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NORMA GONSALVES,
Presiding Officer

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, July 29, 2013
1:10 P.M

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

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4 NORMA GONSALVES,
 Chairwoman

5

6 HOWARD KOPEL, (Substituted by
 Vice Chairman Vincent Muscarella)

6

7 DENNIS DUNNE

7

8 ROSE MARIE WALKER (Substituted by
 Richard Nicoletto)

8

9

10 KEVAN ABRAHAMS,
 Ranking

10

11 JUDY JACOBS

11

12 WAYNE WINK

12

13 WILLIAM J. MULLER, III
 Clerk of the Legislature

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LIST OF SPEAKERS

GREG MAY,
County Executive's Office.....7

KEN ARNOLD, Nassau County
Department of Public Works.....7

ED EISENSTEIN,
Information technology commissioner.....8

ED HORACE, Deputy Chief of Support,
Nassau County Police Department.....14

GREG STEPHANOFF, Sergeant,
Nassau County Police Department.....17

JOHN MARKS, Executive Director, TPVA.....40

DAVE RICH, Deputy Director, TPVA.....40

LISA LOCURTO, county attorney's office,
Deputy county attorney.....48

BOB McMANUS, Nassau County
District Attorney's Office.....57

PAUL BRODERICK, Nassau County,
Department of.....61

BRIAN SCHNEIDER, Nassau County,
Department of Public Works.....73

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
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25

INSERTS

Public Safety Committee Minutes

Page 79, line 3 to
Page 85, line 20
(Pertaining to Clerk Items:
292, 293, 294, 298, 299 of 2013)

Planning Committee Minutes

Page 85, line 25 to
Page 93, line 14
(Pertaining to Item: 267-13)

Public Works Committee Minutes

Page 93, line 18 to
Page 96, line 22
(Pertaining to Item: 327-13)

Minority Affairs Committee Minutes

Page 97, line 2 to
Page 104, line 5
(Pertaining to Item: 329-13)

Health Committee Minutes

Page 104, line 10 to
Page 107, line 14
(Pertaining to Items: 295, 296, 297-13)

Finance Committee Minutes

Page 114, line 2 to
Page 242, line 7

1 Rules Committee/7-29-13

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: Mr. Clerk,
8 would you please call the roll?

9 CLERK MULLER: Legislator Wink?

10 LEGISLATOR WINK: Here.

11 CLERK MULLER: Legislator Jacobs?

12 LEGISLATOR JACOBS: Here.

13 CLERK MULLER: Ranking Member
14 Abrahams?

15 LEGISLATOR ABRAHAMS: Here.

16 CLERK MULLER: Legislator
17 Nicolello substituting for Legislator
18 Walker?

19 LEGISLATOR NICOLELLO: Here.

20 CLERK MULLER: Legislator
21 Abrahams?

22 LEGISLATOR ABRAHAMS: Here.

23 CLERK MULLER: Legislator Dunne?

24 LEGISLATOR DUNNE: Here.

25 CLERK MULLER: Legislator

1 Rules Committee/7-29-13

2 Muscarella substituting for Vice Chairman
3 Kopel?

4 LEGISLATOR MUSCARELLA: Here.

5 CLERK MULLER: Chairwoman
6 Gonsalves?

7 CHAIRWOMAN GONSALVES: Present.

8 CLERK MULLER: We have a quorum.

9 CHAIRWOMAN GONSALVES: The order
10 of business as usual will be the calling of
11 the contracts and then, after the contracts,
12 we will take a recess so that the other
13 committees can meet and then we will come
14 back and continue the rest of the agenda.

15 We're going to call the first
16 item in the Rules Committee which is Item
17 A-51-13, a resolution authorizing the
18 director of Nassau County Office of
19 Purchasing to request oversight of a
20 contract between the County of Nassau Acting
21 on behalf of various Nassau County
22 departments and Plug-In Trucks Corp.

23 A motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR MUSCARELLA: Second.

1 Rules Committee/7-29-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Muscarella. Who is here to speak on this?

5 MR. MAY: Good afternoon. We
6 have Mr. Ken Arnold from DPW to answer any
7 questions on this item.

8 MR. ARNOLD: Good afternoon.
9 Plug-In Truck contract is a contract that
10 the department uses to overhaul both county
11 trucks and the NICE Bus System.

12 CHAIRWOMAN GONSALVES: Any other
13 questions of 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 A-51-13 signify by saying
19 aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The contract passes unanimously.

24 The next contract is A-54-13, a
25 resolution authorizing the director of

1 Rules Committee/7-29-13
2 Nassau County Office of Purchasing to award
3 and execute a contract between the County of
4 Nassau Acting on behalf of Nassau County
5 Information Technology Department and TW
6 Cable LLC.

7 A motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR NICOLELLO: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Presiding
12 Officer Legislator Nicoletto.

13 MR. MAY: We have Commissioner Ed
14 Eisenstein to answer any questions on this
15 item.

16 COMMISSIONER EISENSTEIN: Good
17 afternoon. Ed Eisenstein from the IT
18 Department.

19 CHAIRWOMAN GONSALVES: Can you
20 give us an overview of this contract,
21 please?

22 COMMISSIONER EISENSTEIN: This is
23 the cablevision contract, these standard
24 contracts are so we can order equipment.

25 CHAIRWOMAN GONSALVES: Any

1 Rules Committee/7-29-13

2 questions of Mr. Eisenstein?

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-54-13 signify by saying
8 aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 The contract passes unanimously.

13 Thank you, Mr. Eisenstein. The next
14 contract is Item A-55-13, a resolution
15 ratifying the award and authorizing the
16 execution by the director of the Nassau
17 County Office of Purchasing of an emergency
18 purchase order between the County of Nassau
19 acting on behalf of Nassau County Department
20 of Public Works and Godwin Pumps of America,
21 Inc.

22 A motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/7-29-13

2 Legislator Dunne, seconded by Legislator
3 Muscarella. Who is here to speak on this?

4 MR. MAY: We have Mr. Ken Arnold
5 from DPW.

6 MR. ARNOLD: This emergency
7 contract with Godwin Pumps is for the
8 restoration of the Bay Park facilities.

9 These pumps are being used in our
10 effluent pumping facility and also were used
11 during the crisis of the pumping out the
12 collection system.

13 CHAIRWOMAN GONSALVES: Any
14 questions? Minority Leader Abrahams.

15 LEGISLATOR ABRAHAMS: Thank you,
16 Madam Presiding Officer. How are you, Ken?

17 MR. ARNOLD: Good.

18 LEGISLATOR ABRAHAMS: Just a
19 quick question. You answered these pumps,
20 kind of in the past tense, this is stuff
21 that was done and the work is done already?

22 MR. ARNOLD: No. In the
23 collection system is done. These pumps are
24 still on the premises in the effluent
25 pumping facility being used.

1 Rules Committee/7-29-13

2 LEGISLATOR ABRAHAMS: But we're
3 still using them?

4 MR. ARNOLD: Yes.

5 LEGISLATOR ABRAHAMS: So this is
6 an ongoing contract?

7 MR. ARNOLD: Correct.

8 LEGISLATOR ABRAHAMS: Is this
9 money being paid for out of the bond
10 proceeds that this legislature passed a
11 couple of weeks ago, that 262?

12 MR. ARNOLD: No. These are being
13 paid out of the FEM funds out of the
14 operating FEMA funds that we have.

15 LEGISLATOR ABRAHAMS: FEMA funds,
16 okay. And there were bids taken on this
17 particular item?

18 MR. ARNOLD: No. This was an
19 emergency. We called many vendors the day
20 after the storm to get pumps on the
21 facility. Godwin is a national firm that
22 supplies dewatering equipment and pumps for
23 many crises and there was one company that
24 delivered the pumps that we needed during
25 that crisis.

1 Rules Committee/7-29-13

2 MR. ARNOLD: Thank you.

3 CHAIRWOMAN GONSALVES: Any other
4 questions of Mr. Arnold?

5 (No verbal response.)

6 Is there any public comment?

7 (No verbal response.)

8 There being none, all those in
9 favor of Contract A-55-13 signify by saying
10 aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The contract passes unanimously.
15 The next contract is Contract A-56-13, a
16 resolution authorizing the director of
17 Nassau County Office of Purchasing to award
18 and execute a contract between the County of
19 Nassau acting on behalf of Nassau County
20 Department of Public Works and Hi-Tech Air
21 Conditioning Service, Inc.

22 A motion, please.

23 LEGISLATOR DUNNE: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRWOMAN GONSALVES: Moved by

1 Rules Committee/7-29-13
2 Legislator Dunne, seconded by Legislator
3 Muscarella. Mr. Arnold.

4 MR. ARNOLD: Kenneth Arnold,
5 Public Works. This is a blanket order
6 contract with the Nassau County Department
7 of Public Works for the maintenance of HVAC
8 units that are beyond the capabilities of
9 our in-house staff.

10 CHAIRWOMAN GONSALVES: Any
11 questions of Mr. Arnold on this particular
12 contract?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Contract A-56-13 signify by saying
18 aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The contract passes unanimously.
23 The next contract is A-57-13, a resolution
24 authorizing the director of Nassau County
25 Office of Purchasing to award and execute a

1 Rules Committee/7-29-13
2 contract between the County of Nassau acting
3 on behalf of Nassau County Police Department
4 Communications Bureau and Intergraph
5 Corporation.

6 A motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Deputy
11 Presiding Officer Nicoletto. Who is here to
12 speak on this?

13 MR. MAY: We have Chief Horace
14 from the PD to answer any questions on this
15 item.

16 CHIEF HORACE: Good afternoon.
17 Chief Edmund Horace, Nassau County Police
18 Department, Deputy Chief of Support.

19 CHAIRWOMAN GONSALVES: Any
20 questions? Legislator Jacobs.

21 LEGISLATOR JACOBS: Hi. How are
22 you, chief? Number one, I wanted to know,
23 is this expiring in July of 2013?

24 CHIEF HORACE: Yes. This is a
25 maintenance or licensing contract for Oracle

1 Rules Committee/7-29-13
2 which is the program used for our servers
3 for our Cat RMS system and it is expiring.

4 LEGISLATOR JACOBS: So the
5 performance period is over like two days
6 from now?

7 CHIEF HORACE: Yes, it is. The
8 performance period is over so it's
9 imperative that we get this renewed to
10 insure that we still have the Oracle or
11 support for Oracle. Actually, the Oracle
12 program is in the system but to insure that
13 we continue its support from the vendor,
14 Oracle on the Cat and RMS servers.

15 LEGISLATOR JACOBS: I mean, you
16 may not be able to answer this, and I don't
17 blame you, is this typical that it would
18 take -- we wait actually until two days
19 before the end of July?

20 CHIEF HORACE: Well, the problem
21 is it took a long time to get this through
22 the system. It's been through the system
23 for a number of months now and it's finally
24 made it to this point.

25 LEGISLATOR JACOBS: Thank you.

1 Rules Committee/7-29-13

2 CHAIRWOMAN GONSALVES: Any other
3 questions of the chief?

4 (No verbal response.)

5 Is there any public comment?

6 (No verbal response.)

7 There being none, all those in
8 favor of Contract A-57-13 signify by saying
9 aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The contract passes unanimously.

14 CHAIRWOMAN GONSALVES: The next
15 contract is A-58-13, a resolution
16 authorizing the director of the Nassau
17 County Office of Purchasing to award and
18 execute a contract between the County of
19 Nassau acting on behalf of the Nassau County
20 Police Department and Oinetio North America.

21 A motion, please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR MUSCARELLA: Second.

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

1 Rules Committee/7-29-13

2 Muscarella. Who is here to speak on this?

3 SERGEANT STEPHANOFF: Good
4 afternoon. Sergeant Greg Stephanoff from
5 the Nassau County Police Department.

6 This is a robot that's going to
7 be used for Hazmat situations by emergency
8 service. It's in the amount of \$245,000.

9 CHAIRWOMAN GONSALVES: Any
10 questions?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Contract A-58-13 signify by saying
16 aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The contract passes unanimously.

21 Thank you very much.

22 The next contract is Contract
23 A-59-13, a resolution authorizing the
24 director of Nassau County Office of
25 Purchasing to request oversight of a

1 Rules Committee/7-29-13
2 contract between the County of Nassau acting
3 on behalf of Nassau County Department of
4 Public Works and the Winward Group, LLC.

5 A motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR MUSCARELLA: Second.

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

11 MR. MAY: Again, we have Mr. Ken
12 Arnold from DPW to answer any questions on
13 this item.

14 MR. ARNOLD: A-59 is a contract
15 with Winward Group. It's a document
16 recovery contract. We had many documents at
17 Bay Park especially with our sewer
18 maintenance, our construction office, and
19 our materials testing lab that was required
20 to be restored. This contract will assist
21 the department in doing that.

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

25 (No verbal response.)

1 Rules Committee/7-29-13

2 Is there any public comment?

3 (No verbal response.)

4 There being none, all those in
5 favor of Contract A-59-13 signify by saying
6 aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The contract passes unanimously.

11 The next contract is Contract
12 B-17-13, a resolution authorizing the county
13 executive to award and execute a contract
14 between the County of Nassau acting on
15 behalf of the Nassau County Department of
16 Public Works and Posillico Civil, Inc.

17 A motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR NICOLELLO: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Deputy
22 Presiding Officer Nicolello. Mr. Arnold,
23 are you here to speak on this item?

24 MR. ARNOLD: This contract is a
25 resurfacing contract, phase 25 with the

1 Rules Committee/7-29-13
2 department. It is a New York State TIP
3 project so we will be getting reimbursed for
4 80 percent of the work. The work includes
5 roads on Elmont Road, Northern Boulevard,
6 Wild and West Shore Road, Station Road and
7 Steamboat Road.

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

10 Is there any public comment
11 regarding this contract?

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract B-17-13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.

20 Contract B-18-13, a resolution
21 authorizing the county executive to award
22 and execute a contract between the County of
23 Nassau acting on behalf of the Nassau County
24 Department of Public Works and DF Stone
25 Contracting, Ltd.

1 Rules Committee/7-29-13

2 A motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR MUSCARELLA: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Muscarella. Mr. Arnold.

8 MR. ARNOLD: B-18 is a contract
9 with D.F. Stone. It's our on call emergency
10 requirements contract related to drainage
11 issues on our storm water basins.

12 CHAIRWOMAN GONSALVES: Any
13 questions of Mr. Arnold regarding this
14 contract?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

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

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The contract passes unanimously.

25 The next contract is B-21-13, a

1 Rules Committee/7-29-13
2 resolution authorizing the county executive
3 to award and execute a contract between the
4 County of Nassau acting on behalf of the
5 Nassau County Department of Public Works and
6 Tri-State Paving, LLC.

7 A motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Muscarella. Mr. Arnold.

13 MR. ARNOLD: B-21 is a contract
14 with Tri-State. It's for curb, sidewalk,
15 and streetscape improvements on the village
16 of Farmingdale Main Street.

17 CHAIRWOMAN GONSALVES: Any
18 questions regarding this 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 B-18-13 signify by saying
24 aye.

25 (Aye.)

1 Rules Committee/7-29-13

2 Any opposed?

3 (No verbal response.)

4 The next contract is Contract
5 B-21-13, a resolution authorizing the county
6 executive to award and execute a contract
7 between the County of Nassau acting on
8 behalf of the Nassau County Department of
9 Public Works and Tri-State Paving L.L.C.

10 I just did that one. We need a
11 vote on B-21-13. All those in favor of
12 Contract B-21-13 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The contract passes unanimously.
17 The next contract is Contract B-22-13, a
18 resolution authorizing the county executive
19 to award and execute a contract between the
20 County of Nassau acting on behalf of the
21 Nassau County Department of Public Works and
22 Inter-County Paving Associates, L.L.C.

23 A motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR MUSCARELLA: Second.

1 Rules Committee/7-29-13

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Muscarella. Mr. Ken Arnold.

5 MR. ARNOLD: B-22 is another
6 resurfacing project, phase 24 within the
7 department. There is also another TIP
8 funded project which we get 80 percent
9 reimbursement. The road associated with
10 this project include Post Avenue, Commercial
11 Avenue, Sheridan Boulevard, Marcus Avenue,
12 Old Country Road and Stewart Avenue.

13 CHAIRWOMAN GONSALVES: Any
14 questions of Mr. Arnold regarding this
15 contract?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

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

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The contract passes unanimously.

1 Rules Committee/7-29-13

2 The next contract is B-23-13, a resolution
3 authorizing the county executive to award
4 and execute a contract between the County of
5 Nassau acting on behalf of the Nassau County
6 Department of Public Works and Optimum
7 Controls Corporation.

8 A motion, please.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne, seconded by Legislator
13 Muscarella. Mr. Arnold.

14 MR. ARNOLD: B-23 is a contract
15 with OCC. It's the work on the
16 intercontrols at Bay Park and repair and
17 overhaul two of the engine generators.

18 CHAIRWOMAN GONSALVES: Any
19 questions? Minority Leader Abrahams.

20 LEGISLATOR ABRAHAMS: How are you
21 again, Mr. Arnold?

22 MR. ARNOLD: I'm good.

23 LEGISLATOR ABRAHAMS: The total
24 amount of this contract is 11.5 million,
25 give or take, right?

1 Rules Committee/7-29-13

2 MR. ARNOLD: Correct.

3 LEGISLATOR ABRAHAMS: If I'm
4 understanding this correctly, it's being
5 funded through capital project 3B-119.

6 MR. ARNOLD: That is correct.

7 LEGISLATOR ABRAHAMS: So
8 basically the proceeds from which we passed
9 a couple of weeks ago, the 262, which was
10 also specified for Bay Park is not a part of
11 this funding mechanism?

12 MR. ARNOLD: Correct.

13 LEGISLATOR ABRAHAMS: But my only
14 question is, and maybe my understanding of
15 the capital plan may be a little wrong, but
16 the capital plan as this legislature passed
17 the plan itself, only allocates a little
18 over \$8 million to the budget line, 3B-119.

19 MR. ARNOLD: I believe there is
20 another pending bond ordinance to cover the
21 remainder of this. I can double check that
22 while I'm in break.

23 LEGISLATOR ABRAHAMS: Another
24 pending bond ordinance?

25 MR. ARNOLD: I know we had some

1 Rules Committee/7-29-13
2 outside funding associated with this project
3 that was incorrectly put to Bay Park. Had
4 to move it over to Cedar Creek. So I
5 believe there is a bond ordinance that's
6 pending to make up the remainder of this
7 money.

8 LEGISLATOR ABRAHAMS: Which item
9 is that bond ordinance so I can identify it?

10 MR. ARNOLD: I would have to go
11 back and look at my notes and take a look at
12 it.

13 LEGISLATOR ABRAHAMS: You want
14 him to go and take a look at his notes?

15 CHAIRWOMAN GONSALVES: Mr. Arnold,
16 do you have the paperwork here?

17 MR. ARNOLD: Let me see. I may
18 have it in my iPad. I'm not sure.

19 CHAIRWOMAN GONSALVES: Okay. We
20 can wait. Repeat your question.

21 LEGISLATOR ABRAHAMS: Yes. I
22 actually had my staff pull the page so to
23 make sure I'm referencing the correct the
24 thing. And I'm guessing what your answer
25 may be is tied to the carry forward.

1 Rules Committee/7-29-13

2 But what I was asking is, the
3 contract is specifying 11.5 million?

4 MR. ARNOLD: Correct.

5 LEGISLATOR ABRAHAMS: And the
6 funding mechanism is coming out of 3B-119
7 which is, from what I can gather looking at
8 the plan that we just planned two weeks ago,
9 which I guess needs to be amended, it's
10 indicating that there will be \$8 million in
11 2013 and then zeros for the remaining years
12 in 3B-119?

13 MR. ARNOLD: Correct.

14 LEGISLATOR ABRAHAMS: So my
15 question is, how are we paying for a
16 contract that's being funded out of 3B-119
17 that is for 11.5 million?

18 MR. ARNOLD: You're correct, it's
19 the carryover, and the \$8 million that would
20 fund that project.

21 LEGISLATOR ABRAHAMS: So it's the
22 carry forward and the \$8 million?

23 MR. ARNOLD: Correct.

24 LEGISLATOR ABRAHAMS: So should
25 this be amended in any way to reflect what

1 Rules Committee/7-29-13

2 we are going to be spending in 2013 because
3 this is debt for 2013?

4 MR. ARNOLD: Right. But the plan
5 funding source doesn't -- dejects additional
6 funding carry forward does not move again to
7 additional years. Carry forward is always a
8 look back in taking for the projects as we
9 move them along. We don't reallocate the
10 carry forward in the future years. Only
11 when we do our planning on our project to
12 project level do we look at it that way.

13 LEGISLATOR ABRAHAMS: So it's
14 possible then, there was money to do this
15 project last year?

16 MR. ARNOLD: Well, there was only
17 \$5 million last year. The additional \$8
18 million was just approved.

19 LEGISLATOR ABRAHAMS: No. The
20 carry forward I see here is \$12.5 million.
21 Am I understanding this correctly?

22 MR. ARNOLD: I have a carry
23 forward, \$5.021 million.

24 LEGISLATOR ABRAHAMS: From what I
25 can gather from what we passed two weeks

1 Rules Committee/7-29-13
2 ago, the carry forward that I'm looking at,
3 unless I'm -- let me make sure I'm lining it
4 up correctly, 12.5 is what I have. Do you
5 want me to share with you?

6 MR. ARNOLD: Yes.

7 LEGISLATOR ABRAHAMS: Take a look
8 at what I have.

9 MR. ARNOLD: Okay.

10 LEGISLATOR ABRAHAMS: Apparently
11 my staff is telling me there's a discrepancy
12 between the item passed and what you're
13 looking at which is the book.

14 MR. ARNOLD: Yes.

15 LEGISLATOR ABRAHAMS: So which
16 should we be looking at? The item that was
17 passed.

18 MR. ARNOLD: I would have to go
19 back and look at both again.

20 LEGISLATOR ABRAHAMS: Look,
21 you're a nice guy. I like you.

22 MR. ARNOLD: I understand your
23 question.

24 LEGISLATOR ABRAHAMS: What item
25 number are you looking at?

1 Rules Committee/7-29-13

2 MR. ARNOLD: I have to go back
3 and look at my notes. And what item number
4 are you looking at?

5 LEGISLATOR ABRAHAMS: Ken, this
6 was passed as part of clerk item 219-13, the
7 four year capital plan which was passed on
8 July 15th of this year.

9 MR. ARNOLD: I will go back. I
10 have to look at why that's different. You
11 know, there were a lot of moving pieces as
12 we were going through different bond
13 ordinances. So I'm not sure why the numbers
14 would have changed.

15 CHAIRWOMAN GONSALVES: I have a
16 question, Mr. Arnold. If we don't do this
17 today, would it have an impact on the
18 operations of the plant?

19 MR. ARNOLD: The generator
20 facility at Bay Park is in dire needs of
21 getting fixed. We are running off interim
22 generators right now. And this contract, as
23 you can see it, was an emergency based
24 contract. We need to get this project done
25 as soon as possible and get the control

1 Rules Committee/7-29-13

2 replacements started.

3 LEGISLATOR ABRAHAMS: And we
4 agree, Bay Park needs as much resources as
5 possible. But, Mr. Arnold, if I go back
6 again to this Item 3B-119, based on the
7 documents that we had passed last week, two
8 weeks ago I should say, that document
9 specifies 12 and a half million dollars
10 which, from my calculations, this work
11 should have been done last year.

12 I mean, I know there is an
13 urgency to try to get it done today, but, in
14 all honesty, unless somebody can dispute
15 this number that this legislature passed two
16 weeks ago, it should have been done --

17 MR. ARNOLD: Well, we only
18 recently completed the design package and
19 received a bid on this project. The design
20 phase of this project started just prior to
21 Sandy. So we only received the bid package
22 back with the proposal from OCC probably a
23 little over a few weeks ago, a month ago,
24 and have been going through the review
25 process and packaging it up for your

1 Rules Committee/7-29-13

2 approval.

3 LEGISLATOR ABRAHAMS: Explain to
4 me -- from what I can gather, the carry
5 forward, whether it's five million or 12 and
6 a half million, we added \$8 million in 2013
7 debt, but if I'm understanding this
8 correctly, we have known about this
9 particular project for some time. We could
10 have done an RFP last year if we wanted to.

11 MR. ARNOLD: Well, it's a matter
12 of the process of getting all the design
13 work and all the engineering done. The
14 engineering was delayed because of Sandy.
15 The engineers have been working on it since
16 last -- I think they started before Sandy --
17 that project was initiated just before Sandy
18 hit us. So we probably lost two or three
19 months during that Sandy recovery phase
20 where this was not priority and then they
21 went back on it and recently completed it.

22 LEGISLATOR ABRAHAMS: Was there a
23 bid done to get to this \$11.5 million
24 contract with Optimum Controls?

25 MR. ARNOLD: No. We went

Rules Committee/7-29-13

1 straight to OCC. We evaluated available
2 vendors and contracts. OCC has been at Bay
3 Park doing temporary repairs over the last
4 year and a half. It was recommended by
5 engineers and agreed upon by the department
6 that OCC would be the one firm that could
7 get this job completed. So we have uniform
8 controls throughout the project. They know
9 our engine generators. They know the
10 existing controls and how to integrate all
11 these systems.
12

13 LEGISLATOR ABRAHAMS: Mr. Arnold,
14 this has been our argument. From our
15 standpoint, and I know there's dual
16 legislation with regards to oversight
17 regarding Sandy related expenses, but this
18 is a perfect example of an expense that's
19 coming before us which is, in all honestly,
20 is something that we've known about for
21 quite some time. We truly believe it should
22 have been bidden out so that we can get the
23 most responsible bidder back and probably
24 even save a couple of bucks and, pretty
25 much, in the words of my good friend Dennis

1 Rules Committee/7-29-13

2 Dunne, we probably even could have got
3 somebody that was even local and somebody
4 not in Redding, Pennsylvania, I believe.

5 That being said, this particular
6 contract, we have numerous questions about
7 and it just feeds the beast that we need to
8 get more oversight and we shouldn't just be
9 passing things hastily.

10 We need to make sure that, number
11 one, we're doing things in a fiscal manner
12 which gives the residents, not just in Bay
13 Park and the surrounding areas, the best
14 bang for their buck. And it's done
15 obviously that brings in the most
16 responsible person in a timely manner as
17 well. That's what our overarching concern
18 is.

19 Are there other emergency
20 contracts that are going to be coming before
21 us similar to this matter, Mr. Arnold?

22 MR. ARNOLD: I don't believe we
23 have any planned at this time. As we go
24 through the plant, if something happens, I
25 can't say that something else wouldn't come

1 Rules Committee/7-29-13

2 to you in this manner, but my understanding
3 is that the current contracts that are being
4 designed will be going out to bid.

5 LEGISLATOR ABRAHAMS: Give me a
6 second. Mr. Arnold, I will take you at your
7 word that this will basically be some of the
8 last emergency contracts that come before
9 us. But, especially, when we know about the
10 work that's going on there and, obviously,
11 we are endeavoring in a larger number when
12 it comes to the entire plant of 722, 25, 26
13 million dollars, we would like to know that
14 this work is being bidded out, that we are
15 getting responsible bidders, that this stuff
16 has gone through the proper oversight.

17 I have to say, I like you, Mr.
18 Arnold, I really do. I think you have come
19 here and you have always given us honest
20 answers. I appreciate that. But I got to
21 say, from our standpoint, that's not much
22 for the taxpayer of Nassau County to ask
23 for. I think that's standard in order for
24 to us go forward.

25 But we are going to approve this

1 Rules Committee/7-29-13
2 contract today because we realize the
3 treatment plant needs it. But, overall,
4 this ties into the larger bigger picture of
5 why oversight is necessary, not to say that
6 anything is being done with malice, but just
7 to make sure that we are dotting our I's and
8 crossing our T's and we're spending money
9 appropriately.

10 MR. ARNOLD: Understood. And I
11 believe when we had talked to you about the
12 Hazen Pirnie contract to assist the
13 department, we spoke about one emergency
14 contract that was going to come before you
15 and that's this one.

16 The unique part of this contract
17 is that the integration to the controls to
18 the engines require the coordination with
19 the contract with the engineers to make sure
20 we get a seamless system that does not give
21 us problems in the future.

22 Instrumentation is a very tricky
23 thing. If you get multiple vendors doing
24 things, they always don't speak well
25 together. So we thought it was in the best

1 Rules Committee/7-29-13
2 interest of this project to do it this path.
3 LEGISLATOR ABRAHAMS: That's why
4 I think that this stuff needs to be
5 disclosed and needs to be vented so that
6 this legislative body can get the
7 information also in a timely manner, and the
8 public, most importantly. But thank you.
9 CHAIRWOMAN GONSALVES: Any
10 other questions of Mr. Arnold?
11 (No verbal response.)
12 Is there any public comment?
13 (No verbal response.)
14 There being none, all those in
15 favor of Contract B-23-13 signify by saying
16 aye.
17 (Aye.)
18 Any opposed?
19 (No verbal response.)
20 The contract passes unanimously.
21 There are three E contracts that have to do
22 with TPVA and those are contracts E-107-13,
23 Contract E-121-13, and Contract E-152-13.
24 I'm going to read each of them separately
25 and, Judge Marks, you can talk about each of

1 Rules Committee/7-29-13

2 them after I read each of the items into the
3 record.

4 E-107 is a resolution authorizing
5 the county executive to execute a personal
6 service agreement between the County of
7 Nassau acting on behalf of the Nassau County
8 Traffic and Parking Violations Agency and
9 Alliance One Receivables Management, Inc.

10 E-121 is a resolution authorizing
11 the county executive to execute a personal
12 service agreement between the County of
13 Nassau acting on behalf of the Nassau County
14 Traffic and Parking Violations Agency and
15 RTR Financial Services Inc.

16 And 152 is a resolution
17 authorizing the county executive to execute
18 a personal service agreement between the
19 County of Nassau acting on behalf of the
20 Nassau County Traffic and Parking Violations
21 Agency and Data Search New York, Inc. d/b/a
22 TrakAmerica.

23 A motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR MUSCARELLA: Second.

1 Rules Committee/7-29-13

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

5 JUDGE MARKS: John Marks,
6 executive director of TPVA.

7 MR. RICH: Dave Rich, Deputy
8 Director of TPVA. These are three
9 collection contracts that went out for RFP.
10 Alliance One was one of the current vendors.
11 They place second in our grading. RTR
12 finished first in the grading. And
13 TrakAmerica is a pilot program to try to
14 collect money that we were on the verge of
15 writing off. We been trying to work, trying
16 to work, and now TrakAmerica, an umbrella
17 agency, nationwide, try to collect funds
18 owed to Nassau County.

19 CHAIRWOMAN GONSALVES: Any
20 questions on for Judge Marks? Minority
21 Leader Abrahams.

22 LEGISLATOR ABRAHAMS: How are
23 you, judge?

24 JUDGE MARKS: Fine. Thank you.

25 LEGISLATOR ABRAHAMS: Just a

1 Rules Committee/7-29-13
2 quick question. What's the total amount in
3 regards to what's due to the county, to your
4 estimation?

5 JUDGE MARKS: \$135 million.

6 LEGISLATOR ABRAHAMS: A
7 tremendous number. And that big amount
8 spans over, I mean, since the existence, so
9 how much do you actually think is possible
10 to be retrieved or obtained realistically?

11 MR. RICH: Currently, our one
12 vendor, they actually collect roughly about
13 \$4 million a year, so by adding the
14 additional vendors here, we hope the yield
15 may be between five and \$7 million.

16 LEGISLATOR ABRAHAMS: Thank you.

17 CHAIRWOMAN GONSALVES: Any other
18 questions of Judge Marks? Legislator Wink.

19 LEGISLATOR WINK: So with this
20 additional contract, we may be able to
21 collect five to \$7 million. How much do we
22 actually, what liabilities -- what
23 receivables exist in any given year? Do we
24 issue \$12 million worth of fines and
25 hopefully collect five to seven? Do we

1 Rules Committee/7-29-13

2 issue \$20 million a year?

3 MR. RICH: For 2012, we actually
4 had, what's still outstanding is \$4.2
5 million. So in one year that's -- TPVA
6 itself sends out a first notice, a second
7 notice, and after there is no response or
8 it's resolved, then we assign it to a
9 collection vendor.

10 LEGISLATOR WINK: So if I'm
11 understanding this correctly then, we accrue
12 fines of over \$8 million in a year and so
13 far have been getting about \$4 million?

14 MR. RICH: I'm sorry. That was
15 just for parking only. For traffic as well,
16 that's another \$10 million that's
17 outstanding. So it's a total of about \$14
18 million a year.

19 LEGISLATOR WINK: So about \$14
20 million a year. How much do we actually
21 collect?

22 MR. RICH: Roughly \$18 million
23 just for traffic and parking.

24 LEGISLATOR WINK: So we bill out
25 \$14 million and we collect \$18 million?

1 Rules Committee/7-29-13

2 JUDGE MARKS: That's what we
3 billed out last year and what was owed in
4 the past, what we collected last year.

5 LEGISLATOR WINK: So then we are
6 netting \$4 million out of the \$135 million
7 that you said has amassed?

8 JUDGE MARKS: I guess if you want
9 to say that. But I don't know how to
10 designate who is paying the old or who is
11 paying the new.

12 LEGISLATOR WINK: What I'm trying
13 to understand is, what is the delinquency
14 rates on the fines that are being issued in
15 any given year and are we recouping any of
16 that in future years and, if so, how much, I
17 guess is my question?

18 JUDGE MARKS: I can't answer the
19 first part, but the second part is, we are
20 recouping currently past monies from
21 different vendors. TrakAmerica, the last --
22 that's been worked, and worked and reworked
23 and reworked, and we're trying not to have
24 it be a write-off, we're trying to get the
25 pilot program from an agency that can try to

1 Rules Committee/7-29-13

2 collect the money. I can't really tell you
3 again if we hit \$18 million we had in
4 receivables last year between traffic and
5 parking.

6 LEGISLATOR WINK: In past due
7 receivables? Is that all receivables or is
8 that just the ones that weren't paid?

9 MR. RICH: The \$18 million would
10 have been current and past. Like \$3 million
11 for past roughly. And roughly \$15 million
12 from the current year that's issued.

13 For an example, traffic, we
14 collect -- we have closed 91 percent of the
15 cases that were issued on traffic. On
16 parking it's about 85 percent. So roughly
17 you're saying 90 percent is what's
18 outstanding and that's what we are assigned
19 to the collection vendors for a given year.

20 LEGISLATOR WINK: So we are
21 collecting 91 percent?

22 MR. RICH: Yes.

23 LEGISLATOR WINK: And nine
24 percent ends up being delinquency?

25 MR. RICH: Yes.

1 Rules Committee/7-29-13

2 LEGISLATOR WINK: And that's
3 what's being farmed out to now these two
4 companies?

5 MR. RICH: Total of three
6 vendors.

7 LEGISLATOR WINK: Total of three?
8 I see TrakAmerica, RTR Financial. Alliance
9 is the third one?

10 MR. RICH: Yes.

11 LEGISLATOR WINK: And it's your
12 position that by going with more than one we
13 have a better shot at collecting a higher
14 rate of the delinquencies?

15 MR. RICH: And it's also a
16 performance model. If one vendor is not
17 performing well, we can actually push some
18 of that assignment over to a better
19 performing vendor.

20 LEGISLATOR WINK: Well, of these,
21 how many are existing contractors with the
22 county?

23 MR. RICH: Just the one, Alliance
24 One.

25 LEGISLATOR WINK: So is it

1 Rules Committee/7-29-13

2 implied in what you're saying that by adding
3 two others, we found that Alliance One has
4 not been able to collect the full amount
5 that they should be able to?

6 JUDGE MARKS: We had two vendors,
7 Alliance One and the other. The other
8 wasn't performing to our satisfaction. They
9 were terminated. The RFP went out. We got
10 the results and we selected Alliance One and
11 RTR to handle the debt that was being
12 handled and then, as a pilot program,
13 TrakAmerica is trying to recoup monies from
14 debts that would have been liquidated. I
15 don't know how else to say it.

16 LEGISLATOR WINK: It would have
17 been written off. So basically they have
18 the cold cases and the other two are doing
19 the more recent delinquencies?

20 JUDGE MARKS: Yes.

21 LEGISLATOR WINK: Well, I wish
22 you luck with all three of them.

23 JUDGE MARKS: Thank you.

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

1 Rules Committee/7-29-13

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, I'm going to
6 call those contracts again for the record,
7 E-107-13, E-121-13, and E-152-13, all those
8 in favor of these contracts signify by
9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The contracts pass unanimously.

14 The next contract is E-147-13, a
15 resolution affirming an amendment to a
16 special counsel contract entered into by
17 Nassau County attorney and Rivkin Radler,
18 LLP.

19 A motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR MUSCARELLA: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Muscarella. Mr. May.

25 MR. MAY: We have Lisa Locurto

1 Rules Committee/7-29-13
2 from the county attorney to answer any
3 questions on this item.

4 CHAIRWOMAN GONSALVES: Welcome,
5 Lisa.

6 MS. LOCURTO: Good afternoon.
7 Lisa Locurto, county attorney's office,
8 deputy county attorney.

9 This is an amendment to an
10 existing contract. The purpose of the
11 contract is to provide special counsel and
12 legal services to the county for the defense
13 of the county guaranty in numerous actions.
14 Certain actions are for non-benefitted
15 properties and the other actions are for
16 challenges to Real Property Tax Law, Article
17 18 of the Real Property Tax Law.

18 CHAIRWOMAN GONSALVES: Any
19 questions of Lisa? Legislator Wink.

20 LEGISLATOR WINK: Lisa, this has
21 been a case that's been going on for quite a
22 number of years, isn't it, this is
23 collectively called the Verizon case?

24 MS. LOCURTO: Yes.

25 LEGISLATOR WINK: And the county

1 Rules Committee/7-29-13

2 has lost this case, hasn't it?

3 MS. LOCURTO: No.

4 LEGISLATOR WINK: The Court of
5 Appeals hasn't ruled on this case?

6 MS. LOCURTO: There was another
7 Verizon case you're referring to that the
8 action was taken to the Appellate Division.
9 There was leave to appeal to the Court of
10 Appeals. That case came to a conclusion.
11 This Verizon case encompasses different
12 legal arguments. However, we are pursuing
13 arguments to defend we believe the county
14 guaranty in this particular action.

15 LEGISLATOR WINK: As I understand
16 it, this action is similar to the previous
17 action, which, by the way, I'm not sure the
18 county has paid on yet, and maybe you can
19 just disabuse me of that notion if I'm wrong
20 but, as I understand it, the county never
21 paid the town of North Hempstead under the
22 guaranty for the previous Verizon case.

23 MS. LOCURTO: I will double-check
24 that but I am certain that the county did
25 and I believe this legislative body had to

1 Rules Committee/7-29-13
2 pass a bond in order to pay. I believe the
3 judgement was for \$1.2 million and change
4 and a bond was presented to the Nassau
5 County Legislature and approved. But I will
6 definitely look that up and get that
7 information to you.

8 LEGISLATOR WINK: I would ask
9 that you go a step further and check to make
10 sure that the treasurer issued actually
11 based on that authorization because I'm not
12 sure that they did.

13 But, be that as it may, what are
14 the different theories in this case? As I
15 understand it, this is another add valorem
16 tax case which Verizon has previously won,
17 and the county ultimately has appealed an
18 additional time.

19 CHAIRWOMAN GONSALVES: Go into
20 executive session.

21 MS. LOCURTO: I was just going to
22 suggest that, Madam Presiding Officer.

23 LEGISLATOR MUSCARELLA: So moved.

24 LEGISLATOR NICOLELLO: Second.

25 CHAIRWOMAN GONSALVES: Motion for

1 Rules Committee/7-29-13
2 executive session by Legislator Muscarella,
3 seconded by Legislator Nicoletto. All those
4 in favor of going into executive session
5 signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 Into executive session we're
10 going.

11 (Whereupon, the Rules Committee
12 recessed at 1:55 p.m. and reconvened at 2:09
13 p.m.)

14 CHAIRWOMAN GONSALVES: Are there
15 any other questions from the legislators
16 regarding Contract E-147?

17 (No verbal response.)

18 Is there any public comment on
19 E-147?

20 (No verbal response.)

21 There being none, all those in
22 favor of Contract E-147-13 signify by saying
23 aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/7-29-13

2 (Nay.)

3 The contract passes unanimously.

4 With the permission of the
5 minority, Contract E-148-13, E-153-13 and
6 E-154-13 are being called together. They
7 all have to do with the county attorney's
8 office. I will read each of them
9 separately. E-148, resolution affirming --

10 LEGISLATOR ABRAHAMS: I'm sorry,
11 we have to go back to the last item. Motion
12 to reconsider. There should have been three
13 votes recorded no from the minority.

14 If we can correct the record that
15 on the previous item, 147-13, that three
16 votes from the minority were recorded as no.

17 E-147, the record is corrected.
18 E-147-13, four ayes and three nays.

19 The next contracts, E-148-13, a
20 resolution affirming an amendment to a
21 special counsel contract entered into by the
22 Nassau County attorney and Sinnreich,
23 Kodakoff & Messina, L.L.P.

24 Contract E-153-13, a resolution
25 affirming an amendment to a special counsel

1 Rules Committee/7-29-13
2 contract entered into by the Nassau County
3 attorney and Leventhal, Cursio, Mullaney &
4 Sliney, L.L.P.

5 And E-154, a resolution affirming
6 an amendment to a special counsel contract
7 entered into by the Nassau County attorney
8 and Leventhal, Cursio, Mullaney & Sliney,
9 L.L.P.

10 A motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR MUSCARELLA: Second.

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

16 MR. MAY: We have County Attorney
17 John Ciampoli and Lisa Locurto from the
18 county attorney's office to answer questions
19 on these items.

20 CHAIRWOMAN GONSALVES: Any
21 questions regarding E-148, 153 or 154?
22 Legislator Wink.

23 LEGISLATOR WINK: E-148, this is
24 with regard to the aquatic center?

25 MS. LOCURTO: Yes, it is.

1 Rules Committee/7-29-13

2 LEGISLATOR WINK: A long line of
3 extensions on this one. All right.

4 CHAIRWOMAN GONSALVES: Any other
5 questions from the legislators?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of Contract E-148-13, E-153-13,
11 E-154-13 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 So we have four ayes, and three
16 nays.

17 The next contract is Contract
18 E-150, a resolution authorizing the county
19 executive to execute an amendment to a
20 personal service agreement between the
21 County of Nassau acting on behalf of the
22 Department of Information Technology and
23 Locality Media, L.L.C.

24 A motion, please.

25 LEGISLATOR DUNNE: So moved.

1 Rules Committee/7-29-13

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Dunne, seconded by Legislator
5 Muscarella. Mr. May.

6 MR. MAY: We have Assistant Chief
7 Fire Marshal John Priest and Commissioner Ed
8 Eisenstein to answer any questions on this
9 item.

10 CHAIRWOMAN GONSALVES: Any
11 questions? Would you give us a briefing of
12 E-150 which is the agreement between the
13 County of Nassau acting on behalf of the
14 Department of IT and Locality Media.

15 Who is going to talk on it?

16 COMMISSIONER EISENSTEIN: This
17 item is the third phase and final leg of the
18 fire marshal permit electronic system and
19 this would allow them to go live at the end
20 of this phase.

21 CHAIRWOMAN GONSALVES: Any
22 questions or comments from any of the
23 legislature regarding this item?

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/7-29-13

2 There being none, all those in
3 favor of Contract E-150-13 signify by saying
4 aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The contract passes unanimously.
9 Thank you. Moving to Contract 156, a
10 resolution authorizing the county executive
11 to execute a personal service agreement
12 between the County of Nassau acting on
13 behalf of the county Department of the
14 District Attorney and P.E.A.C.E. Afterschool
15 Program, Inc.

16 A motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Deputy
21 Presiding Officer Nicolello. Mr. May.

22 MR. MAY: This is Clerk Item
23 E-156-13?

24 CHAIRWOMAN GONSALVES: Yes.

25 MR. MAY: We have Mr. Bob McManus

1 Rules Committee/7-29-13
2 from the District Attorney's Office to
3 answer any questions on this item.

4 MR. MCMANUS: This program will
5 provide a supervised diversion from harmful
6 street activities fully engaging children in
7 educationally and developmentally beneficial
8 activities throughout the hours of 3:00 to
9 6:00 p.m. which is considered prime crime
10 time.

11 The program is completely free
12 for the students living in the Terrace
13 Bedell neighborhood of Hempstead. The
14 district attorney's office has received
15 federal forfeiture funds to be used for
16 various project activities and programs and
17 is authorized to expend funds for these
18 purposes as outlined in the federal
19 equitable sharing agreement.

20 CHAIRWOMAN GONSALVES: Questions
21 of Mr. McManus?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/7-29-13
2 favor of Contract E-156-13 signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The contract passes unanimously.

8 The next contract is E-157-13, a
9 resolution authorizing the county executive
10 to execute an amendment to a personal
11 service agreement between the County of
12 Nassau acting on behalf of the Nassau County
13 Police Department and Freeport Revolver &
14 Rifle Association.

15 A motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Muscarella. Mr. May.

21 MR. MAY: We have Sergeant
22 Gregory Stephanoff to answer any questions
23 on this item.

24 SERGEANT STEPHANOFF: Good
25 afternoon. Sergeant Gregory Stephanoff.

1 Rules Committee/7-29-13

2 Freeport, we are going to enter
3 in a contract to extend the Freeport
4 contract while we're working on our range
5 which we expect to be completed for our
6 qualifying members for pistol training.

7 CHAIRWOMAN GONSALVES: Any
8 questions of the sergeant?

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-157-13 signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The contract passes unanimously.

19 The next contracts all have to do
20 with the Department of Social Services. I'm
21 calling them all together, however, we can
22 speak on them separately.

23 Contract E-158-13, a resolution
24 authorizing the county executive to execute
25 a personal service agreement between the

1 Rules Committee/7-29-13
2 County of Nassau acting on behalf of the
3 Nassau County Department of Social Services
4 and Family and Children's Association.

5 E-159, a resolution authorizing
6 the county executive to execute a personal
7 service agreement between the County of
8 Nassau acting on behalf of the Nassau County
9 Department of Social Services and Salient
10 Corporation.

11 Contract E-160-13, a resolution
12 authorizing the county executive to execute
13 a personal service agreement between the
14 County of Nassau acting on behalf of the
15 Nassau County Department of Social Services
16 and North American Family Institute, Inc.

17 Contract E-161-13, a resolution
18 authorizing the county executive to execute
19 a personal service agreement between the
20 County of Nassau acting on behalf of the
21 Nassau County Department of Social Services
22 and Berkshire Farm Center & Services for
23 Youth.

24 Contract E-162-13, a resolution
25 authorizing the county executive to execute

1 Rules Committee/7-29-13
2 a personal service agreement between the
3 County of Nassau acting on behalf of the
4 Nassau County Department of Social Services
5 and Family and Children's Association.

6 A motion, please.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR MUSCARELLA: Second.

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

12 MR. MAY: We have Mr. Paul
13 Broderick from Department of Social Services
14 to answer any questions on these items.

15 MR. BRODERICK: Legislators, good
16 afternoon. Paul Broderick, deputy
17 commissioner, Department of Social Services.
18 Item E-158, the contract before you is for a
19 \$15,973 contract with FCA to administer the
20 summer food program. Do you have any
21 questions?

22 CHAIRWOMAN GONSALVES: Any
23 questions on 158?

24 (No verbal response.)

25 Continue. Contract E-159.

1 Rules Committee/7-29-13

2 MR. BRODERICK: Item E-159 is for
3 a \$51,600 contract with Salient Corporation.
4 They provide data mining software to support
5 our Medicaid Fraud Program. That is funded
6 50 percent federal, 25 percent state, 25
7 percent county.

8 CHAIRWOMAN GONSALVES: Any
9 questions on this particular contract?

10 (No verbal response.)

11 Contract E-158.

12 MR. BRODERICK: That was \$51,600
13 for the data mining software.

14 LEGISLATOR WINK: How are you,
15 Mr. Broderick? How long has Salient been
16 doing this or have they yet?

17 MR. BRODERICK: How long have
18 they been providing that?

19 LEGISLATOR WINK: Since 2006, if
20 I'm not mistaken?

21 MR. BRODERICK: Right.

22 LEGISLATOR WINK: Do we know what
23 kind of track record they have in terms of
24 sexual fraud and abuse?

25 MR. BRODERICK: Well, they don't

1 Rules Committee/7-29-13

2 actually do the investigations. Our
3 investigators utilize that software.

4 LEGISLATOR WINK: Have they
5 detected anything that has led to recoveries
6 in investigations --

7 MR. BRODERICK: Absolutely.

8 LEGISLATOR WINK: Do you have any
9 idea how much we have saved as a result of
10 this contract?

11 MR. BRODERICK: Well over a
12 million dollars last year.

13 LEGISLATOR WINK: As a direct
14 result of the work they did?

15 MR. BRODERICK: I would say that
16 was one of the resources in their tools that
17 the investigators used to weed out the
18 fraud. They are a sole source provider,
19 they basically provide it for all the
20 counties in the New York State.

21 CHAIRWOMAN GONSALVES: Any other
22 questions from the legislators?

23 (No verbal response.)

24 Moving on to any questions on
25 Contract E-160-13?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 MR. BRODERICK: This is a
4 contract with NAFFI, North American Family
5 Institute for \$178,789. NAFFI is providing
6 us with, it's a wraparound program to work
7 with early intervention community support
8 home based responses and post placement for
9 children who have been adopted or in out of
10 home placements. This was recently RFP'd
11 and they were chosen.

12 CHAIRWOMAN GONSALVES: And
13 Contract E-161-13, Berkshire Farm Center &
14 Services for Youth.

15 MR. BRODERICK: This is for
16 \$186,682, and they provide short term
17 intensive home based preventive services to
18 Nassau County families and children in
19 eminent risk of foster placement.

20 CHAIRWOMAN GONSALVES: And the
21 last one is 162 with Family and Children's
22 Association.

23 MR. BRODERICK: The contract here
24 is requesting \$202,000 and the FCA manages
25 the PINS diversion program as well as

1 Rules Committee/7-29-13
2 providing intensive case management to
3 prevent foster care placement. So basically
4 all these three vendors work in similar
5 areas for prevention.

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

8 (No verbal response.)

9 Is there any public comment on
10 any of these contracts?

11 (No verbal response.)

12 There being none, all those in
13 favor of Contracts E-158, E-159, E-160,
14 E-161, E-162 all of '13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 These contracts pass unanimously.

20 Thank you.

21 The next contract is Contract
22 E-163-13, a resolution authorizing the
23 county executive to execute a personal
24 service agreement between the County of
25 Nassau acting on behalf of the Department of

1 Rules Committee/7-29-13

2 Public Works and Nelson & Pope.

3 A motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Muscarella. Who is here to speak on this?

9 MR. MAY: We have Mr. Ken Arnold
10 from DPW to answer any questions on this
11 item.

12 MR. ARNOLD: Ken Arnold, Public
13 Works. This is a contract with Nelson &
14 Pope for the design of Old County Road,
15 Phase 2, improvements to the signals on that
16 stretch.

17 CHAIRWOMAN GONSALVES: Any
18 questions? Minority Leader Abrahams.

19 LEGISLATOR ABRAHAMS: How are you
20 again, Mr. Arnold?

21 MR. ARNOLD: Good.

22 LEGISLATOR ABRAHAMS: This
23 contract for 239,802 with Nelson & Pope, it
24 has come to our attention, and I don't know
25 if you can answer this, so we might need

1 Rules Committee/7-29-13
2 somebody else in the administration, but it
3 has come to our attention, in the processes
4 that this contract gets before this
5 legislature it's been signed by Deputy
6 County Executive Rob Walker; is that
7 correct?

8 MR. ARNOLD: I'm looking at the
9 routing slip.

10 LEGISLATOR ABRAHAMS: The
11 approval letter dated June 21st, 2013 is
12 what I'm referencing. It has the name of
13 the firms.

14 MR. ARNOLD: That's correct.

15 LEGISLATOR ABRAHAMS: I would
16 just recommend. We plan to vote in the
17 affirmative on this contract because we have
18 been doing business with Nelson & Pope for
19 many years. But I would just recommend to
20 the deputy county executive that he remove
21 himself from items that basically he either
22 has a relationship with or somebody in his
23 family could possibly have a relationship
24 with.

25 I don't know if you can answer

1 Rules Committee/7-29-13
2 that question because we were trying to
3 confirm whether somebody in his family does,
4 does he have a relationship with somebody
5 who works at Nelson & Pope?

6 MR. ARNOLD: I believe that his
7 wife works there.

8 LEGISLATOR ABRAHAMS: Yes. So we
9 plan to vote for the contract but this is
10 something, it is an item that obviously if
11 there is some concern, you're looking at a
12 vendor that has been selected, and the
13 county deputy county executive has had a
14 role in this contract getting before us, we
15 would just like to see that he be removed
16 from the process, maybe even have the county
17 executive or have the commissioner sign the
18 particular letter that's been sent to the
19 legislature.

20 CHAIRWOMAN GONSALVES: Any
21 other comments for the legislators?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Rules Committee/7-29-13
2 favor of Contract E-163-13 signify by saying
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The contract passes unanimously.

8 The next contract is E-164-13, a
9 resolution authorizing the county executive
10 to execute and an amendment to a personal
11 service agreement between the County of
12 Nassau acting on behalf of the Department of
13 Informational Technology and Infosys
14 International, Inc.

15 A motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Muscarella. Who is here to speak on this?

21 MR. MAY: We have Sergeant Greg
22 Stephanoff from PD and Commissioner Ed
23 Eisenstein from IT to answer any questions
24 on this item.

25 COMMISSIONER EISENSTEIN: Good

1 Rules Committee/7-29-13
2 afternoon again, legislature. This is for a
3 software, customized software item that
4 Chief Horace can speak on.

5 CHIEF HORACE: Deputy Chief Ed
6 Horace. This is for the police department's
7 public website with, the contract with
8 Infosys International to do that, to redo
9 our public website. The website we have in
10 place now is extremely old and we want to
11 update it. We also want to add on line
12 payment of pistol licenses as well as alarm
13 payment and for use of ambulances to put on
14 the site for public use. Also, we have
15 grading the department, internet site also
16 as well.

17 CHAIRWOMAN GONSALVES: Chief,
18 what is the funding for this contract?

19 COMMISSIONER EISENSTEIN: That is
20 the supplemental staffing contracts that IT
21 has in place.

22 CHAIRWOMAN GONSALVES: Any
23 questions from the legislators?

24 (No verbal response.)

25 Is there any public comment?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 There being none, all those in
4 favor of Contract E-164-13 signify by saying
5 aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The contract passes unanimously.

10 The next contract is E-165-13, a
11 resolution authorizing the county executive
12 to execute an amendment to a personal
13 service agreement between the County of
14 Nassau acting on behalf of the Department of
15 Public Works and Dvirka & Bartilucci
16 Consulting Engineers.

17 A motion, please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR MUSCARELLA: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Muscarella. Mr. May.

23 MR. MAY: We have Mr. Ken Arnold
24 from DPW to answer any questions on this
25 item.

1 Rules Committee/7-29-13

2 MR. ARNOLD: Item 165 is a
3 contract amendment to Dvirka & Bartilucci's
4 current contract on the Ray Street pumping
5 station construction management contract.
6 This is just for a time extension and it
7 requires no additional funds.

8 CHAIRWOMAN GONSALVES: Any
9 questions of Mr. Arnold on this contract?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of Contract 165-13 signify by saying
15 aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The contract passes unanimously.

20 The last contract we have is
21 Contract E-166-13, a resolution authorizing
22 the county executive to execute an amendment
23 to a personal service agreement between the
24 County of Nassau acting on behalf of the
25 Department of Public Works and DeBruin

1 Rules Committee/7-29-13

2 Engineering.

3 A motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Muscarella. Mr. May.

9 MR. MAY: We have Mr. Brian
10 Schneider from DPW to answer any questions
11 on this item.

12 MR. SCHNEIDER: Good afternoon.
13 Brian Schneider from Public Works. This is
14 a no cost amendment to an agreement with
15 DeBruin Engineering for design and
16 engineering services to be conducted at
17 StannisBrook Park in Massapequa Preserve.
18 This amendment will extend the term of the
19 agreement by one year in order to complete
20 design and construction administration
21 services at both locations which are
22 approved projects in the 2004 and 2006
23 Environmental Bond Act programs.

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

1 Rules Committee/7-29-13

2 (No verbal response.)

3 Is there any public comment?

4 (No verbal response.)

5 There being none, all those in
6 favor of Contract E-166-13 signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 The contract passes unanimously.

12 And rules is now in recess and
13 the next committee I believe is Public
14 Safety.

15 (Whereupon, the Rules Committee
16 recessed at 2:33 p.m. and reconvened at 6:01
17 p.m.)

18 CHAIRWOMAN GONSALVES: I will ask
19 the clerk to make sure that we incorporate
20 the testimony from the other committees into
21 the record. And I have been advised that,
22 since there is an addendum, that I request a
23 motion to suspend the rules.

24 A motion, please.

25 LEGISLATOR DUNNE: So moved.

1 Rules Committee/7-29-13

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Dunne, seconded by Legislator
5 Muscarella. All those in favor of
6 suspending the rules signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The rules are now suspended.
11 We're going back to the original agenda and
12 we'll begin with Item 289-13, that's a
13 resolution to accept a gift offered by a
14 donor to the Nassau County Police
15 Department.

16 A motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Muscarella.

22 MR. MAY: This item is a donation
23 of computer monitors from the BWD Group. I
24 have Gregory Stephanoff here to answer any
25 other questions you may have on it.

1 Rules Committee/7-29-13

2 SERGEANT STEPHANOFF: Good
3 afternoon, Sergeant Greg Stephanoff. BWD
4 Group, LLC is donating 60 used LCD 20 inch
5 computer monitors to the Nassau County
6 Police Department. The donation is worth
7 approximately \$4,300 and they will be used
8 appropriately where needed.

9 CHAIRWOMAN GONSALVES: Any
10 questions?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

14 There being none, all those in
15 favor of Item 289-13 signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The item passes unanimously.

20 I have been requested to recall
21 Item 291-13 even though it went through
22 Finance and that's the ordinance providing
23 for a capital expenditure to finance the
24 payment of certain payments by the County of
25 Nassau to employees of Nassau County Police

1 Rules Committee/7-29-13
2 Department upon separation from employment
3 authorizing \$30,600,000 of bonds of the
4 County of Nassau to finance said expenditure
5 and making certain determinations pursuant
6 to the State Environmental Quality Review
7 Act pursuant to the local finance law of New
8 York and the County Government Law of Nassau
9 County.

10 A motion, please.

11 LEGISLATOR DUNNE: So moved.

12 LEGISLATOR NICOLELLO: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Dunne, seconded by Deputy
15 Presiding Officer Nicolello. I don't know
16 if there are any questions. I think it was
17 heard in Finance. And I don't believe there
18 is any public comment at this point.

19 All those in favor of Item 291-13
20 signify by saying aye.

21 (Aye.)

22 Those opposed?

23 (Nay.)

24 We have four ayes and two nays.

25 Now, the other items we have

1 Rules Committee/7-29-13
2 agreed on as part of these, the following
3 items that we have agreed upon, and because
4 they have been heard in other committees
5 and, again, Frank, please incorporate the
6 testimony from those committees.

7 Beginning with Clerk Item 292-13,
8 293-13, 294-13, 295-13, 296-13, 297-13,
9 298-13, 299-13, 300-13, 301-13, 302-13,
10 303-13, 305-13, 306-13. 304 needs to be
11 amended. 307-13, 308-13, 309-13, 310-13,
12 311-13, 312-13, 320-13, 321-13, 313-13,
13 316-13, 318-13, 319-13, 320-13, 321-13,
14 327-13, 328-13, 329-13, 331-13.

15 No, 330 we said it's not part of
16 the group. We're going to call it
17 separately. 330-13 is not going to be
18 called. So all of these.

19 Then on the addendum, 267-13 and
20 one more, I believe is 322-13, and then we
21 have 323-13, 324-13, 325-13, and the last
22 one which is 346-13.

23 (Whereupon, the following are the
24 minutes of the Public Safety Committee
25 pertaining to Clerk Items 292, 293, 294,

1 Rules Committee/7-29-13

2 298, 299 of 2013, 7-29-13.)

3 CHAIRMAN DUNNE: The first items
4 to come before this committee are three
5 items with the District Attorney's Office.
6 If nobody minds, we'll call all three at the
7 same time.

8 Item 292-13 is an ordinance
9 supplemental to the annual appropriations
10 ordinance in connection with the District
11 Attorney's Office.

12 Item 293-13 is an ordinance
13 supplemental to the annual appropriations
14 ordinance in connection with the District
15 Attorney's Office.

16 Item 294-13 also is an ordinance
17 supplemental to the annual appropriations
18 ordinance in connection with the District
19 Attorney's Office. We have from the
20 district attorney's office Mr. McManus?

21 MR. MAY: Correct, Mr. Chairman.
22 We have Bob McManus.

23 MR. MCMANUS: Items 292 and 293
24 involve civil forfeiture funds which have
25 been awarded to the district attorney's

1 Rules Committee/7-29-13
2 office as a result of participation in the
3 investigations and prosecutions of
4 criminals.

5 LEGISLATOR FORD: So moved.

6 LEGISLATOR BELESI: Second.

7 CHAIRMAN DUNNE: Before we go any
8 further, Legislator Denise Ford made the
9 motion and it was seconded by Joseph Belesi.
10 We are talking about 292 now?

11 MR. MCMANUS: Okay. Under
12 Article 13A of the New York State Civil
13 Practice Law and Rules, the funds must be
14 used for investigation of prosecution of
15 criminal cases. That's item 292.

16 Item 293 also involves civil
17 forfeiture funds which have been awarded to
18 our office as a result of participation in
19 investigation and prosecutions of criminals.

20 CHAIRMAN DUNNE: And 294?

21 LEGISLATOR SCANNELL: And, just
22 for the record, Dave Denenberg is here.

23 MR. MCMANUS: Item 294 is to
24 appropriate grant funding for operation
25 impact, phase ten. The Nassau County Impact

1 Rules Committee/7-29-13
2 Partnership aims to reduce gun violence and
3 address the crimes of robbery and aggravated
4 assault using a collaborative approach
5 maintaining a focus on crime data in order
6 to prioritize crime problems and identify
7 opportunities for intervention and consider
8 alternative strategies where necessary.

9 The project goal is to reduce
10 firearm related violent crime and
11 residential burglaries through various
12 enhancement and prosecute during those
13 strategies, and through the enhancement of
14 crime analysis and intelligence development
15 within the Nassau County Lead Development
16 Center.

17 CHAIRMAN DUNNE: Any legislators
18 have any questions on 292, 293 and 294?

19 (No verbal response.)

20 Is there any public comment?

21 (No verbal response.)

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

24 (Aye.)

25 Any against?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 So moved. They all move on to
4 Finance.

5 MR. MCMANUS: Thank you.

6 CHAIRMAN DUNNE: The next item to
7 come before this committee is Item 298-13,
8 an ordinance supplemental to the annual
9 appropriations ordinance in connection with
10 the Probation Department. Who do we have
11 from probation?

12 MR. MAY: We have Mr. Ed Shank
13 from probation.

14 CHAIRMAN DUNNE: Do we have a
15 motion on this?

16 LEGISLATOR BELESI: So moved.

17 LEGISLATOR FORD: Second.

18 CHAIRMAN DUNNE: Motion by Joe
19 Belesi, seconded by Denise Ford. Mr. Shank.

20 MR. SHANK: Thank you. As a
21 followup to the representative at the DA's
22 office, had said that this is also an
23 operation impact phase ten program. This is
24 funding of \$142,300 for the Nassau County
25 Probation Department. Again, the funds are

1 Rules Committee/7-29-13
2 used to reduce violent crimes through
3 coordinated efforts with the police and the
4 DA's office and the targeted crimes are
5 weapons assaults, aggravated assaults,
6 burglary, and motor vehicle theft.

7 The program will involve
8 intelligence gathering, weapons and
9 contraband, intensive supervision of
10 probationers. The funding for probation
11 provides reimbursement for one probation
12 officer performing field intelligence
13 services and funding of the operation night
14 watch, operation night light, enhance
15 community launch and deeper programs with
16 probation officers working in coordination
17 with various police departments and law
18 enforcement agencies.

19 CHAIRMAN DUNNE: And the total
20 \$142,300 comes from the New York State
21 Division of Criminal Justice Services?

22 MR. SHANK: That is correct.

23 CHAIRMAN DUNNE: Thank you. Any
24 other questions from the legislators?

25 (No verbal response.)

1 Rules Committee/7-29-13

2 Is there any public comment?

3 (No verbal response.)

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

6 (Aye.)

7 Any against?

8 (No verbal response.)

9 So moves. Passes on to the
10 Finance Committee.

11 The next and last item to come
12 before this committee is Item 299-13, an
13 ordinance supplemental to the annual
14 appropriations ordinance in connection with
15 the Correctional Center. Do we have
16 somebody from the correctional center here?

17 MR. MAY: Yes. We have Keith
18 Sather to answer any questions on this item.

19 LEGISLATOR BELESI: So moved.

20 LEGISLATOR FORD: Second.

21 CHAIRMAN DUNNE: Motion by Joe
22 Belesi, seconded by Denise Ford.

23 CAPTAIN SATHER: Good afternoon.

24 Captain Keith Sather, Sheriff's Department.

25 Item 299 is a supplemental

1 Rules Committee/7-29-13
2 appropriation in the amount of \$228,159.
3 These monies represent the department's
4 share of federal forfeiture funds through
5 its work with the Federal Drug Enforcement
6 Agency. The funds are used primarily for
7 training and the purchase of equipment
8 within the Sheriff's Department.

9 CHAIRMAN DUNNE: Excellent. Any
10 legislators have any questions?

11 (No verbal response.)

12 Is there any public comment?

13 (No verbal response.)

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

16 (Aye.)

17 Any against?

18 (No verbal response.)

19 So passes. Moves on to the
20 Finance Committee.

21 (Whereupon, the following are the
22 minutes of the Planning & Development
23 Committee pertaining to Clerk Item 267-13,
24 7-29-13.)

25 CHAIRMAN VENDITTO: We have one

1 Rules Committee/7-29-13
2 item on the agenda for today. First may I
3 have a motion to suspend the rules?
4 LEGISLATOR DUNNE: So moved.
5 LEGISLATOR FORD: Second.
6 CHAIRMAN VENDITTO: Motion by
7 Legislator Dunne, seconded by Legislator
8 Ford. All those in favor of suspending the
9 rules please signify by saying aye.
10 (Aye.)
11 All opposed, please say nay.
12 (No verbal response.)
13 Rules are suspended. Clerk Item
14 267 of '13 is an ordinance making certain
15 determinations pursuant to the State
16 Environmental Quality Review Act and
17 authorizing the county executive of the
18 County of Nassau to accept on behalf of the
19 County of Nassau an offer of purchase from
20 Gabrielli Truck Sales, Limited, of certain
21 premises located in Inwood, Town of
22 Hempstead, County of Nassau, State of
23 New York, said property known as Section 40,
24 Block L, part of Lot 2, on the land and tax
25 map of the County of Nassau and authorizing

1 Rules Committee/7-29-13
2 the county executive to execute a deed
3 contract of sale and all pertinent documents
4 in connection therewith to consummate the
5 sale. May I have a motion?

6 LEGISLATOR NICOLELLO: So moved.

7 LEGISLATOR DUNNE: Second.

8 CHAIRMAN VENDITTO: Motion by
9 Legislator Nicoletto, seconded by Legislator
10 Dunne. The item is before us. Now, an
11 amendment in the nature of a substitution
12 was filed for this item on July 25th, 2013,
13 at 4:34 p.m. to be exact.

14 May I have a motion?

15 LEGISLATOR FORD: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRMAN VENDITTO: Moved by
18 Legislator Ford, seconded by Legislator
19 Nicoletto. The amendment is now before us.
20 All those in favor of the amendment, please
21 signify by saying aye.

22 (Aye.)

23 Any opposed signify by saying
24 nay.

25 (No verbal response.)

1 Rules Committee/7-29-13

2 The item is amended. Any
3 questions regarding this item from the
4 legislators? Legislator Denenberg.

5 LEGISLATOR DENENBERG: I just see
6 that Mr. Theofan is here. I just want to
7 make sure that this was passed by OSPAC and
8 the Planning Commission.

9 MR. THEOFAN: Good afternoon.
10 Yes, Mr. Denenberg. In fact, though, it
11 should be noted that OSPAC recommended
12 against this disposition.

13 However, you have to understand
14 that in that process, it gets considered by
15 OSPAC, that's the very first step, and when
16 OSPAC did consider it, they passed a verbal
17 resolution in this case that basically
18 recommended against disposition of the
19 property and indicated that the land should
20 be banded for present or future county park
21 use, wetland preservation and waterfront
22 access.

23 This particular property, I'm
24 sure many of you I'm sure are aware, is
25 adjacent to Inwood Park so obviously there

1 Rules Committee/7-29-13
2 would be thoughts with some that that
3 property should become part of that park.
4 That park is 17 acres.

5 We are talking here about a total
6 parcel of five acres, 3.4 of that acreage is
7 contemplated in the sale to get really
8 trucking and the remaining acre and a half
9 will be used to maintain the county salt
10 dome, and to erect a very, very important
11 communications antenna for the Nassau County
12 Police Department. Chief Horace is here to
13 discuss that as well.

14 The present contract that we are
15 seeking approval of for \$3,325,000 came by
16 virtue of an RFP that was issued and there
17 were four responses to that RFP.

18 The contemplated price today is
19 more than double what the next highest offer
20 was. On July 18th of 2013, the Nassau
21 County Planning Commission passed an
22 unqualified resolution recommending the
23 disposition of this property, and that same
24 resolution recommended that the sale be
25 classified as an unlisted action.

1 Rules Committee/7-29-13

2 LEGISLATOR DENENBERG: So OSPAC
3 had a vote and they were opposed and now
4 they reconsidered, is that what I heard you
5 say?

6 MR. THEOFAN: No. They did not
7 reconsider, Mr. Denenberg. That was their
8 original determination. It is a
9 recommendation, and that recommendation was
10 considered by the Planning Commission and
11 now the Planning Commission has given its
12 unqualified approval of this transaction

13 LEGISLATOR JACOBS: So they
14 agreed with OSPAC?

15 MR. THEOFAN: No. They disagree
16 with OSPAC.

17 LEGISLATOR DENENBERG: The tally
18 at OSPAC and NCPC was what?

19 MR. THEOFAN: The tally at OSPAC
20 was 6 nothing against. The tally at the
21 planning commission, I'm not sure of the
22 number, but it was to approve with no
23 dissenting votes.

24 LEGISLATOR JACOBS: Did OSPAC
25 give a reason? Oh, you said the reasons.

1 Rules Committee/7-29-13

2 MR. THEOFAN: Yes. That's
3 correct. The reason being that they would
4 like to see it as park use. But it is not a
5 park, obviously, it was a public works
6 garage and that's what it's been since the
7 1960s, if not earlier than that.

8 LEGISLATOR DENENBERG: You are
9 saying that OSPAC would have liked it to be
10 park use.

11 MR. THEOFAN: Yes.

12 LEGISLATOR DENENBERG: Is there a
13 way that it could be park use with the
14 antennae there, or, I mean, the police need
15 the antennae, is that what you're saying?

16 MR. THEOFAN: That's correct, and
17 the reality is, we're not taking any of that
18 park. What we are looking to sell and what
19 we're looking to utilize as a salt dome and
20 antennae is the exact acreage that's
21 currently being used by the department that
22 had been used. They haven't used it since
23 2011. But that had been used by public
24 works.

25 LEGISLATOR DENENBERG: To your

1 Rules Committee/7-29-13

2 knowledge, was there any public opposition?

3 MR. THEOFAN: Not before the
4 Planning Commission.

5 LEGISLATOR DENENBERG: And OSPAC
6 was --

7 MR. THEOFAN: Mr. Denenberg, I
8 wasn't at that meeting. The minutes do not
9 reflect. I read the minutes. They didn't
10 reflect.

11 LEGISLATOR DENENBERG: Okay.
12 Thank you.

13 CHAIRMAN VENDITTO: Any form of
14 discussion?

15 (No verbal response.)

16 Seeing none, is there any public
17 comment?

18 LEGISLATOR DENENBERG: Can you
19 just wait one second? Just on behalf of the
20 minority, certainly we're going to pass it
21 through and take Mr. Theofan at his word
22 that there's still the availability of park
23 usage, but there's a public safety factor in
24 here, so we are going to approve it, pass it
25 through to Full, but we would like to

1 Rules Committee/7-29-13
2 consult with the legislator in the area
3 which I believe is Carrie Solages and see
4 what, if any, community outreach there's
5 been.

6 CHAIRMAN VENDITTO: That's fine.
7 Thank you, legislator. At this time we will
8 take a vote of the item as amended.

9 All those in favor please signify
10 by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The item passes unanimously.

15 (Whereupon, the following are the
16 minutes of the Public Works Committee
17 pertaining to Clerk Item 327-13, 7-29-13.)

18 CHAIRMAN MUSCARELLA: The first
19 item, Clerk Item 327 of '13, a resolution to
20 establish a "complete streets" policy in
21 Nassau County.

22 Motion, please.

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR BECKER: Second.

25 CHAIRMAN MUSCARELLA: Motion by

1 Rules Committee/7-29-13

2 Ms. Walker, seconded by Mr. Becker. Who is
3 here, Mr. May?

4 MR. MAY: Yes, we have
5 Christopher Mistron from the Traffic Safety
6 Board.

7 CHAIRMAN MUSCARELLA: Mr.
8 Mistron, very briefly, what is this all
9 about?

10 MR. MISTRON: Basically, what
11 happened was, in 2012, we were challenged by
12 the Tristate Campaign recognizing that
13 Hempstead Turnpike was a dangerous roadway
14 for pedestrians, to try to pick up a
15 challenge, which the county executive picked
16 up that challenge to create a safe program
17 for Nassau County, which we already
18 introduced to some of the legislative
19 districts.

20 And, in recognition of the fact
21 that not only pedestrians share the roadways
22 with the vehicles, we also have bicyclists,
23 we have seniors, we have different modes of
24 transportation. So in order to better
25 complete and make our roads safer, we need

1 Rules Committee/7-29-13
2 to have our partners within engineering and
3 public works recognize and establish safer
4 programs and designs to be able to make our
5 roadways useful and to be able to be shared
6 by all the users of the roadways.

7 CHAIRMAN MUSCARELLA: Do we have
8 any questions?

9 LEGISLATOR DENENBERG: I just
10 have one comment. Mr. Mistron has been in a
11 number of districts on this project already,
12 and you joined some of my public safety
13 community meetings. I've never seen
14 pedestrian safety being more relevant to
15 questioning and so many people came down.
16 So you really have done a great job, Chris.

17 MR. MISTRON: I want to add that
18 the real credit for this does go to the
19 county executive in the fact that he did
20 pick up the challenge when issued, as well
21 as trying to push and to try and make sure
22 that the roadways are advanced.

23 CHAIRMAN MUSCARELLA: Mr.
24 Mistron, we are all in favor of this program
25 but let me ask you something. By having

1 Rules Committee/7-29-13

2 this as a legislative item, rather than just
3 something that the county executive pursues,
4 do we make ourselves available to any kind
5 of funding or grants or anything?

6 MR. MISTRON: Well, the answer is
7 possibly. The reason why I say that is,
8 depending upon what type of views in terms
9 of improvement and so on are necessary to be
10 able to improve the roadways, there are
11 certain federal grants, certain funds that
12 come down the road that allow for enhancing
13 these improvements.

14 CHAIRMAN MUSCARELLA: Any other
15 questions?

16 (No verbal response.)

17 Hearing none, all those in favor
18 of passing this item signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 The item is passed.

23 (Whereupon, the following are the
24 minutes of the Minority Affairs Committee
25 pertaining to Clerk Item 329-13, 7-29-13.)

1 Rules Committee/7-29-13

2 CHAIRWOMAN GONSALVES: We have
3 one item. That's Clerk Item 329-13, a
4 resolution designating Dr. Phillip Elliot as
5 the responsible local official for the New
6 York State Department of Transportation's
7 Equitable Business Opportunities System.

8 CHAIRWOMAN GONSALVES: A motion,
9 please.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR BELESI: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Walker, seconded by Legislator
14 Belesi.

15 Now, I have to say that I'm going
16 to offer an amendment in the nature of a
17 substitution because it seems that the word
18 "opportunities" originally was misspelt, so,
19 for the record, we now have to correct it
20 with the correct spelling of the word
21 "opportunities." I don't want to do
22 anything that would not be right. So, the
23 amendment in the nature of a substitution
24 corrects the misspelling of the word
25 opportunities.

1 Rules Committee/7-29-13

2 A motion for the amendment to
3 substitute.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR BELESI: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Walker, seconded by Legislator
8 Belesi. All those in favor of the amendment
9 correcting the spelling of the word
10 "opportunities" signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The amendment passes. Now, the
15 item as amended, you want to tell us a
16 little bit about the Transportation's
17 Equitable Business Opportunity System, who
18 is going to tell us about it?

19 MR. MAY: Mr. Ken Arnold will
20 tell you and he will spell for you
21 opportunities.

22 MR. ARNOLD: Good afternoon. Ken
23 Arnold, Public Works. The New York State
24 Department of Transportation is moving away
25 from paper based systems for reporting on

1 Rules Committee/7-29-13
2 minority based businesses to a web-based
3 system. As such, the department requires a
4 responsible RLO officer to be able to log
5 into the system. We ask that Dr. Phil
6 Elliot be that person. He obliged. This
7 will allow the department to log on along
8 with our contractors and to enter the
9 required information showing that
10 subcontractors are being put on projects and
11 are being paid.

12 CHAIRWOMAN GONSALVES: Any
13 questions regarding this system? And, Mr.
14 Arnold, Mr. May said you were going to spell
15 it correctly. I won't hold you to it
16 because I'm not spelling it either. Any
17 questions regarding this?

18 LEGISLATOR TROIANO: I'm sorry.
19 Can you go back over that? You're going to
20 have subcontractors enter directly into the
21 system?

22 MR. ARNOLD: Part of the new
23 system is that the subcontractors and the
24 contractors enter directly into the state
25 financial system what work they're doing and

1 Rules Committee/7-29-13

2 what their owed.

3 LEGISLATOR TROIANO: Are you
4 talking -- when you say contractors, do you
5 mean minority vendors?

6 MR. ARNOLD: Both minority and
7 nonminority vendors are both entered into
8 the system. Public works is required to
9 confirm they're entered properly and the
10 state will look that these contractors are
11 paid using the system also.

12 LEGISLATOR TROIANO: I guess I'm
13 not still clear. Maybe you don't know the
14 answer to this. Why is this coming to the
15 Minority Affairs Committee if it doesn't
16 relate strictly to minorities?

17 MR. ARNOLD: It's biggest point
18 is on the MBE, DBE, and WEE area, but
19 believe all subcontractors will log in, but
20 its purpose is to register and track
21 minority vendors.

22 LEGISLATOR TROIANO: What are we
23 going to track?

24 MR. ARNOLD: This will be,
25 instead of sending paper into the state on a

1 Rules Committee/7-29-13
2 monthly basis which we do now, this will
3 allow the state in real time to keep track
4 of what percentage of minorities and
5 disadvantaged businesses are working on
6 state funded projects through the county.
7 This is a requirement for all municipalities
8 to do.

9 LEGISLATOR TROIANO: So this is
10 work, county contracts, where the funding
11 comes from the state.

12 MR. ARNOLD: Correct.

13 LEGISLATOR TROIANO: And, in this
14 case, we're expecting minority vendors to
15 enter into the system what their contract is
16 for, whether they have gotten paid; is that
17 right?

18 MR. ARNOLD: Yes.

19 LEGISLATOR TROIANO: Is that
20 going to be a condition of them getting
21 paid?

22 MR. ARNOLD: I'm not sure of
23 that answer. Because, typically, we have to
24 pay the contractor and then he pays the
25 subcontractors. I can't think it's a

1 Rules Committee/7-29-13

2 condition of him being paid, but I have to
3 double check that information.

4 LEGISLATOR TROIANO: Do you know
5 what the state does with that information?

6 MR. ARNOLD: Well, we are held to
7 requirements for our different contracts,
8 certain percentages, so they will use this
9 information to make sure we meet those
10 percentages as required. I'm they use that
11 for other purposes throughout the state for
12 tracking businesses, work being given out to
13 MBEs and DBEs.

14 LEGISLATOR TROIANO: Do you know
15 what happens if we don't meet what the
16 standards are, what the state required?

17 MR. ARNOLD: On occasion, if we
18 have trouble meeting it, we have to verify
19 why we don't meet those standards. The
20 example is, on some of the traffic projects,
21 there may not be businesses that are in that
22 area of expertise so we have to explain why
23 we didn't utilize the number that was
24 required. Most cases, the department does
25 meet the MBE/WBE requirements.

1 Rules Committee/7-29-13

2 LEGISLATOR TROIANO: The
3 contracts, they need to file them on this
4 web based system?

5 MR. ARNOLD: Yes. All the
6 contracts will have to go through some type
7 of web based training through the state.

8 LEGISLATOR TROIANO: These are,
9 in the case of the minority contractors,
10 these are contractors that presently are
11 certified by the county?

12 MR. ARNOLD: I don't know if they
13 have to be county certified to be part of
14 the state system. I know they have to be
15 state certified though. We have to double
16 check with the Office of Minority Affairs.

17 LEGISLATOR TROIANO: Thank you.

18 CHAIRWOMAN GONSALVES: Any other
19 questions of Mr. Arnold?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of Item 329-13 signify by saying aye.

25 (Aye.)

1 Rules Committee/7-29-13

2 Any opposed?

3 (No verbal response.)

4 The item passes unanimously.

5 Goes to Rules for the next stop.

6 (Whereupon, the following are the
7 minutes of the Health Committee pertaining
8 to Clerk Items 295-297, 7-29-13.)

9 CHAIRWOMAN WALKER: There are
10 three items on the agenda today. I will
11 call them all together if there is not an
12 objection. Clerk Item 295-13 is an
13 ordinance supplemental to the annual
14 appropriation ordinance in connection with
15 the Health Department;

16 Clerk Item 296-13 is an ordinance
17 supplemental to the annual appropriation
18 ordinance in connection with the Health
19 Department;

20 Clerk Item 297-13 is an ordinance
21 supplemental to the annual appropriation
22 ordinance in connection with the Health
23 Department.

24 Do I have a motion, please?

25 LEGISLATOR BECKER: So moved.

1 Rules Committee/7-29-13

2 LEGISLATOR MUSCARELLA: Second.

3 CHAIRWOMAN WALKER: Moved by
4 Legislator Becker, seconded by Legislator
5 Muscarella. Mr. May.

6 MR. MAY: We have MaryEllen
7 Lorraine from the Health Department to
8 answer any questions on these items.

9 MS. LORRAINE: Good afternoon.
10 MaryEllen Lorraine, Department of Health.
11 Item 295-13 is a supplemental appropriation
12 in the amount of \$19,893. It's for our
13 rabies program. This is New York State
14 Department of Health funded and it is
15 mandated per New York State Public Health
16 Law. The goal is to control rabies if it's
17 in the county.

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

20 (No verbal response.)

21 Any public comment?

22 (No verbal response.)

23 Seeing none, next is 296.

24 MS. LORRAINE: Item 296-13 is a
25 supplemental appropriation in the amount of

1 Rules Committee/7-29-13
2 \$309,333. It's for the Adolescent Tobacco
3 Use Prevention Act. This is 100 percent
4 funded by the New York State Department of
5 Health, and the purpose is to prevent
6 tobacco sales to minors.

7 CHAIRWOMAN WALKER: Any questions
8 or comments from the legislators?

9 (No verbal response.)

10 Any public comment?

11 (No verbal response.)

12 Next is Item 297.

13 MS. LORRAINE: Item 297-13 is a
14 supplemental appropriation in the amount of
15 \$145,955 and it is for the Drinking Water
16 Enhancement Program. This is New York State
17 Department of Health funded and it is to
18 protect and enhance the public water supply
19 within Nassau County.

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

22 (No verbal response.)

23 Any public comment?

24 (No verbal response.)

25 Seeing none, all those in favor

1 Rules Committee/7-29-13
2 of those three items signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The items carry seven to zero.

7 There are no other items on the agenda, may
8 I have a motion, please?

9 LEGISLATOR BECKER: So moved.

10 LEGISLATOR MUSCARELLA: Second.

11 CHAIRWOMAN WALKER: Moved by
12 Legislator Becker, seconded by Legislator
13 Muscarella. All in favor?

14 (Aye.)

15 (Whereupon, the minutes of the
16 Finance Committee are incorporated at page
17 114, 7-29-13.)

18 (Whereupon, the following is the
19 continuation of the minutes of the Rules
20 Committee, 7-29-13.)

21 Now, do we a motion, please?

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR MUSCARELLA: Second.

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

1 Rules Committee/7-29-13

2 Muscarella. All those in favor of those
3 items signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The items pass unanimously.

8 Now we go back to the individual
9 items. 304-13 which has already been heard,
10 however, it needs to be amended and the
11 amendment is the misprint of the dollar
12 amount. I believe it was stated as
13 \$18,700,000, and, as amended it's \$18,700.
14 A big difference.

15 Motion for the amendment, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Muscarella. All those in favor of the
21 amendment?

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Now, the item as amended. All

1 Rules Committee/7-29-13

2 those in favor of the item as amended
3 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The item passes unanimously.

8 The next item is 317-13, a
9 resolution authorizing the county executive
10 to execute an amendment to an intermunicipal
11 agreement between the County of Nassau and
12 the Town of Oyster Bay.

13 A motion, please.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Muscarella. Anyone to speak on this?

19 MR. SCHNEIDER: Good evening,
20 Brian Schneider from Public Works. This is
21 an amendment to an existing intermunicipal
22 agreement with the Town of Oyster Bay
23 through the 2006 Environmental Bond Act.

24 The purpose of this amendment is
25 to clarify language which allows the town to

1 Rules Committee/7-29-13
2 undertake storm water quality improvements
3 within the Town of Oyster Bay. It includes
4 the purchase and installation of 150 catch
5 basins inserts throughout the townships.

6 There is no change in the
7 founding of this EBA project but the
8 revision was necessary in order for the
9 county to reimburse the town for this
10 expenditure.

11 CHAIRWOMAN GONSALVES: Any
12 questions for Mr. Schneider?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of Item 317-13 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 The next item is Item 336-13 a
23 resolution authorizing the county executive
24 to execute an amendment to an agreement with
25 the Massapequa Water District for the use

1 Rules Committee/7-29-13
2 and occupancy of certain premises of the
3 Massapequa Water District for the
4 installation and maintenance of radio
5 communication equipment by the Nassau County
6 Police Department.

7 A motion, please.

8 LEGISLATOR DUNNE: So moved.

9 LEGISLATOR MUSCARELLA: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Dunne, seconded by Legislator
12 Muscarella. Who is here to speak on this?

13 MR. MAY: We have Sergeant Greg
14 Stephanoff and Chief Ed Horace to answer any
15 questions on this item.

16 CHIEF HORACE: Good evening.
17 Deputy Chief Ed Horace, Nassau PD. This is
18 an amendment to the existing IMA between
19 Nassau and the Massapequa Water District.
20 In the initial IMA, periodically water
21 districts have to take down equipment from
22 the water tanks when they do painting.
23 Massapequa is in the process of painting
24 their tank which will start very soon.

25 What we do, we amended this

1 Rules Committee/7-29-13
2 agreement where our radio equipment can stay
3 on that tank. It will be shrouded by the
4 painter and covered up. It will minimize
5 the amount of time a radio system is down in
6 that area and it will help with the rate of
7 communications and make sure there are radio
8 communications in the Massapequa area.

9 The cost for this is about
10 \$42,000 paid for as part of the capital.

11 CHAIRWOMAN GONSALVES: Any
12 questions from the legislators?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 There being none, all those in
17 favor of 326-13 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The item passes unanimously.

22 Thank you.

23 The next item is 330-13, again,
24 Frank this went through Finance, so please
25 incorporate the testimony. It's a bond

1 Rules Committee/7-29-13
2 ordinance providing for a capital
3 expenditure to finance the capital project
4 specified herein within the County of Nassau
5 authorizing \$14,467,140 of bond of the
6 County of Nassau to finance said expenditure
7 and making certain determinations pursuant
8 to the State Environmental Quality Review
9 Act pursuant to the Local Finance Law of New
10 York and the County Government Law of Nassau
11 County. And, also, the next item, 331-13
12 went through committee, 332-13, 333-13,
13 334-13, 335-13, 336-13, 337-13, 338-13,
14 339-13, 340-13, 341-13.

15 A motion, please.

16 LEGISLATOR DUNNE: So moved.

17 LEGISLATOR MUSCARELLA: Second.

18 CHAIRWOMAN GONSALVES: Moved by
19 Legislator Dunne, seconded by Legislator
20 Muscarella. All the comments were made.
21 I'm not going to ask any others. We ask
22 that all the testimony from the Finance
23 Committee be incorporated.

24 (Whereupon, the following are the
25 minutes of the Finance Committee, 7-29-13.)

1 Rules Committee/7-29-13

2 CHAIRMAN NICOLELLO: The first
3 item is 291 of 2013, an ordinance providing
4 for a capital expenditure to finance the
5 payment of certain payments by the county of
6 Nassau to employees of the Nassau County
7 Police Department upon separation from
8 employment and authorizing \$30,600,000 of
9 bonds of the County of Nassau to finance
10 said expenditure and making certain
11 determinations pursuant to SEQRA.

12 LEGISLATOR VENDITTO: So moved.

13 LEGISLATOR MUSCARELLA: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Venditto, seconded by Legislator
16 Muscarella. Mr. May.

17 MR. MAY: We have Ms. Roseanne
18 D'Alleva from the Office of Management and
19 Budget to answer any questions on this item.

20 MS. D'ALLEVA: Good afternoon.

21 Any questions?

22 CHAIRMAN NICOLELLO: Why don't
23 you just briefly describe for us what this
24 is.

25 MS. D'ALLEVA: This is to allow

1 Rules Committee/7-29-13
2 us to bond and finance termination pay for
3 the police department because we do not have
4 it budgeted in the operating budget.

5 CHAIRMAN NICOLELLO: Do we know
6 how many police officials are retiring?

7 MS. D'ALLEVA: We anticipate for
8 the entire year that we are projecting 125
9 retirements. So far 39 have exited.

10 CHAIRMAN NICOLELLO: When you say
11 for entire year, do they have until the end
12 of the year to retire, there is no specific
13 deadline; is that correct?

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

15 CHAIRMAN NICOLELLO: This figure
16 of \$30,600,000 is based on the estimate of
17 125 will retire?

18 MS. D'ALLEVA: Well, we have 39
19 that have completely separated and 65 or 67
20 I believe have put in papers so we have a
21 good estimation as to -- a good
22 approximation as to how much it will cost
23 for the remainder of the year.

24 CHAIRMAN NICOLELLO: I see Deputy
25 Commissioner Krumpter is here.

1 Rules Committee/7-29-13

2 MS. D'ALLEVA: Yes.

3 COMMISSIONER KRUMPTER: Good
4 afternoon. Deputy Commissioner Thomas
5 Krumpter.

6 At this point in time, we have
7 either separated or filed for separation.
8 As of today, 70 police officers. It's
9 anticipated we will lose through attrition,
10 that's total attrition, retirement
11 termination, disability pensions, and other
12 reasons for separation somewhere in the
13 neighborhood of 130 to 150 police officers
14 through this year.

15 I would say the bottom of the
16 number will be the 130. I can't see any
17 less than that actually separating from the
18 police department this year.

19 MS. D'ALLEVA: And their average
20 termination pay is about \$246,000.

21 CHAIRMAN NICOLELLO: Mr. Krumpter,
22 we have classes lined up for the police
23 academy?

24 COMMISSIONER KRUMPTER: Yes, at
25 this point in time it is going to be really

1 Rules Committee/7-29-13
2 tough in that area over the next several
3 years. We do expect upwards of 600 people
4 separating between this year and the end of
5 15. We did put a class in of 38 and that
6 was really to get the ball rolling. We do
7 expect to put a class in either at the end
8 of August or the first week of September.
9 We're fine tuning that, and then one more
10 class this year, and then we will be
11 prepared to put a class in January.

12 Attrition will dictate how we
13 hire going forward. That is being taken
14 into consideration as we prepare the budget
15 this year. So we do expect that this year
16 we will actually address the attrition and
17 be in pretty good shape by the end of next
18 summer.

19 We did increase applicant
20 investigation. Currently we have
21 approximately 20 members in that
22 investigation and, in the next month, we
23 will be putting in another four to five
24 police officers and two more supervisors,
25 which will make the application

1 Rules Committee/7-29-13
2 investigation unit the largest it's ever
3 been.

4 Currently we have about 25 police
5 officers in the police academy dedicated to
6 recruit training and that number will also
7 swell as we start to increase and uptick the
8 hiring. So there will be a lot of hiring
9 over the next three years.

10 CHAIRMAN NICOLELLO: Any other
11 questions? Legislator Denenberg.

12 LEGISLATOR DENENBERG: It's
13 always been my understanding and, correct me
14 if I'm wrong, that some time in October, if
15 not September, is the deadline to put in for
16 an officers -- or to put in their papers for
17 retirement.

18 COMMISSIONER KRUMPTER: Negative.
19 Currently, you have to put in your notice of
20 retirement 15 days prior to your date of
21 retirement. It was 30 days. The state law
22 changed and now it's 15 days.

23 In order for a police officer to
24 be paid out in 2013, he would actually have
25 to file and be separated from the department

1 Rules Committee/7-29-13
2 because the contract requirement for
3 termination pay no later than December 1st.
4 The contract requirement is that they have
5 to be separated.

6 But, from an accounting
7 standpoint, it's important to realize that
8 anybody who retires this year, no matter
9 when they go, even though the police officer
10 may receive the check in '14, anybody who
11 retires this year will actually be charged
12 from an accounting standpoint in this year,
13 2013. It will be treated as a 2013
14 expenditure regardless of when they travel,
15 when they separated from any time during
16 2013 they separate, whenever they get that
17 check, even if it's in the first month of
18 '14, it will be charged and it will be
19 expensed to '13.

20 LEGISLATOR DENENBERG: Now, the
21 amount of termination pay would be based on
22 I guess each officer and their last few
23 years of employment?

24 COMMISSIONER KRUMPTER: No.
25 That's the pension number. The pension is

1 Rules Committee/7-29-13
2 based on a three year average or one year
3 average depending on what tier they fall in.

4 Termination pay is maxed out at
5 twice their last year's salary based on the
6 amount of time they've accumulated over
7 their career with the Nassau County Police
8 Department.

9 LEGISLATOR DENENBERG: And that
10 would be twice base?

11 COMMISSIONER KRUMPTER: It's
12 twice their adjusted base. It takes into
13 consideration their night diff and other
14 accumulated money they would get. So it's
15 an adjusted salary.

16 LEGISLATOR DENENBERG: And the
17 adjustments are based on what?

18 COMMISSIONER KRUMPTER: Night
19 differential, what estimated night
20 differential they're earning, what holiday
21 and it's two times that number.

22 LEGISLATOR DENENBERG: Where are
23 we right now in overtime? I have an OLBR
24 report that shows overtime, first quarter,
25 '13, versus overtime first quarter '12, and

1 Rules Committee/7-29-13

2 '12 was above '11, was 32 percent above.

3 COMMISSIONER KRUMPTER: The first
4 quarter was 32 percent up. The latest
5 overtime report was trending down. That is
6 attributable to staffing. Currently we are
7 operating the department with approximately
8 140, 150 people less than we did a year ago.

9 We're budgeted for and originally
10 designed to run at 23/40 and this year's
11 budget is 22/60, and we're currently at
12 21/20 with about 50 police officers
13 dedicated to recruit and app investigation.

14 So, basically, that overtime
15 increase, the vast majority of it is
16 directly attributable to light roll call
17 overtime, that staffing overtime that is
18 tied right to the low number of head count
19 that we currently have.

20 LEGISLATOR DENENBERG: How much
21 over budget last year were we in second
22 quarter? I know the number in first
23 quarter, but not for the second.

24 COMMISSIONER KRUMPTER: We have
25 an annual budget. Last year's number I

1 Rules Committee/7-29-13
2 believe we finished at about \$49 million
3 after adjustments. So we're approximately
4 taking into consideration reserves that were
5 set aside for overtime, we're about \$3
6 million over budget as a whole last year.

7 LEGISLATOR DENENBERG: That's
8 including our overtime budget plus putting
9 all the reserves into police overtime?

10 COMMISSIONER KRUMPTER: That was
11 the departmental -- the contingency overtime
12 fund that was set aside.

13 LEGISLATOR DENENBERG: So where
14 are we this year?

15 COMMISSIONER KRUMPTER: This year
16 we are right now in the police department
17 projecting somewhere between 58 and 60
18 million. I don't have the numbers in front
19 of me. You have to excuse me.

20 LEGISLATOR DENENBERG: What did
21 we budget for?

22 COMMISSIONER KRUMPTER: \$44
23 million.

24 LEGISLATOR DENENBERG: And how
25 much reserves do we have?

1 Rules Committee/7-29-13

2 MS. D'ALLEVA: We only have \$2
3 million worth of reserves.

4 LEGISLATOR DENENBERG: So using
5 reserves or using operating expenses --

6 COMMISSIONER KRUMPTER: It's
7 contingency for overtime. It's contingency.
8 It's not a reserve. It's a contingency set
9 aside for overtime which puts it to a total
10 of \$46 million.

11 LEGISLATOR DENENBERG: And we're
12 looking at 58 to 60?

13 MS. D'ALLEVA: Yes. OMB is
14 projecting 60.

15 LEGISLATOR DENENBERG: So we
16 couldn't use any operating funds for
17 termination pay?

18 COMMISSIONER KRUMPTER: Well, a
19 portion of that will actually be offset
20 because we are well below the head count
21 right now.

22 LEGISLATOR DENENBERG: We have a
23 class that's about to graduate, or --

24 COMMISSIONER KRUMPTER: The class
25 is in the academy at this point in time and

1 Rules Committee/7-29-13

2 they will be graduating, I don't have the
3 exact date, October, I believe.

4 LEGISLATOR DENENBERG: How many
5 Nassau County police officers will come out
6 of that class?

7 COMMISSIONER KRUMPTER: We
8 started with 34 and it's whatever number
9 that graduates, we actually started with 35,
10 so it's 34 at the moment.

11 LEGISLATOR DENENBERG: It's 34 at
12 the moment? I heard it was a lot less, but
13 maybe I heard wrong.

14 COMMISSIONER KRUMPTER: You heard
15 wrong.

16 LEGISLATOR DENENBERG: No one
17 left the class?

18 COMMISSIONER KRUMPTER: There is
19 a lot of rumors that 12 or 15 people left
20 and that's not the case, unless they left in
21 the last five days.

22 LEGISLATOR DENENBERG: And the
23 next class won't start until next year?

24 COMMISSIONER KRUMPTER: No.
25 Meaning it will start in the last week of

1 Rules Committee/7-29-13
2 August or the first week of September.

3 LEGISLATOR DENENBERG: How big
4 will that class be?

5 COMMISSIONER KRUMPTER: We're
6 right now targeting to have somewhere
7 between somewhere 75 and 80.

8 LEGISLATOR DENENBERG: Wouldn't
9 it make more sense to, in terms of all the
10 bonding going on, to get a feel for later in
11 the year, meaning not that much later, but
12 around September, October, a month or two
13 from now, to know exactly how much we need
14 for termination pay?

15 COMMISSIONER KRUMPTER: Well, we,
16 at this point in time, we have 35 pending
17 retirements that haven't been paid yet out
18 of the 70. That number, just in the last
19 week, since we did the original projections
20 that I'm looking at, we've had another four
21 people put in. We are losing people and
22 attritting people at a very rapid rate at
23 this point in time.

24 LEGISLATOR DENENBERG: 135 would
25 be more than last year too, right?

1 Rules Committee/7-29-13

2 COMMISSIONER KRUMPTER: It will
3 be more than last year and probably won't be
4 as much as next year.

5 LEGISLATOR DENENBERG: But if
6 it's more than last year, last year we had
7 an incentive.

8 COMMISSIONER KRUMPTER: That's
9 correct.

10 LEGISLATOR DENENBERG: This year
11 we don't.

12 COMMISSIONER KRUMPTER: That's
13 correct.

14 LEGISLATOR DENENBERG: So why
15 would we have more this year than last year
16 if last year we had an incentive and this
17 year we don't?

18 My concern is, before settling,
19 I'm not settling, before bonding to a
20 certain number, I want to try to have that
21 number as accurate as possible and I don't
22 see why we are going to have more
23 retirements this year than last year unless
24 it's overtime over the last few years has
25 contributed to people wanting to retire now.

1 Rules Committee/7-29-13

2 COMMISSIONER KRUMPTER: You hit
3 the nail on the head. Keep in mind, last
4 year the county spent \$49 million of
5 operating funds but that total number was
6 actually almost \$70 million in overtime,
7 went into police officer's pockets, and the
8 year before we had very significant overtime
9 and they have earned a lot of overtime.

10 So they are -- it's that three
11 year average that we talked about earlier
12 today that's attributing to this.

13 Also, a lot of people plan on
14 leaving at some point and, when you talk to
15 the police officers here, and you obviously
16 know the police officers, what you have is a
17 situation where a lot of people are planning
18 on leaving within the next two or three
19 years. But when they start running their
20 numbers, they see that their pensions aren't
21 going up at all over the next three years
22 because of the amount of overtime they've
23 earned.

24 And, as we start to hire, that
25 overtime number will start to drop back down

1 Rules Committee/7-29-13
2 to the historical norms rather than the
3 elevated number that we're currently working
4 at because of Sandy, because of the
5 presidential debate the year before, because
6 of several other events that happened over
7 the last couple of years and the low head
8 county, as we start to hire, we are going to
9 be looking at hiring this year somewhere in
10 the neighborhood of 150 to 160 people.

11 Next year, we'll be prepared to
12 hire over 200 people. So we're going to get
13 back into an attrition based hiring as we
14 scale up.

15 LEGISLATOR DENENBERG: I mean,
16 factors against the number being higher this
17 year than last year though is, there is no
18 incentive this year. And while the pay
19 freeze, the NIFA imposed pay freeze is
20 there, the termination pay being based on
21 the base salary, the base salary hasn't gone
22 up if that case is resolved to the union's
23 favor, those numbers could go up and people
24 could walk out with a lot more.

25 MS. D'ALLEVA: But, also, in a

1 Rules Committee/7-29-13
2 very basic level, according to Local Finance
3 Law, if we don't have a bond ordinance in
4 place, we would not be able to transfer the
5 expense onto the capital fund if we don't
6 have a bond ordinance in place. Currently
7 we have exhausted the specific bond
8 ordinance for PD overtime.

9 LEGISLATOR DENENBERG: I do
10 recall termination pay being approved, the
11 prior administration and this
12 administration, I do recall approving
13 termination pay as late as October in terms
14 of bonding.

15 COMMISSIONER KRUMPTER: That's an
16 accounting thing. But, as far as the other
17 point you bring up, if it comes a point in
18 time that that lawsuit settled, that would
19 actually adjust their pension up.

20 So if they're no longer here, any
21 money they earned during that period will
22 actually adjust their pension. So, waiting
23 for the lawsuit to be resolved, will have no
24 impact one way or the other on their overall
25 pension.

1 Rules Committee/7-29-13

2 LEGISLATOR DENENBERG: I'm just
3 speaking as to whether -- we are talking
4 about what would add to the number of people
5 retiring versus what would detract.

6 The termination pay being based
7 on your salary, your base pay, certainly, if
8 anything, would make -- there might be
9 reasons with a lot of overtime for people to
10 want to retire this year, but there is
11 reasons without an incentive and, while we
12 don't know whether the base salary is going
13 to go up or not, that's a reason not to
14 retire this year.

15 COMMISSIONER KRUMPTER: Well, the
16 truth is, keep in mind that as of right now
17 we have had 70 people that are retired, 71.

18 LEGISLATOR DENENBERG: Retired or
19 put in their papers?

20 COMMISSIONER KRUMPTER: Either
21 retired, or -- 67 that have actually
22 separated to date and we have four or five
23 pending.

24 LEGISLATOR DENENBERG: Thank you.

25 CHAIRMAN NICOLELLO: Any other

1 Rules Committee/7-29-13
2 questions from the committee members?
3 Legislator DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: Up
5 to this date, there has been police officers
6 that have retired, correct, this year?

7 MS. D'ALLEVA: Yes.

8 LEGISLATOR DERIGGI-WHITTON: And
9 have they received their retirement package?

10 MS. D'ALLEVA: Yes, they have.
11 About \$8.7 million.

12 LEGISLATOR DERIGGI-WHITTON:
13 Where did that \$8.7 million come from?

14 MS. D'ALLEVA: To date, it's been
15 the operating budget. We had \$2.6 million
16 worth of bond ordinance authority from a
17 previous bond ordinance and the remaining
18 will be the operating budget.

19 LEGISLATOR DERIGGI-WHITTON: So
20 when you're asking to bond the \$30 million,
21 does that somehow replenish the eight or is
22 that in addition to the eight?

23 MS. D'ALLEVA: Well, the
24 remaining six or seven will come out of
25 operating because it's already been

1 Rules Committee/7-29-13

2 expended.

3 LEGISLATOR DERIGGI-WHITTON: So
4 we've already paid eight from the
5 operational. Now, in order to get through
6 basically the rest of the year, we need the
7 30, is that what you're saying?

8 MS. D'ALLEVA: That's what we're
9 saying.

10 LEGISLATOR DERIGGI-WHITTON: But
11 that does not reimburse the eight that
12 you've already used?

13 MS. D'ALLEVA: No.

14 LEGISLATOR DERIGGI-WHITTON: So
15 it will be 38, around there, is what you're
16 saying, for the year?

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

18 LEGISLATOR DERIGGI-WHITTON: All
19 right.

20 COMMISSIONER KRUMPTER: And
21 that's something to keep in mind,
22 legislators, the numbers we're talking
23 about, you know, the last time we've seen
24 separations at this level, you would have to
25 go back probably ten or 11 years. This year

1 Rules Committee/7-29-13
2 is going to be somewhere between 130 and
3 150. Next year could be anywhere from 150
4 to over a little over total 200 separations.

5 What we have now is a situation
6 today, approximately 1,100 members of this
7 department are eligible to retire out of
8 2,200. That number will elevate and
9 escalate over the next several years to
10 somewhere in the neighborhood of 15 or 1,600
11 of the 2,200 current employees will be
12 eligible to retire. Not all of them are
13 going to go. We know that, we expect that.
14 But we've never been in that.

15 Normally, we have right around a
16 thousand, but we have a lot of people that
17 are coming up on retirement and we are going
18 to start to see a real elevation in the
19 number of people that separate from this
20 job.

21 LEGISLATOR DERIGGI-WHITTON: Just
22 real quick, eligible means what, 20 years?

23 COMMISSIONER KRUMPTER: Eligible
24 is at 20 years, yes. That's another thing,
25 we are seeing police officers retiring a lot

1 Rules Committee/7-29-13
2 earlier. Police officers, four years ago,
3 five, six years ago, they would retire at an
4 average of 27, 28 years on the job.

5 The last couple of years, that
6 number for police officers has been 21
7 years, 22 years. For superior officers,
8 that number is about 27. Detectives have
9 been about 27.

10 So, how long people are staying
11 in law enforcement has also significantly
12 been dropping over the last couple of years.

13 CHAIRMAN NICOLELLO: Thank you.
14 Do we have any other questions? Legislator
15 Abrahams.

16 LEGISLATOR ABRAHAMS: Thank you.
17 This is a question probably more for
18 Roseanne, and I don't want to be redundant.
19 I know Legislator Denenberg talked a little
20 bit about the Office of Legislative Budget
21 Review's memo that came out and their number
22 being much much less. And I know it's based
23 off the heads and they approximate about 20,
24 21 million that's going to be used for
25 police retirements. Obviously I know you

1 Rules Committee/7-29-13
2 feel that the retirements are going to be
3 125 heads, getting closer to the \$30 million
4 number.

5 I think it would probably be at
6 this time though for us to be probably a
7 little more prudent for us to wait and see
8 how the numbers pan out over the next couple
9 of months before we decide to bond for \$30
10 million for starters.

11 The second point is, how long has
12 the county been borrowing for termination
13 pay now?

14 Going back a couple of years,
15 it's always been an operating budget type of
16 thing and I just feel we are getting lulled
17 into the fact that we're going to constantly
18 continue to capitally borrow for this.

19 MS. D'ALLEVA: I believe we have
20 been borrowing since 2009. I know the last
21 borrowing was 26.5 just for the PD.

22 LEGISLATOR ABRAHAMS: So 2009,
23 obviously, I understand everything fell
24 apart in the world and we had the financial
25 collapse. But I have to think going forward

1 Rules Committee/7-29-13
2 though, I mean, and we have been supportive
3 of the termination pay, I have to think
4 going forward, is there some type of road
5 map where we're going to stop borrowing for
6 termination pay? We shouldn't really be
7 borrowing for termination pay. We really
8 should be borrowing for things that have a
9 useful life; such as capital expenditure and
10 so on and so forth.

11 MS. D'ALLEVA: The road map was
12 set with NIFA and NIFA agreed to it in the
13 multiyear plan. We had said that we were
14 going to borrow about \$450 million for a
15 couple of items, 305 just for tax certs and
16 the remaining was pretty much for
17 termination pay. That road map was agreed
18 to. This falls into context with that.

19 LEGISLATOR ABRAHAMS: So are you
20 saying this is the last year of borrowing
21 for term pay?

22 MS. D'ALLEVA: We have a little
23 bit more remaining if we stick to the \$450
24 million road map.

25 LEGISLATOR ABRAHAMS: So what

1 Rules Committee/7-29-13

2 year can we anticipate there being no more
3 borrowing for term pay?

4 MS. D'ALLEVA: 2015. The road
5 map ends in 2015, so --

6 LEGISLATOR ABRAHAMS: So two more
7 years of borrowing for term pay for
8 everybody, okay.

9 But, like I say, we want to be
10 able to take a little bit more time, see how
11 the numbers -- I know --

12 MS. D'ALLEVA: Well, in terms of
13 more time, if I could make a suggestion, I
14 understand your concern. At some point like
15 I said before, we are taking these
16 expenditures we are taking a hit on the
17 operating budget. If we do not have a bond
18 ordinance in place, we have already
19 exhausted our current bonding authority.

20 So if we don't have a bond
21 ordinance in place, we're creating a huge
22 gap in the 2013 budget.

23 LEGISLATOR ABRAHAMS: I
24 understand that. My concern is, again, I
25 haven't been part of the discussions which

1 Rules Committee/7-29-13

2 we have phased out term pay through 2015. I
3 would like to be. I will write something to
4 the county executive first thing tomorrow to
5 insure that I am as well as this legislative
6 side of the aisle, but my point is, number
7 one, as I said before, we truly believe,
8 yes, the county has hit a rough period.

9 It started in 2009. It went on
10 for a couple of years after that. We are
11 now in 2013 and we are still bonding. We
12 would like to see the county be weened off
13 of borrowing for term pay, and sooner than
14 2015. So that's a discussion that I will
15 have with the administration from our point
16 of view.

17 The second thing, and it's
18 probably more specific to this year, is the
19 fact that the OLBR memo indicates a much
20 lower number than what you guys are claiming
21 the number will be going forward.

22 So, just tied to this number,
23 tied to this year, we want to basically take
24 a little more time before we bond the higher
25 number than what's really necessary because,

1 Rules Committee/7-29-13
2 in our estimation, as I said before, we
3 really shouldn't be bonding for an expense
4 such as term pay. Term pay should be paid
5 out of the operating budget. And, based on
6 the calculations, we are now going through
7 the fifth cycle of this.

8 MS. D'ALLEVA: I'm sorry, I
9 haven't read Maurice's report, the Office of
10 Budget Review's report, what's the amount of
11 termination pay do they think that we would
12 be able to bond?

13 LEGISLATOR ABRAHAMS: I would
14 have Mr. Chalmers come up and explain it
15 himself, but, from what I can gather here --

16 MS. D'ALLEVA: Because I would be
17 happy to at least agree to that number so
18 that we can at least insure that expenses
19 going forward we have the bonding authority
20 to do so.

21 LEGISLATOR ABRAHAMS: Roseanne,
22 if we can, I don't want to look at this in a
23 vacuum though. It's one thing to agree with
24 this number, which would be great, but the
25 other side of it is, we're not going to

1 Rules Committee/7-29-13
2 agree to a number now without understanding
3 how the road map to the future to 2015 is
4 going to get done.

5 So, to me, they are intertwined
6 that any bonding -- I just want to be clear
7 because I know that there are some folks in
8 the administration, in the audience today,
9 any bonding that this side of the aisle is
10 going to commit votes towards, is going to
11 be part of a larger agreement on how we are
12 phased off of borrowing for termination pay
13 going forward to 2015. We need to be a part
14 of that discussion.

15 So I couldn't agree to a lower
16 number just because OLBR is stating it. We
17 need to have a larger discussion with the
18 administration to get a better understanding
19 on why we can't ween ourselves off of
20 termination pay bonding sooner than 2015.

21 CHAIRMAN NICOLELLO: Ms.
22 D'Allewa, I would like to hear from Mr.
23 Chalmers, please. There's no point in going
24 back and forth.

25 MR. CHALMERS: Maurice Chalmers,

1 Rules Committee/7-29-13
2 Office of Budget Review. We estimate that
3 there's going to be approximately 20 to \$21
4 million in expenses. When we did our
5 initial projection, I think all three
6 oversight boards were sort of the same way.
7 It was approximately 20 million, we saw it
8 at 19, and the comptroller saw it at the
9 lower 21, I think 21, \$22 million.

10 We still see it about the same
11 number. The payout has been approximately
12 \$223,000. So we are thinking the number is
13 going to end up between 90 and 100 head
14 count which gives you about 20, \$21 million.

15 CHAIRMAN NICOLELLO: How do you
16 come up with a head count of -- I'm curious
17 that the police department estimating one
18 number, and OLBR is estimating another
19 number. Why the discrepancy?

20 MR. CHALMERS: The number that we
21 got from the administration and the police
22 department was that, I believe 37 had
23 actually left, 37 had left. We had a couple
24 of disabilities that brought it to 47. And
25 we had another 18 that were in the pipeline

1 Rules Committee/7-29-13

2 too, and that brings you to about 65. We
3 are halfway through the year, so we think
4 the number ends up at approximately 100.

5 When we spoke to the police
6 department at the beginning of last year --
7 I'm sorry, the end of last year, the number
8 that they had given to us was about 70. So
9 now we go from 70 to 125. It's a huge
10 swing. We haven't seen that yet. We did
11 provide the table that explains that if it
12 gets to 125, then you are looking at
13 approximately \$28 million. So far we have
14 not seen that.

15 CHAIRMAN NICOLELLO: Commissioner
16 Krumpter just indicated that they do have
17 close to 70 that are either retired or put
18 in their papers to retire, an additional
19 five more. So you're looking at, we have
20 achieved the 70 number and we still have
21 five months to go in the year.

22 COMMISSIONER KRUMPTER: And
23 generally what you see is, at the rate that
24 things are flowing in now, that's the first
25 thing; and the second thing, our numbers on

1 Rules Committee/7-29-13

2 termination pay is a little different. We
3 did a -- what we looked at was an 18 month
4 average for termination pay excluding
5 anything related to the incentive.

6 Our number, based on 158
7 separations over the last 18 months, so this
8 counts every single separation. The person
9 that gets nothing, or the person that gets
10 \$400,000, that that average comes out to
11 \$273,492 with a total termination paid over
12 the last 18 months of \$43,211,789.

13 So we're looking at an average of
14 a little bit higher than that. But the real
15 difference is, that if 70 people left
16 already this year, I don't really think that
17 we're only going to lose 30 more people
18 between now and January 1. Is it going to
19 be 120 and 130?

20 And what everybody has to
21 remember, it's one thing: It's a personal
22 choice when somebody retires. People aren't
23 coming up to us and saying, I'm leaving in
24 December, I'm leaving in November.
25 Generally, what happens is, when they file

1 Rules Committee/7-29-13

2 their papers with the state system and they
3 go, that's when we know for sure. We have
4 other indicators. They get pension
5 estimates. We get feed back from the people
6 doing the pension estimates both within the
7 department and outside the department that
8 they are planning to leave. We don't know
9 who they are, but we get a general idea of
10 who is leaving. So we look at those
11 estimates. It really is impossible to
12 determine when anybody is going to leave
13 with any certainty.

14 And, like anything else, I think
15 it's important that this body remembers
16 that, ultimately, it does take time to get a
17 bond ordinance, does take time to get it
18 through this process, and then pass a bond
19 ordinance. These things don't turn on a
20 dime.

21 So when the county and department
22 is asking for \$30 million, they're not
23 spending that money unless someone actually
24 separates and retires. \$8 million has
25 already been spent and that accounts for

1 Rules Committee/7-29-13
2 about 30 people. There's another 25-30
3 people, that accounts for another six or \$7
4 million already. \$20 million in August, and
5 half of it gone, we've already spent \$15
6 million, that's what you have to take a look
7 at. Those are decisions you have to make.

8 But I am comfortable in
9 estimating that we can lose up to 150 people
10 this year. And we could lose 130 to 150 is
11 the estimate we're currently holding.
12 That's a number that's constantly
13 fluctuating. I can come back here a month
14 from now and say the number is 100. I also
15 can come back from here in a month from now
16 and say the number is going to be 180.

17 CHAIRMAN NICOLELLO: Do we have
18 any further questions?

19 (No verbal response.)

20 Thank you, Mr. Chalmers. Thank
21 you, Mr. Krumpster. Is there any public
22 comments?

23 (No verbal response.)

24 All those in favor of Item 291 of
25 2013 signify by saying aye.

1 Rules Committee/7-29-13

2 (Aye.)

3 Those opposed?

4 (Nay.)

5 The item passes by a vote of four
6 to three.

7 The next items are 292, 293, 294,
8 295, 296, 297, 298, 299, which are all
9 ordinances supplemental to the annual
10 appropriation ordinance in connection with
11 the district attorney, health department,
12 probation department, and correctional
13 center.

14 LEGISLATOR VENDITTO: So moved.

15 LEGISLATOR WALKER: Second.

16 CHAIRMAN NICOLELLO: Moved by
17 Legislator Venditto, seconded by Legislator
18 Walker. These items just went through the
19 Public Safety and Health Committees earlier.

20 Are there any questions?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 All those in favor signify by
25 saying aye.

1 Rules Committee/7-29-13

2 (Aye.)

3 Those opposed?

4 (No verbal response.)

5 Those items carry. Items 300,
6 301, and 302 of 2013 are all resolutions to
7 authorize the transfer of appropriations
8 heretofore made within the budget for the
9 year 2013.

10 LEGISLATOR MUSCARELLA: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Muscarella, seconded by
14 Legislator Walker. The item is before the
15 committee. Mr. May, do we have anyone to
16 speak on this item, Item 300?

17 MR. MAY: Item 300, we have Ms.
18 Roseanne D'Alleva from the Office of
19 Management and Budget.

20 MS. D'ALLEVA: This is just a
21 board transfer for appropriations, DPW
22 appropriation for encumbered contracts.

23 CHAIRMAN NICOLELLO: All of those
24 items relate to FEMA funding?

25 MS. D'ALLEVA: Yes. There were

1 Rules Committee/7-29-13
2 unspent appropriations, I should say, or
3 unencumbered in other departments that we
4 see that will not be spent and we're doing a
5 board transfer to DPW.

6 CHAIRMAN NICOLELLO: Where it's
7 necessary?

8 MS. D'ALLEVA: Within the FEMA
9 fund. It's all related to FEMA Sandy
10 expenditures.

11 CHAIRMAN NICOLELLO: Any other
12 questions? Legislator Denenberg.

13 LEGISLATOR DENENBERG: So all
14 three are FEMA payments that we had to make
15 so we are transferring to make those and
16 then we're hoping that we're going to get
17 the reimbursement and, when the
18 reimbursement comes, where are we putting
19 that?

20 MS. D'ALLEVA: We are
21 transferring the appropriations to support
22 encumbrances in DPW FEMA fund and most of
23 them have to do with, I think there's
24 generators still going, gas that we are
25 still purchasing for those generators,

1 Rules Committee/7-29-13
2 dewatering contract, several different
3 expenditures that are FEMA related expenses
4 that we will gain reimbursement, and then
5 the reimbursement goes back to the FEMA
6 fund.

7 LEGISLATOR DENENBERG: When you
8 say a "dewatering contract" what are we
9 talking about?

10 MS. D'ALLEVA: Ken Arnold can
11 speak to that.

12 LEGISLATOR DENENBERG: That
13 facility is pretty new at both of our --

14 MS. D'ALLEVA: I think it's about
15 \$5 million.

16 MR. ARNOLD: Yes. We have a
17 rental agreement with a company that does
18 dewatering at Bay Park, a \$5 million
19 contract.

20 CHAIRMAN NICOLELLO: So the new
21 dewatering facility, the presses, that's
22 been knocked out?

23 MR. ARNOLD: Well, the Bay Park
24 facility did not have a new dewatering
25 facility. At Cedar Creek we just finished

1 Rules Committee/7-29-13

2 the dewatering facility. Bay Park facility
3 was built in the late 1990s. That building
4 was flooded. All the presses were lost and
5 that's going to be redone.

6 LEGISLATOR DENENBERG: So where
7 are we putting the temporary presses?

8 MR. ARNOLD: They are already
9 there. I believe they're located in the
10 parking lot by the digesters.

11 MS. D'ALLEVA: So, obviously, I
12 guess, DPW was not anticipating that this
13 would be going on for so long and,
14 therefore, that's why we need more
15 appropriations.

16 LEGISLATOR DENENBERG: And that's
17 the parking lot where the temporary
18 digesters are as well?

19 MR. ARNOLD: The temporary
20 digesters, the parking lot next to the
21 construction house by the digesters is what
22 we're using for the temporary dewatering
23 facility.

24 LEGISLATOR DENENBERG: Thank you.
25 Any other questions? Legislator

1 Rules Committee/7-29-13

2 DeRiggi-Whitton.

3 LEGISLATOR DERIGGI-WHITTON:

4 Roseanne, all of these expenses relate to
5 Sandy?

6 MS. D'ALLEVA: Yes.

7 LEGISLATOR DERIGGI-WHITTON: So
8 they're all within 2012 after October?

9 MS. D'ALLEVA: No. Certain
10 expenses are going on within 2013.

11 LEGISLATOR DERIGGI-WHITTON: So
12 they are all after October of 2012?

13 MS. D'ALLEVA: Yes.

14 LEGISLATOR DERIGGI-WHITTON: So
15 the only other question I had in general is,
16 have we improved our number at all or are we
17 still around the 30 percent reimbursement
18 for FEMA?

19 MS. D'ALLEVA: We, to date, last
20 week, we had a really good week. So we did
21 gain some more reimbursement. We're up to
22 about \$50 million in reimbursed expenses.

23 LEGISLATOR DERIGGI-WHITTON: 50
24 out of the 200?

25 MS. D'ALLEVA: No. We spent, so

1 Rules Committee/7-29-13
2 far what has been obligated is \$108 million
3 in terms of FEMA obligations, and out of
4 that \$108 million obligated, we have gotten
5 \$50 million in cash.

6 LEGISLATOR DERIGGI-WHITTON: So
7 that 40 something percent. I would say
8 that's about accurate. I received a number
9 of receipts from your office, but I would
10 just appreciate if you could continue to
11 forward them. I have been looking at them
12 to see what --

13 MS. D'ALLEVA: Yes. You had
14 e-mailed me Friday afternoon for invoices.

15 LEGISLATOR DERIGGI-WHITTON: You
16 did provide some already but if you could
17 continue to do that I would appreciate that.
18 I've just been looking at certain groups I
19 just haven't seen yet.

20 MS. D'ALLEVA: Right. The
21 correctional PW or project worksheet has not
22 been obligated as of yet. But I will speak
23 to the comptroller's office to see if I can
24 get those invoices for you.

25 CHAIRMAN NICOLELLO: Just to

1 Rules Committee/7-29-13

2 backtrack again, you just said that the
3 total amount that we paid out is what?

4 MS. D'ALLEVA: What we have been
5 obligated is 108. What we have paid out in
6 expenditures, there is a lot of moving
7 parts. What we've paid out in expenditures
8 is, I think I'm at \$119 million, \$117
9 million, so far out the door.

10 But what's been obligated,
11 meaning FEMA has approved those project
12 worksheets is \$108 million.

13 LEGISLATOR DERIGGI-WHITTON: But
14 the county has paid out you said probably
15 more like 140?

16 MS. D'ALLEVA: I think we've paid
17 out 119 million.

18 LEGISLATOR DERIGGI-WHITTON: So
19 when we're talking about close to 120, still
20 getting the 30 percent?

21 MS. D'ALLEVA: Yes. We can get
22 more.

23 LEGISLATOR DERIGGI-WHITTON: So
24 we are still --

25 MS. D'ALLEVA: We are

1 Rules Committee/7-29-13
2 anticipating to spend out of the 213
3 ultimately, to even make it more confusing,
4 about 185 million.

5 LEGISLATOR DERIGGI-WHITTON: I
6 would think because I know that Looks Great
7 Service --

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

9 LEGISLATOR DERIGGI-WHITTON: So
10 we are still around the 30 percent and we
11 haven't paid out everything, and --

12 MS. D'ALLEVA: But the good thing
13 is what we been obligated is 108. So
14 definitely FEMA is committed to giving us
15 \$108 million. Cash in the door of that 108
16 is 50 million.

17 LEGISLATOR DERIGGI-WHITTON: How
18 are we obligated, are we given a letter, do
19 we get something in writing?

20 MS. D'ALLEVA: Yes.

21 LEGISLATOR DERIGGI-WHITTON: Can
22 you forward that as well?

23 MS. D'ALLEVA: I think we have.
24 All those obligations and all those
25 obligated DWs, we've given all those to you.

1 Rules Committee/7-29-13

2 LEGISLATOR DERIGGI-WHITTON: Of
3 108 million, I haven't had that --

4 MS. D'ALLEVA: There is probably
5 a couple extra that have come along --

6 LEGISLATOR DERIGGI-WHITTON: If
7 you can just continue to forward that so we
8 are still -- it sounds great and I'm really
9 still hoping that it's going to all come
10 through, but it's just -- I just want to
11 keep a close eye, thank you.

12 CHAIRMAN NICOLELLO: Ms.
13 D'Alleva, this is not the first time
14 unfortunately the county had to deal with
15 FEMA, is that correct?

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

17 CHAIRMAN NICOLELLO: For example,
18 with Hurricane Irene we had FEMA
19 reimbursable expenses?

20 MS. D'ALLEVA: Yes, during Irene
21 the county did see 100 percent
22 reimbursement.

23 CHAIRMAN NICOLELLO: But no one
24 expects FEMA to send us back 90 cents on the
25 dollar the next day after the money is

1 Rules Committee/7-29-13

2 approved?

3 MS. D'ALLEVA: Absolutely true,
4 Legislator Nicoletto. Hurricane Irene, we
5 saw an 18 month to a 20 month lag in terms
6 of full reimbursement.

7 CHAIRMAN NICOLELLO: How many
8 months?

9 LEGISLATOR DERIGGI-WHITTON: 10
10 months now.

11 MS. D'ALLEVA: 18 to 21 months.

12 CHAIRMAN NICOLELLO: So the fact
13 that we've gotten \$50 million now as opposed
14 to the 108 that's been approved, for anyone
15 to attribute any significance to it at this
16 point, I mean, it goes against the
17 experience of dealing with the federal
18 government, doesn't it?

19 LEGISLATOR DERIGGI-WHITTON:
20 That's correct. We are waiting with bated
21 breath.

22 LEGISLATOR DERIGGI-WHITTON: I
23 think it's also a good idea for us all on
24 the Finance Committee to keep a close eye on
25 it. It's not a question of we do expect it,

1 Rules Committee/7-29-13
2 we do hope for it, but I don't think there's
3 anything wrong with us doing our jobs with
4 following up and making sure it's being done
5 correctly.

6 LEGISLATOR DERIGGI-WHITTON:
7 Absolutely.

8 CHAIRMAN NICOLELLO: Legislator
9 Abrahams.

10 LEGISLATOR ABRAHAMS: Just a
11 quick question for Roseanne. Roseanne, has
12 FEMA agreed to pay any expenses up front
13 without the reimbursement procedure process?

14 MS. D'ALLEVA: They initially had
15 given us expedited -- they granted us an
16 expedited PW but, basically, as the process
17 has grown and gone forward, we now have to
18 submit paid invoices for everything.

19 LEGISLATOR ABRAHAMS: What was
20 that total on the PW, do you remember?

21 MS. D'ALLEVA: I believe we
22 received like \$16 million cash expedited,
23 and from now on, in order to facilitate
24 further obligations, even on the debris
25 removal, every single invoice has to be paid

1 Rules Committee/7-29-13

2 in order for us to get additional funding.

3 LEGISLATOR ABRAHAMS: And do you
4 envision FEMA doing anything in the future
5 of paying anything up front without us
6 outlaying any money?

7 MS. D'ALLEVA: There are
8 different programs available that I think
9 probably Ken Arnold can probably speak to;
10 in terms of capital, there are different
11 things going on, in conversations going on,
12 in terms of programs that FEMA is changing
13 for the first time where in terms of capital
14 spending that they would, if we had our own
15 engineering estimates I think, that they
16 would facilitate payment predicated on those
17 estimates. But we haven't opted into that
18 program. That program hasn't actually been
19 solidified, so right now we are still going
20 the traditional route.

21 LEGISLATOR ABRAHAMS: When you
22 say the program hasn't been solidified, it's
23 been solidified by FEMA?

24 MS. D'ALLEVA: Yes.

25 LEGISLATOR ABRAHAMS: So it's not

1 Rules Committee/7-29-13

2 in existence?

3 MS. D'ALLEVA: We have been
4 presented with that program. They've
5 actually sat down with us and told us about
6 it, so we are just either deciding whether
7 to opt in or not. We are waiting to hear
8 more. Currently that FEMA program is at the
9 state level. So because there are two
10 different competing entities in terms of
11 when a program goes through the pipeline,
12 because you have to either deal with FEMA
13 and then the state. So the state has to be
14 on board with the program.

15 LEGISLATOR ABRAHAMS: Is the
16 state on board with the program?

17 MS. D'ALLEVA: Right now it's in
18 their hands.

19 LEGISLATOR ABRAHAMS: Right now
20 it's in the state's hands?

21 MS. D'ALLEVA: Yes.

22 LEGISLATOR ABRAHAMS: So they are
23 on board with the program?

24 MS. D'ALLEVA: They're deciding
25 whether they're going to opt into the FEMA

1 Rules Committee/7-29-13
2 program where FEMA is basically saying, if
3 you give us your estimates on what's going
4 to cost you, paraphrasing, to build the
5 sewer treatment plant, we'll hold you to
6 that estimate and that's what we're going to
7 give you the reimbursement on.

8 Then, that has to also be an
9 agreement with the state, because they're
10 going to have a share in it.

11 LEGISLATOR ABRAHAMS: Is that a
12 way that we would consider handling the
13 expenditure that we're being faced with at
14 the Bay Park treatment plant? Is it a
15 possible option?

16 MS. D'ALLEVA: It's an option.
17 At that point it's an option. It's
18 something that we are considering.

19 LEGISLATOR ABRAHAMS: When would
20 we make that decision by?

21 MS. D'ALLEVA: The state has to
22 decide first and then we would decide if we
23 are opting into that or the more traditional
24 venue which is the project worksheet route.

25 LEGISLATOR ABRAHAMS: So, the

1 Rules Committee/7-29-13
2 discussions with the state in regards to
3 when they are opting in or maybe not opting
4 in, have we had those discussions because
5 that would help us make our decisions?

6 MS. D'ALLEVA: Yes.

7 LEGISLATOR ABRAHAMS: Have they
8 made it known when they plan to opt in or
9 not opt in?

10 MS. D'ALLEVA: No. They haven't
11 told us.

12 LEGISLATOR ABRAHAMS: Is there
13 some type of guideline that you are aware of
14 or Mr. Millet is aware of that FEMA requires
15 a certain opt in date by?

16 MS. D'ALLEVA: No, it's a brand
17 new program. No.

18 LEGISLATOR ABRAHAMS: So the opt
19 in deadline is not the end of this year or
20 something like that?

21 MS. D'ALLEVA: No. Not that we
22 know of.

23 LEGISLATOR ABRAHAMS: I would
24 like to hear more about that program, how
25 would I find out more information about it,

1 Rules Committee/7-29-13
2 would Mr. Millet or Mr. Arnold know about
3 it?

4 MS. D'ALLEVA: Well, right now
5 it's at the state so if the state accepts
6 the program and that's the way they will
7 reimburse us predicated on this --

8 LEGISLATOR ABRAHAMS: What I'm
9 trying to say is, information about the
10 program, like what is it called, and is it
11 on the website somewhere?

12 MS. D'ALLEVA: On the FEMA
13 website, project bundling.

14 MR. MILLET: The program is
15 Project Bundling. They've never done it
16 before. What has to happen is, they send it
17 to the state and, since the state is the
18 recipient of the money, the state has to
19 agree that they like the bundling program.

20 If they agree with the bundling
21 program, then we're allowed to make a
22 decision as to whether we bundle or we do
23 individual project worksheets for each job.
24 That goes into reimbursement fees. The pay
25 forward part is in bundling. But if you say

1 Rules Committee/7-29-13
2 something is 20 bucks and they agree, if
3 it's 25 bucks, you're stuck with the 5
4 bucks. You can't go back for more.

5 LEGISLATOR ABRAHAMS: What if
6 it's 15, what if it goes the other way?

7 MR. MILLET: You get to use that
8 in an alternate project.

9 MS. D'ALLEVA: So it's something
10 that we have to decide if we are going to do
11 if it gets approved or not.

12 LEGISLATOR ABRAHAMS: Okay.
13 Well, obviously we want to hear more
14 information about this. Because this is
15 something that we should probably be
16 utilizing before we take the steps towards
17 borrowing hundreds of millions of dollars in
18 additional money, I would think that we
19 would want to have all our I's dotted and
20 T's crossed with regard to this.

21 MS. D'ALLEVA: That's why we have
22 to investigate more.

23 LEGISLATOR ABRAHAMS: Yes. Thank
24 you. And the program is called bundling?

25 MR. MILLET: It's not a program

1 Rules Committee/7-29-13

2 but they call it project bundling where you
3 take multiple projects and make it into one
4 piece.

5 LEGISLATOR ABRAHAMS: It's on the
6 FEMA website?

7 MR. MILLET: You can find it in
8 CRF-45. It's like the 10th paragraph down.
9 So we've pieced in the Stafford Act.

10 LEGISLATOR ABRAHAMS: Thank you.

11 CHAIRMAN NICOLELLO: Any other
12 questions?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor of Items 300,
17 301, 302 of 2013 signify by saying aye.

18 (Aye.)

19 Any opposed?

20 (No verbal response.)

21 The items carry unanimously.

22 I'm going to skip over items 303
23 to 313. They are all executive session
24 items. I'm going to call Item 316 of 2013
25 which is a resolution providing for the

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Rules Committee/7-29-13

issuance of a warrant directing the treasurer of the County of Nassau to pay to the supervisors of the several towns and to the treasurer of the several villages and cities within the County of Nassau the sums as apportioned by the Nassau County Legislature based on the report filed by the county treasurer and the county clerk showing deposits from mortgage taxes for the quarter beginning April 1st, 2013, through June 30th, 2013.

LEGISLATOR WALKER: So moved.

LEGISLATOR VENDITTO: Second.

CHAIRMAN NICOLELLO: Moved by Legislator Walker, seconded by Legislator Venditto. Do we have any questions on this item?

(No verbal response.)

Is there any public comment?

(No verbal response.)

All those in favor signify by saying aye.

(Aye.)

Any opposed?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 The item carries unanimously.

4 Item 318 of 2013 is a resolution
5 authorizing the county executive to execute
6 a grant agreement between the County of
7 Nassau acting on behalf the County
8 Department of Parks, Recreation & Museums
9 and the Incorporated Village of Williston
10 Park on behalf of Williston Park Historical
11 Society.

12 LEGISLATOR WALKER: So moved.

13 LEGISLATOR VENDITTO: Second.

14 CHAIRMAN NICOLELLO: Moved by
15 Legislator Walker, seconded by Legislator
16 Venditto. Any questions on this item?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor signify by
21 saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Carries unanimously.

1 Rules Committee/7-29-13

2 Items 319 and 320 of 2013. 319
3 is a local law amending the local law 18 of
4 1984 as last amended by local law number 8
5 of 2011 and local law number 9 of 2011 and
6 as incorporated in Chapter 4 of Title 9 of
7 the miscellaneous laws of Nassau County in
8 relation to imposing additional rates of
9 sales and compensated use taxes authorized
10 by Section 1210 of the Tax Law and
11 continuing a local government assisting
12 program;

13 Item 320 is an ordinance to amend
14 Ordinance 404C of 1968 as amended in
15 relation to imposing an additional rate of
16 sales and compensated use tax and to
17 continue the local government assistant
18 program in Nassau County.

19 LEGISLATOR MUSCARELLA: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRMAN NICOLELLO: Moved by
22 Legislator Muscarella, seconded by
23 Legislator Walker. Do we have any questions
24 on these two items?

25 (No verbal response.)

1 Rules Committee/7-29-13

2 Is there any public comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The items carry. Item 321 of
10 2013 is a local law amending Title 24 of the
11 miscellaneous laws of Nassau County in
12 relation to extending the hotel and motel
13 occupancy tax.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR VENDITTO: Second.

16 CHAIRMAN NICOLELLO: Moved by
17 Legislator Walker, seconded by Legislator
18 Venditto. Do we have any questions?

19 (No verbal response.)

20 Is there any public comments?

21 (No verbal response.)

22 All those in favor signify by
23 saying aye.

24 (Aye.)

25 Any opposed?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 Those items carry unanimously.

4 Item 327 of 2013 is a resolution
5 to establish a complete streets policy in
6 Nassau County.

7 LEGISLATOR WALKER: So moved.

8 LEGISLATOR MUSCARELLA: Second.

9 CHAIRMAN NICOLELLO: Moved by
10 Legislator Walker, seconded by Legislator
11 Muscarella. Passed the Public Works
12 Committee earlier. Do we have any
13 questions?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Carries unanimously.

23 Item 328 of 2013 is a resolution
24 to authorize the transfer of appropriations
25 heretofore made within the budget for the

1 Rules Committee/7-29-13

2 year 2013.

3 LEGISLATOR VENDITTO: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRMAN NICOLELLO: Moved by
6 Legislator Venditto, seconded by Legislator
7 Walker. Do we have any questions on this
8 item?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 All those in favor signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 Carries unanimously.

18 Now I'm going to call Items 330,
19 331, 332, 333, 334, 335, 336, 337, 338, 339,
20 340, 341. I will read the first one and
21 then give the amounts for the rest of them
22 because they're all identical except for the
23 amounts.

24 A bond ordinance providing for a
25 capital expenditure to finance the capital

1 Rules Committee/7-29-13

2 project specified herein within the County
3 of Nassau in authorizing \$500,000 in bonds
4 of the County of Nassau to finance said
5 expenditure and making certain
6 determinations pursuant to SEQRA pursuant to
7 the Local Finance Law of New York and the
8 County Government Law of Nassau County.

9 Item 332 authorizes \$33 million
10 in bonds; Item 333 authorizes \$1 million in
11 bonds; Item 334 authorizes \$200,000 in
12 bonds; Item 335 authorizes \$750,000 of
13 bonds; Item 336 authorizes \$108,665 of
14 bonds; Item 337 authorizes a million dollars
15 in bonds; and Item 338 authorizes a million
16 dollars in bonds; Item 339 authorizes
17 \$500,000 of bonds; Item 340 authorizes
18 \$326,250,000 in bonds; Item 341 authorizes
19 \$72,500,000 in bonds, and I think I skipped
20 over the first one which authorizes, 330 of
21 2013, which authorizes \$14,467,140 of bonds.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR MUSCARELLA: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Walker, seconded by Legislator

1 Rules Committee/7-29-13

2 Muscarella. These items are before the
3 committee. Do we have anybody to speak
4 about these items?

5 MR. MAY: We do. We have Mr.
6 Richard Millet from DPW to answer any
7 questions on these items.

8 CHAIRMAN NICOLELLO: Okay.

9 MR. MAY: Mr. Arnold first and
10 then Rich.

11 MR. ARNOLD: Project by project,
12 item by item?

13 CHAIRMAN NICOLELLO: Yes.

14 LEGISLATOR DENENBERG: And, as
15 you go, if I may, to the Chair, as you go
16 item by item and describe what it's for, can
17 you say if it's an existing project or a new
18 project?

19 MR. ARNOLD: Okay. Item 330-13
20 is for additional funding on an existing
21 project, capital project 81011. This
22 funding is going to be allocated towards the
23 environmental cleanup of the sanitary sewage
24 overflows in the communities of Baldwin and
25 East Rockaway. This is to pay for both the

1 Rules Committee/7-29-13
2 interior work, some claims that we have
3 outstanding, and also to move forward with
4 the exterior work.

5 CHAIRMAN NICOLELLO: Keep going.
6 We'll ask, unless something comes up, our
7 questions when you're done.

8 MR. ARNOLD: Item 331-13 is a
9 bond ordinance to an existing capital
10 project to add an additional \$500,000 for
11 various roof repairs for the various
12 buildings at both Bay Park, City Creek, Glen
13 Cove, Cedarhurst, Lawrence and the pump
14 stations.

15 Item 332 is an additional bond
16 ordinance for an existing capital project
17 associated with equipment replacement at
18 Cedar Creek. This funding will go towards
19 both Cedar Creek screens and grid, effluent
20 screens and other various miscellaneous
21 improvements that the plant will require.

22 Item 333-13 is an additional bond
23 ordinance from an existing capital project
24 for Whitney drain up in Manhasset.

25 Item 334-13 is an additional bond

1 Rules Committee/7-29-13
2 ordinance for an existing capital project
3 for mosquito control program so we can
4 finish our SEQRA determination.

5 Item 335-13 is an additional bond
6 ordinance for an existing capital project
7 associated with requirements contract work
8 associated with both the collection and the
9 waste water facilities.

10 Item 336 is additional bond
11 ordinance for our drainage reconstruction
12 capital projection, that's an existing
13 capital project.

14 Item 337 is an additional bond
15 ordinance from existing capital project
16 associated with our reconstruction and
17 rehabilitation of storm water basins.

18 Item 338 is an additional bond
19 ordinance for an existing capital project
20 associated with the replacement of motorized
21 equipment for the wastewater facility
22 operation.

23 Item 339 is an additional bond
24 ordinance for an existing capital project
25 for various improvements to the county's

1 Rules Committee/7-29-13
2 wastewater facilities associated with
3 employee amenities such as bathrooms, locker
4 rooms, common space, office, as much.

5 Item 340 is an additional bond
6 ordinance to the capital project that was
7 recently approved which is associated with
8 the Hurricane Sandy recovery at Bay Park.
9 This bond ordinance is associated with the
10 work for the electrical distribution system
11 at Bay Park.

12 Item 341 is an additional bond
13 ordinance for the Bay Park, same capital
14 project that was recently approved. This
15 funding is for the plant and boundary
16 protection system.

17 CHAIRMAN NICOLELLO: Is it just
18 the last two that were part of the recently
19 proposed 700 million?

20 MR. ARNOLD: Yes. That capital
21 project is 35,121. I think that capital
22 project is closer to \$500,000. There were
23 other pieces of that that made it up to
24 700,000 in other capital projects.

25 CHAIRMAN NICOLELLO: And Items

1 Rules Committee/7-29-13

2 340 and 341 in particular, are those -- are
3 we ready to go in terms of vetting those
4 contracts, et cetera?

5 MR. ARNOLD: Those contracts will
6 be ready to go out in the second quarter of
7 '14.

8 CHAIRMAN NICOLELLO: In terms of
9 the timeline, what is the necessity of
10 borrowing the money now or authorizing the
11 borrowing?

12 MR. ARNOLD: To have the funding,
13 the good faith effort to the federal and
14 state government that we are moving forward
15 with these projects and we have the
16 financial background as we negotiate grants
17 and reimbursement with them, that's one of
18 the main reasons.

19 CHAIRMAN NICOLELLO: These
20 obviously have to do with hardening this
21 facility in the event of future storms.

22 MR. ARNOLD: Both hardening and
23 repair. The contract is repair and
24 replacement of damaged equipment.

25 CHAIRMAN NICOLELLO: And that's

1 Rules Committee/7-29-13

2 to also elevate it, is it not?

3 MR. ARNOLD: And mitigation.

4 There's components of elevation and

5 mitigation and hardening.

6 CHAIRMAN NICOLELLO: Any other

7 questions? Legislator Denenberg.

8 LEGISLATOR DENENBERG: I have

9 several questions but I will piggyback where

10 Legislator Nicolello was. So I will start

11 at the end and work to the beginning.

12 You said that 340 and 341 which

13 were both for Bay Park, it's projected that

14 these would be for contracts that would be

15 bid second quarter 2014?

16 MR. ARNOLD: Yes. We're doing

17 the design currently. We need them for the

18 design right now, but the contract documents

19 would be ready second quarter 2014.

20 LEGISLATOR DENENBERG: So that's

21 different.

22 MR. ARNOLD: Well, you have two

23 phases of any project.

24 CHAIRMAN NICOLELLO: Mr. Millet,

25 if you have information to add, we would

1 Rules Committee/7-29-13
2 appreciate it if you would approach the
3 podium.

4 LEGISLATOR DENENBERG: Because
5 262 was approved, and, Mr. Millet, say what
6 you were going to say about the second
7 quarter of 2014.

8 MR. MILLET: Right now they are
9 in active 30 percent design, so we need to
10 fund the 100 percent design to be ready to
11 go to bid in 2014 on these two items.

12 LEGISLATOR DENENBERG: The 262 is
13 not enough for the design?

14 MR. MILLET: No. Because it
15 didn't have anything to do with the
16 electrical system.

17 The Hazen & Sawyer team is
18 actively pursuing to accelerate their 30
19 percent design. We are actively pursuing to
20 get this money in place so we can get out to
21 100 percent design and replace the
22 electrical system that is woefully damaged.

23 LEGISLATOR DENENBERG: What's
24 second quarter 2014, the bid for the
25 construction?

1 Rules Committee/7-29-13

2 MR. MILLET: That would be the
3 construction.

4 CHAIRMAN NICOLELLO: That's
5 different. You said, was it the bid, he
6 said it's for the construction.

7 MR. MILLET: For the
8 construction.

9 LEGISLATOR DENENBERG: When are
10 we going to bid?

11 MR. MILLET: For the construction
12 in the second quarter of 2014.

13 LEGISLATOR DENENBERG: So the bid
14 for the construction second quarter 2014 --

15 MR. MILLET: You still need the
16 100 percent design. I don't have money to
17 pay a designer to design it if I can't get
18 money in the electrical system programs.

19 LEGISLATOR DENENBERG: So, how
20 much is that?

21 MR. MILLET: I would assume, the
22 entire electrical system in Bay Park?

23 LEGISLATOR DENENBERG: We are
24 doing the design now, correct?

25 MR. MILLET: We are doing a 30

1 Rules Committee/7-29-13
2 percent technical report in preparation for
3 full design. Not a full design. That is
4 not part of their contract.

5 LEGISLATOR DENENBERG: So right
6 now we have a contractor that's doing what
7 you are calling a 30 percent design?

8 MR. MILLET: Correct.

9 LEGISLATOR DENENBERG: Explain to
10 us what you mean by a 30 percent design and
11 what you mean by a 100 percent design?

12 MR. MILLET: What you do when you
13 do a technical design report, an outward 30
14 percent design is, you bring in a program
15 that another designer can pick up and finish
16 so that there are no changes that will be
17 made or guesses as to what people want in
18 the electrical system. It will be laid out
19 for them and they just have to carry the
20 program out to 100 percent.

21 LEGISLATOR DENENBERG: How much
22 money do we need to do that?

23 MR. MILLET: Again, I couldn't
24 venture to guess. I would think that a
25 regular design on a digester rehab is 100

1 Rules Committee/7-29-13

2 grand. I would imagine the whole electrical
3 system is fairly expensive.

4 LEGISLATOR DENENBERG: So part of
5 the 326.25 for the electrical is the 30
6 percent design --

7 MR. MILLET: The 100 percent.
8 The 30 percent is covered inside Hazen &
9 Sawyer's existing contract.

10 LEGISLATOR DENENBERG: So when do
11 we think we are going to get to the 100
12 percent design?

13 MR. MILLET: I would assume that
14 we would probably have it mid first quarter
15 so that we can do contract documents and
16 then go out to bid in the beginning of the
17 second quarter.

18 LEGISLATOR DENENBERG: So the 100
19 percent design is the detailed technical
20 specifications that we would need to do a
21 construction bid?

22 MR. MILLET: Correct.

23 LEGISLATOR DENENBERG: The 30
24 percent design would be the first phase of
25 the design so that we could get to detailed

1 Rules Committee/7-29-13

2 technical specs?

3 MR. MILLET: Correct. They would
4 put together what equipment we would want to
5 use, how we would want to put everything in
6 order so the designer can build it the way
7 it's exactly laid out without having any
8 guesswork by the designer.

9 LEGISLATOR DENENBERG: So let's
10 go to 341 now which is the \$72.5 million
11 which, Mr. Arnold, you said that would be
12 ready, I believe you said ready for bidding
13 on construction second quarter 2014?

14 MR. ARNOLD: Yes, that is running
15 under the same time frame as the electrical
16 distribution job.

17 LEGISLATOR DENENBERG: What is it
18 and are we in the 30 percent design phase
19 right now and need to move to a 100 percent
20 design phase?

21 MR. ARNOLD: Correct. It's with
22 our Hazen & Sawyer Pirnie, they are doing
23 the 30 percent design, and we need to move
24 to the 100 percent design phase.

25 LEGISLATOR DENENBERG: This 72.5

1 Rules Committee/7-29-13

2 ultimately is for what?

3 MR. ARNOLD: It's for whatever
4 alternative that this design report puts
5 together. They're still looking at the
6 various options.

7 LEGISLATOR DENENBERG: What's the
8 ultimate construction?

9 MR. MILLET: Ultimately it will
10 go out in the second quarter of '14 as well.

11 LEGISLATOR DENENBERG: For what?
12 326 is for electrical. The 72.5 is for --

13 MR. MILLET: Plant hardening as a
14 whole. It may be a dike with seawalls, it
15 may be some sort of retractable wall system
16 as well as exterior pumping.

17 We're talking to Pirnie with a
18 bunch of people the Dutch people who, this
19 is what they do best.

20 LEGISLATOR DENENBERG: So the 30
21 percent design for this too, Mr. Millet, has
22 already begun?

23 MR. MILLET: It is ongoing right
24 now.

25 LEGISLATOR DENENBERG: So when do

1 Rules Committee/7-29-13

2 we move to the 100 percent design phase?

3 MR. MILLET: Again, I think we're
4 looking at the end of October, beginning of
5 November. We're keeping everything on a
6 very short pace.

7 LEGISLATOR DENENBERG: I thought
8 you said first quarter of 2014.

9 MR. MILLET: The hardening is
10 going to move a little faster.

11 LEGISLATOR DENENBERG: So we're
12 looking at the end of fourth quarter 2013?

13 MR. MILLET: Correct.

14 LEGISLATOR DENENBERG: That's
15 when we would need this money?

16 MR. MILLET: That's when the
17 contract documents would be ready to go out.
18 New contract administration documents.
19 There is a long lead time on some of the
20 product information. So we got a little
21 jump on this one.

22 LEGISLATOR DENENBERG: Let me ask
23 now. I guess it's Mr. Arnold, but if you
24 can help, Mr. Millet, what you said,
25 existing projects on most of these different

1 Rules Committee/7-29-13
2 items, Baldwin and other areas that had
3 sewage 330-13 would be \$14.4 million and you
4 said that's adding to existing projects to
5 sanitize and help repair homes that were
6 contaminated.

7 MR. ARNOLD: Right. There was an
8 existing bond ordinance that this body
9 passed right after the storm, I think it was
10 three and a half million dollars, and that
11 was utilized for the interior work. We
12 needed an additional, roughly million and a
13 half, \$2 million to finish that part of the
14 work, plus the exterior work is running
15 around 11, \$12 million.

16 LEGISLATOR DENENBERG: How much
17 of the 3 and a half have we used so far?

18 MR. ARNOLD: It has all been
19 spent. We are in the process of paying
20 those claims right now.

21 LEGISLATOR DENENBERG: It's all
22 been spent in terms of what, our people
23 going out there and making repairs, or us
24 paying people that put in claims to us?

25 MR. ARNOLD: No. We brought a

1 Rules Committee/7-29-13
2 contractor on to do the interior clean-ups,
3 it us paying that contractor.

4 LEGISLATOR DENENBERG: So we've
5 done the cleanup ourselves? What about
6 people that didn't wait for our contractor
7 to do the cleanup? In the first month, I
8 know of several residents that didn't feel
9 they could wait because it was an unhealthy
10 condition and they did cleanups themselves.

11 MR. ARNOLD: That is being
12 handled by the county attorney's office.
13 I'm not sure where that stands at this
14 moment.

15 LEGISLATOR DENENBERG: Is this
16 money to help reimburse the people who laid
17 out money?

18 MR. ARNOLD: I would have to
19 speak with the county attorney.

20 LEGISLATOR DENENBERG:
21 Mr. Millet, if you know, I see your head
22 signals, but I want to get it on the record.

23 MR. MILLET: This money is going
24 to be used to, we still owe the original two
25 contractors on the interior work. We owe

1 Rules Committee/7-29-13
2 them about \$2 million, that will be used for
3 that. Right now we are doing the exterior
4 cleanup work on houses as we speak. That is
5 what this money is for.

6 If the county attorney has
7 claims, I guess they come here usually for
8 their bonding, but this is not intended to
9 pay claims that the county is intended to
10 pay the contractors who are performing the
11 cleanup work.

12 LEGISLATOR DENENBERG: They are
13 doing the work right now?

14 MR. MILLET: Yes.

15 LEGISLATOR DENENBERG: So for the
16 existing project, as you called it, where
17 it's zero dollars, we need to increase the
18 funding?

19 MR. MILLET: Yes, by this number.

20 LEGISLATOR DENENBERG: Several
21 other of the projects you said, I think all
22 of them, you said were existing projects,
23 correct, Mr. Arnold?

24 MR. ARNOLD: Yes.

25 LEGISLATOR DENENBERG: Let's go

1 Rules Committee/7-29-13
2 to 332, for example, that's \$33 million?

3 MR. ARNOLD: Correct.

4 LEGISLATOR DENENBERG: That's for
5 which existing project?

6 MR. ARNOLD: 3C-067.

7 LEGISLATOR DENENBERG: Which is
8 what?

9 MR. ARNOLD: Cedar Creek
10 miscellaneous equipment.

11 LEGISLATOR DENENBERG: That's a
12 project that's been existing at least since
13 the capital plan 2010?

14 MR. ARNOLD: I believe so. I
15 would have to double-check the exact year.
16 Goes back to at least '10 with an ordinance
17 in 2010.

18 LEGISLATOR DENENBERG: That was
19 in the millions I thought. So we've spent
20 that money --

21 MR. ARNOLD: We currently have a
22 carry forward of 15 million. This initial
23 \$33 million will allow us to get all our
24 projects done that are planned for this
25 coming year.

1 Rules Committee/7-29-13

2 LEGISLATOR DENENBERG: So that's
3 my question. I was looking at an existing
4 project that has \$15 million that, according
5 to this year's capital budget, the 2013
6 budget documents that I just received a
7 month ago, we still have \$15 million unused.

8 MR. ARNOLD: Correct.

9 LEGISLATOR DENENBERG: So we are
10 going to use that \$15 million and we think
11 we need another \$33 million?

12 MR. ARNOLD: We are going to put
13 contracts out this year that will require
14 the additional \$33 million.

15 LEGISLATOR DENENBERG: When is
16 that contract going to go out? When you say
17 "this year," is that the third quarter?

18 MR. ARNOLD: Cedar Creek screens
19 are going to go out by the end of the month,
20 Cedar Creek grit should be going out by the
21 end of the year.

22 We have a contract for final
23 screens that will go out in early '14, and
24 then there is other miscellaneous projects
25 that will also be put out.

1 Rules Committee/7-29-13

2 LEGISLATOR DENENBERG: How come
3 over the years we didn't use the \$15 million
4 authorization for this particular project?
5 I mean, that's been a carry forward number
6 for at least two or three years.

7 MR. ARNOLD: The Cedar Creek
8 screen project required a couple of go
9 arounds and what the correct design of this
10 facility should be, and there's been delays
11 in getting that job up because of that. It
12 is ready to go now. We are finalizing the
13 PLA which held the job up a little bit. And
14 now we're ready to go out to bid.

15 LEGISLATOR DENENBERG: So I'm not
16 reading it wrong through, this \$15 million
17 in this project, I'm reading it in our 2010
18 capital budget -- capital plan, I'm sorry?

19 MR. ARNOLD: I know this project
20 has been around since 2010. I don't have
21 the numbers in front of me exactly how we
22 funded it each year. I have to go back and
23 look at that.

24 LEGISLATOR DENENBERG: So some of
25 that \$48 million should be hitting the

1 Rules Committee/7-29-13
2 streets in a bid right now, this month?

3 MR. ARNOLD: The screen jobs will
4 be going out in August.

5 LEGISLATOR DENENBERG: The SEQRA
6 for 334, what is it, we haven't done the
7 SEQRA process yet so we need money for
8 engineers to get us through the process?

9 MR. ARNOLD: We went through
10 half the process. We got through the public
11 scoping session. This is the complete --
12 the last pieces of taking the comments from
13 the scoping session and completing the EIS
14 document.

15 LEGISLATOR DENENBERG: Who have
16 we hired for that?

17 MR. ARNOLD: We have not hired
18 anybody yet. Once we get the bond ordinance
19 approval, we'll get a contract.

20 LEGISLATOR DENENBERG: How did we
21 get through the first process, the public
22 scoping?

23 MR. ARNOLD: We utilized a
24 contract off the OGS state contract list and
25 they did the initial work for us.

1 Rules Committee/7-29-13

2 LEGISLATOR DENENBERG: What is
3 the name of that contract?

4 MR. ARNOLD: Environment and
5 Ecology is a company out of Buffalo that did
6 the work for us.

7 LEGISLATOR DENENBERG: At least
8 it's from New York State. Seems like we
9 have people closer. I'm okay. Thank you,
10 chairman.

11 LEGISLATOR DERIGGI-WHITTON: I
12 have a real quick one. Chairman Nicoletto,
13 you may even be able to answer it.

14 When you just mentioned the 722
15 that was before us the last finance, you
16 said only two items were included in that?

17 CHAIRMAN NICOLELLO: That
18 actually was a question I asked. I think
19 there were more than two items here that
20 were associated with the bond ordinance that
21 was before the Full Legislature.

22 MR. ARNOLD: I would have to go
23 back to my notes. 722 made up all of these.

24 LEGISLATOR DERIGGI-WHITTON: So
25 all of these were included in the 722?

1 Rules Committee/7-29-13

2 MR. ARNOLD: Yes.

3 LEGISLATOR DERIGGI-WHITTON: Which
4 we already passed in Finance.

5 CHAIRMAN NICOLELLO: Well, as you
6 know, the full 722 was not approved by the
7 Full Legislature.

8 LEGISLATOR DERIGGI-WHITTON:
9 Right, but we already passed it through here
10 to line up. So I just don't know why if we
11 already okayed --

12 CHAIRMAN NICOLELLO: Because
13 since there was a refusal on your side to
14 bond with the pay -- to authorize the full
15 \$722 million in borrowing --

16 LEGISLATOR DERIGGI-WHITTON: I
17 don't see why we have to come back to this.

18 CHAIRMAN NICOLELLO: -- to the
19 extent that items were not authorized, they
20 died. So you have to bring them back. So
21 since they were voted down in the Full
22 Legislature, there's no authorization for
23 any of these items that are before us. So
24 they have to come back to us. We have to
25 pass them again. They have to go to the

1 Rules Committee/7-29-13

2 Full Legislature again, and hopefully we
3 will get 13 votes at that time.

4 LEGISLATOR DERIGGI-WHITTON: So
5 none of these are included in the 262 that
6 we approved?

7 MR. ARNOLD: That is correct.

8 LEGISLATOR DERIGGI-WHITTON: I
9 don't know. To me it just seems like we
10 went through it already and now we are going
11 through it again for finance which just
12 lines it up -- we basically said we were
13 supportive of the project, we just weren't
14 going to bond for the whole thing at once.
15 But, to me, it just seems like we're being
16 very redundant right now.

17 CHAIRMAN NICOLELLO: Legislator
18 Denenberg has another question.

19 LEGISLATOR DENENBERG: Can we get
20 a list -- this was discussed when the 262
21 was passed. I think I asked for it at that
22 point and I had supported the whole amount.
23 But what's included in the 262? Can we get
24 a breakdown of that at some point before
25 this gets to Full, meaning this week, that

1 Rules Committee/7-29-13

2 would be important?

3 Just, on the record, can we do
4 that if we have that? I'm sure Legislator
5 Nicolello would like it for his side, and I
6 would like it here too. Thank you.

7 Was that a yes?

8 MR. ARNOLD: Yes.

9 CHAIRMAN NICOLELLO: Any other
10 questions? Legislator Abrahams.

11 LEGISLATOR ABRAHAMS: I will try
12 to be brief. I mean, obviously I think the
13 questions that Legislator Denenberg and
14 Legislator DeRiggi-Whitton indicated are
15 kind of along the same lines.

16 Our approach toward addressing
17 the issues at the Bay Park treatment plant
18 have always been tied to fact that, number
19 one, we wanted to see a greater amount of
20 oversight, we want to make sure we're
21 administering the contracts in a way,
22 especially when you're talking about \$722
23 million, it's in the best interest of the
24 Nassau County taxpayers that we watch every
25 single nickel on how that's being spent.

1 Rules Committee/7-29-13

2 As you probably know, Mr. Arnold,
3 as well as you, Mr. Millet, there are
4 multiple ways that are being talked about in
5 terms of the oversight, but that's something
6 that's very crucial to this legislative
7 body.

8 The next aspect, to be honest, is
9 that we asked for multiple things during the
10 debate two weeks ago. At that time there
11 was supposed to be a master schedule that
12 was going to outline this very same issue
13 that's before us today.

14 This is the first that we are
15 hearing that the electrical distribution
16 system will not go into contract until
17 quarter two of 2014, as per the Power Point
18 that the deputy county executive
19 demonstrated it clearly indicated, I
20 believe, I remember quarter four. Now I
21 guess quarter four is the design.

22 But, in that demonstration, not
23 once did we hear that a portion was going to
24 be broken out for the design, versus a
25 portion for the construction. We have no

1 Rules Committee/7-29-13

2 idea still at this point. I would love to
3 have had Hazen & Sawyer on here to ask the
4 question of how much the design would be.

5 These are the types of things
6 that we need answers to before we decide to
7 bond and, to be honest, and I said it before
8 and I'll say it again, we are committed
9 towards doing the entire amount to address
10 the Bay Park treatment issues, but we truly
11 believe the 262 million, we can only go
12 based off of what the county executive has
13 presented to us, the \$262 million gets that
14 process rolling, from the digesters to the
15 pumps, those things are all being addressed
16 with that first allotment of money. We were
17 hoping in good faith that we would see a
18 master schedule.

19 So my question comes down to
20 this. When will we see the master schedule
21 which gives us a breakdown week by week on
22 how things are being done? Obviously you
23 can't do everything at once. So there has
24 to be some type of project management master
25 schedule that indicates how things will be

1 Rules Committee/7-29-13
2 done so you don't have guys bumping into
3 each other constantly throughout the next 24
4 to 48 months.

5 MR. MILLET: The master schedule
6 or the construction master schedule that you
7 are looking for, cannot be fully developed
8 until we have design development to tell us
9 where the contracts are going to fall and
10 how the mopo in the plant will have to
11 operate. The plant has to operate
12 throughout the entire construction period.

13 So there has to be a very, I'll
14 say, delicate way to handle the plant while
15 you're going through and replacing major
16 pieces of the process. A detailed
17 construction program schedule is very
18 difficult until you have design done, until
19 you can see things.

20 The programmatic piece you saw,
21 the schedule you saw, is the programmatic
22 part to when we're going to get to bid. The
23 construction schedule cannot be put together
24 in that format until we know when the
25 construction dates are hitting.

1 Rules Committee/7-29-13

2 LEGISLATOR ABRAHAMS: Mr. Millet,
3 you should be able to give us a preliminary
4 schedule.

5 MR. MILLET: You had the
6 preliminary layout. Until you get
7 construction documents, until you get
8 biddable documents and until you get people
9 who bid, then you have to coordinate with
10 the different contractors. That's when the
11 CPO schedule gets developed.

12 LEGISLATOR ABRAHAMS: Mr. Millet,
13 there must be a disconnect because I swore I
14 heard Hazen & Sawyer, when I had the same
15 back and forth that they were working on a
16 master schedule that wouldn't be done until
17 August, September.

18 MR. MILLET: They certainly are
19 working on one, but now we have no funding
20 towards programs, and you cannot continue to
21 plug --

22 LEGISLATOR ABRAHAMS: So it was
23 never clear that they needed funding, the
24 entire funding, of \$722 million in order to
25 do that.

1 Rules Committee/7-29-13

2 MR. MILLET: Well, you need
3 funding to do design. You need funding for
4 that.

5 LEGISLATOR ABRAHAMS: I'm talking
6 about a master schedule. I'm not --

7 MR. MILLET: I think you're
8 disconnecting. I don't think it's as easy
9 as you think it is to turn around and say,
10 hey, here's this date, and here's that date,
11 and -- it doesn't work like. A construction
12 management --

13 LEGISLATOR ABRAHAMS: Then why
14 did they say that on the record though?

15 MR. MILLET: Listen, they're
16 going to give you an item. It's not going
17 to be what you think it is. It's just not.

18 LEGISLATOR ABRAHAMS: But if I
19 ask a question and they give a response,
20 they gave a response that a master schedule
21 would be developed --

22 MR. MILLET: It will be a 10,000
23 foot view. It will not be --

24 LEGISLATOR ABRAHAMS: It's not
25 what the question was. Maybe we should go

1 Rules Committee/7-29-13
2 back and make sure we check the record
3 because that's not the response.

4 MR. MILLET: Again, I can't see
5 anyone developing detailed construction
6 management without having any idea where the
7 design dates fall. And, without the design
8 dates, without the funding for design, you
9 can't do that.

10 LEGISLATOR ABRAHAMS: Let's try
11 it this way, Mr. Millet. Where are you with
12 the \$262 million that's been spent, been
13 authorized?

14 MR. MILLET: Four contracts when
15 out already and a fifth is due out --

16 LEGISLATOR ABRAHAMS: Contracts
17 have gone out that have come to this
18 legislature?

19 MR. MILLET: No. Contracts have
20 gone out on the street.

21 LEGISLATOR ABRAHAMS: So RFP.

22 MR. MILLET: Yes. To bid.

23 LEGISLATOR ABRAHAMS: What is the
24 total?

25 MR. MILLET: They haven't come

1 Rules Committee/7-29-13

2 back yet.

3 LEGISLATOR ABRAHAMS: What went
4 out, what kind of work, what's the estimate?

5 MR. MILLET: Rebuilding of the
6 final tanks were one.

7 LEGISLATOR ABRAHAMS: Final
8 tanks, okay.

9 MR. ARNOLD: Final tanks when out
10 to bid. Odor control is going out to bid.
11 I was off last week so I don't know if it
12 actually went out last week.

13 LEGISLATOR DENENBERG: Odor
14 control is from an old project.

15 MR. ARNOLD: You had the pump
16 stations at Glen Cove, the final GBT
17 project.

18 LEGISLATOR ABRAHAMS: What is the
19 turnaround on these bids, Mr. Arnold?

20 MR. ARNOLD: Usually they're out
21 for bid usually about a month.

22 LEGISLATOR ABRAHAMS: So 30 days.

23 MR. ARNOLD: 30 days.

24 LEGISLATOR ABRAHAMS: So we
25 should expect something back by the end of

1 Rules Committee/7-29-13

2 August?

3 MR. ARNOLD: Should have
4 contracts back.

5 LEGISLATOR ABRAHAMS: When can
6 this legislature anticipate contracts
7 associated with these particular bids?

8 MR. ARNOLD: If we get vendors
9 that we are familiar with, they are quicker
10 to turn around, you can see something
11 probably within two weeks of getting back.

12 LEGISLATOR ABRAHAMS: So it's
13 possible we can see stuff as early as the
14 first session in September?

15 MR. ARNOLD: Yes. More likely
16 the second session.

17 LEGISLATOR ABRAHAMS: What about
18 the balance of the rest of the 260 or is
19 that for the entire 260?

20 MR. ARNOLD: That's it.

21 LEGISLATOR ABRAHAMS: That's the
22 entire 260, all that will be --

23 MR. ARNOLD: There's design work
24 going on, program management work going on,
25 and --

1 Rules Committee/7-29-13

2 LEGISLATOR ABRAHAMS: So
3 everything that we outlined in the third
4 quarter of 2013 that's going to get done,
5 that entire programmatic schedule, that's
6 all on the street, that's all being bid
7 on, correct?

8 MR. ARNOLD: I have to check on
9 the one item.

10 LEGISLATOR ABRAHAMS: If I
11 remember correctly, I thought there were
12 more things. So there's four contracts
13 that's going to cover everything, five
14 contracts that's going to cover everything
15 that we're talking about, the 262?

16 MR. ARNOLD: We have two design
17 jobs that are also part of that 260 that
18 need to go out, which is the sludge
19 dewatering facility, and the effluent
20 pumping facility.

21 LEGISLATOR ABRAHAMS: When will
22 those go out?

23 MR. ARNOLD: I would have to
24 check with the engineer. Assume some time
25 this month.

1 Rules Committee/7-29-13

2 LEGISLATOR ABRAHAMS: What is the
3 estimates on those?

4 MR. ARNOLD: The sludge
5 dewatering design, the construction is
6 estimated about 35. You're probably talking
7 3 to \$4 million on design.

8 LEGISLATOR ABRAHAMS: And the
9 effluent? Effluent pump is probably roughly
10 the same number. About the same.

11 LEGISLATOR ABRAHAMS: So about
12 \$70 million of the 260 is still not out on
13 the street, am I saying that right?

14 I thought you said 35 for each
15 one. So about \$70 million of the 260 is not
16 on the street?

17 MR. ARNOLD: Correct.

18 LEGISLATOR ABRAHAMS: So of the
19 stuff that is out on the street and possibly
20 could be awarded by some time in September,
21 when will we anticipate -- see this is the
22 thing. We want to see work and we want to
23 be able to say to the taxpayers, go visit
24 the plant and you'll see construction going
25 on. When can we say to someone,

1 Rules Committee/7-29-13
2 construction will start with regard to these
3 projects?

4 MR. ARNOLD: We are talking about
5 a lot of moving parts which is why we are
6 having such trouble with this.

7 The schedule that you have, the
8 roll up schedule that was given to you
9 indicates construction starting for influent
10 screens in the third quarter of '13. That
11 job will be out to bid this month. So that
12 job before the end of the year will be in
13 construction.

14 Secondary treatment facilities,
15 which is the final tanks, the repair of the
16 final tanks is out to bid now. Again, that
17 job will start in the last quarter of '13,
18 construction, if we get the contractor, we
19 get a responsible contractor, we come to
20 this body, it gets approved, and --

21 LEGISLATOR ABRAHAMS: Final
22 tanks?

23 MR. ARNOLD: Final tanks.

24 LEGISLATOR ABRAHAMS: That's one
25 thing we can expect to be done in the third

1 Rules Committee/7-29-13

2 quarter. What else?

3 MR. ARNOLD: Digesters you're
4 already aware that that's ongoing. That
5 construction contract has already started.
6 Sludge thickening, that we need to get final
7 design. That contract will probably go out
8 to bid toward the end of the year. So we
9 need that money for the bond ordinance so we
10 can award that --

11 LEGISLATOR ABRAHAMS: Wait. The
12 sludge thickening will go out to bond at the
13 end of the year?

14 MR. ARNOLD: I'm sorry. Sludge
15 thickening is currently out to bid. So that
16 job will start before the end of the year.
17 Sludge dewatering is the one we're doing
18 design on.

19 LEGISLATOR ABRAHAMS: Dewatering,
20 that's right.

21 MR. ARNOLD: Sorry. I reversed
22 those.

23 LEGISLATOR ABRAHAMS: That's
24 okay. So basically, in the third quarter of
25 this year, what taxpayers can expect is the

1 Rules Committee/7-29-13
2 final tanks will be in construction some
3 time by September?

4 MR. ARNOLD: As long as those
5 things happen, there's always that case we
6 get a bad bid. We have to rebid something,
7 you know?

8 LEGISLATOR ABRAHAMS: In that
9 programmatic plan it outlined that this
10 stuff would get done in the third quarter,
11 and I'm not here -- I understand things come
12 up and electrical distribution would start
13 in the fourth quarter.

14 So, in essence, wouldn't we want
15 to see a good chunk of the stuff we outlined
16 for the third quarter get done before we go
17 into the fourth quarter stuff?

18 MR. MILLET: You can't wait to go
19 into design because now you're fracturing
20 the way the plant has to operate. There is
21 a certain way you want to approach
22 repairing.

23 LEGISLATOR ABRAHAMS: This is as
24 per your plan. You outlined that the
25 electrical distribution system wasn't going

1 Rules Committee/7-29-13
2 to go into contract for the fourth quarter.
3 Not me.

4 MR. MILLET: That's a
5 construction contract. It has to go into
6 design. The design gets paid out of the
7 same money.

8 LEGISLATOR ABRAHAMS: I
9 understand that. But you said today, which
10 was news to us, I guess maybe it was news to
11 you, that construction wasn't going to start
12 until second quarter of 2014. Was that
13 factored in when you came up with this or
14 Mr. Walker came up with the presentation
15 regarding the electrical distribution? Was
16 it always supposed to start construction in
17 2014, quarter two?

18 MR. MILLET: Let me take a look.

19 LEGISLATOR ABRAHAMS: I'm
20 thinking everything got pushed back.

21 MR. MILLET: No.

22 LEGISLATOR ABRAHAMS: So then Mr.
23 Walker came down here with the impression
24 that the construction was going to start in
25 2014, even though a document that was up on

1 Rules Committee/7-29-13

2 the screen presented something different?

3 MR. MILLET: I didn't look at the
4 document. I'm going to look at it right
5 now. My apologies if I put a wrong date in
6 there. There's an awful lot of information
7 that's bouncing around.

8 LEGISLATOR ABRAHAMS: I
9 understand. Take your time.

10 MR. MILLET: According to the
11 chart, it will be ready for construction
12 documents in the fourth quarter of '13.
13 That means it's going out to bid in the
14 fourth quarter of '13. But it's not going
15 to go out to bid in the fourth quarter of
16 '13 because I don't have any design money.

17 LEGISLATOR ABRAHAMS: Again,
18 that's what the Power Point said but today
19 it's something different.

20 MR. MILLET: Because I misspoke.
21 I got the wrong date.

22 LEGISLATOR ABRAHAMS: You didn't
23 say it though, Mr. Millet. Mr. Arnold said
24 earlier --

25 MR. MILLET: He is apologizing

1 Rules Committee/7-29-13

2 for the wrong date.

3 LEGISLATOR ABRAHAMS: So it's not
4 the second quarter of 2014?

5 MR. MILLET: It is going out.
6 Our schedule is to put it out in the last
7 quarter of '13, but our schedule can not be
8 met if I don't have the design money.

9 LEGISLATOR ABRAHAMS: Mr. Millet,
10 you're beating a dead horse with that. I
11 understand that.

12 What I'm saying is, you misspoke
13 when it was supposed to be --

14 CHAIRMAN NICOLELLO: He's not
15 beating a dead horse. He's trying to make a
16 point and apparently it's not getting
17 through to you.

18 LEGISLATOR ABRAHAMS: I would
19 appreciate, Mr. Nicoletto, I've never jumped
20 in.

21 CHAIRMAN NICOLELLO: That's true,
22 but you just interrupted him.

23 LEGISLATOR ABRAHAMS: We're
24 having a discussion.

25 CHAIRMAN NICOLELLO: Right.

1 Rules Committee/7-29-13

2 LEGISLATOR ABRAHAMS: So let me
3 ask you again, and this is to make the
4 point. So when Mr. Arnold said that we
5 wouldn't be going into construction until
6 the second quarter of 2014, he misspoke?

7 MR. MILLET: He had not looked at
8 the flow chart.

9 LEGISLATOR ABRAHAMS: So what was
10 he looking at?

11 MR. MILLET: He had not brought
12 it up yet.

13 LEGISLATOR ABRAHAMS: Mr. Arnold,
14 was that just a number that was in your
15 head? Is there another document that you
16 were referring to?

17 MR. ARNOLD: I didn't check my
18 notes when I said it was '14. I was making
19 an assumption. I should have went back and
20 looked at the table.

21 LEGISLATOR ABRAHAMS: So it's
22 your recollection it's quarter four of 2013?

23 MR. ARNOLD: Yes.

24 LEGISLATOR ABRAHAMS: Okay. As I
25 said before, and I will go back to it again,

1 Rules Committee/7-29-13
2 and I'll understand that point, but I'm
3 going to go back to the same point that we
4 have been making now is that, number one, we
5 been given an enormous amount of money
6 towards an investment which we understand
7 will be in the hundreds of millions of
8 dollars that we plan to do.

9 I still would need to see more
10 information as our side would want to see
11 more information that clearly delineates how
12 this plan will be implemented over the next
13 couple of years.

14 I would strongly suggest -- I
15 mean we had allocated \$262 million to go
16 towards those third quarter expenses. I
17 would strongly suggest that the
18 administration utilize resources so that
19 they can do the design on the electrical
20 distribution system and come back to this
21 legislature with a master schedule on how
22 things will get done.

23 From our standpoint, when we
24 allocated \$262 million to be allocated for
25 the third quarter towards the Bay Park

1 Rules Committee/7-29-13
2 Sewage Treatment Plant, we expected to see
3 \$262 million in contracts. Is that a fair
4 expectation when we look at the Power Point
5 presentation? Our expectation was to see
6 \$260 million to be filtered through this
7 legislation by the end of September.

8 That is not going to be the case
9 from what I'm hearing today. So the people
10 in Bay Park, East Rockaway and Baldwin,
11 throughout the entire south shore have been
12 sold a bad bill of goods, because they're
13 being told based off of what they came here,
14 was presented with, is that we're going to
15 be entering into contracts into the third
16 quarter of 2013. This makes the point even
17 more clearer on why we need to have some
18 oversight.

19 Not only that, it also makes the
20 point clearer that the bottom line is, we
21 are going to bond to insure work gets done
22 when the county executive indicates it's
23 going to get done.

24 From our standpoint, we should
25 not go over 260 until he shows us the

1 Rules Committee/7-29-13
2 contracts that are associated with the 260
3 and we visit the site, which I'm going to
4 suggest to this entire legislature, we go to
5 this site, I know many of use have been
6 there before and many of us have been there
7 since Sandy, and I plan to go there several
8 times between now and the end of the year
9 because I want to make sure that, number
10 one, that the taxpayer's investment is being
11 done soundly, and, number two, we want to
12 make sure that the work is progressing in an
13 even keeled manner.

14 If we decide to give \$722 million
15 to this administration at this point, at
16 this juncture, it would be a wrong
17 investment for this county. We need to make
18 sure this work actually gets done, and not
19 just get it done, but get it done in a
20 timely manner so people are not -- instead
21 of waiting 24 to 48 months which was
22 outlined by Hazen & Sawyer, they're waiting
23 hundreds of months to get this thing done.
24 I think the people in that area have waited
25 long enough and this is the best way to get

1 Rules Committee/7-29-13

2 it done.

3 So we envision seeing the rest of
4 the contracts for the \$260 million be
5 presented to this legislature, and at that
6 time we will definitely look to foot the
7 bill on the electrical distribution system.

8 So I would strongly suggest to my
9 side that we vote no on this particular
10 item. Thank you.

11 CHAIRMAN NICOLELLO: Legislator
12 Muscarella.

13 LEGISLATOR MUSCARELLA: I just
14 have a couple of questions because it
15 boggles my mind.

16 Am I wrong that the deputy county
17 executive came here a couple of weeks ago
18 and said, the most effective way to do this,
19 the only proper way to do this was to bond
20 the whole thing so that we would proceed
21 expeditiously in a manner that would be the
22 most effective to get the plant fixed? Was
23 I wrong in thinking that that was his
24 presentation?

25 MR. MILLET: No.

1 Rules Committee/7-29-13

2 LEGISLATOR MUSCARELLA: And if we
3 had bonded the entire amount of money, would
4 this process go much more smoothly, much
5 more quickly to get this plant fixed?

6 MR. MILLET: Yes.

7 LEGISLATOR MUSCARELLA: So it
8 seems to me that the protestations of the
9 minority in that the best way to go about
10 doing this is to do it piecemeal and have
11 the administration get its act together and
12 to feign this outrage that it's going to be
13 much better if the administration does its
14 piecemeal is in fact putting obstacles in
15 front of the administration at every single
16 step of the way, and then feigning outrage
17 that they're not doing it as expeditiously
18 as possible. Am I wrong? I don't want to
19 put you on the spot. That's my own comment
20 and you don't have to agree or disagree with
21 that.

22 But it seems to me that anyone
23 that's been here for the last two meetings
24 can see that the administration presented a
25 way to get this done for the residents of

1 Rules Committee/7-29-13

2 Nassau County and that the minority's
3 protestations that it was not being done
4 quick enough or expeditiously enough is in
5 fact because of their actions, not despite
6 their actions, because it's not because of
7 the actions of the administration, but the
8 actions of the minority that are in fact
9 throwing up obstacles every step of the way
10 to get this done for the citizens of Nassau
11 County.

12 LEGISLATOR ABRAHAMS: You know
13 what, I take some umbrage with that because,
14 you know what, the fact remains, Mr. Arnold,
15 and Mr. Millet, this legislature bonded \$400
16 million. \$400 million for the same
17 expenses, some of the stuff that should have
18 been done pre-Sandy that wasn't done.

19 So the fact remains, we did bond
20 \$400 million at a particular time and work
21 didn't happen, it didn't happen for whatever
22 reason it may have not happened.

23 So the fact remains, we need to
24 make sure that we do not give a bonding
25 authorization of \$722 million if we want to

1 Rules Committee/7-29-13
2 insure projects are actually going to get
3 done at our treatment plants.

4 We have given \$262 million. That
5 is enough to get the ball rolling. When
6 Mr. Arnold or Mr. Millet presents to us that
7 those contracts that we have bonded for in
8 the third quarter of this year get done and
9 work gets done and we can say to people,
10 look this is what's happening, this is
11 what's getting done, we are more than happy
12 to bond for the electrical distribution and
13 pay for that expense. But we can't do that
14 before we see work being done.

15 We have been down this road,
16 folks, where we bonded and the work didn't
17 get done. We bonded a capital plan in 2010.
18 We were supposed to do a ton of road
19 projects and nothing got done. So we are
20 not going to go down this road again. We're
21 going to be more prudent and we're going to
22 make sure what we outline, whether it be the
23 odor control, the dewatering system, you
24 name it, the pumps, the digesters, it's
25 going to get done, it's going to be well on

1 Rules Committee/7-29-13

2 its way before we even consider giving this
3 administration more money.

4 CHAIRMAN NICOLELLO: You don't
5 have to respond to that.

6 MR. ARNOLD: There's road
7 projects to SSW, and you have to understand
8 also, even the capital plan that was
9 approved, NIFA had approved the actual
10 borrowing. Projects were held up because we
11 did not getting the borrowing --

12 CHAIRMAN NICOLELLO: Wait, wait,
13 wait. We're not interrupting and we're not
14 jumping in. There's some decorum to this
15 committee. Mr. Denenberg --

16 LEGISLATOR DENENBERG: Not one
17 sewer and storm water project -- denied by
18 NIFA.

19 MR. ARNOLD: That is correct.
20 I'm not disagreeing with you, legislator,
21 when you bringing road projects, the delay
22 of road projects --

23 CHAIRMAN NICOLELLO: Mr. Arnold,
24 understand something. You don't have to
25 respond to that because it's just another

1 Rules Committee/7-29-13

2 false issue they are throwing up there. I
3 noticed in the last statement they brought
4 up this whole issue which was explained last
5 time about the \$400 million in borrowing.

6 It was explained to them that
7 they had spent every dime of that money,
8 that it would have been under water in
9 Hurricane Sandy, but they still bring it up
10 because it's another issue.

11 They may seem intent on slowing
12 down this project. They've given you all
13 sorts of reasons, piecemeal is a better way
14 to do it, we have to committees, oversight,
15 and it's going to save us money. There's no
16 proof of any of that. It's just members of
17 the minority caucus creating issues. But,
18 again, it makes no sense to me to want to
19 slow this down.

20 We are all political individuals,
21 we all ran for office, but, from a political
22 standpoint, why would you want to slow down
23 this? There is nothing to be benefitted
24 from it. From a governmental standpoint,
25 it's been explained over and over again that

1 Rules Committee/7-29-13
2 you can't break this down piecemeal and, to
3 the extent that you do, it simply slows down
4 the project and the work will not get done
5 in a timely fashion. If we started on the
6 project long enough, we're going to be into
7 a second hurricane season.

8 Ultimately, this money is going
9 to be spent. It has to be spent. We have
10 to repair the electrical works. We have to
11 make it storm proof. We have do the same
12 with the facility. We have to make the
13 repairs to Cedar Creek.

14 To slow it down and make it,
15 let's do it piecemeal, let's fund the design
16 first, and then maybe we'll have you come
17 back and do the contract. It could do
18 nothing else but make sure that this project
19 doesn't get done until much further down the
20 road.

21 So, again, for whatever reason,
22 and they've thrown up a whole bunch of
23 different things. Let's have another
24 committee look at them, the county executive
25 have his committee, and somehow we'll form

1 Rules Committee/7-29-13
2 another committee and we'll have them in Bay
3 Park overseeing the operation, and somehow
4 it's going to be to benefitted.

5 Again, you know, I don't
6 understand why they want to slow this down.
7 I don't the benefits to the people of Nassau
8 and I don't understand the benefit to them
9 politically, so it just makes no sense to
10 me.

11 Legislator Denenberg.

12 LEGISLATOR DENENBERG: Thank you.
13 Legislator Nicoletto, I, for one, again,
14 have never voted against any funding for the
15 sewage treatment plants, not in all the
16 years I've been here.

17 I agree with you, 100 percent, to
18 form new committees to do what we should be
19 doing is ridiculous. But I been writing
20 letters since 2010 to renew and start up
21 again with either Public Works or the Full
22 Legislative Body to have hearings on a
23 regular basis just as to the status of all
24 capital projects, but, specifically, the
25 sewage treatment plants. And I will always

1 Rules Committee/7-29-13
2 disagree if we have projects and we do for
3 years for influent pump, effluent pumps,
4 digesters, gravity belt thickeners, odor
5 control, that if that had not been done,
6 clearly at Cedar Creek, if it was done on
7 time, it would have been done on time.

8 So it's incumbent upon us to do
9 our job to make sure that we know what the
10 status of these projects are. And you're
11 not going to get me to say we shouldn't have
12 the money allocated, we should. But we also
13 shouldn't give our job to any committee and
14 we don't need committees. The committees
15 are the legislature and the Public Works
16 Committee to know where these projects are
17 and why they slip, a year, two years, three
18 years, four years.

19 CHAIRMAN NICOLELLO: I can tell
20 you why this one is slipping. We can't get
21 authorization to borrow. Every time we
22 oppose it it gets slowed down.

23 LEGISLATOR DENENBERG: Every
24 project Mr. Arnold just mentioned, odor
25 control, digester, I think he mentioned

1 Rules Committee/7-29-13

2 gravity belt thickeners, are existing
3 projects that are four, five years old.

4 CHAIRMAN NICOLELLO: Well, there
5 were a lot of projects that were dormant
6 when you left the majority, so if you want
7 to go down that road -- there were
8 infrequent meetings to discuss it, there was
9 needed repairs to both Bay Park and Cedar
10 Creek that were not done.

11 LEGISLATOR DENENBERG: Rich, in
12 '07, '08 -- done in the plants which was
13 millions of dollars. Mr. Arnold just
14 confirmed that a new dewatering facility
15 that was put into Cedar Creek.

16 So don't say -- what have we done
17 in four years? What?

18 CHAIRMAN NICOLELLO: We've done
19 more than we did before that, that's for
20 sure.

21 LEGISLATOR DENENBERG: Hurricane
22 Sandy for everything. Low and behold,
23 Hurricane Sandy came and all these projects
24 we haven't done, thank God we didn't do
25 them, because Sandy would have wiped them

1 Rules Committee/7-29-13

2 out. It doesn't make sense. You are not
3 going to get a no vote from me. You're
4 going to get a yes vote for the funding.

5 But I'm also agreeing with you,
6 no separate committees. We need to do our
7 oversight. We are the legislature, period.

8 CHAIRMAN NICOLELLO: All right.
9 Any other questions? Legislator Walker.

10 LEGISLATOR WALKER: I don't need
11 to say what's been said over and over by my
12 colleagues on this side of the table.

13 But I just look at the one area
14 that we're talking about, the electrical
15 system. When the project was presented
16 here, and it was emphatically said, we need
17 to do this as a whole, we need to do the
18 project as a whole, I just think on a much
19 smaller scale, I think if you had to do
20 major repairs in your house, you would have
21 to look at that project as a whole. You
22 can't say, I'll start with this little bit,
23 and then I know have to replace the whole
24 thing, but I'll start with this and then
25 we'll see what the design is for the next

1 Rules Committee/7-29-13

2 part, and the money for the next part.

3 I just look at this electrical
4 area and we're spending \$700,000 a month on
5 generators running our sewage treatment
6 plant. It just scares me to death to think
7 if something happens and that goes down in
8 any way the mess that this county will be
9 in.

10 I don't think all of us wanted to
11 listen to the part of the presentation that
12 said we need to look at this as a whole, we
13 need to put it together as a whole. We
14 didn't want to face that and even now we
15 don't want to face the fact that these
16 monies have to be made available so we can
17 give out the information for it.

18 LEGISLATOR ABRAHAMS: If I may,
19 through the chair.

20 CHAIRMAN NICOLELLO: Legislator
21 Abrahams.

22 LEGISLATOR ABRAHAMS: And I have
23 a great amount of respect for Legislator
24 Walker, but, to me, the analogy that was
25 presented is totally the opposite of what

1 Rules Committee/7-29-13

2 we're talking about.

3 What we're talking about is,
4 we're in favor of building that house and
5 you should design that house to whatever you
6 want to design it to; four bedrooms, three
7 bathrooms, kitchen, living room.

8 What we're against is, you would
9 never pay a contractor \$400,000 \$500,000
10 \$800,000 all up front and hope he does the
11 work in an executed manner. What we're
12 saying is, no one in this country gets paid
13 for work that they promise to do. Everybody
14 gets paid for work that they do and they
15 show that work gets done and things get done
16 in phases. Look, when I enter into a
17 contract, if I want to do work on my house,
18 we pay it out in three payments, or
19 sometimes two payments.

20 All I'm saying is, that's the
21 approach we're taking. We have an
22 agreement. I've said it before, we agree
23 that whatever the cost is, we will provide
24 the votes to make sure that that is paid
25 for. We have never deviated from that.

1 Rules Committee/7-29-13

2 But the point that needs to be
3 made is that what is being asked of us is
4 that we pay for the entire amount up front.
5 That's when you ask \$722 million to be
6 bonded, that's what you are asking this
7 legislative body to do.

8 LEGISLATOR WALKER: I do respect
9 you, Kevan, but I do disagree. We are not
10 putting the money up front. We are making
11 sure we have the monies available to us
12 that, as we move on to the next thing we
13 have to do, the next contract we have to
14 send out, we know we have the monies for.

15 It would be totally ridiculous to
16 think -- I don't care if you are doing
17 something with a small amount of money and
18 you say, oh, here's all the money and you
19 hope the job gets done. Absolutely not.

20 But I think you do have to make
21 sure the money is there for you to be able
22 to put it out when you have to.

23 CHAIRMAN NICOLELLO: Legislator
24 Muscarella.

25 LEGISLATOR MUSCARELLA: You know,

1 Rules Committee/7-29-13

2 I agree with you, Kevan, no one would pay
3 all that money in the beginning.

4 But, here is my analogy. My
5 analogy is, I have to do the roof, I have to
6 do the foundation, the interior, the
7 exterior. What you're doing is, you're
8 saying, the whole job is going to cost us
9 \$100,000. But what I'm going to do, I'm
10 going to get a mortgage first to do the roof
11 for \$10,000. Once that roof is done, then
12 maybe I'll go out and get a mortgage to do
13 the next phase.

14 You're asking, you're saying,
15 yeah, but the money is going to be there.
16 So, you know, foundation guy, and exterior
17 guy, start doing the work, even though I'm
18 only bonding, even though I'm only getting
19 my mortgage from my roof now, I'll be
20 getting that mortgage later on.

21 No contractor in the world would
22 go ahead and start doing the work and the
23 plan when you are only mortgaging for the
24 roof and you're saying you'll get the
25 mortgages. You take one mortgage, you get

1 Rules Committee/7-29-13
2 the \$100,000, and then you dispense it as
3 you go along. But at least you got the
4 contractors lined up to do the work
5 expeditiously and in the right order so that
6 the plant keeps going and you do the jobs
7 individually.

8 You've got to bond the whole
9 thing first. You don't say, I'm going to
10 get the next phase later.

11 LEGISLATOR ABRAHAMS: Vinny,
12 that's where we respectfully disagree, that
13 you have to bond the first allotment. We
14 respectfully disagree. Because not one
15 project that's starting in quarter three is
16 being delayed because of this. Not one.
17 Not one contract that was supposed to be
18 implemented in the third quarter to do the
19 digesters and the pumps is being delayed
20 because of it. Not one.

21 The only delays that we have
22 heard about are because of getting RFPs out,
23 getting them awarded, takes time. We
24 understand that. That's why, again, we are
25 committed towards every single dime that's

1 Rules Committee/7-29-13

2 necessary. But we are going to make sure at
3 the same time that work gets implemented.

4 When was the last time we've done
5 a hearing on the capital plan? When was the
6 last time we've done a hearing on our sewage
7 treatment plants?

8 So, from that standpoint, to
9 allow this process to go forward, when will
10 someone come back to the legislature and
11 give us a report on where we stand with, not
12 just Bay Park, but Cedar Creek and all our
13 treatment plants?

14 This is a legislative body that
15 has to exercise its oversight. Right now
16 we're not doing that. The only way we are
17 going to do that and get that done is that
18 we force the administration to come back to
19 us and get more authorization for the next
20 phases of the project. That's the best way
21 to get it done. We have not got hearings
22 done in this legislative body for years now.
23 Years. I think we are in violation of the
24 charter when it comes to the hearings we
25 need to have for legislative budget review.

1 Rules Committee/7-29-13

2 Did we even have a hearing so far this year?

3 We are violating the charter already.

4 Someone could easily sue us on the fact that

5 we are violating the charter of having

6 hearings in legislative budget review which

7 are specified in the charter to do.

8 So this is no different. We are

9 going to force the county executive to come

10 down here and give us updates because

11 obviously he's not giving us updates via the

12 hearings. We're not getting updates via

13 reports in the questions that we're asking.

14 So we need better answers and we

15 need better responses. And, look, the only

16 way we're going to get -- I hate to put

17 Mr. Arnold and Mr. Millet in these kinds of

18 positions because I know they are just

19 trying to do their job, but the only way

20 we're going to be able to get that is if we

21 cut off the bonding and we require the

22 county executive to come down here or

23 whatever staffers to come down here to give

24 us updates.

25 Then, we will go one step

1 Rules Committee/7-29-13
2 further, we plan, I can speak for our side,
3 we plan to visit the site multiple times to
4 make sure our \$260 million investment on
5 behalf of the taxpayers of Nassau County is
6 implemented well.

7 CHAIRMAN NICOLELLO: Okay. At
8 least you have come out and said you are
9 cutting off the bonding to force the county
10 executive to come down here repeatedly.
11 They've told you, the engineers have told
12 you, it's not the proper way to do this.
13 You've made your decision.

14 Just to clarify one thing. When
15 we authorize the bonding, the money doesn't
16 get borrowed immediately. Obviously when
17 the project starts to roll and you encumber
18 the money and you do the contracts, do the
19 design work, as you spend the money, then
20 the money is borrowed, but, anyway, any
21 other questions on this item?

22 LEGISLATOR DERIGGI-WHITTON: Just
23 one last comment. This started off on the
24 wrong foot when Mr. Millet came down here
25 and mentioned that there was \$400 million

1 Rules Committee/7-29-13

2 left.

3 Now, obviously, since then, he's
4 been corrected, but that just goes to show
5 that there really is -- even your own
6 spokesman wasn't sure of what a \$300 million
7 difference is.

8 So, you have to understand, this
9 is not that we're just walking into a
10 situation. We have reason to want to make
11 sure everything is done correctly.

12 CHAIRMAN NICOLELLO: So that's
13 another reason to add to the minority not
14 voting for this because of how they're upset
15 because of something Mr. Millet said.

16 LEGISLATOR DERIGGI-WHITTON: A
17 \$300 million mistake from your expert is
18 something to be concerned about.

19 CHAIRMAN NICOLELLO: The longer
20 we talk the more excuses come out as to why
21 you don't want to do this. Again, slowing
22 down this project is not in the best
23 interests of the taxpayers of Nassau County,
24 no matter what you say. It's perilous
25 because at some point, the chickens may come

1 Rules Committee/7-29-13
2 home to roost, and we may have another
3 devastating event there which we won't be
4 prepared for. That's the nightmare scenario
5 that nobody wants to deal with but the
6 project is being slowed down, and, for
7 whatever reason, the minority wants to do
8 that.

9 Any questions?

10 (No verbal response.)

11 Is there any public comments?

12 (No verbal response.)

13 All those in favor of passing
14 this, signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (Nay.)

18 Items pass five to two.

19 LEGISLATOR DENENBERG: I was an
20 aye.

21 CHAIRMAN NICOLELLO: May I have a
22 motion to suspend the rules?

23 LEGISLATOR WALKER: So moved.

24 LEGISLATOR MUSCARELLA: Second.

25 CHAIRMAN NICOLELLO: Moved by

1 Rules Committee/7-29-13
2 Legislator Walker, seconded by Legislator
3 Muscarella. Item 267 of 2013 is an
4 ordinance making certain determinations
5 pursuant to the State Environmental Quality
6 Review Act and authorizing the county
7 executive of the County of Nassau to accept
8 on behalf of the County of Nassau an offer
9 of purchase from Gabrielli Truck Sales, Ltd.
10 Of certain premises located in Inwood.

11 LEGISLATOR VENDITTO: So moved.

12 LEGISLATOR WALKER: Second.

13 CHAIRMAN NICOLELLO: Moved by
14 Legislator Venditto, seconded by Legislator
15 Walker. Do we have any questions?

16 (No verbal response.)

17 This item went before the
18 Planning Committee before. Legislator
19 Denenberg.

20 LEGISLATOR DENENBERG: No
21 questions. Just what you noted, there was a
22 record before that committee.

23 CHAIRMAN NICOLELLO: And the item
24 was amended in Planning.

25 Is there any public comment?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 All those in favor signify by
4 saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The item carries unanimously.

9 Item 346 of 2013 is a resolution
10 authorizing the county executive to execute
11 a grant agreement between the County of
12 Nassau acting on behalf of the Department of
13 Parks, Recreation and Museums and Surf For
14 All.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR MUSCARELLA: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Walker, seconded by Legislator
19 Muscarella. Any questions from the
20 legislators?

21 LEGISLATOR DENENBERG: Just
22 explain what this is.

23 MR. MAY: Surf for All is the
24 Long Beach Film Festival and we have Ms.
25 Eileen Kreeb to answer any questions you may

1 Rules Committee/7-29-13

2 have on it.

3 LEGISLATOR DENENBERG: Did we do
4 this last year too?

5 MR. MAY: This particular film
6 festival, we did.

7 LEGISLATOR DENENBERG: We did
8 this last year, Eileen?

9 MS. KREEB: Yes. We funded the
10 same film festival last year.

11 LEGISLATOR DENENBERG: Okay.

12 CHAIRMAN NICOLELLO: Thank you.

13 Any public comments?

14 (No verbal response.)

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 That item is carried unanimously.

21 Now we have a series of items that have to
22 go through executive session which include
23 Items 303, 304, 305, 306, 307, 308, 309,
24 310, 311, 312, 313. Item 303 of 2013 is an
25 ordinance providing for a capital

1 Rules Committee/7-29-13
2 expenditure to finance the payment of
3 certain judgments, awards, determinations or
4 compromised or settled claims against the
5 county of Nassau authorizing \$949,262.62 of
6 bonds of the County of Nassau.

7 And Item 304 through 313 are all
8 resolutions authorizing the county attorney
9 to compromise and settle certain workers
10 compensation matters.

11 Item 322 is a resolution
12 authorizing the county attorney to
13 compromise and settle the action entitled
14 Wharton vs County of Nassau.

15 323 is an ordinance providing for
16 a capital expenditure to finance the payment
17 of certain settled claims against the County
18 of Nassau and authorizing \$479,400 of bonds.

19 Item 324 is a resolution
20 authorizing the county attorney to
21 compromise and settle the action entitled
22 Martire versus the County of Nassau.

23 Item 325 is an ordinance
24 providing for a capital expenditure to
25 finance the payment of certain settled

1 Rules Committee/7-29-13
2 claims against the County of Nassau and
3 authorizing \$252,960 of bonds.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR MUSCARELLA: Second.

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

9 LEGISLATOR VENDITTO: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRMAN NICOLELLO: Legislator
12 Venditto makes a motion to go into executive
13 session, seconded by Legislator Walker.

14 All those in favor of going into
15 executive session signify by saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 We're in executive session.

20 (Whereupon, the Finance Committee
21 recessed into executive session at 5:38
22 p.m. and reconvened at 5:51 p.m.)

23 CHAIRMAN NICOLELLO: I'm going to
24 call all of the items, 304, 305, 306, 307,
25 308, 309, 310, 311, 312, 313, 322, 323, 324,

1 Rules Committee/7-29-13
2 and 325. All those in favor signify by
3 saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Those items carry unanimously.

8 (Whereupon, the following is the
9 continuation of the minutes of the Rules
10 Committee, 7-29-13.)

11 CHAIRWOMAN GONSALVES: Therefore,
12 all those in favor of these items signify by
13 saying aye.

14 (Aye.)

15 Any opposed?

16 (Nay.)

17 So we have four ayes and two
18 nays.

19 Next is 347-13, a resolution to
20 recommend to the commission of housing and
21 community renewal of the State of New York
22 the appointment of Garrett L. Grey to the
23 Nassau County Rent Guidelines Board pursuant
24 to the Emergency Tenant Protection Act of
25 1974, the County Government Law and the

1 Rules Committee/7-29-13

2 Nassau County Administrative Code.

3 A motion, please.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR MUSCARELLA: Second.

6 CHAIRWOMAN GONSALVES: Moved by

7 Legislator Dunne, seconded by Legislator

8 Muscarella. Any comments? Legislator

9 Jacobs.

10 LEGISLATOR JACOBS: Do you know

11 if he's representing tenant or landlord?

12 MR. MAY: I don't, actually, but

13 I can find out for you.

14 CHAIRWOMAN GONSALVES: This will

15 come forward next week. All those in favor

16 of 347-13 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 Item 348-13, a resolution

22 renaming the East Meadow Soccer Club's Field

23 of Dreams, Salisbury Park Drive at Old

24 Westbury Road, Westbury, as the Stan

25 Ruppenthal Soccer Complex.

1 Rules Committee/7-29-13

2 A motion, please.

3 LEGISLATOR DUNNE: So moved.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, and I am going to second
6 it. There is a long history with this item,
7 and this Field of Dreams was created in 1997
8 and the guiding light to create this was
9 Stan Ruppenthal, an avid, I guess, leader to
10 for the East Meadow Soccer Club and it was
11 named the Field of Dreams. So in his honor
12 it's going to be named Stan Ruppenthal
13 Soccer Complex. Any other questions
14 regarding this?

15 (No verbal response.)

16 Is there any public comment?

17 (No verbal response.)

18 There being none, all those in
19 favor of Item 348-13 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The item passes unanimously.

24 There are several items here
25 regarding appointments to the Correctional

1 Rules Committee/7-29-13

2 Center Board of Visitors as provided by the

3 Charter. It's Item 560-12, the appointment

4 of I believe Alphonzo Albright to the Board

5 of Visitors;

6 561-12, the appointment of

7 Michael Ferrandino to the Board of Visitors;

8 Item 167, the appointment of

9 Michael Califano to the Board of Visitors;

10 Item 168, the appointment of Lee

11 Campo to the Board of Visitors;

12 Item 169, the appointment of

13 Helen Mettinis to the Board of Visitors;

14 Item 170, the appointment of

15 Richard Bivone to the Board of Visitors;

16 Item 171, the appointment of Dr.

17 Philip Elliot to the Board of Visitors.

18 A motion, please.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR MUSCARELLA: Second.

21 CHAIRWOMAN GONSALVES: Moved by

22 Legislator Dunne, seconded by Legislator

23 Muscarella. Judy.

24 LEGISLATOR JACOBS: I don't know

25 if anyone recalls but I had given some

1 Rules Committee/7-29-13
2 recommendations in to the county executive
3 and obviously it's his purgative to choose
4 who he wants but the recommendations that I
5 made included people who actually, let's put
6 it this way, nobody in this group of people
7 has anything reported in their background to
8 cite that they have a civilian oversight
9 background in correctional facilities which
10 is pretty important in my mind.

11 There are people out there that I
12 have spoken to through the years, and I've
13 shared it with all of you, who have
14 unbelievable backgrounds in this. I think
15 what you really need here -- and I'm sure
16 most of these people are very nice people
17 and there are some that I think are very
18 good people to appoint to this, but I know
19 of a couple that were overlooked and they
20 would have provided that independent voice,
21 people who actually had that oversight
22 background, and that's all you are looking
23 for. You are not looking for anyone to redo
24 the jail or anything, you're looking for
25 somebody who knows what they're looking at

1 Rules Committee/7-29-13

2 and can report back intelligently.

3 Of course I'm going to vote to
4 pass this on to Full Leg but I still wish
5 you would give the people, and I recommended
6 to you their backgrounds another look
7 because I'm very disappointed that it wasn't
8 considered.

9 CHAIRWOMAN GONSALVES: Any other
10 comments?

11 Is there any public comment?

12 (No verbal response.)

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

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The items pass unanimously.

19 Now we come to the other
20 appointments which we begin with the youth
21 board appointments. I'm going to begin with
22 273-13, the appointment of Danny Grodotzke;
23 274, the appointment of Linda
24 Parmely to the youth board;
25 Item 275, the appointment of

1 Rules Committee/7-29-13

2 Kristina Heuser to the youth board;

3 276, the appointment of Joshua

4 Lafazan to the youth board;

5 277, the appointment of Loretta

6 Cameron to the youth board;

7 278, the appointment of Leo

8 Fernandez to the youth board;

9 279, the appointment of Martin

10 Blum to the board;

11 280, the appointment of Catherine

12 Tully Muscente to the youth board;

13 And 315, the appointment of

14 Lucinda Hurley to the youth board.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR NICOLELLO: Second.

17 CHAIRWOMAN GONSALVES: Moved by

18 Legislator Dunne, seconded by Deputy

19 Presiding Officer Nicolello. Any comments

20 from any of the legislators? I see that

21 Maggie is here. I don't know if you have

22 anything you want to add to this. No?

23 Okay.

24 It took a long time in doing

25 this. I think you will agree to that. So

1 Rules Committee/7-29-13
2 here we are. So all those in favor of these
3 appointments to the youth board signify by
4 saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The appointments pass
9 unanimately.

10 Next is 270 which is another
11 appointment to confirm the county executive
12 reappointment of Dr. Usman Khan Phar to the
13 Nassau County Commission of Human Rights.

14 LEGISLATOR DUNNE: So moved.

15 LEGISLATOR MUSCARELLA: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Dunne, seconded by Legislator
18 Muscarella. Any questions regarding his
19 appointment?

20 (No verbal response.)

21 There being none, all those in
22 favor of his appointment to the Commission
23 of Human Rights signify by saying aye.

24 (Aye.)

25 Any objections?

1 Rules Committee/7-29-13

2 (No verbal response.)

3 The item passes unanimously.

4 Now, I'm not going to call for an
5 adjournment. I'm going to put the Rules
6 Committee in recess until next week. So
7 here we go and that's where we're at.
8 That's it. I thank you. I see two
9 gentlemen in the back that have been sitting
10 there since the beginning, and, Maggie, you
11 too.

12 (Whereupon, the Rules Committee
13 recessed at 6:29 p.m.)

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2013.

FRANK GRAY