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NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, May 6, 2013
1:06 P.M

1

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

3

4 NORMA GONSALVES,
 Chairwoman

5

6 HOWARD KOPEL, (Substituted
 Vice Chairman Michael Venditto)

6

7 DENNIS DUNNE

7

8 ROSE MARIE WALKER

8

9 KEVAN ABRAHAMS,
 Ranking

9

10 JUDY JACOBS

11 WAYNE WINK

12 WILLIAM J. MULLER, III
 Clerk of the Legislature

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1 Rules Committee/5-6-13

2 CHAIRWOMAN GONSALVES: Please
3 lead us in the Pledge of Allegiance.

4 (Whereupon, the Pledge of
5 Allegiance was recited.)

6 CHAIRWOMAN GONSALVES: Would the
7 clerk please call the roll?

8 CLERK MULLER: Legislator Wink?

9 LEGISLATOR WINK: Here.

10 CLERK MULLER: Legislator Jacobs?

11 LEGISLATOR JACOBS: Here.

12 CLERK MULLER: Ranking Member
13 Abrahams?

14 LEGISLATOR ABRAHAMS: Here.

15 CLERK MULLER: Legislator Walker?

16 LEGISLATOR WALKER: Here.

17 CLERK MULLER: Legislator Dunne?

18 LEGISLATOR DUNNE: Here.

19 CLERK MULLER: Legislator

20 Venditto substituting for Vice Chairman
21 Kopel?

22 LEGISLATOR KOPEL: Here.

23 CLERK MULLER: Chairwoman

24 Gonsalves?

25 CHAIRWOMAN GONSALVES: Present.

1 Rules Committee/5-6-13

2 CLERK MULLER: We have a quorum.

3 CHAIRWOMAN GONSALVES: Thank you
4 very much, Mr. Muller. We have several
5 contracts today but nothing in comparison to
6 the last time around.

7 I just spoke with the minority
8 leader, Mr. Abrahams, that in some instances
9 we may be able to put -- call a couple of
10 items together. So we are going to begin
11 with Contract A24-13 between the Department
12 of Health and Edward Ehrbar, Inc.

13 May I have a motion, please?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR DUNNE: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Walker, seconded by Legislator
18 Dunne. Who is here to speak?

19 I'm going to call the other item
20 first. Contract A39-13 between the
21 Department of Public Works and Gabrielli
22 Truck Sales Limited.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR DUNNE: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/5-6-13
2 Legislator Walker, seconded by Legislator
3 Dunne. Now, Mr. Millet, you're on.

4 MR. MILLET: Good afternoon.
5 Rich Millet, Department of Public Works.
6 The A24 contract is from Edward Ehrbar. We
7 had several pieces of heavy equipment that
8 were damaged during Sandy and this is a
9 rental piece to rent four payloaders, a
10 backhoe, a roller and a mini excavator.

11 A39 is a rental contract with
12 Gabrielli. They supplied us with ten snow
13 trucks to replace snow trucks that were
14 damaged during Sandy.

15 CHAIRWOMAN GONSALVES: Any
16 questions of Mr. Millet?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of this contract A24-13 and A39-13
22 signify by saying aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/5-6-13

2 The two contracts pass
3 unanimately. The next contract is contract
4 A36-13 between the department of IT and
5 Tyler Technology. Motion, please.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR DUNNE: Second.

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

11 MR. MAY: We have Commissioner Ed
12 Eisenstein from the IT Department.

13 COMMISSIONER EISENSTEIN: Good
14 afternoon, legislature, how are you?

15 CHAIRWOMAN GONSALVES: Good
16 afternoon.

17 COMMISSIONER EISENSTEIN: This is
18 for the Tyler maintenance contract to keep
19 their system running. This is the system
20 that's working in treasuries and assessment.

21 CHAIRWOMAN GONSALVES: Any
22 questions of Mr. Eisenstein? Legislator
23 Wink.

24 LEGISLATOR WINK: This is for the
25 adapt system?

1 Rules Committee/5-6-13

2 COMMISSIONER EISENSTEIN: Yes,
3 sir.

4 LEGISLATOR WINK: Are all
5 departments in the county on the adapt
6 system?

7 COMMISSIONER EISENSTEIN: No,
8 just specific departments.

9 LEGISLATOR WINK: What specific
10 departments?

11 COMMISSIONER EISENSTEIN:
12 Assessment, treasury, a few others. I can
13 get you the exact breakdown, dealing with
14 assessment and properties.

15 LEGISLATOR WINK: Is the county
16 attorney on tap?

17 COMMISSIONER EISENSTEIN: The
18 county attorney is partially on tap, yes.

19 LEGISLATOR WINK: Partially?

20 COMMISSIONER EISENSTEIN: I don't
21 know the exact extent but I can break that
22 down further if you wish.

23 LEGISLATOR WINK: Yes, I would
24 like to hear that further. What does this
25 contract allow us to do?

1 Rules Committee/5-6-13

2 COMMISSIONER EISENSTEIN:

3 Maintenance, upkeep of the system, standard
4 updates, things of that nature. Updates of
5 the system, maintenance, keeping it running,
6 full interaction with the manufacturer.

7 LEGISLATOR WINK: For that we're
8 paying roughly half a million dollars a
9 year?

10 COMMISSIONER EISENSTEIN: Yes.
11 480 and change, yes.

12 LEGISLATOR WINK: That's just
13 for one year?

14 COMMISSIONER EISENSTEIN: That's
15 an annual, yes.

16 LEGISLATOR WINK: That is a
17 contract that started January 1st?

18 COMMISSIONER EISENSTEIN: Yes,
19 but the system had been in development for
20 some time.

21 LEGISLATOR WINK: Would there be
22 any efficiencies or savings in doing this on
23 a multiyear basis this contract?

24 COMMISSIONER EISENSTEIN: It is
25 going to be here for a number of --

1 Rules Committee/5-6-13

2 LEGISLATOR WINK: I'm sorry. Is
3 this proprietary?

4 COMMISSIONER EISENSTEIN: It's a
5 proprietary system, a sole source for the
6 system that we have customized for the
7 county, yes.

8 LEGISLATOR WINK: So only Tyler
9 can actually perform this function?

10 COMMISSIONER EISENSTEIN: At this
11 point, yes.

12 LEGISLATOR WINK: All right. I
13 think that's it for now. Thank you.

14 CHAIRWOMAN GONSALVES: Any other
15 questions from any of the legislators?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of Contract A36-13 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The contract passes unanimously.

1 Rules Committee/5-6-13

2 COMMISSIONER EISENSTEIN: Thank
3 you, legislators.

4 CHAIRWOMAN GONSALVES: Thank you,
5 commissioner. The next contract is contract
6 A37-13 between the Department of Public
7 Works and Unitech Services Group. Motion,
8 please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Walker. Mr. May?

14 MR. MAY: We have Mr. Rich Millet
15 from the Department of Public Works to
16 answer questions.

17 MR. MILLET: A37 is a contract
18 that was bid out, public bid, to facilitate
19 cleaning of the homes in the North Boulevard
20 and East Rockaway area that had some raw
21 sewage on their properties

22 CHAIRWOMAN GONSALVES: Any
23 questions? Legislator Jacobs.

24 LEGISLATOR JACOBS: Hi Rich. How
25 are you?

1 Rules Committee/5-6-13

2 MR. MILLET: Good.

3 LEGISLATOR JACOBS: Just a
4 question. If there was a time to do a
5 bidding process, then why was the contract
6 awarded through an emergency purchase order?

7 MR. MILLET: I couldn't answer
8 the question, it would have to come out of
9 purchasing. Because I think the emergency
10 is still declared and it hasn't been
11 rescinded yet. I believe that's why the
12 language has to go in there. It went out to
13 a public bid. It was a five day bid
14 turnaround.

15 LEGISLATOR JACOBS: Which is
16 shorter than --

17 MR. MILLET: Correct. Which is
18 not the usual length you would go out.

19 LEGISLATOR JACOBS: How many
20 bidders came forward on this, do you know?

21 MR. MILLET: I think there were
22 six.

23 LEGISLATOR JACOBS: I'm just
24 going off the top of my head here. Did you
25 not feel it should come before the

1 Rules Committee/5-6-13
2 legislature before the contract was awarded?

3 MR. MILLET: Yes.

4 MR. SCHLERNOFF: Mike Schlernoff,
5 director of purchasing. That is exactly
6 what happened. As soon as the bid was
7 opened, we awarded the bid and then we came
8 to you after the fact.

9 MR. MILLET: That was the
10 emergency.

11 LEGISLATOR JACOBS: I know that
12 that's normal because we wait to open the
13 bids, et cetera, but, let me ask you this,
14 did the work begin?

15 MR. SCHLERNOFF: As far as I know
16 it did.

17 LEGISLATOR JACOBS: So, here
18 comes my question.

19 MR. MILLET: The only assessment
20 has occurred through another contract that's
21 ongoing. The actual cleanup has not started
22 yet. So this contract, these people have
23 not started yet.

24 LEGISLATOR JACOBS: Okay. Let me
25 ask you something. Maybe I'm just a little

1 Rules Committee/5-6-13

2 thick with this. Obviously none of us have
3 experience with major storms like this was.

4 So the preliminary work was done
5 by whom?

6 MR. MILLET: No. The original
7 assessment was done by the group that did
8 the internal cleaning assessment. So we
9 possessed that already. We're going to use
10 that to have this group activate their work.

11 LEGISLATOR JACOBS: So on their
12 contract, do they have a situation where
13 they're earning a fee on assessment?

14 MR. MILLET: No.

15 LEGISLATOR JACOBS: Do they earn
16 money reviewing the assessment that was
17 already done?

18 MR. MILLET: No. Just all the
19 assessment, we use it and we just put a work
20 order out. There will be some moments where
21 there will be damage that maybe the
22 originally assessment didn't see that we
23 will have to revisit. But, no, they're not
24 paid for the assessment that creates the
25 work order.

1 Rules Committee/5-6-13

2 LEGISLATOR JACOBS: So let me
3 just ask you something. So the reason in
4 your mind -- and I'm not, I sure as heck am
5 not doubting it because I have no expertise
6 whether I'm right or whatever, but it's not
7 unusual to you that six months after the
8 fact this is still being considered an
9 emergency? I know the way some people are
10 living right now in certain areas it's still
11 an emergency. But can we still keep using
12 that as a reason to speed up the process?

13 MR. MILLET: I believe if you
14 read Section 702, the emergency is ongoing
15 until it is rescinded and neither the
16 federal government, state, nor the county
17 has rescinded their emergency clause yet.

18 LEGISLATOR JACOBS: Fair enough.
19 Thank you.

20 CHAIRWOMAN GONSALVES: Any other
21 questions from any of the legislators?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/5-6-13
2 favor of Contract A37-13 signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The contract passes unanimously.
8 The next contract is contract A40-13 between
9 the Department of Public Works and Jamaica
10 Ash and Rubbish Removal Company, Inc.
11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Walker. Mr. May.

17 MR. MAY: We have Mr. Richard
18 Millet.

19 MR. MILLET: A40 is a blanket
20 purchase order with Jamaica Ash for disposal
21 units, dumpsters, at facilities when you
22 need to have garbage removed, they do the
23 service there. Also, if we do construction,
24 we call them in for any extra containers.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/5-6-13
2 questions of Mr. Millet regarding this
3 contract?

4 (No verbal response.)

5 Is there any public comment?

6 LEGISLATOR WINK: I have a quick
7 question.

8 CHAIRWOMAN GONSALVES: Okay.

9 LEGISLATOR WINK: Mr. Millet, has
10 Jamaica Ash been reviewed as compliant with
11 prevailing wage?

12 MR. MILLET: In this contract I
13 believe they have. I couldn't answer to it
14 being it's a blanket purchase order. I
15 wouldn't have actually done the review.
16 That would have to come out of the
17 comptroller's office.

18 LEGISLATOR WINK: The 450,000 --

19 MR. MILLET: That's the yearly
20 ceiling.

21 LEGISLATOR WINK: So it could be
22 less but might end up being that much.

23 MR. MILLET: Certainly.

24 CHAIRWOMAN GONSALVES: Any other
25 comments from the legislators?

1 Rules Committee/5-6-13

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Contract A40-13 signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The contract passes unanimously.

12 The next contract is contract A42-13 between
13 the Department of Public Works and Enecon
14 Northeast A.P.S., Inc. Motion, please.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR DUNNE: Second.

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

20 MR. MAY: We have Rich Millet.

21 MR. MILLET: Rich Millet. This
22 is a blanket purchase order for masonry and
23 concrete joint work. We use it at the water
24 treatment plants in tanks and hallways and
25 stairs and whatnot throughout the plant

1 Rules Committee/5-6-13

2 where we notice we have some issues.

3 CHAIRWOMAN GONSALVES: Any
4 questions on this?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of Contract A42-13 signify by saying
10 aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The contract passes unanimously.
15 We have several E contracts that may be
16 called together with the permission of the
17 minority leader.

18 E97, E03, E04, E109. No
19 objections in calling them? Contract E97,
20 E103, E104, E109. That's okay?

21 (No verbal response.)

22 No problem. Motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR WALKER: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/5-6-13
2 Legislator Dunne, seconded by Legislator
3 Walker. So the first one is E97 between the
4 police department and Nassau County
5 Coalition against Domestic Violence. Who is
6 here to speak on this?

7 MR. MAY: We have Tara Comiskey
8 from the police department.

9 SERGEANT COMISKEY: Good
10 afternoon, Tara Comiskey.

11 CHAIRWOMAN GONSALVES: Tell us
12 about this contract.

13 SERGEANT COMISKEY: We have four
14 that are all kind of the same so if you want
15 to do all four of them I can do all that.

16 CHAIRWOMAN GONSALVES: You may
17 since we called them all together and they
18 can ask questions on them.

19 SERGEANT COMISKEY: Sorry. This
20 is my first time presenting. So you will
21 have to forgive me.

22 CHAIRWOMAN GONSALVES: It's quite
23 all right.

24 SERGEANT COMISKEY: The
25 coalition, they'll reach out to victims of

1 Rules Committee/5-6-13
2 domestic violence, provide counseling
3 intervention and advocacy services when
4 needed.

5 The three smaller contracts are
6 associated with unique 100 percent funded
7 federal Jag awards and must remain separate.
8 That's why they're done that way. The
9 contracts are for \$40,000, \$20,000, and
10 \$20,000, and are for multi-year periods that
11 each coincide with the respective Jag awards
12 and they're all for an initiative entitled
13 police partnership project, and the fourth
14 in the amount of \$250,000 is a new
15 headquarters fund contract for a new
16 initiative entitled safe center.

17 CHAIRWOMAN GONSALVES: Are these
18 100 percent federally funded?

19 SERGEANT COMISKEY: Yes, ma'am.

20 CHAIRWOMAN GONSALVES: Any
21 questions from any of the legislators?
22 Legislator Jacobs.

23 LEGISLATOR JACOBS: I just want
24 to say, Tara, welcome.

25 SERGEANT COMISKEY: Thank you,

1 Rules Committee/5-6-13

2 ma'am.

3 LEGISLATOR JACOBS: I'm blown
4 away by the work that this group does. So
5 you can tell them that. I think they're
6 great.

7 SERGEANT COMISKEY: I'll let them
8 know.

9 LEGISLATOR JACOBS: I think they
10 know, but just tell them that, I had to get
11 it on the record.

12 SERGEANT COMISKEY: Okay, yes,
13 ma'am.

14 CHAIRWOMAN GONSALVES: Legislator
15 Walker.

16 LEGISLATOR WALKER: Could you
17 give us the number of how many domestic
18 abuse cases there have been this year?

19 SERGEANT COMISKEY: I don't have
20 that number on me now but I can get that for
21 you. I can make a phone call if you'd like.

22 LEGISLATOR WALKER: If you could.
23 And if you could, if you have a breakdown of
24 municipalities in the city of Long Beach, in
25 the town of Hempstead, Town of Oyster Bay or

1 Rules Committee/5-6-13

2 any particular area.

3 SERGEANT COMISKEY: Okay.

4 LEGISLATOR WALKER: Thank you and
5 you can share it with the committee.

6 SERGEANT COMISKEY: Okay.

7 LEGISLATOR WALKER: Thank you.

8 CHAIRWOMAN GONSALVES: Any public
9 comment on these contracts?

10 (No verbal response.)

11 There being none, all those in
12 favor of Contracts E97, E103, E104, and E109
13 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The contracts pass unanimously.

18 Thank you very much, Tara.

19 SERGEANT COMISKEY: Thank you,
20 ma'am.

21 CHAIRWOMAN GONSALVES: The next
22 contract is Contract E98-13 between the
23 district attorney and Family and Children's
24 Association. Moved by Legislator Walker
25 seconded by Legislator Dunne.

1 Rules Committee/5-6-13

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR DUNNE: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Walker, seconded by Legislator
6 Dunne. Mr. May.

7 MR. MAY: We have Mr. Bob McManus
8 from the district attorney's office.

9 CHAIRWOMAN GONSALVES: E98.

10 MR. MCMANUS: Good afternoon.

11 CHAIRWOMAN GONSALVES: Good
12 afternoon, Mr. McManus.

13 MR. MCMANUS: This agreement will
14 utilize federal forfeiture funds to provide
15 a summer soccer program for at-risk youth
16 that resided in the New Cassell area of
17 Westbury. This program is intended to
18 promote socialization between disadvantaged
19 youth of different racial and ethnic groups
20 in an attempt to reduce gang proliferation
21 and promote good citizenship.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Mr. McManus regarding this
24 contract E98?

25 (No verbal response.)

1 Rules Committee/5-6-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Contract E98 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The contract passes unanimously.
10 Thank you. The next contract is E99-13
11 between the police department and Parents of
12 Megan's Law, Inc. Motion, please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR DUNNE: Second.

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

18 MR. MAY: Again, we have Ms.
19 Tara Comiskey from the police department.

20 SERGEANT COMISKEY: Good
21 afternoon again. Sergeant Tara Comiskey.

22 CHAIRWOMAN GONSALVES: Want to
23 talk to us about this contract?

24 SERGEANT COMISKEY: Sure. This
25 contract will assist the department in the

1 Rules Committee/5-6-13
2 prevention and treatment of child sex abuse
3 by providing the department with assistance
4 in the areas of education, general advocacy,
5 referrals, policy, and legislative support
6 services.

7 CHAIRWOMAN GONSALVES: Any
8 questions of Tara?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of Contract E99-13 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The contract passes unanimously.
19 Thank you very much, Tara. I don't know if
20 the next one is yours too but I will try.
21 It's Contract E100-13 between the police
22 department and Long Island Equine Medical
23 Center P C. Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR WALKER: Second.

1 Rules Committee/5-6-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Walker.

5 MR. MAY: Again, it's Ms. Tara
6 Comiskey. Let me just note, I did tell Tara
7 this, she can expect a trial by fire on her
8 first day here and so far you guys are
9 making a liar out of me.

10 LEGISLATOR WINK: We are
11 reserving that for you, Greg.

12 MR. MAY: What do you mean
13 reserve it, I've been living it.

14 CHAIRWOMAN GONSALVES: Don't push
15 your luck. Okay, Tara.

16 SERGEANT COMISKEY: Good
17 afternoon again. Sergeant Tara Comiskey.

18 Long Island Equine provides
19 veterinary care for the horses of our police
20 department mounted unit and this is an
21 amendment to extend the time of the original
22 contract.

23 CHAIRWOMAN GONSALVES: Any
24 questions of Tara regarding this contract?

25 LEGISLATOR WINK: I guess the

1 Rules Committee/5-6-13
2 only question is, it's a \$15,000 a year
3 contract. Do you know why this actually
4 comes before us?

5 SERGEANT COMISKEY: It's
6 originally -- when I did the RFP it was for
7 a three year agreement with the ability to
8 go one extension, an additional year, but I
9 guess just because we are extending it and
10 adding the additional funds, they had me
11 come and present it.

12 CHAIRWOMAN GONSALVES: Good job,
13 Tara.

14 LEGISLATOR WINK: That was your
15 trial by fire.

16 CHAIRWOMAN GONSALVES: Any public
17 comment regarding Contract E100?

18 (No verbal response.)

19 There being none, all those in
20 favor of Contract E100 signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The contract passes unanimously.

1 Rules Committee/5-6-13

2 The next contract I don't know if it's yours
3 or maybe Mr. McManus, okay? Contract
4 E101-13 between the district attorney and
5 Mad Long Island, New York. Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

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

11 MR. MAY: We have Mr. Bob McManus
12 from the district attorney's office.

13 CHAIRWOMAN GONSALVES: Welcome
14 again, Mr. McManus.

15 MR. MCMANUS: Thank you. This
16 agreement utilizes federal forfeiture funds
17 to provide financing to mother's against
18 drunk driving for an awareness campaign that
19 includes mailings, media advertisements,
20 transit billboard advertising and other
21 support materials to combat drunk driving.

22 The district attorney has
23 provided funding for such programs in the
24 past at the request of Mother's Against
25 Drunk Driving and is only too happy to do so

1 Rules Committee/5-6-13

2 again.

3 CHAIRWOMAN GONSALVES:

4 Mr. McManus, this is 100 percent federally
5 funded?

6 MR. MCMANUS: Yes, ma'am.

7 CHAIRWOMAN GONSALVES: Thank you
8 very much. Any questions for Mr. McManus?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of Contract E101-13 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The contract passes unanimously.

19 The next contract is E102-13 between the
20 Department of Parks, Recreation and Museum
21 and Fox Entertainment Incorporated.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR VENDITTO: Second.

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

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2 Venditto.

3 MR. MAY: We have Ms. Eileen
4 Kreeb from the Parks Department.

5 MS. KREEB: Good afternoon.
6 Eileen Kreeb from the Department of Parks.

7 CHAIRWOMAN GONSALVES: Welcome,
8 Eileen.

9 MS. KREEB: Thank you. I would
10 like to propose a contract for the special
11 service agreement between Nassau County and
12 Fox Entertainment for booking the services
13 of Huey Lewis to perform at Lakeside Theatre
14 on August 17th, 2013. The amount of the
15 contract is \$49,250 and it's being funded
16 through Hotel/Motel program services.

17 CHAIRWOMAN GONSALVES: Any
18 questions of Ms. Kreeb?

19 (No verbal response.)

20 Is there any public comment?

21 CHAIRWOMAN GONSALVES: Legislator
22 Walker.

23 LEGISLATOR WALKER: I would just
24 like to add to you to pass on to the
25 commissioner just a very big thank you from

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2 all of us for removing all those abandoned
3 cars from Nickerson Beach.

4 And just one other comment, it
5 has nothing to do with this, but also to
6 thank him and all the workers from the park
7 for a wonderful marathon weekend. It went
8 very very smoothly, thank God, without
9 anything. It was a very safe event and a
10 very wonderful event. Thank you.

11 CHAIRWOMAN GONSALVES: Any public
12 comment regarding this item?

13 (No verbal response.)

14 There being none, all those in
15 favor of Contract E102-13 signify by saying
16 aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Any abstentions?

21 (No verbal response.)

22 The contract passes unanimously.
23 The next contract is E105-13 between the
24 Department of Human Services and Fiona A.
25 Radcliff, PhD. Motion, please.

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRWOMAN GONSALVES: Moved by

5 Legislator Dunne, seconded by Legislator

6 Walker.

7 MR. MAY: We have Mr. Brian Hall

8 from the Department of Human Services.

9 MR. HALL: Good afternoon.

10 CHAIRWOMAN GONSALVES: Good

11 afternoon.

12 MR. HALL: That is a personal

13 service contract with a psychiatrist to

14 perform mandated, court ordered examinations

15 as required by the New York State Office of

16 Mental Health.

17 CHAIRWOMAN GONSALVES: Any

18 questions from the legislators?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

22 There being none, all those in

23 favor of Contract E105-13 signify by saying

24 aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The contract passes unanimously.
5 Contract E106-13 between Commission on Human
6 Rights and Elizabeth Pessala.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR DUNNE: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Walker, seconded by Legislator
11 Dunne. Mr. May.

12 MR. MAY: We have Ms. Maggie
13 Rodriguez from the Commission on Human
14 Rights.

15 MS. RODRIGUEZ: Good afternoon.
16 This is my first time here so please forgive
17 me.

18 CHAIRWOMAN GONSALVES: Well,
19 welcome, Maggie, welcome.

20 MS. RODRIGUEZ: Thank you very
21 much. This is a contract that was signed on
22 May 11, 2012 and now we are extending it and
23 the contract is between our office, the
24 Nassau County Commission of Human Rights and
25 Elizabeth Pessala to act as a human rights

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2 hearing officer for our office.

3 CHAIRWOMAN GONSALVES: Any
4 questions from the legislators?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of Contract E106-13 signify by saying
10 aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The contract passes unanimously,
15 by the way. The next contract is Contract
16 E110-13 between the Department of Parks,
17 Recreation, and Museums and Museum of
18 American Armor. Motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Walker. Who do we have here, Mr. May?

24 MR. MAY: We have Ms. Eileen
25 Kreeb from the Parks Department.

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2 MS. KREEB: Good afternoon.

3 Eileen Kreeb from the Department of Parks.
4 I'm here to present the use and occupancy
5 license agreement between Nassau County and
6 the Museum of American Armor for a 15 year
7 lease on where the building is going to be
8 placed on four acres of land around Round
9 Swamp Road just inside the main gate of
10 Bethpage Village.

11 The event -- the cost to the
12 county is nothing. It's going to be funded
13 by private funds and possibly by a state
14 grant. It will contain World War II
15 artifacts and other related type artifacts
16 at the Bethpage Village during the year.
17 All ticket proceeds through the Museum of
18 American Armor will be proceeds to Nassau
19 County. All maintenance, staffing, and
20 utilities will be funded by the museum.

21 I have with me today Gary Lewi
22 from the American Army Museum and Janice
23 Dediginga from Cameron Engineering in case
24 you have any specific questions on the
25 operation or the flow of traffic.

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2 CHAIRWOMAN GONSALVES: Any
3 questions regarding the Museum of American
4 Armor? I would think so, Mr. Dunne. Go
5 right ahead.

6 LEGISLATOR DUNNE: Mr. Lewi, if
7 you would be so kind as to let us know when
8 there is an event going on there so we can
9 let our veterans organizations know. I'm a
10 member of almost all of them. This would be
11 a great thing for us to look back at World
12 War II, the greatest generation, the war to
13 win all wars, and that would be wonderful.
14 Thank you for doing this and please let us
15 know and we will be there.

16 MR. LEWI: I would welcome the
17 opportunity to coordinate our activities
18 with the legislature.

19 LEGISLATOR DUNNE: Thank you so
20 much.

21 CHAIRWOMAN GONSALVES: I have to
22 tell you, Mr. Lewi, I have twin grandsons,
23 11 years of age, and one of the things they
24 are into is World War II and they can tell
25 you all about it. So when this opens,

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2 they'll be there.

3 Any questions from the
4 legislators?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 Thank you very much.

9 MR. LEWI: If I can just inform
10 the legislator, there will be, in addition
11 to a news conference on Thursday, announcing
12 this effort, on the 18th and 19th, the World
13 War II at Old Bethpage actually would be
14 fascinating not only to your grandchildren,
15 but I would argue anybody who is interested
16 in the period.

17 Would you mind terribly if I
18 leave you some photos?

19 CHAIRWOMAN GONSALVES:

20 Absolutely. Oh, yes.

21 MR. LEWI: By the way, this is
22 Legislator Dunne's wallet sized photos.

23 CHAIRWOMAN GONSALVES: We did not
24 take a vote on the item. How many do you
25 have?

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2 MR. LEWI: I will be more than
3 happy to make additional duplicates for
4 everybody.

5 CHAIRWOMAN GONSALVES: You're
6 going to have to. I told you about two
7 grandkids. All those in favor of Contract
8 E110 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The contract passes unanimously.

13 That's the end of the E contracts
14 and I have one addendum item. Therefore I
15 need a motion to suspend the rules.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Walker. All those in favor of suspending
21 the rules say aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The one and only contract I

1 Rules Committee/5-6-13
2 believe on that addendum is A41-13 between
3 the Department of Information Technology and
4 I Constituent, L.L.C.

5 MR. MAY: That's correct.

6 CHAIRWOMAN GONSALVES: Motion,
7 please.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Walker, seconded by Legislator
12 Dunne. Mr. Eisenstein.

13 COMMISSIONER EISENSTEIN: Good
14 afternoon again. How are you? This
15 contract is for a vendor called I
16 Constituents which is an e-mail notification
17 system to be used by the county.

18 CHAIRWOMAN GONSALVES:
19 Legislator Jacobs.

20 LEGISLATOR JACOBS: Mr.
21 Eisenstein, considering myself I don't
22 consider myself an expert on computers, what
23 in the world is I Constituents?

24 COMMISSIONER EISENSTEIN: Let me
25 explain. It's an e-mail notification system

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2 specifically to send e-mails and receive
3 e-mails from the residents of Nassau County.

4 We had started with a project
5 like this for constituent affairs last year
6 and now we are building up on that with an
7 e-mail notification system.

8 There's many justifications for
9 it in that, even during Sandy, the one form
10 of communication that was most prevalent was
11 e-mail and texting and we will be able to
12 use this system to contact really anybody in
13 Nassau County who needs us immediately
14 through the system and track what they need
15 and need further help, things of that
16 nature.

17 LEGISLATOR JACOBS: So I have a
18 question for you. So who will be using the
19 system?

20 COMMISSIONER EISENSTEIN: The
21 people of the constituent affairs office
22 will be using and operating the system.

23 LEGISLATOR JACOBS: Because what
24 is entering my mind is, I think it happens
25 to be a very good idea. I know most people

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2 are on e-mail and obviously it's a good way
3 to reach people, but it would really be very
4 helpful to legislators in all 19 districts
5 to the same information that you're getting
6 as long as we are getting it into the
7 county, I believe should be made available
8 to all 19 districts because I think -- and
9 as long as it's not abused, and I don't
10 imagine anyone here will abuse it or in the
11 administration will abuse it, as long as
12 it's not, and I'm sure there could be
13 monitors put on that, then I think it's an
14 excellent way for us to reach out and a big
15 cost saving way against mailers, all right?

16 So what's your answer to that?
17 Is it supposed to be open to all 19 of us?

18 COMMISSIONER EISENSTEIN: No
19 question about it, yes. It can be and it
20 can be used in any way you wish to use that.
21 The system spans to very large capacity so
22 it can be used by you folks and other people
23 in the county as well, yes.

24 LEGISLATOR JACOBS: Do I take it
25 from that last statement then that you're

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2 committing on the record that that's the way
3 it will be done that we will have access to
4 it as 19 legislators?

5 COMMISSIONER EISENSTEIN: Yes,
6 you will have access to it. The legislature
7 and the people will have access.

8 LEGISLATOR JACOBS: Is there a
9 way to download -- I know enough to ask you
10 this, is there a way for us to download it?

11 COMMISSIONER EISENSTEIN: It will
12 interact with your outlook, if you will.

13 LEGISLATOR JACOBS: It will?

14 COMMISSIONER EISENSTEIN: It will
15 work with your outlook. You will be able to
16 send requests out and they will be sent out
17 through this system, yes.

18 LEGISLATOR JACOBS: So, for
19 example, if we're having a meeting on
20 Hurricane safety or mammographies or
21 something that obviously are things you want
22 people to know about, there is going to be a
23 way for us to zero in on -- is it going to
24 work through zip codes or -- in other words,
25 how do you go into figuring it out? Or will

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2 it work by legislative districts?

3 COMMISSIONER EISENSTEIN: There
4 is a number of different ways that the
5 vendor uses that information. I can have
6 them detailed to you how that's done. This
7 I Constituent is being used by other
8 governments. So they're -- they know how to
9 operate with legislators and different
10 departments.

11 You would speak with them and you
12 would tell them what you would want to zero
13 in on and then they would then produce a way
14 to communicate with them and send e-mails
15 and back and forth, yes.

16 LEGISLATOR JACOBS: So, as long
17 as we're talking, and I think it sounds to
18 me like something really good beginning, is
19 there some way you can send this to all 19
20 of us to tell us what we're going to be able
21 to do, how we are going to be able to do it?

22 I know you have great people
23 working under you that help us all the time
24 especially people like me, but the truth of
25 the matter is, maybe if you send something

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2 out to all of us, it would be helpful and
3 let us know when it is really beginning? I
4 would be very, very interested in that.

5 COMMISSIONER EISENSTEIN:

6 Absolutely. I will take that up personally
7 and communicate with you all when it's
8 standing and also reveal to you the details
9 of the system and what can be done and how
10 you could use it.

11 LEGISLATOR JACOBS: Okay. Thank
12 you.

13 CHAIRWOMAN GONSALVES: Legislator
14 Walker.

15 LEGISLATOR WALKER: Could you
16 explain what would be the difference between
17 that and our E teams?

18 COMMISSIONER EISENSTEIN: Between
19 the E teams?

20 LEGISLATOR WALKER: And this new
21 additional --

22 COMMISSIONER EISENSTEIN: Sure.
23 You must be talking about the OEM system
24 that sends out e-mails?

25 LEGISLATOR WALKER: No. Where we

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2 can send out a message to any of our
3 constituents that gave us their e-mail
4 address and we just send out information,
5 something may be going on in the community
6 that we are not sending out a mailing to the
7 entire district but we are sending it out to
8 anyone who has given us their e-mails.

9 COMMISSIONER EISENSTEIN: That's
10 the power of I Constituent. In our e-mail
11 system and other e-mail systems there are
12 inconsistencies, e-mails that are no longer
13 valid, people have updated their e-mail
14 systems.

15 I Constituents has an intelligent
16 way of keeping track of whether it reached
17 that person, whether that person is valid,
18 or it went into their spam filter.

19 The big problem with e-mail is
20 more than 50 percent end up in these junk
21 folders. So the I Constituent system is an
22 intelligent way to overcome that as well as
23 keep track of the latest e-mail address that
24 the person is using to assure that we are
25 getting the right person.

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2 Some of the old lists may not
3 require manual editing and update. I
4 Constituent knows how to do that with their
5 systems in the background.

6 LEGISLATOR WALKER: So now --
7 because I can probably say that I'm on the
8 same wave length as Legislator Jacobs
9 sometimes with -- and I'm getting better,
10 but people still have to register their
11 e-mail addresses, correct?

12 COMMISSIONER EISENSTEIN: There
13 has to be a registration process and a buy
14 in where you are expecting that e-mail and
15 you want it to come to your inbox. Which is
16 the additional advantage where I
17 Constituents, they have this engine in the
18 background which will let you opt in or opt
19 out which is really a critical thing for
20 e-mail today. That assures us that the
21 person is getting the e-mail, A, wants to
22 read it and, B, is the right e-mail person.

23 LEGISLATOR WALKER: Do you think
24 then that it's advantageous for us to still
25 have our E team members in addition to this

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2 new program?

3 COMMISSIONER EISENSTEIN:

4 Absolutely. I would not let go of the old
5 method. I would overlay this and allow this
6 to bring us into the technology future a
7 little further. Perhaps E team could be
8 enhanced from what we learned from this
9 project.

10 LEGISLATOR WALKER: Great. Thank
11 you.

12 CHAIRWOMAN GONSALVES: Legislator
13 Jacobs.

14 LEGISLATOR JACOBS: I'm sorry.
15 I'm getting excited about this. You depend
16 for a system like this, for example, for
17 e-mail addresses for everybody on feedback
18 that might say no longer valid.

19 COMMISSIONER EISENSTEIN: Yes.

20 LEGISLATOR JACOBS: So it's
21 called I Constituent. So they get back
22 something like that says no longer valid,
23 they remove it?

24 COMMISSIONER EISENSTEIN: Yes.

25 LEGISLATOR JACOBS: How do they

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2 determine if that loses that household or
3 they can't do that?

4 COMMISSIONER EISENSTEIN: I don't
5 know the exact detail of how their engine
6 works or opts in or out. One of the
7 features that's nice when we use them is it
8 has at the bottom you can opt in or out.
9 But the logic behind is that a real user or
10 not is something that their engine does in
11 the background that their engineers will
12 explain further and I can get that to you
13 how the term and how the engine does that
14 function.

15 LEGISLATOR JACOBS: I think just
16 from the comments that have been made to me
17 from people sitting here who are not on
18 Rules, I think we would all appreciate that
19 because it sounds like something really good
20 and I want to make sure it doesn't go
21 unused, and if it's used for the right
22 reasons it could be very helpful.

23 COMMISSIONER EISENSTEIN: The
24 nice thing about it, you'll all see what
25 you're doing because you'll get each other's

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2 e-mail.

3 LEGISLATOR JACOBS: Better watch
4 out. No lovers, okay? Watch out everyone.

5 CHAIRWOMAN GONSALVES: Any other
6 comments or questions of Mr. Eisenstein?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of Contract A41-13 signify by saying
12 aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The contract passes unanimously.
17 Thank you.

18 COMMISSIONER EISENSTEIN: Thank
19 you. Have a great week.

20 CHAIRWOMAN GONSALVES: The Rules
21 Committee is now in recess and the next
22 committee will be Public Safety.

23 (Whereupon, the Full Legislative
24 Committee recessed at 1:44 p.m. and
25 reconvened at 3:31 p.m.)

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2 CHAIRWOMAN GONSALVES: We are now
3 reconvening. Frank, the testimony that was
4 given in the various committees that
5 preceded Rules, please incorporate them into
6 the Rules Committee.

7 (Whereupon, the following are the
8 minutes of the Public Safety Committee
9 pertaining to Clerk Items 190, 191, 192,
10 193, 197, 200; 5-6-13.)

11 CHAIRMAN DUNNE: The first item
12 to come before us today is Item 190-13, it's
13 an ordinance supplemental to the annual
14 appropriations ordinance in connection with
15 the Police Department. We also have 191-13
16 which is with the Police Department which
17 reads an ordinance supplemental to the
18 annual appropriations ordinance in
19 connection with the Police Department. So
20 we're going to call them both at the same
21 time. Who do we have today from the police
22 department?

23 MR. MAY: Ms. Tara Comiskey from
24 the police department.

25 LEGISLATOR BELESI: So moved.

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2 LEGISLATOR FORD: Second.

3 CHAIRMAN DUNNE: Motion by
4 Legislator Belesi, seconded by Legislator
5 Ford for these two items.

6 SERGEANT COMISKEY: Good
7 afternoon. Sergeant Tara Comiskey, how are
8 you?

9 CHAIRMAN DUNNE: Good.

10 SERGEANT COMISKEY: 190 is the
11 Save, and the item appropriates \$120,000 in
12 funds from New York State Division of
13 Criminal Justice. They'll use the funds to
14 assist police officers and detectives on an
15 overtime basis to identify and arrest
16 persons who commit the crime of vehicle
17 theft and related insurance fraud targeted
18 high vehicle theft locations. And it also
19 assists in specialized training in the area
20 of motor vehicle theft.

21 CHAIRMAN DUNNE: On that item,
22 do we do that at the train stations?
23 Because I know that Seaford and Wantagh have
24 a lot of cars getting broken into and
25 things. Do we use that at train stations,

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2 that money?

3 SERGEANT COMISKEY: I'm not 100
4 percent sure but I can find out for you,
5 sir.

6 CHAIRMAN DUNNE: Yes. Get back
7 to me on that. Any other questions from any
8 other legislator?

9 (No verbal response.)

10 The next item is 191.

11 SERGEANT COMISKEY: That item
12 appropriates \$127,042 in funds from the US
13 DOT to provide overtime funding to allow the
14 officers to conduct commercial motor vehicle
15 checkpoints. As part of the checkpoints,
16 the officers will inspect the commercial
17 vehicles to insure that they're in
18 compliance with all federal and state safety
19 regulations insuring safer roadways within
20 Nassau County.

21 CHAIRMAN DUNNE: That's awesome.
22 Are there questions from any of the
23 legislators?

24 (No verbal response.)

25 Is there any public comment on

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2 either of these 190, 191?

3 (No verbal response.)

4 There being none, we will have a
5 vote on both of them, 190-13 and 191-13.

6 All those in favor signify by saying aye.

7 (Aye.)

8 Any against?

9 (No verbal response.)

10 So ruled. It moves on to the
11 next committee which is Finance.

12 SERGEANT COMISKEY: Thank you,
13 sir.

14 CHAIRMAN DUNNE: Thank you. The
15 next item is 192-13, an ordinance
16 supplemental to the annual appropriations
17 ordinance in connection with the Office of
18 Emergency Management, Police Department,
19 Fire Commission, Correctional Center,
20 Medical Examiner and Health Department.

21 LEGISLATOR BELESI: So moved.

22 LEGISLATOR FORD: Second.

23 CHAIRMAN DUNNE: Motion by
24 Legislator Belesi, seconded by Denise Ford.
25 Who is here to speak on this item with all

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2 these departments?

3 MR. MAY: Mr. Chairman, can we
4 also call Clerk Item 193-13?

5 CHAIRMAN DUNNE: Absolutely.
6 You're absolutely right. 193-13 is an
7 ordinance supplemental to the annual
8 appropriations ordinance in connection with
9 the Office Emergency Management, Police
10 Department, Department of Public Works, the
11 Correctional Center. The motion by Belesi,
12 and seconded by Denise Ford goes on this
13 item also.

14 Who is here to speak on this?

15 MR. MAY: We have Mr. Tom Delaney
16 from the Office of Emergency Management.

17 CHAIRMAN DUNNE: Tom, can you
18 explain these to us?

19 MR. DELANEY: Good afternoon,
20 everyone. These are two supplemental
21 appropriations and it was good they were
22 called together because one is our urban
23 area security initiative Homeland security
24 grant, and the other is our state Homeland
25 security program grant. They're very much

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2 alike. But these appropriations, the state
3 Homeland security grant, one, is for
4 \$1,159,500; the urban air security
5 initiative is for \$2,247,291.

6 These are split up among a few
7 departments, as you noted, to help them to
8 increase their capabilities to respond to
9 terrorist events.

10 CHAIRMAN DUNNE: Awesome. Are
11 there any questions from any of the
12 legislators? Yes, Legislator Dave
13 Denenberg.

14 LEGISLATOR DENENBERG: Is there
15 any reason why it's broken into two items?

16 MR. DELANEY: Well, they are two
17 separate grants with two separate
18 supplemental appropriations. Well, it's
19 more than one supplemental, it's several
20 appropriations.

21 LEGISLATOR DENENBERG: Both of
22 these, clearly both of these are New York
23 State Homeland Security and Emergency
24 Service grants, but how do we determine how
25 to appropriate these grants?

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2 MR. DELANEY: In other words, how
3 is the money divided up?

4 LEGISLATOR DENENBERG: Yes.

5 MR. DELANEY: What happens is
6 this, legislator, OEM, when we get these
7 grants, we are given a list of investment
8 justifications that we wish to adopt.

9 We look at what Nassau County
10 would like to work with. We send out
11 proposals to the individual departments
12 asking them for their gaps. Things that
13 they previously identified that they have
14 the capability to either sustain or build.

15 With that, we get this all in.
16 We look at the requests and we match them to
17 the investment justifications with the
18 grants and see what fits best for the
19 county.

20 LEGISLATOR DENENBERG: So would
21 it be fair to say then, given the scope of
22 the grant, each of these departments made
23 requests and then emergency management
24 decided what each department should get, how
25 it should be divvied up?

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2 MR. DELANEY: That's correct,
3 sir.

4 CHAIRMAN DUNNE: Any questions
5 from any of the legislators?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor indicate by saying aye.

11 (Aye.)

12 Any against?

13 (No verbal response.)

14 Both of them go on to Finance.
15 The next item is 197-13, a resolution
16 authorizing the signature of a New York
17 State Department of Transportation
18 supplemental grant agreement for funds to
19 support police enforcement on high occupancy
20 vehicle laws on the Long Island Expressway.

21 LEGISLATOR DENENBERG: So moved.

22 LEGISLATOR VENDITTO: Second.

23 CHAIRMAN DUNNE: Motion by Dave
24 Denenberg, seconded by Mike Venditto. Who
25 do we have from the police department?

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2 MR. MAY: Again, we have Sergeant
3 Comiskey.

4 SERGEANT COMISKEY: Good
5 afternoon. Sergeant Tara Comiskey. This
6 award will provide funding for police
7 officer overtime and vehicle usage
8 reimbursement for dedicated patrols to
9 enforce the HOV traffic on the Long Island
10 Expressway.

11 CHAIRMAN DUNNE: Any questions
12 from any of the legislators?

13 LEGISLATOR DENENBERG: I do.

14 CHAIRMAN DUNNE: Yes.

15 LEGISLATOR DENENBERG: A lot has
16 been made both in Nassau and Suffolk over
17 the years that it's a federal highway 495,
18 the LIE, and it's county police in Nassau,
19 County Police in Suffolk, then sometimes
20 deputy sheriffs in Suffolk doing the
21 policing of a federal highway.

22 Now, over the years sometimes I
23 see some of these grants that go towards I
24 guess paying us back for the time that we
25 are policing those roads.

1 Rules Committee/5-6-13

2 SERGEANT COMISKEY: Yes, sir.

3 LEGISLATOR DENENBERG: But is
4 this the only grant we get towards it and
5 how close does it come to the actual cost?
6 Does anyone do a cost analysis of how much
7 it actually cost us to police the Long
8 Island Expressway and how much we get back?

9 SERGEANT COMISKEY: I can find
10 out for you, sir.

11 LEGISLATOR DENENBERG: Do you
12 know if this is the only grant?

13 SERGEANT COMISKEY: I know we
14 have other grants but I can't answer your
15 question right now.

16 LEGISLATOR DENENBERG: I would
17 really like to take a look. I know it's
18 something that in the past both Nassau
19 County and Suffolk but particularly Suffolk
20 under former County Executive Steve Levy
21 took issue with that the grant money doesn't
22 come near the cost for county police to
23 police what's a federal highway.

24 So I would love to see how much
25 we get back and how much it actually costs

1 Rules Committee/5-6-13

2 us. Thank you.

3 CHAIRMAN DUNNE: Any other
4 legislators have any comments?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

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

10 (Aye.)

11 Any against?

12 (No verbal response.)

13 This moves on to Rules. The last
14 item for today is 200-13, an ordinance
15 supplemental to the annual appropriations
16 ordinance in connection with the
17 Correctional Center. Motion, please.

18 LEGISLATOR VENDITTO: So moved.

19 LEGISLATOR BELESI: Second.

20 CHAIRMAN DUNNE: Motion by Mike
21 Venditto, seconded by Joe Belesi. Who is
22 going to talk on this item?

23 MR. MAY: Captain Keith Sather
24 from the correctional facility.

25 CAPTAIN SATHER: Good afternoon.

1 Rules Committee/5-6-13
2 Captain Keith Sather. Item 200-13 is a
3 supplemental appropriation in the amount of
4 \$25,100. It represents the department's
5 share of the operation impact grant. The
6 funds are used for training, investigations,
7 and information sharing as it relates to the
8 departments gang intel unit.

9 CHAIRMAN DUNNE: Any legislators
10 have any questions?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any against?

18 (No verbal response.)

19 So passes. Goes on to Finance.

20 (Whereupon, the following are the
21 minutes of the Public Works Committee
22 pertaining to Clerk Items 199 and 203;
23 5-6-13.)

24 CHAIRMAN MUSCARELLA: The first
25 item is Clerk Item 199 of 2013, a resolution

1 Rules Committee/5-6-13
2 authorizing the county executive to execute
3 an application for a grant between the
4 County of Nassau acting on behalf of the
5 Department Public Work and the New York
6 State Department of Environmental
7 Conservation. Motion, please.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR BECKER: Second.

10 CHAIRMAN MUSCARELLA: Motion by
11 Rose Walker, seconded by Mr. Becker. Mr.
12 May.

13 MR. MAY: We have Mr. Sean Salley
14 from the Department of Public Works.

15 CHAIRMAN MUSCARELLA: Mr. Salley,
16 can you tell us a little bit about this?

17 MR. SALLEY: Sure. This was an
18 application for round 11 of the New York
19 State DEC Urban and Forestry Grant. The
20 applications were due back on June 21st,
21 2012. The county submitted an application
22 for tree plantings along West John Street in
23 conjunction with the street scape project
24 that was ongoing or was ongoing at the time.

25 The grant program was for a

1 Rules Committee/5-6-13
2 maximum of a 50 percent match so we asked
3 for that 50 percent at \$23,115.78.
4 Subsequently, the state awarded the county
5 these funds. We were successful in the
6 grant and we are here before you today for
7 permission to execute the authorizing
8 resolution, the resolution we need to
9 include in our contract package with the
10 state.

11 CHAIRMAN MUSCARELLA: Any
12 questions?

13 LEGISLATOR DENENBERG: I have a
14 question.

15 CHAIRMAN MUSCARELLA: Certainly,
16 Mr. Denenberg.

17 LEGISLATOR DENENBERG: Thank you,
18 Mr. Muscarella. Just a question. I mean,
19 throughout the day today as in most days we
20 appropriate a number of grants that we get
21 from the state or the federal government or
22 even sometimes outside agencies.

23 This, instead of using -- instead
24 of coming to us to appropriate this grant, I
25 don't ever remember having to authorize the

1 Rules Committee/5-6-13
2 county executive to sign an application for
3 a grant, so I don't really understand how
4 this differs.

5 The county executives throughout
6 the years I know have applied or departments
7 have applied for the grants. We usually
8 don't approve the application but we approve
9 the appropriation of the funds after they
10 come in.

11 MR. SALLEY: It's my
12 understanding that the state DEC requires
13 the -- this authorizing resolution, a
14 commitment of matching funds from the local
15 jurisdiction along with the application.
16 Now, in speaking with the grant official on
17 the state side, back in June, the
18 application was not -- it was an item in the
19 grant submission check list, but the state
20 was not going to hold the local municipality
21 to that resolution at that time.

22 If the award were to be granted,
23 the contract would not be able to be
24 executed until that authorizing resolution
25 was submitted.

1 Rules Committee/5-6-13

2 LEGISLATOR DENENBERG: I guess I
3 will try to follow to see if this is just
4 something about this particular grant, but I
5 don't ever recall us doing this before.

6 But, on a second note, this is
7 grant funds that are specifically for trees
8 at West John Street?

9 MR. SALLEY: That's correct.

10 LEGISLATOR DENENBERG: Should we
11 be applying for grant money for trees
12 throughout Nassau County then?

13 MR. SALLEY: We do keep an eye on
14 grant or notice of funding that these
15 projects would be eligible for. This was
16 the round 11 Urban Forestry Program,
17 assuming a subsequent round would come
18 forward, we would look to apply.

19 LEGISLATOR DENENBERG: Well,
20 we've found a number of street scape
21 projects. We are working also working on a
22 few road projects right now throughout the
23 county. Maybe we should be, when we do our
24 street scape or a road project, that's a
25 complete road rehabilitation project, often

1 Rules Committee/5-6-13
2 trees have to be removed. So I'm just
3 wondering if we should be trying to get
4 grant funds, not just for this project on
5 West John in Hicksville but for other
6 projects.

7 MR. SALLEY: Absolutely.

8 LEGISLATOR DENENBERG: Thanks.

9 CHAIRMAN MUSCARELLA: Any other
10 questions?

11 (No verbal response.)

12 Hearing none, all those in favor
13 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item carries.

18 The next up is Item 203 of 2013,
19 a resolution authorizing the county
20 executive to accept on behalf of the County
21 of Nassau the dedication of two separate
22 parcels of real property for highway
23 purposes; one comprises of 138 square feet,
24 and the other comprising approximately 348
25 square feet, both located at or near Old

1 Rules Committee/5-6-13
2 Country Road and Willis Avenue, Incorporated
3 Village of Mineola, town of North Hempstead,
4 County of Nassau, State of New York.
5 Motion, please.

6 LEGISLATOR BECKER: So moved.

7 LEGISLATOR VENDITTO: Second.

8 CHAIRMAN MUSCARELLA: Motion by
9 Mr. Becker, seconded by Mr. Venditto.

10 MR. SALLEY: Sean Salley,
11 Department of Public Works. This is a
12 proposed property dedication to the County
13 of Nassau in the design review of the
14 adjacent residential development proposed at
15 the corner, the northwest corner of Old
16 Country Road and Willis Avenue. The design
17 review revealed the need for an additional
18 one foot of travel lane with -- to bring the
19 line widths up to code. So in negotiations
20 with the developer, the developer has agreed
21 to dedicate one foot wide roughly strip of
22 his property along Willis Avenue to the
23 county to accommodate the expansion of the
24 paved roadway.

25 CHAIRMAN MUSCARELLA: And we need

1 Rules Committee/5-6-13

2 to formally accept it?

3 MR. SALLEY: That's correct.

4 CHAIRMAN MUSCARELLA: Any
5 questions from any of the legislators?

6 (No verbal response.)

7 Hearing none, all those in favor
8 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 That item carries unanimously.

13 (Whereupon, the following are the
14 minutes of the Health and Social Services
15 Committee pertaining to Clerk Items 187-189,
16 5-6-13.)

17 CHAIRWOMAN WALKER: There are
18 three items on the agenda today. The first
19 is Clerk Item 187-13, ordinance number 213,
20 an ordinance supplemental to the annual
21 appropriation ordinance in connection with
22 the Department of Health.

23 We also have a second clerk item,
24 number 189-13 which is also an ordinance
25 supplemental to the annual appropriation

1 Rules Committee/5-6-13
2 ordinance in connection with the Department
3 of Health. Do I have a motion, please?

4 LEGISLATOR BECKER: So moved.

5 LEGISLATOR MUSCARELLA: Second.

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

9 MR. MAY: We have Ms. MaryEllen
10 Lorraine.

11 MS. LORRAINE: Good afternoon.
12 MaryEllen Lorraine, Department of Health.
13 Item 187-13 is a supplemental appropriation
14 in the amount of \$15,627. This is for the
15 comprehensive, prenatal perinatal services
16 network. This is an additional COLA award
17 from the state. Total funding after this
18 award is \$161,760. Again, it's 100 percent
19 funded and it's a network of agencies whose
20 goal is to reduce low birth weight and
21 improve birth outcome.

22 CHAIRWOMAN WALKER: Any questions
23 on this particular clerk item?

24 (No verbal response.)

25 Any public comment?

1 Rules Committee/5-6-13

2 (No verbal response.)

3 CHAIRWOMAN WALKER: Clerk Item
4 189-13 is the same?

5 MS. LORRAINE: No. 189-13 is a
6 supplemental appropriation in the amount of
7 16,546. This is for the Community Health
8 Worker Program. This is also an additional
9 COLA award. Total funding after the award
10 is \$171,279 and this program provides case
11 management and advocacy to women in the
12 Village of Hempstead and the community of
13 Roosevelt.

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

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 All those in favor?

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The motion carries unanimously.

24 There's one other item, Clerk
25 Item 188-13, an ordinance supplemental to

1 Rules Committee/5-6-13
2 the annual appropriation ordinance in
3 connection with Social Services. Motion,
4 please.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR BECKER: Second.

7 CHAIRWOMAN WALKER: Moved by
8 Legislator Muscarella, seconded by
9 Legislator Becker.

10 MR. MAY: We have Mr. Paul
11 Broderick from the Department of Social
12 Services.

13 MR. BRODERICK: Legislators, good
14 afternoon. Paul Broderick, deputy
15 commissioner, Department of Social Services.
16 Item 188-13, the item before you, is a
17 supplemental appropriation for \$772,349 into
18 the grant fund.

19 The funds here are for salary and
20 benefits for our food stamp programs, HEEP
21 and a portion of the administrative expenses
22 for the Medicaid program. Do you any
23 questions?

24 CHAIRWOMAN WALKER: Any questions
25 from the legislators?

1 Rules Committee/5-6-13

2 (No verbal response.)

3 Any public comment?

4 LEGISLATOR DERIGGI-WHITTON: One
5 quick question?

6 CHAIRWOMAN WALKER: Sure.

7 LEGISLATOR DERIGGI-WHITTON: It
8 says 100 percent funded positions, what does
9 that mean?

10 MR. BRODERICK: It means it's in
11 the grant fund. Not the general. These are
12 for 100 percent.

13 LEGISLATOR DERIGGI-WHITTON: 100
14 percent grant?

15 MR. BRODERICK: Exactly.

16 LEGISLATOR DERIGGI-WHITTON:
17 That's great.

18 CHAIRWOMAN WALKER: Any other
19 questions or comments from the legislators?

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 All those in favor?

24 (Aye.)

25 Any opposed?

1 Rules Committee/5-6-13

2 (No verbal response.)

3 The motion carries unanimously.

4 MR. BRODERICK: Thank you.

5 CHAIRWOMAN WALKER: There are no
6 other items on the agenda.

7 (Whereupon, the following are the
8 minutes of the Finance Committee pertaining
9 to Clerk Items 172-176, 183, 187-193, 200,
10 194-196; 5-6-13.)

11 VICE-CHAIRMAN MUSCARELLA: We
12 have a number of items on today. With
13 everyone's permission, I will call some of
14 them together.

15 We have a number of items dealing
16 with assessments. I will call them
17 together. Item 172 is a resolution to
18 correct erroneous assessments in the Town of
19 Hempstead. 173 of 2013 is a resolution to
20 exempt from real property taxation certain
21 property in the town of Hempstead. 174 is a
22 resolution to partially exempt certain
23 property in the town of Hempstead. 175 is a
24 resolution to partially exempt some real
25 property in the town of North Hempstead, and

1 Rules Committee/5-6-13

2 176 is a resolution to exempt real property

3 taxation, certain property in the city of

4 Long Beach. Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR WALKER: Second.

7 VICE-CHAIRMAN MUSCARELLA: Motion

8 by Dennis Dunne, seconded by Ms. Walker.

9 Mr. May.

10 MR. MAY: We have Mr. Dan

11 Valentino to answer any questions on this

12 item. Motion, please.

13 VICE-CHAIRMAN MUSCARELLA: Mr.

14 Valentino, can you come forward?

15 MR. VALENTINO: Good afternoon.

16 Dan Valentino, Deputy County Attorney

17 assigned to the Nassau County Department of

18 Assessment. I guess the first item we'll

19 start with is 172-13, there was a

20 transitional that was incorrectly calculated

21 under 1805 of the Real Property Tax Law

22 there is an increase from one year to the

23 next. That value has to be transitionalized

24 over a five year period. There was an error

25 in the calculation here. Any questions?

1 Rules Committee/5-6-13

2 VICE-CHAIRMAN MUSCARELLA: Any
3 questions on 172?

4 LEGISLATOR DENENBERG: Quick
5 question. So if there's an error, does that
6 mean we collected too much and we have to
7 return the money?

8 MR. VALENTINO: That's correct.

9 LEGISLATOR DENENBERG: What
10 happens with the schools and every one else
11 under?

12 MR. VALENTINO: We would have to
13 refund the money.

14 LEGISLATOR DENENBERG: Are we
15 refunding or are we asking the schools to?

16 MR. VALENTINO: We are refunding
17 it on the first instance.

18 LEGISLATOR DENENBERG: Okay. Let
19 me then say, what does that mean, the first
20 instance?

21 MR. VALENTINO: Technically,
22 under the correction of error, these errors
23 are supposed to be charged back to each
24 affected municipality and taxing
25 jurisdiction which would include the town

1 Rules Committee/5-6-13

2 and school districts.

3 LEGISLATOR DENENBERG: So are we
4 going to charge the towns and school
5 districts back?

6 MR. VALENTINO: We should be.

7 LEGISLATOR DENENBERG: But they
8 only collected what they -- they would have
9 only collected what they budgeted for. If
10 the total assessed value was incorrect, then
11 the tax rate infinitesimally, I would guess,
12 for this one item, would have been just
13 slightly I guess off, higher than -- lower
14 than it should be.

15 So now that the assessed value
16 needs to go down, the tax rate would have
17 been higher if we got it right to begin
18 with. But the schools or the towns only got
19 what they budgeted.

20 MR. VALENTINO: That's correct.
21 That's what is in place, 559 of the Real
22 Property Tax Law, we're just following state
23 law.

24 LEGISLATOR DENENBERG: And
25 despite the county guaranty, we are still

1 Rules Committee/5-6-13
2 going to look back to the schools for the
3 money?

4 MR. VALENTINO: There is an
5 appellate division decision in 2010 that
6 said it was the town of North Hempstead
7 versus the Board of Assessors said that the
8 county guaranty is superceded by 559. It's
9 a state wide act. Cases have been
10 litigated, fully decided, and determined.

11 LEGISLATOR DENENBERG: What
12 caused the mistake here?

13 MR. VALENTINO: It was a
14 transitional calculation.

15 LEGISLATOR DENENBERG: I
16 understand.

17 MR. VALENTINO: Sometimes when
18 you enter it into the system the ADAPT
19 system commits errors when it tries to
20 calculate to transitional value.

21 LEGISLATOR DENENBERG: So it
22 should have been transitioned over a five
23 year period?

24 MR. VALENTINO: Correct.

25 LEGISLATOR DENENBERG: When you

1 Rules Committee/5-6-13

2 say the ADAPT system, you mean the county
3 system put it all in one year?

4 MR. VALENTINO: Well, it didn't
5 put it all in one year, it just incorrectly
6 calculated it for the first year. We fixed
7 it going forward. When you have 400,000
8 properties and 80,000 of them are
9 commercial, there are going to be errors
10 that are going to be committed.

11 LEGISLATOR DENENBERG: Okay.
12 When there's errors -- well, I made my
13 point. I don't think the schools or anyone
14 else got more than they had budgeted.

15 Thank you.

16 VICE-CHAIRMAN MUSCARELLA: We
17 need explanations on all of them? Do we
18 have any other questions with respect to any
19 of these?

20 LEGISLATOR DENENBERG: Well,
21 they're all going to be -- Mr. Valentino, is
22 it?

23 MR. VALENTINO: That's correct.

24 LEGISLATOR DENENBERG: Is it
25 going to be similar errors that need to be

1 Rules Committee/5-6-13
2 retroactively or not retroactively corrected
3 after the fact, after the tax bills already
4 went out?

5 MR. VALENTINO: That's correct.

6 LEGISLATOR DENENBERG: So it's
7 money that we are going to refund as you
8 call it in the first instance?

9 MR. VALENTINO: That's correct.

10 LEGISLATOR DENENBERG: Then we
11 are going to seek the money back from the
12 towns and schools?

13 MR. VALENTINO: Under state law
14 we should be.

15 LEGISLATOR DENENBERG: Are we
16 going to do it?

17 MR. VALENTINO: I can't speak to
18 that issue.

19 LEGISLATOR DENENBERG: That's my
20 concern. Thank you.

21 VICE-CHAIRMAN MUSCARELLA: Any
22 other questions?

23 (No verbal response.)

24 Hearing none, all those in favor
25 of moving these items signify by saying aye.

1 Rules Committee/5-6-13

2 (Aye.)

3 Any opposed?

4 LEGISLATOR DENENBERG: I'm
5 opposed.

6 VICE-CHAIRMAN MUSCARELLA: There
7 are two nays, Ms. DeRiggi Whitton and Mr.
8 Denenberg. The item is carried.

9 Next up is 183 of 2013 which is a
10 resolution providing for the issuance of a
11 warrant directing the treasurer of the
12 county of Nassau to pay to the supervisors
13 of the several towns and to the treasurers
14 of the several villages and cities within
15 the county of Nassau the sums as apportioned
16 by the Nassau County Legislature based on a
17 report filed with the County Treasurer and
18 the county clerk showing deposits from the
19 mortgage taxes for the quarter beginning
20 January 1st, 2013, through March 31st, 2013,
21 pursuant to the County Government Law of
22 Nassau County and the Nassau County
23 Administrative Code. Motion, please.

24 LEGISLATOR DENENBERG: So moved.

25 LEGISLATOR WALKER: Second.

1 Rules Committee/5-6-13

2 VICE-CHAIRMAN MUSCARELLA: Moved
3 by Mr. Denenberg, seconded by Ms. Walker.

4 LEGISLATOR DENENBERG: Just for
5 the record, I made a motion -- I'll make a
6 motion.

7 VICE-CHAIRMAN MUSCARELLA: I
8 guess it was the DD. Mr. May, do we have
9 someone coming forward?

10 MR. MAY: This item is submitted
11 by the legislature. It's a standard item.

12 VICE-CHAIRMAN MUSCARELLA: Please
13 come forward.

14 MR. CHALMERS: This is simply to
15 pay to the town and villages the portion of
16 the mortgage recording tax for the quarter
17 from January 1st to March 31st.

18 VICE-CHAIRMAN MUSCARELLA: Thank
19 you. Do we have any questions?

20 LEGISLATOR DENENBERG: Is it
21 okay?

22 VICE-CHAIRMAN MUSCARELLA:
23 Certainly.

24 LEGISLATOR DENENBERG: Is our
25 mortgage tax proceeds down, up from the

1 Rules Committee/5-6-13

2 first quarter?

3 MR. CHALMERS: No. Actually we
4 are looking pretty good. It's up -- I will
5 get you an exact percent.

6 LEGISLATOR DENENBERG: Given this
7 would be the first full quarter post Sandy,
8 it would be good to know whether our
9 mortgage tax proceeds are up or down from
10 last --

11 MR. CHALMERS: They are up year
12 to year. I will get you the exact percent
13 number.

14 LEGISLATOR DENENBERG: Thank you.

15 VICE-CHAIRMAN MUSCARELLA: Any
16 other questions?

17 (No verbal response.)

18 Hearing none, all those in favor
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item carries unanimously. I
24 will call the next few items together.
25 That's item 187 of 2013, these are all

1 Rules Committee/5-6-13
2 supplemental appropriations for various
3 departments. 187 of 2013 is for the
4 Department of Health; 188 of 2013 is in
5 connection with Department of Social
6 Services; 189 of 2013 is in connection with
7 the Department of Health; 190 of 2013 in
8 connection with the police department; 191
9 is in connection with the police department;
10 192 is in connection with the Office of
11 Emergency Management, the Police Department,
12 the Fire Commission, the Correctional
13 Center, the Medical Examiner and the health
14 departments; 193 of 2013 is in connection
15 with the Office of Emergency Management, the
16 Police Department, the Department of Public
17 Works, and the Correctional Center.

18 I will also call Item 200 of 2013
19 which is in connection with the Correctional
20 Center. Motion, please.

21 LEGISLATOR VENDITTO: So moved.

22 LEGISLATOR DUNNE: Second.

23 VICE-CHAIRMAN MUSCARELLA: Motion
24 by Mr. Venditto, seconded by Mr. Dunne.

25 MR. MAY: A motion by Mr. Venditto

1 Rules Committee/5-6-13
2 seconded by Mr. Dunne. These have all been
3 heard in other committees. Do we any
4 questions with respect to these? Ms.
5 Bosworth.

6 LEGISLATOR BOSWORTH: This may
7 seem like a pretty basic question, but I'm
8 not sure that I know what the difference
9 between 192-13 and 193-13, there seems to be
10 a lot of the same categories.

11 MR. MAY: They're two separate
12 grants. Tom Delaney is here and he can
13 answer more specific questions, but they're
14 two separate grants that I requested be bulk
15 -- there are different departments --
16 instead of doing like 10 or 12, we just
17 categorized them between the grant.

18 LEGISLATOR BOSWORTH: Thank you.

19 VICE-CHAIRMAN MUSCARELLA: Any
20 other questions?

21 (No verbal response.)

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

24 (Aye.)

25 Any opposed?

1 Rules Committee/5-6-13

2 (No verbal response.)

3 Those items are carried. Next up
4 is 194 of 2013, a resolution to authorize
5 the transfer of appropriations heretofore
6 made within the budget for the year 2013.
7 Motion, please.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR VENDITTO: Second.

10 VICE-CHAIRMAN MUSCARELLA: Motion
11 by Ms. Walker, seconded by Mr. Venditto.

12 MR. MAY: We have Ms. MaryEllen
13 Lorraine from the health department.

14 MS. LORRAINE: Yes. 194 is a
15 board transfer in the amount of \$3,170 and
16 this is for the HIV partner notification
17 program. This is to maximize grant
18 reimbursement when moving monies from salary
19 to fringe.

20 VICE-CHAIRMAN MUSCARELLA: Any
21 questions?

22 (No verbal response.)

23 Hearing none, all those in favor
24 signify by saying aye.

25 (Aye.)

1 Rules Committee/5-6-13

2 Any opposed?

3 (No verbal response.)

4 That item carries. Next up I'll
5 call 196 just out of order a second. 196 of
6 2013 to authorize a transfer of
7 appropriations heretofore made within the
8 budget for the year 2013. Motion, please.

9 LEGISLATOR VENDITTO: So moved.

10 LEGISLATOR WALKER: Second.

11 VICE-CHAIRMAN MUSCARELLA: Motion
12 by Mr. Venditto, seconded by Ms. Walker.

13 Do we have any questions on this
14 matter?

15 (No verbal response.)

16 Hearing none, all those in favor
17 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 That item is carried. The last
22 order of business is Item 195 of 2013, a
23 resolution to authorize the transfer of
24 appropriations heretofore made within the
25 budget for the year 2012. Motion, please.

1 Rules Committee/5-6-13

2 LEGISLATOR WALKER: So moved.

3 LEGISLATOR DUNNE: Second.

4 VICE-CHAIRMAN MUSCARELLA: Motion
5 by Ms. Walker, seconded by Mr. Dunne. Mr.
6 May, who do we have with us?

7 MR. MAY: We have Ms. Roseanne
8 D'Alleva from the Office of Management and
9 Budget.

10 VICE-CHAIRMAN MUSCARELLA: Good
11 afternoon.

12 MS. D'ALLEVA: This is a budget
13 transfer initiated by the comptroller's
14 office to facilitate the year end close for
15 2012.

16 VICE-CHAIRMAN MUSCARELLA: Any
17 questions? Mr. Denenberg.

18 LEGISLATOR DENENBERG: The
19 totality of this transfer is, am I reading
20 this right, it's \$81 million? Or
21 \$80,289,000, or is that --

22 MS. D'ALLEVA: That's within the
23 general fund.

24 LEGISLATOR DENENBERG: What is
25 the total amount of this item?

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2 MS. D'ALLEVA: Probably about \$84
3 million, around there.

4 VICE-CHAIRMAN MUSCARELLA: Is it
5 82,250,08.39?

6 LEGISLATOR DENENBERG: That
7 didn't sound right.

8 MS. D'ALLEVA: Sounds about
9 right.

10 LEGISLATOR DENENBERG: So it's
11 \$82,880,000; is that what you said?

12 VICE-CHAIRMAN MUSCARELLA: I
13 believe so.

14 LEGISLATOR DENENBERG: So most of
15 it, \$80.3 million is within the general
16 fund, correct?

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

18 LEGISLATOR DENENBERG: And most
19 of the transfer in the general fund is for,
20 unless I'm reading this wrong, is for
21 salaries, correct?

22 MS. D'ALLEVA: Yes, that's
23 correct.

24 LEGISLATOR DENENBERG: So, I see
25 salaries, district attorney, 2.6, salaries

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2 OMB, 2.1, salaries the lion's share is a 72
3 million dollar salary line. That must
4 include police, correct?

5 VICE-CHAIRMAN MUSCARELLA: I
6 don't believe it does.

7 MS. D'ALLEVA: I don't believe so
8 because the PDD and PDH are separately
9 listed here.

10 LEGISLATOR DENENBERG: So without
11 even including police overtime, which was I
12 believe from a December report from OMB,
13 pre-Sandy, or not including Sandy, police
14 overtime was at \$54 million, correct?

15 MS. D'ALLEVA: Police overtime I
16 believe ended the year at 49 net of Sandy.

17 LEGISLATOR DENENBERG: 49 net of
18 Sandy and was budgeted for 24?

19 MS. D'ALLEVA: We had reserved
20 balances and I believe it was budgeted at
21 48.

22 LEGISLATOR DENENBERG: It was
23 budgeted at 48?

24 MS. D'ALLEVA: Well, we had
25 contingencies for overtime at that point.

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2 LEGISLATOR DENENBERG: Well, what
3 was overtime actually budgeted for for
4 police, I thought it was 22.

5 MS. D'ALLEVA: It may have been
6 22 on the overtime line but we had budgeted
7 contingencies for overtime which we've
8 testified to at various times up until 48.

9 LEGISLATOR DENENBERG: I'm
10 looking from the OMB report. It was \$22
11 million overtime.

12 MS. D'ALLEVA: Specifically in
13 the overtime line, yes, but we had budgeted
14 contingencies in PDD and PDH to fund
15 overtime to about \$48 million in totality.

16 LEGISLATOR DENENBERG: And now
17 this is 80 million. Where was this
18 budgeted?

19 MS. D'ALLEVA: We had initially
20 opened the year with, if you recall, \$150
21 million target for labor initiative, so,
22 therefore, we had budgeted the bulk of the
23 negative, I believe it was in the \$70
24 million range in the BU department.

25 LEGISLATOR DENENBERG: What is

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2 the BU department?

3 MS. D'ALLEVA: Budget, in a
4 specific control center.

5 LEGISLATOR DENENBERG: So
6 we're taking the 72 million from OMB to
7 transfer to cover most of this 80 million?

8 MS. D'ALLEVA: That's correct.
9 We're taking it from --

10 LEGISLATOR DENENBERG: Well, this
11 80 million is mostly for salaries, correct?

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

13 LEGISLATOR DENENBERG: So that
14 would be salary that's over budget?

15 MS. D'ALLEVA: Yes.

16 LEGISLATOR DENENBERG: And if and
17 if it doesn't include police overtime, what
18 does it include?

19 MS. D'ALLEVA: We had a negative
20 labor target at the beginning of the year.

21 LEGISLATOR DENENBERG: Meaning we
22 projected savings?

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

24 LEGISLATOR DENENBERG: That did
25 not materialize?

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2 MS. D'ALLEVA: Well, it
3 materialized on an annualized basis but on
4 an actual basis we did not achieve the \$150
5 million in savings but we did achieve, in
6 totality, about \$140 million in different
7 areas of the budget, some of which was
8 salaries and other areas such as health,
9 worker's comp, DE contracts, and other
10 aspects, also sales tax.

11 LEGISLATOR DENENBERG: So we
12 achieved savings by sales tax coming in
13 higher than budget?

14 MS. D'ALLEVA: Well, it offset,
15 it basically offset --

16 LEGISLATOR DENENBERG: Wouldn't
17 that be an enhanced revenue?

18 MS. D'ALLEVA: Yes, but it offset
19 the saving's initiatives that we needed to
20 achieve.

21 VICE-CHAIRMAN MUSCARELLA: If I
22 might, Mr. Sullivan, would you like to add
23 anything?

24 MR. SULLIVAN: Just one point on
25 the police overtime, I wanted to speak to

1 Rules Committee/5-6-13
2 that issue. As Ms. D'Allewa stated, we
3 funded about half of the overtime in the
4 contingency budget, the specific reason for
5 that was that we wanted to keep the
6 department tight reins on them, and we
7 wanted any additional overtime to come back
8 to this legislature where we would have to
9 transfer the funding to cover it.

10 So it's a check for us to shorten
11 their overtime and force them to come before
12 you and speak about any overages like that.
13 But obviously overtime was trending at 48
14 million as Roseanne testified to, it came in
15 at \$49 million net of Sandy. So it mirrored
16 our budget projections all year long.

17 LEGISLATOR DENENBERG: \$49
18 million in overtime and budgeted 22. So
19 you're saying all along the reserve was
20 anticipated to be used for overtime?

21 MR. SULLIVAN: When we set the
22 budget up, we specifically stated that that
23 money was put into the contingency reserve
24 and, the reason for that, occasionally we do
25 that, I think it was actually in

1 Rules Committee/5-6-13
2 communication with this body here, we want
3 to make the department come and speak to
4 this body if there is any explanation
5 required.

6 LEGISLATOR DENENBERG: I hate to
7 disagree but I'm looking back now from
8 questioning of me to you at the budget
9 hearings in October 2011 which --

10 MR. SULLIVAN: One second, sir.
11 That was before the change was made. The
12 change was made in the adoption. The
13 legislature made that change.

14 LEGISLATOR DENENBERG: The
15 legislature made which change? I said we're
16 only budgeting 22 for overtime and --

17 MR. SULLIVAN: That is correct.

18 LEGISLATOR DENENBERG: Let me
19 finish. We were closing 2011 at nearly \$50
20 million. I said, are we actually going to
21 cut it by \$27 million and you said, that's
22 the plan. I said, are we -- is it our goal
23 to use another fund line that I'm not aware
24 of, and you said no.

25 MR. SULLIVAN: Let me be quite

1 Rules Committee/5-6-13
2 clear and explain it. When we put the
3 budget together in the executive budget, if
4 you recall, there was not \$150 million
5 reduction target. There were specific labor
6 actions that were taken.

7 It was the 25 percent
8 contribution on health insurance for all
9 employees, it was the elimination of the
10 minimum manning, there were certain things
11 that were put into the executive budget.
12 When that budget came here, it was changed
13 to a \$150 million reduction target on
14 salaries.

15 At that point a contingency was
16 set up in the reserve to fund the overtime
17 at that rate of \$48 million.

18 LEGISLATOR DENENBERG: Mr.
19 Sullivan, you are --

20 MR. SULLIVAN: You are not asking
21 about the adopted budget, you're picking out
22 the proposed budget, the proposed budget,
23 which you would be discussing in October of
24 '11. You could not be discussing the
25 adopted budget in October of '11 because it

1 Rules Committee/5-6-13
2 was not yet adopted. That change was made
3 during the adoption.

4 What you're referring to here
5 when Ms. D'Alleva is talking about the money
6 being set up in the reserve, that was set up
7 by this legislature here.

8 LEGISLATOR DENENBERG: I'm
9 talking about the day the budget was
10 adopted.

11 MR. SULLIVAN: You quoted October
12 11th.

13 LEGISLATOR DENENBERG: The budget
14 has to be adopted before the end of October.

15 MR. SULLIVAN: Yes. But you just
16 quoted October 11th. The budget was not --
17 you just quoted October.

18 LEGISLATOR DENENBERG: I didn't
19 say October 11th. You just said October
20 11th.

21 MR. SULLIVAN: What's the date
22 you're quoting from?

23 LEGISLATOR DENENBERG: October
24 30th.

25 MR. SULLIVAN: I don't believe

1 Rules Committee/5-6-13

2 that's the statement at that point.

3 LEGISLATOR DENENBERG: Well, the
4 only thing that went in the budget that was
5 adopted as overtime was \$22 million. And I
6 had asked you throughout the time because I
7 was concerned that overtime in '11 --

8 MR. SULLIVAN: We can show your
9 office --

10 LEGISLATOR DENENBERG: So I
11 thought that it would be at least the same
12 in '12 because of the scheduled
13 consolidation at the time.

14 MR. SULLIVAN: So did we.

15 LEGISLATOR DENENBERG: But only
16 22 was in the budget.

17 MR. SULLIVAN: That's not true,
18 sir.

19 LEGISLATOR DENENBERG: You're
20 saying that police reserve was always
21 anticipated to be used, correct?

22 MR. SULLIVAN: Sir --

23 LEGISLATOR DENENBERG: When I
24 asked the question, you didn't say that.

25 MR. SULLIVAN: You know, sir,

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2 this is part of the art. If you are trying
3 to control costs, you don't want to tell the
4 department that there's money put in reserve
5 to spend. That would not be wise.

6 LEGISLATOR DENENBERG: But if I
7 ask the question, and I'm asking the exact
8 question, and you don't tell me that you are
9 planning to use the reserves, I guess you
10 don't want to tell us because you want to
11 keep it as a negotiating standpoint with the
12 police.

13 But, now, after the fact, you
14 want to say that the reserve is for
15 overtime. I guess you can have it both ways
16 but then my questions at some point aren't
17 being answered forthrightly.

18 MR. SULLIVAN: I disagree, sir.

19 LEGISLATOR DENENBERG: Well, I'm
20 reading off a transcript.

21 MR. SULLIVAN: That's what a
22 reserve is for.

23 LEGISLATOR DENENBERG: It was the
24 final day the budget was adopted. If I
25 scroll down, that was the day the budget was

1 Rules Committee/5-6-13
2 adopted. But, either way, this is about \$80
3 million that Ms. D'Alleva said is not police
4 overtime, correct?

5 MR. SULLIVAN: That's correct.

6 LEGISLATOR DENENBERG: So we are
7 over about \$80 million roughly in salaries
8 throughout the budget, aside from police and
9 public safety is 80 million?

10 MR. SULLIVAN: If there is a \$150
11 million reduction target and certain of the
12 lines have circles on them, sir, then this
13 is just an allocation of the appropriations
14 that have surpluses on them to cover. At
15 the year end, we're projecting that there
16 will be a surplus year end, the comptroller
17 has projected that. Therefore, I do not see
18 a deficit situation.

19 VICE-CHAIRMAN MUSCARELLA: Mr.
20 Sullivan, if I may just jump in. So what
21 you're telling us is, in the budget that was
22 adopted there was sufficient funds to cover
23 these expenses?

24 MR. SULLIVAN: Yes.

25 LEGISLATOR DENENBERG: Okay. Let

1 Rules Committee/5-6-13
2 me ask you this, the \$80 million for
3 salaries that needs to be covered, I can see
4 it's coming from various lines in the
5 budget, it's coming in part from the sales
6 tax coming in over budget, but where does --
7 most of this \$80 million is because of the
8 projected labor savings that did not come to
9 fruition, is that true?

10 MR. SULLIVAN: I believe that
11 with NIFA they agreed that the \$150 million
12 labor target over \$120 million was achieved
13 through labor and then there was various
14 surpluses in the areas of debt service
15 because we borrowed a little less and sales
16 tax was favorable to budget as well, sir.

17 LEGISLATOR DENENBERG: So why is
18 it \$80.2 million in salaries here that needs
19 to be covered? I'm trying to add --

20 MR. SULLIVAN: Well, there's
21 going to be a salary that doesn't need to be
22 covered if it has a surplus, so it's not a
23 net.

24 LEGISLATOR DENENBERG: Then what
25 didn't have enough money that we need to

1 Rules Committee/5-6-13

2 cover?

3 MR. SULLIVAN: The lines that
4 you're seeing there.

5 LEGISLATOR DENENBERG: Which are?
6 It look like mostly salary lines.

7 MR. SULLIVAN: That is correct.
8 But it would be a mistake to say that
9 salaries was over budget by the number, that
10 wouldn't be inaccurate.

11 LEGISLATOR DENENBERG: Then we
12 don't need to do anything, right, we don't
13 need to transfer --

14 MR. SULLIVAN: I think by
15 charter, I think it's the law, you have to
16 transfer.

17 MS. D'ALLEVA: The charter
18 requires.

19 MR. SULLIVAN: The charter
20 requires that all appropriations --

21 LEGISLATOR DENENBERG: How do I
22 do the math then?

23 VICE-CHAIRMAN MUSCARELLA: Could
24 you just restate what you just said?

25 MS. D'ALLEVA: The charter

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2 requires that all object codes do not end in
3 a negative balance. So, therefore, at the
4 end of the year, the comptroller puts
5 together this budget transfer so that all
6 object code lines do not end in a negative.
7 So any object code that ends in a negative,
8 there is an appropriation transfer to
9 satisfy that negative.

10 LEGISLATOR DENENBERG: So explain
11 to me, I thought that's what you said,
12 explain to me -- I can see what this is
13 coming from, treasurer's office, 76.8,
14 health department, early intervention, we
15 are transferring out 3.5, and it's going to
16 the lion's share, office of management and
17 budget salary line.

18 So if we were going to have a
19 negative \$72.1 million in a salary line, how
20 doesn't that mean that salaries were over
21 budget?

22 MR. SULLIVAN: Sir, you're
23 familiar with the office of management and
24 budget which is probably about 15 to 20
25 employees. The total salary is not \$72

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2 million, or else -- I probably wouldn't be
3 standing here at this point.

4 LEGISLATOR DENENBERG: But it's a
5 county wide salary line that just --

6 MR. SULLIVAN: No, that's a
7 county wide cut line. That was a reduction
8 line that was put in there because we were
9 doing layoffs during the year and attritions
10 and we wanted to centrally put the reduction
11 in.

12 LEGISLATOR DENENBERG: So you put
13 the reduction centrally in OMB salary?

14 MR. SULLIVAN: That's correct.

15 LEGISLATOR DENENBERG: And that
16 reduction is \$72.1 million less than what
17 was projected, is that why we have a
18 shortfall?

19 MR. SULLIVAN: This is the
20 transfer of that. We are covering that
21 negative appropriation.

22 LEGISLATOR DENENBERG: How much
23 was in the salaries OMB? How much of a
24 reduction was in there?

25 MR. SULLIVAN: It would be

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2 hundreds of thousands for anything for the
3 real lines.

4 LEGISLATOR DENENBERG: No. But
5 it must have been \$72.1 million that we
6 projected to be cut that wasn't for us to
7 now need to transfer money to make that line
8 instead of negative -- to use Roseanne
9 D'Alleva's term, the comptroller needs this
10 transfer because we can't end the year with
11 any line being a negative. So for the OMB
12 salary line to need 72.1, it must be coming
13 in at negative 72.1.

14 So if I take your explanation
15 that it wasn't that much -- that it was a
16 savings that was just salary savings that
17 was just budgeted in OMB as a county wide
18 salary savings, then the salary savings we
19 anticipated had to come in 72.1 below what
20 we anticipated.

21 MR. SULLIVAN: That's not
22 accurate.

23 LEGISLATOR DENENBERG: Then we
24 don't need to do this transfer.

25 MR. SULLIVAN: No, sir. You're

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2 not picking out the positives. If there is
3 another department --

4 LEGISLATOR DENENBERG: What's the
5 positive. I'm transferring money, I want to
6 know why.

7 MR. SULLIVAN: If there is
8 another appropriation it is positive on the
9 salary line, we wouldn't show it here
10 because our purpose is to cover the
11 negatives.

12 So every department that had a
13 positive, you don't see in this transfer
14 because the purpose of the transfer, as
15 stated by Ms. D'Alleva is to cover those
16 appropriations that are currently in
17 deficit.

18 LEGISLATOR DENENBERG: Okay. And
19 I'm not asking about what I don't see. I'm
20 not that good. I can't ask about what I
21 don't see.

22 I'm asking about what I do see
23 which is OMB and a negative of \$72.1 million
24 and my question is, we're transferring now
25 to zero out that negative of \$72.1 million,

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2 correct?

3 MR. SULLIVAN: That is correct.

4 LEGISLATOR DENENBERG: And the
5 reason why that negative was 72.1 million
6 isn't because of overtime, per se, it was
7 because a salary savings from I guess labor
8 that we projected didn't totally
9 materialize?

10 MR. SULLIVAN: We're not showing
11 the positives in the various appropriations
12 on salary lines that did occur. Our mission
13 here is to cover appropriations that are in
14 the deficit situation.

15 LEGISLATOR DENENBERG: But you
16 are showing the positives. You absolutely
17 are. That's where the money is coming from.

18 MR. SULLIVAN: That's correct,
19 but we didn't --

20 LEGISLATOR DENENBERG: So you did
21 show the positives.

22 MS. D'ALLEVA: Not here.

23 LEGISLATOR DENENBERG: There's
24 treasurer's office, other suits, damages.

25 MR. SULLIVAN: If the comptroller

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2 put out a forecast for year end, you are
3 going to be receiving a caffer [sic] that is
4 going to show I believe a positive situation
5 for 2012. There are pluses and minuses
6 throughout the budget, there are tens of
7 thousands of lines. By code, by charter,
8 the lines that are currently in deficit
9 situation, as has been the case with this
10 county for the last 40 years, every year --
11 this time of year, come with a budget
12 modification to cover those lines that are
13 showing deficit and there's the
14 comptroller's office that establishes this
15 and cleans up these appropriations.

16 LEGISLATOR DENENBERG: Did you
17 finish?

18 MR. SULLIVAN: Yes.

19 LEGISLATOR DENENBERG: One
20 second, sorry.

21 VICE-CHAIRMAN MUSCARELLA: Let me
22 just jump in. Would it be correct to say
23 that in 2004 that amount was \$100 million
24 approximately?

25 MR. SULLIVAN: Most likely could

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2 be.

3 VICE-CHAIRMAN MUSCARELLA: And in
4 2005 that number was 111 million.

5 MR. SULLIVAN: I have no reason
6 to not believe that.

7 LEGISLATOR DENENBERG: You're
8 asking him about a number, 2004.

9 VICE-CHAIRMAN MUSCARELLA: I'm
10 just telling you -- I understand the
11 questioning, and all I am pointing out is,
12 this amount is substantially less than what
13 it has been in many years in the past

14 MR. SULLIVAN: And in those years
15 you pointed out, both years it ended in
16 positive situations, but there is still a
17 need --

18 VICE-CHAIRMAN MUSCARELLA: So the
19 fact that there is an appropriation does not
20 necessarily mean we're running a deficit.
21 It doesn't mean there's fiscal
22 mismanagement. What it means is, according
23 to the various lines, the county charter
24 requires this to be done in order to -- we
25 don't end a negative in any line.

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2 MR. SULLIVAN: I'm sure there are
3 tens of thousands of object codes in the
4 budget. If they were all positive, we would
5 be collecting billions over budget.

6 LEGISLATOR DENENBERG: Aren't we
7 taking, if I can say, the 80 million has to
8 be coming from lines that were positive,
9 correct?

10 MR. SULLIVAN: That is correct.

11 LEGISLATOR DENENBERG: And you
12 listed them altogether in treasurer's
13 office, other suits, and damages, 76.8, and
14 then health department, early intervention,
15 3.4?

16 MR. SULLIVAN: Those were two
17 lines with -- there are more lines than
18 those, obviously.

19 LEGISLATOR DENENBERG: I'm sure
20 eventually there are going to be more lines
21 that are negative as well.

22 MR. SULLIVAN: No, sir. This has
23 to cover it for year end 2012. This will be
24 the last modification.

25 LEGISLATOR DENENBERG: Does this

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2 include -- I'm sorry. The breakdown of
3 these salaries then, again, for office of
4 management and budget for salaries, just so
5 I'm clear, that's not particular
6 departments, that's just an overall savings
7 that was projected and it came in negative
8 72.1?

9 MR. SULLIVAN: It didn't come in.
10 We appropriated a negative. When you start
11 the year --

12 LEGISLATOR DENENBERG: It wasn't
13 realized so it became a negative?

14 MR. SULLIVAN: It was a negative
15 to start with. We budgeted a negative.
16 That was a cut. Usually you budget
17 appropriations positive and you can deduct
18 from hundreds of places. For ease of use,
19 we decided to budget it in OMB because the
20 cut was so large. We're not sure.
21 Obviously during the year we did VSIPs,
22 there were layoffs, there were --

23 LEGISLATOR DENENBERG: You didn't
24 want to show exactly where it was coming
25 from bargaining position so you just put it

1 Rules Committee/5-6-13

2 in the OMB line?

3 MR. SULLIVAN: Yes.

4 LEGISLATOR DENENBERG: So when
5 I'm asking questions next time, I have to
6 ask, when I ask about police overtime, I
7 said we are only budgeting 22 and you say
8 that we're coming in there and I say, are we
9 budgeting it anyplace else, and you say no,
10 I should ask about reserves, or I should ask
11 if --

12 MR. SULLIVAN: You could ask. I
13 would prefer if you didn't.

14 LEGISLATOR DENENBERG: One
15 second. I might be done.

16 VICE-CHAIRMAN MUSCARELLA: Mr.
17 Sullivan, does this mean that we spent \$80
18 million more than we collected last year?

19 MR. SULLIVAN: Absolutely not,
20 sir.

21 VICE-CHAIRMAN MUSCARELLA: Thank
22 you.

23 LEGISLATOR DENENBERG: Could we
24 have made up this shortfall, this negative
25 because you didn't like the word shortfall,

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2 but could we have made up these negative
3 numbers strictly by taking positive numbers
4 from other salary lines?

5 MR. SULLIVAN: I believe we
6 would have got very close and then there
7 would have been some probably from other
8 than personal services and contract lines.
9 By definition, if we're projecting a surplus
10 for 2012, the positives would outweigh the
11 negatives.

12 LEGISLATOR DENENBERG: So since
13 you said that we can't see -- you said
14 you're showing all the negatives, correct?

15 MR. SULLIVAN: Yes.

16 LEGISLATOR DENENBERG: But you
17 didn't show all the positives?

18 MR. SULLIVAN: No.

19 LEGISLATOR DENENBERG: Can I get
20 a detail of all the positives?

21 MR. SULLIVAN: Sure. That would
22 be comptroller when they finish closing the
23 books and caffers [sic] which is probably
24 due out in five weeks.

25 LEGISLATOR DENENBERG: So you

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2 can't give me the positives?

3 MR. SULLIVAN: I could.

4 LEGISLATOR DENENBERG: I'm asking
5 for it from the comptroller. Can I get it
6 from OMB?

7 MR. SULLIVAN: Yes. It would be
8 unaudited at this point in time and we could
9 convey that. Ms. Catchatorian (phonetic)
10 can run it as well. We will give it to
11 them.

12 LEGISLATOR DENENBERG: When could
13 I expect that?

14 MR. SULLIVAN: A day or two.

15 LEGISLATOR DENENBERG: Thank you.

16 VICE-CHAIRMAN MUSCARELLA:
17 Legislator Bosworth.

18 MR. SULLIVAN: So we have
19 hearings and we ask questions and we get
20 answers. The questions are really not
21 arbitrary. They're being asked because we
22 want to get the information so we can make
23 decisions based on the information that
24 we're getting.

25 So I find it so very troubling

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that we're told that there's \$22 million allocated for police overtime that really you knew it was going to be more but you didn't want them to know, but this is of course within the context of discussing police consolidation and asking about the overtime projections that would result, or possibly result in police consolidation and we're told, no, no, that won't happen, and it's only going to be this.

It just strikes me that it doesn't really matter what questions we ask or what answers we're given, because they're really not based in reality. I find that very troubling.

MR. SULLIVAN: First of all, let me just clarify again, and this is for the record, I need to be very clear here, the last vote on October 30th is when you moved money. Prior to that, the reserve didn't exist. The reserve was created when you banged the gavel at five to 12:00 and voted for the budget. That's when the reserve was created. Prior to that, it was not created.

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2 LEGISLATOR BOSWORTH: All right.
3 But many decisions were made about something
4 that was based on what we thought were
5 budget projections and, in fact, your budget
6 is really a black and white statement, a
7 policy statement, of what the county is
8 going to be doing because the things that
9 you deem important are placed in the budget.
10 The things that you don't value as much are
11 taken out of your budget.

12 So as we're having these
13 deliberations about the effectiveness of
14 police consolidations, we're dealing with
15 statements that are arbitrary because you
16 really have some other --

17 MR. SULLIVAN: No. No. That
18 would be incorrect. It wasn't my reserve.
19 I didn't set it up. It was set up by this
20 body. It was a legislative change. That's
21 clear.

22 LEGISLATOR BOSWORTH: What was a
23 legislative change?

24 MR. SULLIVAN: The creation of
25 the reserve.

1 Rules Committee/5-6-13

2 LEGISLATOR BOSWORTH: I'm asking
3 about the overtime numbers.

4 MR. SULLIVAN: But I'm saying
5 that the proposed budget to the adopted
6 budget, the adopted budget was where that 20
7 plus million in reserve was funded. It was
8 during the adoption budget. It was created
9 by the legislature.

10 LEGISLATOR BOSWORTH: So then
11 really what we're saying is that there was
12 no plan for police consolidation to result
13 in a reduction in overtime because that's
14 what we were told again and again.

15 MR. SULLIVAN: I think there was.
16 I think police overtime came in -- again,
17 our projection, I don't think there was any
18 variance from the prior year at all. And
19 that's with the head count going
20 significantly down, I believe 150 or so
21 below the budget.

22 LEGISLATOR BOSWORTH: Again, and
23 I don't mean to get into a discussion about
24 the positives and negatives about police
25 consolidation, but, nevertheless, that was

1 Rules Committee/5-6-13
2 one of the big selling points. It was going
3 to result in less -- certainly fewer men,
4 which we've seen that, and it's going to
5 result in less overtime. I don't know that
6 we've actually gotten a report on what the
7 overtime numbers are.

8 But I just find it troubling that
9 when we're asking questions, the responses
10 that we're getting don't necessarily reflect
11 what the ultimate plan is.

12 MR. SULLIVAN: But, again, that
13 was change that was put in by the
14 legislature. It would have been
15 inappropriate of me to comment on something
16 that was not yet put into place.

17 LEGISLATOR BOSWORTH: I'm not
18 going to -- you understand what I'm saying?

19 MR. SULLIVAN: That's just -- I
20 didn't set it up that way. That's how it
21 ultimately wound up, and understood.

22 LEGISLATOR BOSWORTH: So this is
23 not a criticism directed to you, it's merely
24 a statement that I'm making saying that it's
25 hard to ask questions, get answers, that

1 Rules Committee/5-6-13
2 really then don't reflect what the ultimate
3 thinking is.

4 MR. SULLIVAN: I think if I
5 recall, the way that would go down, and then
6 at the end you would see legislative
7 amendments put forward, and at that point
8 that's when this reserve was created and
9 that would have been voted on and discussed
10 at that time. Prior to that it wasn't --

11 LEGISLATOR BOSWORTH: Perhaps it
12 wasn't made clear that those reserves were
13 going to be used for this --

14 MR. SULLIVAN: Well, they weren't
15 there when I was testifying. Again, that's
16 something to be clear about. It was set up
17 with the legislative amendments.

18 LEGISLATOR BOSWORTH: Thank you.

19 VICE-CHAIRMAN MUSCARELLA:
20 Mr. Denenberg has one follow-up question.

21 LEGISLATOR DENENBERG: So my
22 question started with the fact that we were
23 budgeting 22 in overtime. We were going to
24 come in at 49. And you said, yeah, but
25 that's all within the budget because you

1 Rules Committee/5-6-13
2 were planning on using the reserve, but if
3 the reserve was set up by a legislative
4 amendment, then you weren't planning on
5 using the reserve, and it wasn't your
6 reserve to use.

7 MR. SULLIVAN: Well, it's
8 obviously not my reserve to appropriate,
9 which is why this body has to move the money
10 to cover the overtime expense.

11 I think the contemplation was,
12 and initially when we set up the budget
13 again, there were stringent labor reductions
14 put in. I think it was deliberately during
15 the budget hearings that year. I think it
16 was 25 percent mandatory contribution in
17 health insurance. There was some concern by
18 this body that we be able to impose that.
19 If that had come in, I would have had \$68
20 million in health insurance contribution.
21 So I think when this body, I think wisely,
22 to its credit, said that would be a risk,
23 and let's not go that direction, let's look
24 for \$150 million in cuts and then head to
25 the overtime with the reserves, which I

1 Rules Committee/5-6-13

2 thought was a good move.

3 LEGISLATOR DENENBERG: You know
4 what, Mr. Sullivan, and Ms. D'Allewa, my
5 question on police overtime at 49, I said
6 only 22 was budgeted. Then you both said,
7 no, no, no, the reserves were budgeted too
8 and that was always the plan, you just
9 didn't want to tell us.

10 The fact of the matter was, the
11 reserve wasn't even an administrative
12 initiative, it was put in by the
13 legislature.

14 MR. SULLIVAN: It was shifted
15 away from the mandatory labor items that I
16 think this body felt we were not perhaps
17 able to maintain through just mandated, it
18 would have to be negotiated, and, in lieu of
19 that, there was \$150 million reduction put
20 in.

21 VICE-CHAIRMAN MUSCARELLA: Ms.
22 DeRiggi-Whitton.

23 LEGISLATOR DERIGGI-WHITTON: Mr.
24 Sullivan, just real quick, when NIFA came to
25 you and said they wanted to see a \$150

1 Rules Committee/5-6-13
2 million cut, and this was going to be in
3 salaries, did they ever say, oh, it's okay
4 to use the increase in sales tax, or did
5 they say that that will also satisfy what
6 they requested of you?

7 MR. SULLIVAN: I don't recall.
8 That would be -- the \$150 million was
9 contemplated to be in salaries. I believe
10 we said we got 120, 125 million out of
11 salaries, which was quite painful, and I
12 think we are at 7337 now which is I think
13 the lowest head count in Nassau County's
14 history.

15 So there are other things that
16 came in favorable to budget such as debt
17 service because we financed less than we
18 thought and sales tax was favorable at the
19 end of the year.

20 LEGISLATOR DERIGGI-WHITTON: But
21 that's separate. That's really almost a
22 revenue.

23 MR. SULLIVAN: It is a revenue.

24 LEGISLATOR DERIGGI-WHITTON: So I
25 don't know if NIFA was really anticipating

1 Rules Committee/5-6-13
2 us using the revenues to make up for
3 something they specifically wanted to be as
4 a cut.

5 And I'm just trying to clarify,
6 has NIFA had any comment on whether or not
7 this will be acceptable to them?

8 MR. SULLIVAN: Well, the budget,
9 I think the caffer [sic] will be the numbers
10 and that will be official financial
11 statements of the county. I think at this
12 point it sort of is what it is.

13 LEGISLATOR DERIGGI-WHITTON: But
14 there's no way we can tell we saved \$150
15 million on salaries because we haven't.

16 MR. SULLIVAN: I think it's 125
17 which I think --

18 LEGISLATOR DERIGGI-WHITTON: 125,
19 so why are we transferring \$80 million?

20 MR. SULLIVAN: Because there was
21 a negative appropriation put into OMB that
22 was extremely large with no heads put in
23 there.

24 LEGISLATOR DERIGGI-WHITTON: So
25 if saved, what did you say, 120, we should

1 Rules Committee/5-6-13
2 really clearly only be transferring 30 for
3 this.

4 MR. SULLIVAN: But, again, the
5 appropriations, where there are salary
6 surpluses, you did not see.

7 LEGISLATOR DERIGGI-WHITTON: I
8 understand that.

9 MR. SULLIVAN: You will see it
10 when I give a document to --

11 LEGISLATOR DERIGGI-WHITTON: But
12 that's separate.

13 MR. SULLIVAN: No, it's the same
14 thing.

15 LEGISLATOR DERIGGI-WHITTON: We
16 are talking about \$150 million that we're
17 claiming to have made, I've seen it
18 everywhere.

19 MR. SULLIVAN: There was a cut.
20 I've never claimed I don't think before this
21 body that we achieved that. I think we said
22 if we achieved 125, and we have a very
23 strong argument that we're going to wind up
24 with a surplus this year even with possible
25 expenses with FEMA.

1 Rules Committee/5-6-13

2 LEGISLATOR DERIGGI-WHITTON: Yes.
3 Because taxes are up high. All right. The
4 sales tax is higher, but you're really
5 taking revenue and making up for what was
6 supposed to be cut.

7 VICE-CHAIRMAN MUSCARELLA: If I
8 might. Were we not to do this, this is
9 something that, after years, we just lay off
10 more people --

11 LEGISLATOR DERIGGI-WHITTON: I'm
12 just getting the numbers as to how much.
13 I've been hearing that we've been saving
14 \$150 million just in salaries, but I'm just
15 trying to clarify exactly how much we're
16 saving where. It's not a judgement as to
17 whether or not we should be saving more. I
18 just want to know the exact amount.

19 Can I ask you one other thing,
20 Mr. Sullivan? When you first came up here
21 you said that some of the savings on
22 salaries might not have been quite what we
23 anticipated in the beginning of the year.

24 MR. SULLIVAN: I think it would
25 have been annual versus when you -- if you

1 Rules Committee/5-6-13
2 fire someone on day one, you saved a four
3 year salary. If I take VSIPs or are treated
4 during the year you get partials.

5 LEGISLATOR DERIGGI-WHITTON: The
6 question I have, I heard you mention it, a
7 couple of things, that didn't go through,
8 and one of them I heard was minimum manning.

9 MR. SULLIVAN: That is correct.

10 LEGISLATOR DERIGGI-WHITTON: Can
11 you explain what you're talking? Are you
12 talking about reducing minimum manning?

13 MR. SULLIVAN: I believe when the
14 budget was proposed last year, it
15 contemplated the elimination of minimum
16 manning. I think that that became -- it is
17 contractually given to the police department
18 now, that is part of their labor contract,
19 and I think that's why this body objected to
20 that and subsequently went for \$150 million
21 in labor cuts as opposed to that action.

22 LEGISLATOR DERIGGI-WHITTON:
23 You're saying that the administration
24 considered changing minimum manning?

25 MR. SULLIVAN: We obviously have

1 Rules Committee/5-6-13
2 been in negotiations with labor and
3 obviously that was something that was
4 testified to last year.

5 LEGISLATOR DERIGGI-WHITTON: That
6 was absolutely not testified -- they were
7 basically insuring that minimum manning
8 would not be affected, especially by the --

9 MR. SULLIVAN: Not during the
10 adoption, last year during budget hearings
11 you will see that discussed.

12 LEGISLATOR DERIGGI-WHITTON: So
13 you are talking about the minimum manning
14 being --

15 MR. SULLIVAN: No. I'm not
16 talking about it now. That issue is over.

17 LEGISLATOR DERIGGI-WHITTON: But
18 that was an issue that you had contemplated
19 for this budget?

20 MR. SULLIVAN: Sure.

21 LEGISLATOR DERIGGI-WHITTON: That
22 we're going to be reducing minimum manning?

23 MR. SULLIVAN: Yes.

24 LEGISLATOR DERIGGI-WHITTON:
25 That's interesting.

1 Rules Committee/5-6-13

2 I just have one other quick
3 question.

4 MR. SULLIVAN: I think it was the
5 minimum manning by precinct and we had lots
6 of discussion on that because I think it's
7 the only police department in the country
8 that mandates minimum manning by precinct.

9 LEGISLATOR DERIGGI-WHITTON: I
10 know. And that's one of the things that I
11 was concerned about, consolidation of the
12 police departments, and over and over and
13 over again all we kept hearing is that
14 minimum manning will not be affected by us
15 closing the police precincts, but now you're
16 saying that that was the plan all along?

17 VICE-CHAIRMAN MUSCARELLA: And it
18 will not be affected because that issue was
19 settled.

20 MS. D'ALLEVA: Still part of the
21 contract.

22 VICE-CHAIRMAN MUSCARELLA: It was
23 settled. There is no change in minimum
24 manning. At the time of the budget
25 discussion, there was some talk about it but

1 Rules Committee/5-6-13

2 it didn't come to fruition. It's
3 contractual. It's not going to be --

4 LEGISLATOR DERIGGI-WHITTON: This
5 is the second time in just this one little
6 meeting that we have been told the
7 completely opposite thing. One is that
8 overtime is going to be 22, and one is that
9 minimum manning would never be affected.
10 That was talked about before I was elected.
11 That was stated that that would never be
12 affected with the closing of the police
13 precincts, because that was my main concern
14 with the closing of the police precincts.

15 VICE-CHAIRMAN MUSCARELLA: And
16 it's not with the closing of the precincts.

17 LEGISLATOR DERIGGI-WHITTON:
18 Well, yes, that is what determines it, is
19 how many precincts we have.

20 VICE-CHAIRMAN MUSCARELLA: No,
21 it's not.

22 MR. SULLIVAN: He just said it
23 himself. The number of minimum manning is
24 determined by the number of precincts.

25 Just one other quick question.

1 Rules Committee/5-6-13
2 Contingency budgets, what is the definition
3 of a contingency budget?

4 MR. SULLIVAN: It's to fund
5 expenses that are otherwise budgeted on
6 specific lines.

7 LEGISLATOR DERIGGI-WHITTON: Are
8 they allocated?

9 MR. SULLIVAN: It's allocated in
10 the contingency.

11 LEGISLATOR DERIGGI-WHITTON: But
12 is there any budget -- is there any other
13 item allocated in a contingency budget when
14 you make a budget?

15 MR. SULLIVAN: No. It's a line
16 in the budget.

17 LEGISLATOR DERIGGI-WHITTON:
18 Correct. But do you ever allocate that
19 money when you make a budget?

20 MR. SULLIVAN: No. The fact that
21 you are putting that in there, that is the
22 allocation.

23 LEGISLATOR DERIGGI-WHITTON: So
24 you really never allocated that money for
25 police overtime when you put it in the

1 Rules Committee/5-6-13
2 contingency budget, is that what you're
3 saying?

4 MR. SULLIVAN: It was budgeted as
5 a contingency.

6 LEGISLATOR DERIGGI-WHITTON: But
7 in your mind you knew it was going to go to
8 police overtime even though it was under the
9 contingency --

10 MR. SULLIVAN: It was a hedge and
11 I think, again, it wasn't something that I
12 created, as I explained before, it was
13 something that was done by this body.

14 LEGISLATOR DERIGGI-WHITTON: By
15 "this body" do you mean like the Finance
16 Committee?

17 MR. SULLIVAN: No. The Full Leg.

18 LEGISLATOR DERIGGI-WHITTON: Who
19 is this body?

20 MR. SULLIVAN: The legislature.

21 LEGISLATOR DERIGGI-WHITTON: So
22 you told us that we were going to put extra
23 money in for the police overtime into the
24 contingency budget that was --

25 MR. SULLIVAN: No. The reserve

1 Rules Committee/5-6-13
2 budget was an amendment to the proposed
3 budget.

4 VICE-CHAIRMAN MUSCARELLA: It was
5 a legislative amendment to the proposed
6 budget.

7 LEGISLATOR DERIGGI-WHITTON: It
8 was never indicated to us that it was going
9 to be for police overtime. It's just
10 clarification. There's nothing wrong if
11 that's what he needed it for, but to have an
12 idea of what contingency is going to be
13 prior to entering into the year really goes
14 against what contingency is supposed to be
15 -- and I've done a number of budgets on the
16 city of Glen Cove, and here, we never
17 allocated the contingency budget for any
18 specific line. It almost goes against --

19 MR. SULLIVAN: I came from the
20 City of New York. New York City used to
21 have about \$800 million in contingencies,
22 which is miscellaneous judgments and
23 settlements.

24 LEGISLATOR DERIGGI-WHITTON: I
25 understand having a contingency budget, I

1 Rules Committee/5-6-13
2 have no problem with that, I think that's
3 smart, but we've never known ahead of time,
4 oh, we're going to put it in a contingency,
5 but we're really going to use it for XYZ.

6 MR. SULLIVAN: The contemplation
7 at that point was, I think, and wisely so,
8 if you looked at historical -- if you went
9 back to that era that Legislator Muscarella
10 spoke about, 2004-2005, when there were
11 2,700 police officers, overtime was \$52
12 million. Now you're looking 6, 7 years
13 later, with about 350 less officers and
14 overtime is 3, \$4 million less.

15 LEGISLATOR DERIGGI-WHITTON: I'm
16 not questioning the overtime. I'm
17 questioning when you come up here and you
18 testify to us, we have trust in you that you
19 are going to tell us the truth to the best
20 of your ability. It's an open forum. If
21 you're going to --

22 MR. SULLIVAN: I cannot comment
23 on a reserve that has not been set up.

24 LEGISLATOR DERIGGI-WHITTON: But
25 you're saying that we had it in the

1 Rules Committee/5-6-13
2 contingency budget knowing we're going to
3 need it for overtime and, in my opinion,
4 that's completely, number one, against what
5 a contingency line is supposed to be used
6 for.

7 And, number two, when we ask you
8 what a specific number is, when we vote for
9 that budget, we're going on your word.

10 MR. SULLIVAN: Again, Ms.
11 Deriggi-Whitton, how can I comment on
12 something that was not there? It was put
13 in, as Legislator Muscarella said, as a
14 legislative amendment that's usually the
15 last vote of the night. They vote on the
16 legislative amendments and then it's in the
17 budget. You're not talking about that, and
18 you're making decisions, the legislative
19 body, the 19 members up here are voting on
20 the budget and they are the ones making the
21 amendments.

22 LEGISLATOR DERIGGI-WHITTON: I
23 understand.

24 MR. SULLIVAN: Those are
25 legislative changes. So how could I

1 Rules Committee/5-6-13

2 comment on it?

3 VICE-CHAIRMAN MUSCARELLA: Let's
4 not go back and forth anymore. You are
5 free, Ms. DeRiggi-Whitton, to believe that
6 Mr. Sullivan has not been forthcoming with
7 you.

8 I have found Mr. Sullivan to be
9 completely honest and forthcoming, but I
10 can't make you believe otherwise. There has
11 been nothing here that was said that there
12 was an allocation, an allocation of monies
13 in the contingency to certain items.

14 That contingency was set up by
15 the legislature and, you can always kind of
16 anticipate where things might go bad and
17 where things might go good, why you may need
18 something in the future, why you may not.

19 LEGISLATOR DERIGGI-WHITTON: I
20 understand.

21 VICE-CHAIRMAN MUSCARELLA: And I
22 think that in the budgeting process, when
23 there was so much, there was contingencies
24 with respect to whether we were going to be
25 able to see certain contractual budgetary

1 Rules Committee/5-6-13
2 items met, that this legislature then
3 created a contingency with the idea that we
4 may have certain problems --

5 LEGISLATOR DERIGGI-WHITTON: I
6 have no problem with that. But I have a
7 problem with Mr. Sullivan's testimony here
8 this afternoon.

9 VICE-CHAIRMAN MUSCARELLA: And
10 you have every right.

11 LEGISLATOR DERIGGI-WHITTON: And
12 the only reason why I'm saying it is because
13 when he first started out, when Legislator
14 Denenberg asked him, he said, we have \$22
15 million but I knew in the back of my mind
16 that we were probably going to need more but
17 we didn't want the police to know about it
18 so added a contingency program line. That's
19 sends a bad message to all of us.

20 VICE-CHAIRMAN MUSCARELLA: That's
21 exactly what every administration has done
22 over the last 40 years.

23 MR. SULLIVAN: Can I just clarify
24 one thing?

25 LEGISLATOR DENENBERG: There was

1 Rules Committee/5-6-13
2 no contingency fund at that time. The
3 legislature created it.

4 LEGISLATOR DERIGGI-WHITTON: You
5 know what, maybe that's true, but I don't
6 like it because I think all of us, and I'm
7 sure you guys might even feel this way also,
8 it's if we ask a question and we get an
9 answer, we're not going to have to ask four
10 other questions to make sure that it's not
11 in some other line other than the one that
12 we're asking.

13 Again, I understand a
14 contingency. I think a contingency is very
15 smart. I've always had a contingency in any
16 budget I voted on. However, the whole idea
17 of a contingency is that we don't know what
18 the money is going to be need for. It's
19 that kind of a safety net for something
20 usually unpredictable, not something
21 predictable like police overtime.

22 I'm really also, more than
23 anything, I'm totally amazed that the
24 discussion of minimum manning was brought up
25 and, it was never brought up with me, so I'm

1 Rules Committee/5-6-13
2 not happy to hear that either. But thank
3 you.

4 MR. SULLIVAN: Just one
5 clarification for the record. When we were
6 talking, Legislator Denenberg raised the day
7 in October 2011. I just wanted to say that
8 obviously at that point the reserve wasn't
9 set up, but since that time I have testified
10 before this body numerous times and we have
11 been down this path at least five or six
12 times and it's always the same discussion,
13 what about the police overtime?

14 So obviously I'm aware that a
15 reserve was set up on October 30th, and
16 that's in -- coming to you to say that I
17 could speak about it last October, before
18 there was a reserve set up, would just be
19 impossible.

20 LEGISLATOR DENENBERG: Then that
21 belies my point that when we budgeted \$22
22 million and police overtime coming in at 49
23 million, it was more than 100 percent over
24 budget. To say, no, no, not if you include
25 the reserves, you never intended to include

1 Rules Committee/5-6-13

2 the reserves because the legislature put in
3 the reserve, the administration didn't. So
4 it was an unrealistic number and we didn't
5 even come close.

6 MR. SULLIVAN: To that point, to
7 Legislator Muscarella's point, if they did
8 \$100 million cleanup in 2004, I don't think
9 they'd wind up with \$100 million deficit. I
10 think it was actually a very large surplus
11 year.

12 LEGISLATOR DENENBERG: You can
13 live in 2004. Here in 2013, I asked a
14 question. I got an answer --

15 VICE-CHAIRMAN MUSCARELLA: Mr.
16 Denenberg, you haven't come through the
17 chair in your last outburst. I would ask
18 you to do that. I believe we've debated
19 this as much as we can. It's my
20 understanding that the minority would like
21 five minutes to discuss this matter. We
22 will take a five-minute recess.

23 (Whereupon, the Finance Committee
24 recessed at 3:07 p.m. and reconvened at 3:16
25 p.m.)

1 Rules Committee/5-6-13

2 VICE-CHAIRMAN MUSCARELLA: The
3 Finance Committee is back in session.

4 LEGISLATOR DENENBERG: To the
5 chair?

6 VICE-CHAIRMAN MUSCARELLA:
7 Certainly.

8 LEGISLATOR DENENBERG: Thank you,
9 Legislator Muscarella.

10 On behalf of the minority, as
11 ranking member, we don't have any further
12 questions.

13 My only statement would be that
14 both, whether it was back in October 2011,
15 if questions didn't want to be answered
16 because it might affect negotiations or the
17 county's position in negotiations, that's
18 what executive session is for. Back in 2011
19 that could have been requested.

20 But we are not comfortable with
21 the answers to the questions that we have or
22 the reasons for this appropriation and the
23 magnitude of the appropriation. Also not
24 comfortable with the statement that \$150
25 million in budgeted savings was realized to

1 Rules Committee/5-6-13
2 the extent of \$125 million if their transfer
3 here is \$80 million.

4 So there's a lot of questions we
5 still have, and we're not sure why this
6 appropriation is of the magnitude that it
7 is. So hopefully between now and Full we
8 will see the breakdown but, as of now,
9 that's my statement.

10 VICE-CHAIRMAN MUSCARELLA: My
11 statement is that I think Mr. Sullivan has
12 been completely forthright in his answers
13 today, and I would call the question.

14 All those in favor signify by
15 saying aye.

16 (Aye.)

17 Any opposed?

18 (Nay.)

19 The item passes four in favor and
20 the minority against.

21 Just before we adjourn, two
22 little things. There is no change in
23 minimum manning in the county police
24 department. That's number one. And I did
25 speak to Mr. Chalmers who did indicate to me

1 Rules Committee/5-6-13
2 that he's putting something together on the
3 receipts on the mortgage tax and it appears
4 to be up about 18 percent which is good
5 news.

6 LEGISLATOR DENENBERG: Thank you.
7 That was a question.

8 VICE-CHAIRMAN MUSCARELLA: He is
9 going to put something together for us.
10 It's about 18 percent.

11 LEGISLATOR DENENBERG: Again, on
12 this item, to the extent that the
13 expenditures and where the revenues were
14 coming from, and where the expenditures are
15 going, can be broken out. That's what we
16 would like to see.

17 (Whereupon, the following is the
18 continuation of the minutes of the Rules
19 Committee, 5-6-13.)

20 CHAIRWOMAN GONSALVES: All right.
21 Let us begin. With the permission of the
22 minority, we are going to block a number of
23 the items that have already been called in
24 the other committees with the exception of
25 those which have not been called and one

1 Rules Committee/5-6-13
2 item which has. So we are going to do the
3 ones that we can block or bulk together,
4 whichever way you choose to say it, and I
5 will begin with Clerk Item 172-13, Clerk
6 Item 173-13, 174-13, 175-13, 176-13, 183-13,
7 187-13, 188-13, 189-13, 190-13, 191-13,
8 192-13, 193-13, 194-13, 196-13, 197-13,
9 199-13, 200-13, 203-13, and I believe that's
10 all. Motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Walker. Any comments regarding these items?

16 (No verbal response.)

17 Any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of the items just called, signify by
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The items pass unanimously.

1 Rules Committee/5-6-13
2 We're going to 185-13, which has not been
3 called in any other committee, and it's the
4 resolution to appoint Frank Saracino as a
5 non-voting director to the board of the
6 Nassau Health Care Corporation. Motion,
7 please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR WALKER: Second.

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

13 LEGISLATOR ABRAHAMS: A comment.
14 This will probably be the same for Mrs.
15 Reed's appointment also to the Nassau
16 University Medical Center Board. We look
17 forward to meeting both folks that are being
18 appointed to this board and we are going to
19 reserve our ultimate vote for that
20 opportunity to meet with them and be able to
21 digest their thoughts.

22 Obviously there is much concern
23 at what goes on at the medical center and,
24 before we continue to make appointments, we
25 want to make sure that we're appointing

1 Rules Committee/5-6-13
2 people that are going to right the ship
3 there. As we all know, that hospital has
4 gone through much much difficult times and
5 obviously the county is responsible for it
6 because we are still the guarantee on their
7 bond.

8 So, from that standpoint, we are
9 going to vote yes today but we look forward
10 in the next two weeks of having an
11 opportunity to sit down with both Mrs. Reed
12 and Dr. Saracino.

13 CHAIRWOMAN GONSALVES: You got
14 it. Any other comment?

15 (No verbal response.)

16 Any public comment?

17 (No verbal response.)

18 All those in favor of Item 185-13
19 appointing Frank Saracino as the non-voting
20 director to the hospital signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously.

1 Rules Committee/5-6-13
2 Item 186-13 is a resolution to appoint Linda
3 Reed as a director to the board of the
4 Nassau Health Care Corporation. Motion,
5 please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Motion by
9 Legislator Dunne, seconded by Legislator
10 Walker. Again, if you --

11 LEGISLATOR ABRAHAMS: Frank, if
12 my comments can be just transferred to this
13 item as well.

14 (Whereupon, the following are the
15 comments of Legislator Abrahams pertaining
16 to Clerk Item 186-13; 5-6-13.)

17 LEGISLATOR ABRAHAMS: A comment.
18 This is the same for Mrs. Reed's appointment
19 also to the Nassau University Medical Center
20 Board. We look forward to meeting both
21 folks that are being appointed to this board
22 and we are going to reserve our ultimate
23 vote for that opportunity to meet with them
24 and be able to digest their thoughts.

25 Obviously there is much concern

1 Rules Committee/5-6-13
2 at what goes on at the medical center and,
3 before we continue to make appointments, we
4 want to make sure that we're appointing
5 people that are going to right the ship
6 there. As we all know, that hospital has
7 gone through much much difficult times and
8 obviously the county is responsible for it
9 because we are still the guarantee on their
10 bond.

11 So, from that standpoint, we are
12 going to vote yes today but we look forward
13 in the next two weeks of having an
14 opportunity to sit down with both Mrs. Reed
15 and Dr. Saracino.

16 CHAIRWOMAN GONSALVES: You got
17 it.

18 (Whereupon, the following is the
19 continuation of the minutes of the Rules
20 Committee, 5-6-13.)

21 CHAIRWOMAN GONSALVES: Any other
22 comment?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/5-6-13

2 All those in favor of Item 186-13
3 appointing Linda Reed as director to the
4 hospital signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item passes unanimously.

9 The next item which was already
10 heard in Finance, at the request of the
11 minority, we'll entertain it again.

12 Item 195-13 a resolution to
13 authorize the transfer of appropriations
14 heretofore made within the budget for the
15 year 2012.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR WALKER: Second.

18 CHAIRWOMAN GONSALVES: Motion by
19 Legislator Dunne, seconded by Legislator
20 Walker. Any other comments from the
21 legislators?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/5-6-13
2 favor of Item 195-13 signify by saying aye.
3 (Aye.)
4 Any opposed?
5 (No verbal response.)
6 The item passes four to three.
7 LEGISLATOR WINK: Can I just ask
8 one question if I could on 195?
9 To the extent that anyone can
10 answer this, has the comptroller's office
11 already booked this transfer?
12 MS. D'ALLEVA: I believe they do
13 facilitate their year end close.
14 LEGISLATOR WINK: Yes. They've
15 been doing that with a lot of these, with or
16 without legislative approval.
17 MS. D'ALLEVA: I'm not really
18 sure about that. I can't speak to that if
19 they book other board transfers.
20 LEGISLATOR WINK: Let me ask you,
21 Roseanne, because I know you were very
22 involved with this. Back in December we
23 were polled about a \$9 million transfer in
24 order to cover overtime for what I believe
25 is the police department. Do you recall

1 Rules Committee/5-6-13

2 that?

3 MS. D'ALLEVA: I think that may
4 have been related to FEMA.

5 LEGISLATOR WINK: It might have
6 been. My question is, if we are
7 transferring \$80 million here, and yet in
8 December we were told that to authorize
9 payment for \$9 million, we had to do a whole
10 board transfer before the end of the year.
11 I don't understand. How do the two operate
12 hand in hand?

13 MS. D'ALLEVA: Well, I believe
14 the \$80 million here is just within the
15 general fund which is separate and apart
16 from PDD and PDH. So I think when we came
17 here for the \$9 million transfer, that was
18 only -- I mean, I don't have the board
19 transfer in front of me, I believe that was
20 only to address the PD overtime, I mean
21 salaries, that were over on their AA.

22 LEGISLATOR WINK: So where were
23 we transferring the money to?

24 MS. D'ALLEVA: Because payroll
25 checks would not have been cut.

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2 LEGISLATOR WINK: It was a
3 supplemental appropriation? I don't recall
4 it being that.

5 MS. D'ALLEVA: There were I think
6 several moving parts. At one point it was a
7 budget transfer. And many budget transfers
8 at the end of the year were facilitated to
9 cover shortages on the AA lines because, at
10 that point in time, we had to cut payroll
11 checks. Payroll checks can't go out unless
12 it is funded.

13 So there were issues with respect
14 to payroll being cut and checks being
15 funded. So at that point in a lot of
16 situations we would board transfer things
17 from one line to the next to fund payroll
18 but then, in the end, we did a supplemental
19 appropriation to the FEMA fund, and then
20 journalled the true FEMA expenses over to
21 the FEMA fund because, remember, the FEMA
22 charges were hitting our regular lines up
23 until the moment that we could
24 supplementally appropriate for Sandy, which
25 we did in January, late January, at some

1 Rules Committee/5-6-13

2 point. We did two phases. One was late
3 late December, which we were having payroll
4 failures at that time, and one was mid to
5 late January.

6 LEGISLATOR WINK: If I'm hearing
7 you correctly, Roseanne, we had to do these
8 board transfers in order to authorize
9 payment on them; is that correct, \$80
10 million worth of salaries?

11 MS. D'ALLEVA: No. The \$80
12 million board transfer is something that's
13 predicated from the comptroller's office to
14 facilitate the charter requirement which
15 means that all the object code lines cannot
16 be in deficit and that's why they do all the
17 year-end transfers.

18 LEGISLATOR WINK: Yet we are
19 doing them five months after the transfers
20 actually took place because they had to
21 close the books. They had to do it within
22 2012 to cover the expenses.

23 MS. D'ALLEVA: Well, the
24 comptroller's close -- they don't have to
25 close the books, I mean, they are required

1 Rules Committee/5-6-13
2 by charter I think by June 30th. And this
3 has been an extraordinary year with FEMA.

4 LEGISLATOR WINK: It's been an
5 extraordinary year yet, at the same time, it
6 seems like this has become increasingly
7 common practice in the county where -- I
8 mean, last year, for example, we didn't
9 close the books until the end of, what,
10 July? As I understood it, it was June 30th
11 and --

12 CHAIRWOMAN GONSALVES: In 2012,
13 they were closed, the books were closed June
14 18, 2012. 2011, June 6th, 2011. 2010, June
15 21, 2010. 2009, June 22, 2009. 2008, June
16 23, 2008. 2007, May 21st, 2007. 2006, May
17 3, 2006. And 2005, July 25th, 2005. And
18 2004, April 13th, 2004. So the dates of
19 closing have varied over the years.

20 MS. D'ALLEVA: The year end
21 transfers, this particular budget transfer,
22 to my recollection, is always between the
23 end of February through May, through any
24 time in May.

25 LEGISLATOR WINK: Yet, what you

1 Rules Committee/5-6-13

2 said was that this needed to take place in
3 order to authorize salary payments, is that
4 what --

5 MS. D'ALLEVA: No. That's not
6 what I said. You opened the question,
7 Legislator Wink, with a salary transfer of
8 \$9 million back in January.

9 LEGISLATOR WINK: And that I
10 understand is an interfund transfer, is what
11 you told me, right?

12 MS. D'ALLEVA: Right. And that
13 was predicated because of the salaries and
14 payroll to be met. This doesn't require --

15 LEGISLATOR WINK: Because it was
16 money that had to be transferred between
17 funds, is that --

18 MS. D'ALLEVA: No. That was a
19 supplemental appropriation.

20 LEGISLATOR WINK: Because it was
21 tied to revenues with respect to Sandy and
22 FEMA.

23 MS. D'ALLEVA: That's right. We
24 had salary expenses for the last quarter of
25 '12 that were all FEMA related and basically

1 Rules Committee/5-6-13
2 overages, and we testified to that, that
3 there was a lot of salary expense because of
4 FEMA and we had to do some transfers in
5 order to facilitate payroll at that time
6 until we can get an appropriation from this
7 body.

8 LEGISLATOR WINK: But this \$80
9 million is not Sandy related?

10 MS. D'ALLEVA: No.

11 LEGISLATOR WINK: Okay. Just
12 asking to make sure. It just seems to me
13 that we have an increasing practice in this
14 county where we do these board transfers and
15 then potentially months later we send it
16 over to the legislature to ratify it. And
17 it just seems to me, before things get
18 booked, the proper order should be that this
19 legislature authorizes it.

20 MS. D'ALLEVA: Legislator Wink,
21 as soon as the comptroller's office usually
22 has this prepared, they bring it to the
23 legislature. This is strictly really a
24 comptroller's office close item.

25 LEGISLATOR WINK: Thank you.

1 Rules Committee/5-6-13

2 CHAIRWOMAN GONSALVES: The vote
3 has already been taken and, to reiterate,
4 the item passed four to three.

5 The next item is 201-13, a
6 resolution authorizing the county executive
7 to execute a grant agreement between the
8 County of Nassau acting on behalf of the
9 Department of Parks, recreation, and Museums
10 and Museums at Mitchell. Motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Walker. Mr. May.

16 MR. MAY: We have Ms. Eileen
17 Kreeb from the Parks Department.

18 MS. KREEB: Good afternoon,
19 Eileen Kreeb from the Department of Parks.
20 This is a grant application for the new
21 museums at Mitchell, the Cradle Museum for a
22 \$550,000 grant to help subsidize existing
23 programs and it's being funded through the
24 Hotel Motel grant program.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/5-6-13
2 questions regarding from any legislators?

3 (No verbal response.)

4 Is there any public comment?

5 (No verbal response.)

6 There being none, all those in
7 favor of Item 201-13 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The item passes unanimously. The
12 next item is 202-13, a resolution to
13 ceremonially designate a section of the
14 county road known as Maple Avenue between
15 Linden Avenue and School Street "Bethel Ame
16 Church Way", and directing the Department of
17 Public Works to install conspicuous signage
18 along said roadway. Motion, please.

19 LEGISLATOR WALKER: So moved.

20 LEGISLATOR DUNNE: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Walker, seconded by Legislator
23 Dunne. Any questions regarding this item?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of Item 202-13 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 That completes the regular
9 agenda. We did suspend the rules because we
10 have two other items on an addendum. The
11 first item on the addendum is Item 184-13, a
12 local law to amend the miscellaneous law of
13 Nassau County in relation to apprenticeship
14 program. A motion, please.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR DUNNE: Second.

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

20 MR. MAY: We have Chief Deputy
21 County Executive Rob Walker to answer any
22 questions on this item.

23 CHAIRWOMAN GONSALVES: Good
24 afternoon, Mr. Walker.

25 CHIEF DEPUTY COUNTY EXECUTIVE

1 Rules Committee/5-6-13

2 WALKER: Good afternoon. So this
3 legislation for those of you that are
4 familiar with the apprenticeship line in the
5 county, for any contract that's over
6 \$500,000, the contractors are required to
7 have apprenticeship language in those
8 contracts.

9 Unfortunately there was also a
10 carve out for subcontracts related to the
11 contractors, if it was under \$100,000 they
12 would not be required to have an
13 apprenticeship program.

14 What has happened unfortunately
15 over the last several years, but
16 specifically over the last several months,
17 is contractors have basically figured out a
18 way to use that \$100,000 carve out and do
19 work off premises, off the public work site
20 and then continue doing work on the site at
21 under the \$100,000, most cases 95 to
22 \$98,000. It does not fall within the
23 purview of that \$100,000 carve out. Again,
24 work is being done off premises which would
25 put that type of work being done over

1 Rules Committee/5-6-13

2 \$100,000.

3 They have stopped work on job
4 sites. We've had unfortunately picket
5 lines. We had work slow downs and it really
6 does --all it really does is an injustice to
7 the county, it winds up costing the county
8 additional money and time, and we believe in
9 working with our public works department,
10 and also those that are in the construction
11 trades this is the right way to go.

12 Again, every contract under
13 \$500,000 would not need an apprentice
14 program so the local businesses would still
15 be able to bid here in Nassau County and not
16 be penalized at all by any of these
17 thresholds and this is the legislation, the
18 local law ahead of you.

19 CHAIRWOMAN GONSALVES: Any
20 questions from any legislators?

21 LEGISLATOR ABRAHAMS: Hey Rob.
22 Just a quick question. Who exactly did you
23 talk to in the construction trade?

24 CHIEF DEPUTY COUNTY EXECUTIVE
25 WALKER: Pretty much every one of them,

1 Rules Committee/5-6-13
2 every local, but specifically this has
3 occurred with Local 138 I believe that had a
4 specific problem that we were alerted to on
5 the work being done right now at our Nassau
6 County Police Department training facility,
7 which, unfortunately, has created a backlog
8 and a slow down of work.

9 They have agreed, they understand
10 the problem better than probably all of us
11 do, but it came specifically from them, and
12 subsequently at our last labor meetings
13 pretty much across the board every union has
14 felt the same problem.

15 CHAIRWOMAN GONSALVES: Any other
16 questions?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of Item 184-13 signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously. The

1 Rules Committee/5-6-13
2 next item which I believe is the last one is
3 Item 204-13, it's a resolution authorizing
4 the county executive to enter into a project
5 partnership agreement with the State of
6 New York to proceed with the design and
7 construction of the Atlantic Coast of Long
8 Island, Jones Inlet to Rockaway Inlet, Long
9 Beach Island, New York, hurricane and storm
10 damage reduction project, the Long Beach
11 project. Motion, please.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR DUNNE: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Walker, seconded by Legislator
16 Dunne. Mr. May.

17 MR. MAY: We have Mr. Rich Millet
18 from Public Works.

19 MR. MILLET: Good afternoon.
20 This is an Army Corp. of Engineer study that
21 was done quite a few years ago that finally
22 everybody kind of agreed to acted on. We
23 just need to see their plan and give them --
24 public works looked at it with their
25 engineers and sent an approval back, and

1 Rules Committee/5-6-13
2 this is just an agreement to tell them that
3 we are fine with the operation they're
4 doing.

5 We are going to end up getting
6 dune replenishment out of it from the Army
7 Corp. of Engineers at no cost to the county.

8 CHAIRWOMAN GONSALVES: Any
9 questions of Mr. Millet?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Item 204-13 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 Item 204-13 passes unanimously.

19 CHAIRWOMAN GONSALVES: I believe
20 that is the end of the Rules agenda. Motion
21 to adjourn, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR WALKER: Second.

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

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Rules Committee/5-6-13

Walker. All those in favor of adjourning
please signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

We are now adjourned. Thank you
very much.

(Whereupon, the Rules Committee
adjourned at 3:52 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2013.

FRANK GRAY