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NORMA GONSALVES,  
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue  
Mineola, New York

Monday, December 3, 2012  
1:10 P.M

REGAL REPORTING SERVICE  
(516) 747-7353

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

NORMA GONSALVES,  
Chairwoman

HOWARD KOPEL,  
Vice Chairman

DENNIS DUNNE

ROSE MARIE WALKER

KEVAN ABRAHAMS,  
Ranking

JUDY JACOBS

WAYNE WINK

WILLIAM J. MULLER, III  
Clerk of the Legislature

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1 Rules Committee/12-3-12

2 CHAIRWOMAN GONSALVES: The  
3 meeting is now ready to begin. Would you  
4 please call the roll of the Rules Committee?

5 CLERK MULLER: Yes. Legislator  
6 Wink?

7 LEGISLATOR WINK: Here.

8 CLERK MULLER: Legislator Jacobs?

9 LEGISLATOR JACOBS: Here.

10 CLERK MULLER: Ranking Member  
11 Abrahams?

12 LEGISLATOR ABRAHAMS: Here.

13 CLERK MULLER: Legislator Walker?

14 LEGISLATOR WALKER: Here.

15 CLERK MULLER: Legislator Dunne?

16 LEGISLATOR DUNNE: Here.

17 CLERK MULLER: Vice Chairman

18 Kopel?

19 LEGISLATOR KOPEL: Here.

20 CLERK MULLER: Chairwoman

21 Gonsalves?

22 CHAIRWOMAN GONSALVES: Here.

23 CLERK MULLER: We have a quorum.

24 CHAIRWOMAN GONSALVES: Legislator  
25 Walker, please lead us in the Pledge.

1 Rules Committee/12-3-12  
2 (Whereupon, the Pledge of  
3 Allegiance was recited.)

4 CHAIRWOMAN GONSALVES: Thank you,  
5 Legislator Walker. Now, before we begin  
6 with the contracts, we have two addendums in  
7 Rules pertaining to contracts which we will  
8 not take up at this portion of the Rules  
9 Committee, so that we will have sufficient  
10 time to review those contracts and we'll  
11 bring in on the second half of the Rules  
12 Committee.

13 Let's begin with the first  
14 contract.

15 CLERK MULLER: Sure. A35-12, a  
16 resolution authorizing the director of  
17 Nassau County Office of Purchasing to award  
18 and execute a contract between the County of  
19 Nassau acting on behalf of Nassau County  
20 Police Department and Elsig North America,  
21 LLC.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR KOPEL: Second.

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

1 Rules Committee/12-3-12

2 Kopel. Who is here to speak on this one?

3 SERGEANT STEPHANOFF: Sergeant  
4 Gregory Stephanoff from the police  
5 department to answer any questions.

6 CHAIRWOMAN GONSALVES: Thank you  
7 very much. Are there any questions of the  
8 sergeant regarding this contract? You want  
9 to give us a description of the contract?

10 SERGEANT STEPHANOFF: Sure. This  
11 is a service contract that will cover three  
12 years maintenance on the license plate  
13 readers for the asset forfeiture unit. The  
14 license plate readers are just one tool that  
15 they use to collect data for the  
16 intelligence lead policing. This is asset  
17 forfeiture funded.

18 CHAIRWOMAN GONSALVES: Any  
19 questions from any of the legislators?

20 (No verbal response.)

21 Is there any public comment  
22 regarding this?

23 (No verbal response.)

24 There being none, all those in  
25 favor of this contract signify by saying

1 Rules Committee/12-3-12

2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The contract passes unanimously.

7 Thank you.

8 CLERK MULLER: Sure. B21-12, a  
9 resolution authorizing the county executive  
10 to award and execute a contract between the  
11 County of Nassau acting on behalf of Nassau  
12 County Department of Public Works and ZHN  
13 Contracting Corporation.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRWOMAN GONSALVES: Moved by  
17 Legislator Dunne, seconded by Legislator  
18 Walker. Mr. May?

19 MR. MAY: We have Mr. Ken Arnold  
20 to speak on this item and also B22 and B26.  
21 If you don't want to call them together,  
22 that's fine, but he's here for all three.

23 CHAIRWOMAN GONSALVES: Thank you  
24 very much.

25 MR. ARNOLD: Good afternoon. Ken



1 Rules Committee/12-3-12  
2 Arnold, Public Works. B21 is a construction  
3 contract for the renovation of the first  
4 floor of our building which houses our  
5 laborers, our sewage treatment plant  
6 operators, locker room facilities, our rest  
7 area, and the elevator.

8 LEGISLATOR DENENBERG: Just one  
9 question on that through the chair.

10 CHAIRWOMAN GONSALVES: Okay.

11 LEGISLATOR DENENBERG: How long  
12 is that going to take, because that's a real  
13 important place for the workers?

14 MR. ARNOLD: I believe it's a  
15 nine month contract.

16 LEGISLATOR DENENBERG: Nine  
17 months?

18 MR. ARNOLD: Yes. Because as  
19 there's coordination of activities, they  
20 have to move people out while they do the  
21 work.

22 CHAIRWOMAN GONSALVES: Any other  
23 questions from any of the legislators?

24 (No verbal response.)

25 Is there any public comment

1 Rules Committee/12-3-12

2 regarding this?

3 (No verbal response.)

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

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.

11 CLERK MULLER: B22-12, a  
12 resolution authorizing the county executive  
13 to award and execute a contract between the  
14 County of Nassau acting on behalf of Nassau  
15 County Department of Public Works and Main  
16 Line Electrical Corporation.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR KOPEL: Second.

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

22 MR. ARNOLD: B22 is a contract  
23 with main line electric. It is to install a  
24 new electrical service the Glen Cove  
25 Treatment Plant. The current service is

1 Rules Committee/12-3-12  
2 associated with a city building, the old  
3 incinerator. The facility is old and needs  
4 to be upgraded and also taken off the city  
5 property.

6 CHAIRWOMAN GONSALVES: Any  
7 questions from any of the legislators?

8 (No verbal response.)

9 Is there any public comment  
10 regarding this?

11 (No verbal response.)

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

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The contract passes unanimously.  
19 Motion carries unanimously.

20 CLERK MULLER: B26-12, a  
21 resolution authorizing the county executive  
22 to award and execute a contract between the  
23 County of Nassau acting on behalf of Nassau  
24 County Department of Public Works and  
25 En-Tech Corporation.

1 Rules Committee/12-3-12

2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR KOPEL: Second.

4 CHAIRWOMAN GONSALVES: Moved by  
5 Legislator Dunne, seconded by Legislator  
6 Kopel. Mr. Arnold.

7 MR. ARNOLD: B26 is a contract  
8 with En-Tech Corporation to do sewer lining  
9 on the main lateral that runs through the  
10 City of Glen Cove on First Avenue. This  
11 will insure that the pipe has no leaks,  
12 whether in or out, and will increase the  
13 integrity of the pipe and its strength.

14 CHAIRWOMAN GONSALVES: Any  
15 questions for Mr. Arnold regarding this  
16 contract?

17 LEGISLATOR DENENBERG: Just a  
18 note that when we objected to taking over  
19 Glen Cove, this is the reason we objected,  
20 because there's so much money that has to be  
21 put in to rebuild that darn thing, but we're  
22 going to definitely move it.

23 CHAIRWOMAN GONSALVES: Any other  
24 comments regarding this contract?

25 (No verbal response.)

1 Rules Committee/12-3-12

2 Is there any public comment  
3 regarding this contract?

4 (No verbal response.)

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

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The contract passes unanimously.

12 CLERK MULLER: E223-12, a  
13 resolution authorizing the county executive  
14 to execute an amendment to a personal  
15 service agreement between the County of  
16 Nassau acting on behalf of Nassau County  
17 District Attorney's Office and Family and  
18 Children's Association.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR KOPEL: Second.

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

24 MR. MAY: Mr. Bob McManus from  
25 the District Attorney's Office.

1 Rules Committee/12-3-12

2 CHAIRWOMAN GONSALVES: Thank you.

3 MR. McMANUS: Good afternoon.

4 The District Attorney's Office utilizes both  
5 grant funding and forfeiture funds for the  
6 district attorney Terrorist Bidel (phonetic)  
7 Project. Your approval of this item will  
8 allow the office to utilize unused grant  
9 funding. Spending on the second chance  
10 re-entry program grant was lower than  
11 anticipated.

12 The purpose of this item is to  
13 provide additional funding to an ongoing  
14 program that provides services to the same  
15 population prior to the expiration of the  
16 grant funding.

17 CHAIRWOMAN GONSALVES: Any  
18 comments from the legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

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

25 (Aye.)

1 Rules Committee/12-3-12

2 Any opposed?

3 (No verbal response.)

4 The contract passes unanimously.

5 CHAIRWOMAN GONSALVES: At this  
6 time we are going to recess and, remember I  
7 said before there are additional contracts  
8 that were part of addendum two and three?  
9 Time is needed to review those contracts.  
10 We will resume the contracts after the  
11 second session. Thank you very much. Next  
12 committee is Public Safety.

13 (Whereupon, the Rules Committee  
14 recessed at 1:19 p.m. and reconvened at 4:15  
15 p.m.)

16 CHAIRWOMAN GONSALVES: Before we  
17 continue with the Rules Committee, I need a  
18 motion to suspend the rules for the addendum  
19 to the Rules Committee.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by  
23 Legislator Dunne, seconded by Legislator  
24 Walker. All those in favor signify by  
25 saying aye.

1 Rules Committee/12-3-12

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 There being none, the motion to  
6 suspend the rules carries. Many of the  
7 items that went through rules have already  
8 gone through, that have gone through finance  
9 are now before us in rules.

10 With permission of the minority,  
11 we are going to block a number of those  
12 items. Beginning with, and I will call  
13 those items, Item 671-12, 672-12, 673-12,  
14 676-12, 677-12, 678-12, 680-12, 681-12,  
15 682-12, 683-12, 684-21, 685-12, 686-12, 691,  
16 692, 693, and here we go, 698, 699, 700-12,  
17 701-12, 702-12, 703-12, 704-12, 705-12,  
18 706-12, 707-12, 708-12, 709-12, 710-12,  
19 711-12, 712-12, 713-12, 714-12, 715-12,  
20 716-12, 717-12. Most of these items already  
21 went through other committees and I'm going  
22 to ask that the those committees, Health,  
23 Public Safety, and Finance be incorporated  
24 into the Rules Committee.

25 (Whereupon, the following items,



1 Rules Committee/12-3-12  
2 Items 671-12, 672-12, 673-12, 676-12,  
3 677-12, 678-12, 680-12, 681-12, 682-12,  
4 683-12, 684-21, 685-12, 686-12, 691, 692,  
5 693, 698, 699, 700-12, 701-12, 702-12,  
6 703-12, 704-12, 705-12, 706-12, 707-12,  
7 708-12, 709-12, 710-12, 711-12, 712-12,  
8 713-12, 714-12, 715-12, 716-12, 717-12 can  
9 be found in the minutes of the following  
10 meetings; Health Committee, Public Safety  
11 Committee, and Finance Committee of  
12 12-3-12.)

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRWOMAN GONSALVES: Motion  
16 made by Dennis Dunne, seconded by Legislator  
17 Walker. Any comments?

18 (No verbal response.)

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

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The items carry unanimously.

25 LEGISLATOR JACOBS: I just wanted

1 Rules Committee/12-3-12

2 to say that you deserve so many thanks from  
3 all of us here. I visited the shelter, I  
4 visited one of the shelters with Kevan  
5 Abrahams, and we were really floored and  
6 amazed at what you provided for the people  
7 that were in such desperate need. I don't  
8 think I'll ever forget it. I mean, I never  
9 expected to see what I saw. I never thought  
10 I seen anything, like, 970 the day before we  
11 were there, and they seemed, now listen,  
12 nothing's great in the shelter, but they  
13 seemed to be fairly well taken care of and  
14 they had food and I have to tell you, I  
15 walked away from there -- I've always been  
16 proud of the college, but, I mean, I really  
17 was overwhelmed and proud of the efforts  
18 that went into what you did. I think it  
19 should be recognized. Thank you.

20 CHAIRWOMAN GONSALVES: Any other  
21 comments?

22 (No verbal response.)

23 I think we took a motion on those  
24 items. Now we have four items that went  
25 through finance and we're going to call them

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1 Rules Committee/12-3-12  
2 one at a time, and, again, the testimony  
3 from the Finance Committee please be  
4 incorporated into the Rules Committee. The  
5 first item is 679-12. Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

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

11 (Whereupon, the following are the  
12 minutes of the Finance Committee pertaining  
13 to Clerk Item 679-12, 12-3-12.)

14 CHAIRMAN NICOLELLO: Item 679 of  
15 2012 is a resolution to include in the  
16 proceedings of the Nassau County Legislature  
17 a statement of the total assessed valuations  
18 of the property situated in the county, the  
19 three towns, the two cities, the villages  
20 within the county of Nassau and the special  
21 districts.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR DUNNE: Second.

24 CHAIRMAN NICOLELLO: Moved by  
25 Legislator Walker, seconded by Legislator

1 Rules Committee/12-3-12

2 Dunne. Mr. Valentino, just briefly what's  
3 this?

4 MR. VALENTINO: This is Item 679.  
5 This deals with the 2013 tax roll at the  
6 assessed valuations as they appear on that  
7 roll and allows them to extend on those  
8 assessed values.

9 CHAIRMAN NICOLELLO: Any other  
10 questions?

11 LEGISLATOR DENENBERG: I have a  
12 question.

13 CHAIRMAN NICOLELLO: Legislator  
14 Denenberg.

15 LEGISLATOR DENENBERG: Is this --  
16 when you say the 2013 tax roll, this would  
17 be the valuation that was final as of April  
18 1st, 2012?

19 MR. VALENTINO: Correct.

20 LEGISLATOR DENENBERG: So it  
21 would include all the tax certs that were  
22 settled before April 1st, 2012?

23 MR. VALENTINO: Depends on when  
24 those tax certs reached over to the  
25 assessment department.

1 Rules Committee/12-3-12

2 LEGISLATOR DENENBERG: I said  
3 they were settled before April 1st, 2012.

4 MR. VALENTINO: In most  
5 circumstances, yes.

6 LEGISLATOR DENENBERG: Okay.  
7 March 8, 2012, how's that?

8 MR. VALENTINO: In most  
9 circumstances, yes.

10 LEGISLATOR DENENBERG: So this  
11 would be -- this would include the roll that  
12 according to the assessor's office and the  
13 county executive's office, had all those  
14 items that were settled I guess that year,  
15 meaning earlier, earlier calendar year this  
16 year, but the challenges that were filed in  
17 January and February, that were settled by  
18 in house or an outside consultant this year?

19 MR. VALENTINO: They were settled  
20 in house this year. We tried to settle  
21 as many as we can with ARC and then the  
22 remaining cases then went to SCAR.

23 LEGISLATOR DENENBERG: But the  
24 cases that were settled, I have, based on  
25 the information I've been able to get, which

1 Rules Committee/12-3-12  
2 has been, not total, 90 percent of those who  
3 challenged were successful with ARC.

4 MR. VALENTINO: You're going to  
5 have to contact the assessment review  
6 commission with respect to that.

7 LEGISLATOR DENENBERG: That's  
8 what they said. They said 90 percent were  
9 successful. I, for one, who didn't  
10 challenge, just saw a \$1,200 a year school  
11 tax increase.

12 MR. VALENTINO: That might also  
13 be dependent upon your school's budget.

14 LEGISLATOR DENENBERG: No. See,  
15 there was this thing passed in the state at  
16 two percent cap. My school district stayed  
17 within the two percent cap which would have  
18 given me a 200, about averaging up,  
19 actually, a \$200 increase, but the fact that  
20 my assessment stayed the same but a third of  
21 people challenged and saw whopping  
22 reductions, my taxes went up, a lot.

23 MR. VALENTINO: There is a common  
24 misconception that the two percent cap means  
25 a two percent hard cap on your tax bill.

1 Rules Committee/12-3-12  
2 It's a two percent cap on the budget. There  
3 are other things that factor into your tax  
4 bill. It depends on how many property  
5 owners within that district have an  
6 exemption. It may be -- if you're school's  
7 budget went up by two percent, your taxes  
8 will go up. It's all contingent upon the  
9 assessed value.

10 LEGISLATOR DENENBERG: Wouldn't  
11 it also matter whether everyone else in my  
12 district saw their -- whether others in my  
13 district saw their assessments go down while  
14 mine was, let's say, frozen?

15 MR. VALENTINO: The two are  
16 correlated but there's no causation. It's  
17 not just because they went down, yours is  
18 going to go up. There are other factors  
19 that come into play.

20 LEGISLATOR DENENBERG: Are you  
21 saying that if this whole room, or let's  
22 just say yourself, Legislator DeRiggi,  
23 Legislator Bosworth and me, we're the, say,  
24 Bellmore school district, if you're frozen  
25 and us three went down, you don't think that

1 Rules Committee/12-3-12

2 your taxes, you wouldn't realize a tax  
3 increase?

4 MR. VALENTINO: It depends. What  
5 happened with the school district's budget?

6 LEGISLATOR DENENBERG: Let's say  
7 it stayed the same, exactly the same.

8 MR. VALENTINO: Did they receive  
9 any exemptions, can you qualify for any  
10 exemptions?

11 LEGISLATOR DENENBERG: Same  
12 exemptions as last year. Us three went  
13 down, you stayed the same in terms of  
14 assessment.

15 MR. VALENTINO: In that simple  
16 example, you have four owners who all  
17 receive reductions and you remain the same,  
18 no other factors at play, nothing else going  
19 on, your taxes will go up.

20 LEGISLATOR DENENBERG: Okay. And  
21 let's say --

22 MR. VALENTINO: And there's also  
23 a lot of things we're assuming there.

24 LEGISLATOR DENENBERG: Well, if a  
25 third of the people saw their taxes go down,



1 Rules Committee/12-3-12  
2 the other 2/3rds that didn't challenge, you  
3 don't think they're going to see their taxes  
4 go up?

5 MR. VALENTINO: It depends on  
6 what's going on within the area. There are  
7 more property owners who could have received  
8 an exemption -- especially in a down  
9 economy, you have people qualifying for  
10 income based exemptions, so when you receive  
11 an exemption, there's less taxable assessed  
12 value, it affects everybody.

13 LEGISLATOR DENENBERG: That  
14 happens every year.

15 CHAIRMAN NICOLELLO: Do you have  
16 any other questions?

17 LEGISLATOR DENENBERG: I would  
18 beg you guys that what took place last year  
19 was 2/3rds of the people saw a tax increase  
20 because of a policy of simply giving anyone  
21 who challenges a reduction, whether they  
22 were substantively entitled to one or not.  
23 That the effect is 2/3rds of the people see  
24 a tax increase.

25 CHAIRMAN NICOLELLO: Legislator

1 Rules Committee/12-3-12

2 DeRiggi-Whitton.

3 LEGISLATOR DeRIGGI-WHITTON: Just  
4 with regard to Sandy, have you had any  
5 thought as to what's going to happen with  
6 all these homes that have been destroyed in  
7 the storm as far as their assessment goes?

8 MR. VALENTINO: Unfortunately,  
9 for the '12, '13 tax year, the taxable  
10 status date is January 2nd, 2011. So it  
11 goes in the property's use and condition on  
12 that date. And for most of those homes were  
13 intact on that date. So the '12, '13 year  
14 won't be affected. The '13, '14, there's a  
15 provision in the admin code that allows  
16 assessment to go out and take a look and  
17 survey the damage if the homeowner contacts  
18 the department of assessment.

19 LEGISLATOR DeRIGGI-WHITTON: So  
20 there's a good possibility I believe over  
21 300,000 homes have been destroyed, correct,  
22 or close to that?

23 MR. VALENTINO: 300,000 I think  
24 is a little on the high end.

25 LEGISLATOR DeRIGGI-WHITTON:

1 Rules Committee/12-3-12

2 Well, I forget the exact number. But the  
3 number's significant. So as the assessment  
4 goes, that's going to have to be considered  
5 for the next budget, correct?

6 MR. VALENTINO: For the next  
7 year's levy and the next year's tax warrant,  
8 yes.

9 LEGISLATOR DeRIGGI-WHITTON: I  
10 did hear it was close to that number. I  
11 don't know. But that's going to have a real  
12 impact, I would assume, so I would hope that  
13 we get a lot of information out to those  
14 people that are going to need it.

15 CHAIRMAN NICOLELLO: Legislator  
16 Denenberg has a question on the item.

17 LEGISLATOR DENENBERG: Yes. On  
18 April 1st, 2014, the current tentative roll  
19 will be finalized, correct?

20 MR. VALENTINO: 2013. You said  
21 2014.

22 LEGISLATOR DENENBERG: I'm sorry,  
23 April 1st, 2013.

24 MR. VALENTINO: It gets confusing  
25 with the dates.

1 Rules Committee/12-3-12

2 LEGISLATOR DENENBERG: So the  
3 roll for April 1st, 2013 was, if anyone  
4 wanted to challenge it, it should have been  
5 in January, February 2012. But Sandy  
6 occurred as Legislator DeRiggi-Whitton just  
7 said, can the assessor's office consider  
8 property value lost due to Hurricane Sandy,  
9 whether people challenge or not before April  
10 1st, 2013?

11 MR. VALENTINO: Yes, they can.  
12 Regardless of whether they challenge, there  
13 is a provision in the admin code that allows  
14 for destruction between taxable status  
15 dates. So the taxable status date for '13,  
16 '14 was January 2nd, 2012.

17 Now if your property was  
18 destroyed pursuant to fire, demolition or a  
19 natural disaster, it would be pushed up to  
20 taxable status date to January 2nd, 2013.  
21 All the homeowner would have to do is  
22 contact the department of assessment and  
23 then we would have to go out and survey the  
24 damage and see if a reduction in the  
25 assessed value is warranted.

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2 LEGISLATOR DENENBERG: See,  
3 what's interesting about that is, you just  
4 said, all the homeowner has to do. I would  
5 beg you that there's facts and  
6 circumstances, the code you just talked  
7 about, the provision of the law you just  
8 talked about would say if you have -- if  
9 you, the assessor, has facts and  
10 circumstances or knowledge that would lead  
11 you to believe that the value has fallen  
12 down.

13 Now, in the case of a fire, you  
14 might not have that knowledge. In the case  
15 of some loss that, like, an explosion or  
16 something happened to a property that's  
17 unique, you wouldn't necessarily know.

18 But, here, the natural disaster  
19 affected so many areas that, you know, to  
20 wait for people to call you would seem like,  
21 you know, we don't need to do that here.

22 I mean, we'll all tell our  
23 constituents, please call you, but the first  
24 time any of us up here have heard that our  
25 constituents need to you to call you is just

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2 now.

3 MR. VALENTINO: Well, there is  
4 the provision in the admin code is Nassau  
5 County Administrative Code Section 24-1,  
6 paragraph C, where it says that the  
7 homeowner has to contact the Department of  
8 Assessment. Now it's hard for the  
9 Department of Assessment to know if a  
10 property is destroyed unless they receive a  
11 phone call.

12 As Legislator DeRiggi-Whitton  
13 just noted, she said 300,000 homes were  
14 destroyed. It's hard for the department of  
15 assessment to pin down and know which houses  
16 to go and survey unless we receive a call or  
17 notification, hey, my property was  
18 destroyed, can you come take a look?

19 CHAIRMAN NICOLELLO: Thank you  
20 very much. That was very information.  
21 Let's consider this item that's before us.  
22 We'll ask the Department of Assessment and  
23 the administration to do some outreach.

24 We also have budgets for mailings  
25 so we can do some as well. I think it would

1 Rules Committee/12-3-12  
2 be wise for elected officials to do that.  
3 Anyway, on the item, any public  
4 comment?  
5 (No verbal response.)  
6 Hearing none, all those in favor  
7 signify by saying aye.  
8 (Aye.)  
9 Any opposed?  
10 (Nay.)  
11 The item passes four to three.  
12 (Whereupon, the following is the  
13 continuation of the minutes of the Rules  
14 Committee, 12-3-12.)  
15 CHAIRWOMAN GONSALVES: Any  
16 additional comments regarding this item?  
17 (No verbal response.)  
18 Is there any public comment?  
19 (No verbal response.)  
20 All those in favor of this Item  
21 679-12 signify by saying aye.  
22 (Aye.)  
23 Any opposed?  
24 (Nay.)  
25 So, right. Four-three. So 679

1 Rules Committee/12-3-12  
2 is unanimous. Going back to 694-12. All  
3 right on 694-12, again, the testimony from  
4 the Finance Committee be incorporated into  
5 the Rules Committee.

6 CHAIRWOMAN GONSALVES: Motion,  
7 please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Moved by  
11 Legislator Dunne, seconded by Legislator  
12 Walker. Any comments regarding this item?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor of 694 signify  
17 by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 It passes unanimously. Thank you  
22 very much.

23 Item 695, again, it went through  
24 finance and that testimony be incorporated  
25 into rules.



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2 CHAIRWOMAN GONSALVES: May I have  
3 a motion, please?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Dunne, seconded by Legislator  
8 Walker. Any additional comments?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor of 695-12

13 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 CHAIRWOMAN GONSALVES: Item  
19 696-12, again, testimony from the Finance  
20 Committee be incorporated into the Rules  
21 Committee.

22 May I have a motion, please?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR DUNNE: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/12-3-12  
2 Legislator Walker, seconded by Legislator  
3 Dunne. Any further comment regarding this  
4 item?

5 (No verbal response.)

6 There being none, is there any  
7 public comment?

8 (No verbal response.)

9 All those in favor of Item  
10 696-12, signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The motion carries unanimously.

15 CHAIRWOMAN GONSALVES: Now we  
16 have to move to 697-12, again, the testimony  
17 from finance be incorporated into rules.

18 (Whereupon, the following are the  
19 minutes of the Finance Committee pertaining  
20 to Clerk Items 694, 695, 696, and 697-12,  
21 12-3-12.)

22 CHAIRMAN NICOLELLO: I'm going to  
23 call the next item, 694, 695, 696, 697 of  
24 2012. These are all resolutions to  
25 authorize the county assessor and/or the

1 Rules Committee/12-3-12  
2 county treasurer and/or the receiver of  
3 taxes of the towns of Hempstead and North  
4 Hempstead and Oyster Bay and the City of  
5 Long Beach to partially exempt from real  
6 property taxation certain real property  
7 situated in various school districts.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR VENDITTO: Second.

10 CHAIRMAN NICOLELLO: Moved by  
11 Legislator Dunne, seconded by Legislator  
12 Venditto. The item is before the committee.  
13 I understand we asked you, the Department of  
14 Assessment, for a legal opinion with respect  
15 to these items did you want to discuss that  
16 now?

17 MR. VALENTINO: That's correct.  
18 The issue was the STAR exemption and whether  
19 Nassau County could be reimbursed for the  
20 STAR exemption. It's ultimately the school  
21 districts that are responsible for seeking  
22 reimbursement. Nassau County is supposed to  
23 pay out the refund in the first instance,  
24 assuming the petition is passed.

25 Then the school district is then

1 Rules Committee/12-3-12  
2 supposed to budget for it in its next budget  
3 hearings, and then Nassau County is supposed  
4 to send the school district the bill to  
5 collect the amount that was charged back.

6 CHAIRMAN NICOLELLO: Just give me  
7 the sequence again. When does Nassau County  
8 send a bill, at what point does the county  
9 bill the school districts?

10 MR. VALENTINO: It's going to be  
11 up to the treasurer but it would be sometime  
12 after the receiver of taxes starts paying  
13 out the amounts that they're receiving to  
14 the school districts.

15 CHAIRMAN NICOLELLO: So this  
16 mechanism is in place in the real property  
17 tax law?

18 MR. VALENTINO: That's correct.

19 CHAIRMAN NICOLELLO: Has the  
20 county been doing this?

21 MR. VALENTINO: Not yet. The  
22 county was going to do it in conjunction  
23 with the repeal of the county guaranty. We  
24 didn't want to hit the school districts up  
25 in the middle of the year and say, hey, you

1 Rules Committee/12-3-12  
2 now owe us for these. It was going to be  
3 done in conjunction with the repeal of the  
4 county guaranty to allow it to all be done  
5 at once. We don't want the school district  
6 to have a shortfall.

7 CHAIRMAN NICOLELLO: Once the  
8 correction is made, then how does the school  
9 district get notice that there's been a  
10 correction?

11 MR. VALENTINO: The county is  
12 ultimately going to have to send a bill out  
13 and notify them to increase their budget  
14 next year pursuant to the correction error  
15 that was approved and whatever their pro  
16 rata share of that refund is, they would be  
17 notified and they would have to budget for  
18 it accordingly.

19 CHAIRMAN NICOLELLO: So then they  
20 budget for it, but they also have the  
21 ability to gain a refund from the state of  
22 New York for the amount of the correction?

23 MR. VALENTINO: For the STAR  
24 exemption, yes. They send it directly to  
25 the Office of Real Property Tax Services,

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2 and for each amount that was attributable to  
3 an error that was committed with respect to  
4 the STAR exemption and then they receive  
5 reimbursement from the state.

6 CHAIRMAN NICOLELLO: Do they have  
7 to send it out after they pay it or can they  
8 send it out once the bill is sent to them?

9 MR. VALENTINO: I'm not entirely  
10 sure on the mechanism of how the school  
11 districts seek the reimbursement. There was  
12 an addendum that was included with the  
13 opinion that explained the process that the  
14 school district has to go through to get the  
15 reimbursement. So I would imagine the  
16 financial officer for the school district  
17 would have to keep abreast and of whatever  
18 changing laws there are and however it is  
19 supposed to be implemented.

20 CHAIRMAN NICOLELLO: When is the  
21 county going to start doing this, sending  
22 the letters out to the school districts?

23 MR. VALENTINO: They're trying to  
24 coordinate and figure out what the ADAP  
25 system and with the tax certiorari refunds

1 Rules Committee/12-3-12  
2 how they're going to bill the school  
3 districts. I'm not sure if there's anything  
4 currently in place, but I know that they're  
5 working towards a solution and we should  
6 have something soon.

7 CHAIRMAN NICOLELLO: Will the  
8 school districts have the ability to then, I  
9 don't know if the word is participate, but  
10 be involved before the corrections are made  
11 and say --

12 MR. VALENTINO: It would be  
13 before the legislature here. They would  
14 have to appear and tell you -- put their two  
15 cents in as to whether they think the  
16 correction of error petition should be  
17 approved or denied. Once the legislature  
18 approves, they're responsible for the pro  
19 rata share of the refund.

20 CHAIRMAN NICOLELLO: Pro rata  
21 share, you mean only their share?

22 MR. VALENTINO: Their share,  
23 correct.

24 CHAIRMAN NICOLELLO: But  
25 ultimately, according to state law, they're

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2 supposed to be made whole in the end?

3 MR. VALENTINO: If it's the STAR  
4 exemption, yes.

5 CHAIRMAN NICOLELLO: So the  
6 school districts, assuming that they paid to  
7 the county, will be made whole by the state?

8 MR. VALENTINO: Correct.

9 CHAIRMAN NICOLELLO: All right.  
10 Any other questions? Legislator Denenberg.

11 LEGISLATOR DENENBERG: I question  
12 this, I guess a few months ago at this  
13 point, and then I appreciate the opinion  
14 that came back. But I still note, despite  
15 the questions by Legislator Nicoletto, I  
16 still don't -- help me understand the step  
17 by step on this. In a regular STAR --

18 CHAIRMAN NICOLELLO: Didn't we  
19 just do this?

20 LEGISLATOR DENENBERG: I still  
21 don't get it.

22 CHAIRMAN NICOLELLO: Do like to  
23 hear yourself, what the heck? I just went  
24 through it.

25 LEGISLATOR DENENBERG: This was



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2 very easy and you wanted to vote on it two  
3 months ago. I understand. Now we're  
4 finding out that it's not that easy and  
5 we're going to send letters charging the  
6 schools.

7 CHAIRMAN NICOLELLO: We're not  
8 going to reiterate step by step. Ask him  
9 some questions. If you would just listen to  
10 what we're doing, we wouldn't have to --

11 LEGISLATOR DENENBERG: So this is  
12 correct mistakes that were made by the  
13 county with the STAR exemptions or by the  
14 state --

15 MR. VALENTINO: Some were made by  
16 the state. As you know, there was a new  
17 income ceiling placed on the STAR exemption  
18 for all property owners. All property  
19 owners who primarily reside on their  
20 property, their income cannot exceed half a  
21 \$1,000,000. If it does, they're no longer  
22 entitled to the exemption.

23 The problem assessment had was,  
24 some of the properties were indeed  
25 underneath that ceiling and they were

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2 entitled to the exemption. So the state  
3 committed an error.

4 We then go through the correction  
5 of error process and the homeowner receives  
6 the STAR exemption and the state picks up  
7 the bill.

8 LEGISLATOR DENENBERG: Okay. So  
9 we're okaying the county paying it until the  
10 state pays us back?

11 MR. VALENTINO: We okay it. We  
12 pay it out in the first instance and then we  
13 bill it out to the school district the  
14 following year. The school district then  
15 pays us back and the school district seeks  
16 reimbursement from the state. That's the  
17 way the law is drafted and that's --

18 LEGISLATOR DENENBERG: And how  
19 come we've never done this before?

20 MR. VALENTINO: There is another  
21 provision in the admin code, a correction of  
22 error provision, and correction of errors  
23 were handled pursuant to that, Section 559  
24 of RPTL preempts that provision, and we  
25 didn't know definitively until a decision

1 Rules Committee/12-3-12  
2 was handed down in 2010 in the Town of North  
3 Hempstead versus Nassau County case, and  
4 that case wasn't finally appealed -- settled  
5 until 2011.

6 So we are going to do that in  
7 conjunction with the repeal of the county  
8 guaranty and tax certiorari refunds. This  
9 way we can let the school districts know all  
10 at once and say, hey, be prepared. You're  
11 going to now be responsible for your pro  
12 rata share of the refund and budget  
13 accordingly.

14 LEGISLATOR DENENBERG: So we're  
15 going to tell the school at the same time  
16 that they have to handle the refunds and  
17 they also have to pay us for any SCAR that  
18 didn't come in on time because of a mistake?  
19 I'm sorry, not a SCAR, a STAR reduction that  
20 didn't come in last year because of a  
21 mistake?

22 MR. VALENTINO: Well, they can  
23 seek reimbursement from the state for the  
24 STAR exemption.

25 LEGISLATOR DENENBERG: And we

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2 can't?

3 MR. VALENTINO: We can't.

4 LEGISLATOR DENENBERG: Right.

5 But it was our mistake that may have caused  
6 it?

7 MR. VALENTINO: It was not our  
8 mistake. It was the state's mistake in  
9 sending us the properties and saying that  
10 according to the tax returns they filed, it  
11 was over the \$500,000 ceiling. And, in some  
12 instances, for some reason they imputed  
13 income to the new owner.

14 When the new owner purchased the  
15 house, the state imputed the sale price of  
16 the house to the new owner and that put the  
17 new owner over.

18 The new owner comes in and says I  
19 have my tax returns that were filed, I'm  
20 clearly underneath it. We do a correction  
21 of error petition. It's approved by the  
22 leg, assuming it's approved. The leg then  
23 pays out the refund, bills it out to the  
24 school districts. The school district, you  
25 have to budget next year to pay us back for

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2 the refund we just paid.

3 The school district then pays us  
4 back once we send them a bill and they can  
5 seek reimbursement from the state.

6 LEGISLATOR DENENBERG: If the  
7 state determined -- only the state  
8 determines that someone was over the 500,000  
9 because, if you look at the law, that's  
10 based on their return, their income tax  
11 return. So the state would decide that  
12 someone's over 500,000 and doesn't qualify  
13 for STAR.

14 If someone says the state then  
15 made that mistake, you're saying that the  
16 county has to then pay that money?

17 MR. VALENTINO: That's correct.  
18 But the county bills it out to the school  
19 district who reimburses the county and then  
20 the school district gets reimbursed from the  
21 state.

22 LEGISLATOR DENENBERG: Maybe.  
23 Maybe. And I don't even see it in the state  
24 law why the county would have to lay out the  
25 money. You're saying that in Suffolk the

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2 towns have to lay out the money?

3 MR. VALENTINO: It's in RPTL,  
4 Section 556. I referred to it I believe in  
5 the opinion. I believe it's Subsection 5,  
6 paragraph B.

7 LEGISLATOR DENENBERG: So are you  
8 telling me in other areas like Suffolk,  
9 right next door, the towns would have to pay  
10 for the State's mistake?

11 MR. VALENTINO: That's correct.  
12 That's how it's administered in the rest of  
13 the state.

14 LEGISLATOR DENENBERG: I  
15 disagree, but okay.

16 CHAIRMAN NICOLELLO: Legislator  
17 Bosworth.

18 LEGISLATOR BOSWORTH: So as  
19 you're talking about all these things, what  
20 I'm hearing is, shift, shift, shift.

21 So it would seem we've eliminated  
22 the county guaranty, so that is shifted to  
23 the school district.

24 Now we're talking about this  
25 error in STAR. It's easy to say that's

1 Rules Committee/12-3-12  
2 shifted to the school district, but the  
3 school district actually has that expense to  
4 pay. They're going to have to hire  
5 administrators to administer this.

6 It's a whole other level that  
7 we're asking our school districts that are  
8 under tremendous pressure to keep their  
9 budgets down and certainly the residents  
10 would want their school taxes to stay down.  
11 We're doing one thing after another that's  
12 requiring them to become encumbered with  
13 more administrative responsibilities.

14 I know it's not your fault, but  
15 I'm listening to this, and I'm just very  
16 very concerned about how much we can expect  
17 to consistently shift to the school  
18 districts. They're all our taxpayers. So  
19 someone's paying -- they're paying for it,  
20 whether they're paying for it through the  
21 county, through the town, through the state,  
22 through the school district, but we're  
23 constantly shifting the responsibility to  
24 the local school district, and I have great  
25 concern about that.

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2 CHAIRMAN NICOLELLO: What Mr.  
3 Valentino is telling you though is, it's not  
4 that it's a policy of the Department of  
5 Assessment, it's the law of the State of New  
6 York.

7 So you may find it objectionable,  
8 but if the law is what he says it is, then  
9 we have to do it, number one.

10 Number two, you're not going to  
11 have to hire any administrators in the  
12 school districts. It's simply their  
13 existing business offices will be able to  
14 budget the charge-backs of the county as  
15 well as the refunds coming in from the  
16 state. It's just a matter of a year or two  
17 getting this into the system.

18 MR. VALENTINO: We're just  
19 aligning ourselves with the rest of the  
20 state. It's not really a shift, it's just  
21 how the law is written and how Nassau County  
22 should be operating.

23 LEGISLATOR BOSWORTH: I  
24 understand that. But having been part of a  
25 school district for many years, as you know,



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2 you can expect administrators to keep taking  
3 on more and more responsibilities, but at  
4 some point it does have a fiscal impact.  
5 It's not our fault, but I just had to  
6 express my concern.

7 CHAIRMAN NICOLELLO: Legislator  
8 DeRiggi-Whitton.

9 LEGISLATOR DeRIGGI-WHITTON: How  
10 long has that law been in place?

11 MR. VALENTINO: Which law?

12 LEGISLATOR DeRIGGI-WHITTON: The  
13 law stating that the county has to basically  
14 bill the school system for this refund.

15 MR. VALENTINO: RPTL Section 556,  
16 since 1979. I believe it was enacted in  
17 '78.

18 LEGISLATOR DeRIGGI-WHITTON: And  
19 we have never put it into effect until now?

20 MR. VALENTINO: Well, we had our  
21 own provision in the admin code that  
22 differed from the RPTL Section 556. It  
23 wasn't until we had an Appellate Division  
24 decision handed down that says RPTL Section  
25 559 states that the correction of error

1 Rules Committee/12-3-12  
2 provisions are preempted in the admin code,  
3 that we knew definitively that we should be  
4 abiding by RPTL Section 556.

5 LEGISLATOR DeRIGGI-WHITTON: When  
6 was that?

7 MR. VALENTINO: The Appellate  
8 Division Second Department decided in 2010  
9 that appeals weren't finished and concluded  
10 until 2011, in the Court of Appeals. The  
11 Court of Appeals denied leave to appeal.

12 LEGISLATOR DeRIGGI-WHITTON: I  
13 understand the STAR program is part of that.  
14 What other errors are we going to now be  
15 holding the schools accountable for?

16 MR. VALENTINO: It would be every  
17 error that falls under RPTL Section 550.

18 LEGISLATOR DeRIGGI-WHITTON: So  
19 what is your advice as to what they should  
20 budget, the school districts should budget  
21 for this type of thing?

22 MR. VALENTINO: Well, they're  
23 going to be informed by us the correction of  
24 error provisions that were approved. The  
25 total amount of the correction of error

1 Rules Committee/12-3-12  
2 petitions and to increase their budget the  
3 following year to account for them.

4 LEGISLATOR DeRIGGI-WHITTON:  
5 Well, they have a two percent gap as well.

6 MR. VALENTINO: There are certain  
7 exceptions to the two percent gap.

8 LEGISLATOR DeRIGGI-WHITTON: So  
9 this is going to fall under those  
10 exceptions?

11 MR. VALENTINO: I can't state  
12 that definitively.

13 LEGISLATOR DeRIGGI-WHITTON:  
14 That's what I was thinking. That's probably  
15 the only way that it's going to go around  
16 the two percent cap to cover our errors.

17 Can I ask one other question? It  
18 might be slightly hypothetical. The county  
19 is going to send out these bills to the  
20 school district, to school districts  
21 throughout the county. They are, let's say,  
22 possibly going to get partially reimbursed  
23 from the state at some point, we can't  
24 guarantee that, that's for sure.

25 However, what are we going to do?

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2 What system are we going to have in place  
3 should the school system not be able to pay  
4 us? How are we going to go after our  
5 schools?

6 MR. VALENTINO: That's getting  
7 into a whole other area of law. It becomes  
8 debtor/creditor and we would be going into  
9 new territory there, so it's hard -- unless  
10 I have a concrete fact pattern presented to  
11 me, and time to research the issue, I really  
12 can't say.

13 LEGISLATOR DeRIGGI-WHITTON:  
14 Well, how can we be sending out bills  
15 without -- I would think it's part of our  
16 process before we send out bills, we better  
17 have a clear --

18 MR. VALENTINO: It's clear under  
19 the Real Property Tax Law, but you're  
20 stating the instance where the school  
21 district is refusing to pay, or --

22 LEGISLATOR DeRIGGI-WHITTON: Or  
23 can't pay.

24 MR. VALENTINO: Or can't pay.  
25 You're going to have to go under other

1 Rules Committee/12-3-12  
2 provisions then to collect and enforce. I'm  
3 just telling you how the Real Property Tax  
4 Law operates and how it's supposed to be  
5 charged back.

6 LEGISLATOR DeRIGGI-WHITTON: So  
7 how are we going to -- hypothetically or  
8 not, we need to have a plan right now before  
9 this goes through.

10 CHAIRMAN NICOLELLO: We'll bring  
11 them to court. I mean, that's the way  
12 things work.

13 LEGISLATOR DeRIGGI-WHITTON: So  
14 we're going to be bringing our school  
15 districts to court?

16 MR. VALENTINO: I mean, hopefully  
17 not. The rest of the state operates this  
18 way, we can obviously coordinate with other  
19 assessing jurisdictions and taxing  
20 jurisdictions to figure out how they handle  
21 it.

22 But we're, hopefully in the first  
23 instance, the school district abides by the  
24 law and pays out their pro rata share of the  
25 refund.

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2 LEGISLATOR DENENBERG: The towns  
3 in Suffolk don't charge the schools, they  
4 just don't.

5 CHAIRMAN NICOLELLO: Did  
6 Legislator Denenberg say he wanted to be  
7 recognized? Did somebody hear that? Does  
8 anybody over here have any questions?  
9 Legislator Denenberg.

10 LEGISLATOR DENENBERG: Sorry.  
11 The towns in Suffolk have never charged the  
12 schools for a mistake in an exemption.

13 MR. VALENTINO: Then they're not  
14 abiding by RPTL Section 556. I can't really  
15 speak to what the towns out in Suffolk do,  
16 but they should be under that provision.

17 LEGISLATOR DENENBERG: And if the  
18 mistake is the county's, the state is going  
19 to reimburse?

20 CHAIRMAN NICOLELLO: Again, we're  
21 going around in circles. He told you that  
22 with the STAR exemptions, the mistake is the  
23 part of the state --

24 LEGISLATOR DENENBERG: No. He  
25 said both. It could be either he said.

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2 CHAIRMAN NICOLELLO: With the  
3 STAR exemptions, who makes the mistake that  
4 results in an inappropriate STAR exemption?

5 MR. VALENTINO: Nine times out of  
6 ten it's the income over and we're then  
7 doing correction of error petition to  
8 correct that.

9 There are instances where the  
10 STAR exemption, for one reason or another,  
11 there was an error made in inputting it, and  
12 then we have to put it on. It's supposed to  
13 billed out to the school district. The  
14 school district gets reimbursed from the  
15 state or anything dealing with STAR.

16 LEGISLATOR DENENBERG: Even if  
17 it's the county's error?

18 MR. VALENTINO: Even if it's the  
19 county's error.

20 LEGISLATOR DENENBERG: Okay. I  
21 still don't agree and I certainly have  
22 looked into this since this came up. The  
23 towns which handle the assessment in Suffolk  
24 County have not been charging the schools,  
25 period.

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2 MR. VALENTINO: So the towns  
3 haven't been getting reimbursed.

4 LEGISLATOR DENENBERG: Maybe they  
5 don't have as much of a problem with errors  
6 or maybe it's because they have a tax cert  
7 line on the following year's tax bill so  
8 that corrects it, but they don't charge the  
9 schools.

10 MR. VALENTINO: I really can't  
11 speak to what they do.

12 CHAIRMAN NICOLELLO: Any further  
13 questions?

14 (No verbal response.)

15 Thank you, Mr. Valentino. Is  
16 there any public comment?

17 MR. IKENSON: We've been going  
18 around in circles and this is a typical  
19 bureaucrat -- nobody mentioned the homeowner  
20 is going to have to pay the tax.

21 CHAIRMAN NICOLELLO: Can you give  
22 us your name and address for the record?

23 MR. IKENSON: The bottom line is,  
24 the county --

25 CHAIRMAN NICOLELLO: Can you give



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2 us your name and address for the record?

3 MR. IKENSON: The county is going  
4 to get to the homeowner. What is the bottom  
5 line?

6 CHAIRMAN NICOLELLO: What is your  
7 name, sir?

8 MR. IKENSON: Seymour Ikenson.

9 CHAIRMAN NICOLELLO: Where do you  
10 live?

11 MR. IKENSON: I live in Great  
12 Neck. I live in an apartment. I don't want  
13 to own a home. People are moving out of  
14 Great Neck. Not really that much because  
15 foreign groups are coming in and buying into  
16 Great Neck because of the school system.

17 But the bottom line is, there is  
18 no future for young people in Nassau or this  
19 nation. None of you can tell me when the  
20 City of New York was going bankrupt, what  
21 the budget was for the city, And what the  
22 budget was for the state and what the  
23 budgets are now. Can anybody tell me that?

24 Well, I'll tell you. The budget  
25 was \$6 billion for the city. And for the

1 Rules Committee/12-3-12  
2 state, it was between \$13 billion and 16.  
3 What are they now? This country is  
4 bankrupt. The state is bankrupt. The city  
5 is bankrupt. The county is bankrupt. He's  
6 looking around for more tax money.

7 Who made a mistake is not  
8 important. It's a homeowner that has to  
9 pay. The consumer is going to have to pay  
10 for everything.

11 This inflation that's coming here  
12 will never be able to be controlled because  
13 of this kind of thinking. The law, the  
14 this, the that, that's all BS.

15 CHAIRMAN NICOLELLO: The law?

16 MR. IKENSON: The reality.

17 CHAIRMAN NICOLELLO: The law is  
18 BS?

19 MR. IKENSON: I come here 34  
20 years ago, 40 years ago. Nothing has  
21 changed. Nothing. It's said. Totally sad,  
22 because nobody really wants to see reality  
23 of what's really happening. And no one  
24 wants to do anything because they all have  
25 self interests.

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2 I'm sitting up here and I look  
3 around and what do I see? I see everybody  
4 has there own interests here but I don't see  
5 citizens. I don't see citizens. What does  
6 that tell you? They're totally ignorant of  
7 what's going on here. Not only in this  
8 room, but throughout the entire United  
9 States. It's happening in the world, in the  
10 western world. It's not only here.

11 But there are solutions. The  
12 politicians don't want the solutions. And  
13 the solutions are very simple, because  
14 they're going to happen no matter what. The  
15 politicians are stalling for time by  
16 borrowing and borrowing, and when the credit  
17 is going to be finished, the collapse will  
18 take place, and that's going to be the  
19 solution. People are going to have to do  
20 what has to be done.

21 CLERK MULLER: Your three minutes  
22 have expired, sir.

23 CHAIRMAN NICOLELLO: Okay.

24 MR. IKENSON: That's it. But I  
25 would tell you now --

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2 CHAIRMAN NICOLELLO: Can you  
3 please just wrap up. You have some extra  
4 time, go ahead.

5 MR. IKENSON: That this is a  
6 three-card Monty game or a game with walnuts  
7 with a pea underneath, but there is no pea.  
8 This is total fraud going on.

9 CHAIRMAN NICOLELLO: All right.  
10 Thank you, sir. Mr. Valentino, again, thank  
11 you for your advice.

12 All those in favor signify by  
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 Those items pass four to three.

18 (Whereupon, the following is the  
19 continuation of the minutes of the Rules  
20 Committee, 12-3-12.)

21 CHAIRWOMAN GONSALVES: May I have  
22 a motion, please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/12-3-12  
2 Legislator Dunne, seconded by Legislator  
3 Walker. Any additional comment regarding  
4 697-12?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in  
9 favor of 697-12 signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item carries unanimously. I  
14 think this is the end of -- we're going to  
15 go to Addendum 2, and since we've already  
16 suspended the rules, I think we can  
17 certainly -- I have to see which one is  
18 Addendum 2 now.

19 Now, the first item on Addendum  
20 2, we're doing each one separately, Item  
21 A-43A-12, a resolution authorizing the  
22 director of Nassau County Office of  
23 Purchasing to award and execute emergency  
24 contracts between the County of Nassau  
25 acting on behalf of various county agencies

1 Rules Committee/12-3-12  
2 and various vendors. May I have a motion,  
3 please?

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Walker, seconded by Legislator  
8 Dunne. Mr. May, who is here to speak on  
9 this item, please?

10 MR. MAY: We have Mr. Ken Arnold  
11 from DPW. Sorry, I apologize, it's Tom  
12 Delaney from OEM.

13 MR. DELANEY: This was A-43.  
14 This was for a -- to allow Nassau County OEM  
15 to update our housing mitigation which we  
16 need in order to secure funding for housing  
17 mitigation funds that will be available to  
18 us after appropriations have been made in  
19 regards to this presidential declaration now  
20 for Sandy.

21 CHAIRWOMAN GONSALVES: Yes,  
22 Legislator Jacobs.

23 LEGISLATOR JACOBS: Just an  
24 overall question. Can you tell us the terms  
25 in this particular item, the terms of the

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2 contract?

3 MR. DELANEY: Well, the housing  
4 mitigation plan, it's an overarching plan  
5 for the entire county and for local towns  
6 and villages within the county.

7 It's basically, it's an  
8 all-hazard plan. It looks at a lot of the  
9 various risks and things like that that we  
10 have here and how we plan to address them.

11 LEGISLATOR JACOBS: And how long  
12 is the contract for?

13 MR. DELANEY: The contract is  
14 only going to be for less than a year.  
15 We've got to get this plan in place very  
16 quickly.

17 LEGISLATOR JACOBS: Thank you  
18 very much.

19 MR. DELANEY: By the way, it's  
20 100 percent -- I shouldn't say, it's 75  
21 percent grant funded. I expect to do the  
22 other 25 percent with an in-kind county  
23 match with the labor costs.

24 LEGISLATOR JACOBS: That's fine.  
25 Thank you very much. You've answered my

1 Rules Committee/12-3-12

2 question.

3 CHAIRWOMAN GONSALVES: Legislator  
4 Wink.

5 LEGISLATOR WINK: Hi. Just a  
6 quick follow-up to that. The actual amount  
7 of the contract, maximum, is \$159,650; is  
8 that correct?

9 MR. DELANEY: Yes. I don't have  
10 it right in front of me. I believe that is  
11 correct what you said. And award is for a  
12 greater amount because when we did the  
13 estimate, or when I did the estimate, I  
14 estimated it to be a little bit higher and  
15 they gave us more, and we'll re-purpose that  
16 money and we'll do something else with it  
17 I'm sure.

18 LEGISLATOR WINK: Now, is the  
19 county, I know the 75 percent FEMA match,  
20 reimbursement I should say, is the county  
21 also subject to the state's 12 and a half  
22 percent match?

23 MR. DELANEY: No. This has  
24 nothing to do with that, sir. This is a  
25 totally different award that we got.

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2 LEGISLATOR WINK: So this isn't  
3 Sandy oriented?

4 MR. DELANEY: I put in this  
5 request for this award probably nine months  
6 ago at this point and they just gave us the  
7 award three months ago.

8 LEGISLATOR WINK: Who is "they"?

9 MR. DELANEY: New York State.

10 LEGISLATOR WINK: Okay. Thank  
11 you very much.

12 MR. DELANEY: You're welcome.

13 CHAIRWOMAN GONSALVES: Any other  
14 questions?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The motion carries unanimously.

24 Thank you. May I waive the reading of the  
25 items? I just indicate the item number?

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2 Thank you very much. Item A-43B, motion,  
3 please.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by  
7 Legislator Walker, seconded by Legislator  
8 Dunne. Who is here to speak on this one,  
9 Mr. May?

10 MR. MAY: Now we have Ken Arnold.

11 MR. ARNOLD: Ken Arnold, Public  
12 Works. This is the JC Broderick emergency  
13 agreement. This is for the assessments of  
14 the homes impacted by the sanitary sewer  
15 overflows due to the loss of electrical  
16 component at the Bay Park Treatment Plant  
17 and our various pump stations.

18 The consultant will be going into  
19 the homes after a right of entry form is  
20 signed by the homeowner and assessing the  
21 amount of damage done to the basements and  
22 first floors from the sewage and writing up  
23 a work plan.

24 CHAIRWOMAN GONSALVES: Okay. How  
25 is the contractor procured?

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2 MR. ARNOLD: He was selected by  
3 the department based on his past experience  
4 on the asbestos and lead abatement work that  
5 he does for the county. He had people  
6 available and the qualifications to get the  
7 job done in an expeditious matter since the  
8 county executive declared these  
9 environmental emergencies at these  
10 properties.

11 CHAIRWOMAN GONSALVES: Would it  
12 be correct to say that the contracts were  
13 dually vetted?

14 MR. ARNOLD: Yes.

15 CHAIRWOMAN GONSALVES: And, of  
16 course, along with the vetting of the  
17 contractors, the qualifications were also  
18 assessed?

19 MR. ARNOLD: Yes. All his  
20 qualifications were assessed.

21 CHAIRWOMAN GONSALVES: Thank you  
22 very much. Any other questions of Mr.  
23 Arnold? Legislator Jacobs.

24 LEGISLATOR JACOBS: Just  
25 wondering what the term of the contract is

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2 and for how long, how many years?

3 MR. ARNOLD: It's not for years,  
4 it's for -- I don't have it in front of me  
5 because it was called up at the last minute,  
6 I don't have it right in front of me, but I  
7 believe it's for a number of months. It's  
8 going to be over I think either by the end  
9 of March, I believe, or June. Because it's  
10 an emergency, this is not going up for a  
11 very long time. We have to get the work  
12 done. I apologize for not having it in  
13 front of me.

14 CHAIRWOMAN GONSALVES: Legislator  
15 Abrahams.

16 LEGISLATOR ABRAHAMS: Hey Ken.  
17 We know that the areas that are closest to  
18 the treatment plant are obviously impacted,  
19 East Rockaway and a couple of other areas,  
20 would this money be spent in Baldwin with  
21 Barnes Avenue, is this tied into this type  
22 of --

23 MR. ARNOLD: That's correct.

24 LEGISLATOR ABRAHAMS: Okay. I  
25 just wanted to make sure of that.

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2 CHAIRWOMAN GONSALVES: Any other?  
3 Legislator Wink.

4 LEGISLATOR WINK: Ken, we heard  
5 from the last contract, which is not Sandy  
6 related, that there was 75 percent match --  
7 75 percent reimbursement from FEMA. Is this  
8 one subject to the 12 and a half percent  
9 reimbursement from the state or no?

10 MR. ARNOLD: We'll be applying  
11 for reimbursement from both the federal  
12 government and state on this work.

13 LEGISLATOR WINK: So we may be  
14 facing a liability of 12 and a half percent  
15 of the \$2,000,000 that's being estimated  
16 here?

17 MR. ARNOLD: Possibly, yes.

18 LEGISLATOR WINK: And two million  
19 is the high end, is that --

20 MR. ARNOLD: Based on our initial  
21 assessments of the number of homes we expect  
22 to hear from this on this type of damage.

23 LEGISLATOR WINK: Okay. Do we  
24 have estimates on how many homes it was?

25 MR. ARNOLD: I don't have it in

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2 front of me. We have a call-in center. I  
3 believe the estimates are probably on the  
4 high side right now how many we're going to  
5 get. But I can get back that information  
6 for you.

7 LEGISLATOR WINK: If you could,  
8 I'd appreciate it. Thanks, Ken.

9 CHAIRWOMAN GONSALVES: Any other  
10 comments?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The motion carries unanimously.  
20 The next item is A-43-C. Motion, please.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR KOPEL: Second.

23 CHAIRWOMAN GONSALVES: Moved by  
24 Legislator Walker, seconded by Legislator  
25 Kopel. Mr. Arnold, you're on again.

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2 MR. ARNOLD: Okay. This is the  
3 branch contract. This is for the actual  
4 physical work to remediate the homes  
5 impacted by the sanitary sewage overflows.  
6 This contract was prequalified based on work  
7 he's done for the county on asbestos and  
8 lead abatement also. He will physically be  
9 taking contaminated material and remediating  
10 the homes based on the JC Broderick  
11 assessment reports.

12 CHAIRWOMAN GONSALVES: Any  
13 questions of Mr. Arnold? Legislator Kopel.

14 LEGISLATOR KOPEL: What about  
15 insurance company reimbursements, are we  
16 going to --

17 MR. ARNOLD: The right of entry  
18 forms state that they have to notify us of  
19 any reimbursement they receive and that will  
20 be worked out as part of the payment to the  
21 contract and -- we're very careful not to  
22 have the homeowner receive insurance and  
23 then we're paying out for this cleanup. So  
24 that's part of the right of entry form that  
25 each homeowner is signing.

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2 LEGISLATOR KOPEL: And we'll do  
3 this irrespective of financial ability and  
4 so forth?

5 MR. ARNOLD: Correct.

6 LEGISLATOR KOPEL: And that's all  
7 reimbursable even if it's a mansion?

8 MR. ARNOLD: That's what we  
9 anticipate, yes.

10 LEGISLATOR KOPEL: Okay.

11 CHAIRWOMAN GONSALVES: Any other  
12 questions from the legislators? Legislator  
13 Wink.

14 LEGISLATOR WINK: Ken, you were  
15 talking about the remediation. What kind of  
16 remediation takes place under this contract?

17 MR. ARNOLD: Removal of  
18 contaminated material, disinfection of the  
19 walls and foundations of the inside of the  
20 homes and we're taking everything down to  
21 studs and then disinfecting the studs.

22 LEGISLATOR WINK: So personal  
23 property is not part of this contract?

24 MR. ARNOLD: If it's in the house  
25 it's going to get removed with everything



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2 else.

3 LEGISLATOR WINK: It will be  
4 removed?

5 MR. ARNOLD: Removed.

6 LEGISLATOR WINK: But not  
7 remediated?

8 MR. ARNOLD: No.

9 LEGISLATOR WINK: Okay. Thanks.

10 LEGISLATOR JACOBS: I just have  
11 one followup.

12 CHAIRWOMAN GONSALVES: Legislator  
13 Jacobs.

14 LEGISLATOR JACOBS: Yes. Ken,  
15 again, what is the term of this contract,  
16 for how many --

17 MR. ARNOLD: It might be slightly  
18 lower than the JC Broderick contract because  
19 it involves the physical work. Again, I've  
20 got to get back to you on the exact terms.  
21 I didn't bring it with me.

22 LEGISLATOR JACOBS: But you think  
23 a year?

24 MR. ARNOLD: Less than a year.  
25 All this will be done in less than a year.

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2 Something -- I think June is what jumps out  
3 at me. I have to go back.

4 LEGISLATOR JACOBS: You don't  
5 have to be that exact. I just wanted to  
6 see. Okay. Thank you very much.

7 CHAIRWOMAN GONSALVES: Any other  
8 comments?

9 CHAIRWOMAN GONSALVES: Any other  
10 comments from the legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The motion carries unanimously.

20 CHAIRWOMAN GONSALVES: The next  
21 item is A-43-D. May I have a motion,  
22 please?

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/12-3-12  
2 Legislator Dunne, seconded by Legislator  
3 Walker. Who do we have before us?

4 MR. MILLET: Rich Millet, Nassau  
5 County Public Works.

6 CHAIRWOMAN GONSALVES: Welcome,  
7 Rich. Tell us about this contract and I  
8 have several questions for you.

9 MR. MILLET: Looks Great Services  
10 was a prerecommended, federal debris  
11 management company that was entered into the  
12 debris management plan that Nassau County  
13 assembled on 3-9-09. They were one of four  
14 contractors. It's basically set up like a  
15 requirements contract.

16 So when an event occurs, you  
17 would call the four recommended by the  
18 federal government, whoever can mobilize the  
19 equipment at the pricing inside the debris  
20 management plan, then gets executed.

21 Looks Great Services, the very  
22 first time they were used, was on 8-26-2011  
23 for Irene. The next time they were used on  
24 the contract was on 10-29-2012.

25 CHAIRWOMAN GONSALVES: I have

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2 several questions. First of all, what is  
3 the length of this contract?

4 MR. MILLET: This contract runs  
5 for -- the debris management plan is good  
6 until 2016.

7 CHAIRWOMAN GONSALVES: Is it  
8 subject to renewal?

9 MR. MILLET: We could renew it.  
10 There's a clause in there, but that would be  
11 something we'd look at at the time.

12 CHAIRWOMAN GONSALVES: Will it  
13 come back to the legislature to be renewed?

14 MR. MILLET: I don't believe it  
15 has to. It's not a contract that's active  
16 all the time. It's in your debris -- when  
17 the county put together their debris  
18 management plan in 2009, there had to be  
19 identified several contractors who would do  
20 this work.

21 Any of those four contractors  
22 that were given to the county are contacted  
23 any time there's an emergency coming.  
24 They're surveyed as to, can you supply the  
25 items we need, the men we need in the time

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2 frame we need it.

3 From there, they're then  
4 activated. It just so happens that Looks  
5 Great Services is a local company from  
6 Huntington with a very large group of  
7 workers and equipment.

8 CHAIRWOMAN GONSALVES: Richard,  
9 in the event and, God forbid, we have  
10 another emergency and hopefully not so,  
11 would you have to come back to us for  
12 additional revenues?

13 MR. MILLET: We have to come back  
14 every time we would come for revenues, yes.  
15 Because it's not funded. It's a  
16 requirement's contract that has no funding.

17 CHAIRWOMAN GONSALVES: In the  
18 event of another emergency, will we have to  
19 put in for another capacity to come back for  
20 additional funding?

21 MR. MILLET: Yes. You couldn't  
22 take the money from Sandy and move it to  
23 another event. It would be each individual  
24 event is funded on its own.

25 CHAIRWOMAN GONSALVES: Now who

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2 controls those funds?

3 MR. MILLET: Well, the funds are  
4 put through budget through appropriations  
5 and coding, and it's billed like a regular  
6 requirement's contract through invoicing.

7 CHAIRWOMAN GONSALVES: Now there  
8 is an enormous amount of money allocated to  
9 this contract. How is that amount selected?

10 A. It's basically an estimate you  
11 have to do on a cubic yard unit pricing. So  
12 I'll just -- and you probably all know this.  
13 In the beginning of a storm, you typically  
14 get 70 hours of what they call time and  
15 material. So then you're paying an hourly  
16 rate and equipment through a contractor.  
17 After 70 hours, this year it was 100, they  
18 extended it to 100 hours, you then have to  
19 go to what they call unit pricing, so it's  
20 cradle to grave. Tree number one is bad,  
21 it's four feet around. They measure it.  
22 There's a price to cut it down, a price to  
23 pick it up and bring it to the dump, a price  
24 to grind it, haul it and dump it. It all  
25 goes into a cubic yard formula. So

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2 everything is paid for in a cubic yard.

3 CHAIRWOMAN GONSALVES: And that's  
4 all itemized in the contract?

5 MR. MILLET: All in the contract.  
6 Actually, it's in the back pages of the  
7 presentation.

8 CHAIRWOMAN GONSALVES: And, in  
9 fact, I believe that is on page nine. Could  
10 you give us a scope of the services that are  
11 provided by this contractor?

12 MR. MILLET: Looks Great Services  
13 provides not only vegetation removal,  
14 reduction, and disposal, but they also do  
15 C&D, household goods, construction debris,  
16 the same way, removal, disposal. Cradle to  
17 grave.

18 CHAIRWOMAN GONSALVES: Now since  
19 they have been contractor with the county  
20 since last year, since Irene, where have the  
21 services of this contractor been provided?

22 MR. MILLET: Looks Great Services  
23 worked Irene. When Irene was over, their  
24 contract basically comes to a void, it's no  
25 longer active. So we don't use them for

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2 anything until there's another emergency.

3 CHAIRWOMAN GONSALVES: Were there  
4 any specific areas that the contractor was  
5 used?

6 MR. MILLET: Everywhere. There  
7 was no construction debris in Irene. It was  
8 all vegetative.

9 CHAIRWOMAN GONSALVES: Now  
10 there's two more questions and I'll turn it  
11 over. I believe you said in your opening  
12 remarks that we will be reimbursed by the  
13 federal state entities.

14 MR. MILLET: Yes. FEMA has a 75  
15 percent reimbursement, the state will  
16 usually do a 12 percent. Last year with  
17 this contractor, we actually got 100 percent  
18 back in Irene because the system that they  
19 use and the monitoring that we have was very  
20 efficient. So we ended up getting 100  
21 percent back last year.

22 CHAIRWOMAN GONSALVES: How much  
23 of this contract has been awarded to or has  
24 been paid out to the contract as of this  
25 date?



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2 MR. MILLET: I don't think we've  
3 paid any invoice yet.

4 CHAIRWOMAN GONSALVES: None at  
5 all?

6 MR. MILLET: On this at all. We  
7 received 13 million in billing, but we  
8 haven't paid any of the invoice yet.

9 CHAIRWOMAN GONSALVES: I'm trying  
10 to think if there's anything else. By the  
11 way, hopefully the contract is available to  
12 all of you. I don't know if you received it  
13 today.

14 Now, any other questions are Mr.  
15 Millet? Legislator Jacobs.

16 LEGISLATOR JACOBS: Hi. I want  
17 to ask you a question. I know this is sort  
18 of a blind area for most average people, so  
19 what -- this has to be something that's  
20 really a lot of trust doing a contract like  
21 this.

22 I was asking -- it was  
23 intentional that I wanted to know what the  
24 terms were in the other emergency items we  
25 just passed, but this one is for five years,

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2 and it's \$20,000,000.

3 MR. MILLET: Well, it's  
4 \$20,000,000 for this event.

5 LEGISLATOR JACOBS: It's 20  
6 million for this event?

7 MR. MILLET: Again, an estimate.  
8 It could be more than 20 million by the time  
9 we're done. It could be underneath. We're  
10 estimating it at 20 million.

11 LEGISLATOR JACOBS: Now, correct  
12 me where I'm going wrong, because I don't  
13 know. But you can't spend more than 20  
14 million without coming back?

15 MR. MILLET: We have to come back  
16 to you and again say we had these issues  
17 that occurred and this had to be taken care  
18 of and we need to do this, we need this much  
19 more money, yes.

20 LEGISLATOR JACOBS: Now let me  
21 ask you another question, why do you need  
22 five years? If you're telling me there's  
23 \$13 million in bills already, I'm almost  
24 answering my own question, but five years  
25 seems like an inordinate amount of time even

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2 for Sandy. Don't you think --

3 MR. MILLET: Again, it's not that  
4 Sandy goes for five years. The selection of  
5 Looks Great Services was put in five years.  
6 If we don't want to use them after this  
7 storm, we don't have to. We can go back and  
8 go back to four other contractors and pick  
9 someone who suits us better if they have it.

10 LEGISLATOR JACOBS: So, in other  
11 words, the 20 million is what's before us as  
12 an item of money or an amount of money for  
13 this particular service?

14 MR. MILLET: Correct. This one.  
15 Sandy.

16 LEGISLATOR JACOBS: And we chose,  
17 obviously the county chose this group,  
18 they're one of the four that they have on  
19 call to call?

20 MR. MILLET: Right. They can  
21 provide everything we needed. They could  
22 provide C&D removal, they could provide  
23 vegetative removal. They provided the  
24 things we needed in the volume that we  
25 needed it.

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2 LEGISLATOR JACOBS: So let me ask  
3 you a question as a legislator just so you  
4 understand what we go through. So forget  
5 this company. Actually, I've heard some  
6 good things about this company, so I'm not  
7 even going to discuss the company.

8 It's just such a blind item  
9 right. People see their wonderful trees and  
10 I'm one of those people going down wherever  
11 they exist. People call legislators and  
12 say, why? Why did 50 trees have to go down?

13 When they go out to cut down  
14 trees, is there an arborist with them?

15 MR. MILLET: There is a landscape  
16 architect and an arborist on all the tree  
17 climbing crews.

18 LEGISLATOR JACOBS: There's two  
19 good questions behind me. Number one, are  
20 they county employees?

21 MR. MILLET: The landscape  
22 architects are either county employees or  
23 consultants from firms that we have hired.  
24 They do not belong to Looks Great. Looks  
25 Great does not do the assessment.

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2 The four county, either landscape  
3 architects that we have, two of them, or two  
4 from firms that we hire, local firms, they  
5 do the assessment of the tree.

6 CHAIRWOMAN GONSALVES: And the  
7 arborist?

8 MR. MILLET: The arborist is  
9 there in case it's a climbing situation and  
10 there's another tree and any kind of  
11 scenario they have to deal with up in the  
12 tree, the arborist will deal with that. But  
13 it's only in the tree that is identified by  
14 the assessment team.

15 LEGISLATOR JACOBS: Now I am  
16 going to get to one last question then I'm  
17 going to turn it over.

18 So when you decide trees are  
19 going to come down, and I don't mean that in  
20 a bad way, because I know so many trees came  
21 down on their own, to tell you the truth, I  
22 assume they removed those trees too, right?

23 MR. MILLET: Absolutely.

24 CHAIRWOMAN GONSALVES: How do you  
25 decide to go into, let's say, park land, how

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2 do you go into preserves? How do you make a  
3 determination that you're needed there?

4 In other words, I can understand  
5 where I live, Plainview and Syosset, forget  
6 Long Beach, nothing was hit like that, but  
7 if you read the papers throughout the whole  
8 thing, Plainview and Syosset were decimated  
9 with the winds and the trees.

10 I can see the trees. I knew they  
11 had to be removed. I knew they were bending  
12 over even after the storm and they had to  
13 go. But how do you make that determination  
14 when they're going in and you're -- let me  
15 ask you a question, we're paying by the  
16 tree, right, for them?

17 MR. MILLET: We're only paying by  
18 the tree in the roadway. We're paying time  
19 and material in the preserves.

20 In other words, if they cut one  
21 tree down in the preserve, they get the same  
22 amount of money than if they cut 10.

23 We had had an error where the  
24 production team got into a preserve. We  
25 ended it after the first day. We didn't

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2 realize they were there.

3 LEGISLATOR JACOBS: So it's time?

4 MR. MILLET: Time and material in  
5 the preserves.

6 LEGISLATOR JACOBS: But it's by  
7 the tree on the roadway?

8 MR. MILLET: On a roadway, in a  
9 drainage area or a storm water basin. It's  
10 basically production. But we had an error,  
11 we had a production team that went into a  
12 preserve. We removed them from the preserve  
13 and put a time and material team in. That  
14 happened in one preserve.

15 LEGISLATOR JACOBS: Well, what  
16 does that mean when you say you removed  
17 them?

18 MR. MILLET: We took them out and  
19 put them in the road, and put a time and  
20 material group in that doesn't get paid by  
21 the tree.

22 LEGISLATOR JACOBS: Why were they  
23 there originally?

24 MR. MILLET: They mistakenly went  
25 into the preserve. They weren't supposed to

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2 go into the preserve. They were supposed to  
3 go into a different park and they went into  
4 that one because it was on the list that  
5 their supervisor had. So they were taken  
6 out after the first day. I spoke with Mayor  
7 Suozzi about it.

8 LEGISLATOR JACOBS: I just want  
9 to clarify a lot of things we were  
10 discussing before this. Who tells them  
11 where to go? Who put it on the list?

12 MR. MILLET: There's a list for  
13 every group supervisor of a certain amount  
14 of tree crews. They had the entire list on  
15 that group and they went there when they  
16 weren't supposed to.

17 As soon as we got a couple of  
18 phone call, I sent someone out. The next  
19 day there was no production team in there.  
20 There was a time and material team.

21 LEGISLATOR JACOBS: But of course  
22 certain trees came down?

23 MR. MILLET: There may have been.  
24 I have actually sent an arborist up there  
25 and a landscape architect to make sure that



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2 we didn't make any real bad errors there.

3 LEGISLATOR JACOBS: And are they  
4 going to charge us by the tree, that first  
5 group that went there?

6 MR. MILLET: No. Their job went  
7 to time and material. We changed their  
8 billing.

9 LEGISLATOR JACOBS: Okay. I'll  
10 let some other people speak. Thank you.

11 CHAIRWOMAN GONSALVES: Anyone  
12 else? Dennis.

13 LEGISLATOR DUNNE: Just two quick  
14 things. A woman came up to me yesterday.  
15 She said she lives in Massapequa and she had  
16 a company come to her home right away and  
17 take the trees down in the backyard which  
18 was bordered by a preserve, and the company  
19 cut down trees in the preserve and took off.

20 So one of our county workers went  
21 to her and said listen, you got to pay to  
22 have those trees removed because they're  
23 you're trees, we know they were yours  
24 because we can see the stumps and  
25 everything. You're going to have to pay to

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2 get them removed.

3 Are you saying now that these  
4 companies, the company that were taking is  
5 going to take those trees out and she's not  
6 going to have to pay to get them removed?

7 MR. MILLET: No. If they took  
8 the trees down and it's their tree, I  
9 certainly wouldn't want the county to pay to  
10 remove their tree.

11 LEGISLATOR DUNNE: Okay. Just  
12 wanted to make sure of that.

13 Two, earlier today we heard about  
14 143 trees in Glen Cove that were cut down.  
15 Do we have any --

16 MR. MILLET: I don't have a  
17 number on what it was.

18 LEGISLATOR DUNNE: Who did the  
19 work, or --

20 MR. MILLET: Looks Great  
21 Services.

22 LEGISLATOR DUNNE: They did that?

23 MR. MILLET: Yes.

24 LEGISLATOR DUNNE: They did it by  
25 mistake?

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2 MR. MILLET: No. The wrong team  
3 went in to do the work. The work that was  
4 done was identified by the landscape  
5 architect to be done, just the wrong billing  
6 group went in there. The same work, from my  
7 understanding, was done that would have been  
8 done whether they were production or time  
9 and material.

10 LEGISLATOR DUNNE: So you were  
11 here earlier and you heard that there was  
12 concern about this?

13 MR. MILLET: Yes. In fact, I had  
14 Mr. Arnato speak to Legislator Whitton  
15 several times about it. I spoke with Mayor  
16 Suozzi myself several times about it. Well  
17 aware of it.

18 LEGISLATOR DUNNE: You answered  
19 my questions. Thank you.

20 LEGISLATOR JACOBS: I have one  
21 more question.

22 CHAIRWOMAN GONSALVES: Go ahead,  
23 Legislator Jacobs.

24 LEGISLATOR JACOBS: So what's  
25 disturbing me is that I'm hearing that they

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2 were in there for four days prior to the  
3 stoppage, and there were, approximately, I'm  
4 not going to say -- I'm not going to throw  
5 out a figure like I know, I didn't count  
6 each tree, but it's come to my attention  
7 there could be upwards of 140 trees that  
8 were taken down in those four days.

9 MR. MILLET: It's easy for me to  
10 find out. We'll just go to the debris log.  
11 We electrically track every tree that's  
12 either down or taken down. So we have an  
13 electronic monitoring system where they take  
14 pictures of the trees and the whole bit.  
15 They come down. They get logged in to the  
16 site.

17 I can get you the number that was  
18 taken down. I couldn't tell you what it  
19 was, and if they were in there for two days  
20 or three days. When I found out about it I  
21 removed them.

22 LEGISLATOR JACOBS: I believe  
23 you. I believe you did. I'll tell you, I'd  
24 appreciate more information on this if you  
25 wouldn't mind. All right?

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2 MR. MILLET: No problem.

3 LEGISLATOR JACOBS: Thank you.

4 I'm sorry.

5 LEGISLATOR ABRAHAMS: Hi Rich.

6 How are you?

7 MR. MILLET: How are you, sir?

8 LEGISLATOR ABRAHAMS: The  
9 extensiveness of the Glen Cove situation I  
10 think Legislator Jacobs covered quite  
11 extensively. Let me ask you a question  
12 because you had mentioned something in your  
13 initial comments about \$13 million being  
14 expended so far.

15 Then I also want to couple that  
16 with the fact that you had mentioned in  
17 March of 2009, there was -- Looks Great was  
18 selected through a bid process?

19 MR. MILLET: No. The county,  
20 Office of Emergency Management, along with  
21 advice from public works, from what I  
22 understand, I wasn't here, created a debris  
23 management plan in March of 2009. Looks  
24 Great was one of the four recommended  
25 federal disaster contractors that were put

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2 into the debris management program.

3 LEGISLATOR ABRAHAMS: Who were  
4 the other three?

5 MR. MILLET: I can't remember  
6 offhand. It was a group from Alabama,  
7 someone from California, and then another  
8 person from Maine. I don't remember their  
9 company name.

10 LEGISLATOR ABRAHAMS: Looks Great  
11 is from?

12 MR. MILLET: Huntington.

13 LEGISLATOR ABRAHAMS: Basically  
14 this plan was devised where we had four  
15 possibilities?

16 MR. MILLET: Yes.

17 LEGISLATOR ABRAHAMS:  
18 Pre-qualified by the --

19 MR. MILLET: Federal government  
20 that you could reach out to when you had an  
21 emergency situation.

22 LEGISLATOR ABRAHAMS: And I'm  
23 guessing in our emergency situation which  
24 was Super Storm Sandy, we selected Looks  
25 Great in this particular --

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2 MR. MILLET: We called them and  
3 told them that we need 30 crews for this.  
4 We need this many loaders. We need this  
5 many grinders and they said they can supply  
6 it. They were then brought in. Previous to  
7 the storm, which were the only group that  
8 was actually ready for the storm.

9 LEGISLATOR ABRAHAMS: So if I'm  
10 understanding this correctly, since Looks  
11 Great was selected based on the process in  
12 2009, is the department still comfortable  
13 that that process can hold up water in 2012?

14 MR. MILLET: Oh, yes.  
15 Absolutely.

16 LEGISLATOR ABRAHAMS: So these  
17 companies are all still reputable?

18 MR. MILLET: Yes. All still  
19 reputable.

20 LEGISLATOR ABRAHAMS: So was  
21 there some type of background check to check  
22 and make sure that these companies haven't  
23 really done anything damaging to any other  
24 municipalities in a three-year time frame?

25 MR. MILLET: Well, we used them

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2 in 2011.

3 LEGISLATOR ABRAHAMS: We did?  
4 For Irene?

5 MR. MILLET: Yes. We used Looks  
6 Looks Great Services for Irene, yes.

7 LEGISLATOR ABRAHAMS: Okay. So  
8 we did use them for Irene?

9 MR. MILLET: Yes, we did.

10 LEGISLATOR ABRAHAMS: I'm just  
11 curious now, in regards to the \$13,000,000  
12 that has been expended -- so obviously  
13 they've done an extensive amount of work  
14 already?

15 MR. MILLET: Already.

16 LEGISLATOR ABRAHAMS: Can you  
17 tell me the locations or the areas?

18 MR. MILLET: I can tell you --  
19 every road that --

20 LEGISLATOR ABRAHAMS: More tied  
21 to -- because obviously they're doing a lot  
22 of work in preserves and parks and that kind  
23 of thing.

24 MR. MILLET: Well, first, here's  
25 the objective when you have debris



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2       management.    The very first thing you do is  
3       open your roads up.   So that's the 70 or 100  
4       hour push they call it.   You go out and you  
5       cut everything on the roadside and you push  
6       it across to the outside of the road.  
7       That's what the objective is in the very  
8       beginning, to open the road up and just push  
9       everything to the side.

10                   The second time you want to come  
11       through is when you catch the hangers, the  
12       leaners, and then bucket trucks with those  
13       grapples that you've seen, they come up and  
14       they come up and they pick all the push up,  
15       and they pick it up, and they drop it in the  
16       truck and bring it to the dump.   They  
17       continue to follow the cutting route and  
18       continue to pick up and bring it to the dump  
19       as the buckets cut.

20                   LEGISLATOR ABRAHAMS:   Gotcha.  
21       All right.    So we're saying we could spend  
22       upwards of 20?

23                   MR. MILLET:     Yes.

24                   LEGISLATOR ABRAHAMS:   We've spent  
25       13 so far.    The balance of the 7, that's

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2 going -- I mean, I drive down county  
3 streets, and I still see debris --

4 MR. MILLET: Absolutely.

5 LEGISLATOR ABRAHAMS: -- along  
6 some of the streets, but I don't know if  
7 that quantifies \$7 million worth of --

8 MR. MILLET: We'll get another  
9 pass, once we make one full pass-through,  
10 the grapples will take another pass down all  
11 the county roads.

12 LEGISLATOR ABRAHAMS: Is any of  
13 this for areas like preserves, or park land,  
14 or woodland areas?

15 MR. MILLET: Yes. Parks are  
16 considered inside of our unit price side.

17 LEGISLATOR ABRAHAMS: I mean,  
18 look, from our standpoint, we want to be  
19 supportive of everything in regards to Super  
20 Storm Sandy, but, at the same time, with the  
21 fact that we don't know we're going to be  
22 100 percent reimbursed on this, do we know  
23 that? 75 percent?

24 MR. MILLET: Don't know. 75 we  
25 know we're going to get.

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2 LEGISLATOR ABRAHAMS: So  
3 basically the county could be going into  
4 preserves with the balance of that  
5 \$7,000,000 and taking down trees which  
6 probably will fall down or could fall down,  
7 whatever may be the case, but it's possible  
8 we won't be reimbursed on that balance?

9 MR. MILLET: Well, no. We'll get  
10 75 percent reimbursement.

11 LEGISLATOR ABRAHAMS: What I'm  
12 trying to say is, I'm looking at it from a  
13 standpoint there's a 20. 75 percent of the  
14 20 is 15. We're approaching the 15. So,  
15 basically, the balance of whatever's left is  
16 going to be whatever debris we see on county  
17 roads, which, I mean, I drive down some of  
18 the major county roads, I see some, but I  
19 don't know if that quantifies \$7 million in  
20 debris and tree removal.

21 But, more importantly, what I'm  
22 asking is then, the bulk of that \$7 million  
23 could be in preserves.

24 MR. MILLET: It should be because  
25 part --

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2 LEGISLATOR ABRAHAMS: It should  
3 be.

4 MR. MILLET: -- of the debris  
5 management plan --

6 LEGISLATOR ABRAHAMS: So assuming  
7 the first 13 was expended and that was  
8 expended on the priorities, and not saying  
9 cleaning up the preserves is not a priority,  
10 I think it's a wholehearted priority, but,  
11 at the same time, when the county is not  
12 going to be reimbursed for it, is it wise to  
13 spend that money now when we can probably  
14 spread it out over a period of time to make  
15 sure we do the right thing in those  
16 preserves, and at that time we may know a  
17 better mechanism how to pay for it?

18 MR. MILLET: I'll just bring up  
19 one example. It may be a little bit extreme  
20 but, in the Massapequa Preserve this year,  
21 someone was hit with a piece of a tree that  
22 fell that wasn't mitigated in Irene,  
23 possibly. That's a tremendous liability  
24 that I'm unwilling to give up right away  
25 when I know that we're going to get 75

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2 percent of every tree we take down, whether  
3 it's where ever, we're going to get 75  
4 percent.

5 To me, to look at you guys and to  
6 look at county executive and tell him it's  
7 okay to open a park or preserve, I'm going  
8 to be 100 percent sure that it's safe,  
9 because if something falls and hits  
10 somebody, it's me who stood up here and told  
11 you it's fine.

12 LEGISLATOR ABRAHAMS: But  
13 obviously we wouldn't ask you to make that  
14 100 percent guarantee now.

15 MR. MILLET: Basically, if you  
16 leave the park open and it hasn't been  
17 hazard mitigated and storm hardened, that's  
18 what we're doing. We're leaving it in a  
19 quasi dangerous situation.

20 LEGISLATOR ABRAHAMS: No, no.  
21 What I'm saying, Rich, is that even after  
22 that tree removal company Looks Great goes  
23 in, are they going to be able to guarantee  
24 that a branch is not going to fall on  
25 somebody? We couldn't expect you to make

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2 that guarantee.

3 MR. MILLET: I mean, nobody can  
4 guarantee, but I can tell you that if we  
5 didn't go in places that would be a high  
6 point of litigation I'd have if I was a  
7 person who went in a preserve and I found  
8 out that a park preserve was not -- first  
9 off it was assessed and there was deemed to  
10 be damaged trees that you didn't take down?  
11 God forbid it falls.

12 LEGISLATOR ABRAHAMS: And I'm not  
13 saying that we shouldn't spend the money.  
14 What I'm saying is, we're lumping this into  
15 the hope of being reimbursed by it for 75  
16 percent.

17 MR. MILLET: Well, it's not a  
18 hope. We did the same storm hardening with  
19 Irene. We went into the parks and preserves  
20 and we got the money back. You're going to  
21 get the 75 percent back. It's part of your  
22 management plan to do what they call hazard  
23 mitigation and storm hardening.

24 LEGISLATOR ABRAHAMS: So you feel  
25 confident we'll get the --

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2 MR. MILLET: Very confident.

3 LEGISLATOR ABRAHAMS: -- we  
4 should get back \$15,000,000 of this 20 if we  
5 spend the 20?

6 MR. MILLET: Very.

7 LEGISLATOR ABRAHAMS: That's  
8 fair. That's the main question I'm driving  
9 at. Thank you, Rich.

10 MR. MILLET: Okay.

11 CHAIRWOMAN GONSALVES: Legislator  
12 Wink.

13 LEGISLATOR WINK: The term of  
14 this contract is for five years; is that  
15 right?

16 MR. MILLET: Correct.

17 LEGISLATOR WINK: Do we  
18 anticipate that FEMA is going to be  
19 reimbursing us for the next five years over  
20 this?

21 MR. MILLET: Again, just because  
22 Looks Great's "requirements contract" goes  
23 for five years, I plan on being closed out  
24 with their services by April, March, which  
25 could be the last time I see a Looks Great

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2 bill.

3 LEGISLATOR WINK: So then why do  
4 we stretch it out to five years?

5 MR. MILLET: It's not five -- I  
6 don't know how to explain it. It's an odd  
7 contract in that it's not -- they don't do  
8 any work after April when we're done with  
9 them. They don't do any work.

10 If another storm comes or another  
11 huge event occurs, we could use them or we  
12 could use one of the other three in the  
13 mechanism of the debris management plan.

14 LEGISLATOR WINK: Well, you could  
15 also -- okay. That already exists?

16 MR. MILLET: Right.

17 LEGISLATOR WINK: Or you could  
18 hire them the same way you're hiring them  
19 for Sandy?

20 MR. MILLET: Which is through the  
21 debris management plan. That's the  
22 mechanism before contractors are on there,  
23 that's the mechanism we used to contact  
24 Looks Great. Then they get an emergency  
25 contract, but it references back to all of



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2 the qualifications that are in the debris  
3 management plan which gives you all that  
4 pricing in the back of this package.

5 LEGISLATOR WINK: So, let's say  
6 next year we have another storm, God forbid,  
7 God forbid, you're going to come to us with  
8 another emergency contract like this one?

9 MR. MILLET: We could definitely  
10 come. If there's an emergency like this, we  
11 will.

12 LEGISLATOR WINK: Could?

13 MR. MILLET: We will definitely  
14 come.

15 LEGISLATOR WINK: I mean, this  
16 contract is not going to satisfy for the  
17 next storm?

18 MR. MILLET: No. We come right  
19 back here. Just like we did for Irene. If  
20 we activated Irene, and if I didn't have to  
21 come back for this, I would have come back,  
22 not have come back, but we have to come back  
23 every time we activate it. They're dormant  
24 until we need them. They don't exist. They  
25 don't make five cents.

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2 LEGISLATOR WINK: I understand  
3 the concept of the requirements contract. I  
4 understand the concept of that, and I  
5 understand the nature of the business that  
6 they're on call and whoever can show up  
7 shows up.

8 But this is one of the four  
9 companies that we had acknowledged was  
10 capable of doing the job.

11 MR. MILLET: Correct.

12 LEGISLATOR WINK: Why aren't we  
13 just using all four of those companies?

14 MR. MILLET: Three of the four  
15 companies couldn't supply the number of men  
16 and materials that we needed at the time we  
17 needed it. They had already been committed  
18 to other places. The guy from Maine was  
19 working for Maine and Massachusetts.

20 So we went in and found out who  
21 fit what we needed and that's the group we  
22 used.

23 LEGISLATOR WINK: So we sought  
24 for the entirety of the job rather than  
25 farming it out to the various groups?

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2 MR. MILLET: Yes. You have to  
3 look at the entirety. If you went out and  
4 said, you know what, give me eight bucket  
5 trucks, give me this, and we'll do more, you  
6 wouldn't get another bucket truck, there's  
7 not one left. We held all the cards. We  
8 had all the stuff we needed to service the  
9 county. That's how you have to approach it.

10 LEGISLATOR WINK: So by picking  
11 Looks Great, they committed to providing for  
12 whatever we needed?

13 MR. MILLET: We gave them a list  
14 of what we wanted. We sat down and created  
15 a plan and they gave us every piece of  
16 equipment we asked for. In fact, they  
17 increased equipment for us once we realized  
18 the severity of the North Shore.

19 LEGISLATOR WINK: Okay. So to  
20 the extent that nobody else could do that,  
21 that's why we went with Looks Great?

22 MR. MILLET: You talk to any  
23 FEMA/fed rep, and we're the model they're  
24 pointing at right now. We're the group that  
25 they're telling everyone else, do it like

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2 they do it.

3 LEGISLATOR WINK: I'm still -- I  
4 mean, I'm still a little bit troubled by the  
5 idea there's a five year term on this.

6 I know you're probably not going  
7 to use them for Sandy related events past  
8 March or April, but the fact that it's so  
9 open ended is what's kind of confusing me  
10 and troubling me, quite frankly.

11 But the list is not -- the list  
12 is for four contractors. Based on the list  
13 you have right now, if there was a snowstorm  
14 next month or something, God forbid --

15 MR. MILLET: Well, a snowstorm we  
16 don't call anybody in.

17 LEGISLATOR WINK: You don't?

18 MR. MILLET: No. We never call  
19 in anyone for a snowstorm, ever.

20 LEGISLATOR WINK: Even if it  
21 causes significant --

22 MR. MILLET: No.

23 LEGISLATOR WINK: -- trees down?

24 MR. MILLET: No. Oh, trees down?

25 LEGISLATOR WINK: Yes. Trees

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2 down.

3 MR. MILLET: We would use our  
4 regular tree contract that's a regular  
5 bid out contract.

6 LEGISLATOR WINK: Which is four  
7 contracts including Looks Great?

8 MR. MILLET: No. We have a  
9 regular tree service contract separate of  
10 this. That is just for tree trimming or too  
11 big a tree falls that we can't get.

12 LEGISLATOR WINK: Whose on that  
13 list?

14 MR. MILLET: Looks Great  
15 Services.

16 LEGISLATOR WINK: The only one?

17 MR. MILLET: They won the bid.

18 LEGISLATOR WINK: They won the  
19 bid. Okay. So that was done as a result a  
20 bidding process?

21 MR. MILLET: Yes.

22 LEGISLATOR WINK: Sealed bid?

23 MR. MILLET: Sealed bid.

24 LEGISLATOR WINK: Okay. All  
25 right. I mean, I guess I'm trying to just

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2 get my head around the fact that, you know,  
3 this is still an open-ended five year deal.

4 MR. MILLET: It looks like a big  
5 long deal, but, in reality, if you break it  
6 out like an operation person would, it's  
7 not. It's really --

8 LEGISLATOR WINK: I understand  
9 that, but every other contract that we've  
10 had before so far is not five years.

11 MR. MILLET: But every other  
12 contract has some money attached to.  
13 There's no money attached to this till we  
14 come to you.

15 LEGISLATOR WINK: Well, I mean,  
16 that's the nature of a requirements  
17 contract. We have an appropriation, but it  
18 doesn't mean we have to spend it. I get  
19 that. I get that. And none of these other  
20 contracts were requirements contracts?

21 MR. MILLET: No.

22 LEGISLATOR WINK: Okay.

23 CHAIRWOMAN GONSALVES: Legislator  
24 Walker.

25 LEGISLATOR WALKER: Just quickly.

1 Rules Committee/12-3-12  
2 Actually you said that this contract  
3 actually began when we --

4 MR. MILLET: In 2009.

5 LEGISLATOR WALKER: So March of  
6 2009. And it basically lay dormant. We  
7 didn't need to use them until Irene  
8 occurred.

9 MR. MILLET: Correct.

10 LEGISLATOR WALKER: So then we  
11 used them for Irene and obviously the damage  
12 was far less, thank God.

13 MR. MILLET: They were done and  
14 put away.

15 LEGISLATOR WALKER: Now, again,  
16 it stayed, you know, vacant, dormant until  
17 Sandy hit?

18 MR. MILLET: Correct.

19 LEGISLATOR WALKER: And now this  
20 is where we are with Sandy?

21 MR. MILLET: Correct.

22 LEGISLATOR WALKER: And let's  
23 just hope to God when we finish this with  
24 Sandy that there are many, many, many, years  
25 that we go without having to reach out to

1 Rules Committee/12-3-12

2 anyone.

3 MR. MILLET: I'm good with no  
4 storms. I'm a big fan of no storms right  
5 now.

6 LEGISLATOR WALKER: Irene was a  
7 remediation project, correct?

8 MR. MILLET: Irene we used them  
9 for tree removal and vegetation. That's  
10 what they were used for in Irene.

11 LEGISLATOR WALKER: And this here  
12 is for mitigation; is that correct?

13 MR. MILLET: No, Irene there was  
14 hazard mitigation which is, after the storm,  
15 you have to evaluate all of your critical  
16 infrastructure, park, whatnot, to see if  
17 anything's damaged that may fall down, or  
18 that may hurt somebody, and you have a  
19 responsibility to take that hazard out. So  
20 that the next time a storm comes, that tree  
21 doesn't come down?

22 LEGISLATOR WALKER: Right. Okay.

23 MR. MILLET: We did that in both  
24 storms.

25 LEGISLATOR WALKER: I experienced



1 Rules Committee/12-3-12  
2 it personally and I know what it means to  
3 have trees fall and whatever and to have  
4 them removed, and how difficult it is to get  
5 someone to do what has to be done. So I'm  
6 still waiting for the stumps to be grinded  
7 and I can wait until all hell freezes over  
8 at this point, but, that's okay. I shall be  
9 patient as long as no more trees fall down.

10 I did engage the services of an  
11 arborist because I want to know how my other  
12 trees are going to fair in another storm.

13 I thank you really very much for  
14 the information that you provided to us  
15 today.

16 MR. MILLET: You're welcome very  
17 much.

18 CHAIRWOMAN GONSALVES: Okay,  
19 Judy.

20 LEGISLATOR JACOBS: First, I want  
21 to thank you also. You helped us to  
22 understand a little bit more and understand  
23 that an error was made at the beginning --  
24 or I don't even know when that error was  
25 made. I won't go into that. I'll let you

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2 tell us about that.

3 MR. MILLET: I'll tell you.

4 LEGISLATOR JACOBS: Let me ask  
5 you this though. And I understand from  
6 being presiding for a lot of years, that  
7 there are people, there are companies that  
8 are kept on as being the go-to companies in  
9 the event of something specific, such as  
10 this was.

11 Do you, in the course of the five  
12 years, ever go back to check on the --

13 MR. MILLET: Yes.

14 LEGISLATOR JACOBS: You do?

15 MR. MILLET: In fact, in Irene,  
16 we called all four companies.

17 LEGISLATOR JACOBS: But you go  
18 back -- you have a mechanism to check -- in  
19 other words, the reason why they were one of  
20 the four that was put on the list as being  
21 the affirmative ones to go to --

22 MR. MILLET: Right. It was the  
23 federal government who supplied that list to  
24 the people with the debris.

25 LEGISLATOR JACOBS: Do you go --

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2 let's say every year and a half or so, do  
3 you check with the feds and make sure these  
4 are still the recommended ones?

5 MR. MILLET: I mean, if they're  
6 not, they're usually pretty prompt at  
7 getting you something that says they're not  
8 an approved contractor anymore. But I will  
9 have public works, the roadway people,  
10 they'll do a yearly update, and we'll go and  
11 we'll get it.

12 LEGISLATOR JACOBS: I think that  
13 would give some more reassurance that  
14 they're just not automatically called upon  
15 and, for all we know, they may --

16 MR. MILLET: Absolutely. That is  
17 not an issue.

18 LEGISLATOR JACOBS: Thank you for  
19 being patient and for answering.

20 CHAIRWOMAN GONSALVES: At this  
21 point, is there any public comment? Thank  
22 you again, Mr. Millet.

23 (No verbal response.)

24 There being none, all those in  
25 favor of this item A-43-D, signify by saying

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2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The motion carries unanimously.

7 We have A-43-E-12.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRWOMAN GONSALVES: Moved by  
11 Legislator Walker, seconded by Legislator  
12 Kopel. Is there anyone here to speak on  
13 this item?

14 MR. MILLET: Rich Millet, public  
15 works. This is an emergency contract for  
16 tipping of the chips, the dumping of our  
17 chips. This is a group we negotiated with  
18 to get a price of \$7.80 a cubic yard versus  
19 \$13 and \$27 a cubic yard.

20 CHAIRWOMAN GONSALVES: Questions  
21 of Mr. Millet? Legislator Abrahams.

22 LEGISLATOR ABRAHAMS: So, Rich,  
23 this was the lowest, most responsible --

24 MR. MILLET: Most responsible.  
25 He has a DEC approved site. He manages the

1 Rules Committee/12-3-12

2 chips in soil remediation.

3 LEGISLATOR ABRAHAMS: And term of  
4 contract, I'm taking --

5 MR. MILLET: I think it's a June.  
6 You're looking at June, but we'll probably  
7 be done by April, hopefully.

8 LEGISLATOR ABRAHAMS: Okay.  
9 Thank you.

10 CHAIRWOMAN GONSALVES: Any  
11 questions for Mr. Millet?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The motion carries unanimously.

21 Item A-43-F. May I have a motion, please?

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR KOPEL: Second.

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

1 Rules Committee/12-3-12

2 Kopel. Who is here?

3 MR. ARNOLD: Ken Arnold. This is  
4 an emergency contract with Synergro. As  
5 you're aware, at Bay Park we suffered severe  
6 damage. One of the buildings that was  
7 totally under water and is currently out of  
8 commission is our sludge filter presses.

9 This contract with Synergro is to  
10 bring in rental units, run these units to  
11 press our sludge so it can be trucked off to  
12 our beneficial re-use site in Pennsylvania  
13 and West Virginia.

14 The contract term for this I  
15 believe is one year. We're currently  
16 evaluating the sludge press building and  
17 coming up with a remediation plan for that  
18 building. Synergro was also the same  
19 company we used for the GBT issue back two  
20 years ago.

21 CHAIRWOMAN GONSALVES: Legislator  
22 Kopel.

23 LEGISLATOR KOPEL: Are they  
24 actually working at this already as an  
25 emergency?

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2 MR. ARNOLD: Yes, they are.

3 LEGISLATOR KOPEL: When will  
4 these things be in place?

5 MR. ARNOLD: The temporary rental  
6 equipment is in place currently.

7 LEGISLATOR KOPEL: They're  
8 working?

9 MR. ARNOLD: Yes. They were  
10 called -- I mean, the initial evaluation at  
11 the plant the day after the storm, this is  
12 one of the first areas that we realized we  
13 had to get some equipment there in a hurry  
14 knowing that this equipment was going to be  
15 competed against with other sewage plants  
16 that saw similar issues.

17 LEGISLATOR KOPEL: When do you  
18 anticipate the permanent can be done?

19 MR. ARNOLD: It's hard to say  
20 right now. Minimum of a year. Possibly two  
21 years.

22 LEGISLATOR KOPEL: Will this  
23 serve as a complete, if only temporary  
24 solution, but will it serve as a complete --

25 MR. ARNOLD: While it is a

1 Rules Committee/12-3-12  
2 temporary solution, it is achieving the same  
3 output that our permanent building achieved.

4 LEGISLATOR KOPEL: So that's the  
5 questions. So, is their plant meeting the  
6 permits now?

7 MR. ARNOLD: Excuse me?

8 LEGISLATOR KOPEL: Is the plant  
9 meeting the permits now?

10 MR. ARNOLD: Well, on sludge  
11 de-watering it's not -- sludge de-watering  
12 is the solids removal from the plant.  
13 There's no permanent requirement for the  
14 solids removal. It's other than -- we want  
15 to press the sludge as much as possible to  
16 reduce the volume of material that we truck  
17 for beneficial reuse, and this temporary  
18 facility is achieving the same number of  
19 percent solids for the sludge so the weight  
20 is the same or less than we were doing with  
21 our permanent facility.

22 LEGISLATOR KOPEL: All right. I  
23 won't go further into the whole Bay Park  
24 issue at this point. Just confine myself to  
25 this.



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2 CHAIRWOMAN GONSALVES: Any other  
3 comments from any of the legislators?

4 (No verbal response.)

5 I don't see any public, but I  
6 will ask, is there any public comment?

7 (No verbal response.)

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

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion carries unanimously.

14 We have A-43-G. May I have a motion,  
15 please?

16 LEGISLATOR WALKER: So moved.

17 LEGISLATOR KOPEL: Second.

18 CHAIRWOMAN GONSALVES: Moved by  
19 Legislator Walker, seconded by Legislator  
20 Kopel. Mr. Millet, thank you.

21 MR. MILLET: Yes. This is a  
22 contract for debris hauling that we used in  
23 several villages and towns to help them.  
24 They were overwhelmed. So we activated a  
25 contract, Mr. Constanza. We negotiated a 52

1 Rules Committee/12-3-12  
2 cubic yard price from him and executed an  
3 emergency contract.

4 CHAIRWOMAN GONSALVES: Any  
5 questions for Mr. Millet on this item?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

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

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The motion carries unanimously.  
15 One more item. It's E-224-12. May I have a  
16 motion, please?

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR DUNNE: Second.

19 CHAIRWOMAN GONSALVES: Moved by  
20 Legislator Walker, seconded by Legislator  
21 Dunne. Who is here?

22 MR. ARNOLD: Ken Arnold. This is  
23 a contract with CDM Smith and Liro  
24 Engineering. It is to manage and implement  
25 the county's step program, and also

1 Rules Committee/12-3-12  
2 oversight for the sanitary sewer overflow  
3 remediation that we were doing in the homes  
4 in Baldwin, East Rockaway and other areas  
5 that were impacted.

6 The consultants are responsible  
7 on the step program for managing the  
8 assessments that are being done by the  
9 contractors, plumber, electricians,  
10 carpenters, and then they'll be hiring these  
11 carpenters and plumbers to actually  
12 implement the temporary measures in the  
13 homes. They'll be responsible for  
14 inspecting the work to make sure it is  
15 installed and running. Another item is,  
16 they were managing all the interface between  
17 the towns, the homeowners and the step  
18 contractors.

19 The step contractors were all  
20 working at unit bid price items through this  
21 contract. Those contractor price items were  
22 put out for requests last week on the county  
23 website. These contractors submitted prices  
24 and the most qualified contractors with the  
25 unit prices that fit within the goals of the

1 Rules Committee/12-3-12  
2 program are currently selected. It does not  
3 mean that we would not expend the number of  
4 contractors if it was needed to get the work  
5 done for these temporary measures for these  
6 people that have no heat or electricity in  
7 their homes at this moment.

8 The only difference between the  
9 step program and the environmental  
10 remediation for the houses that were  
11 impacted by sewage overflows is, the  
12 contractors being used for the sanitary  
13 sewage overflows, the county entered into  
14 contract with JC Broderick and Branch that  
15 came before you earlier. Those would be the  
16 contractors doing the work under our county  
17 contract, whereas, the step program, the  
18 contractors are working for directly Liro  
19 and CDM Smith.

20 CHAIRWOMAN GONSALVES: Any  
21 questions of Mr. Arnold? Legislator  
22 Abrahams.

23 LEGISLATOR ABRAHAMS: Hey Ken,  
24 how are you? Obviously, with a day like  
25 these last few days where it gets really

1 Rules Committee/12-3-12  
2 cold, and the weather, I mean, the fact that  
3 anybody doesn't have a boiler or hot water  
4 heater is unconscionable.

5 I do have some specific questions  
6 in regards to how the program works. CDM  
7 Smith I guess is being selected to provide  
8 the in-home service, and I guess they've  
9 been working already since the storm, am I  
10 understanding that correctly?

11 MR. ARNOLD: Yes. Well, what we  
12 did is, all these emerging conditions is, we  
13 came before this body about a week or so ago  
14 with a number of consultant agreements, one  
15 which was CDM Smith, they had a task to help  
16 us set up this program in that agreement.  
17 But that task did not include hiring of  
18 contractors and inspection work. That's  
19 what this agreement has in it.

20 So there were a number of things  
21 done early on, I mean, the call center was  
22 put together. We've been receiving calls  
23 from people looking for assistance. Their  
24 assessment teams have been going out  
25 assessing homes, finding what homes are

1 Rules Committee/12-3-12  
2 capable and acceptable for the step program.  
3 A home full of sewage right now  
4 is not acceptable for the step program, it's  
5 not livable. The home has to be livable,  
6 other than having any heat or power. So  
7 that's where this -- the ultimate goal of  
8 this program is to get people out of either  
9 a shelter, a motel, or a family member, and  
10 get them back into their home.

11 LEGISLATOR ABRAHAMS: I guess the  
12 issue is not really with CDM Smith, because  
13 CDM Smith is coming into the home and  
14 assessing whether or not --

15 MR. ARNOLD: Well, CDM Smith  
16 themselves don't assess the home, the  
17 contractors, the plumbers, electricians, the  
18 trades assess the homes, what is required.  
19 CDM Smith will verify what the contractors  
20 are doing.

21 LEGISLATOR ABRAHAMS: So they're  
22 like a project manager, I guess?

23 MR. ARNOLD: Yes. That's a good  
24 term, yes.

25 LEGISLATOR ABRAHAMS: So I guess

1 Rules Committee/12-3-12  
2 once they assess, then people are expecting  
3 their boilers -- what's the time frame for  
4 them to get a boiler or a hot water heater?

5 MR. ARNOLD: Those details are  
6 still ongoing. I believe today we started  
7 actually initiating installations of the  
8 first half a dozen homes.

9 LEGISLATOR ABRAHAMS: Where are  
10 we getting these boilers from?

11 MR. ARNOLD: The contractor is  
12 responsible for procuring them. We have  
13 unit priced --

14 LEGISLATOR ABRAHAMS: CDM Smith  
15 is responsible for that? Whose the  
16 contractor, I'm sorry?

17 MR. ARNOLD: Well, CDM Smith is  
18 contracting out to electricians, plumbers,  
19 carpenters who are responsible for the  
20 implementation of the program which includes  
21 buying and installing the hot water heater,  
22 the electrical panel, whatever items are  
23 required.

24 That list of items is not  
25 extensive. This is a temporary measure. So

1 Rules Committee/12-3-12  
2 whether it's baseboard heating, if it's a  
3 hot water heater, it's not -- the intent is  
4 not to have people live in their homes for  
5 years after this. It's to get them through  
6 these rough couple of months while they  
7 procure contractors to permanently fix their  
8 homes or utilizing whether it's their  
9 insurance, FEMA, or whatever other funds  
10 they may have. This is a bridge gap to get  
11 people back in their homes.

12 LEGISLATOR ABRAHAMS: So if  
13 somebody couldn't wait on the county and  
14 they had the CDM Smith, I guess, team that  
15 they contracted with came out, assessed  
16 their home, but they can't wait on the  
17 county, their home was assessed two, three  
18 weeks ago. Obviously last week was a very  
19 cold week. You walked out, degrees were in  
20 the 40s, 30 degrees. They decided, you know  
21 what, I'm going to try to get my own boiler.  
22 Are their costs reimbursable under this  
23 program or basically they have to have the  
24 boiler be, or hot water heater be purchased  
25 through this program?



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2 MR. ARNOLD: Remember, it  
3 wouldn't be a reimbursement because, what  
4 the homeowner would have done would have  
5 been a permanent measure for their home.  
6 This is a temporary quick fix.

7 We're talking about putting a 20  
8 gallon hot water heater in somebody's home  
9 which is not adequate for the long term  
10 standing of that home.

11 We're not fixing the home that is  
12 livable permanently. It's a couple of  
13 baseboards. It's a 20 gallon hot water  
14 heater. It's an electric panel with enough  
15 breakers to run the home in a temporary  
16 measure.

17 LEGISLATOR ABRAHAMS: I  
18 understand that. Usually when -- and this  
19 is no-fault of the department, but usually  
20 when someone expresses the term "temporary,"  
21 you think that relief is coming a little bit  
22 quicker to bridge the gap to a permanent  
23 solution. It just seems like we're not  
24 being able to bridge the gap between that  
25 permanent solution and where they were or

1 Rules Committee/12-3-12

2 where they are.

3 MR. ARNOLD: This program is a  
4 joint program with the federal government.  
5 There had to be guidelines and there was a  
6 lot of negotiation of what this program was  
7 working with FEMA.

8 FEMA had put together a guidance  
9 manual on this program. It's the first time  
10 in the country that something like this has  
11 been attempted.

12 LEGISLATOR ABRAHAMS: So do you  
13 envision the flood gates of trying to be  
14 able to not only assess these homes CDM, do  
15 you envision also being able for the  
16 contractors to get the equipment, even if  
17 it's a temporary stop gap, do you think that  
18 most people will be online? I mean, we're  
19 already in December, will they be able to  
20 have their homes to be functional to bridge  
21 the gap through the winter to the spring in  
22 the immediate future in the next week?

23 MR. ARNOLD: Yes. I have not  
24 heard anybody speak about issues with  
25 supplying of heaters. CDM Smith and Liro

1 Rules Committee/12-3-12  
2 have been doing their due diligence to make  
3 sure that what we're spec'ing out exists for  
4 these contractors to get.

5 The last status meeting I did not  
6 hear any issues that we'd have any other  
7 hang-ups other than getting their agreements  
8 signed and all the liability and the  
9 insurance coverages is done so we can move  
10 forward.

11 LEGISLATOR ABRAHAMS: So we  
12 shouldn't hear any horror stories about  
13 somebody who had their home assessed two,  
14 three weeks ago, but they're still without a  
15 boiler or hot water heater, even a temporary  
16 situation two weeks from now?

17 MR. ARNOLD: I would hope not.

18 LEGISLATOR ABRAHAMS: Thank you,  
19 Ken.

20 CHAIRWOMAN GONSALVES: Legislator  
21 Kopel.

22 LEGISLATOR KOPEL: Really quick,  
23 I just wanted to follow up on Legislator  
24 Abraham's questions.

25 I've heard that people are having

1 Rules Committee/12-3-12  
2 trouble getting anything going, actually.  
3 You've done the assessments. Is the program  
4 actually in operation? Have you started  
5 installing --

6 MR. ARNOLD: Starting today, I  
7 believe a half a dozen homes we've  
8 contractors in those homes and that will be  
9 ramped up once this contract gets signed.

10 LEGISLATOR KOPEL: What's the  
11 capacity?

12 MR. ARNOLD: I believe we have 40  
13 contractors that we initially signed up to  
14 do the work.

15 LEGISLATOR KOPEL: 40 contractors  
16 and they can do --

17 MR. ARNOLD: I believe actually  
18 the contractors might be one of the exhibits  
19 in the agreement.

20 LEGISLATOR KOPEL: They can do  
21 how many in a day or in a week?

22 MR. ARNOLD: I'd have to go back  
23 and talk to the project manager.

24 LEGISLATOR KOPEL: And what you  
25 told Legislator Abrahams is that they have

1 Rules Committee/12-3-12

2 got the materials all ready to go?

3 MR. ARNOLD: The materials with  
4 the homework that Liro and CDM had done,  
5 there was nothing mentioned that materials  
6 would be an issue to get for this program.

7 LEGISLATOR KOPEL: How long does  
8 it take them to get the assessment done?

9 MR. ARNOLD: Is probably half  
10 day.

11 LEGISLATOR KOPEL: No, no. From  
12 the time that somebody asks for it.

13 MR. ARNOLD: I believe we were  
14 getting the assessments done within a day or  
15 two.

16 LEGISLATOR KOPEL: And from the  
17 time of the assessment until the time that  
18 work might start? Once the contract is  
19 signed?

20 MR. ARNOLD: Yes.

21 LEGISLATOR KOPEL: Once it's  
22 signed?

23 MR. ARNOLD: We're out there  
24 today. We begged CDM to start today in  
25 anticipation of this contract getting

1 Rules Committee/12-3-12

2 signed.

3 LEGISLATOR KOPEL: In other  
4 words, you must have a backlog?

5 MR. ARNOLD: Yes, I believe. I  
6 have to go back to my notes as to how many  
7 homes are backlogged.

8 LEGISLATOR KOPEL: So, in other  
9 words, if somebody calls today, it might get  
10 approved in a day or so, a day or two, and  
11 until they actually get installed, it might  
12 be --

13 MR. ARNOLD: I'd like to go back  
14 and get those.

15 LEGISLATOR KOPEL: Because the  
16 winter is coming.

17 MR. ARNOLD: I know.

18 LEGISLATOR KOPEL: It's here.  
19 Well, not today maybe, or tomorrow, but it  
20 will be here. Could you let us know,  
21 please?

22 MR. ARNOLD: Yes.

23 LEGISLATOR KOPEL: Thank you.

24 CHAIRWOMAN GONSALVES: Legislator  
25 Dunne has a question.

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2 LEGISLATOR DUNNE: Prevailing  
3 wage is applied to these contracts.

4 MR. ARNOLD: These are union  
5 contractors, yes.

6 LEGISLATOR DUNNE: So Local 25  
7 IBEW, and Local 7 Carpenters are being used  
8 to --

9 MR. ARNOLD: Yes.

10 LEGISLATOR DUNNE: Or they're  
11 getting the equal pay as --

12 MR. ARNOLD: Yes.

13 LEGISLATOR DUNNE: Because I get  
14 calls from them saying they got a lot of  
15 guys out of work and they really want --

16 MR. ARNOLD: I mean, CDM  
17 negotiated with the building trades council  
18 to get contractors to come to a table to  
19 help us with the assessments. We work  
20 through the local trade councils to get this  
21 developed.

22 LEGISLATOR DUNNE: Over the  
23 weekend, I heard that the electrical panels  
24 are almost impossible to get. One  
25 contractor sent down to Maryland to get 40

1 Rules Committee/12-3-12  
2 of them, and then the same thing with  
3 plumbers, they said the boilers are  
4 impossible to get now. They're sending down  
5 to Maryland and Virginia to get them. One  
6 guy brought up 40 and he got three left  
7 already.

8 MR. ARNOLD: The style of hot  
9 water heater and panel that is insured are  
10 ones that are for permanent fixes. These  
11 are all eight panel breakers, and 20 gallon  
12 water heaters. They're not the ones you'd  
13 go to rebuild your house. They're just what  
14 you need to habitate your second floor.  
15 That's why they're not going to be in  
16 shortage for the emergency.

17 LEGISLATOR DUNNE: Thank you.

18 CHAIRWOMAN GONSALVES: Legislator  
19 Abrahams.

20 LEGISLATOR ABRAHAMS: Just a  
21 quick question, Ken, I forgot to ask it  
22 earlier. Does this grant, this allotment of  
23 money, does it fall under the guidelines of  
24 the MWBE?

25 MR. ARNOLD: I'd have to go back



1 Rules Committee/12-3-12  
2 and double check how that was procured. I'm  
3 not sure we did anything special with that  
4 at this point.

5 LEGISLATOR ABRAHAMS: Okay.  
6 Because it's an emergency?

7 MR. ARNOLD: Yes.

8 LEGISLATOR ABRAHAMS: I'm just  
9 curious that -- I know CDM was selected but  
10 other contractors --

11 MR. ARNOLD: Actually, and I  
12 meant to bring up, we did put out a short  
13 list to consultant firms to select on this  
14 one. This was not a strict selection. We  
15 did RFP this for a short period of time with  
16 selected firms.

17 LEGISLATOR ABRAHAMS: Okay. So  
18 there probably was. Thank you.

19 MR. ARNOLD: Kevan, also, Dr.  
20 Phil Elliot has approached me about  
21 approaching us with the MWBE for some of  
22 work moving forward and how we can get  
23 minority firms involved in some of this  
24 recovery effort.

25 LEGISLATOR ABRAHAMS: Okay.

1 Rules Committee/12-3-12

2 Thank you.

3 CHAIRWOMAN GONSALVES: Thank you,  
4 Mr. Arnold. I know it's been a long day for  
5 you and for some others that are sitting out  
6 there as well as ourselves.

7 We need to take a vote. All  
8 those in favor of this item signify by  
9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The motion carries unanimously.

14 At this point I would take a motion to  
15 adjourn.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRWOMAN GONSALVES: Moved by  
19 Legislator Dunne, seconded by Legislator  
20 Walker. All those in favor signify by  
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Thank you, Mr. May. Good job.

1 Rules Committee/12-3-12

2 MR. MAY: Thank you.

3 (Whereupon, the Rules Committee  
4 adjourned at 5:30 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of December, 2012.

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FRANK GRAY