

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,  
PRESIDING OFFICER

FULL LEGISLATURE

NORMA GONSALVES,  
CHAIRWOMAN

1550 Franklin Avenue  
Mineola, New York

December 17, 2012  
1:12 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

NORMA GONSALVES  
Chair

KEVAN ABRAHAMS  
Minority Leader

ROBERT TROIANO

CARRIÉ SOLAGES

DELIA DERIGGI-WHITTON

JOSEPH SCANNELL (Arrived at 1:16 p.m.)

FRANCIS X. BECKER

HOWARD KOPEL

VINCENT MUSCARELLA (Arrived at 1:16 p.m.)

RICHARD J. NICOLELLO

JUDI BOSWORTH (Not present)

WAYNE WINK

MICHAEL VENDITTO

JOSEPH BELESI

DENNIS DUNNE, SR.

DENISE FORD

JUDITH JACOBS

ROSE MARIE WALKER

DAVID DENENBERG

WILLIAM MULLER  
Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: I would like  
3 Legislator Dennis Dunne to lead us in the Pledge  
4 of Allegiance, and after that I ask you to remain  
5 standing for a horrendous event that took place  
6 on Friday, when 20 young lives were snuffed out,  
7 and six adults, as well, trying to save those  
8 lives.

9 (Whereupon, the Pledge of Allegiance was  
10 recited.)

11 CHAIRWOMAN GONSALVES: I think in our  
12 lifetime we've never, ever experienced such a  
13 horrendous act. I think also that these lives  
14 were snuffed out without any justification.  
15 Sadly, for their families this holiday season  
16 will be one that will be very difficult to go  
17 forward. So I ask you to remember those who lost  
18 their lives on Friday, December 14. Keep them in  
19 your prayers during this holiday season.

20 (Whereupon, a moment of silence was  
21 taken.)

22 CHAIRWOMAN GONSALVES: Thank you.  
23 Mr. Muller, would you please call the  
24 roll?

25 CLERK MULLER: Legislator Kopel?

2 LEGISLATOR KOPEL: Here.

3 CLERK MULLER: Legislator Troiano?

4 LEGISLATOR TROIANO: Here.

5 CLERK MULLER: Legislator Solages?

6 LEGISLATOR SOLAGES: Here.

7 CLERK MULLER: Legislator Ford?

8 LEGISLATOR FORD: Here.

9 CLERK MULLER: Legislator Scannell?

10 (No verbal response.)

11 CLERK MULLER: Legislator Becker?

12 LEGISLATOR BECKER: Present.

13 CLERK MULLER: Legislator Muscarella?

14 (No verbal response.)

15 CLERK MULLER: Legislator Nicoletto?

16 LEGISLATOR NICOLELLO: Here.

17 CLERK MULLER: Legislator Bosworth?

18 (No verbal response.)

19 CLERK MULLER: Legislator Wink?

20 LEGISLATOR WINK: Here.

21 CLERK MULLER: Legislator Venditto?

22 LEGISLATOR VENDITTO: Here.

23 CLERK MULLER: Legislator Belesi?

24 LEGISLATOR BELESI: Here.

25 CLERK MULLER: Legislator Dunne?

2 LEGISLATOR DUNNE: Here.

3 CLERK MULLER: Legislator Jacobs?

4 LEGISLATOR JACOBS: Here.

5 CLERK MULLER: Legislator Walker?

6 LEGISLATOR WALKER: Here.

7 CLERK MULLER: Legislator DeRiggi-

8 Whitton?

9 LEGISLATOR DeRIGGI-WHITTON: Here.

10 CLERK MULLER: Legislator Denenberg?

11 LEGISLATOR DENENBERG: Here.

12 CLERK MULLER: Minority Leader Abrahams?

13 LEGISLATOR ABRAHAMS: Here.

14 CLERK MULLER: Presiding Officer

15 Gonsalves?

16 CHAIRWOMAN GONSALVES: Present.

17 CLERK MULLER: We have a quorum.

18 CHAIRWOMAN GONSALVES: As customary, we  
19 will begin -- I believe -- excuse me. I think we  
20 have three points of personal privilege before we  
21 get to public comment. And I'll begin with  
22 Legislator Judy Jacobs.

23 LEGISLATOR JACOBS: Thank you very much.  
24 I appreciate it.

25 As a legislator with a district which

2 goes right up to the Long Island Sound and has so  
3 many residents devoted to the protection of the  
4 Sound, it was a phenomenal event when we learned  
5 that a 12 year old, Justin Smith, was going to be  
6 sailing solo across the Sound -- I'm blown away  
7 by this whole thing -- to bring attention to the  
8 necessity of protecting the Long Island Sound.

9 He left from Stamford, Connecticut and  
10 sailed to Oyster Bay to raise money in with  
11 partnership the National Fish and Wildlife  
12 Foundation, to support a very exciting new  
13 project, which I'm going to ask in a minute,  
14 Justice, to explain to you. His goal is to raise  
15 environmental awareness. Justin is being bar  
16 mitzvahed in January of 2013. And in the Jewish  
17 religion, children are asked to perform a  
18 mitzvah, that means a good deed. Obviously, it  
19 was a natural choice for Justin, who is devoted  
20 to the environment as it is, to dedicated his  
21 mitzvah to this.

22 I really believe it's a perfect day to  
23 discuss this, that we have people, young people  
24 like Justin, to be so proud of. And I am so  
25 honored to be your legislator.

2 So, Justin, I was wondering if you'd like  
3 to come up. And I see your dad is with you.  
4 Congratulations. Justin, would you like to come  
5 up and tell everyone a little bit about?

6 MR. SMITH: My project uses seaweed and  
7 rib muscles to naturally filter pollution from  
8 the water, kind of like trees remove, like, turn  
9 carbon dioxide into oxygen in the air.

10 LEGISLATOR JACOBS: It sounds like  
11 something you could probably continue as you go  
12 on in school, to do more and more investigation  
13 on it and research.

14 MR. SMITH: I'm thinking of doing it  
15 again next year.

16 LEGISLATOR JACOBS: Tell us a little bit  
17 about the trip. Was it rough?

18 MR. SMITH: The water was pretty calm and  
19 the wind was pretty constant, so I made it across  
20 really fast and it was really fun.

21 LEGISLATOR JACOBS: That's great. That  
22 really is great. We're very proud of you. And  
23 I'm going to ask Legislator DeRiggi-Whitton to  
24 come down with me, although everyone up here is  
25 an environmentalist. Right? Everyone up here



2 has spent their lives, you know, being involved  
3 with the environment. But I'd like to present  
4 something to you. And before I come down I just  
5 want to say one thing, that this is given in  
6 recognition of your charitable cause to raise  
7 money in partnership with the National Fish and  
8 Wildlife Foundation to fund and support a new  
9 bioextraction project that utilizes natural  
10 resources to create water pollution filters.  
11 See, I have it. I'm just very proud of you.

12 And remember as you're growing up, you  
13 make a living by what you get, but you make a  
14 life by what you give. And you've started  
15 already, and that's really, really great.

16 CLERK MULLER: Legislator Muscarella is  
17 here, and Legislator Scannell.

18 CHAIRWOMAN GONSALVES: Legislator  
19 DeRiggi-Whitton has a point of personal  
20 privilege, as well.

21 LEGISLATOR DeRIGGI-WHITTON: I have the  
22 honor and privilege of honoring Mr. Scott  
23 Whitting. Each year the City of Glen Cove  
24 chooses one of our veterans to honor, on both --  
25 during our Memorial Day Parade and Veteran's Day.

2 And Mr. Scott Whitting is our honoree for this  
3 year in Glen Cove. And I wanted to also honor  
4 him here in the County because he's one of the  
5 examples of a lifetime achievement, in my  
6 opinion. Not only did he serve his country, but  
7 he's someone who serves his community so well.  
8 Every event I go to, I always notice the winning  
9 funeral home sponsorships. He's very supportive  
10 of his family.

11 Basically, what this is, in this world  
12 today, with all the tragedy we see, it's so good  
13 to have someone who is such a family man,  
14 community man, and country man. I'm honored to  
15 know you. We're very lucky to have you. He's  
16 has many accomplishments in Vietnam. He's also  
17 had -- you were one of the first paracutters, if  
18 you want to address that.

19 Basically, my reason for having you here  
20 today is to thank you for being a good example of  
21 how good human nature can be, and we need that.

22 MR. WHITTING: I probably don't need the  
23 microphone.

24 I just would like to say that I've had a  
25 lot of great honors in my life, probably the most

2 important one is the fact that I had the  
3 opportunity to serve in the United States Army  
4 Special Forces as a Green Beret medic in Vietnam.  
5 What the Legislator alluded to is that I  
6 participated in the first combat airbourne  
7 assault by Special Forces. I certainly would  
8 like to, and do accept this honor with honor for  
9 God and Country and for our military serving  
10 around the world in defense of liberty and  
11 freedom for all people.

12 CHAIRWOMAN GONSALVES: And now let's  
13 give Legislator DeRiggi-Whitton a chance to get  
14 back.

15 And now we have a point of personal  
16 privilege by Legislator David Denenberg.

17 LEGISLATOR DENENBERG: Thank you very  
18 much.

19 I'm going to call up commissioner of the  
20 Bellmore Fire Department and ex-chief John Curley  
21 and Chief Danny Hull. If they would please come  
22 up to the podium.

23 I think all of us -- all of us know that  
24 our volunteer fire departments, day in, day out -  
25 - day in, day out put their lives on the line to

2 protect us, and there's examples throughout  
3 history where the actions which they took  
4 literally save lives. But, when I tell the story  
5 about what occurred on November 12, 2012, you'll  
6 see that John Curley, his son, and Chief Hull  
7 went above and beyond and were heroes and  
8 literally saved the lives of complete strangers;  
9 but that's what our fire -- our volunteer fire  
10 men and women do day in and day out.

11 On the morning of November 12, 2012, John  
12 Curley and his son John Jr. were headed to  
13 Connecticut to pick up boilers to help fellow  
14 Bellmore residents who needed boilers, and this  
15 is after a week and a half of helping people  
16 throughout the aftermath of Sandy. As they were  
17 leaving they got a text alert from the Bellmore  
18 Fire Department that there was a house fire on  
19 Shore Road. Knowing the department was stretched  
20 thin, he put his trip on hold and headed right to  
21 the location; he didn't have gear, he didn't have  
22 enough time to get to the firehouse. It turned  
23 out John was the first on the scene.

24 One of the residents, a 61 year old, said  
25 that his mother was inside, and he was trying to

2 get to the window by putting a six foot wooden  
3 ladder on top of a five and a half foot file  
4 cabinet. John placed that ladder on the filing  
5 cabinet that was next to the house, climbed up to  
6 the second floor to rescue the woman. He broke  
7 through the window, burning his fingertips. He  
8 crawled through the window, saw the woman's legs  
9 on the floor, crawled to her, lifted her onto the  
10 bed, and then called out of the window for  
11 assistance from the police and the firefighters  
12 who had just arrived on the scene, including,  
13 particularly, Chief Hull.

14 The fire at this point was rolling across  
15 the ceiling and it was beginning to burn John's  
16 ears, and he realized that he really had to act  
17 quickly. His two options -- one option was to  
18 drop the woman to the ground at this point, but  
19 that would have risked knocking over the ladder  
20 and his only way of escape, or he had to try to  
21 climb down the ladder with her, while he was  
22 holding her. She was unconscious. He put her on  
23 the window sill, climbed over her, gained access  
24 to the ladder, and started climbing down the  
25 ladder with the woman. His son, Chief Hull, and

2 two Nassau County Police Department officers were  
3 now holding the file cabinet and the ladder as  
4 John began to descend down the ladder.

5 As he was going down, this old ladder  
6 began to fall backwards, prompting John to grab  
7 the AC unit with the woman in his arms. Chief  
8 Hull pushed his legs forward to keep his steady  
9 and climb him down. He got down the filing  
10 cabinet and passed the woman to his son.

11 At the hospital, John was treated for  
12 deep laceration to his left cheek, minor  
13 lacerations to his lower back and scalp, as well  
14 as burns to his fingertips, scalp, and forearms.  
15 So he was injured in saving a life. But it said  
16 there's a special place in Heaven for anyone who  
17 would put their lives on the line for a brother.  
18 But you saved a total stranger. I think there's  
19 a penthouse in Heaven for you, John.

20 But today you are getting a Good  
21 Samaritan Award, as are you Chief Hull, and your  
22 son, John. We're declaring today John Curley day  
23 in Nassau County. I think I speak for everyone  
24 here when we say you're our hero. Unbelievable  
25 job.

2 MR. CURLEY: I just want to thank the  
3 legislators today for honoring Chief Kurley for  
4 this. He did a great job, he and his son. And  
5 thank you for your time.

6 MR. KURLEY: This could go back and  
7 forth. If it wasn't for Danny, I would probably  
8 be in the hospital from falling back on the  
9 debris that I cleared. I would have fallen that  
10 whole 12 feet and had that victim land on top of  
11 me. It's an honor to do this. You're trained  
12 for over 25 years; in your wildest dreams, this  
13 would never had happened and have such a positive  
14 result, outcome. So I thank you for honoring me.  
15 It's my pleasure to do it.

16 Thank you.

17 LEGISLATOR DENENBERG: Norma -- Madame  
18 Presiding Officer, do you want to join us? I  
19 know you know the Bellmore Fire Department, as  
20 well.

21 CHAIRWOMAN GONSALVES: At this time  
22 Legislator Muscarella has asked for a moment of  
23 silence.

24 LEGISLATOR MUSCARELLA: I don't know  
25 that I want a moment of silence. I just want to

2 convey a couple of things.

3           A number of years ago, probably 50 years  
4 ago, my dad, who resided in Elmont, became a  
5 local republican leader, and he met a man there  
6 who was on the other side of the aisle, a  
7 democrat, that everyone knew and respected. My  
8 dad and this fellow developed a relationship.  
9 And my dad used to say, Al, you're from Brooklyn,  
10 I'm from Brooklyn, we're in Nassau County now,  
11 you become a republican. And Al said, no, no,  
12 I'm a democrat and I'll always be a democrat.  
13 Well, they struck up a friendship, regardless of  
14 the fact that they were of different political  
15 parties, and I'm speaking of Al Samenga  
16 (phonetic), a man from Elmont who everyone knew  
17 and respected. He was a gentleman. He was a  
18 decent, honest, good, respectful, respected,  
19 compassionate -- I could go on and on. He served  
20 us all in this County, first as a judge and then  
21 I believe he became the ombudsman and then the  
22 county attorney. He recently passed away in his  
23 mid-90's. We lost a giant. I just think that we  
24 should acknowledge him, put him on the record,  
25 because he was a friend of Elmont, he was a



friend of Nassau County, a friend of Long Island, and really a friend of the citizens. It's not often that we see a person who has dedicated himself for his entire life to public service, and who was equally revered on both sides of the aisle by both republicans and democrats. I thought it fitting that we acknowledge him. Perhaps we should do a moment of silence of Al Samanga.

(Whereupon, a moment of silence was taken.)

CHAIRWOMAN GONSALVES: Judy.

LEGISLATOR JACOBS: First place, of course, I agree with Vinny. Al Samanga, for any of us who knew him, leaves wonderful memories behind. He really, a really good person.

The reason I asked for a moment or two here is in light of the tragedy that occurred on Friday, everyone talks, obviously, about guns, and there's no question -- I'm not going to go into that, because enough people have talked about it all weekend. I don't know if anyone has the political will, on either side of the aisle, completely in the federal government to make a

2 change. But, I gotta tell you. I think little  
3 by little, even the smaller municipalities, such  
4 as counties, such as us, or towns have to be very  
5 careful when cuts are made what we're cutting.  
6 Because the major thing involved with Friday, in  
7 my mind, is mental health.

8           The bottom line is -- and I just want to  
9 tell you all -- that contractual services for  
10 mental health in Nassau County was decreased by  
11 3.9 million, or 45.2 percent in the 2013 budget.  
12 I just want to say something to all of you. I'm  
13 not going to be overly dramatic, because I know  
14 we're all beside ourselves with this. But we  
15 talk about guns, we talk about gun laws, and all  
16 of that should happen.

17           But mental health -- very often people  
18 shy away from talking about it. When you reflect  
19 on a cut like this of 45.2 percent, I would say  
20 that we, as legislators, should speak to the  
21 administration. That's something that should be,  
22 in my mind, restored because to give mental  
23 health services to young people that even parents  
24 recognize need it, very often is a lot of money  
25 for them. If they are on a restricted budget,

2 \$150 a session, maybe two times, three times a  
3 week is beyond their reach. It's something that  
4 we're being pennywise and pound foolish on.

5 Obviously, anyone who could ever do what  
6 we saw has to be mentally ill. But there are  
7 signs and there are signals, and it's not  
8 something to shirk from. I believe it's a  
9 responsibility that we have as elected officials.

10 I know Rose Walker and I are very close.  
11 I know you're the head of Health & Human  
12 Services. I really think this is something, in a  
13 bipartisan way, we should see if there's any  
14 place within this budget that could restore that  
15 part of the budget to whole for 2013. We can't  
16 feel that we don't have a say in what's going on,  
17 and this is a place, I think, that we might be  
18 able to make an impact, even if it's only  
19 locally.

20 Thank you.

21 CHAIRWOMAN GONSALVES: Thank you,  
22 Legislator Jacobs.

23 I think at this time we can proceed with  
24 public comment. As you all know, we devote 30  
25 minutes to public comment. After, if we should

2 exceed the 30 minutes, then we ask people to be  
3 patient and join us at the end of the meeting.

4 Our first speaker is Joanne Borden.

5 Joanne Borden.

6 MS. BORDEN: Last Monday, December 10,  
7 was International Human Rights Day celebrated  
8 worldwide. Some day Nassau County will join the  
9 rest of the civilized world by providing human  
10 rights to its own people.

11 More and more people, organizations and  
12 religious institutions, are emerging from the  
13 ancient caverns of extreme bigotry and realize  
14 transgender people are people. God's children.

15 The Episcopal Church recently joined many  
16 other churches and religious congregations, those  
17 who recognize that scientific knowledge indicates  
18 the discrimination we suffer is falsely based and  
19 wicked. The Episcopal Church revised their  
20 Canons based upon their "increased understanding  
21 and practice to respect the human dignity of  
22 transgender people". Their stated intent was to  
23 serve God by loving our neighbors as ourselves.  
24 They are now practicing what religions always  
25 preach. It's time for you to practice what you

2 always pledge - liberty and justice for all.

3           The bigots say we are a voluntary  
4 condition and perverted sexually. Medical  
5 science says we are a birth variation. Who  
6 should you believe?

7           Seventy percent of New Yorkers are in  
8 favor of transgender equal rights. Your  
9 continued blindness to a public in favor of  
10 American justice for all is harming your party,  
11 not helping it. The people of New York favor  
12 transgender rights -- equal justice, because they  
13 are Americans and equality is what America is all  
14 about.

15           This legislature's majority must ignore  
16 the extremists and start acting according to the  
17 dictates of God and the dictates of American  
18 principles. Your fiscal conservatism has nothing  
19 to do with social justice. It is time you obeyed  
20 God's calling to love thy neighbor and to do the  
21 American thing by passing transgender civil  
22 rights, like all our neighbors have done.

23           There has never been any bad effects of  
24 such legislation in the 40 percent of our nation  
25 or the overwhelming majority of our state where

2 such laws exist.

3 It is time for you to act like Americans;  
4 pass the law.

5 CHAIRWOMAN GONSALVES: Thank you, Ms.  
6 Borden.

7 Next speaker is Jason Starr. Good  
8 afternoon.

9 MR. STARR: Good afternoon, Madame  
10 Presiding Officer and members of the County  
11 Legislature. My name is Jason Starr, and I am an  
12 attorney and the executive director of the Nassau  
13 County Chapter of the New York Civil Liberties  
14 Union. Today I address you on behalf of the  
15 Nassau County United Redistricting Coalition.  
16 The Coalition is a non-partisan civic engagement  
17 initiative, supporting an inclusive, balanced,  
18 and fair Nassau County legislative redistricting  
19 process.

20 As you know, the county is currently  
21 engaged in the once in a decade task of  
22 reorganizing our legislative districts to reflect  
23 the population demographics of our communities.  
24 The process of legislative redistricting is  
25 complicated, even to the most politically savvy.

2 Yet, it is critically important that all members  
3 of the community have an opportunity for robust  
4 engagement. It is in light of this understanding  
5 that the County Charter provides for a temporary  
6 redistricting advisory committee, a supposedly  
7 independent and bipartisan group intended to make  
8 recommendations based on the will of the people.

9           Indeed, during the first public hearing  
10 of this Commission, Chairman Frances Maroney  
11 stressed to the commissioners that if they "enter  
12 into these deliberations in good faith with an  
13 open mind and meetings open to the public, the  
14 process will prove itself worthy." Unfortunately  
15 the process has not proven itself worthy.

16           This fall the commission hosted a series  
17 of public meetings that cannot be said to have  
18 provided a real robust opportunity for members of  
19 the community to dialogue with the commission  
20 about the redistricting process. In Elmont, for  
21 example, speaker after speaker approached the  
22 microphone with the same frustration -- we don't  
23 know what's going on here, we haven't been  
24 educated about what this process is so we can't  
25 provide the kind of informed decision making that

1 you are seeking. Can someone please talk to me  
2 about what this is and why it's important to me?

3  
4 It appeared as though the commission  
5 forgot that public engagement requires public  
6 education. And many of the community groups that  
7 are a part of our coalition have a blueprint for  
8 just that in some of the communities that we  
9 serve; yet none were engaged with the commission  
10 to assist with outreach.

11 Further, the commission did little at the  
12 hearings to reflect any sort of bipartisan  
13 character, openly acknowledging that the groups  
14 operates as two functionally separate entities.  
15 So we are left with a process that failed to  
16 honor the spirit of the Charter, and proposals  
17 that, because of the failure of that process,  
18 cannot be said to reflect the realities as  
19 expressed by the people. Our sentiment is that  
20 the process has been neither fair nor non-  
21 partisan, and we question the legitimacy of  
22 districts drawn without meaningful public input.

23 In the absence of any plans at this late  
24 date, our Coalition announces that we will devise  
25 its own proposed plans that will incorporate the



2 public input to date at the commission hearings  
3 and will reflect the community's reviews on this  
4 important redistricting of legislative lines that  
5 will shape our representative democracy in the  
6 county for at least the next ten years.

7 Our Coalition plan will comply with a  
8 number of critical redistricting principles,  
9 including: ensuring one person, one vote;  
10 protecting the opportunity for minority  
11 communities to participate in the election  
12 process and elect candidates of choice;  
13 respecting political subdivisions and communities  
14 of interest; and maintaining compactness and  
15 contiguity.

16 Our Coalition's plan will be submitted to  
17 the county legislature on or around January 5,  
18 2013, the same deadline that the temporary  
19 commission has to submit its proposed plan.

20 We urge the Nassau County Legislature to  
21 ensure public disclosure and transparency of the  
22 redistricting process moving forward, beginning  
23 in January 2013. First, please include our  
24 Coalition map, in addition to other maps that may  
25 be submitted by members of the public, in your

2 public process for formal consideration.

3 CLERK MULLER: Your three minutes have  
4 expired, sir.

5 MR. STARR: Thank you very much.

6 LEGISLATOR SOLAGES: One moment. Madame  
7 Chair. Madame Chair Gonsalves? Good morning.

8 CHAIRWOMAN GONSALVES: Sorry.  
9 Legislator Solages.

10 LEGISLATOR SOLAGES: Mr. Starr, thank  
11 you very much for coming here today.

12 MR. STARR: Yes, sir.

13 LEGISLATOR SOLAGES: Thank you. Would  
14 you please be sure to provide my office with a  
15 copy of that report on or about January 5, I  
16 would truly appreciate that.

17 MR. STARR: We'll make sure it gets to  
18 everyone.

19 LEGISLATOR SOLAGES: Thank you very  
20 much.

21 MR. STARR: Thank you very much for your  
22 time.

23 CHAIRWOMAN GONSALVES: The next speaker  
24 is Joseph Curcio.

25 MR. CURCIO: Good afternoon.

2 CHAIRWOMAN GONSALVES: Good afternoon,  
3 Mr. Curcio.

4 MR. CURCIO: I'm here today as a  
5 resident of Nassau, as a small businessman in  
6 Nassau. I've done business and resided in this  
7 County since 1983. I own a small one-story  
8 commercial building at 501 South Broadway in  
9 Hicksville. We have been waiting for our court-  
10 ordered tax refund since September 2011, which  
11 covered years going back to 2008. It was a  
12 substantial reduction in our assessment. At the  
13 time the judgment was for \$112,000. That  
14 included past refunds and reduction of  
15 assessments going forward. If you can recall the  
16 timeframe, we were in the teeth of a recession,  
17 2008, and our building could not survive. Our  
18 tenancy was going down, our rents were going  
19 down, and our taxes were going up drastically.

20 I put in the money myself to pay the  
21 extra taxes even though we knew they were  
22 incorrect and that assessments would come, to the  
23 point of approximately \$90,000. I got to the  
24 point in my personal finances where I could no  
25 longer do that. I went to my bank; they've

2 volunteered to continue to pay the over  
3 assessments while they waited for the refund,  
4 while we both waited for the refund.

5 In September 2011 we got a judgment and  
6 the judgment read, to the County, court ordered,  
7 that the County must immediately, was the word  
8 used, immediately pay the tax refund and  
9 immediately reduce the taxes going forward. As  
10 we all know, that was never done.

11 I am here as an individual and as a small  
12 business owner, but I am telling you I represent  
13 thousands, thousands of homeowners, and  
14 especially small business owners that are owed  
15 tens of millions of dollars in tax refunds, going  
16 back four to five years, and I would suspect  
17 longer.

18 It is easy to say it will get worked out  
19 one day. They're owed interest, they'll get  
20 their interest. It's not about that. It's about  
21 having the money now, when we needed it. It's  
22 about cash flow. If anybody's a small business  
23 owner, cash flow is more important than profit  
24 for a small business.

25 My bank, when they saw the refund not

1  
2 come in at the end of 2011 and, worse yet, saw  
3 that the tax assessment was not corrected even  
4 though there was a judgment ordering it, so the  
5 incorrect taxes were still being charged, my bank  
6 gave up. They put me in foreclosure.

7 I have a building that is full. My major  
8 tenant is Mill Neck Services, which is a not-for-  
9 profit organization that works with the deaf and  
10 physically handicapped. If this building goes  
11 through in foreclosure, there are many more small  
12 businesses that I have as tenants in that  
13 building, as well as Mill Neck Services, that  
14 very well could be thrown out on the street.

15 When that mortgage was taken out, I  
16 signed for it personally. So now the bank is  
17 foreclosing on me, which means I can lose my  
18 home. It's a home that coincidentally was also  
19 inundated in Super Storm Sandy. So right now  
20 because of the inaction or politics of this  
21 legislature, we have one individual -- and I know  
22 there are many more like me -- that stand to lose  
23 their businesses and their homes, and we have  
24 nowhere else to turn. And I implore, I implore  
25 this Legislature to simply follow the law.

2           There are judgments that were entered  
3 legally in a court of law. We need you to make  
4 the decisions that are necessary to have those  
5 judgments paid.

6           Thank you very much.

7           CHAIRWOMAN GONSALVES: Thank you, Mr.  
8 Curcio.

9           Pat Boyle.

10           MR. BOYLE: Hi. I'm Pat Boyle from  
11 Gateway Youth Outreach in Elmont. Can I indulge  
12 you with a short Judge Samanga story?

13           Twenty-four years ago I came to Gateway  
14 Youth Outreach in January, and Judge Samanga was  
15 on our board of directors. And he said to me --  
16 we were having a conversation back and forth  
17 about politics and about everything that's going  
18 on. I was new to Nassau, so I didn't really know  
19 what was going on, so I went to the guy who would  
20 know. And we were talking about something. And  
21 I said, but Judge, doesn't it make commonsense  
22 that politically somebody -- he said, whoa, whoa,  
23 stop right there. Stop right there. He said,  
24 Pasquale -- he was always trying to change me  
25 into an Italian. He said Pasquale, commonsense

2 and politics do not belong in the same sentence.  
3 And you know what? I've really learned from  
4 that. That was probably one of the most sage  
5 things -- well, definitely the most sage he ever  
6 told me. But one of the most sage pieces of  
7 advice that I ever got was that politics and  
8 commonsense always don't go together. And that's  
9 okay. There are other reasons for why things  
10 happens. But, anyway, it was the Judge who let  
11 me know that. And, as a matter of fact, I've  
12 said it here a million times before, that  
13 politics and commonsense don't necessarily go  
14 hand in hand.

15           What I wanted to talk to you about today  
16 was a couple of different things. One is I'm  
17 grateful for the opportunity that you've given us  
18 now to be able to come back and serve some young  
19 people within our programs. Gateway Youth  
20 Outreach got back about 65 percent of its  
21 funding. I'm going to open up programs in  
22 January for 300 more children. So we're going to  
23 have about 400 young people who are going to be  
24 served by our programs; I'm working with the  
25 superintendent and others to make that happen.

2 I'm grateful for that. I really am. Obviously,  
3 I'm going to give you the second part, which is  
4 that I would really like to see this program  
5 become whole again and serve 800 children again,  
6 as I would for all of my other people who work  
7 with me as well, too, in the other agencies  
8 across Nassau County, who I'm sure want to do the  
9 same thing that I want to do.

10 An interesting thing came up last night.  
11 If you were watching President Obama as he spoke  
12 to the people in Newtown, he kept saying what a  
13 tragedy this was and maybe we haven't done enough  
14 and maybe we need to do more. I think everybody  
15 kind of heard that. He really wanted to do  
16 something else. And I kept sitting there and I  
17 kept waiting, and I was waiting for what he was  
18 going to do. I said is it going to be gun  
19 control? At least control of semi-automatic  
20 weapons or automatic weapons; but he didn't say  
21 it. And Judy, you stole a little bit -- I'm  
22 sorry -- Legislator Jacobs, you stole a little  
23 bit of my thunder. I agree with you. I agree  
24 with you. I think one of the things that we need  
25 to do is to increase mental health services



2 overall for young people. And he didn't say  
3 that, though, and that really bothered me. It  
4 just didn't come out. It wasn't there. It  
5 really needed to be said and it just wasn't being  
6 said. So I said to myself, I'm going to come  
7 back and I'm going to make sure that at least on  
8 the Nassau County level it gets said, and  
9 Legislator Jacobs said it.

10 We really need to be able to find ways to  
11 be able to deal with young people who have this  
12 much anger.

13 I'm kind of fortunate in a sense that I  
14 get all of the superintendent's suspensions from  
15 the Sewanakah Central High School District, they  
16 get sent to me. Not all. I shouldn't say all,  
17 I'd be a little bit overwhelmed. But quite a few  
18 of them do. And these are the kids who do things  
19 within the school district that are usually based  
20 somehow in anger. You know, whether it's their  
21 escaping -- they smoke a lot of reefer, they get  
22 caught, or graffiti somewhere and it's an angry  
23 kind of graffiti, or whatever else it might be.  
24 It's based a lot on anger. It's based a lot on  
25 being mad. And I wondered to myself, when I was

2 going through this, how many of those who I  
3 brought down from being angry and being mad and  
4 helped them to realize that they don't have to be  
5 angry, that there are other ways to be able to  
6 deal with their issues, that we can move along  
7 and we can do something together, me and you.  
8 We're going to do something. We're going to help  
9 each other. We're going to get through this. I  
10 care about you and I'm going to help you through  
11 it. I wonder how many of those kids -- and we'll  
12 never know. But I wonder how many of those kids  
13 -- not to the extent that we saw in Newtown --  
14 but how many of those kids just didn't bully  
15 another kid, or how many of those kids just  
16 didn't get into a fight with another kid, or how  
17 many of those kids did something that might be  
18 minor, or maybe there were a couple of them that  
19 were going to do something really, really stupid  
20 that didn't do it because we were there to help.  
21 I'm going to ask you to think about that a  
22 little.

23           Mental health services are very  
24 important. Youth services do -- we do have a  
25 mental health component to our youth service as

2 well, too. We need to be able to realize that we  
3 have to be proactive. And we might never know --  
4 because it is prevention -- we might never know  
5 who we saved, but we'll know that we tried damn  
6 hard to do it. So let's try to see what we can  
7 do about getting the rest of this money back.  
8 Let's see what we can do to help people.

9 Thanks.

10 CHAIRWOMAN GONSALVES: Thank you, Pat.  
11 Next speaker is Adam Haber, please.

12 MR. HABER: Hi. I'm Adam Haber.

13 CHAIRWOMAN GONSALVES: Before you begin,  
14 Mr. Haber --

15 MR. HABER: Yes.

16 CHAIRWOMAN GONSALVES: Have you declared  
17 yourself as a candidate?

18 MR. HABER: I have not, yet.

19 CHAIRWOMAN GONSALVES: You have not.

20 MR. HABER: If I do declare --

21 CHAIRWOMAN GONSALVES: But you are  
22 declaring to be a candidate.

23 MR. HABER: I am considering it  
24 strongly.

25 CHAIRWOMAN GONSALVES: Yes. Hold on.

2 Hold on. Legislator Wink, this is our policy,  
3 and I think I spoke to Mr. Abrahams regarding it.  
4 People should know who is planning to be a  
5 candidate, and when that individual comes up  
6 here, we should know. Disclosure is extremely  
7 important.

8 MR. HABER: Understood.

9 CHAIRWOMAN GONSALVES: Thank you, Mr.  
10 Haber. Okay. Now you may speak.

11 MR. HABER: I am only coming here under  
12 a different hat. Not a political hat.

13 CHAIRWOMAN GONSALVES: Okay. It's all  
14 right. Fine.

15 MR. HABER: I'm a board advisor to a  
16 charity called All Hands Volunteers; I mentioned  
17 that briefly I guess about a month ago. And  
18 we're second responders after tragedies. We've  
19 been in 30 parts of the world, 30 different  
20 events. We're in the south shore of Long Island  
21 now. What I'm calling to ask today or tell you  
22 about is that we've done about 50 remediations of  
23 homes. We muck out homes. We're starting to do  
24 mold remediation also, free of charge. That's  
25 the charity's charter. What we're looking for is

2 a base of operations. We need a place to house  
3 volunteers, a place hopefully with cooking  
4 facilities and showers. Right now we're at the  
5 top of a church in an open room and we only house  
6 about 12 workers. If we had space for 40 or 50  
7 people, we can do 10 to 20 homes per day. And we  
8 plan on being here for several months. Even  
9 though as time goes on, mold is now an issue  
10 after the first week.

11 What I was going to ask Legislator  
12 Scannell, who is in Freeport, is we need help  
13 with the Armory in Freeport. It's available.  
14 The State of New York has control of it. I've  
15 been working with Mayor Hartwick to try and  
16 release it to us. He's ready to give it to us as  
17 a base so he can help the community. I just  
18 don't know who to go through to help us expedite  
19 that process. So I was just presenting that  
20 today and hopefully we can get that and help the  
21 community to a greater extent than we are right  
22 now.

23 So, thank you.

24 CHAIRWOMAN GONSALVES: Is Legislator  
25 Scannell here?

2 LEGISLATOR ABRAHAMS: Actually --

3 CHAIRWOMAN GONSALVES: Go ahead.

4 LEGISLATOR ABRAHAMS: Actually, my  
5 office manager Robin -- how are you, Mr. Haber?

6 MR. HABER: Good. Good to see you.

7 LEGISLATOR ABRAHAMS: Was just  
8 mentioning to me -- actually, the Armory sits in  
9 Legislative District 1. But I work with  
10 Legislator Scannell and Legislator Denenberg. We  
11 all share Freeport, happily.

12 What Robin was just mentioning to me was  
13 I know Zion Cathedral has been -- Cedarmore,  
14 through its non-profit corporation, has been  
15 seeking the same goal, to try to utilize the  
16 building, not for this particular purpose.  
17 Obviously, they have had some obstacles in the  
18 way as well. Obviously, your approach has been  
19 very noble, and we would want to support that.  
20 If you could let my office know as well as Dave's  
21 and Joe's, I'd be happy to try to see if we can  
22 execute any particular arrangement so that you  
23 can be able to provide those services to those in  
24 need.

25 MR. HABER: It's a massive space. It's

probably big enough for both charities, and then some.

LEGISLATOR ABRAHAMS: I could imagine.

MR. HABER: We need sleeping arrangements for 40 to 50 volunteers. They come and go every day, a week or month at a time. They have cooking facilities there, they have showers.

LEGISLATOR ABRAHAMS: Your purpose would be temporary.

MR. HABER: Probably three to four months.

LEGISLATOR ABRAHAMS: Yeah. I'm sure we can probably accommodate and work something out. I think Cedarmore is looking to utilize the property for a longer extent. Obviously, if their goals were pushed back by three to four months, I don't see that being a tremendous hindrance, especially since the fact of what you're trying to do. But I think if we can definitely find out the conversations or find out some of the things that maybe the Mayor is working on and eventually work it up to the Assemblywoman -- I'm sorry -- the deputy speaker,

2 because obviously she is integral in this part,  
3 in trying to get this portion done. We welcome  
4 that. And we definitely want to be able to  
5 accomplish that. But I know Legislators  
6 Denenberg and Scannell wanted to add on.

7 LEGISLATOR DENENBERG: I would just --  
8 through the Chair.

9 CHAIRWOMAN GONSALVES: Legislator  
10 Denenberg.

11 LEGISLATOR DENENBERG: Mr. Haber, you  
12 were at one of the disaster relief workshops that  
13 I conducted --

14 MR. HABER: Yeah.

15 LEGISLATOR DENENBERG: to bring up this  
16 issue, both in terms to have the organization try  
17 to help people but also for people to try to get  
18 a location.

19 There were several people that I thought  
20 had followed up. None of those facilities were  
21 big enough, or?

22 MR. HABER: I spoke to the person in  
23 charge of KeySpan. I spoke to a few different  
24 church leaders. I probably made about 60 or 70  
25 phone calls, different facilities. They offered



us space in Jericho. The whole point of the charity is so that people in the community can actually come to the site, tell us we have a problem, and that's how we find our workload. We need to be near there. And all those people, to your credit -- first of all, that was a great workshop you ran. But they were tirelessly trying to help. There is not a facility available. People were worried about liability.

The Mayor of Freeport has a great space in the rec center, but the board chose not to let it be in there.

LEGISLATOR DENENBERG: What about the Salvation Army in Freeport?

MR. HABER: We spoke to them already, they didn't have space. I met with both the husband and wife who run it.

LEGISLATOR DENENBERG: Okay.

MR. HABER: If you want to look on the website, hands.org, like h-a-n-d-s, like your hand, about who we are and where we come from. There's not charge whatsoever. We're all funded. We just need a place to lay our hat and maximize the amount of good will we can do.

I was in Haiti with them building schools. I was in Mississippi after Katrina. I've been to Iowa after they had flooding. It's a great, great charity, and the community embraces it. The more people become aware of it, the more people use it. And they will stay until there is no more work to be done. But we need a place to lay our hat. Right now they are working out of a empty warehouse space above a church in Long Beach, but no showers. They have to bring in the emergency showers, which works and sometimes they don't, which are across the street. They don't have a place to cook food, which is one of the things the charity does for the volunteers.

That facility, the best place we've seen by far is that Freeport Armory, and that would be a wonderful place for us to help.

CHAIRWOMAN GONSALVES: Thank you very much, Mr. Haber.

MR. HABER: Thanks.

LEGISLATOR SCANNELL: Thanks, Mr. Haber. Just congratulations to you on all the hard work and dedication you have done. I really

2 appreciate it. Thank you.

3 MR. HABER: You know, it's fun. You  
4 know, you try and outwork a 23 year old and you  
5 realize how out of shape you are. It's a great  
6 way to meet good people. And the community  
7 really rallies around it, so thanks.

8 CHAIRWOMAN GONSALVES: Thank you, Mr.  
9 Haber.

10 Next speaker is Cay Fatima.

11 MS. FATIMA: Good afternoon, ladies and  
12 gentlemen of the legislature. First thing, I  
13 want to thank all of you for giving us citizens  
14 the opportunity to speak. I want to first  
15 address an issue. I have been coming over  
16 several years with regards to the Roderick  
17 Cockerham Botanical Peace Garden. Some of you,  
18 like Kevan Abrahams, is familiar, and Robert  
19 Troiano.

20 Over 20 years it took me to get the town  
21 and the county, even the State of New York to  
22 decide who owned property. In 2006, we won a  
23 grant in the Environmental Bond Act to turn a  
24 decimated area into a lovely botanical scene.  
25 But somehow, somewhere in the County Department

2 of Public Works and Department of Parks decided  
3 that this property would not be named Roderick  
4 Cockerham Botanical Peace Garden. We did not get  
5 funding for whatever name that they gave it; we  
6 got funding for the Roderick Cockerham Botanical  
7 Peace Garden.

8 My problem was directed to John Gallo,  
9 who was the superintendent at Department of  
10 Public Works, and he did return my call on  
11 Friday. Hopefully this will be rectified. So I  
12 will address this again in January, at our first  
13 legislative session of the New Year. If it is  
14 not returned to Roderick Cockerham Botanical  
15 Peace Garden, this would be fraud.

16 There have been no expenditures given and  
17 signed by the legislature for anything but  
18 Roderick Cockerham Botanical Peace Garden. So  
19 our legal staff, Catherine Marshall & Associates,  
20 are addressing it, and we hope very soon that  
21 that would be addressed.

22 Legislator Abrahams, where are we with  
23 the legislative ordinance amendment to the  
24 Consumer Affairs Law with regards to new home  
25 builders requiring a license?

2 LEGISLATOR ABRAHAMS: Thank you, Madame  
3 Presiding Officer. Thank you, Ms. Fatima, for  
4 coming down today.

5 Where we stand with that legislation is  
6 exactly where we stood when we clocked it in.

7 MS. FATIMA: When was that that we  
8 clocked it in?

9 LEGISLATOR ABRAHAMS: We clocked it in  
10 in 2010, and then we reclocked it in at the  
11 beginning of this session, I believe. That item  
12 is, like a lot of items, is waiting to be  
13 calendared. I think it behooves -- understanding  
14 how the process works, if we have an idea,  
15 meaning the minority side of the aisle has an  
16 idea, as it did when the republicans were in the  
17 minority, it's up to the majority party to  
18 actually decide, actually up the presiding  
19 officer, who, Madame Presiding Officer Gonsalves  
20 is fairly new to this position. Obviously, her  
21 predecessor, Peter Schmitt, it was up to Mr.  
22 Schmitt, at that time, to actually calendar the  
23 item.

24 MS. FATIMA: If I remember correctly --  
25 I think I have the date of that legislation

2 session when he said that he's aware of it and  
3 would be putting it forward.

4 LEGISLATOR ABRAHAMS: Yes. It's the  
5 action of the presiding officer to do that. What  
6 I can do, in fairness to Presiding Officer  
7 Gonsalves, because, as I said before I'm sure she  
8 can speak for herself. We can set something up  
9 where can set something up where our staffs can  
10 actually meet and brief her on the legislation  
11 and its intent. And then maybe, if it's  
12 possible, maybe we can have it calendared at the  
13 beginning of the year. But that's really a  
14 decision that I think she would need to make to  
15 be able to make sure that that gets through.

16 MS. FATIMA: And then finally, because I  
17 don't want to take up all of your time, the other  
18 consumer affairs issue that I addressed to you  
19 the last time I saw you is that we have something  
20 called junk debt buyers who are allowed to place  
21 suits in courts and its affects every district  
22 here, bipartisan. And we don't have a consumer  
23 affair requirement for licenses for bill  
24 collectors or credit collectors or junk debt  
25 buyers, and almost every county in the nation do

2 have licensing requirements for these  
3 individuals. Why Nassau County doesn't just  
4 behooves me because it would, first of all, be a  
5 revenue opportunity, we need revenue, and it's to  
6 protect, especially now with the fiscal issues of  
7 a robo-signing of foreclosures, a robo-signing of  
8 so-called credit card affidavits, etcetera.  
9 Consumers need protections in these areas. Has  
10 anyone addressed this? Can any of the  
11 legislators speak to this issue, please?

12 LEGISLATOR ABRAHAMS: I think -- I was  
13 just speaking to the Presiding Officer. I think  
14 what we -- we'll look into it. Maybe if I can  
15 have -- I'll assign my chief of staff and lead  
16 counsel to maybe set something up where we could  
17 probably get some more information and gather  
18 some more information, and then maybe set  
19 something up where we can actually sit down with  
20 you so that whatever we find it actually  
21 addresses what you are actually bringing forward  
22 to us. Obviously, as -- Norma's actually  
23 whispering to me. I think you're going to get  
24 the same feeling from their side, and maybe we'll  
25 actually be able to come up with something, if we

2 can legally do it, and be able to pass it.

3 MS. FATIMA: Okay. Thank you. I look  
4 forward to seeing everyone in the New Year.  
5 Happy holidays to all.

6 LEGISLATOR ABRAHAMS: You too.

7 CHAIRWOMAN GONSALVES: Thank you, Ms.  
8 Fatima.

9 And the last speaker is David Smith.

10 MR. SMITH: Hi. Brian Smith.

11 CHAIRWOMAN GONSALVES: Oh, I'm sorry.

12 MR. SMITH: That's okay.

13 CHAIRWOMAN GONSALVES: Guess what?  
14 Guess what? The lady didn't put on her glasses.

15 MR. SMITH: Oh, that's all right. I  
16 didn't plan on speaking today. Maybe it's  
17 fitting that I'm the last speaker.

18 I've listened to a lot of very serious  
19 matters and have enjoyed listening to them. But  
20 it really pronounced for me how thankful I am  
21 that Legislator Jacobs and the entire legislature  
22 here today recognized Justin at the beginning of  
23 this session. I won't go long. Obviously, I'm  
24 Justin's father. I'm extremely proud of him. I  
25 didn't want to say it earlier. I think it's



2 obvious.

3           One thing I did want to say is that one  
4 of his traits that you may have gotten a glimmer  
5 of earlier is modesty. He suggested that what he  
6 did was not as much effort as it really was. He  
7 spent the better part of this entire calendar  
8 year working on this project, almost daily. His  
9 sail took a tremendous amount of effort and  
10 preparation. He went door to door to local  
11 businesses, through the better part of our  
12 district, and spent his weekends and evening  
13 working on that, and other things, when other  
14 folks in his age group were playing.

15           The reason why I wanted to say something  
16 about it is really because I am extremely  
17 grateful, particularly with all that has gone on  
18 in this County and in this country, in this  
19 region, over the last days, but also the last  
20 months. I'm grateful for Justin, and I'm  
21 grateful for what he's done and who he is. I'm  
22 grateful that this board -- excuse me, this  
23 Legislature recognized him for that. And I just  
24 want to thank you again.

25           CHAIRWOMAN GONSALVES: Let me say to you

2 today's session gave us a great deal of food for  
3 thought. So I thank you. I thank you, Justin.  
4 Keep up the good work. Because we are all  
5 environmentalists on this body.

6 Again, a happy holiday to you and yours.

7 MR. SMITH: Thank you.

8 CHAIRWOMAN GONSALVES: At this time  
9 there has been a request for a -- what is it,  
10 Judy?

11 LEGISLATOR JACOBS: Legislator Ford just  
12 said something which really is true. You both  
13 have captivating smiles. So, brains, commitment,  
14 and a great smile, you will all go far. Thank  
15 you. Thank you for sharing with us.

16 MR. SMITH: Thank you.

17 CHAIRWOMAN GONSALVES: There has been a  
18 request for a ten to fifteen minute recess. It  
19 is now ten after two. Two twenty-five back here,  
20 otherwise we begin without you.

21 (Whereupon, the Full Legislature recessed  
22 at 2:10 p.m.)

23 (Whereupon, the Full Legislature  
24 reconvened at 2:50 p.m.)

25 CHAIRWOMAN GONSALVES: We're going to

2 begin with the -- we have four emergency items,  
3 and I'm going to be looking to the clerk to put  
4 these items on the floor. But before we do,  
5 could I -- I don't have the minority. I need  
6 someone to say they will dispense with the  
7 reading of the emergency resolution.

8 Where are you? Judy?

9 LEGISLATOR JACOBS: Yes, I dispense.

10 CHAIRWOMAN GONSALVES: Okay. Thank you,  
11 Judy.

12 LEGISLATOR JACOBS: You're welcome.

13 CHAIRWOMAN GONSALVES: Begin with the  
14 first one, please.

15 CLERK MULLER: So we're not going to  
16 have a vote on establishing the emergency?

17 CHAIRWOMAN GONSALVES: No, read the  
18 other resolutions.

19 CLERK MULLER: Okay. We have an  
20 emergency, which comes by way of a recommendation  
21 from the administration for the adoption of a  
22 resolution setting forth that an emergency exists  
23 for consideration of and immediate action upon  
24 Clerk Item 720-12, the Emergency Resolution is  
25 278-A-12.

2 Please entertain a motion to vote on  
3 establishing this emergency.

4 LEGISLATOR NICOLELLO: So moved.

5 LEGISLATOR KOPEL: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Nicoletto, seconded by Legislator  
8 Kopel.

9 All those in favor of putting this  
10 emergency on the floor indicate by saying aye.

11 (Aye.)

12 CLERK MULLER: Ordinance 278-A-2012, an  
13 ordinance to amend Ordinance Number 241-2012  
14 adopting the capital budget for the year 2012 for  
15 the County of Nassau, corresponding with the  
16 first year of the four year capital plan,  
17 pursuant to provisions of Section 310 of the  
18 County Government Law of Nassau County.

19 Please entertain a motion to place this  
20 before the legislature.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR BELESI: Second.

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

25 Now, who is here to speak on this item?

2 MR. MAY: We have Mr. Ken Arnold to  
3 speak on these items. I said these items. We  
4 haven't called the second one yet. I apologize.

5 CHAIRWOMAN GONSALVES: Good afternoon,  
6 Mr. Arnold.

7 MR. ARNOLD: Good afternoon.

8 This amendment is for our hazardous waste  
9 response fund. It's \$2.5 million additional  
10 funding required for our work that we're doing at  
11 the homes that were impacted by sewage overflows  
12 in Baldwin and East Rockaway and other facilities  
13 that come up as we go through this process.

14 CHAIRWOMAN GONSALVES: Any comments?  
15 Legislator Denenberg.

16 LEGISLATOR DENENBERG: Ken, my question  
17 -- a couple of questions.

18 This item was not part of the capital  
19 bonding authorization, the \$192 million that we  
20 did a few weeks ago for disaster response?

21 MR. ARNOLD: No. That capital project  
22 was in that request also. This is additional  
23 funding that we're going to need for that same  
24 purpose.

25 LEGISLATOR DENENBERG: So what amount

2 was in the request from three weeks ago?

3 MR. ARNOLD: I believe it was one and a  
4 half million dollars.

5 LEGISLATOR DENENBERG: So now we're  
6 upping it by 2.5?

7 MR. ARNOLD: That is correct.

8 LEGISLATOR DENENBERG: So why is the  
9 proposed authorization six million, to be up four  
10 and a half million or three and a half to six?

11 MR. ARNOLD: There were previous  
12 projects, capital projects was authorized for, so  
13 this is additional funding.

14 LEGISLATOR DENENBERG: So the emergency  
15 funding from a few weeks ago had one and a half  
16 for responding to this sewage issue, and now  
17 we're increasing that by two and a half, but it's  
18 in an item that already existed.

19 MR. ARNOLD: That is correct.

20 LEGISLATOR DENENBERG: Would that affect  
21 whether it's an emergency or not? I'm hoping  
22 that -- we're planning on getting this reimbursed  
23 from FEMA, right?

24 MR. ARNOLD: That is correct.

25 LEGISLATOR DENENBERG: By adding to an

2 item that was existing before the emergency  
3 bonding that we did a few weeks ago. That  
4 wouldn't affect us?

5 MR. ARNOLD: No. We're coding all our  
6 Sandy emergencies as a separate sub-description  
7 to track it all separately, even though we're  
8 using existing capital projects for many of these  
9 work items, including this one.

10 LEGISLATOR DENENBERG: Okay. So if I'm  
11 getting this right now, three weeks ago, and we  
12 were very concerned about the areas that you  
13 mentioned, like Baldwin and East Rockaway, so we  
14 could help clean out even private homes, as need  
15 be. We had one and a half. Now we have two and  
16 a half. That would be four. The reason why it  
17 reads six is there was a project that already had  
18 two million that we've been adding to.

19 MR. ARNOLD: Yeah. There were old  
20 authorizations that existed on this capital  
21 project.

22 LEGISLATOR DENENBERG: But we believe --  
23 so why does it say this is amending the capital  
24 budget from 147 to 149? That's not the -- that  
25 was not the infrastructure disaster relief

2 bonding of 192, was it? I'm getting confused as  
3 to whether we're adding money to what we  
4 authorized as emergency infrastructure bonding  
5 versus the regular capital budget for 2012. This  
6 says we're amending the capital budget, not that  
7 FEMA request.

8 MR. ARNOLD: Well, the Sandy request was  
9 in the regular general capital budget. It wasn't  
10 separate. It all rolls up into one big  
11 authorization at the end.

12 LEGISLATOR DENENBERG: It couldn't be.  
13 The Sandy request was 192. Our regular budget  
14 was 147. We're adding two and a half to the  
15 capital budget.

16 MR. ARNOLD: That Sandy request also  
17 included SSW. I believe if you separate the SSW  
18 out.

19 LEGISLATOR DENENBERG: I just want to  
20 make sure we're doing it right. Obviously, this  
21 is something we need to do and we have to do it.  
22 But I don't want it not to be part of our  
23 application for FEMA money. I'm just questioning  
24 if we're adding the money to the regular capital  
25 budget as opposed to the 192 FEMA request, that



maybe we're not doing this correctly. That's all I'm worried about.

MR. ARNOLD: Understood.

The FEMA request, the 192 was in two pieces; it was in SSW and was in general.

LEGISLATOR DENENBERG: Okay.

MR. ARNOLD: This one will be applied just to the general request, upping that authorization which is I think where the 149 comes from.

LEGISLATOR DENENBERG: Okay. So then the 60 or almost 60 was SSW?

MR. ARNOLD: Yes.

LEGISLATOR DENENBERG: And this wouldn't be SSW because we're not doing anything for the sewage treatment plant, we're fixing something out in the streets?

MR. ARNOLD: We debated that back and forth.

LEGISLATOR DENENBERG: Okay.

MR. ARNOLD: The right capital project was in the general capital plan, that's why we used this capital project for this response.

LEGISLATOR DENENBERG: Okay. Again, my

2 only concern is that since it is disaster  
3 response, that I want us to be able to qualify  
4 for the maximum, which I'm sure you do. I was  
5 just wondering why it seemed to be going to  
6 capital budget as opposed to the Sandy response  
7 budget.

8 MR. ARNOLD: And we've worked with the  
9 comptroller and OMB to set up a special code so  
10 all of this is tracked specially from our regular  
11 accounting. There will be dedicated summaries  
12 for this.

13 LEGISLATOR DENENBERG: Thank you, Mr.  
14 Arnold.

15 CHAIRWOMAN GONSALVES: Legislator  
16 Scannell.

17 LEGISLATOR SCANNELL: What specifically  
18 -- tell me exactly, specifically -- I know we  
19 went from 1.1 up to what? What was the  
20 additional increase?

21 MR. ARNOLD: We're increasing the  
22 capital project by \$2.5 million.

23 LEGISLATOR SCANNELL: Okay. Ken, what  
24 specifically is the county going to be doing with  
25 that extra money?

2 MR. ARNOLD: It's to adjust the number  
3 of homes that are reaching out to us.  
4 Conversations about exterior of some properties  
5 and also crawl spaces of properties.

6 LEGISLATOR SCANNELL: So for demolition,  
7 or?

8 MR. ARNOLD: For disinfection, removal  
9 work that we're doing.

10 LEGISLATOR SCANNELL: So it continues to  
11 be removal and demolition work?

12 MR. ARNOLD: Yes.

13 LEGISLATOR SCANNELL: Okay. Thanks.

14 CHAIRWOMAN GONSALVES: Any other  
15 comments from the legislators?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor of this item indicate  
20 by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item carries unanimously.

25 Second emergency.

2 CLERK MULLER: The second emergency  
3 comes by way of the recommendation from the  
4 administration for a resolution setting forth  
5 that an emergency exists for consideration of and  
6 immediate action upon Clerk Item 721-12.

7 Please entertain a motion to establish  
8 this emergency.

9 CHAIRWOMAN GONSALVES: All those in  
10 favor of establishing the emergency indicate by  
11 saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The emergency is established.

16 CLERK MULLER: Ordinance 278-B-2012, a  
17 bond ordinance providing for capital expenditure  
18 to finance the capital project specified herein  
19 within the County of Nassau, authorizing \$2.5  
20 million of bonds of the County of Nassau to  
21 finance said expenditure, and making certain  
22 determinations pursuant to the State  
23 Environmental Quality Review Act, pursuant to the  
24 Local Finance Law of New York, and the County  
25 Government Law of Nassau County.

CHAIRWOMAN GONSALVES: Motion, please?

LEGISLATOR MUSCARELLA: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRWOMAN GONSALVES: Moved by  
Legislator Muscarella, seconded by Legislator  
Nicolello.

And we have Mr. Arnold again.

MR. ARNOLD: This is the bond ordinance  
that went along with the budget request that was  
just approved by the legislature.

CHAIRWOMAN GONSALVES: Any other  
questions regarding this bond ordinance?

(No verbal response.)

Any public comment?

(No verbal response.)

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

(Aye.)

Any opposed?

(No verbal response.)

The motion carries unanimously.

CLERK MULLER: We have an emergency that  
comes by way of the recommendation from the  
administration for the adoption of a resolution

2 setting forth that an emergency exists for  
3 consideration of and immediate action upon Clerk  
4 Item 724-2012.

5 CHAIRWOMAN GONSALVES: Motion, please?

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR DUNNE: Second.

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

10 All those in favor of establishing the  
11 emergency signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The emergency is established.

16 CLERK MULLER: Ordinance 278-C-2012, an  
17 ordinance fixing the tax rates and levying taxes  
18 for the 12 month fiscal year beginning January 1,  
19 2013 and ending December 31, 2013, upon taxable  
20 properties within the towns and cities of the  
21 County of Nassau for the county, County Fire  
22 Prevention Safety and Communication Education  
23 Fund, County Police Headquarters, County Police  
24 District, Nassau County Community College, County  
25 Environmental Bond Fund, Nassau County Sewer and

2 Storm Water Resource District, and for the  
3 aforementioned 2013 fiscal year for town, town  
4 highway, town general fund, town general fund,  
5 part town, town special district, unpaid water  
6 charges and arrears, town side curb assessments  
7 and other lawful purposes, and allocating  
8 revenues from certain sales taxes imposed in the  
9 County of Nassau outside the City of Long Beach  
10 and determining the equalization rates in  
11 relation thereto, and authorizing and directing  
12 the county executive and the clerk of the Nassau  
13 County Legislature to execute separate tax  
14 warrants addressed to the receipt of taxes of  
15 other towns and cities within the County of  
16 Nassau for the collection of the several sums  
17 mentioned herein, pursuant to the provisions of  
18 the County Government Law of Nassau County and  
19 the Nassau County Administrative Code, the Real  
20 Property Tax Law of the State of New York, the  
21 County Law, the Local Finance Law, the Tax Law,  
22 the Town Law, and the Educational Law in the  
23 State of New York, and Chapter 14 of the laws of  
24 1995.

25 CHAIRWOMAN GONSALVES: Motion, please?

2 LEGISLATOR MUSCARELLA: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRWOMAN GONSALVES: Moved by  
5 Legislator Muscarella, seconded by Legislator  
6 Nicoletto.

7 And, we have?

8 MR. MAY: I'm sorry. I didn't catch  
9 that. Can I hear it again, please?

10 We have Mr. Dan Valentino.

11 MR. VALENTINO: This item is proceeding  
12 by emergency because we were late in receiving  
13 the budgets for the Town of Oyster Bay and the  
14 Town of North Hempstead.

15 CHAIRWOMAN GONSALVES: Any questions  
16 from the legislators?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

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

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item carries unanimously.



2 CLERK MULLER: The final emergency comes  
3 by way of the administration for the adoption of  
4 a resolution setting forth that an emergency  
5 exists for consideration of and immediate action  
6 upon Clerk Item 722-12.

7 Please entertain a motion to establish  
8 this emergency.

9 LEGISLATOR BELESI: So moved.

10 LEGISLATOR BECKER: Second.

11 CHAIRWOMAN GONSALVES: Moved by  
12 Legislator Belesi, seconded by Legislator Becker.

13 All those in favor of establishing the  
14 emergency signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The emergency is established.

19 CLERK MULLER: Resolution 227-A-2012, a  
20 resolution authorizing the county to implement a  
21 program of projects funded by the State Mass  
22 Transportation Capital Program, and to advance  
23 such funds required to be advanced by the county  
24 and the State of New York to implement such  
25 program, and to authorize the county executive to

2 execute any and all agreements and any other  
3 documentation necessary to implement the program.

4 Please entertain a motion to place this  
5 matter before the legislature.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

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

10 And?

11 MR. MAY: We have Mr. Mike Kelly from  
12 Real Estate.

13 CHAIRWOMAN GONSALVES: Good afternoon,  
14 Mr. Kelly.

15 MR. KELLY: Good afternoon. Michael  
16 Kelly, Acting Director, Nassau County Department  
17 of Public Works, Division of Real Estate  
18 Services.

19 Item 722-12 is to authorize the county  
20 executive to execute an agreement with New York  
21 State Department of Transportation, the purpose  
22 of which is to receive reimbursement of the  
23 state's ten percent match toward the county's  
24 federal grants for transit purposes.

25 CHAIRWOMAN GONSALVES: Any questions of

2 Mr. Kelly?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

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

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item carries unanimously.

12 MR. KELLY: Thank you very much.

13 CHAIRWOMAN GONSALVES: That concludes  
14 the emergencies.

15 We have two procedural resolutions, the  
16 first being the 2013 meeting calendar.

17 Motion, please?

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRWOMAN GONSALVES: Moved by  
21 Legislator Dunne, seconded by Legislator  
22 Muscarella.

23 Any comments regarding the meeting  
24 calendar from the legislators?

25 (No verbal response.)

2 You all had an opportunity to see it,  
3 right? You're okay?

4 I would ask for public comment, if there  
5 be any. If not, all those in favor of the 2013  
6 meeting calendar signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Okay. The 2013 meeting calendar is set,  
11 and the motion carries unanimously.

12 The second procedural resolution is  
13 Locust Valley Cemetery Association publications.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR BELESI: Second.

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

18 Any comments from the legislators  
19 regarding this item?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 There being none, all those in favor of  
24 this procedural resolution signify by saying aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 The item carries unanimously.

5 Now we're going to go through the consent  
6 calendar before we go through the non-consent.

7 Mr. Muller, do you have a copy of the  
8 consent items?

9 CLERK MULLER: I do not have a copy of  
10 the consent calendar.

11 CHAIRWOMAN GONSALVES: I'm going to read  
12 them into the record then.

13 Consent calendar: Item 2, Item 3, 4, 5,  
14 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,  
15 20, 21, 22, 23, 24, 25, 26, 27, 28 -- 29 is not  
16 part of that consent calendar -- 30, 31, 32, 33,  
17 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,  
18 46, 47, 48, 49, 50, 51, 52, 53.

19 Motion, please?

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR KOPEL: Second.

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

24 Any comments regarding this?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

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

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The items carry unanimously.

10 Now, to the other items that were not  
11 part of the consent calendar, which is Item  
12 Number 1, which is the -- this is the first item  
13 on the agenda, which is Item 687 -- Clerk Item  
14 687, a bond ordinance in the amount of  
15 \$165,240,000 to finance the payment of  
16 settlements and judgments relating to tax  
17 certiorari proceedings. The Local Finance Law  
18 requires this item to be approved by a 13 vote  
19 super majority of this body, and therefore will  
20 require the support of both republicans and  
21 democrats if it is to pass.

22 May I have a motion, please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

2 Legislator Dunne, seconded by Legislator Kopel.

3 Before we consider this item, I would  
4 like to incorporate by reference the testimony  
5 from the Full Legislative Session held on  
6 November 19, and in the Rules Committee held on  
7 November 3.

8 (Whereupon, the following are the minutes  
9 of the November 19, 2012 Full Legislature meeting  
10 pertaining to Clerk Item 687-12.)  
11

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

2 sums pursuant to Title 3 of Article 5 of the Real Property  
3 Tax Law and authorizing bonds of the County of Nassau  
4 defined said expenditure not to exceed \$165,240,000  
5 pursuant to the Local Finance Law of New York and the  
6 County Government Law of Nassau County.

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

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

16 We have all seen the devastation caused by  
17 Super Storm Sandy followed up by the nor'easter. We have  
18 all seen the damage caused to our homes and our small  
19 businesses. We have all felt the impact on our lives,  
20 economically and otherwise of a prolonged power outage and  
21 gas shortage. Many of our small businesses couldn't open  
22 their doors for days, some will never open their doors  
23 again.

24 Through it all, Nassau County, under the  
25 leadership of County Executive Ed Mangano, has extended



2 every reasonable resource at its disposal to assist in the  
3 recovery effort from this historic storm.

4 We have before us today that would all this  
5 county to pay out millions of dollars in tax refunds owed  
6 to many of our residents and businesses at a time when they  
7 need it most. This money is far better in their hands than  
8 it is in ours.

9 Another benefit we must consider is that the  
10 financing of these three funds at this time, which serve to  
11 boost Nassau County's emergency reserve funds, and free up  
12 much needed resources to aid us in our recovery efforts  
13 and, heaven forbid, react to future emergencies.

14 We have been informed that FEMA aid would  
15 take the form of reimbursements for funds expended. In  
16 other words, Nassau County must advance the required funds  
17 to address emergency situations and seek reimbursement from  
18 the federal government.

19 By building back our reserve funds, Nassau  
20 County would be in a far stronger position to address its  
21 emergency needs in Sandy's aftermath.

22 We have all read the comments of minority  
23 leader in Newsday characterizing this action as shameless.  
24 I would say it would be shameless for this body to refuse  
25 to do everything in its power to help as many people and  
26 businesses as we can.

2 I urge me democratic colleagues to support  
3 not only this emergency resolution, but the entire  
4 borrowing request. And I know you would like to make a  
5 comment.

6 LEGISLATOR ABRAHAMS: Thank you, Presiding  
7 Officer Gonsalves. I think the minority has made their  
8 position very clear. Number one, in the aftermath of Super  
9 Storm Sandy, those that have lost their worldly  
10 possessions, those who have lost relatives due to this  
11 tremendous tremendous storm, we will continue to grieve and  
12 share our prayers with them.

13 However, we do believe it to be shameless  
14 when the county executive chooses to use this storm for an  
15 initiative that he has presented to this legislature for  
16 now well over almost a year in trying to present tax certs  
17 to insure that, in our opinion, and has also been  
18 documented by Newsday, to pay off, I believe, tax cert  
19 attorneys that have worked on behalf of these commercial  
20 property interests.

21 It's also shameless for this legislature to  
22 consider any tax cert when we have not seen the backup for  
23 \$165 million. In essence, the county executive is asking  
24 for a blank check so that the county will put itself in  
25 further debt to try to secure \$165 million and we have not  
26 seen any backup to support it.

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

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

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

22 Number two, that the money that is being  
23 identified, the claims have not all been presented to the  
24 legislature in order to pay those claims, so in essence  
25 this legislature is being asked to write a blank check.

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

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

We are willing to work with you to borrow or to bond for those particular things, but don't present to us \$165 million and expect a blank check and there's no backup to tie to it and try to say that we need to do this in order to help the families of Super Storm Sandy.

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

CHAIRWOMAN GONSALVES: I just want to respond very briefly, Mr. Abrahams. Number one, the circumstances

2 are extremely different than they were a few months ago,  
3 okay?

4 Another thing, anything over \$100,000 you  
5 know comes to us. And the third thing, all those  
6 infrastructure items that you mentioned will be addressed  
7 by this body.

8 You can rest assured that after tomorrow's  
9 session, some of those will be addressed.

10 LEGISLATOR ABRAHAMS: Again, Presiding  
11 Officer Gonsalves, from our standpoint, it is very clear we  
12 truly believe, the county executive was down. He toured  
13 Baldwin. He saw these homes.

14 From our standpoint, that is just as much of  
15 a priority as these tax certs that are being presented  
16 today. To us, it appears very shameless that the fact that  
17 we have a treatment plant which, granted, under the Suozzi  
18 administration, under the Mangano administration, the  
19 Gulotta administration it was neglected, we get it. A lot  
20 of people didn't do their part.

21 But now here have an opportunity. We have an  
22 opportunity to do the right thing to insure that this plant  
23 gets what it needs, and the first thing out the box, the  
24 first thing out the gate is tax certs. The same initiative  
25 that we've been seeing for the last 12 months, and guess  
26 who -- I understand, they put money back in the folks that

1 need it the most, I understand that greatly, but, you know  
2 what, it also puts money back in the folks that have been  
3 contributing to the republican party as well as County  
4 Executive Mangano to a great degree. So from that  
5 standpoint, I don't hear any responses about that. It gets  
6 very quiet on your side of the aisle when I keep bringing  
7 that up. That is a fact.

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

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

22 Does anyone need to visit West Shore Road to  
23 be able to see that the road is in the ocean? Our  
24 infrastructure is crumbling around us people. If we decide  
25 to do nothing and focus on the same old stuff that we  
26 focused on in last 12 months we will get nowhere.

2 CHAIRWOMAN GONSALVES: Mr. Kevan, before I  
3 turn the mike over to Legislator Ford, and then Legislator  
4 Nicolello, let it be said, once again, those items that you  
5 are talking about will be considered by this body.

6 LEGISLATOR ABRAHAMS: Presiding Officer, is  
7 this up for debate or discussion, or are we going to allow  
8 everybody to talk? I thought basically you were going to  
9 give a statement and I was responding to your statement.

10 If we open this, we are violating -- this is  
11 not up for a debate or discussion.

12 CHAIRWOMAN GONSALVES: No, it's not. But  
13 this is an emergency item and everyone has the right to  
14 discuss it.

15 LEGISLATOR ABRAHAMS: No, no, no. Everybody  
16 has a right to debate and discuss it when it reaches the  
17 floor. This item is not on the floor. And correct me if  
18 I'm wrong, our side has not presented the votes for it to  
19 be on the floor. Because I have a ton of guys that want to  
20 talk too.

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

24 LEGISLATOR MUSCARELLA: I move it.

25 CHAIRWOMAN GONSALVES: Moved by Legislator  
26 Muscarella.

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: And seconded by  
4 Legislator Nicoletto. We want to see whether or not we're  
5 going to have the emergency.

6 LEGISLATOR FORD: We'll have the full  
7 discussion after.

8 CHAIRWOMAN GONSALVES: No.

9 LEGISLATOR ABRAHAMS: We are prepared to have  
10 that discussion.

11 LEGISLATOR FORD: Don't worry, so am I.

12 CHAIRWOMAN GONSALVES: Let's not be  
13 confrontational. Go ahead.

14 LEGISLATOR MUSCARELLA: Through the chair,  
15 the emergency is on the floor, and it's subject to debate.  
16 That's pretty much what we were talking about whether or  
17 not this is an emergency and going forward and then we'll  
18 call the item.

19 There are budget concerns and we'll speak  
20 about the budget and how it impacts infrastructure and  
21 whatever, but this particular item I think we should debate  
22 now.

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



2 LEGISLATOR FORD: Thank you, presiding  
3 officer. I take exception to the comments made by Minority  
4 Leader Kevan Abrahams when we talk about politicizing over  
5 the issue of tax certs and the ability to be able to give  
6 back much needed funds not only to our residents but as  
7 well to our small business owners.

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

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

2 and not only have they been hit with their businesses going  
3 out, but many have lost their homes.

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

11 This is not the time for taking a partisan  
12 view. We have to. Governor Cuomo has asked us and so has  
13 President Obama. They have asked us to put our political  
14 differences aside. Let's all start working together and  
15 let's start working together for the benefit of the  
16 residents and the people of Nassau County.

17 We were able to survive Sandy but I will find  
18 it hard to believe that we will be able to survive this  
19 partisanship. Thank you.

20 LEGISLATOR ABRAHAMS: Through the chair. She  
21 responded directly to me. Legislator Ford, I don't  
22 understand where your anger is coming from, but let me try  
23 to explain a couple of different things. I understand. We  
24 are all going through hell. Everybody's district is going  
25 through hell. Long Beach is going through a greater hell,  
26 and other parts of the county is going through that. But

1 you should not minimize anybody's hell or anybody's degree  
2 of difficulty.  
3

4 That being said, Legislator Ford, you cannot  
5 guarantee that what we are talking about today, the \$165  
6 million that's being borrowed for tax certs, that you  
7 cannot guarantee that it is going to go to every single  
8 person that needs relief in Long Beach. You just can't.

9 You guys have tried and tried again in the  
10 last few days to tie the bonding for tax certs to some type  
11 of relief for Super Storm Sandy. It's not true. It's just  
12 not that case. You cannot guarantee that those that are  
13 being hurt by this storm are guaranteed a refund unless  
14 they filed a grievance.

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

25 The fact remains, unless you can tell me I'm  
26 wrong, please tell that every single person that's being

2 impacted by this storm will get some relief from this  
3 particular bond. If that's the case, we will reconsider,  
4 but I don't believe that to be the case.

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

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

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

21 CHAIRWOMAN GONSALVES: I'm going to stop the  
22 debate. It's enough. That's it.

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

26 LEGISLATOR ABRAHAMS: Can you guarantee --

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

4 LEGISLATOR ABRAHAMS: Can you guarantee, can  
5 you tell us that the folks that have been impacted by this  
6 storm are getting relief from this particular bonding?

7 LEGISLATOR FORD: Some people will be, yes.

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

11 LEGISLATOR FORD: I'm tying it to the tax  
12 certs.

13 LEGISLATOR ABRAHAMS: I hear you chiming in.  
14 You're making the reference of tying it to Super Storm  
15 Sandy.

16 LEGISLATOR BECKER: You're tying it in to  
17 redistricting, that's the problem. That's why you refuse  
18 to do it.

19 LEGISLATOR ABRAHAMS: Fran, dial this back.  
20 You sound silly. Let me tell you why. Fran, we're  
21 prepared to do bonding for something such as the roads or  
22 infrastructure or the sewage treatment plant. If we are  
23 tying it to bonding and redistricting, why are we doing  
24 that? Do you have a response, Mr. Becker?

25 LEGISLATOR BECKER: Of course, because you  
26 want to tie it to redistricting.

2 LEGISLATOR ABRAHAMS: Fran, did you hear a  
3 word you said? Start running for congress. Fran, did you  
4 hear a word you said?

5 CHAIRWOMAN GONSALVES: You're out of order,  
6 Fran.

7 LEGISLATOR ABRAHAMS: Fran, we would never  
8 listen to you, but thank you.

9 CHAIRWOMAN GONSALVES: Listen, there are  
10 others who should have the opportunity and in a minute I'm  
11 calling the question.

12 LEGISLATOR ABRAHAMS: I'm tying what to  
13 redistricting? I'm tying bonding to redistricting? I just  
14 offered you the sewage treatment plant. You're not making  
15 any sense.

16 LEGISLATOR BECKER: You're not making any  
17 sense.

18 LEGISLATOR ABRAHAMS: I just offered you the  
19 treatment plant. Isn't the treatment plant bonding? I'm  
20 arguing with myself.

21 CHAIRWOMAN GONSALVES: Did you hear? I can  
22 easily call the question. I'm going to have Legislator  
23 Nicolello speak.

24 LEGISLATOR NICOLELLO: I would just like to  
25 welcome Mike Venditto to the Nassau County Legislature.

2 Welcome about. It didn't take us long to get back to that,  
3 that's for sure.

4 Just a couple of points. On a more reasoned  
5 level. The concept that we can't do this and at the same  
6 time on an emergency basis deal with Bay Park and Shore  
7 Road is just logically flawed. Obviously we can do both.  
8 You can do more than one thing in the county. And the  
9 county executive is putting emergency relief into both  
10 situations. So that's not an argument.

11 I would say not every single person impacted  
12 by the storm will be benefited by this, but many many will,  
13 both businesses and residents. So that's certainly an  
14 argument for this.

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

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

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

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

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

18 Now, if the fact is that a few businesses  
19 actually get the relief to which they are entitled, for  
20 which they've got judgments, also get money, that's not  
21 such a horrible thing. That's going to end up saving the  
22 county money, because we're paying a tremendous amount of  
23 interest on that, that will simply stop. The interest on  
24 the bonds is a lot less than the interest on these  
25 judgments.



2 So what we are doing over here, the reasons  
3 that are being advanced for refusing to go along with this,  
4 with all due respect, make no sense at all. We should do  
5 something that is going to do good that is going to save  
6 money.

7 It's going to save the county money at the  
8 same time as it gets money into the hands of people who are  
9 going to immediately spend it. There is no better stimulus  
10 than that, and immediately going to bring workers back to  
11 work. Immediately going to rebuild their shops and serve  
12 the people of Nassau County. We should be doing that.  
13 This is a good thing. We shouldn't tie it to other things  
14 because that's just not logical.

15 LEGISLATOR JACOBS: Okay. I might have  
16 something positive to say as far as a suggestion as we go  
17 forward.

18 I have with me here the review of the fiscal  
19 year 2013 budget and multi year plan by the Office of  
20 Legislative Budget Review. On page -- I don't know what  
21 page number. It's page 30. I don't know how many of us  
22 are aware that the administration currently has \$43.1  
23 million available in the form of accounts payable, as well  
24 as \$2.6 million -- hold on a minute, I want to make sure I  
25 get this right, as well as \$2.6 million in the form of bond  
26 proceeds.

2 This results in a total of \$45.7 million  
3 available now to help these people immediately. And  
4 Mr. Kopel, with all due respect, most people do not file  
5 grievances. They should but they do not. So the  
6 percentage -- I'm telling you that -- the percentage of  
7 people, about a third file.

8 So I wish I could agree with you, that  
9 everyone in real trouble right now is involved here, but  
10 the truth of the matter is the details of the past number  
11 of years show, if it's a third, a third is calling it high.

12 Also remember, you have to NIFA to deal with.  
13 NIFA will never allow \$160 million of this since in their  
14 rescue part of the plan of the bonding they would allow  
15 over the four years, it was capped at \$80 million.

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

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

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

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

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

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

13 CHAIRWOMAN GONSALVES: We are having a  
14 debate.

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

20 CHAIRWOMAN GONSALVES: Legislator Jacobs just  
21 brought this up.

22 LEGISLATOR ABRAHAMS: Are we starting a new  
23 precedent here?

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

2 LEGISLATOR ABRAHAMS: Mr. Sullivan can talk to  
3 Legislator Jacobs or any other legislator on the side.

4 CHAIRWOMAN GONSALVES: No, I don't think so.  
5 Since it was brought up just now, I think everybody should  
6 hear it.

7 LEGISLATOR ABRAHAMS: So basically we are  
8 going to have a hearing --

9 CHAIRWOMAN GONSALVES: No. I just want  
10 clarification.

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

17 CHAIRWOMAN GONSALVES: I'm sorry Minority  
18 Leader Kevan. I am the presiding officer and I will make  
19 that decision. Mr. Sullivan please address that item.

20 LEGISLATOR ABRAHAMS: But that's not based on  
21 anything. What rule is it based on.

22 CHAIRWOMAN GONSALVES: It's based on  
23 Legislator Jacob's comment.

24 LEGISLATOR ABRAHAMS: We need to get our  
25 attorneys. No, no, no. We are entering down the realm of  
26 a discussion. That's where we're going now. This is a

2 horrible precedent to set. There has not been an emergency  
3 established, there has not been -- turn your mike on for me  
4 to talk to you, Fran. There has not been an emergency  
5 established to be able to have debate or discussion. None.  
6 This is a horrible precedent to set.

7 CHAIRWOMAN GONSALVES: We are discussing the  
8 nature of the emergency. And as far as clarification --

9 LEGISLATOR ABRAHAMS: And that requires  
10 Mr. Sullivan to give testimony?

11 CHAIRWOMAN GONSALVES: No. He's just  
12 clarifying what Legislator Jacobs said. Tim, go ahead.

13 MR. SULLIVAN: Just to address, first of all,  
14 good afternoon, legislators, and congratulations to  
15 Presiding Officer Gonsalves.

16 Just to clarify a couple of things, the \$43  
17 million is an accrual. That is correct. Budget review did  
18 point that out. That does not mean the funds are  
19 available. It was our intent to bond for those funds.

20 I've been look for a bond personally since  
21 May of 2011. Obviously this is something that is putting a  
22 strain on our financial system. I think the county  
23 comptroller last year had \$223 million of backlog and he's  
24 expecting to I think breach \$300 million this year.

25 So from a pure financial point of view, this  
26 is something that we need to address. The financial plan

2 that was approved last year by NIFA contained \$305 million  
3 of financing over a four year period. It was 95, 85, 80  
4 and then 50. It was \$305 million. So this is slightly  
5 more than half of that.

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

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

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

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

17           CHAIRWOMAN GONSALVES: Excuse me.

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

22           CHAIRWOMAN GONSALVES: Actually I can.

23           LEGISLATOR ABRAHAMS: No, you cannot.

24           CHAIRWOMAN GONSALVES: First of all, Minority  
25 Leader Abrahams, our rules override Robert's Rules, okay?

2 Mr. Muller, call the roll, please, and ask  
3 for a consent or a nay.

4 CLERK MULLER: Legislator Troiano?

5 (No verbal response.)

6 CHAIRWOMAN GONSALVES: Not here.

7 CLERK MULLER: Legislator Solages?

8 LEGISLATOR SOLAGES: No.

9 CLERK MULLER: Legislator Ford?

10 LEGISLATOR FORD: Yes.

11 CLERK MULLER: Legislator Scannell?

12 LEGISLATOR SCANNELL: I am very upset about  
13 what has happened here. This is a complete breach of the  
14 rules and the people in Baldwin are completely suffering  
15 from what had happened from the Super Storm Sandy.

16 On Barnes Avenue, as deputy presiding officer  
17 had said, that we had raw sewage, literally raw sewage come  
18 up for 48 hours straight at the end of Barnes Avenue, not  
19 on top of the super storm surge we had, on top of the oil  
20 tanks that ruptured as a result of that, we had literally  
21 raw sewage coming into these people's homes.

22 I was there on Tuesday with County Executive  
23 Mangano, and I was extremely thankful for him being there  
24 on Tuesday and touring the homes with me, and Rob Walker  
25 came down as well. Dave Denenberg was there too. This was  
26 a complete and utter disaster. I called the EPA on Monday.

2 We had the EPA down here. We had the Nassau County Board  
3 of Health there. We had the Nassau County Department of  
4 Health come. This is a complete and utter disaster.  
5 Complete and utter bacterial disaster for the people who  
6 live in those homes as well as the water damage.

7           So not only did they get whacked by Super  
8 Storm Sandy, they got whacked by raw sewage, which was a  
9 complete backup of Bay Park. It was a pipe that was too  
10 small. They been having problems since 2001 on Barnes  
11 Avenue with sewage coming up, literally coming up from the  
12 street, and what happened was, Bay Park then completely  
13 failed. The pipe was too small. There was water coming  
14 in from other areas as well. It was a complete and utter  
15 ecological and environmental disaster for the people who  
16 live there.

17           You, Denise, have every right to be upset  
18 about what's happening in Long Beach because the people  
19 there have completely suffered. It's horrible.

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

25           So, because there is no guarantee, we have no  
26 guarantee, I'm going to vote no.



2 CLERK MULLER: Legislator Becker?

3 LEGISLATOR BECKER: Yes.

4 CLERK MULLER: Legislator Kopel?

5 LEGISLATOR KOPEL: Yes.

6 CLERK MULLER: Legislator Muscarella?

7 LEGISLATOR MUSCARELLA: Yes.

8 CLERK MULLER: Legislator Nicoletto?

9 LEGISLATOR NICOLELLO: Yes.

10 CLERK MULLER: Legislator Bosworth?

11 LEGISLATOR BOSWORTH: No.

12 CLERK MULLER: Legislator Wink?

13 LEGISLATOR WINK: You know, a number of my  
14 colleagues have said, and rightfully so, that this  
15 administration or at least this county is capable of  
16 multi-tasking. I would like to believe that to be the  
17 case, but of fact what is being put before us today is not  
18 multi-tasking. It's not dealing with the real problems.  
19 It's not dealing with the problems in Joe Scannell's  
20 district or Denise Ford's district, or any other districts.  
21 All it's dealing with is smoke screen and cover.

22 The fact of the matter is, this  
23 administration had the money available to pay most, if not  
24 all of these homeowners over a year ago, and they chose not  
25 to. They squandered on commercial settlements and they  
26 held back to take hostages. In point of fact, 17,000

2 homeowners have not been paid their refunds when the money  
3 was there to be paid.

4 All we're seeing now is a redux of this going  
5 on and on and on, that the administration has again chosen  
6 an opportunity under cover of a super storm to seek more  
7 money in bonding. The fact of the matter is, they had  
8 their chance to spend that money to pay off the homeowners  
9 that were owed this money. I am sympathetic to them, but  
10 the fact of the matter is, this administration chose to tax  
11 hostages and this is not the avenue today to reward that.  
12 So I vote no on the emergency.

13 CLERK MULLER: Legislator Venditto?

14 LEGISLATOR VENDITTO: Yes.

15 CLERK MULLER: Legislator Belesi?

16 LEGISLATOR BELESI: Yes.

17 CLERK MULLER: Legislator Dunne?

18 LEGISLATOR DUNNE: Yes.

19 CLERK MULLER: Legislator Jacobs?

20 LEGISLATOR JACOBS: Before I cast my vote, I  
21 just want to say that I would like to encourage the  
22 administration to spend the \$47.5 million they already have  
23 and do it quickly and then we can go on to discuss other  
24 matters. I vote no.

25 CLERK MULLER: Legislator Walker?

26 LEGISLATOR WALKER: Yes.

2 CLERK MULLER: Legislator DeRiggi-Whitton?

3 LEGISLATOR DERIGGI-WHITTON: Before I vote, I  
4 would also like to make a comment and I'm looking at  
5 Michael Venditto across the aisle. You're part of the  
6 freshman group and what I can tell you right now is what I  
7 find to be most frustrating is the accountability for where  
8 funds truly are.

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

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

23 The way we had the construction originally  
24 planned out, we were going to keep one lane open. That's  
25 now impossible. As you know, it's our main artery, one of  
26 the two main arteries. The other artery was also closed

during the storm. Bayville people were actually trapped. They couldn't go out either way.

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

Last week we had a transfer into the police overtime and we were told that there were \$25 million in this account, and after this transfer there would be \$15 million left. And today I'm told there's only \$2.3 million left. I don't understand how money is appearing and disappearing, and just as a basic financial background, none of it makes sense, and when people say that their taxes are high, I'm really starting to feel it's because of mismanagement. I think we have the money, it's just that the money is -- I don't even know where it's going and I'm on the finance committee and I can't even tell you where this money went. Transfers are happening without our approval. They happen before the vote is even cast. I'm speaking out too and I would love to see some repairs being made now and we've discussed that, Minority Leader Abrahams has mentioned, that will truly help the people that we need to have helped.

Maybe there will be the trickle down but right now it's the priority, and I think the priority is

2 fixing our infrastructure so that our residents get what  
3 they deserve.

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

9           Now they're trying to hold Sandy over our  
10 head for bonding. What's going to be next? I just feel  
11 like it's a real smoke and mirrors game. I've been  
12 disappointed, to be honest, so I vote no.

13           CLERK MULLER: Legislator Denenberg?

14           LEGISLATOR DENENBERG: You know, the vote  
15 here is on an emergency, the first emergency called after  
16 Hurricane Sandy to this full body. One would have thought  
17 that the first emergency after the hurricane would have  
18 been an emergency to address the Bay Park sewage treatment  
19 failure that has 65 million gallons of untreated sewage  
20 spewing into Reynolds channel and into our neighborhoods.

21           But one would have thought wrong. Instead,  
22 the first emergency after our disaster, is to provide a  
23 \$165 million blank check to the county executive to pay  
24 almost exclusively commercial tax certs that we don't know  
25 who it's going to, or how it's going because this is the  
26 backup.

1  
2           Traditionally, this body has never borrowed  
3 to pay tax certs without seeing the settlements, approving  
4 those settlements, and understanding why, why, those  
5 settlements were being paid.

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

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

15           So the issue of what is an emergency, the  
16 hundreds of millions of dollars of improvements to our  
17 sewage treatment plants is the emergency I expected. A  
18 blank check where we're giving a blank check to the county  
19 executive instead of doing our job is never an emergency,  
20 will never get my vote, but on the issue of an emergency,  
21 Bay Park sewage treatment plant, 65 million gallons a day  
22 is an emergency. Giving a blank check to preferred  
23 commercial taxpayers for the county executive to pay them  
24 off, is never an emergency. I vote no.

25           CLERK MULLER: Minority Leader Abrahams?

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

7 That being said, I think the actions of today  
8 can definitely easily be sanctioned. Going forward though  
9 and realizing the suffering that the folks that have been  
10 impacted by Super Storm Sandy, again, this side of the  
11 aisle, despite what my colleagues to the right will  
12 continue to believe, has bonded and will continue to bond  
13 for the best interests of the residents of Nassau County.

14 I have extended the olive branch again for  
15 another time and, from our standpoint, the true and  
16 necessary need goes to our infrastructure and to our sewage  
17 treatment plant. That's the priority. Anyone that thinks  
18 that paying or insuring that tax cert attorneys that  
19 provide benefits or provide services for commercial  
20 businesses is the priority, I got to tell you, move out of  
21 Nassau County because that's not our priority.

22 Our priority is insuring that every single  
23 person that is impacted by the raw sewage that is coming up  
24 into their properties gets it remediated. The best way to  
25 remediate that is to provide relief so that the Bay Park

2 treatment plant has what it needs. That's the emergency we  
3 expected to see today.

4 But we all read the stories in Newsday, we've  
5 all seen the reports on News 12 talking about the impact of  
6 this treatment plant having on the residents of East  
7 Rockaway, of Valley Stream, of Baldwin, of Oceanside.  
8 We've all seen it. And here we have an opportunity to do  
9 the right thing. Here we have the perfect opportunity  
10 where we're saying, we're willing to work with you.

11 Again, rather than take us up on that olive  
12 branch, we've decided to do the same old thing that we  
13 always do, is to provide tax certs which benefit the  
14 commercial businesses of Nassau County and to benefit our  
15 friends. That, to me, is shameless.

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

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

26 CLERK MULLER: Presiding Officer Gonsalves.



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

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

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

19 With that, I have to say, we are not doing  
20 the right thing by voting against the emergency. And so I  
21 would like to do the right thing and vote for the  
22 emergency.

23 CLERK MULLER: It's by a vote of ten yays in  
24 establishing the emergency, and eight nays to not  
25 establishing the emergency. The emergency is not  
26 established.

2 CHAIRWOMAN GONSALVES: In all due respect,  
3 the emergency is not established.

4 CLERK MULLER: I think that's what I said,  
5 I'm sorry.

6 CHAIRWOMAN GONSALVES: In all due respect,  
7 the emergency fails, so we will be back and hopefully we  
8 will get better.

9 (End of minutes from the November 19, 2012 Full  
10 Legislature meeting pertaining to Clerk Item 687-12.)

11  
12 CHAIRWOMAN GONSALVES: I would also at  
13 this time offer a brief statement in support of  
14 this item.

15 The purpose of this proposed borrowing is  
16 to provide Nassau County the financial capacity  
17 it needs to settle tax certiorari claims filed by  
18 our local businesses and residents. These claims  
19 are to recover overpayments in taxes due to the  
20 County's erroneous assessment of properties.  
21 Many of these claims originated under the  
22 previous administration and previous majority  
23 with a current backlog estimated in excess of  
24 \$250 million.

25 Historically -- and I invite the minority

2 to review the facts -- this legislature  
3 unanimously approved the bonding capacity to  
4 allow for the settlement of tax certiorari  
5 claims. As that capacity was drawn down through  
6 successful settlements or judgments, additional  
7 bonding capacity would be provided in a  
8 bipartisan fashion. Claims in excess of \$100,000  
9 would be forwarded to the legislature for  
10 approval. And pursuant to Resolution 218-2001,  
11 claims below 100,000 would be settled on the  
12 authority of the county attorney.

13           Despite multiple requests from the  
14 administration and for purely political reasons,  
15 the democrat-minority has refused to authorize  
16 the bonding capacity to continue the settlement  
17 of tax certiorari claims. And for many of the  
18 businesses in Nassau County, their refusal  
19 couldn't have come at a worse time. Cases are no  
20 longer being settled and claimants must now  
21 advance their claims through -- though the  
22 courts, in many instances, dramatically delaying  
23 the resolution and payment of their claims.

24           As was discussed on the November 19  
25 legislative session, due to the damage caused by

2 Super Storm Sandy and the prolonged power outage  
3 and gas shortage that followed, many of our local  
4 businesses were hard hit financially, either  
5 through lost business opportunities, lost  
6 inventory, or damaged or destroyed facilities.

7 I am informed that there are  
8 approximately 12,000 to 13,000 businesses that  
9 have pending tax certiorari claims against the  
10 county. The bond ordinance we are to consider  
11 today would allow Nassau County to once again  
12 settle and pay tax certiorari claims. To not  
13 approve, this borrowing would dramatically slow  
14 the resolutions of these cases, as they wind  
15 their way through the courts and thus delay  
16 payment to many of our residents and local  
17 businesses that could really use the money.

18 With that, I would open the floor to  
19 questions.

20 Mr. Abrahams.

21 LEGISLATOR ABRAHAMS: Thank you, Madame  
22 Presiding Officer Gonsalves.

23 Before -- I know Mr. May is going to  
24 comment on the merit of this item. A couple of  
25 points.

1           Though I respect what the Presiding  
2           Officer just indicated, we can wholeheartedly  
3           disagree. The fact remains, a couple of  
4           different points.

5           Number one. The nature of how these tax  
6           certioraris have been brought down, they provide  
7           no back up. The administration is clearly  
8           looking for this legislature to supply basically  
9           a blank check of \$165 million in bonding without  
10          seeing how or where it's going to be spent.  
11          That, in the practice since we have been bonding  
12          for tax certioraris, has never been done.

13          Number two. If the county executive was  
14          truly genuine about paying people back, as we  
15          heard the gentleman who came down about his  
16          business today, which we know is probably the  
17          cases of a lot of people here in Nassau County.  
18          If he was truly genuine, he would take action a  
19          little bit quicker on some of the money that's  
20          currently there. According to our numbers -- and  
21          not just our numbers, the Office of Legislative  
22          Budget Review has indicated that there is well  
23          over \$40 million in excess of money to go towards  
24          efforts just like this. If this was a dying,  
25

2 pressing need, I would like to think that the  
3 county executive would spend the money that's  
4 there, that's currently available to him without  
5 coming to bonding to this Legislature. Then,  
6 based on that being paid first, then coming to  
7 the legislature for the remaining balance.

8           Again, the manner of how these  
9 certioraris have been presented to this  
10 legislature is totally inept, that they do not  
11 reflect in a clear and concise manner how this is  
12 going to be paid out and who it's going to be  
13 paid out. I've never seen, in our time, in a  
14 manner how this money has been presented to us.  
15 And we have recommended -- I have recommended to  
16 my side to vote no.

17           Now, to tie any political nature to  
18 bonding in Nassau County to our votes is totally  
19 ludicrous. For three occasions, we have bonded  
20 three times: for two incentives where we agreed  
21 that the incentive should be paid out in order  
22 that we could be able to reduce our workforce,  
23 but at the same time pay out our obligations --  
24 police incentive and one to the CSEA; we have  
25 done that. We also came together to work with

2 you in bonding for, just recently, on the capital  
3 plan in response to Super Storm Sandy. To me,  
4 the political nature goes out the window.

5 We are using our political prerogative to  
6 vote no to tax certioraris, not because of any  
7 political nature, but, more importantly, because  
8 the fact remains that they have been presented to  
9 us in a non-concise manner that is unprofessional  
10 and does not reflect the exact direction of how  
11 this money is going to be spent. Until that's  
12 done, with all the threats that are coming down,  
13 in terms of this, and we're going to make sure we  
14 go to this person and that person, to me, it's  
15 just bullying tactics being used to try to get us  
16 to waiver from our position.

17 But this caucus, our side of the aisle  
18 has made it very clear that if these certioraris  
19 are not presented in a manner that's very clear  
20 and concise, the way they have been previously  
21 presented to this body by previous  
22 administrations, even going back to Tom Gulotta,  
23 then there will not be any bonding for these  
24 particular things. Now, if you want to bond for  
25 something else where we could work together, we'd

2 be happy to do so. But to make any accusations  
3 of a political nature of us withholding any  
4 particular money for tax certioraris is totally  
5 ridiculous. And from that standpoint, to stand  
6 on that position I think is wrong.

7 This body, our body has bonded on three  
8 occasions. So, from that standpoint I think that  
9 particular position kind of goes out the window  
10 and doesn't stand on any merit or any credibility  
11 itself.

12 But, thank you.

13 CHAIRWOMAN GONSALVES: Legislator  
14 Muscarella.

15 LEGISLATOR MUSCARELLA: I am at a bit of  
16 a loss. To my knowledge, the capacity of the  
17 bonding has always been put in first and the  
18 specifics later. And the allegation that it's  
19 never been done this way is just simply not true.

20 However, I'm going to ask you the  
21 question. You won't do it because it's being  
22 done this way. If it were done the other way,  
23 would you bond for it?

24 LEGISLATOR ABRAHAMS: In all due  
25 respect, if it's being sent down to us, we will



2 look at each individual item and basically judge  
3 it based off of its own credibility. If you're  
4 going to try to bait me to say that we're going  
5 to support it today, we're not going to fall for  
6 that bait.

7 LEGISLATOR MUSCARELLA: We did it that  
8 way once this year --

9 LEGISLATOR ABRAHAMS: Wait. I didn't  
10 cut you off.

11 LEGISLATOR MUSCARELLA: You're right.

12 LEGISLATOR ABRAHAMS: You're not going  
13 to bait us to try to take that bait.

14 From our standpoint, send it down in a  
15 manner that it looks professional and it has  
16 credibility and we will review each item. It's  
17 just that simple. If they could do that, then we  
18 can start the process. But we have not seen that  
19 to even engage in the process. And we have  
20 wasted well over -- well over a year in this  
21 battle for this.

22 But, more importantly, Vinny, and this is  
23 the question I'm going to ask of you. More  
24 importantly, shouldn't you demand that the money  
25 that's there and available, according to the

2 Office of Legislative Budget Review, be spent  
3 first now instead of this shenanigans?

4           You had a gentleman who came down today  
5 that talked about his business not being able to  
6 function because he's waiting for his money. Was  
7 anybody prepared to inform him that there's over  
8 \$40 million that could pay him today that does  
9 not need the authorization of this legislature?  
10 But that wasn't brought up though, because we're  
11 shooting for the higher number. We're going for  
12 the 165. Might as well go for broke or win the  
13 lottery. But the bottom line is very simple;  
14 that gentleman could be paid today.

15           The county executive -- when we had money  
16 before, we had an excess of 15, \$17 million, I  
17 believe, available to us before. We had to hold  
18 press conference to get the county executive to  
19 spend down on the money.

20           So we go back and forth and over this  
21 again. And I really, truly believe that you guys  
22 are trying to be genuine about making sure  
23 businesses and people, average residents get  
24 their money. But at the end of the day, your  
25 actions do not spell that because when there is

2 money available, nobody is advocating for that  
3 money to be spent down, except for the nine guys  
4 on this side of the aisle.

5 So, we're going to ask again, spend the  
6 money that's available to you now. There is no  
7 reason that you cannot spend the \$40 million-plus  
8 assigned for this that's available. There's no  
9 reason for you not to be able to spend that money  
10 today to ensure those businesses and, more  
11 importantly, to make sure that the residents that  
12 have been overtaxed are compensated correctly.

13 Thank you.

14 CHAIRWOMAN GONSALVES: Legislator  
15 Muscarella.

16 LEGISLATOR MUSCARELLA: That money  
17 happens to be accruals against fund balance. I  
18 think that good accounting practice would mandate  
19 that we not spend that money now and spend it  
20 down to zero. It just doesn't happen that way.

21 The fact is that we've done the bonding  
22 this way in the past. You guys have decided not  
23 to play ball in the way that's been done in the  
24 past. You've changed a fundamental nature of a  
25 way this body is doing business. Although you

may want to attribute it to other than political influences, I don't see that that's the case.

LEGISLATOR ABRAHAMS: My last thing, Norma, and then I'll be done.

CHAIRWOMAN GONSALVES: Go ahead.

LEGISLATOR ABRAHAMS: And I'm not going to comment on what Vinny just said.

To our record, and I don't know if Mr. May could address this. But to our record, 87 tax certs have been filed to businesses with backup that have been re-filed multiple times, all during 2012 due to them being riddled with errors that have not been re-calendared by the majority. That's our understanding. And that's been the nature of this process, is that everything that's come down has been re-filed and it's been sent down over and over again. It's been riddled with mistakes. I'm not going to put you guys on the hot seat. But I know full well that that frustration is shared by some of you on this side of the aisle. If they've been fixed, they have not been sent down to us. So, basically fix them, calendar them, and then we'll take a look at them. But we're not going to be

2 rushed into this.

3 This is well too much money. \$165  
4 million for a county that's teetering with bond  
5 downgrades is not the position that we're going  
6 to take. Fix the mistakes, send them down to us,  
7 calendar them, and we will take a look at them in  
8 their individual basis.

9 Again, if the county executive wants to  
10 take the action, take some initiative, he can  
11 easily spend down. He has the money there. I  
12 just don't understand why he doesn't spend it.

13 Again, from our position, I didn't want  
14 to get in a big thing and a back and forth, and  
15 I'm going to reserve anymore comments, Presiding  
16 Officer, because I said I would.

17 But that's our position where we stand  
18 today.

19 CHAIRWOMAN GONSALVES: Thank you, Mr.  
20 Abrahams.

21 Legislator Nicoletto.

22 LEGISLATOR NICOLELLO: I just think it's  
23 kind of silly, the argument that's being made.

24 If you look at the transcripts from the  
25 budget hearings, the minority went out of the way

1 to point out that every revenue that they could  
2 point out was risky, every expenditure was under  
3 estimated, that the budget was put together with,  
4 you know, paper clips and string, and that the  
5 county was in real dire straits. And now, they  
6 say there's \$40 million there, just grab it.  
7 There's nothing else to spend that money on.  
8 It's ridiculous. It's cover for what you want to  
9 do, which is that you won't vote for this until  
10 we agree that you get the districts you want.  
11 You stated that in the newspaper. You made that  
12 position. When you found out it was untenable  
13 and dangerous, you're trying to spin this. But  
14 that's another thing.

16           Secondly, you attacked some of these  
17 items saying it's unprofessional, riddled with  
18 errors. Then I would ask the minority, if  
19 they're so concerned about Mr. Curcio and all the  
20 other business owners out there in the county not  
21 getting their tax refunds, then I would ask them  
22 to specify to the administration what mistakes  
23 have been made and what needs to be done to be  
24 corrected. Obviously you're not voting for this  
25 today. But there's a new year coming. So, if

2 you explain to the administration exactly what  
3 mistakes have been made, then they could make  
4 those corrections, bring these items back to us,  
5 vote for them, and we'll approve them and all  
6 those people who need the refunds, Mr. Curcio's  
7 associated businesses, will get their money.

8 CHAIRWOMAN GONSALVES: Legislator Kopel.

9 LEGISLATOR KOPEL: I want to speak now  
10 as someone who actually runs a business. I know  
11 we've got others here as well, and I hope they'll  
12 agree with me.

13 When we're talking about a reserve fund  
14 as small as we have for this county, if we invade  
15 that fund, the small amount that we've got left,  
16 we're on extremely dangerous ground. You can't  
17 run any enterprise at all with no money in the  
18 bank. It is just irresponsible. You are just  
19 asking for trouble because then you have an  
20 emergency and you've got nothing, and you've got  
21 the possibility of people actually going and  
22 pulling money out of your bank account for  
23 judgments, and judgments happen all the time.

24 I want to join in the suggestion by  
25 Legislators Muscarella and Nicoletto that perhaps

2 you might specify a format in which you would  
3 like to see things.

4           There is no one who hates borrowing as  
5 much as I do, and no one who recognizes better  
6 than I do that borrowing long term to pay what  
7 are essentially short-term obligations is a  
8 really bad thing, it's just a very bad path. But  
9 I believe that we're on the path towards ending  
10 this. I think we're clearly on the path towards  
11 ending this and it's time. But we've got to do  
12 it in a responsible way. Right now there is no  
13 other way to do it but to go ahead with the  
14 bonding.

15           We can't go into the reserve fund; I  
16 think that's a frivolous suggestion all together.  
17 I really do think so. I think the reserve fund  
18 is far too low as it is for an enterprise of this  
19 side.

20           So why don't you come up, seriously, come  
21 up with a format and specify the format in which  
22 you would like to see this done. I, for one,  
23 will support the effort to try to get the  
24 administration to respond in that exact format.  
25 And let's get this done quickly and



expeditiously.

LEGISLATOR ABRAHAMS: If I -- and I'm going to be short, Mr. Kopel.

We have made our concerns fully known to the administration. But if you need to have any record of it, we are looking for the certioraris to be presented in the way that they were presented when we were in the majority. When County Executive Suozzi presented them to us, that's the format that we're used to, that's the format that we're looking at. That's not the format that we have seen it in. If it's correct, then we'll be happy to do it. To answer your question more directly without going into a big back and forth, that's what we're looking for.

LEGISLATOR KOPEL: Let me ask you -- Greg, Greg, can you do us a favor, please? Go ahead and take a look at all of these items here and just go back and get something from the Suozzi administration, go back and get the exact form and use those -- make sure they are exactly in the same format. Would you do that for us?

MR. MAY: Absolutely.

LEGISLATOR KOPEL: Can you do that

rather quickly?

MR. MAY: Like today quickly, or?

LEGISLATOR KOPEL: It doesn't matter today, anymore.

MR. MAY: I'm just looking to satisfy your request.

LEGISLATOR KOPEL: Can you get us all the certioraris that you want and put it into the exact same format, exact same format that was used in the Suozzi administration.

MR. MAY: I believe there's --

LEGISLATOR KOPEL: As a matter of fact, can you bring us a comparison --

MR. MAY: a spreadsheet that all of the items have been submitted in. For the three years that I've been here it's been the same format. But we can certainly compare what's been submitted.

LEGISLATOR KOPEL: Let's get passed that. Let's get passed it. Just bring us a copy of what they've done in the Suozzi administration and bring us the new ones in exactly that same format. Just present it side by side, one for comparison and one for passage, and get it done

as quickly as you can and provide it to the minority leader and everyone else who wants it. And we want it. Everyone else who needs it.

MR. MAY: Absolutely.

LEGISLATOR KOPEL: Get it to us quickly, would you?

MR. MAY: All right.

LEGISLATOR KOPEL: Thanks.

LEGISLATOR ABRAHAMS: When this goes on, one quick thing too. The format is obviously important to us. But as I said before, and I guess this is where we fundamentally disagree, is that we believe that the money that is sitting there should be spent down and be utilized. I understand your position about the fact that it's part of the reserves and we should always have a portion of money that's there for the reserves; any smart business would do that, we totally agree with being able to have some type of reserve. But we honestly believe that this money -- that these folks have been sitting out there for quite some time, and you can easily replenish the reserves with whatever we decide to do, assuming that this stuff is actually accurate.

2 Not this stuff, but the stuff that we would  
3 actually do. So what I'm talking about is the  
4 possibility that if there is an agreement on some  
5 of the certioraris, you could easily replenish  
6 the reserves as a future date to be able to  
7 handle that.

8           LEGISLATOR KOPEL: The problem is,  
9 Legislator Abrahams, is that without some sort of  
10 a really real good feel, some kind of reassurance  
11 that given the format that you've requested that  
12 this would actually pass, it's irresponsible,  
13 it's dangerous. You can't spend your way down to  
14 zero. You just can't do it because you're  
15 courting disaster. If we had some reassurance, I  
16 suppose -- I don't know. I'm not able to speak  
17 for the administration. But if they had some  
18 assurance that given the format that you want  
19 you're actually going to go ahead and pass this,  
20 maybe that would make sense. I don't know.

21           CHAIRWOMAN GONSALVES: At this time I  
22 see that Deputy County Executive Tim Sullivan is  
23 here, who would like to speak with us.

24           MR. SULLIVAN: Just to clarify one  
25 point. Thank you, Presiding Officer Gonsalves.

2           The 40 million was accrued last year, and  
3 that is primarily cited by the rating agencies  
4 for the pressure on the rating. And they've  
5 cited the inability of the legislature to pass  
6 the tenor to the multi-year plan which assumed  
7 \$305 million of financing, which was the multi-  
8 year plan worked out with NIFA over four years,  
9 that's cited within their reports as pressure on  
10 the rating, which ultimately will lead to more  
11 taxpayer dollars if we do get downgraded. So it  
12 creates further stress and further cost to the  
13 taxpayer.

14           MR. MAY:     Madame Presiding Officer, if I  
15 could just add. Regarding the format of the tax  
16 certioraris as they are presented by the  
17 administration, we're using the same form that  
18 was developed by I believe Legislator Becker and  
19 Legislator Denenberg, it's that spreadsheet that  
20 they wanted. That has been how we've presented  
21 it for the three that I've been here, almost  
22 three years that I've been here.

23           CHAIRWOMAN GONSALVES:     Legislator  
24 Denenberg, you're it.

25           LEGISLATOR DENENBERG:     Mr. May, Mr.

2 Kopel, let me get to what you said. But  
3 Legislator Kopel said what would you want a  
4 business to do? One thing a business certainly  
5 shouldn't do is borrow for money that we already  
6 got years ago and already spent and then borrow  
7 to pay it back as opposed to try to pay it out of  
8 operating. So I, for one, was very much  
9 borrowing instead of paying operating.

10 Over the years we had 50 million in  
11 operating expenses. Sorry, Mr. May, that must be  
12 an important call. I guess we'll wait.

13 MR. MAY: I apologize, Legislator  
14 Denenberg. But I only answer the phone if it's  
15 one of my bosses. It was a number that was  
16 unfamiliar and I just wanted to make sure it  
17 wasn't one of my bosses.

18 LEGISLATOR DENENBERG: That's okay.

19 The bottom line is this. Let me say a  
20 few things. A lot's been said up here.

21 We went from a point where we paid \$50  
22 million as you go for a liability that really  
23 should not be borrowed for. There's nothing the  
24 rating agencies like less than when we borrow for  
25 tax certs. But I, for one, whether it was the

2 Gulotta administration, the Suozzi  
3 administration, or this administration, together  
4 with Legislator Becker, we have never voted for a  
5 settlement unless we saw the backup that would  
6 show who the settlement is going to, who they're  
7 being represented by, and why we're making that  
8 payment.

9 So anyone who is a business person, and  
10 Legislator Kopel went off on business person. NO  
11 business person would borrow \$160 million to pay  
12 for something that they don't know who they're  
13 paying, they don't know why they're paying it,  
14 they don't know who is getting what amount, and  
15 they don't know why that amount's being paid.

16 Those charts that Legislator Becker and I  
17 were looking for, those charts, something was  
18 filed about 87, 87 of those charts were filed  
19 that total a grand total of about \$30 million  
20 worth of settlements. They have never been  
21 calendared by the legislature, but they were  
22 filed by your office. They don't even come close  
23 to \$160 million. And not a single one of those,  
24 of course, were for residents. So to say that  
25 this is money that's going to go to Sandy victims

1 who now don't have their home, less than five  
2 percent could event possibly go to residents,  
3 much less Sandy victim residents. Most of this  
4 is for commercial tax certs. And as Legislator  
5 Abrahams said we don't know who it's going to, we  
6 don't know why it's going, we don't know what the  
7 settlement is. And this body, at least I've  
8 never voted for a single settlement or borrowing  
9 for that settlement without knowing each case  
10 that we're approving, what the amounts are, and  
11 why. You can keep saying wrong, and you're wrong  
12 because I went back through each of it.

14 We voted on settlements and bonding only  
15 after we used 50 million pay-as-you-go, and then  
16 only after we had the charts and knew what we  
17 were approving. There's nothing backing this up.  
18 Nothing.

19 Good businessmen don't borrow \$160  
20 million and say let someone else decide how to  
21 give it out without any check or balance. And  
22 we're not doing it. Period.

23 CHAIRWOMAN GONSALVES: At this time I'm  
24 going to call the question.

25 All those in favor of this ordinance



2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 The item fails, ten to eight.

7 The next item is Item 6, which is  
8 Ordinance 264.

9 Motion, please?

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR MUSCARELLA: Second.

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

15 Who is here to speak?

16 MR. MAY: We have Deputy County  
17 Executive Tim Sullivan and Roseanne D'Alleva,  
18 whose exact title I believe is Acting Director of  
19 Budget.

20 CHAIRWOMAN GONSALVES: Okay. Thank you,  
21 Mr. May.

22 MS. D'ALLEVA: Good afternoon. Any  
23 questions?

24 CHAIRWOMAN GONSALVES: Are there any  
25 questions from the legislators? Legislator

2 Denenberg.

3 LEGISLATOR DENENBERG: Mr. D'Alleva, at  
4 my request as well as other legislators, you  
5 provided some of the backup for this supplemental  
6 appropriation of \$95 million.

7 MS. D'ALLEVA: Yes.

8 LEGISLATOR DENENBERG: What it shows is  
9 63 million, if I'm not mistaken, 62.4 million of  
10 expenses that either have been spent or are  
11 contracted to be expended, is that correct?

12 MS. D'ALLEVA: Actually, I have a total  
13 of about 75 million. I believe the 62 that you  
14 are referring to is DE expenses. So we have  
15 about 75 million of overall. And what's also not  
16 counted in that number is straight time, fringe,  
17 some comp time allocation, and a few others,  
18 which in totality might be an additional six  
19 million.

20 LEGISLATOR DENENBERG: Okay. So we're  
21 up to 75. You are asking us to approve 95  
22 million, right?

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

24 LEGISLATOR DENENBERG: And the reason  
25 for asking for the supplemental appropriation

2 that's 20 million more than what we need right  
3 now is what?

4 MS. D'ALLEVA: Well currently we have  
5 documentation for over about \$81 million. This  
6 is kind of like a work in progress because all  
7 the departments haven't put in their overtime. I  
8 mean, they have mostly, but some overtime hasn't  
9 been documented yet. I know we have issues in  
10 some departments, all the overtime hasn't been  
11 documented, as well as POs and requisitions are  
12 not completely in for all the departments for  
13 that time period.

14 LEGISLATOR DENENBERG: Given that we  
15 just heard how dire it is, even though I don't  
16 think Legislator Abrahams was talking about using  
17 reserves at all but rather what's been budgeted  
18 when it came to tax certs. But how bad it would  
19 be to use our reserve fund.

20 I asked you about this before. The  
21 county requested an additional \$20 million worth  
22 of tax anticipation notes, which would help come  
23 up with this 95 million once we okay that  
24 appropriation. How are we going to balance laying  
25 out the money before we get it back?

2 MS. D'ALLEVA: First of all, what we've  
3 tried to do in conjunction with the comptroller's  
4 office is set up this separate fund for the  
5 appropriations. What we're hoping to do is that  
6 this will enable us to balance the fund as  
7 quickly and as accurately as we can as the  
8 reimbursements come through from the federal  
9 government. The \$20 million that you're  
10 referring to is cash flow. So the county  
11 basically, because we're trying to pay our  
12 workers as quickly as possible, in terms of  
13 overtime and vendors as well, we needed some cash  
14 flow in order to bridge us to when the  
15 reimbursements come through. But the reason we  
16 set up the separate fund is so that we can  
17 account for everything in one specific place by  
18 department and then submit for those  
19 reimbursements accordingly.

20 LEGISLATOR DENENBERG: My concern -- I  
21 mean, it's appropriate that it should be set in a  
22 separate item. As Mr. Arnold said, just to get  
23 reimbursement might be critical to put it in a  
24 separate item. My concern is paying the bills as  
25 they come due before we get money back. Mr.

2 Sullivan I think -- I don't know if you shared my  
3 concern but you certainly agreed that people --  
4 and New Orleans is still waiting for some of the  
5 money from Katrina. We're still waiting for  
6 money from Irene. I'm just wondering how we're  
7 going to handle the cash flow until we get --

8 MS. D'ALLEVA: We're definitely taking  
9 precautions in certain aspects. I think we're  
10 going to get basically our tax revenues are going  
11 to come in probably February. In terms of cash  
12 flow, we just needed the 20 million to bridge us.  
13 The expenditures are going out quickly. We  
14 anticipate that we will get reimbursement quickly  
15 as well, because we are working with our  
16 departments, with FEMA directly to submit project  
17 worksheets so that we can get reimbursed as  
18 quickly as possible. So we've already had  
19 millions obligated to the county, well over 20  
20 million. I believe DPW can speak to that, in  
21 terms of what they've submitted on their project  
22 worksheets to FEMA. We should be anticipating  
23 receiving millions of dollars worth of revenue in  
24 the next few weeks.

25 LEGISLATOR DENENBERG: Okay. You mean

2 in tax receipts.

3 MS. D'ALLEVA: No, no, no, no. This is  
4 just FEMA reimbursement.

5 LEGISLATOR DENENBERG: Because aren't we  
6 still waiting for -- didn't we do this for Irene  
7 and we're still waiting?

8 MS. D'ALLEVA: No. We've actually just  
9 received all our -- all of the respective  
10 revenues that we were anticipating for Irene  
11 actually this past month.

12 LEGISLATOR DENENBERG: That's a year  
13 later. That's more than a year. It's just a  
14 concern. Obviously we need this money.

15 MR. SULLIVAN: It's a concern, sir,  
16 Legislator Denenberg. It's sort of an unrelated  
17 item. What we're talking about here is the  
18 appropriation for \$95 million. We've already, as  
19 Budget Director D'Alleva just stated, 75 million  
20 was documented here and fringes and things were  
21 left out. Pretty soon we're going to be coming  
22 back with an additional request. We know debris  
23 removal is way short. We're going to need  
24 additional funds for debris removal. This is  
25 just setting up the appropriations.

2 I share your concern with respect to the  
3 receipt of cash, and that's something we'll have  
4 to manage. If that became problematic, we would  
5 have to look to do a revenue anticipation notice  
6 or something like that from the market. Right  
7 now we're trying to balance it, as Roseanne said.

8 LEGISLATOR DENENBERG: The other amounts  
9 we were asked, which were infrastructure  
10 approvals, obviously we were bonding that.

11 Let me ask you, if this is 95 million and  
12 I received from your office, Ms. D'Alleva, I  
13 guess that's from Mr. Sullivan as well then,  
14 62.48 or 62.5, to round off, million dollars of  
15 money of funds that were identified, how prudent  
16 is it that \$20 million, 20 million of this 95  
17 went to one company in what essentially is a no-  
18 bid contract, that looks great services.

19 MS. D'ALLEVA: Well, in terms of the  
20 procurement, it was an emergency procurement.  
21 I've been assured that all the procurement  
22 procedures were followed accordingly in an  
23 emergency situation. I think that DPW can speak  
24 to that more fairly than I can.

25 I do know that DPW has requested that the

2 appropriations be increased because there are  
3 millions of dollars worth of appropriations that  
4 have not been accounted for yet here. So in  
5 terms of that procurement procedure, I really  
6 can't speak to it.

7 LEGISLATOR DENENBERG: Do we have  
8 someone -- people from DPW --

9 CHAIRWOMAN GONSALVES: Hold on. Hold  
10 on, Mr. Denenberg.

11 I will remind you that Mr. Mallette gave  
12 testimony at the last meeting that we heard, and  
13 it was quite extensive, regarding the  
14 requirements contract and the company that was  
15 hired.

16 MR. MALLETT: Good afternoon. Rich  
17 Mallette, Public Works.

18 Question?

19 LEGISLATOR DENENBERG: My question is  
20 where this supplemental appropriation is \$95  
21 million, I've seen laid out 62.5 million of where  
22 the expenditures went so far. One contract alone  
23 looks great; services is \$20 million of this  
24 appropriation, so it's more than 20 percent of  
25 the entire appropriation and it's about -- it's



2 almost one-third of what's been spent to date.  
3 So I'm wondering why one contractor gets one \$20  
4 million no-bid contract.

5 MR. MALLETTE: It's not a no-bid  
6 contract. It's a requirements contract. It was  
7 established when the debris management program  
8 was brought in in 2009, March 2009. There were  
9 four recommended federal contractors who do this  
10 work. From that four person list, you can  
11 contact any one of those, tell them your needs.  
12 Whoever can meet your needs and meet your price  
13 point are the people you bring in for that event.  
14 Once the event is over, the contract goes into  
15 abeyance and they're not working for the county.  
16 Looks Great Services has \$20 million because they  
17 picked up all of the tree debris all throughout  
18 the county as well as any construction debris  
19 that was in county areas. So their price is  
20 going to be -- it looks like you're saying it's a  
21 third, it will probably be more when they're  
22 done.

23 LEGISLATOR DENENBERG: Does that include  
24 the cost of removal -- not just removal of the  
25 debris from the streets and public areas, but

2 disposal?

3 MR. MALLETTE: It includes everything  
4 from cradle to grave.

5 LEGISLATOR DENENBERG: Okay. All right.  
6 And we had four recommended bidders --

7 MR. MALLETTE: Wait. You're talking the  
8 20 million. I'm talking the contract is cradle  
9 to grave. By the time you're done with the  
10 entire thing I would guess it would be --

11 LEGISLATOR DENENBERG: More than 20  
12 million?

13 MR. MALLETTE: quite more expensive than  
14 20 million, yes.

15 LEGISLATOR DENENBERG: What are you  
16 anticipating, when you say quite a bit more  
17 expensive?

18 MR. MALLETTE: I would say it would  
19 probably end up somewhere around 50.

20 LEGISLATOR DENENBERG: And it was  
21 prudent to go with just one of the four, what did  
22 you call them, recommended contractors for all of  
23 it --

24 MR. MALLETTE: Yes. They met the --

25 LEGISLATOR DENENBERG: as opposed to

2 splitting it up?

3 MR. MALLETTTE: They met the minimum unit  
4 price and were available with all of the  
5 equipment two days before the storm. We were the  
6 only place that were prepared two days before the  
7 storm.

8 LEGISLATOR DENENBERG: I know other  
9 legislators have questions on it, so I'll defer  
10 to them, particularly I know Legislators Jacobs  
11 and DeRiggi-Whitton.

12 CHAIRWOMAN GONSALVES: Legislator  
13 Jacobs, and after that will be Legislator Ford.

14 MR. MALLETTTE: Just so you know,  
15 Legislator Denenberg, last year, using looks  
16 great, because of the system that we actually  
17 melded together with, we got 100 percent back on  
18 Irene when nobody got 100 percent. We got 100.

19 LEGISLATOR DENENBERG: From Looks Great  
20 or just in general?

21 MR. MALLETTTE: We got 100 percent back  
22 on everything from Irene.

23 LEGISLATOR DENENBERG: My question, it  
24 just seemed like an enormous contract that stuck  
25 out.

2 MR. MALLETTTE: It is a big contract. And  
3 it was a huge, devastating --

4 LEGISLATOR DENENBERG: I thought we  
5 could split it up.

6 MR. MALLETTTE: storm, and you can't clean  
7 it up for \$10.

8 CHAIRWOMAN GONSALVES: Legislator  
9 Jacobs, please.

10 LEGISLATOR JACOBS: Mr. Mallette, first  
11 place, I'd like to say, since we spoke only  
12 during Rules and not in front of the whole  
13 legislature, that once again I appreciated your  
14 candor. I think we went over this with a fine  
15 tooth comb.

16 MR. MALLETTTE: Yes.

17 LEGISLATOR JACOBS: And you actually  
18 satisfied people on rules, on both sides of the  
19 aisle as to what was going on.

20 MR. MALLETTTE: Thank you.

21 LEGISLATOR JACOBS: It is a big  
22 contract, but there were a lot of trees that were  
23 affected. Quite honestly, I imagine there will  
24 be more, just visually, from what we're seeing.

25 I like that you explained to us that

1 there are two parts of this type of contract; one  
2 is the cleaning of debris, another is tree by  
3 tree. And we even discussed that even in one  
4 case the wrong type of contract was used but you  
5 corrected that.  
6

7 MR. MALLETTE: Absolutely.

8 LEGISLATOR JACOBS: Okay. I think  
9 probably it would be a wise thing to do to  
10 include the discourse that I have with Mr.  
11 Mallette during that Rules Committee, if it's  
12 alright with the Presiding Officer, to make it  
13 part of this. I felt you were very forthcoming,  
14 and I want to give you a compliment beyond what  
15 that day was, and that is that I have received  
16 emails from people in the Muttontown Preserve,  
17 which followed the Welwyn Preserve, with only  
18 compliments for the way it was handled.

19 MR. MALLETTE: Thank you very much.

20 LEGISLATOR JACOBS: So I appreciate the  
21 fact that during that discussion, obviously what  
22 you said you meant and you came through. I know  
23 other legislators have something they just want  
24 to ask you about.

25 MR. MALLETTE: Sure. Absolutely.

2 LEGISLATOR JACOBS: Essentially, what  
3 was most refreshing was being honest with us.  
4 Not that anyone isn't. I'm not accusing anyone  
5 of dishonesty. But to come through, to tell us  
6 where an error may have been made, to tell us how  
7 it was going to be corrected. As a legislator, I  
8 actually view that with great approval, because I  
9 trust you now.

10 MR. MALLETTE: Well, thank you.

11 LEGISLATOR JACOBS: And I also  
12 understand -- I'm sorry. I'm sorry to say it  
13 this way, but I think it's important because --

14 MR. MALLETTE: Go ahead.

15 LEGISLATOR JACOBS: I know what you said  
16 to us during rules and a lot of people don't.  
17 The reason that this particular company, plus  
18 three others, were in the mix was way back, even  
19 during Suozzi and probably maybe even Gulottt  
20 too, I don't know, and they are there to be  
21 picked on and they are recommended by the --  
22 correct me where I'm going wrong.

23 MR. MALLETTE: You're a hundred percent  
24 right.

25 LEGISLATOR JACOBS: I took it all in.

2 And they're there because of recommendations from  
3 the federal government. And if, in fact, they  
4 don't live up to their reason for being  
5 recommended, the feds let you know right away --

6 MR. MALLETTTE: They take them off the  
7 list.

8 LEGISLATOR JACOBS: they're removed from  
9 that list.

10 MR. MALLETTTE: Correct.

11 LEGISLATOR JACOBS: Are you proud of me?  
12 I got it.

13 MR. MALLETTTE: I'm always proud of you.  
14 And you never amaze me with your retention.

15 LEGISLATOR JACOBS: I just wanted that  
16 on the record.

17 MR. MALLETTTE: Thank you.

18 LEGISLATOR JACOBS: Because I think you  
19 deserve it to be on the record. And because you  
20 gave us an education, and that education I wish  
21 was in front of the whole legislature because we  
22 all love trees but we have no idea what we're  
23 talking about. I appreciated that, and I just  
24 wanted you to know that there was a nice  
25 afterwards from that, and that is that the

2 Muttontown Preserve walk with you, people were  
3 there, and they all said that it was completely  
4 the right way, as far as they could see.

5 MR. MALLETTTE: Thank you very much.

6 LEGISLATOR JACOBS: Okay. Thank you.

7 CHAIRWOMAN GONSALVES: I'm going to add  
8 to that, Mr. Mallette. I did get a number of  
9 compliments, particularly with Massapequa  
10 Preserve, Garvies Point, and a couple of others.  
11 And you insisted that the protocol that was in  
12 place had to be followed, and if they didn't  
13 follow it they were out the door.

14 MR. MALLETTTE: And that's what we did.  
15 We fired them if they weren't following the  
16 rules. We fired that contractor and brought  
17 another one.

18 CHAIRWOMAN GONSALVES: Absolutely. So I  
19 thank you on behalf of the residents.

20 Legislator Ford.

21 LEGISLATOR FORD: Good afternoon.

22 MR. MALLETTTE: How are you?

23 LEGISLATOR FORD: Fine. How about you?

24 MR. MALLETTTE: Good.

25 LEGISLATOR FORD: I'm happy right now,



2 only because the efforts down in Nickerson Beach.

3 The 20 million that we're talking about  
4 with the debris removal, is that just for the  
5 removal or Nickerson or is this something that  
6 the County had also --

7 MR. MALLETTTE: No. That would be for  
8 the --

9 LEGISLATOR FORD: I wasn't on Rules.

10 MR. MALLETTTE: The 20 million is  
11 vegetative removal. The Nickerson removal is  
12 where we're looking to increase on the amendment.

13 LEGISLATOR FORD: Okay. I guess, like,  
14 moving forward, when you're looking for  
15 compensation, I guess, from the federal  
16 government, do you also, I mean, I know that the  
17 county did help out in various towns, villages,  
18 and cities --

19 MR. MALLETTTE: Yes.

20 LEGISLATOR FORD: in assisting in debris  
21 removal. Is that something that the county would  
22 submit a request to be --

23 MR. MALLETTTE: We will be filing for all  
24 of the work we did in cities, towns, and  
25 villages, as well as the County.

LEGISLATOR FORD: Okay. And it's my -- am I correct in assuming, I guess, That Looks Great is actually the company that is removing the debris from Nickerson or is this a different company?

MR. MALLETT: No. Looks Great is the general contractor, and they have gotten subcontractors, local subcontractors to do the hauling and then down at Stony Creek they've set up a barge site to remove it. So they set up the template. We talked to all the vendors, negotiated a price down with them, and then we executed.

LEGISLATOR FORD: I thank you. And I just want to also make a comment. Because I understand Legislator Denenberg. When we look at such a high price tag for something that we can -- but, sorry. But what, you know, with this company, when you have, like, maybe it would be prudent sometimes to have more than one company sharing this. But I have to say that because of the debris being taken out of Nickerson Beach that, you know, to have this company overseeing it as well as yourself and the county executive,

1 that it has been very -- and I don't want to jinx  
2 this -- but it has been a very well run  
3 operation. The fact that the responsibility of  
4 this contractor has been that prior to this, when  
5 debris was being brought into Nickerson, garbage  
6 was being strewn all over Lido and we had to go  
7 sweep it up, and a lot of the residents were  
8 complaining. I have to say that the residents  
9 are very impressed by the fact that the trucks  
10 are covered and the debris is not spilling out  
11 from the trucks, and that you do have people at  
12 both sites, both locations, monitoring  
13 everything. I cannot believe how much debris has  
14 been removed to this date.

15  
16 I also want to add, along with  
17 Legislators Jacobs and Gonsalves, to say, to  
18 compliment you on a wonderful job, well done.  
19 And I thank you.

20 MR. MALLETTE: Thank you. And always  
21 remember operationally it always works better for  
22 your system if you're dealing with one group and  
23 one individual and you ride shotgun on them and  
24 you ride shotgun on their people, than dealing  
25 with multiple people, especially in a crisis

2 scenario, that's when something slips through the  
3 crack and it becomes an issue nobody wants.

4 LEGISLATOR FORD: Well, I thank you.

5 MR. MALLETTTE: You're welcome.

6 CHAIRWOMAN GONSALVES: Legislator  
7 DeRiggi-Whitton.

8 LEGISLATOR DeRIGGI-WHITTON: Thank you  
9 very much, Presiding Officer. How are you?

10 MR. MALLETTTE: Good. How are you this  
11 afternoon?

12 LEGISLATOR DeRIGGI-WHITTON: Good.

13 Just getting back to this one contract  
14 with a look at services. The way you just  
15 described them, they're a general contractor so  
16 they basically distribute the work to all these  
17 different contractors that actually do the work.  
18 Is that correct?

19 MR. MALLETTTE: No. They have -- Looks  
20 Great has 20 tree crews on Long Island. They are  
21 a Huntington company.

22 LEGISLATOR DeRIGGI-WHITTON: But we have  
23 hundreds working.

24 MR. MALLETTTE: So then what they do is  
25 these storm guys all know each other from other

1 storms. So they will have a bank of people that  
2 they can rely on to say, hey, I need ten more  
3 bucket trucks, ten more pickers, and five more of  
4 this and ten loaders. They all come in but  
5 they'll come in under the blanket of Looks Great.  
6 But during Katrina, say they had Joe's Cleanup  
7 Service. They made their error by having Joe's  
8 Cleanup Service in St. Joseph's Parish and Tim's  
9 Cleanup Service in Bellsfare, and Mike's Cleanup  
10 Service, and they were all separate. And having  
11 seen that, we internally -- when I got here we  
12 had a discussion about how we would manage our  
13 debris management program and not follow the  
14 disconnect of multiple people doing the same job  
15 because that becomes disastrous.

17 LEGISLATOR DeRIGGI-WHITTON: You have  
18 one title basically for all.

19 Now how many subcontractors did they use?

20 MR. MALLETTE: At times they had ten or  
21 15 different companies working.

22 LEGISLATOR DeRIGGI-WHITTON: And do we  
23 have any history on these other companies that  
24 were working for our contract?

25 MR. MALLETTE: We have used most of the

2 companies in some fashion or they have used them,  
3 and they submitted them previous to the date of  
4 the storm so we knew who just about everybody  
5 was. I'm not going to know the guy with five  
6 tree trucks from Alabama.

7 LEGISLATOR DeRIGGI-WHITTON: That's what  
8 my question is. Do you know what percentage was  
9 from out of state?

10 MR. MALLETTTE: I couldn't give you a  
11 number offhand.

12 LEGISLATOR DeRIGGI-WHITTON: Do we have  
13 any idea of their training?

14 MR. MALLETTTE: I could find out.

15 LEGISLATOR DeRIGGI-WHITTON: My concern  
16 is that, although I understand your system of  
17 having one company accountable, they're really  
18 basically a figurehead and they were distributing  
19 the work to them.

20 MR. MALLETTTE: No. He actually -- they  
21 actually -- Looks Great Services does the work  
22 with their contractors.

23 LEGISLATOR DeRIGGI-WHITTON: Does some  
24 of the work.

25 MR. MALLETTTE: Not some of the work. A

2 majority of the work are Looks Great contractors.  
3 They maybe his contractors from Mississippi, but  
4 they are his.

5 LEGISLATOR DeRIGGI-WHITTON: But each  
6 truck that came up here had a different name on  
7 it. So the fact that they're really not part of  
8 the Looks Great Services Company.

9 MR. MALLETTTE: I know. You can't see it  
10 as a company. Say, in Mississippi it's not  
11 called Looks Great, it might be called Mike's  
12 Tree and Landscaping, but they are basically  
13 subsidiaries -- not all, but some are  
14 subsidiaries of Looks Great elsewhere. There are  
15 -- listen to me. I've been dealing with the  
16 unions every day. There are definitely guys from  
17 out of town. But in a disaster --

18 LEGISLATOR DeRIGGI-WHITTON: I  
19 understand.

20 MR. MALLETTTE: you have to take and  
21 build your army before it hits or you're going to  
22 end up like the City of New York ends up, with a  
23 pile full of stuff in Floyd Bennett Field they  
24 can't get rid of because they didn't have a plan.

25 LEGISLATOR DeRIGGI-WHITTON: I

1 understand that to a certain degree. But I also,  
2 you know, now that the disaster has pretty much  
3 passed, I'm wondering -- they're using a lot of  
4 out-of-state companies. I'm wondering if there  
5 are some local Long Island companies that could  
6 be getting that work.  
7

8 MR. MALLETT: We have been substituting  
9 local people where they can fit in.

10 LEGISLATOR DeRIGGI-WHITTON: Because I  
11 would like to see the local people benefit from  
12 what's going on.

13 MR. MALLETT: We have been doing that.  
14 We have been taking Long Island companies and  
15 moving them in, and moving the out-of-state  
16 companies --

17 LEGISLATOR DeRIGGI-WHITTON: I'd also  
18 like to see what the training is for these other  
19 companies. I understand what you're saying.  
20 Looks Great might have a good reputation. In my  
21 opinion, we have no idea who a lot of these  
22 companies were. I just think it would be -- we  
23 can't come up here and say Looks Great Services  
24 does this, this, this, and this when there are  
25 companies from Alabama. I don't think there is a



2 direct correlation as much as --

3 MR. MALLETTTE: I can only go on with what  
4 the conversations have been.

5 LEGISLATOR DeRIGGI-WHITTON: I just have  
6 one other topic.

7 MR. MALLETTTE: Yep.

8 LEGISLATOR DeRIGGI-WHITTON: When Welwyn  
9 was cleared, were any trees removed?

10 MR. MALLETTTE: No. All the trees -- no  
11 trees were taken off the property, from my  
12 understanding.

13 LEGISLATOR DeRIGGI-WHITTON: I have this  
14 report that was submitted by your department.

15 MR. MALLETTTE: Right.

16 LEGISLATOR DeRIGGI-WHITTON: There's  
17 writing on it on the bottom --

18 MR. MALLETTTE: Yep.

19 LEGISLATOR DeRIGGI-WHITTON: and it says  
20 discussed the removal program --

21 MR. MALLETTTE: Okay.

22 LEGISLATOR DeRIGGI-WHITTON: with the  
23 mayor.

24 MR. MALLETTTE: Right. None were  
25 removed. Mayor Suozzi didn't want them removed.

2 They were left onsite and cut up. Again --

3 LEGISLATOR DeRIGGI-WHITTON: From what I  
4 understand, they were removed the first day. I'm  
5 just curious about why the word removal is even  
6 on here.

7 MR. MALLETTTE: Again, when I found out -  
8 - when I found out there was a problem in Welwyn,  
9 we went in, whether it was two days or three days  
10 after, we went in, I changed the team out, the  
11 team that was in there was fired, and a different  
12 team was put in.

13 LEGISLATOR DeRIGGI-WHITTON: Correct.

14 MR. MALLETTTE: Because if they don't  
15 want to follow the rules we gave them, I will  
16 remove them.

17 LEGISLATOR DeRIGGI-WHITTON: But we're  
18 still talking about removal on Thursday --

19 MR. MALLETTTE: Again, if it was removed -  
20 - as soon as I found out, if it was removed, the  
21 removal was stopped. Did I tell you it was  
22 stopped the first day?

23 LEGISLATOR DeRIGGI-WHITTON: Listen.  
24 This work started on a Sunday, and maybe that's  
25 the day you're referring to. This report, which

2 is discussing the removal of these trees, is a  
3 Thursday, the 29th -

4 MR. MALLETTTE: I understand. But are any  
5 of the comments --

6 LEGISLATOR DeRIGGI-WHITTON: which is  
7 four days after.

8 MR. MALLETTTE: other than the bottom  
9 which says discussed removal, were any of the  
10 trees marked in the comment box removed?

11 LEGISLATOR DeRIGGI-WHITTON: Where would  
12 that be?

13 MR. MALLETTTE: All the way to the right  
14 hand side. The comment box that says dropped  
15 tree, cut down. Do any of them say removed?

16 LEGISLATOR DeRIGGI-WHITTON: It doesn't  
17 say it there. But it doesn't say it on the first  
18 day either, and that's when I was told they were  
19 removed.

20 MR. MALLETTTE: They won't get paid for  
21 it unless it's on the sheet. If they cut it down  
22 and left it there, that's what they get paid for.  
23 If they cut it down and removed it, it has to be  
24 on the sheet or they wouldn't get paid for it.

25 LEGISLATOR DeRIGGI-WHITTON: Well, my

2 concern is that I was told that witnesses saw  
3 trucks pulling out trees; maybe it was in the  
4 beginning. But if it's still being discussed as  
5 far as what to do with the debris on Thursday, it  
6 doesn't look good for us, to be honest. To  
7 discuss tree removal and not say absolutely no  
8 trees are being removed --

9 MR. MALLETTTE: As far as we were  
10 concerned, the order was if it's a preserve you  
11 are to cut it down and leave it, as long as it's  
12 no in the way of a path, which all you do is cut  
13 the open path.

14 LEGISLATOR DeRIGGI-WHITTON: So the  
15 discussion of a tree removal -- I'm just saying.

16 MR. MALLETTTE: It could have been Mayor  
17 Suozzi. I spoke with him several times in the  
18 very first day or two.

19 LEGISLATOR DeRIGGI-WHITTON: Well this  
20 was Thursday.

21 MR. MALLETTTE: Whoever the monitor was  
22 may have spoken to him and he may have reiterated  
23 his comment, that he doesn't want the trees  
24 removed. I don't know where the note came from.

25 LEGISLATOR DeRIGGI-WHITTON: To say

2 discussion of removal makes it sound like we're  
3 talking about moving the trees off of it.

4 MR. MALLETT: They're not going  
5 anywhere.

6 LEGISLATOR DeRIGGI-WHITTON: It makes  
7 the county just look. I just have one other  
8 thing, Presiding Officer, if that's okay. I want  
9 to submit a letter -- I'm just requesting --  
10 whether or not in the beginning there was an  
11 error, I think it would really be good will if we  
12 used possibly part of this funding to purchase  
13 new trees to be planted in the Preserve.

14 MR. MALLETT: You can't use any  
15 recovery money for anything other than recovery.

16 LEGISLATOR DeRIGGI-WHITTON: Well, you  
17 know what? Even if it was a mistake -- the whole  
18 letter, basically what I'm also concerned about  
19 is there's been issues with the runoff, with the  
20 trees that were cut. There are also issues with  
21 the stream that received damage. It's just  
22 making us look bad to have this display of our  
23 work.

24 CHAIRWOMAN GONSALVES: I just want to  
25 make one comment.

I am well aware of the fact, Mr. Mallette, that there is a protocol in place, and that the company is hired is well aware of that protocol as well. And when they do not follow that protocol, you made it your business to make sure they were out.

MR. MALLETTE: Absolutely.

CHAIRWOMAN GONSALVES: I got that information right after I got bombarded by a number of phone calls from a particular society claiming that there were hundreds and hundreds of trees that were cut down unnecessarily. And we corrected that. It was only those trees that were in the walkways --

LEGISLATOR DeRIGGI-WHITTON: No. That's not true.

CHAIRWOMAN GONSALVES: I'm not here to debate you.

LEGISLATOR DeRIGGI-WHITTON: Have you been there, though?

CHAIRWOMAN GONSALVES: Listen. I am not going to debate you. I am telling you --

LEGISLATOR DeRIGGI-WHITTON: There's a reason to talk about it.

CHAIRWOMAN GONSALVES: right now that I know that he did stop any unnecessary cutting down of trees.

LEGISLATOR DeRIGGI-WHITTON: Unless you're there and you see it yourself --

CHAIRWOMAN GONSALVES: I've been around the county during the entire situation. I beg your pardon. And I have to put my faith and trust in Mr. Mallette because of his testimony that he gave us at the Rules Committee, and convinced all of us that this is a good thing. And again, I thank you, Mr. Mallette.

LEGISLATOR DeRIGGI-WHITTON: We have the photos. If you'd like to come, I would be happy to show you, Norma. It's about, you know, a good mile walk to get into the preserve where most of the damage was done. It's pretty far back in the preserve. So if you would like to come see it, you are more than welcome anytime.

CHAIRWOMAN GONSALVES: I think it would be a good thing to call the question and have a vote on Item Number 6.

All those in favor of Item Number 6 please indicate by saying aye.

2 (Aye.)

3 Any opposed?

4 LEGISLATOR DeRIGGI-WHITTON: No. I'm  
5 voting against it.

6 CHAIRWOMAN GONSALVES: Anybody else?

7 (No verbal response.)

8 It's 17 to 1.

9 We have one more item to go, and that is  
10 Item 29, which has to do with assessed  
11 valuations. Who is here to speak on this item,  
12 please?

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR BELESI: Second.

15 Motion made by Legislator Dunne, seconded  
16 by Legislator Belesi.

17 MR. MAY: Mr. Dan Valentino.

18 CHAIRWOMAN GONSALVES: Okay. Mr.  
19 Valentino.

20 MR. VALENTINO: I'm a deputy county  
21 attorney assigned to the Nassau County Department  
22 of Assessment. This item is a 2013 general tax  
23 roll. Any questions?

24 CHAIRWOMAN GONSALVES: Any questions of  
25 Mr. Valentino? Legislator Denenberg.



2 LEGISLATOR DENENBERG: This is the total  
3 assessed valuations for the county, the towns,  
4 the two cities, and the villages, correct?

5 MR. VALENTINO: Correct.

6 LEGISLATOR DENENBERG: Do you have the  
7 number?

8 MR. VALENTINO: The exact number? It's  
9 whatever the budgets were passed, and it would be  
10 then corresponding to the taxes that are extended  
11 on those assessed values.

12 LEGISLATOR DENENBERG: I asked what the  
13 total assessed values were.

14 MR. VALENTINO: The total assessed  
15 values within each class, within each town,  
16 within each --

17 LEGISLATOR DENENBERG: Isn't that what  
18 we're voting on?

19 MR. VALENTINO: That's what you're  
20 voting on, yes.

21 LEGISLATOR DENENBERG: Okay. So I want  
22 to know -- let's take for the residential class  
23 1, what's the total assessed value for the  
24 county?

25 MR. VALENTINO: I don't have it. I only

2 have the generic item here. I don't have the  
3 broken out by class within each town, within each  
4 county --

5 LEGISLATOR DENENBERG: You just asked me  
6 to ask you whether it was one, two, three, or  
7 four. I asked one and now you said you don't  
8 have it broken out.

9 MR. VALENTINO: I don't have the item  
10 broken out. It is broken out by each class  
11 within the item, but I don't have that physical  
12 item in front of me.

13 LEGISLATOR DENENBERG: You don't have  
14 the item that we're voting on?

15 MR. VALENTINO: I just have the generic  
16 general tax roll. I don't have the 250 pages  
17 that it's broken out into.

18 LEGISLATOR DENENBERG: So what number do  
19 you have?

20 MR. VALENTINO: I just have the front  
21 coversheet.

22 LEGISLATOR DENENBERG: For Class 1, is  
23 the total assessed value this year, which is  
24 residential, isn't the total assessed value this  
25 year lower than last year?

2 MR. VALENTINO: For Class 1?

3 LEGISLATOR DENENBERG: Yes.

4 MR. VALENTINO: I'd need to see a year  
5 to year comparison.

6 LEGISLATOR DENENBERG: So we're voting  
7 on it without having that year to year  
8 comparison?

9 MR. VALENTINO: You're voting on the  
10 2013 general tax roll as it appears within the  
11 legislation.

12 LEGISLATOR DENENBERG: Well, my concern  
13 is that -- and you're Department of Assessment,  
14 correct?

15 MR. VALENTINO: I'm the deputy county  
16 attorney assigned to the Department of  
17 Assessment.

18 LEGISLATOR DENENBERG: Okay. So for  
19 most people the assessed values were frozen?

20 MR. VALENTINO: Correct.

21 LEGISLATOR DENENBERG: By the Department  
22 of Assessment. There was a freeze for the last  
23 three years, right?

24 MR. VALENTINO: Not last three years.  
25 It was beginning with this assessment roll.

2 LEGISLATOR DENENBERG: Okay. Last two  
3 years.

4 MR. VALENTINO: Not two years. But the  
5 12/13 roll, that was the first year of the  
6 freeze.

7 LEGISLATOR DENENBERG: And what we're  
8 voting on now is the second year of the freeze?

9 MR. VALENTINO: It's the first year.  
10 The 12/13 was the first year of the assessment  
11 freeze.

12 LEGISLATOR DENENBERG: Okay. So the  
13 values were frozen, correct?

14 MR. VALENTINO: Correct.

15 LEGISLATOR DENENBERG: But if someone  
16 challenged, they could get it reduced, correct?

17 MR. VALENTINO: It's a soft freeze. You  
18 can't freeze assessments. If instances show it  
19 should receive a reduction --

20 LEGISLATOR DENENBERG: When me, as a  
21 homeowner, when a homeowner let's say in Bellmore  
22 or Merrick got a letter as to what their  
23 assessment was, the letter would have said the  
24 same value as last year, it was a freeze,  
25 correct?

2 MR. VALENTINO: 12/13 began the freeze.  
3 There was also a benchmarking system where DOA  
4 tried to use mass aggression analysis to fix some  
5 of the assessed values.

6 LEGISLATOR DENENBERG: So then, if there  
7 was a challenge, you could have gotten your  
8 assessed value reduced, your tentative assessed  
9 value reduced, correct?

10 MR. VALENTINO: That's correct.

11 LEGISLATOR DENENBERG: And are you aware  
12 that over 90 percent of the challengers were  
13 successful?

14 MR. VALENTINO: I am not aware. That's  
15 the Assessment Review Commission. I'm in the  
16 Department of Assessment.

17 LEGISLATOR DENENBERG: I looked at the  
18 numbers. The total assessed valuation in Class 1  
19 from year to year as fallen quite a bit. I would  
20 say it's down more than ten percent. The result  
21 of that would mean that the tax rate would have  
22 to go up.

23 MR. VALENTINO: But if everyone is  
24 lowered commensurately, the tax rate doesn't  
25 matter, your bottom line will still remain the

2 same.

3 LEGISLATOR DENENBERG: Correct.

4 MR. VALENTINO: It's a function of  
5 mathematics.

6 LEGISLATOR DENENBERG: But if you are  
7 frozen and your tax rate went up you're going to  
8 pay more if other people went down and you were  
9 frozen.

10 MR. VALENTINO: It depends on the  
11 circumstances.

12 LEGISLATOR DENENBERG: I took what you  
13 just said, Mr. Valentino. You just said it's  
14 commensurate.

15 MR. VALENTINO: It's commensurate. If  
16 every other property owner went down, it's still  
17 the same amount of taxes that have to be levied.  
18 Your tax rate will go up but your bottom figure  
19 will still remain the same. If --

20 LEGISLATOR DENENBERG: Two-thirds --

21 MR. VALENTINO: you are lower than  
22 everybody else --

23 CHAIRWOMAN GONSALVES: Don't interrupt  
24 him, Mr. Denenberg.

25 LEGISLATOR DENENBERG: He interrupted

2 me, but that's okay.

3 Let's say a third went down and two-  
4 thirds were frozen. Doesn't that two-thirds see  
5 relative to the one-third that went down? Aren't  
6 they going to pay more?

7 MR. VALENTINO: The one-third might pay  
8 more as well. If the school's budget went up,  
9 there's also a two percent cap on the STAR so  
10 they could be paying more in taxes as well --

11 LEGISLATOR DENENBERG: Well, county  
12 taxes --

13 MR. VALENTINO: It's contingent upon a  
14 lot of factors. There's not one you can point to  
15 and say it's a causation. It's correlated, but  
16 one doesn't necessarily mean the other.

17 LEGISLATOR DENENBERG: Okay. Tell me  
18 when you're done.

19 MR. VALENTINO: Okay.

20 LEGISLATOR DENENBERG: Thank you.  
21 Because I don't want to speak over.

22 So, in the county sense, right, our tax  
23 revenue is the same, correct? We didn't have a  
24 tax increase, allegedly.

25 MR. VALENTINO: The levy remained the

2 same.

3 LEGISLATOR DENENBERG: The tax rate is  
4 going to have to go up because the assessed value  
5 is down, correct?

6 MR. VALENTINO: Correct.

7 LEGISLATOR DENENBERG: So if your  
8 assessed value is exactly the same as it was last  
9 year you're going to end up paying more.

10 MR. VALENTINO: But according to you 90  
11 percent of people receive reductions, so you  
12 would pretty much remain the same.

13 LEGISLATOR DENENBERG: What are you  
14 talking about?

15 MR. VALENTINO: You just said 90 percent  
16 --

17 LEGISLATOR DENENBERG: Ninety percent of  
18 the people --

19 MR. VALENTINO: You said 90 percent of  
20 homeowners receive reductions, correct?

21 LEGISLATOR DENENBERG: Ninety percent of  
22 the people who challenged; you didn't really  
23 listen.

24 MR. VALENTINO: So, correct me if I'm  
25 wrong, 90 percent, you're saying, according to



2 you, receive reductions, correct?

3 LEGISLATOR DENENBERG: Of the people who  
4 challenge.

5 MR. VALENTINO: Of the people who  
6 challenge.

7 LEGISLATOR DENENBERG: Only one-third  
8 of the people challenged.

9 MR. VALENTINO: I don't have the exact  
10 figures. You're going to have to --

11 LEGISLATOR DENENBERG: Oh, I do.

12 MR. VALENTINO: contact ARC.

13 LEGISLATOR DENENBERG: 125,000  
14 challenged, that's a little less than a third.  
15 Ninety percent of those received reductions, the  
16 other two-thirds were frozen. They're going to  
17 see a tax increase.

18 MR. VALENTINO: They may have received a  
19 tax increase anyway.

20 LEGISLATOR DENENBERG: Thank you.

21 CHAIRWOMAN GONSALVES: Any public  
22 comment on this item?

23 (No verbal response.)

24 There being none, all those in favor of  
25 Item 29 please signify by saying aye.

2 (Aye.)

3 Any opposed?

4 (Nay.)

5 Eight nays and ten ayes. I guess the  
6 item passes ten to eight.

7 LEGISLATOR MUSCARELLA: Madame Chair?

8 CHAIRWOMAN GONSALVES: Yes.

9 LEGISLATOR MUSCARELLA: I just wanted to  
10 say thank you Mr. Valentino.

11 MR. VALENTINO: No problem.

12 LEGISLATOR MUSCARELLA: It's a difficult  
13 subject and you answered the questions well.

14 MR. VALENTINO: It was my pleasure.

15 LEGISLATOR MUSCARELLA: Thank you.

16 CHAIRWOMAN GONSALVES: There being no  
17 other business before this Legislature, we're  
18 going to call for a motion to adjourn. But  
19 before we do that, I would like to wish each and  
20 every one of you a very happy holiday and be  
21 safe.

22 Motion to adjourn, please?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Full Legislature - 12-17-12

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2 Legislator Walker, seconded by Legislator Kopel.

3 All those in favor?

4 (Aye.)

5 All those against?

6 (No verbal response.)

7 The motion carries unanimously.

8 (Whereupon, the Full Legislature  
9 adjourned at 4:09 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of January, 2013.

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FRANK GRAY