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NASSAU COUNTY LEGISLATURE

RULES COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, January 11, 2016
1:23 P.M

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

3

4 NORMA GONSALVES,
 Chairwoman5 RICHARD NICOLELLO,
 Vice Chairman

6

7 DENNIS DUNNE

8

9 HOWARD KOPEL (Substituted by
 Legislator Walker)10 KEVAN ABRAHAMS,
 Ranking

11 JUDITH JACOBS

12 CARRIE SOLAGES

13 WILLIAM J. MULLER, III
 Clerk of the Legislature

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2 CHAIRWOMAN GONSALVES: Will my
3 colleagues please join me in the chamber.

4 Everyone please rise. Legislator
5 Dunne, would you please lead us in the
6 Pledge of Allegiance.

7 (The Pledge of Allegiance was
8 recited.)

9 CHAIRWOMAN GONSALVES: Thank you,
10 Legislator Dunne. The first committee, of
11 course, is the Rules Committee, and at this
12 time we will be dealing with the contracts.
13 Once the contracts are approved or
14 disapproved, whichever the case may be, we
15 recess and move on to the other committees.

16 At this point, I'm going to ask
17 Mr. Muller to call the roll for the Rules
18 Committee.

19 CLERK MULLER: Legislator
20 Solages?

21 LEGISLATOR SOLAGES: Here.

22 CLERK MULLER: Legislator Jacobs?

23 LEGISLATOR JACOBS: Here.

24 CLERK MULLER: Ranking Member
25 Abrahams?

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2 LEGISLATOR ABRAHAMS: Here.

3 CLERK MULLER: Legislator Walker
4 substituting for Legislator Kopel?

5 LEGISLATOR WALKER: Here.

6 CLERK MULLER: Legislator Dunne?

7 LEGISLATOR DUNNE: Here.

8 CLERK MULLER: Vice Chairman
9 Nicolello?

10 LEGISLATOR NICOLELLO: Here.

11 CLERK MULLER: Chairwoman
12 Gonsalves?

13 CHAIRWOMAN GONSALVES: Present.

14 CLERK MULLER: We have a quorum.

15 CHAIRWOMAN GONSALVES: Thank you.

16 The first contract is B-03-16, and I'm not
17 going to say '16. This is the first time
18 I'm going to say it, and I believe it will
19 be for the record that we are now in 2016.

20 This is a contract with
21 Department of Public works and ACS Systems
22 Associates, Inc.

23 Motion, please.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR WALKER: Second.

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2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Dunne, seconded by Legislator
4 Walker. Any questions or comments on this?
5 Mr. Arnold is here.

6 MR. ARNOLD: Ken Arnold, Public
7 Works. B-3 is a construction contract to
8 replace two boilers at the County Court
9 building. It was competitively bid. There
10 were three bidders and ACS was the lowest
11 responsible bidder.

12 CHAIRWOMAN GONSALVES: Minority
13 Leader Kevan Abrahams.

14 LEGISLATOR ABRAHAMS: How are
15 you, Mr. Arnold?

16 MR. ARNOLD: Good.

17 LEGISLATOR ABRAHAMS: Good. If I
18 understand you correctly, there were three
19 bids that were received and the lowest
20 responsible bidder was ACS.

21 MR. ARNOLD: That's correct.

22 LEGISLATOR ABRAHAMS: At \$1.99
23 million?

24 MR. ARNOLD: Correct.

25 LEGISLATOR ABRAHAMS: I have to

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2 ask, were there any outside contacts from
3 the vendor and anyone that drafted the RFP
4 or anyone in the DPW administration?

5 MR. ARNOLD: No.

6 LEGISLATOR ABRAHAMS: Before or
7 after?

8 MR. ARNOLD: No. Not to my
9 knowledge. This would have been done as
10 part of the design contract with our
11 consultant and any questions during bidding
12 would be done through an addenda.

13 LEGISLATOR ABRAHAMS: Who drafted
14 the RFP?

15 MR. ARNOLD: This was a bid
16 contract so the design package was put
17 together by, I believe it was Cameron
18 Engineering, I believe.

19 LEGISLATOR ABRAHAMS: Was there
20 any contact from the administration or
21 anyone in DPW regarding this contract?

22 MR. ARNOLD: No.

23 LEGISLATOR ABRAHAMS: In the
24 backup, Mr. Arnold, the vendor submission
25 did not contain any response to the

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2 questions in regard to the conflicts of
3 interest. Usually there is required a
4 yes-or-no response. Any explanation on why
5 that's the case?

6 MR. ARNOLD: I believe this is
7 the same item we discussed with the Lizard
8 contract.

9 LEGISLATOR ABRAHAMS: I remember
10 that.

11 MR. ARNOLD: I believe the
12 nonresponse is taken as a negative.

13 LEGISLATOR ABRAHAMS: How is that
14 acceptable?

15 MR. ARNOLD: You have to speak to
16 the County Attorney's Office. They review
17 that as part of the documentation.

18 LEGISLATOR ABRAHAMS: Is there
19 anyone here from the County Attorney's
20 Office?

21 CHAIRWOMAN GONSALVES: I believe
22 that that question was brought up at the
23 last meeting, correct?

24 MR. ARNOLD: Correct.

25 CHAIRWOMAN GONSALVES: And

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2 responded to appropriately?

3 MR. ARNOLD: Yes.

4 CHAIRWOMAN GONSALVES: Ms.

5 LoCurto.

6 LEGISLATOR ABRAHAMS:

7 Ms. LoCurto, before you respond, so, should
8 this body, should we take it under the
9 impression when we see no response we should
10 just assume that there is no conflict of
11 interest rather than have somebody check off
12 no?

13 MS. LOCURTO: I'm sorry,
14 legislator. Just so I'm clear on the
15 question, this is in the vendor disclosure
16 statement, the business disclosure?

17 LEGISLATOR ABRAHAMS: Yes. Let
18 me go back. In the section where it talks
19 about the conflicts of interest, the vendor
20 submission does not contain a response to
21 the question. It's left blank.

22 This came up at a previous
23 contract and the question is, should this
24 body, when we don't see a response, how are
25 we not to know somebody just missed it and

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2 there really could be a conflict but they
3 just didn't see it, or there is no conflict
4 or there is no concern and they left it
5 blank?

6 It leaves the county open to
7 somebody saying at a later date, well, I
8 didn't see it; therefore, I didn't respond,
9 but there could be a conflict.

10 I would think you would have to
11 at least write something in saying there is
12 no something. If there's no conflict, and
13 no different than the ethical disclosures
14 that file here. Legislator Jacobs just
15 brought it up. In the county, we have to
16 put something. You just can't put nothing.

17 MS. LOCURTO: Legislator, on this
18 particular contract before us, it seems to
19 jump from page 67 to 69, so we seem to be
20 missing a page. I think just a general
21 answer to your question, I think there would
22 be a clarification from the vendor to either
23 make an affirmative statement as to whether
24 or not a conflict did exist.

25 LEGISLATOR ABRAHAMS: I mean, 67,

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2 you have page 67, correct?

3 MS. LOCURTO: I have 67.

4 LEGISLATOR ABRAHAMS: 67 is the
5 page where the conflict question is.

6 MS. LOCURTO: Correct. But I'm
7 assuming there isn't -- it says subsection
8 A, subsection B. I just don't know if there
9 are any other subsections B, C, or D on the
10 continuing page.

11 LEGISLATOR ABRAHAMS: So let me
12 make sure I understand this correctly. If
13 I'm reading this correctly it says, provide
14 detailed response to all questions checked
15 yes. If you need more space, photocopy the
16 appropriate page and attach to the
17 questionnaire. Wouldn't that imply that
18 they should check no? If there is no
19 conflict is what I'm saying.

20 MR. ARNOLD: There is no check.

21 LEGISLATOR ABRAHAMS: I agree
22 with the majority to certain degrees that
23 maybe they feel there is no check, it's
24 okay. But this form needs to be a little
25 bit clearer because you should never have to

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2 skip a question without putting in a
3 response. We should probably require some
4 kind of response so that the legislative
5 body could feel a little bit comfortable so
6 we don't have to keep going through this
7 over and over again.

8 CHAIRWOMAN GONSALVES: I
9 understand where you're going. But let me
10 say something to you. The error is probably
11 in the way it's worded.

12 LEGISLATOR ABRAHAMS: That's what
13 I'm saying.

14 CHAIRWOMAN GONSALVES: But since
15 there is no provision or space in the Item
16 17 to answer yes or no, it's assumed if they
17 didn't answer, that there is no conflict of
18 interest, correct? Would that be correct?

19 MS. LOCURTO: I would say yes.

20 CHAIRWOMAN GONSALVES: I'm not an
21 attorney so I'm going to assume that.

22 MS. LOCURTO: I would say yes,
23 Presiding Officer.

24 LEGISLATOR ABRAHAMS: Why would
25 we want to assume anything? We don't want

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2 to assume anything.

3 CHAIRWOMAN GONSALVES: Then it
4 has to be revised.

5 LEGISLATOR ABRAHAMS: It should
6 be.

7 MS. LOCURTO: Rather than speak
8 off the cuff, I believe you indicated that
9 our office has previously spoken to this
10 issue. I will come back with clarification
11 to put something to address that question
12 specifically.

13 CHAIRWOMAN GONSALVES: You got
14 it. Legislator Nicoletto.

15 LEGISLATOR NICOLELLO: I would
16 just suggest, a simple statement, if your
17 answers to question 15 or 16 was yes, please
18 respond to item 17, something like that I
19 think would resolve the issue.

20 MS. LOCURTO: I think that would
21 be the logical response and answer, but we
22 will have something more specific to satisfy
23 the minority.

24 LEGISLATOR NICOLELLO: Okay.

25 CHAIRWOMAN GONSALVES: Legislator

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2 Jacobs.

3 LEGISLATOR JACOBS: I just want
4 to say something, Ms. Locurto. It's not a
5 matter of satisfying the minority. The
6 point is, nothing should be left for us to
7 assume. Nothing should be a question that
8 we, as legislators, have to assume that
9 leaving it blank means "no." It should be
10 definitively stated, just like we have to
11 every year on our conflict of interest, or
12 conflicts of interests that we file as
13 legislators. I don't like the fact that we
14 have to assume anything. That could only --
15 you know what assuming does.

16 MS. LOCURTO: I think we are in
17 agreement. I think what I'm saying is,
18 you've raised a valid question. I think we
19 have an answer to the question but I don't
20 want to be speaking off the cuff. I would
21 rather speak with more authority so that
22 you, not just the minority, the majority,
23 the entire Legislature can be satisfied that
24 when they are voting on the contract they
25 have a definitive answer.

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2 LEGISLATOR JACOBS: I think the
3 main thing to get through to all of these
4 vendors is that they must answer. There's
5 got to be an answer. Either you have a
6 conflict or, no, I do not. It's so simple
7 especially if they don't have a conflict,
8 this could be one quick no, you know?

9 CHAIRWOMAN GONSALVES: We are
10 going back to the fact that the clause does
11 require them to say yes or no. The fact
12 that there is no provision in that clause to
13 say yes or no, that's why the assumption is
14 being made of there being none.

15 So, Ms. LoCurto, we are going to
16 try to correct that, correct?

17 MS. LOCURTO: Yes.

18 CHAIRWOMAN GONSALVES: Thank you
19 very much. Got it. Yes?

20 LEGISLATOR ABRAHAMS: While we're
21 talking about the revisions in the
22 agreement, counsel just brought to my
23 attention that Section B of question 17 is
24 not really a yes or no question. It says
25 please describe the procedures that your

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2 firm has or would adopt to ensure the county
3 that a conflict of interest would not exist
4 for your firm in the future. That's not
5 really a yes or no. That's more of a
6 preventive action in disclosure that they
7 would take in order to ensure that no
8 conflict would come at their firm.

9 So that, to me, is not really a
10 yes or no. That really deserves a response
11 and we should probably be enforcing that
12 section at least to be responded to.

13 CHAIRWOMAN GONSALVES: I'm going
14 to go back again. One and two of that
15 clause does not indicate whether or not
16 there is a yes or no response. If there is
17 none, it's assumed that it is a no response.
18 The third --

19 LEGISLATOR ABRAHAMS: Presiding
20 Officer, that has nothing to do with -- if
21 you read Section B, that has nothing to do
22 with yes or no.

23 CHAIRWOMAN GONSALVES: The
24 question I believe -- yes, it does, because
25 it refers to -- if the answer to A and B is

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2 no, then there is no reason to --

3 LEGISLATOR ABRAHAMS: No, no.

4 Presiding Officer, that's not the case.

5 CHAIRWOMAN GONSALVES: Lisa, we
6 need to clarify this.

7 LEGISLATOR SOLAGES: I move to
8 table.

9 LEGISLATOR ABRAHAMS: I can read
10 it again.

11 CHAIRWOMAN GONSALVES: I can read
12 too.

13 LEGISLATOR SOLAGES: I move to
14 table, Presiding Officer.

15 MS. LOCURTO: Presiding Officer,
16 we will clarify that answer as well.

17 CHAIRWOMAN GONSALVES: Thank you
18 very much.

19 LEGISLATOR SOLAGES: I make a
20 motion to table this. We do not have
21 important information to make this decision.

22 CHAIRWOMAN GONSALVES: A second,
23 please.

24 LEGISLATOR ABRAHAMS: Second.

25 CHAIRWOMAN GONSALVES: All those

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2 in favor of tabling this contract signify by
3 saying aye.

4 (Aye.)

5 Any opposed?

6 (Nay.)

7 It's not tabled. I believe that
8 we will have the answers we need going
9 forward. Thank you.

10 LEGISLATOR SOLAGES: Madam
11 Presiding Officer, can you please explain
12 your vote on that motion? We don't have
13 that information.

14 CHAIRWOMAN GONSALVES: We do not
15 have to. The fact that we clarified it at
16 the last meeting regarding another situation
17 similar to this and the response was
18 accepted as no. That no was assumed. I
19 thought at that particular time if there was
20 a question maybe you should have raised it
21 then.

22 If there are no other comments
23 regarding Contract B-3 signify by saying
24 aye.

25 (Aye.)

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2 Any opposed?

3 (Nay.)

4 The contract passes four to
5 three.

6 The next contract is E-1, a
7 personal services agreement between the
8 County of Nassau acting on behalf of the
9 Department of Health, Social Services, and
10 Human Services and VenTech.

11 Motion, please.

12 LEGISLATOR DUNNE: So moved.

13 LEGISLATOR WALKER: Second.

14 CHAIRWOMAN GONSALVES: Moved by
15 Legislator Dunne, seconded by Legislator
16 Walker. Any questions regarding this?

17 COMMISSIONER EISENSTEIN: Ed
18 Eisenstein, information technology. This is
19 a software support vendor who has been with
20 the county since '04 who supports a number
21 of critical systems at DSS today.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Mr. Eisenstein? Legislator
24 Jacobs.

25 LEGISLATOR JACOBS: Yes. Mr.

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2 Eisenstein, I do have a question. I was
3 looking this over. I just want to make sure
4 I have this right.

5 This company, a person is going
6 to be paid for 35 hours a week, and they're
7 going to be paid \$120 an hour for 47 weeks
8 to synchronize with the New York State
9 Welfare Management System.

10 Do we actually need 35 hours a
11 week for 47 weeks at \$120 for him or her to
12 do that? Or could they look at it once a
13 week and just compare and make sure they are
14 all synchronized? It seems like a lot of
15 money.

16 COMMISSIONER EISENSTEIN: This
17 vendor has been a vendor in Nassau County
18 for many years, has created this as well as
19 many systems that operate that operation.

20 We have vetted it. We feel that
21 the work and the value that this vendor
22 brings to the table for what is coming out
23 on the other end is certainly there. We
24 continue to work closely with DSS to look
25 for ways to enhance and bring some of this

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2 in-house which is our primary method of
3 operating.

4 But, currently, this vendor does
5 a great job, supports us well, and is a
6 critical person. If you bring the salary of
7 someone with equal value it's going to be
8 more in today's marketplace.

9 LEGISLATOR JACOBS: I'm not even
10 questioning the company. I know they have
11 been around for a long time. It seems to
12 me, \$120 an hour, 35 hours a week, for 47
13 weeks, is a lot of money to make sure that
14 it's synchronized properly. It becomes
15 \$197,400 for 47 weeks.

16 COMMISSIONER EISENSTEIN: What is
17 important to understand is that this vendor
18 supports more than just that. They are an
19 integral part of many of the systems that
20 operate that facility. That is one example
21 we gave you. I can certainly give you an
22 example of many of his projects that he
23 works on if you want to have a further
24 breakdown. He has been a vendor here for
25 over ten years and participated in many

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2 systems that maintain that very sensitive
3 operation there by the way.

4 LEGISLATOR JACOBS: I don't doubt
5 anything you're saying. I'm just saying
6 maybe we have to do more clarity on these
7 answers. This sounds like an enormous
8 amount of money. If he does so many other
9 things, like he's involved in the entire
10 process, then it would be good to have that
11 as backup. Otherwise this is an awful lot
12 of money for that --

13 COMMISSIONER EISENSTEIN: For
14 that one process.

15 LEGISLATOR JACOBS: Yes.

16 COMMISSIONER EISENSTEIN: For
17 purposes of clarification, it was just
18 highlighted to that one item. But we can
19 certainly give you an offline detail of many
20 of the projects that we are engaged in with
21 this vendor.

22 LEGISLATOR JACOBS: Okay. I
23 think that would be a good idea.

24 CHAIRWOMAN GONSALVES: I need to
25 know, Mr. Eisenstein, does it warrant 47

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2 weeks to do the job that's listed here?

3 COMMISSIONER EISENSTEIN: Yes.

4 No question. We are getting tremendous
5 value out of this person, supporting this,
6 as well as all the DSS applications that
7 were managed by him. Please consider trade
8 industry, \$200,000 for a professional
9 programmer is a good value in today's world
10 for that level of work.

11 CHAIRWOMAN GONSALVES: Legislator
12 Nicolello.

13 LEGISLATOR NICOLELLO: If we do
14 not pass this and this function is not
15 fulfilled, what happens?

16 COMMISSIONER EISENSTEIN: There
17 will be some critical functions at DSS that
18 will fail. The unforeseen parts will not
19 work.

20 Currently, the DSS software, the
21 intake software, the way they process their
22 clientele, is a very well oiled machine.
23 While you may hear of issues here and there,
24 the software on the computer systems, are
25 working in unison, both IT and Dr. Imhoff,

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2 Paul Broderick, very closely together, to
3 ensure that we have a very smooth sailing
4 operation. That's our primary goal.

5 Please keep in mind we continue
6 to try to bring these services in-house and
7 hire staff, which is the ultimate goal that
8 we are trying to go with all of this with
9 all of these vendors.

10 LEGISLATOR NICOLELLO: This
11 vendor is performing this service 47 weeks a
12 year, has that been the case since 2004?

13 COMMISSIONER EISENSTEIN: Yes.
14 We meet with them weekly and he has been at
15 every meeting since I've been here since
16 2010. That's what I can speak of.

17 LEGISLATOR NICOLELLO: In other
18 words, this type of arrangement or these
19 types of hours that he's been billing for us
20 has been the case for some time?

21 COMMISSIONER EISENSTEIN: Yes.
22 Yes. I would say when I first met him there
23 was another technician working with him also
24 while they were building some applications.
25 Now that they're in more support mode, he is

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2 able to support all of those items.

3 LEGISLATOR NICOLELLO: Thank you.

4 CHAIRWOMAN GONSALVES: Minority
5 Leader Kevan.

6 LEGISLATOR ABRAHAMS: Thank you,
7 Madam Presiding Officer. This is a contract
8 for \$197,400, correct?

9 COMMISSIONER EISENSTEIN: Yes,
10 sir.

11 LEGISLATOR ABRAHAMS: And the
12 contract provides for one full time on-site
13 programmer/system analyst, correct?

14 COMMISSIONER EISENSTEIN: Yes.

15 LEGISLATOR ABRAHAMS: And based
16 on your earlier testimony, you indicated
17 that this is good value.

18 COMMISSIONER EISENSTEIN: Yes.

19 LEGISLATOR ABRAHAMS: Can you
20 describe what you mean by this is good
21 value?

22 COMMISSIONER EISENSTEIN:
23 Absolutely. The fact that you have this one
24 technician who has the ability to support
25 this system as well as the other systems he

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2 has built in the last ten years, from our
3 evaluation, it would take generally several
4 people to run that. But, because of his
5 expertise, and his industry knowledge, he is
6 able to do more with less. That's why we
7 are seeing that value.

8 LEGISLATOR ABRAHAMS: We couldn't
9 train an individual to do the same thing
10 that we are going to pay somebody \$197,400
11 to do?

12 COMMISSIONER EISENSTEIN: Thank
13 you for asking that question. We're on that
14 way. I have been doing that since I got
15 here. I've hired 26 CSEA members. We are
16 about to hire more. My personal goal and
17 our goal in the county has been to
18 accelerate bringing this in-house. So,
19 exactly as you are asking, my goal is to
20 train more in-house.

21 LEGISLATOR ABRAHAMS: How long
22 have you been trying to accomplish that
23 goal?

24 COMMISSIONER EISENSTEIN: I have
25 been personally working for civil service

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2 every week for the past five years.

3 LEGISLATOR ABRAHAMS: And it
4 takes five years to get to where we are now
5 and still not have anybody in place?

6 COMMISSIONER EISENSTEIN: For
7 that particular expertise, yes. So far the
8 vendor is the only one who can make sure
9 that these critical systems stay afloat.

10 LEGISLATOR JACOBS: This system
11 that we're using, is this system developed
12 by VenTech?

13 COMMISSIONER EISENSTEIN: Yes.
14 Yes. There are other programmers involved, a
15 multitude of programmers that have
16 collaborated, built all of the tools that
17 handle all of the software that DSS has
18 today. The visitors who come and visit
19 those young ladies behind the counter, that
20 is all customized software.

21 LEGISLATOR ABRAHAMS: What
22 exactly are we getting for this \$197,400, is
23 IT going to blow up if we don't do this
24 today?

25 COMMISSIONER EISENSTEIN: Yes.

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2 It could affect how we operate that
3 department. We can certainly assure DSS
4 that from an IT point --

5 LEGISLATOR ABRAHAMS: What does
6 the system do in layman's terms?

7 COMMISSIONER EISENSTEIN: I will
8 have to give you a listing of exactly how it
9 operates. I don't know the exact internals
10 of all the bells and whistles of how it
11 passes data back and forth with the state
12 and how it captures that. But we can give
13 you a detailed offline --

14 LEGISLATOR ABRAHAMS: Is he doing
15 some type of regulatory, is that what he's
16 doing?

17 COMMISSIONER EISENSTEIN: I would
18 say 95 percent of the software being done is
19 regulatory business, that is correct with
20 the state.

21 LEGISLATOR ABRAHAMS: With the
22 state?

23 COMMISSIONER EISENSTEIN: Yes.
24 The state controlled DSS network and the
25 data that's being passed back and forth, and

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2 programmers like this take this data and make
3 it work so we can operate.

4 LEGISLATOR ABRAHAMS: I have
5 nothing further.

6 CHAIRWOMAN GONSALVES: Legislator
7 Walker has a question.

8 LEGISLATOR WALKER: And I don't
9 know that you can answer it and I don't know
10 if there's anyone here from DSS, but if all
11 the information isn't passed through from
12 county to the state, and I know that
13 compliance is a big issue and we had issues
14 with that in the past which are now
15 resolved, and our compliance is up to
16 wonderful wonderful numbers, at times we
17 have 100 percent compliance, the rare
18 occasions when we don't is usually because
19 clients have failed to return paperwork and
20 instead of us cutting them out of the system
21 and having to begin all over, we keep those
22 cases open so that hopefully we would get
23 their paperwork as soon as possible.

24 I would hate to see that ever be
25 jeopardized and us be put back into that

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2 similar situation because it certainly, not
3 only affects our clients, the people that
4 are in desperate need of that, but it
5 certainly affects us and how our numbers
6 look as a county and that's very, very
7 important.

8 I think that we shouldn't be, we
9 should be moving forward with that and not
10 possibly putting it behind us, holding off
11 on anything.

12 COMMISSIONER EISENSTEIN: Thank
13 you, legislator. If I could just comment on
14 that. We're the computer people. The
15 request for the regulation would be DSS
16 questions. I do feel personally very
17 confident that the service that IT and
18 myself and my people bring to DSS, that they
19 make sure they meet those regulations. They
20 would have to tell you those specific
21 regulations.

22 Computer wise I believe very
23 confidently we're doing what they need to
24 give them everything -- at the at best cost
25 value possible. But certainly we have many

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2 clients that ask us many regulatory things
3 and we fulfill them. That would be a DSS
4 operations question.

5 CHAIRWOMAN GONSALVES: Any other
6 questions or comments?

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 There being none, all those in
11 favor of E-1-16 signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (Nay.)

15 The item passes five to two.

16 Thank you, Mr. Eisenstein.

17 The next item is E-2-16, a
18 special counsel contract entered into by the
19 Nassau County Attorney and Bartlett,
20 McDonough & Monaghan, L.L.P.

21 A motion, please.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR NICOLELLO: Second.

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

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2 Nicolello. And Ms. LoCurto.

3 MS. LOCURTO: Ye. This contract
4 before you is an amendment to an existing
5 contract special counsel has retained
6 because of the complexity of the litigation
7 and potential for conflicts. The litigation
8 involved both state claims and federal
9 claims. The state claims have been
10 resolved. All that remain are the federal
11 claims.

12 Several county officials, police
13 officers, and correction officers were
14 named. Several of the named defendants have
15 been dismissed out of the action, however,
16 certain officers still remain and the
17 purpose of amending the contract is to
18 obviously to continue to vigorously defend
19 the litigation and to address the defense of
20 the remaining defendants in the federal
21 lawsuit.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Ms. LoCurto?

24 (No verbal response.)

25 Is there any public comment?

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2 (No verbal response.)

3 There being none, all those in
4 favor of E-2-16 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (Nay.)

8 The item passes four to three.

9 The next items, E-3 and E-4 are
10 the same vendors. I'm going to call them
11 together. E-3 is a resolution affirming to
12 an amendment to a special counsel contract
13 entered into by the Nassau County Attorney
14 and Rifkin Radler, L.L.P.;

15 E-4, a resolution affirming to an
16 amendment to a special counsel contract
17 entered into by the Nassau County Attorney
18 and Rifkin Radler, L.L.P.

19 Motion, please.

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR WALKER: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Dunne, seconded by Legislator
24 Walker. Lisa.

25 MS. LOCURTO: The two litigations

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2 that the County Attorney's Office had
3 retained with outside counsel addressed two
4 very different kinds of, or types of
5 litigations. The first is the massive
6 complex litigation of the utility's
7 litigations in Article 18, county wide
8 special districts where utility companies
9 had challenged the way the assessment was
10 calculated pursuant to Real Property Tax
11 Law, Article 18. It also encompasses, the
12 utility's challenged two assessments placed
13 on the properties for special levies in
14 their garbage districts.

15 Both these separate utility
16 litigations are bound by the challenge by
17 the towns and/or the utilities obligating
18 the county to pay by virtue of the county
19 guaranty.

20 There has been a determination in
21 the garbage district case that the towns are
22 obligated to pay in the first instance, the
23 obligation to pay the judgements in the
24 garbage district cases, however, it operates
25 as an indemnity, the county guaranty

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2 operates as an indemnity.

3 There is still a challenge as
4 to how the county guaranty actually works in
5 operation. Those issues are being litigated
6 and that addresses that portion.

7 The Article 18 litigation which
8 is a separate litigation, which does not
9 involve any of the towns, but just directly
10 involves the County of Nassau, there was a
11 determination that the county did not
12 calculate the non county wide special
13 districts assessments for the utility
14 properties correctly, and a trial was
15 ordered to determine what those damages are.
16 This amendment will cover the trial for
17 those damages to be determined if any are
18 appropriate.

19 The other contract amendment with
20 Rifkin specifically deals with a complaint
21 filed with racism against the county arguing
22 or complaining that the way HUD monies are
23 being distributed by the county do not
24 necessarily further fair housing.

25 The county is in the process of

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2 cooperating with the investigation by HUD of
3 the complaint. We are at a critical stage
4 in the investigation because we've been
5 asked to take part in discussion to see if
6 the matter could be resolved without further
7 investigation or without further litigation.

8 The purpose of the amendment is
9 to address specifically if that cannot be
10 resolved between the complainant and the
11 county to the satisfaction of HUD, whether
12 or not HUD will conclude its investigation,
13 what their findings will be, and whether or
14 not the county will proceed with some type
15 of challenge to whatever the HUD
16 determination or conclusion is in their
17 investigation of that complaint.

18 CHAIRWOMAN GONSALVES: Okay. Any
19 questions of Ms. LoCurto on either one?
20 Legislator Solages.

21 LEGISLATOR SOLAGES: Good
22 afternoon. Let me be clear, does this
23 contract cover legal issues related to the
24 dispute with LIPA for the pilot payments?

25 MS. LOCURTO: No, neither

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2 contract amendment deals with that.

3 LEGISLATOR SOLAGES: Thank you.

4 CHAIRWOMAN GONSALVES: Any other
5 comments or questions?

6 (No verbal response.)

7 Is there any public comment?

8 (No verbal response.)

9 There being none, all those in
10 favor of E-3 and E-4 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 The items pass four to three.

15 Rules Committee is now in recess and Public
16 Safety is the next meeting. We will
17 reconvene after the committees.

18 (Whereupon, the Rules Committee
19 recessed at 1:54 p.m. and reconvened at 3:32
20 p.m.)

21 CHAIRWOMAN GONSALVES: Back in
22 session. We have I believe three addendums
23 for the Rules Committee. There are items on
24 all of the addendums that are consent items,
25 I'm going to ask that we make a motion to

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2 suspend the rules before we begin the
3 regular agenda; all the addendums, one, two,
4 and three.

5 Motion, please.

6 LEGISLATOR DUNNE: So moved.

7 LEGISLATOR WALKER: Second.

8 CHAIRWOMAN GONSALVES: Moved by
9 Legislator Dunne, seconded by Legislator
10 Walker. All those in favor of suspending
11 the rules signify by saying aye.

12 (Aye.)

13 Any opposed?

14 (No verbal response.)

15 The rules are suspended. We will
16 go through the items of consent on the
17 regular agenda, and then of course the
18 addendums. I'll begin with Clerk Item 1-16,
19 Clerk Item 2, Clerk Item 4, 5, 6, 7, 8, 9,
20 10, 11, 12, 13, 14. That's on the regular
21 agenda.

22 On the addendums, the first
23 addendum we have Item 17, Item 18, Item 19,
24 Item 25, 26, 27, 28, 29, 30, 32, 33, 34.
25 For Addendum 2, Item 41, Addendum 3.

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2 As customary, I would ask to
3 please transfer, put the testimony of the
4 previous committees into the Rules
5 Committee.

6 (Whereupon, the following are the
7 minutes of the Public Safety Committee
8 pertaining to Clerk Items 33-16, 34-16,
9 1-11-16.)

10 CHAIRMAN DUNNE: We have two
11 items on our addendum today. Item 33-16 and
12 Item 34-16, both ordinances supplemental to
13 the annual appropriation ordinance in
14 connection with the police department. Both
15 read exactly the same. We have Sergeant
16 Stephanoff to fill us in on what both of
17 these are about. First 33-16.

18 LIEUTENANT STEPHANOFF: Good
19 afternoon. Sergeant Greg Stephanoff. The
20 first item, 33-16, is a Homeland Security
21 Grant for \$50,000.

22 This money is going to be used to
23 buy a video surveillance equipment trailer.
24 We are getting two of them. These trailers
25 will benefit us by allowing us to take the

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2 surveillance. If we put our PRs or video
3 surveillance out, it will funnel it to these
4 trailers for an event we are trying to
5 cover. There is no match, so there is no
6 impact.

7 LEGISLATOR MACKENZIE: So moved.

8 LEGISLATOR FORD: Second.

9 CHAIRMAN DUNNE: Let me say that
10 Legislator MacKenzie made this motion to
11 accept this item and seconded by Legislator
12 Ford. Any questions on this item?

13 (No verbal response.)

14 The second item, 34-16.

15 LIEUTENANT STEPHANOFF: The
16 second item is also a Homeland Security
17 Grant for \$100,000. This is going to be
18 also to buy equipment for infrastructure.
19 It's going to be buying night vision
20 binoculars, and it's also going to be buying
21 an equipment transport trailer. The
22 equipment transport trailer is going to be
23 used to load equipment, God forbid we have
24 to respond to an incident, and it will allow
25 us to put the equipment in one trailer, and

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2 if we need to we just hook up and go and it
3 will allow us to have a quicker response
4 time rather than trying to gather the
5 equipment in different trucks.

6 LEGISLATOR FORD: So moved.

7 LEGISLATOR MACKENZIE: Second.

8 CHAIRMAN DUNNE: Motion by
9 Legislator Ford, seconded by Legislator
10 MacKenzie to accept this. Any questions
11 from any legislators?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

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

17 (Aye.)

18 Any against?

19 (No verbal response.)

20 So passes on to Finance.

21 (Whereupon, the following are the
22 minutes of the Public Works and Parks
23 Committee pertaining to Clerk Item 4-16;
24 1-11-16.)

25 CHAIRMAN MUSCARELLA: We have a

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2 quorum. We have one item on today. That is
3 Clerk Item 4 of 2016, an ordinance making
4 certain determinations pursuant to the State
5 Environmental Quality Review Act and
6 authorizing the County Executive on behalf
7 of the County of Nassau to execute an
8 amendment to a lease agreement between the
9 County of Nassau, as landlord, and Sun E
10 Solar XVII Projects, LLC, as tenant, in
11 connection with the lease of certain
12 premises consisting of approximately 10.199
13 acres of real property situated at the Cedar
14 Creek Water Pollution Control Plant, Town of
15 Hempstead, County of Nassau, State of New
16 York, said real property known as Section
17 63, Block 261, and a portion of Lot 765H and
18 773 on the land and tax map of the County of
19 Nassau.

20 LEGISLATOR MACKENZIE: So moved.

21 LEGISLATOR RHOADS: Second.

22 CHAIRMAN MUSCARELLA: Motion by
23 Mr. MacKenzie, seconded by Mr. Rhoads. That
24 item is before us. Do you have some
25 information for us?

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2 MR. SALLEY: Absolutely. Sean
3 Salley, Nassau County Department of Public
4 Works. The action before you today is a
5 lease amendment to the county lease
6 agreement with Sun Edison. The vendor that
7 was chosen pursuant to a county RFP to
8 construct, at the time it was a three
9 megawatt utility solar facility at the
10 southern end of the Cedar Creek water
11 pollution control plant. There is a vacant
12 area just to south of the plant.

13 That lease was approved by this
14 legislature in the fall of 2014. That
15 provided Sun Edison with site control and
16 they were able to formally apply to LIPA
17 under the LIPA Solar Feed and Tariff II
18 Program.

19 Through a reverse auction, LIPA
20 was procuring roughly 150 megawatts
21 throughout Long Island of solar energy from
22 these distributed sites so to speak.

23 So, the lease was approved by the
24 legislature. Sun Edison applied, received
25 an approval from LIPA to move forward with a

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2 three megawatt project at 16.88 cents a
3 kilowatt hour. That 16.88 megawatt,
4 kilowatt hours was set across the board on
5 Long Island. So any project that entered
6 into this program would receive that fee.

7 In return the county would
8 receive a lease payment for the utilization
9 of the land. Sun Edison would produce power
10 and sell that power pursuant to a PPA,
11 power purchase agreement with LIPA.

12 Subsequent to that happening,
13 LIPA then undertakes an interconnection
14 study, and the outcome and the findings of
15 that study was basically that the nearest
16 substation which is in Bellmore was unable
17 to accept the three megawatts of solar of
18 renewal energy. So the maximum that that
19 substation could handle was approximately
20 1.8 megawatts.

21 Just as an aside, the overall on
22 Long Island, the amount of power that could
23 be kind of plugged into the substations was
24 less than what LIPA thought originally could
25 be the case.

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2 So if not all the projects on
3 Long Island had received the benefit of this
4 program, the projects were all reduced
5 because of the capacity at the substation.

6 Sun Edison is actually working
7 with Suffolk County to develop utility solar
8 at Gabreski Airport in West Hampton through
9 the same program. Their project was
10 actually reduced almost 50 percent. So just
11 to kind of give you more context, this is
12 sort of happening across the county -- I'm
13 sorry, across the island, and in order for
14 future projects to come online, there will
15 need to be some substantial infrastructure
16 improvements in terms of upgrading and
17 expanding substations. So, just again, kind
18 of keep that in mind.

19 So the lease amendment today is
20 basically to memorialize the new project
21 size which is 1.8 megawatts. What that does
22 is drop the rent payment down that's due to
23 the county. The original amount to the
24 county was approximately \$105,000 a year for
25 20 years which is concurrent with the power

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2 purchase agreement for 20 years.

3 That lease payment drops down to
4 \$70,000, and just to point out that the drop
5 in rent is not proportional to the drop in
6 system sizes. It's slightly more of that
7 percent reduction so we are able to
8 negotiate with Sun Edison.

9 The land area also involved also
10 goes down from 12.5 acres to roughly ten
11 acres and what that did was actually
12 preserve a stand of scrub bush on the
13 southeast corner of the site so that is no
14 longer part of this leasehold.

15 And, other than that, the
16 remaining lease terms remain the same. Sun
17 Edison is nearing completion of
18 construction. If you've been down there
19 it's a really neat sight to see, this
20 project nearing completion. They expect to
21 be producing power to the grid in the next
22 couple of weeks.

23 There was a question on the
24 commencement date. The commencement date is
25 actually the day they flip the switch and

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2 start providing power to LIPA. That's
3 imminent within the next couple of weeks.

4 There will be a public outreach
5 component to this where all of the energy is
6 tracked in real time by the vendor, of
7 course, for security purposes and overall
8 performance purposes.

9 We will have an internet or web
10 interface to view in real time what that
11 facility is producing. So, for the county
12 to understand what it's producing, as well
13 as bringing that information to schools and
14 universities and so forth, it's kind of a
15 nice component and benefit to the project as
16 a whole.

17 So, again, the lease amendment is
18 for the reduced land area and for the
19 reduced lease payment to the county over the
20 20 year duration.

21 CHAIRMAN MUSCARELLA: Thank you.
22 I know that Mr. Rhoads had had some
23 questions.

24 LEGISLATOR RHOADS: I appreciate
25 that. Thank you, Chairman Muscarella.

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2 Mr. Salley, good to see you
3 again. A couple of follow-up questions.
4 First of all, I know that I wasn't on the
5 Legislature at the time that this passed,
6 but I was kind of familiar with the project
7 because I was sitting on OSPAC at the time,
8 and we have had some subsequent meetings,
9 they were kind enough pursuant to the
10 Legislature's recommendation to meet with
11 the fire department.

12 Since completion of the project
13 is imminent, have there been any follow-up
14 conversations with the fire department about
15 setting up that training before they flip
16 the switch?

17 MR. SALLEY: No. And we will do
18 that. It is imminent in the next few weeks
19 so we will contact the district to set up
20 that meeting.

21 LEGISLATOR RHOADS: I appreciate
22 that. Secondly, I know that the issue of
23 security had come up at one of our prior
24 meetings. With respect to having a camera
25 to be able to see in real time, if there is

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2 a security issue going on at the facility
3 itself, not just fluctuations in terms of
4 the production of the plant, whether there
5 were any issues concerning the operation of
6 the plant, but specifically with security,
7 what was the resolution of that, has there
8 been?

9 MR. SALLEY: That did come up at
10 the fire district meeting back in early
11 September. Sun Edison explained to us that
12 they typically provide perimeter fencing as
13 they have done at this location, it's a 12
14 foot high chain link fence around the entire
15 installation.

16 In addition, this is at the rear
17 end of the treatment plant. The security
18 booth up front is supposed to be manned
19 24/7.

20 But, in terms of security, from
21 the vendor's perspective, they were
22 comfortable with the chain link perimeter
23 fencing and the real time performance
24 monitoring.

25 LEGISLATOR RHOADS: Is the

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2 security fencing accessible without going
3 through the front gate of the plant?

4 MR. SALLEY: You would have --
5 there are two different guard booths there.
6 One is the plant's guard booth and the other
7 one is the county, maintains the guard
8 booth, that protects the assets, other than
9 the plant that are back there.

10 LEGISLATOR RHOADS: So there are
11 two guard booths; the guard booth that
12 protects the plant itself. That's the
13 primary access to get into the solar
14 facility.

15 There's a road maintenance
16 facility that's just north of the
17 installation that during the day the trucks
18 and vehicles can flow through. But when
19 there are off hours, that gate is shut.

20 But, again, the primary
21 protection would be the county manned guard
22 booth at the top of the hill. Then, during
23 the evenings, it would be the secondary
24 booth manned by United Water.

25 LEGISLATOR RHOADS: I would still

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2 make the suggestion that obviously it's not
3 part of the contract so they are not
4 required to do it, but I would still make
5 the suggestion that they consider having
6 some sort of camera system so that at least
7 the guard sitting at the booth for the plant
8 can keep an eye on what's going on whether
9 there happens to be an issue other than
10 operations.

11 My last question that I had, it's
12 my understanding that the sewer treatment
13 plant initially for its power needs relies
14 on methane that's produced at the plant and
15 that the secondary system, if the energy
16 that's produced by the methane is
17 insufficient, it's to go on their natural
18 gas backup system.

19 MR. SALLEY: That's correct.

20 LEGISLATOR RHOADS: Since we are
21 talking about reducing the size of the solar
22 field, and we are always talking about green
23 energy, has there been any thought by the
24 administration to seeing if we can use the
25 excess capacity that the original system

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2 would have produced, the 1.2 megawatts
3 that's not being produced, to actually be
4 the back-up system for the plant, to reduce
5 our need for natural gas, since it's
6 renewable energy that theoretically we
7 wouldn't necessarily have to pay for?

8 MR. SALLEY: Sure, sure.

9 Exactly. And I can bring that back to my
10 commissioner of Public Works. So, you do,
11 you have another two or three acres now that
12 is not being utilized in that area and could
13 potentially be used for solar or other
14 renewable to directly feed into the plant
15 itself. Under that arrangement, I would
16 imagine that the county would be responsible
17 for maintaining and operating those solar or
18 wind or what have you.

19 In this arrangement with Sun
20 Edison, they are responsible for maintenance
21 and operation and so forth. But we can
22 certainly bring that opportunity up to the
23 commissioner.

24 LEGISLATOR RHOADS: Completely
25 understood. Since our rent payment that we

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2 are receiving is \$70,000, is that annually?

3 MR. SALLEY: Annually, yes.

4 LEGISLATOR RHOADS: I was curious
5 whether any portion of the \$70,000 that
6 we're receiving in terms of revenue could
7 actually be reinvested back so that we could
8 actually produce that renewable energy, so
9 there would be actually no direct costs and
10 perhaps Sun Energy can actually maintain it
11 based on the use of our anticipated
12 revenues.

13 MR. SALLEY: Sure. Point is
14 taken. I will bring that back to the
15 commissioner.

16 LEGISLATOR RHOADS: I appreciate
17 that. If you could get back to us with some
18 sort of answer I would appreciate it.

19 MR. SALLEY: Sure.

20 CHAIRMAN MUSCARELLA: Any other
21 questions? Legislator Jacobs.

22 LEGISLATOR JACOBS: Sean, hi, how
23 are you? Just a quick question. Don't you
24 think a feasibility study on their part
25 should have been done prior to that original

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2 that would have avoided the amending?

3 MR. SALLEY: Absolutely. You do.
4 They promote renewable energy and rightfully
5 so. Then you have in this case a
6 municipality to develop a utility energy
7 facility, it has to go through a bunch of
8 steps, if the capacity could be determined
9 prior to us spinning the wheels.

10 LEGISLATOR JACOBS: Of course.

11 MR. SALLEY: Exactly.

12 LEGISLATOR JACOBS: So, in other
13 words, I'm not going to put words in your
14 mouth, but I assume it was something you
15 felt would happen when they applied for this
16 amount?

17 MR. SALLEY: Yes, I mean, we
18 looked -- what was very comforting, maybe
19 not the right word, but we had been working
20 closely with Suffolk County because it just
21 so happens they have a similar facility with
22 the same vendor, and when we heard that they
23 were going through the same issues in terms
24 of the capacity dropping and having to go
25 through that process, because originally up

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2 front we felt, wait a minute, you're telling
3 us one thing in one capacity, and we go
4 through all these steps and now it's
5 reduced, what's going on here?

6 LEGISLATOR JACOBS: I fully
7 understand. So I guess it's good to be
8 forewarned about this and make sure that we
9 ask that question, have you done a
10 feasibility study, because it's a good
11 thing, and so it's silly to have to be
12 amended.

13 MR. SALLEY: Exactly. And, if I
14 may, when Sun Edison was alerted that it was
15 chosen to be part of the feed in two tariff
16 program, it was then asked to provide the
17 interconnection documents.

18 LIPA then gave no timeline as to
19 when that would be approved, but they did
20 say, if you don't have site control by the
21 time that study is completed, you risk being
22 bumped from the cue. So there is a lot of
23 moving parts.

24 LEGISLATOR JACOBS: I get it.
25 Thank you so much as always.

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2 CHAIRMAN MUSCARELLA: Any other
3 questions? Ms. Birnbaum.

4 LEGISLATOR BIRNBAUM: Has it cost
5 the county any money with this
6 miscalculation? Has the county laid out any
7 money for development?

8 MR. SALLEY: No. This was all
9 vendor responsibility.

10 CHAIRMAN MUSCARELLA: Any other
11 questions?

12 (No verbal response.)

13 Is there any public comment?

14 (No verbal response.)

15 Hearing none, all those in favor
16 of moving this item signify by saying aye.

17 (Aye.)

18 Any opposed?

19 (No verbal response.)

20 That item carries.

21 (Whereupon, the following are the
22 minutes of the Planning, Development and the
23 Environment Committee pertaining to Clerk
24 Items 8, 29, 30, 32-16; 1-11-16.)

25 CHAIRWOMAN SCHAEFER: We have

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2 four items on the agenda today. The first
3 item number is Clerk Item 8-16, an ordinance
4 making certain determinations pursuant to
5 the State Environmental Quality Review Act
6 and authorizing the County Executive of the
7 County of Nassau to accept on behalf of the
8 County of Nassau an offer of purchase from
9 Bolla Management Corporation of certain
10 premises located in the Town of Hempstead,
11 County of Nassau, State of New York, said
12 property known as Section 37, Block 421,
13 part of lots 25 and 27 on the land and tax
14 map of the County of Nassau and authorizing
15 the County Executive to execute a deed
16 contract of sale and all pertinent documents
17 in connection therewith to consummate the
18 sale.

19 May I have a motion?

20 LEGISLATOR DUNNE: So moved.

21 LEGISLATOR FORD: Second.

22 CHAIRWOMAN SCHAEFER: Moved by
23 Legislator Dunne, seconded by Legislator
24 Ford. The item is before us.

25 MR. RAGANETTI: Good afternoon.

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2 My name is David Raganetti from the County
3 Attorney's Office. This item is a proposed
4 direct sale to Bolla for two parcels as
5 Elmont Road crosses Linden Boulevard north
6 of the Southern State Parkway. The proposed
7 use of the neighboring parcels will be used
8 as a gas station and a mart will be
9 reserving an easement in the deed in
10 relation to a culvert that runs adjacent to
11 the roadway through these two parcels and
12 there will be 239F review by DPW of the
13 proposed development.

14 CHAIRWOMAN SCHAEFER: Is there
15 any debate or discussion on this item?
16 Legislator Rhoads.

17 LEGISLATOR RHOADS: Just one
18 question, Deputy County Attorney Raganetti.
19 Did this pass through OSPAC or did it not
20 have to go through OSPAC?

21 MR. RAGANETTI: Yes. This went
22 through OSPAC in Planning and actually went
23 through twice in response to some of the
24 community comments and comments from OSPAC
25 in planning, there were some changes to the

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2 plans and we felt it necessary to go through
3 OSPAC and planning again and it passed
4 through both sessions again.

5 LEGISLATOR RHOADS: Thank you.

6 CHAIRWOMAN SCHAEFER: Legislator
7 Curran.

8 LEGISLATOR CURRAN: Hi. Can you
9 please explain what the purpose of this is,
10 what the county purpose of this is?

11 MR. RAGANETTI: These are two
12 parcels that the county owns. The only --
13 the applicant Bolla came to us to purchase
14 them, and the only adjacent property owner
15 is Bolla except to the south there's the
16 state owned lands in relation to the
17 Southern State Parkway. So they applied for
18 the sale to us.

19 My understanding is that at the
20 moment there is a similar use, not that I
21 have anything to do with the zoning, but
22 there is similar use, there's a gas station
23 on that area now, and they felt it necessary
24 to purchase that area which we are
25 comfortable with because it staves off

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2 issues of liability as well as we're getting
3 some money in.

4 LEGISLATOR CURRAN: Right. It's
5 a small amount and it's a very small parcel.
6 I'm just curious to know how is it appraised
7 in a case like this?

8 MR. RAGANETTI: We have a panel
9 of appraisers -- first I should say real
10 estate has a panel of appraisers. This one
11 appraisal was selected and we kicked out
12 this item to them to appraise -- I don't
13 think I have a copy of the actual email
14 request detailing the appraisal but my
15 understanding is they'll look at comps and
16 give us an appraisal and the fee for the
17 appraisals is tied into the sale.

18 LEGISLATOR CURRAN: Thank you
19 very much.

20 CHAIRWOMAN SCHAEFER: Is there
21 any public comment?

22 Is there any public comment?

23 (No verbal response.)

24 There being none, all those in
25 favor of passing this item signify by saying

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2 aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The ayes have it. The item
7 passes unanimously.

8 MR. RAGANETTI: Thank you.

9 CHAIRWOMAN SCHAEFER: The second
10 item is Item Number 29-16, a resolution to
11 authorize the release of the surety bond and
12 escrow deposit covering improvements on the
13 map of Babylon at Garden City, situated in
14 Uniondale, Town of Hempstead, County of
15 Nassau, New York.

16 May I have a motion?

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR RHOADS: Second.

19 CHAIRWOMAN SCHAEFER: Moved by
20 Legislator Dunne, seconded by Legislator
21 Rhoads. The item is before us.

22 MR. SALLEY: Good afternoon.

23 Sean Salley with the Nassau County
24 Department of Public Works on the Nassau
25 County Planning Commission.

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2 This is an application for the
3 release of a surety or construction
4 performance bond and escrow for the map of
5 Avalon at Garden City. This was a single
6 family subdivision to permit or to construct
7 19 or 20 homes with a private roadway in the
8 area formerly it was Navy property, that a
9 portion of it was conveyed to the county and
10 a portion of it was conveyed by the Navy to
11 Avalon Bay.

12 There were 19 military homes that
13 were actually converted to single family
14 homes for sale and Avalon Bay built an
15 additional home for a total of 20 that they
16 renovated. That passed through the Nassau
17 County Planning Commission for subdivision
18 approval and, as with all the major
19 subdivision approvals, the county takes a
20 performance bond for the completion of the
21 public improvements along with a cash escrow
22 deposit again to ensure that the public
23 improvements are constructed and completed
24 properly.

25 The Nassau County Planning

1 Rules Committee/1-11-16

2 Commission met this past November, November
3 12, 2015, at a public hearing to hear the
4 request for a release of bond and escrow.
5 The Planning Commission, after taking
6 testimony, recommended via resolution to the
7 County Legislature that the bond and escrow
8 monies be returned to the developer.

9 CHAIRWOMAN SCHAEFER: Thank you,
10 Mr. Salley.

11 LEGISLATOR DUNNE: These homes
12 were to go to veterans?

13 MR. SALLEY: They're not set
14 aside for veterans but my understanding is,
15 there is an agreement with the town during
16 the zoning process to make them available to
17 returning veterans.

18 LEGISLATOR DUNNE: When County
19 Executive had a press conference, it implied
20 that it was all going to go to veterans.

21 MR. SALLEY: Okay. I think there
22 are two, a couple of housing developments in
23 that area. That was, actually, that area
24 was actually Navy property. The subdivision
25 that we are talking about today went to

1 Rules Committee/1-11-16

2 Avalon Bay. There was another portion just
3 to the west that came to the county,
4 duplexes, actually, and those homes that are
5 under county ownership and management are
6 reserved for veterans.

7 LEGISLATOR DUNNE: This is going
8 to go on the tax rolls?

9 MR. SALLEY: On the tax rolls,
10 yes.

11 LEGISLATOR DUNNE: Thank you.

12 CHAIRWOMAN SCHAEFER: Any other
13 questions from the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

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

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 The ayes have it. The item
24 passes unanimously. Thank you, Mr. Salley.

25 The third item Item Number 30-16,

1 Rules Committee/1-11-16

2 a resolution to authorize the release of the
3 surety bond and escrow deposit covering
4 improvements on the map of Knickerbocker at
5 Manhasset Bay, situated in Hamlet of Port
6 Washington, Town of North Hempstead, County
7 of Nassau, New York.

8 May I have a motion?

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR FORD: Second.

11 CHAIRWOMAN SCHAEFER: Moved by
12 Legislator Dunne, seconded by Legislator
13 Ford. Mr. Salley, please go ahead.

14 MR. SALLEY: This is also a major
15 subdivision that was approved by the Nassau
16 County Planning Commission. It's a 32 unit
17 senior development with an HOA and actually
18 a restaurant lot as well.

19 This was a requirement for the
20 bond and escrow monies to be held by the
21 county while construction of the public
22 improvements was being completed. That has
23 since occurred. The application went
24 through the Nassau County Planning
25 Commission on December 17th for a public

1 Rules Committee/1-11-16

2 hearing. The Planning Commission
3 recommended that the bond and escrow monies
4 be returned to the applicant.

5 CHAIRWOMAN SCHAEFER: Thank you.
6 Are there any questions from the
7 legislators? Legislator Ford.

8 LEGISLATOR FORD: The development
9 has been completed, people are living there
10 now?

11 MR. SALLEY: Yes, there are.

12 LEGISLATOR FORD: The restaurant
13 as well, and the sewers, everything is in,
14 right?

15 MR. SALLEY: Right.

16 CHAIRWOMAN SCHAEFER: It's a
17 Golden Age residence?

18 MR. SALLEY: Yes.

19 CHAIRWOMAN SCHAEFER: How many
20 units again?

21 MR. SALLEY: 52 units.

22 LEGISLATOR DUNNE: When you say
23 Golden Age, what age does that start at?

24 MR. SALLEY: There are actually,
25 in certain zoning districts, it's 62 with

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2 that you typically get a bump in the number
3 of units per acre. Otherwise it's 55 and
4 older, age restricted, but you don't get the
5 benefit.

6 CHAIRWOMAN SCHAEFER: Is there
7 any public comment on this?

8 (No verbal response.)

9 All those in favor of passing
10 this item please signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The ayes have it. The item
15 passes unanimously.

16 The last item we have on today is
17 Clerk Item Number 32-16, a resolution to
18 authorize the release of the surety bond and
19 escrow deposit covering improvements on the
20 map of Dutch Gate at North Valley Stream
21 situated in the Hamlet of North Valley
22 Stream, Town of Hempstead, County of Nassau,
23 New York.

24 LEGISLATOR DUNNE: So moved.

25 LEGISLATOR RHOADS: Second.

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2 CHAIRWOMAN SCHAEFER: Moved by
3 Legislator Dunne, seconded by Legislator
4 Rhoads. Mr. Salley.

5 MR. SALLEY: This is actually a
6 388 unit senior development in North Valley
7 Stream, Unincorporated Village of Valley
8 Stream. This development goes back a number
9 of years because of its size. It was built
10 out in phases. The bond had been reduced
11 over the years. The project is finally
12 complete. There are some ancillary
13 improvements going on on Dutch Broadway
14 being overseen by the County Department of
15 Public Works but the public improvements
16 within the development itself are complete
17 and satisfactory to the Department of Public
18 Works and the Nassau County Planning
19 Commission.

20 The Nassau County Planning
21 Commission held a public hearing on December
22 17th and voted in favor of recommending that
23 the bond and escrow be released.

24 CHAIRWOMAN SCHAEFER: Thank you.
25 Any debate or discussion from the

1 Rules Committee/1-11-16

2 legislators?

3 (No verbal response.)

4 Is there any public comment on
5 this item?

6 (No verbal response.)

7 There being none, all those in
8 favor of passing this item please signify by
9 saying aye.

10 (Aye.)

11 Any opposed?

12 (No verbal response.)

13 The item passes unanimously.

14 (Whereupon, the following are the
15 minutes of the Health and Social Services
16 Committee pertaining to Clerk Items 25-16,
17 28-16; 1-11-16.)

18 CHAIRWOMAN WALKER: We have two
19 items. They are on the addendum. First is
20 Clerk Item 25-16, an ordinance supplemental
21 to the annual appropriation ordinance in
22 connection with the Department of Health.

23 May I have a motion, please?

24 LEGISLATOR SCHAEFER: So moved.

25 LEGISLATOR KENNEDY: Second.

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2 CHAIRWOMAN WALKER: Motion by
3 Legislator Schaefer, seconded by Legislator
4 Kennedy. The item is before us. We have
5 MaryEllen Lorraine. Happy New Year. It's
6 good to see you here.

7 MS. LORRAINE: Happy New Year to
8 you. MaryEllen Lorraine, Department of
9 Health. Item 25-16 is a supplemental
10 appropriation in the amount of \$6,800,000.
11 This is for the Ryan White Program. This is
12 100 percent funded through the United States
13 Department of Health and Human Services.
14 The goal of this is to provide comprehensive
15 HIV Aids services to the residents of both
16 Nassau and Suffolk County. We are in an
17 inter-government agreement with Suffolk, and
18 Nassau County is the grantee.

19 Any questions for Ms. Lorraine?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 There being none, all those in
24 favor of 25-16 indicate by saying aye.

25 (Aye.)

1 Rules Committee/1-11-16

2 Any opposed?

3 (No verbal response.)

4 Any abstentions?

5 (No verbal response.)

6 It will move on to Finance.

7 Thank you so much. We look forward to a
8 great year working with you.

9 MS. LORRAINE: Thank you.

10 CHAIRWOMAN WALKER: The next item
11 is Clerk Item 28-16 which is an ordinance
12 supplemental to the annual appropriation
13 ordinance in connection with the Department
14 of Social Services.

15 Can I have a motion, please?

16 LEGISLATOR GAYLOR: So moved.

17 LEGISLATOR KENNEDY: Second.

18 CHAIRWOMAN WALKER: Motion by
19 Legislator Gaylor, seconded by Legislator
20 Kennedy. Who do we have here to speak on
21 this?

22 MR. ROCHE: Brendan Roche, Social
23 Services. Item 28 is a 100 percent state
24 funded grant for \$136,500. It's called the
25 Safe Harbor Project. It's meant for -- to

1 Rules Committee/1-11-16

2 use the contract for the Safe Center for
3 mental health, counseling services, the
4 child victims of human trafficking, and
5 sexual exploitations.

6 CHAIRWOMAN WALKER: Any questions
7 from the legislators?

8 (No verbal response.)

9 Any public comment?

10 (No verbal response.)

11 All those in favor of Clerk Item
12 28-16 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 This will also move on to
17 finance.

18 (Whereupon, the following are the
19 minutes of the Government Services and
20 Operations Committee pertaining to Clerk
21 Item 5-16; 1-11-16.)

22 CHAIRMAN KENNEDY: We have one
23 item on the agenda today. The item is Clerk
24 Item 5-16, an ordinance making certain
25 determinations pursuant to the State

1 Rules Committee/1-11-16
2 Environmental Quality Review Act and
3 authorizing the County Executive to accept
4 on behalf of the County of Nassau an offer
5 of purchase from the County of Nassau in
6 trust for the purposes of Nassau Community
7 College of certain premises located in the
8 Town of Hempstead, County of Nassau, State
9 of New York, said property known as Section
10 44, Block F, part of Lot 408 on the land and
11 tax map of the County of Nassau and
12 authorizing the County Executive to execute
13 deed, contract of sale and all pertinent
14 documents in connection therewith to
15 consummate the sale.

16 May I have a motion, please?

17 LEGISLATOR FORD: So moved.

18 LEGISLATOR SCHAEFER: Second.

19 CHAIRMAN KENNEDY: Moved by
20 Legislator Ford, seconded by Legislator
21 Schaefer. The item is before us.

22 MR. WALSH: Good afternoon.

23 Kevin Walsh from the Office of Real Estate
24 Services.

25 This is a transfer from the

1 Rules Committee/1-11-16
2 County of Nassau of a building right
3 adjacent to the Nassau Community College
4 book store to be transferred to the college
5 to be used for purposes of its new culinary
6 program. This is a building that the county
7 acquired from the Navy in 2011 as part of
8 the overall property acquired from the Navy
9 for \$1. This building is in significant
10 disrepair. It will need a gut renovation.
11 Water damage. I've seen the property. It
12 has open leaks in many spots. This will be
13 used for the school's hospitality program
14 for the new hot culinary program.

15 CHAIRMAN KENNEDY: Is there any
16 debate or discussion?

17 (No verbal response.)

18 Is there any public comment?

19 (No verbal response.)

20 All those in favor of passing
21 this item please signify by saying aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The item passes unanimously.

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2 (Whereupon, the following are the
3 minutes of the Finance Committee pertaining
4 to Clerk Items 1, 2, 4-8, 17-19, 25-28, 33,
5 34, 39, 40; 1-11-16.)

6 CHAIRMAN NICOLELLO: Items 1 and
7 2 of 2016 are resolutions to authorize the
8 transfer of appropriations heretofore made
9 within the budget for the year 2015.

10 LEGISLATOR WALKER: So moved.

11 LEGISLATOR MACKENZIE: Second.

12 CHAIRMAN NICOLELLO: Moved by
13 Legislator Walker, seconded by Legislator
14 MacKenzie. Do we have any questions or
15 discussion?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor signify by
20 saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 Those carry unanimously.

25 Item 4 of 2016 is an ordinance

1 Rules Committee/1-11-16

2 making certain determinations pursuant to
3 the State Environmental Quality Review Act
4 and authorizing the County Executive on
5 behalf of the County of Nassau to execute an
6 amendment to a lease agreement between the
7 County of Nassau, as landlord, and Sun E
8 Solar XVII Projects, LLC.

9 LEGISLATOR MUSCARELLA: So moved.

10 LEGISLATOR WALKER: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Muscarella, seconded by
13 Legislator Walker. This just went through
14 the Public Works Committee.

15 (Whereupon, please refer to the
16 minutes of the Public Works Committee dated
17 1-11-16 pertaining to Clerk Item 4 of 2016.)

18 Do we have any discussion or
19 questions?

20 (No verbal response.)

21 Is there any public comment?

22 (No verbal response.)

23 All those in favor signify by
24 saying aye.

25 (Aye.)

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2 Those opposed?

3 (No verbal response.)

4 Carries unanimously.

5 Item 5 of 2016 is an item that
6 just went through Government Services, it's
7 an ordinance making certain determinations
8 pursuant to SEQRA and authorizing the county
9 executive to accept on behalf of the County
10 of Nassau an offer of purchase from the
11 County of Nassau in trust for the purposes
12 of Nassau Community College of certain
13 premises located in the Town of Hempstead.

14 (Whereupon, please refer to the
15 minutes of the Government Services Committee
16 dated 1-11-16 pertaining to Clerk Item 5 of
17 2016.)

18 LEGISLATOR MACKENZIE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator MacKenzie, seconded by Legislator
22 Walker. Do we have any discussion?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

1 Rules Committee/1-11-16

2 All those in favor signify by
3 saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 That item carries unanimously.

8 Items 6 and 7 of 2016 are resolutions
9 authorizing the county assessor and/or the
10 county treasurer and/or the receiver of
11 taxes of the Town of Hempstead to partially
12 exempt from real property taxation certain
13 real property situated in various school
14 districts.

15 LEGISLATOR MUSCARELLA: So moved.

16 LEGISLATOR WALKER: Second.

17 CHAIRMAN NICOLELLO: Moved by
18 Legislator Muscarella, seconded by
19 Legislator Walker. Do we have any questions
20 on this? Legislator DeRiggi-Whitton.

21 LEGISLATOR DERIGGI-WHITTON:
22 Thank you.

23 MS. DALY-SAPRICONE: Good
24 afternoon. Eileen Daly-Sapricone,
25 Department of Assessment.

1 Rules Committee/1-11-16

2 LEGISLATOR DERIGGI-WHITTON: Hi
3 Eileen. I just noted that there are a
4 number of these type of situations. Is
5 there anything that we are voting on today
6 that have to do with the LIPA property?

7 MS. DALY-SAPRICONE: No.

8 LEGISLATOR DERIGGI-WHITTON: That
9 was my question. Thank you.

10 CHAIRMAN NICOLELLO: I think she
11 was anticipating that question. Any other
12 questions or discussion?

13 (No verbal response.)

14 Is there any public comment?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Those opposed?

20 (No verbal response.)

21 Those items carry unanimously.

22 Item 8 of 2016 is an ordinance
23 making certain determinations pursuant to
24 SEQRA and authorizing the County Executive
25 of the County of Nassau to accept on behalf

1 Rules Committee/1-11-16
2 of the County of Nassau an offer of purchase
3 from Bolla Management Corporation certain
4 premises located in the Town of Hempstead.

5 (Whereupon, please refer to the
6 minutes of the Planning Development &
7 Environment Committee dated 1-11-16
8 pertaining to Clerk Item 8 of 2016.)

9 LEGISLATOR WALKER: So moved.

10 LEGISLATOR MACKENZIE: Second.

11 CHAIRMAN NICOLELLO: Moved by
12 Legislator Walker, seconded by Legislator
13 MacKenzie. This item is before the
14 committee. Do we have any questions or
15 comments?

16 (No verbal response.)

17 Is there any public comment?

18 (No verbal response.)

19 All those in favor signify by
20 saying aye.

21 (Aye.)

22 Those opposed?

23 (No verbal response.)

24 That item carries unanimously.

25 I'm going to call the next six

1 Rules Committee/1-11-16

2 items together, they are all similar. 9,
3 10, 11, 12, 13 and 14 of 2016, they are
4 resolutions to authorize the county assessor
5 and/or the county treasurer and/or the
6 receivers of taxes of the Town of Hempstead,
7 Town of Oyster Bay and Long Beach to
8 partially exempt from real property taxation
9 certain real properties situated in various
10 school districts as well as the Town of
11 Hempstead and North Hempstead to correct
12 erroneous assessments and taxes.

13 LEGISLATOR WALKER: So moved.

14 LEGISLATOR MACKENZIE: Second.

15 CHAIRMAN NICOLELLO: Moved by
16 Legislator Walker, seconded by Legislator
17 MacKenzie. Do we have any discussion on
18 this item?

19 LEGISLATOR DERIGGI-WHITTON: Can
20 I put on the record that the answer to my
21 last question from the assessment office
22 will also apply to these?

23 CHAIRMAN NICOLELLO: Yes. It was
24 clear to me. I think you asked a global
25 question and she answered.

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2 LEGISLATOR DERIGGI-WHITTON: I
3 just wanted to make sure.

4 MS. DALY-SAPRICONE: Eileen Daly
5 Sapricone, Department of Assessment. Any
6 items from the Department of Assessment
7 before the Legislature today do not have to
8 do with LIPA. That applies to anything that
9 is in the addendum.

10 CHAIRMAN NICOLELLO: I was going
11 to ask that question. Thank you. Do we
12 have any further comment or discussion among
13 the legislators?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 All those in favor signify by
18 saying aye.

19 (Aye.)

20 Those opposed?

21 (No verbal response.)

22 Those items carry unanimously.

23 I would ask for a motion to
24 suspend the rules.

25 LEGISLATOR MUSCARELLA: So moved.

1 Rules Committee/1-11-16

2 LEGISLATOR WALKER: Second.

3 CHAIRMAN NICOLELLO: Moved by

4 Legislator Muscarella, seconded by

5 Legislator Walker. All those in favor of

6 suspending the rules signify by saying aye.

7 (Aye.)

8 Those opposed?

9 (No verbal response.)

10 The rules are suspended. We have
11 three addendums; Items 17, 18, and 19 are
12 resolutions to authorize the county assessor
13 and/or treasurer and/or receivers of taxes
14 of the Town of Hempstead to exempt from real
15 property taxation certain real properties,
16 and to correct erroneous assessments.

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN NICOLELLO: Moved by

20 Legislator Walker, seconded by Legislator

21 Muscarella. Do we have any discussion?

22 (No verbal response.)

23 Is there any public comment?

24 (No verbal response.)

25 All those in favor signify by

1 Rules Committee/1-11-16

2 saying aye.

3 (Aye.)

4 Those opposed?

5 (No verbal response.)

6 Those items carry unanimously.

7 Items 25, 26, 27, 28, 33 and 34
8 are ordinances supplemental to the annual
9 appropriation ordinance in connection with
10 the Department of Health, Parks, Recreation
11 and Museums, Social Services, and the Police
12 Department.

13 (Whereupon, please refer to the
14 minutes of the Health and Social Services
15 Committee dated 1-11-16 pertaining to Clerk
16 Items 25, 28.)

17 LEGISLATOR WALKER: So moved.

18 LEGISLATOR MUSCARELLA: Second.

19 CHAIRMAN NICOLELLO: Moved by
20 Legislator Walker, seconded by Legislator
21 Muscarella. Those items are before the
22 committee. Do we have any discussion?

23 (No verbal response.)

24 Is there any public comment?

25 (No verbal response.)

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2 All those in favor signify by
3 saying aye.

4 (Aye.)

5 Those opposed?

6 (No verbal response.)

7 Those items carry unanimously.

8 Now we go to Addendum Number 2,
9 Item 39 of 2016 is a bond ordinance making
10 certain determinations pursuant to SEQRA
11 providing for a capital expenditure to
12 finance the payment of certain judgements,
13 compromise or settle claims resulting from
14 court orders on proceedings brought pursuant
15 to Article 7 of the Real Property Tax Law
16 and determinations of the Nassau County
17 Assessment Review Commission.

18 LEGISLATOR MACKENZIE: So moved.

19 LEGISLATOR WALKER: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator MacKenzie, seconded by Legislator
22 Walker. That item is before the committee.
23 Do we have any discussion or questions?

24 (No verbal response.)

25 Hearing none, is there any public

1 Rules Committee/1-11-16

2 comment?

3 (No verbal response.)

4 All those in favor signify by
5 saying aye.

6 (Aye.)

7 Those opposed?

8 (Nay.)

9 That item carries by a vote of
10 four to three.

11 Item 41 of 2016 is an ordinance
12 to implement the Local Government Assistance
13 Program in Nassau County.

14 (Whereupon, please refer to the
15 minutes of the Towns Villages & Cities
16 Committee dated 1-11-16 pertaining to Clerk
17 Item 41-16.)

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR MACKENZIE: Second.

20 CHAIRMAN NICOLELLO: Moved by
21 Legislator Walker, seconded by Legislator
22 MacKenzie. That item is before the
23 committee. There were questions on this in
24 Towns and Villages. We are still waiting
25 for answers. Connie, anyone here to speak

1 Rules Committee/1-11-16

2 on this item?

3 MR. CONROY: Good afternoon,
4 Legislature. Bob Conroy, Office of
5 Management and Budget. This is an ordinance
6 which authorizes the county to distribute
7 sales tax collections that it collects to
8 the local municipalities within Nassau
9 County.

10 CHAIRMAN NICOLELLO: That's the
11 villages or the towns?

12 MR. CONROY: That's called the
13 townships, the cities and the villages.

14 CHAIRMAN NICOLELLO: Legislator
15 DeRiggi-Whitton.

16 LEGISLATOR DERIGGI-WHITTON: I
17 got some information from our last committee
18 but have there been primarily increases or
19 decreases or pretty much remained the same?

20 MR. CONROY: In terms of the
21 rates?

22 LEGISLATOR DERIGGI-WHITTON: In
23 terms of the numbers that you're giving.

24 MR. CONROY: This just authorizes
25 the collection, the actual collections that

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2 we do are based on what we collect -- I'm
3 sorry, the actual distributions that we make
4 during the year are based on what we collect
5 from the state.

6 LEGISLATOR DERIGGI-WHITTON: So
7 have the distributions been pretty much the
8 same, have they gone up?

9 MR. CONROY: It's pretty much
10 flat. It's been -- sales tax overall for
11 '15 was only about one percent over '14 and
12 we don't expect it to be significantly
13 higher than that for '16.

14 CHAIRMAN NICOLELLO: Mr. Naughton
15 is here.

16 MR. NAUGHTON: Eric Naughton,
17 Deputy County Executive for Finance. Just
18 to add, for the villages, the amount is
19 flat. We kept the same amount for the last
20 few years. But as Bob mentioned, for the
21 three towns and two cities, it varies based
22 off the actual growth in sales tax. So if
23 our growth rate of one percent comes to
24 fruition, then the amount that they give
25 will grow by one percent.

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2 LEGISLATOR DERIGGI-WHITTON:

3 Thank you.

4 CHAIRMAN NICOLELLO: Any other
5 questions or discussion on this item? Thank
6 you very much.

7 (No verbal response.)

8 Is there any public comment?

9 (No verbal response.)

10 All those in favor signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 That item carries unanimously.

16 Last but not least we have
17 Addendum 3, Item 40 of 2016, a resolution
18 authorizing the County Attorney to
19 compromise and settle the action Volpe, et
20 al versus County of Nassau pursuant to the
21 County law, et cetera.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR MACKENZIE: Second.

24 CHAIRMAN NICOLELLO: Moved by
25 Legislator Walker, seconded by Legislator

1 Rules Committee/1-11-16

2 MacKenzie. This is a settlement, so I
3 believe it's appropriate to go into
4 executive session.

5 LEGISLATOR MUSCARELLA: So moved.

6 LEGISLATOR WALKER: Second.

7 CHAIRMAN NICOLELLO: Motion by
8 Legislator Muscarella, seconded by
9 Legislator Walker. All those in favor of
10 going into executive session signify by
11 saying aye.

12 (Aye.)

13 Those opposed?

14 (No verbal response.)

15 We are in executive session.

16 (Whereupon, the Finance Committee
17 recessed into executive session at 2:55 p.m.
18 and reconvened at 3:18 p.m.)

19 CHAIRMAN NICOLELLO: We are out
20 of executive session. We have this item
21 before us, Item 40 of 2016. Do we have any
22 discussion?

23 (No verbal response.)

24 Is there any public comment?

25 LEGISLATOR DERIGGI-WHITTON: I

1 Rules Committee/1-11-16

2 have one comment.

3 CHAIRMAN NICOLELLO: Sure.

4 LEGISLATOR DERIGGI-WHITTON: Just
5 in speaking with our attorney, he feels that
6 since he was given this information this
7 morning, that it wasn't ample time for him
8 to review everything. So we are going to
9 vote to abstain now, but possibly when Full
10 Leg is in session we will have everything
11 clarified.

12 CHAIRMAN NICOLELLO: All right.

13 Is there any public comment?

14 (No verbal response.)

15 All those in favor signify by
16 saying aye.

17 (Aye.)

18 Those opposed?

19 (No verbal response.)

20 Abstaining?

21 (Abstain.)

22 So it's four, zero, three. That
23 concludes the committee.

24 (Whereupon, the following are the
25 minutes of the Towns, Villages & Cities

1 Rules Committee/1-11-16

2 Committee pertaining to Clerk Item 41-16;
3 1-11-16.)

4 CHAIRMAN MACKENZIE: We have one
5 item. There is no regular calendar,
6 there's only an addendum. So can I have a
7 motion to suspend the rules?

8 LEGISLATOR GAYLOR: So moved.

9 LEGISLATOR KOPEL: Second.

10 CHAIRMAN MACKENZIE: Motion by
11 Gaylor, seconded by Schaefer. All those in
12 favor of suspending the rules?

13 (Aye.)

14 The rules are suspended.

15 We have one item on the agenda
16 today, the addendum; Clerk Item 41-16, which
17 is an ordinance to implement the local
18 Government Assistance Program in Nassau
19 County. Do I have a motion?

20 LEGISLATOR WALKER: So moved.

21 LEGISLATOR SCHAEFER: Second.

22 CHAIRMAN MACKENZIE: Motion by
23 Walker, seconded by Schaefer.

24 Item is before us. Is there
25 anyone here to speak on the item? Does

1 Rules Committee/1-11-16

2 anyone have any objection to passing the
3 item and moving it on, and if there are any
4 questions they can picked up at Finance?

5 LEGISLATOR DERIGGI-WHITTON: Can
6 I say one thing? Since there is no one
7 here, I just want to make sure this is what
8 our standard reimbursement is, like nothing
9 has changed from last year or anything?

10 CHAIRMAN MACKENZIE: Maybe we'll
11 see if we can get someone down here to talk
12 on Finance when it comes before the Full
13 Legislature. So, we'll just pass it
14 through. Any public comment on the item?

15 (No verbal response.)

16 All those in favor signify by
17 saying aye.

18 (Aye.)

19 Any against?

20 (No verbal response.)

21 The item passes and moves on to
22 Finance.

23 (Whereupon, the following are the
24 continuation of the minutes of the Rules
25 Committee, 1-11-16.)

1 Rules Committee/1-11-16

2 CHAIRWOMAN GONSALVES: A motion
3 for all those items that I just called.

4 LEGISLATOR DUNNE: So moved.

5 LEGISLATOR WALKER: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Dunne, seconded by Legislator
8 Walker. Any questions or comments?

9 (No verbal response.)

10 Is there any public comment?

11 (No verbal response.)

12 There being none, all those in
13 favor of the items called signify by saying
14 aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The items pass unanimously.

19 Now we go back to I believe it's
20 Addendum 1, the original agenda that's all
21 consent. So let's go to the first item on
22 the Addendum 1 which is Item 3. I'm going
23 to call Clerk Item 3, Clerk Item 20, 21, 22,
24 23, and 24. The reason being that they're
25 all IMAs and I believe it would warrant

1 Rules Committee/1-11-16

2 calling them all together.

3 A motion please on these items.

4 LEGISLATOR WALKER: So moved.

5 LEGISLATOR DUNNE: Second.

6 CHAIRWOMAN GONSALVES: Moved by
7 Legislator Walker, seconded by Legislator
8 Dunne. Any questions or comments regarding
9 these IMAs?

10 (No verbal response.)

11 Is there any public comment?

12 (No verbal response.)

13 There being none, all those in
14 favor of the items I just called signify by
15 saying aye.

16 (Aye.)

17 Any opposed?

18 (No verbal response.)

19 The items pass unanimously.

20 I'm going to move to Item 35
21 which is a resolution to accept a gift
22 offered by a donor to the Nassau County
23 Police Department. A motion, please.

24 LEGISLATOR WALKER: So moved.

25 LEGISLATOR NICOLELLO: Second.

1 Rules Committee/1-11-16

2 CHAIRWOMAN GONSALVES: Moved by
3 Legislator Walker, seconded by Legislator
4 Nicolello. We have the sergeant coming
5 before us.

6 LIEUTENANT STEPHANOFF: Good
7 afternoon. Lieutenant Greg Stephanoff.
8 Item 35-16 is to allow the Nassau County
9 Police Department to accept a donation for
10 the Nassau County Public Police Firearms
11 Range.

12 The Nassau County Police
13 Foundation wishes to donate snake bores/
14 chamber brushes and dummy rounds valued at
15 \$9,203.80 to the police department firearms
16 range to be used in maintenance of rifles
17 purchased by the Nassau County Police
18 Department.

19 CHAIRWOMAN GONSALVES: Any
20 questions of the lieutenant?

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 35 signify by saying aye.

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2 (Aye.)

3 Any opposed?

4 (No verbal response.)

5 The item passes unanimously.

6 We're going to Item 38, a
7 resolution to confirm the County Executive's
8 appointment upon the recommendation of the
9 Presiding Officer of Ralph Exstrand to
10 replace Francis X. Murray to the Taxi &
11 Limousine Board pursuant to the Nassau
12 County Charter, Section 203, and Article
13 21B, Section 2160(B).

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR WALKER: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Kopel. Any questions or comments regarding
20 this appointment?

21 LEGISLATOR ABRAHAMS: Just a
22 comment, Madam Presiding Officer. We are
23 going to choose to refrain from voting in
24 the affirmative and abstain until we
25 actually have an opportunity to meet with

1 Rules Committee/1-11-16

2 the candidate. We have several questions,
3 major questions, which we do not feel
4 comfortable voting in the affirmative at
5 this time until we have a chance to meet
6 with him.

7 CHAIRWOMAN GONSALVES: And it
8 will come before us at the Full Leg and you
9 will have an opportunity to meet
10 Mr. Exstrand.

11 There being no other comment, all
12 those in favor of 38 signify by saying aye.

13 (Aye.)

14 Any opposed?

15 (No verbal response.)

16 Abstain?

17 (Abstain.)

18 The item passes four to zero and
19 three abstentions. I believe we are going
20 to Addendum 3. I missed one. I'm sorry.
21 Item 39, which is bond ordinance making
22 certain determinations pursuant to the State
23 Environmental Quality Review Act providing
24 for a capital expenditure to finance the
25 payment of certain judgements compromised or

1 Rules Committee/1-11-16
2 settled claims resulting from the court
3 orders or on proceedings brought pursuant to
4 Article 7 of the Real Property Tax Law and
5 determinations of the Nassau County
6 Assessment Review Commission pursuant to
7 Section 523(b) of Article 5 of the Real
8 Property Tax Law in the County of Nassau and
9 authorizing bonds of the County of Nassau to
10 finance said expenditure in an amount not to
11 exceed \$61,200,000 pursuant to the Local
12 Finance Law of New York and the County
13 Government Law of Nassau County.

14 Motion, please.

15 LEGISLATOR DUNNE: So moved.

16 LEGISLATOR WALKER: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Dunne, seconded by Legislator
19 Walker. Any questions or comments regarding
20 this item?

21 LEGISLATOR ABRAHAMS: Just a
22 comment, Madam Presiding Officer. We are
23 still researching, obviously, going through
24 our due diligence on this particular tax
25 cert.

1 Rules Committee/1-11-16

2 As we committed in the past we
3 totally envisioned doing it at some point
4 but we are still going through our research
5 process and we have given our time frame of
6 doing that process through the first quarter
7 of this year.

8 I understand the need for why you
9 are calling this item today, but we are
10 going to vote against it today until we are
11 finished with our process. Thank you.

12 CHAIRWOMAN GONSALVES: Okay. Any
13 other comments?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of 39 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 Four to three on that item.

23 Now we will go to Addendum 3.

24 There is only one item on that and that's
25 Item 40, a resolution authorizing the county

1 Rules Committee/1-11-16
2 attorney to compromise and settle the
3 action, Volpe et al against County of Nassau
4 pursuant to the County Law, County
5 Government Law of Nassau County, and the
6 Nassau County Administrative Code.

7 Motion, please.

8 LEGISLATOR WALKER: So moved.

9 LEGISLATOR DUNNE: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Walker, seconded by Legislator
12 Dunne. Any questions, comments regarding
13 Item 40?

14 (No verbal response.)

15 Is there any public comment?

16 (No verbal response.)

17 There being none, all those in
18 favor of Item 40 signify by saying aye.

19 (Aye.)

20 Any opposed?

21 (No verbal response.)

22 Any Abstain?

23 (Abstain.)

24 Four, zero, and three. That
25 concludes the Rules Committee. Motion to

1 Rules Committee/1-11-16

2 adjourn.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR WALKER: Second.

5 CHAIRWOMAN GONSALVES: Moved by

6 Legislator Dunne, seconded by Legislator

7 Walker. All those in favor of adjourning,

8 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (No verbal response.)

12 We are now adjourned. Thank you

13 very much.

14 (Whereupon, the Rules Committee

15 adjourned at 3:43 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 25th day of January, 2016.

FRANK GRAY