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NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, June 3, 2013
1:45 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 by
 Vice Chairman Michael Venditto)

6

7 DENNIS DUNNE

7

8 ROSE MARIE WALKER (Substituted by
 Richard Nicoletto)

8

9

10 KEVAN ABRAHAMS,
 Ranking

10

11 JUDY JACOBS (Substituted by
 Carrie Solalges)

11

12

13 WAYNE WINK

13

14 WILLIAM J. MULLER, III
 Clerk of the Legislature

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1 Rules Committee/6-3-13

2 CHAIRWOMAN GONSALVES: Legislator
3 Dunne, please lead us in the Pledge of
4 Allegiance.

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

7 CHAIRWOMAN GONSALVES: As is
8 procedure, the Rules Committee will take up
9 the contracts first and then recess and the
10 other committees will then follow through.
11 And, then, once the other committees are
12 done, we will then reconvene.

13 So we will begin now with the
14 roll call. Thank you very much.

15 CLERK MULLER: Legislator Wink?

16 LEGISLATOR WINK: Here.

17 CLERK MULLER: Legislator Jacobs?

18 (No verbal response.)

19 CLERK MULLER: Ranking Member
20 Abrahams?

21 LEGISLATOR ABRAHAMS: Here.

22 Legislator Jacobs actually had a death in
23 the family, so in lieu of Legislator Jacobs
24 not being here, we've asked Legislator
25 Solages to be here in her place.

1 Rules Committee/6-3-13

2 CLERK MULLER: Legislator Solages
3 substituting for Legislator Jacobs?

4 LEGISLATOR SOLAGES: Here.

5 CLERK MULLER: Legislator
6 Nicoletto substituting for Legislator
7 Walker?

8 LEGISLATOR NICOLELLO: Here.

9 CLERK MULLER: Legislator Dunne?

10 LEGISLATOR DUNNE: Here.

11 CLERK MULLER: Legislator
12 Venditto substituting for Vice Chairman
13 Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK MULLER: Chairwoman
16 Gonsalves?

17 CHAIRWOMAN GONSALVES: Present.

18 CLERK MULLER: We have a quorum.

19 CHAIRWOMAN GONSALVES: Thank you.

20 Let us begin with the first contract which
21 is Contract Item A-38-13 with the Nassau
22 County Police Department and Motorola, Inc.

23 May I have a motion, please?

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR VENDITTO: Second.

1 Rules Committee/6-3-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Venditto. Mr. May.

5 MR. MAY: We have Detective
6 Sergeant Tara Comiskey to answer questions
7 on this item.

8 SERGEANT COMISKEY: The contract
9 is to authorize the purchase order for the
10 CD radio system for support, maintenance,
11 repair and configuration. This is an annual
12 contract and it's a standard system to have
13 the Motorola techs on hand to cover and
14 maintain the equipment.

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

17 (No verbal response.)

18 Is there any public comment on
19 this item?

20 (No verbal response.)

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

24 (Aye.)

25 Any opposed?

1 Rules Committee/6-3-13

2 (No verbal response.)

3 The contract passes unanimously.

4 SERGEANT COMISKEY: Thank you.

5 CHAIRWOMAN GONSALVES: Next

6 contract is A-43-13 with DPW and Jamaica Ash

7 and Rubbish Removal Company, Inc.

8 May I have a motion, please?

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR VENDITTO: Second.

11 CHAIRWOMAN GONSALVES: Moved by

12 Legislator Dunne, seconded by Legislator

13 Venditto. Mr. May, who do we have?

14 MR. MAY: We have Mr. Rich Millet

15 from the Department of Public Works.

16 MR. MILLET: Good afternoon.

17 Rich Millet, public works.

18 This is a contract for rubbish

19 removal for the county. We averaged last

20 year \$600,000 in use. There were two

21 respondents, Jamaica Ash and Progressive.

22 Jamaica Ash was the most reasonably priced.

23 CHAIRWOMAN GONSALVES: Any

24 questions of Mr. Millet?

25 (No verbal response.)

1 Rules Committee/6-3-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Contract A-43-13 signify by saying
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.

11 Next contract is A-44-13 with the
12 Nassau County DPW and Facilities Solutions
13 Group, Inc.

14 May I have a motion, please?

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Nicolello. Mr. Millet.

20 MR. MILLET: This is the contract
21 for the Long Beach bridge generator. It was
22 publically bid. There were five bids
23 received. This was the most responsible
24 bidder.

25 CHAIRWOMAN GONSALVES: Any

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

4 LEGISLATOR NICOLELLO: Mr.
5 Millet, would this be reimbursable?

6 MR. MILLET: This is going to be
7 in part of our PW, yes.

8 LEGISLATOR NICOLELLO: What does
9 PW mean?

10 MR. MILLET: It's our project
11 worksheet that goes to the federal
12 government for our response for money back.

13 LEGISLATOR NICOLELLO: Thank you.

14 CHAIRWOMAN GONSALVES: Is there
15 any public comment?

16 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The contract passes unanimously.

24 The next contract is Contract
25 A-45-13 between DPW and Aggreko, LLC.

1 Rules Committee/6-3-13

2 May I have a motion, please?

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR VENDITTO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Venditto. Mr. Millet.

8 MR. MILLET: This was a contract

9 and service that we used at Bay Park after

10 the storm when the water overtook the plant

11 and the electrical power system went down

12 and we used these generators to get the

13 plant back up and operating.

14 CHAIRWOMAN GONSALVES: This is

15 FEMA reimbursable?

16 MR. MILLET: Yes. FEMA

17 reimbursable and it's an RPW.

18 CHAIRWOMAN GONSALVES: Any

19 questions of Mr. Millet?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in

24 favor of Contract A-45-13 signify by saying

25 aye.

1 Rules Committee/6-3-13

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The contract passes unanimously.

6 CHAIRWOMAN GONSALVES: The next
7 contract is A-46-13 with DPW and Gabrielli
8 Truck Sales.

9 May I have a motion, please?

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR VENDITTO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Venditto.

15 MR. MILLET: Rich Millet, Public
16 Works. This is a rental agreement for five
17 dump trucks with snow equipment on the
18 front. We had over 80 pieces of equipment
19 that we had lost during the storm and we
20 used this as part of debris removal as well
21 as we used it snow fighting.

22 CHAIRWOMAN GONSALVES: I have a
23 question, Mr. Millet.

24 MR. MILLET: Sure.

25 CHAIRWOMAN GONSALVES: Why are we

1 Rules Committee/6-3-13

2 continuing to rent these trucks?

3 MR. MILLET: You have to sign a
4 six-month agreement to be able to do any
5 rental at all so this carries it through the
6 six month period.

7 CHAIRWOMAN GONSALVES: Is it
8 reimbursable?

9 MR. MILLET: It is. PW
10 reimbursement from FEMA.

11 CHAIRWOMAN GONSALVES: Thank you
12 very much. Any other questions? Legislator
13 Nicolello.

14 LEGISLATOR NICOLELLO: I wasn't
15 really clear on what your responses were to
16 the presiding officer. Why did we chose a
17 lease as opposed to a purchase?

18 MR. MILLET: You couldn't get
19 them built in time so, what happened was,
20 this vendor was gracious enough to pull them
21 off of several of their lots that they
22 intended to sell to other people and they
23 rented them to us.

24 LEGISLATOR NICOLELLO: Thank you.

25 CHAIRWOMAN GONSALVES: Any other

1 Rules Committee/6-3-13
2 questions or comments for Mr. Millet?
3 (No verbal response.)
4 Is there any public comment?
5 (No verbal response.)
6 There being none, all those in
7 favor of Contract A-46-13 signify by saying
8 aye.
9 (Aye.)
10 Any opposed?
11 (No verbal response.)
12 The contract passes unanimously.
13 Thank you very much. Next is Contract
14 A-47-13 with DPW and WW Grainger.
15 May I have a motion, please?
16 LEGISLATOR DUNNE: So moved.
17 LEGISLATOR NICOLELLO: Second.
18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Nicolello. Mr. Millet.
21 MR. MILLET: Rich Millet from
22 Public Works. This was a contract that we
23 used in the storm to purchase emergency
24 materials and goods for different
25 departments, public works throughout, and

1 Rules Committee/6-3-13
2 this is the followup to get them paid. This
3 is FEMA reimbursable as materials and it is
4 an RPW.

5 CHAIRWOMAN GONSALVES: Any
6 questions or comments for Mr. Millet?

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 A-47-13 signify by saying
12 aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The contract passes unanimously.

17 CHAIRWOMAN GONSALVES: The next
18 contract is Contract B-11-13, contract with
19 Public Works Hi-Tech Air-Conditioning
20 Service, Inc.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR VENDITTO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator
25 Venditto. Mr. May.

1 Rules Committee/6-3-13

2 MR. MAY: We have Mr. Ken Arnold
3 from the Department of Public Works.

4 CHAIRWOMAN GONSALVES: Thank you
5 very much.

6 MR. ARNOLD: This is a publically
7 bid contract to install heating and
8 air-conditioning at the museum, hangar two,
9 located in Mitchell Field. Currently the
10 building has limited air-conditioning which
11 limits its events during the summertime.

12 CHAIRWOMAN GONSALVES: Any
13 questions or comments for Mr. Arnold?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of Contract B-11-13 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The contract passes unanimously.

24 The next contract is Contract
25 E-111-13, contract with Parks and Phil

1 Rules Committee/6-3-13

2 Citron, Inc.

3 May I have a motion, please?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Nicolello. Mr. May.

9 MR. MAY: We have Commissioner
10 Carnell Foskey from Parks.

11 COMMISSIONER FOSKEY: Good
12 afternoon. This contract that's before you
13 today is a contract for Huey Lewis as part
14 of our summer concert series at Lakeside
15 Theatre. It will provide for the back line
16 and it will also provide for expenses that
17 the entertainer passes on usually to the
18 promoter.

19 CHAIRWOMAN GONSALVES: Any
20 questions of Commissioner Foskey?
21 Legislator Solages.

22 LEGISLATOR SOLAGES: Thank you so
23 much. Good afternoon, Mr. Foskey, how are
24 you doing?

25 COMMISSIONER FOSKEY: Good.

1 Rules Committee/6-3-13

2 LEGISLATOR SOLAGES: Are we all
3 invited to the concert series?

4 COMMISSIONER FOSKEY: Yes, you
5 are, you are always welcome at Lakeside
6 theatre, it's a beautiful theatre.

7 LEGISLATOR SOLAGES: That's
8 great. That's my only question. Thank you
9 very much.

10 LEGISLATOR DUNNE: Madam Chair?

11 CHAIRWOMAN GONSALVES: Legislator
12 Dunne.

13 LEGISLATOR DUNNE: It's coming
14 from hotel/motel tax so it's really not
15 coming out of the taxpayer's fund, so I just
16 wanted to get that on the record.

17 COMMISSIONER FOSKEY: That's
18 correct.

19 LEGISLATOR DUNNE: Thank you.

20 CHAIRWOMAN GONSALVES: Any public
21 comment regarding this contract?

22 (No verbal response.)

23 There being none, all those in
24 favor of Contract E-111-13 signify by saying
25 aye.

1 Rules Committee/6-3-13

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The contract passes unanimously.

6 CHAIRWOMAN GONSALVES: Next is
7 Contract E-114-13 with the DA's Office and
8 PEACE Afterschool Program, Inc.

9 May I have a motion, please?

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Nicolello. Mr. May.

15 MR. MAY: We have Mr. Bob McManus
16 from the District Attorney's Office.

17 CHAIRWOMAN GONSALVES: Welcome,
18 Mr. McManus.

19 MR. McMANUS: Good afternoon.
20 This contract with PEACE Afterschool is to
21 utilize discretionary funding obtained
22 through federal forfeiture cases to conduct
23 a free summer program for children from the
24 Terrence Bedell community in the Village of
25 Hempstead.

1 Rules Committee/6-3-13

2 This program will provide
3 supervised activities for children from ages
4 six to 13 to keep them safe and to encourage
5 positive and constructive activity during
6 the summer months.

7 CHAIRWOMAN GONSALVES: Any
8 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 E-114-13 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The contract passes unanimously.

19 Thank you, Mr. McManus. The next contract
20 is contract E-115-13 between the police
21 department and Motorola, Inc.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR VENDITTO: Second.

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

1 Rules Committee/6-3-13

2 Venditto. Mr. May.

3 MR. MAY: We have Detective
4 Sergeant Tara Comiskey to answer questions
5 on this item.

6 CHAIRWOMAN GONSALVES: Any
7 questions? I believe she spoke before.

8 (No verbal response.)

9 Is there any public comment
10 regarding this matter?

11 (No verbal response.)

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

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The contract E-115 passes
18 unanimously. The next contract is contract
19 E-116-13 with the DA's Office and PCN
20 Partners. Motion, please.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator
25 Nicolello. Mr. May.

1 Rules Committee/6-3-13

2 MR. MAY: We have Mr. Bob McManus
3 from the District Attorney's Office.

4 MR. McMANUS: Madam Chairwoman,
5 E-116 and E-117 are for the same program,
6 may I discuss them both?

7 CHAIRWOMAN GONSALVES: Yes, but
8 I'll call them and take a motion on it.

9 E-117-13?

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Motion by
13 Legislator Dunne, seconded by Legislator
14 Nicolello. Now you may speak on both of
15 them.

16 MR. McMANUS: Thank you. Project
17 Safe Neighborhoods conducts school violence
18 prevention programs at five local schools
19 designated as having a high proportion of
20 at-risk youth.

21 E-116-13 is to extend the term of
22 an agreement that began on January 1st, 2012
23 in order to enable us to fully utilize
24 available grant funding.

25 E-117-13 is to reallocate funding

1 Rules Committee/6-3-13
2 amongst the five schools to reflect
3 adjustments made after the program
4 commenced. It also provides for a grant
5 extension requested at the behest of the
6 Department of Justice to coincide with an
7 extension of the federal grant.

8 CHAIRWOMAN GONSALVES: Any
9 questions of Mr. McManus from any of the
10 legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Contracts E-116 and E-117-13
16 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The contracts pass unanimously.
21 Thank you very much. The next contract is
22 Contract E-118-13 and it's a contract with
23 the DA and Stages for Life. Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR NICOLELLO: Second.

1 Rules Committee/6-3-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Nicolello. Mr. McManus.

5 MR. McMANUS: Thank you. This
6 contract, Stages for Life, utilizes federal
7 forfeiture funds and is for the
8 implementation of a media arts program as
9 part of the district attorney's peacemaker
10 program conducted in the Hempstead School
11 District.

12 This program will engage middle
13 school at-risk youngsters by providing
14 positive and constructive activities to help
15 them become contributing members of the
16 community.

17 CHAIRWOMAN GONSALVES: Any
18 questions of Mr. McManus from any of the
19 legislators?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

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

1 Rules Committee/6-3-13

2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The contract, E-118, passes
6 unanimously.

7 MR. McMANUS: Thank you. Very
8 much.

9 CHAIRWOMAN GONSALVES: The next
10 contract is Contract E-119-13 with DPW and
11 Berger and Associates Appraisers, LLC.
12 Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR VENDITTO: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator
17 Venditto. Mr. May.

18 MR. MAY: We have Allen Williams
19 from the County Attorney's Office as well as
20 Mr. Ken Arnold from Public Works.

21 MR. ARNOLD: This is a contract
22 amendment with Berger & Berger for
23 appraisals associated with the takings of
24 property on the Ocean and Merrick DPW
25 project in Lynbrook.

1 Rules Committee/6-3-13

2 CHAIRWOMAN GONSALVES: Any
3 questions of Mr. Arnold?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

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

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The contract, E-119, passes
13 unanimously.

14 LEGISLATOR DUNNE: It says Berger
15 & Associates not Berger & Berger. Just want
16 the record to be clear.

17 CHAIRWOMAN GONSALVES: The next
18 contract is Contract E-120-13 with Traffic
19 Safety Board and New York Coalition for
20 Transportation Safety. Motion, please.

21 LEGISLATOR VENDITTO: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Venditto, seconded by Legislator
25 Nicolello. Mr. May.

1 Rules Committee/6-3-13

2 MR. MAY: We have Mr. Chris
3 Mistron from the Traffic Safety Board to
4 answer any question on this matter.

5 MR. MISTRON: Good afternoon.
6 The program, as outlined for the contract,
7 is with the New York Coalition for
8 Transportation Safety. As part of the
9 program that traffic safety does, we're
10 using their services to be able to provide
11 special needs programs for parents with
12 children with special needs to be able to
13 help them with their child safety seats as
14 well as transporting their children in cars
15 beyond the need of child safety seat.

16 The New York Coalition is unique
17 in that they have a child safety seat
18 specialist who is trained specifically for
19 special needs operation, everything from
20 autistic children to children with limited
21 use and so on.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Mr. Mistron?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/6-3-13

2 (No verbal response.)

3 There being none, all those in
4 favor of Contract E-120-13 signify by saying
5 aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The contract passes unanimously.
10 Thank you very much. The next contract is
11 contract E-122-13 with OMB and Legal Aid
12 Society of Nassau County. Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR NICOLELLO: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator
17 Nicolello. Who do we have?

18 MR. MAY: That would be me, Greg
19 May, County Executive's Office.

20 This is a contract for \$201,000
21 for the Legal Aid Society of Nassau County
22 to provide indigent legal representation.
23 This contract is 100 percent funded by the
24 State of New York.

25 CHAIRWOMAN GONSALVES: Mr. May,

1 Rules Committee/6-3-13

2 would you check that again for me, please?

3 How much is the contract?

4 MR. MAY: The first contract is
5 for \$201,000; three years, so the total
6 would be \$603,000 for this year.

7 CHAIRWOMAN GONSALVES: Okay.
8 Because I was looking for another contract.

9 MR. MAY: Sorry. So that's for
10 Indigent Legal Services. Three-year
11 contract. Each year of the contract is
12 \$201,000 and it adds up to 603 but we're
13 encumbering 201 for this year. And it's 100
14 percent funded by New York State.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much. Any questions of Mr. May?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of Contract E-122-13 signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/6-3-13

2 The contract passes unanimously.
3 The next contract is contract E-123-13 with
4 the county executive and LMN Printing
5 Company, Inc. Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR VENDITTO: Second.

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

11 MR. MAY: We have Mr. Edward
12 Korona from the county executive's office.

13 MR. KORONA: Madam Presiding
14 Officer, legislators. This contract is to
15 renew a contract with our mailing services.
16 This is the program where we send out the
17 public service announcements, hurricane
18 bulletins, stuff like that. It's just a
19 renewal on here. It's a one year contract.

20 CHAIRWOMAN GONSALVES: Any
21 questions of Mr. Korona?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/6-3-13
2 favor of Contract E-123-13 signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 Let the record show that there
8 are four ayes and three nays.

9 MR. KORONA: Thank you.

10 CHAIRWOMAN GONSALVES: The next
11 contract is Contract E-125-13 with DPW and
12 Nelson & Pope. Motion, please.

13 LEGISLATOR DUNNE: So moved.

14 LEGISLATOR VENDITTO: Second.

15 CHAIRWOMAN GONSALVES: Moved by
16 Legislator Dunne, seconded by Legislator
17 Venditto. Mr. May.

18 MR. MAY: We have Mr. Ken Arnold
19 from the Department of Public Works.

20 MR. ARNOLD: This is an amendment
21 to the on-call traffic and engineering
22 agreement with Nelson & Pope to extend the
23 contract till the end of this year. Also
24 increases the overall cap of the contract of
25 \$400,000 and, of that, encumbers \$180,000

1 Rules Committee/6-3-13
2 for services that the department requires.

3 CHAIRWOMAN GONSALVES: Any
4 questions of Mr. Arnold regarding this
5 contract? Deputy Presiding Officer
6 Nicolello.

7 LEGISLATOR NICOLELLO: Thank you.
8 When does this contract end with the
9 extension?

10 MR. ARNOLD: This contract will
11 now end at the end of this year.

12 LEGISLATOR NICOLELLO: The end of
13 December 31st?

14 MR. ARNOLD: Yes. December 31st
15 of '13.

16 LEGISLATOR NICOLELLO: Thank you.

17 CHAIRWOMAN GONSALVES: Is there
18 any public comment?

19 (No verbal response.)

20 There being none, all those in
21 favor of this contract signify by saying
22 aye.

23 (Aye.)

24 Any opposed?

25 (No verbal response.)

1 Rules Committee/6-3-13

2 The contract passes unanimously.

3 The next contract is contract E-126-13
4 between DPW and Haks Engineers, Architects
5 and Land Surveyors, P.C. Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR VENDITTO: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Venditto. Mr. Arnold.

11 MR. ARNOLD: This is a contract
12 for construction management services for the
13 construction associated with the rebuilding
14 of the Hempstead garage, phase one, which is
15 located in the Village of Hempstead.

16 CHAIRWOMAN GONSALVES: Any
17 questions of Mr. Arnold regarding this
18 contract?

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 126-13 signify by saying
24 aye.

25 (Aye.)

1 Rules Committee/6-3-13

2 Any opposed?

3 (No verbal response.)

4 The contract passes unanimously.

5 The next contract is Contract E-127-13

6 between the County of Nassau and the

7 Department of Public Works and Rockville

8 Risk Management Associates, Inc. Motion,

9 please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR VENDITTO: Second.

12 CHAIRWOMAN GONSALVES: Moved by

13 Legislator Dunne, seconded by Legislator

14 Venditto. Mr. Arnold.

15 MR. ARNOLD: This is a contract

16 to support the department in legal appraisal

17 fees associated with sewer overflows

18 resulting from Hurricane Sandy.

19 CHAIRWOMAN GONSALVES: Any

20 questions of Mr. Arnold regarding this

21 contract?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/6-3-13
2 favor of Contract E-127-13 signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The contract passes unanimously.
8 Thank you, Mr. Arnold. The next contract is
9 Contract E-128-13 with DPW and
10 Greenman-Pedersen, Inc. Motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR VENDITTO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Venditto. Mr. Arnold.

16 MR. ARNOLD: This is an
17 amendment to Greenman Peterson Engineering's
18 on-call traffic engineering agreement to
19 raise their cap by \$400,000 of which 325
20 will be incumbent for ongoing work.

21 CHAIRWOMAN GONSALVES: Any
22 questions of Mr. Arnold regarding this
23 contract?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/6-3-13

2 (No verbal response.)

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

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The contract passes unanimously.
10 The next contract is Contract E-129-13
11 between the County of Nassau and the
12 District Attorney's Office and Centre For
13 Peaceful Solutions. Motion, please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR VENDITTO: Second.

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

19 MR. MAY: We have Mr. Bob McManus
20 from the District Attorney's Office.

21 MR. McMANUS: This agreement with
22 the Centre for Peaceful Solutions utilizes
23 forfeiture funding to provide training in
24 conflict mediation and resolution as part of
25 the district attorney's Terrence Bedell

1 Rules Committee/6-3-13

2 Initiative.

3 This program employs an
4 innovative proprietary program called the
5 dialogue road map to foster a sustainable
6 approach to conflict resolution to reduce
7 violent crime and recidivism. This program
8 recruits volunteers from the community and
9 provides tools and training in behavior
10 modification. It will be conducted at the
11 Hempstead redirection and resources center
12 established by the district attorney's
13 office to foster the delivery of services to
14 county residents particularly those residing
15 in Hempstead Village.

16 CHAIRWOMAN GONSALVES: Any
17 questions? Deputy Presiding Officer
18 Nicolello.

19 LEGISLATOR NICOLELLO: Mr.
20 McManus, can we get the Centre for Peaceful
21 Solutions to work with the legislature?

22 MR. McMANUS: I'll bring that up.

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

25 (No verbal response.)

1 Rules Committee/6-3-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Contract E-129-13 signify by saying
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.
11 Thank you, Mr. McManus. The next contract
12 is Contract E-131-13 between the County of
13 Nassau, Department of Public Works and
14 Dvirka & Bartilucci Consulting Engineers.
15 Motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Deputy
20 Presiding Officer Nicoletto. Mr. Arnold.

21 MR. ARNOLD: This is a contract
22 amendment to Dvirka & Bartilucci's on-call
23 construction management agreement for
24 environmental work. This amendment will
25 cover work that was ongoing at Bay Park

1 Rules Committee/6-3-13
2 which is the inspection and engineering
3 services for the primary job and also the
4 constructibility for the facility at Bay
5 Park.

6 CHAIRWOMAN GONSALVES: Any
7 questions of Mr. Arnold on this contract?

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of Contract E-131-13 signify by saying
13 aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The contract passes unanimously.

18 We are now in recess and the next
19 committee will be Public Works. Thank you
20 very much.

21 (Whereupon, the Rules Committee
22 recessed at 2:08 p.m. and reconvened at 4:26
23 p.m.)

24 CHAIRWOMAN GONSALVES: We have
25 four items on the agenda and therefore that

1 Rules Committee/6-3-13
2 requires a suspension of the rules. May I
3 have a motion, please?

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR NICOLELLO: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Dunne, seconded by Deputy
8 Presiding Officer Nicoletto. All those in
9 favor signify by saying aye.

10 Any opposed?

11 (No verbal response.)

12 The motion carries unanimously.

13 I'm going to begin, with all due respect,
14 with Items 234-13 and 235-13.

15 I'm going to also ask that the
16 testimony from the Finance Committee be
17 incorporated into the Rules Committee.

18 (Whereupon, the following are the
19 minutes of the Finance Committee pertaining
20 to Clerk Items 234 and 235-13, 6-12-13.)

21 CHAIRMAN NICOLELLO: Motion to
22 suspend the rules.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR KOPEL: Second.

25 CHAIRMAN NICOLELLO: Moved by

1 Rules Committee/6-3-13
2 Legislator Walker, seconded by Legislator
3 Kopel. All those in favor of suspending the
4 rules signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The rules are suspended. Items
9 234 and 235, first two items in the
10 addendum. A bond ordinance making certain
11 determinations pursuant to the State
12 Environmental Quality Review Act providing
13 for a capital expenditure to finance the
14 payment of certain judgments, compromise or
15 settle claims resulting from court orders on
16 proceedings brought pursuant to Article 7 of
17 the Real Property Tax Law and the County of
18 Nassau and authorizing bonds of the County
19 of Nassau to finance that expenditure and
20 not to exceed \$78 million.

21 I'm going to call the first item
22 and call the second item later. For the
23 moment, 234 is before the committee.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR VENDITTO: Second.

1 Rules Committee/6-3-13

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Walker, seconded by Legislator
4 Venditto. Mr. May.

5 MR. MAY: We have Chief Deputy
6 County Executive Rob Walker will answer any
7 questions on this item.

8 MR. WALKER: Mr. May, do the
9 legislators have these books?

10 Let me thank you first obviously
11 for allowing for a new construction of a
12 temporary wall at the legislative building
13 but, just going -- I will be talking
14 briefly, and, obviously, thank the
15 legislature, this has been a long process
16 dealing with tax certioraris. At the last
17 meeting of the legislative body, I believe
18 both Legislator Wink and Legislator
19 Denenberg did ask some very important
20 questions and, obviously, the first thing we
21 want to do is make sure that all the
22 questions are answered and you have all the
23 documents that you, in fact, have requested.
24 Behind me are all those documents
25 related to tax certs. Roughly, right now,

1 Rules Committee/6-3-13
2 we have the two items before you, the one we
3 are talking about right now, and the second
4 total about \$183 million, roughly 16,000
5 residents of Nassau County, residents of
6 every legislative district totaling about
7 \$16 million, 16, \$17 million have been owed
8 their property refunds.

9 Understanding that this is a time
10 to get those people the money to keep the
11 economy going, especially in light of the
12 post-Sandy Nassau, we look forward to
13 working with the legislative body in a
14 bipartisan fashion to see to it that the
15 residents can get the dollars that they so
16 rightfully deserve.

17 Commercial businesses -- and you
18 are getting a book going around. I do want
19 to apologize as well for the lateness of
20 Friday in terms of getting the information
21 to all the legislators, but we know that the
22 final -- or the Full Legislature does not
23 meet until the 24th which over the next
24 three weeks we, again, look forward to
25 working with everyone to move the process

1 Rules Committee/6-3-13

2 forward.

3 Commercial businesses, obviously
4 many of them are at the point where they are
5 risking closing due to the lack of ability
6 for payment and those property owners are
7 crying. I'm sure every one of you receive a
8 tremendous amount of phone calls asking
9 where those dollars have been.

10 In the past, roughly \$101 million
11 per year has been bonded for the payment of
12 tax certs and we look forward to moving the
13 process forward.

14 You are about to be getting three
15 books which detail, which should be
16 providing all the backup to each individual
17 item. These files behind me, obviously we
18 want to make item available to all the
19 members, to work with both the assessor, to
20 work with the county attorney, and the
21 assessment review commission to, in fact, go
22 through any specific items that you may
23 have, any questions that you may have
24 related to each individual item, again, over
25 the course of the next three weeks that we

1 Rules Committee/6-3-13
2 can see to it that the residents get the
3 money that they so desperately need and,
4 more importantly, are entitled to. With
5 that, I will take any questions.

6 CHAIRMAN NICOLELLO: Mr. Walker,
7 Item 234, related to the -- calling for the
8 bonding of up to \$78 million, this item in
9 particular relates to the residential
10 refunds?

11 MR. WALKER: Yes. It's 16,220
12 residential residents of Nassau County.

13 CHAIRMAN NICOLELLO: For how long
14 have we owed residents these refunds?

15 MR. WALKER: Anywhere between one
16 and a half to two years. Depending on I
17 think there is 2011-2012 -- or '10 and '11,
18 but, as you know, over the last two years we
19 have been very successful with the
20 residential settlement program. We have had
21 no new residential refunds. These are the
22 prior two years.

23 CHAIRMAN NICOLELLO: So these are
24 monies that these residents laid out in
25 their taxes and it was determined that the

1 Rules Committee/6-3-13
2 assessment was incorrect and they are
3 entitled to these monies?

4 MR. WALKER: Correct.

5 CHAIRMAN NICOLELLO: Does
6 interest accrue while we wait?

7 MR. WALKER: Unfortunately, yes,
8 at a high rate. It's a great savings
9 account if you are owed money, if any of you
10 are, except we haven't paid.

11 CHAIRMAN NICOLELLO: Do you know
12 what the interest is?

13 MR. WALKER: Anywhere between 9
14 and 12 percent.

15 CHAIRMAN NICOLELLO: Aside from
16 the hardship on these residents, and, of
17 course, many of whom have been affected by
18 Sandy, not all of them, of course, it's the
19 entire county, but many of whom are
20 undergoing hardships and could use this
21 money, there is a financial implication for
22 the county as this continues to sit and not
23 get paid?

24 MR. WALKER: Yes.

25 CHAIRMAN NICOLELLO: And we're

1 Rules Committee/6-3-13

2 paying 9 to 12 percent interest on this.

3 Now, aside from the residential
4 items, the rest of the items, the refunds
5 that are due in this, are they commercial
6 judgments?

7 MR. WALKER: They are commercial
8 court orders, for lack of a better word,
9 judgments. We have been in court and, in
10 fact, have been now obligated to pay. It's
11 roughly about 827 of them, I believe.

12 CHAIRMAN NICOLELLO: So these are
13 not settlements, there is no discretion on
14 our part?

15 MR. WALKER: There is no
16 settlement in any of these two packages,
17 specifically the one before us now.

18 CHAIRMAN NICOLELLO: So there is
19 no discretion on our part, we have to pay
20 these refunds?

21 MR. WALKER: Correct.

22 CHAIRMAN NICOLELLO: With respect
23 to the commercial, are they also accruing
24 interest?

25 MR. WALKER: Yes.

1 Rules Committee/6-3-13

2 CHAIRMAN NICOLELLO: What is the
3 interest rate?

4 MR. WALKER: Same.

5 CHAIRMAN NICOLELLO: 9 to 12
6 percent?

7 MR. WALKER: Depending where they
8 are in the process.

9 CHAIRMAN NICOLELLO: These
10 commercial judgments, do they represent
11 refunds for years dating back some time?

12 MR. WALKER: Some of them as far
13 back as 1999, 2000, 2001, '02. Several of
14 them have gone back years upon years. You
15 will find that in this document,
16 unfortunately it's -- we tried to make it as
17 easy as possible to read, but you can see
18 the years going back, some of them six
19 years, seven years, eight years, nine years,
20 and, in fact, which is important, when you
21 try to settle cases now, very difficult
22 because they don't want to settle existing
23 years without getting paid for the previous
24 years which only does make sense.

25 CHAIRMAN NICOLELLO: Just to sum

1 Rules Committee/6-3-13
2 up, to make sure this point is understood,
3 these are monies that we owe that we have no
4 discretion over, they are court ordered
5 judgments, they have to be paid at some
6 point, and, while we sit and not resolve
7 this the county, the county taxpayers are
8 paying 9 to 12 percent interest?

9 MR. WALKER: It's only costing us
10 more money.

11 CHAIRMAN NICOLELLO: Right. Any
12 questions?

13 LEGISLATOR DERIGGI-WHITTON: Can
14 I just ask a quick question? We just got
15 this book --

16 CHAIRMAN NICOLELLO: Hold on a
17 minute. Is borrowing consistent with NIFA?

18 MR. WALKER: Yes, it actually
19 complies with the NIFA approved financial
20 plan for tax certs so it was approved
21 previously.

22 CHAIRMAN NICOLELLO: Legislator
23 DeRiggi-Whitton.

24 LEGISLATOR DERIGGI-WHITTON: So
25 234-13 is residential?

1 Rules Committee/6-3-13

2 CHAIRMAN NICOLELLO: Residential
3 and commercial.

4 MR. WALKER: And commercial court
5 orders.

6 LEGISLATOR DERIGGI-WHITTON:
7 Because before you just said it was
8 residential.

9 MR. WALKER: No. Residential as
10 well.

11 LEGISLATOR DERIGGI-WHITTON: But
12 it's also commercial? Because I just got
13 the book right now. But the first page I
14 opened up to was Home Depot and -- this is
15 not primarily, or only residential, the way
16 it was introduced?

17 MR. WALKER: No. We never said
18 it was that. That was not said. I said it
19 was residential and court ordered
20 commercial.

21 LEGISLATOR DERIGGI-WHITTON: When
22 you just mentioned 234-13 you said these are
23 for residential. It was in discussion. I
24 just heard that.

25 MR. WALKER: You obviously didn't

1 Rules Committee/6-3-13

2 hear the rest.

3 LEGISLATOR DERIGGI-WHITTON: So
4 it's not just residential. This is a mix,
5 the 78 million?

6 MR. WALKER: I will say it again,
7 yes.

8 CHAIRMAN NICOLELLO: It's a mix,
9 but they're all -- they are all judgments
10 and there's no discretion here. We have to
11 pay these at some point.

12 LEGISLATOR DERIGGI-WHITTON: I'm
13 not even going to touch on that right now.
14 I just wanted to clarify that point.

15 CHAIRMAN NICOLELLO: Any others?
16 Legislator Denenberg.

17 MR. WALKER: Those were emailed
18 to you on Friday, you should have received
19 them Friday.

20 LEGISLATOR DENENBERG: Okay. I
21 just got these three books now. I didn't
22 get an email.

23 LEGISLATOR DERIGGI-WHITTON: I
24 didn't get an email.

25 MR. WALKER: It's was emailed on

1 Rules Committee/6-3-13

2 Friday.

3 LEGISLATOR DENENBERG: Is this
4 the backup for just the \$78 million request
5 or for the \$105 million request as well?

6 MR. WALKER: They're two of the
7 items. That's why you look at the 235-13
8 and 234-13.

9 LEGISLATOR DENENBERG: So it's
10 \$183 million?

11 MR. WALKER: Here is the total
12 for 234 and here it is for 235. The total,
13 one is 78 and one is 105.

14 LEGISLATOR DENENBERG: In the
15 weekend when I didn't have the e-mail and in
16 the few minutes here, I haven't had a chance
17 to go through this entirely. I have been
18 trying to go through it while I'm sitting
19 here but, before I go through it, I have
20 heard conflicting statements. I just want
21 to be sure that I'm right.

22 The \$78 million request, how much
23 of that is residential and how much of that
24 is commercial?

25 MR. WALKER: It's \$16 million for

1 Rules Committee/6-3-13
2 residential, 16 and change, and roughly
3 about 61 and change for the commercial.

4 LEGISLATOR DENENBERG: So it's
5 \$61 million for residential and --

6 MR. WALKER: No. 16 and change
7 for residential, and \$61 million for
8 commercial.

9 LEGISLATOR DENENBERG: Of the 16
10 million for residential, that's all orders
11 or are those all settlements?

12 MR. WALKER: Those are all SCAR
13 settlements, I believe. ARC determinations.

14 LEGISLATOR DENENBERG: The 61
15 million, is that settlements or orders?

16 MR. WALKER: Those are court
17 orders. No settlements.

18 LEGISLATOR DENENBERG: Just a
19 question then. \$75 million was put in the
20 budget to Pay As You Go. We transferred
21 that out last week.

22 MR. WALKER: No. \$75 million was
23 put into the budget and we were going to
24 receive the funding via bonding. There was
25 never any bonding. There was not cash in

1 Rules Committee/6-3-13
2 that \$75 million. I know Deputy County
3 Executive Sullivan has said that repeatedly
4 to you. There was no cash put it. It was
5 75 million appropriation that was going to
6 be bonded. It was not bonded so the dollars
7 did not get received.

8 LEGISLATOR DENENBERG: Well, it
9 seems to me that we just made a huge
10 transfer last week and there was sales tax
11 revenue weigh in over. So if we wanted to
12 pay \$16 million Pay As You Go for SCAR and
13 keep \$75 million Pay As You Go or even go
14 back to 2010, 09, 08, \$50 million Pay As You
15 Go, the residential would have been fine.

16 But, as I look through all of
17 this, I'm going to ask, where are the court
18 orders?

19 MR. WALKER: The court orders are
20 part of 234-13. You have all the backup of
21 this.

22 LEGISLATOR DENENBERG: I don't
23 see a single court order in this.

24 MR. WALKER: If you want to see
25 the additional backup, we have every file

1 Rules Committee/6-3-13
2 behind me. Any files you want to go
3 through, you have three weeks to go through
4 it.

5 LEGISLATOR DENENBERG: Aside from
6 the theater behind you -- let me. Aside
7 from the theater, all I'm asking is what
8 prior administrations always gave to us.

9 The three things that I've always
10 asked for and I've never voted yes on a tax
11 cert settlement without three things.

12 MR. WALKER: Those are
13 settlements.

14 LEGISLATOR DENENBERG: Or an
15 order. I have never voted on a settlement
16 without seeing the settlement and without
17 seeing the confidential appraisal to make
18 sure that we are not giving taxpayer money
19 beyond what the appraiser said the value
20 should be. That's number one, and I don't
21 see those.

22 Number two -- let me finish. I
23 never vote without seeing the settlement
24 and, for the life of me, I don't why we
25 would enter into a settlement that would

1 Rules Committee/6-3-13
2 allow us to keep paying interest. That's
3 just ridiculous.

4 MR. WALKER: Those aren't
5 settlements. As I said, again, those are
6 court orders.

7 LEGISLATOR DENENBERG: So then
8 how much of this is representing
9 settlements?

10 MR. WALKER: None.

11 LEGISLATOR DENENBERG: So what
12 about the 105?

13 MR. WALKER: None.

14 LEGISLATOR DENENBERG: Those are
15 court orders too?

16 MR. WALKER: Either ARC
17 determinations or court determinations.

18 LEGISLATOR DENENBERG: Well, it
19 seems to me you have one sheet order or one
20 sheet determination should it come to us
21 without us having to look through what I
22 count to be five or 600 boxes.

23 MR. WALKER: It's actually 767.

24 LEGISLATOR DENENBERG: I was
25 pretty good considering I was doing it by

1 Rules Committee/6-3-13

2 eye.

3 MR. WALKER: That's good. But to
4 ask me to go through 700 boxes instead of
5 giving me the appraisal forms that we've
6 always gotten, the court order and/or the
7 settlement agreement is ridiculous. It just
8 is.

9 MR. WALKER: I would ask you to
10 go through the documents that were provided
11 to you. If there is something that you
12 still do not have, please let us know.

13 LEGISLATOR DENENBERG: But, you
14 know what, the resolution itself belies what
15 was just said to us. The resolution itself
16 says it's \$78 million consisting of the
17 total amount for judgments, compromised or
18 settled claims, it doesn't even say SCAR
19 proceedings, but I assume that could be a
20 compromised or settled claims. So to say
21 that none of this is settlements, I don't
22 even think the resolution is correct.

23 Let me just say this, to come
24 before us for a staggering \$183 million,
25 \$183 million of taxpayer money, saying that

1 Rules Committee/6-3-13
2 homeowners would be waiting for their tax
3 certs unless we bond, when the homeowners
4 total \$16 million and should have been paid
5 out of operating expenses, and this list, I
6 still haven't found any homeowners in the
7 list, but I know Legislator DeRiggi-Whitton
8 is making the same point.

9 But, to come before us with
10 backup that we just got right now and a
11 theater of asking legislators to go through
12 700 some odd boxes when you should just give
13 us the orders, the settlements, and the
14 actual appraised values to make sure that we
15 are -- that we are not giving away taxpayer
16 money, to me, seems ridiculous.

17 To me, I still not do understand
18 why not one cent as Pay As You Go was kept
19 in the budget so we can simply at least pay
20 a portion of this Pay As You Go.

21 You know what, if the presiding
22 officer and the majority are okay with this
23 level of borrowing that my grandchildren
24 will still be having to pay off, maybe
25 that's okay, but it's a real concern to us.

1 Rules Committee/6-3-13

2 MR. WALKER: They already pay off
3 yours, \$101 million per year. So let's not
4 play games.

5 LEGISLATOR DENENBERG: Rob, there
6 was \$50 million a year Pay As You Go for
7 five straight years.

8 MR. WALKER: The last thing I
9 want to do is get in an argument because
10 that's what this should not be about. We
11 have three weeks that we should all be
12 working together so we can get the people
13 their money.

14 This should not be about arguing
15 back and forth. Bottom line is, we live in
16 a very different world, and obviously you
17 went through the whole FEMA fund and dollars
18 and cents that's being paid for with Sandy.
19 If you want to look at the budget and make
20 additional cuts to the budget so that you
21 can make sure that we get paid as Pay Go,
22 there is \$18 million that was put into the
23 budget this year.

24 I personally believe it's better
25 off to bond at the interest rates that we

1 Rules Committee/6-3-13
2 are getting now which are the lowest
3 interest rates possible, to bond, to get
4 these things off the backs of the taxpayer
5 because now we will not be continuing to
6 draw interest. Get people their money back
7 so they can put money into the economy and,
8 more importantly, make sure that we have the
9 dollars and cents in our budget to pay Sandy
10 claims that are continually coming in that
11 we are not only getting reimbursed 90
12 percent, so there's still ten percent that
13 have to be paid for. You have -- do you
14 have a question? Ask me a question.

15 LEGISLATOR DENENBERG: I'm
16 thinking who pays off the bonds, if that's
17 not putting it on the backs of the
18 taxpayers, then who else --

19 MR. WALKER: Because they are
20 paying it now on their backs by -- the
21 interest rates decline, and the --

22 LEGISLATOR DENENBERG: I don't
23 know that because I don't have a settlement
24 agreement in all this backup, not one
25 settlement agreement.

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2 CHAIRMAN NICOLELLO: There are no
3 settlements. There are no settlements.
4 There are no settlements.

5 LEGISLATOR DENENBERG: And not
6 one order. They said there was settlements.

7 MR. WALKER: No. I said there
8 were no settlements. I keep saying it and
9 you don't listen.

10 LEGISLATOR DENENBERG: The
11 resolution says there's settlements.

12 MR. WALKER: Right. That's the
13 resolution. It's done every single time the
14 same way and I will check to see if --

15 LEGISLATOR DENENBERG: Judgments
16 comprised or settled claims. Sorry for
17 reading the backup.

18 CHAIRMAN NICOLELLO: In any
19 event, what the Deputy County Executive is
20 representing to you is that you have these
21 commercial orders, judgments against the
22 county, you have the residential, which are
23 SCAR settlements, which have the effect of
24 an order which have to be paid, and you have
25 these ARC related judgments, again, that

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2 have to be paid.

3 We are not talking about
4 settlements here.

5 MR. WALKER: Absolutely not.

6 CHAIRMAN NICOLELLO: So you can
7 look at appraisals until you are blue in the
8 face, it's not going to affect it one bit.
9 We are required by law to pay these refunds
10 in the amounts that are set forth.

11 The only thing that's changing
12 here is that every day that goes by, while
13 this continues, the interest continues to
14 accumulate. So that interest is added on to
15 your grandchildren, as well as the \$1
16 billion in borrowing for refunds that took
17 place over ten years.

18 LEGISLATOR DENENBERG: You just
19 made a statement that you don't have a
20 single order or settlement --

21 CHAIRMAN NICOLELLO: So it's a
22 little too late to start worrying about your
23 grandchildren. I think you are worrying
24 about your great grandchildren at this
25 point. After borrowing a billion dollars

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2 over ten years, it's a little bit too late.

3 LEGISLATOR DENENBERG: A billion
4ollars over ten years?

5 CHAIRMAN NICOLELLO: That's
6 right. \$100 million a year.

7 LEGISLATOR DENENBERG: Most of
8 which when Suozzi came in it was a \$650
9 million backlog from Gulotta. This
10 administration came in with \$125 million
11 backlog. Now it's up to 400 and I'm simply
12 saying, let's at least continue the 50
13 million Pay As You Go and don't ever ask me
14 to vote yes on a settlement without showing
15 me the settlement agreement, or yes on a
16 judgement without showing me the judgement.
17 You just --

18 CHAIRMAN NICOLELLO: You voted on
19 them in the past.

20 LEGISLATOR DENENBERG: You just
21 made statements on judgements without even
22 having them. Because in the past I got the
23 three things I asked for, the order, the
24 settlement agreement, and the appraisal
25 sheet that showed me why we're paying that

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2 amount of money. Those are the three things
3 I have asked for and now I'm told to go find
4 them in 700 boxes.

5 CHAIRMAN NICOLELLO: You
6 consistently authorized settlements without
7 any of those documents.

8 LEGISLATOR DENENBERG: Not true.
9 I always ask for those documents.

10 CHAIRMAN NICOLELLO: Let me
11 finish. Maybe you'll understand something.

12 LEGISLATOR DENENBERG: I
13 understand you are trying to make something
14 up, that's what I understand.

15 CHAIRMAN NICOLELLO: You
16 consistently voted for over all those years
17 settlements without a scrap of paper because
18 you authorized the borrowing. We only got
19 settlements over \$100,000. So every one of
20 those settlements under a \$100,000 you
21 approved without a piece of paper.

22 LEGISLATOR DENENBERG: You know,
23 you're here 18 to 20 years and you don't
24 remember --

25 CHAIRMAN NICOLELLO: I guess

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2 you're moving on from that point.

3 LEGISLATOR DENENBERG: I'm not
4 moving off. Every single time a tax
5 settlement or order or judgement came to us
6 before the county executive asked for
7 borrowing, we had settlements we had to
8 approve that always showed an appraisal
9 sheet, and I always asked questions on it to
10 make sure we weren't giving more -- you're
11 telling me these are under \$100,000? You're
12 telling me these are under \$100,000.

13 MR. WALKER: Yes, they're under
14 \$100,000.

15 LEGISLATOR DENENBERG: Some of
16 them are. We're giving over \$10 million to
17 one person, I don't even see that here.

18 CHAIRMAN NICOLELLO: All right.
19 Then if we can segregate out the ones over
20 \$100,000 then you'll vote for it, because
21 you've done that in the past?

22 LEGISLATOR DENENBERG: Why don't
23 I have the backup? How come you don't want
24 the backup? Suddenly you don't want the
25 backup.

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2 CHAIRMAN NICOLELLO: What's going
3 on here is they will find any excuse not to
4 vote for this, and we can give them
5 everything they could possibly want and
6 there will be another reason.

7 LEGISLATOR DENENBERG: That's not
8 true. I asked for the same thing now two
9 years in a row and I still can't get it. I
10 asked for it from County Executive Suozzi
11 and I asked for it from County Executive
12 Gulotta and you guys at times used to join
13 me in the request.

14 Suddenly, now, we're going to do
15 \$183 million of borrowing with backup that
16 you got two seconds -- well, even after this
17 meeting started. You might want to do it.
18 I don't.

19 CHAIRMAN NICOLELLO: Not only did
20 you vote for settlements under \$100,000
21 without any paper, but you --

22 LEGISLATOR DENENBERG: The whole
23 point of \$100,000 is you don't vote on it.

24 CHAIRMAN NICOLELLO: I think the
25 reason you interrupt people is because you

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2 don't want to be heard. You don't want to
3 be contradicted. You don't want to listen
4 to anybody else.

5 But, in any event, not only did
6 you vote for settlements under \$100,000
7 without a scrap of paper, which we all did
8 and which is the way the county is operated,
9 but you voted for a bill that allowed us to
10 do that in 2001 which was passed by 19 to
11 nothing.

12 In other words, it gave the
13 legislature, gave the county the ability to
14 settle these cases so that each one that's
15 under \$100,000 didn't have to come to us.
16 So you have been doing it all along and now
17 it's become the point of contention.

18 LEGISLATOR DENENBERG: You have
19 got to be kidding me. Just about all of
20 these you're talking huge amounts of money
21 and the big fight has been, I have asked for
22 the backup we've gotten in the past, an
23 appraisal that would show that our appraiser
24 said that the house should be valued at a
25 certain amount, which justifies the

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2 settlement or the order, and I asked for the
3 settlement agreement.

4 Under County Executive Suozzi, I
5 wouldn't even vote yes on a settlement
6 agreement unless we had a moratorium for
7 three years.

8 CHAIRMAN NICOLELLO: Mr. Walker,
9 let's say I got all the appraisals on all
10 these judgments, and I don't agree with
11 them. Can I go back to the court as a
12 legislator or as a legislature and say, I
13 don't agree with these settlements here. I
14 don't agree with the judgements. I saw the
15 appraisals. They're not right. What can
16 you do? What's our recourse?

17 LEGISLATOR DENENBERG: You can't
18 settle the case if we said --

19 MR. WALKER: They're judgements.

20 CHAIRMAN NICOLELLO: They're
21 judgements. Every one of them. They have
22 to be paid. You can look at whatever
23 documents. You can go through all those
24 boxes and find stuff you don't like --

25 LEGISLATOR DENENBERG: The backup

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2 says it's settlements and you say it's
3 judgements, and because you must have the
4 backup, Rich, show me the backup because
5 you're making a statement that these are all
6 judgements. You must have all the
7 judgements that equal \$183 million to make
8 that statement. None of us do.

9 CHAIRMAN NICOLELLO: I'm making
10 that based on the Deputy County Executive's
11 statements that, number one, that this
12 involves --

13 LEGISLATOR DENENBERG: You're
14 interrupting again because obviously you
15 don't want to listen, but, okay. Number
16 one, these involve residential settlements
17 that go before SCAR and become in effect
18 judgements, court orders.

19 Number two, they are commercial
20 court orders that have to be paid.

21 Number three, they are ARC
22 related orders that have the effect of being
23 judgments, every one of these is an order.
24 We don't have discretion. You can look at
25 whatever documents you want. You're an

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2 attorney. You know as well as I, if you
3 have an order, you have to comply with it.

4 At some point, Nassau County is
5 going to pay these judgments. It can be
6 now, it can be two years from now, or five
7 years from now. In the interim, every year
8 nine percent interest, nine to 12 percent
9 interest.

10 LEGISLATOR DENENBERG: This is
11 the first time, Rich, in all honesty, I ever
12 recall us just accepting that these are all
13 judgements. We don't need to look at them.
14 We don't need to consider them. We're just
15 going to take it on word so why meet?

16 MR. WALKER: We will have -- the
17 county attorney will scan in every judgement
18 with the attached number and you will have
19 them. We have three weeks, I would like to
20 get every bit of data that you are asking
21 for and we want to get it to you.

22 CHAIRMAN NICOLELLO: Legislator
23 Bosworth has been waiting.

24 LEGISLATOR BOSWORTH: It just
25 strikes me that in all the years that I've

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2 been here I have never seen anyone come to
3 us with these huge amounts, all at once,
4 whether it's a billion dollars for this, and
5 bonding items before us today calls for a
6 staggering \$183 million of county borrowing
7 that NIFA would never approve.

8 So, irrespective of the merits of
9 any individual case, I'd say we are going to
10 be voting no based upon the enormous amount
11 of borrowing that is sought in these 700
12 boxes.

13 MR. WALKER: Well, NIFA has said
14 yes to the amount, so I very much differ
15 with you.

16 LEGISLATOR BOSWORTH: We can
17 agree to disagree.

18 CHAIRMAN NICOLELLO: I can tell
19 you this, in 2005, we passed two
20 authorizations, a bonding for refunds, first
21 was for 65 million, the second one was for
22 131 million.

23 So, in 2005, we passed about \$186
24 million in refunds. To do that, the
25 Democrats in the majority, they needed votes

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2 of the minority.

3 The Republicans, although we
4 don't like this practice as much as you do,
5 gave you the votes because it was the right
6 thing to do to keep government running.

7 Mr. Walker, let's say we decide
8 we are not going to pay these judgements.
9 What resource do the attorneys and the
10 clients have?

11 MR. WALKER: They basically will
12 go to the court and have a county account
13 attached to it and they will get paid.

14 CHAIRMAN NICOLELLO: So, on a
15 regular basis, we hear how we should be
16 spending more money for this program and
17 that program and we all agree that we'd like
18 to spend more for very worthy programs, but
19 when our accounts get attached, what happens
20 to our funds, what happens to these
21 discretionary programs?

22 MR. WALKER: Potentially could
23 get cut. Just going back to NIFA. Here is
24 the statement from the NIFA board of
25 directors in the approval of the county's

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2 multi-year plan: A transitional borrowing
3 to help close the gap is reasonably
4 necessary to avoid a shutdown of county
5 government services and can commit a
6 potentially unreasonable burden on the
7 county citizens and workforce. The NIFA Act
8 allows such borrowing during a control
9 period with NIFA's approval pursuant to a
10 plan achieving fiscal balance by its final
11 year and that included over \$240 million of
12 tax cert borrowing.

13 LEGISLATOR BOSWORTH: So I think
14 that part of that also is that perhaps when
15 that was issued, things were a bit different
16 because there was the assumption that the
17 county guaranty was no longer going to be in
18 affect. This is something that we're now in
19 litigation about because of the fact it was
20 said that you couldn't just get rid of the
21 county guaranty.

22 So we're talking about a lot of
23 different issues that are going on at the
24 same time.

25 MR. WALKER: As I said, we look

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2 forward, we have three weeks before the 24th
3 meeting. We look forward to working,
4 providing all of the detail, not to try to
5 make this political because it shouldn't be
6 political, it's all about our residents and
7 commercial business owners that deserve to
8 have this money and if it's not 181 or 51,
9 61 or 71, whatever we believe that we should
10 do together, that's what we want to do.

11 If it provides some assistance,
12 it does. To bleed that dry, the rainy day
13 fund, or our fund balance at a time when
14 it's really unknown costs, and I say that
15 related to Sandy costs, there's things that
16 continually pop up throughout this county
17 that are related to Sandy that no one
18 anticipated would occur that we have to
19 provide dollars for. Some it could be
20 bonded, some of it can't.

21 So you have to make sure you
22 continually provide yourself with the
23 dollars and flexibility to end up to provide
24 for the residents that every one of yours
25 has been impacted by it.

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2 And I understand about spending
3 operating dollars. I don't think that many
4 people want to see us cut any programs or do
5 any harm to our workforce, so you have to
6 come up and think outside the box. And I
7 hope we all can do that over the course of
8 the next three weeks.

9 CHAIRMAN NICOLELLO: Legislator
10 DeRiggi-Whitton.

11 LEGISLATOR DERIGGI-WHITTON:
12 Thank you. You know, as a new-be here, who
13 has never heard it on this type of situation
14 before, I can just say that, number one,
15 this is a mess, and, number two, I think
16 it's a fire hazard honestly, because I know
17 we'd never, that's in the center there, so
18 I'm sure the fire marshall is going to say
19 something, but I really think that what
20 we're showing here is that nothing has been
21 fixed.

22 We know that next year we're
23 going to be in the same situation and the
24 year after that we're going to be in the
25 same situation, and probably the year after

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2 that we're going to be in the same
3 situation.

4 So the fact that -- I think we
5 only have like \$2 million, if I remember
6 correctly, allocating for next year for tax
7 certs. That's totally irresponsible unless
8 we're going to, every year to expect to bond
9 a tremendous amount of money for our kids'
10 futures.

11 So, again, what's standing behind
12 you is a big problem, and I think going
13 forward we've got to eliminate this problem,
14 and we've got to find some way to find money
15 to put into this budget.

16 This is not a surprise. We know
17 what's coming next year. There's got to be
18 Pay Go in this. I can't sit here and say
19 for the next ten years, we'll borrow every
20 year. It's a disaster. You see it. It's
21 like a wave behind you and it's coming again
22 next year.

23 So we fixed nothing. We need to
24 budget for tax certs. Even if we clear this
25 up, we need to have this in our budget

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2 because this is, it's a no-brainer, we know
3 it's coming. I'm done.

4 MR. WALKER: I look forward to
5 your recommendations on what to cut and
6 budget recommendations --

7 LEGISLATOR DERIGGI-WHITTON:
8 Well, you're going to have to figure
9 something out. There was \$50 million that
10 was there before. We've got to figure it
11 out.

12 MR. WALKER: That's why we work
13 together because you're actually part of
14 this.

15 LEGISLATOR DERIGGI-WHITTON: You
16 know what, I'm happy with that, because
17 there's no way I'm going to stand here next
18 year and say, oh, what a surprise. We have
19 another 50 million we have to bond. I'm not
20 going to bond it again because I really
21 would not like to go that route every year.
22 It's credit card money for our kids and I
23 don't like doing that.

24 MR. WALKER: The fire marshall,
25 by the way, was here and approved where they

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2 were, but that's beside the point.

3 CHAIRMAN NICOLELLO: Any other
4 questions?

5 LEGISLATOR DERIGGI-WHITTON: I'm
6 going to verify that.

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 Thank you, Mr. Walker. All those
11 in favor of Item 234-13 signify by saying
12 aye.

13 (Aye.)

14 Those opposed?

15 (Nay.)

16 The item passes four to three.

17 Item 235 of 2013 is a bond
18 ordinance making certain determinations
19 pursuant to the State Environmental Quality
20 Review Act providing for a capital
21 expenditure to finance the payment of
22 certain judgements, compromise or settle
23 claims resulting from determinations of the
24 Nassau County Assessment Review Commission,
25 pursuant to Section 523B of Article 5 of the

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2 Real Property Tax Law.

3 LEGISLATOR VENDITTO: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Venditto, seconded by Legislator
7 Walker. We obviously discussed this enough.
8 Legislator Bosworth.

9 LEGISLATOR BOSWORTH: I would
10 just like to ask that the statements from
11 the previous item be incorporated into the
12 minutes of this.

13 CHAIRMAN NICOLELLO: I think that
14 sounds good.

15 LEGISLATOR DENENBERG: And
16 obviously we want the judgements or orders,
17 settlements and the appraisal sheets for
18 these as well.

19 CHAIRMAN NICOLELLO: Any other
20 discussion?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by
25 saying aye.

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2 (Aye.)

3 Those opposed?

4 (Nay.)

5 Passes four to three.

6 (Whereupon, the following is the
7 continuation of the minutes of the Rules
8 Committee.)

9 CHAIRWOMAN GONSALVES: The two
10 items, Item 234 and 235.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Nicolello. Again, Mr. Walker is still here
16 to answer any questions you may have on the
17 Rules Committee. So be it.

18 LEGISLATOR ABRAHAMS: If I may?

19 CHAIRWOMAN GONSALVES: You may.

20 LEGISLATOR ABRAHAMS: Thank you,
21 Presiding Officer Gonsalves.

22 I don't have too many questions.
23 I think the questions and the answers in the
24 Finance Committee obviously being
25 incorporated into this committee is a great

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2 start. Our position is going to be very
3 simple.

4 I know a lot of folks on the
5 Finance Committee as well as on this
6 Legislature have talked about the fact of
7 what we did in the past, being the minority,
8 when we were in the majority.

9 The fact remains, we are
10 post-Sandy. We are post currently in a
11 recession. We just don't have it anymore,
12 folks. I mean, \$183 million without any
13 road map on how to pay for anything. We
14 don't know what the debt service is on that.
15 We don't know what we're going to pay for
16 the debt service on the out years. We're
17 not going to only tax our children, our
18 children's children, and to Rich Nicoletto's
19 point, our children's children's children,
20 the fact remains that we need to see a road
21 map.

22 \$183 million, we understand it
23 should go towards those people, great. Then
24 pay for it out of some of the operating
25 budget and let's talk about how much we are

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2 going to do in bonding.

3 But this administration puts
4 every single emphasis and nickel into
5 borrowing. More and more debt. I have to
6 say, from the majority's perspective, this
7 doesn't coincide with your national
8 objectives. Your national objectives are
9 asking the government to get smaller and do
10 less debt. You are doing more. It's almost
11 like a role reversal on the legislature.
12 But if we have to be the people's monitor,
13 we will be. \$183 million is way too much.

14 So whether this comes down
15 tomorrow, the next day, three weeks from
16 now, next month, we agree that every single
17 petitioner should be paid. That's not an
18 argument. But we are not going to pay it
19 out and bond \$183 million. We are in a
20 different time, folks.

21 The fact remains that we are not
22 going to cure more debt without a road map
23 because, what's next? You're going to ask
24 us for the balance of the 330 after that?
25 We're not doing it. So we're not doing one

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2 nickel towards the \$183 million without
3 seeing some type of road map and, that being
4 said, we need to see a good chunk of it
5 being paid out of the operating budget and
6 that's it. That's where we are.

7 So if you guys want to present
8 something, you've got your theatrics here,
9 you've got the boxes, you got backup and
10 blah blah blah, great, but we've got debt
11 here. I see \$183 million in debt, and I
12 don't see anybody presenting to us or you
13 for that matter with a road map on how to
14 get it paid. That's the fact.

15 Now, if you want to talk about
16 NIFA and the fact about what NIFA ordered,
17 NIFA has also ordered that you basically put
18 up the savings, the labor savings to go with
19 that. Where are we with the labor savings?
20 Is the labor savings -- have we achieved
21 every single dime towards labor savings? I
22 don't think so. At least it hasn't been
23 presented to me.

24 So you can't have it both ways.
25 You can't say NIFA says this but, at the

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2 same time, you don't want to furnish the
3 numbers in terms of where you are in terms
4 of labor savings.

5 So we can have this debate again
6 and we can go back and forth or we can just
7 have the vote, whichever way you guys want
8 to do it, but from our side and from our
9 caucus perspective, this is \$183 million in
10 debt. It does not show how you are going to
11 pay for it.

12 The bottom line is that this is
13 going to have debt service for God knows how
14 many years and unless the majority is
15 proposing some secret way of paying for it,
16 I don't know how it's going to get done, so
17 you need to outline to us what you plan to
18 cut in order to get this done. We need to
19 see a whole list of things. We are not
20 prepared to support one nickel of it until
21 we get that information. Thank you.

22 CHAIRWOMAN GONSALVES: I just
23 need clarification, Mr. Walker.

24 MR. WALKER: Yes.

25 CHAIRWOMAN GONSALVES: Mr. Walker,

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2 has NIFA made this part of its financial
3 plan?

4 MR. WALKER: Yes. In part of our
5 financial plan that they approved, NIFA had
6 agreed to bonding, and I can have Deputy
7 County Executive Sullivan go into it in
8 greater detail, but roughly allowed for bond
9 funds of about \$305 million and we'd begin
10 using operating dollars in 2015 of which
11 they agreed to that plan. They understood a
12 lot of this was created, not even the prior
13 administration, but the administrations
14 before that as well.

15 It's been an ongoing program
16 related to tax certs and, as I said and
17 listened to the minority leader, we just
18 look forward to working with both the
19 presiding officer and the minority leader
20 over the course of the next three weeks and
21 see if there's a plan that we can all agree
22 to to move forward.

23 CHAIRWOMAN GONSALVES: I have
24 another question, Mr. Walker, and the
25 question is this: If we can't move forward,

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2 do we have another alternative?

3 MR. WALKER: We have \$18 million
4 in the budget as we speak. We have looked
5 at various options in terms of paying, we
6 have looked at additional cuts that have to
7 be made, potentially that will be on the
8 horizon, but we will continue to move
9 forward and, right now the payments are not
10 due but they can be due any day if a judge
11 so in fact says -- orders the payment and
12 attaches a bank account. Then we will have
13 nothing else left to do other than pay.

14 CHAIRWOMAN GONSALVES: Legislator
15 Nicolello.

16 LEGISLATOR NICOLELLO: Just with
17 respect to -- I want to take residential and
18 then commercial. On the residential side,
19 you have 16 plus million dollars. This past
20 year you generated zero in refunds, correct?

21 MR. WALKER: Correct.

22 LEGISLATOR NICOLELLO: Because
23 everything was settled before it reached the
24 refund stage.

25 MR. WALKER: Correct.

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2 LEGISLATOR NICOLELLO: And the
3 commercial ones, the minority is now
4 insisting that you need a road map for the
5 future. Again, you said this in Finance but
6 I want you to say it again. These refunds,
7 what tax years do they relate to? Were they
8 all generated under County Executive
9 Mangano?

10 MR. WALKER: No. They're all
11 prior to. Some go back as far as 1999,
12 1998, and I think there's one in 1997 if I
13 remember right. 2001, 2, 3, 4, 5, 6, 7. In
14 fact, very few of them are actually the
15 current years because we are not entering
16 into settlements at this time, and the bar
17 does not want to enter into settlements
18 because they want the ability to get paid on
19 the back end.

20 I think everyone understands the
21 dilemma we are all facing and they would
22 like to see, similar to the way we have done
23 the residential settlement program, you
24 know, work with the commercial entities to,
25 in fact, do that, but, again, they are going

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2 to wait to see that we have dollars to pay
3 them on the back years before settling
4 current years.

5 LEGISLATOR NICOLELLO: Just
6 briefly, you can call for a road map to the
7 future, you can call for not borrowing this
8 money anymore, but there's only one of two
9 things that can happen; either you shut down
10 the government or you force a massive tax
11 increase in terms of percentages. Let's be
12 real about what we're talking about here.
13 \$315 million as approved in the NIFA plan is
14 not going to materialize over night and none
15 of us like to do this. We did it in the
16 minority because we thought it was the right
17 thing to do to keep the county government
18 running, so --

19 CHAIRWOMAN GONSALVES: Legislator
20 Abrahams.

21 LEGISLATOR ABRAHAMS: Mr. Walker,
22 where are we with the labor savings?

23 MR. WALKER: Labor savings I
24 don't have off the top of my head, but that
25 was in 2012 of which now we have met the

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2 \$150 million threshold. Headcount is
3 actually down below budget by roughly 56
4 heads, even below the current budget.

5 We have other additional savings
6 that have come in and that's why we will
7 finish '12 with not having to go into any
8 negative fund balance and also '13, on the
9 course with '13 as well.

10 LEGISLATOR ABRAHAMS: That's been
11 confirmed with NIFA?

12 MR. WALKER: I do not know.

13 LEGISLATOR ABRAHAMS: So how do
14 you know you are \$150 million as per NIFA?

15 MR. WALKER: I didn't say it was
16 as per NIFA. I know we reached 150 million
17 because our budget was predicate on having a
18 budget that met with the goal. It met the
19 goal and, in conjunction with '13, we are
20 well below our head count and our salaries,
21 and that's where the dollars that we
22 actually had, we used dollars in the budget
23 to pay for our ten percent match based upon
24 the fact that we had the dollars and cents
25 and it enabled us to do that.

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2 Where other counties and towns do
3 not have that luxury, and, in fact, they are
4 paying their Sandy costs out of either a
5 deficit bond that they're getting state
6 legislation in order to bond for operating
7 costs, we are not bonding for those
8 operating costs and we've been able to pay
9 it.

10 LEGISLATOR ABRAHAMS: I
11 understand, but hasn't the county and NIFA
12 disagreed on where we were on labor savings
13 over the course of this period of time of
14 trying to achieve?

15 MR. WALKER: That was about nine
16 months ago. We haven't had the
17 conversations since. That was during the
18 2012 budget, 2012 calendar year, and now we
19 are in June of 2013.

20 LEGISLATOR ABRAHAMS: I
21 understand that. So my point is then, if
22 you want this legislature to believe that
23 you have in excess of \$150 million in
24 savings, wouldn't it be more prudent to try
25 to see if we can try to resume those

1 Rules Committee/6-3-13
2 conversations from nine months ago to find
3 out whether or not NIFA agrees that you have
4 achieved these savings?

5 MR. WALKER: We can ask them. I
6 don't know if there is any reason to, but --

7 LEGISLATOR ABRAHAMS: Mr. Walker,
8 it's a perfect reason to because basically
9 they said they would not bond or support
10 bonding for tax certioraris unless the labor
11 savings were achieved. So I think it's very
12 prudent to insure that they are okay and
13 they don't think the number 150 is actually
14 132.

15 MR. WALKER: I would say the last
16 conversation they had with the county
17 executive and also in the paper, the NIFA
18 board members did mention still the need to
19 bond for tax certs. I will be glad to --

20 LEGISLATOR ABRAHAMS: Don't get
21 me wrong, our side, we understand that there
22 has to be some bonding for tax certs, but
23 the labor savings -- you guys want your cake
24 and you want to be able to eat it too. You
25 don't want to mention the fact that NIFA has

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2 not approved 150 million in labor savings.

3 Give me a chance to finish. NIFA
4 has not approved that you have achieved \$150
5 million in savings towards the labor savings
6 is that true or not true?

7 MR. WALKER: I said --

8 LEGISLATOR ABRAHAMS: Isn't that
9 necessary in order for them to approve the
10 bonding for the tax certs?

11 MR. WALKER: Well, number one, I
12 don't think any of us can speak for NIFA.
13 At that time when we were talking about the
14 bonding, we did not reach those labor
15 savings. I also believe in conversations
16 that we've had, and I think every one of us
17 would agree, I think that this is not the
18 time to be going back to labor to ask them
19 to make additional savings if in fact we've
20 achieved those labor savings additional
21 ways; such as the head count continually to
22 be reduced, and our head count, as I said,
23 is below budget, 50 positions below budget.

24 On top of that, the positions
25 that we have filled that are sensitive

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2 positions, in social services, and in public
3 safety, are saving us additional dollars
4 because we are hiring people at less amounts
5 of money.

6 So I have no problem going back
7 to having that conversation with NIFA. I
8 can't speak for them and I don't think
9 anybody can and we will do that.

10 LEGISLATOR ABRAHAMS: Thank you.

11 CHAIRWOMAN GONSALVES: Any other
12 comments?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Items 234-13 and 235-13 signify by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 The items pass four to three.

23 We are now going to move to the
24 two other items on the addendum; the first
25 one being Item 229-13, a resolution to

1 Rules Committee/6-3-13
2 confirm the county executive's appointment
3 of Bob English to the Industrial Development
4 Agency. Motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Nicolello. Mr. May.

10 MR. MAY: As Mr. Bob English is
11 being appointed to the Industrial
12 Development Agency, as always, he will be
13 here at the Full Legislature for any
14 questions that the legislature may have.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much. Any comments from the
17 legislators?

18 (No verbal response.)

19 Is there any public comment?

20 (No verbal response.)

21 There being none, all those in
22 favor of Clerk Item 229-13 signify by saying
23 aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The item passes unanimously.

4 Thank you very much. The last item on the
5 addendum is Item 236-13, a resolution
6 authorizing the County of Nassau to file an
7 application for federal assistance with the
8 US Department of Housing and Urban
9 Development. Motion, please.

10 LEGISLATOR DUNNE: So moved.

11 LEGISLATOR NICOLELLO: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Dunne, seconded by Legislator
14 Nicolello. Mr. May.

15 MR. MAY: We have Mr. John
16 Sarcone to answer any questions on this
17 item.

18 CHAIRWOMAN GONSALVES: Thank you
19 very much.

20 MR. SARCONE: Good afternoon.
21 Like I said in Finance, the Office of
22 Housing and Community Development is filing
23 an action plan with Housing and Urban
24 Development, the federal government, for
25 three programs. It is the Community

1 Rules Committee/6-3-13
2 Development Block Grant Program, the Home
3 Investment Partnership Program, and the
4 Emergency Solutions Grant. All three
5 programs are to assist and meet the
6 objectives of assisting low and moderate
7 income persons with affordable housing.

8 CHAIRWOMAN GONSALVES: Any
9 questions of Mr. Sarcone from any of the
10 legislators?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 Thank you, Mr. Sarcone.

21 I'm going to jump to a contract
22 that was not called earlier primarily
23 because the individual who was to speak on
24 the contract was not available at that
25 particular time.

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2 However, it's my understanding
3 that that gentleman is here now and I'm
4 going to call that item which is contract
5 E-113-13, a resolution authorizing the
6 county executive to execute a personal
7 service agreement between the County of
8 Nassau acting on behalf of the Assessment
9 Review Commission and Smith Valuation
10 Services. Motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Legislator
15 Nicolello. Mr. May, who do we have here?

16 MR. MAY: We have Mr. Steve Cordy
17 from the County Assessor's Office.

18 CHAIRWOMAN GONSALVES: Welcome,
19 Steve.

20 MR. CORDY: Thank you. This
21 contract before you is -- or this request
22 before you is for an extension of an
23 existing contract which is an additional
24 three months which would allow SVC to
25 complete appraisals that are currently being

1 Rules Committee/6-3-13
2 performed on three separate properties.
3 These are just very complex properties that
4 need additional time devoted to them. My
5 understanding also is that there is no
6 additional cost for this extension.

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

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

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

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously.

18 Thank you, Steve.

19 Now, on the regular agenda, we
20 have several items but we also have some
21 items that we are going to call separately
22 which are called the non-consent items and
23 we will begin with 205-13, a resolution
24 establishing a standard workday for elected
25 and appointed officials other than those

1 Rules Committee/6-3-13
2 covered by a collective bargaining agreement
3 pursuant to which a standard work day has
4 been established. A motion, please.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Nicolello. Mr. May.

10 MR. MAY: We have Deputy County
11 Attorney David Tauster to speak on this
12 item.

13 CHAIRWOMAN GONSALVES: Welcome,
14 David.

15 MR. TAUSTER: Thank you,
16 Presiding Officer Gonsalves, members of the
17 Rules Committee. This is, as the title
18 implies, a resolution to fix a standard
19 workday for appointed and elected employees
20 who are not covered by a collective
21 bargaining agreement. A resolution doing
22 this was adopted in 2010, however, the
23 comptroller has requested that we do a
24 subsequent version which includes more
25 identifying information for each of the

1 Rules Committee/6-3-13
2 employees. The way it was done in 2010 was
3 just a list of titles by a standard workday,
4 now it will be including names, titles and
5 the other identifying information.

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

8 (No verbal response.)

9 Is there any public comment?

10 (No verbal response.)

11 There being none, all those in
12 favor of Item 205-13 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The item passes unanimously.

17 Thank you very much. The next item is Item
18 217-13, a resolution authorizing the county
19 executive to execute a membership agreement
20 with the National Joint Powers Alliance.

21 A motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR VENDITTO: Second.

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

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2 Venditto. Mr. May.

3 MR. MAY: We have Mr. Rich Millet
4 from DPW.

5 MR. MILLET: Rich Millet, Public
6 Works. This is a national purchasing group
7 that has been out for a couple of years. It
8 affords the county the chance to attach to
9 federally bid out purchasing contracts at
10 lower costs than we have now. There is no
11 cost to the county to join and there is no
12 obligation to use their services unless it
13 is to the benefit of the county.

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

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

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

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Now we will go to three other

1 Rules Committee/6-3-13
2 items which went through committees and I
3 will ask that the testimony from those
4 committees be incorporated into the Rules
5 Committee and those are items 219-13,
6 220-13, 221-13. Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR VENDITTO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Venditto.

12 (Whereupon, the following are the
13 minutes of the Public Works Committee
14 pertaining to Clerk Items 219, 220, and
15 221-13)

16 VICE CHAIRMAN KOPEL: So the
17 three items are, 219 of '13 which is a
18 resolution to adopt the four year plan
19 commencing January 1, 2013; 220 of '13 is a
20 bond ordinance providing for capital
21 expenditure to finance the capital plan; 221
22 of '13 is an ordinance to adopt the capital
23 budget for the first year of the four year
24 capital plan, again, commencing January 1,
25 2013. Mr. May.

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2 MR. MAY: We have Chief Deputy
3 County Executive Rob Walker to answer any
4 questions on these three items.

5 VICE CHAIRMAN KOPEL: Mr. Walker.
6 First we need a motion.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR VENDITTO: Second.

9 VICE CHAIRMAN KOPEL: Motion by
10 Legislator Walker, seconded by Legislator
11 Venditto. The matter is before us.

12 MR. WALKER: Very briefly, we
13 look forward to working with the
14 legislature, both the majority and minority
15 in continuing to develop this plan.

16 Obviously, as Legislator
17 Denenberg mentioned, it is a billion
18 dollars, the bulk of that being the work
19 that needs to be done in our sewage
20 treatment facilities, of which we believe
21 that will be reimbursed from the Federal
22 Government so it would not be adding a
23 billion dollars in debt to the county, but
24 to put our money in place and obviously
25 begin a process of unfortunately the work

1 Rules Committee/6-3-13
2 that needs to be done at Bay Park to move us
3 forward.

4 We look forward to working with
5 you over the next three weeks to see that
6 plan through. Obviously, as well, we will
7 be touching base and reaching out to NIFA.
8 They do play an integral part in this
9 process and for all of you, I've said this
10 before, when the legislature had passed
11 previous projects, and now we're going to
12 get bonding, obviously it impacts on all our
13 projects as we go forth.

14 So the administration, again,
15 looks forward to working with all of you and
16 NIFA as we go forward over the next three
17 weeks.

18 VICE CHAIRMAN KOPEL: Just one
19 question. That is, is it safe to say, is it
20 fair to say that the plan is fairly
21 consistent with past years in terms of
22 numbers except for the Hurricane Sandy
23 related items?

24 MR. WALKER: That is definitely
25 correct.

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2 VICE CHAIRMAN KOPEL: Thank you.
3 Anyone else, any questions?

4 LEGISLATOR DENENBERG: Again,
5 first of all, Deputy County Executive Rob
6 Walker, thank you for being here. The
7 minority certainly looks forward to working
8 with you on this plan.

9 The statements I made earlier,
10 before the item was actually called, I would
11 just incorporate in that we have no problem
12 holding off questions to a Full Legislative
13 hearing.

14 I will say that we won't feel it
15 appropriate to immediately then vote because
16 any amendments, any discussion, anything
17 that constituents might want us to put in,
18 or any motions to amend that we might want
19 to make would not get a fair opportunity to
20 be heard or to be considered.

21 So, with that, I'm more than
22 happy to have the minority defer substantive
23 questions to the day of that hearing and I
24 would caution that we would not look to vote
25 on the same day.

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2 I do have a question that doesn't
3 have to be answered right now, but it's
4 something that I would like all of us to
5 consider.

6 It's a billion dollars. Of the
7 billion dollars, in regard to capital money,
8 non-sewer and storm water, it's about 340,
9 if I'm not mistaken. And that 340 is
10 increased due to Sandy a little bit as well,
11 but not as much as the 657, I think it is
12 for sewer and storm water --

13 MR. WALKER: 700 million.

14 LEGISLATOR DENENBERG: Okay. So
15 let's say it's 700 million for sewer and
16 storm water and 300 for regular capital
17 plan. In terms of reimbursement hopefully
18 from the federal government, that would then
19 be able to retire whatever debt we take out
20 to get the work done, wouldn't it be
21 advisable to do the sewer and storm water --
22 there were years, many years, that we did
23 sewer and storm water separately as a
24 separate item. It's not broken out here,
25 but as a separate item from the regular

1 Rules Committee/6-3-13
2 capital plan, if only, so that the
3 application to FEMA would be separate and
4 they can consider the sewer and storm water
5 on a much quicker basis and we would be then
6 separating it as well, just to help us with
7 the FEMA reimbursement.

8 It's not something uncommon even
9 for us in the past before disaster response
10 days that the sewer and storm water plan was
11 separate than the county's capital plan.

12 MR. WALKER: We can look -- I'm
13 not opposed to it but we can look.

14 LEGISLATOR DENENBERG: I would
15 personally just request that before the
16 hearing we look into that because I think it
17 might help with any applications we make as
18 well.

19 MR. WALKER: I don't think --
20 they just want to see the funding in place
21 and, depending on the mechanism by which the
22 federal government puts their programs that
23 we are right now awaiting for their guidance
24 as to how their capital program and how
25 their reimbursement program is going to

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2 work, then --

3 LEGISLATOR DENENBERG: I'm
4 looking at something right now where
5 wastewater management and reimbursement for
6 wastewater management can be on a different
7 review and a different expedited expenditure
8 line than regular capital projects but it
9 requires that it be a separate item.

10 MR. WALKER: I deal with FEMA
11 every day especially in relation to Bay
12 Park, and they are right now, as we speak,
13 going through different programs. They
14 haven't announced their different funding
15 programs as of today. Those are programs
16 that you're looking at that have existed but
17 they're looking at creating a new expedited
18 program on top of probably what you're
19 reading and what you're referring to so
20 we're waiting for guidance from them as
21 well. But, understand, as I said, we're not
22 opposed.

23 LEGISLATOR DENENBERG: Well, that
24 would be my one request in addition to
25 agreeing that we could wait for more

1 Rules Committee/6-3-13
2 substantive and review questions for the
3 full hearing with the caveat that we would
4 not be inclined to vote right at that
5 hearing otherwise it makes a mockery of the
6 hearing. Thank you.

7 VICE CHAIRMAN KOPEL: Mr. Walker,
8 further to Legislator Denenberg's concerns,
9 are there dates that we need to keep in
10 mind, dates at which these things must be
11 approved?

12 MR. WALKER: I would say this.
13 Bay Park is a ticking time bomb. I don't
14 think that we really can wait at any real
15 dates related to the facility. We're not,
16 this legislature, unanimously working in a
17 bipartisan fashion, pass the Sandy capital,
18 which has made it a lot easier to move
19 forward with the project manager, who, the
20 legislature, the Rules Committee approved
21 last month. They're already on board and
22 started the design process.

23 Time is of the essence obviously.
24 We don't need the money tomorrow, but it's
25 going to become due very soon.

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2 VICE CHAIRMAN KOPEL: There's not
3 a specific date we ought to move ahead --

4 MR. WALKER: No. And, again, as
5 I mentioned with FEMA, there are programs
6 that they're looking to develop that we may
7 not have to outlay any cash at all, they may
8 provide us with the funding mechanism by
9 which we just draw down, and then we
10 wouldn't even have to use this bond. This
11 is putting the bond in place if we do need
12 to have it.

13 There's, again, all different
14 federal programs. Some are reimbursement
15 programs, some are not. Some will actually,
16 they'll just draw down the money directly to
17 us and, therefore, we do not need to pass
18 the bond, the resolution.

19 LEGISLATOR DENENBERG: To
20 Legislator Kopel, if there's any exigent
21 circumstance, any emergency, we've already
22 passed 10s of millions of dollars for the
23 sewage treatment plants capital funding
24 because of the emergencies, we'd do it
25 again. Thank you.

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2 VICE CHAIRMAN KOPEL: I
3 understand the minority has been very --
4 we've worked together very well, and Looks
5 Great is not on the agenda here, is it?

6 LEGISLATOR DENENBERG: Thank you.

7 VICE CHAIRMAN KOPEL: Legislator
8 Scannell.

9 LEGISLATOR SCANNELL: Just to
10 support that position about separating it
11 out. I think the county exec, when he was a
12 legislator, every year, would sit there
13 during the capital plan and advocate to us
14 that we should separate it out, and each
15 item should come before us, and each item
16 should be approved by us. So I think that
17 it's consistent with the feeling in the
18 past.

19 So, especially with what's
20 happening with Sandy and the sewage
21 treatment plants, the exigency there, I
22 think that he might --

23 MR. WALKER: We're not opposed.

24 VICE CHAIRMAN KOPEL: Any other
25 legislators?

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2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 All those in favor of moving this
6 forward, please say aye.

7 (Aye.)

8 Any opposed?

9 (Nay.)

10 We've unanimously agreed to move
11 this forward. We've got one dissent.

12 LEGISLATOR SCANNELL: Voting yes
13 and the rest of us are voting no, Howard.

14 VICE CHAIRMAN KOPEL: I take it
15 back. We've got five then in favor and two
16 opposed. The item is passed.

17 (Whereupon, the following are the
18 minutes of the Finance Committee pertaining
19 to Clerk Items 219, 220 and 221-13, 6-3-13.)

20 CHAIRMAN NICOLELLO: I'm going to
21 take the next three items together, 219, 220
22 and 221 of '13. 219 is a resolution to
23 adopt a four year plan for the County of
24 Nassau to commence on January 1st, 2013
25 pursuant to the provisions of Section 310 of

1 Rules Committee/6-3-13

2 the County Government Law.

3 Item 220 is a bond ordinance
4 providing for a capital expenditure to
5 finance the capital projects specified
6 herein with the County of Nassau authorizing
7 \$1,100,013,618 of bonds of the County of
8 Nassau to finance that expenditure.

9 And 221 is an ordinance to adopt
10 the capital budget for the County of Nassau
11 for the first year of the four year capital
12 plan to commence on January 1st, 2013. May
13 I have a motion, please?

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR KOPEL: Second.

16 CHAIRMAN NICOLELLO: Moved by
17 Legislator Walker, seconded by Legislator
18 Kopel. This item went to Public Works a few
19 moments ago and I would, again, ask that the
20 minutes of Public Works be incorporated by
21 reference here in this committee. I
22 understand that there's been discussion of a
23 separate day for a hearing before a voting
24 date, so we will have to work all that out.

25 LEGISLATOR DENENBERG: I would

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2 just repeat then that the minority certainly
3 wants a full hearing on this so that the
4 hearing would have meaning and the hearing
5 would be substantive. It should be on a
6 separate day of the actual vote so that any
7 public comment and any possible amendments
8 are given due consideration.

9 So we would certainly expect the
10 hearing to be on a separate date than the
11 vote. That's number one.

12 Number two, we would also, I had
13 asked Deputy County Executive Rob Walker to
14 consider making the sewer and storm water
15 items which are about \$700 million separate
16 from the county capital plan items which are
17 about \$300 million which is something that's
18 been done in the past, but I think that now,
19 particularly with the exigencies of the
20 sewage treatment plants and the separate
21 request for FEMA funding would inure to the
22 county's benefit. Thank you.

23 CHAIRMAN NICOLELLO: Thank you.
24 I would just also point out we now have the
25 item before us and we will have the item for

1 Rules Committee/6-3-13
2 the next few weeks so our staffs and
3 ourselves will be prepared for the hearing.
4 There's nothing that says we have to wait
5 till the hearing to make proposed changes,
6 let's put it that way.

7 Legislator DeRiggi-Whitton.

8 LEGISLATOR DERIGGI-WHITTON: I
9 also want to have what David said as far as
10 separating out the funds for the sewer, and
11 it is at \$676 million.

12 I have a general request that I
13 talked to the members on the minority in the
14 Finance Committee. I feel that especially
15 when we're talking about Sandy related
16 items, initially the funding comes through
17 finance and we do vote on it, but then we
18 really don't have an opportunity to discuss
19 many of the contracts and things that are
20 related to Sandy. And especially when we
21 are talking about this amount of money, like
22 \$676 million, I would really appreciate the
23 opportunity to have these contracts not only
24 go through Rules but also come through
25 Finance. I think maybe under the exception

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2 with the sense that it's so much money that
3 we're dealing with.

4 We have had a few issues so far,
5 that this will be like another set of eyes
6 looking at everything, whether or not we get
7 FEMA reimbursed or not, I just think that it
8 would be a good idea for us to have an
9 opportunity, like, for instance, today there
10 was a contract on truck companies and that's
11 coming out of -- you know, anything that's
12 related to Sandy I would really like to see
13 come before Finance, and, even if it doesn't
14 exactly comply with how we did things in the
15 past, it might avoid some of the issues that
16 we had. So, again, I request that that be
17 made.

18 CHAIRMAN NICOLELLO: I don't
19 think it's simply a matter of putting them
20 before the committees. The charter requires
21 them to go to the Rules Committee, so I
22 think that anything else you do is just
23 building redundancy into the system. The
24 charter says they have to be approved by the
25 Rules Committee, and it goes to Finance and

1 Rules Committee/6-3-13
2 we don't approve something, where does that
3 leave it?

4 LEGISLATOR DENENBERG: Actually,
5 to the chair? Many many contracts,
6 Legislator DeRiggi-Whitton's point is that
7 many contracts, intermunicipal agreements,
8 other contracts are not treated as personal
9 service contracts and go to Rules only.

10 Her suggestion is that when we're
11 talking about multi millions of dollars
12 worth of contracts, to go to Rules only as
13 opposed to the Finance Committee which is
14 the committee that is really supposed to be
15 looking at the financial impact and
16 financial affect, and treating every Sandy
17 related contract as a personal service
18 contract maybe is not -- we're requesting
19 that it not be treated as such and that this
20 committee deal with contracts of that
21 magnitude.

22 CHAIRMAN NICOLELLO: Again, we
23 are following what the charter requires us
24 to do which is pass by referendum by the
25 people of Nassau County. This is the system

1 Rules Committee/6-3-13
2 that exists. If you want to have a proposed
3 change for the charter, by all means, you
4 can start the process of doing that, number
5 one.

6 Number two, this is not a large
7 legislature. There is seven members of the
8 Rules Committee. There's no reason for you
9 to discuss with the Rules Committee members
10 items that are specifically to go to that
11 committee and/or request that the minority
12 leader in this case appoints you in the
13 future to the Rules Committee.

14 LEGISLATOR DERIGGI-WHITTON: I'm
15 going to put my request in writing. I don't
16 see any reason why -- again, it would only
17 be the contracts that are specifically
18 related to FEMA reimbursement such as Sandy
19 and, again, I just think that what's
20 happened in the last couple of months with,
21 I think it's a sixth of what this amount is
22 that deems it necessary. I really think
23 that it would be worth doing whatever we
24 have to do just to do that.

25 And, of course the Rules

1 Rules Committee/6-3-13
2 Committee definitely does a great job on
3 their aspect of it, but the Finance
4 Committee is really, specifically, we are
5 here because we are the ones that are
6 supposed to be the watchdog for our
7 constituents under Finance and we're talking
8 about record numbers. I think that it's
9 really something worth considering before
10 you make your decision today. I'm just
11 asking you to really look into it and think
12 about it and I will serve my request in
13 writing.

14 CHAIRMAN NICOLELLO: Any other
15 comments?

16 (No verbal response.)

17 Is there any public discussion?
18 Legislator Denenberg.

19 LEGISLATOR DENENBERG: I'm sorry.
20 Just on the personal service contract, what
21 would make something a personal service
22 contract is that it would be that it's
23 personal to the county executive or to some
24 department so that it doesn't need to be bid
25 because those contractors are doing

1 Rules Committee/6-3-13
2 something that no one else could do, but
3 requests for -- you know, when you talk
4 about something like Looks Great, the come
5 back is always that that went out to bid and
6 Looks Great was one of four contractors
7 going back to 2009. Just the fact that it
8 could be bid out alone and then you're
9 selecting amongst bidders, sort of
10 undermines the claim that it's simply a
11 personal service contract and certainly
12 there are other contractors capable of doing
13 the work. So that's another reason to
14 request that Finance look at it as well.

15 CHAIRMAN NICOLELLO: Again, it's
16 a charter, it's what the people that
17 actually drafted the charter decided was the
18 more expeditious way to do this. If you
19 have a suggested change to the charter, by
20 all means, make it.

21 LEGISLATOR DENENBERG: No. I'm
22 just suggesting that --

23 CHAIRMAN NICOLELLO: Would you
24 let me finish? Thank you. Secondly, I
25 understand the point you are making with

1 Rules Committee/6-3-13
2 respect to Finance because these items will
3 have financial implications but they will
4 also have other implications, for example, a
5 contract involving the personal -- a
6 personal service contract involves the
7 police department, so does that then go to
8 public safety also? And the contract
9 involving public works.

10 So, again, this is the framework
11 that was set up. This is what we're doing.
12 It's in accordance with the law. If you
13 want to make a change to the charter, then,
14 again, by all means, you have the right to
15 do that.

16 LEGISLATOR DENENBERG: I guess,
17 just to respond, I think you misunderstand.
18 I'm saying a number of these contracts are
19 not really personal service contracts
20 because they're not work that's being
21 performed that's unique to those particular
22 contractors where there are not other
23 contractors that can remove trees. There's
24 not other contractors that can do some of
25 the debris removal or trucks. They're not

1 Rules Committee/6-3-13
2 personal service contracts because it's not
3 a personal service. It's a service that a
4 number of other contractors could do.

5 So I'm not asking to change the
6 charter. I'm asking that these contracts
7 not be considered personal service contracts
8 particularly when you're talking about tens
9 upon tens of millions of dollars. There is
10 plenty of contracts that are not considered
11 personal service contracts that go through
12 other committees, not just Rules.

13 CHAIRMAN NICOLELLO: I'm being
14 told that these contracts by charter have to
15 go to the Rules Committee. You can make
16 whatever arguments you want. Again, if it
17 requires a change in the charter then you
18 can propose a change in the charter. We're
19 arguing in circles here.

20 LEGISLATOR DERIGGI-WHITTON:
21 Rich, we're not asking you to make a
22 decision right now.

23 CHAIRMAN NICOLELLO: But if it's
24 in the charter, I can't make a decision.

25 LEGISLATOR DERIGGI-WHITTON:

1 Rules Committee/6-3-13
2 We'll follow it up with correspondence. We
3 also submitted legislation lately just
4 requesting that things be handled a bit
5 differently. Again, I would love for you to
6 look at that too. I'm sure you got a copy
7 of that. But no decision right now, but we
8 will send you everything.

9 CHAIRMAN NICOLELLO: All right.

10 LEGISLATOR DENENBERG: Chris,
11 since I can hear you, we're not saying that
12 not every contract has to go to Rules, we
13 are saying that contracts can go to
14 committees in addition to Rules, and, in
15 fact, a number of contracts do go to
16 committees in addition to Rules.

17 Personal service contracts are
18 the only contracts that are Rules only. And
19 we're saying that these are really not
20 personal service contracts. Not just
21 because of the magnitude of the money but
22 also because of the service being provided
23 and, in one case, a contractor that's drawn
24 a lot of attention originally came in as a
25 result of an RFP which would never be Rules

1 Rules Committee/6-3-13

2 only.

3 CHAIRMAN NICOLELLO: I don't
4 think I took a motion on this.

5 LEGISLATOR WALKER: So moved.

6 LEGISLATOR KOPEL: Second.

7 CHAIRMAN NICOLELLO: Moved by
8 Legislator Walker, seconded by Legislator
9 Kopel. Do we have any further questions?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 All those in favor of these items
14 please signify by saying aye.

15 (Aye.)

16 Opposed?

17 LEGISLATOR DENENBERG: Let the
18 record reflect that Legislators
19 DeRiggi-Whitton, and Bosworth voted no, and
20 Legislator Denenberg voted yes.

21 CHAIRMAN NICOLELLO: Carries by a
22 vote of five to two.

23 (Whereupon, the following is the
24 continuation of the minutes of the Rules
25 Committee, 6-3-13.)

1 Rules Committee/6-3-13

2 CHAIRWOMAN GONSALVES: Who do we
3 have here to speak on this?

4 MR. MAY: Chief Deputy County
5 Executive Rob Walker was speaking on this
6 item --

7 CHAIRWOMAN GONSALVES: Any
8 additional comments or questions you want to
9 ask? I believe Mr. Walker is no longer
10 here, correct?

11 MR. MAY: He's not in the room
12 right now but I can get him from upstairs.

13 LEGISLATOR ABRAHAMS: I'll just
14 make a statement real quick for the record.
15 I know this was heavily discussed in Finance
16 as well as the Public Works Committee
17 meeting. We are advocating, I think
18 Legislator Denenberg said it best, for this
19 money to be parsed out so we can actually
20 see the money that's separated for the
21 treatment plant, separated from the entire
22 and the rest of the plant and we look
23 forward to a hearing where we can actually
24 be able to discuss these items in greater
25 detail and have conversations with the --

1 Rules Committee/6-3-13
2 public conversations with the commissioner
3 as well as those that have prepared the
4 plan.

5 But, in regards to the sewage
6 treatment number, we would definitely like
7 to hear more information on how the county
8 plans to bond that money. It's sounds like,
9 based on the backup that we have, we are
10 seeing a billion dollar bond. A billion
11 dollars that we want to bond. I can't
12 imagine doing that all in one shot.

13 I mean, I don't know if you can
14 answer these questions, Mr. May, and I
15 realize that Mr. Sullivan and Ms. D'Alleva
16 have left already, so if you want to -- we
17 are willing to have this stuff tabled and we
18 can answer it at a later date, but right
19 now, based on the fact that it's a billion
20 dollar bond, I mean, we just think it
21 wouldn't be responsible for us to vote
22 through when we're talking about that kind
23 of money.

24 MR. MAY: Well, certainly, if you
25 like, you can put the questions on the

1 Rules Committee/6-3-13
2 record and I can get you answers between now
3 and the hearing. I don't know if they want
4 to table anything, but we're going to have a
5 hearing on this --

6 CHAIRWOMAN GONSALVES: Mr. May, I
7 believe that it was mentioned at the
8 previous committees that we will get as much
9 information between now and the hearing and
10 we can really vet these items at the public
11 hearing.

12 MR. MAY: Correct. Any request
13 for information I will be happy to fulfill.

14 CHAIRWOMAN GONSALVES: All right.
15 Is there any public comment
16 regarding these three items?

17 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (Nay.)

23 The items pass by four to three.
24 Now we go to the consent calendar which
25 means we go right through them. This is

1 Rules Committee/6-3-13
2 what the minority as well as the majority
3 agreed upon. We are moving to Item 210-13,
4 and remember again, Frank, incorporate the
5 testimony from the previous committees into
6 the Rules Committee.

7 (Whereupon, the following are the
8 minutes of the Public Safety Committee
9 pertaining to Clerk Item 210-13, 6-12-13.)

10 CHAIRMAN DUNNE: We're going to
11 call five items together because they're all
12 with probation. Item Numbers 210-13,
13 211-13, 212-13, 222-13, and 223-13, they
14 read, an ordinance supplemental to the
15 annual appropriation ordinance in connection
16 with the department of probation with all
17 those numbers. May I have a motion, please?

18 LEGISLATOR BECKER: So moved.

19 LEGISLATOR VENDITTO: Second.

20 CHAIRMAN DUNNE: Motion by
21 Legislator Becker, seconded by Legislator
22 Mike Venditto. Do we have somebody from
23 probation with us?

24 MR. MAY: Yes, we do, we have Mr.
25 Ed Shank from probation.

1 Rules Committee/6-3-13

2 CHAIRMAN DUNNE: Mr. Shank, would
3 you go over each and every one starting with
4 210?

5 MR. SHANK: Okay. 210, 212, and
6 222 are all related. They're all part of
7 the same grant which is the alternatives to
8 incarceration which is funded by the New
9 York State Division of Criminal Justice
10 Services.

11 210 is for the pretrial services
12 provided by the Nassau County Probation
13 Department in the total of \$250,690. The
14 program screens all offenders prior to
15 arraignment to determine eligibility for
16 release under the release restrictive
17 conditions necessary to insure their return
18 to court.

19 212, again, is part of the
20 Alternatives to Incarceration Grant. It is
21 for the community services as part of their
22 sentence. The probation department
23 supervises that part of the program.

24 222-13 is for Defender Based
25 Advocacy Program which provides pretrial

1 Rules Committee/6-3-13
2 release bail reports to the court
3 post-arraignment including recommendations
4 on release status and community-based
5 treatment plans and supervision.

6 CHAIRMAN DUNNE: My only question
7 about all three of these is, they're low
8 level crimes?

9 MR. SHANK: Yes. They're least
10 risk level and the state has a risk
11 assessment module that we use to assess the
12 risk and it determines -- it looks at the
13 ability to return to court.

14 Any legislators have any
15 questions on these three?

16 (No verbal response.)

17 Then the other two, 211 and 223.

18 MR. SHANK: 211 is the Juvenile
19 Accountability Block Grant and it's Juvenile
20 Risk Assessment Intervention Services
21 Coordination Program. This program
22 appropriates \$56,598 in funds from the New
23 York State Division of Criminal Justice
24 Services to improve outcomes from the
25 county's highest risk and needs of juvenile

1 Rules Committee/6-3-13
2 delinquents of PINS. Nassau Probation is
3 now utilizing the juvenile risk intervention
4 services coordination model for those
5 probationers scoring 60 and above on the
6 youth assessment screening instrument at the
7 time of disposition and reclassification
8 combining community oriented incentives,
9 intensive supervision with evidence based
10 services to reduce the risk of recidivism.
11 This grant funds partial salary and fringe
12 of two probation officers.

13 CHAIRMAN DUNNE: Excellent, and
14 the last one, 223.

15 MR. SHANK: 223 is an item that
16 was -- this is to correct something that was
17 miscoded previously. It appropriates
18 \$49,633.48 from the New York State Office of
19 Children and Family Services seeking to
20 increase the number of juvenile delinquents
21 referred and successfully adjusted at
22 probation intake, reduce the number of
23 secure and nonsecure detention care days and
24 establish viable alternatives to residential
25 treatment.

1 Rules Committee/6-3-13

2 CHAIRMAN DUNNE: Any legislators
3 have any questions on any of these items?

4 (No verbal response.)

5 There being none, is there any
6 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 So ordered. It gets passed on to
14 Finance.

15 (Whereupon, the following are the
16 minutes of the Finance Committee pertaining
17 to Clerk Item 210-13.)

18 CHAIRMAN NICOLELLO: Thank you.
19 Items 210, 211, 212, 213, 214 and 215 are
20 ordinances supplemental to the annual
21 appropriation ordinance in connection with
22 the Department of Probation, Planning
23 Department and Social Services.

24 LEGISLATOR KOPEL: So moved.

25 LEGISLATOR VENDITTO: Second.

1 Rules Committee/6-3-13

2 CHAIRMAN NICOLELLO: Moved by
3 Legislator Kopel, seconded by Legislator
4 Venditto. These items went through
5 committee a few moments ago and there was
6 discussion at that time.

7 LEGISLATOR DENENBERG: This is
8 210 through which one?

9 CHAIRMAN NICOLELLO: 215.

10 LEGISLATOR DENENBERG: No
11 questions.

12 CHAIRMAN NICOLELLO: Is there any
13 public comment?

14 (No verbal response.)

15 All those in favor of passing
16 this, signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 Those items carry unanimously.

21 (Whereupon, the following is the
22 continuation of the minutes of the Rules
23 Committee.)

24 CHAIRWOMAN GONSALVES: So we
25 begin with Item 210-13, 211-13, 212-12,

1 Rules Committee/6-3-13
2 213-13, 214-13, 215-13, 218-13, 222-13,
3 223-13, 224-13, 225-13, 226-13, 227-13,
4 230-13, 231-13, 232-13, 233-13, and I
5 believe that's it.

6 Motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Nicolello. All those in favor of these
12 items signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The items pass unanimously.

17 Motion to adjourn.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR VENDITTO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Venditto. All those in favor of adjourning
23 signify by saying aye.

24 (Aye.)

25 Any opposed?

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Rules Committee/6-3-13

(No verbal response.)

The Rules Committee is adjourned.

See you again.

(Whereupon, the Rules Committee
adjourned at 4:51 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 17th day of June, 2013.

FRANK GRAY