

NASSAU COUNTY LEGISLATURE

PETER J. SCHMITT,  
PRESIDING OFFICER

RULES COMMITTEE

PETER J. SCHMITT,  
CHAIRMAN

1550 Franklin Avenue  
Mineola, New York

September 10, 2012  
1:11 p.m.

REGAL REPORTING SERVICES  
516-747-7353

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

PETER J. SCHMITT  
Chair

HOWARD KOPEL (Not Present)

NORMA GONSALVES (Sitting in for Howard Kopel)

DENNIS DUNNE (Not Present)

RICHARD NICOLELLO (Sitting in for Rose Marie Walker)

ROSE MARIE WALKER (Not Present)

JOSEPH BELESI (Sitting in for Rose Marie Walker)

KEVAN ABRAHAMS  
Ranking

JUDY JACOBS

WAYNE WINK

LIST OF SPEAKERS

ED EISENSTEIN. . . . . 6  
LISA LOCURTO . . . . . 8  
KEN ARNOLD . . . . . 14  
BRIAN SCHNEIDER. . . . . 14  
TATUM FOX . . . . . 18  
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ROB WALKER . . . . . 33

INSERTS TO TRANSCRIPT

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2 CHAIRMAN SCHMITT: Before we call the  
3 roll for the Rules Committee and start the Rules  
4 Committee meeting for the purposes of dealing  
5 with the contracts that are on the calendar, I  
6 would ask everybody to please rise in a moment of  
7 silence in observance of the anniversary of the  
8 9-11 tragedies.

9 (Whereupon, a moment of silence was  
10 taken.)

11 CHAIRMAN SCHMITT: Mr. Clerk would you  
12 please call the roll?

13 CLERK MULLER: Legislator Wink?

14 LEGISLATOR WINK: Here.

15 CLERK MULLER: Legislator Jacobs?

16 LEGISLATOR JACOBS: Here.

17 CLERK MULLER: Ranking Member Abrahams?

18 LEGISLATOR JACOBS: He's following us  
19 out.

20 CLERK MULLER: Legislator Nicoletto,  
21 substituting for Legislator Walker?

22 LEGISLATOR NICOLELLO: Here.

23 CLERK MULLER: Legislator Belesi,  
24 substituting for Legislator Dunne?

25 I believe he's here.

2 LEGISLATOR BELESI: Here.

3 CLERK MULLER: Legislator Gonsalves,  
4 substituting for Vice Chairman Kopel?

5 I believe she's here.

6 LEGISLATOR GONSALVES: Yes.

7 CLERK MULLER: Chairman Schmitt?

8 CHAIRMAN SCHMITT: Here.

9 CLERK MULLER: We have a quorum.

10 CHAIRMAN SCHMITT: Thank you.

11 Okay. Legislator Abrahams is here.

12 LEGISLATOR ABRAHAMS: Thank you.

13 CHAIRMAN SCHMITT: Number A-21 is a  
14 contract with the Department of Information  
15 Technology and Tyler Technologies for annual  
16 computer software and support in the amount of  
17 \$461,980.

18 May I have a motion, please?

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR NICOLELLO: Second.

21 CHAIRMAN SCHMITT: Moved by Legislator  
22 Gonsalves, seconded by Legislator Nicolello.

23 Who is here to talk about that?

24 MR. EISENSTEIN: Good afternoon,  
25 Legislature. Ed Eisenstein, department head for

2 IT. I'm here to talk about the Tyler Contract.  
3 Do you have any specific questions that I could  
4 answer?

5 CHAIRMAN SCHMITT: Why don't you tell us  
6 why we're still paying for this?

7 MR. EISENSTEIN: The Adapt system that  
8 Tyler is the assessment review, county attorney,  
9 assessment system. This maintenance contract is  
10 the ongoing maintenance for their product.

11 CHAIRMAN SCHMITT: And the Adapt system  
12 is up and running?

13 MR. EISENSTEIN: The Adapt system is  
14 completely up and running. As a matter of fact,  
15 if I could just talk about that for a moment.  
16 Currently, the Adapt system is calculating taxes,  
17 complete assessment, and managing the SCAR cases  
18 completely today. Treasury is processing  
19 delinquent taxes, lien sales, and refunds in the  
20 Adapt system, as well as assessment review and  
21 county attorney are managing grievances in the  
22 Adapt workflow as we speak.

23 CHAIRMAN SCHMITT: And IAS World, what  
24 is that?

25 MR. EISENSTEIN: IAS World is, please.

2 Go ahead.

3 MS. LOCURTO: Lisa LoCurto, County  
4 Attorney's Office. IAS is an acronym which  
5 stands for the Integrated Assessment System. It  
6 works with the Adapt system. Actually, Adapt  
7 incorporates that portion of the assessment  
8 system, which has the camera and the inventory  
9 data.

10 CHAIRMAN SCHMITT: So you are in  
11 agreement with what Commissioner Eisenstein said?

12 MS. LOCURTO: Yes.

13 CHAIRMAN SCHMITT: So, he said that the  
14 Adapt system is processing -- is processing tax  
15 grievances and determining refunds.

16 MS. LOCURTO: Yes, it is.

17 CHAIRMAN SCHMITT: How are the refunds  
18 being paid since there has been no bonding to pay  
19 for them?

20 MS. LOCURTO: The payment of the  
21 refunds, as much as can be paid, out of existing  
22 bond money and we are looking for alternatives on  
23 how to get paid the remaining judgments.

24 CHAIRMAN SCHMITT: What exactly does  
25 that mean? Where are we? How many refunds have



2 we processed? How many refunds have been sent  
3 out? The reason I ask is my office has gotten a  
4 couple of calls from constituents who read in the  
5 paper that this system is doing everything you  
6 say it is and they want to know where their check  
7 is.

8 MS. LOCURTO: The system can calculate  
9 the refunds. The system cannot come up with the  
10 money to pay the refund; that's something  
11 distinct and different.

12 CHAIRMAN SCHMITT: I understand that.  
13 But that's my question; are the refunds piling up  
14 in the treasurer's office awaiting funding?

15 MS. LOCURTO: As much as the treasurer's  
16 office can pay with existing funding, they are  
17 paying.

18 CHAIRMAN SCHMITT: And how much is that?

19 MS. LOCURTO: I can get you an exact  
20 figure.

21 CHAIRMAN SCHMITT: We either have money  
22 or we don't. It seems to be -- there either  
23 money there that can pay refunds or there isn't.  
24 I just don't understand the vagueness. They've  
25 used all their money and now we have refunds

2 backing up there waiting to be processed. If new  
3 funding becomes available is an answer. There's  
4 X millions of dollars there is an answer.

5 MS. LOCURTO: The refunds are being  
6 loaded and processed. When the money is  
7 available, they will be paid.

8 CHAIRMAN SCHMITT: So they're not being  
9 paid now?

10 MS. LOCURTO: As much as can be paid.  
11 In answer to your question, no, not all of them  
12 are being paid. There is a backing up of  
13 payment.

14 CHAIRMAN SCHMITT: Are they taken out of  
15 the line to be paid? In other words, I'm  
16 interested primarily in residential. If there's  
17 a residential refund for somebody -- I'm just  
18 picking numbers -- that's \$5,000, do they pay it  
19 if there's money available or do they pay ten  
20 \$500 refunds?

21 MS. LOCURTO: That would be in the  
22 treasurer's office. I don't want to make a  
23 misstatement. I will try to get you that answer,  
24 Presiding Officer.

25 CHAIRMAN SCHMITT: I'd like to know.

2 I'd like to know how many are -- how they're  
3 being paid, how many are being paid and what  
4 exactly the status is. How many are awaiting  
5 payment if, in fact, we have a backlog?

6 MS. LOCURTO: Absolutely. I will get  
7 that --

8 CHAIRMAN SCHMITT: Anybody else have any  
9 questions? Legislator Jacobs.

10 LEGISLATOR JACOBS: May I ask a  
11 question? I don't know which one of you, either  
12 one. How do you decide or do you decide which  
13 ones are being paid?

14 MS. LOCURTO: I'm not quite sure,  
15 Legislator. I don't mean to avoid answering your  
16 question. But I think here we're just talking  
17 about whether or not maintenance should be paid  
18 on the Tyler contract. I don't think we should  
19 veer off into the payment of the refunds.

20 But to answer your question and the  
21 Presiding Officer's question, I will try and get  
22 that answer for you.

23 LEGISLATOR JACOBS: Mr. Schmitt said  
24 he'll share the report with us, also. I think  
25 that's important. I'm understanding what you're

2 saying, but obviously somebody's got to make a  
3 decision as to what's being paid. And all of our  
4 offices are getting calls on this, so.

5 CHAIRMAN SCHMITT: And we're not veering  
6 off into this; he brought it up. He said that  
7 the system was working and that refunds were  
8 being processed and issued. That's what the  
9 commissioner said.

10 MS. LOCURTO: Correct. The purpose of  
11 what Adapt can do, he was enumerating one of the  
12 functions of what Adapt does, yes.

13 MR. EISENSTEIN: I also would like to  
14 further define that the project is not in its  
15 completed state. Once completed, we will be up  
16 to the correct speed, as processes should be  
17 happening, the payments come out.

18 CHAIRMAN SCHMITT: With all due respect,  
19 what does that mean? You told us that it was up  
20 and running and doing all the wonderful things  
21 that it does, and now you're telling me it's not  
22 up to speed.

23 MR. EISENSTEIN: It is about 90 percent  
24 operational. There's three or four items that's  
25 still looking to be completed, items such as the

2 county attorney's office converting of some paper  
3 processes, the bay share proper -- proportions to  
4 be fully implemented, some other items that give  
5 it the 100 percent outlook --

6 CHAIRMAN SCHMITT: Then why are we not  
7 paying 90 percent of the maintenance fee?

8 MR. EISENSTEIN: We are in -- this is  
9 all being rolled out. It's our implementation  
10 that's taking us to the 100 percent.

11 CHAIRMAN SCHMITT: Anything else?  
12 Anybody? Anything?

13 (No verbal response.)

14 All those in favor -- I'm sorry. Any  
15 public comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item carries unanimously. Thank you.

22 I'm going to call A-28, A-29, and A-30  
23 together. They are contracts between DPW and THM  
24 Land Care for tree pruning and stump removal  
25 between DPW and Schaner Wastewater Products for a

2 blanket purchase for struvite removal chemicals,  
3 and between DPW and United Concrete Products for  
4 prefabricated restroom facility.

5 May I have a motion, please?

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRMAN SCHMITT: Moved by Legislator  
9 Gonsalves, seconded by Legislator Nicolello.

10 Go ahead. Good morning. Good afternoon.

11 MS. ARNOLD: Good morning. Ken Arnold.

12 I'm sorry. Good afternoon. Ken Arnold, Public  
13 Works, and Brian Schneider, also.

14 A-28 is a blanket order for stump  
15 grinding and tree removal for the Department of  
16 Public Works. A-29 is for wastewater chemicals  
17 associated with the removal of struvite at the  
18 wastewater treatment plants.

19 MR. SCHNEIDER: And A-30 is a blanket  
20 purchase order for the purchase of prefabricated  
21 restroom facilities.

22 CHAIRMAN SCHMITT: How many?

23 MR. SCHNEIDER: It's undetermined at  
24 this point. It gives us the flexibility, as  
25 needed, to install new facilities as old

2 facilities become too costly to repair. The  
3 first one actually is going to be installed at  
4 the new accessible playground, located at  
5 Eisenhower Park. It's an environmental bond act  
6 project that will be funded through EBA funds.

7 CHAIRMAN SCHMITT: Is there a limit as  
8 to how many of these things can be purchased?

9 MR. SCHNEIDER: No. The way the blanket  
10 order works is as funding and need becomes  
11 available, the blanket order will be utilized to  
12 construct various sized bathroom facilities, as  
13 small as single bathrooms to as many as six  
14 bathrooms, three men/three women, with the  
15 options for a concession stand. So there is a --

16 CHAIRMAN SCHMITT: A concession stand at  
17 a restroom?

18 MR. SCHNEIDER: Yeah.

19 CHAIRMAN SCHMITT: What are you selling?

20 MR. SCHNEIDER: I'll give you an  
21 example. Say, at an athletic field where there  
22 are athletic events going on, you would typically  
23 have bathroom facilities, and attached to that  
24 facility could be a small stand to sell pretzels  
25 or pre-made foods. We just installed one at

2 Cedar Creek Park, which was just opened. So  
3 there is flexibility for --

4 CHAIRMAN SCHMITT: You don't sell paper  
5 or soap.

6 MR. SCHNEIDER: Well, I guess any  
7 revenue generating idea would be welcome. But,  
8 no, we would not be selling goods, other than  
9 just food for the athletic facility.

10 CHAIRMAN SCHMITT: What does one of  
11 these cost?

12 MR. SCHNEIDER: The single unit bathroom  
13 that's going to be installed in Eisenhower Park  
14 at the accessible playground is \$45,000  
15 delivered. There is some site work that would  
16 need to be done, which the county would do in-  
17 house. We have to build a slab. We have to make  
18 all the mechanical, electrical and plumbing  
19 connections, which we would do in-house. But the  
20 building itself is much cheaper than building a  
21 stick frame building. And the maintenance is  
22 tremendously less than a regular stick frame  
23 building.

24 CHAIRMAN SCHMITT: Anybody have any  
25 questions?



2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

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

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Thank you.

11 For E-111 I have an amendment in the  
12 nature of a substitution, which has been  
13 distributed. There is a typo in the item so this  
14 corrects that. So I will offer the amendment.  
15 May I have a second, please?

16 LEGISLATOR GONSALVES: Second.

17 CHAIRMAN SCHMITT: Seconded by  
18 Legislator Gonsalves.

19 All those in favor of the amendment  
20 please say aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item is amended.

25 Now, on the item as amended. This is a

2 contract between the police department and Blue  
3 Water International.

4 Do you want to tell us about this?

5 MS. FOX: Yes. Good afternoon. Tatum  
6 Fox, Nassau County Police Legal Bureau.

7 Item E-111-12 is an amendment to an  
8 agreement with Blue Water International, which  
9 provides consulting services to the police  
10 department and the county, essentially in regard  
11 to the transition of the forensic evidence bureau  
12 to the medical examiner's office, and also serves  
13 as a liaison between county departments and state  
14 agencies.

15 The amendment is to the maximum amount,  
16 which was \$24,500, to be increased by 100,000,  
17 for a total maximum amount of \$124,500, as well  
18 as an amendment to the term, which was commenced  
19 on August 1, 2011 through July 1, 2012, to be  
20 extended for one year, so it shall terminate on  
21 July 1, 2013.

22 CHAIRMAN SCHMITT: Okay. Why the  
23 extension of time this time?

24 MS. FOX: Basically, when we first  
25 contract with the consultant everything with the

2 forensic evidence bureau was just happening and  
3 underway and the transition was underway. We're  
4 still midway with that transition. It's  
5 coordinating all the various disciplines involved  
6 with handling forensic evidence, which is time  
7 consuming and we still need the assistance of a  
8 consultant for that purpose, as well as other  
9 consulting issues with the State Commission of  
10 Corrections, for instance, with processing  
11 arrestees, that's another area of assistance.

12 CHAIRMAN SCHMITT: Anybody else have any  
13 questions?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item carries unanimously.

22 Now we go to E-175 and E-181. The first  
23 is a contract between the Department of Public  
24 Works and Hazen & Sawyer for Bay Park digester  
25 cleaning and repair contract, and the other is

2 between the Department of Public Works and RGR  
3 Landscape Architecture for additional design for  
4 the Hempstead Plain project.

5 A motion, please?

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRMAN SCHMITT: Moved by Legislator  
9 Gonsalves, seconded by Legislator Nicoletto.

10 I'm going to ask for a motion to table  
11 these two contracts.

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRMAN SCHMITT: Moved by Legislator  
15 Gonsalves, seconded by Legislator Nicoletto.

16 All those in favor of tabling please say  
17 aye.

18 (Aye.)

19 The items are tabled.

20 I got E-178, E-179, E-186, E-187, and  
21 that is contracts between the Department of  
22 Public Works and Nelson and Pope for on-call  
23 engineering services between the Department of  
24 Public Works and Liro Engineers to extend the  
25 term of the 2006 Environmental Bond Act

2 concerning Act Program Management Services  
3 agreement. E-186 between the Department of  
4 Public Works and Liro Engineers to extend the  
5 term and increase contract amount for resident  
6 engineering and construction and inspection for  
7 state funded incident management contract. E-187  
8 is between DPW and Liro Engineers for  
9 construction management services for Cedar Creek  
10 grid facility.

11 May I have a motion, please?

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR NICOLELLO: Second.

14 CHAIRMAN SCHMITT: Moved by Legislator  
15 Gonsalves, seconded by Legislator Nicolello.

16 Any debate -- oh, I'm sorry. Go right  
17 ahead.

18 MR. ARNOLD: Kenneth Arnold, Public  
19 Works.

20 The first contract, Nelson & Pope, is a  
21 contract amendment to extend their contract to  
22 the end of the year for work that they're doing  
23 currently on two state funded traffic projects.

24 CHAIRMAN SCHMITT: Go ahead.

25 MR. ARNOLD: E-186 is an amendment to

2 their existing on-call traffic contract to cover  
3 construction, management and resident engineering  
4 services for two incident management projects in  
5 Nassau County.

6 CHAIRMAN SCHMITT: Okay.

7 MR. ARNOLD: E-187 is an amendment to  
8 their sanitary -- the environmental construction  
9 contract. It's to provide project labor  
10 agreement assistance to the department for the  
11 effluent screening facility projects at Bay Park  
12 and Cedar Creek.

13 CHAIRMAN SCHMITT: Anybody have any  
14 questions?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All those in favor of these contracts  
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The items carry unanimously.

24 Now we have E-180, E-183, and E-189.

25 These are all contracts between the county

2 attorney and Precise Court Reporting Services for  
3 stenography services; between the County Attorney  
4 and Bee, Ready, Fishbein, Hader & Donovan,  
5 providing legal services regarding labor and  
6 employment matters; and between the County  
7 Attorney and Vecchione, Vecchione & Connors  
8 providing legal services in connection with the  
9 New York State Workers Compensation Board.

10 May I have a motion, please?

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRMAN SCHMITT: Moved by Legislator  
14 Gonsalves, seconded by Legislator Nicoletto.

15 Who is going to speak on these?

16 MS. LOCURTO: Lisa LoCurto, County  
17 Attorney's Office.

18 This is for Item E-180-12, Precise Court  
19 Reporting Services. This is a contract to extend  
20 the term. No new money is being put into the  
21 contract. It's to provide for court reporting  
22 services for depositions, for 50H hearings, and  
23 the like. And it is part of our litigation  
24 services necessary for work in the county  
25 attorney's office.

2 CHAIRMAN SCHMITT: Any questions on E-  
3 180?

4 (No verbal response.)

5 Okay. E-183.

6 MS. LOCURTO: E-183-12 is an amendment  
7 to a special counsel contract with Bee, Ready,  
8 Fishbein, Hadder for work that they do with the  
9 Office of Labor Relations and litigation of labor  
10 cases.

11 CHAIRMAN SCHMITT: Any questions on E-  
12 183?

13 (No verbal response.)

14 Okay. E-189.

15 MS. LOCURTO: E-189 is an amendment to  
16 an existing contract to provide special counsel  
17 services for workers compensation claims in  
18 Nassau County.

19 CHAIRMAN SCHMITT: Any questions on E-  
20 189?

21 (No verbal response.)

22 Any public comment on any of the three  
23 contracts?

24 (No verbal response.)

25 I have a request to vote on these



2 separately.

3 On E-180, all those in favor please say  
4 aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item carries unanimously.

9 E-183, all those in favor please say aye.

10 (Aye.)

11 Opposed?

12 (Nay.)

13 The item carries by a vote of four to  
14 three.

15 E-189, between the county attorney and  
16 Vecchione, Vecchione and Connors.

17 All those in favor please say aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item carries unanimously.

22 Okay. E-182 is between the Parks  
23 Department and Ellen Lyons for use and occupancy  
24 unit at the Old Mill Farms Tudor House, unit B.

25 May I have a motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator  
5 Gonsalves, seconded by Legislator Nicolello.

6 MR. KELLY: Michael Kelly, Acting  
7 Director, Nassau County Department of Public  
8 Works, Division of Real Estate Services.

9 E-182-12 is to approve the issuance by  
10 the parks commissioner of a use and occupancy  
11 permit to Ellen Lyons for the Old Mill Farm Tudor  
12 House, Unit B. It's a two bedroom apartment.  
13 The fee would be 2250 a month, plus \$150 a month  
14 electric fee. This fee was set by Smith &  
15 DeGroat, the county's managing agent, for these  
16 units.

17 CHAIRMAN SCHMITT: Where exactly is  
18 Tudor House Unit B?

19 MR. KELLY: It's on Route 106. It's  
20 towards the front of the property.

21 CHAIRMAN SCHMITT: Is that near the Old  
22 Maine Maid Inn?

23 MR. KELLY: It's down the street. It's  
24 pretty close.

25 CHAIRMAN SCHMITT: Okay. Anybody have

2 any questions?

3 LEGISLATOR WINK: Yeah. I have a quick  
4 question.

5 CHAIRMAN SCHMITT: Legislator Wink.

6 LEGISLATOR WINK: Mr. Kelly, is this a  
7 new tenancy?

8 MR. KELLY: This is an existing unit.  
9 This is a new tenant, though.

10 LEGISLATOR WINK: A new tenant?

11 MR. KELLY: Yes.

12 LEGISLATOR WINK: Okay. So it seems to  
13 indicate that this is an increase of \$100 per  
14 month.

15 MR. KELLY: Yes.

16 LEGISLATOR WINK: That's over the old  
17 tenancy.

18 MR. KELLY: Over the old tenant. This  
19 is a different tenant.

20 LEGISLATOR WINK: Thank you.

21 CHAIRMAN SCHMITT: Any other questions?

22 (No verbal response.)

23 Okay. Any public comment?

24 (No verbal response.)

25 All those in favor please indicate by

2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 MR. KELLY: Thank you.

8 CHAIRMAN SCHMITT: E-184 is between  
9 Traffic and Parking Violations Agency and Quest  
10 Computer Products, Incorporated.

11 You're welcome.

12 May I have a motion, please?

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRMAN SCHMITT: Moved by Legislator  
16 Gonsalves, seconded by Legislator Nicolello.

17 Who is here to speak on that?

18 MR. RICH: Dave Rich, Deputy Director of  
19 Traffic and Parking Violations Agency.

20 CHAIRMAN SCHMITT: How are you?

21 MR. RICH: Okay.

22 This is to encumber additional funds for  
23 our 2012 budget year for enhancements. It's an  
24 ongoing contract. There's two contracts; one is  
25 the maintenance and TPVA usually has the

2 enhancements contract.

3 CHAIRMAN SCHMITT: What exactly does  
4 that mean?

5 MR. RICH: What we have is the  
6 enhancements, such as state mandates, if we have  
7 to modify the way the program runs to interface  
8 with New York State DMV or if we modify some of  
9 our administrative fees and charges, we have to  
10 pay our vendor to make those changes in our  
11 system.

12 CHAIRMAN SCHMITT: This is going to be a  
13 new maximum of \$725,000?

14 MR. RICH: It's \$75,000 per year, is  
15 what we pay for the enhancement.

16 CHAIRMAN SCHMITT: 75,000 per year. But  
17 this is for a \$75,000 increase.

18 MR. RICH: It's to encumber the 2012  
19 budgeted funds, yes.

20 CHAIRMAN SCHMITT: So it's not an  
21 increase?

22 MR. RICH: Excuse me?

23 CHAIRMAN SCHMITT: It's not an increase.

24 MR. RICH: It's not an increase. We  
25 just haven't encumbered the funds for 2012 yet.

2 This amendment is just to encumber those funds.

3 CHAIRMAN SCHMITT: The explanation is  
4 that each year you pay the \$75,000 fee, but it an  
5 increase of the existing contract.

6 MR. RICH: Right. Operating to date  
7 with the 2011 funds.

8 CHAIRMAN SCHMITT: Okay.

9 Anybody have any questions?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 Thank you very much.

19 E-185 is between the Office of Management  
20 and Budget and Milliman, Inc.

21 May I have a motion, please?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRMAN SCHMITT: Moved by Legislator  
25 Gonsalves, seconded by Legislator Nicolello.

2 Any debate or discussion?

3 (No verbal response.)

4 Go ahead.

5 MR. CONWAY: Bob Conway, Office of  
6 Management and Budget.

7 This is a contract to provide the county  
8 with actuarial consulting services as required by  
9 Governmental Accounting Standards Board Number  
10 45. It's for purposes of recording the county's  
11 liability associated with post-employment  
12 benefits. These amounts are recorded on the  
13 county's financial statements.

14 CHAIRMAN SCHMITT: Does anybody have any  
15 questions?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 This another one of those mandates.

20 MR. CONWAY: I'm sorry?

21 CHAIRMAN SCHMITT: This is another one  
22 of those mandates.

23 MR. CONWAY: Yes.

24 CHAIRMAN SCHMITT: Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 E-182 is between the Legislature and  
8 Kimberly Hall. I'm sorry. E-188 is between the  
9 Legislature and Kimberly Hall Consulting  
10 Services. This is a contract for the Minority  
11 delegation, \$65,000 a year.

12 May I have a motion, please?

13 LEGISLATOR ABRAHAMS: So moved.

14 LEGISLATOR WINK: Second.

15 CHAIRMAN SCHMITT: Moved by Legislator  
16 Abrahams, seconded by Legislator Wink.

17 Any debate or discussion?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor please say aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item carries unanimously.



2 I'll take a motion to un-table Item E-  
3 162, which is a contract between the County  
4 Attorney and Pinoney, Lopez, Deveraux and West.

5 Motion, please.

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR NICOLELLO: Second.

8 CHAIRMAN SCHMITT: Motion by Legislator  
9 Gonsalves, seconded by Legislator Nicoletto.

10 Mr. Walker is here. I'm sorry, Mr.  
11 Walker. I was going to do this in the beginning  
12 and it wasn't on my list that way.

13 DEPUTY COUNTY EXECUTIVE WALKER: I'm  
14 here joined by my able-bodied assistant, Deputy  
15 Chief County Attorney. This contract, just a  
16 little overview.

17 The county executive has been working  
18 extensively on seeing the HUB developed. As we  
19 all know, unfortunately the referendum did not  
20 pass back sometime last year. At that point, to  
21 continuing moving the ball forward the county  
22 executive desired to work with our state, in  
23 terms of seeing this property developed and as  
24 such we put out an RFQ. An RFQ went out to  
25 developers. I'm sure everyone knows by now,

2 three people answered the RFQ -- Pannone, Lopez  
3 and Devereaux was a firm that the county attorney  
4 and the county executive felt would be the best  
5 firm working with us on the development of the  
6 HUB, as they handled a situation in another part  
7 of New York State which had a referendum that  
8 failed and then subsequently saw the development  
9 of a new ball field. We believe that, again,  
10 this was the best firm. Again, the county  
11 attorney and the county executive moving forward  
12 with the development of the HUB property.

13 LEGISLATOR JACOBS: Just bear with me a  
14 second. What was the number that you're talking  
15 about? I'm obviously reading something different  
16 under 162.

17 DEPUTY COUNTY EXECUTIVE WALKER: E-162-  
18 12.

19 LEGISLATOR JACOBS: And what is the  
20 name? I'm sorry.

21 DEPUTY COUNTY EXECUTIVE WALKER: That's  
22 alright.

23 LEGISLATOR JACOBS: What is the name  
24 you're saying?

25 DEPUTY COUNTY EXECUTIVE WALKER:

2 Pannone, Lopes, Devereaux and West. We had an  
3 original contract of 25,000 and this is an  
4 amendment to that contract. This is for the  
5 county attorney.

6 LEGISLATOR JACOBS: We definitely have a  
7 mistake up here. Give us one second.

8 DEPUTY COUNTY EXECUTIVE WALKER: Take  
9 your time.

10 LEGISLATOR ABRAHAMS: Rob, is this any  
11 way connected to E-129?

12 DEPUTY COUNTY EXECUTIVE WALKER: No.  
13 It's E-62-12 --

14 LEGISLATOR JACOBS: E-62.

15 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.  
16 1-6-2, I'm sorry. E-162. It's on the tabled.

17 LEGISLATOR ABRAHAMS: Electronically,  
18 for some reason electronically it's connected to  
19 129.

20 CHAIRMAN SCHMITT: Legislator Abrahams.

21 LEGISLATOR ABRAHAMS: Mr. Walker, I just  
22 have a couple of questions. If I'm understanding  
23 this a little bit correctly, this is to privately  
24 finance the redevelopment of the HUB.

25 DEPUTY COUNTY EXECUTIVE WALKER:

2 Correct.

3 LEGISLATOR ABRAHAMS: Which includes the  
4 77 acres of the Coliseum, which is tied to the  
5 RFP that went out a couple of weeks -

6 DEPUTY COUNTY EXECUTIVE WALKER:  
7 Correct.

8 LEGISLATOR ABRAHAMS: And we're paying  
9 this entity \$200,000.

10 DEPUTY COUNTY EXECUTIVE WALKER:  
11 Correct.

12 LEGISLATOR ABRAHAMS: Exactly -- what  
13 exactly are we getting for the \$200,000?

14 DEPUTY COUNTY EXECUTIVE WALKER: The  
15 \$200,000 question.

16 First and foremost, I think we all  
17 collectively, 19 legislators and the county  
18 executive, would like to see the Coliseum site  
19 developed, and hopefully keeping the Islanders  
20 here, the team here and having development.

21 We felt, again, after the referendum had  
22 failed, we looked at similar areas throughout New  
23 York where referendums had failed and where  
24 eventual construction took place. We didn't have  
25 to look too far, to Rockland County, where there

2 was a referendum that failed for a minor league  
3 ballpark. It failed. Then, working in  
4 conjunction with this law firm, the firm came  
5 about and sought to it with no county funds being  
6 involved, in the development of one of the nicest  
7 ball fields in the area, economic activity,  
8 concerts, and everything of that nature.

9 LEGISLATOR ABRAHAMS: This is in  
10 Rockland?

11 DEPUTY COUNTY EXECUTIVE WALKER: This is  
12 in Rockland, yes. They handled the entire  
13 transaction. They negotiated with the teams.  
14 They negotiated with all private investors. They  
15 created an LDC and they saw an actual development  
16 take place.

17 So, as we move forward, first, we wanted  
18 somebody to complete and assist us with the  
19 completion of the consolidated, the CFA, the  
20 consolidated fund application that New York State  
21 has allowed to go forward, through the governor's  
22 economic development policies, and they submitted  
23 and completed that application process for us.  
24 We believe that they were in a better position,  
25 having gone through this before, to seek dollars

2 and to actually achieve a successful -- which we  
3 believe we will be successful with some type of  
4 dollars coming from the state's economic  
5 development council for this property. So that  
6 was one; they submitted and completed the  
7 application.

8           Secondary to that, they also are in the  
9 process of -- will begin the process, once the  
10 RFQ is -- the committee selects the developer,  
11 they will actually complete the contract  
12 documents, things of that nature, put that forth,  
13 and then continue -- I do not believe we have  
14 anybody here in the county that has successfully  
15 negotiated a contract with any types of sport  
16 teams or any type of developer for a site that  
17 they will actually then handle the negotiations  
18 as they did successfully in, again, not too far  
19 up north. They will handle all those  
20 negotiations for the county as we move forward  
21 with the developers and also the dollars.

22           CHAIRMAN SCHMITT:     Legislator Wink.

23           LEGISLATOR WINK:     Mr. Walker --

24           DEPUTY COUNTY EXECUTIVE WALKER:     Yes.

25           LEGISLATOR WINK:     How are you?

2 DEPUTY COUNTY EXECUTIVE WALKER: Good.

3 LEGISLATOR WINK: The \$200,000, what are  
4 they getting paid for? I understand the work  
5 they're doing. Are they -- how far does it take  
6 them through the process? Does it take us  
7 through completion?

8 DEPUTY COUNTY EXECUTIVE WALKER: It  
9 would be unknown, I should say. I would not want  
10 to give an answer only because depending on how  
11 complex the negotiations are, how quick they may  
12 go or may not go, how long this process may take,  
13 I, for one, hope it's quicker or sooner than  
14 later because time is of the essence. The  
15 Islanders are going to make a decision if they  
16 are leaving or not very soon. It's somewhat  
17 unknown, depending on how complex those  
18 negotiations may go.

19 LEGISLATOR WINK: Okay. Is there any  
20 provision in this agreement that they get a piece  
21 of whatever the ultimate --

22 DEPUTY COUNTY EXECUTIVE WALKER: No. We  
23 would have to come back to the legislature for  
24 anything over \$200,000.

25 LEGISLATOR WINK: Okay. Alright. Yeah.

2 I'll take a look through this. But I'm going to  
3 turn it over to whoever else wants to ask. Thank  
4 you.

5 CHAIRMAN SCHMITT: Legislator Jacobs.

6 LEGISLATOR JACOBS: Rob, just one more  
7 thing. In my estimation, I think there would be  
8 more of a comfort level if we could determine  
9 what it is you hope for them to attain by the  
10 time they're reaching \$200,000. Rather than wait  
11 for you to come to us --

12 DEPUTY COUNTY EXECUTIVE WALKER: I  
13 understand.

14 LEGISLATOR JACOBS: after they've done a  
15 certain amount of work and then there's no  
16 choice. We have to determine are they reaching  
17 the goal, are they reaching the goal line in that  
18 spot, and then we could possibly extend them if  
19 they're not finished.

20 DEPUTY COUNTY EXECUTIVE WALKER: I would  
21 say in this case we're going to have a few goal  
22 lines, because I do understand your question.

23 LEGISLATOR JACOBS: That's what I mean.

24 DEPUTY COUNTY EXECUTIVE WALKER: We will  
25 definitely have a few goal lines that we hope we



2 achieve. First, we hope we're successful, which  
3 we believe we will, in obtaining some state  
4 dollars. If we obtain some state dollars, that  
5 obviously is going to help us with negotiations  
6 going forward with the Coliseum and/or keeping --  
7 and/or keeping the Islanders there or just having  
8 a Coliseum for other type of activities.

9           So, step one is to see how we are  
10 successful; that announcement is coming, I  
11 believe, sometime next week or next week by the  
12 state as to where dollars are coming. So that's  
13 one. Secondly, they already did provide us, you  
14 know, the application, the CFA, they submitted  
15 that application for us. They've already begun,  
16 you know, in terms of the development of the RFQ,  
17 the RFQ is out and the selection process. So the  
18 next phase is selecting the developer, and then  
19 those negotiations will take place.

20           It's going to be very hard, I'll be very  
21 honest with everybody here, to bring in somebody  
22 -- someone new to continue going forward because  
23 the amount of time they will need to take to get  
24 up to speed. It's such a complex -- we've been  
25 talking about this for 20 years -- such a complex

2 area that unfortunately we have failed miserably,  
3 everybody's failed miserably. There's nothing  
4 that's taken place for far too long. To have  
5 somebody step in even after they attain that  
6 200,000 limit or go to 221, 222, it's going to be  
7 very hard to have somebody come in and start the  
8 process over again. It's almost -- again, we  
9 hire engineers and then the engineer midway  
10 through the job is on his cap and we decide we  
11 can't bring somebody else in, it would just cost  
12 too much for them to do all the type of dollars.  
13 It's moving us through the process.

14 We are very satisfied in the position  
15 we're in today, again, because I think we are  
16 going to achieve some success with the state and,  
17 more importantly, we do have three massive  
18 developers who are very qualified, that are very  
19 hungry, that are ambitious. I think for them to  
20 all announce it publicly, it shows their intent  
21 and their interest to make something happen.

22 LEGISLATOR JACOBS: It was a good  
23 feeling to hear that.

24 But, in fact, there's a pretty good  
25 chance you'll be back after they hit that

2 plateau.

3 DEPUTY COUNTY EXECUTIVE WALKER: I would  
4 believe so. Because I think at that point we're  
5 moving forward again. It would be good news to  
6 actually -- to have another contract go before  
7 this Legislature, I think we're in great shape  
8 for finally some success.

9 LEGISLATOR JACOBS: Will someone in the  
10 county attorney's office follow them as they're  
11 going along just to make sure that when it comes  
12 time to re-extending --

13 DEPUTY COUNTY EXECUTIVE WALKER: Lisa  
14 will, yes.

15 LEGISLATOR JACOBS: I just don't want to  
16 put good money after bad. I hope it's never bad.

17 DEPUTY COUNTY EXECUTIVE WALKER: We  
18 agree.

19 LEGISLATOR JACOBS: Okay.

20 DEPUTY COUNTY EXECUTIVE WALKER: If it's  
21 bad, it's bad for everybody. We want this to  
22 finally be a good outcome of the story.

23 LEGISLATOR JACOBS: Alright. Thank you.

24 CHAIRMAN SCHMITT: Any public comment?

25 (No verbal response.)

All those in favor please say aye.

(Aye.)

Opposed?

(No verbal response.)

The item carries unanimously.

E-167 is a contract between the Department of Public Works and J.C. Broderick & Associates to comply with federal and state laws requiring immediately corrective actions.

I need a motion to untable.

LEGISLATOR GONSALVES: So moved.

LEGISLATOR NICOLELLO: Second.

CHAIRMAN SCHMITT: Moved by Legislator Gonsalves, seconded by Legislator Nicolello.

All in favor of untabling please say aye.

(Aye.)

Any opposed?

(No verbal response.)

The item is un-tabled.

Now we have an amendment in the nature of a substitution. This amendment adds -- an amendment in the form of a substitution which was distributed on August 13. This amendment adds that any extension or other changes to the terms

2 of the agreement will require approval of the  
3 Nassau County Legislature.

4 I will offer the amendment. Can I have a  
5 second, please?

6 LEGISLATOR GONSALVES: Second.

7 CHAIRMAN SCHMITT: Seconded by  
8 Legislator Gonsalves.

9 All those in favor of the amendment  
10 please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item is amended.

15 Now, on the item as amended.

16 Good afternoon.

17 MR. ARNOLD: Good afternoon. Ken  
18 Arnold, Public Works. This is our requirements  
19 contract to allow the department to respond to  
20 asbestos related issues at the county buildings  
21 and infrastructure.

22 CHAIRMAN SCHMITT: Any questions?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor of E-167 as amended  
3 please say aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item carries unanimously.

8 I believe that's it.

9 LEGISLATOR JACOBS: Mr. Schmitt, could I  
10 ask a question?

11 CHAIRMAN SCHMITT: Mrs. Jacobs, you may  
12 ask a question.

13 LEGISLATOR JACOBS: Okay. It's not in  
14 my district, so let me clarify that before I'm  
15 asked about it, but it attaches to my district.  
16 And I'm very concerned about West Shore Road,  
17 which is 168 and 171, also. That's correct. I  
18 forgot about that one. I am very concerned about  
19 too many delays on this because this is critical.  
20 We could be liable for such horrible thoughts  
21 when you think about it. The underpinning of the  
22 road is literally falling away, and somehow it's  
23 at a roadblock right now. I just was wondering  
24 if you can give us an update as to why this is  
25 not moving forward.

2 CHAIRMAN SCHMITT: We still have not  
3 received the information that we have requested  
4 from the information, both the Department of  
5 Public Works and the County Attorney, as to some  
6 of the origins of this project, the ownership of  
7 the road, why we are being asked to condemn  
8 property to fix a road. Obviously, some  
9 accommodation had to be made when the road was  
10 originally built, and nobody seems to have the  
11 answers to that. There was conflicting  
12 testimony, as you know, presented to us in  
13 response to I believe it was Legislator  
14 Muscarella's question as to ownership of the  
15 whole thing to begin with. We are collecting  
16 maps from the 20's and 30's and still awaiting  
17 definitive information from the county attorney's  
18 office, and I'm also requesting that they come up  
19 with ways to do it cheaper.

20 Capital programs all across this county  
21 are being put off and being cancelled, and I  
22 don't see why a state of the art system needs to  
23 be put in place at this time. Maybe they can  
24 convince me otherwise. That's just my opinion.

25 LEGISLATOR JACOBS: I can --

2 CHAIRMAN SCHMITT: No, you can't.

3 LEGISLATOR JACOBS: I think I can.

4 CHAIRMAN SCHMITT: Where's your  
5 engineering degree?

6 LEGISLATOR JACOBS: I don't need one to  
7 visualize and see that the sidewalls that are  
8 underneath holding up the road are literally  
9 falling away. And it's our understanding that  
10 the county attorney did share the proper  
11 information. And Lisa Locurto is still here.  
12 And I would like to know if that's a fact.

13 CHAIRMAN SCHMITT: Incomplete. There's  
14 more correspondence going back to the county  
15 attorney's office. There's still things that  
16 have to be clarified for our satisfaction, and  
17 then we'll see where we are and will go forward  
18 on that basis.

19 LEGISLATOR JACOBS: Could I impose upon  
20 you to call --

21 CHAIRMAN SCHMITT: I would also remind  
22 you that we had a situation in this county where  
23 we had a police precinct building that was  
24 condemned and when it got caught up in  
25 bureaucratic delays that sometimes occur in the



2 county and it's apparently occurring again,  
3 alternative plans were put in place for public  
4 safety purposes as to how to empty that building  
5 and reallocate the resources elsewhere. I've  
6 written to the Commissioner of Public Works and  
7 said if in fact the safety claims that are being  
8 so easily thrown around have any validity to them  
9 at all, then they should make arrangements to  
10 shut the road.

11 LEGISLATOR JACOBS: Mr. Schmitt, I must  
12 tell you something. West Shore Road, it's not as  
13 easy to relocate a building that might need  
14 renovation as it is to alienate Bayville from  
15 being attached to Oyster Bay --

16 CHAIRMAN SCHMITT: Is that possible?

17 LEGISLATOR JACOBS: Maybe you'd like to.  
18 Truthfully, the people that live there I'm sure  
19 will be a little concerned. Mill Neck could  
20 never, ever again leave their homes. Somehow  
21 this doesn't seem to fit the same problem that  
22 you had with the police building. I'd just like  
23 to ask Lisa Locurto if the county attorney's  
24 office has the information that the legislative  
25 attorneys are asking for.

2 CHAIRMAN SCHMITT: We have to move  
3 forward on the committees. And you can ask her  
4 while the next committee takes place.

5 LEGISLATOR JACOBS: Why can't you put it  
6 on record for me, Peter?

7 CHAIRMAN SCHMITT: Next committee is  
8 Public Safety.

9 We're in recess.

10 (Whereupon, the Rules Committee recessed  
11 at 1:59 p.m.)

12 CHAIRMAN SCHMITT: Rules Committee is  
13 back in session.

14 We have a consent calendar, which I am  
15 going to call first.

16 I'd like to take a motion to suspend the  
17 rules.

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator  
21 Gonsalves, seconded by Legislator Nicolello.

22 All in favor of suspending the rules  
23 please say aye.

24 (Aye.)

25 The rules are suspended.

2 Now, I'm going to call Item 35-12, 366-12  
3 -- they are all 12s -- 35, 366, 515, 516, 517,  
4 536, 538, 544, 545, 546, 547, 548, 549, 550, 551,  
5 552, 554, 556, 557, 562, 563, 564, 565, 568, 569,  
6 570, 571, 573, 574, 575, 576, 579, 581, 582, 583,  
7 584, 585, 586, 588, 591, 592, 593, and 594, may I  
8 have a motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRMAN SCHMITT: Moved by Legislator  
12 Gonsalves, seconded by Legislator Nicoletto.`

13 There is no debate or discussion.

14 Any public comment?

15 (No verbal response.)

16 All those in favor please say aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The items carry unanimously.

21 Now, I'm going to call Item 162-12, which  
22 is a resolution to confirm the county executive's  
23 appointment of Frank E. Intagliata as  
24 Commissioner of Shared Services.

25 May I have a motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator  
5 Gonsalves, seconded by Legislator Nicolello.

6 Is there any debate or discussion on  
7 this?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor please say aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 Abstentions?

16 (Abstain.)

17 Let the record show that the item carries  
18 four votes in favor, none again, and two  
19 abstentions.

20 505-12 is a resolution authorizing the  
21 county executive to execute a grant agreement  
22 between the County of Nassau, acting on behalf of  
23 the Department of Parks and the Great Neck Arts  
24 Center.

25 Motion, please?

2 LEGISLATOR GONSALVES: So moved.

3 LEGISLATOR NICOLELLO: Second.

4 CHAIRMAN SCHMITT: Moved by Legislator  
5 Gonsalves, seconded by Legislator Nicolello.

6 Any debate or discussion on this?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor please say aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item carries unanimously.

15 539-12 is a resolution to confirm the  
16 county executive's appointment of Barbara C.  
17 Donno, Mayor of the Incorporated Village Plandome  
18 Manor, to the Long Island Regional Planning  
19 Council.

20 I'm also going to call 540, which is a  
21 resolution to confirm the county executive's  
22 appointment of John Venditto, Supervisor of the  
23 Town of Oyster Bay, to the Long Island Regional  
24 Planning Council.

25 541, a resolution to confirm the county

2 executive's appointment of Anthony Michael Sabino  
3 to the Long Island Regional Planning Council.

4 We need a motion on all three.

5 LEGISLATOR GONSALVES: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRMAN SCHMITT: Moved by Legislator  
8 Gonsalves, seconded by Legislator Nicolello.

9 Is there any debate or discussion?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 All those in favor please say aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries unanimously.

18 543 is an ordinance supplemental to the  
19 annual appropriation ordinance in connection with  
20 the Department of Probation.

21 May I have a motion, please?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR NICOLELLO: Second.

24 CHAIRMAN SCHMITT: Moved by Legislator  
25 Gonsalves, seconded by Legislator Nicolello.

2 Is there any debate or discussion?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor please say aye.

7 I'm sorry? 543, Probation, is somebody  
8 here?

9 LEGISLATOR WINK: I'll save my questions  
10 for the Full Leg.

11 CHAIRMAN SCHMITT: Okay. We'll have  
12 questions at the Full Leg.

13 Any public comment?

14 (No verbal response.)

15 All those in favor please say aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item carries unanimously.

20 553-12 is an ordinance extending a  
21 voluntary separation incentive to certain  
22 officers and employees represented by COBA.

23 May I have a motion, please?

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR NICOLELLO: Second.

2 CHAIRMAN SCHMITT: Moved by Legislator  
3 Gonsalves, seconded by Legislator Nicoletto.

4 Is there any debate or discussion on this  
5 item?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor please say aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item carries unanimously.

14 Frank, I ask on all of these items that  
15 Finance and the other committees be incorporated.

16 (Whereupon, the following is the minutes  
17 of the Minority Affairs Committee meeting  
18 pertaining to Clerk Items 35, 515, 516, and 517-  
19 2012.)

20 The first item on the agenda is Item 35-  
21 12, a resolution to confirm the county  
22 executive's appointment of Dr. Krishan Kumar to  
23 the Minority Affairs Council.

24 Motion, please?

25 LEGISLATOR WALKER: So moved.



2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRWOMAN GONSALVES: Motion by  
4 Legislator Walker, seconded by Legislator  
5 Nicoletto -- sorry, Legislator Muscarella.

6 Is anyone here to speak on behalf of Mr.  
7 Kumar? We don't do it. Okay. Fine.

8 Any questions regarding Mr. Kumar?

9 (No verbal response.)

10 All those in favor of the confirmation of  
11 the appointment of Dr. Kumar? He'll be here at  
12 the Full Leg. Usually those who are nominated or  
13 appointed come at the Full Leg. Is he here?  
14 None of the appointees are here right now, but  
15 they will come. Legislator Troiano, they do come  
16 at the Full Leg in two weeks.

17 LEGISLATOR TROIANO: I thought in the  
18 last meeting when Mr. Intagliatta wasn't here  
19 that they put over that until the --

20 CHAIRWOMAN GONSALVES: We voted on it.

21 LEGISLATOR TROIANO: Okay. Thank you.

22 CHAIRWOMAN GONSALVES: All those in  
23 favor of the appointment of Dr. Krishan Kumar say  
24 aye.

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 Motion carries unanimously.

5 Item 515-12, a resolution to confirm the  
6 county executive's appointment of Min Sun Kim to  
7 the Nassau County Commission on Human Rights.

8 Motion, please.

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN GONSALVES: Motion by  
12 Legislator Walker, seconded by Legislator  
13 Muscarella.

14 All those in favor of Min Sun Kim to the  
15 Nassau Commission on Human Rights indicate by  
16 saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The motion carries unanimously.

21 Item 516-12, a resolution to confirm the  
22 county executive's appointment of Zahid Syed to  
23 the Nassau County Commission on Human Rights.

24 Motion, please?

25 LEGISLATOR MUSCARELLA: So moved.

2 LEGISLATOR BELESI: Second.

3 CHAIRWOMAN GONSALVES: Motion by  
4 Legislator Muscarella, seconded by Legislator  
5 Belesi.

6 All those in favor indicate by saying  
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The motion carries unanimously.

12 Item 516-12, a resolution to confirm the  
13 county executive's -- no, sorry. 517-12, a  
14 resolution to confirm the county executive's  
15 appointment of Sharanjit Singh Thind -- I'm sorry  
16 but I'm not doing too well with the name -- to  
17 the Nassau County Commission on Human Rights.

18 Motion, please?

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Motion by  
22 Legislator Walker, seconded by Legislator  
23 Muscarella.

24 All those in favor of appointing Thind to  
25 the Nassau Commission on Human Rights indicate by

2 saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The motion carries unanimously.

7 (Whereupon, the following is the minutes  
8 of the Planning, Development and Environment  
9 Committee pertaining to Clerk Items 366, 557,  
10 562, 563, 581, 582, 583, 584, 585, 586, and 588-  
11 2012.)

12

13 The first item on the agenda is Item 366-  
14 12, a resolution to confirm the county  
15 executive's appointment of Jeffrey Greenfield as  
16 a member of the County Planning Commission  
17 pursuant to Section 1601-B of the Nassau County  
18 Charter.

19 Motion, please?

20 LEGISLATOR JACOBS: So moved.

21 LEGISLATOR FORD: Second.

22 CHAIRWOMAN GONSALVES: Moved by  
23 Legislator Jacobs, seconded by Legislator Ford.

24 Any comments on part of the legislature?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor of the reappointment  
5 of Jeffrey Greenfield please indicate by saying  
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Motion carries unanimously.

11 The next item is Item 557-12. This is an  
12 ordinance making certain determinations pursuant  
13 to SEQRA and authorizing the county executive to  
14 accept, on behalf of the county, an offer of sale  
15 from Greentree Foundation, a certain premises  
16 located in the Incorporated Village of North  
17 Hills, Town of North Hempstead, County of Nassau,  
18 State of New York, Section 3, Block #, Lot 1066  
19 on the land and tax map of the County of Nassau,  
20 and authorizing the county executive to execute a  
21 deed, contract of sale, and all pertinent  
22 documents in connection therewith to consummate  
23 the sale.

24 Motion, please?

25 LEGISLATOR FORD: So moved.

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by  
4 Legislator Ford, seconded by Legislator  
5 Nicolello.

6 Any comments on the part of the  
7 legislators?

8 Hold on. Mr. Kelly, acting director of  
9 real estate.

10 MR. KELLY: Michael Kelly, Acting  
11 Director, Nassau County Department of Public  
12 Works, Division of Real Estate Services. This is  
13 to authorize the county executive to sell Section  
14 3, Block E, Lot 1066 located in the Incorporated  
15 Village of North Hills to the Greentree  
16 Foundation. The purchase price is \$6,825. The  
17 appraisal was \$6500.

18 The sale of the property was heard at a  
19 public hearing on January 5 of this year, and in  
20 OSPAC and Planning voted to recommend the sale on  
21 January 11 and January 19, respectively, and to  
22 issue a negative declaration and determination of  
23 non-significance.

24 CHAIRWOMAN GONSALVES: Any questions of  
25 Mr. Kelly?

2 (No verbal response.)

3 Any public comment?

4 (No verbal response.)

5 All those in favor indicate by saying  
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Motion carries unanimously.

11 Items 562 and 563, with your permission,  
12 I would like to call them together. The first  
13 one is an ordinance supplemental to the annual  
14 appropriation ordinance in connection with the  
15 Office of Housing and Community Development.  
16 563, an ordinance supplemental to the annual  
17 appropriation ordinance in connection with the  
18 Office of Housing and community development.

19 Motion, please?

20 LEGISLATOR KOPEL: So moved.

21 LEGISLATOR FORD: Second.

22 CHAIRWOMAN GONSALVES: Motion by  
23 Legislator Kopel, seconded by Legislator Ford.

24 Who is here to speak on this item?

25 MR. GRAFT: George Graft, Deputy

2 Director, Finance, Housing and Community  
3 Development.

4 CHAIRWOMAN GONSALVES: Welcome. What  
5 can you tell us regarding these two items?

6 MR. GRAFT: The community development  
7 block grant is the \$15 million that last month  
8 the legislature had approved the action plan on,  
9 and now this is the appropriation for the 20  
10 percent. Besides the money that will be going  
11 out to municipalities, this is also the 20  
12 percent administrative fees that cover the cost  
13 of running the department.

14 In term of Home, Home is also another  
15 block grant that is received and it's \$1.7  
16 million and ten percent of that goes for  
17 administrative.

18 CHAIRWOMAN GONSALVES: Any questions of  
19 Mr. Graft?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 There being none, all those in favor  
24 indicate by saying aye.

25 (Aye.)



2 Any opposed?

3 (No verbal response.)

4 Motion carries unanimously.

5 Next item is 581-12. This is an  
6 ordinance making certain determinations pursuant  
7 to SEQRA and authorizing the county executive to  
8 accept an offer of purchase from Community  
9 Services for the Mentally Retarded Inc. for the  
10 premises located in Glen Head known as Section  
11 21, Block 214, Lot 254, and authorizing an  
12 execution of all pertinent documents related to  
13 the transaction.

14 Motion, please?

15 LEGISLATOR NICOLELLO: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRWOMAN GONSALVES: Moved by  
18 Legislator Nicolello, seconded by Legislator  
19 Ford.

20 Mr. Kelly.

21 MR. KELLY: Item 581 is to authorize the  
22 county executive to sell parcel property known as  
23 Section 21, Block 214, Lot 254 to Community  
24 Services for the Mentally Retarded, Inc. The  
25 purchase price is \$1500. The property was

2 appraised for \$700 by the county's appraiser.  
3 The sale of this property was heard at public  
4 hearing on May 10, 2012, and OSPAC and Planning  
5 voted to recommend the sale of the property on  
6 June 13 and June 21 of this year.

7 CHAIRWOMAN GONSALVES: Any questions of  
8 Mr. Kelly? Mr. Denenberg.

9 LEGISLATOR DENENBERG: Mr. Kelly, was  
10 the vote in OSPAC and at the Planning Commission  
11 unanimous?

12 MR. KELLY: I believe they were, yes.

13 LEGISLATOR DENENBERG: Was there any  
14 local opposition?

15 MR. KELLY: No, not on this one.

16 LEGISLATOR DENENBERG: Okay. Thanks.

17 CHAIRWOMAN GONSALVES: Any other  
18 questions?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

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

24 (Aye.)

25 Any opposed?

2 (No verbal response.)

3 Motion carries unanimously.

4 Item 582, this is an ordinance making  
5 certain determinations pursuant to SEQRA and  
6 authorizing the county executive to accept an  
7 offer of purchase from Sandra L. Griffin for  
8 premises located in Westbury, Town of North  
9 Hempstead, known as Section 11, Block 43, Lot 55  
10 and authorizing the execution of all pertinent  
11 documents related to the transaction.

12 Mr. Kelly.

13 MR. KELLY: This is to authorize --

14 CHAIRWOMAN GONSALVES: Sorry. Motion,  
15 please?

16 LEGISLATOR NICOLELLO: So moved.

17 LEGISLATOR FORD: Second.

18 CHAIRWOMAN GONSALVES: Motion by  
19 Legislator Nicolello, seconded by Legislator  
20 Ford.

21 Now, Mr. Kelly.

22 MR. KELLY: 582-12 is to authorize the  
23 county executive to sell Section 11, Block 43,  
24 Lot 55 to Sandra L. Griffin for the purchase  
25 price of \$3,825. The property was appraised for

2 \$3,500 by the county's appraiser. As the  
3 previous item, this property was reviewed at  
4 public hearing on May 10 of this year, and was  
5 approved by OSPAC and the Planning Commission on  
6 June 13 and June 21, unanimously by both parties,  
7 and also recommended the issuance of a  
8 determination of non-significance and a negative  
9 declaration.

10 CHAIRWOMAN GONSALVES: Any questions of  
11 Mr. Kelly?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Motion carries unanimously.

21 The next item is 583-12. This is an  
22 ordinance making certain determinations pursuant  
23 to SEQRA and authorizing the county executive to  
24 accept an offer of purchase from 8 Dumond Place,  
25 LLC, for premises located in Glen Head, known as

2 Section 21, Block N03, Lot 123, and authorizing  
3 the execution of all pertinent documents related  
4 to the transaction.

5 Motion, please?

6 LEGISLATOR NICOLELLO: So moved.

7 LEGISLATOR FORD: Second.

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

11 Mr. Kelly.

12 MR. KELLY: This is to authorize the  
13 county executive to sell Section 21, Block N03,  
14 Lot 123 to 8 Dumond Place, LLC, which is the  
15 owner of an adjacent property. The purchase  
16 price is \$10,000. It was appraised for \$1,000 by  
17 the county's appraiser. This property was  
18 reviewed at public hearing on April 5 and April  
19 19 of this year, and OSPAC and Planning voted  
20 unanimously to sell the property at their  
21 meetings on May 9 and May 10 of this year, and  
22 issue a determination of non-significance and a  
23 negative declaration under SEQRA.

24 CHAIRWOMAN GONSALVES: Any questions on  
25 the part of the legislators? Legislator

2 Denenberg.

3 LEGISLATOR DENENBERG: Mr. Kelly, on  
4 this particular purchase, it's an adjacent  
5 landowner that's purchasing it.

6 MR. KELLY: Correct. Yes. It's actually  
7 the current user of the property as well.

8 LEGISLATOR DENENBERG: Okay. You know,  
9 on some of these others it was clear that we had  
10 put in from legislation that I had co-sponsored  
11 with then-Legislator Mangano was that you have to  
12 note to us that there's a restriction that the  
13 lot can't then be a divisible lot, that we  
14 wouldn't be creating divisible lots in these.  
15 Then, obviously, it's worth a lot more to the  
16 adjacent owner.

17 MR. KELLY: Right. And that's contained  
18 in the Nassau County Planning Commission  
19 resolution, it's the last whereas clause. It  
20 says --

21 LEGISLATOR DENENBERG: What does it say?

22 MR. KELLY: It says, Upon the review of  
23 the Town of Oyster Bay Zoning Ordinance, the  
24 acquisition of the property by an adjacent owner  
25 could not result in a single lot that could be

2 subdivided for residential development as of  
3 right.

4 LEGISLATOR DENENBERG: Okay. So that's  
5 not the situation here.

6 MR. KELLY: No, it's not --

7 LEGISLATOR DENENBERG: Because I have  
8 information from someone --

9 MR. KELLY: No.

10 LEGISLATOR DENENBERG: Okay. Someone  
11 had said that the reason why it was being bought  
12 for 10,000 instead of 1,000 was because it would  
13 be worth a lot more to the adjacent owner, in  
14 terms of divisible lot. I think it's always  
15 worth more to the adjacent owner because it  
16 expands what they have.

17 MR. KELLY: Right.

18 LEGISLATOR DENENBERG: Okay.

19 MR. KELLY: That is not the case here.

20 LEGISLATOR DENENBERG: Okay. Thanks.

21 CHAIRWOMAN GONSALVES: Any public  
22 comment?

23 (No verbal response.)

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

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 Motion carries unanimously.

6 Item 584-12, this is an ordinance making  
7 certain determinations pursuant to SEQRA and  
8 authorizing the county executive to accept an  
9 offer of purchase form Dimitrios Ganasoulis,  
10 located in Glen Head, known as Section 23, Block  
11 37, Lot 79, and authorizing the execution of all  
12 pertinent documents related to the transaction.

13 Motion, please?

14 LEGISLATOR NICOLELLO: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRWOMAN GONSALVES: Moved by  
17 Legislator Nicoletto, seconded by Legislator  
18 Kopel.

19 Okay. Mr. Kelly, you're on again.

20 MR. KELLY: 584-12 is to authorize the  
21 county executive to sell Section 23, Block 37,  
22 Lot 79 to Dimitrios Ganasoulis, with the purchase  
23 price of \$1,330. The property was appraised for  
24 \$1,000 by the county's appraiser. The property  
25 was heard at public hearing on April 4 and April



2 19 of this year, and on May 9 and May 10 OSPAC  
3 and Planning voted to recommend the sale of the  
4 property and issue a declaration of non-  
5 significance and a negative declaration under  
6 SEQRA.

7 CHAIRWOMAN GONSALVES: Any questions on  
8 the part of the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor indicate by saying  
13 aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The motion carries unanimously.

18 Item 585, this is an ordinance making  
19 certain determinations pursuant to SEQRA and  
20 authorizing the county executive to accept an  
21 offer of purchase from Town of North Hempstead,  
22 located in Westbury, known as Section 11, Block  
23 49, Lot 15, and authorizing the execution of all  
24 pertinent documents related to the transaction.

25 LEGISLATOR NICOLELLO: So moved.

2 LEGISLATOR FORD: Second.

3 CHAIRWOMAN GONSALVES: Motion by  
4 Legislator Nicoletto, seconded by Legislator  
5 Ford.

6 Mr. Kelly.

7 MR. KELLY: This is to authorize the  
8 county executive to sell Section 11, Block 49,  
9 Lot 15 to the Town of North Hempstead. The  
10 purchase price is \$3,200. The property was  
11 appraised for \$2800 by the county's appraiser.  
12 The sale of the property was heard at public  
13 hearing on April 4 and April 19 of this year. On  
14 May 9 and May 10, OSPAC and Planning voted to  
15 recommend the sale of the property and issued a  
16 determination of non-significance and a negative  
17 declaration.

18 CHAIRWOMAN GONSALVES: Any questions of  
19 Mr. Kelly? Legislator Denenberg.

20 LEGISLATOR DENENBERG: Was there any  
21 community opposition at either hearing?

22 MR. KELLY: No.

23 LEGISLATOR DENENBERG: Thank you.

24 CHAIRWOMAN GONSALVES: Any public  
25 comment?

2 (No verbal response.)

3 There being none, all those in favor  
4 indicate by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Motion carries unanimously.

9 Item 586-12, this is an ordinance making  
10 certain determinations pursuant to SEQRA and  
11 authorizing the county executive to accept an  
12 offer of purchase from Carl D'Antonio, located in  
13 Carle Place, known as Section 9, Block 468, Lot  
14 69, and authorizing the execution of all  
15 pertinent documents related to the transaction.

16 Motion, please?

17 LEGISLATOR NICOLELLO: So moved.

18 LEGISLATOR FORD: Second.

19 CHAIRWOMAN GONSALVES: Moved by  
20 Legislator Nicolello, seconded by Legislator  
21 Ford.

22 Okay. Mr. Kelly, again.

23 MR. KELLY: 586-12 is to authorize the  
24 county executive to sell Section 9, Block 468,  
25 Lot 69 to Carl D'Antonio for the purchase price

2 of \$3,500. The property is appraised by the  
3 county's appraiser for \$2,000. The sale of the  
4 property was heard at public hearing on March 15,  
5 2012. Planning and OSPAC voted to recommend the  
6 sale on April 4 and April 5 and issue a negative  
7 declaration and determination of non-significance  
8 under SEQRA.

9 CHAIRWOMAN GONSALVES: Questions of Mr.  
10 Kelly?

11 LEGISLATOR DENENBERG: Just again, was  
12 there any community opposition?

13 MR. KELLY: No, not on this one.

14 LEGISLATOR DENENBERG: Thanks.

15 CHAIRWOMAN GONSALVES: Any public  
16 comment?

17 (No verbal response.)

18 There being none. All those in favor  
19 indicate by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Motion carries unanimously.

24 And the last item for Planning is 588-12,  
25 this is an ordinance making certain

2 determinations pursuant to SEQRA and authorizing  
3 the county executive to accept an offer of  
4 purchase from the Incorporated Village of  
5 Massapequa Park, located in Massapequa Park,  
6 known as Section 57, Block 59, Part of Lot 4B and  
7 authorizing the execution of all pertinent  
8 documents related to the transaction.

9 Motion, please?

10 LEGISLATOR NICOLELLO: So moved.

11 LEGISLATOR FORD: Second.

12 CHAIRWOMAN GONSALVES: Moved by  
13 Legislator Nicolello, seconded by Legislator  
14 Ford.

15 Okay.

16 MR. KELLY: 588-12 is to authorize the  
17 county executive to sell a portion of real  
18 property known as Section 57, Block 59, Part of  
19 Lot 4B to the Village of Massapequa Park. The  
20 purchase price is \$5,600. The property was  
21 appraised for 4,000 by the county's appraiser.  
22 The sale of the property was heard at a public  
23 hearing on October 27, 2011, and on November 9  
24 and November 10 of 2011, OSPAC and the Planning  
25 Commission voted to recommend the sale. The

2 property would be sold subject to all existing  
3 restrictions on the property that were in  
4 existence since the 1980's, imposed by the City  
5 of New York that it has to be used for park and  
6 parkway purposes and certain other restrictions  
7 that are contained in the settlement agreement  
8 between Nassau County and the City of New York  
9 from 1986. So if the Village wishes to do  
10 anything with the property, they would have to  
11 clear all those restrictions.

12 CHAIRWOMAN GONSALVES: Questions or  
13 comments of Mr. Kelly?

14 LEGISLATOR JACOBS: Michael, could you  
15 just clarify this for me? Was there any  
16 objection to this? This is a cell tower type of  
17 thing.

18 MR. KELLY: The Villages wants to put a  
19 cell tower on the property.

20 LEGISLATOR JACOBS: They want to, okay.

21 MR. KELLY: There's no cell tower on the  
22 property right now, and there are certain things  
23 they are going to have to go through in order to  
24 make that possible with the restrictions that are  
25 on the property.

When this went to public hearing, we did receive some phone calls from people within the 150 foot radius who were provided notice. But there was no real opposition to it. We explained where it was going to be --

LEGISLATOR JACOBS: Let me just ask you one thing though. They understood what it was going to be?

MR. KELLY: Yes.

LEGISLATOR JACOBS: Alright. And this particular action would clear the way for that?

MR. KELLY: There's a lot of things that would have to happen. We're selling this subject to all of the restrictions on the property, that it has to be used for park and parkway uses, that it has to be used for municipal purposes --

LEGISLATOR JACOBS: Oh, I see.

MR. KELLY: We even state in the contract and it's going to state in the deed that it has to be used for those things. So they are going to have to do whatever they need to do in order to remove those restrictions, work around those restrictions, which is why the purchase price is what it is.

2 LEGISLATOR JACOBS: Is it obvious that -  
3 - so, in other words, they're purchasing it fully  
4 aware that they're purchasing it with  
5 restrictions.

6 MR. KELLY: Absolutely. I've had many  
7 conversations with the Village attorney on this  
8 one.

9 LEGISLATOR JACOBS: Do they have any  
10 reason to believe that they're going to be able  
11 to -- oh. Are they in charge of the removal of  
12 the restrictions then?

13 MR. KELLY: They would have to be in  
14 charge of everything, yes.

15 LEGISLATOR JACOBS: So they're for it.

16 MR. KELLY: Yes. We're removing  
17 ourselves from this situation as far as this  
18 goes.

19 LEGISLATOR JACOBS: Got it. Got it.

20 MR. KELLY: Once the subdivision  
21 happens, I hand them the deed, that's it.

22 LEGISLATOR JACOBS: Thank you, Michael.

23 LEGISLATOR DENENBERG: I've got a  
24 question.

25 CHAIRWOMAN GONSALVES: Legislator



2 Denenberg.

3 LEGISLATOR DENENBERG: Thank you.

4 Mike, my understanding is -- and we've  
5 done this before with even parkland, where we've  
6 gotten the approval where a neighborhood would  
7 rather the parkland be used for a cell tower than  
8 something that's closer to residents. For the  
9 most part, my understanding is that here the  
10 Village would like to use this property for the  
11 cell tower because the alternatives to the  
12 community might be a lot worse, where the cell  
13 tower would be a lot closer to residential homes  
14 as opposed to Sunrise Highway and the train  
15 station.

16 MR. KELLY: Correct. And right now  
17 there's a cell tower in front of the Village Hall  
18 that they want to move to this location so it's  
19 not there and it's not in that area anymore.  
20 Also, there is a Verizon cell tower that's nearby  
21 on a water tower for the Massapequa Water  
22 District, I believe. I think they want to move  
23 some facilities over there. So this is something  
24 that we haven't gotten really any opposition on.  
25 The Village is very supportive of this,

2 obviously.

3 LEGISLATOR DENENBERG: My concern is  
4 this, I'll say it straight out, of course the  
5 Village would welcome the opportunity for -- what  
6 are they paying, \$5,000?

7 MR. KELLY: \$5,600.

8 LEGISLATOR DENENBERG: On the good hand,  
9 to solve a situation where people don't want the  
10 cell tower where it is now or where it would be.  
11 But anyone who hosts, if you will, a cell tower  
12 gets money from any of the companies that's  
13 putting their sites on it. We actually, as a  
14 legislative body, as an alternative, even though  
15 the county typically doesn't do this, we used an  
16 area near DPW down in Cedar Creek Park or  
17 adjacent to Cedar Creek Park for an alternative  
18 for a Wantagh area that I represent, the Wantagh  
19 Mandalay area that didn't want to see the cell  
20 tower on Merrick Road adjacent to homes, and the  
21 county gets a lot of money.

22 MR. KELLY: Yes.

23 LEGISLATOR DENENBERG: So if we're doing  
24 this sale to the Village we're giving up the  
25 rental price, and we could provide the solution

2 to the neighborhood the same way the Village can.

3 MR. KELLY: I disagree. The county, in  
4 order to develop a cell tower on this property,  
5 as the Village would have to do as well, would  
6 have to go through a lot in order to clear the  
7 restrictions on the property in order to get that  
8 done. So we're talking about a lot of work and -  
9 -

10 LEGISLATOR DENENBERG: We've done that  
11 before.

12 MR. KELLY: What's that?

13 LEGISLATOR DENENBERG: We have done it  
14 before. You were involved. You helped me.

15 MR. KELLY: Not the cell tower in Cedar  
16 Creek, because that's not on park property.  
17 That's at a DPW water pollution control plant.

18 LEGISLATOR DENENBERG: Right.

19 MR. KELLY: That we can just put up a  
20 tower where there are no restrictions on how we  
21 use that property.

22 LEGISLATOR DENENBERG: So here you say  
23 we'd have to go through two state legislatures.

24 MR. KELLY: I don't know about two state  
25 legislatures. I would think you would have to go

2 through at least one.

3 LEGISLATOR DENENBERG: If it's parkland  
4 you have to go through two successive state  
5 legislatures --

6 MR. KELLY: If it's a preserve.

7 LEGISLATOR DENENBERG: And this year is  
8 an obvious time to do it --

9 MR. KELLY: If it's a preserve you would  
10 have to do it. If it's regular parkland, it's  
11 just one.

12 Also, the county is subject to deed  
13 restrictions that were placed on the property by  
14 the City of New York were subject to a settlement  
15 agreement that if this property is used for for-  
16 profit purposes, if we sell it for profit and  
17 take the restrictions off of the property, the  
18 City gets a huge chunk of that money, per our  
19 settlement agreement. So that's something that  
20 the Village is going to have to work out with the  
21 City of New York, as well.

22 LEGISLATOR DENENBERG: So you're saying  
23 that whatever revenue the Village is going to get  
24 is going to be offset by the City getting a piece  
25 of it?

2 MR. KELLY: Or whatever deal they work  
3 out with the City; I'm not sure. What your  
4 question is, is wouldn't the County benefit  
5 financially from doing this, and I don't believe  
6 that -- from putting up a cell tower, not selling  
7 the property -- would they benefit financially  
8 from doing that. I'm not sure that we would  
9 because all the hoops that we would have to go  
10 through in order to get this done. So we would  
11 be spending county resources, spending county  
12 money. It's a very large administrative task to  
13 do something like that. So what we're doing is  
14 separating this property out from the rest of it,  
15 selling it to the Village of Massapequa Park so  
16 they can take care of it. I don't know if  
17 they're ever going to be able to do it.

18 LEGISLATOR DENENBERG: How much of the  
19 money, we get for selling this, do we have to  
20 give to New York City?

21 MR. KELLY: We don't. Because under our  
22 settlement agreement it says that that doesn't  
23 apply, if we sell the property with all of the  
24 existing restrictions on it, and that's what  
25 we're doing.

2 LEGISLATOR DENENBERG: It just seems to  
3 me that there's a lot of revenue in leasing this  
4 to cell companies for a cell tower. And we've  
5 done it before when communities desire us to use  
6 our spot. I'm very proud of this Legislature,  
7 that we'll never even entertain the idea of cell  
8 tower if it's an issue in the community. But  
9 where a community such as here or such as the DPW  
10 land in Cedar Creek was asking us to provide a  
11 solution from a location that was not as  
12 desirable, we've done it. It seems hard for me  
13 to believe that we wouldn't end up making money  
14 for all the county taxpayers and at the same time  
15 do the right thing for Massapequa Park people.

16 CHAIRWOMAN GONSALVES: Any other  
17 questions of Mr. Kelly?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor indicate by saying  
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 The motion --

3 LEGISLATOR DENENBERG: You know what?  
4 I'm going to abstain because I want to look into  
5 this a little more. I want to see how much money  
6 could be made --

7 CHAIRWOMAN GONSALVES: Fine. So it's  
8 going to be --

9 LEGISLATOR DENENBERG: and how much it  
10 could cost.

11 And we're asking Mr. Kelly if he can  
12 provide us that deed information that you're  
13 telling us about that could ask to the cost of  
14 the county.

15 MR. KELLY: Certainly.

16 LEGISLATOR DENENBERG: Okay.

17 CHAIRWOMAN GONSALVES: Thank you.

18 Motion carries with six in favor and one  
19 abstention.

20 (Whereupon, the following are the minutes  
21 of the Finance Committee pertaining to Clerk  
22 Items 536, 538, 554, 568, 569, 570, 571, 579,  
23 593, and 594-2012.)

24 First item is 536-2012, an ordinance  
25 providing for a capital expenditure to finance

2 the payment of certain settled claims against the  
3 County of Nassau authorizing \$271,269.93 of bonds  
4 of the County to finance said expenditure.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by Legislator  
8 Muscarella, seconded by Legislator Walker.

9 Any discussion on this item?

10 (No verbal response.)

11 Any public comment on this item?

12 (No verbal response.)

13 All those in favor signify by saying aye.

14 (Aye.)

15 Carries unanimously.

16 Item 538-2012 is a resolution providing  
17 for the issuance of a warrant directing the  
18 treasurer of the County of Nassau to pay to the  
19 supervisors of the several cities, several towns,  
20 and the treasurers of the several villages and  
21 cities within the County of Nassau, the sums as  
22 apportioned by the County Legislature.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR GONSALVES: Second.

25 CHAIRMAN NICOLELLO: Moved by Legislator



2 Walker, seconded by Legislator Gonsalves.

3 Any discussion?

4 (No verbal response.)

5 Any public comment?

6 (No verbal response.)

7 All those in favor signify by saying aye.

8 (Aye.)

9 Opposed?

10 (No verbal response.)

11 Carries unanimously.

12 Items 543, 544, 545, 546, 547, 548, 549,

13 550, 551, 552-2012 are all ordinances

14 supplemental to the annual appropriation

15 ordinance in connection with the Department of

16 Probation, Health Department, Department of

17 Social Services, District Attorney, and Public

18 Works Departments.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR GONSALVES: Second.

21 CHAIRMAN NICOLELLO: Moved by Legislator

22 Walker, seconded by Legislator Gonsalves.

23 LEGISLATOR DENENBERG: Mr. Chairman?

24 CHAIRMAN NICOLELLO: Sure. These items

25 were previously heard in the Health Committee,

2 Public Safety Committee, and Public Works  
3 Committee.

4 Legislator Denenberg.

5 LEGISLATOR DENENBERG: Whatever the  
6 transcript was in those committees are  
7 incorporated by reference then?

8 CHAIRMAN NICOLELLO: Yes.

9 LEGISLATOR DENENBERG: Okay. Thank you.  
10 (Whereupon, the following are the minutes  
11 of the Health Committee pertaining Clerk Items  
12 544, 545, 546, 547, 548, 549, and 551-12.)

13 We have nine items on the agenda today.  
14 The first is Clerk Item 544-12, an ordinance  
15 supplemental to the annual appropriation  
16 ordinance in connection with the Health  
17 Department.

18 May I have a motion?

19 LEGISLATOR GONSALVES: So moved.

20 LEGISLATOR BECKER: Second.

21 CHAIRWOMAN WALKER: Moved by Legislator  
22 Gonsalves, seconded by Legislator Becker.

23 The item is before us.

24 We have Mary Ellen Laurain.

25 MS. LAURAIN: Good afternoon. Mary

2 Ellen Laurain, Department of Health.

3 Item 544 is a supplemental appropriation  
4 in the amount of in the amount of \$42,559. This  
5 a Medicaid reimbursement for prior years for the  
6 early intervention administrative grant.

7 CHAIRWOMAN WALKER: Any questions from  
8 the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 All those in favor?

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Motion carries.

17 Item Number 545-12, an ordinance  
18 supplemental to the annual appropriation  
19 ordinance in connection with the Health  
20 Department.

21 May I have a motion?

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRWOMAN WALKER: Moved by Legislator  
25 Gonsalves, seconded by Legislator Muscarella.

2 The item is before us.

3 We have Mary Ellen Laurain.

4 MS. LAURAIN: Mary Ellen Laurain,  
5 Department of Health.

6 Item 545-12 is a supplemental  
7 appropriation in the amount of in the amount of  
8 \$79,167. This is for the sexually transmitted  
9 disease intervention grant. It's New York State  
10 Department of Health funded. It is follow up for  
11 those diagnosed with sexually transmitted  
12 diseases, to confirm that they are treated.

13 CHAIRWOMAN WALKER: Any questions from  
14 the legislators?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All those in favor?

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Motion carries.

23 Clerk Item 546-12 is an ordinance  
24 supplemental to the annual appropriation  
25 ordinance in connection with the Health

2 Department.

3 May I have a motion, please?

4 LEGISLATOR BECKER: So moved.

5 LEGISLATOR GONSALVES: Second.

6 CHAIRWOMAN WALKER: Moved by Legislator  
7 Becker, seconded by Legislator Gonsalves.

8 The item is before us.

9 Mary Ellen Laurain.

10 MS. LAURAIN: Mary Ellen Laurain,  
11 Department of Health.

12 Item 546-12 is a supplemental  
13 appropriation in the amount of in the amount of  
14 \$7,776. This a FEMA grant. It is a one-day  
15 reimbursement for August 25, 2011, and that was a  
16 one-day planning in response to Hurricane Irene.

17 CHAIRWOMAN WALKER: Any questions or  
18 comments by the legislators?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor?

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

2 Motion carries.

3 Clerk Item 547-12 is an ordinance  
4 supplemental to the annual appropriation  
5 ordinance in connection with the Health  
6 Department.

7 May I have a motion?

8 LEGISLATOR GONSALVES: So moved.

9 LEGISLATOR BECKER: Second.

10 CHAIRWOMAN WALKER: Moved by Legislator  
11 Gonsalves, seconded by Legislator Becker.

12 The item is before us.

13 MS. LAURAIN: Mary Ellen Laurain,  
14 Department of Health.

15 Item 547-12 is a supplemental  
16 appropriation for \$97,422. It is for the pre-  
17 natal, peri-natal services network. This is New  
18 York State Department of Health funded. It is 40  
19 agencies whose goal is to improve birth outcomes  
20 in Nassau County.

21 CHAIRWOMAN WALKER: Any questions or  
22 comments from the legislators?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor?

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 Motion carries.

7 Clerk Item 548-12 is an ordinance  
8 supplemental to the annual appropriation  
9 ordinance in connection with the Department of  
10 Health.

11 May I have a motion?

12 LEGISLATOR GONSALVES: So moved.

13 LEGISLATOR BECKER: Second.

14 CHAIRWOMAN WALKER: Moved by Legislator  
15 Gonsalves, seconded by Legislator Becker.

16 The item is before us.

17 MS. LAURAIN: Mary Ellen Laurain,  
18 Department of Health.

19 Item 548-12 is a supplemental  
20 appropriation in the amount of in the amount of  
21 \$103,156. This for the community help worker  
22 program. It is New York State Department of  
23 Health funded. It is a program that provides  
24 case management for women who are pregnant and  
25 at-risk. It's in the Village of Hempstead and

2 the community of Roosevelt.

3 CHAIRWOMAN WALKER: Any questions or  
4 comments from the legislators?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor?

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Motion carries.

13 Clerk Item Number -- we're going to move  
14 on today and stay with the Health Department.  
15 Clerk Item 551-12 is an ordinance supplemental to  
16 the annual appropriation ordinance in connection  
17 with the Department of Health.

18 MS. LAURAIN: Mary Ellen Laurain,  
19 Department of Health.

20 Item 551-12 is a supplemental  
21 appropriation in the amount of in the amount of  
22 171 --

23 CHAIRWOMAN WALKER: Could I have a  
24 motion, please?

25 LEGISLATOR BECKER: So moved.



2 LEGISLATOR GONSALVES: Second.

3 CHAIRWOMAN WALKER: Seconded by  
4 Legislator Gonsalves. By Legislator Becker and  
5 Legislator Gonsalves.

6 MS. LAURAIN: Mary Ellen Laurain,  
7 Department of Health.

8 Item 551-12 is a supplemental  
9 appropriation in the amount of in the amount of  
10 \$171,771. This is FEMA and New York State  
11 Department of Health disaster reimbursement for  
12 Hurricane Irene. It covered the period of August  
13 26, 2011 to September 5, 2011. It was our  
14 response to ensure that essential public health  
15 services continued during that time.

16 CHAIRWOMAN WALKER: Any questions or  
17 comments from the legislators?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor?

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Motion carries.

2 (Whereupon, the following are the minutes  
3 of the Public Safety Committee pertaining to  
4 Clerk Items 543 and 550-12.)

5 The first item is 543-12, an ordinance  
6 supplemental to the annual appropriation  
7 ordinance in connection with the Department of  
8 Probation.

9 Can I please have a motion?

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR KOPEL: Second.

12 CLERK MULLER: Moved by Legislator  
13 Gonsalves, seconded by Legislator Kopel.

14 MR. SHANK: Good afternoon. My name's  
15 Edward Shank. I'm the counsel to the Nassau  
16 County Probation Department. Probation Director  
17 Fowle has asked me to share the following with  
18 you with regard to Item 543-12.

19 It's an appropriation of \$142,800 from  
20 the New York State Division of Criminal Justice  
21 Services funding to support probation's role in  
22 Operation Impact.

23 The Nassau County Police Department and  
24 District Attorney's Office are the lead Impact  
25 partners with 2012/13 DEC JS support totaling

2 \$971,400 locally.

3 The primary goal is the reduction of  
4 violent crime and, in particular, gun violence.  
5 Impact funds support probation's field  
6 intelligence officer who is embedded at NCPD's  
7 lead development center, and attends Nassau NSTAT  
8 crime analyst and Impact meetings.

9 Routinely sharing information with our  
10 Impact partners, the FIO's daily activities  
11 including NCPD arrest reports and field  
12 interviews with the probation database and  
13 sharing debriefing intelligence on probationers  
14 who test positive for drugs. Operation Impact  
15 also continues to fund Operation Night Watch.  
16 Conducted primarily with the NCPD, Night Watch  
17 partners also include the Glen Cove and Long  
18 Beach City, Hempstead, Freeport, Port Washington,  
19 and other village police departments. Teams of  
20 probation and police officers conduct off hours  
21 on announced searches of the homes of high risk  
22 probationers. These are individuals who have  
23 sustained arrests, have tested positive for  
24 cocaine, opiates, or prescription drugs, are gang  
25 members, robbers, burglars, or have been the

2 subject of noteworthy field interviews or are  
3 otherwise significantly non-compliant with their  
4 probation conditions.

5 From July 2008 through December 2011,  
6 Night Watch teams conducted 2,457 homes visits,  
7 leading to 1,453 searches to ensure offender  
8 compliance with probation conditions. These  
9 searches, in addition to warrant sweeps,  
10 supported by Impact have, since July 2008, led to  
11 174 probationer arrests, including 10 firearms  
12 and related charges and 35 other weapons charges.  
13 Through the first eight months of 2012, Night  
14 Watch teams have visited 354 high risk probations  
15 and made an additional 21 arrests.

16 For the second consecutive year, Impact  
17 supports probation's Night Light initiative  
18 focusing on juvenile delinquents who are truant.  
19 Night Light recognizes the connection between  
20 truancy, substance abuse, and delinquency. So  
21 far, in 2012, 141 juveniles have been visited off  
22 hours. Probation, working with other Impact  
23 stakeholders, to enhance our ability to collect  
24 and share information and using that information  
25 to inform resource allocation decisions to

2 further reduce crime in Nassau County.

3 Thank you.

4 LEGISLATOR BELESI: Any questions or  
5 public comment?

6 (No verbal response.)

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

9 (Aye.)

10 Opposed?

11 (No verbal response.)

12 The item passes unanimously.

13 CLERK MULLER: Clerk Item 550-12, an  
14 ordinance supplemental to the annual  
15 appropriation ordinance in connection with the  
16 district attorney.

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

19 LEGISLATOR GONSALVES: So moved.

20 CLERK MULLER: Moved by Legislator  
21 Gonsalves. Seconded?

22 LEGISLATOR FORD: Second.

23 CLERK MULLER: Legislator Ford.

24 MR. MCMANUS: Bob McManus, Nassau County  
25 District Attorney's Office. This appropriation

2 is also related to Operation Impact. The Impact  
3 partnership involves the police department --  
4 Nassau County Police Department, the sheriff's  
5 office, the probation department, and the  
6 Hempstead Police Department. The aim is to  
7 reduce gun violence and address the crimes of  
8 robbery and aggravated assault using a  
9 collaborative approach, maintaining a focus on  
10 collection of crime data in order to prioritize  
11 crime problems and identify opportunities for  
12 intervention while considering alternative  
13 strategies, when necessary.

14 The project goal is to reduce fire arm  
15 related violent crime, residential burglaries  
16 through various enforcement, and prosecutorial  
17 strategies, and through the enhancement of crime  
18 analysis and intelligence, developed by the  
19 Nassau County Lead Development Center.

20 LEGISLATOR BELESI: Is there any debate  
21 or discussion? Legislator Ford.

22 LEGISLATOR FORD: I like this program  
23 that we have. I commend the district attorney as  
24 well as probation, working with Impact.

25 Just a quick question. Is the county

2 still doing the gun buybacks, where they work  
3 with the various, like, either church  
4 organizations or neighborhood organizations? I  
5 know, like, we did it through Christian Life  
6 Church two years ago, I think it was.

7 MR. MCMANUS: Yes. We've done one -- a  
8 gun buyback program as recently as about two  
9 months ago.

10 LEGISLATOR FORD: Perfect.

11 MR. MCMANUS: So they are done at least  
12 two or three times a year.

13 LEGISLATOR FORD: Thank you very much.

14 LEGISLATOR BELESI: Any public comment?

15 (No verbal response.)

16 All those in favor please signify by  
17 saying aye.

18 (Aye.)

19 Opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 (Whereupon, the following is the minutes  
23 of the Public Works Committee pertaining to Clerk  
24 Item 552-12.)

25 Our first item is Clerk Item 552-2012,

2 which is an ordinance supplemental to the annual  
3 appropriation ordinance in connection with the  
4 Department of Public Works.

5 LEGISLATOR GONSALVES: Motion.

6 LEGISLATOR KOPEL: Second.

7 CHAIRMAN MUSCARELLA: Motion by Ms.  
8 Gonsalves, seconded by Mr. Kopel.

9 Do we have somebody here to give us an  
10 overview?

11 MR. ARNOLD: This supplemental ordinance  
12 --

13 CHAIRMAN MUSCARELLA: Why don't you  
14 identify yourself?

15 MR. ARNOLD: Ken Arnold, Public Works.  
16 The supplemental ordinance is for reimbursement  
17 of expenses related to the hurricane. The  
18 department covered some expenses in their other  
19 appropriation for OEM. OEM has asked for federal  
20 funding for this reimbursement and this ordinance  
21 moves that money into the Public Works'  
22 appropriate budget lines.

23 CHAIRMAN MUSCARELLA: Do we have any  
24 questions?

25 (No verbal response.)



2 Hearing none. All those in favor signify  
3 by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 That item carries.

8 (Whereupon, the following is the  
9 continuation of the September 10, 2012 Finance  
10 Committee meeting.)

11 CHAIRMAN NICOLELLO: Any other  
12 discussion?

13 (No verbal response.)

14 Any public comment?

15 (No verbal response.)

16 All those in favor signify by saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Carries unanimously.

21 554-2012 is an ordinance providing for a  
22 capital expenditure to finance the payment of  
23 certain payments by the County of Nassau to COBA  
24 - C-O-B-A - employees upon separation from  
25 employment, authorizing \$3.5 million of bonds of

2 the County of Nassau to finance said expenditure.

3 LEGISLATOR MUSCARELLA: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by Legislator  
6 Muscarella, seconded by Legislator Walker.

7 Is anyone here from the administration on  
8 this item?

9 LEGISLATOR DENENBERG: I have a question  
10 for Mr. Chalmers.

11 CHAIRMAN NICOLELLO: Why don't we have  
12 Mr. Chalmers come up?

13 MR. CHALMERS: Maurice Chalmers, Budget  
14 Review.

15 LEGISLATOR DENENBERG: Have you had an  
16 opportunity to look at this item?

17 MR. CHALMERS: Actually, we got the data  
18 this morning.

19 LEGISLATOR DENENBERG: What data did you  
20 receive?

21 MR. CHALMERS: The number of employees  
22 that actually put in for the incentive.

23 LEGISLATOR DENENBERG: And how many  
24 employees was that?

25 MR. CHALMERS: Forty-seven.

2 LEGISLATOR DENENBERG: So 47 correction  
3 officers put in for this incentive?

4 MR. CHALMERS: That's correct.

5 LEGISLATOR DENENBERG: Okay. How much  
6 money do we need for that?

7 MR. CHALMERS: We are in the process of  
8 calculating that number right now.

9 LEGISLATOR DENENBERG: As I understand  
10 it, this bond ordinance is approximately 3.5  
11 million; the exact number was just read in by the  
12 committee chair.

13 MR. CHALMERS: Yes.

14 LEGISLATOR DENENBERG: So you don't know  
15 if that's what we need yet, if that's the full  
16 amount, or if that's more than the full amount?

17 MR. CHALMERS: I don't have an exact  
18 number yet, no.

19 LEGISLATOR DENENBERG: When would you  
20 have that for us?

21 MR. CHALMERS: I was asked by your  
22 caucus. I should have it sometime this week.

23 LEGISLATOR DENENBERG: So before Full?

24 MR. CHALMERS: Absolutely.

25 LEGISLATOR DENENBERG: When you have the

2 number you'll report it to us?

3 MR. CHALMERS: I'll send out a memo to  
4 the Legislature.

5 LEGISLATOR DENENBERG: Okay. Thank you.

6 MR. CHALMERS: You're welcome.

7 LEGISLATOR DENENBERG: For the  
8 democratic caucus, obviously on the item, we're  
9 in favor of the item. We would like to know  
10 exactly what the financial impact is before we  
11 approve bonding in a certain amount to make sure  
12 that it matches what we actually need for the  
13 correction officer incentive program.

14 CHAIRMAN NICOLELLO: I think speaking  
15 for this side; I think we agree with you with  
16 respect to those remarks. In terms of today, I  
17 don't think we should hold this up. If --

18 LEGISLATOR DENENBERG: We're prepared to  
19 pass it through committee and wait for the  
20 information from Mr. Chalmers before Full.

21 CHAIRMAN NICOLELLO: That's agreed.

22 LEGISLATOR DENENBERG: Thanks.

23 CHAIRMAN NICOLELLO: All those in favor  
24 of this -- I'm sorry. Any public comment?

25 LEGISLATOR DENENBERG: I think you and I

2 are afraid now.

3 CHAIRMAN NICOLELLO: Of what, we agree  
4 on something?

5 LEGISLATOR DENENBERG: We agree.

6 CHAIRMAN NICOLELLO: Something must be  
7 wrong here.

8 All those in favor signify by saying aye.

9 (Aye.)

10 Those opposed?

11 (No verbal response.)

12 The item carries unanimously. It will be  
13 reported to Rules and then the Full Legislature,  
14 and then we'll have our reports not only from Mr.  
15 Chalmers but from the administration as well.

16 Items 556 and 557-2012. Item 556-2012 is  
17 a resolution making certain determinations  
18 pursuant to SEQRA and authorizing the county  
19 executive on behalf of the County of Nassau to  
20 accept a contribution from the Roslyn Landmark  
21 Society for the renovation of a residential unit  
22 at Cedarmere.

23 Item 557-2012 is an ordinance making  
24 certain determinations pursuant to SEQRA and  
25 authorizing the county executive to accept on

2 behalf of the County an offer of purchase from  
3 Greentree Foundation for certain premises located  
4 in the Village of North Hills.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Moved by Legislator  
8 Muscarella, seconded by Legislator Walker.

9 These items went through committees  
10 earlier in the day.

11 Any discussion at this time?

12 (No verbal response.)

13 Any public comment?

14 (No verbal response.)

15 All those in favor signify by saying aye.

16 (Aye.)

17 Those opposed?

18 (No verbal response.)

19 The items are reported.

20 (Whereupon, the following is the minutes  
21 of the Public Works Committee pertaining to Clerk  
22 Item 556-12.)

23 Next. Item 556-2012, a resolution making  
24 certain determinations pursuant to the SEQRA and  
25 authorizing the county executive on behalf of the

2 County of Nassau to accept a contribution from  
3 the Roslyn Landmark Society, Inc., for the  
4 resolution of a residential unit at Cedarmere,  
5 Village of Roslyn Harbor, State of New York, to  
6 execute an agreement with the Roslyn Landmark  
7 Society, Inc., in relation to such agreement, and  
8 to execute all and any ancillary documents  
9 necessary to carry out the purposes of such  
10 agreement.

11 LEGISLATOR GONSALVES: So moved.

12 LEGISLATOR KOPEL: Second.

13 CHAIRMAN MUSCARELLA: Moved by  
14 Legislator Gonsalves, seconded by Legislator  
15 Kopel.

16 Hello, Commissioner.

17 COMMISSIONER FOSKEY: Good afternoon.  
18 Carnell Foskey, the Commissioner of the Nassau  
19 County Department of Park, Recreation, and  
20 Museums.

21 This money will allow Smith & Degroat to  
22 renovate a one-bedroom apartment located on the  
23 grounds of Cedarmere. The monies will be used  
24 for the upkeep and maintenance of the grounds  
25 there.

2 CHAIRMAN MUSCARELLA: And this money is  
3 \$20,000 from the Roslyn Landmark Society, Inc.?

4 COMMISSIONER FOSKEY: It's a gift.  
5 Correct.

6 CHAIRMAN MUSCARELLA: It is a gift, no  
7 contingencies, no conditions?

8 COMMISSIONER FOSKEY: None. It just has  
9 to remain at Cedarmere.

10 CHAIRMAN MUSCARELLA: Do we have any  
11 questions?

12 (No verbal response.)

13 COMMISSIONER FOSKEY: Thank you.

14 CHAIRMAN MUSCARELLA: Hearing none. All  
15 those in favor signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 That item carries.

20 (Whereupon, the following is the minutes  
21 of the Planning, Development and Environment  
22 Committee pertaining to Clerk Item 557-12.)

23 The next item is Item 557-12. This is an  
24 ordinance making certain determinations pursuant  
25 to SEQRA and authorizing the county executive to



2 accept, on behalf of the county, an offer of sale  
3 from Greentree Foundation, a certain premises  
4 located in the Incorporated Village of North  
5 Hills, Town of North Hempstead, County of Nassau,  
6 State of New York, Section 3, Block #, Lot 1066  
7 on the land and tax map of the County of Nassau,  
8 and authorizing the county executive to execute a  
9 deed, contract of sale, and all pertinent  
10 documents in connection therewith to consummate  
11 the sale.

12 Motion, please?

13 LEGISLATOR FORD: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Moved by

16 Legislator Ford, seconded by Legislator

17 Nicolello.

18 Any comments on the part of the  
19 legislators?

20 Hold on. Mr. Kelly, acting director of  
21 real estate.

22 MR. KELLY: Michael Kelly, Acting  
23 Director, Nassau County Department of Public  
24 Works, Division of Real Estate Services. This is  
25 to authorize the county executive to sell Section

2 3, Block E, Lot 1066 located in the Incorporated  
3 Village of North Hills to the Greentree  
4 Foundation. The purchase price is \$6,825. The  
5 appraisal was \$6500.

6 The sale of the property was heard at a  
7 public hearing on January 5 of this year, and in  
8 OSPAC and Planning voted to recommend the sale on  
9 January 11 and January 19, respectively, and to  
10 issue a negative declaration and determination of  
11 non-significance.

12 CHAIRWOMAN GONSALVES: Any questions of  
13 Mr. Kelly?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor indicate by saying  
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Motion carries unanimously.

23 (Whereupon, the following is the  
24 continuation of the minutes of the Finance  
25 Committee meeting.)

1 Rules Committee - 9-10-12 115

2 CHAIRMAN NICOLELLO: Items 562, 563, 564

3 --

4 LEGISLATOR DENENBERG: To the Chair. On  
5 those we're incorporating the record as well from  
6 the other committees, correct?

7 CHAIRMAN NICOLELLO: Yes.

8 LEGISLATOR DENENBERG: Thanks.

9 CHAIRMAN NICOLELLO: Once again, 562,  
10 563, 564, 565-2012 are ordinances supplemental to  
11 the annual appropriation ordinance in connection  
12 with the Office of Housing and Community  
13 Development and the Police Department.

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRMAN NICOLELLO: Moved by Legislator  
17 Gonsalves, seconded by Legislator Walker.

18 These items went through Planning and  
19 Public Safety a few moments ago.

20 I didn't call 565, that's Parks  
21 Department and Public Works.

22 Any discussion amongst the legislators?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor signify by saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Carries unanimously.

7 Item 566-2012 is a bond ordinance  
8 providing for a capital expenditure to finance  
9 the capital projects specified herein within the  
10 County of Nassau and authorizing \$4,981,755 of  
11 bonds of the County of Nassau to finance said  
12 expenditure.

13 LEGISLATOR GONSALVES: So moved.

14 LEGISLATOR WALKER: Second.

15 CHAIRMAN NICOLELLO: Moved by Legislator  
16 Gonsalves, seconded by Legislator Walker.

17 Mr. Arnold was here before. Mr. Arnold,  
18 I don't know if you have something to report from  
19 your discussions earlier.

20 MR. ARNOLD: I expect Connell Denion  
21 from the county attorney's office to be here very  
22 shortly. He's on his way down, if you could give  
23 us a couple of minutes.

24 CHAIRMAN NICOLELLO: Okay.

25 MR. ARNOLD: While we wait, I do have a

2 couple of other pieces of information.

3 We did an ordinance in 11 for the buses.  
4 I can give you what number ordinance that was.  
5 It was Ordinance 81-2011 for \$3.1 million. The  
6 department is putting together the 12 plan, and  
7 that will be submitted this week, which will  
8 cover that difference in budget that was brought  
9 up as part of the bond ordinance --

10 LEGISLATOR DENENBERG: Yeah, but -- to  
11 the Chair, if I may.

12 CHAIRMAN NICOLELLO: Legislator  
13 Denenberg.

14 LEGISLATOR DENENBERG: So, when I was  
15 looking before -- and I know that Legislators  
16 Gonsalves and Nicoletto were on the committee, we  
17 passed it through committee because, in general,  
18 we're in favor of the program and it's 90 percent  
19 reimbursable. My question continued to be  
20 whether the bond authorization that we're voting  
21 on now was supported by the capital plan, and my  
22 concern is if it's not the ordinance, in and of  
23 itself, might not be proper and NIFA might have  
24 an issue. But if \$3.1 million was approved in  
25 2011, then some of those items that I cumulated

2 in 2011 were probably used for that 3.1 million,  
3 right?

4 MR. ARNOLD: I know that there -- some  
5 of that will be used for some of the buses being  
6 delivered early in the fall, but the balance of  
7 the buses that we're receiving require this new  
8 ordinance. I don't have the exact breakout in  
9 front of me.

10 LEGISLATOR DENENBERG: I saw a total of  
11 4.5 million in the 2011 capital budget,  
12 cumulating all of the, I'll call it, bus  
13 infrastructure items. I believe it was three  
14 items. We need 4.98 for this item, and that's  
15 why I asked if we had done anything in 11. Thank  
16 you for the information you gave. What was that  
17 clerk item number again?

18 MR. ARNOLD: That's a bond ordinance  
19 number. I'm not sure that's a clerk item.  
20 That's Bond Ordinance 81-2011.

21 LEGISLATOR DENENBERG: So that was one  
22 of the items that I had looked at and used in the  
23 match from the 2011 capital budget. So we would  
24 have even a bigger shortfall than the 400,000.

25 CHAIRMAN NICOLELLO: Mr. Walker.

2 DEPUTY COUNTY EXECUTIVE WALKER: The  
3 administration's going to be forwarding to the  
4 legislature this week the capital plan. Just on  
5 the capital plan, it is -- I think we've said  
6 this repeatedly. It is a little different now  
7 with the advent of NIFA, having a capital plan.  
8 Why I say that is because this legislature and  
9 previous legislatures voted on the capital plan,  
10 then also authorized bonding upwards of hundreds  
11 and hundreds of millions of dollars. NIFA did  
12 not weigh in on all those bond authorization. In  
13 fact, in many cases they have not even been asked  
14 to render a decision on the bond authorizations.  
15 We submitted the budget last year, NIFA approved  
16 \$70 million. And working in conjunction with the  
17 Department of Public Works, \$70 million out of  
18 \$110 million that were requested. We are now  
19 working in conjunction now one expanding those  
20 dollars from the original 70 here on out. So the  
21 budget that we will submit, the 2012 capital  
22 budget, will obviously be impacted by what this  
23 bond authorization is. This is the committee  
24 vote. This is not the final vote of the full  
25 legislature on the authorization. So you will

2 have a corresponding capital plan that  
3 corresponds with the exact bonding authorization  
4 that you're asked to pass through the committee  
5 for the vote for the Full Legislature.

6 We believe that you will have ample time  
7 to vote on the capital plan and also on that bond  
8 referendum prior to when the bond ordinance needs  
9 to be adopted by the legislature.

10 LEGISLATOR DENENBERG: So the capital  
11 budget that we're going to get, Mr. Walker, is  
12 going to be 12/13, just 12, 12 for 13?

13 DEPUTY COUNTY EXECUTIVE WALKER: It will  
14 be 12. Again, as I said, not that it's  
15 meaningless, because no word of the executive and  
16 legislature is meaningless, but it does carry a  
17 different tone. A dollar figure that this  
18 legislature may approve and the county executive  
19 may agree with may not be the capital plan that  
20 NIFA is willing to, in fact, approve to go to the  
21 market for bonding. So it is -- it makes it a  
22 little different and it makes it a little bit  
23 harder. I know we have had separate  
24 conversations relative to this, as I did with  
25 many legislators that are on this committee, with



2 respect to certain projects. Why aren't things  
3 moving forward? It's because of that very thing,  
4 as I just mentioned. You need the approval of  
5 NIFA. We've been working with them. They've  
6 been working with us in a very, to me, Public  
7 Works, who is -- recent on the sewer and storm  
8 water borrowing, they've been working with us  
9 hand-in-hand. It's a process that we believe,  
10 done right, will move forward the proper way.

11 Yes, it will. It will be the 12 budget,  
12 and then we will have the 13 after that.

13 LEGISLATOR DENENBERG: Okay. So my  
14 concern didn't change from I'm sure that you  
15 heard what I said in planning, at the time that -  
16 - an hour or two ago when we passed this through  
17 Planning. The multi-year borrowing requested in  
18 this capital bond ordinance is 4.98 million.  
19 What was in the 2011 budget, including Item 81-  
20 2011, was 4.57 million. So I thought we were  
21 400,000 short. Now I think we might be 400,000,  
22 plus the 3.1 million that we already utilized  
23 appropriately in 2011.

24 So we want to support this because it's  
25 90 percent reimbursable and obviously the bus

2 infrastructure helps us all. But we'd be passing  
3 something without the bond authorization. So  
4 hopefully by the time we get to Full we have it,  
5 because otherwise if we go to NIFA without the  
6 proper bonding authorization in the capital  
7 budget, they're going to reject it anyway.

8 DEPUTY COUNTY EXECUTIVE WALKER: I think  
9 I answered that. What I said is we will have a  
10 corresponding capital budget that will meet every  
11 guideline and every dollar amount that needs to  
12 be approved, so you will be approving a capital  
13 plan and you will be approving -- if you do  
14 approve this bond ordinance, it will be hand-in-  
15 hand. It will have to be.

16 LEGISLATOR DENENBERG: Is there any time  
17 constraint on this item? Like are we, by not  
18 having --

19 DEPUTY COUNTY EXECUTIVE WALKER: No. We  
20 believe --

21 LEGISLATOR DENENBERG: the capital plan  
22 in place, jeopardizing this program?

23 DEPUTY COUNTY EXECUTIVE WALKER: If it's  
24 not in place we believe by the end of October, we  
25 could be having a serious issue. The end of

2 October.

3 LEGISLATOR DENENBERG: With this  
4 request, you mean?

5 DEPUTY COUNTY EXECUTIVE WALKER: Without  
6 having this authorization, correct.

7 LEGISLATOR DENENBERG: For this \$4.9  
8 million request.

9 DEPUTY COUNTY EXECUTIVE WALKER:  
10 Correct.

11 LEGISLATOR DENENBERG: So the end of  
12 October's when -- we need NIFA's approval by the  
13 end of October?

14 DEPUTY COUNTY EXECUTIVE WALKER: No. I  
15 don't believe so. We need to show the Feds that  
16 we're moving forward in the process.

17 LEGISLATOR DENENBERG: Okay.

18 DEPUTY COUNTY EXECUTIVE WALKER:  
19 Reimbursements and things of that nature.  
20 Obviously we could actually -- we advance the  
21 cash, that has done previously, and then we're  
22 reimbursed.

23 LEGISLATOR DENENBERG: Okay. With that,  
24 I would just request when this gets to Full that  
25 we can show that there's full authorization for

2 what we're approving.

3 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.  
4 You can't approve the bond ordinance -- you can't  
5 have an approved bond ordinance without having an  
6 approved capital plan.

7 LEGISLATOR DENENBERG: That's exactly  
8 right.

9 DEPUTY COUNTY EXECUTIVE WALKER: We  
10 agree with you.

11 LEGISLATOR DENENBERG: So my next  
12 concern is pretty obvious. If this is all  
13 supposed to happen two weeks from now and we  
14 haven't seen the capital plan yet --

15 DEPUTY COUNTY EXECUTIVE WALKER: I said  
16 by the end of October. So it doesn't necessarily  
17 have to happen on September 20-whatever the date  
18 is. I don't even know when the date of the next  
19 meeting is.

20 LEGISLATOR DENENBERG: So you understand  
21 my issue with it passing Full Leg if we don't  
22 have it in place.

23 DEPUTY COUNTY EXECUTIVE WALKER: Yes.  
24 That's why -- I think we answered it. We're  
25 going to be filing the capital plan that

2 corresponds with this.

3           LEGISLATOR DENENBERG:     Okay.  I don't  
4 know that that would happen at our next meeting,  
5 full approval.  If we have till October, I hope  
6 it all works out.

7           CHAIRMAN NICOLELLO:     Legislator  
8 Bosworth.

9           LEGISLATOR BOSWORTH:     Thank you.  Hope  
10 you had a good summer, Mr. Walker.

11           DEPUTY COUNTY EXECUTIVE WALKER:  
12 Likewise.

13           LEGISLATOR BOSWORTH:     Good to see you.  
14 Thank you.

15           You mentioned other projects and having  
16 authorization.  I hope you'll bear with me as I  
17 ask about a project that's very important in my  
18 community and I believe that it has gotten  
19 authorization from sewer and storm water, and  
20 that everything is basically ready to go, and  
21 that's something called Middle Neck Road  
22 drainage, which I'm sure you're familiar with.  
23 It was passed in the previous capital projects,  
24 and it was something that was really highlighted  
25 as very important for the well being of my

2 community. So if I could impose upon you to get  
3 a bit of a sense of what you think the timeline  
4 is.

5 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.

6 CHAIRMAN NICOLELLO: Let me -- before  
7 you go ahead and answer briefly. Basically, it's  
8 not really germane to the issue that's before us.  
9 I understand why you're asking. But I'd like to  
10 get back to the issue.

11 DEPUTY COUNTY EXECUTIVE WALKER: Just in  
12 capital program, in general, because it's for  
13 every project.

14 LEGISLATOR BOSWORTH: Sure.

15 DEPUTY COUNTY EXECUTIVE WALKER: We have  
16 recently been in negotiations or conversations  
17 with NIFA for a sewer and storm water. We were  
18 roughly requesting I think about \$39 million, \$40  
19 million in which many of these projects are  
20 included. We haven't started these projects  
21 because we do not want to start advancing cash to  
22 pay for projects and then have NIFA turn around  
23 and say you should not have started that project  
24 because we didn't give the approvals. I could  
25 say that our conversation with them had been very

2 fluid and very well received on their part and on  
3 our part. So I think many of those projects,  
4 you're going to see them starting in the very,  
5 very near future.

6 They haven't formally approved the  
7 borrowing. It's been very good conversations.  
8 I'll leave it at that. We should be moving  
9 forward. It's not just your projects. I know  
10 there's one actually in Legislator Nicoletto's  
11 district as well that has that same problem, that  
12 we are now moving forward -- and Mr. Denenberg's  
13 district -- with sewer and storm water  
14 specifically, both of you have projects that we  
15 are going to be moving forward.

16 We could not have had worse weather, in  
17 terms of drainage. These projects are important  
18 and they will be moving forward. Again, we just  
19 did not want to start advancing money that we  
20 would not receive approval from NIFA for. We  
21 learned and listened.

22 LEGISLATOR BOSWORTH: Thank you. And  
23 Legislator Nicoletto, I appreciate your patience  
24 with my asking.

25 CHAIRMAN NICOLELLO: Thank you.

2 Before you do, Legislator DeRiggi-  
3 Whitton. Just so I'm clear in terms of what's  
4 necessary for this item. You're going to be  
5 submitting the capital plan for 2012?

6 DEPUTY COUNTY EXECUTIVE WALKER: Yes,  
7 correct.

8 CHAIRMAN NICOLELLO: Does that have to  
9 be approved in addition to the approval of the  
10 specific item so we can access these monies?

11 DEPUTY COUNTY EXECUTIVE WALKER: I would  
12 let Mr. Denion -- I don't know if Connell has  
13 arrived -- answer that question. But I believe  
14 just with the process we undertake, it would  
15 actually dovetail the timeframe. If we get  
16 approval on the plan and approval for bonding, we  
17 would not go to the market until we have approval  
18 for both. At that point, we'd satisfy the  
19 requirements.

20 CHAIRMAN NICOLELLO: Mr. Denion.

21 MR. DENION: Connell Denion, Deputy  
22 County Attorney.

23 Could you please read the question?

24 CHAIRMAN NICOLELLO: Sure. You've been  
25 here the whole time, right?



MR. DENION: Just came in a little bit late.

CHAIRMAN NICOLELLO: There are some questions that have been raised about this particular item, which is a bond ordinance with respect to monies -- to purchase money or to pay the county's share of purchasing buses. There's a question as to whether a 2012 capital plan has to be adopted along with this item in order to access the monies that we're trying to access here.

MR. DENION: I haven't looked at it that closely. I don't know if that's necessarily true. I would like to take a look at the issue before I give you an answer. I'll look at it as quickly as I can.

CHAIRMAN NICOLELLO: What part of the issue --

MR. DENION: I'd want to look at the Charter, the language of the Charter, Capital Budget Law.

CHAIRMAN NICOLELLO: Fair enough.

MR. DENION: I would get back to you as soon as I can.

2 CHAIRMAN NICOLELLO: Sure. Legislator  
3 Denenberg.

4 LEGISLATOR DENENBERG: Connell -- Mr.  
5 Denion, thank you for coming.

6 My question originated that before we  
7 approve the bonding -- or before we approve 4.98  
8 million for our portion of this program, so it's  
9 90 percent of the money comes from elsewhere, so  
10 all of us want to approve 4.9 million in bonding.  
11 I didn't see sufficient bonding available under  
12 the 2011 capital plan. I saw three items that  
13 cumulative was 4.55 million. And then I asked  
14 Mr. Arnold whether we used any of that bonding  
15 last year, and he wasn't -- I'm sorry. Can I  
16 continue? So I saw 4.55 million from 2011, of  
17 which I think some of that had been used already  
18 for this very program, the federal program last  
19 year. About 3.1 million Ken Arnold just reported  
20 was utilized under one of the items. So my  
21 question was how can we approve this 4.9 million  
22 if it's not in the capital plan and if it's going  
23 to go to NIFA and it's not in the capital plan or  
24 is not in the capital plan and might be subject  
25 to NIFA rejecting this bonding. Mr. Walker then

2 came down and so did Mr. Arnold. But Mr. Walker  
3 said the 12 capital budget would be coming to us  
4 so that that would be available to approve before  
5 or at the same time that this bond authorization  
6 was approved. So I think all of us have a  
7 question as to whether we need to pass the  
8 capital plan or at least access a new capital  
9 plan before we can approve this bonding.

10 MR. DENION: I think the timing will be  
11 helpful, if the 12 plan is coming, fiscal  
12 budget's coming, then I think around the same  
13 time it should be okay. Plus, the Charter has a  
14 provision to allow for bond ordinances in  
15 contemplation of capital programs necessary to  
16 enter into contracts. That's what I wanted to  
17 take a look at and sort of make sure that we get  
18 the timing right on this.

19 LEGISLATOR DENENBERG: That's our  
20 concern too. We're ready to pass it through  
21 committee. But without a capital budget in place  
22 or some mechanism to cover this 4.9, I don't know  
23 that we could get it done on September 24.

24 MR. DENION: Again, we'll take a look at  
25 it and get back to you as soon as we can. But

2 with the budget coming or the 11 being amended,  
3 one way or the other we should be able to get  
4 there.

5 CHAIRMAN NICOLELLO: Thank you.

6 Legislator DeRiggi-Whitton, you have a question.

7 LEGISLATOR DeRIGGI-WHITTON: Could I  
8 just ask a question before you leave?

9 Just basically saying what David said.  
10 Is it actually legal for us to do this without  
11 the budget being passed?

12 MR. DENION: Again, I think that's the  
13 main point. If the 12 budget is coming around  
14 the same time while we're amending the 11 to  
15 account for a contract that's being entered into  
16 in furtherance of the 11 budget, I think the  
17 Charter allows for that but I just want to make  
18 sure.

19 LEGISLATOR DeRIGGI-WHITTON: And as far  
20 as advising NIFA that we're willing to bond, I'm  
21 just concerned that everything is really coming  
22 in at the same time.

23 MR. DENION: I think that's what we're  
24 going to be looking at to make sure that we have  
25 the timing right.

2 LEGISLATOR DeRIGGI-WHITTON: Rob Walker,  
3 can I ask you one quick question, if you don't  
4 mind?

5 CHAIRMAN NICOLELLO: As long as it's on  
6 this item.

7 LEGISLATOR DeRIGGI-WHITTON: It is. It  
8 is.

9 CHAIRMAN NICOLELLO: Okay.

10 LEGISLATOR DeRIGGI-WHITTON: As far as  
11 the buses, I understand the whole deal that they  
12 are going to be managing the buses, Veolia. I  
13 have that. But how do we know for sure that  
14 these buses are necessary? Is there anyone  
15 overseeing their requests?

16 DEPUTY COUNTY EXECUTIVE WALKER: Yes.  
17 There are actually requirements that we meet with  
18 the FTA, because the FTA has to approve that as  
19 well. So prior to the FTA actually reimbursing  
20 or agreeing to reimbursement, it goes through a  
21 whole procurement policy and a process. There  
22 are a number of buses we have to have. There is  
23 a surplus number we have to have that we are  
24 required. Can't go over that. If you go over,  
25 you actually wouldn't receive funding. So there

2 are requirements that are put in place by the  
3 law.

4 LEGISLATOR DeRIGGI-WHITTON: Have we  
5 seen what they've suggested?

6 DEPUTY COUNTY EXECUTIVE WALKER: Yeah,  
7 we have actually agreed to it. There's a number  
8 of buses that meet all of the requirements, and  
9 we agreed to it for the reimbursement rate, as do  
10 the Feds. There is actually an application  
11 process, yes.

12 LEGISLATOR DeRIGGI-WHITTON: The Feds  
13 have agreed to whatever --

14 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

15 LEGISLATOR DeRIGGI-WHITTON: Let's say  
16 four buses --

17 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

18 LEGISLATOR DeRIGGI-WHITTON: So we  
19 already have in writing from them that that is  
20 necessary?

21 DEPUTY COUNTY EXECUTIVE WALKER: Yes.

22 LEGISLATOR DeRIGGI-WHITTON: And again,  
23 in your opinion, do you feel that going -- we  
24 still have to go to NIFA to get the approval for  
25 bonding, and we still have to get -- basically,

2 to have a legal opinion as to whether or not we  
3 can even request the bonding because the budget  
4 hasn't been approved. Is that where you see us  
5 standing right now with this as well?

6 DEPUTY COUNTY EXECUTIVE WALKER: No. I  
7 am very confident -- I stand a little  
8 differently. I am very confident that the  
9 legislature will approve the capital plan, we  
10 will have the bonding in place, and NIFA, again,  
11 through our processes that we go through NIFA,  
12 NIFA will approve. I should never opine on  
13 someone else. But I believe it's 90 percent.  
14 The reimbursement rate is extremely high. They  
15 approved those in the past, and they should  
16 approve it going forward. It will have to fit  
17 into the confines in the capital plan, fit into  
18 the confines of the bonding authorization, and  
19 the budget that NIFA has approved.

20 LEGISLATOR DeRIGGI-WHITTON: Could I ask  
21 you one other favor? Could you provide us with a  
22 copy of that recommendation for the buses that  
23 you have? I would just like to see that.

24 DEPUTY COUNTY EXECUTIVE WALKER: We'll  
25 get you the application on file.

2 LEGISLATOR DeRIGGI-WHITTON: I just feel  
3 better before we go ahead and bond, just to show  
4 that it's necessary.

5 CHAIRMAN NICOLELLO: I think it's 49  
6 buses, isn't it?

7 DEPUTY COUNTY EXECUTIVE WALKER: Yeah.

8 CHAIRMAN NICOLELLO: Thank you.

9 Any other questions or discussion?

10 (No verbal response.)

11 Any public comment?

12 (No verbal response.)

13 Those in favor signify by saying aye.

14 (Aye.)

15 Those opposed?

16 (No verbal response.)

17 Carries unanimously.

18 Items 567, 568, 569, 570, 571, 572-2012,

19 which are resolution to authorize the county

20 assessor and/or county treasurer and/or receiver

21 of taxes from the Town of Hempstead and Town of

22 Oyster Bay to exempt from real property taxation

23 certain real properties situated in various

24 school districts, and to correct erroneous

25 assessments and taxes and to partially exempt



2 from real properties certain taxable real  
3 properties.

4 LEGISLATOR MUSCARELLA: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRMAN NICOLELLO: Moved by Legislator  
7 Muscarella, seconded by Legislator Walker.

8 Any discussion? Legislator Denenberg.

9 LEGISLATOR DENENBERG: I have questions.  
10 I'll let Legislator Bosworth go first, if that's  
11 okay with the Chairman.

12 CHAIRMAN NICOLELLO: Sure.

13 LEGISLATOR BOSWORTH: I'd just like to  
14 point out that in the listing it lists Port  
15 Washington School District as being in the Town  
16 of Hempstead; it's actually in the Town of North  
17 Hempstead. I just ask that that be corrected in  
18 all the documents that that's listed in.

19 CHAIRMAN NICOLELLO: Do you know which  
20 item that was?

21 LEGISLATOR BOSWORTH: 567, again it's in  
22 568. 569 has Town of Hempstead and it's got  
23 Herricks, which is the Town of North Hempstead,  
24 and Great Neck, which is the Town of North  
25 Hempstead. I believe that's it.

2 CHAIRMAN NICOLELLO: Okay. Please state  
3 your name for the record.

4 MR. CESTRA: Okay. My name is Jeff  
5 Cestra from the Assessment Unit, Title,  
6 Accountant.

7 CHAIRMAN NICOLELLO: Based on what we've  
8 just heard, do these items need to be amended or  
9 corrected?

10 MR. CESTRA: I'll have to look at the  
11 petitions again.

12 CHAIRMAN NICOLELLO: And can you have  
13 something for us in two weeks that's amended, if  
14 necessary?

15 MR. CESTRA: Yes. We could definitely  
16 amend it. Yes. And we would.

17 CHAIRMAN NICOLELLO: Legislator  
18 Denenberg.

19 LEGISLATOR DENENBERG: Did you want  
20 something?

21 LEGISLATOR MUSCARELLA: If I just may.  
22 Jeff, I think it has to be on file seven days  
23 before. So if it has to be amended, it has to go  
24 within a week.

25 MR. CESTRA: Right. A week is plenty of

2 time.

3 LEGISLATOR DENENBERG: Okay. My  
4 question is with respect to the erroneous  
5 assessments, whether it's for the school  
6 districts, exempt purposes, or the basic STAR  
7 errors, I asked this the last time it came before  
8 us. Does the County have to pay for these  
9 errors?

10 MR. CESTRA: Yes.

11 LEGISLATOR DENENBERG: I still don't  
12 understand why we have to pay. And you didn't  
13 explain it to me and you said you would try to  
14 send me something afterwards but I never got it.  
15 Why, if it's an error with basic STAR, or  
16 enhanced STAR, or an exemption for religious  
17 purposes, or for non-profit purposes, those are  
18 state exemptions. STAR is school tax -- state  
19 school tax relief. Why, if there's an error, do  
20 we have to pay? Was it our error or the state's  
21 error?

22 MR. CESTRA: For example. Let's just  
23 touch the school STAR for example. The school  
24 STAR, what happens is the state is going to  
25 reimburse the school a certain percentage of

2 money.

3 LEGISLATOR DENENBERG: Right.

4 MR. CESTRA: And, therefore, when the  
5 county creates a petition to refund the  
6 petitioner, basically the county is liable for  
7 the money paid. The school, in other words, will  
8 not reimburse the county, the state will not  
9 reimburse the county.

10 LEGISLATOR DENENBERG: Why won't the  
11 state reimburse the county?

12 MR. CESTRA: That's the way it's always  
13 been done.

14 LEGISLATOR DENENBERG: But it's school  
15 tax relief. The school -- actually, the school  
16 is reimbursed by the state, correct?

17 MR. CESTRA: The monies the state gives  
18 will be to the school, yes.

19 LEGISLATOR DENENBERG: Okay. So in this  
20 case an error --

21 MR. CESTRA: And if anything, I said it  
22 at the prior meeting, the process probably -- the  
23 process probably that should take place, okay,  
24 would be, in other words, the county would pay  
25 for the refund, okay. The school then would have

2 to reimburse the county, and then the school  
3 naturally gets the money back from the state,  
4 okay. Currently, it's not done that way.

5 LEGISLATOR DENENBERG: If the school is  
6 getting refunded by the state, why is the county  
7 involved at all. If there's errors, why is the  
8 county paying for the error?

9 MR. CESTRA: First of all, the county is  
10 obligated to pay at this current level because,  
11 let's face it, okay, the schools at this point  
12 are out of the equation, okay. In other words,  
13 the process is, okay, it's clearly, in other  
14 words, the county develops a petition, okay.  
15 Once the legislature approves the petition, the  
16 treasurer gets to pay for it. The treasurer then  
17 refunds the people. Whether it be the state, the  
18 county, or the school -- or the town, it's still  
19 county money at that point, okay.

20 LEGISLATOR DENENBERG: To me it's not  
21 okay.

22 MR. CESTRA: I think the county exec is  
23 trying to change all that around, okay.

24 LEGISLATOR DENENBERG: How much are  
25 these corrections going to cost us?

2 MR. CESTRA: These corrections --  
3 currently, I have no idea. We don't create a  
4 dollar amount when we create these petitions.  
5 Therefore, I would have to do the work in the  
6 office.

7 LEGISLATOR DENENBERG: Whose error was  
8 it? It says basic STAR erroneous, not approved.  
9 Whose error was it?

10 MR. CESTRA: For example, the property  
11 turned to an exempt property, let's say, in the  
12 middle of the year. Obviously, it's nobody's  
13 mistake.

14 LEGISLATOR DENENBERG: If it's no one's  
15 mistake, why are we correcting an error?

16 MR. CESTRA: As I said, okay, if, in the  
17 middle of the year, for example, let's say we're  
18 talking 2012, okay, and, for example, if I own a  
19 house and I sell it to an exempt property, okay,  
20 exempt owner, okay, let's say a church, and the  
21 church now owns the property, isn't the -- the  
22 county, in other words, has to correct it because  
23 you have a new owner of the property now, and the  
24 new property owner is tax exempt.

25 LEGISLATOR DENENBERG: First of all,

2 that's great that the county has to correct that  
3 it's tax exempt. If it's Star or Enhanced STAR  
4 or religious exemption, not for profit, that's  
5 state law, I would think that the county has to  
6 correct it but the state does too. I don't  
7 understand why the party paying it is the county.  
8 If it's school tax relief, that's the state  
9 reimbursing the schools, so why would the county  
10 get involved?

11 MR. CESTRA: Well, the schools aren't  
12 reimbursing the county.

13 LEGISLATOR DENENBERG: But why would  
14 they reimburse the county? It's school tax  
15 relief, not county tax relief.

16 MR. CESTRA: Right. Well, that's my  
17 point then.

18 LEGISLATOR DENENBERG: What you're  
19 saying hasn't answered my question. I'll let it  
20 go. And I'm going to vote against it because I,  
21 for the life of me, don't understand why we're  
22 paying this.

23 The state reimburses the school. If an  
24 error was made with the basic STAR or the  
25 enhanced STAR, then the state should reimburse

2 less or more and it should not involve the  
3 county. The only thing we ever do is the  
4 Department of Assessment processes the  
5 application, that's it. We never get the money.  
6 We don't pay the money. We, the county, don't  
7 pay the money and don't reimburse the money. The  
8 state -- it's school tax relief directly from the  
9 state to refund the schools so that people paying  
10 the school tax pay less. If it's \$1200 in  
11 Bellmore that school tax relief is worth, the  
12 state reimburses the school that 1200 so Mr. and  
13 Mrs. Joe Bellmore don't have to pay it. So if an  
14 error is made, why is the county reimbursing it?

15 MR. CESTRA: The county is obligated to  
16 pay. Now, whether or not its correct or wrong, I  
17 mean, I don't necessarily say it's correct.

18 CHAIRMAN NICOLELLO: Mr. Cestra --

19 LEGISLATOR DENENBERG: We would have had  
20 to have done something wrong.

21 CHAIRMAN NICOLELLO: Mr. Cestra, what is  
22 it that obligates the county to pay? Is it a  
23 matter of law?

24 MR. CESTRA: It's a matter of law at  
25 this point, state law.



2 CHAIRMAN NICOLELLO: And that's the  
3 information and this entire process is overseen  
4 by the Office of Real Property Services, right?

5 MR. CESTRA: Correct.

6 CHAIRMAN NICOLELLO: So that's what the  
7 state is telling you?

8 MR. CESTRA: Correct.

9 CHAIRMAN NICOLELLO: Legislator  
10 Denenberg, if you have another way to do this, is  
11 there's another way we can stop reimbursing the  
12 state on these STAR payments, all of us would be  
13 more than willing to look into something like  
14 that and maybe gain some relief for the county.

15 MR. CESTRA: State law --

16 CHAIRMAN NICOLELLO: You're just beating  
17 a dead horse.

18 LEGISLATOR DENENBERG: Identify the  
19 state law, okay. Please identify that state law  
20 to me. And I've gone back through our records,  
21 and I haven't seen this in the past where these  
22 kind of errors are coming out of the county  
23 pocket.

24 CHAIRMAN NICOLELLO: This has been going  
25 on for 16, close to 17 years, since I've been

2 here.

3 MR. CESTRA: Legislator Denenberg, I  
4 don't like to call them errors, in the first  
5 place, because if you get a new owner, it's not  
6 necessarily a mistake.

7 CHAIRMAN NICOLELLO: Legislator  
8 Denenberg has stated his position. He stated his  
9 position in the past. Again, if you have a way  
10 or suggestion that you can change how this is  
11 done, I think not only the legislators --

12 LEGISLATOR DENENBERG: There might be  
13 something on this end --

14 CHAIRMAN NICOLELLO: would you let me  
15 finish?

16 LEGISLATOR DENENBERG: But it's not  
17 being explained to me well.

18 CHAIRMAN NICOLELLO: Every --

19 LEGISLATOR DENENBERG: Because you're  
20 clarifying what I'm saying.

21 CHAIRMAN NICOLELLO: Every time that  
22 anybody interrupts you, you scream bloody murder,  
23 yet you interrupt more people here than anyone  
24 else combined, everyone else combined.

25 LEGISLATOR DENENBERG: You --

2 CHAIRMAN NICOLELLO: Are you going to  
3 interrupt that?

4 LEGISLATOR DENENBERG: Are you done, so  
5 I could respond to it?

6 CHAIRMAN NICOLELLO: No, let me just  
7 finish.

8 You've stated your objection in the  
9 record, ad naseum. If you have a solution to  
10 this, if there's a way that we can stop repaying  
11 the state for mistakes with the STAR and enhanced  
12 STAR, then we'd be all ears and the  
13 administration would be all ears. I'm going to  
14 ask you to come up with some sort of solution if  
15 you can. But what Mr. Cestra is telling us is  
16 that this is governed by state law. And, I could  
17 tell you this, we've been passing these things  
18 since at least 1996, since I've been here. This  
19 is nothing new. This is not the new  
20 administration. And it was done for ten years  
21 under the old administration.

22 Legislator DeRiggi-Whitton.

23 LEGISLATOR DENENBERG: Wait. Just to  
24 answer --

25 CHAIRMAN NICOLELLO: Legislator DeRiggi-

2 Whitton.

3           LEGISLATOR DENENBERG:     First of all, no  
4 one gets interrupted more than me.  Second of  
5 all, my issue here is because --

6           CHAIRMAN NICOLELLO:     I wonder why.

7           LEGISLATOR DENENBERG:     I would love to  
8 understand.  It's not even explained to me what  
9 the error is.  He's saying it isn't even an  
10 error.  I'm trying to understand why the county  
11 would be reimbursing anyone.

12           CHAIRMAN NICOLELLO:     Look.  Mr. Cestra's  
13 done his best to try to explain what's happening  
14 here.  He's told you that it's a matter of state  
15 law.  If you feel you're not getting the full  
16 answer from him, my suggestion to you is to write  
17 to the Department of Assessment or call the  
18 Department of Assessment, speak to whoever you  
19 have to all the way up the chain, see if they can  
20 provide you with the information that you need so  
21 that we can move on from this.  To go around in  
22 circles, this is doing nobody any good.

23           Legislator DeRiggi-Whitton.

24           LEGISLATOR DeRIGGI-WHITTON:     I had a  
25 constituent that was on the other side of this,

2 she actually has a 501(c)(3). And what I think -  
3 - if I understand correctly, when a 501(c)(3)  
4 first purchases the property, they still pay  
5 taxes till the end of that tax roll. Is that  
6 correct?

7 MR. CESTRA: It's really going to  
8 depend, in other words, on how the -- how the --  
9 how the lawyers draw up the contract.

10 CHAIRMAN NICOLELLO: No. The answer to  
11 that question is yes.

12 MR. CESTRA: Okay.

13 LEGISLATOR DeRIGGI-WHITTON: So then I  
14 think that the refund comes into play at the  
15 point where they file and say that they were the  
16 501(c)(3) that did, in fact, pay these taxes,  
17 which is technically an error, even though it's  
18 just the way that we do it to make sure that the  
19 tax roll is complete at the end of the year. So  
20 these refunds are based on that. Is that  
21 correct?

22 MR. CESTRA: Yes.

23 LEGISLATOR DeRIGGI-WHITTON: So it's  
24 just that we're collecting money from the  
25 501(c)(3), which we really shouldn't be, because

2 it will fill the tax roll, then at some point we  
3 have to return that money because they weren't  
4 supposed to pay it originally.

5 MR. CESTRA: Right.

6 LEGISLATOR DeRIGGI-WHITTON: Okay. Is  
7 this -- just to kind of back up what the other  
8 legislator asked. Is this what everyone does?  
9 Like, Suffolk County, do they do it this way as  
10 well?

11 MR. CESTRA: Suffolk County I know pays  
12 twice a year, that's to the extent I know.

13 LEGISLATOR DeRIGGI-WHITTON: So we know  
14 it's a state law but we don't know if the other  
15 counties do it the same way or not.

16 MR. CESTRA: The City I imagine doesn't.  
17 Suffolk County and the other counties, New York,  
18 I have no idea.

19 LEGISLATOR DeRIGGI-WHITTON: I think  
20 before we bond on this I'd really feel more  
21 comfortable if we had that information, like what  
22 the other counties do. We're not the only county  
23 in New York State that's faced with this issue.  
24 And I think that I would feel more comfortable  
25 knowing what the other counties do as well.

2 Maybe there's a way to fix this before it  
3 happens. And before we bond for this, I know I  
4 would feel comfortable -- unless we were sure  
5 we're in line with what all the other counties  
6 are doing.

7 As far as fixing this, maybe there is a  
8 way -- this is another whole subject. But the  
9 state law -- when the 501(c)(3) takes possession  
10 of the property, just not to collect from them. I  
11 know it's a really difficult burden on these not-  
12 for-profit companies, as well.

13 CHAIRMAN NICOLELLO: Legislator  
14 Muscarella.

15 LEGISLATOR MUSCARELLA: I just want to  
16 point out that we're the only county that  
17 assesses on a countywide basis, so I don't know  
18 if reaching out to Suffolk County is going to get  
19 you anything. If anything, you would have to  
20 reach out to every village and town that does  
21 their own assessments to see how it's handled.

22 CHAIRMAN NICOLELLO: We're not bonding  
23 anything today, are we Mr. Cestra? This is  
24 corrections of erroneous assessments.

25 MR. CESTRA: Corrections.

2 CHAIRMAN NICOLELLO: Any other  
3 discussion? Legislator Bosworth.

4 LEGISLATOR BOSWORTH: Thank you. I  
5 understand you don't have, off the top of your  
6 head, what the state law is. But I would ask  
7 that by the time this comes back to Full Leg that  
8 we just have a copy of the state law or at least  
9 a reference number to what that state law is.

10 MR. CESTRA: Okay.

11 LEGISLATOR BOSWORTH: Thank you.

12 LEGISLATOR MUSCARELLA: I think it can  
13 be found in Real Property Tax Law Articles 5 and  
14 7. I don't know which sections. But those are  
15 the articles that pertain to this.

16 CHAIRMAN NICOLELLO: Any other  
17 discussion?

18 (No verbal response.)

19 Any public comment?

20 (No verbal response.)

21 All those in favor of these items signify  
22 by saying aye.

23 (Aye.)

24 Those opposed?

25 (Nay.)



2 LEGISLATOR BOSWORTH: I just would like  
3 to see the information. It's helpful that -- you  
4 say the articles, I don't have that. I would  
5 imagine the people who are working with us all  
6 the time would really know exactly what the state  
7 law is. And I am asking that we do provide what  
8 that state law is.

9 CHAIRMAN NICOLELLO: I think we've made  
10 that clear on the record, that request.

11 LEGISLATOR BOSWORTH: Thank you so much.

12 CHAIRMAN NICOLELLO: Thank you.

13 So that item passes by a vote of four to  
14 three.

15 593 is an ordinance providing for a  
16 capital expenditure to finance the payment of  
17 certain settled claims against the County of  
18 Nassau, authorizing \$408,000 of bonds of the  
19 County of Nassau to finance said expenditure.

20 594 is a resolution authorizing the  
21 county attorney to compromise and settle the  
22 action, *In the Matter of Nassau County,*  
23 *Respondent*, proceeding under Section 9600 of the  
24 Solid Waste Disposal Act.

25 Do we have a motion to go into executive

session?

LEGISLATOR WALKER: So moved.

LEGISLATOR GONSALVES: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Gonsalves.

We're in executive session.

(Whereupon, the Full Legislature recessed at 4:25 p.m.)

(Whereupon, the Full Legislature reconvened at 4:45 p.m.)

CHAIRMAN NICOLELLO: We've come out of executive session. We have these two items to vote on.

Items 593 and 594-2012, all in favor of these items signify by saying aye.

(Aye.)

Those opposed?

(No verbal response.)

The items pass unanimously.

(Whereupon, the following are the minutes of the Health Committee pertaining to Clerk Items 544, 545, 546, 547, 548, 549, 550, 551, 573, and 574-2012.)

We have nine items on the agenda today.

2 The first is Clerk Item 544-12, an ordinance  
3 supplemental to the annual appropriation  
4 ordinance in connection with the Health  
5 Department.

6 May I have a motion?

7 LEGISLATOR GONSALVES: So moved.

8 LEGISLATOR BECKER: Second.

9 CHAIRWOMAN WALKER: Moved by Legislator  
10 Gonsalves, seconded by Legislator Becker.

11 The item is before us.

12 We have Mary Ellen Laurain.

13 MS. LAURAIN: Good afternoon. Mary  
14 Ellen Laurain, Department of Health.

15 Item 544 is a supplemental appropriation  
16 in the amount of in the amount of \$42,559. This  
17 a Medicaid reimbursement for prior years for the  
18 early intervention administrative grant.

19 CHAIRWOMAN WALKER: Any questions from  
20 the legislators?

21 (No verbal response.)

22 Any public comment?

23 (No verbal response.)

24 All those in favor?

25 (Aye.)

2 Any opposed?

3 (No verbal response.)

4 Motion carries.

5 Item Number 545-12, an ordinance  
6 supplemental to the annual appropriation  
7 ordinance in connection with the Health  
8 Department.

9 May I have a motion?

10 LEGISLATOR GONSALVES: So moved.

11 LEGISLATOR MUSCARELLA: Second.

12 CHAIRWOMAN WALKER: Moved by Legislator  
13 Gonsalves, seconded by Legislator Muscarella.

14 The item is before us.

15 We have Mary Ellen Laurain.

16 MS. LAURAIN: Mary Ellen Laurain,  
17 Department of Health.

18 Item 545-12 is a supplemental  
19 appropriation in the amount of in the amount of  
20 \$79,167. This is for the sexually transmitted  
21 disease intervention grant. It's New York State  
22 Department of Health funded. It is follow up for  
23 those diagnosed with sexually transmitted  
24 diseases, to confirm that they are treated.

25 CHAIRWOMAN WALKER: Any questions from

2 the legislators?

3 (No verbal response.)

4 Any public comment?

5 (No verbal response.)

6 All those in favor?

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 Motion carries.

11 Clerk Item 546-12 is an ordinance  
12 supplemental to the annual appropriation  
13 ordinance in connection with the Health  
14 Department.

15 May I have a motion, please?

16 LEGISLATOR BECKER: So moved.

17 LEGISLATOR GONSALVES: Second.

18 CHAIRWOMAN WALKER: Moved by Legislator  
19 Becker, seconded by Legislator Gonsalves.

20 The item is before us.

21 Mary Ellen Laurain.

22 MS. LAURAIN: Mary Ellen Laurain,  
23 Department of Health.

24 Item 546-12 is a supplemental  
25 appropriation in the amount of in the amount of

2 \$7,776. This a FEMA grant. It is a one-day  
3 reimbursement for August 25, 2011, and that was a  
4 one-day planning in response to Hurricane Irene.

5 CHAIRWOMAN WALKER: Any questions or  
6 comments by the legislators?

7 (No verbal response.)

8 Any public comment?

9 (No verbal response.)

10 All those in favor?

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Motion carries.

15 Clerk Item 547-12 is an ordinance  
16 supplemental to the annual appropriation  
17 ordinance in connection with the Health  
18 Department.

19 May I have a motion?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR BECKER: Second.

22 CHAIRWOMAN WALKER: Moved by Legislator  
23 Gonsalves, seconded by Legislator Becker.

24 The item is before us.

25 MS. LAURAIN: Mary Ellen Laurain,

2 Department of Health.

3 Item 547-12 is a supplemental  
4 appropriation for \$97,422. It is for the pre-  
5 natal, peri-natal services network. This is New  
6 York State Department of Health funded. It is 40  
7 agencies whose goal is to improve birth outcomes  
8 in Nassau County.

9 CHAIRWOMAN WALKER: Any questions or  
10 comments from the legislators?

11 (No verbal response.)

12 Any public comment?

13 (No verbal response.)

14 All those in favor?

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Motion carries.

19 Clerk Item 548-12 is an ordinance  
20 supplemental to the annual appropriation  
21 ordinance in connection with the Department of  
22 Health.

23 May I have a motion?

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR BECKER: Second.

2 CHAIRWOMAN WALKER: Moved by Legislator  
3 Gonsalves, seconded by Legislator Becker.

4 The item is before us.

5 MS. LAURAIN: Mary Ellen Laurain,  
6 Department of Health.

7 Item 548-12 is a supplemental  
8 appropriation in the amount of in the amount of  
9 \$103,156. This for the community help worker  
10 program. It is New York State Department of  
11 Health funded. It is a program that provides  
12 case management for women who are pregnant and  
13 at-risk. It's in the Village of Hempstead and  
14 the community of Roosevelt.

15 CHAIRWOMAN WALKER: Any questions or  
16 comments from the legislators?

17 (No verbal response.)

18 Any public comment?

19 (No verbal response.)

20 All those in favor?

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 Motion carries.

25 Clerk Item Number -- we're going to move



2 on today and stay with the Health Department.  
3 Clerk Item 551-12 is an ordinance supplemental to  
4 the annual appropriation ordinance in connection  
5 with the Department of Health.

6 MS. LAURAIN: Mary Ellen Laurain,  
7 Department of Health.

8 Item 551-12 is a supplemental  
9 appropriation in the amount of in the amount of  
10 171 --

11 CHAIRWOMAN WALKER: Could I have a  
12 motion, please?

13 LEGISLATOR BECKER: So moved.

14 LEGISLATOR GONSALVES: Second.

15 CHAIRWOMAN WALKER: Seconded by  
16 Legislator Gonsalves. By Legislator Becker and  
17 Legislator Gonsalves.

18 MS. LAURAIN: Mary Ellen Laurain,  
19 Department of Health.

20 Item 551-12 is a supplemental  
21 appropriation in the amount of in the amount of  
22 \$171,771. This is FEMA and New York State  
23 Department of Health disaster reimbursement for  
24 Hurricane Irene. It covered the period of August  
25 26, 2011 to September 5, 2011. It was our

2 response to ensure that essential public health  
3 services continued during that time.

4 CHAIRWOMAN WALKER: Any questions or  
5 comments from the legislators?

6 (No verbal response.)

7 Any public comment?

8 (No verbal response.)

9 All those in favor?

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 Motion carries.

14 Mary Ellen, if you'll stay for this last  
15 one for the Health Department.

16 Clerk Item 574-12 is an ordinance  
17 supplemental to the annual appropriation  
18 ordinance in connection with the Office of the  
19 Health Department.

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR BECKER: Second.

22 Motion by Legislator Gonsalves, seconded  
23 by Legislator Becker.

24 MS. LAURAIN: Mary Ellen Laurain,  
25 Department of Health.

2 Item 574-12 is a supplemental  
3 appropriation for \$3,062,756 for the WIC Program.  
4 This a federally funded supplemental nutrition  
5 and education program that provides vouchers and  
6 formula for women, infants, and children.

7 CHAIRWOMAN WALKER: Any comments or  
8 questions by the legislators? Legislator  
9 Bosworth.

10 LEGISLATOR BOSWORTH: Just a question.  
11 I remember, I think it was last year, there was  
12 some issue with the breast feeding component of  
13 this, in terms of it I believe being awarded to  
14 Nassau University Hospital. I was wondering if  
15 you have any information about how successful  
16 that program is and how it's going.

17 MS. LAURAIN: Yes. There is a component  
18 of it. It's a contract with Nassau University  
19 Medical Center to provide breast feeding support.  
20 It's a peer education program, and it is going  
21 very well.

22 LEGISLATOR BOSWORTH: Glad to hear it.

23 CHAIRWOMAN WALKER: Any other questions  
24 or comments?

25 (No verbal response.)

2 Any public comment?

3 (No verbal response.)

4 All those in favor?

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Motion carries.

9 (Whereupon, the following is the minute  
10 of the Public Safety Committee pertaining to  
11 Clerk Item 550, 564, 575, 576, 591, and 592-  
12 2012.)

13 CLERK MULLER: Clerk Item 550-12, an  
14 ordinance supplemental to the annual  
15 appropriation ordinance in connection with the  
16 district attorney.

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

19 LEGISLATOR GONSALVES: So moved.

20 CLERK MULLER: Moved by Legislator  
21 Gonsalves. Seconded?

22 LEGISLATOR FORD: Second.

23 CLERK MULLER: Legislator Ford.

24 MR. MCMANUS: Bob McManus, Nassau County  
25 District Attorney's Office. This appropriation

2 is also related to Operation Impact. The Impact  
3 partnership involves the police department --  
4 Nassau County Police Department, the sheriff's  
5 office, the probation department, and the  
6 Hempstead Police Department. The aim is to  
7 reduce gun violence and address the crimes of  
8 robbery and aggravated assault using a  
9 collaborative approach, maintaining a focus on  
10 collection of crime data in order to prioritize  
11 crime problems and identify opportunities for  
12 intervention while considering alternative  
13 strategies, when necessary.

14 The project goal is to reduce fire arm  
15 related violent crime, residential burglaries  
16 through various enforcement, and prosecutorial  
17 strategies, and through the enhancement of crime  
18 analysis and intelligence, developed by the  
19 Nassau County Lead Development Center.

20 LEGISLATOR BELESI: Is there any debate  
21 or discussion? Legislator Ford.

22 LEGISLATOR FORD: I like this program  
23 that we have. I commend the district attorney as  
24 well as probation, working with Impact.

25 Just a quick question. Is the county

2 still doing the gun buybacks, where they work  
3 with the various, like, either church  
4 organizations or neighborhood organizations? I  
5 know, like, we did it through Christian Life  
6 Church two years ago, I think it was.

7 MR. MCMANUS: Yes. We've done one -- a  
8 gun buyback program as recently as about two  
9 months ago.

10 LEGISLATOR FORD: Perfect.

11 MR. MCMANUS: So they are done at least  
12 two or three times a year.

13 LEGISLATOR FORD: Thank you very much.

14 LEGISLATOR BELESI: Any public comment?

15 (No verbal response.)

16 All those in favor please signify by  
17 saying aye.

18 (Aye.)

19 Opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 CLERK MULLER: Item 564-12, an ordinance  
23 supplemental to the annual appropriation  
24 ordinance in connection with the police  
25 department.

2 Please entertain a motion to place this  
3 matter before the committee.

4 LEGISLATOR GONSALVES: So moved.

5 LEGISLATOR FORD: Second.

6 CLERK MULLER: Moved by Legislator  
7 Gonsalves, seconded by Legislator Ford.

8 LEGISLATOR BELESI: The item is before  
9 us. Is there anyone to speak on this item?

10 MR. STEPHANOFF: Good afternoon.  
11 Sergeant Greg Stephanoff from the police  
12 department.

13 This item appropriates 1,500,000 in funds  
14 received as amounts seized under the authority of  
15 the Federal Forfeiture Act. This is from  
16 criminal arrests that are made where forfeitures  
17 are able to be obtained. This money will be used  
18 to enhance the police department in and above our  
19 operating budget.

20 Some of the items -- we're currently  
21 using the money for the Presidential debate, to  
22 prepare ourselves for it, for our electronic  
23 squad. We're currently going to outfit the  
24 entire police department with new uniforms, other  
25 than what we wear now; that's been paid. We also

2 just received a command bus, that was half asset  
3 and half grant funded. So it's going to be used  
4 to buy items that will enhance the police  
5 department.

6 LEGISLATOR BELESI: What kind of  
7 uniforms are they getting, Serge?

8 MR. STEPHANOFF: We're going to get BDU  
9 pants, and also we're going to a different shirt.  
10 I think it's all going to be where it will be  
11 washable instead of dry clean only. But the  
12 pants are going to be the BDUs, with the side  
13 pockets, similar to the City.

14 LEGISLATOR BELESI: Is that all for all  
15 patrols? Are supervisors going to get that too?

16 MR. STEPHANOFF: Yes.

17 LEGISLATOR BELESI: And what color is it  
18 going to be, Serge?

19 MR. STEPHANOFF: They're getting away  
20 from the Nassau blue. It's going to be a  
21 standard off-the-shelf blue.

22 LEGISLATOR BELESI: Okay.

23 Any debate or discussion?

24 (No verbal response.)

25 Public comment?



2 (No verbal response.)

3 All those in favor of the item please  
4 signify by saying aye.

5 (Aye.)

6 Opposed?

7 (No verbal response.)

8 It passes unanimously.

9 CLERK MULLER: 575-12, an ordinance  
10 supplemental to the annual appropriation  
11 ordinance in connection with the correctional  
12 center.

13 Please entertain a motion to place this  
14 matter before the committee.

15 LEGISLATOR GONSALVES: So moved.

16 LEGISLATOR FORD: Second.

17 CLERK MULLER: Moved by Legislator  
18 Gonsalves, seconded by Legislator Ford.

19 The matter is before the committee.

20 LEGISLATOR BELESI: Anyone here to  
21 speak?

22 CAPTAIN SATHER: Good afternoon.

23 Captain Keith Sather, Sheriff's Department.

24 The following item is an appropriation of  
25 federal forfeiture funds in the amount of

2 \$132,000, to be used for law enforcement,  
3 equipment and training.

4 LEGISLATOR BELESI: Any debate or  
5 discussion? Legislator Denenberg.

6 LEGISLATOR DENENBERG: Thank you. First  
7 of all, good job. Thank you.

8 This forfeiture funds, this is federal  
9 forfeiture funds or state?

10 CAPTAIN SATHER: Federal.

11 LEGISLATOR DENENBERG: Okay. There's no  
12 other way to use these funds? It's prescribed  
13 how we have to use it?

14 CAPTAIN SATHER: There are federal  
15 guidelines. It has to be used for law  
16 enforcement. We use it mostly for our sheriff's  
17 department emergency response team training and  
18 hostage negotiation training.

19 LEGISLATOR DENENBERG: Okay. And this  
20 is what we've always used it for?

21 CAPTAIN SATHER: Yes, sir. That and  
22 equipment for the department.

23 LEGISLATOR DENENBERG: Okay. Thank you.

24 LEGISLATOR BELESI: Legislator Ford.

25 LEGISLATOR FORD: I just want to know,

2 like, with the money that you're getting, the  
3 132,000, I know you were talking about the  
4 training. Can any of this be used toward any  
5 equipment for the officers at the jail?

6 CAPTAIN SATHER: It has to fall within  
7 federal guidelines on what types of equipment. I  
8 could provide you with a copy of that.

9 LEGISLATOR FORD: Okay. So, like, if  
10 they needed an expansion of the handheld radios  
11 with, like, maybe body alarms and things like  
12 that, that would fall under the guidelines of  
13 federal or?

14 CAPTAIN SATHER: You have to be careful  
15 that we're not using these monies for something  
16 that we should already be paying for out of our  
17 operational budget.

18 LEGISLATOR FORD: So this would be  
19 something in addition to what would be required  
20 under the regular operating budget, correct?

21 CAPTAIN SATHER: As a general rule,  
22 that's how we use it.

23 LEGISLATOR FORD: Thank you very much.

24 LEGISLATOR BELESI: Any other comment?

25 (No verbal response.)

2 Discussion?

3 (No verbal response.)

4 All those in favor say aye.

5 (Aye.)

6 Opposed?

7 (No verbal response.)

8 It passes unanimously.

9 CLERK MULLER: 576-12, an ordinance  
10 supplemental to the annual appropriation  
11 ordinance in connection with the Office of the  
12 Medical Examiner.

13 Can I have a motion to place this matter  
14 before the committee?

15 LEGISLATOR GONSALVES: So moved.

16 CLERK MULLER: Moved by Legislator  
17 Gonsalves.

18 LEGISLATOR KOPEL: Second.

19 CLERK MULLER: Seconded by Legislator  
20 Kopel.

21 LEGISLATOR BELESI: The item is before  
22 us.

23 Is there anyone to speak on it?

24 MS. DOOLING: Hi. Karen Dooling,

25 Assistant Director of the Crime Lab from the ME

2 Office.

3 This is 100 percent, no match, DCJS grant  
4 to support the reoccurring costs for the  
5 toxicology lab for accreditation.

6 LEGISLATOR DENENBERG: When you say this  
7 is for accreditation, is this to restore our  
8 accreditation or is this a different lab than the  
9 crime lab?

10 MS. DOOLING: No. The medical  
11 examiner's toxicology laboratory has never had a  
12 problem with accreditation. So this is to  
13 maintain the current status of accreditation.  
14 This is a grant that we get year after year.

15 LEGISLATOR DENENBERG: Okay. It has  
16 nothing to do then with -- this is all the  
17 medical examiner.

18 MS. DOOLING: Yep. Correct.

19 LEGISLATOR DENENBERG: Thank you.

20 LEGISLATOR BELESI: All those in favor  
21 of this item?

22 (Aye.)

23 Opposed?

24 (No verbal response.)

25 Unanimous.

2 CLERK MULLER: Could we have a motion to  
3 suspend the rules? There's an addendum to the  
4 Public Safety Committee.

5 LEGISLATOR KOPEL: So moved.

6 LEGISLATOR GONSALVES: Second.

7 CLERK MULLER: Moved by Legislator  
8 Kopel, seconded by Legislator Gonsalves.

9 Could we have a vote?

10 LEGISLATOR BELESI: We have a motion to  
11 suspend the rules.

12 All those in favor?

13 (Aye.)

14 Opposed?

15 (No verbal response.)

16 It's unanimous.

17 CLERK MULLER: These both involve the  
18 medical examiner. Can I call them together?

19 LEGISLATOR BELESI: Yes.

20 CLERK MULLER: Clerk Item 591-12, an  
21 ordinance supplemental to the annual  
22 appropriation ordinance in connection with the  
23 Office of the Medical Examiner.

24 Clerk Item 592-12, an ordinance  
25 supplemental to the annual appropriation

2 ordinance in connection with the Office of the  
3 Medical Examiner.

4 Can I have a motion for both of these  
5 items?

6 LEGISLATOR GONSALVES: So moved.

7 LEGISLATOR KOPEL: Second.

8 CLERK MULLER: Moved by Legislator  
9 Gonsalves, seconded by Legislator Kopel.

10 MS. DOOLING: Hi. Karen Dooling, again,  
11 Assistant Director, Crime Lab, Medical Examiner  
12 Office.

13 One of these grants is the same as the  
14 toxicology grant, New York State funded DCJS for  
15 reoccurring costs for the forensic DNA  
16 laboratory. The other grant is a federal grant;  
17 again, no match, which is the DNA backlog  
18 reduction federal grant, which is also for the  
19 DNA laboratory.

20 LEGISLATOR BELESI: Any debate or  
21 discussion? Denenberg. Mr. Denenberg.

22 LEGISLATOR DENENBERG: Thank you. Okay.  
23 Belesi, thank you.

24 Did you say friends of the medical lab?

25 MS. DOOLING: Forensic.

2 LEGISLATOR DENENBERG: Oh, forensic.  
3 All of a sudden I was like we have friends of.

4 MS. DOOLING: We are very friendly  
5 people.

6 LEGISLATOR DENENBERG: Okay. So it's  
7 not a friends group. Thanks. I misheard you.

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

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

12 (Aye.)

13 Opposed?

14 (No verbal response.)

15 (Whereupon, the following are the minutes  
16 of the Public Works Committee pertaining to Clerk  
17 Item 565-2012.)

18 Last up, Item 565-2012, an ordinance  
19 supplemental to the annual appropriation  
20 ordinance in connection with the Department of  
21 Parks, Recreation and Museums.

22 LEGISLATOR GONSALVES: So moved.

23 LEGISLATOR KOPEL: Second.

24 CHAIRMAN MUSCARELLA: Moved by  
25 Legislator Gonsalves, seconded by Legislator



2 Kopel.

3 COMMISSIONER FOSKEY: Once again, good  
4 afternoon. My name is Carnell Foskey. I'm the  
5 Commissioner of the Nassau County Department of  
6 Parks, Recreation and Museums.

7 When the Mitchel Field land was given to  
8 the county, we were required to keep a non-  
9 reverting account. This will allow us to spend  
10 money and produce a budget for the Mitchel Field  
11 grant. Once again, the money remains at Mitchel  
12 Field, the revenues that we raise there also.

13 CHAIRMAN MUSCARELLA: And this money is  
14 anticipated to be the estimated amount of the  
15 fees to be collected at the rifle range and  
16 Mitchel Park programs?

17 COMMISSIONER FOSKEY: Correct. And  
18 what's unique at this particular year, for many  
19 years the expenses have exceeded the revenue.  
20 We're now in a position, at a point where the  
21 revenues actually match the expenses at Mitchel  
22 Field.

23 CHAIRMAN MUSCARELLA: So what's coming  
24 in goes out.

25 COMMISSIONER FOSKEY: Correct.

2 CHAIRMAN MUSCARELLA: Any questions?

3 (No verbal response.)

4 Hearing none, all those in favor signify  
5 by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 That item carries.

10 (Whereupon, the following is the  
11 continuation of the minutes of the Rules  
12 Committee meeting.)

13 CHAIRMAN SCHMITT: 555 is a resolution  
14 authorizing the county executive to execute an  
15 amendment to a grant agreement between the County  
16 of Nassau and the Department of Parks and The  
17 Francis X. Pendl Nassau County Firefighters  
18 Museum and Education Center.

19 May I have a motion, please?

20 LEGISLATOR GONSALVES: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRMAN SCHMITT: Moved by Legislator  
23 Gonsalves, seconded by Legislator Nicolello.

24 Is there any debate or discussion?

25 (No verbal response.)

1 Any public comment?  
2  
3 (No verbal response.)  
4 All those in favor please say aye.  
5 (Aye.)

6 Any opposed?  
7 (No verbal response.)

8 The item carries unanimously.

9 566 is an ordinance, bond ordinance  
10 providing for a capital expenditure to finance  
11 the specified amount of \$4,981,000 in bonds to  
12 finance the buses.

13 566, a motion, please?

14 LEGISLATOR GONSALVES: So moved.

15 LEGISLATOR NICOLELLO: Second.

16 CHAIRMAN SCHMITT: Moved by Legislator  
17 Gonsalves, seconded by Legislator Nicoletto.

18 Is there any debate or discussion?

19 (No verbal response.)

20 Any public comment?

21 (No verbal response.)

22 All those in favor please say aye.

23 (Aye.)

24 Hold on.

25 LEGISLATOR ABRAHAMS: Peter, I just

2 wanted to state for the record that our vote  
3 today, we're going to vote in the affirmative but  
4 it's not indicative of how we may vote in two  
5 weeks. We are requesting more information on  
6 this particular item and once we get it we will  
7 be able to make a more sound decision.

8 All those in favor please signify by  
9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The ayes have it.

14 567 is a resolution to authorize the  
15 county assessor and/or the county treasurer to  
16 settle or to fix erroneous assessments.

17 May I have a motion, please?

18 LEGISLATOR GONSALVES: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRMAN SCHMITT: Moved by Legislator  
21 Gonsalves, seconded by Legislator Nicolello.

22 Is there any debate or discussion?

23 (No verbal response.)

24 Any public comment?

25 (No verbal response.)

2 All those in favor please say aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The item carries unanimously.

7 572 is also erroneous assessments.

8 Motion, please?

9 LEGISLATOR GONSALVES: So moved.

10 LEGISLATOR NICOLELLO: Second.

11 CHAIRMAN SCHMITT: Moved by Legislator

12 Gonsalves, seconded by Legislator Nicoletto.

13 Is there any debate or discussion?

14 (No verbal response.)

15 Any public comment?

16 (No verbal response.)

17 All those in favor please say aye.

18 (Aye.)

19 364-12, which is a resolution to confirm

20 the county executive's appointment of James

21 Bianco as a member of the Nassau County Planning

22 Commission.

23 May I have a motion, please?

24 LEGISLATOR GONSALVES: So moved.

25 LEGISLATOR NICOLELLO: Second.

2 CHAIRMAN SCHMITT: Moved by Legislator  
3 Gonsalves, seconded by Legislator Nicoletto.

4 Is there any debate or discussion?

5 (No verbal response.)

6 Any public comment?

7 (No verbal response.)

8 All those in favor please say aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 Abstentions?

13 (No verbal response.)

14 The item carries unanimously.

15 I think that's it.

16 I'll take a motion to adjourn.

17 LEGISLATOR GONSALVES: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRMAN SCHMITT: Moved by Legislator  
20 Gonsalves, seconded by Legislator Nicoletto.

21 All in favor say aye.

22 (Aye.)

23 We stand adjourned.

24 (Whereupon, the Rules Committee adjourned  
25 at 5:10 p.m.)

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 25<sup>th</sup> day of September, 2012.

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FRANK GRAY