

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,
PRESIDING OFFICER

PUBLIC SAFETY COMMITTEE

DENNIS DUNNE,
CHAIRMAN

1550 Franklin Avenue
Mineola, New York

May 7, 2012
2:00 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

DENNIS DUNNE (Not Present)
Chair

JOSEPH MUSCARELLA (Sitting in for Dennis Dunne)

JOSEPH BELESI
Vice-Chair

NORMA GONSALVES

DENISE FORD

JOSEPH SCANNELL
Ranking

DAVID DENENBERG

WAYNE WINK

LIST OF SPEAKERS

JOHN CIAMPOLI
County Attorney. 6

CAREY WELT. 30

GREG STEPHANOFF 31

2 CLERK MULLER: I'll take roll.
3 Legislator Wink?
4 LEGISLATOR WINK: Here.
5 CLERK MULLER: Legislator Denenberg?
6 LEGISLATOR DENENBERG: Here.
7 CLERK MULLER: Ranking Member Scannell?
8 LEGISLATOR SCANNELL: Here.
9 CLERK MULLER: Legislator Ford?
10 LEGISLATOR FORD: Here.
11 CLERK MULLER: Legislator Gonsalves?
12 LEGISLATOR GONSALVES: Present.
13 CLERK MULLER: Legislator Muscarella,
14 filling in for Chairman Dunne?
15 LEGISLATOR MUSCARELLA: Here.
16 CLERK MULLER: Vice Chairman Belesi?
17 LEGISLATOR BELESI: Present.
18 CLERK MULLER: We have a quorum.
19 The first item on the calendar is 164-12,
20 a local law to amend Title 72 of the
21 Miscellaneous Laws of Nassau County entitled
22 "Vehicle Owner Liability for Failure of an

2 Operator to Comply with Traffic Control

3 Indications."

4 Please entertain a motion to place this
5 matter before the Nassau County Legislature.

6 LEGISLATOR GONSALVES: So moved.

7 CLERK MULLER: Moved by Legislator
8 Gonsalves. Seconded?

9 LEGISLATOR MUSCARELLA: Second.

10 CLERK MULLER: Seconded by Legislator
11 Muscarella.

12 I think there's been, also, an amendment
13 in the nature of a substitution filed with this
14 item. Could we have a motion to accept the
15 amendment?

16 LEGISLATOR BELESI: So moved.

17 CLERK MULLER: Motion made by Legislator
18 Belesi. Is there a second?

19 LEGISLATOR MUSCARELLA: Second.

20 CLERK MULLER: Seconded by Legislator
21 Muscarella.

22 We have to have a vote on the amendment.
23 All in favor of the amendment in nature of the
24 substitution for Item 164-12.

25 LEGISLATOR BELESI: All in favor?

2 (Aye.)

3 Opposed?

4 (No verbal response.)

5 CLERK MULLER: By a vote of five to one,
6 the amendment in the nature of a substitution is
7 adopted.

8 LEGISLATOR WINK: Wait a minute.

9 CLERK MULLER: Just the amendment.

10 LEGISLATOR WINK: Just the amendment.

11 I'm going to oppose the underlying matter for
12 moving the items into the general fund. But for
13 the amendment purposes, that's fine.

14 LEGISLATOR BELESI: Mr. Ciampoli.

15 COUNTY ATTORNEY CIAMPOLI: This item
16 conforms to the County Code to accommodate
17 additional red light cameras that were authorized
18 in the state budget. It also changes the
19 dedication of the money to the general fund
20 instead of targeting the money.

21 LEGISLATOR BELESI: Mr. Denenberg.

22 LEGISLATOR WINK: I have a question.

23 LEGISLATOR DENENBERG: Thank you, Mr.
24 Belesi, Chairman.

25 All funds collected pursuant to this

2 local law with this amendment, instead of going
3 to Youth Board, Department of Senior Citizen
4 Affairs, Department of Veteran Services,
5 Department of Mental Health, Chemical Dependency,
6 and Developmental Disabilities, and contract
7 agencies, would be deposited into the county
8 general fund if we vote for this amendment?

9 COUNTY ATTORNEY CIAMPOLI: The amended
10 item would do that.

11 LEGISLATOR DENENBERG: The answer to my
12 question is yes then?

13 COUNTY ATTORNEY CIAMPOLI: Yes.

14 LEGISLATOR DENENBERG: It would go into
15 the general fund instead of to those agencies.

16 COUNTY ATTORNEY CIAMPOLI: If I
17 understand procedurally, the item's been amended.
18 The amended item does that.

19 LEGISLATOR DENENBERG: And that is not
20 just for these second stage or second 50 red
21 lights --

22 COUNTY ATTORNEY CIAMPOLI: That's
23 correct.

24 LEGISLATOR DENENBERG: It would be for
25 the first 50.

2 COUNTY ATTORNEY CIAMPOLI: For all.

3 LEGISLATOR DENENBERG: What about all
4 money collected to date from the first 50 red
5 lights?

6 COUNTY ATTORNEY CIAMPOLI: Any money
7 collected under the old law would be allocated
8 under the old law.

9 LEGISLATOR DENENBERG: And I have the
10 record before me, when this was first proposed
11 under the previous administration, this
12 Legislature, and the majority at that time,
13 together with the minority, in a dialogue that
14 involved the currently presiding officer as well
15 as the current county executive, who was then-
16 Legislator Mangano. The idea was to ensure that
17 during that period of time, 2009, when there was
18 economic hardship and county budget gaps we were
19 trying to close, we wanted to make sure to
20 provide funding for contracts that the
21 legislature approved for Youth Board, Department
22 of Senior Citizens, Department of Veteran
23 Services, Department of Mental Health, Chemical
24 Dependency, and Developmental Disability, and
25 those contract agencies were kept whole and had a

2 funding source, which was a new funding source.
3 This would undo that.

4 COUNTY ATTORNEY CIAMPOLI: This measure
5 would provide the county with greater flexibility
6 in the event that we face more difficult economic
7 times, greater budget holes, or greater budget
8 holes are created by other persons, which would
9 require us to marshal our resources as best we
10 can so that we address what is necessary and
11 mandated of county government, as opposed to
12 services that are not mandated.

13 LEGISLATOR DENENBERG: Okay. So, I
14 guess in a direct answer, these funds from the
15 red light cameras would no longer go where the
16 legislature directed them to go in 2009.

17 COUNTY ATTORNEY CIAMPOLI: Assuming the
18 legislature direct that they go somewhere
19 different through this.

20 LEGISLATOR DENENBERG: Is somewhere
21 different is instead of to the agencies I just
22 talked about, it would go to the county's general
23 fund.

24 COUNTY ATTORNEY CIAMPOLI: It would go
25 to the general fund. It would not be a dedicated

2 channeling of the money. It would not preclude
3 the money from going there. But if there were
4 mandatory priorities that needed to be met by the
5 county government, obviously the county needs
6 flexibility to address that, and the county
7 cannot be left without funds to address the
8 services and functions that it must provide to
9 the citizens.

10 LEGISLATOR DENENBERG: So trying to
11 stick with an answer to the question then. If it
12 is deposited into the county's general fund, all
13 those concepts you just described as to where the
14 money could ultimately go, if we pass this
15 amendment, the money going to the general fund
16 would then leave it up to the county executive as
17 to where the funding should go.

18 COUNTY ATTORNEY CIAMPOLI: According to
19 the budget, which was proposed by the county
20 executive and adopted by this body.

21 LEGISLATOR DENENBERG: So what
22 Legislator Mangano wanted in terms of ensuring
23 the red light camera revenue went to the agencies
24 that I just described, three years later, now the
25 county executive wants it to go to the general

2 fund so he could decide how to allocate it.

3 COUNTY ATTORNEY CIAMPOLI: Again, I'm
4 not going to speak for what was present before
5 the legislature before I was county attorney.
6 What I am telling you is that this is designed to
7 give the county and the county executive a
8 greater flexibility in the use of these funds so
9 that it is not caught short. As you said,
10 Legislator Denenberg, back then there were
11 priorities that were addressed and there were
12 fiscal problems and holes in the budget that
13 needed to be addressed. We need to make sure
14 that the county is not faced with a fiscal hole
15 that swallows the county.

16 LEGISLATOR DENENBERG: Let me just read
17 something to the record, to you. When, as you
18 know -- the additional 50 red light cameras was
19 approved by this body in 2010, correct?

20 COUNTY ATTORNEY CIAMPOLI: I believe so.
21 2009. 09.

22 LEGISLATOR DENENBERG: No. The
23 additional. The second phase.

24 COUNTY ATTORNEY CIAMPOLI: Right. The
25 second phase I believe came in 10.

2 LEGISLATOR DENENBERG: Correct. It was
3 under the current administration that we proposed
4 a second phase, meaning an additional 50 red
5 light cameras, correct?

6 COUNTY ATTORNEY CIAMPOLI: That occurred
7 in 2010.

8 LEGISLATOR DENENBERG: At the time --
9 and I'm looking at a vote -- I was the only
10 legislator to vote against the implementation of
11 the additional 50. And here's the dialogue at
12 the time.

13 I asked whether -- where the -- where the
14 revenue from the next phase of the red light
15 cameras would go. I also questioned the
16 locations at the time, and I found out the
17 locations were -- the lion's share was going on
18 Sunrise Highway and in certain south shore
19 communities, including Freeport. I was
20 questioning that at the time. You know, I still
21 will question where these additional 50 will go.
22 But this is not the time, and this is not what's
23 in this amendment. But what's in this amendment
24 was, I stated, that this money would be used to
25 go to the general fund and not as directed by the

2 original legislation. Then Legislator Ciotti
3 said -- funding would go for the general fund and
4 not to the agencies that the legislation
5 originally provided for -- Youth Board, Senior
6 Citizens, Veteran Services, Mental Health,
7 Chemical Dependency. I would say to everyone
8 here, this makes it very clear that what I was
9 afraid of is exactly what's happening.

10 We're no longer using the red light
11 cameras as a way, a way to help those agencies
12 that needed the most help. We're having it go
13 straight to the general fund for the county
14 executive to decide what to do, which makes it
15 pretty clear that this is a revenue enhancer,
16 although we all intended that it would be
17 enhancing public safety.

18 If this comes to the general fund, the
19 Legislature can't ensure that this money goes to
20 Youth Board, Senior Citizens, Veteran Services,
21 Mental Health, Chemical Dependency, or other
22 contract agencies. Isn't that true?

23 COUNTY ATTORNEY CIAMPOLI: Well, I would
24 suggest that the legislature still has its
25 budgetary powers to direct where monies go.

2 However, again, the purpose of this bill, as
3 amended, is to create a flexibility for the
4 county to address holes in the budget, some holes
5 which some people may be creating as we speak.

6 LEGISLATOR DENENBERG: Well we had holes
7 in 2009 and we have holes in 2012. This body
8 thought in 2009 that it was important that any
9 revenue goes -- went from the red light cameras,
10 went directly to these agencies. I don't know
11 what changed, aside from who has control of the
12 majority. The need, the need in those agencies
13 not only remain the same but are even worse now
14 than ever before.

15 I'm going to be voting against this
16 amendment.

17 LEGISLATOR BELESI: Legislator
18 Muscarella.

19 LEGISLATOR MUSCARELLA: I have a couple
20 of questions.

21 Mr. Ciampoli, the county is facing some
22 fiscal problems. Is that correct?

23 COUNTY ATTORNEY CIAMPOLI: That's a fair
24 statement.

25 LEGISLATOR MUSCARELLA: And as we go

2 forward, there may or may not be certain actions
3 that the county takes or tries to take to address
4 those fiscal problems. Is that correct?

5 COUNTY ATTORNEY CIAMPOLI: That's
6 correct as well.

7 LEGISLATOR MUSCARELLA: And what we're
8 doing here is taking money and allowing it to go
9 into the general fund so that the county has the
10 ability to address the fiscal problems in the
11 event certain actions or other actions are not
12 taken.

13 COUNTY ATTORNEY CIAMPOLI: That's
14 correct.

15 LEGISLATOR MUSCARELLA: So let's just
16 assume that the county has some judgments against
17 it and a certain entity decides to try and attach
18 bank accounts or to force the county to pay those
19 judgments. This would allow certain monies to be
20 freed up to be used to meet those obligations.
21 Is that correct?

22 COUNTY ATTORNEY CIAMPOLI: That's
23 absolutely correct.

24 LEGISLATOR MUSCARELLA: And although
25 this may be a different action than was taken in

2 2009, as Mr. Denenberg says, and although in 2009
3 this body did not address the problems in this
4 way, this would allow us to address it in this
5 way.

6 COUNTY ATTORNEY CIAMPOLI: That's
7 correct. It gives us an insurance on providing
8 the essential services that the county must
9 provide for its citizens, mandated under state
10 law, federal law, and to use the resources
11 according to those priorities.

12 LEGISLATOR MUSCARELLA: A body may have
13 addressed certain problems in 2009 by, let's say,
14 providing 13 votes for bonding.

15 COUNTY ATTORNEY CIAMPOLI: Perhaps.

16 LEGISLATOR MUSCARELLA: And this would
17 allow, perhaps, there to be additional monies in
18 the general fund in the event this body decided,
19 in 2012, not to provide 13 votes for bonding.

20 COUNTY ATTORNEY CIAMPOLI: Perhaps.

21 LEGISLATOR MUSCARELLA: Okay. Thank
22 you.

23 LEGISLATOR WINK: Mr. Chairman.

24 LEGISLATOR BELESI: Legislator Wink.

25 LEGISLATOR WINK: With all due respect

2 to my esteemed colleague, those same questions
3 could have been asked in 2009 and yet,
4 nevertheless, then-Legislator Mangano sponsored
5 legislation to tie this money directly to the
6 not-for-profit agencies, which not only did we
7 agree with but we actually helped to expand to
8 include many of the other not-for-profits that
9 had been left out of the initial amendment. But
10 having said that.

11 The county executive, when he was a
12 legislator, saw no problem with tying this money
13 directly to the not-for-profit agencies that were
14 under tremendous stress, both in terms of county
15 funding, state funding, and other private funding
16 in 2009. None of those matters have changed, as
17 far as we can tell, for those not-for-profits,
18 and yet we're going to untie our own hands, for
19 our own benefit, at the expense of these not-for-
20 profits. That's what I'm hearing out of all of
21 this today.

22 COUNTY ATTORNEY CIAMPOLI: Well, I don't
23 think that is what you are hearing at all. I
24 think what you are hearing --

25 LEGISLATOR WINK: I have a pretty good

2 idea, Mr. Ciampoli, of what I'm hearing.

3 COUNTY ATTORNEY CIAMPOLI: I understand.
4 But I think that what you are hearing is that the
5 factual basis that existed in 2009 does not exist
6 today; in fact, it is a quite different one. In
7 fact, to argue that the dedication of these funds
8 would stand in the way of the judgments that Mr.
9 Muscarella suggested, those funds could be
10 attached as well.

11 What could happen, though, is that a
12 judgment/creditor levying against county bank
13 accounts could attach any account. So it could
14 be those funds that get attached, it could be
15 others. It could serve --

16 LEGISLATOR WINK: And that may be. But
17 that's --

18 COUNTY ATTORNEY CIAMPOLI: to create
19 chaos in the county government.

20 LEGISLATOR WINK: Mr. Ciampoli, with all
21 due respect, that may be the case, but that does
22 not alter the fact that we can still segregate
23 these monies for the purposes of payments. If
24 they get attached, they get attached. But
25 whether they're part of the general fund or a

2 dedicated fund may not be relevant to whether or
3 not we should, in fact, disencumber that money
4 from these not-for-profits. That's the first
5 thing.

6 The second thing is, you know, you're
7 pointing out specific instances or potential
8 instances here where we may, in fact, on the
9 minority side be limiting the ability of the
10 administration to maneuver financially in some of
11 these things. The fact of the matter is, it
12 would be mistake for you to assume that that
13 wasn't the exact same case in 2009 on the part of
14 my colleagues to the right here. That is exactly
15 the case. We were very limited in our options
16 then, as well. So let's not pretend like this is
17 a brand new thing where a minority is standing up
18 against the majority on something, when in 2009
19 that's all we saw. You weren't here to witness
20 it; I was. So let's be clear about that.

21 Let me ask you a question, if I can,
22 about the monies that we received to date from
23 these red light cameras.

24 These monies have all been brought in
25 and, to the best of my knowledge, they've all

2 gone to not-for-profits. What I'd like to see is
3 an accounting of all that revenue that's come in
4 to date, from -- I believe August 2009 was when
5 the program was first implemented, until now, to
6 see where that money has gone -- where it has
7 come in, how much has come in, and where it has
8 gone, in terms of the not-for-profits they're
9 supposed to be funding. So I'm going to ask that
10 of you on behalf of the administration.

11 COUNTY ATTORNEY CIAMPOLI: I will get
12 that request to OMB --

13 LEGISLATOR WINK: I appreciate that.

14 COUNTY ATTORNEY CIAMPOLI: on your
15 behalf.

16 LEGISLATOR WINK: I appreciate that.
17 Thank you.

18 LEGISLATOR BELESI: Legislator Ford.

19 LEGISLATOR FORD: Go ahead.

20 LEGISLATOR GONSALVES: Mr. Ciampoli,
21 none of us on this board would like to see these
22 services cut or not funded. However, isn't it
23 true that we would not be going down this track
24 if we had the cooperation of the minority in
25 helping us to avoid those judgments that could

2 take place on May 21?

3 COUNTY ATTORNEY CIAMPOLI: That would
4 seem to obviate the need for the flexibility that
5 is sought here. But again, remember, that is
6 only a one-shot. It is a continuing need for
7 cooperation and bipartisanship that we need here.

8 LEGISLATOR GONSALVES: This is what we
9 would hoping, that this would be the case, and
10 that the minority would join with the majority in
11 trying to make it possible for us to raise that
12 \$40 million that is due on May 21, so that we can
13 avoid these judgments. I would like to see us go
14 forward with the rest of the monies that will be
15 needed to settle those cases.

16 So I believe --

17 LEGISLATOR DENENBERG: Norma. Norma --

18 LEGISLATOR GONSALVES: I'm not talking
19 to you.

20 LEGISLATOR DENENBERG: Then the money --

21 LEGISLATOR GONSALVES: Excuse me.

22 LEGISLATOR DENENBERG: should have been
23 going into that fund.

24 LEGISLATOR GONSALVES: I did not
25 interrupt you.

2 LEGISLATOR BELESI: Dave, you are out of
3 order.

4 LEGISLATOR GONSALVES: You're out of
5 order and that's it.

6 LEGISLATOR BELESI: David, you had your
7 shot.

8 LEGISLATOR GONSALVES: I am talking to
9 Mr. Ciampoli. We need the spirit of cooperation
10 to avoid these Draconian cuts to these services,
11 non-profit organizations. But it's not going to
12 happen. It's not going to happen unless we get
13 the cooperation of the minority, as well.

14 LEGISLATOR BELESI: Any other debate or
15 discussion?

16 LEGISLATOR WINK: Yeah. I have one
17 quick question.

18 LEGISLATOR BELESI: Legislator Wink,
19 then Legislator Denenberg.

20 LEGISLATOR WINK: Mr. Ciampoli, is it
21 your position then the administration will
22 withdraw this matter if we somehow voted for
23 bonding?

24 COUNTY ATTORNEY CIAMPOLI: I have not
25 discussed that with the county executive.

2 LEGISLATOR WINK: Okay. So then let's
3 not make representations on the record that
4 somehow allowing all this bonding is going to
5 change the way these red light camera monies are
6 going to be allocated going forward.

7 COUNTY ATTORNEY CIAMPOLI: I would tell
8 you that part of my education, and something that
9 does come to mind that does stands full square
10 behind this measure. I had the opportunity as a
11 young man to be a Boy Scout, and their motto is
12 be prepared. This certainly would at least allow
13 the county to be prepared to face budget holes,
14 which it may not face at this instance.

15 LEGISLATOR WINK: Mr. Ciampoli, with all
16 due respect, being prepared would have been
17 continuing the practice of pay-go on tax
18 certiorari matters of \$50 million a year or more.
19 Being prepared doesn't indicate that you take
20 that money out and pretend like somehow those
21 refunds are not going to have to be paid somehow.
22 So let's be clear about that. Preparation could
23 have started a long time ago with this
24 administration. It didn't have to come down to
25 bonding. It didn't have to do this. The fact of

2 the matter is this administration was not
3 prepared because they took \$50 million away from
4 something they knew was an ongoing, recurring
5 expense to this County, and they allocated
6 wherever else they felt it was important, but
7 they took the money out of something they knew
8 they needed.

9 COUNTY ATTORNEY CIAMPOLI: I must differ
10 with you on that because there is a multi-year
11 plan that was approved by this legislature and by
12 NIFA. The holes that potentially we face are
13 there because of deviation from the plan, not
14 compliance with the plan.

15 LEGISLATOR WINK: And let's be clear
16 about that. NIFA, as I understood it, agreed
17 that the only way they would consider the \$450
18 million worth of borrowing this administration
19 has asked for in the multi-year plan, was if the
20 administration put forward \$150 million worth of
21 recurring savings, which, by any account, they
22 have not done yet. They are nowhere near that
23 \$150 million mark. So let's be clear about that.
24 NIFA never approved that 450 million. They
25 agreed to have a dialogue about it if this county

2 met the 150 million worth of savings; they have
3 not done that. So let's be clear about this.
4 This is not NIFA having signed off on everything
5 and it's just in our court. NIFA has not signed
6 off on this.

7 COUNTY ATTORNEY CIAMPOLI: Well, they
8 have signed off on the multi-year plan. It is a
9 fair statement, as you heard from the other side
10 of the aisle, that these monies could go for
11 things that effect public safety if we have the
12 money to do it. Obviously, there is a tie in to
13 the bonding and whether or not someone is going
14 to shoot a hole into the bottom of the multi-year
15 plan.

16 LEGISLATOR BELESI: Mr. Denenberg.

17 LEGISLATOR DENENBERG: Yeah. Mr.
18 Ciampoli, the whole argument you just said
19 presupposes then that the money from the second
20 phase of red light cameras wasn't proposed as
21 part of the multi-year plan and revenue of the
22 multi-year plan.

23 Going back to when I voted against the
24 expansion in 2010, the multi-year plan said then
25 that the revenue from the red light cameras would

2 go to plug the deficit, would go as general fund
3 revenue in the future. So you're acting like all
4 of a sudden not voting for bonding is why this
5 has to go to the general fund when, in fact, the
6 very four year plan that you're talking about
7 presupposed that there was going to be a second
8 phase of red light cameras to balance the budget.
9 It was even part of the budget for 2011 as
10 something that didn't happen. So the
11 administration was always planning for this
12 revenue to go to the general fund.

13 COUNTY ATTORNEY CIAMPOLI: Well, to
14 address that succinctly, if it was part of the
15 2011 budget that didn't happen, that sort of
16 moots that question. But, more importantly, the
17 goal here is to achieve flexibility so that the
18 county can meet its required obligations to
19 provide services to protect public safety and
20 provide the federally and state mandated services
21 that the county has to provide.

22 LEGISLATOR DENENBERG: I don't think
23 you've talked of a quit pro quo, a vote for this
24 or we won't do this if you vote for that, and I
25 don't think that's what you're saying right now.

2 COUNTY ATTORNEY CIAMPOLI: Nor would I.

3 LEGISLATOR DENENBERG: Apparently some
4 people on the other side want to say that's what
5 it is. I don't think it is at all. But I will
6 say something that Legislator Wink called for
7 would be interesting, because the information I
8 have is quite different.

9 Until now, the revenue -- and the first
10 accounting of red light camera revenue happened
11 at the beginning of 2010. But the revenue from
12 the red light cameras until now haven't gone to
13 the contract agencies. They just haven't. I
14 think here we're codifying what should happen
15 from here on in. But it would be an interesting
16 accounting, as Legislator Wink mentioned, to see
17 where the revenue has gone to date from the red
18 light cameras. But I would say again, that in
19 2011 this was a gap closing measure, so it was
20 always intended to go to the general fund, and
21 that's why I voted against the implementation and
22 that's why I'm voting against these amendments.

23 Thank you.

24 LEGISLATOR BELESI: Thank you, Mr.

25 Ciampoli.

2 Last speaker will be Deputy Majority
3 Leader Gonsalves.

4 LEGISLATOR GONSALVES: Just to clarify.
5 We would not be in this position had we not
6 inherited a \$310 million deficit. And it's my
7 opinion and the opinion of the majority that if
8 we were not in this position we would continue to
9 fund those services that are very needed in this
10 county. However, there are mandated services
11 that we need to continue to serve and they take
12 priority. And this is not going to be an easy
13 time on the part of the administration or the
14 majority. We need to see cooperation on both
15 sides of the aisle. And if we don't want to see
16 these services cut, then let's get to the table
17 and talk about what needs to be done.

18 You created this \$310 million deficit,
19 not the majority and not the county executive.
20 And so we're the ones that had to clean up the
21 mess. Let me tell you something --

22 LEGISLATOR DENENBERG: You have to be
23 kidding. You just have to be kidding.

24 LEGISLATOR GONSALVES: And so is the
25 President of the United States in his third year.

2 LEGISLATOR DENENBERG: We're not talking
3 about Congress. We're talking about the
4 legislature.

5 LEGISLATOR BELESI: Wayne, please. Mr.
6 Denenberg. Some decorum.

7 Ms. Gonsalves?

8 LEGISLATOR GONSALVES: I'm finished.

9 LEGISLATOR BELESI: Any public comment?
10 (No verbal response.)

11 All those in favor -- on the amendment.
12 We passed the amendment.

13 All those in favor of the item, as
14 amended, signify by saying aye.

15 (Aye.)

16 Opposed?

17 (Nay.)

18 Four to two.

19 Thank you.

20 CLERK MULLER: Number 170-12, an
21 ordinance supplemental to the annual
22 appropriation ordinance in connection with the
23 Nassau County Fire Commission.

24 Please entertain a motion to place this
25 matter before the legislature.

2 LEGISLATOR BELESI: Anyone to speak on
3 the matter?

4 CLERK MULLER: You need a motion.

5 LEGISLATOR MUSCARELLA: So moved.

6 CLERK MULLER: Moved by Legislator
7 Muscarella. A second?

8 LEGISLATOR GONSALVES: Second.

9 CLERK MULLER: Seconded by Legislator
10 Gonsalves.

11 LEGISLATOR BELESI: Anyone to speak on
12 the item? State your name, please.

13 MR. WELT: Carey Welt, Nassau County
14 Office of the Fire Marshal. What was the item
15 number again?

16 LEGISLATOR FORD: 170.

17 MR. WELT: 170. Okay. That item is
18 grant money that's going to reimburse the county
19 for expenses for homeland security equipment.
20 The equipment went to two county agencies - fire
21 marshal and police department - and it also went
22 to seven fire departments - Franklin Square,
23 Levittown, Bethpage, Hicksville, Rockville
24 Centre, Plainview, and Wantagh.

25 LEGISLATOR BELESI: Any questions?

2 (No verbal response.)

3 Any debate or discussion?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All those in favor of the item please
8 signify by saying aye.

9 (Aye.)

10 MR. WELT: Thank you.

11 CLERK MULLER: 174-12, an ordinance
12 supplemental to the annual appropriation
13 ordinance in connection with the police
14 department.

15 Please entertain a motion to place this
16 matter before the committee.

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR BELESI: Second.

19 CLERK MULLER: Moved by Legislator
20 Gonsalves, seconded by Legislator Belesi.

21 LEGISLATOR BELESI: The item is before
22 us.

23 SERGEANT STEPHANOFF: Good afternoon.
24 Sergeant Greg Stephanoff from the police.

25 This is the New York State Law

2 Enforcement Terrorist Prevention Program. We
3 were awarded \$888,940. The money will go to --
4 \$322,000 for training, money for equipment, and
5 money for supplies. 485,940 for equipment and
6 \$2,000 for supplies.

7 LEGISLATOR BELESI: Any debate or
8 discussion?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor please signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Five-nothing. Thank you.

18 CLERK MULLER: Six to nothing.

19 LEGISLATOR BELESI: Six to nothing.

20 CLERK MULLER: 328-12, an ordinance
21 amending Articles XVII and XXII of Ordinance
22 Number 56-1962, as amended, constituting the
23 Nassau County Fire Prevention Ordinance.

24 Please entertain a motion to place this
25 matter before the committee.

2 LEGISLATOR GONSALVES: So moved.

3 CLERK MULLER: Moved by Legislator
4 Gonsalves.

5 LEGISLATOR MUSCARELLA: Second.

6 CLERK MULLER: Seconded by Legislator
7 Muscarella.

8 LEGISLATOR BELESI: Anyone to speak on
9 this item?

10 MR. WELT: Carey Welt, Nassau County
11 Office of Fire Marshal.

12 There are many different parts to the
13 changes, changes in Article XVIII which would
14 require certain tests that the National Fire
15 Protection Association and the New York State
16 Code recommend be performed, would be in the
17 County Ordinance, along with fees in Article XXII
18 that correspond to those different tests and
19 inspections, including some additional licensing
20 of companies, which is actually being requested
21 by the industry, and certificates of fitness for
22 people that are performing those tests and
23 inspections.

24 LEGISLATOR BELESI: Any debate or
25 discussion? Mr. Denenberg.

2 LEGISLATOR DENENBERG: Commissioner
3 Welt, thank you for being here.

4 Are these fees increases, new fees, or
5 both?

6 MR. WELT: These are actually new fees.
7 The companies that would be doing the work, the
8 test inspections, would be licensed companies;
9 some of those companies today are not. So there
10 would be fees associated with the licensing of
11 the companies. There would be fees associated
12 with the certificates of fitness that would be
13 issued to the people working for the companies
14 that are actually doing the test inspections.
15 Then there would be fees associated with the
16 locations where these test inspections are being
17 conducted.

18 LEGISLATOR DENENBERG: So these -- so
19 these -- I'm just trying to understand. Are
20 these new tests that didn't have to be done
21 before that now we are requiring?

22 MR. WELT: They are actually tests that
23 should have been done all along that are not
24 being done. Now it will be required that these
25 tests be done in the County Ordinance, making it

2 easier for us to enforce it.

3 LEGISLATOR DENENBERG: So a building
4 owner would have to contract with someone to do
5 the test, and whoever they contract with will
6 have to pay these fees and the building owner
7 will have to pay the fees?

8 MR. WELT: The building owner would be
9 paying for the fee of the test being performed at
10 their location. The company that is doing the
11 testing would have to be a licensed company. So
12 that company is paying the fee to be licensed.
13 The people working for the company would have to
14 be people that would have to show confidence in
15 the work that they are performing, and that's the
16 certificate of fitness. There would be a fee
17 associated with that certificate of fitness.

18 LEGISLATOR DENENBERG: So there's a fee
19 with the certificate of fitness and that's paid
20 by the company doing the testing.

21 MR. WELT: Correct.

22 LEGISLATOR DENENBERG: Then there's an
23 initial licensing fee for the company doing the
24 testing.

25 MR. WELT: That is correct, also.

2 LEGISLATOR DENENBERG: But, in a way,
3 we're creating business for them because we are
4 creating the testing that they'll have to do.
5 Correct?

6 MR. WELT: That is not 100 percent
7 correct. What would make that correct is if it
8 weren't required already, that those tests and
9 inspections be performed. The law already states
10 that these locations should have these tests and
11 inspections. What we are now doing is providing
12 the mechanism to be able to enforce what the law
13 already states.

14 LEGISLATOR DENENBERG: And that's state
15 law or county law?

16 MR. WELT: That is state law and
17 nationally recognized standards.

18 LEGISLATOR DENENBERG: And then the test
19 fees and the permit fees go to the landowner who
20 has to have their structure tested?

21 MR. WELT: The test fee would be paid
22 for whoever is responsible for that property;
23 that would be dependent upon how the contract is
24 written, if it's a rental property or the owner.

25 LEGISLATOR DENENBERG: So the occupier

2 or owner would have to pay those two fees?

3 MR. WELT: That's correct.

4 LEGISLATOR DENENBERG: So they pay the
5 test fee, the permit fee, and then the company
6 doing the testing does the license and the COF.

7 MR. WELT: That's correct, also. Pretty
8 much what is happening is that --

9 LEGISLATOR DENENBERG: How are we going
10 to enforce it better now than we could before? I
11 don't understand what we're doing different in
12 terms of enforcement just by charging fees.

13 MR. WELT: Okay. Let's take the
14 certificate of fitness. Right now there is
15 nothing that states what qualifies a person to
16 perform the test. So we may have contractor A,
17 who gets somebody off the street who knows
18 nothing about sprinklers and stand pipes and says
19 go over to this location and check it out. And
20 right now that would be perfectly okay. Once we
21 require a certificate of fitness, that person
22 would actually have to prove competency in that
23 they know what they're looking at and they are
24 able to properly test and inspect that sprinkler
25 and stand pipe system. By licensing the company,

2 we now have some control over the company to
3 prevent problems that have happened in the past.
4 Pretty much, probably 20 years ago we took over
5 that licensing of those types of contractors from
6 Consumer Affairs, and we handle it now. So just
7 like a company is licensed by Consumer Affairs to
8 help ensure the fact that the company is a legit
9 company, we are doing the same thing here with
10 the companies that are testing and inspecting the
11 sprinklers and stand pipes.

12 Like I also said, the location is already
13 mandated to have that sprinkler and stand pipe
14 system tested. What this now does is ensure that
15 that test is a proper test and inspection. And
16 by having the fees paid by these companies and
17 individuals, we are taking the burden away from
18 the county resident and putting it where the
19 burden should be, and that's the person that's
20 benefitting from the service that's being
21 performed.

22 LEGISLATOR DENENBERG: The permit fee
23 and test fee would be by the person, property,
24 business that needs to get the testing.

25 MR. WELT: That's correct.

2 LEGISLATOR DENENBERG: So how do we --
3 so they would be burdened with the added fee, but
4 it is something they have to -- at least the
5 testing they have to do under law. How do we
6 enforce? Like, is there a way to make sure that
7 those people that are now paying us permit fees
8 and test fees are all of the people that have to
9 do the permits, that have to do the tests?

10 MR. WELT: There are penalty sections in
11 the Fire Prevention Ordinance --

12 LEGISLATOR DENENBERG: But, do we have a
13 list of all structures that qualify and have to
14 do this testing to match it up against?

15 MR. WELT: We have a list of structures
16 that we know about, which is, I'm going to say,
17 and there is no way that I could factually prove
18 what I'm going to say, less than what we believe
19 is out there.

20 LEGISLATOR DENENBERG: And there's a way
21 to -- is there a way to find everything that
22 should be out there and a way to make sure that
23 everything that's out there that we know about
24 does these testing? That's my last question.

25 MR. WELT: You sort of said it before.

2 By providing work for these contractors, they
3 will now be telling us all the places that they
4 know of that have these sprinkler and standpipe
5 systems that we may not have record of, because
6 it's going to be money in their pocket also.

7 LEGISLATOR DENENBERG: Okay. I guess,
8 finally, give me an idea, who are these companies
9 that do these testings for us?

10 MR. WELT: I can provide a list of
11 companies that we currently have as licensed
12 companies for the installation of sprinklers and
13 standpipe systems. I cannot provide you with a
14 list that does not yet exist, for those that are
15 going to be licensed for the testing of the
16 sprinkler and standpipe systems. That is the
17 part that's new.

18 LEGISLATOR DENENBERG: But you're saying
19 those would be logical licensing applicants. I
20 would start with that list, if you could provide
21 that to us.

22 MR. WELT: Certainly.

23 LEGISLATOR BELESI: Legislator Ford.

24 LEGISLATOR FORD: Good afternoon.

25 MR. WELT: Good afternoon.

2 LEGISLATOR FORD: Just to jump off,
3 like, some of the line of questioning of
4 Legislator Denenberg.

5 When these companies or buildings, you
6 know, install, get built, or whatever, for want
7 of a better word, don't they have to file permits
8 with each of the municipalities, whether it's the
9 Town of Hempstead, Town of North Hempstead, in
10 the building departments, that they installed
11 these systems?

12 MR. WELT: Yes, they do. And we would
13 have a record of those installations. The County
14 Fire Prevention Ordinance, even though it goes
15 back into the early 50's, did not always require
16 the installation of sprinkler and standpipe
17 systems. So we know that there are many
18 locations that had sprinkler and standpipe
19 systems installed prior to the ordinance
20 mandating those installations. And it's those
21 that are old that we don't know about, and it's
22 those old systems that would be most susceptible
23 to failure.

24 LEGISLATOR FORD: Do you have -- is
25 there any way that you would be able to, or

2 somebody in the county, say, would be able to
3 compile a list of basically all the buildings or
4 to alert the towns that control the zoning
5 requirements and the building requirements to
6 send a message out to each and every single
7 building owner that their sprinkler systems and
8 standpipe systems must be up to code and must be
9 tested?

10 MR. WELT: In a way that's already being
11 done. Current companies are notifying these
12 locations. But without the law in effect
13 mandating that they do it, a location may not do
14 what they should be doing without that
15 enforcement behind it.

16 LEGISLATOR FORD: Right. Then, what
17 would happen if you go to some place -- for me,
18 unfortunately, when I think of standpipe systems
19 that fail, I think of the Deutsche Bank tragedy
20 in New York City. So I think that this is great,
21 when we take a law like this and make it
22 mandatory. Unfortunately, a lot of times our
23 firefighters, you know, they count on hydrants
24 working or their pumper trucks working. But if
25 they get up to the eighth, tenth, or twelfth

2 floor of a building and all of a sudden water's
3 not coming, they put themselves in unnecessary
4 danger. So I'm in full support of this.

5 But I want to make sure, with Legislator
6 Denenberg, that if we are passing this law, I
7 want to make sure that every person or every
8 building owner, you know, understands that these
9 have to be tested and if they have to be brought
10 up to code, they should be brought up to code.
11 If not, I'd like to see them pay a fee, a very
12 steep fine. A lot of times they may pay
13 thousands of dollars in fines, or even for fees
14 to make sure that they work, is nothing compared
15 to the loss of a firefighter's life.

16 MR. WELT: Our normal procedure is to
17 provide somebody with notice that there is a
18 violation. After that notice to correct the
19 violation has been ignored, then we should start
20 enforcement action. Usually there is penalties,
21 but the penalties are not severe. As time goes
22 on and they still do not comply, the penalty is
23 to get greater. The law right now provides for a
24 \$5,000 penalty per violation to a corporation
25 every 15 days.

2 LEGISLATOR FORD: Like, what is the
3 length of time in between the inspections? You
4 know, like, is it like, do you have to inspect it
5 every five years or every one year? Like, how do
6 we make sure that these are working?

7 MR. WELT: Most of these inspections are
8 either annual or every three years.

9 LEGISLATOR FORD: Okay. And do you find
10 that if they don't, how long does it take --
11 well, I guess in the absence of this law -- so
12 we're going to see what this law -- it's going to
13 give more teeth to the fire marshals going out
14 doing the inspections or following up with the
15 inspections that perhaps a company will go out --
16 I'm sure that if they meet with any resistance
17 that your office will be notified. Correct?

18 MR. WELT: That is correct.

19 LEGISLATOR FORD: So then we'll send a
20 fire marshal out. About how long does it take,
21 you know, to get them to comply?

22 MR. WELT: It all varies. If we see
23 that a location is working towards compliance, we
24 try to work along with them. If we see that
25 they're not, then those enforcement actions would

2 take place a lot sooner.

3 LEGISLATOR FORD: Okay. So then it
4 could be, like, they can accrue these penalties
5 of \$5,000 every 15 days. Correct?

6 MR. WELT: That's correct.

7 LEGISLATOR FORD: Thank you very much.

8 LEGISLATOR BELESI: Any public comment?

9 (No verbal response.)

10 All those in favor of the item passing
11 please signify by saying aye.

12 (Aye.)

13 Opposed?

14 (No verbal response.)

15 Item passes.

16 CLERK MULLER: Item 336-12, a resolution
17 authorizing the county executive to execute a
18 grant agreement with the Federal Emergency
19 Management Agency, FEMA, and the Department of
20 Homeland Security in relation to the assistance
21 to firefighters grant program.

22 Please entertain a motion to place this
23 matter before the committee.

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR MUSCARELLA: Second.

2 CLERK MULLER: Moved by Legislator
3 Gonsalves, seconded by Legislator Muscarella.

4 LEGISLATOR BELESI: The item is before
5 us. Anyone to speak on this?

6 SERGEANT STEPHANOFF: Good afternoon.
7 Sergeant Greg Stephanoff.

8 This is the assistance to firefighters
9 grant that was awarded the department. Our award
10 is \$529,460. There is a cash match of \$132,364.
11 This grant will allow us to equip the volunteer
12 ambulances and the fire department with radios
13 that will communicate through our medical control
14 and allow us to have interoperability with each
15 other.

16 LEGISLATOR BELESI: Any questions?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor please signify by
21 saying aye.

22 (Aye.)

23 Opposed?

24 (No verbal response.)

25 Item passes.

2 CLERK MULLER: Item Number 337-12, a
3 resolution to authorize the transfer of
4 appropriations heretofore made within the budget
5 for the year 2012.

6 Please entertain a motion to place this
7 matter before the committee.

8 LEGISLATOR GONSALVES: So moved.

9 CLERK MULLER: Moved by Legislator
10 Gonsalves.

11 LEGISLATOR MUSCARELLA: Second.

12 CLERK MULLER: Seconded by Legislator
13 Muscarella.

14 SERGEANT STEPHANOFF: Sergeant Greg
15 Stephanoff, again.

16 This item will transfer \$473,200 from
17 the police headquarters budget to the medical
18 examiner's office. This money is being
19 transferred to help the ME's office establish a
20 latent fingerprint lab. This is the process by
21 which they're going to take over the work that
22 the police lab used to do.

23 LEGISLATOR BELESI: Any debate or
24 discussion?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor please signify by
5 saying aye.

6 (Aye.)

7 Opposed?

8 (No verbal response.)

9 The ayes have it.

10 Thank you.

11 CLERK MULLER: Item 338-12, an ordinance
12 supplemental to the annual appropriation
13 ordinance in connection with the medical
14 examiner's office.

15 Please entertain a motion to place this
16 matter before the committee.

17 LEGISLATOR GONSALVES: So moved.

18 CHAIRMAN SCHMITT: Moved by Legislator
19 Gonsalves. Seconded by?

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: Seconded by
22 Legislator Muscarella.

23 LEGISLATOR BELESI: Is there anyone here
24 to speak on this issue?

25 SERGEANT STEPAHNOFF: Sergeant Greg

2 Stephanoff. I believe this is the same item.
3 It's just the money comes out from the police and
4 it goes into the medical examiner. It's for the
5 same purpose.

6 LEGISLATOR BELESI: Any debate or
7 discussion?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor?

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 Six-nothing.

16 Committee is now adjourned.

17 LEGISLATOR BELESI: I'm sorry. A
18 motion? Seconded by Muscarella.

19 All those in favor?

20 (Aye.)

21 Now this meeting is adjourned.

22 (Whereupon, the Public Safety Committee
23 adjourned at 2:47 p.m.)

24

25

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2012.

FRANK GRAY