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NASSAU COUNTY LEGISLATURE

PETER SCHMITT,  
Presiding Officer

FULL LEGISLATIVE COMMITTEE

PETER SCHMITT,  
Chairman

1550 Franklin Avenue  
Mineola, New York

Monday, July 9, 2012  
1:37 p.m.

REGAL REPORTING SERVICE  
(516) 747-7353

1

2 A P P E A R A N C E S :3 PETER SCHMITT,  
4 Presiding Officer,5 NORMA GONSALVES,  
6 Deputy Presiding Officer7 HOWARD KOPEL, Alternate  
8 Alternate Deputy Presiding Officer

9 DENISE FORD

10 JOSEPH SCANNELL (Not Present)

11 FRANCIS X. BECKER

12 VINCENT MUSCARELLA

13 RICHARD NICOLELLO

14 JUDI BOSWORTH

15 WAYNE WINK

16 ROBERT TROIANO (1:47 p.m.)

17 KEVAN ABRAHAMS,  
18 Minority Leader (1:42 p.m.)

19 ROSE MARIE WALKER

20 JOSEPH BELESI

21 DENNIS DUNNE (Not present)

22 JUDITH JACOBS

23 DAVID DENENBERG

24 DELIA DERIGGI-WHITTON

25 CARRIE SOLAGES

WILLIAM J. MULLER,  
Clerk of the Legislature

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1 Full Legislature/7-9-12

2 CHAIRMAN SCHMITT: I call the  
3 members of the legislature to the chamber so  
4 we can start the legislative meeting,  
5 please. Mr. Clerk, would you call the roll?

6 CLERK MULLER: Deputy Presiding  
7 Officer Gonsalves?

8 LEGISLATOR GONSALVES: Present.

9 CLERK MULLER: Alternate Deputy  
10 Presiding Officer Kopel?

11 LEGISLATOR KOPEL: Here.

12 CLERK MULLER: Legislator  
13 Troiano?

14 (No verbal response.)

15 CLERK MULLER: Legislator  
16 Solages?

17 LEGISLATOR SOLAGES: Here.

18 CLERK MULLER: Legislator Ford?

19 LEGISLATOR FORD: Here.

20 CLERK MULLER: Legislator  
21 Scannell?

22 (No verbal response.)

23 CLERK MULLER: Legislator Becker?

24 LEGISLATOR BECKER: Here.

25 CLERK MULLER: Legislator

1 Full Legislature/7-9-12  
2 Muscarella?  
3 LEGISLATOR MUSCARELLA: Here.  
4 CLERK MULLER: Legislator  
5 Nicoletto?  
6 LEGISLATOR NICOLELLO: Here.  
7 CLERK MULLER: Legislator  
8 Bosworth?  
9 LEGISLATOR BOSWORTH: Here.  
10 CLERK MULLER: Legislator Wink?  
11 (No verbal response.)  
12 CLERK MULLER: Legislator Belesi?  
13 LEGISLATOR BELESI: Here.  
14 CLERK MULLER: Legislator Dunne?  
15 (No verbal response.)  
16 CLERK MULLER: Legislator Jacobs?  
17 LEGISLATOR JACOBS: Here.  
18 CLERK MULLER: Legislator Walker?  
19 LEGISLATOR WALKER: Here.  
20 CLERK MULLER: Legislator  
21 DeRiggi-Whitton?  
22 LEGISLATOR DeRIGGI-WHITTON:  
23 Here.  
24 CLERK MULLER: Legislator  
25 Denenberg?

1 Full Legislature/7-9-12

2 LEGISLATOR DENENBERG: Here.

3 CLERK MULLER: Minority Leader  
4 Abrahams?

5 (No verbal response.)

6 CLERK MULLER: Presiding Officer  
7 Schmitt?

8 CHAIRMAN SCHMITT: Here.

9 CLERK MULLER: We have a quorum.

10 CHAIRMAN SCHMITT: We have a  
11 quorum.

12 LEGISLATOR WINK: Mr. Chairman,  
13 please let the record reflect that  
14 Legislator Wink has entered the chamber.

15 CHAIRMAN SCHMITT: Legislator  
16 Wink has entered the chamber.

17 As always, we will start out with  
18 one half hour of public comment and then we  
19 will proceed to a very short legislative  
20 calendar, and then, if there are more  
21 comments to be made, we will go back to  
22 public comment. Firstly, I have asked  
23 speakers to please try to limit themselves  
24 to three minute intervals, so everybody can  
25 get a chance to be heard.

1 Full Legislature/7-9-12

2 The first speaker is Margerita  
3 Grasing, and I apologize if I mispronounce  
4 anybody's name.

5 MS. GRASING: Yes. My name is  
6 Margerita Grasing. I'm the executive  
7 director of the Hispanic Brotherhood in  
8 Rockville Centre and I guess you can guess  
9 why I'm here.

10 I'm one of the 49 agencies  
11 defunded as of July 6th, and I'm quite sure  
12 that you're aware of that. My question is,  
13 what should I do? I have 37 kids every  
14 single day in my agency. We have 90 meals  
15 to serve for my seniors. When should I say  
16 you can't come anymore because we don't have  
17 the funding as of July 6th, that Nassau  
18 County decided that you're not important  
19 enough in this county any more?

20 So I'm really here to ask the  
21 question, when are we going to have an  
22 answer to close the door definite?  
23 Mr. Schmitt?

24 CHAIRMAN SCHMITT: Yes.

25 MS. GRASING: Do you have an

1 Full Legislature/7-9-12

2 answer?

3 CHAIRMAN SCHMITT: I have no  
4 answer for you except to suggest you talk to  
5 your legislator. I understand that you're  
6 from Rockville Centre. That would be  
7 Legislator Scannell.

8 MS. GRASING: And Becker.

9 CHAIRMAN SCHMITT: I don't know  
10 what your own financial situation is in your  
11 agency. That's a determination that you and  
12 your board would have to make. I do know  
13 that until there is an agreement, or if  
14 there is ever an agreement to do bonding,  
15 that's necessary to pay tax certioraris.  
16 That is the situation that we have and we  
17 stand ready to do the bonding. We have ten  
18 votes ready to do the bonding or nine votes  
19 today ready to do the bonding. We need 13.  
20 I don't know what to tell you.

21 MS. GRASING: My question is, to  
22 the other side of the aisle, what would you  
23 advise? That you would not come to an  
24 agreement?

25 CHAIRMAN SCHMITT: Legislator



1 Full Legislature/7-9-12

2 Jacobs?

3 LEGISLATOR JACOBS: I want to  
4 tell you something. This has been extremely  
5 -- I know it's very difficult for agencies.  
6 It's been extremely difficult for anyone who  
7 cares up here, and I would like to believe  
8 that all of us care.

9 It's much deeper than the surface  
10 explanation that you just received, and  
11 there are meetings going on as we speak  
12 right now. So, of course, there is always  
13 that hope that cooler heads will prevail and  
14 that we will be able to reach an agreement  
15 that will enable your monies to be restored.

16 So, right now, if you are looking  
17 for a definitive answer, we wish we had one  
18 ourselves. But we don't have one right now.  
19 But there is always hope, as long as there  
20 is meetings going on, and talking going on,  
21 then there's always the end result being  
22 something that will end up being comforting  
23 to everybody.

24 MS. GRASING: You know, families  
25 that go to work making \$8 an hour don't like

1 Full Legislature/7-9-12

2 the politics that are being played.

3 LEGISLATOR JACOBS: I understand  
4 that.

5 MS. GRASING: You realize that  
6 the kids are not being taken care of, they  
7 can't go to work. So Nassau County pays a  
8 price, a higher price for those families  
9 that can't work. So we have to stop  
10 playing, who do we blame, who should do this  
11 and who should do that. And, as a taxpayer,  
12 I think it's disgusting. I'm disappointed.  
13 After 45 years, how we're going in Nassau  
14 County, it's degrading and devastating.

15 LEGISLATOR JACOBS: I have to  
16 tell you that we have -- you know that I've  
17 been here for a long time, and we have hit  
18 some very rough spots throughout the years.  
19 Fortunately, through every rough spot, we do  
20 come out above the water in the long run.

21 I know it's very difficult right  
22 now and I know it doesn't help you for me to  
23 say to you it's difficult for everyone up  
24 here -- well, let me talk for myself. I  
25 know it's killing me inside too. But I'm

1 Full Legislature/7-9-12  
2 telling you that I've always had a feeling  
3 in my heart that as long as there's talking,  
4 as long there's negotiating, I know we're  
5 all struggling with this, hopefully there  
6 will be an answer that will be something  
7 affirmative for all of us.

8 MS. GRASING: I hope so. I hope  
9 so. Thank you.

10 CHAIRMAN SCHMITT: Legislator  
11 Becker.

12 LEGISLATOR BECKER: Good  
13 afternoon. I just wanted to state that once  
14 again I voted for the bonding so that the  
15 youth program, youth board can get their  
16 money. We have always worked very closely  
17 on this board, both Republicans and  
18 Democrats, when it came to the youth  
19 programs.

20 Whatever is happening behind the  
21 scenes, I hope that the other side can  
22 resolve it and we can work together with  
23 something that is so important. I know that  
24 they care about the youth programs as much  
25 as we do. Whatever is holding them back, I

1 Full Legislature/7-9-12

2 hope that they can resolve it, move forward  
3 past the bonding so we can put this issue  
4 behind us.

5 As I've always stated, there is a  
6 lot of things that we can fight about as  
7 Republicans and Democrats on both sides of  
8 the aisle. There are going to be a lot of  
9 things to bond in moving forward, but I ask  
10 the other side of the aisle just to let this  
11 item, let it pass and we'll fight another  
12 day about other things.

13 There are so many issues that, as  
14 I said, we can talk about and fight about  
15 and resolve, but let this one issue pass.  
16 Let us get the bonding we need so the youth  
17 programs can get their money and I think we  
18 will all breathe a sigh of relief.

19 CHAIRMAN SCHMITT: Legislator  
20 Denenberg.

21 LEGISLATOR DENENBERG: Again,  
22 just to answer your question, the way we  
23 answered your question about having youth  
24 board not being held as political pawn, was  
25 to give you the red light camera money so

1 Full Legislature/7-9-12  
2 that red light camera money went directly to  
3 the programs for health and human services.

4 Any administration can hold up  
5 again and again funding for youth board for  
6 this political issue or that political  
7 issue. What youth board funding has to do  
8 with tax certs and borrowing when you are a  
9 contractual annual expense is virtually  
10 nothing. That's why a dedicated fund took  
11 you out of being political pawns.

12 So anyone who is saying today we  
13 voted for the bonding are the same people  
14 that voted to take away your funding and  
15 that dedicated source. \$40 million of  
16 bonding today is what you're being held up  
17 for, tomorrow it will be 310 million more  
18 bonding that has to come.

19 Then the 2013 budget is coming.  
20 \$60 million more of cuts have to come. So  
21 the whole issue was in '09, this side as the  
22 majority, said to the county executive, who  
23 was a member of our party, no, we're  
24 dedicating this red light camera money for  
25 the health and human services. It should

1 Full Legislature/7-9-12  
2 have never been taken away because then  
3 you're a political pawn not just today but  
4 every day. That's the real answer. Thank  
5 you.

6 CHAIRMAN SCHMITT: I'm not going  
7 to --

8 LEGISLATOR BECKER: One more  
9 comment --

10 CHAIRMAN SCHMITT: Legislator  
11 Becker, you're not recognized. Hold on. I  
12 was in the middle of a statement. I'm not  
13 going to debate the issue ad nauseam. I  
14 know you're here, the people are here. They  
15 want answers. They would like to have their  
16 funding restored.

17 The solution on the table is to  
18 pass the bonding. That's what's on the  
19 table. We either do it or we don't. If we  
20 pass the bonding, they get their money. If  
21 we don't pass the bonding, they don't.

22 So the history is wonderful, and  
23 the finger pointing is great, but if we want  
24 to move forward, pass the bonding.

25 Now, Mr. Becker, you're

1 Full Legislature/7-9-12

2 recognized.

3 LEGISLATOR BECKER: I just want  
4 to say, once again, Legislator Denenberg  
5 chooses to be political about this issue  
6 and, as it's been clearly stated, it doesn't  
7 matter what fund the money is in, if the  
8 accounts are attached, it could be in any  
9 sort of account and it's going to be held up  
10 and have to be paid.

11 So to say whether it's in a red  
12 light camera district fund or in any other  
13 fund that's in the county, it doesn't matter  
14 once the money is attached, it has to be  
15 paid.

16 So Legislator Denenberg chooses  
17 to remain political on this issue, where I'm  
18 trying not to be. And let's just say, let's  
19 move on from this particular issue and fight  
20 on something else. I know that they feel  
21 the same way that they do about the youth  
22 programs. So whoever is controlling things  
23 from the back, let's move forward and get  
24 this done so the youth programs can maintain  
25 their programs for the summer.

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1 Full Legislature/7-9-12

2 CHAIRMAN SCHMITT: Mr. Joseph  
3 Librizzy.

4 CLERK MULLER: Legislator Troiano  
5 is here.

6 MR. LIBRIZZY: Good morning. I'm  
7 here to talk about the sewer tax that we  
8 read about in Newsday, we heard about here  
9 and there.

10 I have a few points to make. One  
11 thing I would like to know is, in 2010 we  
12 were here on another subject and, if you  
13 remember, you let us sit there for five  
14 hours. This time thank you for getting us  
15 up sooner.

16 The point I would like to make  
17 is, at that time, and a year or so later, I  
18 spoke to Legislator Belesi from Florida, I  
19 said, next time you have a problem or issue  
20 that relates to veterans, give us a call.  
21 We'll come and sit down and talk to you and  
22 tell you what our needs are and how we can  
23 alleviate the problems and all that. Did  
24 you get the call? I didn't get the call.  
25 Mr. Belesi didn't make the call.



1 Full Legislature/7-9-12

2 In 2010, Dennis Dunne came to our  
3 UVO meeting. I was president then. He said  
4 to us and guaranteed us that the sewer tax  
5 was out and the veterans organizations were  
6 exempt. Now, if I read right in Newsday, it  
7 said nonprofit organizations. Well, every  
8 VFW post, every American Legion Post --

9 CHAIRMAN SCHMITT: Sir, you are  
10 absolutely correct. You were carved out in  
11 the legislation that was passed. Veterans  
12 groups, veteran centers, American Legion  
13 posts, VFW posts, are exempted. So whatever  
14 happens, way down the road, whatever  
15 happens, it's not going to affect you at  
16 all.

17 MR. LIBRIZZY: In what you're  
18 saying right now, I misinterpreted this,  
19 that the VFW and American Legion are not  
20 going to be charged a sewer tax?

21 CHAIRMAN SCHMITT: They are not  
22 going to be charged.

23 MR. LIBRIZZY: You'll put that in  
24 writing, of course?

25 CHAIRMAN SCHMITT: It's in the

1 Full Legislature/7-9-12  
2 legislation, we voted on it.

3 LEGISLATOR DENENBERG: To the  
4 chair.

5 CHAIRMAN SCHMITT: Just a second,  
6 Mr. Denenberg. I'm discussing it with the  
7 gentleman. The problem here, sir, is that  
8 Newsday has chosen to write editorials or  
9 stories about a proposal that's not in front  
10 of us, not flushed out. It's being  
11 discussed, yes. It's an idea out there that  
12 the administration is pursuing. Whether or  
13 not it ever comes here in the form of a  
14 contract or any other which way is yet to be  
15 seen.

16 The point of the matter is, there  
17 is a bipartisan agreement that whatever  
18 comes here, if it comes here, will not  
19 affect veterans halls, posts and groups.  
20 They're exempted.

21 MR. LIBRIZZY: That's a  
22 guarantee?

23 CHAIRMAN SCHMITT: The clerk, Mr.  
24 Muller, will get you a copy of the  
25 legislation and show it to you.

1 Full Legislature/7-9-12

2 LEGISLATOR DENENBERG: Mr.

3 Schmitt?

4 CHAIRMAN SCHMITT: Mr. Denenberg.

5 LEGISLATOR DENENBERG: Mr.

6 Librizzy, the legislation that was passed  
7 two years ago to charge tax exempts to use  
8 the sewers has been -- did exempt in a  
9 bipartisan way, did exempt veterans groups  
10 and fire departments. What was passed  
11 ultimately on partisan lines, ten nine, has  
12 been held up in court. A court has issued a  
13 preliminary injunction saying that in all  
14 likelihood a tax just on tax exempts or a  
15 sewer charge just on tax exempts is not  
16 legal and therefore it's being held up in  
17 court.

18 What is being proposed by what  
19 Newsday wrote about was a request for  
20 proposals for a private operator and a  
21 funding, a financial company to fund \$750  
22 million for privatization of the sewers, and  
23 on page eight and nine of that document, it  
24 says specifically that one of the intents is  
25 to charge sewer user fees for all not for

1 Full Legislature/7-9-12  
2 profits for high end users, and if that  
3 can't be done for every one in Nassau  
4 County, that makes no exception.

5 So what ends up happening with  
6 this privatization is something none of us  
7 up here actually knows. So everyone who  
8 could be charged a sewer rate should be  
9 concerned about it, period.

10 MR. LIBRIZZY: Thank you.

11 CHAIRMAN SCHMITT: There is at  
12 least one area that Legislator Denenberg and  
13 I are in agreement on. Nobody knows what is  
14 going to come here. Nobody knows when it's  
15 going to come here and if it's going to come  
16 here and what it's going to contain.

17 What we do know is that when  
18 something comes here, if it affects veterans  
19 organizations in the manner and fashion in  
20 which you have described and which  
21 apparently some people would make you think  
22 that you would be effected that way, then  
23 you will receive the call from Legislator  
24 Belesi or Legislator Dunne or myself letting  
25 you know what's entailed here and what is

1 Full Legislature/7-9-12  
2 involved, and you better sit down and come  
3 on down because it's not our intent, and  
4 certainly not my intent, it has to pass  
5 here. It's not my intent to pass anything  
6 that's going to affect the veterans groups  
7 that way. That's the commitment that was  
8 made and that's the way it's going to be.

9 This is a major proposal that is  
10 coming down the pike. Whether or not it  
11 holds water or not remains to be seen. We  
12 have to look at it when it gets here, not  
13 before, and actually be vetted and examined  
14 as to what it's going to do and how it's  
15 going to do it, and then we can make a  
16 decision as to whether or not to go forward  
17 with it or not.

18 That's the time for this kind of  
19 discussion and -- that's the time for it and  
20 you have -- I'm committing to you that I'll  
21 be in touch with you to let you know when we  
22 receive that and if it affects your group.  
23 All right? Legislator Bosworth.

24 LEGISLATOR BOSWORTH: Thank you,  
25 Presiding Officer Schmitt. Mr. Librizzy, we

1 Full Legislature/7-9-12  
2 spoke and you brought up your concerns about  
3 this proposed legislation.

4 As you recall, when we spoke, I  
5 said that in the past proposal, veterans  
6 groups were, in fact, exempt and I would  
7 assume that they are going to continue to be  
8 exempt. But what you've done today is so  
9 important. You're concerned other veteran  
10 groups are concerned. You're concerned  
11 about your posts, and the viability of your  
12 posts. So you come here today during public  
13 comment which is a perfect way to use public  
14 comment to express your concern and get the  
15 reassurance from the presiding officer that  
16 the intent of this legislature is certainly  
17 not to have this affect on veterans posts.  
18 So I think you have had a successful  
19 afternoon.

20 MR. LIBRIZZY: Thank you.

21 CHAIRMAN SCHMITT: Thank you.  
22 Sarah Triola of Harriet Eismen Community  
23 School.

24 MS. TRIOLA: My name is Sarah  
25 Triola and I'm a student of the Harriet

1 Full Legislature/7-9-12  
2 Eismen Community School which is a part of  
3 Long Beach Reach. I worked as hard as I  
4 could to succeed in public school just like  
5 how my father wanted me to, until he  
6 suddenly died in 2010, dealing with the  
7 sudden death of my hero, best friend and  
8 father was too much for a 14 year old.

9 I made wrong decisions with the  
10 wrong kinds of people. I began to lose  
11 myself, lose who my father raised me to be,  
12 and my structure was gone. In public school  
13 I was stereotyped into the classification of  
14 a screw-up.

15 But at Harriet Eismen, they don't  
16 do that there. Mutual respect is taught at  
17 Harriet Eismen which isn't taught in public  
18 schools. At Harriet Eismen, I'm seen as a  
19 human being with a voice, not just another  
20 paper to grade or another student to kick  
21 out of class or another number in the  
22 population count.

23 Please listen as I ask this. Do  
24 any of you up there have a heart? If you  
25 said yes to yourselves, you would not be

1 Full Legislature/7-9-12  
2 putting your political issues over the  
3 future of America. That future is us yet  
4 you don't seem to care, do you? Any of you  
5 up there? Do you care about the future?

6 CHAIRMAN SCHMITT: I appreciate  
7 the fact that you've taken the time to come  
8 here and express your concerns to us. As  
9 you have heard, there is a back and forth  
10 going on, there's a policy disagreement  
11 going on as to how this county goes forward  
12 and whether or not and how we pay our  
13 judgments, how we pay debts that are owed to  
14 the taxpayers of this county. We have to  
15 pay those debts. They're court ordered  
16 judgments. They must be paid.

17 MS. TRIOLA: I don't understand  
18 how such vital human structures, such human  
19 services could be used as a pawn.

20 CHAIRMAN SCHMITT: It's not using  
21 it as a pawn.

22 MS. TRIOLA: So what is it being  
23 used as?

24 CHAIRMAN SCHMITT: Whether the  
25 affected people, the affected agencies, I



1 Full Legislature/7-9-12  
2 know they don't like to be classified this  
3 way, but the fact of the matter is, they are  
4 not a mandated service. They are not a  
5 mandated expense on this county. Therefore,  
6 the funding is discretionary.

7 Therefore, all discretionary  
8 funding must be used to pay tax judgments.  
9 They can be paid in two ways. They can be  
10 paid out of the general funding using all  
11 discretionary funding, or they can be paid  
12 by bonding it. We want to bond it so the  
13 discretionary funding can continue to go to  
14 agencies such as yours, they don't want to  
15 do that. Okay? We need three of their  
16 votes in order to secure the bond.

17 LEGISLATOR WINK: Mr. Chairman,  
18 you didn't need our votes in order to  
19 rescind the dedicated funding from the red  
20 light camera program. That's where the  
21 problem in all this comes from.

22 MS. TRIOLA: I'm going to  
23 continue. After your generation passes  
24 away, we will be the ones left to clean up  
25 the messes you guys have made. Us kids

1 Full Legislature/7-9-12  
2 spend our young lives listening to adults  
3 because it's enforced that they know what's  
4 best, but do you honestly agree that  
5 cancelling all these supportive youth  
6 programs is what's best for our youth?

7 We cannot sit still and watch  
8 adults gamble away vital human services.  
9 Harriet Eismen is my structure and most  
10 issues with my mother were resolved by going  
11 to therapy at Family & Children's  
12 Association. Once I finally began going to  
13 Harriet Eismen, I felt stable, only to feel  
14 my once stable ground break off and crumble  
15 piece by piece.

16 I love my principal, Julie, and I  
17 love Erica, David, Rob, George and everyone  
18 else working at Harriet Eismen. It is my  
19 second home. I've lost a lot of things in  
20 my life and to take away my second home and  
21 education gives me no hope for my goals.

22 I want to go into the army after  
23 I graduated, but I can't do that without a  
24 diploma. I want to be something, since I  
25 came from nothing, but you guys are making

1 Full Legislature/7-9-12

2 it very difficult for me.

3 Many can relate to my feelings  
4 about your decision. Once again, I'm left  
5 holding onto empty promises, similar to my  
6 childhood.

7 Now, I come to realize that I  
8 have no family, no more education, no  
9 support, no love, but the only thing I do  
10 have left is broken dreams, ones that will  
11 take me a long, long time to put back  
12 together.

13 One more question, should I go to  
14 school tomorrow? What should I do? Can you  
15 answer that?

16 CHAIRMAN SCHMITT: Legislator  
17 Ford.

18 LEGISLATOR FORD: I'm over here.  
19 I can identify with you. My sons were  
20 younger than you when they tragically lost  
21 their father, so I know what it's like for  
22 children and for a mother to have to raise  
23 children without the other parent being  
24 present.

25 We're trying to work with the

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2 county executive and both sides of the aisle  
3 are trying to come up with an agreement that  
4 unfortunately it seems everything has boiled  
5 down to politics. We need to move beyond  
6 that and try to figure out what is the best  
7 way that we can resolve this whole issue.

8 Not only, as the presiding  
9 officer said, not only with this money that  
10 we have to pay these judgements that have  
11 been lodged against us, even just the youth  
12 agencies, there's so many other people  
13 beyond this that are also going to be  
14 impacted by the lack of this extra money,  
15 this bonding that we so desperately need.

16 But I would say that I'm in  
17 contact with the county executive and I'm  
18 trying to see if we can at least allow  
19 Harriet Eismen to remain open until you  
20 graduate, because I know that will be in  
21 August. So I'm advocating for that.

22 I would suggest that hopefully  
23 you just go to school, and hopefully the  
24 school will be open tomorrow.

25 MS. TRIOLA: I won't graduate in

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2 August, I'll graduate next year.

3 LEGISLATOR BOSWORTH: I'm trying.  
4 We're trying to do the best we can.

5 MS. TRIOLA: Thank you.

6 CHAIRMAN SCHMITT: Thank you.  
7 Joanne Borden.

8 MS. BORDEN: Most people know,  
9 even if it's not most uppermost in their  
10 mind, that the First Commandment is to love  
11 God. The Second Commandment is to love thy  
12 neighbor as you would thyself. I don't know  
13 how you're doing with the first one, but  
14 you're doing a lousy job with the second  
15 one.

16 I'm your neighbor. Spiritually,  
17 physically, in many ways. Yet, you don't  
18 love me or thyself enough to include me in  
19 the things you grant all other neighbors,  
20 civil rights. You give antisocial types,  
21 even criminals, civil rights that you deny  
22 me. You are the peoples' representatives.  
23 Pole after pole shows an overwhelming  
24 majority 80 percent of the New York voters  
25 favor transgender civil rights.

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2 I demonstrated that transgender  
3 people are not violating biblical or moral  
4 commandments although religion has no weight  
5 in government affairs.

6 I also pointed out that there are  
7 good law abiding citizens many of who, like  
8 me, served our country in time of war. Yet,  
9 my plea to you in this chamber month after  
10 month falls on deaf ears.

11 You voted for the present  
12 antidiscrimination law that includes  
13 protection for everyone, even criminals, now  
14 you won't move to include transgender people  
15 in civil rights protections.

16 Why do you deny people who are  
17 good law abiding citizens? Why do you deny  
18 people who serve their country honorably in  
19 the military? Why do you deny people who  
20 are simply trying to earn a living to  
21 support their families without the fear of  
22 being fired because they are a transgender  
23 person? Why are you blind to what all the  
24 other counties around us can clearly see?  
25 They give equal protection under the law to

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2 us. Why?

3 There must be an answer but you  
4 can't or won't say why. Your silence must  
5 indicate your answer is a shameful one and  
6 unworthy one of a legislator.

7 Now is the time to vote and pass  
8 transgender civil rights. Nowhere does it  
9 say that you have to like it or me. Only  
10 that you love thy neighbor for it to be the  
11 right thing to do. Give us a vote and let  
12 everyone vote their conscious.

13 I'd like this distributed and  
14 entered into the record.

15 CHAIRMAN SCHMITT: Legislator  
16 Jacobs. Joanne, I know that you come down  
17 here every month, and, as I told you from  
18 the very beginning when we first met, that I  
19 personally feel terrible because I was  
20 presiding officer at the time that we passed  
21 our anti-discrimination law. I certainly,  
22 and everyone up here in a unanimous way,  
23 felt we had covered every base and every  
24 person in our county. There never was and,  
25 quite honestly, one of the biggest problems

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2 with some of the resolutions you sent me,  
3 and you know that I entered all of them, as  
4 I should, in the clerk's office to be heard  
5 is that there's a difference of opinion by  
6 legal people that we have on the majority  
7 side, the minority side, and the county  
8 executive side, as to whether our law in  
9 fact does not cover everybody. They feel,  
10 in fact, it's very sweeping.

11 However, I understand from our  
12 minority leader who you bumped into on your  
13 way in today, that you may have another  
14 amendment that you would like to put  
15 forward? We didn't discuss it fully, but  
16 from what I heard I would almost believe  
17 that that is part of our original law, but I  
18 would be more than happy to see that  
19 amendment and I certainly will ask our  
20 attorneys to draw it up, if, in fact, it  
21 doesn't seem like a repetition.

22 MS. BORDEN: In fact, almost  
23 every human rights law has a weakness, the  
24 same weakness. New York City had the same  
25 problem. They had to do an amendment like



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2 I'm proposing. But every human rights law  
3 in this whole country has a weakness because  
4 it specifies who is protected.

5 So if I want to evict you from my  
6 restaurant because I don't like the color of  
7 your suit, or there's a stain on your suit,  
8 I can do that. It's a public accommodation,  
9 but I can be discriminatory. There is any  
10 excuse you can use to discriminate against  
11 religion, nationality, sex, whatever you  
12 want to think of, there is always an excuse  
13 someone can find, and that's what's wrong  
14 with the laws that we have now. That's what  
15 we can correct.

16 LEGISLATOR JACOBS: I understood  
17 when you first got up to speak months and  
18 months and months ago that you were  
19 specifically referring to Nassau County as a  
20 stand out because we didn't have a certain  
21 item or verbiage in there that actually  
22 protects every one.

23 There's prejudice all over this  
24 world, we all know. We can pass 1,400 laws  
25 and there's going to be crazy people out

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2 there who, for some reason, don't like  
3 someone's color, someone's race, someone's  
4 religion, whatever. I feel very sorry for  
5 them.

6 I would like to believe that most  
7 of the laws that we pass will be doing just  
8 the opposite in giving the protection. If  
9 you can share this with me, and you're  
10 saying that New York City had to amend their  
11 law? We did look at the other laws when we  
12 started to write ours, way before I knew  
13 you.

14 We thought we had already covered  
15 all bases, but, you know, we continue our  
16 conversation past this. Please get it to my  
17 attention and I will share it with the  
18 presiding officer and let's see if there's  
19 anything new that you added that maybe could  
20 enable us to put it on in front of  
21 everybody, okay?

22 MS. BORDEN: Yes, it's just -- I  
23 know that the law doesn't change people's  
24 behavior entirely immediately, but there's  
25 more to including transgender people in the

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2 Human Rights Commission Law because the fear  
3 of discrimination is the worst part of  
4 discrimination. It's what keeps people in  
5 the closet and have secrets and double  
6 lives. It's just the fear. Fear is the  
7 worst one.

8 LEGISLATOR JACOBS: I understand  
9 and it's unfair. I can understand -- I  
10 think I can understand a fear like that  
11 being overwhelming. So we'll talk.

12 MS. BORDEN: Thank you.

13 CHAIRMAN SCHMITT: We've reached  
14 the 30 minute point. We will have one more  
15 speaker and then we will go on to the  
16 legislative calendar. Then we will return  
17 to the rest of the speakers for public  
18 comment. Pat Boyle.

19 MR. BOYLE: Hi. I usually  
20 promise myself that I'm not going to repeat  
21 myself when I come up here. I try to think  
22 of something very different every single  
23 time. But at the last meeting, I know we  
24 established that none of you up there are  
25 social workers, none of you up there are

1 Full Legislature/7-9-12  
2 psychologists, none of you up there are  
3 psychiatrists. Yet, again, we had to have  
4 someone from the Harriet Eismen School tell  
5 you a story that was heartbreaking. Anybody  
6 who wasn't moved by that story I just don't  
7 understand.

8 I've already established that  
9 there is really nothing that you can do for  
10 her condition as far as what she might be  
11 able to do in the future. But there is one  
12 thing you can do. I'm wondering when the  
13 heck are you going to do it? Put the money  
14 back where it belongs. These kids need you.

15 I was very glad that she  
16 established that this isn't a problem that  
17 we'll get you through to August maybe.  
18 That's not enough. There are other kids  
19 behind her that are going to have the exact  
20 same problems.

21 Yet, every single time I come up  
22 here I hear the same things. Or when I'm in  
23 the room, not even up here, you're repeating  
24 yourselves over and over again. It's not  
25 going to change what's going to happen.

1                   Full Legislature/7-9-12

2                   Red light cameras are dead. Am I

3 upset about that? You bet I am upset about

4 it. Because that was a dedicated stream

5 that would have been good for us. Bonding

6 also needs to happen if we're going to be

7 able to do these things. We've already

8 established -- I'm sorry, I'm doing it

9 again. Fingers are going this way again.

10                  We can't keep on having this

11 happen because there is going to be another

12 kid who will stand up here and you're not

13 going to be able to do a darn thing about

14 it, it's money again. We're getting

15 ridiculous about this.

16                  I don't like getting mushy about

17 things, but this was going to be the second

18 week of a program where 250 kids in our

19 particular agency, and in all of the other

20 agencies as well too are going to be safe.

21 They are going to receive services and

22 things are going to go well.

23                  Last week we lucked out. Nothing

24 happened to any kid. I don't want to see

25 anything happen to a child. We lucked out

1 Full Legislature/7-9-12  
2 last week. We still go weeks more of summer  
3 to go. When are we going to make this  
4 happen? It's negotiations.

5 I have to give Legislator Ford a  
6 lot of credit for what she just said up  
7 there before and that was, "it's politics."  
8 Kid lives are being hinged on politics. I  
9 can't understand it. I know these kids  
10 can't understand it either.

11 I don't want any e-mails about  
12 jobs that are available if the county gets  
13 funding, or anything else that's going on  
14 that we're getting up here. It's getting  
15 ridiculous. Let's get this thing  
16 straightened up. Let's get whatever we have  
17 to do. We gave you a compromise that we  
18 were hoping that you might be able to take  
19 and utilize. Let's get it done. Thank you.

20 CHAIRMAN SCHMITT: Thank you.  
21 I'm going to recognize Legislator Solages  
22 for a point of personal privilege.  
23 Legislator Solages.

24 LEGISLATOR SOLAGES: Thank you.  
25 Mr. Boyle, again, I truly respect the work

1                   Full Legislature/7-9-12  
2     that your agency provides to our community.  
3     You provide a very important service. I  
4     have been in discussion with you personally.  
5     You have informed me about the very  
6     difficult decisions you had to make thus  
7     far.

8                   I would like to let you know that  
9     we are working very hard in order to reach a  
10    negotiation. That's all.

11                  CHAIRMAN SCHMITT: Thank you.  
12    The chair recognizes Legislator  
13    DeRiggi-Whitton for a point of personal  
14    privilege.

15                  LEGISLATOR DERIGGI-WHITTON: I  
16    appreciate the chair giving me this  
17    opportunity to discuss something. As we sit  
18    here with many young people in the audience,  
19    it's very frustrating to look in your eyes,  
20    not happy to be witnessing this. This is  
21    not what we're proud of. This is not what I  
22    want to see.

23                  But when something is wrong and  
24    someone stands up and does the right thing,  
25    I really respect that. This gentleman here

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2 today is named Benjamin Kornick, and he was  
3 involved with something having to do with  
4 cyber bullying. He attempted to try to have  
5 the person stopped for that, and when that  
6 didn't work, he went and contacted their  
7 parents. Standing up and doing that is  
8 really what it takes and it can really  
9 affect someone's life more than you even  
10 realize sometimes.

11 He is here with representatives  
12 of the Holocaust Museum in Glen Cove. We  
13 have two people, Jennifer Carpenter, who is  
14 the director, and Beth Lilex, who is also  
15 part of this program.

16 The Holocaust Museum runs a  
17 special program which informs people of  
18 bullying, including people that have just  
19 been hired by the police department and  
20 other school groups. I want to also mention  
21 that we are going to be having a program  
22 there ourselves to try to encourage people  
23 to do exactly what Benjamin did.

24 So, Benjamin, I just want to have  
25 you come up and just say a couple of words



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2 of what you did and thank you for protecting  
3 those that really need it.

4 As a mom, the only thing worse,  
5 we've all experienced bullying, the only  
6 thing worse is when your children have  
7 experienced it. I thank you as a mom.

8 MR. KORNICK: Well, actually what  
9 really happened, it happened in fifth grade.  
10 Some of my friends were being cyber-bullied  
11 in Aim. This is before cyber-bullying was  
12 even a word. It hadn't been coined a term.  
13 No one really knew what it was. Someone  
14 wrote on their Aim profile rude comments  
15 about some of my friends. My friends didn't  
16 really know what to do about it.

17 First I went to the principal and  
18 there was no school policy of it at the  
19 time. The principal didn't know what to do.  
20 So I began talking to the principal about  
21 what this cyber-bullying was and throughout  
22 I have been working to help fight  
23 cyber-bullying throughout my years, largely  
24 in part due to the help and assistance of  
25 the youth board.

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2 I'm a member of the Nassau County  
3 youth board and I was on the Nassau County  
4 executive's youth council for these past two  
5 years and it's been one of the best  
6 experiences I've ever had. I hope many  
7 other generations can continue to have the  
8 experiences that I had on the youth board.

9 So I want to thank Chris and  
10 Angela for coming, but, most importantly, I  
11 would like to thank the Holocaust Memorial  
12 and Tolerance Center of honoring me with  
13 this upstander award. It's the Freelanders  
14 Upstander Award and it's a huge huge honor  
15 to receive it this year. Thank you very  
16 very much.

17 MS. CARPENTER: My name is  
18 Jennifer Carpenter and I'm the director of  
19 development at the Holocaust Memorial and  
20 Tolerance Center. I would just like to use  
21 this opportunity to thank the presiding  
22 officer, Legislator Delia DeRiggi-Whitton  
23 and all of you for the opportunity to be  
24 here this afternoon and to showcase what our  
25 Long Island youth look like in advocating

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2 respect for all people and intervening in  
3 the face of prejudice, discrimination and  
4 bigotry of all kinds.

5 We at the Holocaust Memorial and  
6 Tolerance Center are very fortunate. We  
7 have had the generous support of the  
8 legislature and the county executive for the  
9 past 20 years to enable us to fulfill our  
10 mission which is to teach the history of the  
11 Holocaust and its lessons through education  
12 and community outreach.

13 What many people don't know about  
14 our work, since 2007, we have provided free  
15 programs to more than 180,000 people,  
16 130,000 of which were youth. Among our  
17 clients are the Nassau County Police  
18 Department, from the cadet level to the  
19 commander level. We are proud to work in  
20 partnership with the police department, the  
21 Anti Defamation League and the United States  
22 Holocaust Memorial Museum to provide our  
23 police force and our other community members  
24 with viable resources and strategies to  
25 serve as effective allies and upstanders in

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2 the face of prejudice, bigotry and  
3 discrimination.

4 Our flagship program, the  
5 Freelanders Upstander Award, which Benjamin  
6 spoke about is really something we're really  
7 very proud of because it represents the best  
8 in public private partnerships. It's a  
9 partnership with the Claire Freelanders  
10 Family Foundation with the Nassau County and  
11 Suffolk County Police Departments and the  
12 Holocaust Center to make sure that we  
13 profile youth who are courageously taking a  
14 stand.

15 So, again, thank you all and  
16 thank you for your leadership and to all of  
17 you for this opportunity to showcase the  
18 work that we are responsible for at the  
19 center.

20 CHAIRMAN SCHMITT: What we are  
21 going to do here at this stage of the game  
22 is, we're going to call the calendar, the  
23 consent calendar, there are items that the  
24 majority and minority have agreed to, heard  
25 in committee and don't require and further

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2 debate or discussion. So we're going to  
3 call that. That would be Item Number 2,  
4 Ordinance Number 179, Item Number 3,  
5 Ordinance Number 180, Item Number 4,  
6 Ordinance Number 181, Item Number 5,  
7 Ordinance Number 182, Item Number 6,  
8 Ordinance Number 183, Item Number 7,  
9 Ordinance Number 184, Item Number 8,  
10 Ordinance Number 185, Item Number 10,  
11 Ordinance Number 187, Item Number 11,  
12 Ordinance Number 188, Item Number 12,  
13 Ordinance Resolution 108, Item Number 13,  
14 Resolution Number 109, Item Number 14,  
15 Resolution Number 110, Item Number 15,  
16 Resolution Number 111, Item Number 16,  
17 Resolution Number 112. May I have a motion,  
18 please?

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRMAN SCHMITT: Moved by  
22 Legislator Gonsalves, seconded by Legislator  
23 Muscarella. Any debate or discussion?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 All those in favor please say  
4 aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The items carry unanimously.

9 Then there's Item Number 1, which is  
10 Ordinance Number 178 which is an ordinance  
11 providing for a capital expenditure to  
12 finance the payment of certain settled  
13 claims against the county authorizing  
14 \$597,916.76 of bonds. May I have a motion,  
15 please?

16 LEGISLATOR GONSALVES: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRMAN SCHMITT: Moved by  
19 Legislator Gonsalves, seconded by Legislator  
20 Muscarella. Who is here to speak about  
21 this?

22 MR. VOLK: Martin Volk, deputy  
23 county attorney. Good afternoon.

24 CHAIRMAN SCHMITT: Mr. Volk,  
25 please tell us what this pays, what is this?

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2 MR. VOLK: Sure. This is an  
3 annual payment based on an agreement that  
4 goes back to the last decade that has come  
5 before this legislature every year since.  
6 It stems out of a pilot agreement among  
7 Cablevision, the county, and the Bethpage  
8 Union Free School District.

9 As a result of reducing taxes,  
10 the settlement was to be bonded annually  
11 through tax year 2017, '16, '17. Starting  
12 in 2007-2008, we have sought annual bonding  
13 and it has passed this chamber unanimously.

14 We are here now for tax year  
15 '11-'12 seeking approximately \$598,000 as  
16 the annual payment.

17 CHAIRMAN SCHMITT: Any questions?  
18 You indicated bonding. This is payments  
19 that must be made as a result of a court  
20 judgement; is that correct?

21 MR. VOLK: Not only a court  
22 judgement, but an agreement that the county  
23 willingly entered into back then.

24 CHAIRMAN SCHMITT: So there was a  
25 judgement entered and the county stipulated

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2 that it would pay this amount of money?

3 MR. VOLK: Yes, sir.

4 CHAIRMAN SCHMITT: It was assumed  
5 that it would be paid by bonding?

6 MR. VOLK: I believe so and it  
7 has been paid every year.

8 CHAIRMAN SCHMITT: Since when?

9 MR. VOLK: As I said, the first  
10 year was tax year 2007-2008. The first year  
11 it passed in the Nassau County Legislature.

12 CHAIRMAN SCHMITT: 2007 forward,  
13 right?

14 MR. VOLK: Yes, sir.

15 CHAIRMAN SCHMITT: So it was  
16 2007, 2008, 2009, 2010, 2011?

17 MR. VOLK: You got it.

18 CHAIRMAN SCHMITT: All paid for  
19 by bonding?

20 MR. VOLK: Yes.

21 CHAIRMAN SCHMITT: Now it's 2012?

22 MR. VOLK: Yes, sir. And we're  
23 here again.

24 CHAIRMAN SCHMITT: And it goes  
25 until 2017?



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2 MR. VOLK: Yes, sir.

3 CHAIRMAN SCHMITT: And if this  
4 bond is not passed, it will have to be paid  
5 out of the general fund, correct?

6 MR. VOLK: Or some other source  
7 of funding, yes, sir.

8 CHAIRMAN SCHMITT: That's how  
9 much less money than the further mountain  
10 that has to be climbed before we get to the  
11 agencies and so forth that are in need?

12 MR. VOLK: Yes, sir.

13 CHAIRMAN SCHMITT: Okay. Any  
14 other questions? Legislator Denenberg.

15 LEGISLATOR DENENBERG: There was  
16 no bonding for this in 2007.

17 MR. VOLK: As I said, 2007-2008.  
18 The tax year 2007-2008. The first year it  
19 passed the legislature.

20 LEGISLATOR DENENBERG: There was  
21 no bonding in 2007 for this and there was no  
22 bonding in 2008 for this either.

23 MR. VOLK: I respectfully  
24 disagree with you, legislator.

25 LEGISLATOR DENENBERG: I disagree

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2 with you. I'm looking at when the first  
3 payment was made. It was paid out of pay as  
4 you go.

5 MR. VOLK: Legislator, it was  
6 Ordinance Number 131 of 2008, passed the  
7 Nassau County Legislature on October 22,  
8 2008. We sought slightly above \$636,000 in  
9 bonding.

10 LEGISLATOR DENENBERG: What was  
11 the vote, Mr. Volk?

12 MR. VOLK: Unanimous, sir.

13 LEGISLATOR DENENBERG: The first  
14 payments under this I'm going to disagree  
15 with you were under pay as you go. It was  
16 not bonded. When Mr. Schmitt told you 2007,  
17 you happily said yes. There was no bonding  
18 in 2007, and 2008 it was paid before there  
19 was any bond in 2008.

20 MR. VOLK: As I said, Legislator  
21 Denenberg, it was the 2007-2008 tax year.  
22 Perhaps, unfortunately, perhaps I didn't  
23 enunciate the 2008 part.

24 LEGISLATOR DENENBERG: Just like  
25 in 2008, the budget in 2008 had \$50 million

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2 for pay as you go for tax certs. That means  
3 money was set aside out of operating funds  
4 for tax certioraris.

5 This year, 2012, NIFA required  
6 \$75 million to be put away -- I mean to be  
7 budgeted for pay as you go. To say, we  
8 don't have the revenue for that, so that \$75  
9 million doesn't really exist, you can say  
10 that about anything in the budget. If you  
11 were forced to put in the budget \$75 million  
12 for pay as you go, and in previous years,  
13 what we had in the budget for pay as you go  
14 is what was used first.

15 The \$75 million that NIFA  
16 required to be in this budget for pay as you  
17 go should be used first. To say we don't  
18 have the revenue for it, that's to say you  
19 don't have the revenue for anything in the  
20 budget then.

21 MR. VOLK: Legislator, since I am  
22 not a budget person, it's a little bit  
23 difficult for me to answer that. As I  
24 understand it though, that amount of money  
25 that you speak about is unfunded.

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2 LEGISLATOR DENENBERG: You can  
3 say everything in the budget then is  
4 unfunded. \$75 million was required by NIFA  
5 to be put in the budget for pay as you go.  
6 That's the first thing that would be  
7 attached on a judgement and that's the first  
8 thing that should be used for judgements.

9 MR. VOLK: I believe as we heard  
10 last week, correct me if I'm wrong, Mr.  
11 Denenberg, that the money isn't there.

12 LEGISLATOR DENENBERG: If the  
13 monies are not there for what has been  
14 budgeted, that's a real problem. That's not  
15 a problem with bonding. That's a problem  
16 with the budgeting.

17 MR. VOLK: I think then that  
18 question perhaps needs to go to somebody  
19 else that deals with the budget.

20 CHAIRMAN SCHMITT: Anybody else?  
21 Legislator Walker.

22 LEGISLATOR WALKER: I would just  
23 like to remind everyone on the legislature  
24 which I'm sure you are all well aware of,  
25 but when this agreement was made, which was

1                   Full Legislature/7-9-12  
2     five years ago, and the county has to pay  
3     this money because, like you said, this went  
4     to court and this has to be paid, the school  
5     district is waiting for this money to come.  
6     I know it did not pass last week -- it  
7     passed in our committee but by a four to  
8     three vote. And this was something set up  
9     by the previous administration. It was an  
10    agreement that you had made, you set this  
11    up, you made this agreement, and I was very  
12    surprised last week in committee when the  
13    other side did not support this. Support  
14    something that they had set up five years  
15    ago, with not only now, but five more years  
16    to come to pay this bill.

17                   So I hope everybody does think  
18    about that and know that, one way or the  
19    other, that we have to pay this bill.  
20    School district is certainly waiting for  
21    this money that they are entitled to and  
22    have been waiting -- I mean, I guess we can  
23    say gracious enough to spread it out over a  
24    ten year period rather than to expect it all  
25    at once.

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2 MR. VOLK: If I may add to your  
3 statement, Legislator Walker, as you said,  
4 the -- from tax year 2008-2009, it passed  
5 unanimously approximately \$589,000 in  
6 bonding on September 21, 2009. 2009-10 tax  
7 year the amount of bonding was slightly  
8 above \$573,000. That passed unanimously on  
9 July 19, 2010. And last year approximately  
10 \$591,000 in bonding passed unanimously on  
11 September 19th, 2011.

12 CHAIRMAN SCHMITT: Legislator  
13 Wink.

14 LEGISLATOR WINK: Mr. Volk, is  
15 this the only pilot agreement of its type  
16 that we pay out every year?

17 MR. VOLK: I can honestly say  
18 it's the only one that I present to the  
19 legislature. Whether there are others that  
20 we are paying out on an annual basis, I am  
21 unaware of.

22 LEGISLATOR WINK: As I recall,  
23 Mr. Volk, there were I believe three cases  
24 that were contemporaneous with each other  
25 with respect to this very issue. Do you

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2 recall any of that?

3 MR. VOLK: No, sir. I wasn't  
4 deputy county attorney back then.

5 LEGISLATOR WINK: This is the  
6 matter -- forgive me, what is the caption on  
7 this matter?

8 Mr. VOLK: The caption on this  
9 one is Cablevision versus Board of  
10 Assessors.

11 LEGISLATOR WINK: Isn't there a  
12 matter Steel Equities Los-Dos or something  
13 versus Nassau County?

14 MR. VOLK: I believe the name is  
15 Steel Los III, Roman numeral three.

16 LEGISLATOR WINK: That deals with  
17 the Port Washington School District?

18 MR. VOLK: Again, I'm unaware of  
19 the mechanics of that one.

20 LEGISLATOR WINK: I have a  
21 feeling, given the way things are going  
22 today, you will have an opportunity to go  
23 back and look to see if there are companion  
24 cases to this. Whether or not you presented  
25 them, I'm going to ask you find out about

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2 them because I find it interesting, as I  
3 remember, there were three cases that were  
4 all decided contemporaneously by the Court  
5 of Appeals dealing with the issue of pilot  
6 payments and the county guaranty and, yet,  
7 I'm not sure why, and I'm not casting  
8 aspersions, but I would like to know why  
9 only one of those items seem to appear at  
10 any given time before this legislature.

11 So if you could look into that I  
12 think you're going to have to have a chance  
13 to revisit this. Thank you. Anybody else?  
14 Legislator Nicolello.

15 LEGISLATOR NICOLELLO: Just going  
16 back to 2008, you mentioned that there was a  
17 unanimous vote for the 2007-2008 tax year;  
18 is that right, Mr. Volk?

19 MR. VOLK: Yes, sir.

20 LEGISLATOR NICOLELLO: We were in  
21 the minority then, the Republicans?

22 MR. VOLK: I believe you were.

23 LEGISLATOR NICOLELLO: If we had  
24 voted against it, it would have blown a  
25 \$600,000 hole in the then Executive Suozzi's



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2 budget, correct?

3 MR. VOLK: Actually a little bit  
4 more.

5 LEGISLATOR NICOLELLO: With  
6 respect to this matter and the presiding  
7 officer made this point, if bonding fails  
8 the money has to come out of operating.

9 MR. VOLK: It has to come from a  
10 different source.

11 LEGISLATOR NICOLELLO: It makes  
12 it even less likely that there's going to be  
13 money for the youth agencies in the future.

14 MR. VOLK: That's your decision.

15 LEGISLATOR NICOLELLO: But if you  
16 have a sizeable hole in the budget and you  
17 add \$600,000, it's less likely there's money  
18 available for other purposes.

19 MR. VOLK: That's correct.  
20 That's a decision that the entire  
21 legislature will have to deal with.

22 LEGISLATOR NICOLELLO: It's  
23 common sense if you create more of an  
24 operating deficit, there's less money to pay  
25 other things?

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2 MR. VOLK: Yes, sir.

3 LEGISLATOR NICOLELLO: Thank you  
4 very much.

5 CHAIRMAN SCHMITT: I'm going to  
6 call the question. All those in favor of  
7 Item 1 please signify by saying aye.

8 (Aye.)

9 Those opposed?

10 (Nay.)

11 The item fails nine to eight.  
12 The item fails with nine yes votes coming  
13 from the majority and eight nay votes coming  
14 from the minority.

15 We are going to take a five  
16 minute recess. There is an emergency  
17 regarding the CSEA voluntary separation that  
18 has just come down and the minority has  
19 requested a couple of minutes to discuss it  
20 amongst themselves before we attempt to  
21 achieve the emergency, so we're going to  
22 take a five-minute break and then we will  
23 return.

24 (Whereupon, the Full Legislative  
25 Committee recessed at 2:33 p.m. and

1 Full Legislature/7-9-12  
2 reconvened at 3:08 p.m.)

3 CHAIRMAN SCHMITT: We are going  
4 to resume the meeting. Would the members  
5 please take their seats? Is the clerk  
6 prepared to call the emergency?

7 It's my understanding that we  
8 have an emergency sent down by the county  
9 executive relative to the voluntary  
10 separation of employees in the CSEA from the  
11 county and the early retirement, self funded  
12 early retirement incentive, and I would ask  
13 the clerk to please call the emergency.

14 MR. MULLER: Presiding Officer  
15 Schmitt, we have an emergency. It comes by  
16 way of the recommendation from the  
17 administration for the adoption of a  
18 resolution setting forth that an emergency  
19 exists for consideration for an immediate  
20 action upon Clerk Item 477-12.

21 The Emergency Resolution Number  
22 11-2012 is as follows: A resolution  
23 declaring an emergency for immediate action  
24 upon an ordinance extending a voluntary  
25 separation incentive to certain officers and

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2 employees represented by the CSEA.

3 Please entertain a motion to  
4 place this matter before the legislature and  
5 vote on the emergency resolution.

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR MUSCARELLA: Second.

8 CHAIRMAN SCHMITT: Moved by  
9 Legislator Gonsalves, seconded by Legislator  
10 Muscarella. This is in favor of  
11 establishing an emergency?

12 MR. MULLER: Yes, sir.

13 CHAIRMAN SCHMITT: All those in  
14 favor signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The emergency is established.

19 MR. MULLER: The underlying  
20 ordinance 188-A of 2012, an ordinance  
21 extending the voluntary separation incentive  
22 to certain officers and employees  
23 represented by the CSEA.

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

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2 CHAIRMAN SCHMITT: May I have a  
3 motion to please this matter before the  
4 legislature?

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR MUSCARELLA: Second.

7 CHAIRMAN SCHMITT: Moved by  
8 Legislator Gonsalves, seconded by Legislator  
9 Muscarella. Who is here to speak on this  
10 matter? There is a Chief Deputy County  
11 Executive Walker. Good afternoon.

12 MR. WALKER: Good afternoon.  
13 Again, this is \$1,000 incentive. It was a  
14 similar incentive offered to the CSEA that  
15 has saved millions upon millions of dollars  
16 currently today.

17 If this is passed, again, it will  
18 be offered until July 20th with \$1,000  
19 incentive to all the CSEA employees. I know  
20 the president of CSEA is standing behind me  
21 or sitting behind me that had been working  
22 with the administration upon moving this  
23 forward as we try to continue to reach our  
24 budget projections.

25 CHAIRMAN SCHMITT: So there's

1 Full Legislature/7-9-12  
2 been a lot of back and forth today about  
3 bonding. Obviously this has a cost, an  
4 early retirement incentive. Will it be  
5 necessary for the county to bond that cost  
6 or will we be able to pay it --

7 MR. WALKER: We will pay it as  
8 operating. We have roughly have close to \$7  
9 million available for those employees that  
10 are going to leave via the incentive.

11 CHAIRMAN SCHMITT: Anybody have  
12 any questions? Legislator Wink.

13 LEGISLATOR WINK: \$7 million in  
14 operating costs?

15 MR. WALKER: That was the  
16 previous bond that was passed by this  
17 legislature.

18 LEGISLATOR WINK: Okay. So it  
19 was based on a previous bond, not on a  
20 budget of operating expense?

21 MR. WALKER: But the bond  
22 proceeds are sitting in the bank, so there's  
23 funds available.

24 LEGISLATOR WINK: Right. But the  
25 bonding has already taken place and that's

1 Full Legislature/7-9-12

2 what we're spending it on?

3 MR. WALKER: Yes.

4 LEGISLATOR WINK: Can I ask you  
5 what the estimates are for the number of  
6 people we are going to actually --

7 MR. WALKER: At this point we  
8 already have over 15 employees that actually  
9 have signed up, which it was just offered on  
10 Friday, or sent out to all the employees on  
11 Friday with the window, which totals about a  
12 million dollars in salaries.

13 The CSEA can speak to it probably  
14 better than I can, but their office has been  
15 flooded with phone calls. In fact, people  
16 are there right now with the retirement  
17 counselors. We anticipate -- there is a lot  
18 of uncertainty, a lot of fear of furloughs  
19 or other actions that can possibly take  
20 place, and we have had -- even our office  
21 have had people calling in reference to  
22 this.

23 The numbers are unknown. I  
24 wouldn't want to peg a number on it, but  
25 every dollar goes towards the CSEA savings

1 Full Legislature/7-9-12  
2 that we're trying to meet. You heard about  
3 NIFA was looking at the \$150 million in  
4 labor savings that we are trying to achieve.  
5 We've roughly achieved over \$100 million of  
6 that to date and this will go along towards  
7 those savings.

8 LEGISLATOR WINK: I understand  
9 all that, but six months after the last  
10 incentive, I'm not so sure that much has  
11 changed. There were fear of furloughs, fear  
12 of layoffs, fear of all kinds of downsizing  
13 and whatnot six months ago, and we got what  
14 we got in terms of that incentive.

15 Was that incentive 1,000 or  
16 1,500?

17 MR. WALKER: That was a thousand  
18 also.

19 LEGISLATOR WINK: So six months  
20 later, unless someone reaches a magic  
21 milestone, age-wise or longevity-wise, I  
22 don't know what's changed that's going to  
23 certainly boost up the number of people  
24 taking this incentive as opposed to the last  
25 one.



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2 MR. WALKER: I don't want to  
3 speak for the CSEA, but I'm sure the  
4 president can address that. There has been  
5 more of a buzz with people wanting to take  
6 this than the previous incentive. The  
7 previous incentive I think we only roughly  
8 finished with 35 or 40, if I remember right,  
9 and I could be wrong with those numbers, but  
10 already to date we are a third of the way  
11 with that number.

12 Again, people have been calling  
13 human resources and the CSEA office like  
14 they never had. I think the one difference  
15 is, during that process people didn't  
16 believe that layoffs would actually occur.  
17 They did. People didn't believe we would be  
18 in this situation.

19 We know the situation now  
20 revolving around the bonding, where we are  
21 with that and where we are with other  
22 contracts being cut. So I think it is a  
23 different time than it was only six months  
24 ago.

25 LEGISLATOR WINK: As I understand

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2 it, the window is July 2nd to what, the  
3 21st?

4 MR. WALKER: I think it's the  
5 20th. The last day of the pay period.

6 LEGISLATOR WINK: So we're  
7 halfway through the window as it is right  
8 now, okay. I don't know. I'm a little hard  
9 pressed to understand how this incentive is  
10 going to be radically different than what  
11 we've gotten from the last several  
12 incentives. And there haven't been  
13 projections from the administration. You  
14 are assuming the \$7 million is sufficient to  
15 cover?

16 MR. WALKER: Yes.

17 LEGISLATOR WINK: Okay. Is  
18 Mr. Chalmers here?

19 CHAIRMAN SCHMITT: Before I call  
20 up Mr. Chalmers, does anybody else have any  
21 questions for Mr. Walker? Legislator  
22 DeRiggi-Whitton.

23 LEGISLATOR DeRIGGI-WHITTON: Just  
24 to clarify what you're saying, when you say  
25 \$1,000 incentive, can you explain that?

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2 MR. WALKER: \$1,000 per year.

3 LEGISLATOR DeRIGGI-WHITTON:

4 Correct. Because that has not been stated.

5 I just wanted that to be clear. Now, the \$7

6 million, is that the only remaining funds

7 that you have from prior bonding?

8 MR. WALKER: Yes.

9 LEGISLATOR DeRIGGI-WHITTON:

10 Thank you.

11 CHAIRMAN SCHMITT: Could you tell

12 us, what is projected to be saved on an

13 annual basis by this?

14 MR. WALKER: The last two saved  
15 tens of millions of dollars. We roughly  
16 save on average a little over \$100,000 an  
17 employee. That's the numbers that have come  
18 in pretty much every single incentive that  
19 we have had, and prior to the county  
20 executive taking office, \$100,000 an  
21 employee. So roughly for every ten  
22 employees, it's a little over a million  
23 dollars. 100 employees, you're talking  
24 about a \$10 million annual savings to the  
25 county.

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2 CHAIRMAN SCHMITT: Anybody have  
3 any other questions? Mr. Chalmers here?  
4 I'm sorry, Legislator Denenberg.

5 LEGISLATOR DENENBERG: So, Rob,  
6 to get \$10 million, it's 100 people. Do we  
7 think we're getting 100 people out of this?

8 MR. WALKER: We could.

9 LEGISLATOR DENENBERG: That's the  
10 top end estimate?

11 MR. WALKER: We really don't have  
12 an estimate. Right now, again, we're  
13 looking at all different avenues and I  
14 wouldn't want to -- what has always  
15 happened, there's numbers that are always  
16 floating around and then it either targets  
17 met, not met, so to just throw out a number  
18 doesn't do anybody any justice. It's  
19 roughly, again, about \$100,000 an employee.

20 I can look at the employees who  
21 have already signed up, and they're  
22 averaging over \$100,000. That's just almost  
23 in their salaries let alone fringe benefits  
24 and pension costs.

25 LEGISLATOR DENENBERG: And if \$7

1 Full Legislature/7-9-12  
2 million is left from what was bonded for  
3 termination pay this year, that's \$7 million  
4 left from \$28 million, was it?

5 MR. WALKER: No, I think it was  
6 less. I don't remember what the number was,  
7 16 or 17.

8 LEGISLATOR DENENBERG: So 10  
9 million was used earlier this year when we  
10 had the incentive earlier this year?

11 MR. WALKER: Yes. Like I said, I  
12 don't know the exact number. I forget what  
13 the bonding amount was.

14 LEGISLATOR DENENBERG: But \$7  
15 million should be sufficient 100 percent for  
16 whatever we're going to get on this?

17 MR. WALKER: 100 percent. I  
18 think it's important to mention too that  
19 with the employees in certain fields there  
20 are employees that are brought back in terms  
21 of emergency management, police, ambulance  
22 drivers, and things of that nature.

23 We have a new employee now with  
24 Tier 6. It is a considerable savings. The  
25 employees that are leaving the payroll now

1 Full Legislature/7-9-12  
2 via incentive or other actions, retirement,  
3 are Tier 1 and Tier 2 employees, that has  
4 been our biggest increase in actually cost  
5 to the taxpayer where their increase in  
6 pension costs are quite considerable, where  
7 now with the advent of Tier 5 and now Tier  
8 6, the savings is considerable with our  
9 pension costs.

10 LEGISLATOR DENENBERG: Where  
11 would you expect most of these employees to  
12 come from this time?

13 MR. WALKER: They're coming all  
14 over the county.

15 LEGISLATOR DENENBERG: Last time  
16 we had an issue when some social service  
17 employees left and we ended up having to  
18 bring back, and 75 percent wasn't even  
19 counting money.

20 MR. WALKER: We didn't have to  
21 bring them back. The reason why they were  
22 brought back is actually the commissioner in  
23 working with the state, the commissioner was  
24 actually able to have the state approve the  
25 use of 100 percent grant funding for many of

1 Full Legislature/7-9-12  
2 those positions, so it actually saved the  
3 county money and it made no sense to give up  
4 100 percent grant funded positions.

5 The employees that were let go  
6 were only being reimbursed at rates of 60 to  
7 70 percent, although, yes, it is  
8 reimbursement, it's still a lot of money  
9 that the county is actually paying. So  
10 those employees were brought back into 100  
11 percent totally grant funded positions, so  
12 it was a win win for both those employees  
13 and also the taxpayers.

14 LEGISLATOR DENENBERG: Peter, I  
15 have questions for Mr. Chalmers too.

16 CHAIRMAN SCHMITT: I understand  
17 that, David. Does anybody else have any  
18 questions for Mr. Walker? Legislator  
19 Bosworth.

20 LEGISLATOR BOSWORTH: So out of  
21 all the people who would be eligible to take  
22 advantage of this retirement incentive, do  
23 we know how many people that is?

24 MR. WALKER: We have over a  
25 thousand employees, actually probably close

1                   Full Legislature/7-9-12  
2     to 2,500 employees that are actually  
3     eligible to retire. So many of them -- and  
4     there are all levels of retirement and the  
5     penalties that go along with it depending on  
6     how many years they have in and what tier  
7     they're in will predicate if they're able to  
8     leave or not.

9                   This is actually a separation  
10    incentive. So the difference between a  
11    retirement incentive and a separation  
12    incentive is that they do not have to be at  
13    the age or the need to retire.

14                  So we actually have some  
15    employees that are finding themselves other  
16    jobs in the private industry or want to go  
17    elsewhere, some are actually moving on to  
18    other things. So they are retiring as well.  
19    They weren't going to but with an incentive,  
20    they, in fact, will -- I should say separate  
21    from the employ of the county.

22                  So the criteria is different.  
23    Separation incentive which also allows the  
24    flexibility of the window. When you have a  
25    retirement incentive, you actually have to



1 Full Legislature/7-9-12  
2 have certain criteria and windows by which  
3 you have to have open. This, we do not have  
4 to meet those criteria. We are required to  
5 comply with all the federal regulations in  
6 terms of that there's no discrimination with  
7 age and things of that nature, and that's  
8 the separation itself.

9 LEGISLATOR BOSWORTH: Thanks for  
10 making the distinction.

11 CHAIRMAN SCHMITT: Is the  
12 legislative budget review office here?

13 MR. CHALMERS: Maurice Chalmers,  
14 budget review.

15 CHAIRMAN SCHMITT: Good  
16 afternoon. Would you tell us your take on  
17 this?

18 MR. CHALMERS: The way I  
19 understand it, we spoke to the  
20 administration and they will not be needing  
21 any bonding. They have approximately \$7  
22 million they have expressed. So there will  
23 be no bonding required for this incentive.  
24 Their goal, as stated by Chief Deputy  
25 Walker, is to get \$10 million in savings.

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2 But at this point, I don't think anybody can  
3 put an exact number on the separations.

4 CHAIRMAN SCHMITT: It would  
5 depend on the number of people that would  
6 avail themselves of the opportunity,  
7 correct?

8 MR. CHALMERS: Correct.

9 CHAIRMAN SCHMITT: So there is no  
10 way to know that until it's done?

11 MR. CHALMERS: Correct. Which is  
12 about a week and a half away.

13 CHAIRMAN SCHMITT: Anybody else?  
14 Legislator Wink.

15 LEGISLATOR WINK: I have a  
16 question. Mr. Chalmers, the retirement  
17 incentive that took place in December, do  
18 you recall how many people availed  
19 themselves of that incentive?

20 MR. CHALMERS: It was  
21 approximately 100 people that took the  
22 incentive and approximately 200 and change  
23 were laid off.

24 LEGISLATOR WINK: I know at the  
25 time the discussion was that there would

1 Full Legislature/7-9-12  
2 have been many more laid off had the  
3 incentive not been implemented?

4 MR. CHALMERS: Correct.

5 LEGISLATOR WINK: Do you have any  
6 basis to estimate how many people you think  
7 are going to take this incentive as opposed  
8 to the last one?

9 MR. CHALMERS: I would not put a  
10 number on it. I mean, the administration,  
11 they're not sure how many would take it.  
12 Again, it's about a week and a half away. I  
13 guess we'll find out.

14 LEGISLATOR WINK: And we are a  
15 week into it?

16 MR. CHALMERS: Yes.

17 LEGISLATOR WINK: And we've  
18 gotten 15 so far?

19 MR. CHALMERS: I heard 15 for the  
20 first time today, yes.

21 LEGISLATOR WINK: I'm just -- I  
22 tend to believe that there is a law of  
23 diminishing returns when it comes to these  
24 incentives. But if there are people on the  
25 cusp that have gotten so used to the concept

1 Full Legislature/7-9-12  
2 that there's going to be another incentive  
3 around the corner, then they may as well  
4 wait for the next incentive.

5 I'm just wondering if you've  
6 noticed that, that the law of diminishing  
7 returns seems to come into effect after a  
8 while, year after year with incentive  
9 programs?

10 MR. CHALMERS: The staffing is at  
11 an all time low. It could happen but less  
12 people take it. But there are also other  
13 factors that could entice some people to  
14 take the incentive.

15 LEGISLATOR WINK: Would one of  
16 those enticements be --

17 MR. CHALMERS: Layoffs.

18 LEGISLATOR WINK: Or possibly the  
19 concept of furloughs that were part of the  
20 law that has become known as the  
21 King/Mangano Law.

22 MR. CHALMERS: There is a menu of  
23 options out there that could -- it's a high  
24 speed road to take. I'm not in their shoes  
25 so I can't really comment on why they would

1 Full Legislature/7-9-12  
2 take it or not take it. But versus what  
3 happened in June, probably 50 to 60 people.

4 LEGISLATOR WINK: So your  
5 thought, 50 to 60 people, and \$7 million  
6 will accommodate that separation?

7 MR. CHALMERS: That should be  
8 enough, yes.

9 LEGISLATOR WINK: Thank you.

10 MR. CHALMERS: You're welcome.

11 CHAIRMAN SCHMITT: Who else has  
12 questions? Legislator Denenberg is back.

13 LEGISLATOR DENENBERG: Do you  
14 have an estimate of what the recurring  
15 savings will be from this retirement  
16 incentive?

17 MR. CHALMERS: No, I don't. I  
18 don't know how many people are going to take  
19 it.

20 LEGISLATOR DENENBERG: Could it  
21 be up \$10 million? You have no idea whether  
22 that's realistic or not?

23 MR. CHALMERS: I would have to go  
24 back and find out how they came up with the  
25 \$10 million.

1 Full Legislature/7-9-12

2 LEGISLATOR DENENBERG: What we  
3 were told and I'm sure you have heard is  
4 that 15 people have taken this incentive  
5 today?

6 MR. CHALMERS: Correct. That's  
7 what I heard also.

8 LEGISLATOR DENENBERG: How much  
9 will that cost in terms of termination pay?

10 MR. CHALMERS: There is no way of  
11 saying. It depends on the person and --

12 LEGISLATOR DENENBERG: It depends  
13 on how many --

14 CHAIRMAN SCHMITT: Mr. Denenberg,  
15 when you ask a question, you've got to let  
16 him answer it.

17 LEGISLATOR DENENBERG: Thank you.

18 MR. CHALMERS: It depends on the  
19 years of service of that particular person,  
20 how many days they have in the bank. There  
21 is really no way, without knowing what 15  
22 employees, of determining what that is.

23 LEGISLATOR DENENBERG: Okay. All  
24 right. Thank you.

25 CHAIRMAN SCHMITT: Anybody else?

1 Full Legislature/7-9-12

2 (No verbal response.)

3 Is there any public comment?

4 Jerry Laricchiuta.

5 MR. LARICCHIUTA: Good afternoon.

6 CHAIRMAN SCHMITT: Sign in for  
7 the record, please.

8 MR. LARICCHIUTA: Jerry  
9 Laricchiuta, president of the civil service  
10 employees association, Nassau, Local 830.

11 First, let me just say thank you  
12 for taking the time to consider voting this  
13 in as an emergency. Certainly times here in  
14 Nassau County are about as tough as they can  
15 be.

16 If you work here in Nassau  
17 County, you worry every day about every  
18 facet of your job, about your future, your  
19 pay, your salary, NIFA has frozen contracts.

20 With that being said, and I've  
21 said many times already, I do believe that  
22 the workforce has been reduced substantially  
23 in the last few years and we are at skeletal  
24 numbers in some departments.

25 That being said, I do want to

1                                    Full Legislature/7-9-12  
2        thank the county executive for giving the  
3        CSEA the opportunity to negotiate another  
4        incentive which I believe, despite what I  
5        just said, that we are already at low  
6        numbers, it is better for both sides,  
7        certainly for the union members and  
8        certainly for the county, when you have some  
9        of your more senior employees that are at  
10       the top of their pay scale and have been  
11       around for 25 or 30 years to take an  
12       incentive to retire, thus sparing the  
13       careers of people that are making much lower  
14       wages, that are struggling on a daily basis,  
15       that have only five or ten years.

16                                    So I would definitely appreciate  
17        and we would be very thankful and gracious  
18        to all legislators that vote this incentive  
19        in. It's, of course, not the best option  
20        today. The best option today would be that  
21        money falls out of the sky and we all go  
22        forward and everybody goes home happy at the  
23        end of the summer, but until God gives us  
24        that day, we have to take what we can get.  
25        The incentive certainly is something I



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2 believe is a positive step during tough  
3 times. So thank you.

4 CHAIRMAN SCHMITT: Thank you.  
5 Mr. Wink.

6 LEGISLATOR WINK: Have you had  
7 occasion to speak with some of the 15 people  
8 who expressed an interest in taking the  
9 incentive?

10 MR. LARICCHIUTA: Actually, I  
11 have not, because that week of July 4th,  
12 that was my one week to take the family  
13 away. However, I was in full contact with  
14 Ron Gararie, my executive vice president in  
15 my office at all times. It's 15 people that  
16 have signed up and committed already.

17 But I can tell you, whenever we  
18 do an incentive or anything like this, we  
19 hire a retirement specialist consultant.  
20 She is booked solid from now until July 20.  
21 Her calendar is completely filled.

22 So every half hour, yet another  
23 person comes in. So we actually were a  
24 little surprised, as someone mentioned  
25 before, this is the third time we're shaking

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2 this tree, so we didn't know how much fruit  
3 was going to fall off. But I think because  
4 of the circumstances here in Nassau County,  
5 the uncertainty of the future and some of  
6 the working conditions quite frankly working  
7 in situations where they are understaffed,  
8 and really doing the work of two or three  
9 people, I think that this incentive will get  
10 more than I originally thought.

11 I can see between 50, maybe 75  
12 people taking this incentive, which would be  
13 a substantial savings to the county and it  
14 would save that much money in dollars to the  
15 county which I would hope would mitigate any  
16 need for any further job losses.

17 LEGISLATOR WINK: Is that your  
18 understanding that this would go towards  
19 whatever magic number is outstanding in  
20 terms of additional cuts?

21 MR. LARICCHIUTA: Absolutely.  
22 That's why we entered into these  
23 conversations with the county executive.

24 LEGISLATOR WINK: Do you have  
25 reason to believe that -- well, you haven't

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2 spoken directly with any of the people so  
3 it's hard to speculate as to what their  
4 motivations would be?

5 MR. LARICCHIUTA: The workers?

6 LEGISLATOR WINK: Yes.

7 MR. LARICCHIUTA: Well, I've been  
8 meeting with them for weeks now. As things  
9 change daily here, I have been having  
10 general membership meetings. I was  
11 surprised at the end of each meeting because  
12 we were telling people, that's it, there's  
13 no more incentives. This is it. We have to  
14 deal with what we've got. I was surprised  
15 at the end of each meeting people would say,  
16 you know, if you can get another incentive,  
17 I think I might take it.

18 I think you're going to find that  
19 people are just nervous. There's a lot of  
20 tension. Morale is low as you may expect  
21 and, quite frankly, to be honest with you,  
22 having a government job today is not what it  
23 was ten years ago or even five years ago.

24 LEGISLATOR WINK: You don't have  
25 to tell me, Mr. Laricchiuta.

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2 MR. LARICCHIUTA: It's just not  
3 what it used to be. I think for that reason  
4 alone, and other reasons, personal issues, I  
5 think the number one might be higher than  
6 originally thought.

7 LEGISLATOR WINK: Do you have any  
8 reason to believe that the law that's  
9 currently outstanding, the King/Mangano Law,  
10 is part of the motivation?

11 MR. LARICCHIUTA: I'm sure that  
12 fear -- if you had to make an equation,  
13 fear, anxiety, stress, I think it all adds  
14 up. I don't think there's any one thing as  
15 a defining moment. But I just think the  
16 condition of the county in general, until,  
17 quite frankly, you folks work this out, I  
18 think just in general there is enough fear  
19 out there to help. I'm not going to name  
20 any one particular action, that is something  
21 that we're going to be in litigation about,  
22 so I'm not going to speak about it.

23 LEGISLATOR WINK: By the way, the  
24 law I'm referring to has been called that in  
25 publications throughout the county. So just

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2 so I'm clear --

3 MR. LARICCHIUTA: I've seen it.

4 LEGISLATOR WINK: You've seen it  
5 as well. Exactly. Thank you, Mr.  
6 Laricchiuta.

7 MR. LARICCHIUTA: You're welcome.

8 CHAIRMAN SCHMITT: I'm going to  
9 call the question. All those in favor  
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously. As  
15 there is no further business to come before  
16 the legislature, I will take a motion to  
17 adjourn.

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRMAN SCHMITT: Moved by  
21 Legislator Gonsalves, seconded by Legislator  
22 Muscarella. All those in favor signify by  
23 saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 We stand adjourned.

4 (Whereupon, the Full Legislative  
5 Committee adjourned at 3:37 p.m.)

6 CHAIRMAN SCHMITT: Back to public  
7 comment. Ted Shuster? He left the  
8 building. Jamie Bogenshutz? She left. Tom  
9 Bruno.

10 MR. BRUNO: Good afternoon. I'm  
11 here again today to try to encourage  
12 everybody to do what they possibly can to  
13 save our youth programs here in Nassau  
14 County.

15 We had kids speaking today about  
16 how essential these services are. Every one  
17 of you knows how essential these services  
18 are to our county. This is our future. I  
19 understand that the county is in a difficult  
20 position right now, and I know that each one  
21 of you is faced with a decision that will  
22 jeopardize our future. Our kids are our  
23 future.

24 Right now, when I go back to my  
25 club, when I talk to my kids, my kids are

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2 saying, what is going to happen? Where am I  
3 going to go after school? Who is going to  
4 help me with my homework? Right now we have  
5 88 kids who are involved in our tutoring  
6 program. These are 88 kids who come there  
7 every week looking for help with their  
8 academics. Where are these kids going to  
9 go?

10 There are kids out there that are  
11 very, very worried about this. I know each  
12 one of you are also. So, please, every  
13 minute that goes by, every hour that goes  
14 by, every day that goes by that that that  
15 resolution is not made, these kids are on  
16 the verge of some sort of catastrophe.

17 So, please, I urge you, I  
18 encourage you, I plead with you, to do  
19 whatever has to get done to get these  
20 services restored. Thank you.

21 CHAIRMAN SCHMITT: Thank you.  
22 Lisa Craig.

23 MS. CRAIG: Hi everyone. I'm the  
24 director of the Glen Cove Adult Day Program  
25 and I'm going to repeat what the gentleman

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2 before me said too.

3 It's funny, I didn't know if my  
4 words would make any difference, but, today,  
5 when I was at work, I have a young girl  
6 working for me from the youth board in  
7 Glen Cove. She said, please, please go and  
8 speak. I'm doing it for her.

9 Anyway, I just want to say, I'm  
10 speaking on behalf of the seniors. Our  
11 senior services are depending upon our youth  
12 services. We seem to go hand and hand. Our  
13 seniors are tutoring children. They're  
14 very, very community minded. They're  
15 tutoring children who would have nobody else  
16 at home to help them. They help the young  
17 kids by teaching them how to read. They're  
18 helping them to build the foundations of  
19 their education. So the seniors are also  
20 working on the future.

21 Let's see, the youth and the  
22 seniors are also collaborating on many many  
23 different programs. I see this every day  
24 and there are too many of them to list here.

25 In return, our youth are helping



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2 us out. They are helping us host events for  
3 the seniors. They come to help us every  
4 day. If you were to come to the senior  
5 center, you would see that we've got young  
6 children, young teenagers volunteering.  
7 They are in our offices. They are at our  
8 computers, in our kitchens, and they're  
9 helping us in so many ways. It's a  
10 collaborative effort and it's a mutually  
11 beneficial relationship.

12 Every summer, our youth board  
13 brings us many terrific teenagers, many from  
14 economically challenged households, and they  
15 come and have professional interviews with  
16 us for summer employment.

17 The young board presents us with  
18 immaculately dressed young men and women  
19 with impeccably written and designed  
20 resumes. They are ready to go out in the  
21 world with dignity and poise and purpose.

22 It's the youth center, the youth  
23 board which has trained them to present  
24 themselves this way. It is truly truly  
25 impressive. I just marvel really at the

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2 training that's gone into this.

3 In short, the youth of this  
4 county do much to revitalize the lives of  
5 the seniors. Our seniors simply light up in  
6 the presence of our youth. In short, our  
7 senior services depend on our youth  
8 services.

9 So please find a way to restore  
10 support for Nassau County's youth programs.  
11 Thank you very much.

12 CHAIRMAN SCHMITT: Thank you.  
13 Adam Haber.

14 MR. HABER: Hi. Adam Haber. I'm  
15 going to speak briefly on two topics. One  
16 is the IT savings Mr. Intagliata spoke about  
17 before, and the other one is on the sewage  
18 situation.

19 Before, when Mr. Intagliata  
20 spoke, I just want to reiterate that it's an  
21 excellent idea to do what he's doing as far  
22 as paying the contractor 14 percent of  
23 savings. It's the low end of what a  
24 contractor in this area would get. If you  
25 have a good contractor, you can find a lot

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2 of savings.

3 There's confusion from the  
4 legislators, especially from Mr. Schmitt, as  
5 to how there would be savings. Because he  
6 had stated that the contractors already put  
7 out the bid.

8 The savings would come from,  
9 after analyzing contracts, removing the  
10 duplication of services in different  
11 departments and/or unused or underutilized  
12 contracts.

13 New York City saved \$50 million  
14 doing this and it doesn't have anything to  
15 do about lowering taxes or firing anybody.  
16 It's a good way to take care of your plant  
17 and save money.

18 Also, the idea that we spoke  
19 about briefly when I spoke during public  
20 comment about energy. There are better ways  
21 to manage your resources, and there is money  
22 to be saved in the budget. You just have to  
23 look for it.

24 The sewage tax that is supposedly  
25 to be transferred to a use tax sounds, at

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2 the face of it, like a good idea. The only  
3 issue, the tax consequences of a youth tax  
4 are, they're not deductible from real estate  
5 taxes. So if you moved the sewage tax to a  
6 use tax, it's the equivalent of a 30 percent  
7 tax hike if you're in a 30 percent tax  
8 bracket, which is what the average citizen  
9 would be. So I don't think that's going to  
10 work. I don't think it's the benefit of the  
11 residents of the community.

12 Just like when the county decided  
13 to put the tax certiori on the schools, in  
14 theory, it sounds like a good plan because  
15 no other county does it. However, there are  
16 56 school districts and each school district  
17 has to form it's own units than do the tax  
18 certiori, and use that to hire its own  
19 infrastructure.

20 And it's been discussed that \$50  
21 million in additional costs to the taxpayers  
22 be borne by doing that. Which, if you want  
23 to put it in terms of teachers, it's about  
24 ten per district, which is meaningful.

25 So, please keep in mind when you

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2 do something with the sewer system, and I  
3 know you have to do something because  
4 there's a big problem there pushing it to a  
5 use fee, even though it's not a tax, it's  
6 not really beneficial to your citizens.  
7 Thanks.

8 CHAIRMAN SCHMITT: Thank you.  
9 Daniel Stockman? He left. Andrew Booth.

10 MR. BOOTH: Good afternoon  
11 everyone. I want to speak for a couple of  
12 minutes on one item and then I want to make  
13 a comment on another.

14 Before Legislator Belesi got up  
15 there and spoke about the water tax. That  
16 the veterans would be exempt. That was your  
17 statement, Mr. Schmitt. You didn't include  
18 one item with that. You are about to sell  
19 that to an outside agency. And if that is  
20 sold --

21 CHAIRMAN SCHMITT: Leased.

22 MR. BOOTH: Let me finish. If  
23 it's leased, whatever one you want to put in  
24 the contract, I'm not a lawyer, so I can't  
25 get involved in that, but to turn around and

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2 state that the veterans would still be  
3 exempt is a false statement.

4 That being said, the reason I'm  
5 so worried about this is, when Mr. Belesi  
6 came to our districts, he promised us it  
7 would never happen. They would stand behind  
8 us. Something is happening here in all of  
9 politics, here in Nassau, Town of Hempstead,  
10 Washington, where ever you go, it's not  
11 becoming what you do for your district, it's  
12 what I'm doing for my party and it's  
13 becoming a dangerous zone.

14 I listened to you speak up there,  
15 all of you, and it was, when was it in, when  
16 my party wasn't in then. I did not vote for  
17 a party. I voted for an individual to look  
18 out for my rights. It's changing. It's  
19 hitting a danger zone. We are not turning  
20 into a country where vets can be proud of  
21 who we put in office, because once you put  
22 that person in office, he forgets.

23 And speaking of Mr. Belesi, the  
24 statement he made a few months ago to the  
25 Nassau County Police Department bothered me

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2 for two reasons. One, he is a veteran. For  
3 him to sit up there and say he's sorry but  
4 he had to vote the way he was told was a  
5 disgrace. It was a disgrace to me as a  
6 veteran -- let me finish.

7 CHAIRMAN SCHMITT: That was never  
8 a statement that was made here.

9 MR. BOOTH: I'll change it. He  
10 had to vote that way. That's what he said.  
11 That was said. You can't deny that. He's  
12 right there. Let him say for himself. Let  
13 him talk if he'd like to.

14 With that being said, we're  
15 hitting the danger zone where everyone who  
16 is sitting up there maybe in Congress, maybe  
17 in the senate, New York congress, it's  
18 happening. It's a danger zone. Everybody  
19 is forgetting the small people who put you  
20 in office and it's coming to a point where  
21 this water district, if it is sold, leased,  
22 whatever way you want to put it in the  
23 contract, we are not going to guarantee for  
24 that to happen. The reason why I'm worried  
25 about that is, if it happens, we are going

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2 to be losing about four or five posts.  
3 They're going to have to close up. Because  
4 they will be able to afford the 30 percent  
5 that the school district is going to be  
6 charged. 30 percent is a lot of money.  
7 He's right. He knows better than I do.  
8 It's probably about 30 percent. I want to  
9 thank you for your time. If anybody has any  
10 comments, I'm here.

11 CHAIRMAN SCHMITT: I have no  
12 other speakers, no other slips. That's all  
13 we have. Before we break, you will recall  
14 at the last meeting that we were together  
15 that at public comment, members of the  
16 sheriff's correctional officers union got up  
17 and made allegations regarding hirings that  
18 were or were not taking place at the jail  
19 and there were all kinds of accusations made  
20 about promotions being made to -- I think  
21 one of them was a Mangano "friend," and the  
22 other was a person who happened to live near  
23 Mangano.

24 And Legislator Gonsalves  
25 volunteered on behalf of all of us to



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2 investigate what was going on and to find  
3 out what really happened down at the  
4 correctional center and she has found out  
5 what the situation is and wants to report  
6 back to the legislature.

7 Go ahead, Legislator Gonsalves.

8 LEGISLATOR GONSALVES: Thank you,  
9 Mr. Schmitt. First of all, I want to  
10 reiterate the fact that the prior  
11 legislative meeting, concerns regarding  
12 staffing were raised. At that particular  
13 time I indicated that I would be meeting  
14 with the sheriff of the correctional center  
15 and ask about the staffing.

16 But before I truly share the  
17 findings with all of you, because, remember,  
18 if was at a public meeting that this  
19 situation was raised, I owe it to all of you  
20 who are sitting here and those of you who  
21 are sitting in there, to give you the  
22 information that I received. I am not here  
23 to debate it. I'm here simply to bring the  
24 information back to you.

25 However, there is one thing that

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2 we often forget. Sometimes we need to say  
3 thank you and to appreciate the work that  
4 our public servants do do. Our correction  
5 officers certainly do a very difficult job  
6 on a daily basis. So you should know, I can  
7 speak for all of you, that the work that  
8 they do is well appreciated.

9 Going back to the nature of my  
10 meeting with Mr. Sposato, the sheriff of the  
11 correctional center, I learned that there  
12 were several changes in staffing resulting  
13 in six individuals becoming part of ShOA and  
14 five individuals who would now be part of  
15 CSEA.

16 All changes, according to, this  
17 is not my information, this is what I  
18 received from the sheriff himself, all  
19 changes were promotions, not additional  
20 staff members. The acting deputy  
21 under-sheriff at that time was simply made  
22 permanent deputy under-sheriff and he  
23 happens to live, which is a little ironic,  
24 he happens to live in my legislative  
25 district.

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2 So he really and truly is not --  
3 I had nothing to do with it. I certainly  
4 did not know that he was going to become a  
5 permanent deputy under-sheriff, but there  
6 were two others appointed to serving acting  
7 positions.

8 These individuals are part of  
9 management as required by the New York State  
10 Commission on Corrections to qualify for  
11 housing Suffolk County inmates.

12 It was felt by the New York State  
13 Correction Commission that unless we had a  
14 decent management system in place at the  
15 jail, the Suffolk County inmates could not  
16 be housed in that facility.

17 The other promotions included  
18 and, remember what I said, there are not  
19 additional staff, included a cc lieutenant  
20 and a cc sergeant. In addition four  
21 corporals were returned.

22 This, to me, was far more than  
23 two deputy or acting deputy under-sheriffs  
24 that were mentioned at that meeting.

25 The CSEA promotions included two

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2 kitchen supervisors and three cook twos  
3 which were needed to properly manage the  
4 kitchen. There were people who did retire  
5 from the kitchen facility and therefore they  
6 needed to be replaced.

7 There are guidelines set by not  
8 only the correction commission but also by  
9 the Civil Service Commission regarding these  
10 positions.

11 So this is what I found out. I'm  
12 not here to debate anyone. You want to  
13 debate, guess what, I'll meet you separately  
14 at another time, but this is what I was  
15 asked to do and this is exactly what I did  
16 do.

17 So I share it with all of you so  
18 that the information that I received you  
19 received. I thank you very much,  
20 Mr. Schmitt.

21 CHAIRMAN SCHMITT: Thank you,  
22 Legislator Gonsalves.

23 LEGISLATOR DENENBERG: Mr.  
24 Schmitt?

25 CHAIRMAN SCHMITT: Legislator

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2 Denenberg.

3 LEGISLATOR DENENBERG: With  
4 regard to what Legislator Gonsalves just  
5 reported --

6 CHAIRMAN SCHMITT: She said she  
7 would meet you anywhere at anytime.

8 LEGISLATOR DENENBERG: I know Mr.  
9 Jaronczyk is here, can he make a comment?

10 MR. JARONCZYK: Good afternoon.  
11 My name is John Jaronczyk and I'm the  
12 president of the Nassau County Correction  
13 Officers Benevolent Association.

14 I want to thank Legislator  
15 Gonsalves for her due diligence in getting  
16 that information.

17 However, I will tell her that the  
18 information that she got is incorrect. The  
19 promotions that were done from the  
20 correction's point of view were to fill  
21 retirements. They were all below the  
22 budgeted items for those positions. Right  
23 now we are budgeted for 44 sergeants. We  
24 have 42 with the extra sergeant they just  
25 made, we are still below our budgeted items.

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2 But, yet, on the other side of  
3 the aisle, for the correctional center cook  
4 promotions, they are above the budget. We  
5 now have five kitchen supervisors when they  
6 are budgeted for three.

7 When you're talking about the  
8 deputy under-sheriffs, they are budgeted for  
9 zero deputy under-sheriffs in the 2012  
10 adopted budget, but, yet, now we have one  
11 and we have another acting position, which,  
12 by the way, Nassau County Civil Service does  
13 not recognize acting positions. So now we  
14 have people in acting positions in the  
15 county, and Nassau County Civil Service does  
16 not recognize those acting positions.

17 So we were forced to go to state  
18 supreme court and file a legal action on  
19 that. That is being challenged, those  
20 acting positions.

21 We are not saying that the  
22 sheriff does not need an upper management  
23 team, he absolutely does, but they should be  
24 following the budget. When they took 30  
25 corporals out of the budget, it came down to

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2 all of you to vote for that.

3 So now, if they're going to put  
4 extra positions in the budget that are not  
5 there, they should be following the budget.  
6 And that's all I was here for two weeks ago.  
7 I wanted to find out who has the authority  
8 to add positions in the budget and I still  
9 don't have that answer.

10 CHAIRMAN SCHMITT: Legislator  
11 Gonsalves.

12 LEGISLATOR GONSALVES: Mr.  
13 Jaronczyk, I have to say to you, first of  
14 all, there are a little over 1,500 inmates  
15 at that facility, correct?

16 MR. JARONCZYK: Yes, it's a daily  
17 ebb and flow, it goes up and down.

18 LEGISLATOR GONSALVES: I know  
19 because I have been involved with that  
20 facility for over 20 years when that jail  
21 was being expanded. The other thing is, the  
22 number of correction officers and staffing  
23 at that facility has really not changed  
24 dramatically. In fact, I know there is a  
25 little over a thousand staffers at that

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2 facility.

3 MR. JARONCZYK: You are  
4 incorrect. There are under 1,000 right now  
5 of correction officers in my union. Under  
6 1,000.

7 LEGISLATOR GONSALVES: And I'm  
8 saying to you -- I'm not going to debate  
9 this with you.

10 CHAIRMAN SCHMITT: We're not  
11 going to have interruptions here. She has  
12 the floor. She's speaking.

13 LEGISLATOR GONSALVES: I will not  
14 debate. What I am telling you is what I've  
15 been told and I'm not going to be stand here  
16 before you today and debate the information.

17 I will tell you, it's your job  
18 right now, if you're dissatisfied with what  
19 is going on with that facility, you should  
20 be sitting down with the county executive  
21 and his deputy county executive or Dr.  
22 Politi and resolve some of these issues.

23 I was asked to find out about  
24 this staffing. And whether or not it's  
25 legitimate remains to be seen. That's your



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2 opinion and that's my opinion.

3 MR. JARONCZYK: So you're just  
4 happy with the answers you got, and in your  
5 opinion I should be negotiating to stop  
6 political patronage jobs is what you're  
7 saying?

8 LEGISLATOR GONSALVES: I just got  
9 through with telling you, the deputy  
10 under-sheriff, who is acting deputy  
11 under-sheriff, lives in my district. Did I  
12 know that? No.

13 MR. JARONCZYK: I have never said  
14 that --

15 LEGISLATOR GONSALVES: So I had  
16 nothing to do with patronage.

17 MR. JARONCZYK: It was a neighbor  
18 of Ed Mangano. I never said that.

19 CHAIRMAN SCHMITT: Yes, you did.

20 LEGISLATOR GONSALVES: Yes, you  
21 did. That's what provoked this. And the  
22 newspaper had that too, John.

23 MR. JARONCZYK: I said the acting  
24 deputy under-sheriff that they made acting  
25 is a close friend and a neighbor of Ed

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2 Mangano's. The deputy under-sheriff is a  
3 good friend and personal relative or they  
4 had family relations of Ed Mangano. That's  
5 exactly what I said.

6 MR. JARONCZYK: Listen. Mr.  
7 Jaronczyk, listen to me carefully. I said  
8 to you earlier today when you called, to  
9 find out whether or not I was going to make  
10 this statement and I told you I would. I  
11 also said to you that I would not debate  
12 this in public.

13 MR. JARONCZYK: You're debating  
14 it.

15 LEGISLATOR GONSALVES: If you  
16 wish to debate this, I will see you  
17 privately.

18 MR. JARONCZYK: Well, you're  
19 debating it. You're the one talking to me,  
20 Norma, you're debating it.

21 CHAIRMAN SCHMITT: Mr. Jaronczyk,  
22 let me ask you a question. How long have  
23 you been president of the union?

24 MR. JARONCZYK: I have been  
25 president of the union probably six months.

1 Full Legislature/7-9-12

2 CHAIRMAN SCHMITT: Six months?

3 MR. JARONCZYK: Yes.

4 CHAIRMAN SCHMITT: In that period  
5 of six month's time, have you sat down with  
6 the county executive?

7 MR. JARONCZYK: Listen. I have a  
8 contract through 2015. We gone on record  
9 saying that we are more than willing to sit  
10 down with the county executive. The first  
11 phone call I got from the county executive's  
12 office is when he called me June 28th asking  
13 me to drop my federal lawsuit. That is the  
14 first phone call I got from him.

15 CHAIRMAN SCHMITT: Is that a yes  
16 or a no?

17 MR. JARONCZYK: I am more than  
18 willing to sit down with the county  
19 executive at any time.

20 CHAIRMAN SCHMITT: So six months  
21 in, you're still willing to sit down, but I  
22 take it you haven't sat down.

23 MR. JARONCZYK: I have to be  
24 invited to the table, Presiding Officer  
25 Schmitt.

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2 CHAIRMAN SCHMITT: I'm told that  
3 there's a seat at the table up there that  
4 every union, every municipal union in the  
5 county, save one, has been seated at that  
6 table up there and has been actively engaged  
7 in --

8 MR. JARONCZYK: And I was there  
9 on May 21st and you're talking --

10 CHAIRMAN SCHMITT: We, as you  
11 know, or should know, have no role in labor  
12 negotiations by county charter.

13 MR. JARONCZYK: I am very well  
14 aware of that.

15 CHAIRMAN SCHMITT: And,  
16 therefore, there --

17 LEGISLATOR DENENBERG: Point of  
18 order to the chair. Whereas we have no role  
19 in labor negotiations, we do vote on the  
20 contract. We do have --

21 CHAIRMAN SCHMITT: You don't  
22 negotiate, David. You vote on the contract.

23 LEGISLATOR DENENBERG: I just  
24 agreed with you on the negotiations, but we  
25 do have oversight, whether it's the whole

1 Full Legislature/7-9-12  
2 body or through the Public Safety Committee  
3 so if someone who is a union leader is  
4 making one set of factual allegations, it's  
5 our job to see if it's true or not.

6 I would beg to differ that we do  
7 engage in debate and engage in fact finding.  
8 That's what we do. That's what we do.

9 CHAIRMAN SCHMITT: Do we?

10 LEGISLATOR DENENBERG: We are  
11 trying to right here.

12 LEGISLATOR GONSALVES: I was  
13 asked to do this, David. Excuse me --

14 CHAIRMAN SCHMITT: It's hard for  
15 some to accept the fact that there is a  
16 structure that there's a sheriff who works  
17 with the county executive. There is a  
18 deputy county executive for public safety.  
19 There's a place for these issues to be  
20 resolved.

21 LEGISLATOR DENENBERG: I'm  
22 talking about our place. Our place is to  
23 listen to Mr. Jaronczyk and listen to the  
24 administration, not to come back and say the  
25 administration says this. I'm accepting it,

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2 debate closed.

3 CHAIRMAN SCHMITT: Well, you do  
4 have to make a judgement call. Now, I've  
5 listened to Mr. Jaronczyk.

6 LEGISLATOR DENENBERG: Whose  
7 judgment call is it? It's each of ours.

8 CHAIRMAN SCHMITT: Coming up here  
9 and making these wild accusations and every  
10 time I have engaged in trying to find out  
11 what the situation is at the jail, I have  
12 gotten written reports and I have been  
13 satisfied each and every time that he's  
14 spoken.

15 LEGISLATOR DENENBERG: He's right  
16 about the promotions. Those promotions were  
17 made -- Mr. Schmitt, he's right.

18 MR. JARONCZYK: I emailed it to  
19 you.

20 LEGISLATOR DENENBERG: And he's  
21 right about the 30 corporals.

22 MR. JARONCZYK: I gave you that  
23 information that you asked for on the June  
24 18th meeting. I emailed that to your office  
25 and I spoke to the clerk in your office and

1 Full Legislature/7-9-12  
2 they did receive it. So you can't say you  
3 did not receive the information.

4 CHAIRMAN SCHMITT: Then we  
5 researched it and checked it out with the  
6 sheriff. I don't know if you like the  
7 sheriff, don't like the sheriff.

8 MR. JARONCZYK: I like the  
9 sheriff. I think he's a nice guy.

10 CHAIRMAN SCHMITT: I got the  
11 information from him and what you were  
12 saying was incorrect. Good enough for me  
13 until I see proof to the contrary.

14 Legislator Jacobs.

15 LEGISLATOR JACOBS: I just want  
16 to say one thing as legislators. If we're  
17 going to do research on something, and we  
18 want to send out a letter or e-mail to our  
19 individual legislators explaining what we  
20 found out, that's one thing.

21 But, believe me, I've been around  
22 here, this is my 17th year, you cannot make  
23 statements on the floor and not expect to  
24 allow debate. That's what a legislature is  
25 all about. It can't be with the statement

1 Full Legislature/7-9-12  
2 we make is therefore sacred and we can not  
3 any debate on that statement. I'm saying  
4 it's good to share it with us if you find  
5 out something and leave it to use if we want  
6 to --

7 CHAIRMAN SCHMITT: Judy, I  
8 absolutely agree with you, but when an  
9 accusation is made at the last meeting, and  
10 then Legislator Gonsalves undertakes to find  
11 out from the sheriff what happened, and she  
12 reports back what the sheriff said is  
13 happening at the jail, not what she said is  
14 happening, and the response is, you're  
15 wrong, with no paperwork, no backup, no  
16 facts.

17 LEGISLATOR JACOBS: Give me one  
18 sec, John. I want to say something to you.  
19 I am not saying who's right or who's wrong.  
20 I'm saying to you, as president of the union  
21 John is telling us his understanding of what  
22 happened. The sheriff is telling us his  
23 understanding. The debate is really between  
24 those two those understandings, not between  
25 us. But once you bring it on the floor,



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2 whether it's at a hearing or a statement  
3 you're making, you have to allow debate.  
4 There is no such thing as not.

5 LEGISLATOR GONSALVES: Legislator  
6 Jacobs, I was commissioned to go and find  
7 out what happened. It's my job. He made an  
8 accusation or allegation, I should say, at  
9 the prior legislative meeting, and I said I  
10 would ask the sheriff to give me his side of  
11 the story. Today I presented his side of  
12 the story. That's what I'm sharing with  
13 you.

14 Therefore, I am not going to  
15 debate what the sheriff told me and think  
16 that he was telling me untruths. I am  
17 certainly not in that position to make that  
18 judgement. It's not my job. It's not the  
19 county executive's. It's between them and  
20 the union.

21 LEGISLATOR JACOBS: I would say  
22 that the sheriff should speak for himself.  
23 I think when the Public Safety Committee  
24 meets, it would be advisable if this is a  
25 situation that is that serious, to have a

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2 hearing on it. But I'm saying, we have to  
3 say if we are trying to paraphrase something  
4 that's been said to us, that's all I'm  
5 saying, and it's your understanding that  
6 this is what the sheriff said, and I don't  
7 doubt you.

8 I think the bottom line is, we  
9 have to be open then for debate. If we're  
10 not, then it shouldn't be done on the floor  
11 of the legislature.

12 LEGISLATOR GONSALVES: Then I  
13 should not have been volunteered to find out  
14 the information and report back to you.

15 CHAIRMAN SCHMITT: Legislator  
16 Abrahams.

17 LEGISLATOR ABRAHAMS: First I  
18 want to thank Legislator Gonsalves, Deputy  
19 Presiding Officer Legislator Gonsalves for  
20 doing the yoman's work of trying to find out  
21 this research. I mean, obviously, with the  
22 administration, and I think that's why it's  
23 important that we have an independent body,  
24 such as Mr. Chalmer's office, we should look  
25 into this matter a little more deeper now

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2 that we have the information, the response  
3 from the administration, which is good, and  
4 we also have the statements that are being  
5 made by Mr. Jaronczyk, there is no reason  
6 why this legislature should let it stop  
7 there.

8 We should continue to do our  
9 research and do our homework to make sure we  
10 have the proper and most appropriate  
11 responses. I would also request that, if  
12 possible, if this does require some  
13 budgetary matters, that we get Mr. Chalmers  
14 involved to take a look into it.

15 I don't see any reason why we  
16 wouldn't have the office of management and  
17 budget review, I'm sorry, the office of  
18 management and budget, OMB involved as well,  
19 to make sure we get to the bottom of it.  
20 But I think the initial work being done by  
21 Legislator Gonsalves is good, but I think we  
22 need to go a little bit further so the  
23 position of the union, as well as the  
24 position of the administration, vis a vis  
25 through the sheriff's office, can get it

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2 hammered out.

3 Obviously, what Mr. Jaronczyk has  
4 told us about is being disputed by the  
5 sheriff. So basically you have two  
6 arguments that are being pitted together and  
7 the best way to get resolution is to go to  
8 an independent source and an independent  
9 body.

10 And that's where your assistance,  
11 Presiding Officer Schmitt, I think we should  
12 engage in having Mr. Chalmers be involved in  
13 this process.

14 CHAIRMAN SCHMITT: Legislator  
15 Bosworth.

16 LEGISLATOR BOSWORTH: I would  
17 like to make a statement as well. I think  
18 that Legislator Abrahams has brought up some  
19 good suggestions. We certainly can't be  
20 debating he said she said. So I think the  
21 idea of getting our professional people  
22 involved in this is very important.

23 But this rises to a whole other  
24 level because, John, you brought so many  
25 concerns to us on so many different

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2 occasions, whether it's the idea of some  
3 being promoted and having your supervisory  
4 staff demoted.

5 One of the other issues that has  
6 been of great concern to me of what has  
7 happened in the jail in terms of the  
8 privatization of the health services, what  
9 is happening there.

10 You have expressed some serious  
11 concerns, and I think concerns that lead us  
12 to believe that not only are the inmates not  
13 having their health taken care of in the  
14 correct way, but the fact that, with that  
15 happening, I believe it puts our correction  
16 officers in danger as well.

17 So it's a matter of wanting to  
18 make sure these services are being provided  
19 in a way that's safe for all of those that  
20 are there.

21 So you talk about this being  
22 brought up in public safety. It would seem  
23 to me that we're at the point where we need  
24 to have, whether it's a hearing, I don't  
25 know what the proper way of doing it is, but

1 Full Legislature/7-9-12  
2 we need to be looking at some of the  
3 concerns that you brought up.

4 I know you want things to be  
5 working well there. We all want things to  
6 be working well there. Families want things  
7 to be working well there. I always think  
8 that no one can ever be so smug as to think  
9 that they may not have a family member or  
10 loved one who finds themselves in a  
11 situation where they are incarcerated, so we  
12 have to make sure that things are being done  
13 in a way that provides safety for everybody.

14 These are things that I am  
15 concerned about and I'm hoping that the  
16 Public Safety Committee will in fact look  
17 into this. If it's a hearing -- however the  
18 best way to look into it is. You brought  
19 them up to us again and again. I think we  
20 need to be responding by looking into it.

21 MR. JARONCZYK: Just for the  
22 record, I was not planning on speaking today  
23 until I was called.

24 LEGISLATOR BOSWORTH: I didn't  
25 say that you were but as long as it's being

1 Full Legislature/7-9-12

2 brought up --

3 CHAIRMAN SCHMITT: Don't point to  
4 me when you say when you were called, point  
5 to him. Mr. Denenberg called you, not me.

6 MR. JARONCZYK: I was pointing up  
7 front. Don't take it personally.

8 LEGISLATOR BOSWORTH: So I'm  
9 taking advantage of the fact that you are  
10 here and that Legislator Gonsalves was kind  
11 enough to look into this and report to us.  
12 But I think it raises many questions that we  
13 need to have answered.

14 MR. JARONCZYK: Thank you very  
15 much. We would encourage that. Thank you.

16 CHAIRMAN SCHMITT: Legislative  
17 Becker.

18 LEGISLATOR BECKER: I just want  
19 to reiterate what Legislator Gonsalves said  
20 and just that -- there are many correction  
21 officers in my legislative district, and I  
22 communicate with them a great deal. They  
23 are amazing guys. Many are in the local  
24 fire departments. You take back, despite  
25 all these situations, I think they're doing

1                   Full Legislature/7-9-12  
2     a great job and I would just reiterate what  
3     Legislator Gonsalves said and everybody on  
4     this board I'm sure agrees that they do an  
5     amazing job, they work hard and keep us  
6     safe. That message should never be lost in  
7     all of this. Thank you, Mr. President.

8                   MR. JARONCZYK: Thank you.

9                   CHAIRMAN SCHMITT: The health  
10    committee is going to start its meeting, and  
11    public works, the presentation on mosquito  
12    control.

13                   (TIME NOTED: 4:05 P.M.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of July, 2012.

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FRANK GRAY