 our department.

20 LEGISLATOR JACOBS: It's opening
21 a whole question mark in my mind. And to
22 all the different uses I can give to it --

23 MR. HEINO: There's going to be
24 more expense with the mailings, to notify
25 all the businesses as well. There's costs

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2 accrued with that.

3 LEGISLATOR JACOBS: All right,
4 guys, I understand, but I'm not sure it's
5 fair.

6 LEGISLATOR DENENBERG: Same as on
7 the other hearing, I'm looking through the
8 budget and I understand you think, or you're
9 going to attempt to enforce these new laws
10 and regulations and protect the consumers
11 without any additional staffing. As you
12 stand here right now, you believe you can,
13 and I appreciate that.

14 I'm looking at the backup but I
15 can't -- most of these items aren't, per se,
16 in the budget. Do you have any idea how
17 much new revenue is anticipated to be
18 brought in? Looking at the backup, it looks
19 like \$2 million cumulative if I look at
20 everything. Do you have an answer?

21 COMMISSIONER FARLEY: I think
22 it's less than that. Trying to figure it
23 out. I think it's about a million and a
24 half.

25 LEGISLATOR DENENBERG: So a

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2 million and a half new revenue going to the
3 general fund?

4 MR. HEINO: Yes.

5 LEGISLATOR DENENBERG: So I would
6 call on all my colleagues, and I know that
7 the minority is offering an amendment which
8 wouldn't affect enforcement at all, but the
9 revenue from these items should be earmarked
10 towards our health and human services,
11 notably the youth board, seniors, veterans
12 and social service agencies, rather than
13 just go to the general fund.

14 If I'm hearing you correctly, it
15 seems negligible in terms of how much of
16 that revenue you need. So thank you.

17 COMMISSIONER FARLEY: You're
18 welcome.

19 LEGISLATOR FORD: With the
20 enforcement for the scrap metal, for people
21 turning it in, is it basically that it's up
22 to the person receiving the scrap metal
23 paying for it that they have to know where
24 it came from?

25 COMMISSIONER FARLEY: Yes.

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2 LEGISLATOR FORD: And the people
3 that are turning it in, right?

4 COMMISSIONER FARLEY: Yes.

5 LEGISLATOR FORD: Thank you. You
6 know why, it's just interesting and I think
7 it's a great protection for consumers
8 because I know in upstate New York where a
9 lot of people have second homes, there has
10 been a number of times where homes have been
11 broken into and they actually went in and
12 pulled the walls down and took the plumbing
13 right out for scrap metal.

14 LEGISLATOR MUSCARELLA: Can you
15 find my copy leaders that were taken off my
16 house a couple of months ago?

17 COMMISSIONER FARLEY: If you pass
18 my law, I'd be better able to do that.

19 LEGISLATOR FORD: Had it been
20 passed, Vinny, you would get those copper
21 leaders back.

22 But, actually, even with the fact
23 where you can have abandoned homes, even
24 throughout Nassau County, you know, if
25 people know that somebody basically will be

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2 watching them, it perhaps would prohibit
3 them.

4 COMMISSIONER FARLEY: Right. If
5 they're unable to sell the items.

6 LEGISLATOR FORD: Very good.
7 Thank you.

8 CHAIRWOMAN GONSALVES: Legislator
9 Troiano.

10 LEGISLATOR TROIANO: Thank you.
11 I'll ask a series of questions all related
12 to the resolution we're looking at at one
13 time.

14 Is there any business that will
15 be left unregulated after we get done?

16 COMMISSIONER FARLEY: I hope not.

17 CHAIRWOMAN GONSALVES: How about
18 landscapers?

19 COMMISSIONER FARLEY: We regulate
20 them.

21 LEGISLATOR TROIANO: Thank
22 goodness. You're protecting America. We've
23 spoken a lot about enforcement but what is
24 the penalty for a business that does not
25 comply with the licensing requirement?

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2 COMMISSIONER FARLEY: If they're
3 given a violation and they have to appear at
4 a hearing before a hearing officer. The
5 determination is made at that time as to
6 what the penalty would be. Fines go up
7 \$5,000 per offense as well as working
8 without a license is a criminal misdemeanor.

9 LEGISLATOR TROIANO: Really?

10 MR. HEINO: That goes for the
11 landscapers as well.

12 LEGISLATOR TROIANO: How do you
13 decide what types of businesses to include
14 in this?

15 COMMISSIONER FARLEY: Just from
16 the years of having the complaints come in
17 and being unable to resolve a consumer
18 complaint because we were unable to
19 determine who the owner was or demand that
20 the owner make restitution to a consumer
21 because they weren't regulated by us.

22 MR. HEINO: In addition, these
23 laws that we have proposed are also similar
24 to that of New York City and Westchester and
25 Suffolk as well.

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2 LEGISLATOR TROIANO: So the
3 provision for licensing home services
4 businesses, that's meant to protect us from
5 actually entering into our homes?

6 MR. HEINO: That's correct. If a
7 gutter cleaner just puts up a ladder and
8 goes on your roof and falls off your roof,
9 if he's not properly licensed or insured,
10 he'll sue you, the homeowner.

11 LEGISLATOR TROIANO: Have we
12 included people that come in that clean our
13 oil burners and gas burners?

14 MR. HEINO: I believe they're
15 licensed already. I believe a lot of them
16 are plumbers and heaters.

17 COMMISSIONER FARLEY: They're
18 either licensed as a plumber with the town,
19 or --

20 LEGISLATOR TROIANO: If they're
21 not, you might want to include them too.

22 COMMISSIONER FARLEY: -- or
23 licensed as a heating contractor with the
24 county.

25 LEGISLATOR TROIANO: Earlier, in

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2 response to a question from Legislator Ford,
3 you indicated that this service would also
4 be used to protect against price gouging.
5 How would that happen?

6 COMMISSIONER FARLEY: I'm sorry?

7 LEGISLATOR TROIANO: In a
8 question earlier that was asked by
9 Legislator Ford, I think you responded in
10 the affirmative to her question that this
11 would be used help guard against price
12 gouging. I'm not sure quite how that would
13 happen.

14 MR. HEINO: The county
15 legislature, you guys have proposed as well,
16 we have violations for unconscionable and
17 deceptive trade practices.

18 LEGISLATOR TROIANO: So how would
19 that happen with respect to -- I think the
20 questions was asked in respect to number two
21 which had to do with -- I'm sorry, number
22 one, home services. Had to do with
23 electronic home appliance repair services.
24 She gave the example of someone that comes
25 out and cleans out a home and they charge

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2 \$3,500. What would you think would be an
3 acceptable level that you could not assess
4 the violation against them if that was found
5 to be excessive?

6 COMMISSIONER FARLEY: As I said,
7 violations are issued and the vendor has an
8 opportunity to go to a hearing and be heard,
9 his side of the story, by a hearing officer.

10 LEGISLATOR TROIANO: I
11 understand. But if the --

12 MR. HEINO: We would come up with
13 a structure depending on what they're
14 repairing, what would be an average cost.

15 LEGISLATOR TROIANO: So what
16 would have to happen, a homeowner would have
17 to come to you and say, someone just gave me
18 an estimate for \$3,500. I think that's
19 excessive, and you would then do an
20 investigation to say -- and you would
21 determine that the cost should have been
22 \$2,000?

23 MR. HEINO: Yes. We would
24 conduct an investigation into the price that
25 was being charged compared to the average

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2 price. Right now, you're even seeing that,
3 unfortunately with Hurricane Sandy, you have
4 companies going around that are looking to
5 charge \$20,000 to remove a tree from a home
6 in Garden City.

7 LEGISLATOR TROIANO: So any
8 complaint that came in you would have to do
9 an investigation?

10 MR. HEINO: Absolutely.

11 COMMISSIONER FARLEY: Yes, we
12 investigate every complaint.

13 LEGISLATOR TROIANO: Just one
14 last question. Most of these seem to be --
15 just limit your activity to licensing which
16 is a fairly passive activity, but one of
17 them, and that has to do with metal
18 processors and junk dealers, it says you're
19 going to -- that this regulation is meant to
20 govern the conduct of persons engaged in the
21 buying and selling of non-precious scrap
22 metal. Sounds like more of a police
23 function.

24 COMMISSIONER FARLEY: We will be
25 working with the police on that.

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2 LEGISLATOR TROIANO: Okay. Thank
3 you.

4 LEGISLATOR DeRIGGI-WHITTON: Just
5 real quick. I know everyone is tired. I'm
6 actually concerned with the dry cleaning.
7 Are you going to be regulating -- I know
8 that there's been issues with the waste from
9 dry cleaning?

10 MR. HEINO: No.

11 LEGISLATOR DeRIGGI-WHITTON: I
12 heard there's even been connected to, like,
13 plumes and everything?

14 MR. HEINO: That's done by the
15 DEC.

16 LEGISLATOR DeRIGGI-WHITTON: So
17 this licensing is not going to have anything
18 to do with that?

19 MR. HEINO: With chemicals, no.

20 LEGISLATOR DeRIGGI-WHITTON: I
21 kind of wish it would. I wish we can do
22 that. That's a huge issue. If we're going
23 to go through all this trouble I would love
24 to see us regulate --

25 MR. HEINO: If they were dumping

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2 chemicals and we came across it, we could
3 probably issue violations for deceptive and
4 unconscionable trade practices for faulty
5 business practices, but most of that would
6 be handled by the DEC which regulates dry
7 cleaners right now.

8 LEGISLATOR DeRIGGI-WHITTON: I
9 understand that they do. I've dealt with
10 them and I know we've had freon plumes that
11 have actually entered into water. I would
12 like to see as part of that licensing, as a
13 personal request, that we mandate that we
14 have proof of their disposal, which I know
15 they're going to give to the DEC, but I
16 think it would be good for us to keep a
17 close eye on that.

18 COMMISSIONER FARLEY: Okay. No
19 problem.

20 MR. HEINO: We can add that as a
21 rule and regulation.

22 LEGISLATOR DeRIGGI-WHITTON: I
23 appreciate that.

24 LEGISLATOR KOPEL: We're done.
25 Any more questions?

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2 (No verbal response.)

3 Is there any public comment?

4 MR. HABER: Just very briefly, I
5 own a decent amount of commercial real
6 estate. In 2010, I had my manhole covers
7 stolen four separate times which was funny
8 except for me. I had to replace them four
9 separate times. Even soldered it down and
10 it was pulled off by a truck.

11 When I spoke to the policeman of
12 Suffolk County of what was the procedure for
13 finding out where, if this scrap metal is
14 being taken, and he said they didn't really
15 have one.

16 About a week later, a kid fell
17 into an open manhole cover outside Dunkin
18 Donuts and died in the cesspool.

19 So my concern is, with the
20 registration of scrap metal dealers who have
21 a notorious reputation for being
22 unscrupulous, I'm sure they're some good
23 ones out there, I would like to know how
24 they -- and if you can expand on this, when
25 they receive scrap metal, or a manhole cover

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2 from a random person, or tubing from what
3 seems like a house, how they go about
4 codifying where it came from, and if a
5 consumer has something stolen from a house,
6 how they could then go about and trace down
7 where it is through the scrap metal that's
8 being processed,

9 MR. HEINO: When somebody brings
10 their scrap metal or junk to a dealer, the
11 dealer has recordkeeping requirements, just
12 one part of the law says all purchases of
13 scrap metal, end of life vehicles,
14 converters, shall clear the records of each
15 such purpose, and shall include a copy of
16 the seller's government issued
17 identification. So, with that, we would be
18 able to link the person that is dropping.

19 MR. HABER: Do you spot check to
20 make sure --

21 MR. HEINO: We will if the law is
22 passed.

23 COMMISSIONER FARLEY: They have
24 to submit every night to the police
25 department who brought in items to be sold.

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2 MR. HEINO: What he was asked
3 was, if there is any way for our
4 recordkeeping, and every night the company
5 has to record who dropped off what, what
6 they sold what their photo identification,
7 government issued, to make sure, and this
8 way that list will be forwarded over to the
9 police department as well, as well as our
10 office, and we can work with the police
11 department if any -- if that material that
12 was turned in happened to be stolen
13 merchandise, we would know where to begin an
14 investigation.

15 CHAIRWOMAN GONSALVES: Any
16 questions on any of these items?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 Okay, we already did public
21 comment. Mr. Haber was public comment.
22 There being no other public comment, let's
23 move on. To close the hearing, all those in
24 favor of closing the hearings please signify
25 by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The hearings are closed. Let's
6 move on to the next thing. I believe we
7 have four more hearings. One is Item 603-12
8 on the recording of liens. I would imagine,
9 are we going to do these separately? I
10 think we have to do these separately. We
11 have to because it's different departments.

12 For the first, Item Number 5,
13 which is a hearing on 603-12, lien
14 recording. Who is here? Is somebody here
15 to speak on this?

16 MR. MAY: We actually have Lisa
17 Locurto from the County Attorney's Office.

18 CHAIRWOMAN GONSALVES: Motion to
19 open the hearing.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR FORD: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Ford. The hearing is open. Lisa, welcome
25 again.

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2 MS. LOCURTO: Thank you,
3 presiding officer. This is a local law to
4 amend the administrative code on the
5 indexing fee for the clerk's office. Are
6 there any questions?

7 CHAIRWOMAN GONSALVES: You may
8 ask her a question, of course.

9 LEGISLATOR DENENBERG: This is
10 Clerk Item 603-12, correct?

11 MS. LOCURTO: Correct.

12 LEGISLATOR DENENBERG: So did you
13 read the letter from our Nassau County
14 clerk, Maureen O'Connell, dated October
15 15th?

16 MS. LOCURTO: Yes. I personally
17 have not read the letter but I am aware that
18 the clerk does not wish to raise fees.

19 LEGISLATOR DENENBERG: In fact,
20 the clerk said that she opposes any county
21 clerk fee increases by the Nassau County
22 Legislature and cites that the housing
23 market in Nassau County has been subject to
24 near collapse hit by excess inventory,
25 tightening credit, increased foreclosures,

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2 and market uncertainty. These factors make
3 selling or purchasing a home extremely
4 difficult. Clearly, any proposed fee
5 increases would have a negative economic
6 consequence for potential homeowners.

7 Since October 15th, we've had
8 Super Storm Sandy. I think, at the very
9 least, every one in this room can agree that
10 that would have just put even more
11 uncertainty on the housing market in Nassau
12 County.

13 So do you any response to the
14 county clerk's letter?

15 MS. LOCURTO: No. I have no
16 response. I think the letter speaks for
17 itself. Her position is quite clear how she
18 feels about the increasing of the fee.

19 LEGISLATOR DENENBERG: Given that
20 she is our county clerk and she is talking
21 about something that the county clerk is
22 uniquely qualified in at least commenting
23 upon, the housing market, and everything she
24 said was prior to the disaster, and would
25 only be extremely exacerbated by the

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2 disaster, I would have to agree that county
3 clerk fee increases by the Nassau County
4 Legislature at this time would have a
5 devastating effect on the housing market
6 which, according to Ms. O'Connell, was near
7 collapse even before Hurricane Sandy.

8 Do you a comment?

9 MS. LOCURTO: No. I have no
10 comment. Actually, legislator, I'm here
11 more to speak on behalf of the hearing for
12 the local law which is Item Number 7. I'm
13 pinch hitting, so to speak, unfortunately
14 the clerk could not be hear to speak on this
15 item. I feel uncomfortable speaking on her
16 behalf and making comments for her.

17 LEGISLATOR DENENBERG: The clerk
18 is the person that's supposed to be here
19 speaking on it, I think her letter of
20 October 15th speaks volumes when she opposed
21 it even before the events of the last 30
22 days. Thank you, Legislator Gonsalves.

23 CHAIRWOMAN GONSALVES: Legislator
24 Muscarella.

25 LEGISLATOR MUSCARELLA: Ms.

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2 Locurto, I'm not sure if you know the answer
3 to this, but it seems to me that a number of
4 years ago under a prior administration, when
5 they wanted to raise county clerk fees, the
6 county clerk was similarly opposed to fee
7 increases. Do you any recollection of that?

8 MS. LOCURTO: I do recall that
9 and I do believe I think for a long period
10 of time the fees had been substantially low
11 for a number of years and then it was raised
12 to be more competitive with what the
13 surrounding jurisdictions were charging for
14 the fees.

15 LEGISLATOR MUSCARELLA: And at
16 that time the county clerk's letter and
17 indeed her testimony had no effect on the
18 then majority in raising those fees, do you
19 recall that?

20 MS. LOCURTO: Yes.

21 LEGISLATOR MUSCARELLA: Thank
22 you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Nicoletto.

25 LEGISLATOR NICOLELLO: How much

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2 is the fee increase, is it 75 to \$150; is
3 that correct?

4 MS. LOCURTO: Yes.

5 LEGISLATOR NICOLELLO: I find it
6 difficult to believe that this would have a
7 devastating effect on the housing market or
8 that there would be a single sale of a house
9 that wouldn't go through because of this
10 fee.

11 LEGISLATOR DeRIGGI-WHITTON: Can
12 I just ask one question?

13 CHAIRWOMAN GONSALVES: Legislator
14 DeRiggi-Whitton.

15 LEGISLATOR DeRIGGI-WHITTON: I
16 just see here in the fiscal impact statement
17 that it's estimated that \$5.5 million will
18 be I guess we can say raised through this
19 effort. This isn't a question either, but
20 that is a plea that this additional revenue
21 be put towards our youth services. It's
22 another \$5.5 million.

23 I'm just reiterating it again,
24 it's \$5.5 million just from this one
25 increase. Again I really think this is

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2 money that we could allot to what they need.
3 Thank you.

4 CHAIRWOMAN GONSALVES: Any other
5 comments from the legislators?

6 LEGISLATOR DeRIGGI-WHITTON: Can
7 I just conclude with one other additional
8 thing? We are just basically doing a
9 proposed local law. It's Clerk Item 603-12
10 and we are requesting a local law amending
11 the administrative code of Nassau County
12 with respect to the fees charged by Nassau
13 County and any individual that all these
14 future revenue be allotted to cover youth
15 services. Thank you very much.

16 CHAIRWOMAN GONSALVES: Legislator
17 DeRiggi-Whitton, when we take the vote, you
18 can make that amendment.

19 LEGISLATOR DeRIGGI-WHITTON: I'm
20 just saying it a few times.

21 CHAIRWOMAN GONSALVES: At a
22 hearing it really doesn't necessitate.

23 LEGISLATOR DeRIGGI-WHITTON: I
24 understand, I just think that during a
25 hearing that it's important that we just

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2 state that if we are going along with this
3 type of increase, I would like to have some
4 say as to where the money goes and how it's
5 spent.

6 CHAIRWOMAN GONSALVES: Any public
7 comment?

8 LEGISLATOR DENENBERG: I just
9 have one question Mr. Muscarella or
10 Nicolello can answer?

11 CHAIRWOMAN GONSALVES: Did I
12 recognize you?

13 LEGISLATOR DENENBERG: I'm sorry.

14 CHAIRWOMAN GONSALVES: Go ahead,
15 Legislator Denenberg.

16 LEGISLATOR DENENBERG: The fee
17 after this increase would be \$150?

18 MS. LOCURTO: Yes, legislator.

19 LEGISLATOR DENENBERG: So it
20 would go from \$75 to \$150?

21 MS. LOCURTO: Correct.

22 LEGISLATOR DENENBERG: Previously
23 it went from 10 to \$75 under this
24 administration?

25 MS. LOCURTO: Correct. It had

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2 been \$10 for a number of years and it was
3 completely out of line with the rest of what
4 other jurisdictions were charging for
5 recording fees.

6 LEGISLATOR DENENBERG: So since
7 2010, it went from ten to \$75, then \$75 to
8 \$150?

9 MS. LOCURTO: Yes.

10 LEGISLATOR DENENBERG: So if
11 someone was talking about an increase in the
12 prior administration, that would have been
13 up to \$10. Since then we have gone from 10
14 to maybe \$150 if this is passed? 150
15 percent increase?

16 CHAIRWOMAN GONSALVES: Legislator
17 Muscarella.

18 LEGISLATOR MUSCARELLA: From 10
19 to \$75 is 100 percent increase?

20 LEGISLATOR DENENBERG: 750.

21 CHAIRWOMAN GONSALVES: Listen,
22 hold on.

23 LEGISLATOR DENENBERG: Yes. From
24 this administration, from 10 to 75 and then
25 75 to 150.

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2 CHAIRWOMAN GONSALVES: Guess
3 what? Where is Lisa? I did call for public
4 comment, and there being none, a motion to
5 close the hearing, please.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR KOPEL: Second.

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

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The hearing is closed. Now we go
16 to the next hearing which is I believe Item
17 605, Number 7. Item 7 which is 605-12.
18 Motion, please, to open the hearing.

19 LEGISLATOR VENDITTO: So moved.

20 LEGISLATOR BELESI: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Venditto, seconded by Legislator
23 Belesi. All those in favor of opening up
24 the hearing, signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The hearing is open. It's poor
5 Lisa again. She had such a good time in the
6 previous hearing, she has to do it again.

7 MS. LOCURTO: This local law I'm
8 more versed in and can better answer your
9 questions on. It's a local law to amend our
10 administrative code to create a verification
11 of the section, block, and lot for
12 properties when there is a recording and
13 it's a verification between the tax map and
14 the deeds that are on file in the clerk's
15 office.

16 It is part of an overall program
17 to upgrade our tax assessment system to have
18 better conformity between the tax maps and
19 what deeds are filed in the clerk's office.
20 It will help -- it is also part of our long
21 term plan of updating our GIS system and
22 coordinate with them to make better and more
23 accurate tax maps and give us a better
24 accurate tax map to enable us to make better
25 assessments. So overall it is a law that

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2 will benefit the taxpayers long term.

3 CHAIRWOMAN GONSALVES: Yes.

4 Legislator Kopel.

5 LEGISLATOR KOPEL: Lisa, good
6 afternoon.

7 MS. LOCURTO: Good afternoon,
8 legislator. In other words, the proceeds
9 form this is actually going to be used to
10 support this upgrade in the system?

11 MS. LOCURTO: Yes, it will be.

12 LEGISLATOR KOPEL: And this is
13 going to -- right now we have a system that
14 doesn't differentiate or doesn't correctly
15 identify the tax lots.

16 MS. LOCURTO: To make sure
17 they're consistent.

18 LEGISLATOR KOPEL: What is going
19 to be done?

20 MS. LOCURTO: Nassau County
21 actually is, our tax maps are fairly well
22 drawn, but they may not always be reflected
23 in the tax deeds, and if there's any
24 discrepancy --

25 LEGISLATOR KOPEL: The tax maps

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2 have nothing to do with the deeds though.

3 MS. LOCURTO: No, but it's a
4 verification between when you read the deed
5 that it is consistent with what the tax map
6 says.

7 LEGISLATOR KOPEL: So you're
8 going to have somebody actually doing the
9 meets and bounds and comparing it with the
10 tax maps and making sure it all works out,
11 is that it?

12 MS. LOCURTO: Yes.

13 LEGISLATOR KOPEL: Isn't that
14 being done now?

15 MS. LOCURTO: Not to the extent
16 it should be done or could be done.
17 Therefore, that's what the purpose of this
18 law is, to make sure it's consistent, that
19 the tax maps that are published are
20 consistent.

21 LEGISLATOR KOPEL: And the fees
22 as compared with our surrounding counties?

23 MS. LOCURTO: It is actually
24 consistent if not slightly less than other
25 taxing jurisdictions. We've modeled this

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2 after Suffolk County which currently has the
3 verification out there.

4 I believe, if I'm correct, and
5 I'm doing this from recollection, I think
6 their fee was \$75.

7 LEGISLATOR KOPEL: I know. I'm
8 just trying to get that out. It's not out
9 of line. The revenue that's coming from
10 this fee, it's not a revenue increase, per
11 se, it is really a fee that is strictly
12 being used to enhance and improve our
13 system, right?

14 MS. LOCURTO: Yes.

15 CHAIRWOMAN GONSALVES: Any other
16 questions or statements?

17 LEGISLATOR DeRIGGI-WHITTON: Hi.
18 Again, on that financial impact, it's saying
19 \$3.5 million is going to be raised?

20 MS. LOCURTO: Yes.

21 LEGISLATOR DeRIGGI-WHITTON: What
22 do you anticipate the cost of your
23 upgrading?

24 MS. LOCURTO: Currently, the
25 upgrade will be long term and the money

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2 generated will offset that. I can get the
3 exact figures for you, unfortunately I
4 didn't bring it with me, but I can get you
5 that information, legislator.

6 LEGISLATOR DeRIGGI-WHITTON:
7 Because right now it seems like they're
8 putting that \$3.5 million in the impact, at
9 least it's saying it's going to be new
10 revenue in the general fund.

11 MS. LOCURTO: Correct. I mean,
12 it will take us a bit of time to get up
13 started in, I believe in Suffolk County, and
14 budget is here, they can speak to it more
15 articulately than I can.

16 But in Suffolk County I think
17 they generate a similar amount. We have a
18 consistent high volume here in Nassau
19 County. So it may take us a little bit to
20 get up and running, but if we are
21 consistent, the revenue will increase over
22 time. The revenues generated will be offset
23 by any costs associated with administering
24 and providing this service to the residents.

25 LEGISLATOR DeRIGGI-WHITTON:

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2 Well, just again, to reiterate, the fiscal
3 impact indicates that the \$3.5 million is
4 going to be coming in as revenue. There's
5 no mention of any cost. It's saying for --
6 within the first six months, and then it
7 says within the full year it will be 3.5.
8 So they're anticipating the 3.5 next year
9 and there's no indication just so you know
10 of any expense for upgrading or anything.
11 It's all going right to the budget.

12 MS. LOCURTO: It's going to
13 budget and we are going to have to
14 eventually -- we hope that the revenue will
15 increase and then it will eventually go to
16 our upgrade.

17 LEGISLATOR DeRIGGI-WHITTON:
18 Actually, what they're saying, it's going to
19 yield six and a half million.

20 MS. LOCURTO: Correct.

21 LEGISLATOR DeRIGGI-WHITTON: The
22 first year?

23 MS. LOCURTO: Correct.

24 LEGISLATOR DeRIGGI-WHITTON: And
25 3 million. So the 2013 budget already is

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2 including the \$3 million for --

3 MS. LOCURTO: Right. We
4 anticipate because by the time the
5 applications come in, by the time we go
6 through the process it may be a little bit
7 of time so I think budget built into the
8 fact that it's not going to be hitting the
9 ground right away, but eventually we'll at
10 least take in half the money that we
11 anticipate which is the 3.5 reflected.

12 LEGISLATOR DeRIGGI-WHITTON: So
13 let's say that if it's 3.5 that's going to
14 come in and even if we have to take off --
15 even if we just guess and say it's going to
16 be half a million to upgrade the systems,
17 I'm going to reiterate what Dave Denenberg
18 said, just that there is, again, another \$3
19 million that I would like to see used for
20 youth services.

21 CHAIRWOMAN GONSALVES: Any other
22 comments from any of the legislators?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 There being none, a motion to
3 close the hearing, please.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Walker, seconded by Legislator
8 Dunne. All those in favor of closing the
9 hearing signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion to close the hearing
14 carries unanimously.

15 Now we have another hearing. The
16 next one is the Fire Commission amendments
17 which is Item Number 9. Do we have somebody
18 here before I call a motion?

19 MR. MAY: We have Supervisor
20 Carey Welt to answer questions. I was
21 involved in drafting the legislation. I can
22 answer questions as well.

23 CHAIRWOMAN WALKER: May I have a
24 motion to open the hearing, please?

25 LEGISLATOR MUSCARELLA: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Muscarella, seconded by
5 Legislator Nicolello.

6 MR. WELT: Good afternoon. Carey
7 Welt, Office of Fire Marshall and I would
8 like to extend my congratulations to you on
9 being elected as presiding officer and
10 congratulations to Legislator Venditto also
11 on being elected.

12 CHAIRWOMAN GONSALVES: Thank you
13 very much.

14 MR. WELT: I have a working
15 relationship with Norma over many years.
16 She is my legislator, so it's a pleasure to
17 work with you.

18 As far as the local ordinance
19 that's being changed, there is absolutely no
20 cost to this change. It's not going to cost
21 the county anything. There's no cost to
22 anybody. It's allowing somebody to vote in
23 the absence of someone else. It's the
24 chairman of the fire commission represents a
25 battalion, when the chairman is not at a

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2 meeting, that battalion has no vote. This
3 will allow the vice-chairman to vote in the
4 absence of the commissioner, or the chairman
5 of the battalion.

6 CHAIRWOMAN GONSALVES: Thank you
7 very much, Carey. Any other questions?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of closing the hearing, please signify
13 by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion to close the hearing
18 passes unanimously. I believe we have one
19 more to go. Before we call that hearing, it
20 has to do with Item 669-12 regarding the
21 extension of the Nassau County budget.

22 Before we begin and for the
23 benefit of this hearing, I would like to
24 briefly reiterate some of the discussion
25 that took place at the Rules Committee a

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2 short while ago relevant to this item.

3 By county charter, this
4 legislature is obligated to adopt a budget
5 by October 30th of each year. Since the
6 creation of this body, we have never failed
7 to meet the deadline.

8 However on October 3rd of this
9 year, the body lost its presiding officer to
10 a heart attack and the people of the 12th
11 Legislative District lost a very hard
12 working, dedicated, and effective
13 legislator.

14 The purpose of this law is to
15 delay for this year only, this year only, I
16 repeat, the adoption date of the budget from
17 October 30th until November 30th, so that
18 the people of the 12th Legislative District
19 are able to participate in this very
20 important vote through their newly elected
21 legislator.

22 As I indicated in the Rules
23 Committee, it is my belief that this action
24 can be taken without any cost to the county
25 taxpayers.

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2 I think it is important I say
3 thank you that the record reflect that the
4 Minority Leader Kevan Abrahams did in fact
5 offer to provide the necessary votes to pass
6 the budget and is supporting legislation in
7 a timely fashion. We recognize and
8 appreciate it and know that Peter Schmitt
9 would have also appreciated his very
10 gracious offer.

11 However, we are a representative
12 form of government and it is my belief that
13 we must insure that the entirety of Nassau
14 County be represented with respect to our
15 2013 budget.

16 As in the Rules Committee, I have
17 asked the county attorney's office to
18 address any questions or concerns that
19 members of this body might have and, with
20 that, I will open the floor with questions,
21 if any.

22 I don't believe I opened this
23 hearing. So now I would like to officially
24 open this hearing. May I have a motion,
25 please?

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2 LEGISLATOR MUSCARELLA: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Muscarella, seconded by

6 Legislator Nicolello. All those in favor of

7 opening the hearing signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 I know that Minority Leader Kevan

12 Abrahams has a statement to make.

13 LEGISLATOR ABRAHAMS: I just

14 wanted to have Frank incorporate the record

15 and the statement that I gave on November

16 5th.

17 I'm glad to see that Michael

18 Venditto has joined us here in the

19 legislature and look forward to his vote on

20 the budget, in particular. That's all I

21 wanted to say.

22 (Whereupon, the following are

23 the minutes of the Rules Committee

24 pertaining to Clerk Item 669-12, 11-5-12.)

25 CHAIRWOMAN GONSALVES: Item 669,

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2 a local law to amend the County Charter in
3 relation to tax levies and the county
4 budget.

5 LEGISLATOR ABRAHAMS: Thank you,
6 Presiding Officer Gonsalves.

7 I would like to state today, for the
8 record, that this proposed amendment to the
9 County Charter is completely unnecessary.
10 Following the tragic and untimely death of
11 Presiding Officer Peter Schmitt and before
12 any of us heard of Hurricane Sandy, our
13 caucus had reached out to the county
14 executive and expressed a willingness to
15 work in a bipartisan fashion to pass the
16 2013 budget by the October 30 deadline, as
17 state in our Charter.

18 To this date, our overtures were
19 ignored and disregarded, and any mandated
20 legislative action regarding the 2013 budget
21 were either cancelled or postponed. Again,
22 this occurred well before Sandy was even a
23 blip on the radar.

24 It is clear that this legislative item
25 before us today would violate the Charter.

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2 Unfortunately, this is an example of the way
3 this administration and, unfortunately, my
4 colleagues to the right of this Legislature,
5 have decided to operate our government when
6 they don't like the rules of the game. They
7 just vote to change the rules of the game
8 retroactively.

9 Such was the case with the King/Mangano
10 Law, which was ultimately struck down by our
11 federal court. This is contrary to the
12 basic concept of the rule of law, which is
13 about playing by the rules.

14 This proposed Charter amendment weakens
15 and undermines our respect for the basic
16 blueprint of our county government. This is
17 wrong, sad, and especially in the time when
18 our residents expect and demand that all
19 sides communicate and work together. On
20 this item, we will vote no.

21 Thank you.

22 CHAIRWOMAN GONSALVES: Thank you, Mr.
23 Abrahams.

24 (Whereupon, the following is the
25 continuation of the minutes of the Full

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2 Legislative Committee, 11-19-12.)

3 CHAIRWOMAN GONSALVES: And I do
4 say, I did recognize the fact that you did
5 make a gesture, and a very serious one,
6 right after the passing of Peter Schmitt.
7 Again, I thank you for that on behalf of the
8 legislature. Any comments regarding this
9 Item 669-12?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

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

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The hearing is closed. That
19 passes unanimously. At this point in time,
20 it's been requested, and I think everybody
21 sitting out there would like to stretch a
22 little bit. Kevan Abrahams, the minority
23 leader, has asked if we just take a brief
24 recess. Bear with us. What's brief? 10,
25 15 minutes?

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2 (Whereupon, the Full Legislative
3 Committee recessed at 3:55 p.m. and
4 reconvened at 4:25 p.m.)

5 CHAIRWOMAN GONSALVES: Everybody
6 take their seats. It's time now to call the
7 votes on the various items that were
8 presented in the hearings.

9 I believe at this time we're
10 going to call each one of them separately as
11 requested by Minority Leader Kevan Abrahams.
12 So we are going to do one at a time and we
13 are going to move forward.

14 At this time we are going to call
15 the first five items that had to do with the
16 hearings, seven items. But we're going to
17 call two of them separately. The ones that
18 we are going to call separately would be
19 item 665-12. A motion, please.

20 LEGISLATOR BECKER: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Becker, seconded by Legislator
24 Nicoletto. That's the vote on the fire
25 commission whereby in the absence of the

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2 chairperson the vice-chairperson would have
3 the right to vote in his absence; is that
4 correct?

5 MR. WELT: Yes.

6 CHAIRWOMAN GONSALVES: Any
7 questions regarding that particular item?

8 (No verbal response.)

9 Is there any public comment
10 regarding that?

11 (No verbal response.)

12 All those in favor of the item
13 dealing with the fire commissioner signify
14 by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The motion passes unanimously.
19 Mr. Welt, it's okay. You can go home now.
20 The other item was the item having to do
21 with 669 late budget extender. A motion,
22 please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR FORD: Second.

25 CHAIRWOMAN GONSALVES: Moved by

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2 Legislator Dunne, seconded by Legislator
3 Ford. Any comments regarding all this? I
4 think it was all said.

5 (No verbal response.)

6 No public comment I presume? I
7 shouldn't be so presumptuous, but anyway, I
8 will ask for public comment.

9 (No verbal response.)

10 There being none, all those in
11 favor of Item 669-12 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 So we gave nine nays and ten
16 ayes. Motion carries ten to nine.

17 Now we're going to each of the
18 other items. The first item which is the
19 result of the hearing is item 599-12
20 pertaining to fees regarding electronic and
21 home appliance repair. Motion, please.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR BELESI: Second.

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

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2 Belesi.

3 LEGISLATOR DENENBERG: Motion to
4 amend.

5 CHAIRWOMAN GONSALVES: Motion to
6 amend.

7 LEGISLATOR DENENBERG: The
8 amendment is that all fees collected
9 pursuant to this section shall be utilized
10 solely to provide funding for contracts
11 approved by the Nassau County Legislature
12 between the contract agencies and Nassau
13 County on behalf of the Office of Youth
14 Services, Office of the Aging, Office of
15 Physically Challenged, Office of Mental
16 Health, Chemical and Developmental
17 Disabilities, and Veteran Service Agency.

18 CHAIRWOMAN GONSALVES: I need to
19 know, does that amendment apply to all of
20 these items?

21 LEGISLATOR DENENBERG: Yes, that
22 amendment applies to each item.

23 CHAIRWOMAN GONSALVES: You're not
24 going to introduce it again, correct? I
25 need a second for that.

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2 LEGISLATOR DERIGGI-WHITTON: I'll
3 second that.

4 LEGISLATOR DENENBERG: Can we
5 call them all together then? We filed them.
6 I'm moving for all of them. Going to make
7 the amendment on each. Calling the vote the
8 same day as the hearing so I'm going to make
9 the amendment on each, make the motion on
10 each. So then I'll make a motion to table
11 the item until we can hear my amendment.

12 Stay on the same page at the same
13 time. So I'm assuming, and maybe not so --
14 hold on. You want 599, 600, 601, 602, 604,
15 607, correct?

16 LEGISLATOR DENENBERG: Yes.

17 CHAIRWOMAN GONSALVES: Don't mind
18 the confusion up here. We have to be on the
19 same page at the same time. Are we on the
20 same page at the same time? I hope so.

21 So now we're going to do all
22 those items that deal with consumer affairs,
23 correct? They are 599, 600, 601, 602, 604
24 and 607. Motion, please.

25 LEGISLATOR MUSCARELLA: So moved.

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2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Muscarella, seconded by
5 Legislator Nicolello.

6 LEGISLATOR DENENBERG: I'm going
7 to make a motion to table so we can consider
8 an amendment for the money -- the revenue to
9 go to youth board agencies.

10 CHAIRWOMAN GONSALVES: Is there a
11 second?

12 LEGISLATOR WINK: Second.

13 CHAIRWOMAN GONSALVES: Seconded
14 by Legislator Wink. All those in favor of
15 the motion to table these items signify by
16 saying aye.

17 (Aye.)

18 Those opposed signify by saying
19 nay.

20 (Nay.)

21 Sorry about that, but it's 10 to
22 9. Now I think we're getting a little
23 punchy. Now we have to vote on the items
24 that I just mentioned 599, 600, 601, 602,
25 604, 607. All those in favor of those items

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2 please signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 The motion carries 10 to 9.

7 Now we have two items that deal
8 with the clerk's office. This Item 603 and
9 605. May I have a motion, please?

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR DUNNE: Second.

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

15 LEGISLATOR DENENBERG: To the
16 presiding officer, we filed an amendment
17 with respect to both of these items, my
18 motion to amend and the amendment are for
19 the fees collected to be utilized for
20 funding for contracts between contract
21 agencies and the county for the Offices of
22 Youth Services, Aging, Physically
23 Challenged, Mental Health, Chemical and
24 Developmental Disabilities and Veteran
25 Services.

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2 CHAIRWOMAN GONSALVES: We are
3 going to vote on the amendment first.

4 LEGISLATOR DeRIGGI-WHITTON:
5 Second.

6 CHAIRWOMAN WALKER: All those in
7 favor of the amendments signify by saying
8 aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 Sorry. Very predictable. 10 to
13 9. A vote on 603 and 605. All those in
14 favor of those two items signify by saying
15 aye?

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The items pass 10 to 9.

20 I believe that is all of the
21 business of today's calendar.

22 We are now opening a hearing on
23 the county budget which is Item 609.

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. All those in favor of opening the
5 hearing on the budget please indicate by
6 saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 We now have an array of people
11 who are going to speak on the budget; is
12 that correct?

13 MR. MAY: That is correct.

14 CHAIRWOMAN GONSALVES: I think I
15 have a list of people who are going to do
16 so. I think it's up to you, Mr. May, to
17 bring those people to the floor.

18 I believe that it's going
19 Mr. Sullivan, the deputy county executive,
20 who is in charge of finance.

21 MR. MAY: That is correct. He
22 should be making his way up right now.

23 CHAIRWOMAN GONSALVES: County
24 Executive Tim Sullivan, please introduce the
25 other members of your team.

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2 MR. SULLIVAN: Thank you,
3 Presiding Officer Gonsalves. To my right is
4 Acting Budget Director Roseann D'Allewa. To
5 my left is Assistant Deputy County Executive
6 for Finance Randy Ghisone.

7 I want to thank you and
8 congratulate you, Norma, on your appointment
9 as presiding officer.

10 CHAIRWOMAN GONSALVES: Thank you
11 very much.

12 MR. SULLIVAN: And Minority
13 Leader Kevan Abrahams.

14 At this time we just want to do a
15 brief present just to give you sort of an
16 overview of the proposed budget and then
17 obviously, after we do the presentation, I
18 will be here to answer questions as long as
19 you want.

20 I really just wanted to start the
21 presentation, it's going to be broken into
22 three parts, and, again, it's going to be a
23 fairly quick presentation, accomplishments
24 of the administration, the 2013 budget, and
25 then a brief discussion on what's happening

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2 with tax certioraris.

3 We talk about where the county
4 has been 2010 through 2012. I think the
5 main highlights here are summarized in the
6 five bullets that we have here. The main
7 expense reduction driver has been the
8 reduction in the county workforce by almost
9 20 percent to the county's lowest head count
10 level in several decades.

11 As far as I can tell, doing any
12 research the county head count has never
13 been this low, and I think anyone that has
14 been here a while is aware of that.

15 That coupled with NIFA wage
16 freeze, which took effect March 24th, 2011,
17 has led to substantial savings on the
18 expense budget.

19 During 2012 we are in the process
20 of consolidating the police precincts from
21 eight down to four precincts. As you know,
22 98 police officers were attrited. They took
23 advantage of a voluntary separation
24 incentive program. On an annual basis, we
25 think that saves 18 to \$19 million, and for

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2 2012 approximately \$12 million.

3 The county guaranty, legislation
4 was put forward which eliminated the county
5 guaranty for tax certiorari judgments and
6 settlements. That was in Supreme Court and
7 now it's on appeal.

8 A public private partnership was
9 established for the delivery of bus service
10 and finally we created a second public
11 private partnership for the delivery of
12 healthcare services at the correctional
13 center.

14 At this point I just want to go
15 into the 2013 budget. The first point I
16 want to discuss is the risk identified by
17 the monitors. As you can see from the chart
18 here, this is a substantially lower level of
19 risk that was identified by the monitors.
20 Everyone is in the \$60 million range. This
21 is something that, for budget things, we are
22 actually pretty comfortable with. We feel
23 this is a modest level of risk.

24 I know that the Office of
25 Legislative Budget Review also sided

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2 opportunities of approximately \$18 million
3 and we think this is a manageable budget.
4 It's a tight budget. Again, it's something
5 that we are going to have to manage
6 extremely aggressively but it's something
7 that I think, from the oversight community,
8 and in consult with the rating agencies that
9 we spoke with as well, this is a budget that
10 has been well received to date.

11 When you look at the budget it's
12 a \$2.8 billion budget, the exact number is
13 2.791, which is a slight decrease of \$2
14 million from last year's adopted budget.

15 Again, when you look at the chart
16 the lion's share of the cost or salaries and
17 wages is 46 percent of the budget.
18 Entitlements, which are comprised of various
19 programs such as Medicaid, Early
20 Intervention, Food Stamps, Day Care, that
21 accounts for 22 percent of the county's
22 budget.

23 The next largest segment is our
24 OTPS expense which incorporates our
25 contracts or equipment and our general

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2 expenses. That's 14 percent.

3 Debt service. The county and
4 NIFA debt comprise 13 percent of the
5 county's budget. Again, I think of that as
6 a pretty front loaded stream. So this is
7 something over time, especially with NIFA,
8 NIFA hasn't been going to the market lately.
9 They did a refunding this year. But that is
10 really the lion's share of our debt, NIFA
11 debt. The debt will be at its peak in
12 2012-2013, and I think we're going to see
13 some relief in the out-years as that debt
14 comes to maturity and is paid off.

15 Finally, mass transportation, the
16 Veolia contract bus service, station
17 maintenance for the MTA, that accounts for
18 five percent of our total budget.

19 When people say costs are not
20 increasing, that's absolutely true with
21 respect to salaries, as there has been a
22 salary freeze on since March 24, 2011. What
23 is going up rapidly, as you can see from the
24 next slide, some of our fringe benefit
25 costs. This is the mandated pension bill.

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2 Obviously the governor created tier six back
3 in the spring which has sliding scale rates
4 for contribution starting at three percent
5 for those earning less than \$45,000.
6 Escalating I believe it's over \$100,000 up
7 to six percent for employee contributions.
8 They raised the retirement age one year.

9 But, still, in all of this, you
10 can see the cost. Pensions have doubled in
11 the last three years. That's an enormous
12 hit on our budget and it's put a lot of
13 pressure on our finances.

14 Health insurance. Health
15 insurance in 2013 is projected to exceed
16 \$20,000 on the family plan which is the most
17 commonly used, the Empire Family Plan here
18 in the county. Again, that's a 260 to \$270
19 million range of county expenses for both
20 our active and retirees. Again, an enormous
21 part of the budget that is subject to pretty
22 rapid escalation.

23 We talk about the expense
24 reduction drivers, as stated previously, the
25 workforce management I think has been so far

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2 to date the largest controller on our
3 expense budget. I stated the county's head
4 count, the lowest in several decades, and I
5 think it's -- again, I haven't found a
6 number lower going back 30, 40 years.

7 The wage freeze implemented March
8 24th, obviously the head count has gone down
9 substantially and there's a slide, we will
10 show you briefly, and the savings from the
11 reduced police overtime, a slight reduction
12 there.

13 The next slide shows workforce
14 management. It shows you the adopted levels
15 for the past five years. Starting with 9177
16 in 2009, and for 2012, we had an adopted
17 number of 7395 and we held that constant for
18 2013.

19 Again, our current head count
20 right now 7420, so we know there is going to
21 be I believe 37 correction employees that
22 will be leaving in December. So by year's
23 end, we will be below the 7395, but that is
24 something right now, we are not seeking -- I
25 think that we're at a point now, especially

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2 in the aftermath of Hurricane Sandy and the
3 stress on the employees and the parks
4 workers, our public works' workers have been
5 going around the clock nonstop. Our OEM
6 workers, our police, and, really, people are
7 putting in a ton of hours and there's
8 enormous stress on the workforce here so I
9 don't believe at this point we're going to
10 be looking, really, just to keep the head
11 count constant I think is the challenge at
12 this point.

13 Next we'll talk about the
14 revenues. Again, it's 2.791, so \$2.8
15 billion. The major source of revenue is
16 sales tax which is budgeted, 1,121,000,000.
17 It's been a very positive undertaking for
18 2012. Right now we are projecting 25 to 30
19 million dollars of surplus.

20 Obviously the storm has created
21 some uncertainty with respect to sales tax
22 and it really depends on who you read, which
23 metric service you read. Obviously there is
24 a feeling for the first week or two, sales
25 were depressed, gas stations were closed,

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2 but at the same time we saw restaurants
3 really backed up, auto sales, durables, are
4 going to have to be replaced, and if anyone
5 -- I'm sure everyone here had their own
6 issues if you went to a Home Depot or Lowes,
7 or any store, the shelves were fairly picked
8 clean. I know I was looking for a saw
9 because I'm not that handy and I still don't
10 have one.

11 The next is property tax which is
12 29 percent, that levy, and that is unchanged
13 from the past three years. It's a constant
14 tier. It's \$805 million. That's 29 percent
15 of the budget.

16 The next largest is state and
17 federal aid which is 14 percent. Again,
18 this is largely made up of reimbursable
19 expenses from our expense budget from both
20 the federal and state government.
21 Departmental revenue is a smaller sector
22 there and that's six percent.

23 The next slide is just a brief
24 discussion on sales tax. As you can see,
25 the budget we are anticipating for 2012 that

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2 we are going to have, again, a 25 to \$30
3 million surplus. This graph here shows, I
4 guess when you go back to 2007-2008,
5 obviously after the economic recession did
6 hit, there was a huge undertaking, if I
7 recall, the last check -- I believe it was
8 in 2008 of that year which would have been
9 the winter of 2009 was drastically down.
10 The county has still not recovered, and what
11 the red line shows you here is, if the sales
12 tax had grown -- excuse me, the yellow line.
13 The yellow line is what would have happened
14 had the sales tax continued to grow at
15 three, three and a half percent. You can
16 see the red line, the actual results where
17 we are to date.

18 So, again, the gap for 2013 is
19 projected to be \$138 million. The good
20 news, if there is good news, the silver
21 lining in this, I think when I spoke last
22 year, I think that gap was somewhere around
23 160, \$165 million.

24 So, again, our performance in
25 2012, the county is recovering somewhat.

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2 Our year to date sales receipts are up five
3 percent. So it's a very strong number.
4 That's something that I really think is
5 really helping with some of the pain that
6 all county governments are sustaining at
7 this time.

8 Again, this is something that
9 we're really just stating the obvious here,
10 the revenue items that we submitted today
11 are under county control, they were just
12 considered before this legislature.

13 Again, in 2012, we increased the
14 TPVA administrative fee for ticket
15 processing and we are starting to allow red
16 light cameras at this point as well. I
17 believe there are 162 now. It's 166. We
18 were at 152. 14 new intersections, so we
19 got new cameras. So we have 166 now.

20 So, again, this is something that
21 is going to bring new revenue into the
22 county.

23 Finally, just a brief discussion
24 on tax certiorari, where we are right now.
25 This is a scar. As you can see, tremendous

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2 job by the county attorney's office that,
3 you know, for the past seven or eight years
4 prior to that, we averaged approximately \$20
5 million on small claims that hit. And in
6 the 2011-2012 school year, it was \$1.5
7 million, and this year it was zero. So
8 that's something we've worked -- our county
9 attorney's department did. They deserve the
10 credit on this. They worked diligently to
11 get this -- to get it finalized, the changes
12 made before the roll was final and I think
13 this was the first year in memory that the
14 county will have no claims resulting from
15 small claims from the residential. So this
16 is good news.

17 That's the presentation here. I
18 will here for questions. Thank you very
19 much.

20 CHAIRWOMAN GONSALVES: Any
21 questions of Mr. Sullivan? Legislator Ford.

22 LEGISLATOR FORD: Good evening.

23 MR. SULLIVAN: Good evening,
24 legislator.

25 LEGISLATOR FORD: Thank you very

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2 much for your presentation. I just have a
3 few questions. I'm sorry I wasn't here for
4 the other hearings. Okay? But I'm going to
5 be all over with different things but
6 hopefully this will go fast.

7 Of course youth services, that is
8 something that I'd like to see, you know,
9 and I know that there is a line in the
10 budget to fund youth services for 2013
11 correct?

12 MR. SULLIVAN: Yes.

13 LEGISLATOR FORD: How much is
14 that?

15 MR. SULLIVAN: In the proposed
16 budget it was \$1.9 million and I believe
17 there is an amendment that may increase
18 that.

19 LEGISLATOR FORD: So we will be
20 increasing it to a comfortable level?

21 MR. SULLIVAN: Yes. I believe \$4
22 million.

23 LEGISLATOR FORD: It will be
24 dedicated.

25 MR. SULLIVAN: It will be for

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2 youth programs, yes.

3 LEGISLATOR FORD: So that it will
4 be, the funding will remain the same. But
5 with something like that, if we have a
6 certain amount which will be allocated to
7 this line for the youth services, that does
8 preclude us if we end up with a better than
9 expected sales tax or like 2013 proves to be
10 a more lucrative year, that we would be able
11 to increase the amount into that line?

12 MR. SULLIVAN: This legislature
13 always has the right to amend the budget,
14 yes.

15 LEGISLATOR FORD: Thank you. The
16 red light cameras, I know that we are
17 increasing them. Were many of them out of
18 service during the power outage from the
19 past two weeks?

20 MR. SULLIVAN: Sure. I'm going
21 to let Roseann speak to that. I know we did
22 have some outages, and, believe it or not,
23 some strange results, but initial feedback
24 I'm going to let Roseann speak.

25 MS. D'ALLEVA: For day one, there

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2 was 115 cameras out. I believe as of last
3 week, we had 18 cameras still not
4 functioning.

5 LEGISLATOR FORD: So basically
6 then, there were no tickets issued?

7 MS. D'ALLEVA: Yes, but we're --
8 first of all, we're having a little bit of a
9 strange result. I think there were plenty
10 of out of towners that basically do not know
11 where the cameras are, we are seeing a
12 higher issuance on the remaining cameras.

13 MR. SULLIVAN: We have
14 preliminary data, but we were shocked. We
15 were scrubbing the data, but it seems, as
16 Roseann said, there were the people that
17 were new to the area. It's not a bad thing.

18 LEGISLATOR FORD: And thankfully
19 they didn't hit anyone either.

20 MR. SULLIVAN: Right.

21 LEGISLATOR FORD: In regard to
22 the police overtime, I believe you said it
23 was down for the year, but considering now
24 the fact that because of the blackouts, the
25 power outages, neighborhoods were in the

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2 dark, the police, of course, rightfully so,
3 increased their patrols. I believe the
4 officers may have been working 12 hour
5 shifts.

6 MR. SULLIVAN: There is going to
7 be extensive overtime, correct.

8 LEGISLATOR FORD: Since that
9 would basically be, we would have to pay for
10 that right now, is that something that would
11 be covered under FEMA and we would be able
12 to recoup some of that money?

13 MR. SULLIVAN: Yes. It's our
14 understanding that these costs are
15 reimbursable from FEMA. I would say the
16 funding level I don't think has been decided
17 yet. You know, the initial split should be
18 35/25 is sort of the stock answer. But on
19 the first -- the categories As and Bs, which
20 are debris removal and some of the upfront
21 more critical needs, you're probably going
22 to get a 90/10 split or possibly even 100
23 percent.

24 I know Governor Cuomo has asked
25 the federal government for 100 percent

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2 funding. So no decision has been reached
3 but obviously there will be at minimum 75
4 percent and that's minimal.

5 LEGISLATOR FORD: Would that also
6 pertain then to the other like overtime that
7 was incurred basically by a lot of our CSEA,
8 like DPW --

9 MR. SULLIVAN: Most assuredly.

10 LEGISLATOR FORD: So every one in
11 the unit but like those, the correction
12 officers I'm sure that a lot of them had to
13 work overtime in the jail as well, so --

14 MR. SULLIVAN: Parks workers,
15 probation.

16 MS. D'ALLEVA: DPW.

17 MR. SULLIVAN: Lots of staff.

18 LEGISLATOR FORD: Thank you.

19 Basically my last would be in regard to the
20 school crossing guards. I wasn't here for
21 public safety. That is an issue that is
22 very near and dear to my heart.

23 I'm asking you if you could think
24 -- I don't believe that we reduced the
25 number of school crossing guards.

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2 MR. SULLIVAN: My understanding,
3 and I would defer to the police department
4 who is here and they'll probably speak
5 later, but I don't believe there has been
6 any sort of reduction unless there was some
7 intersection that was not seeing any volume.

8 LEGISLATOR FORD: Then I will
9 withhold my question for them. I thank you
10 very much.

11 MR. SULLIVAN: Thank you,
12 legislator.

13 CHAIRWOMAN GONSALVES:
14 Legislator Kopel.

15 LEGISLATOR KOPEL: Good
16 afternoon, Tim. Just following up on
17 something you were just talking about, that
18 25 percent or 15 percent or whatever number
19 that it works out to be, that's still going
20 to be a big number, won't it?

21 MR. SULLIVAN: Correct. We were
22 fortunate last year. The split on Hurricane
23 Irene was 75 percent feds, and it was going
24 to be 12 and a half percent state, and 12
25 and half percent local share here with the

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2 county. And, in actuality, the state
3 stepped in and picked up that 12 and a half
4 percent so there was no cost to the county
5 last year.

6 LEGISLATOR KOPEL: Are you
7 anticipating that that might happen again?

8 MR. SULLIVAN: We're hoping.

9 LEGISLATOR KOPEL: If it doesn't,
10 it kind of explodes the budget?

11 MR. SULLIVAN: It would be a big
12 hit, yes.

13 LEGISLATOR KOPEL: Do you have
14 any contingency plans on how we might deal
15 with that?

16 MR. SULLIVAN: Yes. I mean, the
17 most difficult thing for us up front will be
18 obviously looking at the cash of the county
19 because, as I think Legislator Ford just
20 said, we have to provide these services now.
21 Police department officers are out there
22 now, so we have to make payroll.

23 MR. SULLIVAN: How are you
24 handling the cash aspect of it now because I
25 guess the reimbursement can take quite a few

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2 months, can't it?

3 MR. SULLIVAN: Yes. We are
4 working with FEMA, twofold, number one, the
5 federal employees are saying that they would
6 look to turn this around in 30 to 45 days.
7 We also filed an application for what they
8 call INF funding, which is immediate needs
9 funding. At the same time, I've increased,
10 or will be increasing my request for TAN
11 borrowing by \$20 million, just for liquidity
12 purposes just to keep things going.

13 LEGISLATOR KOPEL: I see that
14 you've got a virtual doubling of state --
15 well, you've got a tremendous increase in
16 mandate costs from the state, and I guess
17 from the feds as well. You've got a
18 doubling, for instance, and mandated pension
19 costs?

20 MR. SULLIVAN: Yes. Over three
21 years.

22 LEGISLATOR KOPEL: I suppose
23 you've got a lot of other mandate increases?

24 MR. SULLIVAN: Yes. Some of the
25 social service costs and things like that

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2 are starting to flatten out a little as the
3 economy recovers, so that's fortunate. But
4 in essence, there are huge drivers there on
5 these mandated costs, early intervention,
6 Medicaid, food stamps, day care.

7 LEGISLATOR KOPEL: Have state and
8 federal aid at all increased to keep pace at
9 least somewhat?

10 MR. SULLIVAN: Not on a percentage
11 basis, no.

12 LEGISLATOR KOPEL: How much of
13 these are new mandates?

14 MR. SULLIVAN: I don't know if
15 there are what I would call brand new
16 mandates, I would have to research that, but
17 obviously the existing mandates are
18 extensive. I think most county governments,
19 with NYSAC leading the way, look for relief
20 from the current mandates, which are pretty
21 burdensome.

22 Last year, they somewhat
23 reallocated the formula between TANF and
24 Safety Net. Safety Net is basically the
25 phase two. When public assistance people

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2 come off TANF, they go on to Safety Net. So
3 at some point the state kind of shifted the
4 burden more toward Safety Net where they
5 pick up 100 percent of TANF, so what happens
6 then, when these employees pass through,
7 it's going to be in the pipeline and then we
8 absorb them in the Safety Net program. So
9 we are forecasting that that will give some
10 additional cost to the county.

11 LEGISLATOR KOPEL: What is going
12 to happen as a result of the healthcare law
13 which looks like it will be going into the
14 effect, will that have an effect on the
15 county?

16 MR. SULLIVAN: It will have an
17 impact I think at this point. It's sort of
18 mixed and people are still trying to
19 decipher through it. Obviously, a lot of
20 states, governors are opting out of certain
21 provisions and things like that. So it's at
22 this point -- obviously it will have an
23 impact on NHCC.

24 LEGISLATOR KOPEL: Is it possible
25 simply to shift virtually everyone to the

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2 federal program and pay -- the local
3 businesses have to pay a fine. I'm not sure
4 what happens with governments.

5 LEGISLATOR KOPEL: What if you
6 simply discontinued it and just shifted
7 everyone, I'm just wondering, is that a
8 possibility?

9 MR. SULLIVAN: Discontinue the --
10 there are contractual issues in our labor
11 agreements as well, so we could not do that
12 at this time.

13 LEGISLATOR KOPEL: Okay. Just
14 wondering. On the tax certiorari, we are
15 talking about the residential. Why aren't
16 we doing the commercial since that's the
17 much larger piece anyway, are we engaging in
18 the same strenuous effort?

19 MR. SULLIVAN: I believe, yes,
20 the county attorney's office can speak to
21 that. I mean, the issue there becomes, as
22 you are aware, last year I believe the
23 comptroller closed with an anticipated
24 backlog of \$223 million, and this year I've
25 heard him speak that it may be over 300 the

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2 end of this year. The issue becomes, where
3 are the funds coming to pay this.

4 LEGISLATOR KOPEL: But to some
5 extent, the county guaranty ought to
6 mitigate a great deal of that.

7 MR. SULLIVAN: Prospectively.

8 LEGISLATOR KOPEL: Prospectively
9 on the newer thing going forward?

10 MR. SULLIVAN: Right.

11 LEGISLATOR KOPEL: And that's
12 what we're talking about, that settlement --
13 well, the settlement program you're talking
14 about older stuff.

15 MR. SULLIVAN: Yes.

16 LEGISLATOR KOPEL: But
17 prospectively --

18 MR. SULLIVAN: And, again, it's
19 going to take, prospectively, it will be
20 typically a commercial business might file a
21 five year cert, so year one, the year
22 closest to the date, would be the split, say
23 85/15, if you want to use that relationship,
24 but all the prior years would still be 100
25 percent absorbed by the county.

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2 LEGISLATOR KOPEL: I understand.

3 MR. SULLIVAN: So it's going to
4 take three, four, five years before you
5 really start seeing meaningful relief.

6 LEGISLATOR KOPEL: Well, we
7 should some very significant relief, should
8 we not, in the out-years?

9 MR. SULLIVAN: Yes.

10 LEGISLATOR KOPEL: That's it.
11 Thank you.

12 CHAIRWOMAN GONSALVES: Legislator
13 Abrahams.

14 LEGISLATOR ABRAHAMS: Tim, real
15 quick. I just have a point of clarity. I
16 know as we've seen your amendments and I'm
17 glad you were able to give some
18 clarification in regard to the money that's
19 being allocated for youth services. I just
20 want to make sure -- I don't know if this
21 has to be something directed towards the
22 youth board, so if I'm understanding this
23 correctly, we're adding \$2 million back for
24 a total of \$4 million. Is that \$4 million
25 to be given to the agencies over the course

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2 of 12 months or six months?

3 MR. SULLIVAN: I believe that's
4 the budgeted number. So that would be for
5 12 months unless there was a change.

6 LEGISLATOR ABRAHAMS: So
7 basically the cut is now just for half,
8 being cut in half but the agency should
9 expect to be contracted for the entire year?

10 MR. SULLIVAN: There's \$4 million
11 allocated, yes.

12 LEGISLATOR ABRAHAMS: Is that
13 upon the discretion of the youth board to
14 say if they wanted to shorten it to six
15 months, is that possible?

16 MR. SULLIVAN: I'm sorry?

17 LEGISLATOR ABRAHAMS: If the
18 youth board wanted to shorten it and decide
19 to fund the contract, the agencies for six
20 months, do they that discretion or is it the
21 understanding of the administration that
22 this will go forward for 12 months?

23 MR. SULLIVAN: When I put a
24 budget together, the numbers are to cover
25 the cost for the entire year.

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2 LEGISLATOR ABRAHAMS: Okay. What
3 is that?

4 MR. SULLIVAN: \$2 million, and
5 you're correct, sir, that \$2 million, I
6 think amendment, and to add an additional \$2
7 million.

8 LEGISLATOR ABRAHAMS: That's
9 fair. I just want to make sure -- okay,
10 Lisa is here. I see her. So you're off the
11 hot seat with me. Thank you, Tim.

12 CHAIRWOMAN GONSALVES: I was
13 remiss in not calling Legislator Nicoletto.
14 I'm sorry, Legislator Wink.

15 LEGISLATOR NICOLELLO: Not a
16 problem. Thank you, presiding officer.
17 Something struck me with respect to the red
18 light cameras and the out of towners that
19 you think may have been --

20 MR. SULLIVAN: The initial run on
21 the data, I was expecting a pretty
22 substantial hit. The initial feedback and
23 consult with folks at traffic and parking is
24 a little unclear at this point, but it
25 didn't show a downward thing, so we are

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2 reviewing the data at this point.

3 LEGISLATOR NICOLELLO: So I was
4 just curious whether that would be utility
5 trucks?

6 MR. SULLIVAN: I'm thinking yes.

7 LEGISLATOR NICOLELLO: So these
8 people came out to help us, and --

9 MR. SULLIVAN: We are surmising
10 that. We don't have any proof yet. We
11 haven't seen the videos.

12 LEGISLATOR NICOLELLO: The risks
13 that you have in the graph that you
14 proposed, obviously with the passing of the
15 fees by this legislature, it reduces the
16 risk amount; is that correct?

17 MR. SULLIVAN: That's correct,
18 sir.

19 LEGISLATOR NICOLELLO: So what
20 are we looking at? What has been identified
21 as risks?

22 MR. SULLIVAN: All of those items
23 were identified as risks, anything that
24 comes before this body. I think that all
25 three monitors would look at that risk.

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2 Another item would be the bonding of police
3 termination pay. As we all know, police
4 termination pay is a large expense and we
5 have state legislation which enables us to
6 finance this and that is something we would
7 be looking to do and seek the approval of
8 this body and NIFA on that.

9 LEGISLATOR NICOLELLO: But what
10 would you say the total number is now that's
11 been identified by the monitors?

12 MR. SULLIVAN: It's probably
13 down, I'm guess \$10 million or so, if not
14 more from that.

15 LEGISLATOR NICOLELLO: How do we
16 accomplish that much from 2012 to 2013 in
17 terms of reducing the risks that are being
18 identified by the independent reviewers?

19 LEGISLATOR NICOLELLO: Again, I
20 look at risk as it's really what seat you're
21 sitting in. If you ask the monitors now
22 where we are going to finish 2012, their
23 numbers would be more pessimistic than me.
24 I think there's a way, I think we can come
25 on balance, but it's a very tight year.

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2 We're going to be right around fiscal
3 balance and, if some things break, again,
4 sales tax or something at this point, you
5 know, you can see people that are saying
6 it's going to be a pretty substantial impact
7 negative.

8 There are people that are saying
9 it's going to be a very good pickup. So at
10 this point in time I think we're not going
11 to see these results until late in December,
12 January, and even into February.

13 But at this point of the year, to
14 be frank, there are some things you can
15 manage, but the year is '11, '12 is through,
16 so at this point in time, there is not much
17 action that can be done to really have
18 monumental impact, but in our forecast, we
19 were showing \$11 million projected deficit
20 and offered some -- that's our October
21 actuals that are coming out on Wednesday,
22 which is fairly consistent to our September
23 numbers. There's not a heck of a lot of
24 change.

25 So we have been right around

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2 there and we think there are some capital
3 projects that can be closed out and some
4 other items to get us to fiscal balance in
5 2012.

6 LEGISLATOR NICOLELLO: The
7 projected sales tax increase percentage-wise
8 is in the budget, what's the number?

9 MR. SULLIVAN: Year over year
10 it's four percent. It's 3.7 or 4, depending
11 on how you look at it. But I'll settle for
12 the 4.

13 LEGISLATOR NICOLELLO: 2012, what
14 is the projected sales tax increase
15 percentage-wise?

16 MR. SULLIVAN: Year to date,
17 right now, we're five percent over budget,
18 year over year.

19 LEGISLATOR NICOLELLO: So you're
20 projecting next year that it will be a
21 percent lower?

22 MR. SULLIVAN: Yes.

23 LEGISLATOR NICOLELLO: Do you
24 believe the four percent is sustainable, or
25 the 3.7?

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2 MR. SULLIVAN: Yes. And a good
3 thing too is, when we go out with our
4 projections for the remainder of this year,
5 if we get a boost at the end of this year
6 that really inflates your base from which
7 you start 2013. So I think we were somewhat
8 conservative.

9 For the remaining checks I
10 believe we ran out at two or three percent
11 because we didn't want to assume that we
12 were going to continue to go at five, so we
13 took a little more of a conservative
14 platform there, so I think overall the
15 number is solid. And I think the risk that
16 I saw pointed up at some of the monitors,
17 well, you would have been better off with
18 three and a half, but three and half four,
19 it's -- people can agree to disagree on that
20 sort of split.

21 LEGISLATOR NICOLELLO: The
22 increasing costs for pension based on your
23 numbers is projected at \$27 million. Health
24 insurance is at \$15 million. So just there
25 alone, the increased costs of \$42 million,

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2 and yet the budget is coming in at about
3 last year's level, slightly down?

4 MR. SULLIVAN: Yes. It was
5 actually a couple of million dollars that
6 the proposed budget was down.

7 LEGISLATOR NICOLELLO: So, in
8 fact, the county is cutting costs over which
9 it has some discretion in order to make up
10 for these mandated costs?

11 MR. SULLIVAN: Yes.

12 LEGISLATOR NICOLELLO: Early
13 intervention you've shown some progress.

14 MR. SULLIVAN: Yes. We think
15 there is an opportunity here, that something
16 we have is a multi-year plan gap closer in
17 the out-years. I think we have to look at
18 the population served and do some diligence
19 on that effort as well.

20 But overall the department has
21 managed to keep these close I think fairly
22 flat, but it's a huge driver, it's in the
23 170, \$180 million range. So it's a big cost
24 driver for the county.

25 LEGISLATOR NICOLELLO: I read

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2 somewhere that the county is being more
3 active in terms of participating in the
4 preschool special ed?

5 MR. SULLIVAN: That's correct.

6 LEGISLATOR NICOLELLO: Is there
7 any sort of instrument for this situation
8 where we expect to receive reimbursables for
9 FEMA? Is there any way to borrow in advance
10 for receiving federal dollars?

11 MR. SULLIVAN: We are looking
12 into that. You could do a revenue
13 anticipation, and it gets a little tricky,
14 because you have to say when you're going to
15 take your ran, and if the feds are late, I
16 guess you'd have roll the ran somewhat, and,
17 you know, rating agencies, again, I'm
18 getting pretty much -- we have calls this
19 Wednesday with all three and they're really
20 on us as to what the damage is and,
21 obviously, at this point, I'm also working
22 with the governor's team, and, as you know,
23 the governor is asking for an additional \$30
24 billion. To be clear, that \$30 billion is
25 above and beyond FEMA reimbursement. This

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2 is more like hazard mitigation, how would
3 you rebuild the sewer plant and have it
4 built in such a way that would storm harden
5 it, so if there were future storms like this
6 it wouldn't be as decimated as it was.

7 LEGISLATOR NICOLELLO: Thank you.

8 MR. SULLIVAN: Thank you.

9 CHAIRWOMAN GONSALVES: Legislator
10 Wink.

11 LEGISLATOR WINK: Mr. Sullivan,
12 how are you?

13 MR. SULLIVAN: Good evening,
14 legislator.

15 LEGISLATOR WINK: Let me see.
16 Just in both our figures, the Nassau County
17 controller estimates \$60.1 million worth of
18 risk as he defines it, roughly two-thirds of
19 which is believed to be overly ambitious
20 revenues, and the remaining third seem to be
21 expenses that he believes are
22 under budgeted.

23 The Office of Legislative Budget
24 Review's number is slightly higher, if I'm
25 not mistaken. Forgive me, we have been

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2 given a lot of papers here today. Is that
3 number 65 million? Is it \$64 million? \$64
4 and a half million as I understand it,
5 right?

6 MR. SULLIVAN: That sounds about
7 right.

8 LEGISLATOR WINK: Again, it's a
9 combination of overly ambitious savings and
10 overestimated revenues in their opinion.

11 To the extent that the
12 administration is budgeting \$18 million
13 worth of tax certiorari settlements in 2013,
14 can you recall the last time Nassau County
15 actually achieved that number in terms of
16 tax cert settlements, judgments, payments of
17 any sort?

18 MR. SULLIVAN: That would be the
19 cost, the additional cost, and if we were
20 successful in obtaining a bond or structured
21 settlement or something like that.

22 In terms of actual settlements
23 costing \$18 million, no, that would be
24 obviously a very low number.

25 LEGISLATOR WINK: Right. In

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2 fact, that number is averaged year over year
3 about \$100 million --

4 MR. SULLIVAN: Correct. For the
5 last 20, 30 years.

6 LEGISLATOR WINK: Right. And to
7 the extent that it, again, counts on a
8 significant influx of bond revenue --

9 MR. SULLIVAN: Either bond
10 revenue or structured settlements or
11 something of the like.

12 LEGISLATOR WINK: And that \$80
13 million delta, for lack of a better term,
14 between what's being budgeted for and what
15 we can reasonably expect based on the last
16 20, 30 years is not considered risk in the
17 traditional sense. Would that be fair to
18 say? It's not part of the \$60 million that
19 the comptroller estimates?

20 MR. SULLIVAN: Right. That is
21 not considered risk.

22 LEGISLATOR WINK: And it's not
23 part of the 64 and a half million that the
24 OLBR office estimates?

25 MR. SULLIVAN: Correct.

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2 LEGISLATOR WINK: So, in fact,
3 it's a different type of risk than what
4 they're estimating, but, in fact, is it fair
5 to say that there is a risk given the fact
6 that we know what the history is, and,
7 notwithstanding the savings from
8 residential, which usually amounts anywhere
9 from five to 20 percent of the overall bill,
10 even notwithstanding that, and
11 notwithstanding the possibility of the
12 county guaranty being upheld, and that
13 incremental savings coming into effect in
14 2013, we are still talking about a
15 substantial amount of money that we are not
16 anticipating as part of this budget?

17 MR. SULLIVAN: I think what's
18 going to happen is, you know, last year,
19 really, the plan was laid out here and we
20 worked with NIFA diligently. It was agreed
21 upon that we would bond \$305 million and we
22 have not been successful in obtaining all
23 the approvals for that.

24 Outside of that, I think we don't
25 have the ability at that point to pay. If

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2 there is not -- I think it was recognition
3 by NIFA who obviously looks at our budget,
4 that there needs to be this transitional
5 financing over a four year period.

6 Absent that, you're absolutely
7 correct, sir, that without that, we do not
8 have the funds to pay it and I don't think
9 we would be settling cases at that point
10 which just creates obviously a backup in the
11 pipeline.

12 So I have been personally been an
13 advocate of sticking with the plan of \$305
14 million and enabling us to get rid of the
15 backlog.

16 LEGISLATOR WINK: Let's also talk
17 about the pension expense. As I understand
18 it, the actual bill for 2013 is anticipated
19 to be \$192 million?

20 MR. SULLIVAN: Correct.

21 LEGISLATOR WINK: And we are
22 taking advantage of I guess an opportunity
23 the state provides to amortize a portion of
24 that, a third of that; is that correct?

25 MR. SULLIVAN: That's correct.

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2 LEGISLATOR WINK: And that totals
3 up to about \$57.6 million which then becomes
4 a liability, and not a current liability in
5 2013?

6 MR. SULLIVAN: That is correct.
7 That \$57.6 million is not considered risk by
8 the county comptroller or by OLBR; is that
9 correct?

10 MR. SULLIVAN: That is correct.

11 LEGISLATOR WINK: And yet,
12 nevertheless, it becomes an ongoing
13 liability that we have to pay back overtime.

14 MR. SULLIVAN: Yes.

15 LEGISLATOR WINK: So to that
16 extent, it seems to me that risk by any
17 other name, we're still talking about the
18 fact that we have liabilities in 2013 that
19 we are just putting over for the future.

20 MR. SULLIVAN: Yes. I wouldn't
21 classify it as risk though. We are going to
22 have to pay it over ten years, that's
23 correct. So it will be a cost in the
24 future.

25 LEGISLATOR WINK: Have we

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2 entertained that amortization before with
3 respect to pension costs?

4 MR. SULLIVAN: Last year.

5 LEGISLATOR WINK: 2012.

6 MR. SULLIVAN: Correct.

7 LEGISLATOR WINK: Was that part
8 of the budget for 2012?

9 MR. SULLIVAN: Yes, sir.

10 LEGISLATOR WINK: So in addition
11 to the \$57.6 million, I imagine there is
12 another probably \$50 million that we're
13 paying out over the next ten years?

14 MR. SULLIVAN: 38.

15 LEGISLATOR WINK: 38 million?

16 MR. SULLIVAN: Yes.

17 LEGISLATOR WINK: So now we are
18 over 90.

19 MR. SULLIVAN: Yes. And I think
20 obviously the slump in the market and the
21 drastic drop-off and what I was just
22 discussing in '08, at some point pensions
23 are going to max and somewhat tail off, like
24 Suffolk, Westchester and other
25 municipalities, it's -- they're just

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2 wouldn't be the funding at this point. You
3 would be coming up with the number, as you
4 said, \$50 million, plus another 38 last
5 year, so, you know, the revenue just isn't
6 there. And this is something over time I
7 would imagine pensions would drop off unless
8 the market continues to slump.

9 And their market has had a
10 rebound. We look at where the S&P is versus
11 where it was four or five years ago, the
12 market has improved. Then it's just a
13 question of, the market catching up to the
14 comptroller that has this five year. So at
15 some point it's going to cap and start to
16 slide down.

17 LEGISLATOR WINK: Does the four
18 year plan address not only this amortization
19 but does it anticipate future amortization?

20 MR. SULLIVAN: No, it doesn't, I
21 don't believe. I think it addresses the '12
22 amortization and the '13 amortization and we
23 haven't made any other decision as far as
24 '14.

25 LEGISLATOR WINK: It just seems

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2 to me that when we talk in terms of risk,
3 one of the ways you can say that this is
4 more conservative, the 2013 budget than
5 previous budgets, is only relying upon
6 kicking more cans down the road. Any
7 response?

8 MR. SULLIVAN: I would probably
9 dispute that somewhat because we've been
10 bonding for the last 20 or 30 years for tax
11 certs. So to the extent if you're going to
12 compare apples to apples, other
13 administrations had the opportunity of
14 finance and we have not. So to keep it
15 apples to apples, I think I would say that
16 the risk is comparable.

17 LEGISLATOR WINK: But preparative
18 years prior to this administration, there
19 was in fact a combination of bonding and Pay
20 Go.

21 MR. SULLIVAN: Correct.

22 LEGISLATOR WINK: In an effort to
23 reduce the backlog. The backlog which is
24 now anticipated to be well over \$300 million
25 in 2013?

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2 MR. SULLIVAN: Correct.

3 LEGISLATOR WINK: So it seems to
4 be --

5 MR. SULLIVAN: Well, I think we
6 had the backlog down to mid 150s. It's
7 really -- I think the last two years. As
8 you are well aware, we haven't paid
9 anything. It's the backlog, it's going to
10 go up without the funding mechanism.

11 LEGISLATOR WINK: Thank you very
12 much for your time.

13 MR. SULLIVAN: Thank you.

14 CHAIRWOMAN GONSALVES: Legislator
15 Jacobs.

16 LEGISLATOR JACOBS: A lot of
17 questions were asked already so a lot of
18 items were covered that we were interested
19 in. But there was an adjustment filed in
20 the budget increasing property tax revenue
21 by \$4.023 million in the general fund.

22 Can you explain that?

23 MR. SULLIVAN: I think it was a
24 shift. The taxes were not increased. It
25 was shift in from another fund. There are

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2 no property tax increases. You align your
3 property taxes with the expenses in each
4 fund, but there was no increase in taxes for
5 the five major funds.

6 LEGISLATOR JACOBS: So it's just
7 a shift, and that's why there is no
8 indication of a tax increase anyplace?

9 MR. SULLIVAN: Correct. Well, as
10 was said with the youth board we had, with
11 the \$2 million, so you have to raise tax
12 levy then, and decrease it from another fund
13 which I think we believe we took it from a
14 police fund on that case.

15 LEGISLATOR JACOBS: All right
16 then. Let me ask you this. In the police
17 headquarters fund, why are salaries
18 decreasing by 3.130.085 million in the
19 budget amendment. What is the attrition
20 attributable to, what is that?

21 MR. SULLIVAN: There is a
22 technical adjustment, a deferral from the
23 prior administration set up deferrals when
24 they entered into the last labor agreement.
25 The payments that were supposed to be made

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2 then they deferred until periods of time
3 here. We had a payment scheduled for 2013
4 and it was overstated by I believe five to
5 \$6 million, and that's what some of this
6 cleanup was.

7 LEGISLATOR JACOBS: Following up
8 with that, with the police district fund,
9 why are salaries decreasing by \$3,111,357 in
10 the budget amendment, what is that
11 attributable to?

12 MR. SULLIVAN: It's the same
13 thing. That's was part of the same thing.

14 LEGISLATOR JACOBS: Let me ask
15 you this. This is going to sound like a
16 very small amount but it's something that
17 matters quite a bit to us here. Cornell
18 Cooperative, has that been left in the
19 budget?

20 MR. SULLIVAN: Yes. It's my
21 understanding, I believe it is, yes.

22 LEGISLATOR JACOBS: Because
23 that's very important for them to show a
24 line in our budget. Do you know how much
25 money was attributed to them, or does anyone

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2 have --

3 MR. SULLIVAN: I would have to
4 check. Roseann is thinking 250 but I want
5 to check it.

6 LEGISLATOR JACOBS: Because their
7 federal and state funding which is so
8 helpful throughout the county as well as all
9 over the country is only ready for them if
10 they have a line in our budget.

11 MR. SULLIVAN: Yes. I believe
12 it's 250, but I will find that out for you.

13 LEGISLATOR JACOBS: I would
14 appreciate that. Let me just talk to you
15 now about youth for a second. Obviously
16 it's a hot ticket item and it's an item that
17 really touches the soul of just about
18 everyone up here.

19 \$4 million is half the amount
20 that they tried to get for this year, was
21 supposed to get, and didn't. The truth of
22 the matter is, giving them a one year
23 contract at half the amount, you are
24 affecting, really, their ability to serve.
25 Especially at a time when obviously a lot of

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2 families depend on them. Not only youth,
3 let's go further than that. Let's go to
4 mental health and let's go to various social
5 services that are going to become more and
6 more needed now than really in recent years
7 that any of us can remember.

8 Number one, why were they cut
9 like that? I saw in this year's budget they
10 were cut, yet that money stayed in that
11 particular line for the whole time, and
12 they're just about hanging on by their
13 fingers. I don't know what you say to
14 people, you know, what you say to youth and
15 what you say to people who are so in need.
16 I understand times are tough and I
17 understand that the budget is hard to do
18 now, harder than it was. I just feel it's
19 the wrong area to pounce on right now when
20 they're so needed. I was just wondering --

21 MR. SULLIVAN: It's truly I
22 think, and I think everyone agrees, a
23 difficult cut, and I think that's why the
24 restoration, you know, the \$2 million was
25 added.

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2 As Legislator Ford, I think,
3 spoke before, if things happen during the
4 year, obviously we can always modify them in
5 the budget. But one of the areas why we do,
6 to be honest, when you look at the overall
7 budget, it is one of the discretionary
8 items, as we talked about the entitlements
9 and the state programs before in our debt
10 service.

11 I just really -- I'm sort of
12 running out of places to -- there's just not
13 much around. I think it's something
14 obviously worthy and I know this body -- so
15 I think during budget hearings during the
16 year if there are potentials to restore,
17 that is something I think we should
18 consider.

19 LEGISLATOR JACOBS: Because
20 they're not going to get by on \$4 million
21 for the year. Now, if you tell me that the
22 people from the youth agency division is
23 going to come up here and tell us ways
24 they're preceding for the future to have 4
25 million work for the year, I would be very

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2 interested in hearing that.

3 MR. SULLIVAN: I know they've
4 been working with other not for profits but
5 I would have Lisa speak to that. She would
6 be more equipped to deal with that than I
7 would.

8 LEGISLATOR JACOBS: Because this
9 is a grave grave concern. In the scheme of
10 things, it's not a tremendous amount for the
11 year, and it's a tremendous amount in
12 helping people, whether it's mental health
13 or youth or senior citizens or whatever,
14 it's very difficult to cut that. I think
15 we've always tried not to leave them in a
16 precarious position. They have been in that
17 position since June.

18 I, for one, would like to say to
19 you. Not that I don't trust you, Tim,
20 because I do completely, but thinking about
21 going forward, that if things turn around a
22 little bit, that we'll revisit it. With all
23 due respect, I don't buy it.

24 What I see is what I believe.
25 Unless I see that amount in there that

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2 can -- they're not whole, we all know that.
3 You were here many years like I was. They
4 certainly are not where they were at one
5 time, so what they were functioning on this
6 year was not anywhere near where they were
7 at some time.

8 To take them another half a year
9 down from where they are, is almost telling
10 them that some of them have to disappear.
11 Now, I'm not an expert on how that is
12 decided, how that is determined, but you
13 don't have to be a brain surgeon to know
14 that there's no way to get through the year.

15 MR. SULLIVAN: At some point
16 they're going to have to seek other areas
17 and ways to keep the programs going and I
18 know some of the people that are working
19 with other not for profits and stuff trying
20 to combine. But it's certainly going to be
21 a difficult task.

22 LEGISLATOR JACOBS: It hasn't
23 been successful as far as -- and I'm pretty
24 close with most of them, it's not been
25 successful to date. Some of them literally

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2 telling us that they're going to have to
3 close their doors by December.

4 I can't, in my own conscious, sit
5 here and accept the fact that if things look
6 a little better next year then we will
7 revisit. I don't -- you may have all good
8 intentions by saying that, but I don't
9 believe that will ever happen, so I will be
10 much comfortable seeing that figure go to
11 eight instead of four.

12 MR. SULLIVAN: And there is
13 another mechanism and it's something that I
14 have in the multi-year plan called social
15 innovation bonds, and this is something
16 whereby some very innovative groups are
17 starting to look to do this, and you
18 basically establish metric where they can
19 demonstrate that there are savings from --
20 benefits from these programs that bring
21 savings to governments. What happens then,
22 I think some of these foundations,
23 underwrite this debt, and then the
24 government would pay the debt service if
25 they realize the savings from these

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2 programs.

3 I just started looking at that
4 and this is something we have in the multi
5 year plan. But if I can work with NIFA and
6 find a way to accelerate this into the 2013
7 budget, I would gladly do that as well.

8 LEGISLATOR JACOBS: What about
9 taking the money out of the line that wasn't
10 even touched since they were cut so badly in
11 June and put that into going forward for
12 next year along with the \$4 million, that
13 would get them pretty close to the eight.

14 MR. SULLIVAN: Right. I guess it
15 would depend on what happens with fund
16 balance this year. Because it's sort of --
17 wherever, as I stated, the other monitors
18 are forecasting that we'll have deficit this
19 year anywhere from I think 10 to 20 million.
20 So if we can solve that that is something
21 again we can look at. But it's going to be
22 very close here at the end.

23 LEGISLATOR JACOBS: Well, I can
24 only tell you from my experience, we should
25 never underestimate what they do for us as a

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2 county and especially now. I mean, things
3 were so tough at one point. I remember
4 saying to my family, I just hope everyone
5 mentally is up for this because, and for
6 many people it's still at that point. It's
7 scary. They have young children. They need
8 to get to work. They don't even have a
9 house to live in.

10 There's a certain continuity
11 that's needed right now at least in things
12 like schooling or whatever, in childcare, in
13 order to make a family whole again, even
14 though their house is gone.

15 I just think that if there is any
16 time that if this should be taking
17 precedence in everyone's lives and
18 calculations, I actually think this is the
19 time.

20 Do the youth boards know about
21 this grant that you just explained?

22 MR. SULLIVAN: The social
23 innovation bonds?

24 LEGISLATOR JACOBS: Yes.

25 MR. SULLIVAN: No. I think this

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2 is rather new. This is something that we
3 put in the multi-year plan. We're just
4 really exploring it here and some other
5 jurisdictions are doing this. So we think
6 it's something to look at and maybe there is
7 a way to accelerate it.

8 LEGISLATOR JACOBS: For them to
9 hire people and keep people to do their jobs
10 with them, they can't go on promises, they
11 can't go on hopes. They have to go on
12 feeling that they can actually survive.
13 Right now they're pretty desperate.

14 MR. SULLIVAN: Yes. I'm aware.
15 My wife worked for a not-for-profit for
16 years, so I get it at home as well.

17 LEGISLATOR JACOBS: Because I
18 think most of us knows what it means,
19 special needs with anything, but especially
20 with these youth groups that are filling the
21 gap where parents just aren't home and they
22 have to work.

23 MR. SULLIVAN: Yes.

24 LEGISLATOR JACOBS: All right.
25 Thank you very much.

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2 MR. SULLIVAN: Thank you,
3 Legislator Jacobs.

4 CHAIRWOMAN GONSALVES:
5 Mr. Sullivan, there isn't a person up here
6 who doesn't want to see the youth fund
7 enhanced. I think that it's the beginning
8 with the \$4 million, but more is needed to
9 make them whole.

10 Today, unfortunately, we had an
11 opportunity to try to make that possible and
12 that was with the bond ordinance. I would
13 say that because of the situation whether or
14 not it's just a ploy on our part to
15 introduce such a bond ordinance, taking
16 advantage of the super storm and the
17 nor'easter, we have, as a result of those
18 storms, have been impacted as far as the
19 cash flow to the county going forward; is
20 that correct?

21 MR. SULLIVAN: That is correct.

22 CHAIRWOMAN GONSALVES: And in
23 what way will that impact take effect?

24 MR. SULLIVAN: It's going to hit
25 us and hit us pretty quickly. Obviously we

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2 referenced the overtime issues so those
3 payrolls are hitting now. As I mentioned, I
4 anticipate going out for a TANF in the first
5 week of December. We need NIFA approval so
6 I'm hoping that the board would meet next
7 week, and I'm going to increase that by \$20
8 million. We do have some liquidity that I
9 could possibly use, but, again, that has to
10 be returned by year end.

11 So we are exploring other options
12 as far as financing and we are working again
13 on the INF front with the state for the
14 immediate needs funding and hopefully that
15 gets turned around. They've been saying 30
16 to 45 days for some of the FEMA
17 reimbursement. So that will be greatly
18 needed.

19 CHAIRWOMAN GONSALVES: Well, even
20 with the reimbursement from FEMA, and we ar
21 reimbursed to a degree, isn't it so that we
22 will continue to outlay our funding for this
23 terrible or horrific event that took place?

24 MR. SULLIVAN: That's correct.

25 CHAIRWOMAN GONSALVES: Here's the

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2 bottom line. When we tried to get through a
3 bond ordinance for today, it was earmarked
4 for tax certs, but also earmarked for other
5 things. Could you clarify on that, please?

6 MR. SULLIVAN: Yes. The bond
7 ordinance today totaled \$160 million in
8 bonds and then there would be other system
9 take-down costs of issuance and things like
10 that, what that would do is provide
11 liquidity to us to basically shore up our
12 fund balance, as you know, our fund balance
13 took a hit, 43.1 million. So that money,
14 the taxpayers have not been paid that money.
15 The claimants, as I would say. So it's
16 greatly needed.

17 And obviously if you have large
18 fund balances, it gives you some
19 maneuverability. I'm getting pressured
20 already by the rating agencies obviously
21 with our fund balance down to low 40s now.
22 This is an area that causes some concern.
23 The comptroller has caressed concern about
24 that, and obviously we're concerned about
25 it. So this is something we greatly need.

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2 CHAIRWOMAN GONSALVES: If we
3 boost up our fund balance as a result of
4 this bond ordinance, wouldn't it be possible
5 that some of those assets from that bond
6 ordinance could be used to shore up the
7 youth programs in this county?

8 MR. SULLIVAN: Yes. Let's say
9 the size of the bond ordinance today I think
10 would have given the county some flexibility
11 to do that, yes.

12 CHAIRWOMAN GONSALVES: Would you
13 agree that there were several advantages to
14 getting this bond ordinance through today?

15 MR. SULLIVAN: Yes.

16 CHAIRWOMAN GONSALVES: Such as?

17 MR. SULLIVAN: Such as it would,
18 again, would restore our fund balance. And
19 like anything else, obviously the commercial
20 claimants and the people are not going to
21 wait forever. So there's constant pressure
22 there. There's backlog of people. It's
23 estimated last year, 223 million, and, like
24 I said this year, the comptroller stated
25 that it makes \$300 million, and this is

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2 something that is going to continue to
3 pressure the county and continue to put
4 pressure on our ratings and something I have
5 grave concern over. I've had concern for
6 the last year and a half on this.

7 CHAIRWOMAN GONSALVES: There's a
8 lot of talk about restoring the funding to
9 the youth programs. I, for one, coming from
10 the educational field and spending many
11 years with at-risk kids, I know how
12 important these programs are to the children
13 in our county.

14 However, the sacrifices that we
15 are making here today by not passing this
16 bond ordinance, not even giving it any kind
17 of thought, I think we're not really doing
18 any service to the youth in our county,
19 primarily because they depend on many of
20 these programs.

21 You can be assured on both sides
22 of the aisle, we've begun the process with
23 the help of Legislator Ford in insisting
24 that we do what we can to restore funding,
25 as much funding as now, but we have not. We

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2 will not give up with the idea that we will
3 continue to seek funding.

4 If there is surplus money, if
5 there is any way that we can relieve any of
6 the monies from this budget for youth
7 programs, you can be assured on both sides
8 of the aisle that every effort will be done
9 because not only are we as legislators want
10 to see this happening, I know that the
11 county executive as well is interested in
12 seeing that the youth programs become whole.

13 So, Judy, the floor is yours.

14 LEGISLATOR JACOBS: So let's go
15 to the bond. I wasn't going to bring it up.
16 I wanted to bring it up, but decided not to,
17 but now it's been brought up.

18 So \$165 million came before us
19 today with no real attachments to it as to
20 what these tax certs were. I've been around
21 a long time. I was presiding for eight
22 years. I never saw that. I never saw us
23 ask in a tremendous bond issuance for doing
24 tax certs and they were not identified at
25 the stage they were at and for what they

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2 were for. That's like giving a blank check,
3 \$165 million, go ahead, do the tax certs.
4 And we're being told now, first we were
5 being told it's because of Super Storm
6 Sandy, now we're being told, no, it will
7 give us liquidity and that it will be for
8 the children and it could be for this.
9 Wasn't this, a \$165 million bond issue for
10 tax certs?

11 MR. SULLIVAN: Yes.

12 LEGISLATOR JACOBS: Thank you.
13 But not for fund balance, it was for tax
14 certs to be paid out and involved in those
15 tax certs --

16 MR. SULLIVAN: Well, last year we
17 took a \$43.1 million accrual in the general
18 fund, and that was something that this would
19 restore that portion of the fund balance if
20 we were able to pay these people from bond
21 ordinance rather than have it charged to
22 operations.

23 LEGISLATOR JACOBS: But the point
24 is this. It comes to us the last minute.
25 Nobody was ever talking \$165 million. We're

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2 trying to figure out what tax certs are
3 going to be paid here. How much is
4 commercial, how much is actually for the
5 residential people who are hurting so badly,
6 and you and I both know that it's in black
7 and white when they do ratios, probably a
8 little less than a third of the people even
9 grieved their taxes.

10 So we're not talking about
11 everybody who may have, God forbid, lost
12 their houses or are homeless right now, even
13 being one of those who would even get a few
14 hundred dollars from this. So I think it
15 was like almost working in the blind.

16 I have to tell you that the fees
17 today that we voted on, one after another,
18 especially in consumer affairs, and when
19 they were questioned as to what that money
20 would be going to, what do they need it for,
21 are they hiring people? No. Do you need to
22 hire people to take these extra
23 responsibilities on? No. I said, well,
24 then, how are you going to do that? They're
25 going to have these same cars driving

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2 around, if they see someone stealing metal,
3 they will be able to report it. If they see
4 someone doing something in a dry cleaner,
5 they'll stop and drop in. I understand
6 protecting people in consumer affairs, but
7 to protect people properly, you need a
8 staff.

9 They're saying they're not going
10 to increase their staff and, yet, if you add
11 up all those fees, what they're anticipating
12 getting in for the year is millions and
13 millions of dollars. There's real money.
14 And when we said we would like to amend it
15 and therefore be able to vote for it, that
16 some of that money go to youth, that was not
17 agreed upon either.

18 So if we're pointing fingers here
19 which I don't like to do, excuse me, if
20 we're pointing fingers, then I would say,
21 what works one way works the other way. I
22 would say to you, something was put before
23 us for a specific purpose that we had no
24 backup on as far as what it was going to be
25 used for. Then we had an opportunity there

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2 with fees coming in where the actual
3 department collecting them only could
4 identify needing a filing cabinet or files
5 for the new clients. This is money. This
6 is real money that the fees are going to be
7 there for and could be used for youth.

8 So there are innovative ways here
9 that we heard just today that those
10 particular fees could be used for youth
11 agencies.

12 MR. SULLIVAN: I can't speak to
13 the coordination as to why the legislature
14 doesn't have the requisite backup.
15 Obviously I think -- I know in prior
16 testimony for the quarterly budget hearings
17 and things like that, I can recall
18 Legislator Denenberg asking me, well over a
19 year ago that he hasn't seen a tax cert. I
20 probably said, yeah. It's at some point in
21 time, obviously this creates a financial
22 problem for me -- at some point in time this
23 creates tremendous stress on our budget and
24 it was always my plan to finance this, a
25 portion of it, and we had a plan worked out,

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2 \$305 million to finance over four years, and
3 then, after that, a stop, then there was a
4 ramp up of the Pay Go.

5 To the extent that we don't
6 material that, it's going to continue to put
7 stress and impinge in our budget. And as
8 Legislator Wink just questioned me, we have
9 \$60 million worth of risk.

10 So to the extent that any fees or
11 any other costs go up or fees go down, that
12 risk number gets bigger. What I'm trying to
13 do is balance a budget with a lot of
14 competing interest and a lot of stress.

15 I think this is, as far as a
16 risk, probably the lowest level of risk that
17 we presented here and something that is
18 manageable. But, again, I think, as the
19 budget review office stated, this is a tight
20 budget. They stated that in their report in
21 several occurrences. I agree and it's
22 extremely tight. There's not a lot of room
23 for anything to go wrong. That's the status
24 at this point.

25 LEGISLATOR JACOBS: I'm sure you

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2 can understand from our point, if we don't
3 feel comfortable with a tremendous figure
4 being put in front of us, without backup
5 that can substantiate where it's going to
6 go, we would be really derelict in our
7 duties to say a blanket yes and then let us
8 know later what you're going to do with it.
9 So I think that's what created that.

10 It's not a matter of not caring.
11 I believe people on both sides of the aisle
12 care a lot, but it's the way you approach
13 things.

14 MR. SULLIVAN: And I would agree,
15 and I would state then that I would look
16 from a bipartisan position then we should
17 get together and look to flush this out.

18 LEGISLATOR JACOBS: That would
19 be wonderful.

20 MR. SULLIVAN: And say, can we
21 look at the judgments and claims being paid
22 here, let's get a backup here and let's have
23 accord reached.

24 LEGISLATOR JACOBS: That's
25 exactly what we think would be the normal

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2 way to do this. Thank you very much.

3 MR. SULLIVAN: Thank you.

4 CHAIRWOMAN GONSALVES: I need to
5 set the record straight. I know we all mean
6 well regarding the programs that we're
7 interested in, and you saw this as giving
8 the county administration, the county
9 executive a blank check.

10 Let me say something to you,
11 since 2002, when you were in the majority
12 and you were the presiding officer, you came
13 to us with a -- for the year 2002, \$127
14 million in tax certs. No backup, no
15 clarification as far as that was concerned.
16 I'm going to finish this, please. In 2003,
17 it was a little over \$81 million, 2004 it
18 was \$243 million, and in 2005 it was \$200
19 million.

20 We gave you the vote to get these
21 tax cert ordinances through and without any
22 of --

23 LEGISLATOR JACOBS: I don't know
24 if you want the ordinance because I can
25 easily give them to you, they're right in

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2 front of me, but --

3 CHAIRWOMAN GONSALVES: We can
4 hide behind lots of things, but one of the
5 things we can't hide behind is the record.
6 The record tells us that these tax
7 ordinances were passed from 2001 to 2005
8 without the so-called description as to
9 where the money was going and we gave you
10 the votes to get these tax cert ordinances
11 through the legislature.

12 I know we're going to sit here
13 and argue from now until eternity. I really
14 don't want to argue, but the point is, if we
15 have to do anything, we have to make sure we
16 get the finances of this county on the right
17 track so that we can do all of the things
18 that we really should be doing and county
19 legislators and part of county government.

20 LEGISLATOR JACOBS: Norma, in the
21 first place, I definitely agree with your
22 last statement. When we became the
23 majority, this county was one level above
24 junk bond status and we managed to get it
25 into the black. We managed to get 13 bond

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2 upgrades. So let's get the record straight
3 on that.

4 Number two, there is always
5 bonding for tax certs, but when we asked you
6 for money, we had it itemized exactly. We
7 certainly did, and it was part of our
8 budget. It was part of the budget.

9 CHAIRWOMAN GONSALVES: I'm going
10 to have to do the research, but I'm telling
11 you right now that that's no so.

12 LEGISLATOR JACOBS: Do the
13 research.

14 CHAIRWOMAN GONSALVES: And we
15 were supposed to, and I'm glad I didn't take
16 any bets, we were going to move this on. I
17 have the next speaker is going to be I
18 believe Mr. Denenberg.

19 LEGISLATOR DENENBERG: Thank you.
20 Mr. Sullivan, I guess I'll start with the
21 tax certs because that's where everyone has
22 left off.

23 Going back over history you were
24 on OLBR when we first came on. In fact, you
25 were the head of the Office of Legislative

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2 Budget Review and, to quote you, borrowing
3 for tax certs was the number one drag on our
4 bond rating back in 2000. That's from you,
5 one of my first meetings when I was asking
6 about questions regarding tax certs.

7 What was, at the end of the
8 Gulotta years, if you want to go back to
9 2002, I believe our backlog for tax certs
10 was \$700 million.

11 MR. SULLIVAN: I don't think it
12 was ever that large. I don't think anyone
13 really had a good handle on it.

14 LEGISLATOR DENENBERG: I agree
15 that there was no good handle on it, but I
16 believe that it was approaching \$700 million
17 at one point.

18 MR. SULLIVAN: Just one statement
19 on that. You have the record and that's
20 pretty good after 12 years, not bad.

21 But it's obviously something that
22 you wouldn't want to do, but obviously when
23 you walk in the door with hundreds of
24 millions of dollars in backlog in this
25 economy after the recession, it's actually a

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2 very similar time.

3 I think the elimination of the
4 county guaranty and some of the reforms and
5 we showed the SCAR down to zero, and taking
6 that now to the commercial claims, I think
7 there was a plan and we got NIFA. And NIFA
8 is a pretty touch task master here. I got
9 them to agree that, yes, \$305 million was
10 the right amount of bonds. I got NIFA to
11 agree on that. That was the plan that we
12 submitted and we haven't gotten -- that's
13 been the drag.

14 LEGISLATOR DENENBERG: You're
15 already yelling at me --

16 MR. SULLIVAN: No, I'm not
17 yelling, sir.

18 LEGISLATOR DENENBERG: I didn't
19 have a question and you gave a speech so
20 that's okay. I'll try my question. We were
21 at about \$160 million backlog down to 153.
22 Now, with the end of next year, the
23 comptroller projects that the backlog for
24 tax certs would be 388 million, correct?

25 MR. SULLIVAN: I don't know about

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2 388.

3 LEGISLATOR DENENBERG: The
4 comptroller estimates that the number at the
5 end of next year would be 388 and the number
6 at the end of this year will be about 306.

7 MR. SULLIVAN: So you're talking
8 about the end of '13?

9 LEGISLATOR DENENBERG: The end of
10 '13 based on your budget of paying 18
11 million for tax certs, the backlog will go
12 up to 388 million.

13 MR. SULLIVAN: If we are not
14 settling cases and paying cases, the backlog
15 would increase. That's without the 305.

16 If we took 305 and took it out,
17 obviously the backlog would be diminimus at
18 this point.

19 LEGISLATOR DENENBERG: Well, 305
20 was presented at one point or discussed just
21 like 165 was. In all the time I'm here,
22 we've never approved settlements or bonding
23 for settlements or settlements for Pay As
24 You Go without actually seeing the
25 settlement.

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2 I personally always ask questions
3 regarding a chart to understand why we're
4 settling for each commercial business that's
5 getting within 100,000, I always ask about
6 the settlement to make sure that we are not
7 paying for more than what the county
8 appraiser said.

9 If I'm going back to even the
10 discourse that you and I had in 2000, I was
11 asking questions about the chart that was
12 provided by the administration at that time.

13 So, can you tell me the 165 that
14 was requested today, can you tell me one
15 specific settlement that that money would
16 have went towards?

17 MR. SULLIVAN: I would direct
18 that to the county attorney. They are the
19 ones that settle the cases and enter into
20 these agreements.

21 LEGISLATOR DENENBERG: I didn't
22 have one. I didn't have one. So if -- so
23 where the backlog, the current backlog is it
24 your proposal, or is the administration
25 looking for the backlog and tax certs, those

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2 tax grievances that haven't been settled,
3 that are over 300 million now, to be
4 entirely bonded?

5 MR. SULLIVAN: I think it was a
6 plan that envisioned \$305 million over four
7 years and then starting in 2014, to start
8 putting in resources into the county, that
9 was the multi-year plan that was adopted
10 last year.

11 LEGISLATOR DENENBERG: Which I,
12 for one, never voted for because I believe
13 that actually bonding and moving away from
14 Pay Go is what promotes our downgrades.

15 But last time, in 2010, I believe
16 it was 70 million that was paid -- I'm
17 sorry, let me clarify.

18 In 2010, \$79 million was paid for
19 tax certs.

20 MR. SULLIVAN: I'm sorry, one
21 more time.

22 LEGISLATOR DENENBERG: In 2010,
23 \$79.4 million was paid for tax certs,
24 correct?

25 MR. SULLIVAN: Correct.

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2 LEGISLATOR DENENBERG: Of that
3 2010, 50 million was Pay As You Go, correct?

4 MR. SULLIVAN: I believe so, I
5 would have to check it, but I think it was
6 less.

7 LEGISLATOR DENENBERG: Then the
8 next year, 2011, 64.1 million was paid in
9 tax certs?

10 MR. SULLIVAN: Sounds right.

11 LEGISLATOR DENENBERG: And
12 nothing in 2011 was budgeted for Pay As You
13 Go, correct?

14 MR. SULLIVAN: That is correct.

15 LEGISLATOR DENENBERG: So if we
16 paid 64.1 million, the majority of that was
17 from bonded funds; is that correct?

18 MR. SULLIVAN: That is correct.

19 LEGISLATOR DENENBERG: So at the
20 end of 2010 of course we approved a \$50
21 million bond to match what was Pay As You
22 Go, correct?

23 MR. SULLIVAN: I don't know if it
24 was to match. I know a \$50 million bond was
25 approved.

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2 LEGISLATOR DENENBERG: You said
3 that the budget downgrade was in part, or
4 large part because of our fund balance --

5 MR. SULLIVAN: Are you asking
6 about a 2000 quote?

7 LEGISLATOR DENENBERG: No. I'm
8 talking about the recent Moodys down grade.
9 You said that those downgrades that happen
10 in the last few weeks was due to fund
11 balance going down, correct?

12 MR. SULLIVAN: That was a big
13 part of it, yes.

14 LEGISLATOR DENENBERG: And Moodys
15 would rather see us borrow for tax certs
16 than use our fund balance for tax certs?

17 MR. SULLIVAN: Moodys was
18 convinced -- obviously we work with the
19 rating agencies closely, and one of the
20 biggest problems that they see is discord,
21 and if you read their reports they cite
22 governance and governance not being able to
23 get agreement. They see this and it's
24 something that causes them a lot of concern.

25 MR. SULLIVAN: In reading the

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2 first downgrade and, how many is it, is it
3 two or three?

4 MR. SULLIVAN: Two.

5 LEGISLATOR DENENBERG: Reading
6 the first downgrade, were you familiar with
7 that downgrade? I'm sure you were
8 obviously.

9 MR. SULLIVAN: Yes.

10 LEGISLATOR DENENBERG: Long
11 before -- they don't even mention the fund
12 balance, what they mention was as the number
13 one reason as the county moving away from
14 Paying As You Go for tax certs and not
15 budgeting 50 million Pay Go, or Pay As You
16 Go for tax certs in the operating budget for
17 2011.

18 So I cannot believe that Moodys
19 was happy in 2012 that we are still not
20 budgeting money for tax certs but borrowing
21 for tax certs, and in the most recent
22 downgrade, they cite that the sharp growth
23 in the refund liability as one of the
24 reasons for the downgrade.

25 MR. SULLIVAN: Well, I think that

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2 they're sophisticated enough to know that
3 there was a plan for \$305 million, and that
4 there was a workout with the county
5 guaranty. Obviously NIFA approved the plan.
6 I think at that point they realized that if
7 there is a way to work out of a problem, if
8 there is a large backlog, that they want to
9 see the plan adhered to. To the extent that
10 the plan has not been adhered to causes them
11 concern.

12 LEGISLATOR DENENBERG: So use of
13 \$20 million worth of fund balance, they
14 wouldn't be sophisticated enough to realize
15 that not using that \$20 million but
16 borrowing 165 or 305 million actually meant
17 that we were preserving that fund balance?

18 They're not sophisticated enough
19 to see that borrowing for all of our tax
20 certs over 305 million without a settlement
21 to be approved would be any worse than using
22 20 million of fund balance?

23 MR. SULLIVAN: What do you mean
24 \$20 million of fund balance?

25 LEGISLATOR DENENBERG: Well, 43

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2 million. I'm sorry. 43 million of fund
3 balance would have been replaced by \$300
4 million worth of borrowing

5 MR. SULLIVAN: Legislator, I
6 think you answered your own question because
7 it --

8 LEGISLATOR DENENBERG: But I'm
9 reading from Moodys.

10 MR. SULLIVAN: Right. But if
11 you recall, when the plan was adopted last
12 year --

13 CHAIRWOMAN GONSALVES: David,
14 David, David. Let him respond.

15 MR. SULLIVAN: When the plan was
16 adopted last year, did they balk at the
17 plan, did they downgrade last year when
18 there was 305 million before them, no, they
19 did not balk. They did not come back, they
20 did not censure us, they did not say that
21 305 million was unacceptable. We went to
22 them and said, listen, there's a huge
23 backlog of tax certs. We have a plan in
24 place. We eliminated the county guaranty,
25 we've accelerated the settlement of SCARS so

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2 they don't appear on our roll anymore, so
3 that's been taken care of, and we need
4 transitional financing over a four year
5 period to bring this to a close.

6 They were on board with that.
7 That was a year ago. There was no action
8 taken at that point. So I find the timing
9 interesting that it directly relates to our
10 inability to follow through with what we
11 said.

12 LEGISLATOR DENENBERG: Look. The
13 first downgrade happened just months after
14 the 2011 budget was passed and months after,
15 weeks after the proposal to borrow 305
16 million came out. That earned your first
17 downgrade. You can rewrite history all you
18 want.

19 The second downgrade doesn't talk
20 just about fund balance being down, it talks
21 about tax refund liability more than
22 doubling in less than two years, and no plan
23 to pay it aside from borrowing. That comes
24 straight from Moodys downgrade.

25 MR. SULLIVAN: The no plan, and

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2 you refer to their lack of governance and
3 things like that. The no plan is basically
4 the fact that we can't implement the plan as
5 we've been blocked.

6 LEGISLATOR DENENBERG: Let's talk
7 about something else that they cite way
8 before fund balance is a reason for the
9 second downgrade. That's the, according to
10 Moodys, the administration's inability to
11 control overtime.

12 So if I looked at your report
13 correctly, or your pamphlet correctly, one
14 of the items that you --

15 MR. SULLIVAN: Well, the reports
16 were put out on 15th, sir.

17 LEGISLATOR DENENBERG: Your
18 budget presentation says, expense reduction
19 drivers. I'm looking at Moodys, and Moodys
20 says the inability to control overtime and
21 they cite, and maybe they're wrong, but they
22 say that the 2012 budget underestimated
23 police overtime by \$30 million?

24 MR. SULLIVAN: As you know, we
25 have a reserve fund that was budgeted in

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2 contingency, as you're aware, and as you are
3 aware, you've been passing the budget
4 transfers to move the money out of
5 contingency that we budgeted to cover the
6 overtime expense.

7 LEGISLATOR DENENBERG: Did the
8 2012 budget understate overtime by \$30
9 million?

10 MR. SULLIVAN: I would say we put
11 it in contingency.

12 LEGISLATOR DENENBERG: So you put
13 overtime in contingency?

14 MR. SULLIVAN: Yes.

15 LEGISLATOR DENENBERG: Why didn't
16 you just put it in overtime?

17 MR. SULLIVAN: It's there this
18 year.

19 LEGISLATOR DENENBERG: What did
20 the budget actually say overtime would be
21 this year?

22 MR. SULLIVAN: I believe the
23 proposed budget had \$44 million and I think
24 we've added a little bit to that now.

25 LEGISLATOR DENENBERG: So the

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2 proposed budget had \$44 million?

3 MR. SULLIVAN: Yes.

4 LEGISLATOR DENENBERG: What did
5 it come in at? What do we expect overtime
6 to be --

7 MR. SULLIVAN: I'm expecting
8 about \$48 million.

9 LEGISLATOR DENENBERG: So you're
10 saying it was only 4 million over.

11 MR. SULLIVAN: Well, you're
12 talking two different years. You said year
13 2013 we budgeted 44 million.

14 LEGISLATOR DENENBERG: 2012, what
15 did we budget overtime at?

16 MR. SULLIVAN: As I stated
17 before, a lot of the money was put in
18 contingency and we've been doing budget
19 transfers.

20 LEGISLATOR DENENBERG: Let me
21 give you the question. What did we put in
22 the budget for overtime, not in contingency,
23 for overtime?

24 MR. SULLIVAN: I believe it was
25 21, \$22 million, somewhere around there.

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2 LEGISLATOR DENENBERG: What is it
3 going to come in at?

4 MR. SULLIVAN: I said, just as
5 you asked two minutes ago, 48.

6 LEGISLATOR DENENBERG: So that's
7 about 27? 26, 27 over budget?

8 MR. SULLIVAN: Well, if you have
9 money in contingency, I would not classify
10 it as such. And you've modified the budget,
11 sir.

12 LEGISLATOR DENENBERG: So when
13 you explained that to Moodys, how come
14 Moodys left in, inability to control
15 overtime as one of the reasons for our
16 recent downgrade?

17 MR. SULLIVAN: Well, I would note
18 that in 2005 we spent \$52 million in police
19 overtime with 2,708 sworn officers. And we
20 have 2,260 sworn officers now after eight
21 raises and spending \$4 million less.

22 So if you don't see that as
23 improvement --

24 LEGISLATOR DENENBERG: Did you
25 just tell me about 2005?

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2 MR. SULLIVAN: I did.

3 LEGISLATOR DENENBERG: I see.

4 It's 2012 and we're talking about the 2013
5 budget.

6 In 2005 I don't know if we were
7 26 or \$27 million over budget and I think
8 that year we probably got two bond rating
9 increases, not a bond rating downgrade that
10 in part talked about the inability --

11 MR. SULLIVAN: Well, if you like
12 to raise taxes, sir, we can --

13 LEGISLATOR DENENBERG: I didn't
14 finish. Now you're cutting me off -- an
15 inability to control overtime. What are we
16 budgeting overtime for for 2013?

17 MR. SULLIVAN: Police department?

18 LEGISLATOR DENENBERG: Correct.

19 MR. SULLIVAN: 44 million was the
20 proposed and we added a couple of million
21 dollars I believe there are amendments out
22 there to do that.

23 LEGISLATOR DENENBERG: So we're
24 at 48 million?

25 MR. SULLIVAN: 46. Right.

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2 LEGISLATOR DENENBERG: And we
3 think we'll stay within that, right?

4 MR. SULLIVAN: Yes.

5 LEGISLATOR DENENBERG: I guess I
6 should ask this. How much overtime are we
7 putting in contingency for 2013?

8 MR. SULLIVAN: About 2 million.

9 LEGISLATOR DENENBERG: So our
10 contingency fund is how much?

11 MR. SULLIVAN: About 12, 12 and
12 a half.

13 LEGISLATOR DENENBERG: And 2
14 million of that is for overtime?

15 MR. SULLIVAN: If there is
16 contingency. I normally don't like to
17 identify it because at some point in time,
18 sir, then you're giving the departments --
19 you're telling them where the money is.

20 LEGISLATOR DENENBERG: I don't
21 think that you should identify it either,
22 but you just did.

23 MR. SULLIVAN: You asked a
24 question, sir.

25 LEGISLATOR DENENBERG: No. I

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2 meant that you said for 2012.

3 MR. SULLIVAN: You asked how much
4 was there in the contingency fund for
5 overtime, that was your question.

6 LEGISLATOR DENENBERG: Now as
7 some of your expense reduction you say
8 savings from reduced police department
9 overtime. So 26, 27 million over budget was
10 reduced police department overtime?

11 MR. SULLIVAN: I think the
12 presentation we're talking about is a 2013,
13 and we're talking about going from 48 to 46.
14 So that was the genesis of that comment.

15 LEGISLATOR DENENBERG: But it's
16 48 million this year, and it's going to be
17 46 to 48 next year?

18 MR. SULLIVAN: 46.

19 LEGISLATOR DENENBERG: No.
20 Actually I'm reading this right. Expense
21 reduction drivers. You're saying that the
22 expense reduction drivers included head
23 count, lowest level in decades, imposition
24 of a wage freeze March 2011, that's at NIFA
25 wage freeze?

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2 MR. SULLIVAN: Correct.

3 LEGISLATOR DENENBERG: You're
4 expecting that to continue right through
5 2013?

6 MR. SULLIVAN: Yes, sir.

7 LEGISLATOR DENENBERG: You're not
8 looking to get it lifted or us taken away
9 from NIFA control in 2013?

10 MR. SULLIVAN: I think that would
11 be a question for NIFA, but I think if they
12 view that the county has more than a one
13 percent deficit on a gap basis, I think they
14 would continue to keep the wage freeze in
15 place.

16 LEGISLATOR DENENBERG: And we're
17 still going to have that?

18 MR. SULLIVAN: Yes.

19 LEGISLATOR DENENBERG: Then it
20 says savings from reduced police overtime.
21 Please just explain what that means because
22 I don't see any --

23 MR. SULLIVAN: I think 48 to 46
24 million is a \$2 million cut. And when
25 you're talking about less staff, the

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2 budgeted number this year is 2,260, which is
3 the lowest police head count level in
4 decades.

5 LEGISLATOR DENENBERG: Has the
6 consolidation near as you can tell, or is it
7 too soon to see, resulted in more or less
8 overtime?

9 MR. SULLIVAN: I think it was
10 very constant the last year. Obviously the
11 storm is going to dry that number up.

12 LEGISLATOR DENENBERG: So we were
13 on course for \$48 million before the storm,
14 correct?

15 MR. SULLIVAN: Yes.

16 LEGISLATOR DENENBERG: So
17 anything over 48 million we are going to
18 assign to the storm?

19 MR. SULLIVAN: No. I mean,
20 listen, there's going to be significant
21 overages that we are going to seek
22 reimbursement on. I think even the budget
23 review office --

24 LEGISLATOR DENENBERG: We should.
25 Is there a way to quantify that or is it

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2 just based on the overtime numbers during
3 the Sandy period?

4 MR. SULLIVAN: No. The police
5 department has itemized a patrol and they
6 will have this broken out. We are
7 establishing a separate code for that
8 reimbursement.

9 LEGISLATOR DENENBERG: So we will
10 still be able to evaluate it year end where
11 we were at overtime without considering
12 Sandy?

13 MR. SULLIVAN: Yes. We were
14 10/12ths of the way through the year and we
15 were pretty much on target, I think budget
16 review had predicted somewhere about 50
17 million. So, again, we would have been 2
18 million of each other which is not really a
19 big discrepancy.

20 LEGISLATOR DENENBERG: Let me ask
21 you some questions about the sewer district
22 and the sewer and storm water authority as
23 well as the sewer district.

24 We're projecting that the fund
25 balance which was at \$106 million in 2009,

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2 90 million in 2010, 80 million in 2011, 67
3 million in 2012, go down to 18 million in
4 2013?

5 MR. SULLIVAN: 18, no. I don't
6 believe so, sir.

7 LEGISLATOR DENENBERG: So what is
8 the projected sewer and storm water fund
9 balance for '13, at the end of '13?

10 MR. SULLIVAN: Give me a minute.

11 LEGISLATOR DENENBERG: I'm just
12 asking about '13.

13 MR. SULLIVAN: I'm just checking.
14 I think, sir, you're looking at the budget
15 review report which shows it going down to
16 18 million but the cost every year by law
17 from the initiation of the sewer and storm
18 water district, we have to budget OEM
19 reserve. And every year that that doesn't
20 get spent, it's a reserve, but it's
21 something that's required every year for us
22 to budget 25 percent of the expenses.

23 LEGISLATOR DENENBERG: So at the
24 end of 2012, is OLBR correct that the fund
25 balance will be at 67.4?

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2 MR. SULLIVAN: Yes.

3 LEGISLATOR DENENBERG: But you're
4 questioning whether they're right that it's
5 going to be 18 million in 2013?

6 MR. SULLIVAN: I think yes. I
7 think you would have to ask budget review
8 why they see that decline. I think they may
9 answer it would probably be the reserve.

10 LEGISLATOR DENENBERG: Without
11 even going back to 2010, just looking at
12 2011, '12 and '13, the expenses in the
13 district rose from 123 million to 164
14 million, which 41 million on 123 is a 33
15 percent increase in one year.

16 Then we expect it to go up to 168
17 million in 2013 and, mind you, I just read
18 that NIFA imposed a wage freeze in March
19 2011. I believe that wage freeze included
20 DPW workers in the sewer and storm water
21 district as well.

22 So how could our expenses have
23 gone up 33 percent in one year?

24 LEGISLATOR DENENBERG: You're
25 asking me from how far back, sir? I don't

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2 have that data in front of me.

3 LEGISLATOR DENENBERG: I'll just
4 repeat what I just said. I'm not going back
5 that far. I'm going to 2011. It was 123 --

6 MR. SULLIVAN: Okay. I got your
7 answer. You don't have to ask the question
8 again. You're looking at the actual for
9 2011, and, as I just stated for the record,
10 the O&M reserve does not get spent, but you
11 have to budget the reserve every year.

12 So 25 percent has to be put in
13 there. That's the document that the Suozzi
14 Administration entered into where you have
15 to budget 25 percent of the prior year
16 reserves. It's a financing and acquisition
17 agreement between Nassau County Sewer and
18 Storm Water Finance Authority. It's spelled
19 out in that legislation.

20 LEGISLATOR DENENBERG: No. My
21 question is, the total expenses for the
22 sewer district increased from 123 million in
23 2011 to 164 million in 2012.

24 MR. SULLIVAN: That's not
25 accurate. You're wrong.

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2 LEGISLATOR DENENBERG: So what
3 did it do?

4 MR. SULLIVAN: Every year, sir, I
5 think you know I know this, and I know you
6 know this, Legislator Denenberg, as well
7 that the reserve is budgeted there and then
8 when you don't spend the reserve, it doesn't
9 show up in the actual. So you're comparing
10 an actual to a budget.

11 In this situation when you budget
12 a reserve, you're overstating it by about 25
13 percent.

14 LEGISLATOR DENENBERG: What was
15 the expenses in the sewer district in 2011?

16 MR. SULLIVAN: 123 million.

17 LEGISLATOR DENENBERG: What are
18 the expenses for the sewer district in 2012?

19 MR. SULLIVAN: We would have to
20 look at this and back out the reserve, sir.
21 I would have to get the data for you.

22 LEGISLATOR DENENBERG: I would
23 like that number because I certainly don't
24 want it to be 164 million.

25 MR. SULLIVAN: It will not even

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2 be close to that. You're well aware of the
3 issue.

4 I actually would like to read
5 from that agreement, the statement, which is
6 Article C, it says for the financing
7 agreement from 2004. "In addition to any
8 other reserves, the county may establish for
9 the district, the county shall establish an
10 O&M reserve fund which as promptly as
11 practicable but no later than April 30th,
12 2005, and continuing for each fiscal year
13 thereafter, shall be funded in an amount
14 equal to 25 percent of the operating expense
15 of the district budgeted for such fiscal
16 year."

17 LEGISLATOR DENENBERG: Okay. I
18 still want to know what the expenses are for
19 2012.

20 MR. SULLIVAN: We'll get that to
21 you. I'll back out the reserve and get you
22 that number. It hasn't gone up.

23 LEGISLATOR DENENBERG: If I take
24 out -- would you agree that this year, in
25 terms of revenue in the sewer and storm

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2 water district, we included \$37 million
3 largely from the sewer fee or tax on tax
4 exempt organizations?

5 MR. SULLIVAN: Yes, I believe
6 that was put forward. It's still subject to
7 litigation so that has not been implemented.

8 LEGISLATOR DENENBERG: So that 38
9 million or 37 million hasn't been realized,
10 correct?

11 MR. SULLIVAN: That is correct.

12 LEGISLATOR DENENBERG: What are
13 we budgeting for departmental revenues in
14 2013? I'm looking at 12.6 million and maybe
15 I'm seeing it wrong, but it just seems to me
16 that --

17 MR. SULLIVAN: That sounds about
18 right.

19 LEGISLATOR DENENBERG: Where is
20 that coming from? Do we expect to win that
21 case and start imposing the fees mid year?

22 MR. SULLIVAN: Let me confer for
23 one second.

24 LEGISLATOR DENENBERG: We're
25 voting on this tomorrow, so any answer I

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2 don't get tonight, I'm never going to get.

3 LEGISLATOR DENENBERG: Sir, that
4 would be the not-profit charge, 12 and a
5 half of that 14 would be the not-profit
6 charge.

7 LEGISLATOR DENENBERG:
8 Mr. Sullivan, I couldn't hear you.

9 MR. SULLIVAN: That would be the
10 not-profit charge, charging the non-profit
11 institutions.

12 LEGISLATOR DENENBERG: So we are
13 budgeting next year to charge the
14 not-profits for use of the sewers and
15 getting 12.6 million?

16 MR. SULLIVAN: That is correct.

17 LEGISLATOR DENENBERG: To me,
18 that would be at risk because right now
19 we're under an order and a finding of the
20 lower court that imposed an injunction
21 pending a full trial. But right now we are
22 enjoined from charging that.

23 Do you some information that
24 tells you that the court is going to reverse
25 itself and find that we can impose this fee,

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2 and that's going to happen mid year next
3 year?

4 MR. SULLIVAN: Well, first of
5 all, even if you didn't realize the revenue
6 in the year, you would book a receivable.

7 Second of all, I think it would
8 be irresponsible not to book the revenue
9 because then you would basically be saying
10 that, we don't think the court case is
11 valid, I'm not going to book any revenue.

12 LEGISLATOR DENENBERG: So it's
13 more responsible to bill --

14 MR. SULLIVAN: This is old
15 territory, but I think we're the only county
16 in the United State of America that does not
17 charge, does not recover costs.

18 LEGISLATOR DENENBERG: I told you
19 when it was being passed, and you told me,
20 no, no, no, we can do this, that we're going
21 to lose in court and that --

22 MR. SULLIVAN: I don't think
23 we've lost though. It's under injunction.

24 LEGISLATOR DENENBERG: And
25 there's a \$20 million hole in the '11

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2 budget, a '40 million hole in the '12
3 budget, and so far I'm two for two.

4 And I think we are budgeting a
5 12.6 million hole in next years budget with
6 the Sewer and Storm Water District.

7 MR. SULLIVAN: I think we'll have
8 to wait for the court case to be decided.

9 LEGISLATOR DENENBERG: It's been
10 going the way most people would have
11 thought, that if you're only charging
12 certain people for a usage fee, then it's a
13 tax. And that's exactly what the court
14 said.

15 MR. SULLIVAN: I think it's an
16 injunction, sir. I don't think there's been
17 a ruling on it.

18 LEGISLATOR DENENBERG: You know
19 what? We're going to end up budgeting,
20 we're budgeting a shortfall yet again.

21 Let me ask this. I'm still
22 looking now at the sewer and storm water
23 contractual services. The contractual
24 services have gone up each year since 2010.
25 I would say it's gone up in an alarming

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2 amount. It's much higher than it was. Why
3 is that? What is going on? Are we
4 outsourcing more work?

5 MR. SULLIVAN: I think there has
6 been a lot of work that's needed to be done,
7 if you're contracting for services and
8 repairs and things like that, I think no one
9 will -- and I will have Commissioner Shah
10 speak to that issue, but certainly the sewer
11 system is in a state of disrepair prior to
12 the storm. This was an area that we were
13 looking to increase our spend on to bring it
14 more in compliance with a better plant.

15 LEGISLATOR DENENBERG: Is part of
16 what you do as the budget director concern
17 yourself about the capital budget as well
18 the amount of borrowing for capital
19 projects?

20 MR. SULLIVAN: Obviously the
21 capital projects incur costs from the debt
22 service perspective, yes.

23 LEGISLATOR DENENBERG: So are you
24 aware that right now there is over, from our
25 last debt offering, there is over 390

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2 million authorized, but unissued bonds for
3 improvements and capital projects for our
4 sewage treatment plants, 393 to be exact?

5 MR. SULLIVAN: I think that
6 number is wrong. I know it's what's in the
7 NIF system, but I think that is something
8 that the county has to address.

9 LEGISLATOR DENENBERG: But we put
10 it out. That's your name at the end of that
11 offering.

12 MR. SULLIVAN: It's not an offer.

13 LEGISLATOR DENENBERG: It's the
14 county executive's seal, the county seal at
15 the end. We're saying it's --

16 MR. SULLIVAN: It's the
17 comptroller's report you're talking about?

18 LEGISLATOR DENENBERG: I'm sorry?

19 MR. SULLIVAN: Are you talking
20 about the comptroller's report?

21 LEGISLATOR DENENBERG: I'm
22 talking about the --

23 MR. SULLIVAN: NOS? What
24 document are you talking about?

25 LEGISLATOR DENENBERG: I'm

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2 talking about the descriptions we give when
3 we provide our bond offering. And when we
4 provide our bond offering, we list how much
5 authorized but unissued bonds there are. We
6 have consistently -- not the comptroller,
7 not anyone, have consistently listed almost
8 400, sometimes over 400, but right now the
9 last offering, \$393 million worth of
10 authorized but unissued bonds for
11 improvements in capital projects in our
12 sewer district.

13 MR. SULLIVAN: Right. And as
14 you're aware, that number has been like that
15 for the last decade.

16 CHAIRWOMAN GONSALVES: David, let
17 him finish, please.

18 LEGISLATOR DENENBERG: He did.

19 CHAIRWOMAN GONSALVES: No, he
20 didn't.

21 LEGISLATOR DENENBERG: He did.

22 CHAIRWOMAN GONSALVES: Let me
23 tell you something. Just listen for a
24 minute. All right? Stay on the operating
25 budget. You seem to be going into the

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2 capital plan.

3 LEGISLATOR DENENBERG: No, I just
4 got into one thing.

5 CHAIRWOMAN GONSALVES: I think
6 there are questions that you have asked and
7 he has answered. I know there are other
8 legislators who wish to be heard.

9 So would you please wrap it up?

10 LEGISLATOR WINK: With all due
11 respect, Madam Presiding Officer, the fact
12 of the matter is, when you've taken a \$3
13 billion budget and given us one opportunity
14 for a hearing, you're going to have a lot of
15 questions being asked at one time. So as
16 much as nobody wants to sit here through the
17 entire process, the fact of the matter is
18 what has normally historically been three,
19 four, sometimes five hearings over a span of
20 24 hours worth of questioning, is now being
21 put into one short period of time with a
22 vote tomorrow. So this is the one bite of
23 the apple that everyone has to ask their
24 questions.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Wink, the only reason I'm saying what I'm
3 saying is because there are other
4 legislators who wish to be heard.

5 LEGISLATOR DENENBERG: Legislator
6 Gonsalves, I've gone for -- I started after
7 six o'clock.

8 CHAIRWOMAN GONSALVES: Oh, I
9 don't know about that.

10 LEGISLATOR DENENBERG: Yes. So
11 I've gone for about less than 15 --

12 CHAIRWOMAN GONSALVES: No, no,
13 no.

14 LEGISLATOR DENENBERG: -- minutes
15 and then --

16 CHAIRWOMAN GONSALVES: Ten to
17 6:00.

18 LEGISLATOR DENENBERG: Let me, if
19 I can ask about the budget, my problem, Mr.
20 Sullivan, is that we have gone up to --
21 we're now at \$28 million of contractual
22 services in our operating budget for the
23 sewer and Storm Water Authority. Am I
24 misreading the \$28 million?

25 MR. SULLIVAN: If you think there

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2 are services that can be cut in the sewer
3 plant, I think, otherwise we would be glad
4 to hear your recommendation.

5 LEGISLATOR DENENBERG: Okay. You
6 want to turn it. I would like to
7 understand, okay, the capital budget and
8 improvements, and capital projects is
9 separate. And we are 400 million behind
10 according to our own words. But why have --

11 MR. SULLIVAN: That wouldn't be
12 behind, sir. Unissued bonds, if you didn't
13 do the work and you issued a debt, that
14 would be behind. The debt was never issued.

15 LEGISLATOR DENENBERG: We should
16 have been doing \$300 million worth of work
17 since 2010, and --

18 MR. SULLIVAN: You can probably
19 go back to 2002 and do it as well, sir.

20 LEGISLATOR DENENBERG: Why are we
21 hiring outside contractors to do the
22 maintenance which we haven't done instead --

23 MR. SULLIVAN: Not every repair
24 is capital eligible. A lot of repairs are
25 operational. And I think as we well

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2 document it, and I think the Department of
3 Public Works can speak to this issue very
4 well, there are numerous repairs to this
5 system which is more of an operating nature
6 as well. The plans prior to -- obviously
7 the decimation experience in Sandy we're in
8 a grave state of disrepair and we've
9 increased the spend on that the last couple
10 of years.

11 LEGISLATOR DENENBERG: It
12 obviously hasn't shown, but the one thing
13 that I have seen that has increased at the
14 plants isn't overtime, isn't the salary and
15 fringe benefits because it's the same as it
16 was, it's actually less than it was in 2010,
17 projected for 2013, it's actually less or
18 steady.

19 The only expense that's gone up
20 is these contractual services. I don't know
21 why and I don't know what we've gotten for
22 it.

23 MR. SULLIVAN: You can obviously
24 speak to the department in that but
25 obviously I think it's been well documented

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2 that the sewers were in a state of
3 disrepair. I think from both sides of aisle
4 there's been an acknowledgment of that and
5 this is something that we're looking to
6 address.

7 LEGISLATOR DENENBERG: Then the
8 capital projects would have moved and we
9 would have had employee time going up.

10 MR. SULLIVAN: I know we spent
11 twice as much as the prior administration
12 year over year and this is something, but
13 you're absolutely correct, sir, there is a
14 great need out there and it needs to be
15 addressed.

16 MR. SULLIVAN: Your twice-as-much
17 statement I would adamantly disagree with in
18 the capital plan and what was spent before
19 2010 would show that.

20 But let me get back to police.
21 The new class of police is supposed to come
22 in the -- a new class is supposed to come in
23 this year, correct?

24 MR. SULLIVAN: It's my
25 understanding, yes.

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2 LEGISLATOR DENENBERG: Is that
3 part of the budget?

4 MR. SULLIVAN: Yes.

5 LEGISLATOR DENENBERG: So what is
6 the head count going to be? What are we
7 budgeting as the head count for 2013?

8 MR. SULLIVAN: The budgeted head
9 count I believe is 2,260.

10 LEGISLATOR DENENBERG: For 2013?

11 MR. SULLIVAN: Yes.

12 LEGISLATOR DENENBERG: What is it
13 right now?

14 MR. SULLIVAN: It's probably
15 somewhat lower than that. I don't have it
16 in front of me right now. Someone will look
17 it up as I'm speaking, but it's probably
18 about ten heads less.

19 LEGISLATOR DENENBERG: So with
20 retirements, or have the retirements already
21 come in because it's after October?

22 MR. SULLIVAN: We are predicting
23 that we would try to maintain that head
24 count constant and backfill for the
25 retirements.

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2 LEGISLATOR DENENBERG: But when
3 you said we are ten less than the 2,260 now,
4 let's say that's 2,250.

5 MR. SULLIVAN: That's my guess,
6 yes.

7 LEGISLATOR DENENBERG: So let's
8 say it's 2,250 based on your guess right
9 now. Does that include who is likely to
10 retire or not by person, but does that count
11 for retirements? The 2,250, is that after
12 the retirements that you counted or before?

13 MR. SULLIVAN: I was giving you
14 an actual, so that would be -- that's my
15 understanding, before retirements. It's an
16 actual.

17 LEGISLATOR DENENBERG: So we will
18 have retirements in '13, that would make the
19 lower unless we bring in a new class?

20 MR. SULLIVAN: That is correct.

21 LEGISLATOR DENENBERG: So the
22 plan is to bring in a new class. Do you
23 know when?

24 MR. SULLIVAN: I would ask
25 Commissioner Krumpter to speak to that when

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2 he speaks.

3 MR. SULLIVAN: They usually do
4 small ones. It's been I think typically 25
5 or 30, but I again would defer to the
6 commissioner on that point.

7 LEGISLATOR DENENBERG: Okay. How
8 do you, for the budget, wouldn't you have to
9 know when the new officers are coming in?

10 MR. SULLIVAN: Yes.

11 LEGISLATOR DENENBERG: So when
12 are they coming in, you did the budget?

13 MR. SULLIVAN: The retirements
14 are obviously spread throughout the year. I
15 will check with the police department.

16 LEGISLATOR DENENBERG: Is
17 Commissioner Krumpter here, can he help?

18 CHAIRWOMAN GONSALVES: Is
19 Commissioner Krumpter here? Is there anyone
20 here who can address that question? Is he
21 here?

22 LEGISLATOR DENENBERG:
23 Commissioner Krumpter, my question was with
24 respect to the budgeted number of police
25 officers. I don't know if you were

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2 listening outside but Deputy County
3 Executive Sullivan said that the current
4 head count is about 2,250. The budgeted
5 head count for 2013 is 2,260.

6 Mr. Sullivan confirmed that it's
7 his belief that a new class would be coming
8 in this year. He didn't know when. He
9 didn't know the size of the class and he
10 deferred those questions to you.

11 So my question is, how many new
12 officers are coming in in 2013? When are
13 those classes coming in and is it two
14 classes of how many or one class and how
15 many?

16 COMMISSIONER KRUMPTER: Right now
17 at this point in time the applicant
18 investigation is finalizing a class for the
19 correction officers. At the same time they
20 are preparing to hire a class of police
21 officers. We expect two to three classes
22 next year based on attrition.

23 In light of this storm and
24 without getting into the details, we do
25 expect retirements to be slightly more than

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2 anticipated for next year.

3 So at this point we are planning
4 on giving a test. Not planning, the test is
5 scheduled for December. We expect to hire
6 two classes, one in January and one in
7 March. The one in January will be somewhere
8 between 25 and 50 people. The one in March
9 will be based on attrition. That will be
10 the last class off the existing exam.

11 It should be noted, those will be
12 first two classes hired off the existing
13 exam. That exam will expire in April, I
14 believe it is, and then from that point
15 forward we expect to hire based on attrition
16 at the end of the year.

17 LEGISLATOR DENENBERG: The
18 existing exam, which exam is the existing
19 exam?

20 COMMISSIONER KRUMPTER: The
21 existing exam is the one that was given I
22 believe in 2007. I believe it was 2007.

23 LEGISLATOR DENENBERG: So we are
24 going to administer another exam next month
25 but the hires in January -- or the police

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2 class in January and the police class in
3 January and the police class in March would
4 be off the old list?

5 COMMISSIONER KRUMPTER: That's
6 correct.

7 LEGISLATOR DENENBERG: And how
8 many correction officer classes?

9 COMMISSIONER KRUMPTER: We are
10 looking to get 25 to 30 to fill the
11 vacancies. That would be more appropriate.
12 We are doing the background. That question
13 is probably more appropriate for the
14 corrections department.

15 LEGISLATOR DENENBERG: All right.
16 Mr. Sullivan, do you know the number of
17 correction officers for the 2013 --

18 MR. SULLIVAN: Yes. We have 37
19 going out but I believe the first class
20 coming is going to be about 16 officers in
21 December.

22 LEGISLATOR DENENBERG: So what is
23 our total number going to be, or what are we
24 budgeted?

25 MR. SULLIVAN: It's going to be

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2 around a thousand. A little less.

3 LEGISLATOR DENENBERG: That's
4 what we're trying to maintain.

5 MR. SULLIVAN: Yes.

6 LEGISLATOR DENENBERG: Thank you.
7 Finally, the number of detectives, superior
8 officers, can we break that down for '13?

9 MR. SULLIVAN: We can get you
10 that breakdown, yes.

11 LEGISLATOR DENENBERG: Do you
12 have it?

13 MR. SULLIVAN: 358.

14 COMMISSIONER KRUMPTER: It should
15 also be noted we are promoting 20 sergeants
16 on Monday and six lieutenants also.

17 LEGISLATOR DENENBERG: So what's
18 our number of superior officers and
19 detectives? You said 250 something?

20 MR. SULLIVAN: No. 358.

21 LEGISLATOR DENENBERG: For which?

22 MR. SULLIVAN: DAI. Detectives.
23 And the other is 333 SOA.

24 LEGISLATOR DENENBERG: Thank you.
25 I have nothing further.

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2 CHAIRWOMAN GONSALVES: Legislator
3 Scannell.

4 LEGISLATOR SCANNELL: I want to
5 start first with the overtime that's
6 budgeted. The Office of Budget has it at
7 \$44 million; is that correct? \$44 million
8 is in the police overtime budget?

9 COMMISSIONER KRUMPTER: I believe
10 there is an adjustment based on earlier
11 legislation from Deputy County Executive
12 Sullivan that the budget for next year's
13 overtime, if that is adopted, will be \$46
14 million.

15 LEGISLATOR SCANNELL: So that's
16 46?

17 COMMISSIONER KRUMPTER: That's
18 correct.

19 LEGISLATOR SCANNELL: Now, the
20 budget was planned before the hurricane, so
21 do you anticipate additional overtime based
22 on the fact that you're going to need more
23 overtime based on the hurricane?

24 COMMISSIONER KRUMPTER: Well, at
25 this point the assumption is that the

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2 overtime related to the hurricane will be
3 reimbursed at least 75 percent plus some
4 portion from the state. So a significant
5 amount of that will be reimbursed.

6 We didn't really focus on the
7 dollars during the hurricane. We focused on
8 insuring public safety. We did manage the
9 dollars, we did watch the dollars.

10 At this point I believe we asked
11 for an advance from the state for all
12 overtime and the federal government in the
13 amount of \$10 million which is what we
14 expect to spend on storm related overtime
15 between the actual event and the end of the
16 year.

17 LEGISLATOR SCANNELL: So you
18 increased it to 46 and then you're
19 expecting, you said, \$10 million from the
20 state?

21 COMMISSIONER KRUMPTER: The
22 federal government to reimburse us for
23 overtime expenditures.

24 LEGISLATOR SCANNELL: So for a
25 total of \$56 million?

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2 COMMISSIONER KRUMPTER: Well,
3 that's this year's money, it's 58. We
4 expect to be back to normal operations by
5 January 1st.

6 LEGISLATOR SCANNELL: Just for
7 this year?

8 COMMISSIONER KRUMPTER: Yes.

9 LEGISLATOR SCANNELL: Now what
10 happens if that doesn't happen, if the state
11 and FEMA doesn't come across, do you have
12 enough money in the contingency fund to
13 cover the extra overtime you need for the
14 hurricane?

15 COMMISSIONER KRUMPTER: That
16 would be a question we would have to work
17 out to fund the budget through the end of
18 the year. That's obviously an unanticipated
19 event. I don't think anybody could have
20 predicted a once in a century storm.

21 For a myriad of reasons just put
22 in perspective, last year we'll seek
23 reimbursement -- not seek reimbursement, we
24 are going to have to receive a reimbursement
25 for last year's storm in the amount of about

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2 \$2.2 million, and less than half of that was
3 overtime.

4 So you're talking last year's
5 storm, while significant, pales in
6 comparison in the demands that were put on
7 the police department during this year's
8 storm.

9 LEGISLATOR SCANNELL: Tim, is
10 there enough money in contingency if the
11 state and FEMA doesn't come across with the
12 contingency money? Is there enough money in
13 the contingency budget this year to cover
14 the overtime? How does that fall back?

15 MR. SULLIVAN: Well, two issues.
16 Number one would be the cash side of it, and
17 obviously that would place some strain which
18 is why I am seeking to add \$20 million.

19 From a budgetary perspective, the
20 FEMA reimbursement, we obviously expect,
21 we're hoping for 100 percent, like they did
22 last year. At minimum, it's 75, and I think
23 the state is obviously going to consider a
24 piece, which last year is 12 and a half, and
25 they picked up the second 12 and a half.

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2 So I would think -- the bottom
3 line, we are going to have a receivable on
4 the books for that money and it's going to
5 be from FEMA. So there is never a talk that
6 they would not reimburse for that money.

7 LEGISLATOR SCANNELL: So your
8 experience in the past is that FEMA has
9 never ever rejected the county for a
10 reimbursement?

11 COMMISSIONER KRUMPTER: I mean,
12 FEMA has been on the ground here since --
13 within 24 hours of the end of the storm and
14 we've had rather lengthy conversations.

15 At this point I would be shocked
16 if we did not receive reimbursement from
17 FEMA for this storm, as would be New York
18 City, Suffolk County and most of New Jersey.

19 LEGISLATOR SCANNELL: And I just
20 want to follow-up, Tim, if they don't you're
21 saying there is enough money in the
22 contingency fund to cover it?

23 MR. SULLIVAN: Well, yes, if the
24 feds at some point just walked away from the
25 whole thing, which I don't think they can,

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2 by legislation they have to, the feds have
3 to kick in 75 percent.

4 So I don't think there is a
5 provision when they can walk away from this.

6 LEGISLATOR SCANNELL: Right.
7 That's the first plan. But we always want
8 to make sure that there's a backup plan so
9 there's not a shortfall in the police
10 department at the end of the year just in
11 case.

12 MR. SULLIVAN: Well, I'll be
13 honest with you, the police department would
14 be probably the least of our worries in that
15 situation with some of the capital costs
16 from public works and things like that with
17 the damage to the infrastructure.

18 LEGISLATOR SCANNELL: How many
19 police patrols do we have in the budget this
20 year, Tom?

21 COMMISSIONER KRUMPTER: I don't
22 really follow the question.

23 LEGISLATOR SCANNELL: How many
24 patrols RNP patrols do we have in Nassau
25 County total?

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2 COMMISSIONER KRUMPTER: We have
3 177 posts in Nassau County. Right now
4 during the last several weeks, it's been our
5 objective to staff them all. There are
6 certain parameters that we do Way Up cards,
7 and we have basically given direction that
8 that will not happen during this period of
9 time.

10 LEGISLATOR SCANNELL: So you have
11 177 currently, 177 posts right now. What is
12 the budget for next year, do you plan to
13 continue the 177 posts for next year?

14 COMMISSIONER KRUMPTER:
15 Absolutely. There are no real material
16 changes to the structure of the police
17 department in next year's budget. Basically
18 what we're currently staffed at and how
19 we're currently staffed will be how we staff
20 for next year.

21 LEGISLATOR SCANNELL: So 177 this
22 year and 177 next year?

23 COMMISSIONER KRUMPTER: That's
24 correct.

25 LEGISLATOR SCANNELL: Police

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2 crossing guards. How many crossing guards
3 do you have now in the budget?

4 COMMISSIONER KRUMPTER: Crossing
5 guards I would have to get the actual
6 budgeted number. So the budget for next
7 year is 416 crossing guards.

8 LEGISLATOR SCANNELL: How many in
9 this year's budget?

10 COMMISSIONER KRUMPTER: Sorry,
11 416 this year. And next year is 378.

12 LEGISLATOR SCANNELL: So is there
13 a shortage right now, have you had
14 retirements with the police crossing guards
15 right now?

16 COMMISSIONER KRUMPTER: Yes, we
17 have. We've had a significant number of
18 retirements due to the significant number of
19 incentives over the last year and a half.

20 Right now what we are doing is,
21 we have started a survey of all the
22 crossings and right now we are taking a
23 closer look at about 40 crossings.

24 LEGISLATOR SCANNELL: So there
25 are 40 crossings that you're saying there

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2 are shortages at. How many total crossings
3 are there in Nassau County?

4 COMMISSIONER KRUMPTER: I would
5 have to get that number for you.

6 LEGISLATOR SCANNELL: But you're
7 saying though that they are 40 short?

8 COMMISSIONER KRUMPTER: That's
9 not what I said. What I said was, we did a
10 survey and we're looking at about 40
11 crossings that no longer have kids crossing
12 them, out of them.

13 LEGISLATOR SCANNELL: I would
14 like the number of how many crossing guards
15 there are at this point, how many crossing
16 guard posts there are.

17 COMMISSIONER KRUMPTER: Yes.

18 LEGISLATOR SCANNELL: Are you
19 using now, because of the shortage, are you
20 using uniformed police officers to cover
21 crossing guard spots?

22 COMMISSIONER KRUMPTER: Yes, we
23 are. When there is a shortage on the
24 crossing, it's been the policy of this
25 department as long as I have been on the

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2 job, so for at least 20 years, that when
3 there's a shortage of crossing, whether the
4 crossing guard calls in sick, or whether
5 there is a shorting in the crossings, we
6 will use police officers to cover those
7 crossings.

8 LEGISLATOR SCANNELL: Do you plan
9 to fill more crossing guard units? Do you
10 plan to hire more crossing guards?

11 COMMISSIONER KRUMPTER: We've
12 done a couple of things. We started to hire
13 crossing guards to fill those vacancies.

14 The second thing we're doing is
15 we did the survey of all the crossing. And
16 right now, what we're doing is following up
17 that survey with actually videotaping each
18 one of these 40 identified crossings. So we
19 are going to be looking at it from a two
20 prong approach to actually shore up that
21 area.

22 Historically we have always had
23 police officers on crossings and what we're
24 working towards is a number of crossing
25 where we actually have 20 crossing guards

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2 above that number, so have a certain cushion
3 that we've never had before.

4 That's sort of the direction we
5 are heading in right now.

6 LEGISLATOR SCANNELL: How many
7 officers are you now currently covering
8 crossing guard?

9 COMMISSIONER KRUMPTER: It
10 depends on the day, Legislator Scannell.
11 Every day varies depending on the number of
12 crossing guards that take off and call in
13 sick.

14 LEGISLATOR SCANNELL: Just
15 general ballpark.

16 COMMISSIONER KRUMPTER: I
17 wouldn't be able to tell you that on a
18 general ballpark. The number varies on a
19 day to day.

20 LEGISLATOR SCANNELL: So if you
21 have 177 posts, and 177 posts in this year,
22 are you taking -- how are you covering it if
23 it's the same amount of posts if you have a
24 shortage of crossing guards?

25 COMMISSIONER KRUMPTER: Same way

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2 we always do, sir. If we have a shortage of
3 crossing guards, and there's been ups and
4 downs depending on how many crossing guards
5 we have at a given point in time, we will
6 use police officers to fill that crossing,
7 that hour or two in the morning, that hour
8 to two in the afternoon.

9 So it's the exact same way that
10 we've always done. It is part of the police
11 officer's job and they are the backups for
12 those crossings guards. It's always been
13 that way and continues to be that say.

14 LEGISLATOR SCANNELL: So you are
15 taking posts and using them as crossing
16 guards?

17 COMMISSIONER KRUMPTER: Yes, sir.

18 LEGISLATOR SCANNELL: So you
19 don't have 177 posts then.

20 COMMISSIONER KRUMPTER: No. We
21 have 177 posts. You asked me how many posts
22 I had. I have 177 posts in Nassau County.

23 LEGISLATOR SCANNELL: And you're
24 using police officers out of those posts to
25 cover crossing guards you're saying?

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2 COMMISSIONER KRUMPTER: Just like
3 we use police officers to answer radio calls
4 for 80 cases and other calls.

5 LEGISLATOR SCANNELL: So they are
6 doing different jobs than they normally
7 would?

8 COMMISSIONER KRUMPTER: No.
9 They're not doing different jobs than they
10 normally would, Legislator Scannell. They
11 are doing the same jobs they've always done.
12 They have been the backup for crossing
13 guards. They've always been the back up for
14 crossing guards.

15 LEGISLATOR SCANNELL: You're
16 taking a police officer off his post when he
17 has a full call, he's got a lot of radio
18 calls he's got to take, he can't do those
19 calls. He's got 10, 15, 20, 30 calls a day
20 and --

21 COMMISSIONER KRUMPTER: That's
22 actually not true, Legislator Scannell. The
23 calls are down about 20 to 25 percent. No
24 police officer in Nassau County has answered
25 25 to 30 calls a day.

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2 LEGISLATOR SCANNELL: The point
3 is, Tom, that you are taking officers off of
4 those calls off of their normal duty which
5 is patrol, which is police, which is public
6 safety, and you're putting them on to cover
7 crossing guards and I don't think that's
8 right.

9 COMMISSIONER KRUMPTER:
10 Legislator Scannell, I'm not going to
11 debate. I prefer to have a crossing guard
12 on the crossing and I agree with you.

13 The point is, we've always
14 covered the crossings in this manner.

15 LEGISLATOR SCANNELL: I don't
16 agree with it. I think it harms public
17 safety.

18 COMMISSIONER KRUMPTER: We agree
19 with you, Legislator Scannell, that's why we
20 have a plan in place to reverse the trend
21 for the first time, wherein we'll have less
22 police officers on those crossing than ever
23 before.

24 LEGISLATOR SCANNELL: So you're
25 going to hire more crossing guards, is that

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2 the plan? What is the plan to solve this
3 problem?

4 COMMISSIONER KRUMPTER: It's a
5 two prong approach. We are going to
6 eliminate crossings that no longer serve a
7 function of crossing students.

8 At the same time, we are going to
9 have enough crossing guards to insure that
10 we can actually cover all the crossings with
11 minimal impact on the police officers and
12 have a minimal amount of police officers
13 actually cover crossings on a given day.

14 LEGISLATOR SCANNELL: Thanks,
15 Tom.

16 CHAIRWOMAN GONSALVES: At this
17 time I would like to say thank you to Deputy
18 County Executive Sullivan. I was just
19 getting ready to close. Go ahead, Judy.

20 LEGISLATOR BOSWORTH: Deputy
21 Commissioner Krumpter, I guess it was a
22 month ago or a little more than that, there
23 was some concern about the now formerly
24 Sixth Precinct that is now the community
25 center in terms of them not having two

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2 police officers on duty. I know I spoke
3 with you and I spoke with several people and
4 you responded quickly and, in fact, that
5 second police officer was returned instead
6 of there being someone from the highway
7 department staffing that.

8 I was somewhat surprised that we
9 had to have that conversation. So my
10 question to you is, are there plans to
11 change the basic structure of what we were
12 told those community centers would be?

13 COMMISSIONER KRUMPTER: At this
14 point in time, Legislator Bosworth, we did
15 have a discussion. I just wanted to point
16 out that the highway patrol is in that
17 facility, and we originally staffed up that
18 facility. We had one desk officer which is
19 a supervisor. We had a highway police
20 officer, and we had a second police officer
21 from the Sixth Precinct staffing that.

22 After discussions with not only
23 you but the unions, and various other
24 community representatives, some of the
25 mayors, we had a lot of discussions, we

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2 acted very swiftly and we corrected that
3 situation.

4 I think that's sort of what we're
5 doing. And at this point in time I will
6 speak to that facility. That facility there
7 has been no discussions, no plans, nothing
8 to reduce that position back from two to
9 one.

10 Now, I don't know if it's going
11 to come up tomorrow, the next day, or ten
12 years from now, but as of this point in
13 time, there are -- I'm telling you, there
14 are absolutely no discussions or no thought
15 in that arena.

16 LEGISLATOR BOSWORTH: Well, I'm
17 pleased to hear that. I did acknowledge
18 that that was taken care of quickly and
19 really to the great satisfaction of the
20 constituents that I represent.

21 I also understand that there were
22 a few extra POP officers that were going to
23 be dedicated to that area as well. I was
24 wondering if that's going to be continued
25 according to your plans?

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2 COMMISSIONER KRUMPTER: Not only
3 is it continued, we've actually added, to
4 address certain crime trends that were
5 troubling to the commissioner of police,
6 we've added additional units in all of the
7 precincts, the Third Precinct, the Fourth
8 Precinct, and the Second Precinct each got
9 four additional special units, special
10 community policing specifically to target
11 crime.

12 I'll get into what's happening.
13 The Seventh Precinct, the First Precinct
14 also. The Seventh Precinct received four
15 additional units. The First Precinct
16 received two additional units. That was
17 above and beyond what we already had in all
18 those locations.

19 I want to put this in
20 perspective. There is an ongoing discussion
21 related to certain litigation with the PBA
22 that there may be some restructuring on how
23 those special units are deployed in the
24 county. It's going to be a net reduction of
25 zero. It's just where they're deployed out

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2 of. So we are looking at that and that has
3 to do with some ongoing litigation that I
4 really prefer not to discuss in this public
5 forum.

6 LEGISLATOR BOSWORTH: Thank you.

7 CHAIRWOMAN GONSALVES: Legislator
8 Solages.

9 LEGISLATOR SOLAGES: Thank you.
10 Good evening, commissioner.

11 COMMISSIONER KRUMPTER:
12 Legislator Solages, how are you, sir?

13 LEGISLATOR SOLAGES: Doing well.
14 Good evening. I'm having a hard time trying
15 to understand how police overtime remained
16 constant under this new consolidation plan
17 that we have. I can only refer to the
18 precinct that I'm most familiar with and
19 that's the beloved Fifth Precinct that's now
20 the Fourth Precinct.

21 As you may recall, that closure
22 was scheduled to occur by the end of
23 September but it was sped up to the mid part
24 of September after my request for the FBI to
25 look into the matter of --

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2 COMMISSIONER KRUMPTER: Actually,
3 legislator, if I can just stop you briefly.
4 It was actually scheduled for September 1st
5 and it was pushed back to September 15th.
6 So it was the opposite. It wasn't brought
7 forward. It was actually pushed back two
8 weeks because of the holiday weekend,
9 because of certain logistical issues that
10 had to be addressed.

11 LEGISLATOR SOLAGES: So comparing
12 the statistics that we have of crime in the
13 Fifth Precinct, now the Fourth, from the
14 beginning of September to the end of
15 September compared to last year, do we see
16 an increase in overtime or decrease?

17 COMMISSIONER KRUMPTER:
18 Statistics of crime or statistics of
19 overtime?

20 LEGISLATOR SOLAGES: Overtime.

21 COMMISSIONER KRUMPTER: You know,
22 it's kind of difficult to quantify overtime
23 since, really, in the last -- even about a
24 month prior to the storm, there's a lot of
25 things that happened to this department that

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2 resulted in some anomalies.

3 Unfortunately two police officers
4 were killed in the line of duty. We had an
5 another police officer in the Fourth
6 Precinct that was seriously injured, and
7 then we had the storm. The storm really
8 changed all the numbers.

9 So for us to try to quantify at
10 at this point the impact, I'm going to be
11 very honest with you, at this point in time
12 we are unable to quantify that because of
13 those -- specifically because of the storm.
14 That had a significant impact on our
15 overtime.

16 To the tune of, just to put this
17 in perspective, the first six days of the
18 storm, cash overtime was probably somewhere
19 in the neighborhood of \$2.2 million.

20 So, for me to sit here and try to
21 quantify -- and that was just directly
22 related to storm. At this point, until I
23 start pulling out those numbers, and even
24 that there is going to be a hard comparison.

25 LEGISLATOR SOLAGES: I

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2 understand. Maybe I can ask for the
3 assistance of Deputy County Executive
4 Sullivan. It just behooves me to understand
5 that we expect less overtime if we are
6 asking these hard working police officers
7 who all make us proud to do more work.

8 COMMISSIONER KRUMPTER:

9 Absolutely.

10 LEGISLATOR SOLAGES: To go from
11 Elmont to Hewlett and then to Mineola in
12 less time. That can only lead to more
13 overtime.

14 COMMISSIONER KRUMPTER: No.
15 Legislator Solages, you have to understand
16 that only a portion of overtime is
17 attributable to arrest or investigative
18 overtime. And a smaller portion of that is
19 actually contributable to police officer
20 arrest overtime or investigative overtime.
21 Those are the times where you would actually
22 have a police officer responding to a
23 precinct.

24 You have to realize that our
25 overtime, and we have a thousand overtime

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2 codes, but, really, we look at overtime in
3 several big blocks.

4 The number one overtime cause in
5 the Nassau County Police Department is light
6 roll call overtime. Light roll call
7 overtime accounts for -- and these are just
8 rough estimates, just for the purpose of
9 illustration, light roll call overtime
10 accounts for just about half of all overtime
11 in the police department.

12 Another big expenditure of
13 overtime -- after that there is a
14 significant drop-off. Other big causes of
15 overtime is court overtime, arrest overtime,
16 investigative overtime and detail overtime.
17 Detail overtime is another big cause.
18 Special details. We have the Belmont
19 Stakes.

20 To put this in perspective, on
21 one day we spent \$48 million this year, and
22 we anticipated spending \$48 million in
23 overtime. And on one day at the Belmont
24 Stakes, the department spent \$200,000 in
25 overtime.

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2 At the presidential visit, one
3 day, the department probably spent, and we
4 didn't get the final numbers yet, so this is
5 just an estimate, they spent \$700,000 in
6 overtime.

7 So when you look at those things,
8 arrest overtime is a small percentage. So
9 if arrest overtime for whole county goes up
10 10 percent, and it's not going to -- I don't
11 expect it to do that, that would only be,
12 that would be hundreds of thousands of
13 dollars; \$200,000, \$300,000.

14 LEGISLATOR SOLAGES: I
15 understand.

16 COMMISSIONER KRUMPTER: And
17 that's what you're talking about for the
18 whole county over the course of the year.

19 Now, we do know that the overtime
20 in the Second Precinct, overall in the year
21 over year comparison for those types of
22 things was actually down. That doesn't mean
23 it's going to be same for the Fourth or
24 Fifth Precinct. What it means is, we didn't
25 see any concerning spikes in overtime.

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2 One of the things that we did see
3 that was a positive from the precinct
4 realignment is this, that while the other
5 precincts were up in crime, you see our
6 crime index, and the total crime index that
7 we look at here, the Second Precinct started
8 pulling everybody else down when we started
9 getting settled in.

10 That occurred because of the
11 significant amount of resources that were
12 added to the special units, and using the
13 policing models that we use in the county.

14 So we expect the other precincts
15 to follow suit over time and that's what
16 happened. When the first precincts got
17 consolidated, crime was up 16, 17 percent.
18 That was around March.

19 Today, as of this morning, year
20 to date, that crime index for the NASDAC
21 crimes, which is modified index, is up five
22 and a half percent.

23 So we brought the crime down from
24 16 to five and a half in the last six or
25 seven months as we have gone through these

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2 consolidations, and that's not attributed to
3 anybody other than the police officers on
4 this job doing a great job out there.

5 So we have that and we are seeing
6 positives in that world. We are very
7 focused on crime, it's the number one
8 objective in our department. The
9 commissioner reminds us every day is crime.
10 Everything else comes second. We are taking
11 steps in order to -- that's something else
12 that should be kept in mind.

13 I think I talked to you earlier
14 tonight, one of the big issues that people
15 face in hurricanes from a criminal
16 standpoint is increased loss in these
17 burglaries, looting. We had one incidence
18 of looting, which is like an emptying out of
19 a store, and burglaries were slightly up
20 but, over all, crime has been flat.

21 At this point, I think we're
22 showing a crime overall relatively flat, and
23 that fluctuates each and every day. So
24 that's a tribute to the steps that the
25 administration took, the commissioner took,

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2 and the cops on the street.

3 LEGISLATOR SOLAGES: Two more
4 questions. Did we receive any refund from
5 FEMA last year for any overtime expenses?

6 COMMISSIONER KRUMPTER: We're
7 expected to receive a check from them in the
8 next two weeks now?

9 LEGISLATOR SOLAGES: For how
10 much?

11 COMMISSIONER KRUMPTER: \$2.2
12 million, about a million of that is
13 overtime. \$1.2 million is attributable to
14 other expenditures.

15 LEGISLATOR SOLAGES: That will go
16 to the general fund?

17 COMMISSIONER KRUMPTER: It
18 depends on how it comes in. If the portion
19 that is attributable to the district will go
20 to the district. The portion that's
21 attributable to headquarters will go to the
22 general fund.

23 LEGISLATOR SOLAGES: I
24 understand. So my last question for you,
25 commissioner, is my colleague asked you

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2 about crossing guards. I got a phone call
3 from a superintendent saying that the Elmont
4 Road and Linden Boulevard intersection had
5 no crossing guard.

6 What science do you use to
7 determine which intersections get a crossing
8 guard and which ones do not?

9 COMMISSIONER KRUMPTER: At this
10 point in time, Legislator Solages, no
11 crossing has been eliminated. And if that
12 is crossing -- that is, my recollection, is
13 that's a heavily used crossing. It's the
14 one for the high school. Are you talking
15 about Elmont Road and Dutch Broadway?

16 LEGISLATOR SOLAGES: No. Elmont
17 Road and Linden Boulevard.

18 COMMISSIONER KRUMPTER: So what's
19 happening now, no crossings have been
20 eliminated. I don't have the list in front
21 of me. What is happening is, we've done a
22 very detailed study. We wrote a letter to
23 the superintendents to ask them for their
24 feedback on the ones that they've looked at.
25 From some of the superintendents we received

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2 shocking -- they were shocked. Other ones
3 they concurred with some of what we're
4 looking at. But we didn't take any action
5 unilaterally on that, and the long-term plan
6 is right now we reviewed every one of the
7 crossings, and out of the 400 or so
8 crossings, and I don't know the exact
9 number, there was about 40 that were
10 identified that deserved a detailed study.
11 That is what we're currently working on
12 right now.

13 We were scheduled before some
14 events, before the presidential debate, and
15 before the hurricane, we are scheduled to
16 have that completed by January 1st. It's
17 going to be pushed back some because we're
18 basically three or four crossings every
19 week, we're videotaping the crossing for the
20 full week to insure that we have no one
21 actually using these crossings.

22 You have to keep in mind that to
23 staff a crossing with a full time crossing
24 guard is somewhere in the neighborhood of 55
25 to \$60,000. So to have one kid crossing

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2 there, that would cost us four or \$500 a day
3 for that.

4 So we're looking at it. A lot of
5 these crossings, from what we understand
6 now, I don't sit out on them, from the
7 feedback that we're getting, a lot of these
8 crossings aren't used at all.

9 COMMISSIONER KRUMPTER: Thank
10 you. No more questions for Mr. Krumpter.

11 Mr. Sullivan, page six you have
12 your expense report. You state that for
13 mass transportation, you have the public
14 private partnership you have now with NICE
15 and you have the expense of only being five
16 percent.

17 How did you come up with that
18 percentage?

19 MR. SULLIVAN: That's the total
20 cost of what we spend on transportation
21 which would be the Veolia contract, would be
22 the operating subsidy that we pay to the MTA
23 on station maintenance.

24 LEGISLATOR SOLAGES: So that's
25 based in part on monies you would expect to

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2 receive from the state?

3 MR. SULLIVAN: State and federal,
4 yes.

5 LEGISLATOR SOLAGES: Is that wise
6 to base a budget on monies that you have not
7 received yet?

8 MR. SULLIVAN: Absolutely. I
9 mean, a lot of the budget, you look at
10 budgets, state and federal aid is a
11 significant portion of the budget.

12 LEGISLATOR SOLAGES: But there's
13 no guarantee that you're going to receive
14 those monies?

15 MR. SULLIVAN: Well, I would
16 think there's an understanding that when you
17 get into reimbursement situations there is
18 always an understanding that there is a
19 responsibility, there would not be a reason
20 not to fund that at this point.

21 LEGISLATOR SOLAGES: Thank you
22 very much. No more questions.

23 CHAIRWOMAN GONSALVES: We have
24 one more question and that is from
25 Legislator Ford.

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2 LEGISLATOR FORD: I just want to
3 go back. I just am curious. NIFA. How
4 much did they basically take of taxpayers
5 money. How much do they cost us every year?
6 Do you know on an average?

7 MR. SULLIVAN: It's about \$1.8
8 million.

9 LEGISLATOR FORD: And all the
10 debt that they have, I know that you had
11 gone before them for them to basically --
12 and if I say it wrong, please correct me, to
13 like restructure their debt at a lower rate,
14 correct?

15 MR. SULLIVAN: Correct.

16 LEGISLATOR FORD: Did they
17 restructure all the debt they were holding
18 or just a portion of it?

19 MR. SULLIVAN: It was really --
20 there's a difference between a refunding and
21 restructuring. It gets a little
22 complicated. What they did was really
23 refunding of debt for pure interest rate
24 savings. I was looking at -- I thought they
25 could have done a larger restructuring and

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2 there would be some dis-savings going out in
3 the back end of the curve, but they were not
4 supportive of that concept.

5 LEGISLATOR FORD: Was there any
6 reason why they didn't follow your
7 recommendation?

8 MR. SULLIVAN: You can make an
9 academic argument either way. One way would
10 bring substantial relief in the first three
11 years and have some costs going out after
12 that and, I think again, our debt line sort
13 of trails down, so I thought it was okay, it
14 would make economic sense to me to do
15 something back in movement that way, bu they
16 disagreed.

17 LEGISLATOR FORD: Okay. Thank
18 you very much.

19 MR. SULLIVAN: Thank you.

20 CHAIRWOMAN GONSALVES: I would
21 like to say thank you to Mr. Sullivan,
22 Randy, to Roseann, and we certainly have
23 another presenter who will be the
24 Comptroller George Maragos.

25 Again, thank you. I don't know

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2 whether or not you want to hang out here,
3 but it's up to you.

4 MR. SULLIVAN: I will be here.
5 Thank you, presiding officer, and Minority
6 Leader Abrahams. Thank you.

7 CHAIRWOMAN GONSALVES: You are
8 most welcome. And there will be public
9 comment. Good evening, comptroller.

10 COMPTROLLER MARAGOS: Good
11 evening. First, congratulations. Michael,
12 legislator, congratulations and good luck.
13 To my left, we have Lisa Tocuri (phonetic),
14 she's the new acting director of accounting
15 who is replacing Kathy Coogler who retired
16 from the county after 26 years. We also
17 have Corey Friedlander to her right who is
18 our accounting executive.

19 CHAIRWOMAN GONSALVES: Thank you
20 very much. Now it's your turn.

21 COMPTROLLER MARAGOS: Thank you.

22 Legislators, the proposed \$2.8
23 billion budget for fiscal 2013 represents
24 only a 0.2 percent decrease in spending
25 compared to the 2012 adopted budget.

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2 Both revenues and expenses in our
3 opinion have been conservatively budgeted.
4 We project approximately \$60.1 million in
5 budgetary risk, the lowest amount of risk in
6 any budget in the prior four years.

7 On a NIFA gap basis, the
8 projected risk is \$125.1 million, or an 11
9 percent improvement over 2012, and a 32
10 percent improvement from 2009.

11 The \$60.1 million budgetary risk
12 is comprised of approximately 39 million,
13 due to lower anticipated revenues, and 21
14 million from under-budgeted expense.

15 This risk of 60 million may be
16 reduced to as low as 23 million after
17 additional possible opportunities. This
18 level of risk in the 2013 proposed budget we
19 consider manageable.

20 The proposed budget continues the
21 improving fiscal trend in the structural
22 gap, reducing it to under 35 million, an 86
23 percent improvement from the 2009 peak of
24 over 252 million. And it holds recurring
25 spending to just 1.3 percent over recurring

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2 revenues. The lowest margin since 2004.

3 The biggest budgetary challenge
4 facing the county is unfortunately the
5 depleted fund balance standing at about
6 \$40.5 million at the end of 2011, well below
7 the adopted policy of the legislature, the
8 adopted policy of the legislature, of at
9 least four percent of the prior year
10 expenditures, which would equate to
11 approximately 86 million that we should have
12 in the fund balance.

13 This fund balance may be further
14 reduced with any possible year end deficit
15 in 2012. The low fund balance and possible
16 further depletion due to the storm or year
17 end 2012 deficits, has already been noted by
18 the rating agencies with the recent Moodys
19 downgrade.

20 Although the 2013 budget is
21 conservative and with low relative risk,
22 there is little margin for error, because of
23 the low fund balance, the limited
24 contingencies and the possibility of more
25 unexpected events.

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2 The out years in the multiyear
3 plan beginning with 2014 present additional
4 significant risks for the county. The three
5 major gap closing opportunities in the
6 multi-year plan, the sewage system
7 financing, savings from the ERP
8 implementation, and elimination of the MTA
9 station maintenance we believe are
10 optimistic.

11 We estimate budget gaps in 2014
12 and beyond of \$85 million in 2014. \$114
13 million in 2015, and \$163 million in 2016.
14 We urge the administration, NIFA, and the
15 legislature to work together to address
16 these challenges and increase the fund
17 balance.

18 Additional revenue and expense
19 reductions will be required in the
20 multi-year plan to meet these future fiscal
21 challenges. I'm happy to take your
22 questions.

23 CHAIRWOMAN GONSALVES: Anyone
24 wish to speak? Legislator Wink.

25 LEGISLATOR WINK: Mr. Maragos,

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2 how are you?

3 COMPTROLLER MARAGOS: Good
4 evening.

5 LEGISLATOR WINK: I asked these
6 questions of Mr. Sullivan, and I will repeat
7 them to you because, based on your
8 commentary on the 2013 budget, it appears as
9 though you find \$60.1 million at risk for
10 2013. You've also indicated the structural
11 gap in your opinion as diminished in the
12 2013 budget compared to other years.

13 As I understand it, the 2013
14 budget lists \$18 million worth of tax certs
15 payments and nothing more. And, as I asked
16 Mr. Sullivan, I assume your answer will be
17 similar, but I will give you the opportunity
18 to answer it, when in your memory, much less
19 your analysis, has Nassau County had \$18
20 million worth of tax cert settlements or
21 judgments in any calendar year in the last
22 30 years?

23 COMPTROLLER MARAGOS: Our
24 understanding from the administration is
25 that they would only be paying or settling

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2 claims up to the budgeted amounts. So if
3 they're not paying for any additional
4 amounts, we have been accruing those under
5 our long term liability table.

6 LEGISLATOR WINK: Now, given the
7 fact that historically we've been paying out
8 roughly \$100 million a year give or take a
9 bit in terms of settlements, judgments, and
10 whatnot, wouldn't the additional \$82 million
11 in some way, shape, or form, maybe not in
12 the traditional sense, but, certainly,
13 wouldn't that seem as some form of risk even
14 if it's not the traditional sense of risk in
15 this budget?

16 COMPTROLLER MARAGOS: Well, we,
17 again, are assuming that's the amount of \$80
18 million, that they'll actually be paying.
19 So we're still assuming on average of about
20 70 to \$80 million in total liability. And
21 whatever they're not paying, assuming that
22 they don't have a court judgement, that will
23 be accrued under the long term liability.

24 LEGISLATOR WINK: Okay. So, in
25 other words, kicking it down the road?

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2 COMPTROLLER MARAGOS: It will be
3 accrued under the long-term liability.

4 Now there's another aspect that
5 the administration is attempting to
6 implement and that is the structure of
7 settlement, which, with \$18 million they
8 will be able to leverage that going forward
9 and in effect pay over a period of seven
10 years going forward approximately 130 to 140
11 million in property tax settlements.

12 LEGISLATOR WINK: Near as I can
13 tell, that structured settlement concept
14 that the administration came up with seems
15 to be a non-starter, both with NIFA and
16 certainly with a number of members of this
17 legislature.

18 COMPTROLLER MARAGOS: Well, to
19 our understanding, we have assisted with
20 them that it's being restructured. Under
21 the restructured formula that we haven't
22 seen yet, it would not be considered
23 borrowing.

24 LEGISLATOR WINK: Are we using
25 that money for the purposes of paying off

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2 operating expenses?

3 COMPTRROLLER MARAGOS: No, we're
4 not.

5 LEGISLATOR WINK: We're not using
6 it to pay off --

7 COMPTRROLLER MARAGOS: No. We're
8 going to be using the \$18 million which is
9 budgeted.

10 LEGISLATOR WINK: We are only
11 using \$18 million this year?

12 COMPTRROLLER MARAGOS: That's what
13 is in the budget for 2013, yes.

14 LEGISLATOR WINK: Then what is
15 the structured settlement supposed to do,
16 isn't that supposed to fund judgments and
17 settlements?

18 COMPTRROLLER MARAGOS: That's
19 correct.

20 LEGISLATOR WINK: Are we not
21 paying that back over a period of years with
22 interest?

23 COMPTRROLLER MARAGOS: Yes.
24 Through the budget process.

25 LEGISLATOR WINK: That sounds a

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2 lot like a borrowing to me if we're paying
3 something back over time with interest
4 attached to it and paying back more than
5 just the principal that's owed.

6 COMPROLLER MARAGOS: No. It's
7 court ordered.

8 LEGISLATOR WINK: It's court
9 ordered so it's not borrowing?

10 COMPROLLER MARAGOS: It's not
11 borrowing, yes.

12 LEGISLATOR WINK: By that
13 rationale, most of the billions of dollars
14 that we've spent in the last 30 years in
15 settlements and judgments would also be not
16 considered borrowing. How do you define it
17 as not borrowing just because a judge tells
18 us we have to pay it?

19 COMPROLLER MARAGOS: You go out
20 in one case and borrow, and you go out and
21 pay -- or borrow \$100 million to make
22 payments, so you basically get that money,
23 \$100 million that you're going to borrow up
24 front with a series of payments over a
25 period of time.

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2 In this case, if it's court
3 ordered, there is no up-front liability.
4 The court orders that you will pay X amount,
5 let's say \$18 million dollars per year for
6 the next seven years. There is a vast
7 difference between the two. You don't have
8 a liability of seven times 18 currently.

9 You have a liability \$18 million
10 each year that is coming due for the next
11 seven years.

12 LEGISLATOR WINK: So if a judge
13 tells you to pay it out overtime with
14 interest, it's not borrowing, but if you
15 choose to do that way, it is borrowing?

16 COMPTROLLER MARAGOS: No, no.
17 The judge, the way the structured settlement
18 is proposed, and, again, we will see if the
19 judge approves it, it will involve a
20 liability to the county of whatever that
21 amount is on an annual basis, \$18 million
22 say.

23 So that's the only liability that
24 it will have in 2013 and '14. It will not
25 have seven times that or 130 million

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2 liability this year with a payment schedule.
3 There is a vast difference in accounting and
4 finance between the two treatments.

5 LEGISLATOR WINK: Well, it sounds
6 like borrowing by another name and it also
7 to me sounds like risk by another name
8 because we are deferring more liability into
9 the future with the entire tax cert system
10 we have.

11 Let me turn your attention to the
12 pension expense that would normally be
13 budgeted in 2013 for \$192 million. That, I
14 believe, is the amount that the state
15 comptroller has assigned to Nassau County in
16 liability.

17 As I understand it, 2012 is the
18 first time that Nassau County took advantage
19 of an option that was provided by the state
20 which is to amortize and defer a third of
21 the pension liabilities. We hadn't done
22 that prior to 2012. So 2012 is the first
23 time we did that and I understand that was
24 about \$38 million worth of liability to be
25 paid out over the next ten years.

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2 This year we are anticipating
3 \$57.6 million to be amortized over ten years
4 to be paid back to the pension system. That
5 is not part of the \$60.1 million of risk
6 that you indicate in your report, is it?

7 COMPTROLLER MARAGOS: That's
8 correct. That's not at risk.

9 LEGISLATOR WINK: It's not at
10 risk. Why is that?

11 COMPTROLLER MARAGOS: That's an
12 option that the state comptroller has given
13 other municipalities in order to smooth out
14 the payments over multiple years so that
15 they can be more manageable.

16 That was in response to the
17 extraordinary annual increases that have
18 been imposed again by the state comptroller.

19 LEGISLATOR WINK: Mr. Maragos, I
20 understand the rationale behind it and I
21 understand that necessity is the mother of
22 invention when it comes to municipal finance
23 it seems.

24 But this is no different than us
25 borrowing \$100 million a year for tax cert

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2 judgments and settlements. It's the same
3 concept that we are deferring until tomorrow
4 expenses that otherwise accrued today.

5 In fact, doesn't off-loading, not
6 only the additional tax cert liabilities to
7 a future year, but the \$57.6 million for '13
8 and the \$38 million for '12, doesn't all
9 that make the structural gap look a lot
10 better than it might otherwise if we
11 actually had to accrue these as operating
12 expenses?

13 COMPTROLLER MARAGOS: But those
14 are acceptable budgetary rules that we have
15 to abide by.

16 LEGISLATOR WINK: Are they good
17 practices?

18 COMPTROLLER MARAGOS: We don't
19 make those rules.

20 LEGISLATOR WINK: Are they good
21 practices, Mr. Maragos?

22 COMPTROLLER MARAGOS: No, I think
23 it's a terrible situation where we have a
24 mismanagement of the state pension fund
25 because they invested the money poorly and

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2 they are demanding 20 and 25 percent
3 increases on the part of municipalities to
4 make up for their bad decisions and loss of
5 principal.

6 LEGISLATOR WINK: Mr. Maragos, I
7 know that you understand that we have a
8 guaranteed return system, right, where we
9 have to meet a certain rate of return every
10 year and, if we don't meet it in the market,
11 then --

12 COMPTROLLER MARAGOS: Not we, the
13 state comptroller does.

14 LEGISLATOR WINK: The state
15 pension system, you're absolutely right.
16 And as participants in that, we have our
17 share of the obligations.

18 COMPTROLLER MARAGOS: We are at
19 the mercy of the state comptroller.

20 LEGISLATOR WINK: Yes. And, I
21 mean, are you saying that the pension fund
22 actually did precipitously worse than the
23 market as a whole than other investments
24 have done as a whole in the last several
25 years? You indicated mismanagement, I think

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2 that's a term of art here.

3 COMPTROLLER MARAGOS: Right. In
4 2008, yes, they did.

5 LEGISLATOR WINK: In 2008, they
6 mismanaged?

7 COMPTROLLER MARAGOS: Yes. Well,
8 they did worse. I can't speak whether they
9 were well managed or mismanaged, but they
10 did worse than the S&P.

11 LEGISLATOR WINK: I'm not putting
12 words in your mouth, you used the term
13 mismanaged. I'm just trying to understand
14 what --

15 COMPTROLLER MARAGOS: But you put
16 it in a different context than I used it.

17 LEGISLATOR WINK: Was the fund
18 mismanaged, is that why we are paying not
19 only the additional amount but deferring a
20 third of it for future years?

21 COMPTROLLER MARAGOS: For
22 multiple reasons, the state pension fund
23 under-performed. Its investments did not
24 return the desired or promised returns, and
25 the obligation for the shortfall was put on

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2 municipalities such as our own.

3 LEGISLATOR WINK: Do you know if
4 any pension funds helped reform the New York
5 State Pension Fund during that period of
6 time?

7 COMPTROLLER MARAGOS: Absolutely.
8 There are a lot of them. I can't mention
9 them right now, but there is a lot of them
10 that did. A lot of the pension funds, some
11 of them made a lot of money.

12 LEGISLATOR WINK: In the last
13 four years?

14 COMPTROLLER MARAGOS: In the last
15 four years, in 2008, because they took
16 advantage, I guess they anticipated a
17 downturn in the market, and they went short
18 and they made a lot of money.

19 LEGISLATOR WINK: Whether or not
20 that constitutes mismanagement on the part
21 of the New York State Pension Fund I guess
22 is subject to interpretation.

23 COMPTROLLER MARAGOS: Well, when
24 you lose money, if you give me your money
25 and I invest it and I lose it, I haven't

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2 done a very good job.

3 LEGISLATOR WINK: If everybody
4 loses it, you may not have done a mismanaged
5 job, that's my point.

6 But, again, getting back to your
7 points which is, we have a smaller
8 structural gap this year than we've had in
9 previous years and we have less risk than we
10 have in previous years,

11 COMPTROLLER MARAGOS: That's
12 correct.

13 LEGISLATOR WINK: Aren't both of
14 those a function of the fact that we have
15 off loaded and kicked the cans down the road
16 for tax certiorari and pension expenses that
17 we're not loading onto the 2013 budget,
18 whether it be out of necessity or otherwise,
19 but the practice of deferring a third of our
20 pension costs will make those numbers, the
21 structural gap, and the amount of risk look
22 a lot better, won't they?

23 COMPTROLLER MARAGOS: Well, let's
24 assume the market -- you can't anticipate
25 that, and I certainly can. So that's why we

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2 have to abide by certain budgetary rules
3 which is what we are doing right now.

4 If the market was to shoot up, I
5 don't know, say another 50 percent in the
6 next year -- actually, that can go away,
7 that total payment of \$192 million may not
8 be required.

9 LEGISLATOR WINK: So we are
10 doubling down on the market is what you're
11 telling me?

12 COMPTROLLER MARAGOS: No. It's
13 not us. It's the state comptroller.

14 LEGISLATOR WINK: It is us when
15 we're using borrowed money.

16 COMPTROLLER MARAGOS: No, we are
17 not using borrowed money.

18 LEGISLATOR WINK: To cover our
19 liabilities for this year and paying it back
20 over 10 years.

21 COMPTROLLER MARAGOS: No, we are
22 not using borrowed money.

23 LEGISLATOR WINK: We are not
24 deferring 57.6 million in 2013 that would
25 otherwise --

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2 COMPTROLLER MARAGOS: According
3 to the rules that the state allows us,
4 that's the rules -- the budgetary rules that
5 we have the ability to --

6 LEGISLATOR WINK: Again,
7 Mr. Maragos, you have spent a considerable
8 amount of time describing that the rules
9 that allow us to bond for tax cert
10 judgments, we live by those rules, yet, it's
11 bad budgeting and bad policy.

12 Isn't this no different than what
13 you rail against in tax cert borrowing?

14 COMPTROLLER MARAGOS: How? I
15 don't understand.

16 LEGISLATOR WINK: The fact that
17 we are playing by the rules doesn't make it
18 right.

19 COMPTROLLER MARAGOS: No, no. How
20 is abiding by a court order --

21 LEGISLATOR WINK: Abiding by a
22 court order to defer \$57 million.

23 COMPTROLLER MARAGOS: If the
24 court order is a structured settlement, and
25 we abide by it, by that order, wouldn't you

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2 expect us to abide and budget accordingly?
3 Is that irresponsible? I don't think it is.

4 LEGISLATOR WINK: Is it
5 responsible to defer \$57.6 million in
6 pension costs that would otherwise accrue in
7 2013 to future years to make a structural
8 gap look better?

9 COMPTROLLER MARAGOS: Under the
10 rules, yes, it is.

11 LEGISLATOR WINK: Mr. Maragos, I
12 think we're going to have to agree to
13 disagree. You've railed against these
14 policies in the past and, rightly so, and
15 the fact that we are playing by whatever
16 rules have been established don't make it
17 good budgeting. That's simply my point in
18 all of this.

19 The risk is a lot higher than
20 what has been indicated in your report and
21 OLBR's report, and certainly the
22 administration's reports, simply because
23 we've kicked a lot of cans down the road for
24 a lot of money.

25 COMPTROLLER MARAGOS: Legislator,

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2 that is not correct. I've railed in the
3 past the gains bad budgetary practices and
4 those were usually because certain revenues
5 were overstated or expenditures were
6 understated beyond what past practices would
7 indicate would be reasonable.

8 But I've never recommended
9 deviating from court orders or from state
10 rules and regulations.

11 LEGISLATOR WINK: Mr. Maragos,
12 are we stating in the 2013 budget that the
13 pension expense is \$192 million?

14 COMPTROLLER MARAGOS: That is the
15 bill that we got from the state.

16 LEGISLATOR WINK: Is that what is
17 listed as an operating expense in 2013 in
18 the county budget?

19 COMPTROLLER MARAGOS: It's not
20 going to be paid so from a budgetary point
21 of view it lists what you're expected to
22 pay.

23 COMPTROLLER MARAGOS: And in fact
24 we're expected to pay \$192 million less
25 \$57.6 million?

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2 COMPTROLLER MARAGOS: That's
3 correct.

4 LEGISLATOR WINK: Because we're
5 following the rules and deferring a third of
6 it?

7 COMPTROLLER MARAGOS: That's
8 correct.

9 LEGISLATOR WINK: And point of
10 fact, doesn't that make the structural gap
11 look a lot better by off-loading almost \$60
12 million worth of liabilities for 2013?

13 COMPTROLLER MARAGOS: It's apples
14 and oranges here. If we were paying a
15 regular percent, pension contribution, which
16 would have been 10 or 12 percent and not 25
17 percent, we could have budgeted and we would
18 have paid it from current revenues.

19 But because of the extraordinary
20 cost increases in the pension contributions,
21 this is an accommodation, if you will, or a
22 rule that the state comptroller enacted to
23 smooth out the payments anticipating that in
24 the future years that those payments are
25 going to be substantially less and therefore

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2 if we budget in the out years correctly, we
3 should be able to smooth and be able to
4 absorb without putting the burden out on our
5 taxpayers.

6 LEGISLATOR WINK: And it's a
7 risk, it's a gamble, quite frankly, to
8 anticipate that the out year expenses are
9 going to be a lot lower.

10 COMPTROLLER MARAGOS: You don't
11 know.

12 LEGISLATOR WINK: Right. We
13 don't know. That's exactly my point of
14 this. We are deferring and deferring and we
15 don't know what the future holds. We could
16 get lucky. We could do very well and reduce
17 this liability going forward.

18 Or we can get slammed because
19 these increases become year over year more
20 routine what we witnessed so far. That's
21 simply my point. The structural gap looks a
22 lot better when you take a third of the
23 pension increase and push it off to future
24 years. And the structural gap looks a lot
25 better when you pretend like a certain

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2 percentage of the tax cert settlements and
3 judgments and whatnot won't exist in 2013.
4 That's simply my point and you can account
5 for it however you will, Mr. Maragos, but at
6 the end of the day those numbers look a lot
7 better than the real risk that's associated
8 with this 2013 budget. That's simply my
9 point and I think you and I have debated
10 this sufficiently and we can agree to
11 disagree.

12 COMPTROLLER MARAGOS: We
13 disagree.

14 LEGISLATOR WINK: But that's
15 simply my point in all of this. Thank you,
16 Mr. Maragos.

17 CHAIRWOMAN GONSALVES: Any other
18 legislator would like a question or two to
19 ask Comptroller Maragos? Thank you very
20 much.

21 COMPTROLLER MARAGOS: Thank you
22 very much.

23 CHAIRWOMAN GONSALVES: Now, I
24 don't know if any of the legislators want to
25 hear from any of the department heads who

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2 still may be here. That's your choice.

3 I believe we do have three or
4 four department heads still here. Anybody?
5 I believe you're being paged and they have
6 questions of you. Since you sat here all
7 day, you may as well.

8 COMMISSIONER MURPHY: Hi. I'm
9 Lisa Murphy. I'm the commissioner of human
10 services, and I also would like to extend my
11 congratulations to you, Norma, and to you,
12 on your reappointment, Kevan, and, again,
13 Michael, good luck.

14 CHAIRWOMAN GONSALVES: We'll
15 begin with Legislator Jacobs.

16 LEGISLATOR JACOBS: Hi Lisa.

17 COMMISSIONER MURPHY: Hello.

18 LEGISLATOR JACOBS: Lisa, I'm
19 sure you heard me talking to Tim Sullivan
20 and his people. The \$4 million to youth
21 board, in your computations, what would you
22 say that would take them through at this
23 point?

24 COMMISSIONER MURPHY: I will be
25 very honest and candid with you, Legislator

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2 Jacobs. We had originally budgeted \$1.9
3 million and that was really for what I would
4 call the absolute safety net of our youth
5 programs and that was for our run-away
6 homeless youth programs, for our
7 transitional housing programs, for our Long
8 Island Crisis Center, and Suicide Prevention
9 Hotline.

10 I believe that the additional \$2
11 million, or \$2.2 million, whatever it is,
12 will be very judiciously and wisely spent.
13 We do not at this time have an absolute in
14 terms of where those monies will be
15 appropriated.

16 However, I do believe that we
17 will be able to provide core programs that
18 will take us through year's end and I
19 believe that we are going to be putting
20 together a panel that will be bipartisan and
21 that will include people from our Long
22 Island Funders Group to help in determining
23 exactly where those monies should be spent
24 in the most judicious way possible.

25 Also, I would like to point out

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2 that almost one million dollars was spent in
3 previous years on our youth or FCA youth
4 employees, contract employees.

5 We do have plans underway in
6 which -- and so you have to deduct that from
7 the 6.9, it's actually the number, it was
8 really not -- the programatic number was
9 6.9. So if you can deduct close to another
10 half a million dollars out that was for
11 those particular employees, salaries, we
12 have a plan in the works that I am not
13 really -- I can't really elaborate too much
14 on, except that we will be using hopefully
15 some graduate students working on their
16 master's degree in social work. They all
17 are required in order to get their master's,
18 they are required to take six months
19 internships. We are going to be looking to
20 do that and also going to be looking to hire
21 one or two people in a part-time capacity to
22 help supervise in that regard. So it will
23 be minimal cost in terms of actual employees
24 added that we will be able to oversee and
25 monitor these programs.

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2 LEGISLATOR JACOBS: So I have a
3 couple of questions as a follow-up.

4 In the first place, losing youth
5 board, the youth board people.

6 COMMISSIONER MURPHY: Yes.

7 LEGISLATOR JACOBS: I know that
8 that has to have had an effect on
9 everything. I mean, I don't mean to make a
10 statement instead of a question. What I
11 should say to you, what effect has it had on
12 you?

13 COMMISSIONER MURPHY: That's
14 fair. And obviously the institutional
15 knowledge of those folks was tremendous and
16 it was great.

17 However, and I don't want to say
18 anything negative about these people because
19 they were very fine, very dedicated, and
20 very passionate. However, I will go on to
21 say that I believe we can and will find
22 other people who will be just as dedicated
23 and passionate in terms of helping the youth
24 of our county and perhaps they will be able
25 to bring other sorts and new approaches to

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2 how we deliver services in this county.

3 LEGISLATOR JACOBS: I have to ask
4 a question that's just been bothering me
5 from the outset of this.

6 So how in the world did that
7 happen? Seriously, let me just say it for
8 one second. So the youth agencies are cut
9 to a point where they're hanging on by their
10 fingernails right now.

11 COMMISSIONER MURPHY: Correct.

12 LEGISLATOR JACOBS: And we're
13 reaching the end of the year now.

14 COMMISSIONER MURPHY: Yes.

15 LEGISLATOR JACOBS: We're talking
16 about the total figure being about 4 million
17 which is about half or, like you said, maybe
18 it's --

19 COMMISSIONER MURPHY: It will be
20 about 70 percent.

21 LEGISLATOR JACOBS: 70 percent.
22 All right. And none of them have any idea
23 whether they're going to survive. And, in
24 the middle of all of this, the youth board,
25 who was not being paid for what they were

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2 doing, but have the institutional knowledge,
3 all of a sudden disappeared. What rationale
4 was there?

5 COMMISSIONER MURPHY: I'm sorry,
6 Legislator Jacobs. There's a difference and
7 part of it is the terminology. You are
8 correct in talking about the youth board.

9 Many times when people say the
10 youth board, they're really talking about
11 the Office of youth Services. So I have a
12 little bit of confusion there.

13 LEGISLATOR JACOBS: Youth Board.

14 COMMISSIONER MURPHY: So I stand
15 corrected in that regard.

16 LEGISLATOR JACOBS: Who couldn't
17 get in their office, couldn't get in the
18 building.

19 COMMISSIONER MURPHY: Actually
20 they were not disbanded. What really took
21 place very simply, and I don't like to say
22 this publicly, but I will, because it is the
23 absolute truth. Ms. Malito, who is our
24 director of the youth board, executive
25 director of the youth board could not make

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2 the date of the meeting that they were
3 originally scheduled for because of a
4 memorial service for, I believe it was an
5 aunt out of state. She asked them
6 specifically if they could reschedule and
7 she gave them several dates.

8 This is where it gets really
9 ugly. They did not want her at the meeting.
10 They specifically did not want her there and
11 refused to reschedule the meeting.

12 Now, we have county policy and
13 the county policy simply is, we do not have
14 people come into our buildings that are not
15 county employees, and also the youth board
16 itself should not be meeting without its
17 executive director.

18 So this was really a case where
19 you had one and two individuals of the youth
20 board that really truly wanted to act in a
21 totally inappropriate manner, and several
22 dates were presented to them which they
23 declined. We would have been willing to
24 schedule on a date that would have been
25 mutually convenient, but that is not what

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2 they wanted to do.

3 There has been an absolute
4 attempt on the part of several of these
5 people to actually go and take and control
6 the youth board 100 percent on their own
7 without any participation from our office.
8 That is absolutely the honest to God truth.
9 That is reprehensible. That we did not
10 disband the youth board.

11 And because unfortunately of
12 other situations, including the fact that
13 there was no movement with the budget
14 because of the unfortunate passing of our
15 previous presiding officer, Peter Schmitt,
16 and then because of Super Storm Sandy, we
17 have not been able to reconvene and have a
18 subsequent meeting because there was really
19 no information to give moving forward that
20 was any different.

21 But, actually, Ms. Malito had
22 supplied them with more information. I have
23 been on the telephone with Albany, with the
24 director of Office of Children and Family
25 Services, the youth division there, Matt

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2 Beck is his name. He was very clear that
3 they should not be meeting without the
4 executive director.

5 LEGISLATOR JACOBS: Look, I hear
6 you. I am very close with Ms. Malito. I
7 know her very well. I can't respond to that
8 because I don't know that story. I'm not
9 distrusting you, but I'm sure, as in
10 everything, there are two sides. I know
11 it's a --

12 COMMISSIONER MURPHY: It's very
13 contentious.

14 LEGISLATOR JACOBS: Very
15 contentious right now, I know that. Let me
16 let that go for a minute. Let me ask you
17 this, who is keeping up a dialogue with the
18 with the youth agencies?

19 Because to tell you the God's
20 honest truth, I don't understand how they can
21 survive on \$4 million. They can hardly make
22 it to the end of this year. A lot of them
23 seriously have gone off salary themselves
24 and have gotten rid of their higher salaried
25 people in order to try to make it through to

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2 the end of the year. I think it's very nice
3 that \$2 million is being put into the budget
4 to make it come close to four, but what does
5 that do for them?

6 That means for them to start in
7 January, they really can't because by June,
8 they're out of business again.

9 COMMISSIONER MURPHY: If services
10 were to be provided in the same way that
11 they had been in the past, you would be
12 correct. However, services obviously with
13 less money will not be provided in exactly
14 the same manner and it's very unfortunate.

15 I'm not going to say that all of
16 these agencies will survive. I couldn't
17 tell that you. However, I will tell you
18 that we will continue to provide services to
19 the youth of this county throughout the
20 entire year. That is why we are going to be
21 assembling a bipartisan group of people as
22 well as looking toward the foundation, for
23 Long Island foundations to help us in this
24 manner. In terms of the dialogue, that is
25 exactly the way we have formed actually a

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2 not-for-profit task force.

3 There is dialogue that takes
4 place with the Long Island Foundation
5 community as well as with the coalition.
6 Ms. Malito does attend coalition meetings,
7 so there is dialogue going on in that
8 regard.

9 LEGISLATOR JACOBS: But with all
10 due respect, and you know I do respect you.

11 COMMISSIONER MURPHY: I know.

12 LEGISLATOR JACOBS: It boggles my
13 mind. We are now in November, Thanksgiving.
14 We are coming into December. The year ends
15 December 31st. This new way of approaching
16 youth agencies in order to service as many
17 children as you can, you don't have the time
18 to put all these groups together, and a
19 bipartisan group to do this, a bipartisan
20 group who I hope have experience with youth
21 and mental health, et cetera.

22 I mean, how is all this going to
23 happen by January 1 so that the children
24 still have a place to go who are being
25 serviced by these groups?

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2 COMMISSIONER MURPHY: Honestly,
3 until a budget is passed, nothing can
4 happen.

5 LEGISLATOR JACOBS: I don't know
6 if that's so true, Lisa. I mean, honestly,
7 if --

8 COMMISSIONER MURPHY: We have
9 been talking. We have been having talks. I
10 know that there negotiations going on and I
11 know that several members on both sides of
12 the legislature have been active in trying
13 to help us and help the coalition and the
14 various members of the agencies in terms of
15 providing those services.

16 LEGISLATOR JACOBS: That's very
17 true, however, on both sides of the aisle --
18 well, I don't know, on our side of the
19 aisle, I don't know what the administration
20 has planned for these children based on a
21 half of the amount of money that they had
22 last year.

23 Excuse me, I'm not going to speak
24 to you right now. You were out of this
25 room, when you walked out we discussed that.

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2 Lisa, my point is this. I'm
3 concerned that the dialogue is not going on
4 and that the youth groups wouldn't be
5 fighting as hard as they are if they really
6 understood where I think you're going. I'm
7 not passing judgement on it, but I'm just
8 saying to you, if you're going to change the
9 way you approach it, I just think it's only
10 the right thing to do to sit them down and
11 lay it out honestly with them what it is
12 that you are able to do and what it is
13 you're not. Otherwise, there is a lot of
14 confusion around.

15 COMMISSIONER MURPHY: And then,
16 unfortunately, I think most of them do know
17 where we are, and that is until something is
18 passed by this group before me, all of you,
19 the legislators, we really don't have any
20 movement.

21 This has been something that has
22 been going on since May. We were hoping
23 originally that there would be bonding.
24 That didn't happen. That didn't occur.

25 LEGISLATOR JACOBS: The bonding

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2 would have been for tax certs. Not the
3 youth group.

4 COMMISSIONER MURPHY: But
5 everything is in the general fund.
6 Judgments have been made against this county
7 that have to be paid. That means that every
8 dollar that is not within a grant fund, and
9 none of this money is in grant fund, this is
10 all general fund money. Every dollar of
11 general fund money is at risk and needs to
12 be able to be going towards those judgments.
13 I didn't make those judgments, but those are
14 judgments that must be paid.

15 LEGISLATOR JACOBS: I understand.

16 COMMISSIONER MURPHY: It is very
17 unfortunate that other types of human
18 services such as mental health, such as
19 chemical dependency, even in terms of my
20 aging programs, we have funding streams
21 dedicated federal and state funding streams.
22 There are no dedicated federal and state
23 funding streams.

24 I have actually talked with
25 several of the youth agencies. I have said

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2 to them, if you want to insure that we will
3 continue to have youth programs in this
4 county, you need to lobby in Albany and you
5 need to lobby in Washington.

6 I believe, Carrie Solages, we
7 spoke about this, did we not? And I had
8 said to you that this was one of the things
9 that we needed to do.

10 We needed to work up in Albany to
11 try to achieve these goals and that is to
12 actually have it on a federal and state.
13 But, in actuality, Nassau County has
14 traditionally always spent much much more on
15 its youth programs than what the state or
16 the federal government would have us spend.
17 That's a tribute to Nassau County.

18 But, unfortunately, in the
19 economic crisis which we are currently in,
20 unless we have those dedicated funding
21 streams, we simply cannot do it, and we must
22 pay those tax cert bills.

23 LEGISLATOR JACOBS: Well, that
24 has nothing to do with the youth fund but,
25 okay, if you want --

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2 COMMISSIONER MURPHY: It does.
3 It's the general fund.

4 LEGISLATOR JACOBS: It really
5 doesn't. But let me just say this to you.
6 If all that you're saying is so, then the
7 money that was not spent on youth, how come
8 that money is still in your pot of money for
9 your department? How come we've never
10 touched it?

11 COMMISSIONER MURPHY: That money
12 needs to be disencumbered at the end of the
13 year. It's a long and sorted process to
14 actually close out these contracts because
15 there are costs associated as programs close
16 down, and there are legitimate expenses. We
17 are talking about 46 separate contracts,
18 each one of which needs to be closed out.

19 We gave the agencies several
20 months, actually, to be able to submit all
21 of their different documentation as we go in
22 closing out these accounts. We are working
23 hand in hand with the comptroller's office
24 to make sure this is done in a proper
25 manner.

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2 LEGISLATOR JACOBS: Okay. I
3 guess we can leave -- we can agree to
4 disagree on what's going on. All I know is
5 that -- I just feel that this is a place
6 that's not that much money in the overall
7 scheme of a \$3 billion budget and it's an
8 awful lot of hurt going on with children and
9 families right now, which I know you are
10 aware of, and I'm very aware of. We both
11 have the same end result we would like to
12 see. I just see a lot of confusion and I am
13 very very concerned about the children and
14 what happens to them at the end of this
15 year. Thank you.

16 COMMISSIONER MURPHY: I
17 understand. I am too.

18 CHAIRWOMAN GONSALVES: Kevan
19 Abrahams.

20 LEGISLATOR ABRAHAMS: Thank you,
21 madam presiding officer. How are you, Ms.
22 Murphy?

23 COMMISSIONER MURPHY: I'm okay.

24 LEGISLATOR ABRAHAMS: I'm not
25 going to repeat a lot of the questioning.

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2 Legislator Jacobs had a lot of the questions
3 that would have come up in regard to the
4 youth board and the funding.

5 I have some questions regarding
6 the youth board staff that was contracted.
7 Funny things happen in this legislative
8 process and in this legislative business
9 that we are in.

10 I'm curious to know your response
11 because if this legislature was to come to
12 some agreement and they were able to do a
13 restoration of funds, it sounded like to me
14 when you were talking about the \$2 million
15 to be added, it didn't sound like it was
16 going to program agencies that were cut; am
17 I correct when I say that?

18 COMMISSIONER MURPHY: The \$2
19 million, if it was -- that is to be
20 restored, would be going to program
21 agencies. Whether they would be going to
22 every one of them, I could not speculate on
23 that at this point.

24 LEGISLATOR ABRAHAMS: So for
25 argument's sake, agencies that were cut, in

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2 May or June of this year, they would see a
3 restoration -- this money wouldn't go to new
4 or different agencies that have never
5 funded, or never been dealing with the
6 county?

7 COMMISSIONER MURPHY: Not
8 necessarily, but I could not say
9 unequivocally that it would not.

10 LEGISLATOR ABRAHAMS: Well, I can
11 tell you from this legislature's
12 perspective, the folks that have been coming
13 down from these youth board agencies,
14 whether they be from Elmont, Hempstead,
15 Massapequa, you name it, they've come down,
16 they're anticipating that this body comes to
17 an agreement. That they're going to be
18 restored. What you're saying is, if this
19 body comes to an agreement, there is a
20 possibility they won't be restored.

21 COMMISSIONER MURPHY: Well, you
22 know, we are talking about a lot of
23 agencies. I cannot promise that every
24 single one of those agencies would be
25 restored. It might make more sense for a

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2 few of those agencies, perhaps, who had very
3 small contracts not to be restored, if they
4 had maybe a ten or \$20,000 contract, and
5 instead a larger agency which provides more
6 services maybe to get that portion.

7 Obviously, some agencies are
8 stronger and in a better position to be able
9 to provide services and other agencies, I
10 don't know that they will be here at that
11 time. So I can't promise, I don't know -- I
12 don't have a crystal ball.

13 LEGISLATOR ABRAHAMS: I
14 understand that, Ms. Murphy, no one has a
15 crystal ball. I get that part. But what
16 I'm trying to make sure of, that there's a
17 level of fairness.

18 The reason I say that is because
19 right now the youth board agencies are
20 scattered throughout the county. They are
21 in every segment of the county that need
22 services, and some areas are probably well
23 under-served and some areas are maybe
24 over-served, who knows, you would know
25 better than I would.

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2 But the bottom line is, if we're
3 just going to allocate resources based off a
4 new model, and this legislative body is
5 supposed to come to an agreement on a
6 number, if it does come to an agreement on a
7 number, who knows, I just find it hard to
8 believe that at the end of the day we are
9 not going to know that information up front.

10 COMMISSIONER MURPHY: I would
11 propose that we would establish a matrix
12 that would be acceptable to everyone in
13 terms of needs, and that we would have to
14 look and establish what are the actual needs
15 looking at justice, looking at teen
16 pregnancy, looking at employment, and I
17 think, based on what our needs are and what
18 communities have the greatest needs, we
19 would be able to work out some type of
20 matrix which would be equitable, and then
21 also that would reach, like you said,
22 varying parts of the county.

23 LEGISLATOR ABRAHAMS: I see what
24 you mean. Let me back track. One of the
25 things, as you probably know, and I know

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2 Legislator Dunne also experienced the same
3 thing, not under your watch, but under
4 previous administration, but the Roosevelt
5 community lost a youth board agency. Just
6 as much as Legislator Dunne has pointed out
7 yours, ours, and mine in Levittown, a very
8 vital community that could use an agency,
9 now has nothing.

10 The Roosevelt community, the same
11 thing happened. They were promised an
12 agency. There is an agency that was picked,
13 and that agency was picked, and they had to
14 come before the legislature to get their
15 contract approved. They had to wait months
16 upon months before the legislature would
17 even calendar it.

18 The bottom line is, that is an
19 area that is underserved. Had an agency and
20 had money. Now, suddenly as the 2012 fiscal
21 year came into place, that money has gone
22 elsewhere. Didn't go to Roosevelt anymore.
23 I can tell you there wasn't an agency in
24 Roosevelt all year. So from that
25 standpoint, just like in Levittown and

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2 Roosevelt, that money disappears. That's
3 what I'm talking about in terms of the
4 equitable fairness to this particular
5 process.

6 COMMISSIONER MURPHY: I
7 understand that. We had actually put
8 together an RFP for the Roosevelt area. It
9 was very upsetting unfortunately that we
10 were not able to follow through with that
11 particular.

12 I would go so far to say though,
13 that in my opinion as commissioner of human
14 services, and in particular focusing on the
15 youth of this county, it is more important
16 to me that the children in this county get
17 services in every community rather than an
18 agency in every community provide those
19 services.

20 Unfortunately, in the case of
21 Roosevelt, there currently is no very strong
22 agency at the time, that was why we were
23 going to issue the RFP because there was not
24 fiscally in place a strong enough agency to
25 provide those services.

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2 Once again, I would say that I do
3 recognize the need for youth programs in
4 Roosevelt and I would hope that we would be
5 able to work together to make sure and to
6 insure that the children of Roosevelt do in
7 fact get some of the money appropriated for
8 services in their community even if it is
9 not from an agency within Roosevelt.

10 LEGISLATOR ABRAHAMS: Granted,
11 obviously, the preference would be to have a
12 community based agency from that area but,
13 at the end of the day, the area needs to be
14 serviced.

15 I just want to ask one more
16 question and then I'm going to finish on a
17 point. My final question really ties into
18 the youth board contracting staff which are
19 no longer with the county, have now
20 transitioned to be -- or terminated a while
21 back.

22 COMMISSIONER MURPHY: Yes.

23 LEGISLATOR ABRAHAMS: My question
24 is, where does the youth board stand.
25 You're going to get an infusion of \$2

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2 million. If this legislative body comes to
3 some type of agreement, then where do you
4 stand in terms of being able to provide
5 services if we are able to provide you with
6 the necessary resources that you had precut
7 to May June of this year?

8 Would you bring back that
9 contracting staff is what I'm getting to?

10 COMMISSIONER MURPHY: Not
11 necessarily that particular contract staff,
12 and that's not to say that I wouldn't bring
13 back some of that contract staff. What I
14 will say though is CGR came and they did a
15 comprehensive report about a year and a half
16 ago.

17 LEGISLATOR ABRAHAMS: Who is CGR?

18 COMMISSIONER MURPHY: Community
19 Research Group. They were based in
20 Rochester New York. The Hagendorn
21 Foundation funded them to come in to take a
22 look at the youth services that were
23 provided to the county about a year and a
24 half ago.

25 When they looked at it, they did

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2 look at the entire structure and they also
3 looked at our staff. It was determined that
4 we actually had more people working doing
5 monitoring than what was actually necessary.

6 So, when we're talking about
7 staff for the program, I'm not going to make
8 a promise that we would have the same level
9 of staff. First off, as we were just
10 talking about, we won't have the same amount
11 of money going into these contracts. We may
12 have fewer contracts.

13 Obviously, the monitoring we
14 won't need to have as much, especially since
15 it was already determined by an independent
16 outside agency that does this that we had
17 already had excessive amounts of monitoring
18 done.

19 Having said that, my department,
20 the Department of Human Services, part of
21 the rationale for it was that we would be
22 able to do more of a shared service concept.
23 I do have folks that are working in
24 behavioral health. I have people working in
25 aging. I have people working in office of

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2 physically challenged. We would hope to
3 utilize some of that staff to also be able
4 to augment and help monitor programs.

5 LEGISLATOR ABRAHAMS: What was
6 the total number of staff that was
7 contracted again?

8 COMMISSIONER MURPHY: Nine.

9 LEGISLATOR ABRAHAMS: So you
10 would look to bring back how many?

11 COMMISSIONER MURPHY: That would
12 be determined on need. I really don't have
13 a concrete number at this time.

14 LEGISLATOR ABRAHAMS: Well,
15 assuming your need was the same as it was --

16 COMMISSIONER MURPHY: I would
17 think we had need at least one or two
18 people. I would hope to use, as I said
19 previously, interns who are working on their
20 masters in social work. It would be a
21 benefit to them. They would get practical
22 experience working with youth. It is part
23 of the requirement for a master's in social
24 work that they actually do participate in a
25 six month internship. So I would hope to be

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2 able to use item. It would also be a
3 benefit.

4 I would be reaching out probably
5 to Molloy as well as to Adelphi University,
6 both of which have wonderful social work
7 programs, and it would be in that manner
8 that I would hope to be able to implement
9 this.

10 LEGISLATOR ABRAHAMS: But Ms.
11 Murphy, I'm not trying to be
12 confrontational, but let me make sure I
13 understand you correctly.

14 You're taking nine youth board
15 contracted staff that has been with the
16 county somewhere between 30, and you're
17 going to replace them with interns and
18 graduate students? That's going to be
19 comparable --

20 COMMISSIONER MURPHY: Partial.
21 Not -- they would be supervised by one or
22 two --

23 LEGISLATOR ABRAHAMS: But you're
24 bringing back two out of the nine.

25 COMMISSIONER MURPHY: I would

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2 hope to bring back or find other people with
3 comparable experience.

4 LEGISLATOR ABRAHAMS: I wish you
5 the best.

6 One more quick thing. The folks
7 that were contracted staff with the youth
8 board, did they receive any type of
9 severance? Were they obligated to get an
10 severance as part of their contract?

11 COMMISSIONER MURPHY: As all
12 contract staff are, they work exclusively
13 for FCA and therefore are not and never were
14 county employees.

15 LEGISLATOR ABRAHAMS: So they
16 wouldn't get a severance?

17 COMMISSIONER MURPHY: That would
18 have to be from FCA. That would not be
19 something that the county would be
20 participating in.

21 LEGISLATOR ABRAHAMS: Well, I
22 mean, as I said before, you were correct in
23 your assessment, I can tell you from our
24 perspective, we have never stopped trying to
25 work to try to work out a deal with the

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2 county executive as well as hopefully with
3 my colleagues to the right.

4 I still remain optimistic that
5 something will and could be worked out and I
6 think it's for the betterment of the kids.

7 I just hope that if something is
8 worked out, that the youth board would
9 actually be ready and able and capable of
10 being able to administer the program just as
11 they did in the past.

12 I would also like to think that
13 the youth board agencies, and, granted, I
14 understand that some from the youth board
15 perspective are currently not functioning,
16 but at the same time I think it needs to be
17 well known and documented to this
18 legislative body before any money is
19 restored clearly the direction of the
20 department, the youth board department is
21 going to go in, in regard to administering
22 and signing those contracts because I think
23 from that standpoint that's the only point
24 of fairness that this body can have.

25 Based on your testimony today,

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2 you not knowing where the money may go --

3 COMMISSIONER MURPHY: Legislator
4 Abrahams, if you don't mind, is there an
5 offer that I'm unaware of that is on the
6 table?

7 LEGISLATOR ABRAHAMS: No, there
8 is none, no offer.

9 COMMISSIONER MURPHY: All right.
10 You know, I have to plan accordingly. And I
11 would hope that if there was an offer that
12 you or someone else from the legislature
13 would let us know at the first opportunity
14 so that we could make those plans in an
15 expedient manner as possible.

16 LEGISLATOR ABRAHAMS: I'm sure
17 the county executive will let you know. But
18 I think from our standpoint, to be very
19 clear, I couldn't see us, and I'm speaking
20 for my nine, I can't speak for the 10, I
21 couldn't see us doing a proposal and not
22 having the matrix, as you would call it,
23 explaining to us how the money was going to
24 be allocated to the areas of need, or the
25 areas of the county, to be frank.

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2 So, from that standpoint, I think
3 that's kind of like, if you want to put the
4 chicken or the egg, I think from our
5 standpoint we are going to have to see some
6 information.

7 I wasn't aware that the \$2
8 million that was being put back in there is
9 a possibility that it's not going to go to
10 the program agencies that were cut. If
11 there's a possibility that agencies that
12 weren't receiving that allotment of money,
13 that they're now going to be infused into
14 this equation, I don't think the youth board
15 agencies have known that. They've been
16 knocking on my door. I'm sure they have
17 been knocking on Norma's door.

18 I don't think that they're aware
19 that if there's a restoration, even greater
20 than the \$2 million that's being allocated
21 to this budget and, from our standpoint, we
22 are actually trying to put a budget
23 amendment to give them all at the money
24 back. But, at the same time, if that money
25 is restored, it doesn't sound to me like

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2 there is a guarantee that they're going to
3 be matched dollar for dollar in 2013 budget
4 as per they were cut in the 2012 budget.

5 COMMISSIONER MURPHY: Well, I
6 mean, I was made aware of the fact that the
7 county executive did put together two
8 proposals and unfortunately neither of them
9 was accepted by the democratic side of the
10 legislature.

11 LEGISLATOR ABRAHAMS: Which
12 proposals are you referring to?

13 COMMISSIONER MURPHY: I was just
14 informed that there had been two proposals
15 made.

16 MR. MAY: Those were the bonds
17 that have already been brought to the
18 legislature and voted down. The bonds were
19 to make funds available for the youth
20 agencies. Those have been voted down,
21 probably I think three times already.

22 LEGISLATOR ABRAHAMS: You mean
23 the bonds for the tax certs?

24 MR. MAY: The bonds for the tax
25 certs, correct.

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2 LEGISLATOR ABRAHAMS: Okay, I
3 see. Well, as we said before, the tax certs
4 have not been presented -- and we can go
5 down this path again, but the tax certs have
6 not been presented in the manner that has
7 been customary to this legislature and from
8 that standpoint until they are, we will not
9 support them. We made that very clear.

10 MR. MAY: So it's because of how
11 the tax certs have been presented, not
12 because you don't like how the redistricting
13 process has gone as you put in Newsday every
14 chance that you get?

15 LEGISLATOR ABRAHAMS: Mr. May,
16 you are very well aware that this
17 legislature has bonded multiple times since
18 we have written a letter or stated anything
19 publically.

20 Look, the bottom line is very
21 simple. We bonded for a severance package
22 for the CSEA. We bonded for severance
23 package for the PBA.

24 To say that this legislature on
25 my side of the aisle has not bonded is

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2 totally ludicrous,

3 MR. MAY: I never said that you
4 never bonded. I'm talking about the bonds
5 that are specifically related to the tax
6 certs. And I'm referencing your letter
7 where you said you would not support any
8 further bonding --

9 CHAIRWOMAN GONSALVES: One at a
10 time.

11 LEGISLATOR ABRAHAMS: Mr. May,
12 what I'm referencing is the fact that our
13 letter talks about redistricting and talks
14 about bonding and how the two were
15 intertwined because, obviously, if the --

16 MR. MAY: Why are the two
17 intertwined?

18 LEGISLATOR ABRAHAMS: I'm about
19 to explain to you, Mr. May, if you don't
20 mind cutting me off. The two are very well
21 intertwined because at the end of the day if
22 anyone who has the ability to redraw a map
23 has a majority can create themselves a super
24 majority, therefore, the other side or the
25 legislature as it sees fit will not have a

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2 bipartisan process because one side controls
3 bonding as well as the votes on any general
4 votes.

5 MR. MAY: I don't understand how
6 the two are connected.

7 LEGISLATOR ABRAHAMS: What part
8 don't you understand, Mr. May?

9 MR. MAY: One is the political
10 process. One is the government process.
11 Why are the two connected?

12 LEGISLATOR ABRAHAMS: No, no.
13 Would you agree that bonding having a super
14 majority, being able to bond with 13 votes,
15 isn't that a governmental process?

16 MR. MAY: Bonding, I just said,
17 is a governmental process. Whether or not
18 there is a super majority on the board is
19 determined by the people of Nassau County
20 and whom they elect to represent themselves.
21 It doesn't really matter what the lines look
22 like. It matters who runs and who gets
23 elected. They are two separate issues.

24 LEGISLATOR ABRAHAMS: I missed
25 the last part of what he said, actually.

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2 MR. MAY: I will be happy to
3 repeat myself.

4 LEGISLATOR ABRAHAMS: I still
5 have one more last thing for Ms. Murphy
6 before we went down this silly road.

7 MR. MAY: It's not that silly.
8 It's very serious. I've been meeting with
9 the youth agencies quite a bit the last ten
10 months and it's deadly serious for everybody
11 involved. It is not silly. I'm sorry. I
12 don't think that's appropriate.

13 LEGISLATOR ABRAHAMS: Mr. May,
14 actually I said -- Mr. May, I said actually
15 your commentary and line of questioning is
16 kind of silly, but that's okay.

17 MR. MAY: That's fine.

18 LEGISLATOR ABRAHAMS: Can I ask
19 Ms. Murphy a few more questions.

20 MR. MAY: Absolutely.

21 LEGISLATOR ABRAHAMS: Thank you.
22 Fran, until you turn your mike on, I'm not
23 going to talk to you. I'm sorry, be a
24 bigger person and turn your microphone --
25 Fran, if you want to have a debate -- I'm

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2 fine.

3 Ms. Murphy, the last point that I
4 just want to bring up before we went that
5 diatribe, the last point I do want to bring
6 up is the fact that this legislature, my
7 side of the aisle has presented an amendment
8 that totally restores youth board agencies.

9 Is it the point of your
10 department that this amendment be passed and
11 approved? How is that not fair? Let me --
12 the amendment basically would be to restore
13 youth board agencies to its full restoration
14 which I believe was \$8.3 million.

15 COMMISSIONER MURPHY: Well,
16 actually our programs cost 6.9 million, and
17 the other monies were for our contract staff
18 that we had had, and I unfortunately am
19 unfamiliar with this amendment so I would
20 have to defer to the county executive on
21 this.

22 LEGISLATOR ABRAHAMS: Well, if I
23 told you you would be restored from the \$4
24 million you have now to \$8 million --

25 COMMISSIONER MURPHY: How are you

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2 going to do that though? I mean, I would
3 have to say that we have to be fiscally
4 responsible, and the tax certs still need to
5 be paid. COMMISSIONER MURPHY:

6 LEGISLATOR ABRAHAMS: This has
7 nothing to do with tax certs.

8 COMMISSIONER MURPHY: Yes, it
9 does. If it's general fund money, general
10 fund money as a taxpayer myself, I am very
11 concerned about the fiscal stability of this
12 county and tax cert money must be paid.
13 That is a judgement of the courts.

14 LEGISLATOR ABRAHAMS: And tax
15 cert money has been paid, are you aware of
16 that?

17 COMMISSIONER MURPHY: I am aware
18 of the fact that we additional tax cert
19 money which needs to be paid.

20 LEGISLATOR ABRAHAMS: Ms. Murphy,
21 you're mistaken.

22 COMMISSIONER MURPHY: And if
23 you're taking money from the general fund,
24 you must be taking it from somewhere else.
25 Where is the funding coming from?

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2 LEGISLATOR ABRAHAMS: Ms. Murphy,
3 let me explain to you. There was previously
4 bonded money to the tune of 13 to \$18
5 million and the county executive has already
6 paid a good portion of commercial tax based
7 tax cert claims already. Part of it has
8 been paid already. So I'm not too sure I
9 know or understand what you're talking
10 about. I think --

11 COMMISSIONER MURPHY: I would be
12 most happy to support any agreement that can
13 be reached between the county executive and
14 the legislature that would restore the
15 funding to our youth programs.

16 LEGISLATOR ABRAHAMS: That's not
17 what I asked you, Ms. Murphy.

18 COMMISSIONER MURPHY: Well, that
19 is really the only answer that I'm prepared
20 to make.

21 LEGISLATOR ABRAHAMS: So let me
22 see if I understand this correctly. We have
23 the person that's in charge of the youth
24 board agencies --

25 COMMISSIONER MURPHY: And please

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2 do not try to say that I'm not concerned
3 about the youth of this county --

4 LEGISLATOR ABRAHAMS: Ms. Murphy,
5 I never said that. You're being very
6 defensive. I never said that to you.

7 What I said was, I am offering
8 you \$4 million --

9 COMMISSIONER MURPHY: Do you have
10 \$4 million?

11 LEGISLATOR ABRAHAMS: Yes. Well,
12 this is a legislature, Ms. Murphy, and we're
13 doing our checks and balances. Our checks
14 and balances require us to move from one
15 area to another area.

16 If we're able to allocate money
17 from one department to the next department,
18 and we're able to assign more money to the
19 youth board, and you're trying to tell me
20 yes or no, it's a basic yes or no question.
21 Do you want the money or not want the money?

22 COMMISSIONER MURPHY: I would be
23 concerned as to where this money came from.
24 Obviously if the entire legislature voted
25 for it, then I would be very happy for a

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2 gift --

3 LEGISLATOR ABRAHAMS: So the
4 entire legislature needs to vote for it? I
5 would have to say, you advocate for
6 children, but at the same time --

7 COMMISSIONER MURPHY: I advocate
8 for an awful lot of people. I advocate for
9 old people, for mentally ill people, I
10 advocate for chemically dependent people --

11 LEGISLATOR ABRAHAMS: Ms. Murphy,
12 I'm giving you an opportunity to have that
13 money.

14 COMMISSIONER MURPHY: No. You're
15 asking me to engage in politics.

16 LEGISLATOR ABRAHAMS: No. I'm
17 really not.

18 COMMISSIONER MURPHY: I believe
19 you are.

20 LEGISLATOR ABRAHAMS: I'm really
21 not, but thank you for today.

22 COMMISSIONER MURPHY: Thank you.

23 CHAIRWOMAN GONSALVES: Legislator
24 Ford has a question and then Legislator
25 Bosworth.

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2 LEGISLATOR FORD: How many people
3 are actually working with Maggie Malito now,
4 you know, that are county employees, I
5 guess? How big is the staff?

6 COMMISSIONER MURPHY: Well,
7 presently we have Keith who is our run-away
8 homeless coordinator. And I also do have
9 one part time and one full time fiscal staff
10 assigned to youth programs.

11 LEGISLATOR FORD: Okay. A couple
12 of years ago I guess it was, we met with
13 Carl Camp in Civil Service.

14 COMMISSIONER MURPHY: Correct.

15 LEGISLATOR FORD: In order to
16 take some of those positions up that were
17 contracted by Family and Children Services
18 to make them permanent employees.

19 Has Mr. Camp ever come back to
20 you in regard to any movement on that and,
21 if so, where are we with trying to make
22 those permanent CSEA?

23 COMMISSIONER MURPHY: We did
24 actually identify a few titles which would
25 in fact be appropriate for the department.

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2 We had, however, encountered some
3 difficulty. Part of it had to do with what
4 it would be that civil service would
5 actually pay, the pay scale. It's very
6 unfortunate, but those contract employees
7 were extremely well paid, and good for them,
8 but that would not really be in line with
9 what CSEA employees would start at, and
10 years of experience really will only take
11 you so far.

12 When you are joining a union, you
13 have to start basically at the beginning,
14 either at OA or OB, and many of these people
15 would not be able to be compensated to the
16 same levels fiscally.

17 LEGISLATOR FORD: Is it possible
18 then or feasible then to continue with
19 trying to get those positions put into civil
20 service so that perhaps even these college
21 students that you would hope to utilize, in
22 helping with youth services, that perhaps
23 they, themselves, could go in as entry level
24 and basically move in and work within the
25 county serving in those positions.

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2 COMMISSIONER MURPHY: Thank you,
3 Ms. Ford. That is exactly what I would hope
4 for because that would insure that there
5 would be a staff. I was not party to when
6 they started the entire process with the
7 contract staff. I understand that that had
8 been many years ago, back in 1990s. It's
9 unfortunate that that was the way in which
10 it did occur.

11 I would hope that we would have
12 some CSEA people become permanent members of
13 the Office of Youth Services and that would
14 then insure that we would always have some
15 staff there.

16 LEGISLATOR FORD: And, you know,
17 we utilize, and I just have my statement to
18 make. We usually do try to utilize the
19 people that we have. And especially I have
20 a lot of respect, unfortunately, for the
21 people that were let go, even though they
22 did not directly work for the county.

23 And I know for a fact this past
24 summer, and I guess when we talk about even
25 trying to bond, the county executive and

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2 myself did meet with the other side in the
3 hopes of trying to come up with a
4 resolution, something that would be able to
5 help.

6 We started with \$41 million and
7 then that wasn't good, and we understood.
8 Then it was reduced to \$21 million.

9 Then, during the course of the
10 summer, the promise was, that if we would
11 bond, they would bond to save the youth
12 agencies.

13 We went down to probably about
14 \$11 million and still that was not good
15 enough. In an attempt to keep our youth
16 agencies whole, we worked with the Hagendorn
17 Foundation, and they were involved in the
18 negotiations as well overseeing everything.
19 It was through their agency a lot of
20 conversations took place.

21 So the final compromise would
22 have been \$5.5 million, I believe in August.
23 Then that would have, because of their
24 acknowledgment that these youth agencies,
25 knowing that they would have the fall to be

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2 able to continue, and then knowing that the
3 uncertainty, the start of the new year, that
4 that would carry them over to March, the
5 first three months of 2013.

6 That tonight, when we voted on
7 the budget, or we thought at that time it
8 would have been October 30th, that it would
9 have been their recommendation, and this was
10 the Hagendorn Foundation's compromise, then
11 that the second \$5.5 million would have been
12 voted on which would then have provided the
13 youth service agencies with \$11 million and
14 with a vote on the second 5.5, the movement
15 would have been made based on their
16 recommendation that we then dedicate funding
17 to keep youth services whole.

18 So, in all truth, Legislator
19 Abrahams, we did. We did separate asking
20 for anything else. Every demand and every
21 request that you made for us to reduce the
22 funding, we, myself, and the county
23 executive especially, went along with
24 whatever recommendation you made to see what
25 we could do, even so far as to say, please

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2 agree to just bond \$5.5 million. And your
3 side decided to vote against it.

4 So you had a caucus and it wasn't
5 -- excuse me -- did you not -- I'm sorry --

6 CHAIRWOMAN GONSALVES: You can
7 respond after she's finished.

8 LEGISLATOR FORD: You did. It
9 was proposed. That compromise was given
10 over by the Hagendorn Foundation, was it
11 not, during the summer? Excuse me? This
12 was something that I discussed with them and
13 that they said that they came up with the
14 recommendation of \$5.5 million.

15 We were to vote on it in August,
16 or maybe the beginning of September, and
17 then, based on that, that would have taken
18 care of the youth agencies for the rest of
19 2012 and the beginning of 2013.

20 This was not my compromise. This
21 was the compromise that was put together by
22 Amy Hagendorn and Darren Sandow.

23 LEGISLATOR ABRAHAMS: May I
24 respond, Madam Presiding Officer?

25 CHAIRWOMAN GONSALVES: You may

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2 respond.

3 LEGISLATOR ABRAHAMS: What
4 Legislator Ford is talking about, yes, I do
5 agree, there were several meetings between
6 myself, you, the Hagendorns, the county
7 executive's office, but one of the sticking
8 points that have not been mentioned was one
9 of the things that we have asked for, a
10 restoration of 2012.

11 I made it very clear to the
12 county executive before any action would
13 take place, we need to see a restoration
14 there first to show good will. That
15 restoration, that good will could not be
16 forthcoming.

17 From that standpoint, we talked
18 about it before, in terms of the lack of
19 trust and the spirit of trying to do the
20 right thing. Until we were able to see
21 that, it became a game of who will go first.
22 Will you bond first, or will we see the
23 restoration of 2012 first?

24 I hate to say it, maybe you guys
25 have a lot more trust for the county

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2 executive than we do, but I can tell you,
3 when I saw an agency enrolled in Roosevelt
4 be decimated, I heard about RFPs, I talked
5 about all the things, Roosevelt is going to
6 get their money, nothing, 18 months.

7 So my lack of trust in regards to
8 youth board programs in regards to this
9 administration is nil.

10 So until that action took place
11 of them being restored and I guess the
12 county executive, and we talked about this,
13 we talked about putting the money back in.
14 We talked about putting the money back in
15 before we saw the bonding.

16 No one wanted to jump first.
17 Darren Sandow from the Hagendorn Foundation
18 tried to convince me that it was the right
19 thing to do. You should do this. Go out on
20 a leap of faith. I'm sorry. My faith in
21 terms of getting something done with this
22 administration in regards to youth board is
23 obsolete.

24 So, from that standpoint, until
25 we discover a mechanism where we can get

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2 more of a comfort level, in terms of before
3 we plunge into doing any level of bonding,
4 we're just not going to do it. That, from
5 my side of the aisle, was the sticking
6 point.

7 It's the fact that we did not see
8 -- and we weren't asking for a full
9 restoration based on what, Mrs. Murphy,
10 based upon what youth board is being cut.
11 We were asking for a fraction because we
12 understood that youth board agencies were
13 working, did not have a contract, and we
14 were asking for a fraction. Just to finish
15 the rest of the year, \$1.2, \$2 million, just
16 to finish the rest of the year, and we
17 couldn't get that. That was the sticking
18 point. It wasn't bonding. It wasn't going
19 forward till next year. The sticking point
20 was that we couldn't get something in good
21 faith from the administration for this year.
22 That's what our problem was.

23 So if we're going to talk about
24 the negotiations, I think we should just
25 spell them out in their entirety.

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2 LEGISLATOR FORD: And, you know
3 what, you're absolutely right, and this will
4 be my last thing. But, just to let you
5 know, that yes, the county executive,
6 because we knew that \$1.7 million, or \$1.6
7 million was needed for restoration of 2012.
8 That would then help save the agencies from
9 having to pay back the money that they had
10 got from future grants.

11 It was my understanding from the
12 county executive, and I did speak with other
13 people as well, that the county would have
14 restored the 2012 to keep them whole and you
15 only would have had to restore them up to
16 the third quarter of this year because, by
17 passing the \$5.5 million in the beginning of
18 September, you would have funded everybody
19 for October, November and December, January,
20 February and March. That was 5.5. And then
21 the 5.5. And then to increase it for the
22 rest of the year, and we would have secured
23 the funding and kept them whole for the
24 years to come.

25 So obviously maybe it was a

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2 breakdown in communication, Kevan, I wish
3 that you would have spoken with me. But I
4 did get an commitment from the county
5 executive that we would have protected 2012,
6 but thank you.

7 LEGISLATOR ABRAHAMS: I'm sorry.
8 I don't want to go back and forth, and maybe
9 there's an opportunity for something to
10 happen going forward, but, Legislator Ford,
11 let's be clear.

12 The sticking point wasn't your
13 word or my word or me getting back to you.
14 The sticking point was the county executive
15 did not take action to provide the funding
16 before we did a cent of borrowing. That's
17 what the issue was, with my caucus was.

18 So I just want to be clear that
19 it wasn't anything in regards to
20 communication, it was the fact that -- it
21 became you go first, no, you go first. It
22 was that kind of thing. Which, to me, is
23 very discouraging, but that's what it came
24 down to.

25 I can tell you again, before a

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2 deal is brokered, if a deal is brokered, I
3 can tell you again that that's going to be a
4 sticking point again.

5 CHAIRWOMAN GONSALVES: Waiting
6 very patiently, Legislator Bosworth.

7 LEGISLATOR BOSWORTH: I wish I
8 felt your optimism. I don't remember ever
9 sitting here feeling as discouraged as I do
10 right now.

11 I think it's virtually
12 impossible, and this is just a comment that
13 I've been feeling all day to try to compact
14 what should have been hours and hours and
15 hours of hearings with different agencies at
16 different times into one day. I think we're
17 just -- I think it's a very difficult thing.

18 I would like to ask if the
19 eligibility level for childcare subsidies
20 has already been decreased.

21 COMMISSIONER MURPHY: My
22 department is actually not the one that
23 takes care of child care subsidies, that
24 would actually be the department of, I
25 believe, social services.

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2 LEGISLATOR BOSWORTH: And I don't
3 know if we are going to be speaking to them
4 today or not, if we have the opportunity to
5 question or not, so do you have any
6 knowledge of that?

7 COMMISSIONER MURPHY: No, I
8 don't. I believe it had to do more with
9 what was -- who was eligible and who was not
10 to receive childcare subsidies. I believe
11 that is something that is defined by the law
12 and that, for many years, folks were getting
13 childcare subsidies that were perhaps not
14 necessarily eligible and that it has been
15 scrutinized and now only those who are truly
16 eligible as defined by the law will be
17 receiving those subsidies. That's what I
18 believe. Again, it's not my department.

19 LEGISLATOR BOSWORTH: This is a
20 discussion that I think is important for us
21 to have. We are reducing the availability
22 of youth programs and that is something that
23 is of great concern to me.

24 But if we reduce the numbers of
25 children that are eligible for childcare

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2 subsidies, now we're going into an entirely
3 different territory where we're going to
4 have children who will be actually forced
5 into situations that I believe could not be
6 safe. Because kids need to be taken care of
7 and parents need to get to work.

8 COMMISSIONER MURPHY: I
9 understand your concern. I am a mother of
10 seven children myself. And I really do have
11 very much compassion, especially for people
12 who perhaps we would define as working poor,
13 because they are working and they are trying
14 to make ends meet, and even for folks who
15 are well off these days, it's very, very
16 difficult and treacherous times.

17 So, as a mother myself, not just
18 as a commissioner of human services, I
19 absolutely agree with you and understand
20 what you're saying. However, I would have
21 to articulate that I do believe that the
22 eligibility standards remain the same
23 eligibility standards.

24 It's just unfortunate that there
25 have been people, again, who perhaps really

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2 do not fit that criteria.

3 LEGISLATOR BOSWORTH: I am going
4 to have to respectfully disagree. Because
5 we've been told that the family income
6 eligibility level was decreased from 275
7 percent of the poverty level to 200 percent.
8 So that's been a change.

9 Whether we are required to do 275
10 percent or not, and to have a level that's
11 okay for the state, isn't okay for Nassau
12 County because -- at the cost of letting
13 some retire.

14 COMMISSIONER MURPHY: I
15 understand what you are saying and it's very
16 unfortunate for those families involved.
17 And there's nothing else that I really can
18 say.

19 LEGISLATOR BOSWORTH: I know.
20 That's why I think it would be important to
21 speak to someone from there.

22 CHAIRWOMAN GONSALVES: Judi, ask
23 your question of Dr. Imhoff.

24 LEGISLATOR BOSWORTH: Good
25 evening, Dr. Imhoff, and I appreciate you

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2 answering the questions.

3 So the initial question was, has
4 that family income eligibility level already
5 been decreased?

6 COMMISSIONER IMHOFF: I'm John
7 Imhoff, Commissioner of the Nassau County
8 Department of Social Services. I'm with
9 Paul Broderick who is the deputy
10 commissioner of the department.

11 For many many years, Nassau
12 County has carried the highest percentage
13 for eligible families to be enrolled in
14 daycare programs.

15 We have had our level at 275
16 percent of the poverty level, the highest in
17 New York State of the 57 counties.

18 Over the years, however, the
19 expenses to Nassau County, the local share
20 has increased from \$12 million five years
21 ago, and the most recent years \$23 million.
22 It's jumped from \$12 million to \$23 million,
23 the Nassau County share.

24 Given the difficulties in the
25 budget, we felt that there was no way we

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2 could continue to afford this high level of
3 subsidy on the county's budget, so we
4 decided to reduce the poverty level to the
5 same as the other 56 counties in the state,
6 which is 200 percent of the poverty level.

7 This will impact approximately
8 500 to 700 children out of the 5,800
9 children that are currently eligible for
10 daycare services.

11 I just want to reiterate that
12 people who have been eligible have received
13 daycare services, childcare services, and no
14 people who are ineligible have received
15 those services. Every individual is
16 screened carefully to insure eligibility.

17 LEGISLATOR BOSWORTH: So, again,
18 my initial question is, has that been put
19 into effect?

20 COMMISSIONER IMHOFF: No, not as
21 yet. We had a 30 day period to request
22 feedback from the public, from the agencies.
23 We've received over a thousand, I believe,
24 responses. We are currently evaluating
25 those responses, and we will be sending the

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2 results of that to the New York State Office
3 of Children and Family Services to determine
4 whether or not they will approve proposal to
5 reduce 200 percent of the poverty level.

6 But it has not as yet been
7 implemented. If it is to be implemented, it
8 would be in early 2013.

9 LEGISLATOR BOSWORTH: So you
10 anticipate that should it be implemented, I
11 believe you said it would impact 500 to 700
12 children?

13 COMMISSIONER IMHOFF:
14 Approximately 500 to 700 children.

15 LEGISLATOR BOSWORTH: That's
16 based on the papers that have been filled
17 out indicating what their income level is at
18 this time?

19 COMMISSIONER IMHOFF: That's
20 correct, and based on our analysis and in
21 consultation, the same numbers that we
22 received also their agreement from the
23 Nassau County Childcare Council. They
24 thought it would be approximately the same
25 number of children.

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2 LEGISLATOR BOSWORTH: So we're
3 really then talking about kids who are on
4 that cusp who, right now, are eligible for
5 the childcare subsidy, and if it goes down
6 to 200 percent, they won't be.

7 However, it's unlikely then that
8 their families would be able to afford
9 licensed childcare providers. My great fear
10 is that we're going to be pushing children
11 into situations of being taken care of by
12 unlicensed childcare providers. That's
13 something that has been prevalent in our
14 county.

15 We've made such great strides to
16 overcome that to make sure that our kids are
17 in daycare situations where they're safe,
18 where there's quality affordable childcare
19 available to them. So I'm so concerned
20 about their well-being.

21 The other thing is that if these
22 parents can no longer afford childcare, what
23 happens, then they don't go to work? Then
24 we would have a ripple effect in the
25 economy.

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2 So I understand that this is
3 something that you're looking into, that
4 you're looking into approval for the state
5 and you talk about the 57 other counties
6 that do this --

7 COMMISSIONER IMHOFF: 56.

8 LEGISLATOR BOSWORTH: 56.

9 COMMISSIONER IMHOFF: Yes.
10 They've all been at 200 percent of the
11 poverty level.

12 LEGISLATOR BOSWORTH: But do they
13 have the cost of living expenses that we
14 have, so I think to have a cookie cutter
15 mold for all -- and we have that with
16 education expenses, with so many expenses
17 that we incur in our county because the cost
18 of living here is so much higher.

19 I am so concerned and worried
20 about lowering this eligibility level in the
21 county where the cost of living is so much
22 higher.

23 COMMISSIONER IMHOFF: I don't
24 disagree with you, legislator. I think this
25 is a situation that our department, our

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2 county is faced with by being forced to
3 carry additional cost under local level for
4 our taxpayers from 12 million to \$23 million
5 and this is just part of the area of what we
6 consider unfunded mandates that the state
7 and federal government impose on local
8 counties in New York. This is only one area
9 where our expenses are really being
10 challenged.

11 This has been a very difficult
12 decision, a very difficult analysis. What
13 are the other alternatives; laying off
14 staff? We have reduced contracts in the
15 last budget go around.

16 We are really at a very painful
17 decision. I'm as concerned about these kids
18 as much as you are. I don't have the
19 answer. But given our fiscal constraints,
20 we don't see other alternatives at this
21 point to other than reducing it to the level
22 of the other counties currently.

23 LEGISLATOR BOSWORTH: Well, I
24 thank you for your candid response. Just
25 know that this is a sad time for all of us

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2 because there's the cliché in the song, you
3 know, the children are our future, but these
4 children are our future and we better be
5 taking good care of them. Thank you.

6 COMMISSIONER IMHOFF: You're
7 well.

8 CHAIRWOMAN GONSALVES: At this
9 time will Commissioner Murphy come back?
10 One of the legislators has a question for
11 you. Legislator Kopel.

12 LEGISLATOR KOPEL: Lisa, I'll be
13 gentle.

14 COMMISSIONER MURPHY: Hi.

15 LEGISLATOR KOPEL: Just real
16 quickly. The youth boards, they do some
17 really nice work. I've seen some of the
18 youth organizations and they do some really
19 nice stuff.

20 COMMISSIONER MURPHY: They do.

21 LEGISLATOR KOPEL: Do they do
22 better work here than they do in say Buffalo
23 or Syracuse? They have good organizations
24 there too, don't they?

25 COMMISSIONER MURPHY: Every

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2 county in the state does have an office of
3 youth services or youth board. But I would
4 have to say yes, you are correct in the fact
5 that our programs here in Nassau County have
6 really been the gold standard for many many
7 years throughout the state. That we do have
8 much more comprehensive programs than they
9 do elsewhere.

10 LEGISLATOR KOPEL: But nobody
11 else pays for them, do they? Any other
12 counties -- can you give me the list of the
13 counties that actually contribute towards
14 it?

15 COMMISSIONER MURPHY: Most
16 counties do contribute some county portion
17 beyond what is absolutely necessary to bring
18 in the small little grant awards that we do
19 get and require county match.

20 However, none of the counties
21 come anywhere close to providing the amount
22 of dollars or the percentage of dollars that
23 Nassau County has.

24 LEGISLATOR KOPEL: So where do
25 they get their funding?

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2 COMMISSIONER MURPHY: They don't.
3 Generally these types of programs are
4 supplemented on community levels and in
5 school districts and through other types of
6 organizations on a community level, not
7 really coming from county government.

8 LEGISLATOR KOPEL: So essentially
9 Nassau is the only one?

10 COMMISSIONER MURPHY: On this
11 level, yes.

12 LEGISLATOR KOPEL: Okay. Thank
13 you.

14 COMMISSIONER MURPHY: Thank you.

15 CHAIRWOMAN GONSALVES: Legislator
16 Solages.

17 LEGISLATOR SOLAGES: Good
18 evening, Ms. Murphy, how are you doing
19 tonight?

20 COMMISSIONER MURPHY: Very good.

21 LEGISLATOR SOLAGES: On May 21st,
22 when the county executive proposed a cut to
23 your funding of youth services, and was also
24 passed by the majority, how did that make
25 you feel on May 21st?

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2 COMMISSIONER MURPHY: I was upset
3 and devastated. I feel that we have had
4 wonderful programs here in this county and
5 it was not something that I welcomed, but it
6 was something that was necessary at that
7 time.

8 LEGISLATOR SOLAGES: Did you have
9 that same feeling once you reviewed this
10 budget which reduced your budget from 8
11 million down to 4 million?

12 COMMISSIONER MURPHY: I believe I
13 have a budget which is workable, perhaps not
14 what I would like. I would perhaps like
15 more, of course.

16 However, recognizing the fiscal
17 challenges that we are as a county facing,
18 and as a nation facing, I understand the
19 reality, and unfortunately we all have to
20 make due with less these days, and that does
21 apply to our children as well.

22 LEGISLATOR SOLAGES: I
23 understand, Ms. Murphy. Ms. Murphy, I
24 strongly encourage you to please speak with
25 your colleagues on the youth board because

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2 myself and my colleagues here this evening
3 and yesterday, the day before, were trying
4 very hard to restore funding.

5 Based on your testimony that you
6 provided tonight, it seems that you've lost
7 hope and that you believe that this matrix
8 that existed before will never be the same
9 again.

10 I ask you to please speak with
11 your colleagues because they are under the
12 impression that such a restoration will
13 allow them to do business as usual. I
14 encourage you to please speak with them.
15 Thank you.

16 CHAIRWOMAN GONSALVES: Thank you,
17 Commissioner Murphy.

18 COMMISSIONER MURPHY: Thank you.

19 CHAIRWOMAN GONSALVES: And I
20 would like to extend thank you to all of the
21 presenters tonight on the budget.

22 At this time, I will call for
23 public comment and very patiently sitting
24 here is Mr. Haber. So would you like to
25 comment on the budget, Mr. Haber?

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2 MR. HABER: Is this Mr.
3 Venditto's second term already, just
4 curious?

5 When you do a budget, and we're
6 looking at the big picture, you're supposed
7 to have some built in reserves just in case
8 something happens.

9 I've gone through the '11 budget,
10 the '12 budget, the '13 budget, the '13
11 proposed budget, and there's a lot of things
12 that I think you should be aware of that are
13 very concerning that just don't make sense
14 fiscally.

15 I'm going to run through them
16 relatively quickly. I know it's late and I
17 appreciate you giving me the time to bring
18 this to your attention.

19 There is an assumption on the
20 growth of sales tax revenue of 4.5 percent.
21 The last five years the average has been
22 under one percent.

23 Nassau County population has not
24 grown in ten years.

25 Inflation is running about two,

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2 two and a quarter percent. I'm not sure
3 where that four and a half percent number
4 comes from. Every extra point of the
5 assumed growth is another \$10 million of
6 assumed revenue.

7 What they've done in this current
8 budget, and I wish the comptroller was still
9 here, is that they've extended it out four
10 years. So they're assuming four and a half
11 percent growth this year, and 14-4 and 15-4
12 and '16.

13 And even though while these are
14 estimates of GDP growth in the United States
15 with population growth throughout the
16 country, are roughly half of that.

17 So what you're going to have
18 built in is a compounded deficit just from
19 that number of probably -- if we're being
20 aggressive still, 25 million the first year,
21 compounded, because it's a compounded
22 number, and 50 million the next year, then
23 75 the following year, and 100 million in
24 your last year. Over \$200 million of actual
25 revenue that I don't think is going to come

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2 to fruition. That's just the first point.

3 The second point is, the federal
4 government is about to come up to
5 sequestering on January 2. This budget
6 assumes that revenue from the federal aid is
7 about \$170 million is relatively unchanged
8 and will actually grow in the next few
9 years.

10 I think that's a wildly
11 optimistic number that, with the republican
12 legislature, the house of representatives,
13 and Grover Norquist saying, no new taxes,
14 and the president saying, we're going to
15 extend taxes on the wealthy, but that money
16 is going to end up coming out of services
17 like we need and we get from the federal
18 government. And your number of \$170 million
19 is excessively high.

20 The assumption of \$40 million in
21 labor concessions is an unsubstantiated
22 number, a pie in the sky number, and I'm
23 sure some of the labor leaders would
24 disagree with that. But I don't know where
25 that number comes from. I don't think it's

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2 going to happen. I think the budget itself
3 recognizes that with 7,400 employees, you're
4 already at bare bones. I just don't know
5 where that money is going to come from.

6 So on those three things, really
7 the first and the third thing, you're
8 already looking at close to \$100 million of
9 revenue that I'm not quite sure where it's
10 going to come from.

11 CLERK MULLER: Your three minutes
12 have expired, sir.

13 MR. HABER: That's been three
14 minutes?

15 CLERK MULLER: Yes. 3:06.

16 MR. HABER: I have a little more.
17 Every year the solution to close the budget
18 gap is bonding.

19 Nassau County has a debt load
20 twice that of the next closest county.
21 There are 56 other counties in New York
22 State and average almost \$3,000 per citizen.

23 Bonding will not work much longer
24 because, as you know, the bond rate -- the
25 bonds have been downgraded by the rating

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2 agencies, and eventually the bond rating
3 will go to junk status, if you consider
4 every year, over the last ten years, you
5 just use deficits by bonding them instead of
6 finding the actual revenue. You just can't
7 continue that in the future, infinitum, it
8 just doesn't work.

9 The budget doesn't recognize the
10 outstanding commercial tax cert claims that
11 are due. There's \$18 million in the budget
12 to pay the residential claims for 2013, but
13 there is a difference in opinion of the
14 actual liability from the commercial claims,
15 \$200 million, \$300 million, whatever it may
16 be. There is no line on them in the budget
17 that assumes that that revenue is going to
18 be generated somehow other than through
19 bonding to pay for that amount. So you're
20 now at like \$300 million of money.

21 The current budget doesn't
22 include the new and immediate needs to the
23 Bay Park Sewage Treatment Plant to get it
24 back to a functioning state. That's more
25 bonding.

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2 CLERK MULLER: Sir, you're at
3 four minutes and 30 seconds.

4 MR. HABER: Well, I'll pay you
5 back.

6 CHAIRWOMAN GONSALVES: No.
7 Please wrap it up, Mr. Haber.

8 LEGISLATOR ABRAHAMS: Let me say
9 something positive. Mr. Haber has been
10 waiting all day. I mean there's no other
11 testimony here.

12 CHAIRWOMAN GONSALVES: He's had
13 the opportunity to speak twice.

14 LEGISLATOR ABRAHAMS: I
15 understand that, but Mr. Haber has waiting
16 all day.

17 MR. HABER: This is not a
18 criticism.

19 LEGISLATOR ABRAHAMS: I would
20 think that we would give him a little more
21 courtesy than a minute and 30 seconds, a
22 least allow him double the time, if not
23 triple. He's been here all day. We started
24 at 10 o'clock. I saw him in the audience.
25 I think he deserves that courtesy as a

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2 Nassau County taxpayer.

3 CHAIRWOMAN GONSALVES: It's okay
4 with me if you're willing to stay here till
5 midnight.

6 MR. HABER: I'll stay. I'll
7 bring pizza in for everybody, how's that?

8 CHAIRWOMAN GONSALVES: Let's go.

9 MR. HABER: These are issues that
10 you have to address and I know it's late and
11 you don't want to hear them, but this is the
12 reality.

13 The budget doesn't address the
14 loss of real estate tax revenue from homes
15 and businesses that will just be left and
16 abandoned. There are some homes that might
17 be just destroyed for the sake of them being
18 unsafe, there's extra revenue there that's
19 just not being counted on. Many people let
20 their homes fall into arrears with their
21 taxes because they just won't be able to
22 afford them because they're useless.

23 There is little money in reserves
24 to address a future issue like we have with
25 Hurricane Sandy. So the current fiscal

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2 emergency, and because of the unrealistic
3 assumptions made by the 2013 budget, I fear
4 that the county is heading insolvency.

5 I do have a couple of
6 recommendations to generate revenue,
7 hopefully you'll listen to them. NIFA had
8 just restructured the debt recently on their
9 portion of the debt, saving \$30 million for
10 2016. There's still a billion-five in other
11 debt. I don't know if that's been looked at
12 for restructuring.

13 But there's also energy
14 performance contracts, like in this
15 building, that can be restructured to save a
16 lot of money.

17 On top of that, the county has
18 \$50 million a year it spends in energy, and
19 if you restructure that through energy
20 performance contracts, you can save about
21 \$10 million a year there.

22 And one other issue is, if you
23 consider self insuring your health insurance
24 with a cap of \$25,000 for an umbrella
25 policy, you can save \$30 million and deliver

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2 the health insurance to your employees with
3 no change in care to the employee like they
4 do in the state of Indiana and they do in
5 upstate school districts.

6 My only other point, and I'm
7 speaking a little fast, but these are big
8 issues. There was a discussion about 10
9 o'clock today with Legislator
10 DeRiggi-Whitton, about \$5 million in debt
11 service left over and nobody was sure on the
12 legislature whether that was real money.

13 It's up to the comptroller to
14 issue a fund balance report, exactly how
15 much cash is really there for other things,
16 like a rainy day fund to maybe move in to
17 pay for youth services. The fact that the
18 legislature, as we're going into budgeting,
19 wasn't even aware of that money, or the
20 dollar amount, is upsetting.

21 My concern, and I have seen this
22 before in California, is that once the bond
23 agencies decide that you can't borrow
24 anymore and the faucet turns off, you've got
25 no alternative but to go into insolvency.

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2 I'm very concerned about that for the state
3 of the county and for the state of the
4 people that live here. So thank you for the
5 indulgence.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Mr. Haber. At this time, I would like a
8 motion to close the budget hearing.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Walker. I have to take a vote on closing
14 the hearing on the budget. So all those in
15 favor of closing the hearing on the budget
16 please indicate by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Any abstentions?

21 (No verbal response.)

22 Thank you very much. The hearing
23 on the budget has now been closed. Thank
24 you.

25 In about ten minutes we're going

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2 to go to the second hearing which is the
3 capital program.

4 (Whereupon, the Full Legislative
5 Committee recessed at 8:39 p.m. and
6 reconvened at 9:35 p.m.)

7 CHAIRWOMAN GONSALVES: At this
8 point we're going to ask for a motion to
9 open the hearing on the 2012 capital budget.
10 A motion to open the hearing.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR KOPEL: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Kopel. I think that Commissioner Shah and
16 the rest of them will be happy to know that
17 we're going to immediately recess this 2012
18 capital budget hearing. So we don't need
19 anybody. We're going to recess the meeting
20 until tomorrow. Is that clear? The agenda
21 for tomorrow or the schedule for tomorrow is
22 to have the budget vote.

23 As planned, we will probably meet
24 tomorrow to vote on the budget at 10:00 or
25 around 10:00 or whatever, and I know at that

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2 time there probably be amendments from both
3 sides of the aisle but that's okay.

4 Then, once that is done, we take
5 the vote on the budget and, because of the
6 emergency nature of the reason for recessing
7 tonight's budget hearing, capital budget
8 hearing, we will then of course have time to
9 air our differences before we come back and
10 discuss the capital program for 2012.
11 That's it. Is that okay? Everybody is on
12 the same page at the same time. We are now
13 in recess until tomorrow, some time
14 tomorrow. We're coming back at 10:00 for
15 the budget vote. After that we will come
16 back.

17 (Whereupon, the 2012 capital
18 budget hearing was recessed until November
19 20th, 2012, at 10:00)

20 CHAIRWOMAN GONSALVES: Now, there
21 is a gentleman sitting here. I think he's
22 enjoyed watching these shenanigans. John,
23 you said to me you didn't care, you were
24 enjoying it, otherwise I would have called
25 you sooner.

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2 John, you have the attention --
3 I expect everybody to give John Budnick your
4 undivided attention.

5 MR. BUDNICK: Madam Chairman, I
6 would say congratulations, but I would be
7 worried about that. All I can say is, God
8 bless you, good luck, and I hope they give
9 you a more correct name plate.

10 Also to my friend Michael
11 Venditto. And my compliments to you all,
12 Minority Leader Abrahams, my friends in the
13 minority, my friends, especially in the
14 majority, and all the staff members,
15 especially my friend Mr. Muller of many
16 moons.

17 I'm here to speak on behalf of
18 somebody who cannot speak for himself
19 anymore. In 1969, I met a fellow over at
20 Hofstra named Peter Schmitt. In 1970, I
21 introduced him to his wife Lois.

22 I am here on his behalf, and on
23 behalf of his family and other friends of
24 his who weren't exactly able to get here to
25 say something that needs to be said.

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2 I happen to be an amateur
3 historian. I have a large number of
4 community and group activities both where I
5 used to live in beautiful downtown
6 Hicksville, the home of my friend Rosemarie
7 Walker, whose husband I used to go to
8 Hicksville Junior High School with. Where
9 did Joseph go? I used to work with Joseph
10 in the district attorney's office. I've
11 known Carrie many years from his practice of
12 law before I retired. And many of you
13 otherwise also.

14 The important thing is Peter.
15 Peter devoted his life and he lost his life
16 here in this facility. He literally was a
17 daily fighter, a daily crusader for the
18 people of Nassau County, for the taxpayers
19 of Nassau County. He put himself out there
20 on a daily basis for years, both as an
21 individual legislator, as an assistant
22 majority leader, a minority leader, and
23 finally the majority leader and presiding
24 officer. He did it all. Forgive me for
25 saying this, he paid the ultimate price for

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2 doing it all. He paid with his life, while
3 he was engaging in discharging his duties as
4 a member of this Legislature.

5 Having spoken particularly with
6 Lois and his daughter, I tried to speak with
7 Logan, but he really wasn't into it. By the
8 way, I had Lois and Samantha extract for me
9 a firm promise that I have to bring him a
10 little set of Nike's so he can have Logan's
11 first run.

12 Anyhow, I would ask that
13 consideration be given to naming either this
14 pavilion, or perhaps this meeting room on
15 behalf of, and in memory of the only man
16 ever to lose his life in service to the
17 people of Nassau County as a member of the
18 county legislature.

19 I have done research. I am an
20 amateur historian. I have a history here.
21 Some of you may know that I served on the
22 board of supervisors staff for a number of
23 years, and before that I was an assistant
24 district attorney, which is originally where
25 I met Joe Scannell.

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2 Before that I was a county park
3 ranger, including in beautiful downtown
4 Eisenhower Park, not too far away from
5 Norma's neck of the woods where I used to
6 live and attend Barnum Woods Elementary
7 School for a while. Of course, that was
8 after I was born at Mitchell Field Air
9 Force, but that's another long story.

10 Anyway, my history with Peter
11 goes back almost 43 years. I saw him mature
12 and I saw him serve. That's the most
13 important thing. We need to have a
14 recollection and a memory of him here, and I
15 would also at the request of the family ask
16 you to consider perhaps Massapequa Preserve,
17 and perhaps, because I was more connected
18 with him in his activity at Takapusha
19 Preserve. I have a wonderful dream about
20 that place. There's a little road that goes
21 from Washington Avenue up to the museum. I
22 think it would be very fitting if it was
23 named Peter Schmitt's Way.

24 I'm a member, and a secretary of
25 the Friends of Takapusha, I'm a very active

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2 member of Friends of Massapequa Preserve as
3 well as a large number of other groups,
4 organizations, activities of multiple
5 levels; everything from national groups,
6 from the US Naval Institute, the Air Force
7 Association, to local groups like the
8 Hicksville Community Council.

9 Every one I have spoken to, and
10 that has been literally hundreds of people
11 over the last month, month and a half,
12 desperately want a remembrance created of
13 the contributions that Peter Schmitt made,
14 not only made to this legislature, but to
15 this entire county, and to the people of
16 this county. He was a tireless worker.

17 Kevan, please. From Joann Bird,
18 you know what he had to put up with, trying
19 to make sure she will never be forgotten in
20 the institutional history of this county,
21 and people like her will never be forgotten.

22 Many people thought many things
23 about Peter. But he was always a fighter.
24 When he saw it, he called it the way he saw
25 it. I believe that all of us owe something

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2 to him.

3 LEGISLATOR ABRAHAMS: Anything,
4 Mr. Budnick, in regards to the 12th
5 Legislative District, I would definitely
6 defer to Mr. Venditto as he would see fit in
7 terms of where the proper presentation be,
8 but obviously, anything, we would support
9 that bipartisanly.

10 We would love to see anything in
11 memory of Peter. Peter was a friend to this
12 institution. I have gone on the record
13 saying he was a pillar of it, not just
14 because he was here from its inception, but
15 I thought he was a defender of the county's
16 charter.

17 When this legislature, or the
18 county executive, whether it be Gulotta,
19 Suozzi, even Mangano, Peter didn't care if
20 you were from the same party of him or not,
21 if you were a violator of this charter, he
22 fought you tooth and nail on it because
23 that's what he believed in.

24 So I truly believe that we should
25 definitely do something, the appropriate

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2 place and time and location if it's -- you
3 mentioned many locations that are in the
4 12th Legislative District, I would defer to
5 Mr. Venditto on those particular items.

6 MR. BUDNICK: From your lips to
7 God's ears.

8 CHAIRWOMAN GONSALVES: It will
9 require a resolution on the part of this
10 body to name something in Peter's honor.

11 MR. BUDNICK: I express not only
12 my compliments to you for all that you have
13 all put up with. Let me tell you, all the
14 people here, despite whatever they're doing,
15 they're trying to annunciate what their
16 beliefs are, and deal with a horrible,
17 horrible structural problem, and you have my
18 empathy and I pray that God gives you all
19 the wisdom to do the best job that is
20 humanly possible for yourselves, for
21 everybody in Nassau County, and for this
22 institution.

23 Thank you for putting up with me.

24 CHAIRWOMAN GONSALVES: And thank
25 you for your comments and safe home.

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2 LEGISLATOR VENDITTO: Ms.
3 Presiding Officer, I know it's getting late,
4 just to follow up on the what you had said,
5 what our minority leader had said, and Mr.
6 Budnick, what you had said, thank you very
7 much.

8 Peter Schmitt was obviously a
9 great friend to me and to my family. As his
10 friend, and now as his new successor, I
11 think Mr. Budnick has given us here in the
12 legislature a few good ideas as to ways we
13 can commemorate his memory that we should
14 think about in the time ahead and made that
15 commemoration. Thank you, sir.

16 MR. BUDNICK: God bless you.

17 CHAIRWOMAN GONSALVES: Safe home
18 and a Happy Thanksgiving to you.

19 (Whereupon, the Full Legislative
20 Committee recessed at 9:50 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 3rd day of December, 2012.

FRANK GRAY