

NASSAU COUNTY LEGISLATURE

NORMA GONSALVES,
PRESIDING OFFICER

FULL LEGISLATURE
FEBRUARY 22, 2016 RECONVENED MEETING

NORMA GONSALVES,
CHAIRWOMAN

1550 Franklin Avenue
Mineola, New York

March 7, 2016
4:43 p.m.

REGAL REPORTING SERVICES
516-747-7353

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

NORMA GONSALVES
Chair

KEVAN ABRAHAMS
Minority Leader

SIELA A. BYNOE

CARRIÉ SOLAGES

DENISE FORD

LAURA CURRAN

C. WILLIAM GAYLOR

HOWARD J. KOPEL

VINCENT T. MUSCARELLA

RICHARD J. NICOLELLO

ELLEN BIRNBAUM

DELIA DeRIGGI-WHITTON

JAMES KENNEDY

LAURA SCHAEFER

DENNIS DUNNE, SR.

JUDY JACOBS

ROSE MARIE WALKER

DONALD MACKENZIE

STEVEN RHOADS

FRANK MORONEY
Clerk pro Tempore

LIST OF SPEAKERS

ERIC NAUGHTON. 18

MR. MORONEY: We are reconvening the

meeting of February 22, 2016, which went into recess at 2:39 p.m.

CHAIRWOMAN GONSALVES: Yes.

MR. MORONEY: Do you want me to call the first hearing?

CHAIRWOMAN GONSALVES: Yes.

MR. MORONEY: This is a hearing on Resolution 26-2016, which is a resolution to adopt the four year capital plan for the County of Nassau to commencing January 1, 2015, pursuant to the provisions of Section 310 of the County Government Law of Nassau County.

CHAIRWOMAN GONSALVES: I believe you can call the second hearing as well since they are related.

MR. MORONEY: Okay. The second hearing is pursuant to Resolution Number 26-2016, which is a resolution to adopt the four-year capital plan for the County of Nassau to commencing January 1, 2015, pursuant to the provisions of Section 310 of the County Government Law of Nassau County.

CHAIRWOMAN GONSALVES: At that time I believe we opened and we closed the hearing.

MR. MORONEY: Yes. Legislator Dunne opened both hearings and seconded by Legislator Walker.

CHAIRWOMAN GONSALVES: These were already recessed so the hearings were opened and voted upon.

MR. MORONEY: Correct.

CHAIRWOMAN GONSALVES: Any information or questions or concerns regarding the first one, which is the four-year capital plan for the County of Nassau, beginning on January 2015.

Anyone here who wants to address that particular item? The four-year capital plan for January 2015 and on. There is no one to comment?

(No verbal response.)

We're going to move on.

Since there is no one here to address the hearing, I am going to call for a motion to close that.

Motion to close the first hearing?

LEGISLATOR RHOADS: So moved.

CHAIRWOMAN GONSALVES: Moved by Legislator Rhoads, and seconded by Legislator Gaylor.

All those in favor of closing the first hearing signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The first hearing is closed.

On to the second one, which is the four-year capital plan to commence on January 2016.

Anyone -- these are all reconvened.

Going back to the second hearing, anyone here who wants to address the second hearing?

(No verbal response.)

Any public that wishes to do so?

(No verbal response.)

There is no one who wishes to comment on the second hearing; therefore, I'll take a motion to close that hearing.

LEGISLATOR SCHAEFER: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Schaefer, seconded by Legislator Walker.

All those in favor of closing the second hearing signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The second hearing is now closed.

We move on to the items that were related to those hearings.

The first one is Item 3 on the calendar, which is Resolution 26, which reads - Frank.

MR. MORONEY: A resolution to adopt the four-year capital plan for the County of Nassau to commencing January 1, 2015, pursuant to the provisions of Section 310 of the County Government Law of Nassau County.

LEGISLATOR WALKER: So moved.

LEGISLATOR MACKENZIE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Mackenzie.

Any comments or concerns regarding that resolution?

(No verbal response.)

Before I submit an amendment in the nature of a substitution, there is a change made to the staff summary to include a project.

Motion to accept the amendment in the nature of a substitution, please.

LEGISLATOR DUNNE: So moved.

LEGISLATOR FORD: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Dunne, seconded by Legislator Ford.

Any questions or comments regarding that amendment in the nature of a substitution?

(No verbal response.)

Any public comment?

(No verbal response.)

All those in favor of the amendment in the nature of a substitution signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The amendment passes.

Now the resolution as amended.

Any questions or comments regarding that resolution, which is Item 3 or Resolution 26?

(No verbal response.)

Okay. Any public comment?

(No verbal response.)

All those in favor of Item 3 signify by saying aye, as amended, signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Is that unanimous? Okay. All right.

Item 4, which is Ordinance 12, Mr.

Moroney.

MR. MORONEY: Yes. Is an ordinance to adopt the capital budget for the County of Nassau for the first year of the four-year capital plan to commence January 1, 2015, pursuant to the provisions of Section 310 of the County Government Law of Nassau County.

LEGISLATOR WALKER: So moved.

LEGISLATOR DUNNE: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Walker, seconded by Legislator Dunne.

Guess what? I have an amendment in the nature of a substitution for this item as well, and that is to include a staff summary to the project.

Any questions regarding that amendment?

(No verbal response.)

A motion to accept the amendment in the nature of a substitution?

I'm looking at Kennedy, Legislator Kennedy.

Moved by Legislator Kennedy, seconded by Legislator Gaylor.

All those in favor of the amendment in the nature of a substitution signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

Now for the item as amended. It's still, I'm sorry, but as we move on, Item 4, Ordinance 12, the ordinance to adopt the capital budget for the County of Nassau for the first year, as amended, for the four-year plan - any questions or comments regarding that?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Item 4 as amended signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

We have 12 to 7.

Item 5, which is Resolution 27, Frank.

MR. MORONEY: A resolution to adopt the capital plan for the County of Nassau to commencing January 1, 2016, pursuant to the provisions of Section 310 of the County Government Law of Nassau County.

CHAIRWOMAN GONSALVES: Moved by Legislator Nicolello, seconded by Legislator Kopel.

We have an amendment in the nature of a substitution, which is again to include a staff summary.

Motion to accept the amendment in the nature of a substitution.

LEGISLATOR SCHAEFER: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Schaefer, seconded by Legislator Walker.

Any comments, questions regarding the amendment in the nature of a substitution?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
the amendment in the nature of a substitution
signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item as amended now. Any questions
or comments regarding the item as amended?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of
Item 5, Resolution 27 as amended signify by
saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The item passes unanimously.

Item 6, which is Ordinance 13, here we
go. Frank, would you read it please?

MR. MORONEY: Yes. It's an ordinance to

adopt capital budget for first year of the four-year capital plan to commence January 1, 2016, pursuant to the provisions of Section 310 of the County Law of Nassau County.

CHAIRWOMAN GONSALVES: Motion, please?

LEGISLATOR DUNNE: So moved.

LEGISLATOR KENNEDY: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Dunne, seconded by Legislator Kennedy.

Any questions or comments regarding Item
6 as amended?

(No verbal response.)

I believe I asked for - I think it was -
Kennedy, you seconded the motion. Who was the
one who made the motion for an amendment in the
nature of a substitution, again, which was to
include a staff summary in the project. It was
Dunne who made the motion, seconded by Kennedy.

Any questions, comments regarding the
amendment in the nature of a substitution?

(No verbal response.)

There being none; all those in favor of
the amendment in the nature of a substitution
signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

We have 12-7.

As for the ordinance as amended.

At this point, it's to vote on Item 6,
Ordinance 13, as amended. All those in favor of
Item 6 as amended signify by saying aye.

(Aye.)

Any opposed?

(Nay.)

That was seven nays and 12 ayes. 12-7.

Mr. Moroney, there is an emergency item,
and I believe you have it there. Would you
please call the emergency?

MR. MORONEY: Yes. It's an ordinance
supplemental to the annual appropriation
ordinance in connection with the Department of
Public Works.

An emergency declaring an emergency
resolution for immediate action upon the
ordinance supplemental to the annual
appropriation ordinance in connection with Public
Works is before the Legislature.

CHAIRWOMAN GONSALVES: I need a motion to establish the emergency.

LEGISLATOR RHOADS: So moved.

LEGISLATOR SCHAEFER: Second.

CHAIRWOMAN GONSALVES: Moved by Legislator Rhoads, seconded by Legislator Schaefer.

All those in favor of establishing the emergency signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

The emergency is now established.

The emergency was established for Item 98. Any questions or comments regarding that item?

Again, Frank.

MR. MORONEY: An ordinance supplemental to the annual appropriation ordinance in connection with the Department of Public Works. Item 98-2016.

CHAIRWOMAN GONSALVES: Legislator Kopel moves the item, and Legislator Nicoletto seconds the item.

Any questions or concerns regarding that item?

(No verbal response.)

Any public comment?

(No verbal response.)

Item 98, the emergency item that was established. I believe once the emergency was established, we now called the item, which was moved by Legislator Kopel, seconded by Legislator Nicolello.

Any questions or comments regarding the item?

(No verbal response.)

Any concerns regarding the item?

(No verbal response.)

Any public comment?

(No verbal response.)

There being none; all those in favor of Item 98 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Item 9, let's go, which is Ordinance 1.

Mr. Moroney.

MR. MORONEY: Ordinance Number 1-2016, is a bond ordinance making certain determinations pursuant to the State Environmental Quality Review Act providing for a capital expenditure to finance the payments of certain judgments, compromised or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law; and determinations of the Nassau County Assessment Review Commission, pursuant to Section 523-B of the Article 5 of the Real Property Tax Law in the County of Nassau, and authorizing bonds of the County of Nassau to finance said expenditure in an amount not to exceed \$61,200,000, pursuant to Local Finance Law of New York and the County Government Law of Nassau County.

CHAIRWOMAN GONSALVES: Motion, please?

LEGISLATOR WALKER: So moved.

CHAIRWOMAN GONSALVES: Moved by Legislator Rose Walker, and I'm going to go to the other side of the aisle and, seconded by Laura Curran.

Any questions, comments, or whatever?

LEGISLATOR ABRAHAMS: I have a comment,

if I may.

CHAIRWOMAN GONSALVES: Yes. As long as you don't call me a cheerleader.

LEGISLATOR ABRAHAMS: Mr. Naughton, if you please, to the podium.

DEPUTY COUNTY EXECUTIVE NAUGHTON: Good afternoon.

LEGISLATOR ABRAHAMS: How are you, Mr. Naughton?

DEPUTY COUNTY EXECUTIVE NAUGHTON: I'm fine. And yourself?

LEGISLATOR ABRAHAMS: Before I get into my line of questioning, I just want to specify for the record that obviously we had contacted your office in regards to trying to ensure that the residential properties, Classes 1 and 2, were to be paid first, and the way we tried to ensure that was having that being added to a bond ordinance. It's my understanding that the majority did not agree with that or thought that technically was, from their perspective, it violated the law.

We received a letter from the county executive. We don't agree with that testimony,

especially when bond counsel for the administration actually drafted legislation that had no problem with that. But that being said.

The county executive drafted a letter today, which I will read into the record. It specifies that Classes 1 and 2 will be paid first. It's October 2014. We all agree upon the announced bipartisan agreements to improve the quality of life throughout the Nassau County communities, and pay down two decades of tax certiorari debt by bonding, as follows: 125 million in 2014; 60 million in 2015; 60 million in 2016; and 60 million in 2017. The passage of Ordinance 1-2016 continues with our agreement.

In a continuing effort to provide relief to our residents, the administration is committed to directing the treasurer, as follows:

Judgments, compromised or settled claims will be paid in the following order: First judgments compromised or settled claims arising with respect to properties designated as Class 1 or 2, in Article 18 of the Real Property Tax Law, residential claims commencing the payment of residential claims in an aggregate amount of no

less than \$10,500,000, and a second - after the payment of current outstanding residential claims, then judgments compromised or settled claims arising with respect to properties not designated as Class 1 or 2 in Article 18 of the Real Property Tax Law.

Again, thank you all in continuing the county forward. Sincerely, Ed Mangano.

I just wanted to ask you on the record that how much of the residential Class 1 and 2 has been paid. And will you proceed to pay those use operating cash and how would you plan to proceed once this bonding is passed today?

DEPUTY COUNTY EXECUTIVE NAUGHTON: Can you define what you mean by how much has been paid? Are you referring to this year?

LEGISLATOR ABRAHAMS: I'M referring to how much has been paid from this year.

DEPUTY COUNTY EXECUTIVE NAUGHTON: This year we paid for Class 1, Class 2, approximately 3.1, \$3.2 million out of our operating funds.

LEGISLATOR ABRAHAMS: And the 10.5 million, how will you proceed to pay that?

DEPUTY COUNTY EXECUTIVE NAUGHTON: That

will come out of the bond proceeds.

LEGISLATOR ABRAHAMS: Will you begin to start paying cash out of that first?

DEPUTY COUNTY EXECUTIVE NAUGHTON: We've already used the cash that we had in the operating budget. We will be asking NIFA for approval at their next scheduled meeting, which is later this month, and once we have that approval then we will start making the payments.

LEGISLATOR ABRAHAMS: From the bond proceeds?

DEPUTY COUNTY EXECUTIVE NAUGHTON: Correct. I think, for clarification, we will not wait until we have to bond for the money in June.

LEGISLATOR ABRAHAMS: That's what we were driving at. That's what I was just hearing from my finance director. Okay.

Thank you, Mr. Naughton.

CHAIRWOMAN GONSALVES: Any other comments or questions?

(No verbal response.)

Any public comment?

LEGISLATOR ABRAHAMS: Mr. Naughton, I'm sorry. Just one more question, per counsel.

I just wanted to make sure, as I specified in the county executive's letter, you'll be making the payments in all the classifications as per the county executive's letter.

DEPUTY COUNTY EXECUTIVE NAUGHTON: Yes, we will.

LEGISLATOR ABRAHAMS: Okay. Thank you.

CHAIRWOMAN GONSALVES: Okay. If there are no other comments or questions; all those in favor of Item 9 signify by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

It passes unanimously.

Thank you very much.

We have one more item and after that item we will adjourn.

Mr. Moroney, call the procedural resolution, please.

MR. MORONEY: Yes. Madam Presiding Officer, procedural resolution number 12-2016 is a resolution to appoint Michael C. Pulitzer as Clerk of the Nassau County Legislature, pursuant

to the County Law of Nassau County.

CHAIRWOMAN GONSALVES: Motion, please?

LEGISLATOR NICOLELLO: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by
Legislator Nicolello, seconded by Legislator
Walker.

Any questions or comments?

(No verbal response.)

At this point it would be in order to
take the vote.

All those in favor of appointing Michael
Pulitzer of the Clerk of the Legislature signify
by saying aye.

(Aye.)

Any opposed?

(No verbal response.)

Okay. Mr. Pulitzer, you are appointed
unanimously. The very best to you.

I believe it would be in order to adjourn
the meeting.

LEGISLATOR DUNNE: So moved.

LEGISLATOR WALKER: Second.

CHAIRWOMAN GONSALVES: Moved by

1 Full Legislature - 2-22-16 Reconvened 24
2 Legislator Dunne, seconded by Legislator Walker.
3 All those in favor of adjourning the
4 meeting signify by saying aye.
5 (Aye.)
6 Any opposed?
7 (No verbal response.)
8 The meeting is now adjourned.
9 (Whereupon, the Full Legislature
10 adjourned at 5:08 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 state:

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 21st day of March, 2016.

FRANK GRAY