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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES, Chairwoman

1550 Franklin Avenue
Mineola, New York

Monday, March 21, 2016
1:17 P.M

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2 A P P E A R A N C E S:3 NORMA GONSALVES,
4 Chairwoman5 RICHARD NICOLELLO,
6 Deputy Presiding Officer7 HOWARD KOPEL,
8 Alternate Deputy Presiding Officer

9 STEVEN RHOADS

10 DENISE FORD

11 LAURA CURRAN

12 C. WILLIAM GAYLOR III

13 VINCENT MUSCARELLA

14 ELLEN BIRNBAUM

15 LAURA SCHAEFER

16 DONALD MACKENZIE

17 KEVAN ABRAHAMS,
18 Minority Leader

19 ROSE MARIE WALKER

20 DENNIS DUNNE

21 JUDITH JACOBS

22 JAMES KENNEDY

23 DELIA DERIGGI-WHITTON

24 CARRIE SOLAGES

25 SIELA BYNOE

26 MICHAEL PULITZER,
27 Clerk of the Legislature

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1 Full Committee/3-21-16

2 CHAIRWOMAN GONSALVES: Will my
3 colleagues please join me in the chamber.
4 Now that my fellow legislators have taken
5 their seats, I'm going to call on Legislator
6 Walker who will introduce the individual who
7 will lead us in the Pledge.

8 Legislator Walker.

9 LEGISLATOR WALKER: Good
10 afternoon everyone. I'm going to ask Connor
11 Mennick, who is a resident in my district in
12 Hicksville, and he is going to lead us in
13 the Pledge. Connor just finished boot camp
14 and he will soon be stationed in Florida.
15 He is in the United States Coast Guard.

16 (The Pledge of Allegiance was
17 recited.)

18 LEGISLATOR WALKER: Thank you,
19 Connor, and God Bless.

20 LEGISLATOR DUNNE: Thank you for
21 serving, Connor.

22 CHAIRWOMAN GONSALVES: At this
23 time I will call upon our Clerk, Mr.
24 Pulitzer to call the roll.

25 CLERK PULITZER: Thank you.

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2 Deputy Presiding Officer Richard J.

3 Nicolello?

4 LEGISLATOR NICOLELLO: Here.

5 CLERK PULITZER: Alternate Deputy

6 Presiding Officer Howard J. Kopel?

7 LEGISLATOR KOPEL: Here.

8 CLERK PULITZER: Legislator Siela

9 A. Bynoe?

10 LEGISLATOR BYNOE: Here.

11 CLERK PULITZER: Legislator

12 Denise A. Ford?

13 LEGISLATOR FORD: Here.

14 CLERK PULITZER: Legislator Laura

15 Curran?

16 LEGISLATOR Curran: Here.

17 CLERK PULITZER: Legislator C.

18 William Gaylor III?

19 LEGISLATOR GAYLOR: Here.

20 CLERK PULITZER: Legislator

21 Carrie Solages?

22 LEGISLATOR SOLAGES: Here.

23 CLERK PULITZER: Legislator

24 Vincent T. Muscarella?

25 LEGISLATOR MUSCARELLA: Here.

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2 CLERK PULITZER: Legislator Ellen

3 W. Birnbaum?

4 LEGISLATOR BIRNBAUM: Here.

5 CLERK PULITZER: Legislator Delia

6 DeRiggi-Whitton?

7 LEGISLATOR DERIGGI-WHITTON:

8 Here.

9 CLERK PULITZER: Legislator James

10 D. Kennedy?

11 LEGISLATOR KENNEDY: Here.

12 CLERK PULITZER: Legislator Laura

13 M. Schaefer?

14 LEGISLATOR SCHAEFER: Here.

15 CLERK PULITZER: Legislator

16 Dennis Dunne, Sr.?

17 LEGISLATOR DUNNE: Here.

18 CLERK PULITZER: Legislator

19 Judith A. Jacobs?

20 LEGISLATOR JACOBS: Here.

21 CLERK PULITZER: Legislator

22 Rosemarie Walker?

23 LEGISLATOR WALKER: Here.

24 CLERK PULITZER: Legislator

25 Donald MacKenzie?

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2 LEGISLATOR MACKENZIE: Here.

3 CLERK PULITZER: Legislator

4 Steven D. Rhoads?

5 LEGISLATOR RHOADS: Here.

6 CLERK PULITZER: Minority Leader

7 Kevan M. Abrahams?

8 LEGISLATOR ABRAHAMS: Here.

9 CLERK PULITZER: And Presiding

10 Officer Norma L. Gonsalves?

11 CHAIRWOMAN GONSALVES: Present.

12 Thank you very much.

13 CLERK PULITZER: We have a
14 quorum.

15 CHAIRWOMAN GONSALVES: Thank you
16 very much. At this time each legislative
17 session, we are extremely privileged to
18 recognize top cops. This month is no
19 exception.

20 We have three officers who are
21 being recognized today. I will leave the
22 biographies and the situation they were
23 involved in to the president of the PBA, Jim
24 Carver.

25 PRESIDENT CARVER: Good afternoon

1 Full Committee/3-21-16
2 everybody. Thank you again for holding this
3 every month. It's appreciated, the
4 recognition that the police officers in
5 Nassau County get every month from you, it
6 is very much appreciated, and we respect
7 that you do this every month and continue
8 doing this.

9 Our TOP cops for the month of
10 March 2016 are officers Dave MaGarical, Joe
11 Horn, and James Carver from the First
12 Precinct.

13 In September of 2015, at
14 approximately 1:18 in the morning, First
15 Precinct officers responded to a Uniondale
16 home for a home invasion robbery that just
17 occurred. Three subjects had entered the
18 occupied home armed with a shotgun and a
19 pistol and fled the scene prior to police
20 arrival.

21 Police Officer Carver was flagged
22 down by an eyewitness who gave a detailed
23 description of the subjects and their
24 vehicle. A description of the armed
25 subjects and their vehicle was quickly

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2 broadcasted to officers canvassing the area.
3 Officers MaGarical and Horn
4 observed the vehicle with the three subjects
5 that matched the description not far from
6 the scene. The officers conducted a vehicle
7 stop and the subjects were positively
8 identified and subsequently placed under
9 arrest.

10 A search of the vehicle was
11 conducted and the proceeds from the home
12 invasion along with the shotgun and a pellet
13 gun were recovered.

14 Working together, the three armed
15 and dangerous suspects were placed under
16 arrest and charged with burglary first
17 degree, robbery second, and weapons second.
18 For this, they are the PBA's top cops of the
19 month and they did a great job out there.
20 Again, taking more guns off the street.
21 We're always talking about home invasions
22 being one of the most dangerous types of
23 crimes someone can commit. You're in your
24 home and usually you expect some privacy and
25 some protection in your own home, and these

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2 three individuals went in there and did a
3 robbery but our guys got them really quick.
4 Great job.

5 COMMISSIONER KRUMPTER: I would
6 like to echo Jimmy Carver's sentiments
7 today. The president said it and it's
8 absolutely true. We greatly appreciate the
9 support of this legislative body that you
10 demonstrate each and every day and that's
11 demonstrated here again today. So, thank
12 you for recognizing the great police work of
13 our police officers.

14 In this particular case, it can't
15 be said enough, there's probably not
16 anything worse that a person can face than a
17 home invasion, your castle, your home, and
18 to have somebody come in and rob you in your
19 house, I can't think of a lot of things that
20 are worse than that.

21 In this particular case, it was
22 the great work, and it's truly an example of
23 the teamwork that goes on each and every day
24 where a timely notification lead to the
25 apprehension and arrest of violent offenders

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2 who are now removed from the street and can
3 no longer victimize the residents of Nassau
4 County. So, for that, thank you and
5 congratulations to the police officers. It
6 is great work on their part, day in and day
7 out.

8 CHAIRWOMAN GONSALVES: Thank you,
9 Commissioner Krumpter. I just have to say
10 that, many years ago, my family and I were
11 victims of a home invasion. So I know what
12 it's like to really be compromised in that
13 fashion. So I give you a hundred kudos
14 today for doing such a great job. God Bless
15 you.

16 COMMISSIONER KRUMPTER: Thank
17 you.

18 CHAIRWOMAN GONSALVES: Now I have
19 citations for each of you from each of us
20 here, and I don't know if you want us to
21 come down there or you want to come up here.
22 You always want to come up here. It's your
23 choice. Hold on. We have three officers.
24 Do they want to say anything?

25 COMMISSIONER KRUMPTER: I think

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2 they say thank you very much for the honor
3 of this award. Thank you.

4 CHAIRWOMAN GONSALVES: You're
5 welcome.

6 (A picture was taken.)

7 CHAIRWOMAN GONSALVES: Today has
8 been a very, very proud day, trust me when I
9 say this, ladies and gentleman, I think you
10 will agree and attest to the fact that today
11 was a very, very special day.

12 This morning we honored trail
13 blazers in each of our districts in honor of
14 Women's History Month and the bios on these
15 women were absolutely incredible.

16 Now, we follow it up with three
17 officers who have done a magnanimous job,
18 and I really and truly believe what we do
19 each month is worthwhile because our
20 officers certainly deserve the recognition.

21 They don't do it for the
22 recognition, but they do it to keep us safe
23 and well. So, I'm waiting for us to
24 proceed. I don't want to keep this body
25 waiting much longer, again, thanking

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2 Mr. Carver, Mr. Krumpster, and all of the
3 officers for making today another special
4 day. Are we finished with the photos? I'm
5 going to proceed.

6 Ladies and gentleman, as
7 customary, before the calendar is heard, we
8 devote 30 minutes to public comment.
9 However, today, and don't get me wrong by
10 what I'm going to say, we have a special
11 guest who wishes to speak to us. But that
12 will not mean that we will not have the 30
13 minutes of public comment.

14 The guest is preempting the
15 public comment but I will make sure that, as
16 soon as the guest is finished addressing
17 this body, I will go to public comment.
18 Yes, Joanne, I will go to public comment. I
19 see you out there.

20 Without any further ado, I would
21 like to introduce DA Singas. Welcome.

22 DISTRICT ATTORNEY SINGAS: Thank
23 you. And thank you for the privilege of
24 your time and I, too, would like to join in
25 congratulating and commending those officers

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2 for the incredible work that they do every
3 day. And I thank this body for
4 acknowledging them and recognizing the
5 sacrifice that they make every day to make
6 sure our families are safe in Nassau County.

7 I must make clear at the outset
8 that I'm not here as a Democrat or a
9 Republican. I'm here as your District
10 Attorney. I am here as the newly elected,
11 independent, chief law enforcement officer
12 of this county.

13 There is no such thing as
14 partisan crime. There is no such thing as
15 partisan corruption. I have never
16 investigated a Democrat or Republican. I
17 investigate and prosecute people who break
18 the law.

19 It simply does not matter to me
20 which party's member betrayed the public's
21 trust for personal gain. It is ultimately
22 irrelevant.

23 Let me be clear, members of both
24 major political parties have been convicted
25 of crimes related to the public trust. The

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2 most visible recent example was when former
3 assembly speaker and former senate majority
4 leader fell together, albeit, in separate
5 ways.

6 The latter of the pair rocked
7 this county implicating the highest levels
8 of our government and leaving us to wonder
9 how terms of a multi million dollar contract
10 were negotiated in hushed tones at a private
11 funeral rather than in this chamber or in
12 public documents.

13 In government, power shifts. The
14 party in control today may not be in control
15 tomorrow. Therefore, none of my suggestions
16 have ever been partisan or short-sighted.
17 Indeed, the government of this county will
18 go on far longer than any one party and, in
19 making these recommendations, I accordingly
20 think of the indefinite term, not the
21 definite one.

22 There has indeed been some
23 progress with Nassau's procurement and
24 contracting systems that must be
25 acknowledged. I called for an independent

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2 panel to be formed. One was commissioned
3 and made recommendations. I called for the
4 universalization of screening protocols and
5 vendor disclosure requirements and those
6 vendor disclosure requirements have been
7 broadened.

8 Executive orders and legislative
9 actions have produced higher bars and lower
10 thresholds. All of this progress is
11 certainly to be commended. I do of course
12 thank those in government who have coupled
13 words with actions.

14 But there is more work to be done
15 to ensure that taxpayer dollars are
16 protected. I am here to make sure that this
17 work continues and to offer my counsel as I
18 have offered it and given it in the past.

19 As I said to open this dialogue,
20 I asked to speak here today because I am the
21 newly and independently elected chief law
22 enforcement officer of this county.

23 My office is a constitutional one
24 with powers further enumerated by state
25 statute. I represent the people of the

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2 State of New York and my district of service
3 is Nassau County.

4 Prior to my election, I served
5 for 24 years as an Assistant District
6 Attorney. 15 of those years in Queens, nine
7 in Nassau, three as chief assistant and one
8 as acting District Attorney. I have over
9 seen tens of thousands of investigations and
10 prosecutions into virtually every type of
11 crime as well as overseeing a multitude of
12 crime prevention initiatives, community
13 outreach programs, and legislative
14 initiatives relative to the criminal justice
15 system.

16 Accordingly, I would hope and
17 will ask that this body consider my advice
18 on criminal justice issues just as you would
19 listen to a doctor about the severity of an
20 illness or an engineer about the stability
21 of a bridge.

22 The advice that I have rendered
23 and will now elaborate further upon is based
24 upon that experience, duty, and
25 independence.

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2 A District Attorney who seeks
3 only to punish rather than to prevent crime
4 has no place in the 21st century. Indeed,
5 my office has formulated and will continue
6 to formulate innovative crime prevention
7 strategies against heroin, gangs,
8 burglaries, and, yes, public corruption.

9 Whether violent crime, or white
10 collar crime, there is no abdication of
11 responsibility for a comprehensive
12 prevention effort. According to a February
13 poll, it seems that 93 percent of our public
14 feels that there is corruption in
15 government, and we must devise a strategy to
16 combat it.

17 I am here to answer that clear
18 call, and I am asking you to put aside
19 Partisanship and to address the disturbing
20 fact that Nassau's public has little
21 confidence in the proper administration of
22 its government.

23 In short, government corruption
24 is an area of potential criminality. I am
25 the District Attorney. I have a strong and

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2 vested interest in administrative and
3 technological reforms that will harden our
4 government spending processes against
5 corruptive influences and fraud.

6 Last year I commissioned and then
7 issued a special report on the county's
8 contracting processes, encapsulating my
9 recommendations and best practices for
10 system wide reform and improvement.

11 One such recommendation in the
12 July report was the formation of an
13 independent panel to institute reforms.
14 Subsequently, in August of 2015, County
15 Executive Edward Mangano commissioned such a
16 panel appointing prominent members with
17 business, government, and academic
18 experience.

19 In order to aid this panel in the
20 early stages of its review and upon its
21 request for guidance and input, my office
22 submitted an issue brief which served to
23 supplement our original report. A copy of
24 this issue brief was also provided to this
25 body.

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2 The issuance of these reports did
3 not end the matter, however. Indeed, over
4 the course of our process review, my office
5 identified several matters worthy of long
6 term evaluation and investigation.

7 This criminal aspect of my
8 office's review will continue, in as much as
9 my office will review and investigate any
10 suspected criminality within this county.

11 In this way, our endeavor is
12 indefinite. As has been demonstrated time
13 and time again, schemes to defraud and
14 corrupt are not unraveled quickly,
15 carelessly, or effortlessly. Indeed, seven
16 years passed between the inception of
17 Nassau's BPA scandal to the initiation of
18 the criminal case. Prosecuted jointly by
19 the District Attorney's Office and the U.S.
20 Attorney's Office.

21 Just as much time passed between
22 the inception and conviction in the New
23 Cassel redevelopment project scandal also
24 prosecuted by my office.

25 The 2015 indictment and ultimate

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2 conviction of Dean Skelos and his son in
3 connection with the Nassau County AbTech
4 contract was based upon conduct going back
5 three years. These investigations and
6 prosecutions are onerous. They are time
7 consuming and massive and, regrettably, they
8 have become routine. More regrettably
9 still, beside the taxpayer money that pours
10 into the investigation and prosecution,
11 there was the initial taxpayer investment or
12 investments that were corrupted in the first
13 place.

14 While my role as District
15 Attorney is to investigate and prosecute
16 violations of law, I feel that the best
17 possible result for Nassau County is the
18 elimination of corruptive influence.

19 It is with that very tenant in
20 mind, that I submitted various
21 recommendations for reform so that the
22 citizens of Nassau County neither have their
23 taxes wasted or their trust abused.

24 This is a problem that will not
25 be solved only with arrests and

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2 prosecutions. The highest ranking member of
3 the state Legislature from Nassau County was
4 just convicted in connection with a massive
5 procurement scandal reaching the highest
6 levels of Nassau County Government with the
7 loudest volume of publicity.

8 Every one in this chamber is
9 aware of this prosecution. If such a case
10 were insufficient to commit this body to
11 reform, then it is clear to me that this is
12 a problem that indeed will never be solved
13 only with arrests and prosecutions, and we
14 need comprehensive, best practice solutions.

15 The BPA scandal was exposed by
16 this very body asking questions and holding
17 hearings. A dozen or so years later, a new
18 administration, a new unsolicited proposal,
19 a repetition of history.

20 However, on the AbTech scandal,
21 there has not been a hearing. Imagine where
22 we will be as a county in another dozen
23 years. Imagine it, or take the opportunity
24 now to control it.

25 I have written it and I say it

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2 again, Nassau County needs an independent,
3 dedicated, and staffed Inspector General's
4 Office equipped with a comprehensive vendor,
5 contract, and public official database.

6 Today, after an effort to save
7 money and resources, the jobs of
8 commissioner of investigations, and County
9 Attorney, two responsibilities separated in
10 our County Charter, separated in the County
11 Charter, have been effectively folded into
12 one position.

13 This is from a passage in my July
14 report, "the two positions are fundamentally
15 incompatible. While the commissioner of
16 investigations is charged with being an
17 independent auditor to identify, investigate
18 and address malfeasance by county government
19 employees, a substantial part of the County
20 Attorney's Charter is to defend the county's
21 activities and county's employees."

22 This passage was from the Zarb
23 Panel's subsequent report to the county, "we
24 understand that the county has a designated
25 commissioner of investigations. However, we

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2 are advised that at present this is a role
3 performed by the County Attorney. We are
4 recommending that a separate independent
5 individual oversee the internal audit
6 function."

7 I want to highlight and emphasize
8 even that nothing I now say should reflect
9 as a blemish against the present County
10 Attorney's professionalism. Indeed, the
11 County Attorney's function to defend county
12 practices has included my office as a county
13 department.

14 The present County Attorney was
15 not even the individual upon whom this
16 arrangement was originally thrust. It was
17 an inherited situation. This has nothing
18 nothing to do, nothing, to do with the
19 individual, but everything to do with the
20 system. A system that pursuant to state
21 statute and local law, this Legislature has
22 the exclusive power to change.

23 To illustrate the paradox in a
24 very practical sense, when my office issues
25 a subpoena in connection with a criminal

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2 investigation for county departmental
3 records, it is the County Attorney's Office
4 that accepts service of process and
5 represents the interest of the subpoenaed
6 official or department. This is not a
7 bizarre arrangement. It is anticipated.

8 However, it belies the import of
9 the inherent or perceivable conflict one
10 cannot wholeheartedly assist with an
11 internal investigation when one is tasked at
12 the same time by statute and charter with
13 potentially defending the subject.

14 To me, this is as fundamental a
15 precept as a separation of prosecution,
16 defense and judiciary roles in the criminal
17 justice system, and as fundamental as the
18 separation of the executive, legislative and
19 judiciary branches of government.

20 It is clear to me and the Zarb
21 Panel that we need an independent,
22 sustained, devoted and insulated central
23 auditor of the procurement and contracting
24 processes.

25 Setting aside the conflicting

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2 roles and focusing purely on the charter
3 responsibilities of the commissioner of
4 investigations, Section 206 currently
5 provides that the commissioner of
6 investigations shall have power to make
7 examinations as he or she may deem to be for
8 the best interests of the county of the
9 accounts, methods, and activities of each
10 department, institution, office or agency of
11 the county and of the towns and special
12 districts. This is a huge responsibility
13 that requires considerable funding.

14 I must point out something
15 vis-a-vis New York City. New York City is
16 centralized; one police department, one fire
17 department, one Department of Education, one
18 mayor, and one department of investigation
19 that supervises an entire slab of inspectors
20 general for each department.

21 Though my city colleagues might
22 disagree, New York City is also
23 comparatively well funded.

24 Nassau, apart from county
25 government, contains three townships, two

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2 cities, 25 law enforcement entities, 56
3 school districts, 64 villages, 71 fire
4 departments, and dozens of special
5 districts. Government oversight here is
6 imminently more difficult due to the lack of
7 centralization.

8 Nassau, unlike the city, is also
9 under the seemingly perpetual oversight of a
10 financial control board. I note that each
11 governmental entity has its own procurement
12 policies and there is evidence that issues
13 of procurement are very widespread.

14 So far this year, the New York
15 State Comptroller has released two audits
16 related to procurement practices of
17 districts in Nassau County.

18 The comptroller's audit of the
19 Westbury Water District released this past
20 January made the following findings
21 regarding purchase orders. In a statistical
22 poll, it was found that purchase orders were
23 not issued in 86 percent of cases. 89
24 percent of professional service contracts
25 were awarded without any competition.

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2 Competitive quotes were not
3 obtained on 63 percent of Public Works
4 contracts. This is a special district and,
5 thus, by Charter, under the purview of the
6 commissioner of investigations.

7 Just how much time can that
8 department currently devote to remedying
9 this situation? In February, the New York
10 State comptroller released an audit of the
11 Mineola school district with the findings
12 that, one, the district did not have written
13 guidelines or procedures for seeking
14 competition for purchases not subject to
15 competitive bidding requirements; and, two,
16 43 percent of the 23 highest paid district
17 vendors received over 47 percent of payments
18 without the district having obtained
19 competitive quotes.

20 My point, the county government
21 is not alone. This is an issue that goes
22 across all levels of county government. It
23 is a big job. It is a heavy lift to merge
24 the commissioner of investigation functions
25 with any other job, be it the County

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2 Attorney or anyone else, is a tremendous
3 mistake.

4 I am aware, of course, that this
5 county has limited finances and that its
6 moves to create departments and offices are
7 heavily scrutinized. However, the value of
8 an inspector general can, in fact, be
9 quantified, and not just by the metrics
10 previously espoused in my July report, but
11 further by the annual reports of other
12 jurisdictions inspector generals.

13 For example, in Washington, D.C.,
14 a jurisdiction smaller in population than
15 Nassau County, they created an office of the
16 inspector general in 1995. It has since
17 reported out hundreds of millions of dollars
18 of recoveries, restitution orders, and cost
19 savings in its annual reports.

20 In Indiana, the IG, in a four
21 year span, cost the taxpayers \$4.7 million
22 in operating expenses while saving and
23 capturing \$10.3 million in the same period.

24 New Jersey, \$45 million protected
25 from being misspent or recouped in its first

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2 four years of existence.

3 The list goes on and on. These
4 institutions are meant to be self-funding.
5 The studies exist and I encourage this body
6 to seek them out. Nassau is more populace
7 than ten states in the District of Columbia.

8 According to the bureau of
9 justice statistics, this is the 32nd largest
10 criminal jurisdiction in the country.
11 Accordingly, the notion that we should think
12 like a state or like New York City in
13 protecting from government waste should not
14 be dismissed out of hand. The inspector
15 general concept is not new. It dates back
16 to 1777.

17 I believe one is needed in Nassau
18 especially in light of our financial
19 situation and our obvious procurement
20 vulnerabilities across layers of government.

21 I have seen that this body has
22 come to odds regarding the proposal to
23 modify Section 206 of the County Charter
24 replacing or enhancing depending on one's
25 perspective the role of the Commissioner of

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2 Investigations.

3 I have suggested and suggest again that the
4 replacement of this office with the county
5 inspector general and have ardently
6 recommended that one essential modification
7 to Section 206 is the manner of confirmation
8 and removal. The current Charter section
9 reads as follows:

10 "The County Executive may from
11 time to time appoint without confirmation by
12 the County Legislature a Commissioner of
13 Investigations." Though it is a short
14 excerpt, there are two fundamental things
15 that are wrong here.

16 First, the language from time to
17 time means that the position is
18 fundamentally impermanent, and, two, the
19 lack of any confirmation by the County
20 Legislature.

21 The latter concern I might add is
22 one of the few exceptions to legislative
23 confirmation of a county department head.
24 Mindful as I stated before that no one party
25 will last forever and thoughtful that both

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2 will continue to exist if the foreseeable
3 future, I have recommended a super majority
4 confirmation which serves as a stalwart
5 safeguard against a Partisan appearance
6 regardless of the party in power.

7 I am ever mindful that with a
8 recent pole showing devastating mistrust in
9 government, the optics of independence is
10 equally as important as independence itself.

11 I do not mean to cast dispersions
12 at any one party or any one person, that is
13 not my objective. However, a super majority
14 confirmation will serve as a necessary
15 reminder to the public that its government
16 operations are nonpartisan.

17 The individual who is tasked with
18 inspecting records, cutting waste,
19 streamlining the use of taxpayer dollars,
20 that person, that person must be free of any
21 perceptible allegiance.

22 As outlined in my report, without
23 modern technology, to catalog and cross
24 check any contract can appear legitimate on
25 its face. Any contract.

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2 What we must be looking for in
3 corruption of this process is preexisting
4 relationships, financial or personal, which
5 go undetected and then are exploited at the
6 expense of fiduciary duty, the taxpayer, and
7 the public's trust as a whole.

8 There has already been an
9 expression of accord several times on the
10 need for better technology in our
11 contracting and procurement systems and,
12 yet, there has been insignificant movement.

13 This county governing 1.4 million
14 people simply cannot operate its daily
15 business on a paper based system that would
16 have barely served as adequate in the 1960s.
17 Furthermore, the warehousing of information
18 to be meaningful will require converting to
19 electronic collection and cataloguing of
20 public officials financial disclosure forms
21 in the same contract database.

22 Currently, as you know, these
23 forms are required by general municipal law,
24 and are collected mid year and reflect the
25 prior year's financial interest.

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2 Accordingly, any disclosure is
3 meaningless to the prompt assessment and
4 identification of a current conflict of
5 interest.

6 To be proactive, vendor
7 screenings and official screenings must be
8 side by side. By confronting data with data
9 in real time you are getting to a more
10 transparent view of the contract in front of
11 you.

12 Still, for any such system to
13 work, there needs to be someone independent
14 watching the inspector general, otherwise it
15 is akin to a video surveillance system that
16 collects images but is not actually being
17 reviewed.

18 I am not legally permitted to
19 discuss any aspect of an ongoing
20 investigation. I can say, however, that my
21 office during its process review uncovered a
22 substantial amount of matters in need of a
23 much greater look, sufficient to keep my
24 office busy with investigations for years to
25 come.

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2 Just as the prior scandals took
3 years to develop, I am no less thorough in
4 my work. The prosecution is not a panacea,
5 until and unless the systems are in place to
6 protect taxpayer dollars, scandals will
7 continue to plague our county and we will
8 continue to prosecute them.

9 As I mentioned before, I look at
10 today as an opportunity for us to
11 collectively embark on crime prevention
12 strategy. Not unlike a strategy against
13 human trafficking, heroin, gang violence, or
14 any other category of crime that it is crime
15 prevention strategy for fraud and
16 corruption, the same principles apply. It
17 must be comprehensive, sustained, and
18 detailed in advance.

19 I sincerely hope and most
20 ardently recommend that you will create and
21 fund a county inspector general and fast
22 track the technological upgrades to this
23 county's procurement and contracting
24 systems.

25 You inherited this obscure

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2 outdated and outmoded process. But you are
3 not bound by it. Break free from the chains
4 of partisanship and look at best practices.
5 Let us act now so we don't pay later. Let
6 us move forward with transparency and
7 independence and regain the public's trust
8 and confidence.

9 I thank you very much for your
10 time.

11 CHAIRWOMAN GONSALVES: I thank
12 you, DA Singas. Thank you for your time. I
13 just thanked her on our behalf but you can
14 do so, Minority Leader.

15 LEGISLATOR ABRAHAMS: I just want
16 to, again, thank you, Madam District
17 Attorney, for giving up your time. I know
18 your schedule is very busy. And, again, on
19 behalf of the entire Legislature, I just
20 want to thank you for your commentary.

21 We have read through your report
22 and we agree 100 percent with everything
23 that you have said today and we continue to
24 work within the confines that we are in to
25 make our system more transparent and more

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2 thorough and one that the people of Nassau
3 County can believe in.

4 But, again, I just wanted to
5 thank you for your time and just to let you
6 know that your report as well as your
7 commentary today has not fallen on deaf
8 ears.

9 DISTRICT ATTORNEY SINGAS: Thank
10 you.

11 CHAIRWOMAN GONSALVES: Thank you
12 again, DA Singas.

13 As promised, we will proceed with
14 public comment and hopefully all those who
15 have signed up to comment will be heard
16 within the 30 minute time.

17 I will let you know that the
18 calendar is not that long in the event that
19 we could -- do not get to 30 minutes of
20 public comment, and hopefully all those who
21 have signed up to comment will be heard
22 within the 30 minute time, all who are here
23 to speak, we will stay and remain in the
24 chamber until everyone has been heard.

25 Without any further ado, Joanne

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2 Borden.

3 MS. BORDEN: For the 60th time,
4 good afternoon. My father had a cousin.
5 His name was Max. If you read his body
6 language, you would swear he was
7 transgender. He was a little feminine
8 acting but he was not transgender. He
9 always dressed like other men and was always
10 chasing women. He couldn't get a job
11 because his gender expression. The only
12 employment he could get was from my father.

13 Other straight men who act a bit
14 feminine aren't that lucky and cannot get a
15 job because they are not macho enough.

16 I know a Nassau woman who is
17 single and can't rent an apartment because
18 she looks and acts a bit masculine. She
19 shares her apartment with another woman,
20 they are thought to be lesbian or
21 transgender but are simply friends who need
22 to share expenses.

23 Both those examples involve non
24 transgender straight people but are
25 discriminated against just as transgender

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2 people are because their gender expression
3 is not the stereotype expected. It is
4 simply the way they were born.

5 That's why the Gender
6 Clarification Law includes people with an
7 atypical gender expression. These people
8 and I suffer because you disagree with
9 medical science that I was born transgender
10 and my examples were born with an atypical
11 gender expression.

12 You are punishing the innocent.
13 You are punishing people. We are not
14 typical of what you may think we should be.
15 But God made us this way and he must have
16 intended for us to be this way. Pass the
17 Gender Clarification Law and stop punishing.
18 That's God's job. You're denying gender
19 expression and gender identity atypical
20 people equal protection of the law is
21 immoral and punishes your constituents.

22 But even if you think we are
23 sinners leave punishing us to God. I am
24 confident God blesses me and people like me
25 because we do not lie about who and what we

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2 are; who and what he created.

3 In spite of the harm you expose
4 me to, I am proud to be true to his
5 creation. I ask you to be led by God's hand
6 and pass the Gender Clarification Law.
7 Thank you for listening and do the American
8 thing.

9 CHAIRWOMAN GONSALVES: Jason
10 Schaefer.

11 MR. SCHAEFER: Good afternoon
12 everyone.

13 CHAIRWOMAN GONSALVES: Good
14 afternoon, Jason.

15 MR. SCHAEFER: How are you? I
16 live in Port Washington and I work here in
17 Nassau County. I'm the employment
18 specialist for PROS Program, which stands
19 for Personalized Recovery Oriented Services,
20 it's for a large not for profit organization
21 in Hempstead. I would like to thank the
22 Honorable Legislator for letting me speak
23 today.

24 I'm standing here alone but I'm
25 not here by myself. I speak with hundreds

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2 of thousands of Nassau County bus riders.

3 Yes, I said bus riders, whose livelihoods
4 depend on the efficiency and quality of the
5 bus system to get to their jobs, doctor
6 appointments, and to conduct the activities
7 of their daily lives.

8 Nassau County bus riders do not
9 have the same options to rely on to
10 transport themselves as cars. I'm here to
11 tell you that TransDev, the company that has
12 been entrusted to operate the Nassau County
13 Bus System has failed this county.

14 Although the records have
15 indicated that they have turned a
16 significant profit, they still cut service
17 and lay off workers. Then they proceed to
18 cry out for more money from taxpayer
19 dollars.

20 I'm a driver. I have a car. I
21 take it to work every day. The honorable
22 legislators may be wondering, why does Jason
23 care about buses? I care because I work for
24 a not-for-profit organization that provides
25 classes to people with disabilities. A

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2 majority of these members use buses or
3 Able-Ride to get there. My agency would
4 fail and I would be out of work.

5 If we continue to allow the
6 quality and service of the bus and Able-Ride
7 service to decline, all Nassau County
8 residents will suffer. The doctors who have
9 patients who ride the bus will suffer. The
10 store owners who have customers who take the
11 bus will suffer. The employers who hire bus
12 riders will struggle and fail. The riders
13 themselves will endure a steady decline in
14 their quality of life.

15 I am asking the Honorable
16 Legislator to demand a higher standard from
17 TransDev, to demand that they not only
18 provide the basic level of service, but to
19 strive to provide excellence. That's what
20 this county deserves. That is what the
21 residents of this county needs.

22 If TransDev is unwilling or
23 unable, allow another company to take over
24 and build expectations for excellent service
25 into their contract.

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2 The people of Nassau County would
3 like TransDev to release its financial
4 information and show us how they can begin
5 investing their money into better service.

6 I call upon the Legislature to
7 review the quality of the bus service and do
8 a full assessment based on cleanliness,
9 timeliness, maintenance, and scheduling.

10 CLERK PULITZER: Sir, your three
11 minutes have expired. Thank you.

12 CHAIRWOMAN GONSALVES: Keep
13 going, Jason, but wrap it up.

14 MR. SCHAEFER: Please request
15 additional funding from the state
16 Legislature to close the budget gap and
17 improve service and use the feedback of
18 Nassau County bus riders in your assessment
19 and revision of the bus service. Thank you
20 very much for allowing me to speak.

21 CHAIRWOMAN GONSALVES: Thank you
22 very much, Jason. Mary Petrosino?

23 MS. PETROSINO: Just because I'm
24 a resident of Floral Park is not the reason
25 I'm against the casino in Belmont Raceway.

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2 I can't see how Elmont or any surrounding
3 areas will benefit by it.

4 Right now, Hempstead Turnpike is
5 one of the most dangerous roads. My primary
6 concern is the safety of all especially the
7 children attending the schools. If there
8 are more cars, chances of an accident will
9 be greater. I would not like to see anyone
10 get hurt or killed because of greed.

11 Building a casino here is what
12 this is. They turned down a casino at
13 Nassau Coliseum because Hofstra was too
14 close. No one took into consideration, we
15 have five schools in Floral Park, and an
16 additional of seven or more schools in the
17 surrounding areas of Elmont, Franklin
18 Square, New Hyde Park and Stuart Manor, that
19 would be closer to a casino than Hofstra.

20 Floral Park was built as a
21 resident area. The roads are not wide. If
22 there are two cars, one coming from the
23 north and another from the south, unless one
24 pulls over to the side, there will be an
25 accident. That is why the rescue squad,

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2 police, and fire department are concerned;
3 homes, businesses, schools, or even lives
4 can be destroyed because these vehicles
5 could not get through.

6 If you built a casino at Belmont,
7 it will take away revenue from Aqueduct.
8 This will not bring in additional money.

9 We also have to consider a casino
10 will be using land that is now racetrack
11 parking. What will happen when we have a
12 triple crown race? There will not be
13 sufficient parking. Loss of revenue because
14 people will not be able to attend. The cash
15 they vision of receiving is decreased, so
16 don't lose a sure thing.

17 Another thing we should take into
18 consideration, there are not many racetracks
19 in New York but many casinos. Belmont was
20 built as a racetrack. It has all the
21 facilities needed for horses and racing.
22 Racing is a sport. Same as polo,
23 equestrian, football, basketball, and
24 baseball. I would like to see this remain a
25 racetrack. If I had the cash, I would buy

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2 Belmont. Leave it as a track. Make
3 necessary improvements. This will bring
4 back the attendance.

5 A good example of this is
6 Saratoga. They wanted to do away with it.
7 Look at it now. A casino does not belong
8 here in Floral Park. The area is too
9 congested. If people want a casino, they
10 should find another area. Thank you for
11 listening and your time.

12 CHAIRWOMAN GONSALVES: Thank you,
13 Mary.

14 LEGISLATOR SOLAGES: Presiding
15 Officer, I do have a statement, a question.

16 CHAIRWOMAN GONSALVES: A question
17 or statement?

18 LEGISLATOR SOLAGES: Both. I'll
19 be quick. Thank you. Thank you very much
20 for speaking here today. I really
21 appreciate that since it was revealed in
22 December that there was an intent by OTB to
23 have this facility at Belmont racetrack.
24 Here we are in late March, or coming to be
25 late March, and we still don't have any

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2 clear answers.

3 I really appreciate all the
4 people here. I'll just state for the record
5 there are over two dozen people here
6 concerning this issue, and three children
7 who walked out outside. I really appreciate
8 you being here.

9 I also want to state for the
10 record, there has been legislation recently
11 introduced by Senator Avella to appeal the
12 authorization to have the VLTs there.

13 If that legislation is hopeful,
14 then this is an attempt by members here of
15 the legislature, the ones that represent the
16 communities, Floral Park and New Hyde Park,
17 to maybe show some grace and join. But,
18 unfortunately, that, I think will not
19 happen. But, again, thank you very much for
20 being here.

21 CHAIRWOMAN GONSALVES: Kathryn
22 Flood.

23 MS. FLOOD: Good afternoon.
24 Thank you for allowing me to speak. I'm
25 grateful for the opportunity to be here

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2 before the Legislative body and public
3 audience.

4 My name is Cathryn Flood. I have
5 been a resident of Nassau County my whole
6 life and a 36 year resident of Floral Park.
7 There were many reasons why my husband and I
8 chose Floral Park as the place to raise our
9 children, but the reason that stands out
10 most in my mind was the tremendous accolades
11 given by other family members who lived
12 there.

13 We became the quintessential,
14 hard working tax paying Nassau County
15 family. Our decision to move to Floral Park
16 was a good one. But while we were busy with
17 our careers and family, we trusted that our
18 legislators who helped establish the rules
19 that we followed so dutifully were managing
20 Nassau County well.

21 I'm here today to say that I am
22 not as trusting anymore. The possibility
23 that you would support a gaming facility
24 such as the one that you are proposing in a
25 densely populated community is worrisome.

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2 You've heard all the reasons why
3 it's a bad idea, crime, traffic, increased
4 DWI offenses, but today I would like to
5 speak to you about another aspect.

6 I was fortunate to have been a
7 pre-K and a kindergarten teacher in the
8 Floral Park Bellerose School District for
9 almost 30 years. Due to an increase in
10 school shootings and violent crimes against
11 our children in our country, we began to
12 practice lock out and lockdown drills more
13 frequently.

14 Children became increasingly
15 aware of the possibility that these
16 shootings could come to their school. It
17 was often difficult to calm the children,
18 and the reality of a more dangerous world
19 slowly crept into their lives. How sad.

20 Schools should be a place of
21 learning and of happiness. Why are you in
22 an effort to make fast money, adding to the
23 sad reality? One small gaming facility
24 adjacent to the Floral Park Bellerose School
25 and across the street from Floral Park

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2 Memorial would soon become a larger one.

3 And, then, a larger one, especially when the
4 money came rolling in.

5 Police activity is an every day
6 occurrence at Resorts Worlds. As it's
7 mandated, whenever there is police activity
8 in an area, a school needs to go into
9 lockdown, lock out. Now we would not be
10 practicing. It would be a true lockdown
11 lock out.

12 I'm retired now. I think about
13 how I have impacted my students and their
14 lives. Did I make a difference? What
15 legacy will I leave to them.

16 CLERK PULITZER: Ma'am, your
17 three minutes has elapsed.

18 MS. FLOOD: So I will ask you the
19 same today, what legacy will you leave to
20 the children in Nassau County? Thank you.

21 CHAIRWOMAN GONSALVES: Thomas
22 Tweedy.

23 MR. TWEEDY: Good afternoon.
24 This past Tuesday, over 1,000 residents of
25 Floral Park voted in an uncontested

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2 election. And the issues were simple; the
3 opposition to a third track, and a VLT
4 casino at Belmont Park.

5 Each month you have been apprised
6 of the growing number of organizations that
7 have been added to the coalition of
8 opposition.

9 Recently, the Elmont Public
10 Library Board of Trustees adopted a
11 resolution in opposition, important as this
12 is the body of local residents of the Elmont
13 School District and the highest local
14 elected representation that exists in
15 Elmont.

16 New Hyde Park Mayor Bob LaFaro
17 and its Board of Trustees adopted a
18 resolution. Mayor Nick Episcopia of Garden
19 City and Supervisor of the Town of North
20 Hempstead, Judy Bosworth, each have provided
21 letters advocating opposition to a VLT
22 casino at Belmont Park or anywhere in Nassau
23 County.

24 The greed and arrogance of OTB
25 continues. When I spoke December 21st I was

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2 not privy to the report some of you had;
3 namely, OTB's report from its consultant
4 UniGaming, where in it it stated that the
5 target zone for generating more than half of
6 the revenue would come from those who live
7 within five miles of the casino at Belmont
8 Park, namely Legislator Muscarella's,
9 Nicoletto's, and Solages' districts.

10 As you have always said, let's
11 look to Aqueduct as a comparable. So, let's
12 do that. Aqueduct grosses \$18 billion from
13 gambling which \$800 million is profit.
14 Union Analytic states \$200 million will be
15 the profit which is 25 percent of that at
16 Aqueduct. 25 percent of \$18 billion is 4.5
17 billion.

18 Therefore, it is your
19 recommendation that the residents of your
20 legislative districts will be targeted by a
21 corporation under your office oversight and
22 be allowed to take \$2.25 billion of its
23 district's disposable income.

24 What exactly are we getting out
25 of this? This is an idea that will not only

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2 not make Nassau County great, but it's
3 residents broke. This is an uninspiring and
4 desperate idea. This predatory means of
5 generating revenue from the misfortune of
6 your constituents is unconscionable.

7 I reiterate that any revenue
8 derived from this ill-conceived idea will be
9 greatly offset by the societal damage
10 inflicted upon those who can least afford
11 it, your constituents.

12 The financial viability of OTB is
13 at risk and may indeed be on the verge of
14 bankruptcy. Where is the board of trustees
15 of the OTB? The OTB and board of directors
16 is MIA. There are no scheduled public
17 sessions for the entire year.

18 Would you accept this response
19 from any other corporation over whom you've
20 had oversight and fiduciary responsibility.

21 I urgently request that you,
22 Madam Presiding Officer, convene public
23 hearings to examine the operations and
24 competence of the leadership of the board of
25 trustees of the OTB, and have they

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2 publically quantify and qualify its
3 leadership over its operations of this
4 corporation for the last five years.

5 CHAIRWOMAN GONSALVES: Thank you,
6 Mayor Tweedy. Jack McCloy.

7 MR. MCCLOY: Good morning,
8 Members of the Legislature. Thank you for
9 allowing me to address you again.

10 I've mentioned for the last few
11 legislative sessions that there's a serious
12 opposition to the so-called road diet
13 proposition for Grand Avenue in Baldwin.

14 Just to review the basics with
15 you one more time, Grand Avenue in Baldwin
16 is the only north south two lane road in
17 each direction in Baldwin. All the other
18 north south roads are one lane in each
19 direction.

20 The fire department, the main
21 fire department in Baldwin is located right
22 in the stretch of reconstruction proposed
23 area where many of us feel that the response
24 time will be significantly impacted if the
25 road diet proposal goes through.

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2 I wanted to mention to you also
3 that two weeks ago at the Baldwin Chamber of
4 Commerce meeting, our Baldwin Fire
5 Commissioner had said no decision had been
6 made regarding whether they believe the
7 response time will be impacted yet.

8 For that reason alone I ask you
9 not to allow a yes proposed vote on this
10 road diet plan.

11 There are over 300 people that
12 have voiced their opposition to the road
13 diet proposal via the website, my viewpoint
14 matters, and the Baldwin Oak Civic
15 Association has come out publically stating
16 that they are not in favor of this
17 reconstruction of the same area that has
18 been repaved less than two years ago.

19 But why I'm speaking to you today
20 is a new item that has come to my attention
21 by one of the people who have been another
22 opponent. I provided you with a specific
23 recommendation as listed in the U.S.
24 Department of Transportation and Federal
25 Highway Administration Guidelines that says

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2 that a road diet with annual average daily
3 traffic above 20,000 vehicles, there is an
4 increased likelihood that traffic congestion
5 will increase to the point of diverting
6 traffic to alternative routes.

7 This is very important because
8 Nassau County's own Liro Engineers have
9 stated that that intersection has 19,488
10 cars passing through on the southbound end
11 of the intersection and 20,127 cars passing
12 through on the northbound end of the
13 intersection.

14 With increasing traffic
15 everywhere on Long Island, this road diet
16 program --

17 CLERK PULITZER: Sir, your three
18 minutes have expired.

19 MR. MCCLOY: Okay. Just wrapping
20 up. Even by U.S. Department of
21 Transportation standards would need to be
22 reversed almost immediately upon completion.
23 We contend that this proposal is a complete
24 waste of resources. Please look at the
25 documentation provided to you and consider

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2 that before voting for the road diet plan.

3 Thank you.

4 CHAIRWOMAN GONSALVES: Thank you,
5 Mr. McCloy. Robert Kugelmass.

6 MR. KUGELMASS: Yes. This is
7 also about the Grand Avenue road project. I
8 would like the legislator from the Fifth
9 District to travel to Great Neck, perhaps
10 Ms. Birnbaum will show her Middle Neck Road,
11 show Lady Baldwin what happens when you
12 shrink a four lane road to miserly two
13 lanes.

14 That's what happened by some
15 accident of history at Great Neck Plaza.
16 Legislator Birnbaum can serve as the ghost
17 of Baldwin's future, the ghost of Baldwin's
18 future miserly road.

19 The congestion in Great Neck
20 Plaza is only for 1/10th of a mile. The
21 Liro Engineers have designed a road diet
22 seven times as long, reducing four lanes of
23 traffic flow to two is not a diet. It's
24 major gastric banding surgery.

25 People will find other routes.

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2 Instead of going north on Grand Avenue to
3 the Southern State, they will travel north
4 on Ocean Avenue through Lynbrook and
5 Malverne. Logistically, Colonel Gaylor,
6 when you dam up a major north south artery,
7 it affects the entire ecology of Nassau
8 County roads, there's an environmental
9 impact.

10 Liro Engineers neglected to do a
11 traffic study impact on the Coral Houses
12 Milburn Avenue, a major north south parallel
13 artery that joins Grand Avenue at a fork in
14 the traffic study area. I'd like Lady
15 Baldwin's neighbor, Mr. Kopel, where is he?
16 I'm sure he'll hear about this, to show her
17 Davidson's boat yard. Is there a worse Main
18 Street for gridlock than in East Rockaway,
19 from Oceanside to Hewlett, one regularly
20 runs a gauntlet.

21 Despite that, they're building 84
22 waterfront town houses opposite the empty
23 Pathmark. Those additional hundred plus
24 cars will add to the congestion of Main
25 Street and Ocean Avenue, Colonel Gaylor.

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2 Development will not be denied as
3 land is repurposed for higher density. We
4 must be smart with our existing roads, that
5 we are not building any additional ones on
6 the South Shore.

7 Now, parts of Grand Avenue are
8 sketchy. The road is good. Buildings are
9 old. The store is empty.

10 The support of the civic
11 association's paramount battle is a
12 desperate cry for something different,
13 anything different. She honestly thinks
14 that congestion will lead people to notice
15 stores and patronize them.

16 Drivers instead will use the
17 engineered traffic jams to check their text
18 messages, not patronize Danny's Dive Shop or
19 Gentlemen's Quarters.

20 There is no traffic when the pole
21 dancers get to work on the late shift at
22 Baldwin's downtown strip joint. Isn't that
23 right, Jack?

24 The \$7 million capital
25 improvement budget is burning a hole in

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2 Baldwin's pockets. Baldwin's poobah acts
3 like if they don't spend it right away on
4 this poorly engineered plan, it will go to
5 Bellmore or Bayville.

6 Gentleman, please reassure
7 Mrs. Curran that it won't. Thank you, Madam
8 President.

9 CHAIRWOMAN GONSALVES: Thank you,
10 Mr. Kugelmass. Lisa Knapp.

11 MS. KNAPP: Hi. How are you?
12 Thank you for your time. My name is Lisa
13 Knapp. I live in Levittown and Legislator
14 Dunne asked me to come and speak today and
15 he's not here.

16 So, I'm here today individually
17 to discuss the prevalence of electronic
18 nicotine delivery systems, otherwise known
19 as ENDS.

20 I know this is not a new issue.
21 Many of you are familiar with it. They are
22 also known as vaporizers, vape-pens,
23 electronic cigarettes, e-cigarettes, or
24 e-hookah pens.

25 Currently, the New York State law

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2 prohibits the sale of liquid nicotine to
3 minors under the age of 21 in New York City.
4 Recently Suffolk County also passed this.

5 However, Nassau County, the age I
6 believe is still 18. So I am here today
7 asking you to increase the legal age to
8 purchase ENDS to 21 to prohibit the use of
9 ENDS in indoor areas and to prohibit the use
10 of ENDS within 100 feet of a school.

11 There are two senate bills
12 currently that are waiting to be voted on
13 that would address these issues as well.

14 Again, I said this is not a new
15 issue, but as we are waiting, and I believe
16 Judy Jacobs, you brought up something in
17 2014, while we're waiting, new statistics
18 have come out from the CDC indicating that
19 from 2013 to 2014, the use of these
20 electronic cigarettes among middle and high
21 school students has tripled. Among middle
22 school students has increased from 1.1
23 percent in 2013 to 3.9 percent in 2014,
24 going up from roughly 120,000 children to
25 450,000 children just last year alone.

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2 The data shows that for the first
3 time since the CDC began collecting data in
4 2011, their use has surpassed all of the
5 other tobacco products including cigarettes.

6 I'm a registered nurse. I have
7 seen what cigarettes and electronic
8 cigarettes can do to people. My father also
9 suffered from the effects of cigarettes. I
10 do not take this very lightly.

11 According to New York State
12 Department of Health in 2011, more than a
13 half of a million New Yorkers currently
14 suffer from serious smoking diseases at a
15 cost of \$8.17 billion in health care
16 expenditures annually. There are 389,000
17 children alive today who will die
18 prematurely from smoking. That is according
19 to the New York State Health Department in
20 2011.

21 ENDS do pose potential health
22 risks, a public health safety risk,
23 actually, because normalize the smoking in
24 public areas. They also have negative
25 effects on secondhand exposure.

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2 Dennis is back. So, I heard that
3 there was some resistance with regard to
4 servicemen and women. If that is an issue,
5 you can, as you did with the smoking law,
6 make a concession or whatever it is, that
7 you would allow them to purchase them at 18.

8 Again, as a nurse, our servicemen
9 and women are coming home with traumatic
10 brain injuries and other things. They heard
11 about the complaint about the VA not being
12 able to take care of them. I ask that you
13 not give them another hurdle to jump over,
14 please.

15 Lastly, as of March 16th, I see
16 that Nassau County once again is the top
17 scores for health. This isn't really that
18 true. Because we're leaving out what I'm
19 here today talking about. We're talking
20 illness, top score for health, you get adult
21 smokers. ENDS are training wheels. It's
22 proven fact. They are training wheels to
23 lead people to smoke and use tobacco
24 products.

25 CLERK PULITZER: Ma'am, your

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2 three minutes have expired.

3 MS. KNAPP: I'm wrapping up.

4 They also prove that we will have people who
5 use them concurrently. So I know that
6 Nassau County cares about the health of its
7 constituents, and in your own words you are
8 asking that government leaders, government
9 agencies, residents, health care people,
10 help and bring our community together to
11 show excellence in terms of health outcomes
12 in the way that they practice in our county.
13 So I appreciate your time.

14 CHAIRWOMAN GONSALVES: Thank you.
15 Legislator Jacobs.

16 LEGISLATOR JACOBS: Excuse me, I
17 didn't catch your name. You don't have to
18 get up again, it's okay.

19 I just wanted to, Lisa, I not
20 only put in the bill then, but I put in the
21 bill every year since then. Believe it or
22 not, New York City, Suffolk, Westchester,
23 Rockland and many other areas upstate have
24 already adopted the tobacco 21.

25 MS. KNAPP: I understand that.

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2 That's my concern. Nassau County hasn't
3 done so.

4 LEGISLATOR JACOBS: Well, I think
5 it's important that you are here to express
6 support for it. We have run into a brick
7 road. I can tell you this much. I want to
8 clarify something with everyone here on the
9 Legislature that, originally, our
10 commissioner of the board of health felt
11 that if we did adopt such a law, it would
12 jeopardize the ATUPA Law. The ATUPA Law, if
13 you've never heard of it --

14 MS. KNAPP: I have heard of it.

15 LEGISLATOR JACOBS: It's the one
16 with the 18 year olds. So I don't just take
17 anyone's word. I went to New York State
18 Board of Health. Listen, we don't care if
19 you raise it to 35 or under, as long as you
20 continue to monitor the 18 year olds and
21 under.

22 So, I said to him, how in the
23 world could that be so if every other county
24 has adopted it.

25 We also have included in our law

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2 now all about vapor cigarettes and
3 everything else. I never give up. This has
4 been something I have been working on for a
5 very long time. It's already been filed for
6 this year because every two years you have
7 to refile.

8 I mean, we have to do this. My
9 husband died of cancer. It was definitely
10 related to 40 years of smoking. Honestly, I
11 just don't understand what we're doing.

12 As far as the military goes, I'm
13 going to tell you something you may not
14 know. I was told by one of the very largest
15 people in the hospital industry that the
16 military at this very moment, they're in the
17 middle of drafting legislation not having
18 cigarettes readily available at the canteens
19 and every place else in recognition of the
20 danger of smoking.

21 Everybody else is working towards
22 that end. You certainly have our support,
23 and you have my support 150 percent and I
24 won't give up. I would love later just to
25 get your name and number.

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2 MS. KNAPP: Thank you. I
3 appreciate it. Our children are vulnerable
4 and I think it's important that we all --
5 and these bills that I talk about in the
6 Senate are Republican sponsored bills. So
7 this should not be an issue here. I feel it
8 has been a bipartisan issue. I hope that it
9 isn't. At 18, your brain is still
10 developing and we need to stand up for these
11 kids. We need to understand the effects.

12 I don't believe, and I could be
13 wrong, that there is not one person here in
14 health care. I looked up all the bios I
15 believe most of you are attorneys. I don't
16 think there is anyone here who really does
17 see the day-to-day affects of what this does
18 to people.

19 Joining the military is an
20 individual choice. My father was a U.S.
21 Marine who started smoking in the military
22 because you go more breaks if you smoked.
23 He was a three pack a day smoker who died at
24 60 years old and I watched him suffer.

25 I've watched many many patients

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2 struggle to take a breath. You don't know
3 what it's like until you see this first hand
4 or you suffer from it first hand.

5 I am begging you, imploring you
6 to please let's get this done for our
7 children and all of the other people that we
8 are spending billions of dollars on. Thank
9 you very much for your time.

10 LEGISLATOR JACOBS: Thank you.

11 CHAIRWOMAN GONSALVES: Lisa,
12 Legislator Dunne is back there and wants to
13 talk to you. I'm going to move on. I
14 believe we're almost close to the end of
15 public comment. I'm going to take one other
16 person and I hope that I say his last name
17 correctly. It looks like Frank Mistross.
18 No? George Raskin.

19 MR. RASKIN: Hello. Thank you
20 very much for allowing me the opportunity to
21 speak to you. I don't have a prepared
22 statement, I'm just speaking from memory.

23 I wanted to say hello to Judy
24 Jacobs who I see over at the store a lot.
25 Anyway, I represent the Bus Riders Coalition

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2 Union from Long Island particularly Nassau
3 County.

4 I don't know if the Legislature
5 had done anything with this or not so I
6 really don't know. But I'm imploring them
7 to be able to ask the state to help provide
8 funding for the buses. About four and a
9 half million dollars which is a lot of money
10 I know, but I hope that something can be
11 done if it hasn't been done already.

12 I'm hoping also that the forums
13 when NICE Bus decides to have meetings that
14 they have it here and in public. It's
15 pretty important to have it in public and
16 not hiding it off somewhere at their bus
17 headquarters. That's really not the best
18 way to go in my opinion.

19 I just want to wrap it up. I
20 don't have a whole lot to say. Anything
21 that you all could do towards helping out
22 the bus service would much be appreciated by
23 a whole lot of people, a lot of your
24 constituents throughout the county. Thank
25 you.

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2 CHAIRWOMAN GONSALVES: Thank you,
3 George. Now I guess we can move on to the
4 calendar.

5 I know there are about four or
6 five people who still have put in slips to
7 speak. To be perfectly honest, there are
8 five of them. We will get to you right
9 after the full calendar. And, if all goes
10 well as planned, it should not be too long a
11 wait.

12 So we will proceed with the
13 calendar. We are going to go out of order
14 which is perfectly understandable because we
15 have two people I believe. We have Item 22
16 and 23, two appointments, so if you want to
17 look to see, it's Resolution 36 and 37, Item
18 22, 23.

19 Item 22, Resolution 36, a
20 resolution to confirm the County Executive's
21 reappointment of Jeffrey H. Greenfield as a
22 member of the County Planning Commission
23 pursuant to Section 1601B of the Nassau
24 County Charter. Motion, please.

25 LEGISLATOR KOPEL: So moved.

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2 LEGISLATOR GAYLOR: Second.

3 CHAIRWOMAN GONSALVES: Moved by
4 Legislator Kopel, seconded by Legislator
5 Gaylor. I know Mr. Greenfield is here.

6 Go ahead, Legislator Gaylor.

7 LEGISLATOR GAYLOR: First of all,
8 I would like to welcome Mr. Greenfield here
9 today and congratulations on your
10 appointment. I know Mr. Greenfield for a
11 very long time as he comes from my district
12 with an office in Lynbrook and a residence
13 in Rockville Centre.

14 So it's with great honor that I
15 can report to my fellow legislators the
16 outstanding work that Mr. Greenfield does on
17 behalf of all the residents for the county
18 and in particular within our legislative
19 district. So I strongly support his
20 nomination.

21 CHAIRWOMAN GONSALVES: We have
22 Legislator Kopel who also wants to thank
23 him.

24 LEGISLATOR KOPEL: I just wanted
25 to join Legislator Gaylor and say that I've

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2 known Mr. Greenfield for a while now and I
3 like to see people who, like Mr. Greenfield,
4 work in a Bipartisan fashion on community
5 concerns.

6 He's friends with people on both
7 sides of the aisle. He does things, many
8 things on an unpaid basis.

9 I think it's a privilege for us
10 to have you heading up this commission and I
11 thank you for your service.

12 MR. GREENFIELD: Thank you,
13 Legislator Kopel.

14 CHAIRWOMAN GONSALVES: You have a
15 fan club up here.

16 MR. GREENFIELD: My mother, I'm
17 sorry she's not here to hear this today.
18 She's in Florida.

19 CHAIRWOMAN GONSALVES: Legislator
20 Ford.

21 LEGISLATOR FORD: We actually are
22 taping this and we're going to send it to
23 you for Mother's Day, how's that?

24 MR. GREENFIELD: Thank you,
25 Denise.

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2 LEGISLATOR FORD: I, too, want to
3 thank you very much for your service and for
4 doing such a wonderful job as head of the
5 Planning Commission. We are all so blessed
6 with your wonderful sense of humor because,
7 at times in government, we need somebody
8 like you, and I thank you. Had I known you
9 were going to be here, I would have taken
10 that book out and studied my Yiddish. Thank
11 you.

12 MR. GREENFIELD: Thank you,
13 Legislator Ford.

14 CHAIRWOMAN GONSALVES: Any others
15 that wish to compliment Mr. Greenfield? I
16 too know you a long time, Mr. Greenfield,
17 and I will say ditto to all of the comments.
18 If there are no other comments, would you
19 like to say something to us?

20 MR. GREENFIELD: It's been my
21 pleasure to serve the people of Nassau
22 County for the past 13 years. I look
23 forward to continued service.

24 I enjoy what I do. I don't do it
25 alone. I have a very good vice chairman,

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2 very good members. We work very, very hard.
3 Even when we have to turn down people, and
4 sometimes we do. They leave the chambers
5 here, they leave the proceedings feeling
6 someone listened to them, and many times
7 they comment to me, you listen to us better
8 than they did at whatever town, I don't want
9 to cast any aspersions, any town zoning
10 meeting. We're the last stop for them to
11 make their plea.

12 Any legislator, any time that has
13 a concern for anything in the district, I
14 have interacted with most of you. Please
15 call me if you have a concern, it's a
16 concern of mine. If I can get information
17 from the staff, we will share it with you as
18 soon as we get it.

19 We have a small but very good
20 staff. We could use more staff. But they
21 do a very good job.

22 And the legislator, if you tell
23 me in advance, you're going to come, we will
24 put your case on first. If I see you, I put
25 it on first. We value your time. Thank

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2 you.

3 CHAIRWOMAN GONSALVES: There
4 being no other comment, all those in favor
5 of the reappointment of Mr. Greenfield to
6 the Planning Commission, signify by saying
7 aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Your appointment is unanimous.

12 MR. GREENFIELD: Thank you very
13 much for the confidence you put in me. I
14 look forward to my continued service.

15 CHAIRWOMAN GONSALVES: Item 23,
16 Resolution 37, a resolution to confirm the
17 County Executive's reappointment of Leonard
18 H. Shapiro as a member of the County
19 Planning Commission pursuant to Section
20 1601B of the Nassau County Charter.

21 Motion, please.

22 LEGISLATOR WALKER: So moved.

23 LEGISLATOR SCHAEFER: Second.

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

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2 Schaefer. Any comments regarding
3 Mr. Shapiro? Legislator DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: He
5 is a resident of my district, so I just want
6 to say thank you for your service, and any
7 other nice things you want to say, you are
8 more than welcome.

9 CHAIRWOMAN GONSALVES: I'm happy
10 that he's willing to serve because sometimes
11 these positions are not very much
12 appreciated.

13 LEGISLATOR DERIGGI-WHITTON: It's
14 true. It's an endless job and it does take
15 a lot of time and I appreciate your
16 professionalism and look forward to working
17 with you.

18 MR. SHAPIRO: It is. It's all
19 about giving back.

20 CHAIRWOMAN GONSALVES: You are a
21 reappointment too, would you like to say
22 something? Legislator Walker has something
23 to say.

24 LEGISLATOR WALKER: Well, you are
25 not in my district but I, too, just want to

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2 thank you so much for your service up to now
3 and, you are right, it is about giving back
4 and you certainly have given back to this
5 county, and the residents of this county,
6 and you are going to continue to do that,
7 I'm sure, once we vote in just a few
8 minutes.

9 I just want to thank you so much
10 for that and know we are here for you too.
11 Thank you very much.

12 CHAIRWOMAN GONSALVES: Legislator
13 Jacobs.

14 LEGISLATOR JACOBS: Yes. Mr.
15 Shapiro, I just want to say one thing to
16 you. I actually should have also said it
17 when Jeff got up. There is an issue in
18 Woodbury, I'm sure you'll recall, that goes
19 back now a year and a half ago. But thanks
20 to the Planning Commission extending the
21 time for the individuals in the community to
22 work it out with the developers which they
23 have, it has a good end to the story and I
24 just found out about it a few days ago.

25 I really feel that the way you

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2 handled it brought it to that conclusion.
3 Because if it had been at that moment it may
4 not have been concluded as well as it did,
5 but the truth of the matter is,
6 communication is the key to everything, and
7 I appreciated that. Just wanted you to know
8 that.

9 MR. SHAPIRO: Not a problem. We
10 always try to let everybody be heard and we
11 try to always have them work it out even
12 when there are problems with the developers,
13 we tell them to go in the back of the room,
14 work it out and then come back and talk to
15 us.

16 LEGISLATOR JACOBS: Makes so much
17 more sense because sometimes developers, in
18 their anxiousness to get it done, don't
19 realize that just simple communication and
20 putting up shrubbery or berming or doing
21 something, or the setback, being more than
22 they originally said, can make this a
23 pleasant thing rather than adversarial all
24 the time.

25 MR. SHAPIRO: I've been on both

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2 sides.

3 LEGISLATOR JACOBS: You know what
4 I mean. So either side it makes sense to
5 communicate.

6 CHAIRWOMAN GONSALVES: Is there
7 anything you would like to say?

8 MR. SHAPIRO: I just want to
9 thank everybody. I have been serving this
10 county since 1991. I started out at the
11 Nassau County IDA, and then David Salton got
12 together with Howard Blankman and went to
13 Tom Gulotta at the time and said his talent
14 was being lost at the IDA. Maybe we can
15 have him do something else. So I ended up
16 on the Planning Commission not knowing that
17 in 1995 I was going to go into the real
18 estate business from the oil business. So
19 it made full circle and the Planning
20 Commission is a great place for me to work
21 at and work for the people because I do
22 understand it, as I said, I am in real
23 estate, so I get the issue.

24 Jeff and I have actually worked
25 very well together over the last couple of

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2 years as chair and vice chair and we try to
3 help everybody that we can.

4 I was once told when I first came
5 on to the Planning Commission by Howard
6 Blankman, when you walk into this chamber,
7 you walk in the office, you're not a
8 Republican, you're not a Democrat, you work
9 here for the people. That's what you should
10 be doing. It's your constituents that you
11 are here for, to help them.

12 So we try to lead by example and
13 I just ask everybody else to do the same.
14 Thank you very much again.

15 CHAIRWOMAN GONSALVES: Thank you,
16 Mr. Shapiro. I guess there is no other
17 comment. All those in favor of reappointing
18 Mr. Shapiro to the Planning Commission
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Your reappointment is unanimous.
24 Thank you very much, and I just want you to
25 know I did change my flight so I could be

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2 here today. I'm supposed to be out west, so
3 I'm leaving tomorrow instead.

4 LEGISLATOR MACKENZIE: Can I just
5 make one comment that it's very nostalgic to
6 have Greg May back in the chamber here for
7 the day. We thank him for his service.

8 MR. MAY: Thank you. Thanks very
9 much.

10 CHAIRWOMAN GONSALVES: As is
11 customary with each Full Legislative
12 meeting, we have what is called a consent
13 calendar. Those are items that have passed
14 through committees and voted upon
15 unanimously.

16 So at this point I'm going to be
17 calling those items and all the testimony
18 from the committees are always put into the
19 calendar of the month.

20 Item 3, Ordinance 16; Item 4,
21 Ordinance 17; Item 5, Ordinance 18; Item 6,
22 Ordinance 19; Item 7, Ordinance 20; Item 8,
23 Ordinance 21; Item 9, Ordinance 22; Item 10,
24 Ordinance 23; Item 11, Ordinance 24; Item
25 13, Ordinance 26; Item 14, Ordinance 27;

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2 Item 15, Resolution 29; Item 16, Resolution
3 30; Item 17, Resolution 31; Item 19,
4 Resolution 33; Item 21, Resolution 35; Item
5 24, Resolution 38; Item 25, Resolution 39;
6 Item 26, Resolution 40; Item 27, Resolution
7 41; Item 28, Resolution 42; Item 29,
8 Resolution 43; Item 30, Resolution 44; Item
9 31, Resolution 45; Item 32, Resolution 46;
10 Item 33, Resolution 47; Item 34, Resolution
11 48; Item 35, Resolution 49; Item 36,
12 Resolution 50. That ends the consent
13 calendar.

14 There has been a change in the
15 consent calendar. We're adding Item 12,
16 Ordinance 25, but removing Item 15,
17 Resolution 29. Now we take a motion.

18 LEGISLATOR WALKER: So moved.

19 LEGISLATOR RHOADS: Second.

20 CHAIRWOMAN GONSALVES: Moved by
21 Legislator Walker, seconded by Legislator
22 Rhoads. Any questions or comments regarding
23 these items?

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 signify by saying aye.

5 (Aye.)

6 Any opposed?

7 (No verbal response.)

8 Those items pass unanimously.

9 Now we are going to move on.

10 Item 15, there are two recusals, Legislator
11 Jacobs and Minority Leader Abrahams.

12 I'm going back, Item 15,
13 Resolution 29, a resolution authorizing the
14 County Attorney to compromise and settle any
15 and all claims between Lighthouse
16 Development Group, L.L.C., and the County of
17 Nassau pursuant to the County Law, the
18 County Government Law of Nassau County and
19 the Nassau County Administrative Code.

20 Motion, please.

21 LEGISLATOR WALKER: So moved.

22 LEGISLATOR KENNEDY: Second.

23 CHAIRWOMAN GONSALVES: Moved by
24 Legislator Walker, seconded by Legislator
25 Kennedy. Any questions or comments?

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2 Mr. May, is there anyone who
3 needs a review of what this item is?

4 LEGISLATOR SOLAGES: I just have
5 a question.

6 CHAIRWOMAN GONSALVES: Legislator
7 Solages.

8 LEGISLATOR SOLAGES: Thank you
9 very much, Presiding Officer. It was stated
10 before that the million dollars would be
11 used to help or improve several other county
12 parks. But then I learned that it would be
13 used only for Cantiague Park. If I can have
14 some clarification of that, please, because
15 other county parks really need further
16 assistance. Thank you.

17 MR. MAY: I believe the
18 improvements to Cantiague Park are at the
19 ice rink. I was not here at the committee
20 meetings, so what was said then, just from
21 my clarification --

22 CHAIRWOMAN GONSALVES: It was the
23 ice rinks.

24 LEGISLATOR SOLAGES: Is
25 Mr. Meyers here or a representative from

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2 DPW? I think the statements were made on
3 behalf of DPW.

4 MR. MAY: I believe Mr. Meyers is
5 on his way down.

6 CHAIRWOMAN GONSALVES: He's right
7 behind you.

8 LEGISLATOR SOLAGES: Good
9 afternoon, Mr. Meyers. How are you? At the
10 committee meetings, it was stated that the
11 funding would be used to improve several
12 other county parks and I learned then
13 afterwards it would only be used for
14 Cantiague Park.

15 I just want to clarify the
16 breakdown as to where this funding will be
17 used because it's my understanding that
18 there are several other county parks that
19 need assistance. Thank you.

20 MR. MEYERS: Yes. So it's my
21 understanding that the million dollars, or
22 in excess of a million dollars, was spent at
23 Cantiague, and so that million dollars will
24 go back to reimburse the capital accounts
25 where that money came from for each of those

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2 improvements.

3 LEGISLATOR SOLAGES: I wish I had
4 that information before because, you know,
5 when I approved of this on the committee
6 hearing, I was under the impression that
7 this would be used for other parks.

8 Now you are saying it is only
9 being used to reimburse. That's a concern
10 for me.

11 MR. MEYERS: Right. In
12 anticipation of the Islanders going to
13 Cantiague, a lot of this work was initiated
14 there and so it was completed after it was
15 initiated. So that money went towards
16 various improvements there including
17 expanding the ice rink to NHL regulations.
18 That expanded right to the edges of the
19 inside part of the facility so they had to
20 build a breezeway to go around that.

21 They upgraded the bathrooms,
22 locker rooms, parking lots, all associated
23 with that.

24 LEGISLATOR SOLAGES: Thank you
25 very much.

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2 CHAIRWOMAN GONSALVES: Legislator
3 DeRiggi-Whitton.

4 LEGISLATOR DERIGGI-WHITTON: I
5 just have two questions. One, the backup
6 says that the million dollars will be going
7 to various county parks. So you are moving
8 away from what, the back up is saying?

9 MR. MEYERS: That's correct.
10 That was my understanding at the time that
11 has since been clarified.

12 LEGISLATOR DERIGGI-WHITTON: So
13 wouldn't you provide that to us if that were
14 the case?

15 MR. MEYERS: I'm sorry. I don't
16 understand the question.

17 LEGISLATOR DERIGGI-WHITTON: If
18 you're changing the backup of a matter,
19 wouldn't you provide that to us? We have no
20 notification of the fact that it's changing
21 from a million dollars going to various
22 parks, to now somehow reimbursing the
23 capital budget. I don't even know how you
24 can even do that. How can you reimburse the
25 capital budget?

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2 MR. MEYERS: That's as it's been
3 explained to me in that regard, that the
4 lines can be individual.

5 LEGISLATOR DERIGGI-WHITTON: I
6 don't think you can take -- I don't think
7 that's even possible.

8 MR. MEYERS: That's what was
9 described to me that each of the capital
10 accounts, where each of those improvements
11 were made out of can be reimbursed.

12 LEGISLATOR DERIGGI-WHITTON: This
13 is money we bonded for, so how are you going
14 to reimburse, I don't understand what line
15 you're even going into with this.

16 MR. MEYERS: Right. I'm not
17 familiar with that, but that's how it was
18 communicated to me as to how that was
19 handled.

20 LEGISLATOR DERIGGI-WHITTON: Am I
21 supposed to vote on this right now?

22 This is not making any sense. If
23 it's a million dollars going to various
24 parks, now we're saying that's not
25 happening, it's going to Cantiague, but

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2 that's money that's already been spent that
3 we don't even know -- I don't even know what
4 project you're talking of. Is it the ice
5 rink or is it something else?

6 MR. MEYERS: That's all in
7 connection with the ice rink and the
8 anticipated work that was to be done in
9 connection with the Islanders going to that
10 facility.

11 LEGISLATOR DERIGGI-WHITTON: I
12 get that there's probably a way to follow up
13 with this, but this is exactly what we don't
14 like up here. It's a million dollars.
15 That's a lot of money.

16 I'm sorry, but I have been in
17 this position so many times as a legislator
18 and it's really -- if you're changing it
19 from the backup, we should have that in
20 writing before the meeting.

21 MR. MEYERS: I understand,
22 legislator. As I indicated --

23 LEGISLATOR DERIGGI-WHITTON: Can
24 you provide that to me? Because really we
25 need that in writing.

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2 MR. MEYERS: I can give you the
3 amounts and what the improvements included
4 at the facility if that would be helpful.

5 LEGISLATOR DERIGGI-WHITTON: Yes.
6 Well, we should have that before we vote on
7 it. We should have a chance to look at it.
8 I don't know even what project you're
9 talking about, what line you're talking
10 about that could be reimbursed.

11 MR. MEYERS: So I can describe
12 the improvements and the amounts that were
13 done at Cantiague.

14 LEGISLATOR DERIGGI-WHITTON:
15 Again, this is probably going to get voted
16 down, but I don't know how we can vote on
17 this. I think we should move to table.

18 CHAIRWOMAN GONSALVES: Do we have
19 a second on it?

20 LEGISLATOR SOLAGES: Second.

21 CHAIRWOMAN GONSALVES: All those
22 in favor of tabling this item signify by
23 saying aye.

24 (Ayes.)

25 Any opposed?

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2 (Nay.)

3 The item to table is defeated.

4 LEGISLATOR DERIGGI-WHITTON:

5 Can I at least request that you put the
6 improvements on the record so we know where
7 the millions is going? I just don't want it
8 to disappear.

9 MR. MEYERS: I'm happy to do
10 this. The improvements include expansion of
11 the ice rink to NHL regulations, that is
12 approximately \$300,000.

13 The new breezeway for emergency
14 exits and access around the building was
15 \$220,000. The flooring and matting around
16 the rink complex was \$298,000. The upgrades
17 to the rest rooms and locker rooms is
18 \$250,000. The parking lot improvements,
19 \$34,000, and a new ADA compliant lobby was
20 \$690,000.

21 LEGISLATOR BYNOE: Presiding
22 Officer, I have to say that I really think
23 this is a material change to the contract in
24 that this --

25 CHAIRWOMAN GONSALVES: Hold on a

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2 minute. Deputy Presiding Nicoletto has a
3 question to ask or a comment to make.

4 LEGISLATOR NICOLELLO: I would
5 rather let Legislator Bynoe finish. She had
6 a point to make.

7 CHAIRWOMAN GONSALVES: Go ahead,
8 Legislator Bynoe.

9 LEGISLATOR BYNOE: I do feel this
10 is a material change because this was a
11 question that was asked prior to this
12 contract coming to committees and we were
13 told various parks. So much to the point
14 that we wanted to have details where it was
15 going.

16 So I find this to be a material
17 change and I'm kind of disappointed that we
18 wouldn't table this so we could ensure there
19 aren't any other changes that should be
20 considered.

21 MR. MEYERS: If I can just speak
22 to that for quick second, in that it was
23 generally, and I understand your concern in
24 that regard, it was just generally what the
25 money was to be used for was for parks in

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2 general, that's what the \$1 million was to
3 apply to, so it was applied towards this
4 work that was done at the facility.

5 LEGISLATOR BYNOE: But the
6 question was specifically asked, what parks
7 and what types of capital improvements were
8 going to be made at the parks. We were told
9 it wasn't earmarked and that it would be
10 just be various parks.

11 So now we ask for a schedule to
12 kind of understand what parks, and it's only
13 through asking that particular question were
14 we informed that in fact it's going to
15 reimburse something that we've already
16 bonded for. I find that to be a material
17 change.

18 We were just here talking about
19 transparency earlier in the day, and this is
20 yet to me another situation, another
21 occurrence where we have not been properly
22 informed. I'm disappointed that we wouldn't
23 table this.

24 MR. MAY: Madam Presiding
25 Officer, can we just have Ken Arnold from

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2 DPW address the issue?

3 CHAIRWOMAN GONSALVES: Sure.

4 MR. ARNOLD: Ken Arnold, Public
5 Works. The work that was done at Cantiague,
6 which represents some of the million
7 dollars, or the \$1.7 in total that was spent
8 there, was spent out of various county
9 capital projects and parks improvements.

10 It's the intent of the department
11 to work with the various agencies to look to
12 put the Cantiague outside funding into the
13 Cantiague capital project which would then
14 free up these other park's projects to be
15 spent at other locations.

16 CHAIRWOMAN GONSALVES: Deputy
17 Presiding Officer Nicoletto.

18 LEGISLATOR NICOLELLO: Ken, can
19 you just repeat that?

20 MR. ARNOLD: Yes, I will give you
21 an example. At Cantiague Park, I mean, the
22 county's capital plan includes capital
23 projects for parking lots, ice rinks,
24 bathrooms, to name a few various projects
25 that we have.

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2 The work that was done at
3 Cantiague was done using those capital
4 projects, specifically the largest, which
5 was the ice rinks.

6 At the time that the training
7 facility for the Islanders was contemplated,
8 the department put in a capital project for
9 Cantiague which included all outside
10 funding. Since this outside funding is now
11 coming to be a reality with your vote today,
12 we'll be able to use that money, fund the
13 outside funding in the capital plan, and
14 then look to redistribute those expenses
15 back to the Cantiague capital project which
16 hopefully would free up money to spent at
17 other locations in the county park system.
18 In this specific area, is where we spent the
19 money at Cantiague.

20 LEGISLATOR NICOLELLO: I'm told
21 one point I wanted to make for our finance
22 director is that reimbursements to the
23 capital plan out of grants, FEMA funds, et
24 cetera, are done all the time, so this is
25 not unusual, is that accurate?

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2 MR. ARNOLD: That is correct.

3 When we get grants, we amend the capital
4 appropriation for the outside funding.

5 I believe the capital plan that
6 you just voted on last session contemplated
7 various FEMA outside fundings that went into
8 various projects to reimburse us for the
9 money that we received from FEMA. So this
10 would be a similar scenario.

11 LEGISLATOR NICOLELLO: Thank you.

12 CHAIRWOMAN GONSALVES: Any other
13 comments?

14 LEGISLATOR DERIGGI-WHITTON: So
15 you just mentioned a number of things that
16 were separate from the ice rink, is that
17 correct?

18 MR. ARNOLD: That is correct.

19 LEGISLATOR DERIGGI-WHITTON: That
20 was just different from a minute ago where
21 they said it's all going to the ice rink.
22 There's just so much misinformation.

23 MR. ARNOLD: Well, remember, the
24 ice rink redevelopment included the rink and
25 all the appendages which go around the rink,

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2 which is the bathroom that services the
3 rink, the lobby that services the rink, the
4 parking lot that services the rink, so it
5 all was part of the larger project that was
6 covered under various components of specific
7 capital projects which we're trying to get
8 away from today which is why we have a park
9 capital project that's all encompassing so
10 we don't keep pitching ourselves into these
11 small little things and these small funding
12 issues.

13 LEGISLATOR DERIGGI-WHITTON: The
14 problem I have is, you're saying you are
15 going to free up a million dollars and that
16 million dollars is then going to possibly be
17 used for other parks.

18 This isn't the way we should be
19 doing this. We should have an itemized list
20 of what you're doing with a million dollars.
21 Once again -- and you can say you're going
22 to get it to me -- and I don't know if I
23 will get it, but the bottom line is we need
24 the list of the capital budgets, the project
25 lines, before we can vote for this. This is

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2 a million dollars. That's a lot of money.

3 MR. ARNOLD: Please understand,
4 the improvements at Cantiague Park are
5 completed.

6 LEGISLATOR DERIGGI-WHITTON:
7 Right.

8 MR. ARNOLD: So if we are
9 successful in reallocating these funds, then
10 the --

11 LEGISLATOR DERIGGI-WHITTON: If
12 we are successful in reallocating these
13 funds?

14 MR. ARNOLD: The department works
15 with the Comptroller's Office and the budget
16 office in this endeavor.

17 LEGISLATOR DERIGGI-WHITTON: So
18 we don't know if this is going to happen?
19 We have to vote on it as a Legislature, but
20 then, from there, it's not us, look, these
21 always pass. That's not the problem.

22 The problem is when it's supposed
23 to be completed which, we don't know for
24 sure if we can do this; once the Legislature
25 will pass it, which they will?

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2 MR. ARNOLD: Once the
3 appropriation is completed, then we will
4 work with the other offices to set up a
5 funding cost to come do this work.

6 LEGISLATOR DERIGGI-WHITTON: So
7 you're saying it's definite we can do this
8 once the Legislature passes this, which they
9 will?

10 MR. ARNOLD: I can't speak for
11 the other two agencies, but it's the
12 departments's path to look to put this
13 outside funding into the Cantiague capital
14 project.

15 LEGISLATOR DERIGGI-WHITTON: And
16 then free up a million dollars,

17 MR. ARNOLD: And then we would
18 look -- work with the way the money spent in
19 the other projects in the capital plan to
20 free up and make available those funds to do
21 other work at other parks.

22 LEGISLATOR DERIGGI-WHITTON: Do
23 you have any intention of telling us when
24 that happens or where the million dollars
25 goes to? And I'm going to request on the

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2 record that you can tell me. And you can
3 tell me that you tell me, but --

4 MR. ARNOLD: I will work with
5 Michelle from your office and we will lay
6 out what the plan is with the money, like we
7 have with our road work and our other
8 projects.

9 LEGISLATOR DERIGGI-WHITTON: All
10 right. So, as of right now, the vote is to
11 return a million dollars to the money that's
12 already been spent. Then, at that point,
13 once you deal with the Comptroller's Office
14 and DPW, I'm going to request a full
15 itemized list. I mean, I would love to have
16 more information. I hate doing things this
17 way. I'm just putting that on the record.

18 CHAIRWOMAN GONSALVES:
19 Mr. Arnold, our role here today is to
20 approve the funding; is that correct?

21 MR. ARNOLD: Correct. The
22 settlement. This would be a settlement.

23 CHAIRWOMAN GONSALVES: A
24 settlement. How that money is used is up to
25 the administration; is that correct?

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2 MR. ARNOLD: Yes.

3 CHAIRWOMAN GONSALVES: Then, if
4 need be, perhaps maybe to, I guess quell
5 some of the legislators' concerns, provide
6 some kind of a list of where the money has
7 gone, right?

8 MR. ARNOLD: Yes.

9 CHAIRWOMAN GONSALVES: That's not
10 a problem, correct?

11 MR. ARNOLD: That's not a
12 problem, no.

13 CHAIRWOMAN GONSALVES: Thank you
14 very much. Is there anybody else who wants
15 to say anything? Legislator Curran

16 LEGISLATOR CURRAN: Thank you. I
17 just want to make sure I understand this
18 correctly.

19 So, when the Islanders were maybe
20 going to use Cantiague Park, the county had
21 to step in and fix it up pretty quickly. So
22 it used money, and I could be wrong, I just
23 want to make sure I got this right, they
24 sort of sucked money away from other
25 projects to do this pretty quickly.

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2 So, now, with this million dollar
3 infusion, we can pay that money back that
4 was done for the Cantiague park improvements
5 and therefore fund these other projects that
6 the money had come from? Does that make
7 sense?

8 MR. ARNOLD: The Islanders gave
9 the county the opportunity to upgrade a very
10 old facility. The Cantiague Park Ice Rink
11 for many leagues to utilize it. So it was
12 underutilized. We brought to this body a
13 capital project to upgrade the ice rink
14 prior to the Islander move. That was that
15 large bond ordinance to upgrade all the
16 rinks in the county. So that was going to
17 happen exclusively of the Islanders.

18 The facility required upgrading.
19 It was reaching its 50th anniversary coming
20 up now. So all the work that we did there
21 was required to bring it up to a standard
22 that the parks departments looks for in
23 their facilities.

24 The Islanders is just a windfall
25 of the funds that we did not anticipate when

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2 we looked at laying out the capital plan.

3 LEGISLATOR CURRAN: So, am I
4 correct that the money for other parks
5 improvement was used for this in the
6 meantime, and now this will reimburse those
7 projects?

8 MR. ARNOLD: No. The various
9 county park projects looks to do work on
10 issues that arise that need to be addressed
11 soon. We have looked at all our bathroom
12 facilities. Cantiague was not the only park
13 that was worked on this year. Substantial
14 work was done at other parks. It was all
15 part of a planning process. It was not just
16 all looked to Cantiague to get that done
17 right away.

18 CHAIRWOMAN GONSALVES: Legislator
19 Birnbaum.

20 LEGISLATOR BIRNBAUM: Do you any
21 idea off the top of your head whether some
22 of this funding will go towards Christopher
23 Morley Park, or --

24 MR. ARNOLD: It's separate but to
25 go back -- we are spending up at Christopher

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2 Morley right now.

3 LEGISLATOR BIRNBAUM: And there
4 was a rink there too, right?

5 MR. ARNOLD: I believe there's a
6 rink. I mean, there's money being spent at
7 all the county parks. I would have to go
8 back to my office and get a plan of that.

9 LEGISLATOR BIRNBAUM: You will
10 let us know.

11 CHAIRWOMAN GONSALVES: If there
12 are no other comments?

13 (No verbal response.)

14 Is there any public comment? Did
15 you put in a slip?

16 MS. MEREDAY: Good afternoon.
17 Meta J. Mereday. Veterans entrepreneur of
18 development initiatives. I am heartened
19 that we do have, unfortunately, the minority
20 side, who as Legislator DeRiggi-Whitton
21 mentioned, that unfortunately with all of
22 the questions and concerns that you have
23 raised, the majority is going to pass it
24 pretty much anyway.

25 It's sad that these foregone

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2 conclusions always end up a couple of months
3 later in Newsday as to the misdirection of
4 our county's tax dollars.

5 My question, in regard to this
6 situation, and I support the notion that
7 this should be tabled, because there is too
8 much at stake here for you all to just give
9 a blanket consent to once again our money
10 being tossed to the window with regard to
11 this process.

12 Since the mention of FEMA funds,
13 since we are talking about federal dollars,
14 I have put a request to this body on
15 numerous occasions to get a breakdown of the
16 contracting percentage that has included our
17 service disabled, and veteran owned
18 businesses. To date, I have seen nothing,
19 zero, nada to that effect.

20 So, again, we stand proud, you
21 wear your lapel pins, you host pancake
22 breakfasts, you smile proudly at parades,
23 but we are now, according to the soldier's
24 project, at 25 veterans committing, or
25 attempting to commit suicide every day.

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2 So the disgrace in terms of the
3 distribution and dissemination of
4 opportunities in this county just continues
5 to be appalling.

6 I keep reading in Newsday about
7 additional allegations and to have our newly
8 elected District Attorney say that the
9 contracting process, which I have questioned
10 in front of this body on numerous occasions,
11 is a recipe for corruption, when we still
12 have young people who are continuing to
13 leave because they can't afford to live
14 here, and senior citizens who are afraid to
15 leave their home because they think the
16 sheriff is going to come to evict them.

17 So, what is the harm in just
18 tabling this discussion, as you should have
19 tabled the discussion when you voted to
20 consolidate the police precincts when you
21 believed that that was going to be in the
22 interests of the residents and the safety of
23 the consumers?

24 And, now that you've got those
25 consolidated precinct areas that want the

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2 precincts opened, and those few voices, like
3 myself, who fought to keep the First
4 Precinct where it is in getting built,
5 because the money was squandered here on
6 more than one occasion, when are we going to
7 stop the nonsense?

8 Do all of you sitting there in
9 the majority have to be voted out or
10 handcuffed and walked out before we start to
11 do something that's going to make a
12 difference?

13 In this issue, it should be
14 tabled. What are we reimbursing Cantiague
15 for? What was the initial project? Why is
16 it a settlement to begin with if it was a
17 contracting opportunity? What was the
18 original scope of work? Why aren't you
19 asking these questions?

20 Why aren't you putting this on
21 the table and getting all the information
22 for a change as opposed to meeting in your
23 back room, making your discussions, and
24 cutting up all the funding that seems to
25 only benefit the Hicksville and Bethpage and

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2 Wantagh locations, when the south shore
3 continues to struggle.

4 We can barely get a parking
5 light, particularly in the Baldwin
6 residential area, but you're expanding ice
7 skating rinks? Give me a break.

8 LEGISLATOR DERIGGI-WHITTON: Can
9 I just clarify something?

10 CHAIRWOMAN GONSALVES: I'm going
11 to clarify something for Ms. Mereday. The
12 fact that this is under discussion today,
13 you should know that prior to the committee
14 voting on this item, we met in executive
15 session, both sides of the aisle. Okay?0
16 there was no problem once we came out of
17 that executive session. It's not like we
18 are trying to sweep it under --

19 LEGISLATOR DERIGGI-WHITTON: No,
20 no, no. But when we were in executive
21 session, we were given different
22 information.

23 CHAIRWOMAN GONSALVES: Listen to
24 me. We're not losing this money. We are
25 using it elsewhere. It's not a question of

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2 just burying it elsewhere so it cannot be
3 used. We had an executive session on this
4 item. So without any further discussion,
5 I'm going to ask --

6 LEGISLATOR DERIGGI-WHITTON:

7 However, I would like to state why I'm
8 voting how I'm voting. It's absolutely not
9 correct. On the backup that was given to us
10 in executive session says one thing, which
11 says parks, will be reimbursed, and the
12 money will be used for parks.

13 Now they're telling us, no, no,
14 no, that's not going to happen, it's going
15 to go to maybe one park, or maybe it's going
16 to be -- the backup changed from the time we
17 were in executive session, from the time we
18 voted for it in committees and that's why
19 I'm going to have to vote against it. Not
20 that I don't believe in the settlement, but
21 I can't go along with this anymore. This is
22 not transparency. This is complete
23 confusion.

24 CHAIRWOMAN GONSALVES: I thank
25 you for your comments.

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2 MS. MEREDAY: I didn't get an
3 answer to my question. What was the
4 original claim that we have to have a
5 settlement? Do we not pay enough attorneys
6 around here?

7 CHAIRWOMAN GONSALVES: Ms.
8 Mereday, all of that was discussed in
9 executive session.

10 MS. MEREDAY: But what does that
11 have to do with -- I pay for executive
12 session, I pay for the lights here. We have
13 a right as taxpayers --

14 CHAIRWOMAN GONSALVES: Not when
15 we go into executive session.

16 MS. MEREDAY: We do. A contract
17 is public record.

18 CHAIRWOMAN GONSALVES. Excuse me,
19 I'm going to call the question.

20 MS. MEREDAY: It is public
21 record. It is public record.

22 CHAIRWOMAN GONSALVES: I'm
23 calling the question.

24 MS. MEREDAY: It is public
25 record.

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2 CHAIRWOMAN GONSALVES: Fine.

3 MS. MEREDAY: No. It's not fine.

4 CHAIRWOMAN GONSALVES: I'm

5 telling you when we meet in executive

6 session --

7 MS. MEREDAY: It's not fine.

8 Clearly do not have all the information,

9 they were asking pointed questions, and it

10 is shame on you and your constituency that

11 continues to fund these endeavors when your

12 name pops up in Newsday more than anybody

13 elses.

14 CHAIRWOMAN GONSALVES: Guess

15 what, Ms. Mereday? I'm not going to argue

16 with you.

17 MS. MEREDAY: It's a shameful

18 consideration for those of us who have to

19 pay these tax dollars to pay another legal

20 consultant upwards of \$200,000 between

21 salaries, hours, and fees to clean up yet

22 another mess. Do we need to go down the

23 record again, the consolidation, the red

24 light cameras, what else do you want us to

25 do?

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2 CHAIRWOMAN GONSALVES: I'm
3 calling the question.

4 MS. MEREDAY: VIP Splash, AbTech.

5 CLERK PULITZER: Ma'am, your
6 three minutes have expired.

7 CHAIRWOMAN GONSALVES: All those
8 in favor Item 15 signify by saying aye.

9 (Aye.)

10 Any opposed?

11 (Nay.)

12 The item passes 11 to 5. And two
13 recusals. So it's 11 to 5. Legislator
14 Jacobs and Minority Leader please join us in
15 the chamber.

16 Now, we have two other items that
17 we can call together and that's Item 18 and
18 20. Item 18 is Resolution 32, a resolution
19 authorizing the County Executive to execute
20 a grant agreement between the County of
21 Nassau acting on behalf of the Department of
22 Parks, Recreation and Museums in the
23 Freeport Historical Society; and, Item 20,
24 Resolution 34, authorizing the County
25 Executive to execute a grant agreement

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2 between the County of Nassau acting on
3 behalf of the Department of Parks,
4 Recreation and Museums and the Hood African
5 Methodist Episcopal Zion Church.

6 A motion for these two items.

7 LEGISLATOR DUNNE: So moved.

8 LEGISLATOR NICOLELLO: Second.

9 CHAIRWOMAN GONSALVES: Moved by
10 Legislator Dunne, seconded by Legislator
11 Nicolello. At this point I'm going to call
12 for an amendment in the nature of a
13 substitution.

14 There are, for both items, there
15 are changes which simply have to do with the
16 terms of the agreement, the term changed
17 from, this agreement shall commence on July
18 1st, 2015 and terminate on June 30th, 2016
19 unless sooner terminated as provided for
20 herein to this agreement will commence on
21 July 1st, 2015 and terminate on December
22 31st, 2016 unless sooner terminated as
23 provided for in the amendment.

24 Move on the amendment in the
25 nature of a substitution?

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2 LEGISLATOR DUNNE: So moved.

3 LEGISLATOR WALKER: Second.

4 CHAIRWOMAN GONSALVES: Moved by
5 Legislator Dunne, seconded by Legislator
6 Walker. All those in favor of the amendment
7 signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (No verbal response.)

11 Now for the items as amended:

12 Items 18 and Item 20. All those in favor of
13 Resolution 32 and Resolution 34 as amended
14 signify by saying aye.

15 (Aye.)

16 Any opposed?

17 (No verbal response.)

18 The items pass unanimously.

19 Now we are going to move to the
20 first item on the calendar and I'm going to
21 ask the clerk to please call Item 1.

22 CLERK PULITZER: Thank you. I
23 will proceed.

24 A local law to amend the County
25 Government Law of Nassau County in relation

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2 to personal service contracts.

3 CHAIRWOMAN GONSALVES: Motion to
4 open the hearing.

5 LEGISLATOR DUNNE: So moved.

6 LEGISLATOR NICOLELLO: Second.

7 CHAIRWOMAN GONSALVES: Moved by
8 Legislator Dunne, seconded by Legislator
9 Nicolello. All those in favor of opening
10 the hearing.

11 (Aye.)

12 Any opposed?

13 (No verbal response.)

14 The hearing on the proposed local
15 law is now open. Any comments? Would you
16 like to tell us what this is about, Mr. May?

17 MR. MAY: I believe this is the
18 local law that would lower the contract
19 threshold from \$25,000 to \$1,000 for all
20 contracts requiring Rules Committee
21 approval.

22 CHAIRWOMAN GONSALVES: Any
23 questions of Mr. May on this item? Minority
24 Leader.

25 LEGISLATOR ABRAHAMS: If we may,

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2 members of our side do have questions, Laura
3 Curran, myself, Legislator Solages.

4 CHAIRWOMAN GONSALVES: Who would
5 like to begin? Legislator Curran.

6 LEGISLATOR CURRAN: Thanks. So I
7 would start by saying I think this is a good
8 first step towards transparency and
9 accountability.

10 I would add, I know we have
11 talked before about the possibility of an
12 inspector general, and I would like to just
13 offer for the record into my colleagues on
14 the legislature some other first steps we
15 can take immediately really quickly to
16 engender more confidence in how our
17 contracts are approved.

18 The first thing we can do is have
19 a separation of the commissioner of the
20 investigations from the County Attorney.
21 They're very different jobs according to the
22 Charter.

23 So, the commissioner of
24 investigations job is to investigate the
25 county. Whereas, the county attorney's job

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2 is to represent the county and to be a legal
3 advisor.

4 The second thing we can do, very
5 quickly, was to have -- and I know Singas
6 talked about this, and I had planned to talk
7 about it also, is to have a database of
8 vendors. VENDEX is a nice example of that,
9 where it says what kind of contracts they've
10 done, what state they're from, what their
11 history is, so that we could all know
12 exactly what we are talking about when
13 talking about different vendors.

14 The third thing we can do, I know
15 the County Executive is talking about a
16 procurement officer, and he's looking to
17 hire one. I think it would be helpful for
18 this to be independent for people to think
19 that this is actually an independent
20 procurement officer is to have input into a
21 selection of this from both the majority and
22 minority on the Legislature.

23 So, along with this very first
24 step I would like to offer these three steps
25 as a starting point of what we can talk

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2 about. I will leave it at that. Thank you.

3 CHAIRWOMAN GONSALVES: Legislator
4 Solages.

5 LEGISLATOR SOLAGES: Yes. Thank
6 you very much, Presiding Officer. If we can
7 please have the County Attorney, Mr. Foskey
8 come forward because I have a lot of
9 questions as well, and I think, Mr. May, I
10 respect you as a commissioner --

11 CHAIRWOMAN GONSALVES: Regarding
12 what?

13 LEGISLATOR SOLAGES: Regarding
14 this item?

15 CHAIRWOMAN GONSALVES: The
16 contracts?

17 LEGISLATOR SOLAGES: Yes.

18 CHAIRWOMAN GONSALVES: Not the
19 commissioner of investigations?

20 LEGISLATOR SOLAGES: No.
21 Regarding this item.

22 CHAIRWOMAN GONSALVES: Okay.

23 MR. MAY: Sure. The County
24 Attorney, Judge Carnell Foskey, will be here
25 in just one second.

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2 COUNTY ATTORNEY FOSKEY: Good
3 afternoon.

4 LEGISLATOR SOLAGES: Good
5 afternoon, County Attorney. Just, again, as
6 a young attorney in Nassau County I have a
7 high respect for yourself in your position
8 as a judge, and also now as county attorney.

9 These are questions I have with
10 respect just to the current issue. By no
11 means is it disparaging upon your reputation
12 and your professionalism.

13 This bill would eliminate a
14 requirement that personal service contracts
15 be signed by the CE to be listed at the end
16 of every legislative calendar; is that
17 correct?

18 COUNTY ATTORNEY FOSKEY: That was
19 an error and we intend to make that change,
20 but, that being said, there is a memo dated
21 November 13th, 2015, where the County
22 Executive had indicated that he's attaching
23 a list of all contracts pending execution in
24 an amount less than \$25,000. So, actually,
25 we have been including those. You have been

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2 getting all those contracts below the
3 \$25,000 threshold.

4 LEGISLATOR SOLAGES: When do you
5 intend on making that amendment?

6 COUNTY ATTORNEY FOSKEY: We'll
7 make it as soon as practical, maybe the next
8 time we'll follow the rules of the leg and
9 we'll do an amendment, either amend the law
10 and we'll do it next time. It was just an
11 oversight, that's all.

12 LEGISLATOR SOLAGES: I understand
13 it was just an oversight and understand
14 there is no hidden agenda in doing that,
15 but, again, I don't want just piecemeal
16 reform. I think we can take with all of our
17 wonderful minds a comprehensive approach to
18 establishing meaningful reform.

19 If we will have four members of
20 the Rules Committee just continually pass
21 these contracts, it really doesn't matter if
22 it's \$25,000 or \$2 million. We need some
23 meaningful reform.

24 Without that amendment being on
25 the table today, in essence, what we are

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2 doing is we're reducing transparency here.

3 COUNTY ATTORNEY FOSKEY: As I
4 said to you, it says since November 15th we
5 have been sending you down all the contracts
6 anyway. It was a memo written to your
7 Minority Leader and to also the presiding
8 officer dated November 13th we've been doing
9 it. Contracts, the Rules Committee, and
10 pursuant to the Charter, we have been
11 sending you those contracts, and we plan to
12 continue. We have no reason not to continue
13 to send you those contracts.

14 LEGISLATOR SOLAGES: But, by
15 going forward, and I understand what you're
16 saying, but by going forward, you're
17 actually stopping to provide necessary
18 information which is less transparency.

19 COUNTY ATTORNEY FOSKEY: Not at
20 all. When we were not obligated to do it,
21 we did it, and we will continue to do it.

22 LEGISLATOR SOLAGES: Currently
23 now we have a list of all these contracts at
24 the end of the calendar and I can see what
25 is going on here. This couple of thousand

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2 going to this firm, a couple of thousand
3 going to this contractor. But now we don't
4 have that. I'm really concerned. Are you
5 giving an assurance, or some clear statement
6 that --

7 COUNTY ATTORNEY FOSKEY: It's
8 going to be done. And, also, remember those
9 contracts still go through ten hurdles
10 including three times at the County
11 Attorney's office. It goes back and forth.
12 So those, whether the contract is \$1,000,
13 \$1,200, \$2,000, it will still get that same
14 scrutiny as it always has.

15 As you well know, it goes to ten
16 places including the Comptroller's Office,
17 the County Executive, and, as I said, the
18 County Attorney actually gets three sign
19 offs on those particular contracts.

20 LEGISLATOR SOLAGES: With all due
21 respect, County Attorney, they can go
22 through at least 20 hurdles, but still won't
23 have the transparency that's needed.

24 LEGISLATOR SOLAGES: With all due
25 respect to you, other than what we already

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2 done, which is clear, what the vendor claim
3 forms, the lobbyist forms, and other way, as
4 you can see, there are certain steps made
5 along the way, and this whole process of
6 having contracts come between \$1,000 and
7 \$25,000 is another step in that process of
8 transparency. Beyond that, I have nothing
9 else to say regarding that issue.

10 LEGISLATOR SOLAGES: Does this
11 bill address the potential problem of a
12 department entering multiple \$999.99
13 contracts with a favored vendor?

14 COUNTY ATTORNEY FOSKEY: It's not
15 practical. It's not practical to have 50
16 contracts.

17 LEGISLATOR SOLAGES: Why not?

18 COUNTY ATTORNEY FOSKEY: Because
19 of the protocols in place. First of all,
20 the fact that it comes to the County
21 Attorney's Office three times, someone is
22 going to reject that contract when we see
23 those type of contracts. It's just not
24 practical that those contracts would not be
25 flagged. If you look at Section 103, there

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2 were a whole series of other contracts which
3 never came here.

4 So, what I'm saying to you is,
5 it's not practical. You are referring to
6 the aggregate of \$50,000. When it was
7 \$24,000, you can do two contracts that
8 didn't go to leg. But, in this situation,
9 it's just not practical, it would make no
10 sense.

11 LEGISLATOR SOLAGES: I understand.
12 But if such an abuse did occur under this
13 bill, we wouldn't even know about it because
14 you would --

15 COUNTY ATTORNEY FOSKEY: The
16 Comptroller would know about it, OMB would
17 know it, the County Attorney would know
18 about it. There's all layers of the
19 protocols that would become aware of what's
20 going on here. Ten levels of approval.

21 LEGISLATOR SOLAGES: This is an
22 important step and to end the abuse of low
23 dollar amount contracts, I understand that,
24 but why shouldn't there be more legislative
25 oversight of very high dollar contracts?

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2 COUNTY ATTORNEY FOSKEY: That's
3 another issue for another day. I came here
4 in good faith to talk about the \$25,000 and
5 less. That's why I came here.

6 If you want to debate that
7 amongst yourselves another day, I didn't
8 come here to discuss that.

9 LEGISLATOR SOLAGES: I have no
10 more questions but I think my colleagues
11 have some questions.

12 CHAIRWOMAN GONSALVES: Minority
13 Leader.

14 LEGISLATOR ABRAHAMS: Thank you,
15 Madam Presiding Officer.

16 COUNTY ATTORNEY FOSKEY: Just
17 about the VENDEX, we did look at that and we
18 are looking at the VENDEX system, the
19 director for procurement, that we are
20 interested in doing that. So that's
21 something that is reasonable, and from a
22 financial standpoint if it can be done, it
23 will more than likely be done.

24 LEGISLATOR CURRAN: I'm very
25 happy to hear that, thank you.

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2 Would that be the procurement
3 officer with the -- from the minority and
4 majority?

5 COUNTY ATTORNEY FOSKEY: I don't
6 know the format of it. I knew there were
7 some legal issues involved with it. It was
8 the director of procurement, it would be the
9 VENDEX system is something that we are very
10 interested in.

11 LEGISLATOR CURRAN: Great. I
12 think that would be a huge benefit. Thank
13 you.

14 CHAIRWOMAN GONSALVES: Minority
15 Leader.

16 LEGISLATOR ABRAHAMS: Thank you
17 again, Madam Presiding Officer.

18 First thing, Judge Foskey, have
19 you been able to compile the report we had
20 talked about regarding the investigations
21 your officers handle?

22 LEGISLATOR ABRAHAMS: No. I did
23 not compile that report. I know we
24 discussed it but I did not compile it, no.

25 LEGISLATOR ABRAHAMS: When do you

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2 think we can have that?

3 COUNTY ATTORNEY FOSKEY: Well, I
4 will go back to my office and, when I have
5 some time, I will look into it. I assure
6 you I will look into it.

7 LEGISLATOR ABRAHAMS: Thank you.
8 You had mentioned in your dialogue in your
9 back and forth with legislator Solages that
10 there are ten levels of approval. Can you
11 discuss those ten levels with us again, just
12 for the record?

13 COUNTY ATTORNEY FOSKEY: Of what
14 I do know about them, I know it goes back
15 and forth. There's three times the County
16 Attorney, there's OMB. You can look at the
17 routing slip on every contract that would
18 run you through the different approvals.

19 MR. MAY: Just to give you an
20 idea of what the contracting system looks
21 like of the approval for any of these
22 contracts, whether it's \$25,000 or less
23 than, it always start at the department
24 level. The department creates the contract.
25 The contract is sent out to the vendor. The

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2 vendor reviews the contract. The vendor
3 sends the contract back to the department
4 that initiated the contract.

5 Then the contract is sent to OMB
6 for review. Then it's sent to the County
7 Attorney for review both as to form and as
8 to insurance.

9 Then if it's going to the
10 Legislature, it would go to the Office
11 Director of Legislative Affairs. The
12 contract would be reviewed again.

13 It would be reviewed by the
14 counsel to the County Executive.

15 It would be sent to the
16 Legislature. The Legislature will review
17 it. The Legislature of the Rules Committee
18 will vote on it.

19 Once it's approved, typically it
20 goes back to the County Attorney's Office.
21 The County Attorney's Office checks it out
22 in NIFS. Once it's checked out in NIFS, it
23 gets sent to the Director of Legislative
24 Affairs.

25 It goes to the Comptroller's

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2 Office for their 15 step approval process.
3 When it's done at the 15 step approval
4 process in the Comptroller's Office, if it
5 needs NIFA approval, NIFA it comes back to
6 the Office of the Director of Legislative
7 Affairs. It's sent to NIFA. NIFA then
8 approves it.

9 Then it comes back to the Office
10 of the Director of Legislative Affairs, and
11 then it is signed by the County Executive.
12 Then it is copied and then it sent down to
13 the Clerk of the Legislature for a
14 certification. I think I got like 20 in
15 there. I might have been a little
16 excessive.

17 CHAIRWOMAN GONSALVES: I think
18 you have them all in. I have them in front
19 of me, I think you have them all.

20 LEGISLATOR ABRAHAMS: Thank you,
21 Mr. May, on those steps. It sounds like
22 there are a lot of steps. And the reason I
23 asked the question is because I know in the
24 District Attorney's report it mentioned that
25 the steps were obscure.

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2 But, that being said, we have ten
3 levels of steps, however, some of the more
4 embarrassing contracts that have been
5 plastered on Newsday, such as the Blue Chip
6 Marketing contract, which I think everyone,
7 if they had an opportunity to vote on, would
8 not vote on. I'm going to ask about that a
9 little bit later.

10 Then, in regards to the Bo Deitl
11 & Associates contract, or Deitl & Associates
12 contract again. Then, the AbTech contract,
13 these are all contracts, or maybe not the
14 first two, but the AbTech contract went
15 through these steps.

16 It doesn't seem to me that adding
17 steps is the problem. The problem is,
18 there's nobody independent to look at it.
19 That goes back to my original point from
20 last week, and I wanted to ask you on the
21 record, Judge Foskey, in regards to your
22 role as the Commissioner of Investigations,
23 as your role versus the County Attorney
24 because a bill like that's before us today
25 loses its merit and teeth if it can't be

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2 enforced with an independent inspector
3 general.

4 So I wanted to make sure I
5 understand you for the record again because
6 I thought I heard you say it last week, is
7 there any basic conflict between the role of
8 the Commissioner of Investigations and the
9 role of the County Attorney?

10 CHAIRWOMAN GONSALVES: May I
11 interject at this point? Minority Leader, I
12 believe that the County Executive right now
13 in regard to the Commissioner of
14 Investigations, and I don't have all of the
15 information, but I do know that he has
16 planned and is planning to separate the
17 Commissioner of Investigations from the
18 County Attorney's Office.

19 So, in other words, Judge Foskey
20 will not be the Commissioner of
21 Investigations. I'm sorry, but I to --

22 LEGISLATOR ABRAHAMS: So, in that
23 in itself, is that basically saying yes to
24 my question?

25 CHAIRWOMAN GONSALVES: What is

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2 your question?

3 LEGISLATOR ABRAHAMS: I thought
4 you heard my question because you
5 interjected.

6 CHAIRWOMAN GONSALVES: Can he
7 separate himself from the Commissioner of
8 Investigations?

9 LEGISLATOR ABRAHAMS: No. My
10 question was, "is there a conflict between
11 the role of Commissioner of Investigations
12 and the role of the County Attorney?" By
13 you saying that, Madam Presiding Office, it
14 appears that there is.

15 CHAIRWOMAN GONSALVES: What?
16 Stop reading into things.

17 LEGISLATOR NICOLELLO: Not
18 necessarily.

19 LEGISLATOR ABRAHAMS: Then he can
20 answer my question.

21 CHAIRWOMAN GONSALVES: Answer the
22 question, Judge Foskey.

23 COUNTY ATTORNEY FOSKEY: As it
24 stands now, they're both jobs, exist in the
25 Charter, and based on the Charter, I don't

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2 see any conflict if you look at the Charter.
3 That's my answer.

4 LEGISLATOR ABRAHAMS: Under the
5 Charter, I'm looking at Section 206, under
6 the Charter, isn't the Commissioner of
7 Investigation's job to investigate the
8 county and the county departments?

9 COUNTY ATTORNEY FOSKEY: I go
10 back to my other statement. I came here
11 today to discuss the professional contracts
12 less than \$25,000. That's what I came here
13 to discuss.

14 LEGISLATOR ABRAHAMS: Mr. Foskey,
15 in all due respect, I'm sorry, Judge Foskey,
16 we are here to put together items that is
17 going to reform the contract process in the
18 county. The bill that's before us, yes --

19 COUNTY ATTORNEY FOSKEY: And if
20 you have that discussion without me standing
21 before you, I came to hear any questions
22 about the item number, that's what I came
23 prepared to discuss today.

24 LEGISLATOR ABRAHAMS: So, Judge
25 Foskey, you're not here prepared to discuss

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2 reforms for this county?

3 COUNTY ATTORNEY FOSKEY: I didn't
4 say that. You said that. What I'm saying
5 to you is, I'm here to discuss the clerk
6 item number that appears before the
7 calendar. I was asked to come here to
8 present for that. I came in good faith for
9 that and that's what I'm here to do. I came
10 through these doors in good faith, like
11 anyone else who came to speak before you
12 today.

13 LEGISLATOR ABRAHAMS: Judge
14 Foskey, maybe you are not familiar with our
15 process, but during a hearing, anything can
16 be discussed --

17 CHAIRWOMAN GONSALVES: No, no.

18 COUNTY ATTORNEY FOSKEY: That
19 being said, I am a resident, I'm a taxpayer,
20 and because I come through those doors, I
21 don't lose certain rights because I come
22 through those doors.

23 I came here in good faith to
24 discuss those clerk items, and that's what I
25 came here to discuss. If you have other

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2 items to discuss, it's not a lack of
3 preparation, but it's just that I came here
4 in good faith to discuss the threshold of
5 lowering contracts that come before you
6 below \$25,000 to \$1,000.

7 LEGISLATOR ABRAHAMS: Judge
8 Foskey, the reason that this is coming up in
9 this context now is that our side, the seven
10 members that sit on this side submitted a
11 bill that not only did what is before us
12 today in regards to contracts, \$1,000 or
13 greater, but we also added an inspector
14 general component to our bill.

15 COUNTY ATTORNEY FOSKEY: That
16 bill was never given to the County
17 Attorney's Office. I've never seen it. You
18 filed it on your own. I never had an
19 opportunity to --

20 LEGISLATOR ABRAHAMS: We filed it
21 in the Clerk of the Legislature, and this
22 legislative body could have seen it because
23 it's been filed --

24 COUNTY ATTORNEY FOSKEY: It was
25 never sent to the County Attorney's Office

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2 for review.

3 LEGISLATOR ABRAHAMS: Judge
4 Foskey, we are not debating whether it was
5 sent to you or not. I'm asking you for your
6 input.

7 COUNTY ATTORNEY FOSKEY: I can't
8 give you input on something I've never seen.

9 LEGISLATOR ABRAHAMS: But you
10 don't need to see the bill, Judge Foskey, to
11 know that --

12 COUNTY ATTORNEY FOSKEY: I'm a
13 lawyer. I'm not going to input on something
14 I've never seen.

15 CHAIRWOMAN GONSALVES: I'm going
16 to interject a minute.

17 LEGISLATOR ABRAHAMS: Of course.

18 CHAIRWOMAN GONSALVES: I'm sorry,
19 but your question of Judge Foskey is not
20 germane to this hearing.

21 LEGISLATOR ABRAHAMS: Yes, it is.
22 It's germane to contract reform, Madam
23 Presiding Officer.

24 CHAIRWOMAN GONSALVES: No, it's
25 not. It's germane to these items that are

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2 \$1,000 and up.

3 LEGISLATOR ABRAHAMS: My comments
4 in regards to an inspector general is making
5 this bill that's before us better. I'm not
6 talking about the sky is blue or county cars
7 in this bill, I'm talking about putting in a
8 measure which adds more scrutiny and more
9 oversight to a process that we all commit
10 needs it desperately.

11 CHAIRWOMAN GONSALVES: You know
12 what, I really don't want to argue with you
13 at this point.

14 LEGISLATOR ABRAHAMS: There's no
15 argument.

16 CHAIRWOMAN GONSALVES: I'll tell
17 you why. Because if you look at the
18 responsibilities of the Commissioner of
19 Investigations, the powers and obligations
20 of the Commissioner of Investigations, they
21 are -- it's no different than an Inspector
22 General.

23 Furthermore, the Commissioner of
24 Investigations also has subpoena power, just
25 like an Inspector General.

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2 LEGISLATOR ABRAHAMS: Madam

3 Presiding Officer, I'm glad you brought that
4 up, and we, too, agree that the powers of
5 the Commissioner of Investigations, yes,
6 could be very similar to the Inspector
7 General, but the problem that seems to be
8 the hiccup that I think you either forget or
9 just are omitting purposely is the fact that
10 neither one is independent.

11 And, right now, there is no
12 independence in that Legislature. If you
13 heard what Madam District Attorney Singas
14 said on the floor is the need for
15 independent scrutiny of this process to add
16 a level of transparency to it. Right now
17 that does not exist.

18 No one is arguing that Judge
19 Foskey has in his authority as Commissioner
20 of Investigations the authority in terms of
21 subpoena power and to investigate contracts.
22 We are not saying he doesn't have that
23 authority. But he doesn't have the
24 appearance of an independent nature. That's
25 what this process needs more than anything

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2 else.

3 We have seen some of the
4 contracts that have come through this
5 legislative body such as AbTech. We have
6 also seen some of these contracts that have
7 been approved through a personal service
8 agreement in Deitl Associates and Blue Chip.

9 I don't know about you, but
10 anyone should be embarrassed that these
11 contracts are actually going through this
12 county. We talked about a ten step process,
13 and in all fairness, Judge Foskey, you can
14 have 20 steps, but you never caught it. You
15 never caught AbTech.

16 You know why? It's not your
17 fault because we don't have the resources
18 and the mechanisms in place to capture an
19 AbTech. We don't have an investigator. We
20 don't have an individual that's scrutinizing
21 emails and disclosures. That is the reason
22 we didn't catch it. I'm not putting any
23 fault on Judge Foskey, but I'm going to --
24 the way this is now, we still wouldn't catch
25 an AbTech. I don't know how in this day and

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2 age anyone can vote on these contracts and
3 not have that level of disclosure.

4 So if you're not going to answer
5 questions in regards to the role of the
6 Commissioner of Investigations in regards to
7 the County Attorney, I do want to dive into
8 a couple of other questions in regard to the
9 form of the bill, if that's okay, Madam
10 Presiding Officer.

11 CHAIRWOMAN GONSALVES: Be my
12 guest, Minority Leader.

13 LEGISLATOR ABRAHAMS: Thank you.
14 And I know Legislator Solages wants to
15 follow up as well.

16 CHAIRWOMAN GONSALVES: And we
17 have Nicolello and Kopel.

18 LEGISLATOR ABRAHAMS: I do want
19 to discuss this bill, Judge Foskey, in the
20 context of the Blue Chip contract, Blue Chip
21 marketing?

22 COUNTY ATTORNEY FOSKEY: I didn't
23 come here once again to discuss Blue Chip.

24 LEGISLATOR ABRAHAMS: I want to
25 discuss Blue Chip because Blue Chip is a

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2 contract that would have come through the
3 Rules Committee --

4 COUNTY ATTORNEY FOSKEY: If it
5 was a contract under \$25,000, yes, it would
6 have come through.

7 LEGISLATOR ABRAHAMS: Which it
8 was, yes.

9 COUNTY ATTORNEY FOSKEY: Not
10 necessarily it would not come. Under this
11 bill it would have come through.

12 LEGISLATOR ABRAHAMS: Yes. Under
13 this bill it would have come through.
14 That's why I want to discuss it. Is it okay
15 to discuss this? Is that all right, Madam
16 Presiding Officer, if I discuss this bill?

17 COUNTY ATTORNEY FOSKEY: I'm not
18 going to discuss particulars of Blue Chip
19 because I'm not familiar with the contract.

20 CHAIRWOMAN GONSALVES: Just stay
21 on course.

22 LEGISLATOR ABRAHAMS: Maybe not
23 particulars, but I want to talk about the
24 contract in the context. From our reading
25 of the contract, from what we could see,

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2 there were to deliverables that were tied to
3 payments of \$4,900 per month for five
4 months.

5 COUNTY ATTORNEY FOSKEY: I don't
6 have a contract before me so I'm not going
7 to comment on a Blue Chip contract.

8 Once again, if you want to talk
9 about this particular bill, the local law
10 before you, I will be more than happy, but
11 not in the context of any particular item.

12 LEGISLATOR ABRAHAMS: So, Judge
13 Foskey, is it conceivable to think we will
14 see more Blue Chip contracts, contracts that
15 are --

16 COUNTY ATTORNEY FOSKEY: I stand
17 by my earlier --

18 LEGISLATOR ABRAHAMS: I
19 understand what you stand by, but what I'm
20 asking is, one of the most glaring flaws of
21 the Blue Chip contract is that it was deemed
22 a sole source contract. That contract from
23 my standpoint doesn't have the merits of a
24 sole source contract. I think anybody,
25 maybe 10, 12 people in Nassau County can do

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2 that contract.

3 COUNTY ATTORNEY FOSKEY: That's
4 your opinion. I'm not going to comment on
5 that.

6 LEGISLATOR ABRAHAMS: What is
7 your opinion?

8 COUNTY ATTORNEY FOSKEY: I don't
9 have the contract before me. You have
10 information before you that I do not have
11 before me.

12 LEGISLATOR ABRAHAMS: Let me be
13 clear, Judge Foskey. Didn't you recommend
14 this contract?

15 COUNTY ATTORNEY FOSKEY: I don't
16 have the contract before me.

17 LEGISLATOR ABRAHAMS: I heard you
18 say that three times now.

19 COUNTY ATTORNEY FOSKEY: My
20 opinion stands the same. I don't recall the
21 year of the contract.

22 LEGISLATOR ABRAHAMS: So let's
23 just be clear. Let's just have an honest
24 discussion.

25 COUNTY ATTORNEY FOSKEY: Let's be

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2 clear. If it's not about the law that's
3 here today, you can continue with your
4 dialogue if you want to, but it's going to
5 be a one part dialogue. I'm not here to
6 discuss the Blue Chip contract.

7 LEGISLATOR ABRAHAMS: Is there
8 someone from your office that can discuss
9 the Blue Chip contract?

10 COUNTY ATTORNEY FOSKEY: There's
11 not anyone from my office here today.

12 LEGISLATOR ABRAHAMS: There's no
13 one from your office that can discuss Blue
14 Chip?

15 COUNTY ATTORNEY FOSKEY: Not here
16 today.

17 LEGISLATOR ABRAHAMS: I see. So,
18 basically, the county goes and deems a sole
19 source contract for Blue Chip. It puts
20 together deliverables that are \$4,900 a
21 month for five months and all of this, at
22 the same time, I want to know -- you said
23 that there's ten levels of scrutiny, should
24 we continue to see contracts that could come
25 before -- because now this is going to come

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2 before us.

3 COUNTY ATTORNEY FOSKEY: Those
4 are your words.

5 LEGISLATOR ABRAHAMS: I want to
6 hear your words but you're not saying
7 anything.

8 COUNTY ATTORNEY FOSKEY: I don't
9 have any comments. You went into this
10 knowing what you were going to ask me. You
11 knew that.

12 LEGISLATOR ABRAHAMS: In asking a
13 line of any questions, I'm going to know
14 what I'm going to ask you. That's kind of
15 how it works.

16 COUNTY ATTORNEY FOSKEY: I came
17 here to discuss contracts coming to this
18 body that are below \$25,000, between \$1,000
19 and \$25,000. That's why I came. Contracts
20 going forward.

21 LEGISLATOR ABRAHAMS: I'm going
22 to try to refresh your memory.

23 COUNTY ATTORNEY FOSKEY: I don't
24 think I said my memory needs to be
25 refreshed.

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2 LEGISLATOR ABRAHAMS: I'm going
3 to refresh your memory.

4 COUNTY ATTORNEY FOSKEY: I didn't
5 recall saying that my memory needed to be
6 refreshed.

7 LEGISLATOR ABRAHAMS: You said
8 you're not familiar with the contract, so
9 I'm going to try to refresh your memory.

10 COUNTY ATTORNEY FOSKEY: There's
11 nothing you can tell me that would refresh
12 my recollection today.

13 LEGISLATOR ABRAHAMS: Well,
14 there's a memo from you that actually
15 indicates that you are recommending the
16 contract. I have it here. Would you like
17 me to read it to you?

18 COUNTY ATTORNEY FOSKEY: No.

19 CHAIRWOMAN GONSALVES: Please
20 stay on course. This is not the course that
21 this hearing is about.

22 LEGISLATOR ABRAHAMS: Madam
23 Presiding Officer, let me explain to you the
24 course because maybe we're not really
25 grabbing it. The Blue Chip marketing

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2 contract, the same one that has been all
3 over Newsday for the last couple of weeks,
4 that is a contract that will now come before
5 this legislative body that did not come
6 before this body in the past.

7 Judge Foskey had described ten
8 steps in regards to this process -- I'm
9 sorry, Mr. May described ten steps in
10 regards to this process that contracts that
11 go through this body, go through the county,
12 will endure.

13 What I'm trying to get from Judge
14 Foskey is how those steps would take place
15 going forward with this bill in place. I
16 can't get an answer to that.

17 COUNTY ATTORNEY FOSKEY: What I
18 can tell you is, going forward, those
19 contracts take place in conjunction with all
20 the other reforms, the lobbying reforms, the
21 campaign contribution forms, the vendor
22 disclosure forms, all those now go into
23 place. The reform with the RFP process,
24 there was a form last July. That process
25 that was used back then is no longer being

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2 used. To the extent, that's all I have to
3 say. I have nothing else to say.

4 LEGISLATOR ABRAHAMS: Judge
5 Foskey.

6 COUNTY ATTORNEY FOSKEY: I have
7 nothing else to say. If you look at the
8 reform process, the way it works --

9 LEGISLATOR ABRAHAMS: Madam
10 Presiding Officer, maybe you can get an
11 answer to my questions because I'm not
12 getting an answer here.

13 CHAIRWOMAN GONSALVES: Well, if
14 you stay on course, maybe you'll get the
15 answer.

16 LEGISLATOR ABRAHAMS: Let me
17 point them to you to what I'm driving at.

18 This contract was deemed as a
19 sole source. Who would scrutinize that from
20 Judge Foskey office to determine if
21 something is a real sole source or not a
22 sole source?

23 CHAIRWOMAN GONSALVES: Why don't
24 you do this, why don't you just make a
25 statement as to what you want to see happen

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2 and then we can proceed?

3 LEGISLATOR ABRAHAMS: No. This
4 is a hearing. I'm asking questions.

5 CHAIRWOMAN GONSALVES: I know
6 it's a hearing, but --

7 LEGISLATOR ABRAHAMS: You want to
8 move on, you want to go home? I understand.
9 I want to go home too. I have two loving
10 children and want to go home.

11 CHAIRWOMAN GONSALVES: No, no.
12 Listen, Minority Leader. These are all
13 going to be coming to us. They did not come
14 to us before. So there is another layer
15 here.

16 LEGISLATOR ABRAHAMS: That's the
17 scary part.

18 CHAIRWOMAN GONSALVES: I'm not
19 scared because if you don't do your homework
20 then it is scary.

21 LEGISLATOR ABRAHAMS: We did our
22 homework. We always do our homework.
23 That's not the issue.

24 CHAIRWOMAN GONSALVES: Do you
25 have another question for Judge Foskey?

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2 LEGISLATOR ABRAHAMS: Well, he's
3 not answering my question, so I asked them
4 to be asked by you.

5 CHAIRWOMAN GONSALVES: I'm not
6 going to ask your questions because they're
7 not germane to this hearing. Okay? And I
8 have two other legislators that would like
9 to say something.

10 LEGISLATOR ABRAHAMS: I
11 understand that. If Judge Foskey will not
12 answer the questions, then I need to have
13 someone here or I'm going to respectfully
14 request to table this item. Or we will
15 table the item when it comes before us. I
16 know this is the hearing.

17 CHAIRWOMAN GONSALVES: Make a
18 motion. No, no. I have two other
19 legislators who have the right to ask the
20 questions. So you are not going to adjourn
21 a hearing that's still open.

22 LEGISLATOR ABRAHAMS: Actually,
23 Madam Presiding Officer, I asked to move to
24 adjourn. I know it takes a majority to
25 actually adjourn.

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2 CHAIRWOMAN GONSALVES: Guess
3 what, not before two other legislators have
4 their right to say something.

5 LEGISLATOR ABRAHAMS: So I
6 respectfully request when those members are
7 done that I move to adjourn this meeting
8 based on the fact that Judge Foskey has not
9 been able to answer any of the questions
10 that are before us. Actually, as per
11 counsel, it's actually moved to close and
12 recess the hearing.

13 CHAIRWOMAN GONSALVES: Legislator
14 Nicolello.

15 LEGISLATOR NICOLELLO: I just
16 wanted to address some of the comments that
17 have been made. First of all, this is the
18 first step, the very first step that the
19 county is making. In fact, there are new
20 disclosure requirements for lobbyists,
21 vendors and consultants. A detailed
22 business history for those who do business
23 with the county is now required.

24 The county is hiring a
25 procurement compliance director and

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2 political contribution disclosure with
3 accompanying affidavits to insure that
4 contributions are not made with exception of
5 a governmental benefit.

6 With those reforms, with those
7 procedures in place, Nassau County has one
8 of the most stringent contracting processes
9 probably in the state, if not elsewhere in
10 the country.

11 Secondly, the comment was made
12 that reducing the threshold from \$25,000 to
13 \$1,000 for the contracts to come before the
14 Rules Committee somehow reduces
15 transparency. I can't even understand how
16 to address that because -- would you mind if
17 I finish?

18 CHAIRWOMAN GONSALVES: Legislator
19 Solages, please.

20 LEGISLATOR NICOLELLO: Let me
21 finish my point. The point is, that
22 reducing the threshold of \$25,000 to \$1,000
23 insures that many many more contracts will
24 come to us thereby increasing transparency.
25 I really don't think there is any debate

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2 about that.

3 I would point out in that regard
4 that County Executive Mangano has been
5 listing the contracts on our agendas that
6 are under \$25,000, which is required in the
7 Charter, which is something that the Suozzi
8 Administration failed to do, because they
9 weren't worried about the issue way back
10 when.

11 I would also point out that Blue
12 Chip and Bo Deitl have been raised. They
13 will now of course be coming to the
14 Legislature because of their \$24,000, under
15 the \$25,000 threshold, and we will have the
16 opportunity to ask whatever questions we
17 want to. For every contract \$1,000 or over.

18 Just a point about the
19 Commissioner of Investigations which was
20 created by the Suozzi Administration and has
21 the same powers as the Inspector General
22 position that my colleagues want us to
23 create. So, essentially, from my point of
24 view, it's simply a change of name.

25 The urgency that we have this

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2 independent "figure" is because the way
3 we're going to do this, by having a
4 two-thirds majority is not something that's
5 required by the State of New York, it's not
6 something that's required by New York City.

7 In fact, I think you would be
8 hard pressed to find any Legislature
9 anywhere in the country that has to vote on
10 a position like this with the two thirds
11 majority.

12 One of the reasons we don't want
13 to have a vote of a two-thirds majority on
14 this position, because we see what the
15 minority will do with their power.

16 For example, later today we are
17 going to be voting on funding for the
18 capital plan. They are going to use their
19 ability having more than a third of the
20 members to block that. So, of course, we
21 don't want that to happen. In my opinion,
22 this is simply a power grab.

23 We have a Commission of
24 Investigations, that's going to do the exact
25 same thing that an Inspector General will

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2 do, and we will go forward, and so that's my
3 statement.

4 CHAIRWOMAN GONSALVES: Legislator
5 Kopel.

6 LEGISLATOR KOPEL: I just wanted
7 to add a few things to what the Deputy
8 Presiding Officer said. I think that what
9 we're doing over here, with all due respect
10 to my colleagues on the left here, is we're
11 fighting over definitions, and we're
12 fighting over control, and we're trying to
13 create a political position of something
14 that ought not to be.

15 I will explain what I mean. The
16 powers of a Commissioner of Investigations
17 as opposed to Inspector General, they're the
18 same. We are talking about labels here.
19 We're talking about names. It's meaningless
20 in terms the power.

21 In terms of whether they're
22 independent or not -- let's just stick with
23 the question of what they're doing now.

24 If we're lowering everything down
25 to \$1,000 from \$25,000, then what is going

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2 to happen is that we've got all the
3 statements that have to come to us from the
4 proposed contractors and, at that point, if
5 three out of the seven members of the Rules
6 Committee refuse to do their job and don't
7 look at it and don't vote and don't ask the
8 questions, well, then, that's our fault.

9 If something gets past the Rules
10 Committee if we do our job, then that's
11 already the result of criminal
12 misstatements, and we've already got someone
13 to do that, we've got someone to check on
14 that, that person has been elected and that
15 person is called the District Attorney.
16 That's her job.

17 We don't need to create a KGB or
18 Star Chamber atmosphere where every single
19 time somebody buys something or does
20 something, that we're going to have somebody
21 checking it out.

22 I mean, quite frankly, were I a
23 vendor, I might hesitate to even get
24 involved with something like that. It's
25 just not worth it, if we've got such an

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2 atmosphere going on over here.

3 So, what we have got over here is
4 to give power to a minority of elected
5 officials and have those people have a veto
6 over the identity of the Commissioner of
7 Investigations/Inspector General, and I'm
8 using that slash because they're generally
9 the same.

10 I don't know that we necessarily
11 even have the authority to require a super
12 majority in this kind of case. I think that
13 we -- I don't know about this, but that's
14 something that you might have to advise us
15 on, we might even have to change the Charter
16 for something like that. It doesn't make
17 any sense.

18 So, the bottom line is over here,
19 that in my view, we're having a political
20 fight. The political fight is people are
21 trying to make hay out of the fact that
22 there are some crooks. Now, the fact that
23 Dean Skelos may been convicted of doing
24 something improper, you know something,
25 there's always going to be crooks, whether

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2 it's Dean Skelos or Sheldon Silver or anyone
3 out there. Those are people. That's the
4 DA's job. That's the DA's job to catch it.

5 Our job over here is giving the
6 proper disclosures that people have to make
7 before they're given a contract of any
8 significance and certainly I think nobody
9 can argue in good faith that any contract
10 below \$1,000 is significant in the context
11 of a 3 plus billion dollar budget.

12 If we do our job, those things
13 should not get through if they're not
14 proper. Your question, Mr. Minority Leader,
15 as to who's going to check it out and make
16 sure things are, we do, you do, I do.

17 If the disclosures are incorrect,
18 there's nothing that we can do about that
19 because we only know what we're told. If
20 somebody lies, then that's the DA's job.

21 So, therefore, I think that this
22 fight in the proposals to make these changes
23 are completely inappropriate and, with all
24 due respect, once again, I think it's
25 political posturing.

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2 LEGISLATOR SOLAGES: Presiding
3 Officer?

4 CHAIRWOMAN GONSALVES: Legislator
5 Solages.

6 LEGISLATOR SOLAGES: Thank you,
7 Presiding Officer. Again, good afternoon,
8 Mr. Foskey.

9 Mr. Kopel mentioned Dean Skelos
10 and the conviction of Dean Skelos of what I
11 read in the news and also the transcript of
12 the trial involved some items that were not
13 practical, as you mentioned before. It
14 wasn't practical for Senator Skelos to
15 discuss details of the AbTech contract with
16 a high level ranking official of the
17 administration at a funeral for a fallen
18 police officer, that wasn't impractical, but
19 it did happen.

20 So, now, I repeat my question to
21 you. I asked you before, does this bill
22 address the potential problem of a
23 department entering multiple \$999.99
24 contracts with a favored vendor. You said
25 that wasn't practical. Again, is it

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2 possible?

3 COUNTY ATTORNEY FOSKEY: I don't
4 see how it's possible. That's my answer.

5 LEGISLATOR SOLAGES: You don't
6 see how it's possible?

7 COUNTY ATTORNEY FOSKEY: I don't
8 see how it's possible, no.

9 LEGISLATOR SOLAGES: I really
10 don't think you're being realistic here.

11 COUNTY ATTORNEY FOSKEY: You can
12 disagree with me but I don't see how it's
13 possible.

14 LEGISLATOR SOLAGES: We have a
15 conviction involving a senator who is
16 pushing a contract to benefit his son at a
17 funeral for a fallen officer which is not
18 practical but you're telling me that such
19 practical things are not possible of
20 happening.

21 COUNTY ATTORNEY FOSKEY: That
22 contract would have accompanied, as
23 Legislator Kopel said, that contract would
24 have been accompanied by numerous forms that
25 would have required disclosure of the

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2 contact.

3 LEGISLATOR SOLAGES: But AbTech
4 and the conviction of the fallen senator is
5 about undue influence. Is it possible that
6 this provision that changes the threshold --

7 COUNTY ATTORNEY FOSKEY: I'm
8 going to rely on the comments that
9 Legislator Kopel said. I think he covered
10 it pretty well. Thank you.

11 LEGISLATOR SOLAGES: With all due
12 respect, your testimony here today is very
13 similar to what the sheriff provided in
14 December if which he obstructed justice by
15 not answering some questions. And now he's
16 answering questions before the AG. So, I'm
17 asking you --

18 COUNTY ATTORNEY FOSKEY: Excuse
19 me? Excuse me?

20 LEGISLATOR SOLAGES: I'm asking
21 you, sir, the question. I'm not asking you
22 to obstruct. I'm asking you a question.
23 I'm not asking you to obstruct. I'm asking
24 you to provide an answer. I asked you, is
25 it possible for it to happen?

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2 COUNTY ATTORNEY FOSKEY: I gave
3 you my answer, sir.

4 LEGISLATOR SOLAGES: I have
5 another question. I'm not done with my
6 questioning, off another question raised by
7 Legislator Kopel and his questions, he
8 raised the, I guess if this would pass legal
9 muster, if this would violate the County
10 Charter, because, in essence, and I do
11 intend voting for this, but in essence it's
12 inadequate.

13 But, in essence, you're giving a
14 power of the County Executive now to another
15 body. Would this violate the County Charter
16 in that sense?

17 COUNTY ATTORNEY FOSKEY: I don't
18 know what the question is.

19 LEGISLATOR SOLAGES: Can you do
20 this without changing the County Charter?

21 COUNTY ATTORNEY FOSKEY: I would
22 have to research it.

23 LEGISLATOR SOLAGES: But the bill
24 that you said that you did not see but
25 several of your deputies did see required

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2 and asked for a change to the County
3 Charter. So, I'm asking you here today --

4 COUNTY ATTORNEY FOSKEY: I'm not
5 sure what you're talking about, what you are
6 referring to.

7 LEGISLATOR SOLAGES: The bill
8 that the Democratic caucus submitted --

9 COUNTY ATTORNEY FOSKEY: The one
10 that I have not seen?

11 LEGISLATOR SOLAGES: Correct.
12 That several of your deputies have seen.

13 COUNTY ATTORNEY FOSKEY: I don't
14 know if they've seen it or not. If they
15 have, they have not shared it with me. And
16 I would think they would have shared it with
17 me if they've seen it in their official
18 capacity.

19 LEGISLATOR SOLAGES: Thank you.

20 CHAIRWOMAN GONSALVES: Legislator
21 Ford.

22 LEGISLATOR FORD: Good afternoon,
23 Judge Foskey. I thank you very much for
24 your patience and your time going through
25 this questioning. I know that we have

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2 covered this already but I just want
3 clarification after listening to both
4 Legislators Nicoletto and Kopel offer some
5 insight as to what we're trying to do with
6 the contract process.

7 With the Commissioner of
8 Investigations, once that position is
9 filled, it would that be person who can help
10 then track to see if there are any companies
11 that respond to contracts and feel that they
12 can circumvent the system by maybe putting
13 in \$25,999 contracts, correct?

14 COUNTY ATTORNEY FOSKEY: Yes.
15 That individual could conduct an
16 investigation, correct.

17 LEGISLATOR FORD: And considering
18 the number of the ten steps that each
19 contract, even if it's for \$500, does every
20 contract even under \$1,000, does it still go
21 through the ten step process?

22 COUNTY ATTORNEY FOSKEY: Yes,
23 that's correct.

24 LEGISLATOR FORD: So, considering
25 the number of people who would actually look

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2 at all these contracts, do you think that
3 somebody in the county might raise a red
4 flag if all of a sudden they saw \$50,999
5 contracts from say Denise Ford Enterprises?

6 COUNTY ATTORNEY FOSKEY: Yes. I
7 do think that would be correct, yes.

8 LEGISLATOR FORD: So, that person
9 then can go to the Commissioner of
10 Investigations to say, this is coming across
11 my desk, I think there may be a problem
12 here, or even if it isn't a problem, just to
13 be able to allow the Commissioner of
14 Investigations.

15 During the ten step process, is
16 there any way we can have the Commissioner
17 of Investigations also then get access
18 periodically, like say maybe not get to see
19 every contract but to allow the Commissioner
20 of Investigations say -- like they do at the
21 airport, people are going through, and they
22 periodically will pull somebody out just to
23 see whether or not they're terrorists, for
24 whatever they do, for security, but to keep
25 people on their toes to say, well, today,

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2 I'm going to take a look at these contracts.
3 So nobody knows whether or not a contract is
4 going to be looked at by Commissioner of
5 Investigations.

6 Is that something that can be
7 done to insure that there's another watchful
8 eye on this process?

9 COUNTY ATTORNEY FOSKEY: Yes.
10 That's also correct.

11 LEGISLATOR FORD: Because I
12 believe, just listening to this side here
13 and to your explanations, that by reducing
14 it to the \$1,000, it will provide greater
15 transparency. We do have the ten steps,
16 different people are looking at these
17 contracts, and the fact is that they will
18 come before the Legislature, and we will
19 have a Commissioner of Investigations who
20 will be that separate person who does have
21 the ability to be able to bring people in
22 and subpoena them for any discrepancies, is
23 that correct?

24 COUNTY ATTORNEY FOSKEY: Yes,
25 that's correct also.

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2 LEGISLATOR FORD: I thank you
3 very much, judge.

4 CHAIRWOMAN GONSALVES: Legislator
5 Jacobs.

6 LEGISLATOR JACOBS: Yes. Judge
7 Foskey, I just wanted to ask you -- I wanted
8 to give you a brief line about history and
9 then I will get to exactly what I wanted to
10 ask you, one question.

11 Back in the very beginning of the
12 legislature, when Bruce Blakeman was
13 presiding officer, that's when he had a
14 handshake agreement with then County
15 Executive Gulotta on the \$25,000 contracts.

16 When I became Presiding Officer,
17 we realized that that agreement would have
18 to be re-agreed upon. We didn't realize it
19 but it didn't carry over.

20 What ended up happening was,
21 later in that year, there was a referendum
22 put before the public and that's how we
23 passed the referendum on the \$25,000
24 agreement.

25 Now, my question is very simple.

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2 I'm not saying I'm against going down to
3 \$1,000. I'm very much for it. Going down
4 to \$1,000, doesn't it require another
5 referendum if we are changing what the
6 present Charter states? That's my only
7 question.

8 COUNTY ATTORNEY FOSKEY: Yes.
9 And you are correct with your historical.
10 You did start this without the referendum,
11 you started it and did it without the
12 referendum. Not you, but Bruce Blakeman.
13 It was an agreement and that's how it got
14 started. So it was started without a
15 referendum. We feel we can start this also
16 without a referendum.

17 LEGISLATOR JACOBS: But that was
18 different because that was a handshake deal.
19 That wasn't a vote of the Legislature. That
20 was something the presiding officer at the
21 time and the County Executive Gulotta
22 decided on, which I understand.

23 We foolishly at the beginning
24 when I was presiding officer took us a month
25 to realize that we weren't getting them.

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2 COUNTY ATTORNEY FOSKEY: The only
3 person it really affects is the County
4 Executive because you're taking away
5 something from him. He is the one putting
6 the bill forward.

7 LEGISLATOR JACOBS: That's why
8 I'm saying this to you in all due respect.
9 I'm only saying it to you because I'm
10 wondering if it might come back to haunt us
11 that I'm -- I am going to vote for this
12 because I feel that it's better than not
13 having it.

14 But, at the same time, I want to
15 make sure it's solid and fool-proof, and the
16 truth of the matter is, when you are
17 limiting the power or lessening the power of
18 somebody in the Charter like the County
19 Executive, it seems to me that that Charter
20 change would then have to be revoted on.

21 COUNTY ATTORNEY FOSKEY:
22 Certainly I'm willing to discuss it with the
23 administration, but, as I said earlier, he
24 is the only one that it really affects, the
25 County Executive, since he's non-objecting.

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2 He's the one who would oppose the law.

3 LEGISLATOR JACOBS: I understand,
4 but under the Charter, if you read it
5 carefully, and although it's a confusing
6 piece of paper, I know that, but if you read
7 it carefully, it specifically states that
8 anything that would curtail or lessen the
9 powers of any level of the government have
10 to be changed via a referendum.

11 COUNTY ATTORNEY FOSKEY: But as I
12 see it now, I don't see it as being an
13 impediment against this body voting for it
14 legally as an impediment, the fact that
15 there's not a referendum at this particular
16 time is not an impediment to vote against
17 it.

18 LEGISLATOR JACOBS: Do you think
19 the County Executive can waive the need of a
20 referendum?

21 COUNTY ATTORNEY FOSKEY: Well, I
22 would have to look at -- well, he can wave
23 it at this time, whether this County
24 Executive -- I'm not sure he can waive it,
25 but as I said to you before, just a couple

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2 of seconds ago, it's not an impediment to
3 pass the law, and the law going into effect.

4 LEGISLATOR JACOBS: All right.
5 I'm finished.

6 LEGISLATOR DERIGGI-WHITTON: Just
7 to back up what Judy said, you are moving
8 and transferring power from the executive
9 branch to the legislative branch, and to do
10 that you have to have a referendum from
11 everything I have read.

12 Again, I agree, I like this.
13 This is a good step and we want to support
14 it, but I don't even know if what we are
15 voting on is even legal.

16 COUNTY ATTORNEY FOSKEY: As I
17 said to Legislator Jacobs, it's not an
18 impediment to you voting on this today and
19 having this go into effect. The County
20 Executive is not objecting to it.

21 LEGISLATOR DERIGGI-WHITTON: It's
22 not up to him.

23 COUNTY ATTORNEY FOSKEY: Well,
24 that's the person you are taking the power
25 away from.

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2 LEGISLATOR DERIGGI-WHITTON: But
3 it's not up to him. It's changing the
4 Charter which is a lot bigger.

5 COUNTY ATTORNEY FOSKEY: But it
6 doesn't stop you voting from it and this law
7 going into effect. It went into effect
8 prior to, as the history was given, it went
9 into effect on a handshake before basically.

10 LEGISLATOR DERIGGI-WHITTON: I
11 would just question whether or not it's
12 really going into effect if it's not done
13 the proper way.

14 COUNTY ATTORNEY FOSKEY: It is.

15 LEGISLATOR DERIGGI-WHITTON: We
16 can vote on anything, but we might not have
17 the power to do it.

18 COUNTY ATTORNEY FOSKEY: This is
19 not an impediment to this law going into
20 effect.

21 LEGISLATOR DERIGGI-WHITTON:
22 You're saying we have the power to make this
23 change?

24 COUNTY ATTORNEY FOSKEY: Yes, I'm
25 saying that.

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2 LEGISLATOR RHOADS: I just want
3 to follow up, Madam Presiding Officer.

4 CHAIRWOMAN GONSALVES: Legislator
5 Rhoads.

6 LEGISLATOR RHOADS: Thank you,
7 Madam Presiding Officer. Judge Foskey, good
8 afternoon. How are you? You have been
9 going on about hour and a half, you might be
10 punch drunk at this point. So I appreciate
11 the fact that you're still here and you're
12 still answering questions.

13 Just with respect to the \$25,000
14 threshold limit, is that limit itself
15 contained anywhere in the Charter?

16 COUNTY ATTORNEY FOSKEY: Yes. I
17 think 1308.

18 LEGISLATOR RHOADS: Since the
19 handshake agreement in 1999 was not passed
20 through a Charter revision, is it your
21 opinion that correcting or withdrawing that
22 handshake agreement, which is the effect of
23 this legislation, can also be done without
24 Charter revision?

25 COUNTY ATTORNEY FOSKEY: In 2000,

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2 after the handshake, as you call it, there
3 was a local law that codified it. So that's
4 what we're doing now. Here there is no
5 handshake. We went to the local law. But
6 because we are essentially renewing the
7 process that was originally followed in 1999
8 in the creation of this policy, do we
9 require a referendum in order to do it?

10 COUNTY ATTORNEY FOSKEY: Yes.
11 There was some discussion, even back then,
12 there was some discussion in the 2000s that
13 there was some discussion that the leg could
14 establish this on its own. So that was
15 discussed back then also.

16 LEGISLATOR MACKENZIE: Judge,
17 just to clarify, so in effect if the County
18 Executive is agreeing to go along with this,
19 he's in effect agreeing and he would be the
20 person that would object under the other
21 circumstances?

22 COUNTY ATTORNEY FOSKEY: Yes. He
23 would be the agreed party, yes.

24 LEGISLATOR MACKENZIE: So this is
25 just a renewal of the original handshake

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2 agreement, is that fair to say on a
3 different number?

4 COUNTY ATTORNEY FOSKEY: Yes.

5 LEGISLATOR JACOBS: I'm one of
6 the only ones except for three of my
7 colleagues on the other side of the aisle
8 that was here during this. It was not the
9 first two years, it was the second two years
10 that the handshake agreement between
11 Blakeman and Gulotta took place.

12 Granted, when we became the
13 majority in those first few months, it only
14 took about a month to realize that we were
15 not getting it sent down to us.

16 Then our attorney said to us, to
17 make this a law, that shouldn't be abused,
18 we should definitely have a referendum to
19 change the Charter. I'm talking from
20 experience. That's what happened.

21 Now, all I'm saying, the only
22 reason I asked you the question is because
23 as part of the charter do we need any kind
24 of -- to change, also have another
25 referendum, that's all? That can be

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2 answered even tomorrow if you want.

3 But I think it's important to
4 know that because somebody could change
5 their mind. It can go back to \$25,000
6 easily.

7 COUNTY ATTORNEY FOSKEY: As I
8 said before, I don't see it as being an
9 impediment to you passing the law today and
10 the law going into effect.

11 LEGISLATOR JACOBS: But I see it
12 as an impediment without getting a ruling
13 from you after the fact as to what is going
14 to happen if a referendum is needed.

15 What I would hate to see happen
16 is, let's say in two years there is a change
17 in the administration. If that happens,
18 what prevents this from going up to \$25,000
19 again. I'm a teacher, I'm not a lawyer. My
20 layperson opinion would be that anyone could
21 do it because that's what the Charter says.

22 COUNTY ATTORNEY FOSKEY: Based on
23 the research that we've done, we are
24 confident that this law can go into effect
25 based upon passing this law today without a

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2 referendum.

3 LEGISLATOR JACOBS: Judge Foskey,
4 this legislation amends the Charter? It
5 says it right here.

6 MR. GRIPPO: Dan Grippo from the
7 County Attorney's Office. Our research
8 found some conflict between GML 104B,
9 General Municipal Law 104B, which states
10 essentially that where a contract does not
11 need to be let by sealed bidding, it is the
12 Legislature itself that establishes the
13 rules and regulations for those contracts.

14 What we're talking about here are
15 personal service contracts that do not need
16 to be let by sealed bidding.

17 Therefore, the 104B comes into
18 effect and provides the Legislature,
19 establishes the rules, procedures with
20 respect to the letting of those contracts.
21 So that is somewhat in conflict with what
22 you are referring to in the Charter.

23 LEGISLATOR JACOBS: Thank you,
24 but, Mr. Grippo, in relation to that, then
25 if that's the case, but on the books, the

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2 Charter specifically reads \$25,000, that's
3 what I'm bringing out.

4 If you're right and I don't have
5 any reason to doubt you, if you're right, on
6 the books, the Charter still says \$25,000.

7 COUNTY ATTORNEY FOSKEY: But what
8 he is saying is that, the research that we
9 did, and the research that was looked into,
10 the prior research done in our office, it
11 indicates that this can be done without a
12 referendum, that's why I was able to tell
13 you that your passing this is not an
14 impediment. It's based on prior research
15 that our office has done.

16 LEGISLATOR JACOBS: So then does
17 General Municipal Law 104 preempt the
18 Charter in regard to curtailment?

19 COUNTY ATTORNEY FOSKEY: I'll
20 look into it further, but based on what we
21 know thus far, I don't want to get into
22 preemption at this point, based on what we
23 know thus far from our research in the
24 history of how we got to where we are now,
25 this body can pass this law today and have

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2 it go into effect immediately.

3 LEGISLATOR JACOBS: Judge Foskey,
4 the last thing I would like to ask of you, I
5 would love a written opinion on that. I
6 know we are voting on it today.

7 COUNTY ATTORNEY FOSKEY: We will
8 look into it and see what --

9 LEGISLATOR JACOBS: Just so we
10 know how to cover ourselves in case we have
11 to go further and we have to go for a
12 referendum.

13 COUNTY ATTORNEY FOSKEY: Yes. We
14 will look further into it.

15 CHAIRWOMAN GONSALVES: Minority
16 Leader.

17 LEGISLATOR ABRAHAMS: Thank you,
18 Madam Presiding Officer. In response to Mr.
19 Nicolello's statement in regards to the
20 Inspector General, what we are driving for
21 and what we are going towards, I'm sorry,
22 Deputy Presiding Officer Nicolello, is an
23 independent Inspector General to be part of
24 this Legislation which will be able to
25 investigate and go beneath the surface of

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2 any particular document that comes before
3 this Legislature.

4 We would like to think that the
5 Commissioner of Investigations, which is
6 currently Judge Foskey, will be able to do
7 that, but he cannot do that in an
8 independent nature, why? Because his
9 responsibilities roll up to the County
10 Executive.

11 What we are striving for is
12 something very similar to Mr. Chalmers
13 Officer in the finance area, which is the
14 Independent Legislative Budget Review.

15 I think we can all agree we know
16 the definition of independence and the
17 difference between the Commissioner of
18 Investigations, and the difference between
19 an Independent Inspector General. Whether
20 you think that's necessary or not, that's
21 another story.

22 In response to Alternate Deputy
23 Presiding Officer Kopel's statement in
24 regard to the District Attorney would be
25 there to prosecute, I think Madam District

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2 Attorney Singas said it best today, she said
3 she doesn't want to have the arm of
4 prosecution be the only arm in this county.
5 We should be putting together preventative
6 measures which an independent Inspector
7 General would do to make sure that the
8 possible corruption or the possible waste
9 and fraud would not happen.

10 Right now, I do not see that
11 being the case of what's before us today.
12 If goes a step in the right direction but it
13 could be strengthened so much more if it
14 incorporated the pieces of our bill which
15 had an Independent Inspector General.

16 I am happy to see today from your
17 commentary, Madam Presiding Officer, that
18 the County Executive is going to separate
19 the roles of the Commissioner of
20 Investigations from the County Attorney.

21 That is something that we have
22 been calling for. We supported it under the
23 previous administration and that is
24 something that we have been calling for now
25 for the last six or seven years. So, from

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2 that standpoint, we are actually happy to
3 see that being broken out.

4 That being said, we would
5 encourage the County Executive, as well as
6 my colleagues in the Legislature, to go one
7 step further. Now that we have broken it
8 out, now that we agree that the powers of
9 the Commissioner of Investigations, let's go
10 one step further and add the independent
11 component.

12 Let's give this office personnel
13 so they can investigate and root out waste
14 and fraud and not be subjected to the
15 perception that because they are hired and
16 fired and work at the pleasure of the County
17 Executive, that they can investigate every
18 single contract in this county, very similar
19 to the Office of Legislative Budget Review.

20 There is never a finance item
21 that comes before us that I question
22 Mr. Chalmers' integrity in giving us the
23 right information on matters of this county.

24 This, to me, is the same thing.
25 That we should be able to have unquestioned

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2 faith in what we hear about contracts.

3 Whether we believe Judge Foskey
4 or not, right now, this county is under a
5 cloud of contracts that should not have gone
6 forward. We need to clean it up with an
7 independent process.

8 No one can debate that there is
9 to independent process that exists that can
10 prevent those contracts from happening.

11 The only independent process that
12 I hear from Mr. Kopel was the prosecution
13 end which, we don't want to -- if we to,
14 obviously, we would encourage prosecution
15 whenever necessary, and we should not have
16 to use that as our last line of defense. We
17 should preventing this stuff from happening.

18 I mean, I think the District
19 Attorney said it best earlier today, the
20 amount of money that the District of
21 Columbia and other cities across this nation
22 save, every single year from waste and fraud
23 and abuses in the system, this is the same
24 thing.

25 The amount of money that we can

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2 save, I mean just looking at Deitl &
3 Associates and Blue Chip Marketing, those
4 are contracts that shouldn't even see the
5 light of day, and they have somehow they
6 made their way through and these people are
7 paid.

8 I just can't believe we are going
9 to try and demonize this as being political.
10 This is not political.

11 Newsday has agreed with it. The
12 voters have agreed with it through a poll.
13 And obviously we have seen the ten steps
14 that have been identified by Judge Foskey
15 are absolutely not working, because they
16 have been there for quite some time now, and
17 they still did not catch the AbTech
18 contract, which means that we don't have the
19 resources in place to catch an AbTech
20 scandal as the one that happened before.

21 CHAIRWOMAN GONSALVES: One more
22 comment and it's from Legislator Ford.

23 LEGISLATOR FORD: Thank you,
24 Judge. I'm sorry, I feel like I want to
25 offer you a chair to sit down.

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2 But Legislator Abrahams did bring
3 up some significant points and I do have to
4 say that I appreciated the remarks by the
5 District Attorney Singas in regard to this
6 and she did bring up some important elements
7 that we should look into as we are looking
8 into the contract process.

9 She did say she commended us on
10 two of the compliances and I don't recall, I
11 wish I had her speech in front of me now,
12 because I would have highlighted, but some
13 of the recommendations she did make, we did
14 follow through, and she commended us on
15 this.

16 She also admitted that reducing
17 it to \$1,000 does provide more transparency.
18 And even when she talked about the
19 Commissioner of Investigations or Inspector
20 General would be the terminology that she
21 used, we know that she commended with New
22 York State. Both New York State and the
23 city, it's the mayor and the governor who
24 appoint the Inspector General. They do not
25 go through super majority in the assembly,

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2 or the State /STAOEUT Legislature or the
3 assembly up in New York State.

4 We are checking and I'm probably
5 going to find out that other areas that have
6 been successful with their investigations
7 with contracts and so forth, probably those
8 people were not appointed by a super
9 majority.

10 I do thank Legislator Abrahams
11 for pointing out the great work done by our
12 Office of Independent Budget Review and
13 Maurice Chalmers, and, yes, Maurice, you
14 have always remained independent. I might
15 add that you were not appointed and voted on
16 by a super majority, but by a simple
17 majority. With that in mind, you have
18 remained very independent, very open minded
19 and very fair and your office should be
20 commended for that.

21 I believe that by following
22 through with reducing the amount of the
23 contracts, by having somebody as a
24 Commissioner of Investigations, separate
25 even from the County Attorney's Office I

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2 think will provide the necessary parts in
3 play that will make it independence, and the
4 scrutiny that we do need here with the
5 contract prices, and through anything else
6 that happens within this county.

7 I believe that I think that
8 Legislator Kopel meant that not that the DA
9 would have to swing an arm and a hammer in
10 regard to go after people, but if something
11 is brought to her attention, especially by
12 the Commissioner of Investigations, that she
13 is somebody who would have to pursue this.

14 I think that by having all these
15 other steps in place, we would be able to
16 find out if there are problems, correct
17 them, and if any criminal activity has taken
18 place then it should, of course, brought to
19 the DA and I'm sure that DA Singas would
20 then prosecute if necessary and do the
21 necessary investigations.

22 I believe that we are moving
23 towards better transparency and even more
24 independence. I know that we look -- we say
25 that we want somebody separate. We are

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2 looking at somebody who is independent, who
3 will do the investigations, who will be that
4 extra set of eyes.

5 I think this is something that,
6 if we all agree on, we will move towards
7 this, and you know what? We are fluid.
8 Here we are talking about this today. We
9 are talking about reducing it to \$1,000.

10 We're talking about making it
11 like, you brought up the last time, because
12 Judge Foskey was going to be the
13 Commissioner of Investigations. You say,
14 well, we need it separate.

15 Now we are talking about making
16 somebody separate. We are willing to work
17 with everybody to say, you know what, there
18 is a cloud. We are looking at this. We are
19 under scrutiny here because of some of the
20 contracts that have gone through that have
21 not been in the best interests of our
22 county. But, here we are, we are all
23 together talking about this saying, this is
24 how we are moving towards this. Let's keep
25 the movement going towards making the

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2 process much better and, you know what, if
3 we do uncover something else, let's be
4 honest and open about it and make the
5 changes that we need.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Judge Foskey. I know it's been a long
8 process for you today.

9 A motion to close the hearing.

10 LEGISLATOR DUNNE: So moved.

11 CHAIRWOMAN GONSALVES: Moved by
12 Legislator Dunne.

13 LEGISLATOR DERIGGI-WHITTON: Can
14 we get one more clarification. I just want
15 to see if there has been someone put into
16 that position as far as procurement.

17 CHAIRWOMAN GONSALVES: As far as
18 I know right now, no.

19 LEGISLATOR DERIGGI-WHITTON: Do
20 you know a Mr. Gurian? Do you know if he
21 has been put into place or if we have any
22 idea? Okay. Thank you.

23 CHAIRWOMAN GONSALVES: His name
24 was entertained, okay? Thank you.

25 CHAIRWOMAN GONSALVES: Motion to

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2 close the hearing.

3 LEGISLATOR DUNNE: So moved.

4 LEGISLATOR GAYLOR: Second.

5 CHAIRWOMAN GONSALVES: Moved by
6 Legislator Dunne, seconded by Legislator
7 Gaylor. All those in favor of closing the
8 hearing signify by saying aye.

9 (Aye.)

10 All those opposed?

11 (No verbal response.)

12 Next Item 2, a vote on the
13 proposed local law to amend the County
14 Government Law of Nassau County in relation
15 to personal service contracts.

16 Motion, please.

17 LEGISLATOR DUNNE: So moved.

18 LEGISLATOR KENNEDY: Second.

19 CHAIRWOMAN GONSALVES: Moved by
20 Legislator Dunne, seconded by Legislator
21 Kennedy. Any other comments regarding the
22 local law which provides for review of the
23 contracts \$25,000 to \$1,000 by this body.

24 LEGISLATOR ABRAHAMS: If I may.

25 CHAIRWOMAN GONSALVES: Yes, you

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2 may.

3 LEGISLATOR ABRAHAMS: Before I
4 get cut off again. I would like to request
5 that we table this matter. I think Judge
6 Foskey had mentioned that there was going to
7 be an amendment to continue the list at the
8 back of our legislation. So rather than do
9 that after the fact, we should have that
10 information before us.

11 Why pass a law and amend it
12 later? We should just do it in one fell
13 swoop. So I would make a motion to table
14 this matter until that actual amendment is
15 before the legislative body.

16 CHAIRWOMAN GONSALVES: All those
17 in favor of the local law signify by saying
18 aye.

19 (Aye.)

20 Any opposed?

21 (Nay.)

22 So we have the table vote was
23 defeated 12 to 7. Any other comments
24 regarding this law? Legislator Curran.

25 LEGISLATOR CURRAN: I just want

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2 to jump on what Denise said. This is a good
3 first step. I started out the hearing by
4 saying there's three things that we can do
5 right now, the Commissioner of
6 Investigations and County Attorney being two
7 separate people. The VENDEX which I think
8 is very doable and can be done quickly from
9 what I understand and then the procurement
10 officer.

11 So with those three things, those
12 are reasonable things that I think we can
13 agree on and get done as we get to become
14 more and more transparent.

15 CHAIRWOMAN GONSALVES: Any other
16 comments?

17 (No verbal response.)

18 Any public comment? Ms. Mereday.

19 MS. MEREDAY: Meta Mereday,
20 Baldwin. Speaking on behalf, again,
21 inconsistently of the lack of consideration
22 for veterans in the contracting process.

23 First of all, I was appalled by
24 the fact that, with all due respect, Judge
25 Foskey did stand before you, but he is an

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2 employee basically. I pay his salary. You
3 all are going to be authorizing more than
4 likely because the majority continues to do
5 what they want to do anyway, with total
6 disregard for what the taxpayers want.

7 I'm going to pass a budget that
8 includes his salary, and the level of
9 disrespect that he attributed during his
10 discussion, because it wasn't a testimony,
11 it was a discussion. So that's just a note
12 just in terms of somebody needs to kind of
13 get control of the reins around here and who
14 is kind of running this ship, even though it
15 keeps bouncing aground.

16 I support, in context this law,
17 but, again, I'm disheartened because I have
18 been one of the few that stood before this
19 body in terms of questioning some of the
20 contracting scenarios that have taken place
21 and have been assured by a majority of you,
22 some of you the seats kind of change, and
23 the positions kind of changed, but
24 unfortunately, the break on this side and
25 that side continues to be detrimental to the

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2 taxpayers in Nassau County.

3 So, Legislator Solages' point, in
4 having a background in procurement and
5 having worked with city and state and
6 national authorities with regard to
7 procurement, I believe your Deputy Presiding
8 Officer, I'm sorry, I don't have my glasses
9 with me, Nicoletto, it is possible for
10 someone to get multiple contracts through
11 agencies particularly the way they're
12 structured in Nassau County when you have
13 the friends, relatives, neighbors and
14 various relations who can work for different
15 companies. They can set up shell companies
16 rather quickly and pretty much distribute
17 contracts at \$999 through each of those
18 agencies and, more than likely, get paid.

19 You can have 10 steps, you can
20 have 20 steps. But if you have the same
21 cousins, relatives, neighbors and friends
22 that seem to proliferate the process within
23 Nassau County and across the country, it
24 does happen and continues to happen.

25 I'm appalled that I didn't hear,

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2 unless it was said someplace before, that
3 that organization, Blue Chip, that was
4 allegedly paid to try to do something for
5 the veterans and they weren't even
6 represented in terms of their efforts or
7 whatever the actual process was for them.
8 I'm appalled that we continue to support
9 these types of initiatives.

10 If this law does pass, what
11 happens to those contracts that were already
12 approved on the golf courses, the
13 restaurants --

14 CLERK PULITZER: Ma'am, your
15 three minutes have expired,

16 MS. MEREDAY: Okay. The golf
17 courses, the restaurants, the various other
18 back room deals that take place that kind of
19 miss that ten step process for discussions,
20 what happens to those contracts that have
21 not been fully executed yet? Are those now,
22 or is there going to be another amendment
23 that says, well, the deals that we already
24 cut before this law was enacted will be
25 grandfathered in and paid for.

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2 Then again, the majority seems to
3 always have its own plan, it's backup plan
4 because when you lose an election in Nassau
5 County, or our respective towns, you can
6 always get a job; at Nassau Community
7 College, the Nassau Medical Center. You
8 always have a backup plan. So I'm sure if
9 you can't work out your contract deals
10 anymore, you can get these positions for
11 your friends, relatives and associates who
12 can't get elected by popular vote.

13 CHAIRWOMAN GONSALVES: Ms.
14 Mereday, please wrap it up.

15 MS. MEREDAY: Mereday.

16 CHAIRWOMAN GONSALVES: Mereday.

17 MS. MEREDAY: I'm trying to
18 respect your position, please respect mine.

19 CHAIRWOMAN GONSALVES: I
20 certainly do intend to.

21 MS. MEREDAY: So I am, again,
22 questioning in terms of the process and the
23 fact that you had, again, an employee, as
24 you are supposed to be representing my
25 interests because I'm a taxpayer and a

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2 homeowner, that this person stood before you
3 and no one said if they didn't have the
4 information, I was always taught in school,
5 if you didn't have the information, you went
6 to get it.

7 He's paid enough money. He has
8 staff that he can find somebody to come and
9 answer the questions that were posed to him
10 and not to be disrespectful to you, or to
11 me. You may put up with it and tolerate it,
12 I do not. And if we do not do something for
13 veteran contracting --

14 CHAIRWOMAN GONSALVES: Thank you
15 for your comments.

16 MS. MEREDAY: Because I still
17 have not received the information and we're
18 using federal dollars and we are in
19 violation of federal law.

20 I sat here for over two hours, I
21 think I can get at least five to six minutes
22 to say what I need to say. We are in
23 violation of federal law. You are already
24 debating in terms of the Charter for the
25 County. We are in violation of federal law

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2 for the amount of money that we keep using
3 for these contracts across this county and
4 we do not have a definitive representation
5 of service disabled and veteran owned
6 businesses.

7 And the VENDEX system that
8 Legislator Curran is discussing is a good
9 start, but it does not have the
10 representation of service disabled business
11 either because New York State is lacking in
12 that. Now I am finished.

13 CHAIRWOMAN GONSALVES: Thank you
14 very much. Now for the Local Law to amend
15 the County Government Law of Nassau County
16 in relation to personal service contracts.

17 All those in favor of the local
18 law regarding the personal service contracts
19 signify by saying aye.

20 (Aye.)

21 Any opposed?

22 (No verbal response.)

23 Is it unanimous? Thank you very
24 much. So the local law has passed
25 unanimously.

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2 We have two other items which are
3 the bond ordinance providing for capital
4 expenditure for the capital projects, two of
5 them, which is Item 37 and 38.

6 I'm going to ask, so I don't have
7 to read the items, I'm going to ask for the
8 clerk to read Ordinance 14, Item 37. Are we
9 ready? Read both of them together.

10 CLERK PULITZER: A bond ordinance
11 providing for a capital expenditure to
12 finance the capital project specified herein
13 within the County of Nassau authorizing
14 \$74,986,552 of bonds of the County of Nassau
15 to finance said expenditures and making
16 certain determinations pursuant to the State
17 Environmental Quality Review Act pursuant to
18 the Local Finance Law of New York and the
19 County Government Law of Nassau County;

20 A bond ordinance providing for a
21 capital expenditure to finance the capital
22 projects identified herein within the County
23 of Nassau and authorizing \$164,283,342.78 of
24 bonds of the County of Nassau to finance
25 said expenditures pursuant to the Local

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2 Finance Law of New York and the County
3 Government Law of Nassau County.

4 CHAIRWOMAN GONSALVES: Motion,
5 please, for 37 and 38.

6 Motion, please.

7 LEGISLATOR MUSCARELLA: So moved.

8 LEGISLATOR DUNNE: Second.

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

12 I have an amendment in the nature
13 of a substitution for both items. The first
14 item which is 37, there is a correction that
15 has been made to Appendix A to fix a project
16 number for Sea Cliff Sewers.

17 The other item, the dollar
18 amounts have been amended to \$198,658,343.
19 A motion to amend these two items.

20 LEGISLATOR WALKER: So moved.

21 LEGISLATOR NICOLELLO: Second.

22 CHAIRWOMAN GONSALVES: Moved by
23 Legislator Walker, seconded by Legislator
24 Nicolello. All those in favor of the
25 amendments in the nature of a substitution

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2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (Nay.)

6 You're nay on the amendments? So
7 it's 12-7.

8 Items 37 and 38, as amended, all
9 those in favor signify by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The items failed 12 to 7.

14 I'm going to call for a motion to
15 reconsider.

16 LEGISLATOR MUSCARELLA: So moved.

17 LEGISLATOR NICOLELLO: Second.

18 CHAIRWOMAN GONSALVES: Moved by

19 Legislator Muscarella, seconded by

20 Legislator Nicolello. All those in favor --

21 LEGISLATOR ABRAHAMS: Before we
22 take a vote, I would just like to make a
23 comment.

24 CHAIRWOMAN GONSALVES: You may.

25 LEGISLATOR ABRAHAMS: Thank you,

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2 Madam Presiding Officer.

3 Obviously we see the direction
4 this is going in, it's going to fail by a 12
5 to 7 vote, but I do think I want to make
6 clear that the legislative Democrats in the
7 county understand the significance of the
8 capital plan. We have supported the capital
9 plans in the past.

10 However, to give the County
11 Executive the ability of \$275 million
12 without the proper independent checks and
13 balances to this process, we would be
14 handing them money without the proper
15 oversight or transparency this county
16 desperately needs.

17 No one can question that the
18 measures that we have put into place,
19 whether it be the lobby disclosure, or this
20 bill that will actually address any contract
21 over \$1,000 or more, would not have
22 prevented the AbTech contract from going
23 through.

24 If you agree that mechanisms for
25 contracts less than \$25,000 should be in

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2 place, I think it's fair to say that we
3 should agree that contracts that come before
4 the Rules Committee, which are well in
5 excess of \$25,000, sometimes they're six and
6 seven digits in amounts, should also have
7 some level of scrutiny. Right now they do
8 not.

9 The only ones that would be able
10 to scrutinize them are the folks on this
11 legislative body. And none of the
12 investigative work in regards to anything
13 regarding these contracts, anything that
14 looks abnormal would not come before this
15 body because there is nobody looking at it,
16 and the one person that is the Commissioner
17 of Investigations also has a role working
18 for the County Executive. So we have to
19 question whether or not he would even bring
20 it before us.

21 I asked Judge Foskey on the
22 record to provide to us a report of any
23 investigations he has done, and it's been
24 now two weeks and there's been no reports
25 which leads to believe that possibly there

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2 has been no investigations.

3 That being said, we will continue
4 to withhold bonding on all capital plan
5 projects.

6 We understand the significance of
7 roads and parks, but we also understand the
8 significance of transparency and proper
9 oversight and right now this county is
10 grossly lacking that.

11 LEGISLATOR NICOLELLO: I would
12 like to respond.

13 CHAIRWOMAN GONSALVES: Yes, you
14 may. Deputy Presiding Officer.

15 LEGISLATOR NICOLELLO: You can
16 cloak this in whatever terms you want, but,
17 clearly, aside from semantics and the actual
18 of the office, which is exactly the same,
19 this only about one thing, giving the
20 minority veto power over that appointment.

21 If they want to shut down
22 government, which is something they do in
23 Washington all the time, then go ahead and
24 do it.

25 LEGISLATOR ABRAHAMS: We're not

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2 in charge of Washington.

3 LEGISLATOR NICOLELLO: You're not
4 in charge of Washington but you're doing
5 what they are doing.

6 LEGISLATOR ABRAHAMS: How can you
7 do it if you're not in charge?

8 LEGISLATOR NICOLELLO: What you
9 are doing is you're using your power over
10 borrowing to stop us from paving roads,
11 fixing bridges, getting vests for police
12 officers. So you are cloaking it in
13 something it's not. All this is is veto
14 power over an appointment, it's purely
15 political.

16 LEGISLATOR ABRAHAMS: It's not.
17 But make sure you also add that we are also
18 adding a level of oversight so we don't have
19 corrupt contracts going through this county
20 as well, make sure you add that point as
21 well.

22 CHAIRWOMAN GONSALVES: This cross
23 conversation is --

24 LEGISLATOR ABRAHAMS: But, Mr.
25 Nicolello, you cannot defend the position of

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2 no independence. You know and I know that
3 this is a very different thing. Completely
4 two different things.

5 LEGISLATOR NICOLELLO: So the
6 Inspector General of New York State is not
7 independent?

8 CHAIRWOMAN GONSALVES: Listen,
9 he's appointed by the governor.

10 LEGISLATOR NICOLELLO: So the
11 Inspector General of New York State is not
12 independent in your thinking?

13 CHAIRWOMAN GONSALVES: And the
14 City of New York is but the general
15 appointed by the mayor, they are not
16 independent?

17 LEGISLATOR NICOLELLO: They're
18 not independent.

19 LEGISLATOR SOLAGES: It's the
20 Department of Investigations that has the
21 power to subpoena. Not the way you're
22 describing it.

23 LEGISLATOR NICOLELLO: The
24 Commissioner of Investigation has the power
25 to subpoena.

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2 CHAIRWOMAN GONSALVES: Legislator
3 Curran and then I'm going to ask for a vote
4 on reconsidering. Go ahead.

5 LEGISLATOR CURRAN: Presiding
6 Officer Gonsalves, I just have a question
7 about the capital plan itself, about the
8 money, would this be an appropriate time to
9 ask Ken Arnold?

10 CHAIRWOMAN GONSALVES: About?

11 LEGISLATOR CURRAN: I want to
12 find out if it is known how much money is
13 out there in capital projects that can be
14 closed out.

15 CHAIRWOMAN GONSALVES: There is a
16 motion on the floor to reconsider. That's
17 what we are going to entertain.

18 LEGISLATOR CURRAN: Can I ask
19 that later?

20 CHAIRWOMAN GONSALVES: You may
21 ask him any time you want.

22 LEGISLATOR ABRAHAMS: Why is
23 there a motion to reconsider?

24 CHAIRWOMAN GONSALVES: That's our
25 prerogative.

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2 LEGISLATOR ABRAHAMS: But that
3 has to come from somebody --

4 CHAIRWOMAN GONSALVES: No, no,
5 no. The Charter of Nassau County says --
6 the rules say majority. Sorry.

7 All those in favor of
8 reconsidering these two items 37, 38 signify
9 by saying aye.

10 (Aye.)

11 Any opposed?

12 (Nay.)

13 The items to reconsider have
14 passed 12 to 7. A motion to table?

15 LEGISLATOR MUSCARELLA: So moved.

16 LEGISLATOR DUNNE: Second.

17 CHAIRWOMAN GONSALVES: Moved by
18 Legislator Muscarella, seconded by
19 Legislator Dunne. All those in favor of
20 tabling these two items signify by saying
21 aye.

22 (Aye.)

23 Any opposed?

24 (No verbal response.)

25 The items are tabled. Guess

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2 what? I think there's somebody here before
3 we adjourn this meeting who submitted a
4 slip. I think I still see them. I did say
5 I would come back to you. The only thing
6 is, I don't know who you are. Whoever was
7 here first, go. Tell us your name.

8 MR. CLOLERY: My name is Richard
9 Clolery. I am Richard Clolery and come
10 before this legislature today to make a plea
11 for them to make a plea to New York State to
12 get additional funding for the NICE Bus
13 System.

14 While we, the bus riders, are
15 grateful for the legislature that you have
16 found the additional funding to help restore
17 a lot of the buses that were cut this year
18 due to the budget deficit that NICE Bus
19 System has, we also know that the funding
20 you have given is not enough and we can
21 potentially lose those bus lines again.

22 Since attendance at the state
23 says it's your job to make this plea to the
24 state for this funding, we urge you to do
25 so. So that we, your constituents, won't

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2 have to worry about losing the buses that we
3 have so worked hard to reinstate.

4 Also, we have heard that the TAC,
5 or Transit Advisory Committee, for short is
6 planning to once again have their meetings
7 at Commercial Avenue and no less at 4:00
8 p.m. on the very first of this month.

9 This angers me because they know
10 how inaccessible that location is for most
11 people who take the bus every day and how
12 bad that time is for most people who work
13 every day.

14 They also know how hard we have
15 worked to change the location of the TAC
16 meeting to the legislative building and to
17 have the meeting at a later time so that the
18 people who have issues can address them
19 here. So we need the Legislature to remind
20 NICE and the TAC to keep their promise and
21 to have their meeting here at the
22 legislative building and to have their
23 meetings at a time where people can come
24 home and go to these meetings to give their
25 input to the TAC. That is all.

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2 CHAIRWOMAN GONSALVES: Thank you
3 very much.

4 LEGISLATOR JACOBS: I sent four
5 letters so far in the last two months to the
6 governor and elected officials in the state.
7 I don't know if it will mean anything, but I
8 did send them four letters. I can make sure
9 you receive them.

10 MR. CLOLERY: I appreciate that,
11 Ms. Jacobs. There is one thing. I really
12 need you guys to do this. Because for
13 whatever strange reason, the TAC seems
14 content to have their meetings at 70
15 Commercial Avenue, which, as some people
16 here know is almost impossible to get to for
17 some people.

18 LEGISLATOR JACOBS: Didn't they
19 have it here the last one?

20 MR. CLOLERY: Yes, they did. But
21 I heard from sources that they're switching
22 it back to 70 Commercial Avenue.

23 LEGISLATOR JACOBS: We'll see
24 what we can do. They should have it here.

25 MR. CLOLERY: Absolutely.

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2 CHAIRWOMAN GONSALVES: Thank you
3 very much. Yuki, are you coming up here? I
4 know you are here.

5 MR. ENDO: My name is Yuki Endo,
6 resident of Jackson Heights, Queens, and
7 member of Long Island Bus Riders Union. I
8 depend and rely on MTA, NICE Bus, Suffolk
9 County Transit and Bee-Line Bus.

10 Please convince Nassau County Bus
11 Transit Committee to hold their 4:00 p.m.
12 public hearing relocated to Nassau County
13 Legislature Building from 6:00 to 8:00 p.m.
14 instead because Mitchell Field Bus Depot
15 only has four buses serving bus depots which
16 are n27, n16, n43, n45 buses and 4:00 p.m.
17 is where most people works or students are
18 in schools.

19 After NICE Bus change n20 routes,
20 which used to run between Hicksville and
21 Flushing via Great Neck Station into two
22 segments, n20H and n20G bus, most passengers
23 coming from Queens are forced to play
24 Frogger at dangerous extreme Northern
25 Boulevard/Middle Neck Road for connecting

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2 n20H bus to Hicksville because traffic
3 lights are long in Long Island.

4 I was among the passengers who
5 played Frogger for connecting n20H bus.

6 On Monday, February 22nd, I was
7 on board 10:00 a.m. n20G Great Neck bus
8 #1910 and n20G arrived at Middle Neck
9 Road/Northern Boulevard at 10:34 a.m. at
10 the same time 10:30 a.m. n20H Hicksville Bus
11 #1877 was waiting for left turn signal and
12 boarded that bus 10:38 a.m. as we
13 dangerously play Frogger to catch our
14 connecting buses.

15 I recorded this incident onto
16 video why NICE Bus need to restore n20 bus
17 back to way it was because this is not
18 saving time at all and this is risking lives
19 of passengers.

20 I also had the same incident on
21 Tuesday, March 15th, when I was on 2:00 p.m.
22 n20G Great Neck bus #1921 arrived at 2:34
23 p.m. at same time 2:30 p.m. n20H Hicksville
24 bus #1835 was waiting for us.

25 Both incidents, passengers were

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2 almost hit by cars as we run for connecting
3 buses and even car drivers were forced to
4 slam their brake to avoid hitting
5 passengers.

6 I support New York State Governor
7 Cuomo's proposal for Long Island Railroad
8 Third Rail, but first he need to increase
9 funding for both NICE Bus and Suffolk County
10 Transit Buses because Long Island Railroad
11 cannot operate off track because they're not
12 magic train like Polar Express.

13 In order for this to be
14 successful, we need our discontinued buses
15 restored because taxis cost around \$20 to
16 \$50, plus tip, and not every one can afford
17 taxis.

18 Motorists don't understand if we
19 don't increase funding for NICE Bus and
20 Suffolk County Transit buses. All
21 businesses will be bankrupt and it will hurt
22 our Long Island economy because most
23 employees use public buses to get to their
24 jobs.

25 There will be longer line at

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2 supermarket cashier due to NICE Bus made
3 mistake cutting north south shore bus
4 routes.

5 N40-41, n43 and n45 buses are
6 only North South Shore crosstown buses, but
7 problem is n45 doesn't run on weekend.

8 Also, Suffolk County Transit Bus
9 S20 bus do not run on Sundays. Please we
10 need our discontinued bus back.

11 The only bus we don't need is the
12 n2, n14, the n17, the n62, n73 and the n80.

13 We only need n8 Green Acres Loop
14 with expanded to Long Island Jewish Hospital
15 at Lake Success for connecting n24, n22,
16 n35, Q36 and Q46 buses, well as select n16
17 trips or have some n15 implement n15 x trips
18 via Mercy Hospital, since n15 bus is longest
19 North South shore buses. Nobody uses n14
20 and n62 buses.

21 I'll also enclose photos of the
22 N20G and N20H bus incident from February
23 22nd, 2016.

24 Respectfully, your truly, Yuki
25 Endo.

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2 CHAIRWOMAN GONSALVES: Thank you
3 so much, Yuki. I don't know if there is
4 Aaron Watkins Lopez still here? Go ahead.

5 MR. WATKINS LOPEZ: Good
6 afternoon, Legislators. Thank you for
7 having me. My name is Aaron Watkins Lopez.
8 I'm a member of the Long Island Bus Riders
9 Union.

10 First of all, I would like to say
11 thank you so much for all the work that you
12 did securing funds to reinstate the 13
13 routes that were cut in January. But as you
14 are also aware, that's not enough.

15 We still have \$4 million left in
16 a budget deficit for NICE bus. There are
17 lots of good things, legislation is being
18 put forth, other avenues that we're looking
19 into to get this revenue but the state
20 really needs to up the ante.

21 I can tell you right now that
22 I've met with some of the senators and they
23 don't get it. They don't get it because the
24 county is not making them get it.

25 They tell me, oh, it's great that

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2 the bus riders are here but why aren't the
3 counties coming to us? That's what I'm
4 hearing.

5 Another thing that you've done a
6 really good job with recently is hold NICE
7 Bus accountable. The problem is that
8 they're not accountable enough. If you look
9 over their contract, they're supposed to be
10 providing the county with quarterly reviews
11 where they compare the service now to the
12 service when the MTA left. To my knowledge,
13 I don't think anyone of you have ever
14 received that.

15 As Richard has brought up also,
16 they plan on moving their meetings back to
17 the NICE Bus headquarters. If there's not
18 better oversight from this Legislature, NICE
19 is going to continue to do what NICE wants
20 to do.

21 We need to make sure that they
22 understand that you're the boss and you
23 represent us, the bus riders, because NICE
24 Bus only cares about one thing, and that's
25 their bottom line.

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2 So, as I said before, please if
3 you can go and talk to NICE and see what Mr.
4 Setzer has to say about moving this meeting
5 from this place to their headquarters, that
6 would be great.

7 Another thing that we're a little
8 worried about is that, as bus riders, we
9 have actually heard nothing about what
10 they're planning on doing about restoration.
11 There's been nothing publicly said, nothing
12 released yet. They're having this meeting
13 on the 31st, but nobody knows anything about
14 what's going on as we move forward.

15 So, I just ask that Legislature,
16 one, make a public plea to the state making
17 them understand the need, talking to our
18 senators, Senator Martins who has told me to
19 my face, nobody rides the bus in Nassau
20 County. People don't need the bus in Nassau
21 County. The reason is, we're not being
22 advocated on behalf of and this Legislature
23 needs to do a better job.

24 On top of that, we need to make
25 sure that NICE Bus is held accountable.

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2 We're talking about contracts. We're
3 talking about transparency. Accountability
4 and transparency go hand and hand. When you
5 have a company that is making 3, \$4 million
6 per year off the backs of bus riders, we
7 need to make sure they are being held
8 accountable and that their funds, the money
9 that we give them, the money that I pay
10 every time, whether it's in my taxes or on
11 the bus itself, is being handled properly.
12 Thank you very much.

13 CHAIRWOMAN GONSALVES: Thank you,
14 Mr. Lopez. I think Neil Lewis is here. Is
15 this what's on the gentleman just spoke? We
16 have not really sat down with the revised
17 plan for the restoration of the buses and I
18 think it's time that we do.

19 LEGISLATOR CURRAN: I agree.

20 CHAIRWOMAN GONSALVES: We have
21 been so preoccupied with everything else.
22 So that Mr. Lopez will know that there is a
23 plan in place and when that plan will begin.

24 And the other thing we will
25 definitely tell Mr. Setzer that this place

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2 is available and he should take advantage of
3 it.

4 LEGISLATOR CURRAN: That's what I
5 was going to ask if we can do that, that
6 would be wonderful.

7 CHAIRWOMAN GONSALVES: No
8 problem.

9 MR. LEWIS: Thank you, Presiding
10 Officer. It's a pleasure to have the
11 opportunity to speak before the Legislature
12 here today.

13 My name is Neil Lewis. I'm the
14 executive director of the Sustainability
15 Institute at Molloy College.

16 We have three programs that we
17 run at the Sustainability Institute. We run
18 the Clean Energy Leadership Task Force which
19 I will hand out our most recent newsletter
20 from our most recent meeting.

21 I want to mention that each of
22 these three projects are things I would like
23 to work with the County Legislators on.

24 So, in regards to the task force,
25 we meet four times a year. The most recent

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2 meeting, we had the New York State
3 Comptroller come to talk about when
4 government invests in clean energy by
5 renovating old heating and cooling systems
6 by putting solar panels on the roof.

7 What he did was basically an
8 audit of these projects and showed that they
9 are good for the taxpayer. Which, on the
10 face of it, seems self evident but it was
11 worthwhile to get that audit, and we think
12 that's a message. We can put people to work
13 locally. We can do what's good for the
14 environment and we can save taxpayers money.

15 That was one of the messages that
16 I wanted you to leave you with here today.

17 We also have a project called the
18 Long Island Green Homes where we're
19 basically encouraging homeowners to renovate
20 their homes to basically start with a free
21 home energy audit, which is part of a state
22 law. Again, the work that needs to get done
23 when it does gets done, insulation in the
24 attic, things like that, it's all local
25 employees, local workers. So we're putting

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2 people to work locally making our homes more
3 energy efficient, saving money for
4 homeowners in the long run.

5 The easy way to get started is
6 the program we designed, called Long Island
7 green homes. I would like to offer each of
8 the legislators that we would like to work
9 with you on perhaps putting something on
10 your website, perhaps having materials at
11 your events and things like that to help
12 direct people to this program. That's my
13 second one.

14 The third is the New York State
15 Climate Smart Communities Program. I had
16 raised this with you a couple of years back
17 or a year and a half, whenever it was, maybe
18 two years ago. The state is retooling this
19 program. It's going to relaunch it again.
20 Basically, it's a state program and I would
21 make myself available if there is someone,
22 perhaps someone in the Planning and
23 Environment Committee, or anyone else here
24 at the leg that would like to talk to us
25 about this. It does require a resolution

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2 but there is no cost to the taxpayers and
3 essentially you would produce a report and
4 be engage with the state through the state
5 program.

6 This will give you a little bit
7 of extra points when it comes times to seek
8 grants for things that are related to energy
9 efficiency and renewables and things of that
10 nature. So that's the Climate Smart
11 Communities Program, and it's my three items
12 that I would love to just make known to you
13 all that we're available and please see us
14 as a resource.

15 I'm going to hand out this news
16 letter but like I said I am available to
17 come and meet with any one of you who would
18 want to find out more about these items.

19 CHAIRWOMAN GONSALVES: I think
20 Legislator Schaefer is listening. She
21 probably would sit and meet with you as the
22 chairperson of Planning.

23 MR. LEWIS: That would be great.
24 I would really that opportunity.

25 CHAIRWOMAN GONSALVES: I

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2 volunteered her.

3 MR. LEWIS: Okay. So I will try
4 and do that then if I could. Thank you for
5 hearing my comments.

6 CHAIRWOMAN GONSALVES: Thank you,
7 Neil. A motion to adjourn, please.

8 LEGISLATOR MUSCARELLA: So moved.

9 LEGISLATOR WALKER: Second.

10 CHAIRWOMAN GONSALVES: Moved by
11 Legislator Muscarella, seconded by
12 Legislator Walker. All those in favor of
13 adjourning signify by saying aye.

14 (Aye.)

15 Any opposed?

16 (No verbal response.)

17 The meeting is adjourned. Thank
18 you.

19 (Whereupon, the Full Legislative
20 Committee adjourned at 4:57 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 4th day of April, 2016.

FRANK GRAY