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NASSAU COUNTY LEGISLATURE

FULL LEGISLATIVE COMMITTEE  
(RECONVENED FROM SEPTEMBER 26, 2016)

NORMA GONSALVES,  
Presiding Officer

1550 Franklin Avenue  
Mineola, New York

Wednesday, October 5, 2016  
6:45 P.M.

1

2     A P P E A R A N C E S:

3     NORMA GONSALVES, Presiding Officer

4     RICHARD NICOLELLO,  
5         Deputy Presiding Officer6     HOWARD KOPEL,  
7         Alternate Deputy Presiding Officer

8     STEVEN RHOADS

9     DENISE FORD

10    LAURA CURRAN

11    C. WILLIAM GAYLOR III

12    VINCENT MUSCARELLA

13    ELLEN BIRNBAUM

14    LAURA SCHAEFER

15    DONALD MACKENZIE

16    KEVAN ABRAHAMS,  
17         Minority Leader

18    ROSE MARIE WALKER

19    DENNIS DUNNE

20    JAMES KENNEDY

21    DELIA DERIGGI-WHITTON

22    CARRIE SOLAGES

23    SIELA BYNOE

24    MICHAEL PULITZER,  
25         Clerk of the Legislature

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LIST OF SPEAKERS

ERIC NAUGHTON . . . . . 2 2

1 Full Legislature/10-5-16

2 CHAIRWOMAN GONSALVES: Ladies and  
3 gentlemen, please take your seats, whoever  
4 is still here and still functioning.

5 What we are going to do right now  
6 is reconvene the September 26th, 2016  
7 meeting. I know that there are a number of  
8 items that were tabled. I'm going to read  
9 those items and ask for a motion to untable  
10 those items.

11 Here we go. The first item is  
12 Item 310-16, Ordinance 104; Item 311-16,  
13 Ordinance 105; Item 312-16, Ordinance 106;  
14 Item 313-16, Ordinance 107; Item 314-16,  
15 Ordinance 108; Item 315-16, Ordinance 109;  
16 Item 316-16, Ordinance 110; Item 317-16,  
17 Ordinance 111; Item 318-16, Ordinance 112;  
18 Item 319-16, Ordinance 113; Item 320-16,  
19 Ordinance 114.

20 Motion to untable, please.

21 LEGISLATOR DUNNE: So moved.

22 LEGISLATOR NICOLELLO: Second.

23 CHAIRWOMAN GONSALVES: Moved by  
24 Legislator Dunne, seconded by Legislator  
25 Nicolello. All those in favor of untabling

1 Full Legislature/10-5-16

2 the items I just called, signify by saying  
3 aye.

4 (Aye.)

5 Any opposed?

6 (No verbal response.)

7 The items are untabled.

8 Now, we've heard testimony on the  
9 26th of September. We also know that these  
10 items pertain to several projects at the  
11 college. I believe if there is a need to  
12 continue receiving testimony from anyone  
13 here it would be my pleasure to entertain  
14 it.

15 If there are any questions  
16 regarding the ordinances that were called,  
17 this is the opportunity to do so. Any  
18 questions? Yes, minority leader.

19 LEGISLATOR ABRAHAMS: Madam  
20 Presiding Officer, I just wanted to make  
21 sure we are clear for the record that the  
22 item or the issue in regard to the capital  
23 bond ordinance for these items, changing the  
24 language so that it is very clear and  
25 specific, that it can only be used for the

1 Full Legislature/10-5-16

2 college.

3 I believe all the parties from  
4 your side, our side, and the administration,  
5 the college, met and, from what I  
6 understand, there was an agreement at least  
7 in principle that needed to be run back to  
8 folks in the administration, but there was  
9 agreement at least from all the other  
10 parties that the language being modified to  
11 insure that it would be used strictly for  
12 the college would be there.

13 However, it sounded, a few hours  
14 later, that that would not be the case. So  
15 it seems that we are in exactly the same  
16 point we are now which I believe these bond  
17 items could be used for any purpose outside  
18 the purpose for the college.

19 So, we respectfully request again  
20 that this language be changed or modified so  
21 that we all want to make sure the college  
22 uses the money.

23 I don't understand why if we are  
24 all in agreement that we want to see the  
25 college use the money, and that's the change

1                   Full Legislature/10-5-16  
2     that we're looking for in the bond  
3     ordinance, I don't see why anybody would  
4     reject it.

5                   I believe, correct me if I'm  
6     wrong, I'm looking to my counsel, this body  
7     has the ability to amend this item to  
8     reflect that language.

9                   I would say we can do this today  
10    and wrap it up. Let's do it by emergency,  
11    get the language in, and move forward.

12                  CHAIRWOMAN GONSALVES: Yes.  
13    Legislator Muscarella.

14                  LEGISLATOR MUSCARELLA: Let me  
15    try and explain what the problem is.

16                  All of us on the Legislature want  
17    to bond this money, and this money is to be  
18    used for the college.

19                  In the 60 years or so that the  
20    college has been in existence, this county  
21    has never conditioned bond ordinances on  
22    certain conditions.

23                  You don't condition bonds because  
24    they need to be marketable. The more  
25    conditions you put on a bond, the less

1 Full Legislature/10-5-16

2 marketable they become.

3 When you start to condition a  
4 bond, you enter into a slippery slope where  
5 you will end up with bonds that are just  
6 worthless.

7 The reason we no longer bond by  
8 project is not because the county doesn't  
9 want to bond by project, but NIFA wants us  
10 to not bond by project. They have  
11 prohibited us from bonding by project. They  
12 make us bond by purpose.

13 In this county, if the minority  
14 is concerned that the money bonded by the  
15 county for the college's benefit is going to  
16 be spent elsewhere, I think that that  
17 concern is founded. We have never done  
18 that. We have never taken money in one  
19 place and used it elsewhere.

20 If there was an unexpended  
21 ordinance, and the college requested it be  
22 used for another project, we always have the  
23 opportunity to amend the ordinances to  
24 include additional projects, but there is no  
25 reason to put the condition upon the bond as

1 Full Legislature/10-5-16

2 you request. It makes it more difficult to  
3 go to market with that bond. It doesn't  
4 make it easier.

5 LEGISLATOR ABRAHAMS: I  
6 respectfully disagree. We don't know for  
7 certain, that we have bonded millions of  
8 dollars, and I don't believe there has ever  
9 been any type of audit done by the  
10 comptroller or OMB that identified that  
11 money that was bonded with an intent to be  
12 spent for the college didn't somehow circle  
13 back to some other project.

14 The bottom line is, I think we  
15 can, as a body, very well move forward and  
16 be able to do this today.

17 I don't see why, if we want to  
18 spend \$18 million for the college, why don't  
19 we just have a bond ordinance that reflects  
20 that? I just don't understand the logic by  
21 keeping it open so that we can attract more  
22 potential buyers? I don't see the  
23 rationale. I really don't.

24 We want to see every nickel go to  
25 the college. I think the college wants to

1 Full Legislature/10-5-16

2 see every nickel. They could use it. It  
3 doesn't make much sense.

4 CHAIRWOMAN GONSALVES: Legislator  
5 Nicolello.

6 LEGISLATOR NICOLELLO: It doesn't  
7 make much sense, as Legislator Muscarella  
8 said, that we have done this for 60 years  
9 and legislators of both Democrats and  
10 Republicans have approved it.

11 Now, in 2016, it has become an  
12 issue. I don't understand what the issue  
13 is. Nobody has raiding the money that's  
14 been allocated for the college's purposes.  
15 It's just another issue, another road block,  
16 another obstacle to the running of this  
17 county.

18 There is no purpose to it other  
19 than to delay this and potentially  
20 jeopardize projects, so if the minority  
21 wants to do that, then, by all means, that's  
22 your right to do it, but to come up with  
23 these reasons and, to all of a sudden, find  
24 this issue after 60 years of doing business  
25 a certain way, you know, it is what it is.

1 Full Legislature/10-5-16

2 It's another road block, it's another  
3 obstruction.

4 LEGISLATOR ABRAHAMS: I don't  
5 necessarily see it that way. What I see is  
6 that, to me, there is an agreement that  
7 everybody wants to see this money be spent  
8 on the college.

9 If the money was spent on various  
10 different things outside the college, I  
11 think every one here would feel a little  
12 disrespected and duped.

13 So I think what we're trying to  
14 do is make sure that, ironclad, look, 60  
15 years ago, Rich, the college wasn't going  
16 through its issues in terms of the middle  
17 state's accreditation.

18 We want to make sure the college  
19 has every resource that it needs in this  
20 climate. I just can't understand --  
21 granted, I wasn't here 60 years ago. I  
22 couldn't tell you what those guys were  
23 thinking.

24 I can tell you what we're  
25 thinking today. Today is to be wiser and

1 Full Legislature/10-5-16

2 smarter and insure that this money is  
3 protected by going to the right purpose  
4 we're intending it for.

5 CHAIRWOMAN GONSALVES: Legislator  
6 Schaefer.

7 LEGISLATOR SCHAEFER: Have there  
8 been situations where there is money that  
9 hasn't been spent on the college? Is there  
10 a record of this happening where there has  
11 been money left over from a bond and it's  
12 been spent on other things, or are we doing  
13 this kind of as a just in case what if type  
14 of thing? Minority Leader.

15 LEGISLATOR ABRAHAMS: I'm sorry,  
16 counsel was speaking in my ear.

17 LEGISLATOR SCHAEFER: Has there  
18 been a problem with extra money from a bond  
19 or from some of that money being used for  
20 other things, or are we just doing this to  
21 have additional assurance?

22 LEGISLATOR ABRAHAMS: It's a  
23 couple of different things. First and  
24 foremost, we don't know if it was a case or  
25 not a case because we haven't seen an audit

1 Full Legislature/10-5-16

2 that identified how bond proceeds for the  
3 college have been spent outside of the  
4 college. We don't know whether or not it's  
5 been the case.

6 Two, I know you weren't probably  
7 privy to this opportunity, but we were  
8 actually at a leader's meeting, myself,  
9 Deputy Presiding Officer Nicoletto,  
10 Legislator Bynoe, and Legislator  
11 DeRiggi-Whitton, where we had heard the \$60  
12 million that we bonded for tax certs earlier  
13 this year, the same very tax certs that the  
14 administration told me, told us, told this  
15 legislative body that we were in dire  
16 straights, we were jeopardizing the county  
17 if we didn't do this bond immediately.

18 I believe I must have received an  
19 email or a phone call about bonding making  
20 sure I keep up with the word that I gave to  
21 the County Executive and to the majority in  
22 terms of bonding.

23 So we bonded that \$60 million.  
24 Yes, we do believe in keeping our word, but,  
25 then to hear, just a few short weeks ago

1 Full Legislature/10-5-16

2 that the county has not spent all of the  
3 money, and do not plan to spend all of the  
4 money.

5 To me, it just seems like a big  
6 disconnect between the \$60 million that you  
7 said we were in dire straights for back in  
8 March, to where we are now in October, and  
9 we're not spending the money.

10 So we do feel that there is a  
11 game of manipulation that goes on here. We  
12 don't want to support any level of bonding  
13 that doesn't go for the intent that it's  
14 being specified for.

15 To me, it just seems like --  
16 we're all for the college. I would never  
17 indicate that any of you do not support the  
18 college. This is a no brainer. This is a  
19 no brainer.

20 I couldn't believe the college.  
21 I'm sure they would want to make sure that  
22 this money is going to come to them.

23 LEGISLATOR SCHAEFER: I don't  
24 know if necessarily a no brainer if there is  
25 the issue of it not being as marketable if

1 Full Legislature/10-5-16  
2 we put conditions on it, and then if we  
3 start conditioning bonds now, aren't we  
4 going to want to condition more bonds as we  
5 go along. And what kind of negative impact  
6 might that have. That's my concern.

7 LEGISLATOR ABRAHAMS: I  
8 understand your concern. I don't know if  
9 that's an issue or not.

10 As my counsel tells us, we just  
11 changed over our process from project  
12 specific to PPU in 2015. So a lot of things  
13 have changed.

14 From that standpoint, I don't see  
15 why we would make sure that this purpose is  
16 identified -- it just seems to me that this  
17 administration said, well, the bond lawyer  
18 for the administration indicated, let me  
19 bring it back, it sounds okay. Then folks  
20 in the administration decided just to say no  
21 just because of no. Maybe because of the  
22 climates we are in, and the positions we  
23 have taken on bonding and such and such.  
24 Who knows.

25 But the bottom line is, the

1 Full Legislature/10-5-16  
2 college is getting caught up between this.  
3 If we were not being genuine about our  
4 position, I would say call our bluff. Put  
5 the language in and then call our bluff.  
6 Then you would get the bonding or not.

7 From our standpoint, it just  
8 seems to me to be clear that we would  
9 benefit to ensure that this money goes  
10 directly to the college by adding this  
11 language in.

12 CHAIRWOMAN GONSALVES: Legislator  
13 Nicolello. Then I'm going to have to say  
14 something.

15 LEGISLATOR NICOLELLO: There was  
16 some of the bond money was not being spent  
17 by the administration but there was a good  
18 reason for that. Which is that they're held  
19 to this NIFA GAAP. So if they vote -- if  
20 they spend some of the bond proceeds, it  
21 basically gets counted against the NIFA GAAP  
22 and it takes away their flexibility. They  
23 explained that fully in the leader's  
24 meeting, number one.

25 Number two, we went from project

1 Full Legislature/10-5-16  
2 specific to PPU in 2015 at the instance of  
3 NIFA.

4 So our problem is in trying to  
5 run this county is that we have NIFA on the  
6 one side restricting us in ways that I think  
7 are unreasonable.

8 On the other side, we have the  
9 minority throwing up road blocks. Now it's  
10 the college. Last week it was the roads.  
11 For two different reasons too. One was the  
12 contract system is flawed, the other is  
13 because you want to make sure the money goes  
14 to the college.

15 So it's every meeting and every  
16 time there is a reason to vote against  
17 bonding.

18 I don't think it's reasonable and  
19 again I would urge the members of the  
20 minority to vote for this and to make sure  
21 these projects for the college do go  
22 forward.

23 CHAIRWOMAN GONSALVES: I believe  
24 Legislator Walker is next, go ahead.

25 LEGISLATOR WALKER: It's also my

1                   Full Legislature/10-5-16  
2     understanding that the longer we wait,  
3     opportunities that other colleges in the  
4     system would be getting monies from the  
5     state that we could lose for Nassau  
6     Community.

7                   So, that again, presents a  
8     problem for us because if we jeopardize that  
9     money, then obviously the college is without  
10    certain monies that they had hoped to get.

11                  CHAIRWOMAN GONSALVES:   That  
12    question was posed to the college on  
13    September 26th, do we run the risk of SUNY,  
14    if we don't vote on this sooner than later,  
15    do we run the risk of SUNY allocating some  
16    this money that the college is hoping for to  
17    other institutions within the state.   The  
18    answer to that was yes.

19                  So that was one of the reasons  
20    why it was deemed to call the meeting today  
21    rather than on the 19th.

22                  I have to say that Legislator  
23    Muscarella did say that when we start to  
24    tinker with the various ordinances by  
25    amending them, and putting the language in

1 Full Legislature/10-5-16  
2 those ordinances that we wish to put in  
3 there, jeopardizes or puts us on a slippery  
4 slope with other ordinances that come before  
5 us, and looking for the same kind of  
6 process.

7 So I think we have to think very  
8 seriously, are we doing the college any good  
9 by denying them this bonding that is put  
10 before us, the 11 bond ordinances that were  
11 put before us, and the fact that the  
12 administration, I believe there was a  
13 meeting on September 28th or 27th, I don't  
14 recall which day it was, regarding the  
15 language of the bond ordinances.

16 It was agreed at that particular  
17 time and the counsel did advise both offices  
18 that the administration does not want to go  
19 down this slippery slope, and does not want  
20 to deviate from the current PPU.

21 That is really the mission or the  
22 bonding policy that has been put forth to  
23 this county by NIFA. Legislator Dunne.

24 LEGISLATOR DUNNE: You know, it's  
25 as if you think there will be extra money.

1 Full Legislature/10-5-16

2 The matching funds that DASNY is doing, they  
3 have to spend every sent to get the matching  
4 funds from the State of New York. So it's  
5 not like there's going to be oodles of money  
6 left over, let's spend it on the jail.  
7 That's not the case.

8 They stood here and told us that  
9 they're going to get matching funds from the  
10 State of New York and based on us passing it  
11 and then getting the money to spend. This  
12 is unnecessary.

13 LEGISLATOR ABRAHAMS: It's  
14 necessary -- I don't doubt that they are  
15 going to get matching funds for what they  
16 expend. If they expend \$16 million of the  
17 \$18 million, they'll get matching funds for  
18 that. But the \$2 million, that could end up  
19 into the wilderness.

20 LEGISLATOR DUNNE: But then  
21 they'll only get 16. If they only spend 16,  
22 get 16.

23 LEGISLATOR ABRAHAMS: But,  
24 Dennis, our issue is not the college. We  
25 believe the college will do what they need

1 Full Legislature/10-5-16

2 to do and they will do it proficiently.

3 Our issue is that the balance  
4 that they do not use. That's the issue.

5 Let me ask you this, because  
6 we've actually -- I was listening to  
7 Legislator Muscarella. We pulled up Item  
8 413-16, and we were talking about the  
9 marketability of bonds, well, I found one in  
10 this item where we want to bond for the  
11 labor costs. This was something that came  
12 up at the last meeting.

13 In this actual bond ordinance, it  
14 says, such proceeds may only be used to pay  
15 for county labor performing capital work,  
16 associated material for county labor,  
17 supplemental staffing, and personal service  
18 agreements. This sounds pretty specific to  
19 me. It doesn't sound open ended. It  
20 doesn't hurt any marketability to me.

21 This to me sounds more close  
22 ended than what we are talking about today  
23 for the college.

24 So, you're missing the point.  
25 The argument that Legislator Muscarella made

1                   Full Legislature/10-5-16  
2       was that we want to keep things open ended  
3       because we want to be able to have the  
4       marketability of the bonds. It doesn't get  
5       more closed than this one.

6                   This is Item 413-16, it was  
7       actually filed on the 30th. The language,  
8       again, is very clear. Counsel has just made  
9       me aware that there are at least eight  
10      bonds, it's very clear that there is no  
11      other way you can spell it out that it's  
12      paying for county labor performing capital  
13      work. You can't drill it down any more than  
14      that.

15                  LEGISLATOR NICOLELLO: May I ask  
16      the question of Eric Naughton who is here?

17                  CHAIRWOMAN GONSALVES: Eric.

18                  LEGISLATOR NICOLELLO: Eric, we  
19      were just talking about the bonding  
20      ordinance with respect to labor. The  
21      language in there is limiting it to labor.  
22      Is that something that's unique to that  
23      particular bond?

24                  MR. NAUGHTON: Obviously what has  
25      happened this year is we are trying to

1 Full Legislature/10-5-16

2 continue the projects and use the county  
3 workforce to get some of the work done.

4 Unless we do this this way, we're  
5 going to have to eat the costs for the  
6 county force that is trying to get these  
7 projects completed because of the other  
8 delays.

9 LEGISLATOR NICOLELLO: But does  
10 that have to be built into the ordinance  
11 itself when you're doing one with respect to  
12 labor costs?

13 MR. NAUGHTON: I think our intent  
14 was that we felt this would be something  
15 that could please the majority of this body.  
16 That would not be our normal preference, but  
17 that's what we did.

18 But, just with respect to the  
19 college, I think it has to be clear, as has  
20 been stated, NIFA felt that our whole  
21 process was very inefficient and they stated  
22 to us, you need to find a better way to do  
23 this. That's how we came up with the PPU  
24 language.

25 We hope that we continue to do it

1 Full Legislature/10-5-16

2 this way because NIFA has said to us, that  
3 is good improvement because otherwise you  
4 have projects just linger, sit there, and it  
5 doesn't make sense the way that we were  
6 doing it.

7 MS. SCHAEFER: So it's a very  
8 different type of bond, the one for the  
9 college is open to what they're going to  
10 spend it on, not specific to labor?

11 MR. NAUGHTON: Correct.

12 CHAIRWOMAN GONSALVES: In other  
13 words, PPU --

14 LEGISLATOR ABRAHAMS: Let's just  
15 spell it out for what it is. We started out  
16 this argument that we weren't able to do it  
17 because we would hurt ourselves in the bond  
18 market by keeping it less open and more  
19 closed.

20 I just identified a bond  
21 ordinance which, I can go find seven more  
22 that my counsel is already telling me, but I  
23 just found a bond ordinance that very  
24 clearly is very specific and very close  
25 ended. So that argument goes out the

1 Full Legislature/10-5-16

2 window.

3 LEGISLATOR SCHAEFER: But it's  
4 for a different purpose, it's specific for  
5 that purpose, but the college bond is not  
6 for one purpose.

7 LEGISLATOR ABRAHAMS: Legislator  
8 Schaefer, I agree with you. Different  
9 purpose. College versus capital work for  
10 labor.

11 The essence of the argument that  
12 Legislator Muscarella was making wasn't  
13 about college bonds, it was about making  
14 sure we keep things open.

15 LEGISLATOR SCHAEFER: For this  
16 particular bond, as I understood it.

17 LEGISLATOR ABRAHAMS: This, to  
18 me, is far from open. This is very closed.  
19 This is very specific.

20 LEGISLATOR SCHAEFER: The one  
21 you're talking about, I agree.

22 LEGISLATOR NICOLELLO: Aren't  
23 they all specific to the project?

24 LEGISLATOR ABRAHAMS: No. The  
25 college is different. The bond ordinances

1 Full Legislature/10-5-16

2 that are here before the college are not.

3 What I'm using is an example of  
4 another bond ordinance that is very specific  
5 and very closed which, this seems to be, it  
6 cannot be used on anything else other than  
7 labor performing capital work.

8 The college bond ordinance that's  
9 here before us today is not this closed.  
10 And that's at argument that I'm making today  
11 that if this was good enough to go to the  
12 bond market and not hurt our marketability,  
13 then putting in the provisions that we're  
14 asking for for the college shouldn't be  
15 either.

16 LEGISLATOR SCHAEFER: Do we have  
17 the same concerns with it going to the bond  
18 market, the one that we specified? I don't  
19 know if the bonds --

20 LEGISLATOR ABRAHAMS: It's the  
21 same market.

22 LEGISLATOR SCHAEFER: I get that,  
23 but maybe there's -- it's not the type of  
24 bond that's necessarily going to go to  
25 market, or be marketable --

1 Full Legislature/10-5-16

2 LEGISLATOR ABRAHAMS: It's the  
3 same bond.

4 MR. NAUGHTON: I would just say  
5 that, the last year or so, we put a lot of  
6 restrictions on that our bond counsel has  
7 questioned, that they didn't understand the  
8 rationale for it.

9 You go back to earlier this year  
10 when we did a refunding, we were told that  
11 you had to restrict the savings.

12 Then later, people were asking  
13 us, can you spend money somewhere else, but  
14 we didn't have that ability to do that  
15 because others made us restricted. So not a  
16 good idea.

17 So in the past we had to restrict  
18 the way we use term pay and that just caused  
19 us to eat more money in the operating  
20 budget. So the more that we restrict,  
21 you're hurting the county.

22 Just remember, when we do the  
23 bonding for the college, that's the county's  
24 debt service you're talking about.

25 If the county thinks it's in its

1 Full Legislature/10-5-16

2 best interest to have flexibility, I think  
3 you should take our recommendation.

4 LEGISLATOR NICOLELLO: Let me  
5 just ask something else then. So if we are  
6 authorizing the \$18 million worth of bonding  
7 for the college, and they only spend 16,  
8 what's the -- the concern is that somehow  
9 the county is going to use the additional \$2  
10 million for county wide projects? Is that  
11 the concern?

12 LEGISLATOR ABRAHAMS: Or they  
13 could use all of it.

14 LEGISLATOR NICOLELLO: Oh, come  
15 on. The County of Nassau is going to raid  
16 the college's -- that's ridiculous.

17 LEGISLATOR ABRAHAMS: I don't  
18 believe that to be the case. I'm being  
19 fair. I don't believe that to be the case  
20 but what I will say is the way the ordinance  
21 is written, there is no protection for the  
22 college. None.

23 LEGISLATOR NICOLELLO: You can  
24 raise your issues, but I don't think --

25 LEGISLATOR ABRAHAMS: That's

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2 actually a perfect question.

3 CHAIRWOMAN GONSALVES: Kevan, do  
4 we have any indication that this has  
5 happened to the college before? We have no  
6 record of this happening.

7 LEGISLATOR ABRAHAMS: We have no  
8 indication that it's happened before nor do  
9 we have any indication that it could not  
10 happen in the future.

11 CHAIRWOMAN GONSALVES: Well,  
12 guess what, over 20 years that we have been  
13 sitting on this body, I think we certainly  
14 have the respect for the college to do what  
15 is right for the college and abide by the  
16 bond ordinance.

17 LEGISLATOR ABRAHAMS: But, Norma,  
18 let's just be fair. I mean, ten days ago --

19 CHAIRWOMAN GONSALVES: It's a  
20 road block.

21 LEGISLATOR ABRAHAMS: No, no.  
22 Come on. I think everybody is being very  
23 civil, there's no yelling. We are having a  
24 nice debate. I wish they were all this way.

25 Norma, let me say this to you.

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2 Ten days ago, Mr. Chalmers did a report. I  
3 thanked him for that report. We all  
4 identified the issue. We realized that we  
5 wanted to be able to hone in and make sure  
6 the bond ordinance reflected the college  
7 only.

8 Then all the groups met. I don't  
9 understand, why did we table if there was no  
10 consideration to actually change the  
11 ordinance to reflect that it be spent and  
12 protect the college?

13 CHAIRWOMAN GONSALVES: To give  
14 you the courtesy of having more time to vet  
15 this whole item, these bond ordinances.

16 LEGISLATOR ABRAHAMS: So it was a  
17 courtesy --

18 CHAIRWOMAN GONSALVES: You asked  
19 questions of Mr. Chalmers and I said to Mr.  
20 Chalmers if he would have enough time to  
21 weigh in on this. That's why.

22 LEGISLATOR ABRAHAMS: So the  
23 courtesy was to ask questions but if we see  
24 any concerns we're not going to change them?  
25 Because that's kind of what it was.

1 Full Legislature/10-5-16

2 So here we are, we voiced  
3 concerns. There were things that we wanted  
4 to get corrected to make sure the college is  
5 protected.

6 LEGISLATOR NICOLELLO: From our  
7 perspective, you can voice your concerns,  
8 what we have to figure out from our  
9 perspective is whether they are reasonable.  
10 I can tell you that I don't believe they're  
11 reasonable. And there's 11 of us up here  
12 that believe your position is not  
13 reasonable.

14 LEGISLATOR ABRAHAMS: But, Rich,  
15 it is reasonable. Tell me why it's not  
16 reasonable? It doesn't hurt marketability.  
17 Throw that out to the way side. That  
18 doesn't mean anything.

19 LEGISLATOR NICOLELLO: It never  
20 happened.

21 LEGISLATOR ABRAHAMS: So it's not  
22 reasonable because it never happened?

23 LEGISLATOR NICOLELLO: No.  
24 Realistically it -- is the County Executive  
25 going to raid the bonding proceeds that have

1                   Full Legislature/10-5-16  
2    been allocated or approved for the college  
3    and alienate that entire constituency of  
4    this county? Would be out of his mind. So,  
5    is that ever going to happen? No. In my  
6    opinion. So why would I concede to your  
7    requests if I think your concern is  
8    unreasonable?

9                   LEGISLATOR ABRAHAMS: Rich, I'm  
10   really trying hard here. So there is no  
11   legal, nothing legal or nothing that's going  
12   to hurt us in the bond market on why you  
13   guys don't want to put the language in.  
14   It's because it's never happened before in  
15   60 years and because you don't think he  
16   could alienate the college in that way.

17                  I got to tell you, a lot of stuff  
18   has happened in the course of the last  
19   couple of years.

20                  To me, we all want to see the  
21   college be protect. As I said before, we've  
22   all seen what the college has been going  
23   through. To me, I want to see every nickel  
24   of this 418 million go through. I don't see  
25   why we can't change this language.

1 Full Legislature/10-5-16

2 There has not one been thing  
3 anyone up here has identified as a legal  
4 reason why we cannot change this today. No  
5 one has done that.

6 CHAIRWOMAN GONSALVES: If there  
7 are no other comments, I'm going to call the  
8 question. All those in favor of the 11 bond  
9 ordinances that were put into the record,  
10 signify by saying aye.

11 (Aye.)

12 Any opposed?

13 (Nay.)

14 Any abstentions?

15 (Abstain.)

16 Abstention is a no vote. Guess  
17 what? The bond ordinances fail. I'm going  
18 to call for a motion to reconsider.

19 LEGISLATOR GAYLOR: So moved.

20 LEGISLATOR RHOADS: Second.

21 CHAIRWOMAN GONSALVES: Moved by  
22 Legislator Gaylor, seconded by Legislator  
23 Rhoads. All those in favor of reconsidering  
24 the vote that was just taken, signify by  
25 saying aye.

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2 (Aye.)

3 Now, guess what, any of those who  
4 are opposed to the reconsideration of the  
5 vote that was taken, signify by saying nay.

6 (No verbal response.)

7 Guess what? Now I'm going to ask  
8 for a motion to table.

9 LEGISLATOR DUNNE: So moved.

10 LEGISLATOR RHOADS: Second.

11 CHAIRWOMAN GONSALVES: Moved by  
12 Legislator Dunne, seconded by Legislator  
13 Rhoads. The item is tabled until the 19th  
14 of October and hopefully --

15 LEGISLATOR ABRAHAMS: I would  
16 implore everyone to meet again because, as I  
17 said before, and I will say it again, we are  
18 ready to do this and I haven't heard not one  
19 legal argument presented to us tonight on  
20 why we can not change this language other  
21 than it's never been done this way in 60  
22 years.

23 CHAIRWOMAN GONSALVES: Didn't I  
24 just say it was tabled? We had a motion to  
25 table. All those in favor of tabling this,

1 Full Legislature/10-5-16

2 signify by saying aye.

3 (Aye.)

4 Any opposed?

5 (No verbal response.)

6 The items are tabled. Now we  
7 will recess this meeting until the 19th of  
8 October. If there is a sooner date we will  
9 do it.

10 Obviously we are running very  
11 short on scheduling items in this  
12 Legislature primarily due to the fact that  
13 we have budget hearings. We are supposed to  
14 have one today and one on the 13th. God  
15 only knows how long we're going to be here.

16 Ms. Murray, it is now tabled  
17 until the next meeting. It could be October  
18 19th, could be sooner. We can reconvene  
19 this at any time. I thank you and bring it  
20 back and hopefully it will be understood why  
21 we did this.

22 (Whereupon, the Reconvened Full  
23 Legislature hearing from September 26th was  
24 recessed at 7:35 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 19th day of October, 2016.

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FRANK GRAY