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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES,
Presiding Officer

1550 Franklin Avenue
Mineola, New York

Monday, June 16, 2014
1:13 P.M.

1

2 A P P E A R A N C E S:3 NORMA GONSALVES,
4 Presiding Officer5 RICHARD NICOLELLO,
6 Deputy Presiding Officer7 HOWARD KOPEL, (1:35 P.M.)
8 Alternate Deputy Presiding Officer

9 MICHAEL VENDITTO

10 DENISE FORD

11 LAURA CURRAN

12

13 FRANCIS X. BECKER

14

15 VINCENT MUSCARELLA

16

17 ELLEN BIRNBAUM

18

19 LAURA SCHAEFER

20

21 DONALD MACKENZIE

22

23 KEVAN ABRAHAMS,
24 Minority Leader

25

26 ROSE MARIE WALKER

27 DENNIS DUNNE

28 JUDITH JACOBS

29 DAVID DENENBERG

30 DELIA DERIGGI-WHITTON

31 CARRIE SOLAGES

32 SIELA BYNOE

33 WILLIAM J. MULLER, III
34 Clerk of the Legislature

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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. Muller,
8 please call the roll.

9 CLERK MULLER: Deputy Presiding
10 Officer Nicoletto?

11 LEGISLATOR NICOLELLO: Here.

12 CLERK MULLER: Alternative Deputy
13 Presiding Officer Kopel?

14 LEGISLATOR KOPEL: Here.

15 CLERK MULLER: Legislator Bynoe?

16 LEGISLATOR BYNOE: Present.

17 CLERK MULLER: Legislator
18 Solages?

19 LEGISLATOR SOLAGES: Here.

20 CLERK MULLER: Legislator Ford?

21 LEGISLATOR FORD: Here.

22 CLERK MULLER: Legislator Curran?

23 LEGISLATOR CURRAN: Here.

24 CLERK MULLER: Legislator Becker?

25 LEGISLATOR BECKER: Present.

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2 CLERK MULLER: Legislator
3 Muscarella?
4 LEGISLATOR MUSCARELLA: Here.
5 CLERK MULLER: Legislator
6 Birnbaum?
7 LEGISLATOR BIRNBAUM: Here.
8 CLERK MULLER: Legislator
9 DeRiggi-Whitton?
10 LEGISLATOR DERIGGI-WHITTON:
11 Here.
12 CLERK MULLER: Legislator
13 Venditto?
14 LEGISLATOR VENDITTO: Here.
15 CLERK MULLER: Legislator
16 Schaefer?
17 LEGISLATOR SCHAEFER: Here.
18 CLERK MULLER: Legislator Dunne?
19 LEGISLATOR DUNNE: Here.
20 CLERK MULLER: Legislator Jacobs?
21 LEGISLATOR JACOBS: Here.
22 CLERK MULLER: Legislator Walker?
23 LEGISLATOR WALKER: Here.
24 CLERK MULLER: Legislator
25 MacKenzie?

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2 LEGISLATOR MACKENZIE: Here.

3 CLERK MULLER: Legislator

4 Denenberg?

5 LEGISLATOR DENENBERG: Here.

6 CLERK MULLER: Minority Leader

7 Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK MULLER: Presiding Officer

10 Gonsalves?

11 CHAIRWOMAN GONSALVES: Present.

12 CLERK MULLER: We have a quorum.

13 CHAIRWOMAN GONSALVES: At this

14 time, we have two points of personal

15 privilege. The first one is Legislator

16 Francis Becker who would like to introduce

17 the Long Island Sled Hockey Team, Rough

18 Riders.

19 LEGISLATOR BECKER: Thank you.

20 Good morning everyone and, thank you,

21 Presiding Officer, for this opportunity.

22 Before I get to tell you a little

23 bit about the Long Island Rough Riders and

24 introduce the coaches, Brian Blumquist and

25 Frank Martin, I just have a little video

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2 that I would like to share with everybody
3 that really tells you about what this team
4 is all about and the exciting things going
5 on there.

6 (Video played.)

7 LEGISLATOR BECKER: I'm sure you
8 are amazed as I am by these amazing young
9 athletes. The Rough Riders were named after
10 Teddy Roosevelt and the Rough Riders, and
11 they were founded by Brian and some other
12 people in 2003 and, of course, as he
13 mentioned in the video, they never refused
14 anyone. The reason for the two athletes
15 joining the team are both US Army vets who
16 were disabled in Afghanistan and they're now
17 playing.

18 Each athlete is outfitted with
19 about \$2,000 worth of equipment. They
20 travel a great deal, and each time they
21 travel it's about 35 to \$40,000 a trip. Of
22 course, the athletes pay zero.

23 The important thing here that I
24 wanted to mention, which is quite amazing to
25 me, Brian is a former Lynbrook police

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2 officer. He's a great friend. I've watched
3 the Rough Riders play. He's invited me to
4 play but I'm afraid they will beat me, so I
5 don't want to go on the ice with them.

6 But, in any case, Brian privately
7 raises the money each and every year through
8 many different people, myself and others, to
9 help fund these young athletes. Brian, my
10 hat is off to you and your fellow
11 contributors for allowing these young
12 athletes to play sled hockey.

13 The reason I invited the team
14 down is because they had an amazing 2014
15 year. They won 10 different medals over
16 time, but they recently went to Florida and
17 they are the South West Florida champions
18 for 2014, and they're the O'Keefe Cup
19 champions in Ottawa of 2014.

20 So I'm sure you will agree with
21 me that this is an amazing moment to
22 congratulate them and to honor them. For
23 those who can stand, please stand up and
24 let's give you a big round of applause.
25 Okay?

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2 I would like to come down and
3 just take a quick photo and present them
4 with citations.

5 CHAIRWOMAN GONSALVES: Legislator
6 Walker.

7 LEGISLATOR WALKER: I have had
8 the honor and privilege to watch the Rough
9 Riders play and also to play against them
10 over in our Town of Oyster Bay ice facility.
11 I can tell you that they were very gentle
12 and kind to me because I pretty much could
13 have been tipped over on my sled on the ice.
14 They were kind, but they made sure they were
15 going to win. That's for sure. They were
16 not going to be that kind to me.

17 But they are absolutely great
18 young men and women and I thank the coaches
19 for the great job you do. I hope to be out
20 there with you on the ice again.
21 Congratulations.

22 MR. BLUMQUIST: Fran, and
23 everybody on the legislature, thank you so
24 much for recognizing these kids. I call
25 them kids. We have a 64 year old sophomore,

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2 right, Walt? The piece that followed us is
3 fabulous, just a little incorrect in
4 February, when Jessica Fegosa did it, we had
5 36 athletes. As of this morning, we have
6 43. Again, we turn no one away. When we
7 started the program, almost 11 years ago, we
8 had 16.

9 June 27, 28, 29, Town of Oyster
10 Bay, Rink in Bethpage, come down. It will
11 be posted on the website. We have a
12 tournament. Our team is against the
13 Canadian teams. After we won their cup in
14 April, they're not too happy with us. It
15 will be interesting to see who they bring
16 down, if they load up.

17 But, again, I thank you so much
18 for the recognition that these kids, that
19 they so richly deserve. They deserve all
20 your support, their courage, determination,
21 and teamwork is beyond belief.

22 At the risk of being politically
23 incorrect, God bless our athletes, God bless
24 our troops, and God bless America. Thank
25 you.

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2 CHAIRWOMAN GONSALVES: I think we
3 learned a lesson today. There's no such
4 thing as never or I can't. The young people
5 who were here today to be recognized by
6 Legislator Becker certainly taught us that
7 lesson.

8 Now, for another point of
9 personal privilege, we have Minority Leader
10 Kevan Abrahams who would like to introduce
11 Walter Palluch.

12 LEGISLATOR ABRAHAMS: Hi. Good
13 afternoon. I want to recognize a gentleman
14 that didn't have to do what he did, but did
15 it because it was the right thing to do. We
16 need more people like this in our county and
17 in our country that take the time to
18 acknowledge when someone else is in need and
19 someone else needs our help. It could be
20 the smallest thing such as calling the
21 police and waiting to make sure the person
22 is safe or it could be something as dramatic
23 as rushing into a fire.

24 But I want to thank Walter
25 Palluch, and if Walter can stand up and come

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2 to the podium with Kwami Hawthorne as well.
3 Kwami graduated from Uniondale High School.
4 He is a great citizen. He's an Eagle Scout.
5 He has been tremendous. He attends the Good
6 Shepard Church. But Kwami -- and I will let
7 them explain to greater detail, got into a
8 car accident. I saw his mom a few weeks
9 ago. She's a member of the Uniondale PTSA.
10 He had got into a car accident and, if I
11 remember correctly, became unconscious and
12 needed assistance. By the luck of God,
13 Walter Palluch was there. He was able to
14 assist Kwami. He called the police and, to
15 this day, we are happy that Kwami is here
16 before us.

17 His mom was so thankful and I was
18 so appreciative knowing the family for such
19 a long period of time, I wanted to recognize
20 Walter. These are the types of stories that
21 don't always make their way into the press,
22 but I definitely want to recognize it
23 because we never know when we may be on the
24 side of the road and we may need that
25 assistance, and just to have people drive by

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2 I think is unconscionable.

3 So I want to thank Walter and
4 join me in giving him a round of applause.

5 From what I understand, I haven't
6 had the chance to meet Walter, but Walter is
7 a very modest gentleman. Even up until
8 today, he was telling members of my staff
9 that he doesn't realize why he's here and
10 why he's being giving this recognition.
11 That modesty speaks volumes to the type of
12 people that we have in this county, this
13 great county. I want to thank him again.

14 I know Ms. Hawthorne you would
15 like to say something, and then, obviously,
16 maybe Kwami and Mr. Palluch as well.

17 MS. HAWTHORNE: So many times we
18 drive past accidents and you always say, oh,
19 well, there are people there. They're going
20 to stop and help and you keep driving. But
21 Walter didn't. The accident happened behind
22 him. He saw in his rearview mirror a car
23 turned sideways. He stopped. He said he
24 knew that when people have these kinds of
25 accidents that they could stagger into the

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2 road. That they could stagger into the
3 parkway in trying to escape.

4 I just thank God that he followed
5 his instincts because so many times we, too,
6 pass car accidents and we might have an
7 instinct to stop, but we ignore that
8 instinct because we're busy doing something
9 else.

10 So I just wanted to thank him for
11 acknowledging the impulse to stop and be
12 helpful because he was able to help Kwami
13 off the road, contact emergency, and contact
14 Kwami's family. For that I just say thank
15 you, thank you, and God bless you.

16 MR. HAWTHORNE: I also want to
17 say thank you because, like he said, when I
18 was laying down in the hospital bed, he said
19 to my mom, there are good people in this
20 world and he is honestly one of those good
21 people in this world, and I couldn't thank
22 him enough.

23 MR. PALLUCH: Usually I'm the guy
24 that's running the microphones not the one
25 in front of them. I just did what I think

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2 people should do. I really have nothing
3 else to say. I can't say enough. I
4 appreciate the recognition from the county
5 and certainly from Kwami. Firstly, nobody
6 was hurt, that was the most important thing.
7 Thank you so much.

8 MS. HAWTHORNE: Kwami did have a
9 concussion and he was in the hospital for 24
10 hours but is recovering and is fine. I just
11 also want to say, you know, this also goes
12 out to good samaritans everywhere. We can
13 all play our role in shepherding and helping
14 each other just by being a good samaritan.
15 Thank you.

16 LEGISLATOR ABRAHAMS: I'm going
17 to come down and join you for a photo.
18 Thank you, everyone.

19 CHAIRWOMAN GONSALVES: At this
20 time it's in order that we call for public
21 participation. There have been a few slips
22 handed in. Some are not calendar items, but
23 are other items not pertaining to the
24 calendar. Those that are pertaining to the
25 calendar I will hold when we have the

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2 hearings, and the item that is part of the
3 calendar.

4 We, therefore, will begin with
5 Gregg Naham; is that correct?

6 CLERK MULLER: And Legislator
7 Kopel is here, we have a full 19
8 legislators.

9 CHAIRWOMAN GONSALVES: Legislator
10 Abrahams, would you like to wait? We can
11 wait. I can call the next person. We will
12 wait until we have a full contingency and,
13 that being the case, I will be calling Lois
14 Schaffer.

15 MS. SCHAFFER: Can you hear me?
16 Before I speak --

17 CHAIRWOMAN GONSALVES: State your
18 name and address, Lois, for the record,
19 please.

20 MS. SCHAFFER: My name is Lois
21 Schaffer. I live at 31 Amherst Road in
22 Great Neck, New York.

23 Before I speak, I just want to
24 say something that the gentleman before me
25 was not just a good samaritan but he was a

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2 human being. And this is partly what I want
3 to speak about.

4 I want to thank you for this
5 opportunity to speak to you. My purpose is
6 to verbalize the effects gun violence has
7 had on our society as well as me personally.

8 It's interesting to note my
9 speaking to you today is most timely.
10 Legislation is being introduced in New York
11 State to declare June as gun violence
12 awareness month. Besides being a moral
13 issue, human lives have been affected in
14 addition to its political and legislative
15 ramifications.

16 All of you must know our family
17 represents the human side. Our beloved
18 daughter was murdered in December 2008 by
19 two teenagers; one with a stolen handgun,
20 brazenly shot her. Tragically, gun violence
21 has escalated since her death.

22 You are all caring thinking human
23 beings and, as legislative representatives
24 of Nassau County, you have the power to
25 initiate some change in our gun laws. It's

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2 the legislative side I want to emphasize to
3 apprise you of one proposed legislative
4 measure to prevent further horrific deaths.

5 Of top legislative priority, the
6 gun safety organization, New Yorkers Against
7 Gun Violence, has proposed a cap bill or
8 child access prevention bill, otherwise as a
9 safe storage law or as Nicholas' Bill, which
10 was named for a child that was accidentally
11 shot and killed by a friend with an
12 unsecured gun.

13 While New York City and
14 Westchester has cap laws, New York State
15 does not. Which means, if a child accesses
16 a gun that is not safely stored, virtually
17 no meaningful New York State penalty is
18 imposed upon the gun owner, even if the
19 child accidentally injures or kills another
20 person or him/himself with the gun.

21 This bill emphasizes the
22 human/legislative connection and especially
23 as it applies to children. Sadly, we have
24 all learned about the accidental death of
25 children like this due to the unsafe storage

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2 of guns. The cap bill requirements would
3 include safe storage or locking device of
4 all guns not in the immediate possession or
5 control of the gun owner.

6 Criminal liabilities and
7 penalties would be assessed against a gun
8 owner who do not adhere to these
9 regulations. My own assessment is that the
10 gun should be kept in safe storage and a
11 locking device.

12 As the saying goes, we start
13 local but act global. Like a rolling
14 snowball, perhaps as county legislators, and
15 citizens like me, together we can focus our
16 energies into gathering momentum globally to
17 honor the memories like our daughter and
18 Nicholas who died senseless deaths and to
19 prevent future ones. Thank you.

20 CHAIRWOMAN GONSALVES: Thank you,
21 Ms. Schaffer. The next speaker, I'm sorry
22 but I cannot read the last name, Marianna
23 Wohlgemuth.

24 MS. WOHLGEMUTH: Don't feel bad,
25 nobody can. Richard does know it, he's in

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2 New Hyde Park as well. I'm just going to be
3 very brief. I'm treasurer of the Ladies
4 Auxiliary of the VFW post 52/53 in
5 Albertson. My husband is Junior Vice
6 Commander there. I'm also president of the
7 Lakeville Estates Civic Association in New
8 Hyde Park.

9 I recently was told of an
10 increase in fees for veterans for the county
11 parks. Nassau County has prided itself on
12 honoring our veterans. These veterans made
13 a choice to support our country in a time of
14 need. My husband served a tour in Vietnam.
15 My son is serving currently on a ship in the
16 Middle East. They're doing their part. I
17 know what a sacrifice it is to them. They
18 have no human touch with their family, their
19 friends, their loved ones.

20 It's a small price for Nassau
21 County to pay to keep the fees the same for
22 the veterans. That's really what I would
23 like to just say.

24 CHAIRWOMAN GONSALVES: Legislator
25 Nicolello.

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2 LEGISLATOR NICOLELLO: Marianna,
3 there are no specific fee increases here for
4 veterans.

5 MS. WOHLGEMUTH: There are.

6 LEGISLATOR NICOLELLO: There are
7 no specific fee increases for veterans.
8 There are fee increases in general, but not
9 for -- the veteran increase fees are not
10 going up.

11 MS. WOHLGEMUTH: Well, I would
12 like to see, perhaps, veterans, maybe
13 volunteer fire fighters, perhaps seniors
14 would not see an increase this year. I
15 wouldn't benefit from it, but --

16 CHAIRWOMAN GONSALVES: Marianna,
17 this year, very recently, we passed
18 legislation that will give veterans active
19 as well as non-active veterans a lifetime
20 membership to all of the parks and
21 recreation facilities for a one-time fee of
22 \$25. That's it.

23 MS. WOHLGEMUTH: And I applaud
24 the legislature for doing that. I thank
25 you. But you give a cookie, he's going to

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2 look for the whole box.

3 CHAIRWOMAN GONSALVES: That
4 one-time fee will entitle him to discounts
5 at all of the facilities, the parks and
6 recreation facilities here in Nassau County.

7 MS. WOHLGEMUTH: For instance,
8 green fees. I know as our veterans and our
9 seniors, when I go out to Northport, I see
10 the veterans on the golf fields in Northport
11 because it's so expensive locally for them
12 to play a round of golf.

13 So I just would ask that you
14 possibly, this year, not raise the fees for
15 veterans, seniors, and that's really what
16 I'm asking. That's all. Just consider it.
17 That's all.

18 LEGISLATOR NICOLELLO: I'm
19 confused. The veterans and seniors do get
20 discounts and, as the presiding officer
21 indicated, they get essentially a lifetime
22 of leisure pass. There are fee increases in
23 general. Are you saying that we should
24 never pass a fee increase?

25 MS. WOHLGEMUTH: I didn't say

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2 that. Don't misinterpret what I'm saying.

3 LEGISLATOR NICOLELLO: I'm not
4 misinterpreting what you're saying. I'm
5 asking a question.

6 MS. WOHLGEMUTH: No. The fee
7 increases are across the board. Is it
8 possible for the legislature to consider
9 pulling, eliminating the increases for
10 veterans and possibly even volunteer fire
11 fighters? They serve our country.

12 I know that the fee increases are
13 not enormous, but it would just be a token
14 from the legislature, from the county, to
15 encourage our veterans.

16 LEGISLATOR NICOLELLO: Again, the
17 veterans and seniors do get discounts, and
18 with the fee increases, the set of green
19 fees, as you mentioned, do you know how much
20 it will increase for a veteran?

21 MS. WOHLGEMUTH: I think -- now I
22 need glasses. I believe ten percent at the
23 golf courses.

24 LEGISLATOR DENENBERG: That's
25 correct.

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2 MS. WOHLGEMUTH: Maybe five
3 percent for veterans.

4 LEGISLATOR NICOLELLO: But what
5 do the veterans pay now for green fees, do
6 you know?

7 MS. WOHLGEMUTH: That I don't
8 know, I'm sorry.

9 LEGISLATOR NICOLELLO: Well, with
10 that discounted rate, you may be talking
11 about a dollar increase for them. Probably
12 \$3 for the average golfer for green fees.

13 MS. WOHLGEMUTH: If they play
14 every day, that adds up. Just consider it.
15 That's all I'm asking. Thank you.

16 LEGISLATOR DENENBERG: You know,
17 just to -- what you said is true. There is
18 a 100 percent fee increase and this fee has
19 to be paid whether you ever a leisure pass
20 or not for stickers for the beach for
21 veterans, for volunteer fire fighters,
22 ambulance and seniors.

23 It went from 2010, \$25, up to now
24 what is being proposed is \$50. There was,
25 for the golf, that's a ten percent increase.

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2 And if you play every day it is felt. Any
3 of the discounted rates have gone up as much
4 as 100 percent since 2010 alone. One of the
5 discounted rates is that for veterans as
6 well as seniors and volunteers.

7 So regardless of the fact that a
8 lifetime leisure pass, which is a whole
9 separate fee, that has gone up in recent
10 years, regardless of a lifetime leisure pass
11 being offered to veterans, they would still
12 have to pay the usage fees for golf, for the
13 beaches, for anything here.

14 Rifle and pistol range went up,
15 archery went up, miniature golf went up,
16 anywhere from 10 to 100 percent just over
17 the last few years or on this bill alone.
18 So, you're right.

19 MS. WOHLGEMUTH: I thank you for
20 that. Just consider possibly making a
21 separate fee increase perhaps of a reduced
22 rate for veterans.

23 CHAIRWOMAN GONSALVES: Marianna,
24 I think what we need to do is check to see
25 what the discount amounts to. We will see

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2 what the discount amounts to for our seniors
3 and for our veterans and that's being
4 researched.

5 MS. WOHLGEMUTH: I appreciate
6 that.

7 LEGISLATOR DENENBERG: But the
8 leisure pass is not --

9 CHAIRWOMAN GONSALVES: Excuse me,
10 Mr. Denenberg.

11 LEGISLATOR DENENBERG: I'm just
12 saying that the leisure pass is separate.

13 CHAIRWOMAN GONSALVES: I said,
14 Mr. Denenberg, you should go through the
15 chair.

16 LEGISLATOR DENENBERG: You need
17 the leisure pass to use the facility, you
18 have to pay the usage fee as well.

19 MS. WOHLGEMUTH: I'm not 100 sure
20 of the impact and I understand you have to
21 do research. I'm just suggesting it.
22 That's all.

23 CHAIRWOMAN GONSALVES: Thank you
24 very much, Marianna.

25 MS. WOHLGEMUTH: Thank you very

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2 much.

3 CHAIRWOMAN GONSALVES: Mr. Naham,
4 I don't believe the minority leader has
5 returned, so it's your choice whether or not
6 you want to speak.

7 MR. NAHAM: Thank you. It's
8 important to the south shore and of Nassau
9 County so I will speak and perhaps somebody
10 will fill him in and we'll go ahead. Thank
11 you.

12 CHAIRWOMAN GONSALVES: Yes.

13 MR. NAHAM: My name is Gregory
14 Naham, and I live at 355 Blackheath Road,
15 Lido Beach. I represent a couple of
16 organizations but, everything I represent,
17 is nonpartisan.

18 The first part of what I wrote
19 and what I'm here to speak about is
20 something that doesn't make a difference if
21 you are a Democrat, Republican, Black, White
22 purple, the mosquito.

23 We had a tremendous amount of
24 rain and, last year from Sandy, there is an
25 influx of different types of mosquitoes and

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2 more of them because of the rain that we
3 had.

4 I was at the town last week
5 trying to get something done and it really
6 falls on the county because you guys have
7 the airplanes, you have the spraying, and
8 you guys have the equipment to do the slit
9 trenches along the Meadowbrook, the Wantagh,
10 and it goes into East Rockaway. People are
11 complaining.

12 I'm wondering if you can expedite
13 the matter of getting this project, instead
14 of July or August, but now. Because it
15 really is, you have the camps coming up for
16 the children in Lido, and I'm wondering if
17 you folks can do something about that,
18 because it's Nassau County's equipment and
19 personnel that could do it.

20 Going to my next subject is the
21 CRZ Program. Some of you might be familiar
22 with this on the South Shore. This is
23 monies that are coming down from the state
24 and federal government to rebuild and help
25 the South Shore communities, most of them

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2 with bulk heading, first responders,
3 different type of drainage situations, and
4 I'm wondering has there been any coordinated
5 group of you from the South Shore put
6 together a plan so everyone will get the
7 bulkheads going in at the same time. The
8 drainage going into the bay going the same
9 time, and first responders, fire stations
10 and fire houses, will get the money they
11 need.

12 Because Long Beach, they have
13 gotten their \$25 million and Long Beach is
14 going ahead with a bulk heading project,
15 which is great for them but it puts Atlantic
16 Beach and Lido and Point Lookout at risk and
17 Island Park and East Rockaway because once
18 they have a higher bulkhead, the water is
19 going to get pushed off and go left right
20 and inside.

21 So, is there a coordinated effort
22 from you legislators in your areas, have you
23 put anything together about this?

24 CHAIRWOMAN GONSALVES: Legislator
25 Ford.

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2 LEGISLATOR FORD: Good afternoon,
3 Mr. Naham. How are you?

4 MR. NAHAM: Well, thank you.
5 Good afternoon.

6 LEGISLATOR FORD: As a matter of
7 fact, first of all, it's the Department of
8 Health that would help coordinate, New York
9 State Department of Health with the
10 mosquitoes, but we will definitely look into
11 that because I know we have been getting
12 phone calls about infestation of mosquitoes
13 especially down on the South Shore.

14 MR. NAHAM: And Nassau County.

15 LEGISLATOR FORD: Right. Health
16 Department. In regard to -- I know with the
17 CRZs, probably about last fall I guess it
18 was, where we had a meeting with all the
19 CRZs, it was up in Island Park, up in the
20 middle school up there, all of the CRZ
21 representatives as well as the consultants
22 met. Laura Manafro, who was in charge of
23 that whole project, put it altogether. I
24 had requested to have a meeting so I could
25 get a better understanding of the projects

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2 that were being proposed.

3 Unfortunately with the CRZ, that
4 is all state run, that is through New York
5 State, that those monies do not flow through
6 Nassau County.

7 That being said, I had met with
8 some of the heads of the civic association
9 and the people in charge of the CRZs so I
10 would know what projects are being proposed.
11 Because, as you know, there are some
12 projects that I'm doing down in my district
13 and I wanted to see whether or not we could
14 coordinate and get a better timeline, that
15 if a project that I was going to do can
16 benefit from CRZ money or if it's a way of
17 coordination, if we were going to have to
18 tear up a street or something, that we would
19 do it according to what the consultants
20 recommend in regard to the CRZ projects.

21 With the bulk heading, I know
22 that the city of Long Beach has been working
23 on their bulk heading. We have been trying
24 to get everybody to work together because
25 especially on the north side of the barrier

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2 island, from Point Lookout right down to
3 Atlantic Beach, it has to be a coordinated
4 project.

5 But there, between the city, and
6 even with the Town of Hempstead, it's
7 something that's under their jurisdiction.
8 So, they are the ones that would work with
9 the bulk heading.

10 MR. NAHAM: Well, going back,
11 just as you said, that bulk heading is going
12 to be going forward and that helps the west
13 of Long Beach, but east of Lido, and Point
14 Look and going also into Wantagh and
15 Merrick, those areas, you're pushing the
16 water someplace.

17 I'm just wondering, it is the
18 money and the group is from the state. But
19 at the county level, to oversee the projects
20 because, let me say, Oceanside their CRZ did
21 a great job of what their needs are. If
22 anybody wants to go online, I would look at
23 Oceanside's CRZ program which was put
24 together by Raymond Pagano, he was a chair
25 on that. He did a wonderful job as a model

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2 from first responders to the bulk heading,
3 and the lighting and such.

4 But, from Massapequa to Merrick,
5 that inner bay, that north side of the bay,
6 is going to be inundated. I'm just
7 wondering, if you folks could coordinate and
8 oversee and put together perhaps a committee
9 to see what is being done hamlet by hamlet?

10 LEGISLATOR FORD: I mean, I know
11 a lot of the projects being proposed in my
12 district as well as into the Five Towns.
13 But I have always been open to meeting with
14 anybody. As a matter of fact, I did have,
15 just about two weeks ago, a meeting with
16 Craig Craft, head of our OEM, with my
17 representatives in the various fire
18 departments in my district. I made sure
19 that the five towns was included because
20 it's a new area for me so we could discuss
21 the aftermath of Sandy, what they would feel
22 should be done, and how could the county
23 help them in future storms and future
24 emergencies.

25 So, it's something that I have

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2 taken the initiative in always making my
3 office available to discuss any of these
4 issues and try to coordinate things as best
5 as we can.

6 Because CRZ money, any type of
7 money, is all taxpayer funded, one way or
8 the other. The best way to do it is to
9 spend it judiciously to make sure we don't
10 do two projects when it could have been just
11 one, financed under one stream. I don't
12 believe in necessarily wasting taxpayer
13 monies on any project that we do.

14 MR. NAHAM: I appreciate your
15 overview and viewing this and trying to put
16 it together, but --

17 LEGISLATOR FORD: If you would
18 like to call my office but maybe perhaps we
19 could reach out to the others, we'll find
20 out, I don't know on the county level, but I
21 would be more than happy to try to
22 coordinate something if you wanted to work
23 with me on that.

24 MR. NAHAM: Sure. David
25 Denenberg, Mr. Denenberg, have you put

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2 anything, looked at your neighboring
3 communities in your area, and I will ask the
4 same thing to Michael Venditto?

5 CHAIRWOMAN GONSALVES: I'm just
6 going to interject, Mr. Naham. I want you
7 to know that our Department of Health does
8 have a unit called mosquito control. They
9 are in constant communication as far as I
10 understand with the State Department of
11 Health and that's where we probably need to
12 go to see at this point and see where
13 they're at.

14 MR. NAHAM: I appreciate that.
15 I truly do.

16 CHAIRWOMAN GONSALVES: Excuse me.
17 Legislator Walker would like to address you,
18 Mr. Naham.

19 LEGISLATOR WALKER: Actually,
20 Presiding Officer, you did address what I
21 was going to say, that we are under the
22 direction of the state and I know we do have
23 your phone number. I will make sure that
24 I'm in contact with our health department to
25 see where we are and what direction we are

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2 going in.

3 MR. NAHAM: Because the
4 commissioner of Nassau County for the
5 environmental area, Ron Masters, said that
6 all he could do is very little. It's up to
7 the county that has the spraying ability and
8 the trenches.

9 LEGISLATOR WALKER: Yes. We have
10 the ability to do it but we are under the
11 direction of New York State.

12 MR. NAHAM: So it's the state
13 that directs you to do it?

14 LEGISLATOR WALKER: Right. And I
15 will make sure I'm in touch with our health
16 department and we do have your phone number
17 so we can share that information with you.

18 MR. NAHAM: I appreciate that.
19 Thank you.

20 CHAIRWOMAN GONSALVES: Legislator
21 Denenberg.

22 LEGISLATOR DENENBERG: First and
23 foremost, the mosquito treatments, the
24 trenching, if you will, in the salt marshes,
25 is something that the Nassau County

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2 Department of Public Works, in coordination
3 with the Board of Health, but also under the
4 guidance, the Nassau County Department of
5 Public Works does do the mosquito
6 treatments. They have done it for years.

7 When West Nile came up, we used
8 to have someone, may he rest in peace, Greg
9 Terrillian, would come around and talk about
10 the spraying, but he always talked about the
11 trenching programs that are supposed to be
12 in April or May, not July. It starts in
13 April and May and supposed to go through the
14 whole year.

15 So I would have to find out if it
16 started later this year than it should.
17 Without treatment of larvae sightings in the
18 trenches early on in the year, you're going
19 to have a proliferation of the mosquito
20 population. In the late '90s, that happened
21 one year.

22 MR. NAHAM: 1996.

23 LEGISLATOR DENENBERG: And it was
24 a disaster, so you know what I'm talking
25 about and I agree. But Nassau County has

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2 to, for any treatment, follow with the DEC.

3 Any of the legislators, whether
4 it was Ford or any of my colleagues who have
5 South Shore districts, the CRZs, sometimes
6 they are also called CRPs, community
7 reconstruction programs, each defined area
8 had their own leaders, like in Merrick
9 Bellmore, it was some of the civics working
10 with the Department of Health officials, and
11 then you had some of the villages, Freeport,
12 Massapequa Park, several of the villages all
13 had their own CRZs to recommend where money
14 could be spent to make us more resilient in
15 the future.

16 To the state's credit, last
17 month, and I was there, there was a
18 coordinated meeting all along the South
19 Shore at least from Freeport to the east
20 even into Suffolk. Town of Babylon has been
21 having their CRZs in some of their
22 unincorporated areas. So I would imagine
23 all the towns are doing that.

24 Your recommendation that each of
25 it has to be coordinated is a no-brainer, as

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2 to whether county legislators can coordinate
3 a program that's -- that is state funding
4 mostly to the most local municipality, an
5 incorporated village in the villages, a city
6 if it's Long Beach, or the Town of Hempstead
7 or the other towns if it's an unincorporated
8 area.

9 I don't know if that makes sense
10 or not. The state is supposed to be doing
11 that. There was some coordination from all
12 the different programs. Right now I think a
13 lot of us are concerned whether the money
14 ever gets to the towns or the incorporated
15 villages and they actually put in whatever
16 it is, whether it's a wall, whether it's
17 better gate valves and raising some streets.

18 MR. NAHAM: Sort of oversight is
19 what I'm looking for from the county if they
20 had or could put something together as a
21 sort of oversight, a committee.

22 LEGISLATOR DENENBERG: It's
23 something that we can talk about, but the
24 oversight at any of those meetings that's
25 talked about is coming from New York rising

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2 and the state, supposedly it's the state
3 itself, who, at the end of the day, is
4 distributing the money, which is federal
5 money. It's not even state money.

6 MR. NAHAM: And, as Legislator
7 Ford knows, I believe that they got the nod
8 to get their \$25 million, which is a
9 starting -- if it's \$6 million, \$25 million,
10 it's a starting figure, and then from there,
11 there is other monies coming down the pike
12 for these other programs. First responders,
13 it's very important that everyone, who else
14 is out there, the first responders first,
15 and they really do need to get some funding
16 that they put into these programs. They
17 asked and hopefully they will be able to get
18 it.

19 LEGISLATOR DENENBERG: It's a
20 great opportunity that we can't miss.

21 MR. NAHAM: I thank you for your
22 time. Perhaps I will be back. I was off on
23 a Sandy sabbatical, because of Sandy,
24 between my home and my wife being injured,
25 but I'm back and I'm here, and I guess you

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2 might be seeing more of me. So hopefully it
3 will be on good terms like this. Thank you
4 very much. Hopefully you will get back to
5 me.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Mr. Naham. At this time I have a number of
8 speakers who wish to address fee increases.
9 I don't know if there are specific fee
10 increases or fee increases in general, but
11 we have two hearings before us.

12 The first one has to do with the
13 immobilization and removal of illegally
14 parked vehicles and scofflaws; and the
15 second has to do the administrative code in
16 relation to the verification of section,
17 block and lot information. Now, I don't
18 know if the speakers are going to wish to
19 speak on those two items, or if it's any
20 other item regarding fees.

21 I'm going to begin and ask
22 Mr. Youngstrom what the hearing is all
23 about. Is it pertaining to the hearing,
24 Mr. Youngstrom?

25 MR. YOUNGSTROM: Excuse me?

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2 CHAIRWOMAN GONSALVES: Is it
3 pertaining to the first hearing?

4 MR. YOUNGSTROM: Well, basically.
5 I was glad that Marianna, I believe her name
6 was, was up here before because she kind of
7 opened the door.

8 CHAIRWOMAN GONSALVES: Good.
9 All right. Go ahead.

10 MR. YOUNGSTROM: I was very proud
11 to stand up here a couple of months ago in
12 front of this legislature on behalf of the
13 veterans in this county and take that
14 wonderful leisure pass off that was giving
15 us a one-time payment for veterans.

16 My question to you is, that one
17 time payment for a leisure pass gets me into
18 the facility and now the fees are doubled
19 and sometimes tripled. So what is the sense
20 of me having that leisure pass? Why am I
21 not going to play golf out at Northport?
22 The leisure pass gets me in the door. It
23 doesn't lower what I'm going to be paying.
24 We have almost just under 100,000 veterans
25 in this county right now with many many more

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2 coming home after the war in Afghanistan is
3 over. We have the most veterans per square
4 mile in the United States of America here in
5 Nassau County. You just gave us a wonderful
6 deal on the leisure pass, and, for that, I
7 thank everybody up there, but if you are
8 going to triple the fees, and I'm going to
9 have to bring that leisure pass into -- what
10 is the sense of me owning the leisure pass?

11 CHAIRWOMAN GONSALVES: As I said
12 to Marianna, we are going to explore the
13 discount that our veterans, active and
14 inactive, are entitled to because of that
15 leisure pass.

16 So we don't have that information
17 at our fingertips right now, but I believe
18 there are discounts associated for park
19 services within Nassau County because of
20 that leisure pass.

21 MR. YOUNGSTROM: Norma, I know
22 you a long time and you are going to be
23 doing your homework on this. But if you
24 could get the word out to the United
25 Veterans Organization, we can disseminate it

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2 all over the county. It's very important
3 because, like I said, if this looks like a
4 back door tax, when we turn around and get
5 the one time payment, which is a wonderful
6 thing, and a wonderful deal, okay, and have
7 no real reason to use that same pass that we
8 just got this wonderful deal on, when all
9 the fees are up. All right?

10 Right now there is only .5
11 percent of the people in the service right
12 now, only .5 percent of the people between
13 18 and 26 years old because of the volunteer
14 service, in the service. Back when me and
15 all of these gentleman were in the service,
16 it was only 65 percent of our generation
17 that was in due to the draft and enlisting
18 at the same time.

19 Now that we are retired and ready
20 to use some of the things that we couldn't
21 use when we were all working, it just seems
22 like it's disingenuous to turn around and
23 give us a leisure pass that's not going to
24 enable us to get any benefits from the time
25 we spent in the service defending this

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2 country.

3 CHAIRWOMAN GONSALVES: Mr.
4 Youngstrom, you know that if I said to you
5 that we will explore to see what the rate of
6 discount is pertaining to our veterans as a
7 result of that leisure pass, and if you know
8 that I, together with a few of my colleagues
9 did attend your council, and there were
10 several items that were addressed at that
11 time, and I made a commitment then, and I'm
12 making the commitment now you know me
13 better, Mr. Youngstrom.

14 MR. YOUNGSTROM: Yes, I do.

15 CHAIRWOMAN GONSALVES: That
16 whatever came to me at that meeting is now
17 being addressed and hopefully to the
18 satisfaction of the veteran's council, and,
19 as I said, I'm going to ask what that
20 leisure pass entitles our veterans and
21 active service people to.

22 MR. YOUNGSTROM: So if we could
23 get that out, that would ease a lot of
24 tension in the veteran's community.

25 CHAIRWOMAN GONSALVES: Give us an

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2 opportunity to see what those fees entitle.
3 I heard you. Just one moment. When I'm
4 finished, you can speak.

5 Okay, Mr. Youngstrom? That we
6 are going to see what the leisure pass
7 entitles and I shall do that.

8 MR. YOUNGSTROM: I would
9 appreciate that getting out to us. I will
10 get the word out. I have the leaders of
11 about five organizations.

12 CHAIRWOMAN GONSALVES: I know who
13 is out there. I have met them time and time
14 again. It is always a pleasure to meet
15 them. If there is anything we can do on
16 behalf of the veterans, both active and
17 inactive, we will do our very best.

18 Now, Legislator Denenberg.

19 LEGISLATOR DENENBERG:
20 Mr. Youngstrom, first of all, thank you and
21 your colleagues for being here and I think
22 you are 100 percent right that it is a back
23 door tax increase.

24 A leisure pass, whether it's a
25 discounted rate for seniors or for

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2 volunteers, a leisure pass entitles you to
3 get the rate that's other than the
4 nonresident rate. Even if you are a senior,
5 if you don't have a leisure pass, you are
6 going to be paying whatever the nonresident
7 rate is which could be very, very high.

8 But the leisure pass doesn't
9 allow you, once you get into the park, to
10 use a facility that has a charge free.

11 So, for example, and I'm saying
12 from 2010 until today, the parking pass, if
13 this is passed for seniors, went up by 100
14 percent. It went from \$25, a few years ago,
15 up to \$50 now with these passes.

16 You are still going to have to
17 show the leisure pass just to get that rate.
18 If you look at the same thing for golf, the
19 leisure pass, a veteran's leisure pass which
20 was a good deal put in a few weeks ago
21 allows you to then get in the park and use
22 the golf course, if you will, at a
23 nonresident rate. You can get it at a
24 senior or veteran rate, but that rate itself
25 is going up. Whether it's a dollar, \$2, \$3,

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2 it's a 20 percent increase, a 10 percent
3 increase, up to a 100 percent depending on
4 what we're talking about; beaches, golf
5 course, archery, picnic areas, you name it.
6 Everything is going up and, so the deal you
7 got, where you could get a late leisure pass
8 at a one time rate, doesn't mean that you
9 are not losing some of the bargain that you
10 had for actually --

11 MR. YOUNGSTROM: That gets us in
12 door.

13 LEGISLATOR DENENBERG: Right. So
14 I couldn't agree with you more. It's a back
15 door tax increase.

16 CHAIRWOMAN GONSALVES: Legislator
17 DeRiggi-Whitton.

18 LEGISLATOR DERIGGI-WHITTON: I
19 really think we should take a look at how
20 much we are making with this, and, if it's
21 at all possible, I would really encourage us
22 to waive the fees on the handicap, seniors,
23 and veterans.

24 How can we increase anything on
25 this population? I would really much rather

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2 find the money anywhere else. Thank you.

3 CHAIRWOMAN GONSALVES: Thank
4 you, Pat.

5 MR. YOUNGSTROM: Thank you.

6 CHAIRWOMAN GONSALVES: And your
7 fellow veterans. Thank you. Always thank
8 you for your service.

9 I believe 30 minutes of public
10 participation is over, so we can begin with
11 the first item on the calendar which is a
12 hearing on a proposed local law to amend the
13 administrative code in Nassau County with
14 respect to the immobilization and removal of
15 illegally parked vehicles and scofflaws.

16 Motion to open the hearing,
17 please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel. All those in favor of opening the
23 hearing, signify by saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 The hearing is now opened. Is
4 there anyone here who will speak on this
5 item?

6 MR. MAY: We have Sergeant
7 Gregory Stephanoff and Mr. David Rich from
8 the Traffic and Parking Violations Agency to
9 answer any questions during the hearing.

10 SERGEANT STEPHANOFF: Good
11 afternoon. Sergeant Greg Stephanoff from
12 the police. This proposed local law seeks
13 to allow for the booting of vehicles for
14 multiple tickets to reduce the operative
15 number of delinquent tickets from three to
16 two and this will also include tickets to be
17 included in that number.

18 CHAIRWOMAN GONSALVES: Any
19 questions of the sergeant regarding this
20 item? Legislator Solages.

21 LEGISLATOR SOLAGES: Good
22 afternoon. Thank you. Thank you, Madam
23 Chair. Let me get this straight. Is it
24 three tickets to two tickets?

25 SERGEANT STEPHANOFF: It's going

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2 to go from three to two.

3 LEGISLATOR SOLAGES: I was under
4 the impression it was at three.

5 LEGISLATOR DERIGGI-WHITTON: They
6 are changing it to two.

7 LEGISLATOR SOLAGES: Thank you.

8 LEGISLATOR DERIGGI-WHITTON: Can
9 I ask a question?

10 CHAIRWOMAN GONSALVES: Legislator
11 DeRiggi-Whitton.

12 LEGISLATOR DERIGGI-WHITTON: So
13 if someone gets two tickets, is there any,
14 like, what amount of time passes before the
15 boot is issued?

16 SERGEANT STEPHANOFF: Well, with
17 the issuance of the ticket, Traffic
18 Violations Agency attempts to close the
19 ticket by getting the person in either to
20 pay it or I guess to go to court. Then, if
21 that fails, it goes to a collection agency
22 and they attempt to settle the ticket. And,
23 then, after a collection agency, then it
24 will go to scofflaw status. So it's only
25 after all those attempts are made that it

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2 will go to a scofflaw status.

3 LEGISLATOR DERIGGI-WHITTON: Is
4 there like any written statement as to
5 exactly how many attempts are going to be
6 made, exactly how long we're going to wait?

7 CHAIRWOMAN GONSALVES: Just one
8 minute, Legislator DeRiggi-Whitton. In
9 other words, is there a time period before
10 that ticket becomes in violation?

11 LEGISLATOR DERIGGI-WHITTON:
12 Right. Is there anything specific for all
13 tickets, in other words, like a schedule
14 that we can really see and know of before
15 the boot issue is sent out, the order?

16 MR. RICH: In general, for
17 parking violations, it's two unresolved open
18 violations. For parking violations they get
19 the 42 day return date, and then there is
20 about two additional collection letters that
21 TPVA itself sends out. So, roughly, before
22 it's boot eligible, it's about 90 days.

23 LEGISLATOR DERIGGI-WHITTON: Do
24 you have any way of keeping track of letters
25 that come back to you with the incorrect

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2 address or anything like that?

3 MR. RICH: We do get them back,
4 yes.

5 LEGISLATOR DERIGGI-WHITTON: What
6 do you do in that case?

7 MR. RICH: Depending on the
8 severity, we may update it because we are
9 resource constrained, so, like, for trials
10 we will actually update the letters, but for
11 the folks again that -- again, with the
12 parking ticket, the actual violation was
13 left on the windshield. So it's not that
14 they missed that first notification. So
15 when we attempt collection, sending two
16 additional, but also our collection agent
17 also tries to obtain an updated address as
18 well.

19 LEGISLATOR DERIGGI-WHITTON: See,
20 what I'm concerned more than the traffic, is
21 the red light camera violations. Because
22 sometimes people don't even know who was
23 driving, if it was one of their kids or
24 whatever.

25 So, the question is, if you are

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2 unable to get in touch with them, with the
3 person that gets the red light camera, based
4 on your mailings, are you going to include
5 them on the boot list if their letters come
6 back?

7 MR. RICH: With the red light
8 camera, it's kind of a different process.
9 But when they come back, our vendor there,
10 which is American Traffic Solutions, looks
11 for an updated address and they'll resend
12 the notification immediately once they find
13 it.

14 LEGISLATOR DERIGGI-WHITTON: So
15 you have to take a lot of steps before the
16 boot is issued, the order is issued,
17 correct?

18 MR. RICH: Correct.

19 LEGISLATOR DERIGGI-WHITTON: I
20 would really think it would be a good idea
21 to have that in writing as to what, you
22 know, after 30 days, the first letter goes
23 out, after another 30 days, the second
24 letter goes out. There could be error as
25 far as booting a car and, if you have, like,

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2 a mom with kids, and you come out and your
3 car is booted, it's going to be a very tough
4 situation for the person whose car we are
5 booting. I just want to make sure we take
6 every precaution possible.

7 MR. RICH: Like with the red
8 light, it is being answered to the
9 registrant. If it's a bad address, the
10 registrant is not even going to renew
11 because they won't even be able to get it.
12 They would be in a suspended status without
13 updating their address. If your address is
14 inaccurate, you'll never be able to renew.
15 You won't even know -- you will never get
16 that from motor vehicles.

17 LEGISLATOR DERIGGI-WHITTON: But
18 it takes two years to register your car.
19 So, I'm just saying, if you're talking about
20 a 30, 60 day time period --

21 MR. RICH: That's only after the
22 second ticket, not the first.

23 LEGISLATOR DERIGGI-WHITTON: I
24 know. I thought three was safe. I think
25 three kind of shows more of a habitual

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2 situation. Two, I mean, we have so many
3 cameras out there and all that and I
4 understand and I hope it does bring in
5 safety, increases safety.

6 But, on the other hand, to have
7 your car booted, I guess because I have
8 young kids, I just could imagine if some
9 mishap happened, and somehow my car was
10 booted incorrectly, if you're out at night
11 with your kids or something, it could really
12 cause a situation.

13 I know that sometimes those
14 companies that you call are available and
15 sometimes they're not. And it could take a
16 long time before you have this car available
17 for the owner.

18 CHAIRWOMAN GONSALVES: Legislator
19 Ford.

20 CHAIRWOMAN FORD: Thank you. To
21 a certain degree, I do share the concerns of
22 Legislator DeRiggi-Whitton. Even when you
23 say that a person can renew, when they go to
24 renew their license, or the registration of
25 the car, it's done on an annual basis, but

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2 it seems according to your testimony, that
3 within nine months, an individual, or say 11
4 months, somebody can actually not pay two
5 tickets and then be subjected to having
6 their car booted.

7 So, I guess it would be better
8 for people to know, and then even for us,
9 that proper notification has been sent out.
10 When we think about different scenarios, I
11 mean, you can have somebody who has a car,
12 and it may be their father, it's registered
13 under their father, and they may have not
14 realized that there were two tickets that
15 were not paid or whatever, and then they go
16 out to use the car and they find out that
17 it's booted.

18 So, what is the process? If I go
19 out to my car and it's booted, what is the
20 step that I have to take then to have it
21 removed?

22 MR. RICH: Basically there's two
23 stickers on the vehicle, one is put on the
24 driver's side and one is put on the
25 windshield. There is an 800 number on

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2 there. What you do is, you call the 800
3 number and they'll tell you what the
4 outstanding obligations are, and then you
5 have a choice, either you can remove the
6 boot yourself and return it to one of four
7 locations in Nassau County, or you can wait
8 for an assisted release and the vendor will
9 come out or one of their representatives
10 will come and take the boot off. The boot
11 is only something like 15 pounds. So you
12 have the self release option or you can have
13 the vendor come out and take the boot off
14 the vehicle.

15 LEGISLATOR FORD: Then, how long
16 does a person have to return the boot
17 itself?

18 MR. RICH: 24 hours.

19 LEGISLATOR FORD: But what if
20 they're going out of town or something?

21 MR. RICH: What they can do is,
22 if there are extenuating circumstances,
23 usually the vendor will reach out to us, and
24 if we know there are certain circumstances,
25 we can allow the extension for a return of

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2 the boot.

3 LEGISLATOR FORD: What happens if
4 the boot was put on in error?

5 MR. RICH: It's immediately taken
6 off, there's no fee. Still original fees,
7 if there are original fines that are due,
8 but the boot fee is waived and the boot is
9 removed immediately.

10 LEGISLATOR FORD: Thank you.

11 CHAIRWOMAN GONSALVES: Legislator
12 Nicolello.

13 LEGISLATOR NICOLELLO: I just
14 want to go through the process again.

15 You get a ticket. How do they
16 determine who to issue the ticket to? Is it
17 based on the registration of a vehicle for
18 an illegally parked car?

19 MR. RICH: Well, parking tickets
20 are issued -- if the person is with the car,
21 then it will go, we can put the person's
22 name on the ticket, but, generally, it's
23 issued to the plate.

24 LEGISLATOR NICOLELLO: So then
25 there is an address that corresponds to that

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2 plate?

3 MR. RICH: Yes.

4 LEGISLATOR NICOLELLO: So the
5 ticket itself has a response date and return
6 date. You can either plead guilty or not
7 guilty, and if you plead guilty, you pay the
8 fine, and if you're not guilty, you come
9 into court and you have it adjudicated,
10 correct?

11 MR. RICH: Yes.

12 LEGISLATOR NICOLELLO: If someone
13 fails to show up, before it goes to any
14 collection agency, are any efforts made by
15 TPVA to contact the person who received the
16 ticket?

17 MR. RICH: Yes. We send two
18 additional letters asking for compliance.

19 LEGISLATOR NICOLELLO: So, they
20 have the physical ticket. How many letters
21 do they get in total?

22 MR. RICH: Two additional.

23 LEGISLATOR NICOLELLO: So, you
24 have the court date, assuming you have the
25 physical ticket, and if you don't have the

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2 physical ticket, for whatever reason,
3 somebody grabs it off your window, et
4 cetera, then you get two letters, are they
5 sent by registered mail or anything like
6 that?

7 MR. RICH: Just first class.

8 LEGISLATOR NICOLELLO: First
9 class mail. If they don't come back, it's a
10 fair assumption that they have been received
11 by the person at that address?

12 MR. RICH: Yes.

13 LEGISLATOR NICOLELLO: So, after
14 two letters, they don't show up, they failed
15 to appear for the court date, it then goes
16 the collection agency?

17 MR. RICH: Yes, it's assigned to
18 our collection vendor.

19 LEGISLATOR NICOLELLO: Does the
20 collection vendor go out and start putting
21 boots on cars immediately, or does the
22 collection vendor attempt to make efforts to
23 reach that person?

24 MR. RICH: No. Our vendor
25 attempts either mail or by phone prior to

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2 going to the boot vendor.

3 LEGISLATOR NICOLELLO: So there
4 is a third effort made to contact the
5 individual?

6 MR. RICH: Yes.

7 LEGISLATOR NICOLELLO: And all of
8 this, by the way, costs money?

9 MR. RICH: Yes.

10 LEGISLATOR NICOLELLO: So the
11 county is spending money to try and collect
12 on these tickets, and people are just,
13 basically, ignoring them, right?

14 MR. RICH: Yes.

15 LEGISLATOR NICOLELLO: And that
16 is for ticket number one. And when ticket
17 number two hits, you go through the exact
18 same process?

19 MR. RICH: Correct.

20 LEGISLATOR NICOLELLO: By the
21 time you are done with two tickets, you've
22 gotten at least six letters, four letters,
23 and phone calls, et cetera, and you have
24 ignored all of them?

25 MR. RICH: Yes.

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2 LEGISLATOR NICOLELLO: So, in the
3 unlikely chance that a mistake has been made
4 and proven, that could be explained and a
5 boot will be taken off, you will be given
6 the code and take it off, correct?

7 MR. RICH: Yes.

8 LEGISLATOR NICOLELLO: But
9 everybody else, if they have ignored all
10 those notifications, and they get a boot,
11 then there is a relatively easy way to have
12 that boot taken off the car?

13 MR. RICH: Yes. Just one other
14 statement, for the more current tickets it's
15 easier because we can collect on. There is
16 a tool called default judgment which is
17 basically filing a civil lien, but the
18 majority of our tickets are beyond two years
19 old, so the only real enforcement tool other
20 than collection is doing the boot and tow
21 and that's why we are looking to increase
22 the amount of compliance.

23 LEGISLATOR NICOLELLO: Do you
24 know how much money is outstanding?

25 MR. RICH: I would have to look

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2 that up for you.

3 LEGISLATOR NICOLELLO: Is it in
4 the thousands, tens of thousands?

5 MR. RICH: It's in the millions.

6 LEGISLATOR NICOLELLO: Millions
7 of dollars. Thank you.

8 CHAIRWOMAN GONSALVES: Any
9 public comment regarding this item?

10 MR. NAHAM: I didn't know I would
11 be speaking, but perhaps the last letter
12 would be a signed receipt certified letter,
13 then that person, either they answer, they
14 sign for it, then you know they deserve what
15 they get.

16 CHAIRWOMAN GONSALVES: See what
17 happens? I'm sorry, Mr. Boitel, it's
18 Mr. Denenberg who has the floor, and you
19 have put in a slip and I have not called for
20 public comment. And, Mr. Naham, I will call
21 for public comment. Otherwise, you're going
22 to stir the pot and everybody in this place
23 can get up whenever he or she wants. I'm
24 sorry, it's not your turn.

25 Legislator Denenberg.

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2 LEGISLATOR DENENBERG: Thank you,
3 presiding officer. Right now we do the
4 booting after three tickets are not paid, is
5 that true?

6 MR. RICH: Yes.

7 LEGISLATOR DENENBERG: And what
8 is the fine? So the change here is, instead
9 of waiting three tickets, we're going to do
10 it on two, correct?

11 MR. RICH: Yes.

12 LEGISLATOR DENENBERG: Now, if
13 someone is between their two year cycle of
14 registration, let's say they moved or
15 something's wrong clerically with the
16 address, and they're not getting these
17 notices, they typically will find out if
18 they can't reregister, even if they have one
19 unpaid ticket, correct?

20 MR. RICH: No. Not correct.

21 LEGISLATOR DENENBERG: With New
22 York State. Does New York State allow
23 someone to register if they're a scoffler?

24 MR. RICH: Not if they're a
25 scoffler. New York State has a definition

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2 of a scoffler. Three or more open
3 violations in 18 months, which is different
4 from the county definition.

5 LEGISLATOR DENENBERG: So right
6 now, our definition of a scofflaw is three,
7 isn't it?

8 MR. RICH: Yes, but it doesn't
9 have the 18 month requirement.

10 LEGISLATOR DENENBERG: So right
11 now we wait for three tickets. If someone
12 finds out something is wrong with their
13 registration, obviously their registration
14 sticker wouldn't come to their address and
15 at some point in that two year cycle they
16 would have to fix their address, correct, if
17 they want to reregister their car?

18 SERGEANT STEPHANOFF: Yes. There
19 are -- DMV requires you to update your
20 address. They give you a time frame after
21 you move.

22 LEGISLATOR DENENBERG: Do we do
23 anything then to track people that might
24 have outstanding violations, whether they
25 are one, two, three or more, if their

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2 registration changes after we have already
3 sent out notices?

4 MR. RICH: I'm not sure I
5 understand the question.

6 LEGISLATOR DENENBERG: Do we
7 follow whether addresses change, and when we
8 get notice of a new address for a
9 registrant, do we try to send unpaid tickets
10 and notices to the latest registration?

11 Let's say I registered in
12 February. Some time during this year,
13 whether it was me or one of my children
14 driving gets two or three tickets, and my
15 address changed, but I don't put in the
16 address change until my registration comes
17 up two years from now. So that would be
18 February 16.

19 February 16th I have two or three
20 unpaid tickets, whether they're parking
21 tickets or some other type of -- maybe a red
22 light ticket. At that point we have already
23 sent notices to an address that I didn't get
24 because I moved.

25 Do we try to track that when the

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2 new registration comes in, if we have a
3 scofflaw or someone that just has unpaid
4 tickets?

5 MR. RICH: I'm not sure what the
6 definition of track is, but, in general, our
7 collection agent, if you put a forwarding
8 order in, they'll track you down. If you
9 don't update your DMV address, there's
10 nothing that we can do about it. You're
11 required to update your DMV address when you
12 move.

13 LEGISLATOR DENENBERG: So let's
14 say it was updated late. Let's say it was
15 updated when the registration came due,
16 which I don't have a scientific study, but I
17 would assume some people don't realize it
18 until they realize their registration is
19 about to expire and they didn't get notice
20 because they moved.

21 MR. RICH: They will be the
22 collection agent's responsibility. So if
23 they find an updated address or identifiable
24 asset, they will send an updated letter on
25 that.

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2 LEGISLATOR DENENBERG: What's the
3 fee for booting?

4 MR. RICH: \$166.

5 LEGISLATOR DENENBERG: So, let's
6 say right now you have three unpaid tickets.
7 What would be the process where somebody
8 would get booted, a police officer out in
9 the field, checking the registration and
10 seeing that's a scofflaw and then booting
11 them, or issuing another ticket, checking and
12 realizing that they are a scoffler?

13 MR. RICH: The scofflaw is a
14 vendor that goes out in a van with what they
15 call license plate recognition cameras so
16 they come across and we provide them a list
17 every day of the folks that still have
18 outstanding violations and meet that
19 definition of scofflaw.

20 So they go out. They find that
21 vehicle. They notice the vehicle, like I
22 said, they put a notice on the driver's
23 side, they put one on the windshield and
24 then they put the boot on.

25 LEGISLATOR DENENBERG: So we have

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2 a contractor that does this for us and they
3 get paid a percentage of what they collect?

4 MR. RICH: They get the \$166 fee.
5 All the other fines and penalties come back
6 to the county.

7 LEGISLATOR DENENBERG: What's the
8 other fines and penalties? Today, you just
9 booted someone, this company booted someone
10 because they got the list. So now they'll
11 get \$166 before whoever it is can get their
12 car back, correct?

13 MR. RICH: Yes.

14 LEGISLATOR DENENBERG: So the
15 person who's booted now has to pay \$166 to
16 the company, plus, what goes to the county?
17 What's the benefit to the county?

18 MR. RICH: Let's go back to the
19 three tickets.

20 LEGISLATOR DENENBERG: No. I
21 just want to hear the answer to my question.

22 MR. RICH: I'm not sure what the
23 question is. Can you restate it?

24 LEGISLATOR DENENBERG: Okay. So,
25 you got booted today. I'm trying to find

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2 out what you have to pay. You have to pay
3 \$166 to the company that does the booting
4 which they get to keep. What else does the
5 scofflaw have to pay to get their car out?

6 MR. RICH: The original fines,
7 penalties and fees due to the county.

8 LEGISLATOR DENENBERG: Which
9 could be, right now it could be only three
10 or more tickets, correct?

11 MR. RICH: Depends on the type of
12 tickets. A red light camera violation is
13 \$80. A parking ticket could be \$120. If
14 it's a handicapped parking violation, it's
15 \$250. Depends on the type of violation.

16 LEGISLATOR DENENBERG: My
17 question, right now, it would have to be
18 three or more tickets, correct?

19 MR. RICH: Yes.

20 LEGISLATOR DENENBERG: So what we
21 want to do is allow this company to do it
22 now on two tickets so that if you only do
23 two tickets, the company still gets the 166
24 and now we are going to collect the
25 difference between someone having only two

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2 tickets rather than someone having three.
3 Is that a lot more money to the county?

4 MR. RICH: No. Well -- I'm not
5 sure how you would interpret this, but the
6 difference is we have hit the threshold
7 where we've done a good job finding the
8 people with three, but we are not hitting
9 the people the have two and still have
10 outstanding. Because, right now, they're
11 basically squeaking through.

12 LEGISLATOR DENENBERG: So we
13 don't want to let anyone squeak through with
14 two. Originally you proposed that no one
15 should squeak through even with one,
16 correct?

17 MR. RICH: No, I did not.

18 LEGISLATOR DENENBERG: I thought
19 we changed. Wasn't there an amendment that
20 went from booting at one to booting at two
21 now?

22 MR. RICH: That was the police
23 department ordinance.

24 LEGISLATOR DENENBERG: So wasn't
25 this changed from, this particular bill

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2 amended from one scofflaw allowing a booting
3 to two?

4 MR. RICH: We did not submit the
5 amendment. I believe the police department
6 did.

7 LEGISLATOR DENENBERG: Is that a
8 yes or a no?

9 MR. RICH: I didn't submit it.

10 LEGISLATOR DENENBERG: I'm asking
11 the police officer.

12 SERGEANT STEPHANOFF: I believe
13 it was amended before it went before the
14 last legislative session.

15 LEGISLATOR DENENBERG: So how
16 much more money are we hoping to collect?
17 How many people sit there at two and don't
18 get to three that we're trying to go for --

19 MR. RICH: Well, this is meant
20 just to bring people in compliance with
21 tickets. Bring people in compliance with
22 not getting the tickets, not parking where
23 they would create a danger, not going
24 through red lights, not speeding past
25 schools. That's what it's meant to do.

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2 LEGISLATOR DENENBERG: Well, if
3 someone has a backlog of red light tickets,
4 their license at some point won't be
5 renewed. If someone has a backlog of
6 parking tickets at some point, if it's three
7 or more right now, your registration
8 wouldn't be renewed.

9 So I think what we are trying to
10 do is get in more money to the county at a
11 quicker rate so we are reducing from the
12 three which is the current same amount that
13 the state considers a scofflaw, albeit the
14 state has 18 months and we're going to -- at
15 first we were trying to go to one, and now
16 we're trying to go to two, and I'm just
17 concerned about what Ms. DeRiggi-Whitton was
18 talking about in terms of someone two
19 behind, a change in address, or they just
20 missed it. Now you're booted.

21 Is the company available 24-7
22 that boots? Would you have to wait
23 overnight if you got booted at 10 o'clock?

24 JUDGE MARKS: No, sir. John
25 Marks, Executive Director of TPVA. First

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2 you had one little error. Red light camera
3 tickets, the motorist is notified. The fee
4 stands at a particular rate. It's a
5 different rate for parking tickets. It's a
6 different situation.

7 Red light camera tickets,
8 attempts are made to collect, three
9 attempts, then it goes to a collection
10 agency. Then it goes to boot.

11 The collection agency seeks
12 current addresses, they send it out to skip
13 tracing. If we get notified it's an
14 incorrect address, or if a red light camera
15 ticket goes out to an incorrect address, it
16 comes back to us as being undeliverable.
17 And the ATS makes the correction, which
18 updates the records in TPVA.

19 Traffic tickets are somewhat
20 different because the only address we have
21 until it gets to collection is DMV. Red
22 light camera tickets, the Department of
23 Motor Vehicle is not notified at all. Can't
24 be notified by statute.

25 So if you have two, three, ten

1 Full Legislature/6-16-14
2 red light camera tickets, you can still
3 reregister your vehicle.

4 LEGISLATOR DENENBERG: But my
5 question was twofold, I think you answered
6 what you wanted to say, but my question is,
7 if someone is now getting booted at two,
8 regardless of whether they got the notices,
9 got the mail, didn't get the mail, changed
10 their address, didn't get the mail, and it's
11 only two tickets which can happen in a
12 relatively quick amount of time.

13 I understand that we mail,
14 albeit, I would suggest that we at least
15 mail registered if we are going to start
16 booting people so much quicker, but we mail
17 non-registered, then we give a notice, then
18 a collection agency tries to collect.

19 You get booted. You're going to
20 have to pay this company. But you get
21 booted, 10 or 11 o'clock at night, is the
22 company available 24 hours?

23 JUDGE MARKS: 24/7 for boot
24 release, yes.

25 LEGISLATOR DENENBERG: Does the

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2 company collect the money for the county?

3 JUDGE MARKS: Yes.

4 LEGISLATOR DENENBERG: Take me
5 through this. I get booted 11 o'clock at
6 night.

7 JUDGE MARKS: Yes.

8 LEGISLATOR DENENBERG: I can't
9 drive my car home, I might be in a bad
10 neighborhood, I might have no way of going
11 home. God forbid I don't have my cell phone
12 but I would assume I can borrow off of
13 someone, there must be a notice that I call
14 someone.

15 JUDGE MARKS: That's right.

16 LEGISLATOR DENENBERG: They have
17 to be available 24/7?

18 JUDGE MARKS: That's correct.

19 LEGISLATOR DENENBERG: And as
20 long as I have my wallet, or I assume a
21 credit card or a sufficient amount of cash,
22 because I can't get to a money machine now
23 because I don't have my car --

24 JUDGE MARKS: Credit card.

25 LEGISLATOR DENENBERG: They're

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2 going to send someone to where I am to take
3 the credit card?

4 JUDGE MARKS: No. You will call
5 in the credit card. When that's done, you
6 have two ways to get the boot released.
7 Either they will give you the code to
8 release the boot yourself and you can return
9 it within a reasonable period of time, or
10 they will send a vendor, one of their
11 contract vendors to release the boot, pick
12 up the boot, and return it to TPVA.

13 LEGISLATOR DENENBERG: And you
14 have to pay in full? Let's say you never
15 got these notices because of an address
16 change, and you think you might be not
17 guilty, once you're booted, what happens,
18 you have to pay it?

19 JUDGE MARKS: In what scenario?
20 In the scenario when it happened at
21 midnight?

22 LEGISLATOR DENENBERG: Yes. You
23 still want to be not guilty?

24 JUDGE MARKS: Yes.

25 LEGISLATOR DENENBERG: So the

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2 only way to be not guilty at that point
3 would be allow your car to stay booted until
4 you can try to plead not guilty the next
5 day?

6 JUDGE MARKS: Until the next
7 morning, yes, when TPVA opens. The only one
8 that can make that determination is TPVA.

9 LEGISLATOR DENENBERG: Do we know
10 the difference between two and three?
11 Because we're reducing this from three to
12 two. How much more money do we expect to
13 get by reducing it from scofflaw at three,
14 which sounds like this company makes a lot
15 of money, does a lot of work for us, and at
16 least gets us the collection of what could
17 be millions of dollars.

18 Now we are going down from three
19 to two, I would think before we vote on it
20 we should know how much people actually just
21 sit right at the two and we never collect.

22 JUDGE MARKS: I think the only
23 way I can answer that is if you can tell me
24 how many people are going to get two tickets
25 in every spot. We can't answer that

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2 question at this time.

3 LEGISLATOR DENENBERG: I just
4 think that before I'm voting to increase and
5 say that we got to go down to two, I would
6 like to know how many people actually sit as
7 a scofflaw for only two tickets, not go to
8 three because there are perennial scofflaws,
9 or not clean it up because it was an
10 accidental mistake such as the Delia
11 DeRiggi-Whitton scenario where it was not a
12 moving violation, but the person who owns
13 the car might have had children, or lent the
14 car, got red light camera tickets, so they
15 don't know about it because of who drove it,
16 or a parking ticket, where, by the way, I've
17 seen personally, you see parking tickets on
18 cars, and then it rains, or people grab
19 them, or they lose them, or they don't see
20 them.

21 Parking tickets on a car could
22 foreseeably not be seen or not picked up by
23 the person who got it. In which case, if
24 there is some type of change in address, I
25 can see a scenario where a scofflaw, or

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2 someone who doesn't pay one or two tickets,
3 when it comes time to register, or at some
4 point they'll clear it up, or go up to three
5 in which case we would get them.

6 So I don't know how much money we
7 are expecting to get aside from a boom for
8 this outside company.

9 JUDGE MARKS: You are asking a
10 lot of questions and to take them in
11 categories, I guess, if they get the ticket
12 and the ticket blows off the windshield,
13 they first get a notice. It's a second
14 notice from TPVA, which is a first notice
15 from TPVA. You still have an outstanding
16 ticket. You are given approximately 30 days
17 to respond to it.

18 LEGISLATOR DENENBERG: I've seen
19 those.

20 JUDGE MARKS: If you don't
21 respond, then you get a second notification
22 post ticket from TPVA reminding you again
23 that you haven't responded.

24 Now, if you get, as we indicated
25 before, there are six notifications, if you

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2 didn't get six notifications, maybe you
3 should be booted.

4 What we are trying to do is have
5 people that violate the law, come in and
6 take care of what they have to take care of.
7 All you have to do is show up. You don't
8 have to plead guilty. Show up. Come to
9 court and plead your case and be heard. The
10 disregarding is what, this reducing is what
11 it's meant to do, to cut down on the number
12 of people that are perennial. I don't know
13 where the magic number is, two or three.

14 LEGISLATOR DENENBERG: Judge, I
15 don't disagree with what you're saying or
16 what the magic number is. But the state and
17 us have always said the magic number where
18 you really become a scofflaw is three. Here
19 we were presented with a bill reducing it to
20 one. Now it's a bill reducing it to two.

21 Before I want to support what
22 could be viewed, or what I think could be
23 just a tax increase, or could be onerous for
24 someone who really isn't a scofflaw, I would
25 love to know how much more we are going to

1 Full Legislature/6-16-14
2 collect by reducing what we call a scofflaw
3 from three to two.

4 CHAIRWOMAN GONSALVES: I have a
5 question, Judge Marks.

6 MR. RICH: I can just answer
7 Legislator Denenberg's question now.

8 LEGISLATOR DENENBERG: Thank you.

9 MR. RICH: Currently, for folks
10 that have three or more open violations for
11 red light camera violations, it's 12,000
12 plates. If we knock it to two or more it
13 will be 33,000 plates.

14 For parking violations, the
15 number of plates that have three or more are
16 20,000 plates. The number of violations
17 that have -- the number of plates that have
18 two or more violations is 44,000 plates.

19 CHAIRWOMAN GONSALVES: I have a
20 question. Is there any other municipality
21 that has, let's say, a one level that
22 requires a scofflaw law?

23 MR. RICH: New York City is one
24 violation.

25 JUDGE MARKS: New York City.

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2 CHAIRWOMAN GONSALVES: New York
3 City has one?

4 JUDGE MARKS: They will tow on an
5 initial violation, put on a ticket, put on
6 the hook.

7 CHAIRWOMAN GONSALVES: And they
8 tow the car away?

9 JUDGE MARKS: Yes.

10 CHAIRWOMAN GONSALVES: And then
11 you have to go to the impound to pick up
12 your car?

13 JUDGE MARKS: Yes.

14 CHAIRWOMAN GONSALVES: And guess
15 what that costs?

16 JUDGE MARKS: I don't --

17 CHAIRWOMAN GONSALVES: Been
18 there, done that. I hate to admit to admit
19 it, but it's not very cheap. It's easier to
20 pay the ticket.

21 Thank you, Judge.

22 Any public comment regarding this
23 item? That's the item on the scofflaw. No
24 other fees but the scofflaw. Mr. Boitel.

25 MR. BOITEL: I don't have a copy

1 Full Legislature/6-16-14
2 of the legislation in front of me, but my
3 recollection from looking at it on line is
4 that, I think this is the same legislation
5 that involves a fee if you want to set aside
6 a default, is that correct?

7 One of these items of legislation
8 you are considering today with regard to
9 traffic violations has to do with moving to
10 set aside a violation. It's a charge of \$50
11 if you make an oral application; \$150, is
12 that --

13 CHAIRWOMAN GONSALVES: I don't
14 believe it's this one; am I right, Judge,
15 when I say that, it's not this piece of
16 legislation?

17 JUDGE MARKS: That's right. It's
18 not this piece.

19 MR. BOITEL: You will be
20 considering that later then, I guess?

21 CHAIRWOMAN GONSALVES: Probably
22 will. Thank you very much, Mr. Boitel.

23 Any other public comment on this
24 item?

25 (No verbal response.)

1 Full Legislature/6-16-14
2 Motion to close the hearing.
3 LEGISLATOR DUNNE: So moved.
4 LEGISLATOR NICOLELLO: Second.
5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Legislator
7 Nicolello. All those in favor of closing
8 the hearing, signify by saying aye.
9 (Aye.)
10 Any opposed?
11 (No verbal response.)
12 The hearing is now closed.
13 The next item is a hearing on a
14 local law to amend the Nassau County
15 Administrative Code in relation to the
16 verification of section, block, and lot
17 information and instruments presented for
18 recording.
19 A motion to open the hearing,
20 please.
21 LEGISLATOR DUNNE: So moved.
22 LEGISLATOR KOPEL: Second.
23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Dunne, seconded by Legislator
25 Kopel. All those in favor of opening the

1 Full Legislature/6-16-14
2 hearing on the proposed law, signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The hearing is now open. Go
8 ahead, Mr. Valentino, it's yours.

9 MR. VALENTINO: Dan Valentino,
10 Deputy County Attorney, assigned to the
11 Nassau County Department of Assessment.

12 This legislation would increase
13 the fees for verification of tax maps from
14 50 to \$75. It's aligning ourselves with
15 Suffolk County who also has a similar
16 provision in place that I believe they
17 currently charge a \$60 fee.

18 CHAIRWOMAN GONSALVES: Any
19 questions or comments?

20 LEGISLATOR DENENBERG: Norma, I
21 have a question.

22 CHAIRWOMAN GONSALVES: Legislator
23 Denenberg.

24 LEGISLATOR DENENBERG: You said
25 this aligns us with Suffolk which has a \$60

1 Full Legislature/6-16-14

2 fee?

3 MR. VALENTINO: That's correct.

4 LEGISLATOR DENENBERG: So this
5 fee is being increased from 50 to 60, or --

6 MR. VALENTINO: 50 to 75.

7 LEGISLATOR DENENBERG: So how
8 does that align us with Suffolk by going 15
9 higher?

10 MR. VALENTINO: Well, Suffolk has
11 a similar provision in place and we were at
12 50.

13 LEGISLATOR DENENBERG: I'm sorry.
14 I didn't really unravel that.

15 MR. VALENTINO: So Suffolk County
16 has a similar provision in place for the
17 verification of tax maps. We were charging
18 50, now it's 75. Suffolk is at 60.

19 LEGISLATOR DENENBERG: So how
20 does that align us with Suffolk? It's 15
21 higher as opposed to 10 lower?

22 MR. VALENTINO: There is a
23 similar provision in place in Suffolk
24 County.

25 LEGISLATOR DENENBERG: To go up

1 Full Legislature/6-16-14

2 to 75?

3 MR. VALENTINO: No. For a tax
4 map verification, legislator.

5 LEGISLATOR DENENBERG: So, we had
6 a line item and we were charging 50 and we
7 are raising it to 75, correct?

8 MR. VALENTINO: That's correct.

9 LEGISLATOR DENENBERG: So what
10 Suffolk does is charge 60. So we would go
11 from ten below Suffolk to 15 above?

12 MR. VALENTINO: Correct.

13 LEGISLATOR DENENBERG: I don't
14 see how that aligns us with Suffolk, but
15 thank you.

16 MR. VALENTINO: Aligns.

17 LEGISLATOR DENENBERG: I'm sorry.
18 I don't how it aligns us with Suffolk. It
19 makes us higher.

20 CHAIRWOMAN GONSALVES: Any other
21 comment?

22 (No verbal response.)

23 Is there any public comment? Mr.
24 Naham, are you speaking on this item?

25 MR. NAHAM: Yes. With

1 Full Legislature/6-16-14
2 Representative Denenberg, it is amazing that
3 if you're going to align yourself, it would
4 be 60, you're going above by 15. So, good
5 question, when you say align yourself, it
6 means alongside.

7 MR. VALENTINO: It means there's
8 a similar provision in place.

9 CHAIRWOMAN GONSALVES: Please put
10 that on the record and let Mr. Naham.

11 MR. VALENTINO: There's a similar
12 provision that's in place in Suffolk County
13 that's required for all tax map
14 verification.

15 Suffolk has had this in place for
16 at least 15 years and Nassau County didn't
17 enact this provision until I believe 2012.
18 So Suffolk has had it much longer than we
19 have. In 2012, they increased the fee to
20 \$60. We are currently at 50 and it's going
21 to \$75.

22 CHAIRWOMAN GONSALVES: Thank you
23 very much, Mr. Valentino.

24 A motion to close the hearing.

25 LEGISLATOR DUNNE: So moved.

1 Full Legislature/6-16-14

2 LEGISLATOR NICOLELLO: Second.

3 CHAIRWOMAN GONSALVES: Moved by

4 Legislator Dunne, seconded by Legislator

5 Nicolello. All those in favor of closing

6 the hearing signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The hearing is now closed.

11 We move to Item 3 on the

12 calendar, a local law is amend the

13 administrative code of Nassau County with

14 respect to the immobilization and removal of

15 illegally parked vehicles scofflaws.

16 A motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR NICOLELLO: Second.

19 CHAIRWOMAN GONSALVES: Moved by

20 Legislator Dunne, seconded by Legislator

21 Nicolello. Any further comment regarding

22 this item since it was vetted in the

23 hearing?

24 (No verbal response.)

25 Is there any public comment

1 Full Legislature/6-16-14

2 regarding this item?

3 (No verbal response.)

4 There being none, all those in
5 favor of Item 3, the local law --

6 LEGISLATOR DERIGGI-WHITTON: He
7 didn't say what it is.

8 CHAIRWOMAN GONSALVES: I just
9 said it. I read it. A local law to amend
10 the administrative code of Nassau County
11 with respect to the immobilization and
12 removal of the illegally parked vehicles and
13 scofflaws. I read that. And you have a
14 calendar in front of you. The hearing has
15 been closed. It's the local law.

16 A motion was made by Legislator
17 Dunne and seconded by Legislator Nicoletto.
18 I just said that this item was vetted at the
19 hearing. Is there additional comment
20 regarding the item?

21 (No verbal response.)

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of Item Number 3, which is the local

1 Full Legislature/6-16-14
2 law pertaining to the scofflaws, all those
3 in favor signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 I can't count here. The contract
8 passes unanimously. 12 to seven? The vote
9 is 10 to 7 -- I'm sorry, the item passes 12
10 to 7. Next item.

11 Those who voted in favor, I
12 believe we have ten in the majority, and
13 three in the minority, correct? That's it.
14 So 10 and 3 is 13. And 13 from 19, the vote
15 is 13 to 6. Is that clear? I wanted to
16 make sure it's clear, Mr. Becker.

17 CLERK MULLER: Just so we are
18 clear on the record, we have a full
19 legislature. There are 19 people here and
20 the six people that voted against it are
21 Legislator Venditto, Legislator Denenberg,
22 Legislator DeRiggi-Whitton, Legislator
23 Solages, and Legislator Curran, and
24 Legislator Bynoe. I just wanted to make
25 sure we're clear.

1 Full Legislature/6-16-14

2 CHAIRWOMAN GONSALVES: So 13 to
3 6. Is that correct?

4 CLERK MULLER: Yes.

5 CHAIRWOMAN GONSALVES: Thank you
6 very much. So the item passes 13 to 6.

7 The next item is Item 4, a local
8 law to amend the Nassau County
9 Administrative Code in relation to the
10 verification of section, lot, and block
11 information and instruments presented for
12 recording. And I just believe we had that
13 hearing on this item.

14 Motion, please.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Walker, seconded by Legislator
19 Ford. Are there any additional comments
20 regarding this item which was vetted in the
21 hearing?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 There being none, all those in

1 Full Legislature/6-16-14
2 favor of Item 4, a local law to amend the
3 Nassau County Administrative Code in
4 relation to verification of section, block
5 and lot information instruments presented
6 for recording, all those in favor signify by
7 saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 It passes 10 to 9. Is that a yes
12 vote? Thank you. So we have 11 to 8. The
13 item passes.

14 I just need a few seconds because
15 we are probably going to go forward with the
16 consent calendar. With the permission of
17 the minority, we have several items that are
18 part of the consent calendar. I'm just
19 going to call the item and hopefully you all
20 have a calendar so you can follow.

21 The first item is Item 5, second
22 Item 6, Item 7, 8, 9 and 10, 16 and 17, 19,
23 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
24 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and
25 42.

1 Full Legislature/6-16-14

2 A motion, please.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR SCHAEFER: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Legislator
7 Schaefer. Any additional comments regarding
8 this, and, for the public out there, this is
9 what we call the consent calendar meaning
10 that both sides of the aisle have agreed on
11 these items.

12 All those in favor of the items
13 just called signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The items pass unanimously.

18 Now we can go back to the rest of
19 the calendar. We are going to begin with --
20 we begin with Item 11. An ordinance
21 establishing fees for registration in the
22 county's park and procurement system and
23 making determinations pursuant to the State
24 Environmental Quality Review Act.

25 LEGISLATOR WALKER: So moved.

1 Full Legislature/6-16-14

2 LEGISLATOR KOPEL: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Walker, seconded by Legislator
5 Kopel.

6 Mr. May, is there someone here to
7 speak on this item?

8 MR. INTAGLIATA: Good afternoon.
9 Frank Intagliata. This is the procurement
10 fees, correct?

11 CHAIRWOMAN GONSALVES: Yes.

12 MR. INTAGLIATA: It came before
13 you in the committees to institute a fee for
14 the suppliers to pay a registration fee of
15 \$125. In addition, we're going to pay or
16 request a \$275 fee for the registration of
17 their contracts online. That's all blanket
18 contracts.

19 CHAIRWOMAN GONSALVES: We're
20 talking about the vendors, correct?

21 MR. INTAGLIATA: Correct.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Mr. Intagliata. Legislator
24 Denenberg.

25 LEGISLATOR DENENBERG: I had

1 Full Legislature/6-16-14
2 asked you last time about these fees. So it
3 was unclear whether, once you pay the fee,
4 you're a contractor. In order to bid on an
5 RFP or RFQ, to make a bid, you are going to
6 have to pay a fee, correct?

7 MR. INTAGLIATA: Correct.

8 LEGISLATOR DENENBERG: Is that on
9 an annual basis or per request basis?

10 MR. INTAGLIATA: It's an annual
11 basis.

12 LEGISLATOR DENENBERG: What is
13 the second fee?

14 MR. INTAGLIATA: That's when your
15 contract is established through sealed
16 bidding and you are issued a blanket
17 contract for the county which could be for
18 three to five years, you would pay a
19 one-time fee of \$275.

20 LEGISLATOR DENENBERG: But if you
21 don't bid, you don't pay it?

22 MR. INTAGLIATA: If you didn't
23 bid, you couldn't be awarded a blanket
24 contract.

25 LEGISLATOR DENENBERG: So last

1 Full Legislature/6-16-14
2 week I think I showed you there were several
3 contracts where all we had was one bid or
4 two bids. I don't see how charging to bid
5 is going to get us more participation in
6 these bids.

7 MR. INTAGLIATA: Well, we have
8 the electronic bid board, and that bid board
9 posts the item that you can bid on. Then
10 you can view it and you can see if your
11 scope of services fits that criteria, and
12 then pay 125 as a registered vendor and then
13 bid it.

14 So you can see in many of our
15 items, electronically, any number of bidders
16 see it, and then it must be apparent to them
17 that they can't offer a solution to the
18 county and then they don't bid.

19 LEGISLATOR DENENBERG: I just
20 see, from what we had just given out last
21 week when this first came up, or June 2nd
22 when this first came up, I should say, we
23 were getting so little participation where
24 there was only one or two bids. So I don't
25 see how this is going to help us get better

1 Full Legislature/6-16-14

2 prices. Thank you.

3 CHAIRWOMAN GONSALVES:

4 Legislator DeRiggi-Whitton.

5 LEGISLATOR DERIGGI-WHITTON: And
6 this is the item where we're the only county
7 in New York State that issues this fee?

8 MR. INTAGLIATA: As far as I
9 know, we would be leading this in New York
10 State, yes.

11 LEGISLATOR DERIGGI-WHITTON: I
12 would love to find some other way for us to
13 lead, but thank you.

14 CHAIRWOMAN GONSALVES: Any other
15 comments?

16 (No verbal response.)

17 Is there any public comment
18 regarding this item?

19 (No verbal response.)

20 There being none, all those in
21 favor of Item 11, signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 Since there is no public comment

1 Full Legislature/6-16-14
2 on this item, all those in favor of Item 11
3 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 So we have the item, 10 to 9.

8 The next item is Item 12, an
9 ordinance repealing an ordinance 199-2011 as
10 amended by 191-2012, and further amended by
11 ordinance 242-2012, and further amended by
12 Ordinance 30-2014 establishing fees to be
13 charged by the Department of Parks,
14 Recreation and Museums, in relation to
15 increasing the fees for the use of certain
16 parks, museums, playgrounds, athletic
17 fields, and recreational facilities, and
18 authorizing the commissioner of parks,
19 recreation and museums to make and enforce
20 park rules.

21 A motion, please.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR MACKENZIE: Second.

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

1 Full Legislature/6-16-14
2 MacKenzie. Who do we have to speak on this,
3 Mr. May?

4 MR. MAY: We have Judge Carnell
5 Foskey.

6 JUDGE FOSKEY: Good afternoon.
7 My name is Carnell Foskey. I'm the Nassau
8 County attorney.

9 These fees are fees to increase
10 certain uses at various facilities in Nassau
11 County with respect to athletic fields,
12 recreation facilities, and also various
13 other facilities within the parks
14 department.

15 CHAIRWOMAN GONSALVES: Any
16 questions or comments for Judge Foskey?
17 Legislator Denenberg.

18 LEGISLATOR DENENBERG: Good
19 afternoon, judge. Based on these fees, if
20 this is voted for, then you heard some
21 complaints from seniors earlier -- I'm
22 sorry, veterans earlier, as well as some of
23 those veterans were seniors as well.

24 But based on these fee increases,
25 then veterans, seniors, Nassau County

1 Full Legislature/6-16-14
2 residents, would be paying more for all of
3 the park items listed in this bill, correct?
4 JUDGE FOSKEY: In some categories
5 but not to the extent of the testimony.
6 There are no triple fees. In some
7 situations, as you stated earlier, there may
8 be a dollar, maybe \$2.
9 LEGISLATOR DENENBERG: In some
10 situations, there may be an increase, but --
11 JUDGE FOSKEY: If you look over
12 the life of the ordinance, over all of the
13 fee increases over the last 10 years, maybe,
14 but not in this particular.
15 LEGISLATOR DENENBERG: Well, just
16 from 10 to 14, a senior would be paying from
17 \$25 up to \$50.
18 JUDGE FOSKEY: Which fee?
19 LEGISLATOR DENENBERG: I believe
20 that was the beach pass fee.
21 JUDGE FOSKEY: The beach I
22 believe goes from \$40 --
23 LEGISLATOR DENENBERG: Yes.
24 That's exactly the fee.
25 JUDGE FOSKEY: I think it goes up

1 Full Legislature/6-16-14

2 \$10, yes. From 40 to \$50.

3 LEGISLATOR DENENBERG: It was \$25
4 in 2010, and it will be \$50 in 2014. That
5 doubles. That's a 100 percent increase.

6 JUDGE FOSKEY: But this is not as
7 a result of this resolution. If you look
8 at, collectively, all of the resolutions
9 that had been passed --

10 LEGISLATOR DENENBERG: You said
11 past 10 years, so I'm just showing you that
12 that was since 2010 to 2014, that's only
13 three plus years. That's not ten years.

14 JUDGE FOSKEY: Do you have
15 another question?

16 LEGISLATOR DENENBERG: I guess
17 acquiesce means you agree. Tackapausha, if
18 it goes from \$1 in 2010, to \$3 in 2014 for a
19 resident, that's a 300 percent increase.

20 JUDGE FOSKEY: In 2010?

21 LEGISLATOR DENENBERG: To '14.

22 JUDGE FOSKEY: You can do the
23 math then. If that's what it is, that's
24 what it is.

25 LEGISLATOR DENENBERG: I don't

1 Full Legislature/6-16-14

2 see any really being below ten percent. I
3 see some up to 200 percent. But residents
4 will be paying more, correct, yes or no?

5 JUDGE FOSKEY: Yes, which allows
6 us to continue to operate these facilities.
7 If you look at, for example, the living
8 wage, in the parks department, people 17
9 years old, we have to pay them I believe
10 \$13.35 an hour. The other municipalities,
11 such as Oyster Bay, Town of Hempstead, they
12 are still paying the \$7.50, \$7.75.

13 So if you look at our costs of
14 operating some of these facilities, they've
15 gone up.

16 LEGISLATOR DENENBERG: My
17 question was just whether residents,
18 seniors, veterans, would be paying more?

19 JUDGE FOSKEY: Yes. In most
20 instances, correct.

21 LEGISLATOR DENENBERG: Now,
22 special educational programs at all the
23 museums, including special ed programs, will
24 be going up anywhere from, looks like, ten
25 to 20 percent?

1 Full Legislature/6-16-14

2 JUDGE FOSKEY: Not really true.
3 You are looking at it from the ordinance
4 standpoint. Usually, if there is a special
5 program, the parks department usually will
6 fit the program to meet the needs of the
7 people. In many of these things, they apply
8 for a fee waiver. Are they bringing
9 extraordinary circumstances in? These fees
10 are up to that, it's a maximum.

11 The commissioner of parks does
12 not have to charge these fees, and, while I
13 was commissioner, if you wrote a letter, and
14 explained the situation, we don't always
15 charge you the ordinance fee, but we will
16 work with the community to come up with a
17 community based type fee.

18 LEGISLATOR DENENBERG: I'm
19 looking at what the ordinance is.

20 JUDGE FOSKEY: Which says the
21 maximum. It says the maximum. That's what
22 you are allowed to charge. A lot of these
23 fees we don't charge the maximum for.

24 LEGISLATOR DENENBERG: Whose
25 discretion is that?

1 Full Legislature/6-16-14

2 JUDGE FOSKEY: It's usually up to
3 the department to come up with a fee that
4 has a rational basis. But, as you know, in
5 the beginning of the ordinance, it talks
6 about the maximum of fee that we charge.

7 LEGISLATOR DENENBERG: Well, for
8 special education programs, I'm seeing \$5
9 per person to \$6. That's a 20 percent
10 increase. \$10 to 11. That's 10. 14 to 16.

11 JUDGE FOSKEY: If you look at
12 Article 3, it says "the following maximum
13 fees are established."

14 LEGISLATOR DENENBERG: So you are
15 increasing the maximum fees but you don't
16 intend to charge them? So, let's just not
17 increase them.

18 JUDGE FOSKEY: In some
19 situations, even as the ordinance exists
20 now, there are certain situations where the
21 maximum fees are not being charged.

22 LEGISLATOR DENENBERG: I would
23 just say, if you are not going to charge it,
24 why are we increasing it? I think we are
25 increasing --

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2 JUDGE FOSKEY: Additionally, if
3 you look at Article 5, it says, "fee waivers
4 the commissioner of parks, recreation, and
5 museum is authorized to waive or reduce fees
6 when he deems it to be in the best interests
7 of the public," which we did.

8 LEGISLATOR DENENBERG: That's
9 always been there.

10 JUDGE FOSKEY: It's not just
11 words, Mr. Denenberg. It's something that
12 we use on a regular basis in parks.

13 LEGISLATOR DENENBERG: But if you
14 don't intend to charge, why are we
15 increasing them, judge?

16 CHAIRWOMAN GONSALVES: Let him
17 finish.

18 JUDGE FOSKEY: In some
19 situations, it's necessary to charge a fee.
20 For example, where there are certain things
21 where all of a sudden the park's fees go up
22 drastically to render services, if we had to
23 come back each time to raise the fees, it
24 would be too late. By the time you came
25 back to the leg to get something on the

1 Full Legislature/6-16-14
2 calendar takes almost four to six months.

3 So this allows a certain amount
4 of flexibility and is actually government at
5 its best, not government at its worst.

6 LEGISLATOR DENENBERG: So a golf
7 starter has flexibility on what they're
8 going to charge?

9 JUDGE FOSKEY: The maximum, only
10 up to the maximum. They can't exceed the
11 maximum.

12 LEGISLATOR DENENBERG: So you're
13 telling me when you go to see a golf
14 starter, a golf starter can say, you go
15 free, you don't go free?

16 JUDGE FOSKEY: That's not what
17 I'm saying. You know that's not what I'm
18 saying. There's a scheduled list of fees,
19 when parks looks at the fees, there's a
20 published fees, published in all of our
21 brochures, and, usually, once we publish it
22 in the beginning of the year, we don't
23 republish those fees, we don't revise them.

24 LEGISLATOR DENENBERG: So the
25 fees here, for example, for golfing, or for

1 Full Legislature/6-16-14
2 other park usage, the beach fees, those
3 aren't going up?

4 JUDGE FOSKEY: I didn't say that.
5 More than likely, the beach fees will not go
6 up because the -- we have already issued the
7 permits for the year. We already issued the
8 parking stickers.

9 LEGISLATOR DENENBERG: So it will
10 go up next year?

11 JUDGE FOSKEY: That's a
12 possibility.

13 LEGISLATOR DENENBERG: You and I
14 discussed that in committees.

15 JUDGE FOSKEY: Yes, we did. So
16 my answer remains the same from last time.

17 LEGISLATOR DENENBERG: I just
18 find this is, across the board, anywhere
19 from 10 to 100 percent increases, and, in
20 some cases, I just showed you 200 percent
21 since 2010. Not over 10 years, over three
22 plus. Thank you.

23 JUDGE FOSKEY: Thank you. Any
24 further questions?

25 CHAIRWOMAN GONSALVES: Legislator

1 Full Legislature/6-16-14

2 Jacobs.

3 LEGISLATOR JACOBS: Mr. Foskey, I
4 just wanted to clarify something for myself.
5 What you are saying is, when we figure this
6 particular item to be the maximum, may not
7 be the maximum?

8 JUDGE FOSKEY: Correct.

9 LEGISLATOR JACOBS: I've never
10 voted on anything like that.

11 JUDGE FOSKEY: Yes, each time you
12 did. Article 3 has been there on each one.
13 If you go back and look, there's a reason
14 for it. It's been there each time. Because
15 there's been times when -- when you look at
16 the market and there's a reason for that.
17 It's the maximum allowed. There are
18 probably some fees in there whereby it just
19 doesn't merit the maximum at this time. It
20 doesn't mean that six months from now or a
21 year from now that that might not become an
22 appropriate fee. But it's been in every
23 resolution.

24 LEGISLATOR JACOBS: Do you come
25 before the legislature as somebody from the

1 Full Legislature/6-16-14
2 department, every single year to tell us
3 what your fees are going to be?

4 JUDGE FOSKEY: Only if we are
5 going to exceed the maximum, we do. We
6 actually come to you beforehand.

7 LEGISLATOR JACOBS: So a range
8 like this, where it could be zero --

9 JUDGE FOSKEY: Probably not zero.

10 LEGISLATOR JACOBS: Well, if it's
11 on here, I think we can actually say we have
12 no idea what it's going to be. It can go
13 from zero to 100 percent.

14 JUDGE FOSKEY: You do know from
15 the published now, it's not going to be less
16 than what it is now. Each one of these has
17 a published fee.

18 LEGISLATOR JACOBS: I understand
19 that but I'm talking about beyond that
20 published fee, if there's going to be an
21 increase, it can range anywhere from one
22 percent to 10 or 20 or 30 or 100 percent?

23 JUDGE FOSKEY: As long as it does
24 not exceed the ordinance that you passed.

25 LEGISLATOR JACOBS: It's a little

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2 too much of a question mark.

3 JUDGE FOSKEY: It's a range.

4 LEGISLATOR JACOBS: It's a big
5 range though. It's really a big range.

6 So what you're saying, I think
7 I'm getting it, that we have to vote on what
8 we're seeing as the maximum, even that may
9 not be the fee charged?

10 JUDGE FOSKEY: Correct. He may
11 not charge it this year, he may charge it
12 next year.

13 LEGISLATOR JACOBS: Thank you.

14 LEGISLATOR DERIGGI-WHITTON:
15 There seems to be -- I think -- and I'm
16 going through it quick, but there seems to
17 be a category nine which includes seniors
18 and veterans and ambulance corp members.

19 JUDGE FOSKEY: Which section are
20 you reading from?

21 LEGISLATOR DERIGGI-WHITTON: From
22 all the different descriptions of the fee
23 increases, as it breaks down each increase,
24 it goes through resident, nonresident, all
25 that.

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2 But this one category of category
3 nine seems pretty consistent from what I've
4 been able to go through so far. Basically
5 there's one category that says, "senior
6 citizens, volunteer fire fighters, volunteer
7 ambulance corp, members of the police,
8 auxiliary veterans and people with
9 disabilities. It's in every single increase
10 including one here.

11 JUDGE FOSKEY: You mean Roman
12 numeral X, I see it now.

13 LEGISLATOR DERIGGI-WHITTON:
14 That's nine. So I see in one other area
15 it's cited as an E.

16 JUDGE FOSKEY: Yes. I see E.

17 LEGISLATOR DERIGGI-WHITTON: I
18 would love to see like a bipartisan effort
19 to get rid of this one category. How can
20 the wealthiest country in the nation
21 increase the fees on veterans and disabled
22 children and our police and our fire
23 fighters and our EMS workers?

24 I don't know how much we are
25 bringing in, probably a very minuscule

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2 amount, and this goes against I think
3 everything that when they come up and we
4 congratulate them for their service, like
5 the veterans said before, we honor them with
6 a pass, yet, how can we have this category?

7 JUDGE FOSKEY: Because if you
8 follow the park literature during the year,
9 there are times, for example, on Veteran's
10 Day that we give either a huge reduction or
11 allow them to play for free. Same thing
12 with the rifle range. There are a number of
13 other additional programs that we offer that
14 benefits the veterans.

15 LEGISLATOR DERIGGI-WHITTON: As
16 we should. Look, if you have to raise fees,
17 then, God bless, go ahead. But, how can any
18 of us up here in a clear conscious raise it
19 on this one category? That's all I'm
20 saying. It's probably less than 10 percent
21 of this full budget.

22 JUDGE FOSKEY: The fees are also
23 competitive with other municipalities too.

24 LEGISLATOR DERIGGI-WHITTON: I'm
25 sorry, but they're very high. Fees like 16

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2 percent is one here. To raise special
3 education programs? You know how a lot of
4 those fundings, those have been cut.

5 JUDGE FOSKEY: As I said to you
6 earlier, those programs, they can write the
7 commissioner a letter, and they do it quite
8 frequently, school districts, and these are
9 the maximum --

10 LEGISLATOR DERIGGI-WHITTON: Do
11 you have that written anywhere?

12 JUDGE FOSKEY: I just read it to
13 you. In Article 3, it says these are the
14 maximum fees. In addition, we look at the
15 other article at the end, it talks about the
16 commissioner having the right to waive
17 certain fees.

18 LEGISLATOR DERIGGI-WHITTON: But
19 is this condition which Legislator Judy
20 Jacobs wasn't even 100 percent sure of up
21 until now, is this any way posted like near
22 where people buy tickets, or buy permits?

23 JUDGE FOSKEY: The ordinance is
24 posted, yes. The ordinance is posted. The
25 fees contain an ordinance, so they're posted

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2 at all if not most of our sites.

3 LEGISLATOR DERIGGI-WHITTON:

4 Including this discretionary fee?

5 JUDGE FOSKEY: The whole

6 ordinance is posted, yes.

7 LEGISLATOR DERIGGI-WHITTON: I

8 have never seen that in my entire life.

9 JUDGE FOSKEY: I will make sure

10 Commissioner Nugent posts them so you'll see

11 them in the future, but they're posted as a

12 public document.

13 LEGISLATOR DERIGGI-WHITTON: What

14 is the discretion, who decides, the people

15 that are charging the ticket?

16 JUDGE FOSKEY: It's the same as

17 it's been, all the ordinances.

18 LEGISLATOR DERIGGI-WHITTON: I

19 just don't know. Who decides, like the

20 special education class?

21 JUDGE FOSKEY: As I indicated to

22 you before, as I read this earlier, the part

23 who has --

24 LEGISLATOR DERIGGI-WHITTON: But

25 who has that discretion?

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2 JUDGE FOSKEY: I just read it.

3 LEGISLATOR DERIGGI-WHITTON:

4 Meaning you?

5 JUDGE FOSKEY: Not me. Article
6 5, fee waivers. Commissioner of parks,
7 recreation, and museums is authorized to
8 waive and reduce fees when he deems it to be
9 in the best interest of the public.

10 LEGISLATOR DERIGGI-WHITTON: So
11 the person in charge of parks, is that what
12 you're saying?

13 JUDGE FOSKEY: Correct.

14 LEGISLATOR DERIGGI-WHITTON: So
15 Eileen Kreebs?

16 JUDGE FOSKEY: If you think
17 Eileen is in charge of parks, you now have a
18 big issue here.

19 LEGISLATOR DERIGGI-WHITTON: I
20 understand. But, for instance, would that
21 qualify as someone who --

22 JUDGE FOSKEY: I can tell you,
23 from my experience, what would usually
24 happen, the group would write a letter to
25 the commissioner saying, "dear

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2 commissioner," and in that letter they would
3 set forth, "we are from a minority district,
4 or we have certain financial challenges,
5 would you consider waiving the fee or
6 reducing the fee?" And, what would happen,
7 I would write them back once I read the
8 letter and answer, yes, based on what you
9 told me, I feel this would be an appropriate
10 situation to reduce the fee or waive the
11 fee.

12 LEGISLATOR DERIGGI-WHITTON: I'm
13 just saying though, you're now -- you're the
14 county attorney?

15 JUDGE FOSKEY: Yes, I would agree
16 with you on that one too.

17 LEGISLATOR DERIGGI-WHITTON: Just
18 explain to me who these letters are going to
19 now, you as well?

20 JUDGE FOSKEY: They go to Acting
21 Commissioner Nugent.

22 LEGISLATOR DERIGGI-WHITTON: So
23 you would no longer have --

24 JUDGE FOSKEY: No.

25 LEGISLATOR DERIGGI-WHITTON: So

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2 what you just told me is you would say yes
3 was totally misspoken because you're the
4 county attorney, correct?

5 JUDGE FOSKEY: Do you have any
6 further questions, legislator?

7 CHAIRWOMAN GONSALVES: I'm going
8 to ask a question now.

9 LEGISLATOR DERIGGI-WHITTON: I'm
10 not finished yet. No, I'm not.

11 So just clarify one more second.

12 JUDGE FOSKEY: I explained to
13 what was the protocol --

14 LEGISLATOR DERIGGI-WHITTON: No.
15 Listen.

16 JUDGE FOSKEY: No. Excuse me. I
17 explained to you what the protocol was. I
18 read the law. There's nothing else I could
19 do to make you understand this.

20 LEGISLATOR DERIGGI-WHITTON: You
21 just answered the question by saying I waive
22 the --

23 JUDGE FOSKEY: I explained to you
24 what I did when I was there. I read the
25 law. Three times I read the law. I don't

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2 know of any other way I could possibly make
3 this simpler or make you understand this.
4 Madam presiding officer, are there any
5 additional questions?

6 LEGISLATOR DERIGGI-WHITTON: Yes.
7 I'm still speaking.

8 CHAIRWOMAN GONSALVES: Yes. I
9 just want clarification.

10 LEGISLATOR DERIGGI-WHITTON: I'm
11 almost done.

12 CHAIRWOMAN GONSALVES: Hold on.
13 Legislator DeRiggi-Whitton, it's my turn.

14 LEGISLATOR DERIGGI-WHITTON: I
15 haven't finished yet.

16 CHAIRWOMAN GONSALVES: I need to
17 get something clarified that you are talking
18 about.

19 LEGISLATOR DERIGGI-WHITTON: Go
20 ahead.

21 CHAIRWOMAN GONSALVES: There are
22 a number of park fees where an adult 13 and
23 older pays one fee, and the seniors, and the
24 veterans, and the fire fighters, and you
25 name it, pay another fee. Could you

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2 elaborate on that, can you give me some of
3 those fees that we do discount for the
4 firefighters, the veterans and so on?

5 JUDGE FOSKEY: That's correct.
6 Almost all the fess in each category,
7 whether it's golf, tennis, or swimming, has
8 a discounted fee for the firefighters and
9 the same fee is not necessarily discounted
10 for the adult or various other people in
11 each of the categories.

12 CHAIRWOMAN GONSALVES: I needed
13 to clarify that. We do take into
14 consideration that discounts are in order
15 for our veterans, our seniors, our
16 firefighters and so on. Now you can go
17 ahead.

18 LEGISLATOR DERIGGI-WHITTON: Well,
19 there's going to be much less of a discount
20 after this passes because many of them are
21 hitting double digit increases.

22 JUDGE FOSKEY: There's still a
23 discount though.

24 LEGISLATOR DERIGGI-WHITTON: Let
25 me ask you one more thing, judge, if that's

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2 okay.

3 JUDGE FOSKEY: Yes, you may.

4 LEGISLATOR DERIGGI-WHITTON: I
5 understand we went through this whole thing
6 which is basically saying the commissioner
7 has the right to waive the fees should
8 whoever that is at the time deem it
9 appropriate.

10 Where is that written in the
11 Charter?

12 JUDGE FOSKEY: I'm not familiar
13 where in the Charter it's written.

14 LEGISLATOR DERIGGI-WHITTON: Well,
15 put on your county attorney hat.

16 JUDGE FOSKEY: I will get back to
17 you.

18 LEGISLATOR DERIGGI-WHITTON: How
19 can we say that?

20 JUDGE FOSKEY: I can tell you,
21 each one of you, there have been times when
22 people ask, from both sides of the aisle,
23 whether show mobile or for the use of the
24 park, that they have called the commission
25 up and asked the commissioner, and even more

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2 than likely for you also, down in Glen Cove
3 where we get a show mobile where we agreed
4 to waive the fee. This gives us the ability
5 to waive that fee. Without the section,
6 when certain members of this body ask, we
7 would not be able to waive the fee.

8 LEGISLATOR DERIGGI-WHITTON: So
9 not according to the Charter that we know of
10 right now.

11 JUDGE FOSKEY: I'll do some
12 research on that and gladly submit that
13 information.

14 LEGISLATOR DERIGGI-WHITTON: So
15 if you want to do the research and tell us
16 what the discretion -- when that's
17 applicable, however, most people walking up
18 to a museum or special ed class is going to
19 assume that if there is a fee posted there,
20 that that is what they are paying.

21 JUDGE FOSKEY: The fee posted is
22 what they're paying.

23 LEGISLATOR DERIGGI-WHITTON:
24 Typically that's what they're paying and it
25 could possibly be waived if there was some

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2 condition that the county commissioner --

3 JUDGE FOSKEY: Are you telling me
4 that you no longer want the commissioner to
5 waive these fees?

6 LEGISLATOR DERIGGI-WHITTON: No.
7 That I have no problem with.

8 JUDGE FOSKEY: Are you telling me
9 that?

10 LEGISLATOR DERIGGI-WHITTON: I
11 have no problem. I would just like to see
12 it in the law as far as how it's -- it's
13 just for whoever wants to decide what. I
14 really do think we have to have some type of
15 -- something written which would show what
16 happens, and, if it is that the commissioner
17 can consider certain things and not others,
18 that's very discretionary.

19 JUDGE FOSKEY: I will relay your
20 comments back to Commissioner Nugent.

21 LEGISLATOR DERIGGI-WHITTON: To
22 get back to what my real comment is, I would
23 love for this county to take the integrity,
24 like Norma Gonsalves just mentioned, we
25 respect our veterans, we respect our

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2 volunteers, why we are increasing their
3 rates, whether they are slightly lower than
4 others to start out with, after this,
5 there's not going to be that much of a
6 difference. I cannot understand how we have
7 to find money that way.

8 JUDGE FOSKEY: Still
9 significantly different than the
10 non-seniors, and --

11 LEGISLATOR DERIGGI-WHITTON: But
12 why would we ever increase fees on our
13 veterans, our disabled, on the people that
14 we are protect the most, and for such a
15 miniscule amount of money in this \$2.8
16 billion budget is beyond me. Thank you.

17 CHAIRWOMAN GONSALVES: Legislator
18 Nicolello.

19 LEGISLATOR NICOLELLO: Judge
20 Foskey, I was listening to Legislator
21 Denenberg's questions of you. I noticed
22 that you had done some calculations dating
23 back to 2010.

24 Do you have any idea why you went
25 back only to 2010, that's such an arbitrary

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2 date to pick?

3 LEGISLATOR DENENBERG: That's
4 when he was parks commissioner.

5 JUDGE FOSKEY: I guess that's
6 when Mr. Mangano because the county
7 executive.

8 LEGISLATOR NICOLELLO: One would
9 suspect that. And, by the way, you can
10 expect Legislator Denenberg to interrupt as
11 often as he can, but we went back before
12 that because I think it's important to get a
13 little bit of background, especially when
14 certain legislators insist repeatedly that
15 these are back door tax increases.

16 So we looked back farther than
17 2010 and, low and behold, dating way back to
18 2002, and going forward, and I will give you
19 the details, these back door tax increases,
20 as one legislator here considers, were a
21 pretty frequent thing.

22 That legislator who has been
23 calling them back door tax increases,
24 Legislator Denenberg, voted for them each
25 and every time.

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2 So let's go through the history.
3 2002, they raised park fees, county clerk
4 fees, civil service commission fees, board
5 of election fees, planning commission fees,
6 public work fees, fees related to home
7 alarms, home improvement license fees,
8 Department of Probation fees, fees for GIS
9 usage.

10 2003, they raised county clerk
11 fees, civil service commission fees, Board
12 of Election fees, planning commission fees,
13 public works fees, fire marshal fees, fees
14 for registration of vehicles for hire.

15 2004, park fees again, for the
16 second time.

17 2005, fees for registration of
18 automatic tellers, fees for fire marshal.

19 2006, planning commission again.
20 2006 county attorney's fees, DPW fees,
21 treasurer's office, office of purchasing
22 fees increased by the then Democratic
23 majority, Legislator Denenberg voting in the
24 affirmative each time.

25 2007, raised the Department of

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2 Assessment fees, signed hangar licensing
3 fees, fire marshal fees, locksmith license
4 fees, automatic alarm system fees, storm
5 water sewage collection fees.

6 2008, they raised park fees for
7 the third time, traffic and parking fees,
8 county clerk fees for the third time,
9 consumer affair fees, probation fees.

10 2009, DPW fees, planning
11 commission fees, police department impounded
12 vehicle fees. That's what we would able to
13 come up with at this point.

14 Now, Legislator Denenberg, can we
15 quote you on the fact that each and every
16 one of those was a back door tax increase?

17 LEGISLATOR DENENBERG: Are you
18 asking him or me?

19 LEGISLATOR NICOLELLO: I don't
20 think his name is Legislator Denenberg. Can
21 we quote you on the fact that each one of
22 those was a back door tax increase?

23 LEGISLATOR DENENBERG: What you
24 are doing today is a back door tax increase
25 and it's our veterans, and it's on our

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2 seniors, and it's on our volunteers.

3 And, by the way, the quote of a
4 back door tax increase on fees came from
5 Legislator Nicoletto and Legislator Schmitt
6 in 2008 and 2009 saying, "fee increases are
7 nothing but a back door tax increase,"
8 Mr. Nicoletto and Mr. Schmitt.

9 I'm not answering your question.
10 What you are doing today is a back door tax
11 increase. And I love how you're going to
12 turn around and, on the record, try to
13 attack me.

14 I believe, first and foremost, a
15 lot of those fee increases -- you know what,
16 the fee increases today, which are literally
17 hundreds upon hundreds of fee increases, is
18 what we are debating. Talking about 10, 15
19 years ago doesn't change what we are
20 debating now. Period.

21 LEGISLATOR NICOLELLO: Well,
22 whether you want to or not -- you want to be
23 partisan, you want to scream out, Legislator
24 Becker?

25 CHAIRWOMAN GONSALVES: Excuse me,

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2 no cross conversation, please.

3 LEGISLATOR NICOLELLO: Whether
4 you want us to or not, we're going to quote
5 you on it and remind, and we'll also remind
6 you of the fact that these back door tax
7 increases, as you call them, it went through
8 the front door, with a 43 percent real
9 property tax increase, and through the side
10 door with a home energy tax increase.

11 LEGISLATOR DENENBERG: You know
12 what, Mr. Nicolello --

13 CHAIRWOMAN GONSALVES: Those are
14 tax increases. Excuse me --

15 LEGISLATOR NICOLELLO: As I said,
16 we understand, and --

17 LEGISLATOR DENENBERG: What you
18 are doing today --

19 CHAIRWOMAN GONSALVES: No cross
20 conversations, please.

21 LEGISLATOR DENENBERG: What
22 you're doing today is wrong --

23 CHAIRWOMAN GONSALVES: Legislator
24 Denenberg, you're out of order.

25 LEGISLATOR DENENBERG: -- and

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2 your debate is wrong.

3 CHAIRWOMAN GONSALVES: Legislator
4 Denenberg, you're out of order. Legislator
5 Nicolello has the floor.

6 LEGISLATOR NICOLELLO: We
7 understand that members of the minority will
8 vote against fees, but to repeatedly use the
9 term back door tax increases, and tax
10 increases, and tax increases --

11 LEGISLATOR DENENBERG: Your own
12 term?

13 LEGISLATOR NICOLELLO: This is
14 your term. We are going to quote you on it,
15 Dave, believe us.

16 LEGISLATOR DENENBERG: I'm sure.

17 CHAIRWOMAN GONSALVES: You don't
18 have the floor.

19 LEGISLATOR DENENBERG: I'm
20 responding. In 2012 --

21 CHAIRWOMAN GONSALVES: You did
22 not go through the chair.

23 LEGISLATOR DENENBERG: In
24 December 2012, when you had a 10-9 majority,
25 you passed 15 separate items that were over

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2 one thousand fee increases less than two
3 years. That was only a year and a half.
4 Now you are back and doing it again. So why
5 don't you live with your own words. I'm
6 only talking about the last 18 months.

7 CHAIRWOMAN GONSALVES: There are
8 other people that wish to speak besides you.
9 You don't speak for the whole world.

10 Any public comment? Mr. Young,
11 you may speak on this if you wish.

12 MR. YOUNG: I would like to speak
13 on this. Madam Presiding Officer and the
14 legislature, good afternoon. Thank you for
15 having me. My name is Bob Young. I live at
16 29 Central Parkway in Merrick. I am no
17 longer in Dave's district, so I don't think
18 there's anything going on here.

19 I have come to you today
20 because this is not, for me, and Norma can
21 tell you how much I really care about the
22 parks and the preserves.

23 CHAIRWOMAN GONSALVES: What did
24 you just say?

25 MR. YOUNG: Excuse me?

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2 CHAIRWOMAN GONSALVES: What did
3 you just say, you don't care about the parks
4 and preserves?

5 MR. YOUNG: No. You can say how
6 much I do. I'm sorry, I'm a little tired
7 from waiting here all afternoon to talk, but
8 I would like to get through.

9 As far as I'm concerned, the role
10 of government is to provide services. And
11 one of the services it does provide to me
12 which I use a lot is our parks and preserves
13 and numerous people up here can attest to
14 that.

15 My question is, I pay full taxes.
16 I don't get any discount, maybe STAR or
17 whatever, but I pay full taxes. I also have
18 to pay fees, increased fees.

19 So as far as I'm concerned, I'm a
20 taxpayer, I own the facilities. Not the guy
21 who comes here from New York City to play a
22 couple of rounds of golf. I own the
23 facilities. So, in order for me to use my
24 facilities, I have to pay more. I don't
25 like it. I understand it may be necessary

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2 to raise fees and I take a look at the fees
3 that are being raised.

4 To me, I got a problem with this.
5 I didn't go down the list all that far, but
6 proportionately, and I own the fees, to the
7 people that don't own the fees, my
8 percentage has gone up and, almost
9 invariably, throughout this whole document,
10 that's the case.

11 You can start with page one,
12 archery ordinance, 199-2011. A Nassau
13 County resident goes up from \$2, 33 percent.
14 Nonresident, goes from five to six, 18
15 percent, and senior citizens and cops and
16 everybody are 15 percent.

17 So the ones that own it, the ones
18 that live here, they got to pay more
19 proportionately than the people that come
20 from outside. I have a big problem with
21 that. If you were to say it's ten percent
22 across the board, or whatever, my criticism
23 would not be valid.

24 I can go to another one here. I
25 can do through this whole thing. I will

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2 throw out a couple more. Miniature golf. I
3 like to play miniature golf. My friends
4 come in from out of town. We do our yearly
5 challenge here at Eisenhower Park. It goes
6 up from \$7 to \$8, that's 14 percent roughly.
7 People that live, that are not from here,
8 from \$10 to \$11, a nine percent increase.
9 Again, the people that live here pay more.
10 I can go through the whole thing. Batting
11 cage ordinance, a resident goes from \$3 to
12 \$4, 25 percent increase. Nonresident goes
13 from \$5 to \$6, 18 percent increase.
14 Beaches, vehicle access, nonresident goes
15 from \$35 to \$37, maybe an eight percent
16 increase, daily resident goes from \$8 to
17 \$10, a 20 percent increase. It goes on and
18 on.

19 I can't understand why the people
20 that own the equipment, people that own the
21 facilities have to pay more proportionately
22 than the people who don't. Now, if you are
23 looking for the dollars, I think you should
24 find a better place to do it.

25 I got more questions. I'm not

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2 done. I don't think that you should tax the
3 residents for using the facilities. Because
4 I like to use the facilities. I like to
5 play hockey. I like to go and play mini
6 golf and I do it. I'm out there.

7 Why should I pay more? If you
8 price me out, I can go anywhere, it's all
9 the same. And I point to some of the hockey
10 fees which basically equate -- it doesn't
11 matter. If you live here, you don't live
12 here. It all works out the same. I'm not
13 going to address them specifically.

14 CLERK MULLER: Mr. Young, your
15 three minutes have expired.

16 MR. YOUNG: Okay. Other people
17 spoke, can I --

18 CHAIRWOMAN GONSALVES: Can you
19 wrap it up?

20 MR. YOUNG: I'm going to wrap it
21 up. A question I have, okay, there's two
22 more things. One more thing, on the
23 Tackapausha and Garvey Point Museum, where
24 the general admission has gone up 33 percent
25 for children, 25 percent for general, and

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2 nothing if you don't live here, so if you
3 come here from where ever, you are paying
4 the same amount. There is a thing here, it
5 says, seasonal dinghy rack under this
6 category. So I called up Tackapausha
7 because I go there all the time and I said,
8 hey, where is your dinghy rack? I have a
9 dinghy. I used to be a sailor. Where is it
10 at? This document isn't even prepared
11 properly because it lists the dinghy rack as
12 part of both. It does not exist. I called
13 today. The latest to confirm.

14 CHAIRWOMAN GONSALVES: Are you
15 almost there in wrapping it up?

16 MR. YOUNG: Maybe.

17 CHAIRWOMAN GONSALVES: Not maybe.

18 MR. YOUNG: One more thing and
19 I'm almost done.

20 CHAIRWOMAN GONSALVES: One more
21 thing and that's it.

22 MR. YOUNG: Okay. So I belong to
23 the Long Island Curling Club. I know the
24 county is looking for money. This is what
25 it's all about.

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2 We went to the people that are
3 developing the hockey rinks and we said we
4 have over 200 members in our Long Island
5 Curling Club. We would like to play at
6 Eisenhower Park. Can we work out some kind
7 of partnership? We were told no, we can't.
8 Now, I see two massive hockey rinks there.
9 We want to pay. We want to play. Nobody is
10 even interested. So I suspect that the work
11 is being done improperly. That's it for me.

12 CHAIRWOMAN GONSALVES: So you're
13 wrapping it up?

14 MR. YOUNG: I'm wrapping it up.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much.

17 MR. YOUNG: So I'm saying I don't
18 like to pay the fees. So I'm done with what
19 I have to say. A friend of mine asked me to
20 read this statement in. I would like to.

21 CHAIRWOMAN GONSALVES: What
22 happened to wrapping it up, Mr. Young?

23 MR. YOUNG: I'm done with me.

24 CHAIRWOMAN GONSALVES: No.
25 Submit it. You can submit the statement to

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2 the clerk.

3 MR. YOUNG: I'm not wrapping it
4 up. My question is --

5 CHAIRWOMAN GONSALVES: Bob, now
6 before I said Mr. Young because I wanted to
7 be professional.

8 MR. YOUNG: I'm being
9 professional. My only comment is, you're
10 going to do what you want to do. I will sit
11 down. Thank you.

12 CHAIRWOMAN GONSALVES: Submit
13 that to the clerk. Any other public
14 comment? Mr. Boitel.

15 MR. BOITEL: Good afternoon. I'm
16 Henry Boitel. I'm a resident of Rockville
17 Centre for more than 40 years. I speak as
18 an individual and not representing any party
19 or group.

20 I want to speak about this 35 or
21 40 page list of fees that are being raised.
22 I think there are some legislation that
23 you're considering that also raises fees and
24 permit fees and fines and the like.

25 There was a time that the average

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2 family could go to a baseball game or a
3 movie or Broadway show without any great
4 problem. Maybe I portray my age when I say
5 that.

6 Now the cost of those activities
7 has skyrocketed. Practically everything we
8 do is click click click on the meter,
9 ranging from young kids with cell phones and
10 other kinds of activities to senior
11 citizens.

12 This is at a time when the income
13 of the average person has not been
14 increasing. So we're increasing fees and
15 costs, but most of us are stuck in an income
16 which has not increased and, for many, has
17 actually gone down.

18 It's within that context that you
19 ought to be viewing this question of fees.
20 The park lands, beaches, nature walks,
21 public meeting rooms, athletic facilities
22 owned by the people of Nassau have a value,
23 I don't know, maybe billions of dollars.
24 They belong to all of us. As the gentleman
25 who spoke before me just said, they do, they

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2 belong to all of us, regardless of social or
3 economic standings.

4 When fees are imposed for their
5 use, they are a minor expenditure for some
6 people, but, for others, they compete with
7 the necessities of life. Every time you
8 raise a usage fee or license or a permit,
9 you give the wealthy more breathing room and
10 you discourage the use of those facilities
11 by the poor and the middle class. The
12 imposition of fees across the board is the
13 worst example of regressive taxation.

14 We heard a little while ago that
15 the commissioner appears to have some broad
16 kind of discretion to waive fees. I was
17 somewhat taken aback at that because I
18 didn't hear that there is some record kept
19 of that. I didn't hear there is some
20 indication that I can find out who the other
21 people are that are getting their fees
22 waived.

23 It seems like kind of a special
24 consideration that can be given to some and
25 not to others who don't know about it, who

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2 don't have standing, or don't have a
3 contact. I don't think that's a very wise
4 thing.

5 CLERK MULLER: Mr. Boitel, your
6 three minutes have expired.

7 MR. BOITEL: One of the worst
8 aspects of government in Nassau County is
9 the large number of independent taxing
10 authorities and fee setting authorities.
11 Each authority looks at the reasonableness
12 of its own levies utilizing its self-created
13 measurements.

14 No official in the county is
15 looking at the overall burden of taxation
16 and fees upon the individual.

17 Do you have before you a public
18 impact statement with regard to the
19 imposition of these fees that you are being
20 asked to raise today? If you do, I haven't
21 heard about it. Is there such a thing. Has
22 there been an impact study done? Today's
23 exercise is one more example of county
24 government --

25 CHAIRWOMAN GONSALVES: First of

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2 all, I need to tell you you need to wrap it
3 up. But to answer your questions, we are
4 required to have a fiscal impact study done
5 on it.

6 MR. BOITEL: Is that published?

7 CHAIRWOMAN GONSALVES: Where they
8 are required, we do, sir. Where they're
9 not, we don't.

10 My question to you is, are you
11 ready to wrap it up?

12 MR. BOITEL: Almost.

13 CHAIRWOMAN GONSALVES: He called
14 you over a minute ago. It's now.

15 MR. BOITEL: Today's exercise is
16 one more example of county government
17 focusing only on how to plug a hole that
18 NIFA is forcing you to address.

19 I'm going to skip over some
20 affirmative suggestions I had for you, an
21 instead of --

22 CHAIRWOMAN GONSALVES: Mr.
23 Boitel, you can submit a statement if you
24 like and put it in the record.

25 MR. BOITEL: I will. I'll wrap

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2 it up by saying this.

3 I suggest that instead of blindly
4 adopting these substantial fee increases,
5 you go back to the drawing boards, not to
6 plug a hole but to create a foundation for
7 the future of Nassau County.

8 I'm going to hand in a copy of my
9 statement, if I may, and I would ask that it
10 be annexed to the minutes.

11 CHAIRWOMAN GONSALVES: Thank you
12 very much. It goes into the minutes.
13 Claudia Borecky.

14 MS. BORECKY: My question is
15 directed to Legislator Mike Venditto.

16 You could have stopped these fee
17 increases in committee, yet when your vote
18 would have mattered, you had someone sitting
19 on this committee so the fee increases would
20 move forward and you wouldn't have to cast a
21 vote.

22 CHAIRWOMAN GONSALVES: Claudia,
23 once again, you're overstepping your bounds.

24 MS. BORECKY: Can you tell me why
25 you walked out of a committee on such an

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2 important vote?

3 CHAIRWOMAN GONSALVES: Claudia,
4 you are overstepping your bounds. You are
5 bordering on politics. Knock it off.

6 MS. BORECKY: I'm sorry. I heard
7 a lot of politics going on by Legislator
8 Nicolello a little while ago.

9 CHAIRWOMAN GONSALVES: I am
10 sorry, you --

11 MR. BOITEL: The public needs to
12 hear why he --

13 CHAIRWOMAN GONSALVES: Claudia, I
14 am speaking. I will tell you, for ten years
15 I didn't hear you come up here and complain
16 about fees that Mr. Denenberg voted for.

17 MS. BORECKY: Legislator
18 Denenberg -- fees -- whether it was Suozzi
19 who imposed them or Mangano who imposed
20 them.

21 CHAIRWOMAN GONSALVES: I'm
22 telling you now, if you have any other
23 comments, please make them.

24 MS. BORECKY: I would like to
25 know, at the time the finance committee was

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2 meeting, that you were at Wantagh High
3 School, outside your district, district
4 speaking to a teacher retirement campaigning
5 on county time. Can you answer that? He is
6 supposed to be in committee casting a vote
7 about these fees. At the same time he was
8 standing in Wantagh.

9 CHAIRWOMAN GONSALVES: This is
10 not appropriate, Claudia, and you do it time
11 and time again. It's got to stop. That's
12 not a question.

13 MS. BORECKY: It is a question.
14 I'm asking where he was.

15 CHAIRWOMAN GONSALVES: There's a
16 motive behind it and I see through it.

17 MS. BORECKY: Well, we haven't
18 heard enough motives tonight.

19 CHAIRWOMAN GONSALVES: He does
20 not have to justify his time to you.

21 MS. BORECKY: He should justify
22 it to his constituents in the least. Thank
23 you.

24 LEGISLATOR ABRAHAMS: Norma, I'm
25 not defending Claudia, but if someone asked

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2 me a question on where I was on county time
3 during a crucial vote, I think that that
4 does warrant an answer. I'm being fair. I
5 have the deepest respect for Michael as well
6 as for David, I wish them both better, but,
7 with that --

8 CHAIRWOMAN GONSALVES: It's
9 always the manner in which it's addressed.
10 Okay?

11 LEGISLATOR ABRAHAMS: With that
12 being said --

13 CHAIRWOMAN GONSALVES: Minority
14 Leader Abrahams, I'm sorry.

15 LEGISLATOR ABRAHAMS: It is a
16 fair question to ask a body where somebody
17 was during a vote.

18 CHAIRWOMAN GONSALVES: I don't
19 have to protect anybody, he can protect
20 himself. Just like you can protect
21 yourself.

22 LEGISLATOR ABRAHAMS: I'm just
23 saying this though. Let's just be all big
24 in the room. Some of us are running for
25 higher office. If I missed a vote while not

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2 being here it is totally fair game. Someone
3 can ask a question where I was when I missed
4 that vote, that, to me, is fair game.

5 CHAIRWOMAN GONSALVES: Legislator
6 Becker, quiet. You don't know the
7 circumstances, please. At this point there
8 is no other public comment -- excuse me --

9 LEGISLATOR ABRAHAMS: It would be
10 fair game if they asked me.

11 CHAIRWOMAN GONSALVES: No.

12 LEGISLATOR ABRAHAMS: It really
13 is.

14 CHAIRWOMAN GONSALVES: I'm going
15 to take a vote on Item 12.

16 Legislator Becker, we are moving
17 on. If there is no other public comment --

18 (No verbal response.)

19 All those in favor of Item 12
20 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (Nay.)

24 The item passes 10 to 9.

25 The next item is Item 13, an

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2 ordinance to fix certain fees to be charged
3 by the Department of Public Works.

4 A motion, please.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR DUNNE: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Muscarella, seconded by
9 Legislator Dunne. Who do we have here,
10 Mr. May?

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

14 MR. ARNOLD: Ken Arnold, Public
15 Works. This ordinance raises fees
16 associated with planning reviews,
17 subdivision reviews, 239s, and other aspects
18 of work that goes on on county roads.

19 CHAIRWOMAN GONSALVES: Any
20 questions or comments for Mr. Arnold
21 regarding this item, Item 13? We're on Item
22 13, which is certain fees to be charged by
23 the Department of Public Works.

24 Legislator Jacobs, on the item.

25 LEGISLATOR JACOBS: Thank you.

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2 I'm on the item. Mr. Arnold, I have a
3 question to ask you for my own edification.

4 These are increases I guess that
5 are going to be passed on to developers,
6 correct, or people that bid on contracts, et
7 cetera?

8 MR. ARNOLD: If they are
9 associated with developers, they will be
10 passed on to developers. Some of these fees
11 are with the homeowner, like the sewage
12 connection fee, the contractor would charge
13 that fee to --

14 LEGISLATOR JACOBS: He passes it
15 on to the homeowner?

16 MR. ARNOLD: Yes.

17 LEGISLATOR JACOBS: Let me ask
18 you this, what does Suffolk County do, do
19 they have these fees also?

20 MR. ARNOLD: Yes, they do.

21 LEGISLATOR JACOBS: They seem a
22 little bit high to me and I'm wondering if
23 we are discouraging people from wanting to
24 give us bids, rather than encouraging people
25 to give us bids.

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2 And, once they're doing it, I
3 don't know what choice we have as far as
4 raising them up. All right. Thank you.

5 CHAIRWOMAN GONSALVES: Legislator
6 Denenberg.

7 LEGISLATOR DENENBERG: Who will
8 pay these fees?

9 MR. ARNOLD: If it's associated
10 with the development of a property, the
11 developer will pay these fees. Some of
12 these fees are associated with -- if the
13 homeowner is looking to put a dumpster on a
14 county road, either the contractor or the
15 homeowner will pay the dumpster fee.
16 Depends what the fee is representing. A lot
17 of these are development planning fees, so
18 it would be the developer.

19 LEGISLATOR DENENBERG: So it
20 could be a contractor that's doing work on
21 someone's house?

22 MR. ARNOLD: Yes.

23 LEGISLATOR DENENBERG: And when
24 you say a developer, that could be a
25 contractor or a building developer that's

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2 trying to remodel something or build a new
3 construction?

4 MR. ARNOLD: Right. If you're
5 talking about building a Walgreen's, the
6 developer is paying that fee; if you're
7 talking about someone putting an extension
8 on their house or a county road, it would be
9 the homeowner paying the fee.

10 LEGISLATOR DENENBERG: But if
11 it's a connection to the sanitary sewers
12 that are going up, eventually, I would
13 assume whoever the developer is will eat the
14 cost, correct?

15 MR. ARNOLD: Yes.

16 LEGISLATOR DENENBERG: And if
17 it's a fee for a dumpster and it's for
18 having work done on your house, then it's
19 going to be the person who lives there
20 that's going to have to pay it? If the
21 contractor pays it, it's going to be a fee
22 that's charged through, correct?

23 MR. ARNOLD: Only if the dumpster
24 is on the county road. If it's in their
25 driveway, there is no fee.

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2 LEGISLATOR DENENBERG: Do we have
3 a cost analysis of any of these fees and
4 what they are comparably to other
5 jurisdictions?

6 MR. ARNOLD: Back at my office we
7 have some work that we did on that, yes.

8 LEGISLATOR DENENBERG: For the
9 hearing, we don't have that? This is the
10 hearing on these?

11 MR. ARNOLD: We did not supply
12 that as part of the hearing, no.

13 LEGISLATOR DENENBERG: So, in
14 some cases, again, it's anywhere from 20 to,
15 I guess, actually at least 20 percent on
16 most of these. I guess some could go up to
17 as much as 50 percent.

18 You don't think that that would
19 have a negative effect on small businesses
20 or the residents that have to pay those?

21 MR. ARNOLD: It's the fee that's
22 required to cover the department's cost on
23 doing this work.

24 LEGISLATOR DENENBERG: Thank you.

25 CHAIRWOMAN GONSALVES: Any public

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2 comment on this item?

3 (No verbal response.)

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

6 (Aye.)

7 Any opposed?

8 (Nay.)

9 The item passes 10 to 9.

10 Item 14, an ordinance amending
11 Ordinance Number 16-2011 as amended by
12 Ordinance Number 90-2012 in relation to
13 imposing fees to defray administrative costs
14 related to various processing activities at
15 TPVA.

16 A motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR WALKER: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Walker. Who do we have?

22 MR. RICH: Dave Rich, Deputy
23 Director, TPVA.

24 CHAIRWOMAN GONSALVES: Tell us
25 about it.

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2 MR. RICH: Basically it's to
3 authorize their position to various
4 administrative fees to defray the costs
5 incurred by TPVA in the processing of
6 various actions. It's basically to cover
7 our costs of doing these different actions.
8 These are new fees. These are not
9 increasing current fees.

10 CHAIRWOMAN GONSALVES: I have a
11 question, Mr. Rich. How much have the costs
12 increased since, let's say, a year or two
13 ago?

14 MR. RICH: Well, these are new.
15 So these wouldn't be increases in any
16 existing fee.

17 CHAIRWOMAN GONSALVES: So what
18 are the costs associated with these fees?

19 MR. RICH: Well, for example, the
20 default judgement, I believe it costs about
21 6 or \$7 to send a certified mail. Then we
22 have to have our resources manually address
23 the envelope or whatever, so that's why we
24 came up with that fee.

25 So, looking at these different

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2 activities, these are the fees that we
3 identified that would cover our cost of
4 doing them.

5 CHAIRWOMAN GONSALVES: Thank you.
6 Any questions of Mr. Rich?

7 (No verbal response.)

8 Is there any public comment? I
9 believe Mr. Budnick has a comment.

10 MR. BUDNICK: I just want to
11 know, are they trying to create fees to file
12 an application to vacate a default judgment?
13 I don't think the county can do that. I
14 believe that would only be able to done
15 through the state legislature.

16 If the county legislature wants
17 to file a Home Rule Message, et cetera, et
18 cetera, I believe only the state legislature
19 would have the jurisdiction and the ability
20 to create such a fee because there isn't any
21 authorization for the county to do so in the
22 law that created this agency.

23 I understand that it's annoying
24 for them, believe me. Especially certain
25 people, including perhaps me.

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2 But, the question must be looked
3 at with regard to whether the enabling
4 legislation authorizes this legislature to
5 create these fees that have never existed
6 before because my recollection, and it's
7 just on straight recollection, that there is
8 no authorization in the statute that was
9 passed originally.

10 But under the legislature upon
11 the Home Rule Message of this body to
12 authorize anything except the collection of
13 fines for violations and perhaps surcharges,
14 but I don't believe that fees for filing
15 motions is going to be able to be justified
16 under the regional authorizing statute.
17 Especially since this court acts under
18 either the Criminal Procedure Law, the Civil
19 Practice Law and Rules, neither of which
20 give authority for such fees for filing
21 applications to vacate defaults.

22 CHAIRWOMAN GONSALVES: Thank you,
23 Mr. Budnick.

24 Any other public comment?

25 (No verbal response.)

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2 There being none, all those in
3 favor of Item 14 signify by saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 The item passes 10 to 9.

8 Next is Item 15, an ordinance
9 amending Ordinance 358-1995 establishing
10 certain fees to be charged by the Department
11 of Assessment.

12 A motion, please.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR FORD: Second.

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

18 MR. VALENTINO: Dan Valentino,
19 Deputy County Attorney assigned to the
20 Nassau County Department of Assessment.

21 This is a new service that we're
22 providing. Any time there is a variance,
23 you generally need to notify property owners
24 within a certain -- an application where we
25 produce these radius maps. Our fees are

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2 actually about \$100 on average cheaper than
3 the private sector.

4 CHAIRWOMAN GONSALVES: Any
5 questions of Mr. Valentino?

6 (No verbal response.)

7 Is there any public comment
8 regarding this item?

9 (No verbal response.)

10 There being none, all those in
11 favor of Item 15 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes 10 to 9.

16 Everybody here that's supposed to
17 be here? We have one item which is Item 18
18 that needs to be amended, correct?

19 The next item is Item 18, a bond
20 ordinance providing for a capital
21 expenditure to finance the capital project
22 specified herein within the County of Nassau
23 authorizing \$14,400,000 of bonds in the
24 County of Nassau to finance said expenditure
25 and make certain determinations pursuant to

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2 the State Environmental Quality Review Act
3 pursuant to the Local Finance Law of New
4 York and the County Government Law of Nassau
5 County.

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.

12 Now, there's an amendment on this
13 item. So we need to ask for an amendment in
14 the nature of a substitution and I believe
15 it has to do with changing the Appendix A
16 and removing -- the amendment is changing
17 Appendix B to Appendix A.

18 Motion to amend that item.

19 LEGISLATOR DUNNE: So moved.

20 LEGISLATOR WALKER: Second.

21 CHAIRWOMAN GONSALVES: Moved by
22 Legislator Dunne, seconded by Legislator
23 Walker. All those in favor of the amendment
24 signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The amendment passes unanimously.

5 Now, for the item.

6 LEGISLATOR ABRAHAMS: Excuse me,

7 Madam Presiding Officer?

8 CHAIRWOMAN GONSALVES: Yes, sir.

9 LEGISLATOR ABRAHAMS: I believe
10 it was stated -- first let me say that we
11 are in favor, with you as well as with Laura
12 Curran, and the mayor of East Rockaway
13 regarding that matter. We are for it.

14 However, the Deputy County
15 Executive Walker had mentioned that he would
16 be supportive and also mentioned on the
17 record, obviously there was an impact from
18 Sandy from all parts of the county, and
19 there is a measure that we have been trying
20 to also secure funding for, that Deputy
21 County Executive Walker had mentioned he
22 would be supportive of, and we were hoping
23 that he would be here on the record to
24 discuss it for the Glen Cove sewers, it's a
25 \$2 million project. Total \$2 million.

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2 But he had mentioned it would not
3 be a problem to be supportive of that. We
4 just ask for it to be on the record. We
5 just wanted to see if he was available to
6 come down today.

7 CHAIRWOMAN GONSALVES: Mr. May,
8 could we get an indication from Mr. Walker
9 regarding the pledge that he made regarding
10 Glen Cove and the \$2 million?

11 LEGISLATOR ABRAHAMS: For a
12 feasibility study for sewer connections.

13 MR. MAY: Chief Deputy County
14 Executive Walker is on his way down from his
15 office to address this item.

16 CHAIRWOMAN GONSALVES: Is he
17 going to be here expeditiously?

18 MR. MAY: Expeditiously, yes.

19 CHAIRWOMAN GONSALVES: Because we
20 have a lot of business to take care of.

21 CHIEF DEPUTY WALKER: Yes.

22 CHAIRWOMAN GONSALVES: We can
23 wait for this item, if you like.

24 LEGISLATOR ABRAHAMS: I don't
25 mind waiting.

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2 CHAIRWOMAN GONSALVES: You know
3 what, you do want to recess for five
4 minutes, don't you?

5 LEGISLATOR ABRAHAMS: We need to
6 discuss emergencies, as probably you do as
7 well.

8 CHAIRWOMAN GONSALVES: Absolutely.
9 We are not going to push, we just
10 want on the record your commitment to the
11 fact that there will be the monies to assist
12 with the Glen Cove --

13 CHIEF DEPUTY WALKER: Yes. \$2
14 million.

15 CHAIRWOMAN GONSALVES: State it
16 for the record and what it's for.

17 CHIEF DEPUTY WALKER: \$2 million
18 for the Glen Cove, I think Crescent Beach,
19 if I have it right. Crescent Beach in Glen
20 Cove, and the Sea Cliff sewer study, which
21 will actually commence, we hope, very, very
22 quickly, and we have had conversations
23 obviously with the legislators, with the
24 mayors, and we are going to be moving
25 forward.

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2 LEGISLATOR DERIGGI-WHITTON: I
3 appreciate it. Thank you very much.

4 CHAIRWOMAN GONSALVES: Thank you,
5 Mr. Walker.

6 LEGISLATOR ABRAHAMS: I just want
7 to say on the record, thank you very much.

8 CHAIRWOMAN GONSALVES: Item 18,
9 as amended, all those in favor of Item 18 as
10 amended, signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 Guess what, it passes
15 unanimously. Now we are going to have to
16 take a brief recess because we have a few
17 emergency items and we have to do it very
18 quickly. Can we do it by 4:15 you think?

19 LEGISLATOR ABRAHAMS: Yes.

20 CHAIRWOMAN GONSALVES: On the
21 record, 4:15. Mr. Muller.

22 CLERK MULLER: If the legislators
23 can take their seats. We have several
24 emergencies that come by recommendation from
25 the county executive.

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2 The first one is Emergency
3 Resolution 7 of 2014, a request by the
4 county executive for an emergency resolution
5 declaring an emergency for immediate action
6 upon a resolution requesting the legislature
7 of the State of New York to enact and the
8 governor to approve an act to authorize
9 Darwyn Byer to apply for accidental
10 disability retirement benefits from the New
11 York State and local police and fire
12 retirement system.

13 Please entertain a motion to
14 accept this emergency and hear the
15 underlying item.

16 CHAIRWOMAN GONSALVES: Motion,
17 please.

18 LEGISLATOR DUNNE: So moved.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Dunne, seconded by Legislator
22 Kopel.

23 CLERK MULLER: Emergency
24 Resolution 7-14, Resolution 117-A, a
25 resolution requesting the legislature of the

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2 State of New York -- did we have a vote to
3 establish the emergency?

4 CHAIRWOMAN GONSALVES: All those
5 in favor of establishing the emergency for
6 249, signify by saying aye.

7 (Aye.)

8 Any opposed?

9 (No verbal response.)

10 The emergency has been
11 established. Now, the item.

12 CLERK MULLER: I apologize.

13 Resolution 117-A, a resolution
14 requesting the legislature of the State of
15 New York to enact and the governor to
16 approve an act to authorize Darwyn Byer to
17 apply for accidental disability retirement
18 benefits from the New York State and local
19 police and fire retirement system.

20 CHAIRWOMAN GONSALVES: Motion,
21 please.

22 LEGISLATOR DUNNE: So moved.

23 LEGISLATOR NICOLELLO: Second.

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

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2 Nicoletto. Mr. Walker.

3 CHIEF DEPUTY WALKER: Sure. This
4 Home Rule -- I know we passed this
5 previously. This is the assembly version of
6 the bill and unfortunately during the time
7 of this employee's -- police officer's
8 duties, he was injured, and the
9 corresponding legislation or the acceptance
10 from the Nassau County Police Department to
11 the state was not done in a timely fashion
12 and this will allow that retroactive status
13 for this employee.

14 CHAIRWOMAN GONSALVES: Legislator
15 Becker.

16 LEGISLATOR BECKER: It says --
17 what is the "additionally there will be a
18 \$432,000 one-time payout." What is that?

19 CHIEF DEPUTY WALKER: Yes, that's
20 correct. In order, again, he should have
21 been in -- this happened back in early 2000
22 when he should have been accepted under this
23 disability, and, because of that, the county
24 is obligated to pay a one time cost to
25 retroactively move him at that time of his

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2 injuries. Unfortunately the department was
3 not filed in a timely fashion and therefore
4 he was not able to receive that benefit.

5 LEGISLATOR BECKER: Does that get
6 paid to the state?

7 CHIEF DEPUTY WALKER: Yes. Paid
8 to the -- it's actually to the retirement.

9 LEGISLATOR BECKER: Thank you.

10 CHIEF DEPUTY WALKER: Any other
11 questions regarding this item?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 There being none, all those in
16 favor of Item 249-13 signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 The item passes unanimously.

21 And the next item?

22 CLERK MULLER: The next item is
23 Clerk Item 252-14, Emergency Resolution 8 of
24 2014, an emergency resolution from the
25 county executive declaring an emergency for

1 Full Legislature/6-16-14
2 immediate action upon a local law to amend
3 Title 72B of the miscellaneous laws of
4 Nassau County which established a
5 demonstration program imposing monetary
6 liability on the owner of a vehicle for
7 failure of an operator thereof to comply
8 with the posted maximum speed limits in a
9 school speed zone.

10 Please entertain a motion and
11 then vote to establish this emergency.

12 CHAIRWOMAN GONSALVES: This is to
13 establish the emergency. Motion, please.

14 LEGISLATOR WALKER: So moved.

15 LEGISLATOR FORD: Second.

16 CHAIRWOMAN GONSALVES: Moved by
17 Legislator Walker, seconded by Legislator
18 Ford. All those in favor of establishing
19 the emergency say aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The emergency passes unanimously.

24 Now for the item.

25 CLERK MULLER: Resolution 117-C,

1 Full Legislature/6-16-14
2 a local law to amend Title 72B of the
3 miscellaneous laws of Nassau County which
4 established a demonstration program imposing
5 monetary liability on the owner of a vehicle
6 for failure of an operator thereof to comply
7 with the posted maximum speed limits in a
8 school speed zone.

9 CHAIRWOMAN GONSALVES: Motion,
10 please.

11 LEGISLATOR KOPEL: So moved.

12 LEGISLATOR DUNNE: Second.

13 CHAIRWOMAN GONSALVES: Moved by
14 Legislator Kopel, seconded by Legislator
15 Dunne.

16 CHIEF DEPUTY WALKER: Yes, this
17 legislation would require the Department of
18 Public Works to install advance warning
19 signs to all motorists knowing that before
20 they enter the zone that they will be fined
21 if they go above the speed limit, then a
22 camera will be in place, and this will be
23 required to be up and running prior to any
24 of the speed cameras to be operational.

25 CHAIRWOMAN GONSALVES: Any

1 Full Legislature/6-16-14
2 questions or comments? Legislator
3 Denenberg.

4 LEGISLATOR DENENBERG: First of
5 all, thank you for this amendment and, the
6 notice, the way its been written, because we
7 had debate and discussion about whether the
8 notice should go at all school zones, that
9 it could be monitored by video, this will go
10 where ever the mobile speed detectors are?

11 CHIEF DEPUTY WALKER: Correct.
12 Before any speed camera, fixed or mobile can
13 be operational, that sign must be in place.

14 LEGISLATOR DENENBERG: So I thank
15 you for that change and it does show that we
16 are pushing on the public safety aspects.
17 Thank you.

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

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of Item 252-14 signify by saying aye.

25 (Aye.)

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2 Any opposed?

3 (No verbal response.)

4 The item passes unanimously.

5 Another emergency?

6 CLERK MULLER: Yes. Clerk Item
7 254-14, Emergency Resolution request by the
8 county executive for an emergency resolution
9 declaring an emergency for immediate action
10 upon a resolution requesting the Legislature
11 of the State of New York to enact and the
12 governor to approve a bill to amend the
13 General Municipal Law in relation to
14 payments in lieu of taxes for projects
15 approved by the Town of Hempstead Industrial
16 Development Agency and the Nassau County
17 Industrial Development Agency.

18 CHAIRWOMAN GONSALVES: Motion,
19 please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Walker. All those in favor of establishing
25 the emergency signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The emergency has been
6 established. Now, for the item, 254, a
7 resolution requesting the Legislature of the
8 State of New York to enact and the governor
9 to approve an act to amend the General
10 Municipal Law in relation to the payments in
11 lieu of taxes for projects approved by the
12 Town of Hempstead IDA and the Nassau County
13 IDA.

14 Motion, please.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR FORD: Second.

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

20 CHIEF DEPUTY WALKER: Yes. This
21 legislation was passed last year by the Home
22 Rule by this legislative body. It was not
23 acted upon by the state. It is something
24 that the county executive and, again, the
25 legislature, I think unanimously, last year

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2 approved.

3 Unfortunately we have seen and,
4 specifically, in the Village of Hempstead a
5 third of the properties are now under some
6 type of pilot which has caused an increase
7 of taxes to the residents of the village.

8 This will require, as we
9 currently require for the Nassau County IDA,
10 but will require any other IDAs that are
11 going forth with a pilot in the village to
12 have the approval of the mayor prior to them
13 entering into the pilot.

14 CHAIRWOMAN GONSALVES: Any
15 questions or comments?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 There being none, all those in
20 favor of Item 254 signify by saying aye.

21 (Aye.)

22 Any opposed?

23 (No verbal response.)

24 The item passes unanimously.

25 Now, Mr. Muller.

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2 CLERK MULLER: I believe by
3 consent of both the majority and the
4 minority, we are going to bulk the next four
5 emergencies. Clerk Item Number 255-14, an
6 emergency resolution request by the county
7 executive; 256-14, 257-14, 258-14, those are
8 four emergency resolutions. Should I go
9 each one in order, or I'll bulk them to say
10 that they are emergency resolutions for a
11 resolution requesting the legislature of the
12 State of New York to enact and the governor
13 to approve an act to amend the Nassau County
14 Administrative Code in relation to the levy
15 and extension of real property taxes on
16 Class Four real properties;

17 256, a resolution requesting the
18 legislature of the State of New York to
19 enact and the governor to approve an act to
20 amend the Real Property Tax Law in relation
21 to review of assessments and special
22 assessing units which are not cities, and to
23 amend the Nassau County Administrative Code
24 in relation to the levy and extension of
25 real property taxes on Class Four real

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2 properties;

3 Clerk Item 257-14 will be a
4 resolution requesting the legislature of the
5 State of New York to enact and the governor
6 to approve an act to amend the Real Property
7 Tax Law in relation to review of assessments
8 and special assessing units which are not
9 cities, and to amend the Nassau County
10 Administrative Code in relation to the levy
11 and extension of real property taxes on
12 Class Four real properties;

13 And 258-14, a resolution
14 requesting the legislature of the State of
15 New York to enact and the governor to
16 approve an act to amend the Nassau County
17 Administrative Code in relation to the levy
18 and extension of real property taxes on
19 Class Four real properties.

20 I think the county executive
21 would like someone to make a motion and vote
22 to establish the emergency for these four
23 items.

24 LEGISLATOR SCHAEFER: So moved.

25 LEGISLATOR KOPEL: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Schaefer, seconded by Legislator
4 Kopel. All those in favor of establishing
5 the emergencies, signify by saying aye.

6 (Aye.)

7 Any opposed?

8 (No verbal response.)

9 The emergencies are established.

10 Now, for each of those items
11 again, just read the item numbers.

12 CLERK MULLER: Sure. Emergency
13 Resolution 10 of '14, a resolution
14 requesting the legislature of the State of
15 New York to enact and the governor to
16 approve an act to amend the Nassau County
17 Administrative Code in relation to the levy
18 and extension of real property taxes on
19 Class Four real properties;

20 Emergency Resolution 11-14, a
21 resolution requesting the legislature of the
22 State of New York to enact and the governor
23 to approve an act to amend the Real Property
24 Tax Law in relation to review of assessments
25 and special assessing units which are not

1 Full Legislature/6-16-14
2 cities, and to amend the Nassau County
3 Administrative Code in relation to the levy
4 and extension of real property taxes on
5 Class Four real properties;

6 Emergency Resolution 12 of 2014,
7 a resolution requesting the legislature of
8 the State of New York to enact and the
9 governor to approve an act to amend the Real
10 Property Tax Law in relation to review of
11 assessments and special assessing units
12 which are not cities, and to amend the
13 Nassau County Administrative Code in
14 relation to the levy and extension of real
15 property taxes on Class Four real
16 properties;

17 And the last one, Emergency
18 Resolution 13 of 2014, a resolution
19 requesting the legislature of the State of
20 New York to enact and the governor to
21 approve an act to amend the Nassau County
22 Administrative Code in relation to the levy
23 and extension of real property taxes on
24 Class Four real properties.

25 So I should have -- I did it

1 Full Legislature/6-16-14
2 wrong. It's 255-14 will become Emergency
3 Resolution 117-D, 256-14 will become
4 Emergency Resolution 117-E, 257 of '14,
5 because the emergency is established, is
6 Resolution 117-F, 258 of '14 is Resolution
7 now 117-G.

8 CHAIRWOMAN GONSALVES: Motion,
9 please.

10 LEGISLATOR KOPEL: So moved.

11 LEGISLATOR WALKER: Second.

12 CHAIRWOMAN GONSALVES: Moved by
13 Legislator Kopel, seconded by Legislator
14 Walker. Now, there are four different
15 versions. Could you explain why?

16 CHIEF DEPUTY WALKER: Sure. Let
17 me just thank, on behalf of the county
18 executive, the presiding officer, the
19 minority leader, Legislator Kopel,
20 Legislator Solages, for really working, and
21 their staff for working diligently with the
22 county executive with the County Attorney's
23 Office, the Assessor's Office, and
24 respective staffs on moving something
25 forward.

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2 We all know the assessment system
3 in Nassau County is something that is all in
4 need of assistance and change. We all
5 believe collectively, the press conference
6 last week, and judging by everyone's
7 comments, believe this is a step in the
8 right direction, and we will continue to
9 work together to assure the residents of
10 Nassau County that we will fix something
11 that has cost Nassau County over a billion
12 dollars over the last two decades.

13 I thank all of you. The reason
14 why you have four bills in front of you, as
15 probably everyone knows, the legislature is
16 in session for the next four or five days as
17 at they complete their actions for this
18 session. The senate and the assembly are
19 still working on many of the pieces of
20 legislation to actually agree of what will
21 actually be the final bill that they will
22 pass.

23 The four bills that you see is,
24 one, is basically allowing the assessor,
25 Nassau County assessor to create -- to

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2 basically lower the value, the assessed
3 value by nine percent.

4 One bill is ten percent, and, at
5 the same time create an assessment fund by
6 which commercial property tax owners will
7 set aside, in an escrow account, dollars to,
8 in fact, either receive back if they are
9 correct in what their assessment believes,
10 the disputed assessment fund, I should say,
11 the nine percent and the ten percent, again,
12 will be set up as an escrow account for
13 allowing them to receive their money back,
14 and/or if the county is accurate, will have
15 the ability to -- the county will share in
16 our benefit with the local municipalities,
17 school districts.

18 So, this legislature will
19 actually be setting up for the first time,
20 for our schools, when they set their budgets
21 for the following year, mind you, this will
22 not take affect until January of 2017. It
23 will affect the first roll next January.
24 The tentative roll of '15, January 15th when
25 that is actually set.

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2 You will be setting up an
3 opportunity for schools to actually receive
4 tax dollars when they are setting up their
5 budgets for the following year. That will
6 decrease any potential tax increase that
7 these municipalities might see on the
8 horizon. You will actually be affording
9 them additional revenue that they never had
10 accounted for before saving all the
11 residents of that school district from
12 having to pay increased dollars of their
13 taxes.

14 Those are those two bills which
15 we can get more into it, and, again, a lot
16 of the staff that worked on it is here as
17 well, and the other two, also, it's a nine
18 and ten percent, but it has the addition of
19 the master petition, which allows two or
20 more people to actually set in their
21 petition. Instead of having individual
22 petitions set for cases, you will actually
23 be allowed two more people on the same
24 petition.

25 But, again, as I said, Albany is

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2 still working right now as we speak, and
3 this will allow a caveat for the county to
4 achieve our goals and the assembly and the
5 senate to continue to work over the next
6 four days on what bill they will actually go
7 forward with.

8 CHAIRWOMAN GONSALVES: Any
9 questions or comments from the legislators?
10 Legislator Curran, it's nice to hear from
11 you.

12 LEGISLATOR CURRAN: Hi. Thank
13 you for being here.

14 This sounds like a very good
15 plan. I just have some questions because I
16 want to make sure it's executed in the right
17 way.

18 My first question is, will school
19 districts and other taxing entities be made
20 whole prior to the funding of the disputed
21 assessment fund?

22 CHIEF DEPUTY WALKER: Yes. If
23 they have a budget that's established for a
24 million dollars, they will get a million
25 dollars. If they have a budget that's

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2 established for \$750,000, I think we would
3 all love that to be those numbers, obviously
4 we know they're much higher, but they will
5 receive every dollar, every taxing district,
6 special district will receive the exact
7 dollar by which they're entitled to as they
8 set -- and remind everyone that they set
9 that dollar amount. So, whatever it is,
10 they're getting made whole right at the very
11 beginning.

12 LEGISLATOR CURRAN: So, in other
13 words, it would be correct to say that the
14 school district bill that people receive
15 will be based on the new rate or the old
16 rate?

17 CHIEF DEPUTY WALKER: That's one
18 of the misconceptions. There is never an
19 old rate. The assessed value -- the
20 tentative assessed value for -- remember,
21 our system operates in about -- basically
22 about an 18 month window, or 24 month window
23 depending on what tax bill you actually
24 receive.

25 LEGISLATOR CURRAN: Right.

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2 CHIEF DEPUTY WALKER: The
3 tentative roll will come out. Now we have
4 about 15 months by which to hopefully work,
5 like we work with the residential cert bar,
6 there has been no refunds over the last
7 three years.

8 We have actually been able to,
9 through our settlement program, have every
10 resident that that files a petition have
11 their settlement happen prior to the roll
12 going final. So there is no refund, plus
13 the rate is established with a much truer
14 assessed value.

15 So, with that tentative assessed
16 value set, the following year we have 15
17 months by which to settle, of which today,
18 we settle about 36 percent of commercial
19 cases already. That's actually set prior to
20 the final roll being set.

21 The assessor will have a much
22 better assessed value for the final AV to
23 send to the districts, have certainty as to
24 the rate that they will be actually be
25 establishing based upon the formula, but,

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2 again, some people, you will see some rates
3 increase, potentially some decrease.

4 But, again, they are held
5 harmless and, again, there is never a rate
6 established from the tentative AV, it's
7 always established with the final AV.

8 LEGISLATOR CURRAN: I have one
9 more question. The thing that I think is
10 very good about this is that it keeps the
11 Class 4 with the Class 4. But I am
12 concerned that if the Class 4, as a group,
13 is devalued, that the levy is the levy.
14 Someone is going to have to pay. Will that
15 be picked up or will that sort of creep into
16 the other classes?

17 CHIEF DEPUTY WALKER: No, it
18 won't. Just because the adjusted base
19 proportion, you're only allowed to have a
20 one percent movement in the adjusted based
21 proportion.

22 LEGISLATOR CURRAN: I'm thinking
23 down the road.

24 CHIEF DEPUTY WALKER: I'm
25 thinking the main part, too, you're going to

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2 have a true up, remains within the class,
3 plus you get a better roll every year as
4 this goes forth. You're not going to have
5 people putting forth --

6 LEGISLATOR CURRAN: Why would you
7 get a better roll?

8 CHIEF DEPUTY WALKER: Because
9 you're actually going to have people now
10 filing where they filed for 70 or 80 percent
11 reductions because you are only allowed to
12 actually file your petition and you can no
13 longer amend your petition. People are
14 going to realize that, again, depending on
15 how much money is being put into this
16 disputed fund, why have to put money into it
17 when I'm bringing a frivolous suit to the
18 county.

19 So, you are going to get a better
20 roll and I think you're going to increase
21 the ability to actually settle. People are
22 going to come forth and if they do not want
23 to put one single dollar into that disputed
24 fund, they do not have to. They can
25 actually work with the assessor on settling,

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2 similar to the way we do the residents prior
3 to that roll going final.

4 And, again, 90 percent of all
5 commercial property value actually does file
6 challenges. Thank you.

7 LEGISLATOR CURRAN: Right. Okay.
8 Thank you very much.

9 CHAIRWOMAN GONSALVES: Legislator
10 Kopel.

11 LEGISLATOR KOPEL: I just want to
12 add to that explanation for Legislator
13 Curran. This would actually protect the
14 other classes because, what's going on right
15 now, is that we borrow money to pay these
16 refunds.

17 That money is not allocated only
18 to commercial property, so what you've got
19 is, in essence, poorer districts and poorer
20 areas required to share equally in paying
21 back refunds for golf courses and shopping
22 centers and so forth.

23 This allocates money where it's
24 supposed to be. It allocates expenses where
25 it's supposed to be. It all works out a lot

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2 better that way I think, and there's no
3 impact on school districts.

4 LEGISLATOR CURRAN: No impact on
5 the tax cap, the school's tax cap?

6 CHIEF DEPUTY WALKER: No. They
7 set that. Again, they set what the dollar
8 amount is. They have a million dollar
9 budget. They have to stay within that two
10 percent increase. So, if they wanted to
11 expend past the tax cap, that's up to them.
12 There's no implication on the tax cap
13 whatsoever.

14 CHAIRWOMAN GONSALVES: Legislator
15 Denenberg.

16 LEGISLATOR DENENBERG: Good
17 afternoon, and congratulations on really
18 putting forward a bill that tries to get us
19 ahead of what ends up being an 80 to \$100
20 million liability each year.

21 I think what you are saying,
22 correct me if I'm wrong, when we borrow to
23 pay back the Class 4 refunds, then every one
24 is paying a share of that refund, regardless
25 of where they live, and regardless of

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2 whether they live in a district where a lot
3 of though refunds went to.

4 CHIEF DEPUTY WALKER: 100 percent
5 correct.

6 LEGISLATOR DENENBERG: So South
7 Shore districts, particularly that I
8 represent, that are commercial tax poor, if
9 you will, or have less commercial tax, the
10 residents are paying for refunds that are
11 often, predominantly, in a different area.

12 CHIEF DEPUTY WALKER: You are 100
13 percent accurate. The residents are
14 offsetting the commercial -- for lack of a
15 better word, refunds.

16 LEGISLATOR DENENBERG: Now, what
17 you're attempting to do, what we are trying
18 to do here is say that the Class 4 tax certs
19 and any money due to Class 4, because of
20 over assessment, is paid from Class 4?

21 CHIEF DEPUTY WALKER: Correct.

22 LEGISLATOR DENENBERG: So, if
23 someone says this would somehow change the
24 county guaranty, and I know we had
25 disagreements about the county guarantee

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2 before when an attempt to change it was
3 made, but it would be inaccurate to say that
4 this affects the county guaranty at all.

5 CHIEF DEPUTY WALKER: This
6 eliminates the need to ever talk about the
7 county guaranty ever again.

8 LEGISLATOR DENENBERG: But to the
9 extent there is -- to the extent that there
10 is any refund in any class, let's say we get
11 into a refund in any class, the county
12 guaranty, meaning that the county has to pay
13 the refund and keep the districts whole, is
14 still intact, correct?

15 CHIEF DEPUTY WALKER: Yes.

16 LEGISLATOR DENENBERG: What we
17 are attempting to do here, what we are
18 setting up here is a fund, I believe you are
19 calling it an escrow fund, correct?

20 CHIEF DEPUTY WALKER: An escrow
21 account, correct.

22 LEGISLATOR DENENBERG: So that
23 money is used then to pay back anyone who is
24 successful?

25 CHIEF DEPUTY WALKER: Correct.

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2 LEGISLATOR DENENBERG: Now, let
3 me ask this.

4 CHIEF DEPUTY WALKER: I'm
5 beginning to think that you wrote this with
6 our staff.

7 LEGISLATOR DENENBERG: I've been
8 looking at it very carefully. I think it's
9 critical. And, Mr. Kopel and I, I got to
10 say, I think whenever we talk, we almost
11 always seem to be talking about assessments.

12 But the bottom line is this,
13 January 2015, a tentative roll comes out for
14 every class.

15 CHIEF DEPUTY WALKER: Correct.

16 LEGISLATOR DENENBERG: When that
17 roll goes final, April 2016, to the extent
18 in that 15 month period in Class 4 we can
19 negotiate a settlement, that would be a
20 final roll. To the extent that something is
21 not settled, in April 2016 we will have a
22 final roll that has any settlements.

23 That final roll is then used for
24 all districts, particularly schools, but
25 also towns and villages, to set a tax rate

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2 that will ensure that everyone who has their
3 assessed value at that point, are paying
4 that tax rate so that the schools get 100
5 percent of their budget.

6 CHIEF DEPUTY WALKER: Exactly.

7 LEGISLATOR DENENBERG: Now for
8 only those Class 4 who have challenged, or
9 for all Class 4 now?

10 CHIEF DEPUTY WALKER: That are
11 going to pay into the disputed fund?

12 LEGISLATOR DENENBERG: Now I'm
13 talking about if you challenge --

14 CHIEF DEPUTY WALKER: Only those
15 that have challenged and have not settled.
16 So you can challenge and settle. If you
17 settle, you wouldn't pay anything into the
18 disputed fund.

19 LEGISLATOR DENENBERG: So if you
20 challenge and have not settled by April 1st,
21 2016 in this case, your disputed amount,
22 your nine percent, would reduce your
23 assessed value to calculate a separate tax
24 rate that's --

25 CHIEF DEPUTY WALKER: Well, the

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2 first rate is never set. So the first time
3 it actually gets set is with that final AV
4 which will include --

5 LEGISLATOR DENENBERG: 100
6 percent of what the school needs plus nine
7 percent towards the --

8 CHIEF DEPUTY WALKER: No. You
9 will have a separate bill, for lack of
10 better words, that will go out in January of
11 the following year. So it will be January
12 of 17.

13 For those that have not settled,
14 and mind you, you can still settle from
15 April to January, you can settle during that
16 period because you are not entitled or
17 required to pay anything into the disputed
18 assessment fund, into your escrow account,
19 your commercial business, you are a
20 commercial business owner, you will have
21 your own escrow account.

22 LEGISLATOR DENENBERG: So your
23 first bill will be for the schools, the
24 towns, the villages?

25 CHIEF DEPUTY WALKER: Just the

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2 schools in October. Your first half schools
3 in October.

4 LEGISLATOR DENENBERG: So even if
5 you've disputed, you are paying at the same
6 tax rate as everyone else in Class 4?

7 CHIEF DEPUTY WALKER: Correct.

8 LEGISLATOR DENENBERG: You just,
9 if you dispute, you're going to have a
10 separate bill, if you will, for the escrow
11 which is based on the total assessed value
12 minus nine percent or ten percent?

13 CHIEF DEPUTY WALKER: Right. It
14 will basically be like the reduction of the
15 AV times the tax rate.

16 LEGISLATOR DENENBERG: And that's
17 based on nine percent or ten percent of the
18 amount in dispute?

19 CHIEF DEPUTY WALKER: Or less.
20 Because the assessor has the ability to say,
21 we believe it should only be five percent
22 less. The assessor can lower it five
23 percent. That five percent, the commercial
24 owner, he or she will receive the bill for
25 that amount, and that goes into that

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2 commercial owner's escrow account, that
3 amount.

4 LEGISLATOR DENENBERG: But it's a
5 total escrow amount for all Class 4,
6 correct?

7 CHIEF DEPUTY WALKER: But it's
8 for each individual person. Each individual
9 person will have a different amount based
10 upon the assessor's --

11 LEGISLATOR DENENBERG: On how
12 much they're challenging?

13 CHIEF DEPUTY WALKER: Correct.
14 What their value is.

15 LEGISLATOR DENENBERG: So a Class
16 4 business that didn't challenge or resolved
17 their dispute before the roll is final, will
18 pay just that once which is their regular
19 tax bill that keeps each district -- that's
20 what each district needs, 100 percent of
21 what they need?

22 CHIEF DEPUTY WALKER: And they
23 are getting one money percent 100 percent.

24 LEGISLATOR DENENBERG: So the
25 only other question would be then, if there

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2 is additional money in escrow, would it make
3 more sense just to keep that money in escrow
4 for the following year, or are you saying it
5 makes more sense to give that to each of the
6 special districts so they can lower their
7 lease for the next year?

8 CHIEF DEPUTY WALKER: It would
9 stay in the escrow until it's settled. It's
10 either settled and/or adjudicated. So once
11 it's settled and/or adjudicated, on an
12 individual basis, say there is ten
13 commercial businesses from Bellmore, five of
14 those ten businesses actually settled prior
15 to the final AV and five settled afterwards.

16 Once those settled, if the county
17 is successful, the county would keep their
18 portion, whatever that is, 17 percent on
19 average, school districts say would get 63
20 percent. They would get a check for 63
21 percent of what that value is, and the
22 special districts, the water district, the
23 fire district, whatever you may have, the
24 towns, cities, whatever it is, they will get
25 their percent sent to them.

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2 And if we're not successful, the
3 resident gets their money back, which is why
4 they would like to settle because they
5 rather have their money back.

6 Now we have the ability to pay
7 instead of having to come from, as you
8 mentioned before, the bulk of the residents
9 paying the commercial tax owners back.

10 LEGISLATOR DENENBERG: Thank you.

11 CHAIRWOMAN GONSALVES: Any other
12 questions from the legislators? Legislator
13 Curran.

14 LEGISLATOR CURRAN: One more
15 quick question. So if that works according
16 to plan, we won't have to borrow to pay back
17 these Class 4s?

18 CHIEF DEPUTY WALKER: Correct.

19 LEGISLATOR CURRAN: But we do
20 have a backlog of about \$325 million, and
21 I'm wondering what the plan is to pay that
22 back.

23 CHIEF DEPUTY WALKER: I think
24 that once this is set, and if the state
25 legislature passes this, I think that

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2 becomes a discussion for another day. I
3 think we need to have the county executive,
4 and I believe, I'm not speaking for the
5 legislative leaders or each legislator, but
6 I think you can't talk about fixing the
7 backlog until you fix going forward. So I
8 think if the state legislature, that becomes
9 a conversation for another day.

10 LEGISLATOR BECKER: Madam Chair,
11 one quick question.

12 CHAIRWOMAN GONSALVES: Legislator
13 Becker.

14 LEGISLATOR BECKER: So I just
15 want to clarify this. Say, for instance,
16 the assessor's office chooses to reduce the
17 assessed valuation by nine percent. Let's
18 say for argument's sake it 100, now it's 90.
19 That 90,000 is what is used for the total
20 assessed valuation for everyone, right?

21 CHIEF DEPUTY WALKER: Correct.
22 Or for every property.

23 LEGISLATOR BECKER: So the taxes
24 are going to be collected on that 90,000,
25 the balance going into escrow, and that's

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2 the bill that's going to go out and the
3 taxes that are collected are on the 90,000,
4 correct?

5 CHIEF DEPUTY WALKER: Yes, on the
6 reduced, not as is today.

7 LEGISLATOR BECKER: So the total
8 assessed valuation is going to reflect the
9 low assessed valuations for these people
10 grieving?

11 CHIEF DEPUTY WALKER: Correct.
12 Thank you.

13 CHAIRWOMAN GONSALVES: Now, I do
14 have a slip, and I'm not sure if she's still
15 here. If she is, I say thank you very much
16 for being so patient. Lorainne Deller.

17 MS. DELLER: Presiding Officer
18 Gonsalves and members of the Nassau County
19 Legislature. I'm here today speaking for
20 the Nassau/Suffolk School Board Association.

21 Nearly five years ago, this
22 legislative body attempted to grant itself
23 authority to dispose of the county guaranty.
24 At great cost to school and county
25 taxpayers, and years of legal proceedings

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2 ensuing, only to culminate in the inevitable
3 decision by the New York's highest court,
4 that you are in the wrong.

5 Now you are poised to take
6 unilateral action that will affect local
7 school property taxes, hopefully for the
8 better.

9 In so doing, however, you chose
10 to bypass any notification to the governing
11 authorities of the school districts upon
12 whom the greatest proportional tax impact
13 will fall. It may come as a surprise to
14 some, in New York State, duly elected boards
15 of education are governance authorities on a
16 par with that of the county. They are
17 parallel levels of government not
18 subservient institutions.

19 As trustees, the fiscal and
20 educational integrity of their community
21 schools rests with them. Yet, while deals
22 are being made in this chamber and with
23 Albany, Nassau's Boards of Education have
24 been kept in the dark as to potential
25 ramifications for their taxpayers.

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2 With only a press release and a
3 poorly written bill to go by, I'm here to
4 seek the information that our board members
5 deserve to receive.

6 I thank some of the legislators
7 for answering some of the questions I was to
8 propose. Our concern was whether or not
9 districts would be made whole, and, if so,
10 how it would be managed.

11 We also wanted assurances that
12 the dynamics of the escrow account would be
13 contained within Class 4 and not migrate or
14 bleed into the other three classes.

15 However, what other tax levy cap
16 implications of what is being asked for?
17 How will any potential refunds to schools
18 from the escrow account be treated under the
19 state's tax levy cap? And we are talking
20 now about refund money that may appear
21 hopefully to school district's unanticipated
22 revenue.

23 There are issues with regard to
24 the state property tax cap and how school
25 districts receiving such refunds would fair

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2 under that cap.

3 Now that schools have a stake in
4 obtaining any refunds being held in the
5 escrow account, our boards of education to
6 be granted standing in assessment
7 challenges, would not this shift in
8 accountability obligate each of Nassau's
9 school districts to employ legal
10 representation to appear in all levels of
11 the assessment process?

12 If so, has any consideration been
13 given to the consequent cost of the school
14 board's fiduciary responsibility to be
15 represented by counsel at these hearings?

16 What happens if the escrow
17 account is over funded? Is there a
18 mechanism in place to prevent overcharging
19 taxpayers? Has the office of the state
20 comptroller been consulted as to how
21 overages will be treated and how they may
22 impact schools under New York's property
23 levy cap?

24 In light of the ongoing efforts
25 to retain and attract businesses to this

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2 region, we hope that due consideration has
3 been given to the consequences of tax
4 increases for what is a significant portion
5 of the tax base for many of our school
6 districts.

7 In view of the Legislature's
8 publicly expressed intention to proceed
9 without the consent of the county's school
10 district, it is a reasonable assumption that
11 legislators have been fully informed and are
12 cognizant of the implications for Nassau
13 schools and municipalities. If so, we will
14 not face any unintended consequences.

15 We commend on the part of the
16 Nassau school districts your efforts with
17 regard to this significant move forward.
18 However, again, we must regret, in public,
19 the fact that you have neglected to keep the
20 locally elected officials, who are
21 responsible for a good portion of what is
22 going to transpire, informed. Thank you.

23 CHAIRWOMAN GONSALVES: Ms.
24 Deller, Howard Kopel would like to respond
25 to some of your concerns.

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2 MS. DELLER: Yes.

3 LEGISLATOR KOPEL: You've asked a
4 lot of questions so I don't think that I'm
5 going to hit all of them, but feel free to
6 follow along.

7 Basically I think that your
8 concerns, for the most part, have been
9 answered. In other words, let me just say
10 this: The legislation would not affect the
11 school board.

12 In other words, a given school
13 district will prepare its levy. That levy
14 will be fully funded immediately, end of
15 that story. It has no effect on the tax
16 cap. The tax cap has no effect on this. As
17 a matter of fact, the implication for school
18 boards is that, in future years, the school
19 board or the school districts and other
20 taxing districts, will actually get some
21 extra money because the refund, the escrow,
22 will not -- it is anticipated that the
23 escrow will not be fully used up by the
24 refunds since refunds are on average less
25 than the ten percent or nine percent as the

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2 case may be is set.

3 The differential, and when you
4 are dealing with a lot of numbers, there
5 will be a differential, there is every
6 reason to expect there will be. That money
7 will go back to the taxing district to fund
8 the following year's budget, and it will
9 have the effect of making your budgeting
10 planning easier, not more difficult.

11 Now, I don't know what other
12 questions you might have that I can answer.

13 MS. DELLER: Yes. Unfortunately,
14 in the language of the New York State Tax
15 Cap Law, it does impact future budgets ever
16 school districts, because that refund, as
17 welcome as it will be, and I have to
18 emphasize that, places a burden, a
19 difficulty for school districts moving
20 forward on that year's tax levy cap. We are
21 hoping that whatever state legislation is
22 passed, that it recognizes, that just as
23 coming off of the pilots, there is an impact
24 on the --

25 LEGISLATOR KOPEL: You need to

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2 understand that this is going to make it
3 easier, not more difficult, for a school
4 district with the cap situation.

5 The cap situation is a cap on
6 taxes, not a cap on spending. It's not a
7 cap on spending. This gives you extra money
8 to spend. Whether or not you should have
9 the extra money to spend is a separate issue
10 but, in fact, that's what it does. The tax
11 cap is not implicated here.

12 MS. DELLER: The tax cap
13 legislation is not a cap on taxes, it's a
14 cap on the levy, on the property tax levy.
15 Moving forward in the ensuing year from any
16 particular budget, what happens is, school
17 districts get a new tax levy cap every year
18 based on revenues, based on anticipation.

19 LEGISLATOR KOPEL: And that will
20 continue. There is no reason that that
21 won't continue. But you can apply the
22 refunds to the levy, and you can actually
23 reduce the taxes on your residents because
24 you've got this extra money, and you can
25 apply that to your budget and you can reduce

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2 the levy.

3 MS. DELLER: It would reduce the
4 levy cap in a given year.

5 LEGISLATOR KOPEL: It would
6 reduce the levy --

7 MS. DELLER: Cap --

8 LEGISLATOR KOPEL: No.

9 MS. DELLER: -- for a specific
10 school district with any revenues moving
11 forward. This is something that we will
12 have to pursue with the state legislature
13 because this is one of the unintended
14 consequences that have been visited upon
15 school districts with the particular piece
16 of legislation that we have been working
17 under.

18 LEGISLATOR KOPEL: I think you
19 misunderstand it, with all due respect.
20 We're just going in circles here.

21 MS. DELLER: Okay.

22 CHAIRWOMAN GONSALVES: Mr. Walker,
23 do you want to address any of the concerns
24 that Ms. Deller has raised?

25 CHIEF DEPUTY WALKER: Thank you

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2 for attending. We did have conversations
3 over the weekend and on Friday with the
4 president of the Nassau Superintendent's
5 Association, Dr. Harrington, the
6 superintendent of Oceanside. We offered
7 this morning for any of the superintendents
8 that wanted to get additional information,
9 and their business officials to come and
10 brief them today.

11 As Legislator Kopel said, every
12 district will remain whole. The schools
13 will still set their tax levy. That will
14 not change. They will set how much that
15 district wants to spend, if they want to go
16 above or below the cap, that's up to them.

17 All this will provide is
18 additional revenue that their taxpayers will
19 not have to pay if they so choose to do
20 that, but that will be up to each individual
21 district, school board, and superintendent
22 as they go forward each year.

23 But money is going to be there,
24 it's going to be additional revenue that
25 they will not anticipate seeing. And,

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2 again, if they were going to increase the
3 levy by \$2 million, and they were able to
4 somehow receive a million dollars from this
5 program, then the residents would have seen
6 their increase drop by 50 percent.

7 For me, if it drops one percent,
8 it's one percent less that the residents of
9 our county won't have to pay in taxes. I
10 think it's a good thing, and I think
11 everyone here thinks that as well.

12 But we look forward to working
13 this. This will not go into effect again
14 until the first year will be the tentative
15 roll that's set January 15th of the '16-'17
16 of the tax season, or tax roll, I should
17 say, and we look forward to working with the
18 School Board Association, the
19 Superintendent's Association, who we have
20 reached out to, and working with everyone
21 through that process.

22 CHAIRWOMAN GONSALVES: Any other
23 comments or questions?

24 (No verbal response.)

25 There being none, guess what,

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2 it's time to move on the items, all those in
3 favor of Item 255, 256, 257, 258 signify by
4 saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 The items pass unanimously.

9 Before I go on to the next item, Ms. Deller,
10 I really and truly appreciate you waiting
11 and having the patience for withstanding all
12 of this today. Thank you so much.

13 So those last four items moved
14 unanimously and we have one more to go.
15 It's Item 259. Mr. Muller, emergency,
16 please.

17 CLERK MULLER: We have an
18 emergency from the county executive for Item
19 259-14, which is a request from the county
20 executive for an emergency resolution
21 declaring an emergency for immediate action
22 upon a resolution authorizing the county
23 executive to execute a funding agreement
24 between the County of Nassau acting on
25 behalf of the Department of Parks,

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2 Recreation and Museums and the Incorporated
3 Village of Hempstead.

4 CHAIRWOMAN GONSALVES: Motion,
5 please.

6 LEGISLATOR WALKER: So moved.

7 LEGISLATOR SCHAEFER: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Walker, seconded by Legislator
10 Schaefer. All those in favor of
11 establishing the emergency signify by saying
12 aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 The emergency is established.
17 Now for the Resolution 259.

18 CLERK MULLER: Yes. Which is now
19 117-H, a resolution authorizing the county
20 executive to execute a funding agreement
21 between the County of Nassau acting on
22 behalf of the Department of Parks,
23 Recreation and Museums and the Incorporated
24 Village of Hempstead.

25 CHAIRWOMAN GONSALVES: Motion,

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2 please.

3 LEGISLATOR KOPEL: So moved.

4 LEGISLATOR NICOLELLO: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Kopel, seconded by Legislator

7 Nicolello. Any comments or questions

8 regarding this item?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in

13 favor of Item 259 signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The item passes unanimously. I

18 want to thank each and every one of you.

19 And now a motion to adjourn.

20 LEGISLATOR BECKER: So moved.

21 LEGISLATOR DUNNE: Second.

22 CHAIRWOMAN GONSALVES: Moved by

23 Legislator Becker, seconded by Legislator

24 Dunne. All those in favor of adjourning

25 signify by saying aye.

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(Aye.)

Any opposed?

(No verbal response.)

We are adjourned.

(Whereupon, the Full Legislative
Committee adjourned at 5:45 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 1st day of July, 2014.

FRANK GRAY